

EXPLANATORY NOTE

Parliamentary and Presidential Elections were held in Mozambique on 1 and 2 December 2004. The Secretary-General sent:

- a Commonwealth Observer Group, which was present for the end of the campaign period, the voting and the counting of votes at the polling stations;
- a Commonwealth Expert Team, which was present to observe the rest of the results process.

This is the report of the Commonwealth Expert Team which was present for the results process. The report of the Commonwealth Observer Group, and Portuguese translations of the Conclusions and Recommendations of both reports, can also be found on this web-site.

The report is reproduced here in the form in which it completed in Maputo prior to the departure of the Commonwealth Expert Team. On 22 December 2004, when the report of the Expert Team had been received, copies of both reports were transmitted by the Secretary-General to the President of Mozambique. The Secretary-General subsequently sent further copies to the Chairman of the Comissão Nacional de Eleições, the Secretaries-General of the main political parties and Commonwealth governments. The two reports were placed on this web-site and released to the media on Friday 7 January 2005.

The annexes are not shown in the electronic copy which follows. However, they can be found in the printed copy, which is available from:

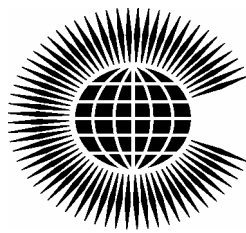
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THE PARLIAMENTARY AND PRESIDENTIAL ELECTIONS IN MOZAMBIQUE

1-2 December 2004

**The Report of the
Commonwealth Expert Team
on the Results Process**

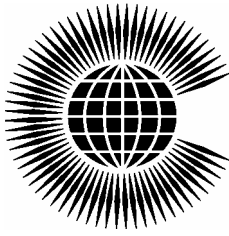


Commonwealth Secretariat

**THE REPORT OF THE COMMONWEALTH EXPERT TEAM
ON THE RESULTS PROCESS**

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COMMONWEALTH EXPERT TEAM
Mozambique Parliamentary and Presidential
Elections (Results Process)
December 2004

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20 December 2004

Dear Secretary-General

We have maintained the Commonwealth presence in Mozambique for the final stages of the collation and tabulation of results, and have pleasure in submitting our report to you.

In accordance with our mandate, we were to observe the counting and results process of the December 2004 Parliamentary and Presidential elections and report any factors that could affect the accuracy and credibility of the election results by ascertaining whether the country's relevant regulations and procedures governing the results tabulation process were adhered to. We believe that we have been afforded the opportunity to carry out our mission effectively.

While concluding that there were indeed some irregularities in this crucial phase of the electoral process, we welcome the positive spirit in which we have been received, not only by the election management bodies, but also by other stakeholders in the electoral process.

We are confident and hopeful that this Report will contribute positively to the consolidation of democracy in Mozambique.

Yours sincerely

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INTRODUCTION

Background

It will be recalled that in recommending that the Secretary-General constitute a Commonwealth Observer Group (COG) for the December 2004 Parliamentary and Presidential elections, the Commonwealth Secretariat Assessment Mission (which visited Mozambique on 25-30 October 2004) also recommended that some form of Commonwealth presence be maintained in Mozambique subsequent to the COG to cover the counting and results processes at regional and national levels. One of the purposes of the Assessment Mission was to establish whether the Observers would be able to have full access to the process, as required by the *Guidelines* adopted by Commonwealth Heads of Government in 1991.

In its Interim and Departure Statements¹, the COG itself indicated that there would be a Commonwealth presence in Mozambique, until 20 December, to observe the concluding phases of the collation and tabulation of votes at the provincial and national levels. The COG also made clear that observers and political parties needed to have full access to and information about the results procedure to be able to judge the electoral process as a whole.

The recommendation for continued Commonwealth presence was in response to widespread requests to this effect from opposition and civil society organizations in Mozambique. Emphasis was placed on the need for Observers to have full access to the process. In addition they argued that observers should be present until the announcement of results, which would be some weeks after the voting itself. It was in this context that the Commonwealth Expert Team was constituted.

Composition of the Team

To ensure continuity with the presence of the Commonwealth, one member of our Team - Mr Elijah Rubvuta, Executive Director of Zambia's Foundation for Democratic Process - arrived in Mozambique on 7 December 2004. Mr Rubvuta was assisted by two members of staff from the Political Affairs Division of the Commonwealth Secretariat, Dr Victor Pungong and Mr Linford Andrews.

