Mozambique peace process bulletin

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Talks break down as Renamo insists it won 1999 election

"Our premise is that Renamo won the 1999 election with 52% of the legislative vote and 60% of the presidential vote. Frelimo falsified the result and Renamo does not recognise Chissano or his government. If Chissano wants stability, he must satisfy Renamo´s demands. Otherwise, there will be many troubles," declared David Aloni, effectively number two in Renamo.

Aloni was speaking to the *Bulletin* after Renamo President Afonso Dhlakama walked out of the third round of talks with Mozambique President Joaquim Chissano on 29 March.

Speaking at a press conference the next day, Dhlakama said: "Since the beginning of the talks, the principal issue has been clear: the appointment of governors nominated by Renamo-UE in zones where we won the elections, or alternatively, early elections."

There is no international or diplomatic support for Renamo claims of election fraud. There were problems, particularly caused by a very large number of errors made by polling station staff in their report forms. But the consensus of observers from the Carter Centre, European Union, and this *Bulletin* was that the election was well run and that votes from disputed or excluded polling stations could not have changed the outcome. The international view is that Joaquim Chissano is the legitimately elected president of Mozambique.

But the result was relatively close, 52% for Chissano and 48% for Dhlakama. Renamo and Frelimo came under heavy pressure, both internally and internationally, to talk and come to some accord which would give Renamo and Dhlakama a greater role, even though there is no provision for this in the constitution.

Early last year, Frelimo even offered Renamo the chance to name short-lists for some governorships (see box on page 2), but this was rejected by Dhlakama who stuck to his all-or-nothing position – the right to name governors, not just short-lists, and in all six provinces.

Chissano and moderate wings in both parties support negotiation and felt progress was being made. But it seems that the hard-liners in both parties are in the ascendance, and Dhlakama is now making demands that Chissano cannot possibly meet.

Three meetings between the presidents

Afonso Dhlakama and Joaquim Chissano met three times in the new parliamentary office building. For the first meeting on 20 December, Dhlakama tabled a series of demands:

- Recount of the 1999 presidential vote.
- "Immediate abolition of the judicial system because it is rotten and strongly party-based."
- Equal representation and treatment of Renamo in the army, police, riot police, and security police.
- Renamo-UE to name governors, district administrators, and heads of posts in the provinces where it had a majority in the 1999 elections.
- Analysis of a government decree (15/2000) calling for increased involvement of traditional authorities and community leaders.
- "Dismantling party structures in the state apparatus."
- Release of people detained in connection with 9 November demonstrations.

Both sides agreed that the first meeting was friendly and went well. It included a one-to-one session between the two leaders, and some demands, such as for the abolition of the judicial system, were toned down. There was an agreed joint statement.

President Chissano agreed "to take immediate action to resolve possible discriminatory treatment in the armed forces".

And he made one major concession – in future, if posts of governor or district administrator fall vacant, Renamo will at least be consulted before a person is chosen for the post.

The second meeting on 17 January was very different, and was difficult, tense and confrontational. There was no one-to-one meeting. Each side said that the other side had changed completely after hard-liners had objected to the conciliatory tone of the first meeting and had forced their presidents to take a stronger stand. Dhlakama continued to claim that Chissano's position was illegitimate, and Chissano offered no further concessions to Dhlakama´s demands. *Bulletin* interviews confirm that both sides took harder positions.

Nevertheless, at Dhlakama's request, the second meeting set up a series of three working groups, on public administration, judicial and constitutional reform, and defence and security. Later two more were added, on the economy and on the media. It was agreed that the two leaders would meet again before the end of March.

The next meeting was on 29 March and was again tense, with larger teams of eight people on each side. After five hours of talks, Dhlakama walked out, handing Chissano an already written letter breaking off the talks.

Both sides agree on the cause of the breakdown

What was notable about the press briefings the next day is that the two sides agree almost completely on what happened on 29 March. Both sides agree that the working groups, in Dhlakama´s words, did "good work". The constitutional working group had eight meetings and produced an agreed report. In their statements both Chissano and Dhlakama said that the constitutional working group report made two points:

- The President of the Republic has discretionary powers which include the right to name and dismiss governors as he sees fit, but
- If appointment of governors is to be linked in any way to the vote at provincial level, then this requires a constitutional amendment.

Both sides agree that Dhlakama demanded that the President use his powers to appoint Renamo nominees as governors in six provinces, and that if he refused to do so, then he should propose the appropriate constitutional amendment urgently to parliament in this session. Both sides agree that Chissano refused to remove six governors and replace them with Renamo nominees, and also refused to move an urgent constitutional amendment, saying that this should be part of the ongoing constitutional reform discussion in parliament.

Finally, both sides also agree that a central sticking point is that Dhlakama wants negotiations between the two main parties, and he sees this as rooted in the 1992 peace accord. "We have to reach agreement with the Frelimo party, and not with the government," Dhlakama told the press conference. Chissano insists that this is a dialogue between the government and the opposition and that the peace accord period ended with the 1994 elections; Renamo is the official opposition, but it no longer has a special standing as a former armed movement.

This difference has coloured the talks from the beginning. Chissano´s team is mainly ministers (although it did include a member of the Frelimo Political Committee who is not a minister), and Chissano appointed ministers to head his teams in the working groups, stressing the view that his side is government. Dhlakama specifically complained about the use of ministers instead of senior party figures, reflecting his claim that the government is illegitimate. Similarly, Dhlakama repeatedly says he wants a political agreement on broad outlines, for example of constitutional changes, to be agreed by the two party leaders and imposed through party discipline on the party benches in parliament. Chissano, for his part, refuses to do this, and wants to move as many issues as possible over to parliament for debate.

Dhlakama wants Chissano to use powers they both agree he has to satisfy Renamo demands, while Chissano says he refuses to act as a dictator.

Hard and soft lines

Both Renamo and Frelimo have a spectrum of opinion on negotiation. On the Frelimo side, President Joaquim Chissano, as a former diplomat, seems inclined to talk, and has the backing of many of his ministers. But a majority of the senior party leadership and many in parliament are opposed to talks and concessions. Frelimo parliamentary leaders have publicly objected to the two presidents having talks over the heads of an elected body and bypassing it.

