

Mozambique Peace Process Bulletin

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New mood in parliament

Parliament reopened on 21 March in a new, more constructive, and potentially more militant mood. The three parties are working together, putting behind them a boycott at the first session in December. And the Frelimo majority has served notice on the Frelimo government that it will not simply rubber-stamp legislation.

Mozambique's first multi-party parliament has 129 Frelimo MPs, 112 Renamo MPs, and 9 MPs from the small Democratic Union coalition. The first session of the assembly (parliament) in December was marred by a Renamo/UD walkout over voting procedures.

By the time the March session opened, Frelimo had made concessions on committee chairs, secret voting and an extra parliamentary session while Renamo was playing an active and constructive role in the organisational tasks of the new assembly.

"The minority realises that it will be outvoted, while the majority realises that it cannot simply impose its will. The result is a less emotional and more rational relationship in the assembly," explained Frelimo MP Ussumane Aly Dauto.

"December was the first contact between the two sides; there was still a lot of mistrust. Frelimo had an emotional reaction to Renamo, who were seen as people who committed atrocities. Renamo thought that to be an opposition was to oppose everything," said Francisco Madeira, Minister in the President's Office for Parliamentary Affairs. After that first sessions, "both sides saw the need to start afresh."

After the December session, parliament set up an ac hoc committee to draft standing orders. "This was a particularly good experience," Dauto said. It had members of all parties and worked by consensus.

The first month of the March-April assembly session was taken up by training and by sorting out its own rules and procedures. The assembly (with help from AWEPA) organised a 3-day seminar for MPs on their legislative role, and there was a two week debate on the standing orders. As the new

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Peace Process Bulletin

When we began more than two years ago, we said that the *Mozambique Peace Process Bulletin* would be "published irregularly until the first multi-party elections". Those elections have now been held and the peace process has, we hope, come to a successful conclusion. We will probably continue to publish, on a less frequent basis, to report on progress in the new parliament, local elections, decentralisation and further democratisation - but this is the last regular issue of the *Peace Process Bulletin*. I would like to thank my collaborators Rachel Waterhouse and Gil Lauriciano and the many people who helped us. We hope our readers have found the *Bulletin* useful.

JOSEPH HANLON, EDITOR

assembly still does not have standing committees, the new MPs took more than a week in party groups to study legislation for this session.

By mid April, parliament still had not reached its two items of substantive legislation, the government's five-year plan and 1995 budget. Time was wasted on minor procedural issues and the finer points of Portuguese grammar. There was an extensive debate on whether the standing orders should refer to party "benches" (*bancadas*), or whether this was an English adaptation and the correct Portuguese would be "groups". In a free vote, "benches" was chosen 109-87, with 27 abstentions.

As in parliaments everywhere, on important issues MPs of a party are expected to vote as the party agrees, but free votes are allowed at other times. On a complex debate as to where to start discussion of the standing orders, several prominent Frelimo figures voted with Renamo - so the discussion started, as Renamo asked, on voting procedures which occur near the end of the standing orders.

The UD sometimes votes with Frelimo and sometimes with Renamo.

Personal contacts between members of different parties are growing and the parliament has adopted a system of suspending the sitting for two hours or more if needed to allow meetings between and within parties to reach an agreement on difficult items which come up in debate.

"I have been following the process since before the Rome talks, and four years ago it was unthinkable that you could now have Frelimo and Renamo sitting together and even reaching agreements in private outside the assembly chambers," Madeira said.

The local press had great fun criticising the new parliament for its short days (0830 to 1400), long training and study sessions, and arcane debates. But the MPs are still learning their craft, and still finding out how a parliament functions. So far, they seem apt students.

Key concessions

Frelimo made key concessions to Renamo. First, the standing orders give all parties roles in parliament. Each party can nominate a vice-president of the assembly (with their rank determined by the party size in parliament) and committee chairs are shared.

Frelimo reversed itself on the issue that caused the December walkout - whether or not the vote on the speaker and other officials of parliament should be secret. In December, the vote was held in public. But when the standing orders were discussed the Frelimo bench was divided, and the issue was put to the party political committee, which opted for the secret vote demanded by the opposition.

The speaker of parliament agreed to a Renamo request for a special extra session of parliament in July to establish the constitutional court, discuss a forum to consult civil society, and to set up commission to revise the constitution, national anthem and flag. (Normal parliamentary sessions begin on 1 March and 1 November.)

