

SADC ELECTORAL OBSERVER MISSION (SEOM)

TO THE REPUBLIC OF MOZAMBIQUE

PRELIMINARY REPORT

BY

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OF DEFENCE OF THE REPUBLIC OF ZAMBIA

HEAD OF SADC ELECTORAL OBSERVER MISSION

ON

GENERAL ELECTIONS HELD

ON 28 OCTOBER 2009

1. In line with the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections, the Government of the Republic of Mozambique invited SADC to observe its Presidential, Parliamentary and Provincial Elections scheduled for 28 October 2009.
2. Following the invitation, the Deputy Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, HIS EXCELLENCY, MR. RUPIAH BWEZANI BANDA, President of the Republic of Zambia, officially constituted the SADC Electoral Observer Mission (SEOM) to the Republic of Mozambique and mandated the SADC Executive Secretary, to facilitate the administrative and logistical support for the Mission.
3. The Deputy Chairperson of the SADC Organ on Politics, Defence and Security Cooperation appointed me, DR. EUSTARCKIO KAZONGA MP., Deputy Minister of Defence of the Republic of Zambia to head the Mission.
4. The SADC Electoral Observer Mission was officially launched on 18 October 2009, by Hon. KABINGA PANDE, MP., Minister of Foreign Affairs of the Republic of Zambia in the presence of the Deputy Executive Secretary of SADC Engineer JOAO SAMUEL CAHOLO, SADC Observers, Members of the Diplomatic Corps accredited to the Republic of Mozambique, the Media and other invited dignitaries.
5. After days of intensive work, the SADC Electoral Observer Mission has the honour to announce its preliminary views on the outcome of its observation. A detailed report addressing specific items of the terms of reference contained in the SADC Principles and Guidelines Governing Democratic Elections shall be released within thirty (30) days after the announcement of the election results.

DEPLOYMENT OF SEOM

6. Guided by the SADC Principles and Guidelines Governing Democratic Elections, as its terms of reference, the Mission arrived in the country on 11 October 2009 and subsequently deployed its observers in all the ten provinces of the Republic of Mozambique. Field teams were created and given the responsibility to cover their areas of deployment so that the Mission could have a full picture of the electoral process in the country and be in a position to give an informed assessment.

7. There were (98) observers drawn from SADC Member States. They comprised Members of Parliament, Public Service Workers and representatives from the Civil Society Organizations. The activities of the SADC Electoral Observer Mission across the country were coordinated at the Operations Centre based at Cardoso Hotel in Maputo and manned by officials from the Troika of the Organ and the SADC Secretariat.

8. The SADC Electoral Observer Mission deployment was preceded by activities conducted by the SADC Diplomatic Missions accredited to the Republic of Mozambique, who played the obvious role of long term observation and simultaneously acted as an advance team before its deployment.

CONSULTATIONS WITH STAKEHOLDERS

9. In the discharge of its duties, the SADC Electoral Observer Mission interacted with various stakeholders in order to gather information on various aspects of the electoral process. The stakeholders included inter alia;

- a) Mozambican Government Officials;
- b) National Electoral Commission of Mozambique (CNE) and the Technical Secretariat of the Electoral Administration (STAE);
- c) Representatives of political parties;
- d) SADC High Commissioners and Ambassadors accredited to the Republic of Mozambique who served as the advance team;
- e) Other members of the Diplomatic Corps;
- f) Local and International Observer Missions;
- g) Local and International Media Houses;
- h) Non Governmental Organizations; i) Youth Groups and others.

10. These interactions assisted the SADC Electoral Observer Mission to understand the prevailing political environment in the country.

11. The SADC Electoral Observer Mission however wishes to highlight issues of concern expressed by some stakeholders on the electoral process.

These include, inter alia, the following:

- a) The independence of the Mozambican National Electoral Commission;
- b) The tearing, defacing and removal of posters;
- c) The exclusion of some Political parties from participating in the electoral process;
- d) Transparency in the electoral process by not involving stakeholders in the selection of the company which produced electoral material;
- e) The acquisition of the counting software and the involvement of stakeholders including its use in the process.

f)The frequent changes to the Electoral law and its accessibility to all stakeholders and general populace;

g)Representation of the Youth League Association in the electoral process; and

h)Media access to certain information on the electoral process.

12. The SADC Electoral Observer Mission pursued these concerns in a systematic manner by conducting further investigations and at times sought clarity from relevant authorities, and has observed as follows:

a)The Mozambican National Electoral Commission's independence is stipulated by law and not otherwise;

b)The political party candidates who were excluded from the process did not conform to legal requirements as stipulated in the Electoral Law.

c)With regard to the selection of the company which provided the electoral material and software for validation of the voters results, it was established that:

(i)The tender process was adhered to by the CNE in accordance with Mozambican procurement law i.e. Decree No. 54/2005; and

(ii)The use of the software was fully explained to the public in the subsequent publications.

d) CNE admitted the fact that electoral laws were subject to regular review in order to improve the elections process;

e) On the dissemination of information of new electoral laws, it was established that these were published as soon as they were promulgated.

f) Youth participation in the electoral process is allowed in their respective political parties.

g) It was established that there were no restrictions in terms of access to information by the media.

h) There was no centralised budget from CNE for the media and as such each political party had to pay for the coverage of its campaign activities.