Terms of Reference

Our terms of reference were very specific: *To be present in Mozambique and to observe the counting and results process of the December 2004 Parliamentary and Presidential elections and report to the Commonwealth Secretary-General any factors that could affect the accuracy and credibility of the election results by ascertaining whether the country's relevant regulations and procedures governing the results tabulation process were observed.*

¹ See "The Report of the Commonwealth Observer Group: The Parliamentary and Presidential Elections in Mozambique, 1 – 2 December 2004".

Method of Work and Activities of the Team

Our approach was to be present at the central counting centre in the offices of the National Electoral Commission (CNE) in Maputo and to seek full access to all the counting and results procedures. We also planned to visit a number of provincial counting centres as appropriate.

In the event of full access to the discussions on rejected/contested polling station summary sheets (*editais*) sheets not being granted, we resolved to seek clarification on a number of issues from the CNE as to whether a list of all rejected *editais* would be published together with the reasons for their rejection.

Finally, we planned to meet with representatives of all international observer groups as well as the major domestic observer groups to exchange briefs and experiences. We met with representatives of the European Union (EU), the Carter Centre, the SADC Parliamentary Forum, the UNDP and some political parties, and we were able to access the report on the Parallel Vote Tabulation (PVT) conducted by the Electoral Observatory (the main umbrella domestic observer group).

Following the concluding phases of the count and tabulation process which the Team was able to observe, we drafted our report and departed Mozambique on 20 December 2004. The report was transmitted to the Commonwealth Secretary-General, then to the Government of the Republic of Mozambique, all political parties and other interest groups prior to public release.

OBSERVATIONS

Results Schedule (Calendar)

By law, the results at provincial level must be available not more than seven days after the close of the polls. At national level, a final result should be announced no later than fifteen days after the closing of the polls. In the 2004 elections, these timeframes corresponded to 9 December as the deadline for provincial results and 17 December as the deadline for the national results and a gazetted calendar was published to this effect.

Progress in the Tabulation Process

The team's observation was that the results tabulation process failed to adhere to the stipulated schedule, which required Provincial results to be announced within seven days of the close of polls and National level results to be ready for declaration by the fifteenth day after the close of poll.

No single province managed to announce its provincial results on time. The first provinces started to announce on 10 December, and the last one announced its provincial results on 16 December. This had obvious implications on the announcement date for final results, scheduled for Friday 17 December 2004. In a briefing to observers on 17 December, the Electoral Administration Technical Secretariat (STAE) indicated that they would require two working days after the receipt of all outstanding provincial results (on CD ROM), to

finalise their work before the CNE could announce final results². This meant announcement of results would be Monday 20 December 2004.

The team was greatly concerned at the very slow pace of progress made with the tabulation process.

By 15 December, two days before the final official results were due, the National level database had only processed up to 34% of the Results Summary Sheets (*editais*) out of the expected 12,804 *editais*³ including those from the diaspora. By the same date, the *editais* processed represented seven (7) provinces with a relatively smaller number of polling stations (i.e. 5,969 or 47%⁴ *editais*), while the four provinces whose *editais* were yet to be entered into the database represented 6,775 *editais* (53%) based on the officially published number of polling stations. Our analysis showed that the data entry process was too slow and on average, only 795 Presidential *editais* and 659 Parliamentary *editais* were being processed each day (*see tables at appendix*). At this rate, the remaining number of *editais* would have required no less than 7 more days (up to 22 December) to complete.

When this concern was raised the following day (16 December) with the STAE Database IT Manager, Mr Orlando Come, he assured the Team that the national results could still be announced on schedule since all the provinces, except one (Sofala) had completed their provincial tabulations. He stated that the announcement of the final results at national level would be based on the Provincial Electoral Commissions' (CPE) results to come from the provinces on CD-ROMs, and this data could be offloaded onto the national system and immediately be ready for announcement. In the event of any discrepancy with the national 'provisional results,' the Provincial results would take precedence over the national Provisional results.

