

THE CARTER CENTER

Foreword

After critical first elections supporting both war-to-peace transitions and a move to democracy, a country's second election often presents even greater challenges. In Africa in particular, second elections have been marked by lower voter turnout, frequent opposition boycotts, and the entrenchment of incumbents by increasingly large margins.

Since the end of the civil war and the first multiparty elections in 1994, Mozambique has made significant progress in its transition from war to peace and has moved toward an open and democratic society. Wide-ranging economic reforms have been implemented and contributed to high rates of growth and foreign investment. Nevertheless, the country still faces enormous challenges in terms of economic development, political reconciliation, and the consolidation of its political institutions.

In this context and in light of Africa's poor experience in second elections, The Carter Center viewed the 1999 elections in Mozambique as important to reinforcing peace and democratic stability in the country and across the region. The Carter Center organized a comprehensive observation program of the electoral process, including an assessment of registration and the deployment of 10 medium-term observers to monitor the campaign. For the Dec. 3-5 elections, the Center mounted a 50-person delegation, and 12 observers remained for extended monitoring of the vote tabulation process.

Taken as a whole, the 1999 electoral process demonstrated a number of positive signs, including bipartisan consensus on a new electoral law, a successful registration exercise supported by both parties, and a generally satisfactory campaign period, except for government and Frelimo abuse of their almost exclusive access to the media. In addition, the voting process was peaceful and orderly, with high turnout and a tightly contested race between two strong candidates.

Unfortunately, technical problems and a lack of transparency in the final tabulation of results undermined the credibility of the process, fueling political suspicions and doubts about the final results, which showed incumbent President Joaquim Chissano the winner with more than 52 percent of the vote. The opposition party, Renamo, rejected the results and filed a complaint with the Supreme Court, which eventually ruled against Renamo and validated the results. Although Carter Center observers made repeated requests, they were not provided sufficient access to verify the final tabulation nor analyze thoroughly the subsequent review.

These problems prevented the Center from concluding with an entirely positive assessment of the election process. There are clear indications that all sides recognize that the 1999 elections were flawed in some important respects, and that electoral reforms are necessary to increase trust and confidence in future elections. The Carter Center is hopeful, therefore, that Mozambicans will work together constructively to strengthen democratic practices and institutions.

The Carter Center is indebted to all the delegates who participated in our various assessment and observation missions, and to the other observer groups, both Mozambican and international, for their enthusiasm and dedication during the entire electoral process.

I want to extend special thanks to Sir Ketumile Masire, former president of Botswana, for co-leading the December 1999 delegation. His experience and wisdom added immeasurably to our efforts. The Carter Center is especially grateful to the United Kingdom's Department for International Development (DFID) and the United States Agency for International Development (USAID), whose generous funding made this

Executive Summary

1. Shortly after Mozambique gained independence in 1975, civil war erupted and continued to rage for the next 16 years. In 1992 a peace agreement was negotiated, and in 1994 the country's first multiparty elections were held under U.N. auspices. President

7. In general, Carter Center observers reported that: voting was orderly, tranquil, and efficient; party agents were present at most polling stations; and security was adequate. However, Carter Center observers noted that intimidation of Renamo representatives in three districts in Tete province before the elections had prevented Renamo agents from being present in those districts. Other problems included a lack of understanding of the voting process, improper campaigning, and insufficient lighting during counting.
8. On Dec. 6, President Carter and President Masire delivered a positive preliminary statement on behalf of the delegation, noting that the Center would continue to observe the counting and tabulation processes. While most delegates departed, 12 Carter Center observers remained in the country.
9. The tabulation of provincial results occurred between Dec. 7 and 15. After some initial difficulty, Carter Center observers were allowed limited access to the databases in most provinces, except Zambezia. However, the computer software restricted observers' access to short periods between data entry shifts. Carter Center observers had only limited access to tally sheets, but did not detect discrepancies between those and the results in the computer databases.
10. While the provincial tabulation was in process, copies of the tally sheets were sent to the CNE in Maputo, along with the null, blank, and contested ballots for the CNE to "reclassify." The official national results were to be computed by combining the provincial databases and adjusting those based on the reclassified ballots, and also on some 938 unprocessed "problem" tally sheets that were excluded from the provincial tabulations due to problems and sent to CNE-Maputo for resolution. However, as a check of the provincial data, the CNE built an internal database using copies of original tally sheets sent to Maputo.
11. Carter Center observers were allowed limited access to all review processes in Maputo, but the level of access varied and no aggregate information was available. The unprocessed tally sheets from the provinces were reviewed by two CNE members, one from each party. Although Carter Center observers could view this process, they were not allowed close access and could not assess questions about how unprocessed tally sheets were resolved.
12. Carter Center observers voiced concerns to the CNE about the lack of transparency of the CNE's work, and repeatedly requested greater access. While limited access was available to computer terminals for the internal CNE database, no access was provided to tally sheets or the databases with provincial results.
13. Over time, distrust between the CNE members from the two parties increased. Eventually, Renamo viewed the internal CNE database as the only data they could trust. On Dec. 20, the CNE president ordered that work on the internal database be abandoned, later explaining that the decision was due to pressures to complete official results, and the

