



PRELIMINARY STATEMENT

BY

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MINISTER OF DEFENCE AND WAR VETERANS AFFAIRS OF THE
REPUBLIC OF ZIMBABWE**

AND

HEAD OF THE SADC ELECTORAL OBSERVATION MISSION (SEOM)

TO

**THE 15 OCTOBER, 2019 PRESIDENTIAL, LEGISLATIVE AND
PROVINCIAL ELECTIONS**

IN

THE REPUBLIC OF MOZAMBIQUE

MAPUTO, 17 OCTOBER 2019

- Your Excellency, Dr Goodluck Jonathan, former President of the Federal Republic of Nigeria and Head of the African Union (AU) Electoral Observation Mission to the Republic of Mozambique;
- Your Excellency, Mr John Dramani Mahama, former President of the Republic of Ghana and Head of the Electoral Institute for Sustainable Democracy in Africa (EISA), Electoral Observation Mission to the Republic of Mozambique;
- Your Excellency, Mr Kalonzo Musyoka, former Vice President of the Republic of Kenya, and Head of the Commonwealth Electoral Observation Mission to the Republic of Mozambique; represented here by Acting Chair, Mr Musa Mwenya, former Attorney-General of the Republic of Zambia;
- Your Excellency, Mr Lopo Nascimento, former Prime Minister of the Republic of Angola and Head of the Electoral Observation Mission of the Community of Portuguese Speaking Countries (CPLP);
- Your Excellency, Mr. Urbino Botelho, former Minister of Foreign Affairs of Sao Tomé and Príncipe and Head of the Francophone Electoral Observation Mission to the Republic of Mozambique;
- Your Lordship, Justice Andre da Silva Neto, Chairperson of the Electoral Commission of the Republic of Angola and Head of the Electoral Commissions Forum of SADC Countries (ECF SADC) Observation Mission;

- The Honourable Ignacio Sanchez Amor, Member of the European Parliament, and Chief Observer of the European Union (EU) Electoral Observation Mission to the Republic of Mozambique;
- Your Excellency, Dr. Stergomena Lawrence-Tax, the SADC Executive Secretary;
- Distinguished Members of the SADC Organ Troika and the SADC Electoral Advisory Council (SEAC);
- Your Excellency, the President of the National Electoral Commission (CNE); Mr Abdul Carimo;
- Representatives of Political Parties, Civil Society and Religious Organisations;
- Partners from the media,
- Ladies and Gentlemen,

I. INTRODUCTION

On behalf of the Southern African Development Community (SADC), and as mandated by His Excellency Mr. Emmerson Dambudzo Mnangagwa, President of the Republic of Zimbabwe and Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, it is my honour to welcome you all to this important event of the release of the SADC Electoral Observation Mission (SEOM)'s Preliminary Statement on the conduct of the Presidential, Legislative and Provincial Elections in the Republic of Mozambique.

The SEOM comprised of sixty-one (61) personnel, who were deployed to all the provinces of the country. These were: Maputo, Gaza, Inhambane, Manica, Sofala, Tete, Zambezia, Nampula, Niassa and Cabo Delgado. The Mission covered ninety (90) districts and one hundred and fifty-three (153) polling stations.

In accordance with its mandate, the Mission held consultations with key stakeholders, including political parties, the National Electoral Commission, civil society, government ministries, the police, the military, the Secretariat for Technical Electoral Administration (STAE), members of the diplomatic corps, and the media.

The Mission observed that the 15 October 2019 elections in Mozambique were held in line with the *revised SADC Principles and Guidelines Governing Democratic Elections (2015)*.

This Preliminary Statement covers the Mission's observations of the pre-election process and voting day activities. Our final report will cover our observation of the pre-election, voting process and post-election processes, which include the results announcement and adjudication process.

Your Excellencies, Ladies and Gentlemen

II. SUMMARY OF KEY FINDINGS

Let me now present the summary of the Mission's *Preliminary* findings:

(a) The Political and Security Environment

The Mission notes the significance of the signing of the Peace and National Reconciliation Agreement between the Government of Mozambique and Resistência Nacional Moçambicana (RENAMO), on 6 August 2019. The Mission wishes to take this opportunity to commend the two parties for laying an important foundation for sustainable peace in the country.