MAIN CONSTRAINTS AND CONTENTIONS

Limited Access for Observers

Like all other international and domestic observer groups, we were not given full access to the national counting centre at CNE headquarters as well as at the various provincial counting centres. We were only allowed to see the operators entering the information on the *editais* into the computers through a glass screen. We were also only able to access the returns from the various polling stations through a computer terminal in an adjoining room and thus theoretically it was possible to check the accuracy of the aggregation process and to investigate allegations of fraudulent *editais*. However, the lack of full access created an atmosphere of secrecy and mistrust about the whole counting process:

- i) We found that at the end of the results process, CNE was able to reconcile any errors between the official provincial results totals and its own parallel "provisional count". However, observers were not allowed to be present to observe the meeting where these decisions were finalised.

² CNE subsequently announced that they would announce the final results on Monday 20 December 2004.

³ This figure is based on the official number of polling stations published. The total number as per database is much higher (i.e. between 13,612 & 13,556), and kept changing on a daily basis.

⁴ As stated above, the difference in the percentage figures can be explained by the fact that the Computer Database figures are based on a higher number of *Editais* expected (13,612 or 13,556), while the Published official number of actual Polling tables is much less (12,804).

ii) After initial lack of clarity on the issue, it eventually emerged that observers were able to be present for CNE's determination concerning the "reclassification" of the invalid ballot papers (*nulos*) and challenged votes, which were sent directly to CNE in Maputo from the polling stations. We were able to observe this process on an ad-hoc basis. However, we found that CNE later amended this decision and subsequently allowed observers to be present for only two periods of up to thirty minutes per day, once in the mornings (at 11:00hrs) and once in the afternoons (at 15:00hrs).

iii) Despite requests made to CNE, we found that observers could not be present during the sessions where CNE conducted its reconsideration of rejected *editais*. We were concerned that this was detrimental to perceptions of the credibility of the electoral process. In view of full access being denied, we requested CNE to publish the list of all the rejected *editais* along with the reasons for each rejection. We were assured that this would be done simultaneously with the announcement of results.

Problems of Consensus within CPEs

We noted that given the nature and composition of the Electoral Commission at National, Provincial and District levels, whereby the major political parties are represented on the Commission, all major decisions had to be reached by consensus. Our view was that it was not easy for the Commission to operate efficiently on matters regarding the results process of the December General Elections. In a number of cases, for instance, the opposition RENAMO representatives were reported to have walked out or boycotted meetings of the Commission at which consensual decisions needed to be reached, making it difficult and slow for progress to be made.

Problem of Access to Warehouses

In a number of instances, such as in Tete province, opposition RENAMO representatives were reported to have been partially responsible for the delay in counting as their representatives who were keeping the third copy of the access keys to the Electoral Materials Warehouse did not show up in protest. This delayed the process to the extent that the Provincial Electoral Commission was forced to vote for breaking the lock by cutting it. Similar reports were noted for Sofala, Gaza and Cabo Delgado Provinces.

Faulty and Insecure Database Software

Another issue that constituted a major drawback to the tabulation process was the problem of alleged inaccuracies of the Software procured by STAE for use during the tabulation process. A number of stakeholders, including the civil society observers as well as the political parties expressed strong reservations as to the accuracy, integrity and security of the software. This was due to numerous inconsistencies in the database in various respects, especially the total numbers of polling stations it was programmed to accommodate.

On 17 December, during a briefing to observers, STAE confirmed that several errors were made as a result of the inaccuracies of the software (see section on "*Briefing of Observers by the STAE Director-General*" below).

Some computer operators within STAE were reported to have expressed concern with the software's performance.⁵ We were told that the software was programmed in such a way that it could only accept *editais* from authentic polling stations, and would reject any other *editais* from wrong polling stations.

We were, however, able to establish that the computer software would, in a number of places (notably Tete) still reject even genuine *editais* with all the figures corrected to suit the computer's software logic, and these had to be processed manually. In some provinces, however, this problem caused an unnecessarily high number of *editais* to be referred to Maputo for reconsideration, causing a work overload for CNE.

Some Examples of Database Discrepancies

As examples, we noted a few instances of discrepancies and variations between the database figures as compared with the actual number of polling stations published by CNE:

- i) When we visited the Provincial Tabulation centre in Gaza on 11 December 2004, we found that the database was programmed to accommodate 1,230 *editais* (polling stations)⁶, yet the Director of STAE in charge of the centre informed us that the number in the software was not the correct one: it was higher than the actual number of 993 polling tables in the province and her team was not going to enter any more than 993 *editais*. This discrepancy, she said, was well known to the two major parties. It was however not clear whether the database would reject any extra *editais* if an attempt was made to enter them.

