

# MOZAMBIQUE POLITICAL PROCESS BULLETIN

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## 25 PARTIES & 8 PRESIDENTIAL CANDIDATES WANT TO STAND IN 1-2 DECEMBER ELECTIONS

25 political parties and coalitions and 8 presidential candidates have submitted their nomination forms for the 1-2 December national elections, according to AIM (the Mozambique Information Agency). Presidential nominations were submitted to the Constitutional Council and required 10,000 nomination signatures. Parliamentary candidates have to submit a series of documents, including a certificate stating they have no criminal record, to the National Election Commission. In previous elections candidates have been disqualified.

Only two parties, Frelimo and Renamo, are presently represented in parliament and are expected to receive the vast majority of votes. Their presidential candidates are Armando Guebuza for Frelimo and Afonso Dhlakama for Renamo. Renamo stands as the Renamo Electoral Union, in a coalition with 10 other parties:

National Convention Party (PCN)  
Mozambique United Front (FUMO)  
Mozambican Nationalist Movement  
Patriotic Action Front (FAP)  
Democratic Renewal Party (PRD)  
Independent Alliance of Mozambique (ALIMO)  
National Unity Party (PUN)  
United Democratic Front (UDF)  
Mozambican People's Progress Party (PPPM)  
Ecological Party of Mozambique (PEMO).

The only change in the composition of the coalition from the one that fought the 1999 elections is that the Mozambique National Union (UNAMO) has left, to be replaced by the Ecological Party of Mozambique (PEMO).

Under Mozambique's electoral legislation, to win any seats at all, a party must win at least 5% of the national vote. In 1994, one coalition of small parties squeaked past this threshold with 5.15%; in 1999 the small parties together gained 12.7%, but no single party gained more than 2.7% of the vote and none gained a parliamentary seat. Again this year, the small parties failed to form a coalition and thus will split the votes of those opposed to the main parties.

Two small parties won seats in local elections last year, and stand the best chance of gaining votes in the national election. The Party for Peace, Development and Democracy (PDD) is led by Raul Domingos, who is also standing for president. Standing in local elections in November 2003 as IPADE, it won single seats in Beira and Dondo municipal assemblies. Domingos was once the number two in Renamo and headed the team that negotiated the 1992 peace agreement with the government, but was expelled from Renamo in 2000. PIMO (Independent Party of Mozambique) was the only other small party to win last year, gaining single seats in municipal assemblies in Nampula, Angoche and Cuamba. Its head, Yaqub Sibindy, is also a presidential candidate.

The other four potential presidential candidates are Carlos Reis of the Mozambique National Union (UNAMO), Jose Massinga of the National Democratic Party (PANADE), Joaquim Nhota of the Democratic Liberal Party of Mozambique (PADELIMO) and Neves Serrano of the Progressive Liberal Party (PPLM). The Constitutional Council must verify each has submitted 10,000 valid signatures, and it seems likely that some candidates will be disqualified. The National Election Commission must verify the papers of all the parliamentary candidates by 16 October, and past experience suggests some will be disqualified.

## **9.1 MILLION ON REGISTER IS MORE THAN TOTAL ADULT POPULATION**

More than 1.2 million people registered to vote during June and July, bringing the official register to 9.1 million, according to the National Elections Commission (CNE). Of those registering, 697,925 were first time voters -- people who reached the voting age of 18 this year or who failed to register in previous years, 217,343 were transfers, and 330,703 were citizens who said they had lost their voting cards.

A new registration was conducted in 1999 and an update was done last year. The official number of voters is 9,095,185. This appears to be the number who registered in 1999 (7,099,105), those who registered for the first time in 2003 (1,308,592) and those who registered for the first time in 2004 (697,925). This figure was used to allocate parliamentary seats.

But the National Statistics Institute's latest estimate for the voting age population is 9.1 million, which would mean an impossible 100% of adults have registered. In practice, between 500,000 and 750,000 voters have died and not been removed from the roles, and the *Bulletin* estimates that at least 500,000 registered for a second time claiming not

to have registered before. Registration in 1994 was 78% and in 1999 was 85.5%. If those high levels were maintained, the real electorate would be between 6.7 million and 7.8 million.

**The 2004 registration breakdown by province,**  
from north to south is:

(To make the tables line up, use  
an equal spaced font such as Courier)

Province	New Voters	Transfers	New cards	Total
Niassa	34,571	9,091	18,798	62,460
C. Delgado	57,028	19,251	25,296	101,575
Nampula	134,665	33,908	69,058	237,631
Zambezia	128,863	31,577	71,504	231,944
Tete	61,832	11,860	14,096	87,738
Manica	43,280	13,291	17,065	73,636
Sofala	62,248	21,956	34,165	118,369
Inhambane	33,063	18,741	12,810	64,614
Gaza	44,834	23,141	23,020	90,995
Maputo Prov	42,281	18,025	18,413	78,719
Maputo City	55,260	16,502	26,478	98,240
Total	697,925	217,343	330,703	1,245,971

