

2014 National Elections

Mozambique political process bulletin

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Campaigning *is* permitted now - but not use of state resources

The election law does not suspend the constitution. Constitutional guarantees of free speech permit parties and candidates to campaign now. But there is an issue about Armando Guebuza presenting the Frelimo candidate Filipe Nyusi at official public meetings.

O Pais on page 1 today repeats a common misunderstanding. The election law (8/2013, título III) sets an official "election campaign" ("campanha eleitoral") which starts 45 days before the elections and ends 48 hours before voting starts.

The only ban in the law is: "In the 48 hours that precede the elections, no electoral propaganda of any sort is permitted." There is **no** ban on "electoral propaganda" ("propaganda eleitoral") before the 45 days, which would manifestly violate the constitution.

The main purpose of the official campaign period is to give a set of extra rights to parties and candidates, particularly with respect to meetings, rallies, and putting up posters. All candidates are released from their work during the 45 days, but are still paid by their employers.

The law does impose some restrictions during this period. There can be no opinion polls and government (and in certain cases the private sector) must give equal treatment to all candidates and parties. Public sector media must treat candidates equally and all parties have access to radio and TV time.

On its front page today (19 March) *O Pais* states that by campaigning for the presidency, Filipe Nyusi is violating the law by starting his campaign more than 45 days before the election. That is not true, and Nyusi and Frelimo are free to campaign.

However, the way in which Nyusi was presented as the Frelimo candidate by President Armando Guebuza at an Open Presidency public meeting in Lichinga Monday does raise questions about legality. Guebuza asked Mozambicans to continue giving their total support to the Frelimo candidate for President in October, just as they have supported him. *Notícias* yesterday (18 March) showed a photo of Nyusi and Guebuza and the headline "Nyusi presented to the population in Niassa".

The election law (8/2013, título III) also states: "It is expressly prohibited for political parties and candidates ... in the electoral campaign to use the resources of the state, local governments,

autonomous institutions, state companies, and public companies and societies where the capital is exclusively or a majority public."

The Open Presidency programme is state-funded and presenting a political candidate at a government meeting does seem a clear violation of the law.

This is going to be an issue over coming months. AIM reported yesterday that "speaking in his capacity as president of Frelimo, at a meeting with all 49 Frelimo mayors, Guebuza said the mayors should use every opportunity, in speaking with the voters, with civil society organisations, or with the media, to speak of the life and work of our candidate, Comrade Filipe Nyusi". He urged the mayors to wear T-shirts bearing Nyusi's image, and make use of other propaganda material with his photograph." Frelimo mayors have a duty to promote Nyusi, Guebuza said.

On this, the law is clear, and Frelimo mayors cannot in their use their offices, staff or presence at official functions to promote Nyusi. Campaigning is allowed now, but by presenting Nyusi as a candidate at the government rally in Lichinga, President Guebuza is encouraging Frelimo members to violate the law on state support for the Frelimo candidate. *Joseph Hanlon*

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