

Mozambique Political Process Bulletin

2008 Local Election Issue 25 – 26 January 2009

Published frequently during the election period

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Published by AWEPA, the European Parliamentarians for Africa,
and CIP, Centro de Integridade Publica

Election commission offended by *Bulletin* article

The National Elections Commission is “extremely offended” (bastante ofendidos) by an article in this *Bulletin* last week, according to the Maputo daily *O Pais* today.

In Election Bulletin 23 on 17 January, we said: “In secret and without explanation or announcement, the CNE changed the intermediate results issued by the Milange, Beira and Nacala city election commissions.”

CNE spokesman Juvenal Bucuane denied that results were changed, adding: “We were extremely offended to read this because is it not true; there is nothing secret here”

Below is our response, followed by the full *O Pais* article (in Portuguese) and our original comment.

Comment

Secret alternations to intermediate results

The final results table for the local elections as validated by the Constitutional Council (CC) contains a column headed “Apuramento intermédio” (intermediate count). Under article 104 of law 18/2007, the “Apuramento intermédio” is the results published by the district or city election commission. For Beira and Nacala, the numbers published under this heading by the CNE and the CC are not the numbers published by the Beira and Nacala city election commissions and called by them “Apuramento intermédio”. Somewhere between the first publication of these intermediate results by the city elections commissions and their submission by the CNE, these numbers were altered or changed.

The law does not contain a provision for a city election commission to alter the intermediate results. They were changed before submission to the CC. Juvenal Bucuane says the CNE did not do it. This presents us with an even bigger mystery – who altered the intermediate results?

In his interview with *O Pais*, Bucuane does admit to “corrections”. If the CNE corrections include the substitution of one Apuramento intermédio by another, this is a substantial change or alternation.

We know from the CC ruling that a similar change was made to the Apuramento intermédio for Milange, but the CC explained that this was not accepted and was changed back to the original as submitted by the district election commission.

In contrast to the CC in its ruling, there has never been any statement from the CNE saying that there had been changes to the Apuramentos intermédios of the three cities, nor was there any

explanation as to why the official, legally published Apuramentos intermédios were rejected. With no statement and no explanation of why the changes were made, how can Dr Bucuane say “there is nothing secret here”.

We reinforce our comment of last week that in other countries with democratic elections, such unexplained substantive changes to the results are not permitted; Mozambique remains unique in allowing changes to the published results to be made behind closed doors. Elsewhere, even the smallest changes are public and explained.

And if the CNE did not change the three Apuramentos intermédios, can they please tell us who did.

Joseph Hanlon

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CNE ofendida com as críticas da AWEPA

escrito por Borges Nhamirre
O País, Segunda, 26 Janeiro 2009

“Nós ficámos bastante ofendidos quando lemos esta informação no jornal”. A Comissão Nacional de Eleições (CNE) ficou ofendida com as críticas da organização dos parlamentares europeus para África (AWEPA), referentes aos diferentes erros cometidos pelos órgãos de administração eleitoral na organização das terceiras eleições autárquicas.

A AWEPA escreveu, por exemplo, no seu boletim sobre o processo político em Moçambique de 18 de Janeiro corrente, dentre várias críticas, que “a CNE alterou resultados intermédios das eleições autárquicas em Nacala, Beira e Milange em segredo”.

E na mesma crítica o boletim editado por Joseph Hanlon chega mesmo a dizer que “Moçambique é o único país do mundo onde a Comissão Nacional de Eleições altera os resultados eleitorais em segredo” e as eleições são consideradas transparentes e justas.

“Não há nada secreto aqui”

Face a estas críticas, o porta-voz da CNE, Juvenal Bucuane, disse ao nosso jornal que a sua instituição ficou deveras ofendida com as críticas da AWEPA. “Nós ficámos bastante ofendidos quando lemos esta informação no jornal, porque não é verdadeira, não há nada secreto aqui, trabalhamos abertamente e os mesmos que escreveram isso, como observadores, alguns deles estiveram na sala onde estávamos a fazer a requalificação dos votos, e observaram todo o trabalho, e não houve nada de secreto”, disse Bucuane para sustentar que a informação veiculada pelo boletim da AWEPA é “falsa e tendenciosa”.