**The total electorate, by province, is**

Niassa	453,461
Cabo Delgado	794,270
Nampula	1,831,897
Zambezia	1,749,121
Tete	660,741
Manica	531,264
Sofala	802,149
Inhambane	579,356
Gaza	609,214
Maputo Province	483,493
Maputo City	600,249
Total	9,095,185

**Distribution of parliamentary seats**

Province	Number of seats		
	2004	1999	1994
Niassa	12	13	11
Cabo Delgado	22	22	22
Nampula	50	50	54
Zambezia	48	49	49
Tete	18	18	15
Manica	14	15	13
Sofala	22	21	21
Inhambane	16	17	18
Gaza	17	18	16

Maputo Province	13	13	13
Maputo City	16	16	18
Diaspora - Africa	1	0	0
Diaspora - Europe	1	0	0

The CNE has still not decided if it will hold elections outside Mozambique. If it does not, the two seats for the diaspora will be redistributed; one seat will go to Manica and one to Maputo City.

Again, a basic arithmetic error in the electoral law leads to a misallocation of seats. After the election, candidates are assigned to seats by the d'Hondt method, which leads to a correct result. This same method should be used to assign seats to provinces, but it is not. Instead the law (law 7/2004 art 150) gives a different procedure: divide the number of voters by 248 to give a number of voters per seat, then divide the number of voters in a province by the number of voters per seat, to give a number of seats per province. Where the remaining number is more than half, the province gains an extra seat. Thus there are 36,674 voters per seat and Inhambane gains 15.8 seats. Since .8 is more than half, the number of seats is increased to 16. Mathematically, this is incorrect, since it will not always result in 248 seats.

In 1999 (with no diaspora seats) it led to 251 seats. This year, for the 248 seats it gives a correct result. But if the two diaspora seats are reallocated, there are 36,381 voters per seat and only 249 seats are allocated; only Manica gains an extra seat. Maputo City is given 16.499 seats, and .499 is just less than half. In order to bring the number up to 250, the CNE had to violate the law and give the extra seat to Maputo City.

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**DAILY ELECTION BULLETIN  
AVAILABLE ON REQUEST**

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**WILL MOZAMBIQUE  
ELECTION BE MORE FAIR  
THAN THE US ELECTION?**

The Carter Center, which will monitor the Mozambican election, has questioned the integrity of the United States presidential election in November. Writing in the *Washington Post*, Jimmy Carter calls the Florida electoral process "suspicious" and says that "some basic international requirements for a fair election are missing in Florida". The Carter Centre has generally approved of the Mozambican electoral process and its limited criticisms have never been that strong, which means that Carter considers the Mozambique electoral process to be fairer than that in his own country.

Meanwhile, the Organisation for Security and Cooperation in Europe, which sent international election observers to the US, also criticised electoral procedures in Florida. It particularly cited allegations of intimidation aimed at lowering the turnout of ethnic minorities.

Jimmy Carter's article is on [www.cartercenter.org/doc1832.htm](http://www.cartercenter.org/doc1832.htm) and the OSCE report is on [www.osce.org/odihr](http://www.osce.org/odihr)

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## **CONSTITUTIONAL CHANGES PROPOSED**

A special session of parliament later this month will debate changes to the Mozambican constitution. This follows a very limited public discussion. Changing the constitution requires a two-thirds majority in parliament which means that both Frelimo and Renamo must agree. Furthermore, the draft amendments will be considered as a block, and cannot be accepted or rejected one at a time. Although an ad-hoc parliamentary commission has been working on the changes since 2000, and the proposal is consensual except for a disagreement over the Constitutional Council, it is possible that the whole package will be rejected. Unlike revisions to the constitution proposed and then rejected five years ago, the current proposals make no substantive changes. We reprint two articles by AIM which summarise the proposed changes:

### **97904E CONSTITUTION: FEW CHANGES IN GOVERNANCE PROPOSED**

Maputo, 23 Sept (AIM) - The constitutional amendments now under public debate change nothing fundamental in the Mozambican constitution.

Unlike the changes proposed in 1999, which were shot down when the main opposition party, the former rebel movement Renamo, changed its mind, the current amendments leave the system of governance established under the 1990 constitution intact.

The system thus remains presidential, with a heavy concentration of powers in the hands of the President of the Republic, who is both head of state and head of government.

The 1999 proposals would have made the Prime Minister the head of government, and would have obliged the president to consult with the Prime Minister before appointing any other members of the government.

The 1999 draft would also have increased the powers of parliament, allowing it to sack the government by rejecting its programme, or by a vote of no-confidence.

All of this has disappeared. Under the current proposal the Prime Minister has little autonomy, the president has a free hand

in appointing government members, and there is no provision for votes of confidence.

And, should parliament reject the government programme, it is not the government that falls - instead the President can dissolve parliament and call fresh elections.