need to concentrate on reviewing null, blank, and contested ballots still arriving from distant districts. Renamo CNE members protested the decision.

14. On Dec. 21, The Carter Center issued a statement urging that party monitors and observers be allowed access to check results. The same day, the CNE held a meeting to finalize the official results. Renamo CNE members walked out, refusing to sign and validate the results. On Dec. 22, the CNE president announced that President Chissano won the elections with more than 52 percent of the vote. Renamo rejected the results and filed a complaint with the Supreme Court.

Background

In October 1994, Mozambique held its first multiparty elections, capping a two-year peace process that brought an end to 16 years of civil war. Shortly after gaining independence from Portugal in 1975, fighting broke out between the government army and a small guerrilla force organized with help from the Rhodesian security forces, who

The vote revealed sharply drawn regional and political cleavages, with the five central and most heavily populated provinces voting in favor of Renamo, while the south and

with the new municipal governments, and dissatisfaction with government performance. Finally, conduct of the elections was marred by strong accusations of irregularities, including ballot box-stuffing, and the election administration in general was roundly criticized from all quarters.

May 1999: Exploratory Assessment

The Carter Center has maintained an active interest and involvement in Mozambique for several years. In light of this interest, and because of the challenges of consolidating Mozambique's broader transition, the Center viewed the 1999 general elections as a potentially critical event.

In May 1999, The Carter Center sent a small staff mission to Mozambique to assess the current context of Mozambique's transition and the extent to which the Center could play a useful role in the elections, which were expected in either late 1999 or the first quarter of 2000.¹ The team met with representatives of the two main political parties, several smaller parties, government officials, electoral authorities, civil society groups, and key members of the international community.

The team reported that there was strong interest in Carter Center involvement in the elections, including from the major parties, Frelimo and Renamo, the Mozambican government, the *Comissão Nacional de Eleições* (National Elections Commission, or CNE), and several other political parties. All sides encouraged the Center to become involved as early as possible and observe the entire electoral process, beginning with registration during the summer.

The political climate in the country was surprisingly calm. In the wake of the dismal 1998 municipal elections which were marred by low turnout and Renamo's boycott, the major parties worked together to forge a new consensus election law, which was approved in December 1998. Given the controversies surrounding the voters list from the 1998 elections, a new registration was mandated, and all sides stressed the importance of having credible observers present during the registration exercise.

August 1999: Registration Process Assessment

In early August, Mozambique's CNE sent a letter inviting The Carter Center to observe the registration process (see Appendix A). In response, the Center organized a 13-member international delegation, led by Dr. David Carroll, which visited Mozambique Aug. 10-20, 1999, to observe and assess the registration process.² The observers traveled

¹ The team included Carter Center staff Dr. David Carroll and Jason Calder, and Dr. Carrie Manning, the Center's senior political advisor on Mozambique.

² The delegation also included Dr. Carrie Manning, senior political advisor on Mozambique, Carter Center staff Ozong Agborsangaya, Jason Calder, and Patrick Berg; Therese Laanela of the International Institute for Democracy and Electoral Assistance (International IDEA, Sweden); Denis Kadima, David Pottie, and Julie Ballington of the Electoral Institute of Southern Africa (EISA, South Africa), Antonio Pita de Oliveira of the North-South Center (Portugal); Mario Paiva (Angola); Ana Conceição Pedro Garcia of the Central Geral de Sindicatos Independentes e Livres de Angola, and Claudia Werman (U.S.).

to 10 of the 11 provinces in Mozambique, visiting nearly 100 registration posts in nine of the provinces, and meeting with election officials from the CNE and the Technical

In late October and early November 1999, a Carter Center team traveled to Mozambique to open a field office in Maputo and organize a team of nine volunteer MTOs to assess the campaign and electoral preparations around the country during the weeks preceding the elections.³ Andrea Wolfe, the Carter Center field office director, and Ana Barradas, a senior electoral consultant, managed the Center's Maputo office, trained the MTOs, and coordinated their subsequent reporting. The MTOs received three days of training on Mozambique's electoral law, focusing on the campaign period, the electoral bodies' roll, and their role and responsibilities as international observers. Their reporting is covered in more detail in subsequent sections.

