

# THE CARTER CENTER



**OBSERVING THE 1999 ELECTIONS IN MOZAMBIQUE**

**FINAL REPORT**

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## **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 initiative possible. We also appreciate the support provided by the Swiss Embassy and the Swiss Agency for Development and Cooperation, and by private donors.

Finally, I commend the Mozambican people for their perseverance and optimism. Their dedication to building and sustaining a peaceful and democratic nation is a symbol of hope for all countries emerging from conflict.

President Jimmy Carter  
Chairman  
The Carter Center

## **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 Joaquim Chissano and the ruling Frelimo party won the presidency and a majority in Parliament. Renamo, the former guerilla movement headed by Afonso Dhlakama, received nearly 34 percent of the presidential ballots and won 112 of the 250 seats in parliament.

2. Although the 1994 elections were hailed as marking a successful transition from war to peace and toward multiparty democracy, Mozambique's long-term transition requires strengthening political institutions and overcoming political, regional, and ethnic divisions. As a result, The Carter Center and others viewed the December 1999 elections in Mozambique as an important test for the country's transition.

3. The Carter Center's involvement in Mozambique's electoral process began in May 1999 when a staff team concluded that Mozambican political parties and electoral authorities welcomed a Carter Center role. In August, after the Center was invited by the *Comissão Nacional de Eleições* (National Elections Commission, or CNE), a 13-person Carter Center team observed the registration exercise and concluded that the process was proceeding in a positive fashion.

4. In October 1999, the Center opened a field office in Maputo and recruited 10 medium-term observers to monitor the campaign and electoral preparations. The observers traveled to all 11 provinces to assess the campaign and meet with electoral authorities, political parties, and others. The Center found several problems during the campaign, including delays in the disbursement of campaign funds, serious incidents of violence, and biased media coverage. Also, Carter Center observers had credible reports of intimidation of Renamo representatives in three districts in Tete province. In spite of these problems, the Center concluded that the electoral process was progressing satisfactorily.

5. Carter Center staff planned to assess the feasibility of a parallel vote tabulation (PVT) to enhance confidence in the official results. Unfortunately, the issue was politicized before the Center could meet with political parties and electoral authorities to explain the technique. In October, the CNE told a Carter Center team that since Mozambican law did not provide for a PVT, one could not be allowed.

6. For the Dec. 3-4 elections, the Center organized a 50-person delegation co-led by former U.S. President Jimmy Carter, Mrs. Rosalynn Carter, and former President Ketumile Masire of Botswana. Because of logistical problems in Zambezia province, the CNE announced that voting would be extended to a third day. Overall, between Dec. 3-5, Carter Center observers visited 747 polling stations in all of Mozambique's 11 provinces. In addition, delegates observed poll closing and ballot counting at polling stations on Dec. 5.

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.

15. In a Dec. 23 statement, The Carter Center reported that while it was not aware of serious irregularities that would affect the outcome, its observers did not have adequate access to verify the accuracy of the tabulation, despite repeated requests to the CNE. The statement also called for maximum transparency during the period for filing and resolving complaints.

16. On Jan. 4, the Supreme Court issued a decision dismissing Renamo's complaint and validating the official results and the election of President Chissano. Regarding the unprocessed tally sheets, the court determined that after the CNE reviewed the problem tally sheets, 550 tally sheets were still deemed unprocessable due to major errors, and thus excluded from the official results. The court estimated that this represented about 377,773 potential valid votes, but did not address the fact that this figure was larger than President Chissano's margin of victory.

17. From April to May 2000, a Carter Center assessment team visited Maputo to analyze the overall electoral process and formulate recommendations for future elections. The team found a lack of comprehensive information about the election results, but reported that election officials and political parties seemed genuinely disposed to work on electoral reforms.

18. The CNE and the Supreme Court indicated that unprocessed tally sheets were reviewed by a CNE subcommittee, including representatives from both parties. Renamo, however, claimed its representative did not review the tally sheets definitively at that time. Members of the court indicated that technical experts were consulted to determine whether the unprocessed tally sheets were likely to have changed the final result.

19. Overall, compared to some other recent experiences of post-transition second elections in Africa, Mozambique's 1999 general elections showed signs of a maturing political system. The parties forged a consensus electoral law and campaigned widely, and election day processes were well-administered with high voter turnout. Nevertheless, the credibility of the process was undermined by technical problems and a lack of transparency during vote tabulation.

20. In the spirit of support for Mozambique's democratization, this report offers a many recommendations for possible steps to improve future elections. The recommendations include: (1) reforming the electoral law to eliminate gaps and contradictions; (2a)

restructuring the CNE on the basis of a comprehensive review involving civil society, political parties, and election technicians; (2b) increasing the role of civil society leaders in the CNE, selected in consultation with the political parties; (2c) clarifying CNE rules and operating procedures; (3) restructuring STAE as an independent body with permanent technical staff; (4) adjusting a series of election day procedures; (5a) publishing complete polling station results for the 1999 elections and for future elections; (5b) establishing a faster reporting system and allowing party agents and observers to monitor the data; (5c) permitting a greater role for civil society, media, and national observers to gather information about election results, including conducting parallel vote tabulations (PVT); (6a) adopting regulations to provide automatically for a review of results, or a whole/partial recount, if certain margins or thresholds are crossed; and (6b) reforming the institutions and processes for electoral dispute resolution.