Leading figures in Renamo are also opposed to making concessions and push Dhlakama to stick to impossible demands. Others, particularly in the small parties in the Renamo-UE coalition, would prefer serious negotiations.

Thus, at present, those who see the Dhlakama-Chissano talks as a power struggle are dominating the process, pushing aside those who see a place for genuine political negotiations.

Carlos Cardoso, the assassinated editor of *Metical*, argued shortly before his death that there were factions within both parties who wanted violence and tension. Some of the old military people in Frelimo want to provoke Renamo into violence, so that the law and police power can be used to crack down on them. And some of the old military people in Renamo feel they have not not gained their promised rewards from peace and parliamentary democracy.

Maximo Dias, gecretary-general of Monamo and a Renamo-UE MP, told the *Bulletin*: "Renamo says people want to occupy power through noise and demonstrations. But this will only lead to a state of emergency and will be used by Frelimo to end elections. Some in Frelimo want this, and some idiots in Renamo fall into this trap."

Missed opportunities – 2
Local government patronage and power

It is widely believed that Afonso Dhlakama's demands for governorships are fuelled at least partly by need to satisfy the demands of former guerrillas and party militants in the north for jobs and power. Yet when Renamo boycotted local elections in 1998, it effectively lost the chance to provide jobs and influence to hundreds of its members. Thus pressure for governors now seems partly to make up for what many in Renamo now see as a mistake in 1998.

The decision to boycott was taken by Dhlakama in Maputo, and was opposed by many Renamo activists in the north.

Renamo officials seem to have underestimated the real power and patronage which is possible in the new local governments. They argued that the central government retained power to direct local authorities, but this was never true.

Furthermore, the new local authorities have had significantly increased income, which many have used to hire extra staff for rubbish collection, garden maintenance, etc. This income has also been used to pay elected members of local assemblies.

If it had stood in local elections, Renamo would have won control of 10 or more municipalities, which would have ensured salaries for hundreds of Renamo supporters. In large muncipalities like Beira, municipal presidents have more practical power than governors.

Municipalities have wide economic powers, and Renamo could have used these to assist and encourage Renamo-supporting business people.

Afonso Dhlakama, in his statement to a press conference on 30 March, complained that Renamo-UE members are being excluded from the administrations of the new elected local governments. He seems to have forgotten he boycotted the new elected local governments.

Why governors?

Some in Renamo-UE argue that demanding governors is foolish, because governors have little power. They are part of the government, and are expected to carry out the government programme and instructions from Maputo.

David Aloni said: "We accept that the governor does represent the president in the province, and must follow the government programme. But the governor is also expected to satisfy the aspirations of the people. The governor is the 'chief' in his area" and has sufficient discretionary power to take independent actions.

Dhlakama constantly stresses that simply appointing the six governors would go a long way to resolve the problems. Aloni compares the election situation to the United States and says that if Renamo gets its six governors, "we would shut our eyes and let Chissano govern, just as Bush is allowed to govern even though he did not win."

Aloni sees the appointment of governors as "psychologically important" and argues that it would create stability because "our people are more willing to follow orders from their own man". Dhlakama claimed at his press conference that "every day people are being killed and jailed because they voted for Renamo", and governors would provide some protection for Renamo supporters.

One senior figure on the more cooperative wing of Renamo even suggested that Renamo governors should be seen as a trial of party "co-habitation" as takes place in Europe.

Party transformation

Both parties are looking toward improvements in their party apparatus, after the close results in 1999. Both parties are already preparing for 2003 local elections (see page 7). Both are using donor funds, particularly $3 million from an ongoing (and apparently unique) USAID programme. Under the US progamme, the two main parties themselves decide how to use the money to draw on outside expertise.

Frelimo was shocked that the result was much closer than its militants in the provinces predicted, and it has moved fastest toward modernisation. Some US money has been used, for example, to gain advice on more sophisticated polling methods that can be used not just to predict voting patterns, but also on how to use public opinion to revise policy and gain votes away from the opposition. One member of the Frelimo old guard commented: "Frelimo must change to survive; to not change is suicide." A deep debate is expected at the May Central Committee meeting.

Renamo has been training youth and women´s movements, is trying to create a larger cadre on the ground, and has used foreign support to help it build the Renamo-UE coalition. But there is a huge frustration within the donor community, and even within the Renamo-UE coalition, at the failure of Renamo to transform itself from a very tightly controlled and centralised movement into a political party. Afonso Dhlakama continues to rule the party very tightly and will not accept any opposition; after the expulsion last year of the former number two Raul Domingos, Dhlakama told donors that he had felt undermined by Domingos.

Donors complain that Dhlakama refuses to send on training courses higher level people who might benefit, and instead sends lower level people who are effectively given a few days away at donor expense as a reward for loyalty, and who fall asleep in meetings. Observers argue that the lack of a strong layer of people below the top means a lack of political thinkers and means Renamo fails to capitalise on political opportunities.

Renamo has also had visits from opposition parties in neighbouring countries, who have argued that Renamo should take a more active and constructive role as an opposition, and even present alternative programmes, but this advice has been rejected.

The failure of Renamo to hold a Congress continues to provoke donor discontent; one important European agency has taken the money it had reserved to support the Renamo congress and is giving it to Raul Domingos' new group, IPAD.

Some diplomats feel that Dhlakama wants to give his supporters rewards instead of democracy, and that an important part of the demands for governorships is the patronage power of governors.

Disruption and negotiation in parliament

During President Joaquim Chissano´s state of the nation speech to parliament in December and several times in the early days of the session in February, Renamo-UE MPs banged on desks and used kazoos and other musical instruments to make so much noise that the speaker could not be heard.

The interruptions caused a serious backlash. The international community, including normal Renamo backers such as the United States, told Afonso Dhlakama that the disruptions were unacceptable, and that in a democracy people had to be allowed to speak. Dhlakama then personally ordered the Renamo-UE bench to stop the disruptions.

But many in Renamo still argue that the disruptions were useful and effective, and also note that they were specifically targetted. One senior Renamo MP told the *Bulletin* that the disruption of the President's speech had been important to demonstrate that Renamo still did not accept the legitimacy of President Chissano, and the international community had told Chissano that the speech demonstrated that he had problems in the country. All diplomats who spoke to the *Bulletin* denied this, however.