The October-November visit coincided with the receipt of a letter from CNE inviting President Carter and The Carter Center to observe the December elections (see Appendix C). The visit also coincided with the first major campaign swings by the two principal presidential candidates, President Joaquim Chissano of Frelimo and Afonso Dhlakama of a Renamo-led coalition. Both candidates initiated their campaigns in their opponent's territorial stronghold. Early reports of violent skirmishes between supporters suggested that the race would be heated and closely contested.

Parallel Vote Tabulation (PVT). A secondary purpose of the October mission was to assess the feasibility of conducting a parallel vote tabulation (PVT) for the 1999 elections. PVTs are a frequently used tool in election observation, the methodology of which involves the monitoring and recording of results from a random statistical sample of polling stations by election observers, and the comparison of these results to official results.⁴ When credibly implemented, PVTs provide an extremely reliable projection of the results. PVTs' main purpose is to verify the accuracy of the official results and thereby enhance confidence in the process and the likelihood that the results will be accepted as legitimate by all sides.

Given Mozambique's history of political polarization and the incidents of violence that were occurring at the outset of the campaign, the Center believed that it would be useful to explore the feasibility of a PVT.

The Carter Center team planned to hold meetings with major Mozambican observer groups, the CNE, major political parties, and others to explain the operations and purposes of PVTs, and assess the extent to which there was interest and capacity in Mozambique to implement a PVT. Unfortunately, however, the issue was politicized shortly after the team arrived but before a full round of meetings could be held, when a

pro-government newspaper ran several articles which seemed designed to obfuscate the issue and discredit any plans for a PVT.

When The Carter Center team finally met with the CNE to discuss the PVT issue, the CNE president told the Center team that “Mozambican law does not provide for a PVT, and therefore it would be against the law for the CNE to permit it.” In the face of what the Center viewed as the CNE’s overly strict interpretation of the law, and cognizant of severe logistical challenges, it became clear that a PVT would not be possible.

October - November 1999: MTO Assessments of the Campaign and Electoral Preparations

In the five weeks preceding the elections, The Center’s MTOs traveled more than 50,000 kilometers and conducted more than 100 interviews with provincial governors, provincial electoral bodies (STAE and CPE), leaders of political parties, civil society groups, and others. Their observations covered electoral preparations, campaign-funding issues, campaign activities and violence, and media coverage. These efforts were coordinated by Andrea Wolfe and Ana Barradas in the Center’s Maputo office, and culminated in a Nov. 23, 1999 Carter Center report issued on. The report’s conclusion was that the campaign and electoral process were progressing satisfactorily, given the context of Mozambique’s recent history (see Appendix D). Although several problems were identified as detailed below, the Center’s general assessment was that the process was on track.

Electoral Preparations. Carter Center MTOs visited provincial level offices of STAE and the provincial elections commission (CPEs) in all 11 provinces. The Maputo office likewise maintained contact with the national level electoral bodies. The Center’s MTOs reported that both the Frelimo and Renamo parties were generally well-represented in the electoral organs, including STAE, with only a few exceptions.

As the administrative arm of the electoral management structure, STAE is responsible for all electoral preparations, including the training of polling officials and civic education. Most of the STAEs that Carter Center observers visited were well-organized and efficient, particularly in their training activities. The Center’s MTOs reported that STAE trained thousands of civic education agents and polling officials and that the training was critical to the exemplary organization of the election day processes. In addition, the Center noted that several other international organizations such as NDI (the National Democratic Institute) and AWEPA (European Parliamentarians for Africa) trained more than 1,400 party agents on their role in the elections.

The provincial and district commissions for elections (CPEs and CDEs) oversaw the local activities of the corresponding STAE administrative office and consisted of Frelimo and

however, campaign rhetoric between the two major parties was quite negative. Frelimo party members and the newspapers *Notícias* and *Domingo* were especially negative, referring frequently to the possibility of war, and blaming violent clashes on Renamo's alleged threats to return to war if it did not win. Renamo, for its part, accused Frelimo of corruption and neglect of the poor. Campaigns were carried out mostly in provincial and district capitals, reducing rural voters' exposure to the parties' campaign messages.