## **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 were then fighting their own war against nationalist liberation forces. In the early 1980s, what was to become Renamo was picked up by a new patron, South African military intelligence, which sought to use the group to destabilize neighboring Mozambique. While Renamo received substantial outside support, it soon began to capitalize on existing grievances within Mozambique. Foremost among these were a sense of ethnic and regional domination (by southern groups against the center and center-north) and heavy-handed attempts by the new Frelimo government to displace existing social and economic relations in the countryside without prompt and effective replacements. In 1984, Mozambique and South Africa signed the Nkomati Accord, designed to halt hostilities between the two countries (and end support for one another's armed opposition movements), but the war within Mozambique raged on.

By the end of the 1980s, with the transformation of the Soviet Union and the South African apartheid regime both looming on the horizon, external support for both sides began to dry up. A series of meetings in Kenya between Renamo leaders and Mozambican clergy in 1989 was eventually followed by formal peace talks in Rome. Frelimo changed the constitution in 1990, legalizing rival political parties and disavowing its Marxist-Leninist model. In October 1992, the Frelimo government and Renamo signed the General Peace Accord in Rome. The accord called for: the dismantling of Renamo's armed forces and the integration of some of its troops into a unified national army; the reform or disbanding of various government security forces; the reintegration of Renamo-controlled territory into a unified state administration; and the holding of the country's first multiparty elections. The completion of these tasks was initially envisioned within a one-year time period. Two years passed, however, before conditions were in place for a satisfactory electoral process. The peace process was supervised by a 6,800-strong U.N. observation mission, ONUMOZ.

The 1994 elections, overseen by a U.N. observation mission/peacekeeping force and generously funded by the international community, were widely seen to be free, fair, and successful, despite an abortive last-minute boycott attempt by the former guerrilla movement, Renamo. Frelimo, the party that had ruled Mozambique since independence, won the majority of seats in parliament, and their incumbent president, Joaquim Chissano was elected with 53.3 percent of the vote. Despite its international reputation as a brutal pawn of the South African apartheid regime, Renamo won 112 of the 250 seats in parliament. Afonso Dhlakama, Renamo's leader and presidential candidate, polled 33.7 percent of the vote in a field of twelve candidates. A coalition of three small and largely unknown parties won the remaining nine seats in parliament.



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 extreme north went overwhelmingly for Frelimo.

In the five years since the 1994 transitional elections, new democratic institutions have functioned relatively well and have suffered none of the reversals of some of Mozambique's neighbors, such as Zambia.

In Mozambique's essentially presidential political system, the president forms the cabinet, which includes a prime minister, and appoints provincial governors. In this system, the only formal openings for opposition in government are in the national assembly (parliament) and in municipal governments. Parliament has functioned relatively well, though the opposition boycotted it on several occasions. Frelimo's 51 percent share in the first multiparty legislature has given the opposition little leverage on major issues, since voting almost always follows strict party lines.

Until June 1998, when municipal elections were held in 33 selected cities and districts, all subnational administrators were appointed. In the newly created municipalities, mayors and municipal assemblies are elected. However, the new municipal governments have almost no representation from opposition parties, since Renamo and most of the other opposition parties boycotted the 1998 municipal elections in protest over election administration issues and alleged fraud. Renamo initially claimed there were problems with the electoral law, and later that there was fraud in the voter registration process and other aspects of the election administration. None of the opposition parties managed to register their candidates in time or fulfill all the requirements necessary to field candidates in all races. Only the *União Democrática* (Democratic Union, or UD) and the *Partido Trabalhista* (Labour Party, or PT) managed to run candidates. The PT contested just one municipal race, and the UD fielded candidates in three races.

As a result, Frelimo ran unopposed in 81 percent of the municipal assembly races and in 58 percent of the mayoral contests. However, several independent citizens' groups, running as apolitical organizations interested in the nuts and bolts of local governance, mounted successful challenges and won a significant share of seats in several cities, including the capital, Maputo, and Beira, the second largest city.

The 1998 municipal elections foreshadowed the 1999 general elections in several respects. First, they suggested that levels of political party development (in terms of technical and substantive capacity) had progressed little since 1994. Second, they demonstrated the degree to which technical and political problems can become entangled. High levels of mistrust tended to transform technical problems into political ones, and the notion of neutral technicians within the machinery of election administration is regarded with suspicion by the opposition. In the 1998 municipal elections, this problem was compounded by a lackluster elections commission unwilling or unable to take a leadership position on key issues. Third, voter turnout averaged less than 15 percent, and fell below six percent in some areas. The low turnout appeared to result from a combination of several factors, including the Renamo boycott, voter apathy, unfamiliarity

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.<sup>1</sup> 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.<sup>2</sup> The observers traveled

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

<sup>2</sup> 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 Secretariat of Electoral Administration (*Secretariado Técnico de Administração Eleitoral*, or STAE), party officials, local observers, and civil society leaders. Before departing, the delegation issued a report summarizing its findings (see Appendix B).