Against this background, the political and security situation was generally peaceful during the period of our observation. Campaign rallies in the areas we observed generally proceeded unhindered. This atmosphere continued into the voting day.

The Mission noted however, that the Republic of Mozambique was experiencing armed insurgencies in the northern parts of the country, as well as attacks on civilian vehicles in Manica, Sofala and Cabo Delgado provinces. Some of the political parties and stakeholders acknowledged the security challenges in those provinces.

The Mission also took note of the isolated incidents of violence and attacks reported in some districts, such as Gondola, Gorongosa, Manhiça and Xai-Xai.

In addition, despite the natural calamities caused by cyclones Idai and Kenneth that largely affected the provinces of Sofala and Cabo Delgado, the Technical Secretariat for the Administration of Elections (STAE) managed to provide tents, which were used as polling stations in areas where infrastructure was destroyed.

The Mission is of the view that these developments did not compromise the overall conduct of the elections in the country.

(b) Electoral Law and Electoral System

Elections in Mozambique are governed by the Constitution which, amongst others, provides for the presidential, legislative and provincial elections through direct, universal, equal and periodic suffrage. The elections are further governed by, amongst others, the Law Governing the Election of the President and Members of the National Assembly of the Republic as amended and the Law Governing Provincial Assemblies Elections.

The Mission noted that, in terms of the Constitution, the President of the Republic of Mozambique is elected through direct, universal, equal and periodic suffrage. The candidate who gains more than half of the votes cast is elected President for a period of five (5) years and subject to re-election only once. The Mission also notes that Mozambique uses the proportional representation electoral system in the legislative polls.

The Mission also noted that the Constitution mandates the Constitutional Council of Mozambique to determine appeals against decisions of CNE on matters of voter registration and elections; adjudicate electoral complaints and appeals; and proclaim final Presidential and Legislative electoral results. It was also observed that the District Judicial Courts are empowered to determine, at first instance, electoral complaints, and decisions thereof may be appealed to the Constitutional Council.

The Mission also noted positive changes with regard to the Law on the appointment of provincial Governors who are now directly elected as opposed to being appointed by the winning political party. In view of these observations, the Electoral Law and Electoral System of

Mozambique are consistent with the *revised SADC Principles and Guidelines Governing Democratic Elections (2015)*.

(c) The Management of the Electoral Process

The Mission noted that the registration of voters and the conduct of elections in Mozambique are managed by the CNE and STAE in terms of their respective mandate as provided under the Constitution and the electoral law of Mozambique.

The Mission observed that the three main political parties in parliament, Frente de Libertação de Moçambique (FRELIMO), RENAMO and the Movimento Democrático de Moçambique (MDM) as well as Civil Society Organisations (CSOs) are represented in CNE in terms of Law No. 6/2013.

The Mission also observed that CNE generally discharged its mandate in terms of the Constitution and Electoral Law of Mozambique including conducting training of polling officers, police, judges and journalists.

However, the Mission also observed other challenges that may require attention and these include:

- (i) the disputes surrounding the registration of voters in Gaza province, the outcome of which is yet to be advised by the Attorney General;
- (ii) Inadequate arrangements in some polling stations to enable the people with physical disabilities and special needs to vote;
- (iii) The tying up of the validity of voter registration to each electoral cycle in terms of the Law may pose financial and administrative

challenges. A continuously updated voters' register may be considered.

(d) Funding of Political Parties

The provision of political party funding is stipulated in the *revised SADC Principles and Guidelines Governing Democratic Elections (2015)* as an important factor in levelling the playing field for electoral contestants.

In this regard, the Mission commends the Government of the Republic of Mozambique for remaining committed to funding political parties taking part in the elections in line with the Law 8 of 2013 as amended. However, the Mission also noted the challenge acknowledged by several political parties that the funds were not adequate to comprehensively meet all campaign costs, hence the need for all parties to seek alternative sources of funding. The late release of these funds was also noted as a challenge by stakeholders.