The campaign was marred by a few disturbing incidents of violence, most of which occurred when campaign rallies overlapped. The atmosphere worsened with bellicose rhetoric in the media. Each party routinely accused the other of instigating these problems. While several persons suffered serious injuries, the campaign generally ran peacefully.

Incidents in Changara district, Tete province, however, seriously affected the campaign and the elections in that district. In Changara, a Renamo district representative and his family fled the district after their home was burned. In total, six houses were burned. The climate of intimidation surrounding these incidents was very disturbing. Alleging that they were unable to campaign in Changara district, Renamo made a formal protest to the CNE, requesting that the elections in the district be postponed. The CNE declined to act on the complaint, since according to a strict interpretation of the electoral law, the police handle "electoral crimes" (*ilícitos eleitorias*).

In other instances, however, electoral structures worked with civil society actors to call for calm and self-control. Carter Center MTOs found especially noteworthy that some STAEs and CPEs organized meetings of political parties, security forces, and civil society to foster agreements on encouraging cordial and effective relations.

Media Bias. Much of the media coverage of the campaign was marked by partisan and incomplete reporting. Both major parties contributed to the problem by inappropriately using the media. However, the high degree of state-owned or -controlled media meant that most of the abuses were attributable to the government and Frelimo. Consequently, the media failed to respect the spirit of the electoral law and/or the norms of rigor and impartiality in their coverage. According to the electoral law, printed publications that are "property of the state or under its control," shall be governed in their coverage of the electoral process by criteria of "absolute impartiality and rigor, avoiding discrimination between different contestants" (Article 30).

Delegates were instructed to arrive at their polling station on the first day, Dec. 3, to watch the opening procedures at 7 a.m., and ensure that ballot boxes were empty and properly sealed. Throughout the day, observers were to visit various polling stations to observe the voting process and complete a checklist at each station visited. Observers were to record information about the operation of the polling station, including the presence of polling officials, party agents, and observers, and note whether there were any problems or irregularities.

At the end of the day, observers were to watch a poll closing, especially noting how ballot boxes were sealed, and whether the police guarded the boxes overnight, as specified in the electoral law. They were then instructed to telephone the Carter Center office in Maputo to report on developments during the day. For the second day of voting, observers were to complete special checklists on poll openings and closings, including items related to ballot box security. After observing the vote counting process at one or more polling stations, observers were to record information about the results of those stations.

The Center's deployment strategy was developed because of Mozambique's vast size and scarce, unreliable communication and transport beyond the provincial capitals. Following the briefings in Maputo, Carter Center observers were deployed Dec. 1 to provincial or district capitals, generally in teams of two. In total, 22 teams were deployed. Once in the deployment zone, observers travelled to more remote polling stations during the two days of voting (see Appendix G).

The Carter Center consulted with other international observer groups, including the European Union (EU) and the Commonwealth, to coordinate deployment within and across provinces. This allowed the various missions to maximize their collective coverage of polling stations and ensure that relevant information was shared among groups. The UNDP played a positive role in serving as an effective clearinghouse of information for the various international observer missions.

Two days before the election, Dec. 1-2, Carter Center observers met with provincial level candidates, local party officials, STAE and CPE officials, Mozambican observers groups, and other civil society representatives. These meetings provided information about the political context, the campaign period, the preparedness of parties and party agents, road conditions, and communications in the deployment areas. In addition, the meetings alerted parties and officials and civil society to the presence of international observers, which facilitated observers' work and helped deter any possible wrongdoing.

Leadership Meetings on December 2. On Dec. 2, President and Mrs. Carter and President Masire met with CNE and STAE members and the two main candidates: President Joaquim Chissano of Frelimo and Afonso Dhlakama, the presidential candidate of Renamo-UE. They also met with representatives of a Mozambican human rights organization, *Liga Moçambicana de Direitos Humanos* (Mozambican Human Rights League), private sector leaders, leaders of the EU observation mission, and several of the Mozambican observer groups, including FECIV and AMODE.

In their meeting with the CNE, President Carter and President Masire voiced concerns about the long delay between the end of voting and official announcement of results. They asked what would prevent news organizations, political parties, and other groups from publishing their own tabulations or projections of the results. CNE President Jaimisse Taimo replied that there was nothing in the law to prevent them from doing so. This discussion raised the question of the value of a PVT, or “quick count” by The Carter Center or other credible and impartial organizations. After the meeting, several members of the CNE privately expressed their opinion that a PVT by The Carter Center would be extremely useful and not in violation of the law, even though the CNE had told The Carter Center delegation that visited in October that the CNE could not legally allow a PVT.