Overall, The Carter Center delegation's report was very positive. The delegation found that: there was a voter turnout, especially among women; party agents were present and satisfied with the process at almost every post observed; and there was evidence that citizens were receiving accurate information about where and how to register. The report also noted that the STAE's registration brigades were well-organized and dedicated, and domestic observers, in particular from AMODE (*Associação Moçambicana Para o Desenvolvimento da Democracia*), FECIV (*Forum de Educação Cívica*), and FORCISO (*Forum de Educação Cívica de Sofala*), were established in some provinces and beginning to work in others.

However, the team noted several potentially serious logistical problems related to the long distances and scarce transportation resources that hindered the distribution of supplies and the communication of election data. Registrants also cited long distances between registration posts as a hardship by registrants in many areas.

The delegation raised another concern: the status of Renamo's integration and active participation in STAE. According to the electoral law, political parties holding seats in parliament are to be represented in both the CNE and the STAE. The Carter Center delegation noted the absence of some Renamo assistant directors, particularly at the district level in some areas, and recommended that Renamo be integrated fully into the technical staff of STAE before the electoral period, as provided for in the electoral law.

The Center's observers also reported unclear roles of party agents at some registration posts, as well as an inconsistent police presence at the posts. Finally, the team noted concerns about the work conditions of brigade members, many of whom reported that they routinely worked entire days without food or rest.

Despite these concerns, The Carter Center team's general conclusion was that Mozambican society took an active role in the process, and that voter registration was proceeding in an extremely positive way.

### **October 1999: Field Office and Medium-Term Observer Training**

Where feasible and appropriate, The Carter Center often deploys long- or medium-term observers (LTOs or MTOs) as a critical component of its election observation methodology. The field presence of such observers allows the Center to conduct a thorough assessment of the pre-election environment, which is increasingly recognized as critical to an accurate, overall assessment of the entire electoral process.

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.<sup>3</sup> Andrea Wolfe, the Carter Center's 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.<sup>4</sup> 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

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<sup>3</sup> The team was led by Dr. David Carroll and the Center's senior political advisor on Mozambique, Dr. Carrie Manning. The other members of the team were: Carter Center staff Ozong Agborsangaya and Curtis Kohlhaas, consultants Andrea Wolfe, the new Field Office Director in Maputo, and Ana Barradas, an Electoral Consultant, and Dr. David Pottie from the Electoral Institute of South Africa.

<sup>4</sup> PVTs that use a random sample in order to obtain a rapid projection of the results are also referred to as "quick counts." Alternatively or in addition to quick count efforts, observers sometimes conduct more comprehensive PVTs, which collect results from most or all of the polling sites. For a thorough review of PVTs, see Larry Garber and Glenn Cowan's "The Virtues of Parallel Vote Tabulations," in the *Journal of Democracy*, April 1993.

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 Renamo members. Whereas the national CNE was plagued with political arguments which often hindered its ability to handle technical problems, CPEs and STAEs at the provincial and district level were sometimes able to play crucial roles in fostering calm, peaceful campaigning. Finally, in most provinces the delivery of electoral “kits”

appeared to be progressing well, even in the more remote and logistically difficult areas, designated by STAE as “areas of difficult access.”

**Campaign Funding: A Level Playing Field?** During the 1999 general elections, opposition parties once again remained dependent upon external sources of funding, as in 1994. This included both promised funds from the government and supplemental funding from international donors.

Most of the parties contesting the 1999 general elections also had run in 1994. In mid-1999, Renamo formed a coalition, *Renamo-União Eleitoral* (Renamo–Electoral Union), with 10 smaller parties, most of which had contested elections in 1994. These parties agreed to back Renamo’s Dhlakama for president in exchange for winnable seats on the parliamentary lists. Another coalition, UMO (*União Moçambicana de Oposição*), was formed under the leadership of Wehia Rupia, the third-place 1994 presidential candidate. Although several member parties of the UMO coalition defected to Renamo-UE, the remnants of UMO contested the election (see Appendix E).

The provision of campaign funds by both the government and donors suffered considerable delays. The delays contributed to the slow start-up of opposition parties’ campaigns, as these parties had practically no alternative sources of support. Funding for the smaller parties also was delayed by problems in their candidate lists and the additional time required of the CNE to verify these lists. These were finally overcome, and after some delays, campaign funds from the state budget were delivered as provided for in the electoral law and CNE regulations. Donor contributions for the campaign fund, however, were delayed longer. Initially, it was due to negotiations between the government and donors. Later, it was because donors had difficulties in disbursing the funds to the government. With about two weeks remaining in the campaign, the CNE distributed funds to the parties. Since the delays were not widely explained, they fostered accusations against the CNE and its status as a nonpartisan institution.