13. The SADC Electoral Observer Mission has come to the conclusion that though some of the concerns raised were pertinent; they were nonetheless insignificant to affect the credibility of the overall electoral process.

PRE – ELECTION PHASE

14. The pre-election phase was characterised by a peaceful, tolerant, and yet enthusiastic political atmosphere. There was clear evidence of vigour and enthusiasm among political parties as they conducted their campaigns. Posters, pamphlets, stickers, T-shirts and other regalia were very prevalent and visible throughout the country. 15. The SADC Electoral Observer Mission further observed that all political parties were free to hold rallies and meetings without any hindrance. The Mission also observed that relevant law enforcement agencies were poised to respond to any threat or disruption of the peaceful elections.

16. The Mozambican National Electoral Commission therefore conducted its work in a transparent and professional manner throughout the electoral process.

POLLING PROCESS

17. Most polling stations opened and closed on time. The electoral officials explained the procedures to voters who did not understand the voting process. They also gave assistance to the sick, disabled and aged. There was cooperation between election authorities and other institutions in providing explanations on election related matters

18. The use of translucent ballot boxes reinforced the national confidence and trust in the electoral process. The presence of party agents monitors and observers at the polling stations assured all stakeholders of the transparency of the process. Law enforcement officials were present in all polling stations and deployed at a reasonable distance.

19. SADC Electoral Observer Mission (SEOM) was impressed by the patience of voters who were able to express their franchise peacefully, freely and unhindered. It is therefore, SEOM's overall view that the Polling Phase was conducted in an open and peaceful manner.

VOTE COUNTING PROCESS

20. The SEOM observed that the counting process began immediately after the closure of the polling stations. The counting process was conducted procedurally. By and large, there was enough light during the counting, and in areas where there was no electricity, lamps were used as an alternative source of light.

21. It is worth noting that most of the stakeholders, such as party agents, monitors, presiding officers, local and international observers performed their duties as most of them stayed at polling stations until the counting was finalised.

22. After the counting, the SADC Electoral Observer Mission observed that the presiding officers signed and likewise party agents counter signed to verify the results in the presence of other players. The mission also observed that the electoral procedures were adhered to at each and every polling station.

THE CONCERNS OF SADC ELECTORAL OBSERVER MISSION

23. Apart from the concerns raised by stakeholders, the Mission wishes to register some concerns on issues noted in the course of its observation process.

These include:

- a) Publication and verification of voters' roll for only ten days after the registration period; and
- b) Adequate voter education as a pre-requisite for an electoral process.

SADC ELECTORAL OBSERVER MISSION RECOMMENDATIONS

24. In considering the above concerns, the SADC Electoral Observer Mission makes the following recommendations:

- a) That political parties and other stakeholders should in future acquaint themselves with electoral laws, each time they are formulated.
- b) That a proper forum of communication between CNE and Media and other stakeholders be established.
- c) CNE, Political Parties and other stakeholders should consider elections as a process, not as an event, i.e. conduct continuous civic education and voter registration.

BEST DEMOCRATIC PRACTICES AND LESSONS LEARNT

25. In the course of observing elections, our Mission noted the following best democratic practices in Mozambican electoral systems;

- a) The use of translucent ballot boxes;
- b) The use of indelible ink to ensure that voters do not vote more than once;
- c) The use of foldable card board boxes as polling booths for future use;
- d) Provision of security by Mozambican law enforcement agencies, which facilitated a peaceful atmosphere to all stakeholders;
- e) The degree of tolerance by political parties;
- f) Provision of medical emergency services at some polling stations;
- g) Compliance with the SADC Principles and Guidelines Governing Democratic Electoral Process; and
- h) Colour coding of ballot box lids and papers. CONCLUSION

26. The Mission is honoured to share its observations of the 28 October 2009 General Elections in the Republic of Mozambique with all the stakeholders including the people of Mozambique and the international community.

27. Therefore I, on behalf of the Deputy Chairperson of the Organ on Politics, Defence and Security Cooperation, His Excellency Mr. RUIPIAH BWEZANI BANDA, President of the Republic of Zambia, and the entire SADC family – wish to heartily congratulate the people of the Republic of Mozambique for holding credible, peaceful, free and fair elections.

28. Indeed, the way the people of Mozambique have been able to express their will in an impressive manner, is a valuable contribution to the consolidation of democracy and political stability in the country. This will not only be beneficial to Mozambique but to the SADC region and the African Continent at large.

29. In line with SADC Principles and Guidelines Governing Democratic Elections and the Electoral Laws of Mozambique, the Mission would like to urge all political parties and candidates to respect the will of the people. In this context any grievances arising from this process should be pursued in accordance with the laws of the country.

30. May I once again on behalf of the SADC Electoral Observer Mission, congratulate the people of the Republic of Mozambique for holding credible, peaceful, free and fair elections on the 28 October 2009.

May God bless you all !!

I thank you !!

Maputo, 30 October 2009