In other meetings, STAE officials explained the tabulation process and said that observation would be governed by recently issued regulations. STAE officials, including the two deputy directors representing the two major parties, did not report any concerns about tabulation procedures nor the software to be used.

Renamo party leaders expressed several concerns about the electoral process, particularly the unresponsiveness of the CNE to Renamo’s formal complaints, and the late disbursement of campaign funds. Civil society groups stressed that Mozambique’s institutional structure still trailed behind the dramatic economic and political transformations of the last five years, citing problems in the credit and banking systems, and the judicial system – particularly the police and lower courts.

Election Observation on December 3-5. On election days, Carter Center observers moved from poll to poll throughout the day to monitor the voting process in their deployment area. At every polling station visited, Center observers recorded information on their checklists.

On the evening of Dec. 3, observer teams called into the Carter Center office in Maputo and reported that most of the voting had been orderly, efficient, and peaceful. Most estimated a voter turnout for the first day of about 48 percent to 50 percent, and all reported a calm atmosphere. The only problems noted were late poll openings, with a few teams reporting that some stations had started as much as two hours late. Two teams in Zambezia reported that voting had not started because the voting kits never arrived in several districts not accessible by road.

On the second day, Dec. 4, the CNE announced at a 2 p.m. press conference that logistical problems in delivering materials had led to late openings at some 77 polling stations in Zambezia (less than 1 percent of the national total). As a result, voting was extended to a third day in all stations throughout the country. The CNE decision, in part, reflected concern about the electoral law (which states that polling should occur simultaneously across the country) and fears that a partial extension might lead to a legal challenge in the Supreme Court. The CNE also announced that the posting of polling station results (“*editais*”) at the stations could only be done countrywide at 6 p.m. Dec. 5,

regardless of whether polling stations had completed voting by all registered persons by Dec. 4.

Carter Center observers calling in from the field reported that the Dec. 4 voting process continued to function smoothly. Since there was relatively high turnout on Dec. 3, turnout on Dec. 4 was lower. In most localities, observers reported between 70 percent to 80 percent of registered voters had voted by the end of the second day. President and Mrs. Carter travelled with Dr. Carrie Manning on Dec. 4 to Beira in Sofala province, where they observed the voting process in eight polling stations in the city of Beira and outlying neighborhoods. No major problems or irregularities were observed, and voting appeared to be going smoothly at all posts visited.

The extension to a third day of voting forced extensive revisions in the schedule. The Center decided to bring back one member of each team on Dec. 5 as scheduled, to participate in debriefings and contribute to the delegation's preliminary statement that President Carter was scheduled to release on the morning of Dec. 6. The other delegates remained in the field to observe the Dec. 5 voting and counting processes.

In most places, voting on Dec. 5 was extremely slow. Even with the additional day, 11 polling sites never opened because of logistical problems. After the close of polling on Dec. 5, most observers watched the counting of presidential ballots at selected stations and recorded this information on a separate form. Teams were assigned sites from which to compile presidential election results. If a station was inaccessible, teams were instructed to collect data from another station that was as geographically close and ethnically similar to the original station as possible. Twenty-two observer teams were deployed throughout Mozambique, covering all 11 provinces. Where possible, observers also recorded election results from some polling stations where they were not able to observe the count directly, but where results had been publicly posted after ballots were counted, as provided for by the electoral law.

Despite serious logistical difficulties, Carter Center observers reported election results from 39 polling stations, including 14 where counting was observed directly, and 25 that were collected from posted results.

Debriefings and Preliminary Assessment. In the Dec. 5 delegation debriefings, observers reported overwhelmingly that the voting process at the polls visited was orderly, tranquil, and efficient, with few problems. The initial assessment of the other observer missions was similarly positive.

The Center's observers were particularly impressed with STAE's electoral preparations and voter participation. Almost every team commended the polling officials, describing them as well trained and diligent in responding to voters' needs. Most teams also reported a high level of women's political participation, both as polling officials and voters. Party agents from both parties were found to be present at more than 80 percent of the polling stations visited, and worked side by side in a cooperative manner in most

stations. Security was well-administered, with police generally maintaining an appropriate distance from the polls, as required by the electoral law.

Carter Center observers also reported that Mozambican observers, including AMODE, FECIV, and several others, were encountered in more than 45 percent of the stations visited. The Mozambican observers appeared well trained and diligent in their efforts.