The opposition parties argued that these delays tended to work to the benefit of the ruling Frelimo party, which obtained an unfair advantage. Frelimo countered that their party had mobilized support and campaign contributions and that opposition parties could have done the same. Although there were complaints and widespread evidence of Frelimo using government resources and personnel in their campaign, no formal complaints were submitted by the parties or other appropriate authorities. The opposition parties mostly were disorganized and relied heavily on donor-provided campaign support.

While it is easy to be dismissive of opposition parties lacking the ability to raise sufficient funds on their own to conduct an election, it is important to remember that the governing party was, until recently, synonymous with the state, and enjoyed a formidable advantage via assets and the usual perks of incumbents (combining government business with campaign opportunities and using state resources).

**Uneven Campaigning and Limited Violence.** In spite of the late disbursement of campaign funds, most parties campaigned quite actively and peacefully. Unfortunately,

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" (*ilicitos 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).

Coverage of the incidents of campaign-related violence in most of the media was usually inconsistent with what Carter Center observers witnessed. Much of the media coverage of confrontations between Renamo and Frelimo supporters was one-sided and suggested that Frelimo was the victim of a war-mongering Renamo party.

Notable exceptions were *Mediafax*, *Metical*, and *Radio Moçambique*. The first two are fax newsletters with a relatively small circulation. The latter, which is the only means of communication that reaches a majority of Mozambicans, even developed a code of ethics for its journalists during the elections.

Especially culpable were the state owned television, TVM, and the newspapers, *Notícias* and *Domingo*. The former is the only daily in Maputo, while the latter is the only Sunday newspaper. These two newspapers were formerly government-owned, but since 1993 have been owned by a private company, Notícias SRL, with two parastatals, the Bank of Mozambique and the National Insurance Company, as the major shareholders. Given even this limited role of the state, and the fact that the editors and directors have not changed significantly following the “semi-privatization,” it would seem that these papers should be subject to the media provisions of the electoral law.<sup>5</sup>

### **November and December 1999: Carter Center Observer Mission**

**Delegate Briefings.** For the December elections, the Center organized a 50-person delegation of international observers from 16 countries. The delegation was co-led by former U.S. President Jimmy Carter, Rosalynn Carter, and former President Ketumile Masire of Botswana. The delegation also included eight observers from an autonomous delegation from the Southern Africa Development Community – Electoral Commissions Forum, or SADC-ECF), led by Justice Lewis Makame, chairman of the National Electoral Commission of Tanzania.<sup>6</sup> The delegates arrived in Maputo on Nov. 29, three days before the elections. On Nov. 30, the delegation received a series of briefings on the elections and political developments and was trained on the Center’s election observation methodology and the roles and responsibilities of international observers.

After receiving a detailed orientation on the political and historical context of Mozambique, the STAE director and the CNE president briefed the delegation on the electoral law and the current state of preparations for the elections. Both major parties sent representatives (the secretary general of Frelimo and the national campaign manager of Renamo) to meet with the delegation and share their opinions and concerns. The delegation also heard presentations by Mozambican observer groups on their observation efforts and plans.

In addition, The Carter Center’s medium-term observers provided a province-by-province briefing, summarizing their assessment of the campaign period and their observation experiences in the field.

**Observation Methodology and Deployment.** A final briefing session covered the Center’s observation methodology, logistics, and security issues. Observers also were provided with observation forms, or “check lists,” which detailed the procedures and/or irregularities that delegates should observe and record. Since voting was planned for two days, delegates received specific instructions for each phase of each day (see Appendix F).

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<sup>5</sup> See the final report by Article 19 on media monitoring for the 1999 elections.

<sup>6</sup> The observers from the SADC-ECF worked closely with the Carter Center delegation, including participating in joint briefings and deployment, but retained a separate institutional identity with official statements and reporting.



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 (perhaps to deter placement of campaign propaganda). However, the booths were usually placed far enough away from the officials' tables so that secrecy of the vote did not seem to be compromised.

Most teams noted that many older people, and those who did not speak Portuguese, did not seem to understand how to vote. This necessitated lengthy explanations, and a slow queue for voting. Lastly, many observers reported that polling stations had not been provided with enough candles to last through the vote count. When counting began on Dec. 5, officials often had to work late into night, sometimes long after their candles had burned out.

Overall, the Center's observers visited 747 polling stations in approximately 50 districts across all of Mozambique's 11 provinces, representing about 650,000 voters. The delegation's consensus was that the voting process functioned normally in the stations visited, with only a few problems. (See Appendix H for a summary report of the observer checklists).