The government's budget calls for 24,000 million meticais (about \$3 million) to be divided between the political parties, in proportion to the members in parliament. This is much larger than expected.

Members of parliament are also expected to approve very high salaries for themselves, of MT 8 million (about \$1000) per month, even though they will not be working full time. This is 40 times the minimum wage of MT 200,000. A government minister's salary is about MT 13 million per month.

Finally, the government promised Renamo leader Afonso Dhlakama a special status as leader of the opposition. Nothing official has been said, but Dhlakama is expected to keep his prestigious house (formerly the European Union residence) overlooking the bay and should have the salary of a minister.

Powerful committees

Parliament has set up a strong committee system. It will have seven standing committees:

- Plan and Budget;
- Social and Environment;
- Agriculture, Regional Development, Public Administration and Local Power;
- Economic;
- Defence and Public Order;
- Foreign Affairs; and
- Justice, Human Rights and Legality.

The committees have broad powers to discuss virtually anything in their subject area, to summon before them individuals, including government ministers, and to see secret documents. Committees "must build direct links with the people and civil society, and can hold public meetings," according to the standing orders.

All government reports and bills must be submitted to parliament 45 days before the start of a session and must first be considered by the relevant standing committee.

Committee members are nominated by the parties and the number of members is proportional to party representation in parliament. No one can serve on more than one committee.

Each committee has a chair (*presidente*) and a secretary (*relator*) who must come from different parties. Commission chairs and secretaries are selected by the largest party, but must be chosen proportionately from the various parties.

Parliamentary power

The Frelimo bench in parliament has made clear it will not simply rubber-stamp government legislation. The demand that standing committees must consider all legislation before it goes to parliament is a direct response of some of the few remaining deputies of the previous one-party parliament to the Frelimo practice of sometimes giving parliament complex legislation only on the day it was to be debated.

And the Frelimo bench has already summoned government ministers, including Prime Minister Pascoal Mocumbi, to parliament three times to explain legislation.

For 1995 the plan and budget have already been prepared, but Frelimo MPs have made clear that they expect that parliament will play a much greater role in the formulation of future budgets.

Although one Frelimo MP admitted: "This is not like other countries and parliaments. We accept that our budget is really set by donors at the annual Paris conference. We accept that our priority is to develop a donor-acceptable budget. But the assembly must be part of that process."

One-third women

One-third of MPs are women - 65 of 250. Three male MPs promoted to be ministers were replaced by the next people on the lists, who were women, so Frelimo now has 51 women MPs; Renamo has 13 and the UD 1.

With 40% of the Frelimo bench female, women MPs successfully pushed that the deputy party leader be a woman, and Virgilia Matabele was named.

Women of all parties are already working together. Frelimo MP Filipa Balthazar da Costa said that women already give moral support to other women when they speak and encourage women MPs to speak more often. She said it has proved easy to build links in parliament with Renamo and UD women.

Indeed, women MPs are forming a women's caucus which will analyse the impact on women of proposed laws, as well as looking at issues such as rape and violence against women.

Aid for parliament

Parliament looks likely to attract some donor assistance, and it clearly needs help. Ussumane Aly Dauto pointed out that when the ad hoc committee was preparing the standing orders, it had to use the word processors and photocopiers at the Ministry of Justice, which in the long term could compromise the

independence of parliament.

But there are two problems. First, says Dauto, is to convince donors not to impose aid but to allow parliament to set its priorities for training and technical assistance. Second will be to try to strike a balance; speaker Eduardo Mulembue is already calling for a sophisticated electronic voting systems rather than MPs simply raising their hands.

Local government:

First elections next year

The first local elections will probably occur late next year in ten provincial capitals, Maputo city, and a few urban and rural districts. But a whole system of local government must be created, so many issues remain undecided.

The Municipalities Law (3/94) was approved by the old one-party parliament on 13 September 1994. It sets out the general terms for converting present cities and rural districts into urban and rural municipalities.

The law calls for "the first elections" to be held "on a date defined by law before 1 October 1996" - a bad piece of drafting which makes it unclear if the law must be approved by 1 October or if the actual elections must be held by then. Whatever the technical reading, there is widespread acceptance that the first elections should be held next year.