(e) Access to Media

Another key area was access to the media. The Mission noted that the allocation of public media time to all political parties was at no cost, which significantly improved each party's outreach programmes. Despite allegations of biased news coverage directed at the national broadcaster by some stakeholders, the Mission observed that advertisement of campaign messages was generally extended to political parties in these elections.

(f) Gender Representation for Elected Positions

The Mission noted that in terms of Article 36 of the Constitution, men and women have equal rights before the law including in participation and representation in politics. However, the Mission noted that there was low level of women participation in politics. For example, of the 30 candidates for Governorship, only 5 were women. In addition, none of the presidential candidates was a woman.

III. OBSERVATIONS ON ELECTION DAY

On Election Day, the Mission observed the following:

- a) Most of the polling stations observed opened and closed on time except for a few, for administrative and technical reasons;
- b) The environment in and around polling stations was observed to be generally peaceful;
- c) Party or candidate agents, local and international observers were present at most of the polling stations observed;
- d) Generally, presiding officers at polling stations observed all opening and closing procedures;
- e) Voters took an average of 5 minutes in the polling station and voting was largely done in an orderly manner;
- f) The voters' roll was displayed in most stations;
- g) Police were present in most of the polling stations observed;
- h) Most of the polling stations observed posted results outside the station.

IV. BEST PRACTICE

The Mission noted the introduction of direct elections for Provincial Governors and District Assemblies as a commendable practice. This not only serves to enhance decentralisation but also consolidation of democracy.

The Mission also noted the implementation of diaspora voting as an important element in expanding citizen participation.

In addition, the free media access in respect of political advertising during campaigning is also commendable.

V. RECOMMENDATIONS ON THE AREAS OF THE ELECTORAL PROCESS THAT REQUIRE IMPROVEMENT

In light of the fact that the process of observation of the SEOM is continuing in the post-election phase, the Mission is not rendering comprehensive recommendations or qualifications of the elections at this stage.

This approach is consistent with the provisions of the *Revised SADC Principles and Guidelines Governing Democratic Elections (2015)* which enjoin the SEOM to consider all three phases of the electoral process - the pre-election, election and post-election stages - including the adjudication process, in order to arrive at a considered final report.

The Mission can however, highlight a few elements for the relevant stakeholders to consider for improvement at this juncture:

a. Model and composition of the Electoral Management Body

The party-based model of the Electoral Management Body (EMB) is generally responsive to the country's political context, and may therefore be deemed to be consensus-based. However, stakeholders may wish to consider developing a professional EMB model consistent with the Article 5 (1) 3 of the *Revised SADC Principles and Guidelines Governing Democratic Elections, (2015)*.

b. The Management of the Electoral Process:

The Mission recommends that the Republic of Mozambique consider introducing a continuous voters' registration system.

c. Political Party Funding

The Mission recommends the timely disbursement of finances to support political parties as provided for by the electoral law.

d. Low Participation of Women in Politics

The Mission recommends that the government and political parties as well as civic agencies consider strengthening programmes aimed at enhancing women participation in politics and governance. These measures could include introduction of affirmative action and legislated gender quotas.

VI. CONCLUSION

In conclusion, the pre-election and the voting phases of the 2019 electoral processes were generally peaceful, and conducted in an orderly manner.

The Mission therefore, wishes to commend the CNE and the STAE for conducting successful elections and all Mozambicans for exercising their civic rights in a generally peaceful and orderly manner.

In case of disputes, the Mission appeals to all contestants to refer them to the relevant legal institutions established to deal with such matters. The Mission also urges that the disputes be determined judiciously and expeditiously.

The Mission urges all political leaders and their supporters to be patient and remain committed to peace while results are being compiled for validation and proclamation by the Constitutional Council.

Finally, the Mission wishes to encourage the people of Mozambique to ensure that the spirit of the Peace and National Reconciliation Agreement signed on 6 August 2019 is sustained.

Muito obrigado

Thank you very much

Merci beaucoup

Asante sana