Furthermore, in the national database, the total possible number of *editais* for the same Gaza province was recorded as 1,179 as of 15 December; but this reduced to 1,163 *editais* as of 16 December 2004. When we enquired from the Data Centre IT Manager, Mr Come, whether it was possible for the total number of *editais* for a province to decrease after being entered into the computer database, he stated that a reduction in the total number of *editais* once entered was not possible but that an increase was possible if some disputed *editais* were requalified by CNE and entered. When confronted with the fact that this had happened with the data for Gaza, he expressed surprise and promised to investigate the reason for the reduction⁷.

Similar discrepancies were noted for other provinces⁸, with most provincial database figures being higher than the actual polling stations by a range of between 1% and 19%, as the table below shows – (see also Annex B):

⁵ One computer operator was quoted as stating that problems were prevalent with the tabulation software from Solucoes Lda and this could delay the announcement of the national results – hence the possibility of something irregular in the process could not be ruled out: Zambeze Newspaper, 16 December 2004: "Solucoes Software could delay Results", page 2

⁶ There is one edital for each polling station: the total number of *editais* must be the same as the number of polling stations.

⁷ We did not manage to establish the reason for the reduction

⁸ Reports received outlined significant computer chaos, as all provinces found that the computer tabulation systems would not accept valid polling station results sheets (*editais*). It seemed as if more than 2000 *editais* would be submitted to the CNE to deal with. Nampula alone reportedly sent 1004 *editais* to Maputo, while Zambezia sent 842 and Gaza 138 (Mozambique Political Process Bulletin, 15 December 2004).

Province Name	Published Poll. Stations	Poll. Stations	Variance:	
			No.	%ge.
GAZA	992	1,179	187	19%
INHAMBANE	786	834	48	6%
MANICA	722	827	105	15%
MAPUTO CITY	762	782	20	3%
MAPUTO PROVINCE	752	779	27	4%
SOFALA	1,039	1,107	68	7%
TETE	916	983	67	7%
CABO DELGADO	1,391	1,402	11	1%
NAMPULA	2,290	2,485	195	9%
NIASSA	724	786	62	9%
TOTALS	10,374	11,164	790	8%

- ii) A further problem noted was that the *editais* were only recognisable by a particular unique code for each polling station, which was never publicised to the public or stakeholders, making it very difficult for observers and political parties to easily check/verify results for a particular polling station unless one had the unique codes for particular polling stations.
- iii) We also noted that on successive days, the total number of the *editais* for the same province in the National Database kept reducing (*see Annex A*)⁹. The Computer Database IT Manager told us they had to adjust downwards after each complete entry of provincial data to reflect the total numbers of polling stations on the ground as the data template was made based on two sets of registers, hence they had to make room for possible increase in the number of registered voters at each polling station (i.e. for old and new/manual register). We were told that this was the final adjustment, but a further change was still noted.

Briefing by the STAE Director General

On 17 December, STAE invited observers to attend a briefing to clarify issues surrounding discrepancies in the use of the software and the rejected *editais*, among others. The briefing encompassed the following issues:

Extra Editais in the Software

STAE stated that because they did not have 'normal' (complete) Voters' Register Books, but many with between 100 and 700 names of voters, they had to merge several registration books to form combined ones in many cases. As a result of this, there were errors in the database because the software was developed based on the projected resultant numbers of polling stations from the merging process, backed by the CNE's deliberation. In the actual words of the Director General: "*It is legitimate to question why there appeared so many editais, and I can admit that it was an error, but the error is regarding the number of polling stations not the number of voters*"¹⁰ (A. Carrasco, STAE Director General).

⁹ Whereas on 13 December, the total number of editais on both the national Presidential and Parliamentary databases reflected 13,612, this reduced on 14 December to 13,563, and further on 15 December to 13,556 - while on 16th it was adjusted further down to 12,742.

¹⁰ Briefing meeting for Observers & Journalists, CNE Boardroom, December 17, 2004 – 10:00 – 11:15hrs

The Director-General informed the observers that, upon noticing the problem in the database software (i.e. of numbers of polling stations registering as higher than the actual number of polling stations on the ground), he took action and issued a written directive to all Provincial STAEs. In this he instructed them that during the aggregation of final results all *editais* and minutes of the polls should be produced on the basis of the actual numbers of polling stations. The STAE were further urged to do their charts outside the computer software (i.e. manually), but that the method should strictly follow the model on the computer software¹¹ - (*Annex C*).