Carter Center delegates, however, did cite several problems. Every team reported encountering one or more voters unable to vote due to errors in the voters' register or on voter cards. In addition, as noted above, incidents of intimidation of Renamo party representatives during the campaign seriously affected elections in three districts in Tete province, as Renamo agents fled the area and could not get credentials. Renamo requested that the elections in the affected polls be postponed, but the elections were held. Carter Center observers were posted in one of those districts (Changara) and reported that Renamo party agents were not present.

Several teams witnessed incidents of improper campaigning at polling stations, and many noted that polling booths were arranged with the open side facing the polling officials

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and STAE in Maputo. The MTOs were coordinated initially by the Center's field office director in Maputo, Andrea Wolfe, with some assistance from Dr. Shelley McConnell of

Carter Center observers initially had some difficulty accessing the database because provincial CPE and STAE personnel had not been adequately informed about the rights of election observers. These problems were resolved after a high-level STAE team visited the provincial capitals on an inspection tour. Thereafter, the system proved quite effective in most provinces, except Zambezia, where computer access was never provided. Even in the provinces where access was allowed, the software did not allow observers to have access when entry was ongoing. Therefore, access was restricted to short periods of 15 to 30 minutes between shifts.⁸ The Center's observers reported that data entry started off slowly because the software was new and the personnel had not received sufficient training, but that the pace improved over time.

Access to the original tally sheets varied from province to province. In Cabo Delgado and Zambezia, the tally sheets were not available to observers at all. In the other provinces, the Center's observers reported they had limited access to tally sheets. Where

Renamo's representatives, on the other hand, made a series of complaints about the campaign and the elections. The most serious problem was in Zambezia, where Renamo technicians were never allowed access to computers. Renamo militants created a disturbance in protest, and police arrested three Renamo members, including two Renamo-UE candidates for parliament.

National Verification and Tabulation. While the provincial tabulation was ongoing between Dec. 7 and 15, carbon copies of the tally sheets were arriving at the CNE-Maputo, along with the null, blank, and contested ballots that CNE had to "reclassify." These reclassified ballots and other adjustments resulting from problem tally sheets were to be combined with the partial provincial results, when finished, to compute the final national results. The provincial results were behind schedule, and most did not arrive in Maputo until around December 15-16.

On Dec. 15, a delegation of Carter Center and EU observers met with CNE representatives to discuss the observers' reports from the provinces. Because of the problems of limited access to the computers at the provincial CPE/STAE offices, the observers requested that a computer separate from the network be set up for the observers working at the CNE in Maputo. Access then would be allowed to all files at all times without disturbing data entry work. This was followed by a letter from the Center which formally requested such access. Although a formal response was not received, the CNE indicated to Carter Center observers that too few technicians were available to comply with this request.

The work in Maputo proceeded in three separate areas:

(1) Receipt of materials: Incoming materials were registered in one room by a sub-committee of at least two CNE members, including both Frelimo and Renamo representatives. The materials included null, blank, and contested ballots and carbon copies of all tally sheets. Later, the unprocessed "problem sheets were registered

Reclassification. Carter Center observers noted that the atmosphere in the reclassification room seemed cooperative, with no signs of distrust among the CNE members. The process was efficient as ballots were reclassified by polling station and the results summarized by province. When completed, the provincial summary sheet was given to the computer room to be added to the partial provincial results.

Computer data entry.

the system and that user's actions.¹⁰ The Renamo delegates refused to request a print out of the computer auditlog, but insisted that it should have been provided to them without their asking.

Unprocessed Tally Sheets. Along with the provincial results, unprocessed tally sheets from the provinces were sent to the CNE in Maputo for review by two CNE members, one from each party, in the room where arriving material was processed. Carter Center observers were able to observe the review of the incoming tally sheets, but were not allowed close access to this process and could not directly inspect any of the unprocessed tally sheets. As a result, it is not clear whether and how unprocessed tally sheets were resolved. However, Carter Center observers reported that there did not appear to be conflicts between the CNE members reviewing the unprocessed tally sheets.

In a meeting with the CNE president, Carter Center observers voiced concern about the perceived lack of transparency of the CNE's work. They requested greater access to the

districts was still arriving, which required the CNE to concentrate on reclassification of null, blank, and contested ballots.

Renamo CNE members immediately protested the decision in an open letter published in *MediaFax*, arguing that this step compromised the transparency of the whole process. The following day, Dec. 21, The Carter Center released a short statement encouraging all sides to maintain calm while the CNE completed the results, and urging that party monitors and other observers be allowed adequate access to check results (see Appendix J). The same day, President Carter tried to phone both candidates to relay the same message and demonstrate the Center's support. He spoke briefly with President Chissano, but was unable to reach Dhlakama despite repeated efforts.