Sobre os resultados eleitorais de Milange, onde a alteração de dados pela parte dos órgãos eleitorais obrigou ao Conselho Constitucional a proceder à sua correcção, através da deliberação nº 02/CC/2009, facto que viria a ditar a alteração da distribuição de assentos na assembleia municipal local, sendo que um assento que fora atribuído à Frelimo, reverteu-se, após a correcção, para o partido UNAMO, Bucuane diz que “a alteração foi cometida no apuramento intermédio, pela Comissão Distrital de Eleições, de Milange”.

“Os dados contrastam entre o apuramento parcial (feito nas mesas de voto) e o apuramento intermédio, feito na Comissão Distrital de Eleições”, esclareceu o porta-voz da CNE.

Questionado se a CNE não haveria de tomar medidas de responsabilização aos supostos mentores da alteração dos resultados em Milange, Bucuane disse que é óbvio que haverá medidas. Referiu que brevemente a CNE irá se reunir ao mais alto nível para analisar o acórdão

do CC, para ver se é necessário mecher no sistema de trabalho, revelou e acrescentou que o caso da alteração dos resultados em Milange “não está encerrado”.

Bucuane diz ainda que a CNE anunciou ao CC sobre os erros de concordância dos resultados de Milange, e que por uma questão de cumprimento da calendarização, deixou ao critério deste órgão para que decidisse sobre o que fazer com o erro verificado.

Por sua vez, Conselho Constitucional corrigiu os resultados, o que influenciou na distribuição dos membros da assembleia municipal local.

Em nacala e beira não houve alteração

Quanto aos resultados dos municípios da Beira e de Nacala, onde o boletim da AWEPA diz que houve também alterações dos resultados pela parte dos órgãos de administração eleitoral, mas que foi atempadamente efectuada a sua corecção pela Comissão Nacional Eleições, Bucuane também nega que isso tenha acontecido.

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From **2008 Local Election Issue 23 – 17 January 2009**

Comment **Moving from secrecy to transparency**

In secret and without explanation or announcement, the CNE changed the intermediate results issued by the Milange, Beira and Nacala city election commissions. Mozambique is perhaps unique in the world in allowing the elections commission to change the results in secret and without any announcement. Indeed, the changes were discovered only by comparing the tables issued by the CNE in its final results with the intermediate results announced at local level.

From the Constitutional Council ruling, we now know that the CNE simply made a mistake on Milange. And observers were pleased with the changes in Beira and Nacala, because the CNE corrected wrong results issued under political pressure at local level.

In giving the CNE the role of announcing final results, parliament has clearly given the CNE the responsibility for checking and correcting errors. But the election will never be seen as free, just and accurate when that responsibility is carried out in secret. Changing the results in secret remains totally unacceptable. Elections will be seen as transparent and internationally acceptable only when the CNE's changes are listed and explained publicly.

The CNE deserves high praise for a radical shift in thinking, toward a new level of transparency, and resolving many of the problems criticised by international and domestic observers in the past. Observer regulations promise a transparency which is normal in other countries but is unprecedented for Mozambique. The regulations give observers the right to:

“Consult the deliberations, directives, regulations, and instructions issued by the National Elections Commission and STAE on material relating to the voting.”

and to

“Observe the operations following the voting at all levels, namely the centralisation and summation of electoral results at district, city, provincial and central level, including the announcement, validation, and proclamations of electoral results.”

In the past, deliberations and directives were secret, and centralisation of results could not be observed.

This year, many processes such as the requalification of invalid votes (nullos) were open to press and observers. Many of the deliberations were published, albeit with long delays. So there has been a real and positive shift to more openness. Centralisation of results, however, remains secret.

In its ruling on the results, the Constitutional Council stressed that observation and transparency are not governed just by CNE regulations and Mozambican law, but also by international norms and standards. To meet these standards, two further changes are essential.

- First, **decisions must be published promptly**. Most controversially, the lists of candidates approved by the CNE was posted at the CNE headquarters, but never put on the website or published in *Boletim da República*, leading to charges of misconduct, bad faith, and illegal changes of lists. The Constitutional Council and this *Bulletin* have no problem posting information on their websites quickly, and the CNE must find a way to do this.
- Second, **changes to results cannot be secret**. All changes must be listed and explained, and all relevant documentation made available. This already happens with revalidation of nulos, and must be extended to all other changes.

This CNE has made great strides toward openness and transparency, and made even greater promises. International and domestic credibility requires that the CNE take these final steps toward transparency.

Joseph Hanlon

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