On the basis of the debriefings, a breakfast meeting of the leaders of the main observer groups, and phone calls from the Center's observers still in the field, a Carter Center staff team started drafting the preliminary assessment and report. On Dec. 6, President Carter and President Masire delivered the preliminary statement on behalf of the full delegation, noting that while voting had ended, the Center would continue to observe the counting and tabulation processes before making a final assessment (see Appendix I).

### **December 1999: Vote Counting and Tabulation Processes**

Although the majority of Carter Center delegates left Mozambique by December 7, a team of 12 Carter Center staff and MTOs remained on the ground to monitor the tabulation of the results in the provincial capitals and at the national headquarters of CNE

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 The Carter Center, and later by Patrick Berg of the Center's Democracy Program. This work was coordinated with a small team of EU observers until the latter departed the country.

After counting at the polls, tally sheets from individual polling stations were sent to the provincial STAE and CPE for tabulation, along with blank, null, and contested ballots.<sup>7</sup> The material was transported in kits to provincial STAE offices under police escort and accompanied by party observers if they wished. Upon arrival at the provincial STAE, the kits were opened. The inviolable bags with blank and null ballots were removed and sent to the CNE in Maputo for review, along with a carbon copy of the tally sheet and any ballots that had been contested during counting.

Vote counting and tabulation occurred in three major stages: (1) At each of 8,322 polling stations on Dec. 5-6 with the results recorded on individual tally sheets ("*editais*"); (2) In the provinces, where the STAE and CPE tabulated 11 separate provisional results via a consolidation and computerization of individual polling stations results; and (3) At the national level, where the CNE-Maputo computed overall results by combining the computerized results from the 11 provinces and adjusting them based on CNE rulings on null, blank, and contested ballots and on "problem" tally sheets not included in the provincial results because of various problems. This process was followed for both the presidential and legislative races.

**Provincial Tabulation.** The tabulation of the partial provincial results occurred in most provinces between Dec. 7 and 15 using the tally sheets sent from individual polling stations. At the provincial office, polling station tally sheets were sent to the computer room and entered into a database for tabulation. To detect errors, every tally sheet was double-entered, using two separate groups of technicians. When errors were encountered, the CPE reviewed the tally sheets in question before approving them for re-entry.

In each province, one computer terminal was set up for national and international observers to check the data gathered at the polls against the information entered into the official database. If doubtful, observers could ask to see the original tally sheets for comparison and to resolve any discrepancies. When completed, the partial results from each province were stored on CD-ROM and sent in duplicate to the CNE in Maputo for the calculation of the final national results.

Apart from some logistical problems resulting in delays, Carter Center observers reported no problems with the transport of materials in most provinces. In Tete, however, the material from two districts arrived unguarded and were sent back to their districts to return with the proper escort. Later, a Carter Center observer reported that most of the tally sheets he saw from these districts showed modifications or suspiciously high voter turnout rates of 90 percent to 100 percent with either no or very few blank votes.

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<sup>7</sup> The other original ballot papers were stored at district level.

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.<sup>8</sup> 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 access was provided and where it was possible to compare poll results in the computer database with either original tally sheets and/or results observed at the polls by the Center's observers, no discrepancies were detected.

A large number of tally sheets had errors and required review by the CPEs before deciding whether they could be processed. Most of the errors turned out to be minor arithmetical mistakes or discrepancies, probably the result of polling officials' fatigue. More problematic, however, was the fact that hundreds of tally sheets contained more serious errors and were excluded by the CPEs, either because they felt the results were not usable (i.e., lacked poll identification numbers, listed more votes cast than registered voters, or appeared as if numbers had been changed), or because the CPE members could not agree among themselves. These unprocessed "problem" tally sheets were forwarded to CNE-Maputo for resolution and were not reflected in the provincial declarations of results issued by the CPEs (see "Unprocessed Tally Sheets" on Page 36).

Carter Center observers met with party representatives in the provincial capitals on various occasions. In general, Frelimo representatives had few complaints and were usually satisfied with the process. One important exception was in the provincial count in Nampula, where Renamo technicians who had been excluded from the process until very late were detected attempting to enter data fraudulently. The problem was corrected and the data were rechecked to ensure accuracy. Frelimo also complained about discrepancies in the data from seven polling tables in the Nacala Porto district of Nampula and requested a recount. A recount was done in the presence of observers from both parties and found only very minor discrepancies, basically confirming the original results.

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<sup>8</sup> In addition, the number of polling stations in each province was pre-programmed by STAE-Maputo. Therefore, final modifications in the number of polling stations made at the provincial levels could not easily be entered in the database. This caused a discrepancy between the actual number of polling stations and the number of stations in the database.

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" tally sheets arrived (see "Unprocessed Tally Sheets" on Page 36);

**(2) Reclassification:** Null, blank, and contested ballots were sent to STAE technicians for reevaluation/reclassification. The decisions were confirmed by two CNE members, one from each party, and then signed by CNE President Taimo; and

**(3) Computer data entry:** Photocopies of the tally sheets were made and sent to the computer room for data entry into a new internal CNE database. The original carbon copy was filed. The CNE decided to build this second database to conduct an internal, unofficial check against the partial provincial results arriving on the CD-ROMs to uncover any discrepancies.

