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**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE
15 OCTOBER 2019 GENERAL ELECTIONS IN THE
REPUBLIC OF MOZAMBIQUE**

PRELIMINARY STATEMENT

17 OCTOBER 2019

I. INTRODUCTION

1. Mozambicans went to the polls on 15 October 2019 to elect a President and Members of the Legislative and Provincial Assemblies. These were the sixth consecutive Presidential and Legislative elections and the second Provincial Assembly elections held since the introduction of multiparty democracy in 1994. The elections took place within a context of an ongoing peace process that was climaxed with the signing of a Permanent Ceasefire Agreement between the Government and RENAMO (*Resistencia Nacional Mocambican*) on 1 August 2019. They are therefore important both to the consolidation of democracy and preservation of peace in the country.
2. The African Union (AU) deployed a Pre-election Assessment Mission from 29 July – 2 August 2019, and then a Short-Term Election Observation (STO) Mission from 10 – 22 October 2019 upon an invitation from the Government and the National Election Commission (CNE) of the Republic of Mozambique, and as part of its mandate to deepen democratic governance in Africa. The STO Mission was led by H.E. Dr. Goodluck Ebele Azikiwe Jonathan, former President of the Federal Republic of Nigeria, and comprised 36 observers (9 core team and 27 observers) drawn from 23 AU member states¹.
3. The goal is to make an independent, objective and impartial assessment of the electoral process in accordance with the provisions of the 2007 African Charter on Democracy, Elections and Governance and the 2012 OAU/AU Declaration of Principles governing Democratic Elections in Africa, as well as the Constitution and the Laws of the Republic of Mozambique.
4. In this preliminary statement, the African Union Election Observation Mission (AUEOM) offers a summary of its key observations on the electoral process thus far.

¹ Nigeria, Malawi, Ethiopia, Angola, Comoros, Swaziland, Kenya, Burundi, Uganda, Egypt, Sudan, South Africa, Senegal, Rwanda, Lesotho, Namibia, Liberia, Ghana, Benin, Algeria, Sahara Republik, Sierra Leone, Zimbabwe.

This statement is issued while tabulation and announcement of election results are still on going. Therefore, an assessment of the entire electoral process cannot be provided at this stage.

II. KEY FINDINGS

Context of the Elections

5. The AUEOM noted the generally challenging political and security environment within which the elections were conducted. They took place within a context of emerging insurgency in Cabo Delgado province, an ongoing peace process between the government and RENAMO, and the outbreak of one of the worst tropical cyclones in Africa, which displaced thousands of people and also hampered electoral operations in the affected areas.
6. The elections were to an extent also characterized by political tension, particularly during the campaigns. There were reports of incidence of harassment and restriction of movement of political opponents and the killing of the head of a local observer group. Despite these notable challenges, the elections were conducted on time and in a generally peaceful environment.

III. LEGAL FRAMEWORK

7. In preparation for the 15 October 2019 election, Mozambique adopted significant legal reforms to reflect outcomes of the political negotiations between the Government of Mozambique and the opposition RENAMO party. The amendments of the Constitution and other electoral laws were further aligned with Mozambique's international and regional obligations.
8. The Mission notes that the legal reforms reflected a new decentralization arrangement negotiated by the Government of Mozambique and RENAMO party in which the provincial governors were elected for the first time.
9. While the AUEOM recognizes Mozambique's electoral reform efforts as a positive development, the Mission noted that the process of reforming the election law continued to be ad hoc and

exclusively designed to address specific issues that arose between FRELIMO and RENAMO – in previous elections.

10. Further, within the context of the electoral reforms, the AUEOM welcomes the removal of previous restrictions imposed on party agents allowing them to be present in all stages of the electoral process. For instance, the AUEOM noted the presence of party agents in the 117 polling stations visited. FRELIMO fielded party agents in 100% of the visited stations while RENAMO, MDM and other parties deployed agents in 74%, 39% and 10% of the polling stations visited respectively.

IV. ELECTION ADMINISTRATION

11. The CNE is Mozambique's Election Management Body (EMB) established by law, with a six-year mandate for its Commissioners. It is responsible for supervising the overall conduct of the elections, including registration of voters, nomination of candidates and accreditation of observers. The mandate of the current CNE was extended by the Parliament to end on the 30 April 2020 to allow the CNE with its current composition to administer elections. Below the CNE is the Technical Secretariat for Election Administration (STAE), which is a public service body responsible for the implementation of all technical and administrative aspects of the electoral process in Mozambique.
12. The AUEOM noted with satisfaction the timely unveiling of the 2019 electoral calendar by CNE, which allowed stakeholders to plan for and scrutinize the implementation of the electoral process.
13. The Mission commends the EMB for providing regular updates and information to the public on its preparations for the elections, which enhance trust and confidence in the process.
14. The Mission was informed that the Government of Mozambique availed adequate funding and resources to CNE and STAE. This enabled the implementation of key stages of the electoral process by the EMB.