Correction of Errors

When prompted on why the errors could not be corrected prior to the elections, the STAE Director-General indicated that they had no time to correct these as the software was only procured a few days before the elections, but was quick to point out that minimum security measures were taken by way of submitting the software for auditing by an independent body. But he acknowledged that errors were still noticed and have since been 'corrected'.

When prompted on what would happen if the opposition would not accept the '*technical*' explanation, Mr Carrasco's response was that they could go to CNE, and if they were still dissatisfied they could take the matter further to the Constitutional Council.

Editais with Errors

We were told that with regard to *editais* with mathematical errors it was within the powers and competence of the respective Provincial Electoral Commissions to resolve the errors and this had already happened in a number of provinces. It was not only the arithmetic sum errors that posed a problem, there were others which were not recognised by the system and were rejected. Unfortunately, there was no capacity on the part of STAE and CNE to move technicians to go and resolve such problems in the field, and these had to be dealt with in Maputo.

A question was raised as to what happened to the extra numbers of *editais* that had been embedded in the system but was no longer there. In explanation, the STAE officials said that such extra or fictitious *editais* were merged by the system into appropriate numbers.

Rejected Editais

The STAE Director General and his team could not provide any definite answer pertaining to the criteria, reasons or basis on which an *edital* would be rejected, and maintained that STAE was not involved in the rejection of *editais*, but CNE. He however informed the group that very few *editais* were rejected, affecting not many provinces, just Tete and Sofala, and statistics would be provided.

Main Opposition's Role in the Delays

In a number of provinces, including Tete, Nampula and Sofala, RENAMO is reported to have successfully ensured that no more *editais* were being sent from the Provincial Elections Commission (CPE), to the executive body STAE for processing in its computers.

The main objection by RENAMO was that STAE had been unable to produce printed charts of the tabulated results from the Sofala districts whose data had already gone into the

¹¹ Letter to CPEs, 8th December 2004

computer database at national level. STAE provincial director Jonito Jone acknowledged that these charts ought to be produced, but that the computer system had not allowed them to produce those charts.

Protest by Opposition Parties over Results

RENAMO and 24 other opposition political parties, (within and outside the RENAMO-Electoral Union) held a joint press briefing at Tivoli Hotel, Maputo on Tuesday, 14 December 2004 and released a communiqué that stated that the opposition parties would not recognise the outcomes of the elections because of a number of deliberate irregularities in the process. In addition, RENAMO reiterated its position in a comprehensive document made available to the Team outlining the main reasons and some evidence supporting their allegations about the problems encountered by their party during the election process. Much of the claims bordered on, among others, the following five key problem areas:

- *Problems during Voter Registration*

The parties alleged that the registration process was intentionally made deficient to exclude large numbers of voters especially in opposition strongholds. The register was not properly updated to screen off names of dead people and those who had shifted;

- *Errors in the Voters Register*

The parties further alleged that even in the current register that resulted from the restrictive process; there were numerous errors and omissions also affecting the opposition disproportionately;

- *Problems of Party Agents' Accreditation/Credentials:*

Some opposition party agents, especially in Gaza, Cabo Delgado and Tete, had difficulties obtaining credentials and a number of them obtained these very late, and they contained mistakes of which there was no time to rectify before the election time, hence were not permitted access by presiding officers for faulty accreditations;

- *Tabulation Software Not Credible:*

The parties also alleged that the tabulation software insisted upon by STAE was not credible and full of erroneous figures concerning the number of *editais*. In places such as Changara, Magoé, Chicualacuala and Massangena, polling took place in the absence of the opposition party agents and the number of voters, *editais* and polling stations from CNE were not the same as those from STAE;

- *Voters in Opposition Strongholds failed to Vote:*

The parties further claimed that numerous constraints made it difficult for voters - mostly in opposition strongholds - to vote, due to missing information and wrong particulars on Voters' Cards, etc.

- *Tampering with the Results-sheets/Ballot Boxes:*

They had identified a number of cases of tampering with *editais*, invalidation of opposition votes by Polling station officials and stuffing ballot boxes with pre-marked ballot papers in favour of the ruling party.