Carter Center observers were allowed in all three rooms, but the level of access varied, and no aggregated information was ever available about the overall status of the process.

**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 area for observers in the computer room was fenced off from the rest of the room, and could be seen but not entered. Twenty computers in two groups were used to enter data. Observers were allowed to access the second database on a network computer, but each province was accessible only for short intervals. Carter Center observers did not have access to the carbon copies of the original tally sheets and therefore could only compare the database with results recorded from observers' monitoring in the field. Of those that could be checked, no discrepancies were found.

As the process continued, distrust between the CNE members from the two parties increased and began to hinder the CNE's ability to work. Eventually, due in part to the delays in receiving the partial results from provinces and concerns about tampering with unprocessed tally sheets, the Renamo CNE members announced that they did not trust the data arriving on CD-ROMs from the provinces.

Although they initially opposed its creation, Renamo argued that the internal database was the only data that could be trusted and verified as accurate. To verify the data, they insisted that all tally sheets entered into the database be printed out so that these could be compared with the copies of the original tally sheets. Although this threatened to paralyze its work, the CNE agreed to print all the tally sheets entered up until that point, a process which took several hours and interrupted all other work in the computer room. The printed tally sheets then were compared one by one with the tally sheets by two CNE members, one from each party. After this, the process of entering the tally sheets was resumed and continued until it was halted on Dec. 20 (as described in "Final CNE Results" on Page 37).

Speculation about the provincial results from the provinces was fueled by the CNE's delays in making the results public. When the provincial data finally were released, the numbers showed that results from roughly 10 percent of the polling stations were not included. But, since no clear public explanation was offered, suspicions about the results continued.<sup>9</sup>

In response to Renamo complaints of tampering by Frelimo, Carter Center observers visited the room where the main server and backup system were installed to store the entered data. A technician explained that a computer auditlog kept track of every user on

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<sup>9</sup> The official provincial results notices (*actas*) indicated that 934 tally sheets had not been processed, and hence not reflected in the provincial results. The number of unprocessed tally sheets were distributed across provinces as follows: Niassa 33, Cabo Delgado 101, Nampula 350, Zambezia 157, Tete 95, Manica 6, Sofala 120, Inhambane 11, Gaza 13, Maputo Province 48, and Maputo City 0.



the system and that user's actions.<sup>10</sup> 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 computer databases and tally sheets, suggesting that international observers might be able to help calm the atmosphere. A follow-up letter repeated this request. Unfortunately, in spite of some initial, positive indications from the CNE, access was never provided to the original tally sheets, nor to the databases containing the official provincial results.

**Renamo's Charges.** As the process dragged on, Renamo began holding press conferences every other day, announcing that the data gathered by its party observers indicated a Renamo victory and any other result published by the CNE would necessarily be fraudulent. They also claimed that most of the unprocessed tally sheets were from Renamo's provincial strongholds, in particular Zambezia, Sofala, and Nampula, and charged that the CNE was conspiring with Frelimo to rig the results. Frelimo officials remained mostly silent at this time, but urged calm and suggested that Renamo's press conferences were complicating the already tense political situation.

Tensions between the Renamo and Frelimo members of the CNE increased as the final results drew closer to completion. In addition to the regular Renamo party press conferences, Renamo CNE members started holding press conferences, charging that Renamo's representatives were being marginalized from the CNE and STAE.

Carter Center observers could not verify active marginalization. Although they did note that there were usually more Frelimo STAE personnel than Renamo STAE present in the computer room, no pattern of consistent restriction was apparent. On the contrary, Renamo technicians were usually present in the computer room.

**The Final CNE Results.** On Dec. 20, the CNE president ordered that the work on the second database be abandoned. Although it was not explained at the time, the CNE later said the decision was due to time pressures, since the legally required date for publishing final results (Dec. 20) had arrived, and additional election material from the more distant

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<sup>10</sup> The auditlog helped uncover the attempt to enter fraudulent data in Nampula, discussed above in the section on provincial tabulation.

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 about the transparency of the final vote tabulation. The report noted that the Center was not aware of serious irregularities that would affect the outcome, but said that its observers did not have adequate access to verify the accuracy of the tabulation processes, despite repeated requests to the CNE.

Citing these concerns, the report also called for maximum transparency during the period for filing and resolving complaints. President Carter added, "We hope the Supreme Court will take steps to resolve doubts about possible discrepancies in the election results and will invite the involvement of political parties and observers so that all sides can confidently accept the final result. Every opportunity should be pursued to check vote tabulations from alternate sources" (see Appendix K for the Dec. 23 preliminary report).