The government is committed to what it calls "progressive decentralisation" with local government "gradually" taking over administrative and financial management of local infrastructure, law enforcement, delivery of social services and development support.

The law applies immediately to Maputo city (which has the status of a province) and the 10 provincial capitals (expanded by parliament from an original proposal of five). Municipal status and elections would be extended to the remaining 128 rural and 23 urban districts when they meet certain criteria.

A package containing a local election law, a local finance law, and criteria for elevating districts to municipalities is currently being drafted by the Ministry of State Administration (Ministerio de Administracao Estatal - MAE) with help from the World Bank and Sweden.

MAE hopes to have the package ready before the end of the year. It would probably go to parliament for its March 1996 session, which would permit elections later that year.

Some public debate is expected later this year on some of the unresolved questions, including:

- How much administrative and revenue raising power will be devolved? Current thinking is to give

municipalities administrative responsibility including paying staff and maintaining buildings for primary schools and primary health posts, but secondary schools and hospitals would remain the responsibility of central government.

◦ What basic criteria should be set for municipal status? A study of six "pilot" districts suggests that to function at a minimal level, a district needs a small town hall with at least a typewriter and duplicator, a car and small truck or tractor, some local revenue-raising capacity, and five trained staff (administrator, deputy administrator, clerk, planner and bookkeeper). More than half of districts probably have this.

◦ What form will the elections take? Should there be party lists as in the national election, or should it be a constituency-based system? If lists, should they be city-wide or should there be different electoral districts and lists for each neighbourhood (just as there were different lists for each province in the national election)?

Presidential system

Each town or district will elect a council and an administrator (or council president) for five years. The Municipalities Law defines a system at local level which draws on both the present local system of all-powerful (but appointed) district administrators and at national level where there is a strong elected president working with an elected parliament.

City and district councils will be large - 35 to 71 members, with a goal of each member representing only 1500 people - and would meet two to five times a year. It would approve plans, budgets, local taxes and charges and pass regulations. At other times, the elected administrator would be all powerful. But just as President Chissano's power is partly curbed by the new parliament, so the elected administrator would have less power than the present appointed one.

The Municipalities Law also continues the Portuguese custom of *vereadores* who are paid staff appointed by the administrator to oversee various activities, but who are political appointments rather than professional civil servants. Half of the *vereadores* must be elected members of the council.

Starting from scratch

During the 20 years since independence, the already highly centralised system inherited from the colonial state has become even more centralised. Health, limited social services and education are controlled and financed centrally. Local taxes have not been increased despite 40-fold inflation, so local people pay virtually nothing for roads, rubbish collection,

etc; the tiny local budgets now come mainly from central government and international aid. Without money, local service provision has collapsed. Even in Maputo, which should be the best organised, central government ministers have to intervene to sort out rubbish collection.

Thus it is not simply a case of electing local governments to do what is already being done, but to actually reconstruct the service provision and revenue collection. A local government finance law is key to this. Under the Municipalities Law, the 10 provincial capitals and Maputo City are already "municipalities", but nothing has been done to implement this because it is pointless without the finance law.

Chicken and egg

How widely the first local elections should be held is a subject of intense debate. The Municipalities Law (3/94) assumes a gradual approach and this is being followed by MAE, which says that a district should become a municipality and elections be held only when the district has the minimum conditions and basic local structures to function. The state - and donors - should target their help to those districts which lack the minimum conditions to raise their status quickly.

Some critics in the donor community and in Mozambique are calling for elections everywhere in 1996, on two grounds:

◦ First, the opposition might be expected to do best on those areas which lack minimum conditions. It is in the remote and war damaged areas where Renamo is strongest and where the opposition could argue that Frelimo has done least and ignored local people.

◦ Second, it is claimed that even under the present regulations it would be better to elect the district administrator, and that locally elected people would more rapidly create the minimum conditions to become a municipality.

Jose Guambe, National Director in MAE for local government, retorts that it would be "absurd" to try to hold local elections everywhere next year. Another MAE official dismisses as "romantic" the notion of some donors that a district council could be elected and meet under a cashew tree to solve local problems.

Supporters of the gradual approach cite five problems with early elections:

◦ First, the whole concept of elected local government is new. In rural areas, in particular, authority has traditionally be individual and not collective. People recognised officials appointed from outside and can understand the idea of electing a chief, but he or she is then expected to personally resolve the problems. It will take extensive civic

education to explain collective responsibility and the continuing role of an elected local council.