Similarly, Renamo disrupted parliament to make clear that it objected to the proposal to remove the immunity from criminal prosecution of some of its MPs for what it saw as political acts.

Meanwhile, there continues to be a remarkable degree of cooperation in parliament, especially in standing and ad hoc commissions. Some knotty problems were resolved in inter-party negotiations. Revision of standing orders became a hot issue, but was suddenly resolved by the two parliamentary party leaders – with input from the party heads – which resulted in simple trades with both sides accepting some issues the other side wanted.

One issue in the standing orders proved surprising. Until now, the President´s state of the nation speech has been debated by MPs. Renamo had proposed that there should be no debate on this speech, while the Frelimo parliamentary party wanted debate. But the Frelimo Political Committee met and decided that it agreed with Renamo, so in future there will be no debate on the president's speech.

Government losing propaganda war

Diplomats told the *Bulletin* that the government is losing the propaganda war. This is despite Renamo disruptions in parliament, which diplomats opposed, and Renamo's hard line demand on governors, which diplomats accept cannot be granted.

Two factors seem to fuel diplomatic discontent with Frelimo. First, the government is held responsible for growing corruption and there is a feeling that a Frelimo hard line helped to provoke the violence last November. Second, the diplomats feel that government is in more of a position to be conciliatory, and to make concessions.

In part this has led the diplomatic community to be less questioning of Renamo claims. One diplomat, for example, told the *Bulletin* that Renamo's demands in its letter before the first meeting were "not unrealistic" – apparently forgetting that the demands included immediate abolition of the justice system and Renamo naming officials at all levels in six provinces.

It is clear that diplomats feel that Frelimo and government could be offering more. For example, Renamo has demanded that some of its people be put on the boards of Radio Mozambique and the government-controlled private company which owns the daily *Notícias*, and this has been rejected. But European diplomats point out that opposition directors are common on state radios in Europe, as a way of ensuring fairness.

Similarly, Renamo argues for places on the boards of state companies, noting that in more established democracies changes in government ensure that boards tend to be mixed. That has not happened in Mozambique, so appointments of the opposition are needed now to speed the process.

A diplomat noted: "The government must throw Renamo a few appointments. There is real pressure from the international community for government to do something."

On the other hand, the Renamo walkout – and especially breaking off the working groups – came as a shock to diplomats. They had argued that even if the two presidents were at loggerheads over governors, what was really important was that the discussion process was continuing at other levels and seemed to be increasingly effective.

Catching up on 1999 elections

Two hangovers from the 1999 elections are still awaited. Under its aid contract with UNDP, the technical election secretariat STAE promised to produce a book of the detailed results, including each individual polling station. Such a book was published after the 1994 elections, but it took several years to produce. In 1999, STAE undertook to publish the detailed results more quickly, but the process has been moving very slowly. Donors became concerned and wrote a letter to UNDP, whose head Emmanuel de Casterlé has written to STAE asking about the detailed results. The problem, as was clear after the 1994 elections and as well as during provincial and national counts in 1999, is the very large number of errors in polling station reports (*editais*).

The other issue is the computerisation of the electoral register, which should have been completed a year ago but which is still under way.

The law calls for annual registration, but this is impossible since there is no National Election Commission. But STAE is proposing a special registration, especially in areas affected by floods in 1999, 2000 and 2001 and where tens of thousands of people lost all their posessions, including their registration cards.

Brief recap of events

Following its rejection of the outcome of the December 1999 elections, Renamo largely boycotted parliament and the political process. Renamo president Afonso Dhlakama demanded to name governors in the six provinces where Renamo had a majority, and Mozambique President Joaqium Chissano pointedly did not name new governors. (See box, page 2.) There were secret but official talks between Transport Minister Tomás Salomão and then Renamo number two Raul Domingos, who had headed the Renamo parliamentary bench in the first parliament and had headed the Renamo negotiating team in Rome. These talks broke down in May.

With the failure of negotiations, the harder wing of Frelimo came to dominate, and moved to attack Renamo. In June a Chissano speech about the talks seemed aimed at splitting Renamo, and the party eventually expelled Domingos. In July Chissano named all 10 governors without consulting Renamo. In October police raided six Renamo houses in Beira, including one of Dhlakama's, taking away small quantities of arms which had initially been kept there under the 1992 Peace Accord; although technically illegal, they were never used and seemed no threat.

During the year Renamo threatened demonstrations and to set up shadow governments. Frelimo ignored the threats, and there were no demonstrations and no shadow governments.

But when Renamo announced demonstrations for 9 November, Frelimo reacted with unusually provocative statements, saying the demonstrations were illegal and calling on people not to participate. In effect, Frelimo elevated the importance of the demonstrations, which then took place in many cities.

Although technically illegal because Renamo did not inform the police in advance and because the demonstrations took place during the working day, in most places the police turned a blind eye and small marches and rallies went ahead peacefully.

But there were also clashes. In all, more than 40 people died in the worst violence since the end of the war. In several cities, the police over-reacted, firing into crowds or beating demonstrators.

But Montepuez was very different. An organised armed attack on the city took place; seven policemen as well as a number of attackers were killed. Renamo forces occupied and sacked official buildings, and stole weapons from the police station. When order was restored the police made mass arrests. Prisoners were pushed into small cells and left without food and adequate water. On 22 November 83 prisoners died of suffocation in a tiny cell.

On the same night, Carlos Cardoso, editor of *Metical* and Mozambique's most famous journalist, was assassinated in a gangster-style shooting.

The violence caused a real shock in Mozambique, leading to the formation of a civil society movement for peace, and eventually to the talks between Chissano and Dhlakama. But violence did not stop. In February, there was an attempt to assassinate deputy attorney general Albino Macamo, who had been investigating corruption within the justice system itself.

Attorney General Joaquim Maderia, appointed last year as the first step in a clean up, made a strikingly honest report to parliament in March, when he admitted that the legal system itself was sick and corrupt.

Book reviews

Travellers Survival Kit, Mozambique, by Adam Lechmere, Vacation Work, Oxford. (www.vacationwork.co.uk) 1999
Lonely Planet Mozambique by Mary Fitzpatrick (www.lonelyplanet.com) 2000.
Maputo by David Martin, Africa Publishing Group, Harare, 1999

Mozambique is now a tourist destination and these new guidebooks are all good. Lonely Planet and Travellers Survival kit both cover all of Mozambique well. Both have good maps and detailed information. I check guide books by looking at places I know – neither made mistakes and both made assessments I agree with. I found Travellers Survival Kit slightly better; it has a few more of my favourite places. But either can be recommended.