### **January 2000: The Supreme Court Ruling**

The complaint filed by Renamo included 23 separate allegations of fraud or irregularities, the most important of which concerned 938 tally sheets which Renamo claimed were not included in the results. Renamo's complaint demanded that the elections be declared null and void and that the court mandate a recount.

By law, the Supreme Court was required to announce its decision within 15 days. To assist them in their investigation, the court requested the assistance of technical experts, including a math professor at Eduardo Mondlane University in Maputo and an expert from the government statistics office. Carter Center observers met with members of the Supreme Court and offered to observe the process or assist in any way, but were not permitted to monitor the court's deliberations nor access any evidence that was considered.

The court conducted its investigation behind closed doors without any public hearings and relied primarily on testimony and interviews with STAE personnel. Members of the CNE were not interviewed directly, but instead were sent a list of questions, to which the CNE responded.

On Jan. 4, the Supreme Court announced its ruling, rejecting Renamo's complaint and validating the official results and the election of President Chissano (see tables "Presidential Election Results" and "Parliamentary Election Results"). The court issued a long written decision that reviewed Renamo's charges point by point, dismissing most as either incorrect, outside the court's jurisdiction, or lacking sufficient evidence.

As for the charge regarding the unprocessed tally sheets, the court determined that the tally sheets were excluded because of major errors or omissions which rendered them unusable. According to the Supreme Court's decision, of the total of 8,322 polling stations, 847 returned tally sheets that were not processed at the provincial level due to various problems. Of these, the CNE-Maputo processed 297 and added these data to the final official results. Results from 550 polling stations, however, were deemed unprocessable and excluded from the official results. The court declared that the irregularities on the tally sheets in question were so evident that neither candidates nor political parties had complained previously about the rejection of the tally sheets. In addition, the court noted that the discarded tally sheets came from polling stations in almost all provinces, suggesting that this indicated that there was no inherent bias against Renamo.

In its decision, the court estimated that the 550 excluded tally sheets represented about 377,773 potential valid votes. However, the court's decision did not address the fact that this figure was significantly larger than Chissano's final margin of victory (205,593 votes), nor did it provide any information about the provincial distribution of the excluded tally sheets or their probable impact on the final outcome. As a result, questions about the potential impact of these tally sheets went unanswered, leaving Carter Center observers and others wondering about the court's reason for not addressing the issue, and further fueling Renamo's suspicions of fraud.

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**

As the final phase in the Mozambique election project, a small Carter Center assessment team visited Maputo in late April and early May.<sup>11</sup> The team met with many of the key actors connected to the electoral process, including the director of STAE, the president of the CNE, members of the Supreme Court, and representatives of both major parties and of government. The goal was to analyze the overall electoral process, with particular attention on the counting and tabulation processes and the Supreme Court's ruling, to better understand what transpired and formulate recommendations for improving future elections.

The team reported that while there was willingness on all sides to concede that the elections were flawed in some ways, there was also a nagging lack of comprehensive transparent information about the election results. However, the team also noted that both the election officials and the major parties recognized the need to improve future elections and seemed genuinely disposed to work expeditiously to develop and implement recommendations for electoral reforms.

As background for the development of recommendations for future elections, the team reviewed some of the key problem areas in the 1999 elections. The major issues concerned the handling of unprocessed tally sheets and how the Supreme Court dealt with that issue in its decision.

**Unprocessed Tally Sheets.** The team met with various people to better understand the process through which decisions were made to exclude some unprocessed tally sheets.

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<sup>11</sup> The team included Dr. David Carroll and Amanda Bronson from The Carter Center, senior political advisor Dr. Carrie Manning, and Dr. David Pottie of the Electoral Institute of Southern Africa. The assessment visit was originally scheduled to take place in early March, but extensive flooding in Mozambique and across the region forced a postponement of the trip.

Both the CNE and the Supreme Court indicated that these decisions were, in effect, consensus decisions. They cited the fact that there was a three-person CNE sub-committee (including representatives of both Renamo and Frelimo) which received and signed the unprocessed tally sheets arriving from the provinces. This fact had been verified by Carter Center observers who had witnessed Renamo representatives participating in much of this work. Renamo, however, claims its representative did not review the tally sheets at that time, at least not definitively. Renamo claims that a full CNE session should have been held to deliberate the issue, and says that is one of the reasons the party walked out of the final CNE meeting preceding the official announcement of results on Dec. 22.