- Second, recent history of money coming largely from outside the district means that if officials were elected now, they would only see their job as spending money. A local finance law must be in place so that the new councils and administrators have the responsibility to collect the money they spend.

- The Municipalities Law carries on the tradition of political people as administrators, but recent history has already shown that they cannot accomplish anything without at least a small professional staff.

- Without proper accounting and reporting systems and other controls in place, the new system is a recipe for corruption. The administrator will just appoint his friends as *vereadores*, hand out land to his family, and pocket tax revenue.

- Without a minimum of staff and working conditions, the new elected administrator and council will not be able to do anything to improve local conditions; non-functioning local government will bring the whole new system into disrepute.

MAE is strongly committed to decentralisation, and privately MAE officials accept that central government will be reluctant to give up too much power and money to local control in the first phase of decentralisation. They will want to decentralise the costs but not the revenue.

Thus they accept the argument that it will require strong local governments to press central government for further powers.

But MAE officials also argue that because the whole concept and structure is so new, elected local officials must first gain experience with what they can do locally before they will understand what are the genuine limitations of the decentralisation. They will be more effective in fighting for more power if they can do so from experience.

Donor driven?

MAE feels under intense pressure from donors and feels that local elections are largely donor-driven. But its feeling of donor pressure for country-wide elections next year may not be valid, because the donors themselves are not sure of their positions.

It appears that most donors will accept a phased approach to elections, so long as the criteria for choosing districts for municipalisation is clear and that first elections are not mainly in districts that backed Frelimo in the national election.

Donor splits were shown clearly by two different donors who told the *Bulletin* of their experiences in rural districts in the north. One said the administrator spent all his time in the provincial capital and had done nothing to rebuild the district headquarters, and

that the people were demanding local control. Better to have an elected local rogue as administrator rather than an appointed one.

The other said that in the district he visited there was no economic base and no capacity to handle local government issues, and that elections there now "would just create disappointment and disillusion."

Meanwhile, if MAE is not moving as fast as some donors want in drafting decentralisation laws, then other donors are mainly to blame. First, the World Bank was extremely slow in starting its project within MAE, which only began this year. A MAE official complained that during the planning of the project, the Washington project staff changed three times, and each project head started from the beginning, refusing to accept what had been agreed by the previous one. Furthermore, the World Bank is so centralised that even little things need approval in Washington. "For an organisation so interested in decentralisation, the World Bank is highly centralised," he commented.

Second, MAE is so dominated by donors that it simply does not have time to do the work it is supposed to do. "MAE is just an administrator of projects; it is the projects that rule, not the minister," said a disillusioned MAE official.

Traditional authority

The role of "traditional leaders" such as *regulos* and clan chiefs was an issue during the war and two of the articles of the Municipalities Law deal with "involvement of traditional authorities". The new local governments are required to ask the opinions of "traditional authorities recognised by the community as such" and to coordinate their work with them. Traditional authorities "can be asked to collaborate" in a broad range of areas including allocation of land, collection of taxes, road maintenance and "maintaining harmony and social peace."

The issue is complex; traditional authorities do retain local power and prestige in some rural areas and not in others. Renamo reinstated many of the old *regulos* who had been put in place by the colonial authorities and then displaced by Frelimo in 1975; some proved popular and respected while others were despised and rejected. In recent years, Frelimo, too, has been trying to deal with traditional leaders.

National Director Jose Guambe agrees that the biggest problem is whether or not so-called traditional leaders are actually locally accepted. He argues that it is not for local government to impose "traditional leaders" and that they will not be given any formal local powers. But where local people accept it, local government must recognise and grant respect to customary power.

But problems are already arising. The Sunday newspaper *Domingo* (9 April) said that in Inhambane province *regulos* are citing the Municipalities Law as authority to collect taxes, including fees from migrant miners return home, as they did in colonial times.

The test will probably be if people are prepared to pay. In colonial times *regulos* were agents of state power and could enforce their demands; now, even with the Municipalities Law, traditional leaders will have no way of enforcing demands and decisions.

Donor politics:

Temporary thumbs up

Donors are generally pleased with the new government and seem prepared to give it cautious support for the rest of this year - putting Mozambique on a longer leash without permitting it free rein.