In view of the foregoing contentions, RENAMO and the 24 other political parties¹² resolved to agitate for four key actions:

- that the political parties would not recognise the outcomes of the elections;
- that they were going to protest peacefully and petition for the nullification of the results of elections through the available channels;
- that they would call for the dissolution of both CNE and STAE because of alleged partisanship and press for an independent Electoral Commission to be constituted with no representation of political parties;
- that they would agitate for fresh elections to be held within 6 months after reconstituting the Electoral Commission and its Administrative body.

Independent commentators confirm that RENAMO delegates did come under more pressure in the 2004 elections than in 1999, and were also sometimes restricted by polling station presidents. Reference was made to the fact that RENAMO delegates tended to be more poorly trained than FRELIMO and sometimes made unreasonable demands on polling station staff, causing tension.¹³ One of the Maputo CNE members reportedly commented that the process amounted to “sabotage”, while helping to re-qualify *nulos*. She then showed a series of ballot papers from Cabo Delgado to the observer standing behind her, and pointed out that each one had a similar ink finger print on it, disqualifying votes for Afonso Dhlakama. It seemed clear to both the CPE member and the observer that there had been an intentional invalidation of ballot papers.¹⁴

PARALLEL VOTE TABULATION (PVT) REPORT

The Electoral Observatory, a group of domestic election monitoring groups, with the assistance of The Carter Center, carried out a Parallel Vote Tabulation on a nationally representative sample of 775 polling stations throughout the country. The Electoral Observatory released its Interim Report on 9 December 2004.

In its report, the Electoral Observatory outlined its findings from the process as follows:

1. According to the data collected, with an error margin of $\pm 3.3\%$ for a confidence level of 95%, the Presidential candidate for the ruling party FRELIMO, Armando Guebuza would win the elections with a margin of 63% of the vote, while the runner up, opposition candidate for RENAMO-EU, Afonso Dhlakama would obtain 32% of the votes.

¹² The PDD party presidential candidate reportedly did not share the same opinion and was not party to the decision of RENAMO and its constituent parties in the Electoral Union.

¹³ Mozambique Political Process Bulletin, Issue No. 24, December 12, 2004.

¹⁴ Mozambique Political Process Bulletin, Issue No. 28, December 17, 2004. RENAMO also cited a specific polling station in Lichinga district (00A127/99) where RENAMO delegate Jaime Nipepe made a formal complaint against the president of the polling station saying he was putting ink on papers during the count. An independent observer reported that the results sheets (*editais*) from that polling station show 62% invalid votes (*nulos*) in the presidential race and 40% invalid votes (*nulos*) in the parliamentary race...” And in Macanga district, one polling station (04E815-99), 1000 people registered and out of 302 who voted, 199 votes were for Guebuza, and only one (1) for Dhlakama with 100 invalid votes.

2. According to the data collected, with an error margin of $\pm 3.3\%$ for a confidence level of 95%, FRELIMO would obtain a total national vote of 60% of the National Assembly votes, with the runner up, RENAMO-EU obtaining 29% of the votes cast.
3. The report further states that the data collected indicate that other Presidential candidate on third position, Raul Domingos of PDD, obtained less than 5% of the vote.

The Electoral Observatory report seemed to concur with some of the observations we have noted on various aspects cited above. The report stated that:

"Some strange figures were noted that are worth investigating by the competent authorities; namely that in Tete province, (particularly in Changara for example) the data showed a level of voter turnout of 100% in the ballot, and this was a far higher turnout rate than the national average turnout"¹⁵

The report also broadly agreed with some provincial level results announced by the Provincial Electoral Commissions (CPEs) and the interim results in the STAE database.

¹⁵ Electoral Observatory, 2004: "Preliminary Report of Partial Vote Tabulation", December 9 2004, page 2.