**Supreme Court Decision.** The team also met with members of the Supreme Court to discuss the Jan. 4 decision. Members of the court indicated that although they concluded Renamo's complaint was lacking evidence, the issues at stake were nonetheless of sufficient public importance to warrant thorough investigation. Consequently, the Supreme Court brought in technical experts to assist with calculations to determine whether the unprocessed tally sheets were likely to have changed the final result. Unfortunately, as noted earlier, the court did not provide any information about these analyses in its decision, nor through any other releases or statements to the public or media.<sup>12</sup>

As described to the Center, the court's analyses were based on projections of Dhlakama's possible share of the excluded tally sheets. For example, assuming that Dhlakama would have obtained at most no more than 70 percent of the potential votes on the excluded tally sheets, Chissano would still win by a margin of roughly 70,000 votes. While 70 percent is more than 20 percent over Dhlakama's percentage of the national vote, Dhlakama actually surpassed 70 percent of the vote in two provinces, Zambezia and Sofala. Unfortunately, neither the CNE results nor the Supreme Court provided detailed information about the distribution of unprocessed tally sheets by province. To complete a thorough analysis of the issue and resolve lingering questions about the potential impact of the unprocessed tally sheets, it would be necessary to have a complete listing of results by polling station, including how many polling stations from each province were excluded.<sup>13</sup>

## Conclusions<sup>14</sup>

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<sup>12</sup> This lack of clarity is confounded by apparent inconsistencies in the information published by the Supreme Court in its January 4 ruling. For example, the ruling appears to have given an incorrect number for the average number of registered voters per polling station (634).

<sup>13</sup> Analysis of the final results validated by the Supreme Court, including the increase in votes in each province resulting from the reclassification and review of unprocessed tally sheets, provides a rough basis on which to estimate the number of tally sheets excluded in each province. Analyses along these lines suggest that the largest number of unprocessed tally sheets were in Nampula and Zambezia, and that these two provinces probably accounted for between one half and two-thirds of the unprocessed tally sheets.

<sup>14</sup> Parts of this section draw from a forthcoming article by Dr. Carrie Manning to be published in Democratization, Summer 2001.

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 complaint, are positive signs of a nascent democracy.

Given Mozambique's recent history and the experience of the 1999 elections, it is important for future elections that steps be taken to build trust, confidence, and credibility in the country's electoral institutions.

### **Recommendations**

The Center's involvement in the 1999 elections was motivated by a desire to demonstrate international interest and support for Mozambique's democratization. In the same spirit, and on the basis of our work in Mozambique over the last 10 months, we suggest a number of recommendations that might be considered for future elections. These recommendations are not intended to be exhaustive nor definitive, but are offered simply as a means of contributing to the discussions that are already taking place in Mozambique. More important than any particular step is the need to move forward forthrightly and ensure that there is broad participation in the process, including both civil society and political parties.

**(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 on the CNE should be allowed to observe deliberations;

(d) Consider steps to streamline the functions of the various levels of CNE (and STAE) offices, possibly enabling final decisions on null and blank ballots to be made at the polling station or district level, and to concentrate tabulation and verification exercises at the national level, but ensuring adequate participation by political parties and access for national and international observers (see also #6).

**3. STAE as independent technical body.** Consider making STAE an independent body, with permanent technical staff that would work both during and between electoral periods, and over which the CNE would provide general policy guidance. A permanent STAE could be responsible for periodic updating and verification of the registration lists. If it is decided to include political parties in STAE, as occurred in this election, this must



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 findings of the Center's election delegation and from other reports, a number of changes might be considered regarding election day procedures. These include: standardizing rules for producing, distributing and using party agent credentials; standardizing polling station configuration, including the orientation of voting booths; numbering ballot papers to facilitate closing and counting processes; and ending the final day of voting at an earlier hour to provide more daylight during polling station closing and counting. Some of these may need to be included in revisions of the electoral law, others through future CNE regulations.

**5. Verification and publication of polling station results.** As part of its official counting and tabulation, the CNE should announce and publish complete polling station-by-polling station results for future elections and the 1999 elections. Timely publication of the complete 1999 results, even if they reveal some errors, will help resolve lingering doubts about the election and allow Mozambique to focus on future elections.

For future elections, the election results reporting system should have the capacity to produce polling station information much earlier during the tabulation and verification period – before the final official results are to be announced – and allow for party representatives and observers to monitor the data while the process is ongoing. This will require a different computer system and thorough and timely training of personnel, which were lacking in 1999. An improved system for reporting and monitoring results should make it easier to reduce the time between voting day and the announcement of results.

The systems for reporting and verifying results should be flexible enough, however, to allow for reasonable changes in procedure or established deadlines, if doing so would demonstrably increase the confidence of one or more of the parties in the process. The bias should be toward ensuring acceptance of results, not in following previously established rules to the letter.

In addition, as noted previously, consider encouraging a greater role for civil society groups, national observers, and independent news media in collecting and disseminating information about election results. Also, consider permitting such groups to engage in independent parallel vote tabulations (PVT) as a means of verifying and enhancing confidence in official election results.

These and other confidence-building mechanisms will likely require more lead time in terms of training and developing human resource capacity among political parties and civil society groups to ensure that they can effectively use such mechanisms. In addition to training poll watchers, capacity building should be extended to persons involved at all phases of the process, including technical training relating to computerization and monitoring of computerized databases. Forums, workshops, study missions, and other forms of information exchange would be useful, perhaps including some joint activities involving parliamentarians, civil society groups, and parties.

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.<sup>15</sup> 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.

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<sup>15</sup> 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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