This consensus emerged at the annual Consultative Group (donors') meeting in Paris on 14-15 March. It was an explicit rejection of United States attempts to win support for its continued vendetta against Frelimo.

Before the meeting the US circulated a statement, backed by Britain, demanding steps "to advance national reconciliation [and] strengthen democratic institutions", including a greater role for Renamo and a "resumption of President Chissano's dialogue with Renamo leader Dhlakama."

On 13 March, the US called a special pre-meeting of donors in Paris to press its case that the new government was really no different than the pre-election one, that during the war and the peace process Frelimo had been allowed by donors to get away with anything it wanted, and that the donors must now tighten the screws and impose heavy new conditions. "The easy times are over," said one US official. This was backed by Britain and Germany. But, according to one donor representative present, the three were "totally isolated" by the other donors who opposed the US analysis, style and strategy.

Most donors accept that Frelimo has been democratically elected by a much higher proportion of voting age adults than either the British or the US governments. Further, they feel that the government has changed. Prime Minister Pascoal Mocumbi as well as Finance & Planning Minister Tomas Salamao and his deputy Luisa Dias Diogo won high praise from donors for their performance in Paris.

The March meeting was described as the most political Consultative Group meeting on Mozambique ever, but it became political in a positive way with support expressed for the new democratic institutions

such as parliament, local government and the independent media.

Although donors are not prepared to give Mozambique a free hand, they want to take a lower public profile and give the government more space and flexibility to try to find national solutions to the country's many problems and not impose too many detailed answers. In exchange, however, there are demands for even more detailed donor intervention than in the past to keep a much closer watch on what the government is doing; one donor warned of the danger of trying to "co-govern with Frelimo".

The main donor line of giving Frelimo more freedom, while watching very closely what it does, contrasts sharply with US stridency and demands for rigid pre-conditions. Many donors privately talk of trying to support what they call "progressive technocratic factions" within Frelimo, represented particularly by Salamao, rather than trying to curb the old guard. They argue that US stridency encourages hostility instead of cooperation, and plays into the hands of the old guard. And they point out that the government had already promised several of the things the US was demanding, including cuts in military spending, money for opposition parties and a special status for Renamo leader Afonso Dhlakama as leader of the opposition.

Most donors say there must be a balance of carrot and stick, with a carrot for the new government and a big stick reserved for the December 1995 donors' conference if Frelimo fails to fulfil promises made in

Can't win

Donor quotes to the Bulletin

- "Mozambique can't win. If it does not tell the donors what they want to hear, it is told to go back and try again. And if it tells the donors what they want, the donors take credit for forcing policy changes but then say Mozambique can't be trusted because it only tells donors what they want to hear."
- "We are only giving advice now. But if that advice is not taken, the bill will be presented in Paris in December."
- "Donors were very late in realising the importance of local government. The law passed last year was very much a Mozambican project. It was not imposed by donors, so it was not discussed at diplomatic cocktail parties, and was largely ignored at first. One embassy did not even report the law to its foreign ministry."

March.

The main benchmarks for December will be:

- on governance, a local government election law and beginnings to improve the police and judiciary, and
- on economic reform, a sharp increase in customs revenue and continued privatisations including moves to sell or reform BCM (Commercial Bank of Mozambique).

Working groups

Two joint donor-government working groups meet monthly. A macro-economic group of the World Bank, US, European Commission, Sweden and Denmark meets with the Minister of Finance. And a governance group of the World Bank, US, European Commission, UNDP, Norway and Netherlands meets with the Minister of State Administration.

So far, the governance group has stressed decentralisation and civil service reform, but it will probably expand into looking at parliament, local elections and corruption. At least one member of the group feels that the Minister of State Administration does not have high enough status, and wants the working group to meet with someone of higher standing in Frelimo.

In addition, there is the more widely-based Aid for Democracy (AfD) donor group convened by the United Nations Development Programme (UNDP) which provided support for the elections last year. AfD is still trying to find a post-election role, but it will be one of the forums where donor ambassadors discuss policy and strategy on governance issues.

AfD seems likely to support parliament, the justice system and local elections. There are proposals circulating for up to \$20 million to support the local election process, with a UNDP technical assistance programme similar to the one which assisted the STAE in the national election.