David Martin's little book is goldmine of information about Maputo, even for the knowledgeable resident. Just the thing to keep on the shelf to give to visitors.

Mozambique and the Great Flood of 2000, by Frances Christie & Joseph Hanlon, James Currey (Oxford), 2000.

By *Bulletin* editor Hanlon and long time Mozambique resident Christie, this is the untold story of record floods.

Observing the 1999 Mozambique Elections, Final report/Processo de Observação das Eleições de 1999 em Moçambique, Relatóro Final, Carter Centre, Atlanta, Georgia, USA (www.cartercenter.org)

A year after the elections, the Carter Center quietly issued its mixed report, noting that "credibility of the process was undermined by technical problems and a lack of transparency" but also "the Centre had not seen evidence of serious irregularities that would affect the … outcome."

Peace in our Time by Anders Nilsson, Padrigu, Gothenburg University, Sweden, 1999.
The State Against the Peasantry, by Merle Bowen, University Press of Virginia, 2000.

Understanding Mozambique requires understanding the daily reality of the peasants. These two books each reflect research on the ground over 15 years, and thus have unprecedented credibility. Anders Nilsson did interviews for several years in the area around Homoine before and after its famous massacre in 1987, and he draws a fascinating picture of what the war looked like to its peasant participants. Merle Bowen looks at Ilha Josina Machel and how its relatively better-off peasants sturgled under colonial rule, Frelimo-socialism, and then the war. Both books are important reminders that real peasants don't fit handy simplifications of journalists or aid workers.

Already looking to 2003 local elections

Political parties and other forces are already preparing for local elections in two years, in sharp contrast to the first local elections in 1998 which were largely ignored.

Both Frelimo and Renamo are already publicly preparing. Three of the more significant small parties in the Renamo-UE coalition – Monamo, PCN and Fumo – have already made clear that they will stand in local elections separately from Renamo, either separately or as a coalition of three parties, and have approached donors for help with training.

There is a realisation that 2003 provides a rehearsal for the 2004 national elections and that as it is possible to stand in just a few cities; the demand on resources is not large, and available staff and money can be targetted in an attempt to make a good showing in a few places. Furthermore, citizens' lists are allowed to stand in local elections. Thus they can be seen as both a test of strength for possible coalition formation in 2004, and as an opportunity to learn party organising skills.

So far, there are only 33 muncipalities, but it seems likely that more will be added to the list before the 2003 elections.

Is civil society the '3rd force'?

The international community has always wanted a so-called "third force" – a political party which is neither Frelimo nor Renamo. Several people have put themselves forward as leaders of alternatives, but they could never build a party.

But the growth of civil society in the past year, in response both to violence and to political polarisation, has led some to argue that this might become a political force. The Movement for Peace and Citizenship (MPC) was set up late last year to challenge crime and corruption and brings together 12 different organisations.

The most talked about new organisation is IPAD (Democratic Institute for Peace and Development, Instituto Democrático para a Paz e Desenvolvimento – the acronym is not linked to the name) set up by Raul Domingos (recently expelled from Renamo but still an MP), Salomão Moyana (editor of the independent weekly *Savana*), and Inacio Chire (former secretary general of the small party PCN).

IPAD is clearly a political base for Raul Domingos, and some donors seem disposed to support it. But Domingos argues that IPAD is "a different way to do politics." He accused both Frelimo and Renamo of "arrogance by always claiming to act in the name of the 'people' but having no knowledge of the people.' The alternative is to strengthen the power of people through civil society. He argues that IPAD should be something like the political foundations in Europe and the United States.

Both IPAD and MPC (which includes IPAD as a member) are designed to promote broader political participation and to open issues up for debate in a way that the two main parties do not do.

Another newcomer is the Centre for the Study of Democracy and Development (CEDE, Centro de Estudos sobre Democracia e Desenvolvimento) headed by University Rector Brazão Mazula.

So far, these institutions have done very little and remain Maputo-based. But both IPAC and MPC have plans for national debate series.

IPAD and perhaps some other groups are looking to 2003 local elections, where groups which are not parties are allowed to stand. IPAD will try to promote citizens' groups to stand, and will try to bring together the citizens' groups already in city assemblies in Beira, Maputo and elsewhere.

If enough momentum is built up, then people from IPAD and other groups might try to form a party for 2004 national elections. The goal would be to obtain 10% of the seats – enough to play an active role in legislation or to force one of the big parties into a coalition.

IPAD plans information campaigns on the election law revision process, and plans to campaign in parliament to have the 5% threshold removed. This barrier requires a party to have 5% of the national vote, about 220,000 votes, before it can have a seat in parliament. It might be possible for small parties, backed by local citizens groups, to form a coalition to beat this barrier. But without the barrier, if a party ran a tightly focussed campaign in one city or one province and gained 20,000 votes, it would have a parliamentary seat.

Increasing local power

The Ministry of State Administration (MAE) has published a proposal [*anteprojecto*] for a new law giving more powers to lower level administrations – districts, administrative posts and localities.

The new proposals would set up a formal district government composed of the administrator, district directors and heads of administrative posts (the next level down), which would meet every two weeks.

The district administrator is appointed by the Minister of State Administration and clearly remains a person carrying out central government policy and programmes.

But the district government is given a wide range of powers over economic development, planning, and environmental issues, and is expected to raise more of is own funds through fees.

The new proposals would also create a consultative district council which would include the district government, presidents of any elected municipal councils in the district, community leaders (both "traditional chiefs" and village secretaries), and representatives of economic, social and cultural organisations. It is not stated how these people would be selected. But the council would meet three times a year, and would discuss and comment on economic, social and cultural issues dealt with by the district administration as well as plans, budgets and fees to be charged.

Heads of administrative posts are nominated by the governor and appointed by Minister of State Administration. Heads of localities are nominated by the district administrator and appointed by the governor. At both administrative post and locality level, there are to be similar "governments" and advisory councils.