V. VOTER REGISTRATION

15. Ahead of the 15 October 2019 general elections, a new voters' register was compiled. The registration process was undertaken in two phases: the first phase was done for the municipal elections held in 2017; and the second phase took place between 15 April and 31 May 2019.
16. While the AUEOM was not present during the voter registration process, it was briefed on the challenges encountered, particularly the adverse effects of cyclones Idai and Kenneth, which left thousands of people displaced and caused power interruptions in the affected areas thereby affecting the power supply needed to power the machines for the voter registration process.
17. In spite of the aforementioned challenges, the AUEOM applauds the CNE for successfully registering a high number of voters – which was approximately 90% of eligible voters.
18. The AUEOM noted, however, the concerns raised by stakeholders, especially opposition political parties and civil society with regard to the accuracy of the voters' registration figures in Gaza province, where the CNE allegedly registered over 100% (about 300,000 voters) of the targeted projection. Calls by these stakeholders for the CNE to undertake an audit to verify the accuracy of the voters' roll were not honoured. A petition made by the opposition RENAMO to the Attorney General on the issue was not decided upon to-date.

VI. ROLE OF WOMEN IN THE ELECTORAL PROCESS

19. Article 36 of the Constitution of Mozambique guarantees equal rights of men and women in political, social and economic life. Despite an enabling legal framework for equal participation, women remained under-represented as candidates in the 2019 elections. All the four (4) presidential candidates were men, although some parties made efforts to meet the 30% women quota in the parliamentary candidates' lists.

20. The Mission noted that 57% of the polling staff in all polling stations visited were women. Furthermore, 38% of the party agents and 60% of citizen observers were female.

VII. THE MEDIA ENVIRONMENT

21. The media in Mozambique is regulated under the Press Law 8/1991, which establishes the rights and obligations of the media as well as the responsibilities of the Supreme Mass Media Council (*Conselho Superior da Comunicação Social, CSCS*) – the regulatory body.
22. The AUEOM observed that media played a key role in disseminating information aimed at promoting meaningful participation during elections. Both public and private media outlets enjoyed relative confidence and trust of stakeholders during the electoral period.

VIII. CIVIC AND VOTER EDUCATION

23. The electoral laws of Mozambique mandate CNE to conduct civic and voter education programmes. Aspects of the legal framework however restrict civil society organizations from providing civic and voter education during the campaign period.

IX. ROLE OF CIVIL SOCIETY AND DOMESTIC OBSERVERS

24. Civil Society Organisations (CSOs) played a significant role in the electoral process through provision of civic and voter education, advocacy for electoral reform and election observation.
25. While the state recognizes the role of civil society in Mozambique, the AUEOM noted the encumbrances some organisations faced. There were reports of serious delays in the accreditation of some local observer groups especially in Nampula, Zambezia, Tete and Gaza. The CNE however attributed the delays to incomplete and late submissions of the accreditation application forms.

26. AUEOM regrets the reported killing of the head of a local election observer group from the Forum of Civil Society in Gaza (FONGZA), Anastacio Matavele, on 7 October 2019 in Xai-Xai, Gaza.

X. DIASPORA VOTING

27. The AUEOM commends Mozambique for adopting the necessary measures to enable the diaspora community in nine (9) countries including: South Africa, Malawi, Zambia, Tanzania, Zimbabwe, Kenya, Swaziland, Portugal and Germany to exercise their right to vote. This is a laudable practice that ensures inclusivity in the electoral process.

XI. ELECTION DAY OBSERVATION

28. The AUEOM observed opening, closing and counting procedures in 12 polling stations and voting in 117 polling stations across nine Provinces².

Opening

29. All the voting stations visited opened on time which facilitated the right of citizens to vote.

30. The right to vote was further ensured through the availability of sufficient resources, human and materials before opening of the polls and throughout the day.

31. Opening procedures were largely followed, for instance, the ballot boxes were shown to be empty and sealed correctly before commencement of voting.

32. Transparency of the process was assured through allowing party agents and observers to witness the opening procedures. They were able to perform their duties without interference or restrictions.

² Inhambane, Gaza, Sofala, Nampula, Tete, Zambezia, Cabo Delgado, Maputo and Maputo city.