The only significant change the current amendments have picked up from the 1999 ones is that the President would no longer be immune from prosecution. Should the President commit crimes in the exercise of his duties, he could be impeached and tried before the Supreme Court. For this to happen, parliament would have to call for impeachment by a two thirds majority.

The amendments also stipulate that nobody may hold presidential office for more than two consecutive five year terms of office. The current constitution is slightly ambiguous on this point, but seems to allow three consecutive terms of office.

The amendments propose a new body, the Council of State, which would have no decision making powers, but would advise the President. It would consist of the speaker of parliament, the prime minister, the president of the constitutional court, the ombudsman, any former presidents or speakers, the runner-up in the presidential election, and 11 "figures of recognised merit", seven chosen by parliament and four by the President.

The Council of State would give advice whenever the President requested it, and would be obliged to make its position known on any dissolution of parliament, or declaration of war or a state of emergency or of siege.

States of emergency and of siege are envisaged in the current constitution - but are not defined. The amendments fill this gap.

A state of siege or of emergency (the only difference mentioned between the two is that the former is more serious than the latter) "may only be declared, in all or part of the country, in cases of effective or imminent aggression, of serious threat to or disturbance of the constitutional order, or of public disaster", the amendments say.

Any declaration of a state of siege or emergency must specify which constitutionally enshrined rights and freedoms are to be suspended or limited. The President makes this declaration, but it is only valid if parliament ratifies it.

Certain rights and freedoms cannot be touched by a state of siege or of emergency - including the right to life and physical integrity (i.e. a state of emergency cannot be used as a justification for execution or torture), the right to citizenship, the right of accused persons to defence, and religious freedom.

Under a state of siege or emergency, the freedoms of expression, of the press, of assembly and of demonstration may be curtailed. Goods and services may be requisitioned, and citizens may be detained - but the reasons for the detention must be made public within five days, and the detained person brought before a magistrate within ten days.

The likelihood of any future President declaring a state of siege or emergency seems remote. After all, even at the height of the war of destabilisation, when the very existence of the Mozambican state seemed threatened, no state of siege was declared. Likewise, there was no state of emergency declared during the catastrophic flooding of early 2000,

(AIM)  
pf/ (696)  
98904E CONSTITUTION: DUAL NATIONALITY

Maputo, 23 Sept (AIM) - The draft amendments to the Mozambican constitution currently under debate relax the rules on nationality.

Under the current constitution, dual nationality is outlawed: any foreigner who wishes to become a naturalised Mozambican citizen must first renounce his or her previous nationality.

This demand has disappeared. The amendments now state that any foreigner over 18 years old who has lived in Mozambique for at least ten years may acquire Mozambican nationality. However, he or she must be able to speak Portuguese, or one of Mozambique's African languages, and must be able to provide for him or herself.

Naturalised citizens would share all the rights and duties of other Mozambicans, except that they could not be appointed members of the government, be elected to parliament, or join the army or diplomatic service.

Some significant extensions in basic rights are proposed. Just like the aborted amendments of 1999, these ones strengthen the right to privacy, by prohibiting the use of computers "to register and process data on political, philosophical or ideological convictions, religion, party or trade union membership, or private life, where the individuals concerned can be identified".

Personal data held in computerised form shall be protected, and there shall be legal guarantees concerning access to data bases, and the use of such data by public and private bodies.

As in 1999, the amendments not only retain the ban on the death penalty, but also outlaw life imprisonment. "Punishments and security measures that restrict freedom in perpetuity, or for an unlimited or undefined period, are prohibited", the draft states.

As a corollary, no-one can be extradited to a country where they may face the death penalty, life imprisonment, torture or other forms of cruel or degrading treatment.

As for detention, a new requirement is that "persons deprived of liberty must be immediately informed, and in a manner they understand, of the reasons for their arrest, and of their rights". Under the existing rules, there is no formal obligation on the police to inform suspects of their rights.

The amendments also specify that any evidence obtained through torture, coercion, "abusive intrusion into private or family life", or illicit phone tapping, shall not be admissible in court.

But in one area, the draft remains deeply conservative. In an age when the trend is to move from conscript to volunteer armed forces, the draft goes in the other direction, and military service remains enshrined in the constitution.

Recognising that it is quite impossible for everyone to spend a couple of years in the army, the draft makes matters even worse by demanding that the state "establishes a civic service to replace or complement military service for all citizens not subject to military duties".

This clearly contradicts the right to free choice of work mentioned elsewhere in the draft. It is also completely impractical: establishing this civic service would require a whole new layer of bureaucracy, and would be vastly expensive.

The draft does, however, recognise the right to conscientious objection, which is not covered by either the current constitution or the law on military service.

(AIM)

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There is a Portuguese edition -- "Boletim sobre o processo politico em Moçambique" -- which is available as an attached file only. Sadly, only normal bulletins are translated into Portuguese and not email-only editions such as this one and the daily bulletin.

This mailing is the personal responsibility of Joseph Hanlon, and does not necessarily represent the views of the Open University.

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