District, post and locality governments and councils are known as "local state bodies" [*órgãos locais do estado*], where officials are still appointed rather than elected. MAE uses the term "decentralisation" for the shift of power to local elected bodies, and the term "administrative deconcentration" for the shift of power to appointed officials, as in this case.

Local salaries legalised

Local government salaries were finally given a proper legal footing again with the issuance of new regulations in January. The laws setting up the new elected municipalities (8/97 and 9/97) set the salary and expense payments for elected officials on a scale linked to the government salary scale. In December 1998 the government career structure was modified and a new salary scale adopted, but no link was made for local government, so there were no salary rules. Two years late, the new decree finally makes this link.

For Nampula and Beira, the salary for the president (mayor) is 10.3 million meticais per month with an equal amount of expenses (totalling $1080 per month), for a small city the president receives 5.6 million mt plus expenses ($590) and for a *vila* 2.8 million mt plus expenses ($300). *Vereadores* (local ministers) at the three levels receives 7.3 million mt plus the same amount as expenses ($770) in Beira and Nampula, 2.8 million mt plus expenses ($290) in a small city, and 1 million mt plus expenses ($110) in a *vila*. Many municipalities simply pay the "expenses" as extra salary.

The president of the municipal assembly receives no salary but has the right to the same expenses as the president of the municipality, so effectively earns half of what the muncipal president earns. Ordinary members of assemblies have the right to the same expenses as a *vereador*, so typically "earn" half that of a *vereador*.

For comparison, a doctor earns between 4 and 8 million mt and a nurse earns between 2 and 6 million mt.

Election law revisions within one year

Proposals for changes in the election laws will be submitted to parliament by 31 March 2001, the parliamentary ad-hoc commission to revise the electoral law told parliament (AR, *Assembleia da República*) in March. This allow the laws to be approved in time for local elections which must take place in 2003 and national elections in 2004.

The ad-hoc commission has concluded that the issue of the electoral law is primarily political and not technical, and has thus has decided to allow nine months for discussion between the parties followed by only one month of consultation with the public and with election technical experts. Initially the two parliamentary benches submit proposals and these are to be debated and proposals will be agreed. Only then will the ad hoc committee talk to others.

The National Election Commission (Lei 4/99) will be considered first. Parties were to submit proposals by 2 April and they will be discussed in May and June. Actual election procedures for president, parliament, and municipal presidents and assemblies (Leis 6/97 and 3/99) will be considered next, with party submissions by 30 April and discussion in August and September. Registration (Lei 5/97) comes last, with submissions by 31 May and discussion in October and November. Public consultations will occur in February 2002 followed by

a month for revisions, and submission to the full AR on 31 March 2002.

The ad hoc commission was also concerned about its budget. The AR finances department set aside a budget of only 300 million meticais ($16,000) whereas the ad hoc commission says it needs 1,471 million meticais ($80,000). Nearly all of this, 1,099 million meticais, is for additional money for the committee members as "honorários" and "subsídios".

Bigger or smaller election commission?

The biggest difference between the two main parties is over the size and procedures of the National Election Commission (CNE, *Comissão Nactional de Eleições*). Frelimo wants to move to a "smaller, cheaper, neutral" CNE and reverse the increasing "partyization" of the electoral system. Renamo does not believe that in present

day Mozambique it is possible to find enough people who are neutral, so it wants a CNE which is half Frelimo and half opposition, and that the two sides should select an outside neutral chair. (At present there is a government/Frelimo majority and the President appoints the chair). Renamo also wants a very large CNE, with 23 members (11 from each side plus the chair).

The 1994 CNE had 21 members. The 1999 CNE had 17 members: 8 Frelimo, 7 opposition, 2 government and the chair selected from within these 17.

Despite complaints at the time, Renamo now cites the 1994 CNE as a good experience because it was large and worked by consensus. Renamo again demands that the CNE work by consensus and not by majority vote, which would give a veto to every individual member of a very large group.

Consensus caused delays and problems in both national elections. In 1994, under chair Brazão Mazula, the CNE simply did not take decisions when there was no consensus. One result was that the CNE never approved parts of the manual for polling station staff. This meant that instructions on deciding when a ballot paper was invalid were never given to polling station staff, which was a major reason for the large number of invalid votes (*nulos*) which had to be reconsidered in Maputo in 1994.

In 1999 chair Jamisse Taimo also sometimes delayed contentious decisions. One result was that the final list of polling stations was only agreed two days before the election.

Agreement on other changes

On a number of other areas, there seems to be agreement of the two sides. Renamo has called for a permanent CNE rather than the present system where the CNE only functions for brief periods around elections and registration, and which makes it difficult for the CNE to carry out some of its tasks. Renamo suggests that the full CNE only function at the time of elections, and that the rest of the time there would only be a small group, perhaps one or two from each side, who would try to work together and only call on the neutral chair if needed. Frelimo accepts some sort of permanent CNE.

Under the present system, administration of the technical secretariat STAE (*Secretariado Técnico de Administração Eleitoral*) passes back and forth between the CNE, when it operates, and the Ministry of State Administration, when CNE does not function. Renamo feels this makes STAE a government body and therefore untrustworty. Both sides agree that STAE should be permanently under the CNE.

There is also agreement that two full days of voting is unnecessary, and some support for the proposal from the Carter Center and UNDP that voting end at noon on the second day, with counting being carried out in daylight on the afternoon of the

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Comment:

Is delay acceptable?

"It is better to wait five weeks if necessary but to get a clear and correct result", said Manuel Frank, head of the Renamo team working on the election law. Yet for Maximo Dias, a prominent Renamo-UE lawyer, delays in the 1999 result were already too long and only served to allow time from Frelimo to fake the result.

Officially Renamo sees consensus decision making and trusted party people doing slow and deliberate work on the count as being the best insurance against fraud. Yet this slows the process and makes it virtually impossible to meet tight deadlines. As deadlines are missed, others in the opposition see delay as space for fraud by the government. It is a conundrum which is genuinely difficult to resolve, but this must be done if a process is to be created which everyone trusts.