Voting

33. Polling was largely conducted in a calm and peaceful environment throughout the day.
34. Security personnel were visibly present in all visited polling stations and their conduct was professional and non-intrusive. Their presence and conduct contributed to a peaceful, secure and conducive environment where the voters were able to securely exercise their right to vote.
35. Polling stations were laid out in a manner that allowed for easy flow of voters, while ballot box(es) were placed in public view. These contributed to the transparency of the process.
36. The secrecy of the ballot was guaranteed in most of the stations visited.
37. The stipulated polling procedures were largely complied with. For instance, voters presented their identification documents and had their fingers checked for traces of indelible ink. Compliance with these critical procedures contributed to the credibility of the voting process.
38. No restriction on the right to vote was observed. Where voters were turned away, it was either due to lack of proper identification documents or names not being on the electoral register.
39. Over 95 % of polling stations were in public places that were easily accessible to Persons with Disabilities (PWDs), elders and the infirmed. The Mission however observed that a few polling stations were placed in storey buildings and on unlevelled grounds, which made it difficult for voters in the aforementioned categories to access.
40. Assistance was provided to voters unable to vote independently. Priority was given to PWDs, the elderly, pregnant and nursing mothers. This was observed in over 98% of the visited polling stations. These special measures enhanced broader and inclusive citizen participation in electoral process.
41. The Mission observed that CNE and STAE took special measures to ensure enfranchisement of all voters.

Special voters were granted an opportunity to vote in accordance with the stipulated provisions³. There was however a reported incident in EPC 7 de Abril polling center in Nampula Province where a RENAMO party agent objected to a domestic observer being allowed to vote.

42. The AUEOM observed efforts by CNE and STAE to promote transparency and the right of access to information during the polling process. Party agents, domestic and international observers were present in all visited polling stations; and they were able to perform their duties without interference or restrictions.
43. Despite the well administered polling process, each voter took an average time of between 3 and 6 minutes to complete the voting process which indicated a generally slow voting process.

Closing

44. Polling stations visited closed at the stipulated time – 6:00PM. However, voters who were in the queue at closing time were allowed to cast their vote. This ensured that all voters were given an opportunity to exercise their democratic right.
45. The process was open to observation and political monitoring. International and citizen observers; as well as party agents were allowed to follow the procedures without any interference or restrictions thus assuring transparency of the process.
46. Counting and reconciliation procedures were largely followed in the polling stations visited. Discrepancies in reconciliation were however observed in four polling stations. These were EPC 7 de Abril in Nampula, Casa Prov. Cultura in Pemba district, Nampula Province, Josina Machel Primary School in Tete City, Tete province and Escola Primaria Completa De Namuinho, in Quelimane District, Zambezia province.
47. As per stipulated procedures, results were announced at the polling stations and copies were given to the party agents and posted at the stations. However, results were not posted at one polling station in Nampula Province. The party agents were also not given a copy of the results.

³ Polling staff (MMVs), party agents (delegates of candidates), police officers on duty at the polling center, journalists, national Observers, and members of electoral bodies.

XII. CONCLUSION AND RECOMMENDATIONS

The 2019 elections marked an important step in Mozambique's political course. The AUEOM noted improvements in the legal framework and general management of the electoral process, to ensure that they are in line with regional and international standards for democratic elections.

Notwithstanding the challenging political and security environment, voting was generally calm and well administered.

In view of the findings noted above, the Mission offers the following preliminary recommendations for consideration by various stakeholders:

To the Election Management Body (CNE and STAE):

- Simplify the accreditation process for civil society organisations interested in observing elections.
- Continue with effort to regularly communicate with stakeholders throughout the remaining stages of the electoral process.
- Ensure timely, transparent tabulation and release of accurate results.
- Consider putting in place mechanisms to instill confidence in the accuracy of the voter register.

To the Government of Mozambique:

- Accelerate efforts to sustain and strengthen the peace process across the country.
- Enforce the laws that limit the misuse of state resources during campaigns, especially by incumbent candidates.
- Consider further expanding diaspora voting to other countries to broaden participation of citizens.
- Ensure that the legal framework for elections is consolidated, streamlined and consistent.
- Conclude the investigations surrounding Matavele's death and ensure that justice is served.

To Political Parties:

- Work towards the consolidation of the peace and democratic processes.
- Adopt measures aimed at encouraging the participation of women and youth in leadership positions.
- Utilize the dialogue space created by the CNE as a forum for discussion, prevention and resolution of electoral challenges in a peaceful and consensual manner.
- Utilize legally prescribed mechanisms as recourse for resolving election related disputes.

To Media:

- Continue with efforts to provide balanced media coverage during elections.

Civil Society Organisations:

- Continue with advocacy initiatives on electoral reforms, particularly promoting women, youth, minority groups and persons with disabilities' political participation.
- Adopt a collaborative approach with the CNE and STAE to strengthen electoral processes in Mozambique.
- Ensure timely submission of accreditation application.

To Security Agencies:

- Remain professional and impartial in providing security services to election stakeholders throughout the electoral period, including upholding the protection of human rights during security operations.