US influence wanes

Faced with criticism in Maputo both from Mozambicans and from most other donors, the US embassy has been forced to take a lower profile, at least temporarily.

US influence in Maputo has fallen with the end of the United Nations presence, with the unacceptability of its line, and especially with loud statements in Washington that aid is to be cut. Some donors accuse the US, as well as Germany, of trying to impose unacceptable conditions on Mozambique to try to camouflage their own aid cuts.

A representative of one the larger donors said the US only kept its influence because it controlled World

Bank spending here.

One mark of reduced US influence is that it was single-handedly able to force the postponement of the donors' conference from December 1994 until March 1995, but an April call by US embassy officials to delay the December 1995 donors' meeting drew no support.

Several donors told the *Bulletin* that even where they agreed with parts of US policy, they could not be seen to support the US because it is perceived as so hostile to the government.

The recently issued US report on human rights in Mozambique details many alleged government violations, while glossing over Renamo violations of the peace accord and of rights.

And US officials in Maputo remain caustic in private. One said that the US was seen as pro-Renamo only because "we have been trying to level the playing field too openly". The same official went on to comment that "Frelimo has delivered so little to the people of this country."

US officials are demanding local elections in the entire country in 1996 because "Frelimo does not want decentralisation because they don't want to lose control."

A key element of US policy is continued backing for Renamo. The US feels that Frelimo believes that Renamo will crumble or be co-opted. This must be prevented and Renamo needs to be supported as the only viable opposition. One US official said: "We will continue to object to the marginalisation of Renamo".

National elections:

Call for smaller CNE ...

For future elections, there should be a small, independent, professional, non-political National Elections Commission (Comissao Nacional de Eleicoes - CNE), the CNE will conclude in its final report.

This is in sharp contrast to the old CNE, which had 20 members - 10 named by Frelimo, 7 by Renamo and 3 by the unarmed opposition - plus a neutral chair, Dr Brazao Mazula. The report argues that in future the CNE should be a body independent of both state and political parties, and that parties should only be represented as observers.

Dr Manuel Frank, a Renamo appointee and head of the CNE's legal committee, admitted that the CNE was large and unwieldy. It would be better in future to have a smaller body with perhaps 7-10 people.

Despite the fact that they worked well together, members never totally threw off the fact that they have been named to the CNE by parties. Political

parties must accept the neutrality of those named in future, Frank said. They should be able to suggest people, but not have the right to name members.

The CNE sees the continued need for a separate technical arm like the STAE (Secretariado Técnico de Administração Eleitoral), so that the CNE would be decision-making body and the STAE the operating arm. STAE had 25 government technicians and 13 Renamo technicians, but it too should be non-party.

CNE must be independent of government; STAE must be permanently attached to CNE and not to a government ministry, CNE argues. Frank stressed that it would be "very very serious" if STAE were left in a ministry.

At provincial and district level, the election machine needs to be simplified, probably by combining the provincial election commissions and STAE. Frank argues that in practice, provincial and district elections commissions took no decisions.

... and changes in the law

The CNE also comes to the view held by many in the international community about the need for changes in the electoral law. The law should be much simpler, with detailed working procedures included in subsidiary regulations.

The high number of invalid votes which were later included leads the CNE to propose that the law allow what CNE did in the end, which was to count all votes with a fingerprint, "+" or "x" anywhere in the rectangle containing the name and symbol of the party or presidential candidate.

The threshold, under which a party had to gain more than 5% of the votes nationally to gain MPs, should be reduced to 2% or 3% but should remain a national threshold, the CNE says. Some people had suggested that the threshold should apply separately in each province, but CNE did not agree.

A 2% threshold would not have changed the outcome of this election because no party gained between 2% and 5%.

The CNE admits that candidates had difficulty satisfying the registration paperwork and calls for a clearer system. But it argues for the requirement for a clean criminal record - or at least not having been sentenced to a prison term in the previous decade.

Counting of votes should continue to be in individual polling stations.

Too expensive

Although not a formal part of the report, Frank says that CNE accepts that it will not be possible to run such an expensive election in the future. He said

"election officials had a materialist sense", and that in future elections must be run by unpaid staff. He notes that Botswana (and many other countries) use teachers, students, nurses and so on.