AWEPA has repeatedly argued that the only solution is to increase transparency. One choice, which we propose on page 13, is to make the counting process even more transparent to allow more detailed checks to be made by media and outside observers, so that less control is needed inside the CNE. The other choice is to make the CNE's meetings open, so that the press and public can see if one side is being deliberately obstructive or, conversely, a delay is caused by genuine problems which require time. The problem may be that too many people want secret meetings so their obstruction is not known, or so they can pass on distorted reports to their supporters and the press.   JH

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second day. This would reduce errors because staff would be less tired and would not need to count ballot papers by candle or lamp-light. And there is agreement that it should be possible to extend voting at just some polling stations, for example as in 1999 when a few polling stations never opened due to heavy rain.

Finally, there are proposals to allow more recounts of ballot papers. In 1999, the CNE was forced to not count the results from 560 polling stations in the presidential election and 727 in the parliamentary election because the final reports (*editais)* had errors which could not be resolved. Recounts are now suggested in such situations.

Some proposals have not yet been discussed. Renamo, for example, is suggesting that instead of a ballot paper, voters be given a stack of slips, one for each party or candidate, put one in an envelope, and give the others back to the polling station staff. This is seen as a way to reduce errors, as it does not require writing. But it imposes other complications, including dealing with large numbers of returned slips of paper.

There are likely to be some disagreements about improving procedure. The present law puts considerable stress on the use of party poll watchers (*delegados de candidaturas*) as a way of preventing fraud. But one senior Renamo-UE MP admitted to the *Bulletin* that in 1999 "Renamo-UE *delegados* were not prepared. They

Provincial parliaments or councils?

Renamo has tabled a bill calling for the setting up of elected provincial assemblies under the present constitution. Article 115 says "At provincial level representative democratic organs can be created."

The government response is a proposal for provincial consultative councils. This has not yet been formally tabled, but a proposal to parliament is expected later this year. The government proposal is that the councils would be broadly based and inclusive, taking in representatives of civil society including peasant groups, commerce and industry, religious organisations, traditional authority, and political parties.

Both proposals recognise that under the present constitution, such a body cannot have decision making powers, but both sides also recognise that governors have had to act too much in isolation and respond primarily to instructions from above and not to pressure from below. Thus both proposals would have the new body review and comment on the work of the governor and bring forward new suggestions.

The Renamo proposal is within the normal electoral model – people vote and choose their representatives, but only parties are represented. The government proposal reflects changing thinking in Africa and elsewhere that politics is becoming discredited and that ways must be found to draw in other people, such as traditional leaders and non-government organisations. But it is much more difficult to select people in a genuinely representative way.

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were not party militants and were doing it only for the money, so they were not useful. We need to find methods that do not depend on *delegados*."

In particular, Renamo wants the polling station president to give a copy of the final report (*edital*) to a *delegado* from each party present – which would make it easier for semi-literate *delegados* to report.

Alfredo Gamito, head of the parliamentary working group, argues that one of the main causes of errors in the 1999 election was not problems with the laws that need to be resolved, but rather a lack of training and poor training of election staff. He says more people with education, such as nurses and teachers, should be used as polling station staff and they should be better trained.

Another attempt to revise the constitution

Following the failure to revise the constitution before the last elections, parliament has again set up an ad hoc commission. Although public statements indicate wide differences remain between the two sides, it appears that there is a surprising level of agreement on the main points:

- To retain the present presidential system in contrast to the 1999 proposal which would have shifted substantial power to parliament, but
- To reduce the power of the president and shift powers to provincial level.

And there seems agreement that much of the work done on the previous failed attempt to revise the constitution can be carried forward and used again.

The previous attempt, during the 1994-99 parliament, led to a consensus proposal, which was then rejected by Renamo president Afonso Dhlakama who, if he was elected president in 1999, wanted the wide-ranging powers now enjoyed by Joaquim Chissano. There now seems an agreement to stick to a presidential system, but with reduced powers.

For its part, Renamo wants more powers at provincial level and also feels that the president should not appoint people like judges, governors and university rectors. For its part, the Frelimo parliamentary bench has always wanted to shift power away from the presidency, and now openly says that it must accept that some day it will lose power and that it would not want an opposition president to have as much power as Chissano. Thus it seems that the two sides can come to agreement on how to reduce the powers of the president.

Decentralisation seems a more difficult issue, but there is also a basis for negotiation. Renamo wants a South African style constitution, with elected governors and provincial assemblies which have real budgets and power. Senior Frelimo figures call this "federalism" and reject it; one senior MP told the *Bulletin* that federalism was the cause of Nigeria´s problems, and that Mozambique must retain a unitary state.

Renamo has already proposed elected provincial assemblies under the current constitution, and the government is proposing appointed councils (see box above). Thus it seems that both sides are pushing to devolve power to the provincial level, and that a compromise could be possible.

Improving the election laws

AWEPA considers that the present election law has worked effectively and transparently, and does not need substantial changes. Nevertheless, we feel that the 1999 elections did show that some problems exist. Thus AWEPA would like to suggest some modifications which we believe would improve the electoral process.

In the following four articles:

- We make specific proposals to correct errors, inconsistencies, and anomalies in the present laws, and propose minor changes to the law which would lead to smoother operation.
- Suggestions are made for ways to reduce the very large number of errors which occurred in 1999, including specific proposals to allow more recounts of the votes of individual polling stations (*assembleias de voto*) and to increase the role of provincial election commissions.
- We argue that increasing party representation at all levels has made the election machine slower and heavier without increasing confidence, and that only much greater transparency will allow all parties and the press to identify fraud and errors if they occur. Thus we suggest practical methods to increase transparency.
- We recongise that computers are essential to tabulate the final results, but we also recognise that computers have been the main area of genuine distrust by the opposition, and thus we suggest that the law create an Independent Technical Commission to Oversee Computerisation.

Correcting errors and smoothing procedures

In this article, we point to relatively detailed problems with the present election law, and look at ways to smooth procedures.

There are three specific problems with the election law in use in 1999:

- The method of assigning the number of AR deputies to a province (Art 137, Lei 3/99) is mathematically incorrect, as the CNE discovered last year when it led to the assignment of 251 seats for the 250 places in the AR. The d'Hondt method (Art 144, Lei 3/99) used to assign seats to parties must also be used to set the number of deputies in each province.
- Polling station staff, party delegados, non-party observers, journalists, police and others are not allowed to vote if they are not assigned to the polling station where they were registered. (Art 65, 66, Lei 3/99) This is a large number of people, who were allowed to vote at other polling stations in 1994. It makes no difference to the final result, as long as these people are only allowed to vote in the same province (*círculo eleitoral*) in which they are registered. The indelible ink prevents them from voting twice. It is recommended that polling station staff, party delegados, non-party observers, journalists, police, drivers and others who are working on the election be allowed to vote at other polling stations, and that their names and voters' number be recorded in the *acta* (the long report which each polling station makes).