The CNE planned to meet Dec. 21 to combine the partial results from the provinces with the results of the reclassification of the null, blank, and contested ballots, as well as with results from the unprocessed tally sheets that had been reviewed. The meeting was postponed several times and finally started at 1:30 a.m. on Dec. 22. Renamo members of the CNE walked out of the meeting about 90 minutes later, refusing to sign and validate the election results.

Later that morning, the CNE president announced the final results, declaring that Frelimo and its presidential candidate Joaquim Chissano had won with 52.29 percent, defeating Afonso Dhlakama with 47.71 percent.

Renamo representatives declared separately that they did not accept the results and that Afonso Dhlakama was the actual winner. On Dec. 23, Renamo filed a 23-point complaint with the Supreme Court, demanding that the elections be declared null and void and asking for a recount. Dhlakama also made repeated public declarations that he had won the elections and would not accept any other outcome.

In the wake of these developments, The Carter Center issued a preliminary report on Dec. 23 which commended Mozambique for completing the process, but expressed concern

Although the Supreme Court's decision was final, Renamo continued to call for a recount and announced that its deputies would boycott the parliament. However, on further consideration and after consulting with its coalition partners in the Electoral Union, Renamo declared that it would claim its seats after all, but for the sole purpose of demanding a recount. Shortly after taking their seats in parliament, Renamo deputies introduced a proposal to create an ad hoc commission that would conduct an inquiry into the issue of a recount. The proposal was briefly debated, but defeated by a majority vote led by Frelimo.

After the Supreme Court ruling, The Carter Center issued a statement on Jan. 12 calling on both parties to work together constructively and maintain a productive dialogue. The statement also reiterated that while the Center had not seen evidence of serious irregularities that would affect the election's outcome, the Center's observers did not have adequate access to verify the accuracy of the final tabulation and verification processes, despite repeated requests to the CNE for such access (see Appendix L for the Center's Jan. 12 statement).

April-May 2000: Post-Election Assessment

A key challenge of democratization in Mozambique, as in other post-conflict societies, is to balance the ongoing need for political reconciliation and accommodation with the divisive tendencies of electoral competition. The 1999 elections therefore were an important test of Mozambique's democratization, and more generally, of its transition from war to peace and national reconciliation.

Compared to recent experiences of post-transition second elections in Africa, most of which have been marked by low voter turnout, opposition boycotts, and the entrenchment of incumbents winning by increasingly large margins, Mozambique's 1999 general elections showed positive signs of a maturing political system. The major political parties were able to forge a consensus electoral law which provided for a new voter registration and included political party representation in both the CNE and STAE. Technical preparations for the elections, including the registration process and poll worker training, were well-managed and implemented. Although there were problems during the campaign period, including some serious incidents of violence and extended delays in the disbursement of campaign funds, the political parties campaigned widely. Finally, the election itself was peaceful and orderly with high voter turnout and results that revealed a tightly contested race between two strong parties and candidates.

Nevertheless, the credibility of the process was undermined by a series of technical problems that emerged during the tabulation of votes, which fueled political suspicions and split the CNE. The problem was compounded by a lack of transparency during the final stages of tabulation preceding the announcement of the official results, and by the limited technical monitoring capacity of the parties' agents and representatives.

Although Renamo rejected the results, the fact that it contested the final results through established legal channels, and that due procedure was followed in addressing Renamo's

(1) Reforms to electoral law. The electoral law needs to be reformed well in advance of the next elections. Waiting too long could lead to problems similar to those that occurred in 1999, when delays in completing the legislative and regulatory framework made it difficult to keep the electoral calendar on schedule, and forced steps that increased the election costs. Discussions on a new electoral law should begin as soon as possible, preferably within the next six to 12 months. In this regard, careful consideration should be given to the lessons learned from recent elections to design electoral processes that are efficient, cost effective, and sustainable for the long term.