Frank argues that with a permanent CNE and a small permanent STAE (no more than 20 people), it would be possible to prepare well in advance for elections and thus save money. There should be tiny permanent teams in each province, but these could be within the provincial government. At election times, extra staff could be hired for central offices. But the election law should give CNE the right to requisition people locally from government to conduct registration and voting.

Report delayed

The CNE formally closed on 23 March, but it was still putting the finishing touches on its report in mid-April. STAE closes on 22 April and will be handed over temporarily to the Ministry of State Administration (MAE), which is organising local elections. The future status of STAE and the CNE will be determined by local government election legislation later this year.

The CNE/STAE archives will also be passed to MAE; these apparently include some of the documentation collected by the UN Observer Mission. According to Armenio Correia, a Frelimo CNE member, these files are not secret and will be open to the public. The CNE, he said, has no secret files.

The CNE is required by law to publish national and provincial results and is expected to do so.

Results were also compiled by district, but because of computer problems (and no legal requirement), they will not be officially published. Italy supplied computers for the elections, but these were taken back at the end of November, before the data processing had been completed. Work then continued at Mozambican institutions.

Correia says that the unofficial tabulations by district are not secret and should be available from the Centro de Processamento de Dados in Maputo.

Invalid votes

The CNE final report apparently will not discuss the complex central recounting of invalid votes, but more details are now available.

By law, all invalid votes are sent to the CNE for reconsideration. The number was very high, because the CNE was unable to agree until two weeks after the election to accept ballots with marks inside the rectangle for the party or candidate but not precisely in the tiny voting square.

Initially, there were 272,858 invalid presidential votes (5.0%); 123,842 were recounted and allowed, cutting the invalid votes to 2.8%. (There were also 5.8% blank votes.)

Initially, there were 322,117 (6.0%) invalid parliamentary votes, of which 148,426 were later accepted, leaving 3.2% invalid. (There were 8.5% blank parliamentary votes.)

Of the recounted invalid presidential votes, somewhat fewer went to Chissano and more to independent candidates than in the overall total:

	Total	Recounted invalid
Chissano	53.3%	37.7%
Dhlakama	33.7%	33.0%

Recounted presidential votes were added to the national totals as reported by the CNE.

At the parliamentary level, the main parties won a significantly smaller portion of recounted votes:

	Total	Recounted invalid
Frelimo	44.3%	29.0%
Renamo	37.8%	32.7%
UD	5.2%	6.4%

Recounted parliamentary ballots were included in the national parliamentary results (and thus in the calculation of the 5% threshold). But CNE members admit that the recount was done in such haste that it was impossible to reallocate recounted ballots to individual provinces. Thus recounted votes were not used in the deciding who won parliamentary seats.

Registration totals

The CNE report does clarify the confusion about registration totals and assignment of parliamentary seats to provinces. The number registered as given out in the final results was smaller than had been earlier reported, and the allocation of seats between Zambezia and Nampula was changed.

The CNE now says that although the initial report from the provinces was that 6,396,061 voters had registered, a count of the actual registration books showed that the total was only 6,148,842. By the time this final check was done, however, the number of parliamentary seats per province had already been chosen and it was decided not to change it.

One change was made, however. Pebane district in Zambezia reported registration figures on a cumulative basis but the provincial office wrote them down as separate weekly figures. This gave Pebane and Zambezia a significant extra number of voters. After a pre-election investigation, the CNE decided to shift one seat from Zambezia to Nampula.

Thus this first multi-party election contains two small errors in allocation of parliamentary seats to parties and provinces: final registration figures were not used and recounted votes were not included.

Complaints ignored

The CNE report lists 86 complaints, some involving several alleged incidents. A few were simply due to misunderstandings of the election law, or minor complaints such as tearing down posters.

A few complaints were confirmed. Pademo was incorrectly left off the ballot paper in Maputo province (its candidates were included in Maputo City in error) but the CNE said it still would not have reached the 5% threshold. Three false registration cards were found in Nampula.

Complaints of polling stations not being where people expected them to be were resolved in time, for example by providing transport.

But others complaints were more serious, and CNE proved incapable of dealing with them. These included polling stations that never opened, ballots being incorrectly rejected, voters handed ballot papers which were already marked, campaigning in queues, threats made to voters, and party monitors forced out of polling stations.