- The constitution allows anyone over 18 years of age to vote. This means people must be allowed to register when they are 17 years of age, but the register must indicate the birthdate of people who are between 17 and 18, to ensure that only those over 18 can vote. With the new computerised register, this is possible.

There are three areas where the running of polling stations could be made smoother.

- The law should allow the extension of voting for an extra day in a limited number of districts or even a limited number of polling stations, where there are problems such as those in 1999 caused by the rain.
- There is no need for two full days of voting. UNDP and the Carter Center have suggested that polling stations should close at noon on the second day, and AWEPA agrees. This would allow counting to begin and be completed in daylight, which would reduce the number of errors caused by tired staff counting votes in the dark. In polling stations without electricity, staff should be permitted to suspend counting if it becomes too dark.
- The law and the subsequent manuals assign too many tasks to the president of the *mesa* (polling station presiding officer). The president should be allowed to delegate tasks as he or she sees fit, in order to make the process run more smoothly and more rapidly.

There are contradictions between the national and local elections laws, and this has become clear in discussions of the Moatize by-election. The calendar in the local election law (Lei 6/97) allows a much shorter

time than the calendar in the national election law (Lei 3/99); AWEPA suggests that the national election law simply be modified to say that the calendar set in the local election law applies to those elections. A second, more political, problem is that the national election law does not distinguish between small by-elections called on the death or resignation of a municipal president, and full national elections, which makes a small local election a very heavy, expensive and complex process, with three levels of election commissions and party representatives; there should be a simplified process for small local elections.

Finally, we note that the election law allow the Council of Ministers to set the date of local elections and the President of the Republic to set the date of national elections, but in both cases this must be within a defined period after the end of the five year mandate of the national and local assemblies. In other words, there is very little real flexibiity in setting the election dates, and this adds another unnecessary step. Thus AWEPA suggests that the AR consider fixing the election date, perhaps for the first weekend in October for national elections and the first weekend in June for local elections.

How to reduce the number of errors?

The most serious problems in 1999 arose with respect to the tabulation of the results. The central difficulty was the very large number of errors with respect to the *editais* – the short report forms prepared by the staff at each polling station. A second problem was the large number of votes and *editais* which needed to be reconsidered at national levels. In this article, we make detailed suggestiions for reducing errors in polling stations, call for a further increased role by provincial election commissions, and call for the law to allow more recounts.

There are four changes to the procedures which AWEPA believes would sharply reduce the error rate. One has already been noted above: closing polling stations at noon on the second day and ensuring that counting at the polling station takes place in daylight.

Second, the *edital* (short report) form must be made clearer and more detailed, and should include:

- the names of all parties or candidates, printed on the sheet in the same order in which they appear on the ballot paper, with space for the number of votes for each candidate. (A major problem in 1999 was that polling station staff did not always write the list of parties in the same order, often starting with the party which received the most votes.)
- clear lines for *nulos* and protested votes.
- spaces for the number of people voting who are not registered at the polling station (if the proposal above is adopted), for the number of

ballot papers in the ballot box, and for the number of unused ballot papers.

Third, we do not think that the election staff should be required to add up the totals, which caused many errors, but only report the totals which they actually count. Instead, we believe that the computer software should do the sums

Fourth, we call for a relatively obscure change in the law relating to the counting of protested votes. The law is clear that protested votes are counted and then set aside for reconsideration by the National Election Commission. Virtually all polling stations, however, treated protested votes like *nulos*, leading to incorrect sums. Although the present law is clear, we call for protested votes to not be included in the totals and by put aside, like *nulos*, for later reconsideration.

Compared to 1994, the 1999 elections gave a substantially greater role to provincial elections commissions. We support this, and would extend their role. In particular, we suggest that *nulos* and protested votes should be considered at provincial rather than national level.

Next, we propose to introduce the concept of recounts of votes of individual polling stations (*assembleias do voto*), and that recounts should be carried out a provincial level. The law (Art 88, Lei 3/99) already requires that all voting materials be sent to the district election comission. We propose that this be changed to send all voting materials, including ballot papers (*boletins de voto*), to the provincial election commission with 72 hours, as is already requeired for invalid votes (*nulos*) and some of the voting materials (Art 85, 86, 88, Lei 3/99). There should be an automatic recount of the votes if there appears to be a major error in the edital, in particular if:

- the number of valid votes, less the number of people who voted who were not registered at the polling station, exceeds 1040, or
- the sum of the number of votes for each candidate, plus the spoiled (*nulo*), blank and protested votes, differs from the number of ballot papers used by more than 1 per cent.

The computers would be programmed to authomatically reject any edital which met one of these conditions.

Where there are other obvious anomalies or protests by one party, the provincial elections commission should be able to do a recount. The use of recounts would ensure that no polling station was excluded from the results.

There should be special *editais* (report forms) at provincial level for each polling station, showing the nulos and protested votes which have been reclassified as valid, and detailing any recounts. No *editais* and no *nulos* would be submitted to the national election commission.

If these tasks are given to the provincial elections commission, under present procedures they would be overworked and would not complete their tasks within a week. Therefore, we propose that before the voting day, the provincial elections commission should constitute teams of 3 or 5 people, in the same proportions as in the provincial elections commission, who would carry out the reassessment of *nulos* and protested votes and do the recounts required. These people should have, at the very

least, a secondary school education and some training; they might, for example, be polling station presidents. Wherever possible, decisions should be made by consensus; when a majority vote is used, this should be recorded and published.

In this article we have proposed that:

- *Edital* forms be made clearer and have more information printed on them.
- More should be done a provincial rather than national level.
- Teams of additional people should be selected and trained in advance to help the provincial election commissions, and
- Recounts should take place where needed to ensure that every polling station is counted.