CONCLUSIONS

Based on our observations, and reports received from our various interlocutors – most notably the political parties and other domestic/international observers, our views about the problems and allegations are as follows:

- there was a genuine need to improve the results tabulation process to make it more efficient and finalised over a shorter period;
- there was a need for more time to resolve/test the software to inspire the acceptance, trust and confidence of all stakeholders;
- there was a need for more transparency and unrestricted access for observers to all aspects of the electoral process, particularly the crucial final phases of the count and tabulation¹⁶;
- in relation to the issue of access for observers to the CNE's process of reconciliation and adjustment of the official Provincial results against the national provisional results, we were concerned to note that no observers were allowed to witness this process. We feel strongly that this aspect constitutes a very significant part of the process, capable of having an overbearing effect on the outcome of the elections, and as such, it would be important for CNE to show more transparency if any suspicions and tension on the part of the key players are to be averted;
- CNE's initial decision to allow observers in the room where *nulos* and challenged votes were being "reclassified" was welcome. However, the subsequent decision to restrict access for only thirty minutes at specific times in the mornings and afternoons once again only served to increase rather than diminish possible suspicion;
- concurrently, the fact that observers could not be present in the same room where CNE conducted its reconsideration of *editais* served to limit their basis for ascertaining, with a reasonable amount of confidence, the extent to which the credibility of the electoral process could be assessed;
- although there appeared to be a debate as to whether the extent of the alleged fraud was of such magnitude as to narrow or reverse the difference in the number of votes between the ruling party and the main opposition party, RENAMO, a growing consensus has emerged among observers and commentators that some degree of fraud did actually take place in the process, and that some of the claims by RENAMO bear some merit.

In general, the country appeared to have come to terms with a victory for Mr Guebuza and FRELIMO. There was, however, a widespread recognition that fundamental electoral reforms would be necessary if the credibility of the electoral process in future is not to suffer. The low turn-out (estimated at between 30 and 40%) was a warning sign.

¹⁶ In its Report on the 2004 Parliamentary and Presidential Elections, the Commonwealth Observer Group paid particular attention to this issue (p. 16 & pp 41-43).

RECOMMENDATIONS

One rationale for democracy is that of serving to minimise tensions and conflicts on issues of governance. In democratic systems of governance, elections and mechanisms or means of conducting them (the electoral processes, electoral institutions, the legal framework and other administrative structures), ought to be seen to serve the goal of managing/minimising conflicts and to contain the possible escalation of political tensions. It is with this view in mind, and in light of the foregoing observations, that we wish to offer our recommendations as follows:

- that a depoliticised, Independent Electoral Commission be established, to prevent the politics responsible for the delays (inefficiency) in the CNE's decision-making process, particularly in the crucial final stages of the results process¹⁷;
- that the technical support structures of the Electoral Commission (STAE) be staffed by independent, professionally appointed personnel. The independence and impartiality of the CNE should be reflected within the structures of the STAE as well;
- that observers be allowed access to all aspects of the electoral process, particularly the crucial (and often sensitive) final phases of the collation and tabulation of results, such as the "reclassification" and reconciliation (respectively) of the *nulos* and disputed *editais* by the CNE. This would serve to minimise any suspicions on the part of electoral contestants and other stakeholders, while increasing the legitimacy of the election outcomes;
- that the appointment of technical staff such as an IT adviser (or team of advisers) be considered, to improve and enhance the current arrangements for the use of information technology, bearing in mind the central role it plays in underpinning the collation and tabulation of results at provincial and national levels;
- that the software utilised for the collation and tabulation of results be finalised and audited at an earlier stage in the election cycle in order to inspire greater confidence and acceptance in the use of such software by all electoral stakeholders. A minimum time-frame could be stipulated in the electoral law by which time the software be ready and functional (say, for instance, by no less than three months before the election).

¹⁷ See also "The Report of the Commonwealth Observer Group: The Parliamentary and Presidential Elections in Mozambique, 1 – 2 December 2004".

ACKNOWLEDGEMENTS

We wish to thank the members of the CNE and STAE, as well as colleagues from other international and domestic observer bodies (who were available during the results collation and tabulation process) for the valuable assistance provided to the team during its mission. We are also appreciative of the support granted to us by members of staff of the CPE and STAE in the provincial centres that we were able to visit.

Being cognisant of the support provided to the Commonwealth Observer Group during its mission for the 2004 elections, we are appreciative of the continuing assistance provided to members of our Team.

The services rendered by our interpreters, Mr Abel Viageiro and Ms Isaura Gomes, as well as our driver, Mr Jose Pio Pofo, have been invaluable in allowing us to carry out our mission effectively. We wish to thank them and wish them well for their future endeavours.

Above all, as our mission concludes, we look forward to the continued enhancement of co-operation between Mozambique and the Commonwealth in the future. We wish the people of Mozambique well in the future development of their democracy and trust that our recommendations will form a useful contribution to that process.