Virtually all were dismissed for lack of evidence, because burning down a party headquarters is a criminal act and not an electoral violation, or because they had not been submitted through the proper channels. Complaints were to be submitted in the first instance at local level where they could be checked, but many complaints were collected by parties and submitted nationally, sometimes weeks after the event. They were clearly impossible to investigate.

Many complaints were submitted through the United Nations. They, too, arrived too late for the CNE to investigate independently and CNE did not accept UN statements as "evidence", even eye-witness accounts.

The CNE concludes that even if true, none of the incidents was sufficiently serious to invalidate the election result.

CNE member Manuel Frank argues that any future CNE must have some capacity to investigate complaints, but that complaints need to be checked quickly and thus they must be made a local level. He also notes that if a complaint is made at local level, it can often be resolved simply.

The CNE cites in its reports a case of a Renamo complaint that "Vote Frelimo" had been written in a voting booth; the polling station staff were not informed and probably never knew about it, but a complaint was made at national level.

It is also clear that in future the regulations will need to specify what constitutes evidence, because in many cases the parties did think that they were submitting adequate evidence.

Renamo no-go zones remain

Problems remain with some Renamo-controlled areas, which have still not come fully under government control as was called for in the Peace Accord. In some areas Renamo officials have barred government teachers and health workers, and told people not to attend "Frelimo" schools. Some Renamo teachers have gone on strike, saying the government must pay them and they will not allow government teachers to replace them.

The position seems variable, determined by how rigid local Renamo and Frelimo leaders are. The new governor of Nampula, Rosario Mualeia, has been negotiating directly and successfully with local Renamo officials.

Speaking in London in March, Renamo head Afonso Dhlakama said that he considered that the Peace Accord was still "law" and that the government must appoint Renamo nominated officials in his areas.

Before the elections, Renamo was calling for all government staff in its zones, ranging from teachers to drivers, to be named by Renamo. The matter was never resolved because of a Renamo boycott of the territorial administration commission. But the government argues that the peace accord only applied to district and local administrators, not staff at all levels, and that in any case the peace accord has no validity after the new government took office.

Nevertheless, in Manica province in March six Renamo officials were named to head administrative posts (small towns).

The ministries of health and education are taking very different lines. Health on 4 April said it would incorporate and retrain Renamo health workers. But Education Minister Arnaldo Nhavoto said on 17 March it will only accept Renamo teachers if they already have qualifications. However, the new budget calls for an additional 6500 teachers which would provide some space for Renamo people.

Land battles continue

Land has become one of the most contentious issues in Mozambique, with major struggles over the best farmland. In March the Ministry of Agriculture announced that the Land Commission would be reactivated under Virgilio Ferrao to try to draft a new land law.

The old law is confusing because it gives the Counsel of Ministers, individual ministers, the Ministry of Agriculture, governors and district administrators all rights to allocate land. Some have been corruptly selling titles to land, particularly to

South Africans for farms and beachfront holiday homes. At the request of South African President Nelson Mandela, Mozambique is negotiating with the South African white right, who want to move to Mozambique.

Land has also been given to government ministers, generals and others. Renamo gave concessions in areas it controlled.

Few formal titles have been granted, and many land-holders simply have a letter from the governor or some other official. This means there are few records, although land titles are now slowly being published.

In some cases, local decisions have been controversial. In the rich agricultural area of Angonia in Tete, a policy decision has been made to allocate land to larger commercial farmers rather than to refugee peasants returning from Malawi.

Greg Myers of the Land Tenure Centre estimates that almost half of Mozambique's arable land has been sold to private commercial enterprises in recent years, creating serious land shortages for peasant farmers.

Jenifer Garvey points out that there is no dispute resolution mechanism, which effectively means that peasants and small-holders have no protection.

Budget transparency

As part of the new drive for transparency, the government's budget proposal to parliament was the clearest ever, and it was made widely available (although not widely reported in the press). Military spending is to fall, while police, health and education will rise. In 1994 prices in 1000 million MT:

	1994	1995
Education	186	273
Health	97	135
Police, security	161	221
Military	337	213

Who is who

Biographies of all ministers and deputy ministers are being published by the Bureau de Informacao Publica, CP 2558, Maputo. *Que e Quem no Governo* will cost US\$ 5 including postage, and will be more complete than the list published in *Bulletin 14*. We made an error in that list: Eneas Comiche, Minister in the President's Office, comes from Nampula province.