The new law should be more precise and eliminate gaps and contradictions that led to problems in 1999. The lack of precision in the 1999 electoral law resulted in ambiguities that forced the CNE to make too many policy decisions on issues that should have been technical. In addition, the law's imprecision fostered confusion and contributed to problems in many instances where Mozambican authorities interpreted the law very narrowly. Some suggested changes in the electoral law include:

(a) Correct the contradictions in the electoral laws which provide that persons 18 years or older can vote, while voter registration is only for persons who are 18 at the time of registration, disenfranchising those who turn 18 after registration but before the elections. Likewise, consider changes which would prevent the disenfranchisement of poll workers and observers, as occurred in the 1999 elections;

(b) Review the system of campaign financing. While a donor-supported campaign fund may or may not make sense, it is important to ensure that public campaign funds are disbursed on a timely basis before the start of the campaign period;

(c) Clarify the roles of both national and international observers, and provide explicitly for their full access to all phases of the election, and their ability to participate in monitoring and verification exercises, including PVTs. This should be done well in advance of elections;

(d) Limit voting to a single day (or ending earlier on the second day to expedite counting);

(e) Eliminate the provision which only allows for elections to take place simultaneously across the whole country (which resulted in 1999 in a third day being required, when only a small number of stations genuinely needed the additional day due to logistical problems);

(f) Expedite the counting and tabulation processes, and shorten the period between election day and the announcement of official results; and

(g) Establish realistic time periods for completing technical preparations for elections, but provide for sufficient flexibility to accommodate the need for additional time, if necessary (rather than press ahead under time pressures that could lead to serious technical problems).

2. Restructure the CNE. As part of the reform of the electoral law, the CNE needs to be restructured. While there is an array of possible options for the structure of a new CNE, it is critically important that the restructuring be the result of a comprehensive review of the issue, involving civil society as well as political parties and election technicians, and that it reflect a reasonable consensus. In general, the CNE and other institutions designed to manage elections and resolve electoral conflicts should put a premium on transparency and dialogue. An initial list of some possible changes to consider include the following:

(a) Reduce the size of the CNE from its current 17 to a more workable number, perhaps five to nine members;

(b) Create mechanisms to ensure that CNE membership, especially the president, is seen as credible and impartial. This might be accomplished by reducing political party representation in the CNE and increasing the role of independent members of civil society. While there are clear benefits to including political party representatives on the CNE, most importantly in terms of balancing political influence on the CNE, consideration should be given to reducing their role. Independent civil society leaders, selected through a process with adequate involvement and consultation of the political parties, should play leading roles if possible. Perhaps the Assembly could play a larger role in nominating CNE members. Also, it could be required that the CNE president be a consensus choice, perhaps by allowing the opposition to nominate a short list of candidates, all of whom should be acceptable to the governing party, which would then select the president;

(c) Establish clear CNE rules and operating procedures before the CNE is named, including decision-making procedures and the specific responsibilities and rights of CNE members. These procedures should be sufficiently clear and detailed as to allow anyone to monitor whether decisions within the CNE are being taken according to procedures, and whether all members are able to participate fully in CNE's activities. At the same time, the CNE should establish higher standards of public relations and information. In addition, some key interested parties (i.e., political party representatives) not represented

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happen much earlier in the process so they are fully integrated in a meaningful way. Regardless, the lines of authority between the CNE and STAE need to be clarified.

4. Election day procedures.

Based on the Center's experience observing the 1999 electoral process, including discussions during the post-election assessment in May, it seems that many Mozambicans are interested in learning more about PVTs and other techniques and considering their use in future elections. Discussions on these issues, including workshops and other such activities, should begin well in advance of the next elections so that all sides understand the purpose and use of various election observation techniques and other confidence-building mechanisms.

6. Provisions for required checks and electoral dispute resolution. To avoid the doubts created by the unprocessed tally sheets in 1999, Mozambique should consider adopting electoral regulations which would provide automatically for a thorough review or recount of tally sheets or a whole/partial recount of ballots, if certain margins or thresholds are crossed, and for ensuring that observers have complete access to such reviews.¹⁵ For example, a review could be mandated if the number of potential votes on tally sheets/ballots with problems or questions is greater than the margin between the leading candidates and/or greater than a certain percentage of the total national vote.

In addition, consider reforming the institutions and processes for electoral dispute resolution. Currently, the Supreme Court (whose members are appointed by the president) serves as the electoral tribunal in lieu of the Constitutional Council, which is mandated in the Constitution but has never been established. It is important to note that while the court is therefore the ultimate authority and arbiter of election-related conflict, it is the only body involved in election administration in Mozambique whose members were appointed by political leaders of a single party.

For future elections, the Constitutional Council should be in position to fill its constitutional role. Alternatively, Mozambique might consider creating a special Electoral Tribunal that would have jurisdiction over a range of electoral disputes and complaints. This could be coupled with a clear specification of procedures and processes for filing and resolving disputes. In any case, the responsible institutions should strive to be as transparent as possible and take reasonable steps to support the credibility of elections.

¹⁵ If such regulations were mandated, it might also be necessary to consider storing ballots at provincial headquarters in order to facilitate any recounting of ballots.

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