Use transparency to increase monitoring and raise confidence

The role of political parties and their representatives within election commissions and STAEs is a political issue which we do not propose to discuss. But AWEPA does wish to argue that increasing the number of party-nominated people within the electoral system has made the vote counting and tabulation process more complex and slower, yet it has not increased confidence.

The goal of any political party must be to ensure that other parties do not use the electoral machine to prevent fraud. The 1999 elections showed that even with people in the election commissions and STAEs at all levels, some parties believed that fraud had been committed, but that they could not prove it. The problem with naming individuals as watchdogs is that the party is dependent on them being alert and understanding a wide range of details about the process.

We wish to argue that the only way to ensure confidence is through an extreme form of transparency, under which all details of the election are made public and can be scrutinised not just by the parties, but by the press, civil society, election experts and even the international community. Furthermore, this is in keeping with the spirit of the Mozambican electoral law, which already requires that a copy of the short report form, the *edital*, be posted at each individual polling station as soon as the counting is completed. That means the result of each polling station is known to the public immediately. This transparency simply needs to be extended.

We note, for example, that one party has called for polling station staff, at the completion of counting, to give a signed copy of the *edital* to a delegate of each party which is present. Although this requires extra work, we think this should be permitted because it will increase transparency and offer the

parties a chance to do their own counts more accurately.

In this context, we call for slight revision in the counting process at provincial level, and for copies of all documents to be made available. Under the system we propose, *editais* would be entered into the computer at provincial level. To these, would later be added the special *editais* for reconsidered *nulos* and protested votes. If the computer rejected an edital, or if a recount was required for any other reason, a report would be made and the recount would be done and the new *edital* submitted for entry into the computer. To ensure total transparency, we call for a set of the four or six documents to be posted or collected together in a loose leaf note book (ring binder) as soon as they become available, with all documents for each polling station kept together for easy comparison. The following would be made public as the counting proceeded:

- A photocopy of the original *edital*.
- If the *edital* is rejected and a recount required, a report stating this fact and saying why.
- The recount *edital*, in needed.
- A printout of the data for the polling station as entered into the computer (after the data has been entered twice by two different people, and the computer system has accepted that the two sets of data agree).
- The *edital* for the *nulos* and reconsidered votes considered valid.
- A printout of the final result for each polling station.

This would all be done on paper, and not through access to a computer. It would require a photocopier and computer printer in each province, but we do not consider this excessive to ensure transparency. This notebook would be kept by the provincial administration permanently, and could be consulted by any member of the public.

Just as the vote count in an individual polling station is open to party delegates, the press and non-party observers, all recounts and reconsideration of *nulos* and protested votes must also be open to press, party delegates and non-party observers.

We note that the tabulation of results in Mozambique is a very slow process, and that accusations have been made by both major parties that the other side slowed the vote counting for its own ends. Again, confidence building requires the maximum transparency. Thus, we call for the publication of partial results as least twice a day during the counting process. The partial results would include:

- Votes for each candidate.
- Number of polling stations included.
- Number of polling stations for which *nulos* have been reconsidered.
- Number of recounts included.
- Percentage of polling stations still not included.

Rapid publication of partial results is common in most countries, because it prevents rumours and insecurity by showing that the counting is progressing normally.

In order to count the maximum number of votes as quickly as possible, we would propose that computer staff should first enter the results of all polling stations, and only then enter recounted results and the results of the reconsideration of nulos.

We note that decisions of provincial and national election commissions are taken in secret and often not published, which is a sure way to guarantee gossip, confusions and distrust. Therefore we argue that all decisions at any level taken by a vote and not by consensus should be publicly reported – only in that way will it be possible to prove or disprove claims of bias in the voting process.

Finally, the provincial election commission would be expected to publish a complete report, polling station by polling station, and with a complete list of decisions reached by vote instead of consensus, within a week of the completion of the count.

Parties should be allowed at least a week after the publication of all such reports to bring challenges to the national election commission or the supreme court.

How would this system prevent fraud? Those who claim fraud in the 1999 election claim that votes were somehow inserted into the counting process or into the computers during various stages of the count. If there are public documents at each stage of the count, then parties and the press can compare and see if changes have occured between the original edital and what appears in the final report. Furthermore, as another check on computer fraud, each party can use its own people to add up the totals, and confirm that the published totals are correct. Nothing can be added or altered without it being obvious to the press and party officials.

Some people in all parties do not want transparency. The loser will always want to claim fraud and may not want the ability to prove or disprove the claims. Similarly, election officials do not want to admit to mistakes and sloppyness. But transparency will be the only way to build confidence in the electoral process in Mozambique.

No one trusts the computers

Finally, we note that the use of computers in tabulating results is essential, but is also the source of more distrust than any other area. We do not find all of this distrust justified, but we do feel that problems with computers and computer technicians occurred during the 1999 elections which could easily have intensified distrust.

We are opposed to the appointment of further party-linked technicians, which did not prove useful in 1999, and instead wish to propose an entirely new route.

We call for the creation of an Independent Technical Commission to Oversee Computerisation. It would have one member appointed by each of the two main parties and an agreed and neutral chair (perhaps from outside Mozambique). All members would have to be qualified computer professionals. The procedure would be as follows:

- The Commission would write the specifications for new software, which would be subject to an international or regional tender. The software would be required to have adequate security and other checks, including an audit trail showing all changes to data entries (and which would be easily readabe and could be easily released to parties on request).
- After delivery, the Commission would verify that the specification has been met.
- There would be a trial run, using data from a past election from at least one province, which would be open to parties, press and public. (Such a trial would also test the system of release of polling station by polling station documents, proposed above.)
- Copies of the software would be available to any party to be checked by its own specialists.
- Once the software had been accepted, no changes could be made except by unanimous decision of the commission in the event that a major fault was found later.
- Once in place, the software would not be changed or modified before the next national election.

Simpler, better prepared and more transparent

In these articles, we argue that confidence will be increased through:
- Simplification, ensuring that all observers understand the process.
- Advance preparation, of software and teams, to reduce the number of problems that occur during the actual count.
- Transparency, to ensure that all decisions and every essential piece of information is public, so that parties and the press can do their own counts and their own interpretations based on accurate information.

No election anywhere in the world is perfect, but transparency means that opposition parties and the press are move able to discover errors and misconduct, and bring these to the attention of the national election commission, the courts, and the public. This is the only way to ensure genuine confidence in the process.