

# Mozambique political process bulletin



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## CNE shows flexibility to bypass legal gaps

“Flexibility” and “pragmatism” have been the response of the National Elections Commission as it struggles to meet impossible deadlines.

Provincial elections have been postponed until 16 January, at the height of the rainy season but almost the last possible day under the constitution. The start of registration was delayed from 22 August until 24 September, but it still proved impossible to import the necessary equipment in time.

Perhaps the biggest legal challenge has been determining the number of candidates that parties must have on their lists. For provincial elections, each district will have its own representatives. The key impossibility is that candidates’ lists must be presented 90 days before elections (18 October), but the number of assembly seats must be based on a registration which will still be under way. The National Elections Commission (*Comissão Nacional de Eleições*, CNE) proposes to announce a provisional number of seats for each district, based on projections from the national census carried out in August, and then correct those numbers later to reflect the number of people who actually register.

Another problem arose in June when there was only a very short time for Frelimo and Renamo to name its members to provincial and district election commissions. There was insufficient time to obtain a certificate of no criminal record and, in more remote areas, even certified copies of other documents. So the CNE met with the two parties and agreed

that only names would be submitted initially and that documents could be submitted retrospectively.

But there is a concern that flexibility in deadlines sets an important precedent. Renamo’s complaint against the 2004 elections was rejected because it was one day late; because it has had to be flexible, it will be harder for this CNE to enforce deadlines rigidly.

Another form of flexibility has also raised eyebrows. The law creating the CNE (art 20) says the CNE members work “exclusively” for the CNE (*“em regime de exclusividade”*). The weekly *O País* pointed out that CNE President João Leopoldo da Costa continues in his post as rector of ISCTM (Instituto Superior de Ciência e Tecnologias de Moçambique), and other CNE members have also retained their own posts.

CNE members defend this in two ways. First, they argue that “exclusively” only means there should be no conflict of interest and that Dr Leopoldo can continue as a university rector so long as he also puts in a normal working week at the CNE. The other argument is that many election commission members held key posts in civil society, and to abruptly leave those posts could seriously

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damage many civil society organisations.

But the counter argument is that in writing the law, parliament wanted CNE members to put all their time and energy, and any extra working time, on preparing and running elections. Some complain that despite the urgency of this rushed election process, this remains a part-time CNE and key issues have not even been discussed yet.

So the flexible interpretation of “exclusivity” is causing some discontent.

The need to bend the law occurs because the constitution required provincial assemblies to be elected by January 2008. Delays by government and parliament left little time. There was a groundswell of opinion that the elections should be postponed and carried out at the same time as municipal elections later in 2008, which would save money, allow more time for preparation, and would not be in the rainy season.

But President Armando Guebuza made clear to

the CNE that he wanted elections as required by the constitution. Frelimo did not want to have to go to parliament and negotiate with Renamo about a constitutional amendment. And Frelimo feels that with a weak Renamo, it will win overwhelming majorities in most provinces.

For its part, Renamo head Afonso Dhlakama is adamant that the elections must go ahead in January. He hopes to win Sofala and at least have a strong policy voice and break the Frelimo hegemony in three others – Zambézia, Nampula and Manica. He also fears that if elections are postponed, they would be moved to correspond to national elections in 2009 rather than being held later next year.

Finally, both parties see the elections as an important way of mobilising their supporters, and building toward the local and national elections.

So the CNE never even considered postponing the elections.

## Late arrival of computers delays start of registration

Despite delaying the start of registration by a month, it was still not possible to organise equipment in time. When the two-month-long registration began on 24 September, only 400 of the 3242 registration brigades had the new computer equipment. The delay also meant training of brigade members was inadequate and equipment had not been tested. There were many problems with the computers in the initial days. Renamo national spokesperson, Fernando Mazanga, on 26 September called for the digital registration to be scrapped.

To try to avoid the problems of past registrations, everyone is being registered twice, once by computer and once in a traditional hand-written register book. It is hoped to provide computer printed register books for polling stations by January, but if this is unsuccessful, the hand-written books can be used in the election.

The full list of more than 5000 registration locations was published in *Notícias* on 15 September, the first time such a list has been published. Some of those sites will have registration brigades for the whole two months, but up to 40% of the brigades are mobile and will serve more than one location.

The registration brigade is composed of four people. When would-be voters arrive for registration, an “interviewer” fills in a single form, which is then used for both computerised and manual registration. A data input person then copies the information onto the computer and takes a photo and fingerprint. The computer issues a registration number, merges the data with the photo and fingerprint, and prints the voter’s card. In principle, having fingerprints of all voters provides a control against multiple registration.

The form is passed to a 3rd member of the team, the “issuer”, who writes on the form the computer-issued voter’s number and records the voter by hand in a register book. The supervisor oversees the process and seals the voter’s card in plastic.

When it works effectively, the system is neat and

efficient. If the computer system fails, the “Electoral Registration Manual” gives instructions as to how to determine a voter’s number and issue a voter’s card.

The Manual also says that national and foreign observers and party representatives can be present in registration posts. Nothing is said about press. The CNE has apparently approved observer, party and press regulations, but it has not published them.

Registration continues until 22 November. Numbers will be an important test of the credibility of the CNE and the rushed preparations. The CNE estimates that there are 10.5 million voting age adults (over the age of 18 on 16 January 2008). Observers of the process say that to be credible, at least 60% of these people must register.

## Computer in a briefcase

The registration computer fits neatly into a briefcase. When it is opened, there is a keyboard and printer in the main part of the briefcase and a tiny screen on the open lid. Once the briefcase is open, a camera and a fingerprint reader are mounted on the top of the open lid.

The computer system is based on one provided by the same South African company for registration in the Democratic Republic of Congo. In all, 4000 have been ordered, in order to provide an extra 20% as backups. It is recognised that dust will be a particular problem with the computer and printer,

and three maintenance centres will be established. If a computer fails, a backup kit should be provided and the damaged kit sent for maintenance.

The computer battery lasts eight hours, and registration teams should eventually have back-up batteries (not yet delivered). Teams outside cities have small generators to recharge the computer batteries.

Data is encrypted and the voter's number includes codes for province and date of birth. Each computer has a back-up disk drive. Each week, data will be downloaded onto a flash drive and sent to the provincial headquarters, where it will be processed. The registration computer has simple software to prevent multiple registration, and further checks will be made at provincial level. Register books will be printed at provincial level, and a national data base will be created.

Registration books can have up to 1000 people. Each polling stations station should have a single register and is supposed to be in the same place as registration, where possible.

The huge rush to the January election means that the CNE is running to keep up. It is reported that it has not even considered the issue of tabulation

and counting software for the districts, which must do the main count. Counting software has been a problem in past elections, and in 2004 it was not ready in time and was being corrected even after voting day. Will this happen again?

## **Fewer brigades in Renamo provinces?**

Initial analysis of the published list of registration locations suggests that there are fewer registration locations in the two provinces where Renamo is strongest, Sofala and Zambézia. These two provinces have 3000 potential voters per registration post, compared to fewer than 2000 in other provinces. Inhambane, which is the same size as Sofala and has fewer potential voters, has almost twice as many registration posts as Sofala. Zambézia, which is bigger than Tete and has twice as many potential voters, has fewer registration posts than Tete.

At the time of the 2004 elections there were protests in Zambézia that people had not been registered in Renamo areas of the provinces.

## **Comment**

# **Media professionalism requires CNE information**

The media should show more “professionalism” and “seriousness” in its reporting of the electoral process, according to people close to the CNE. In past elections, it was difficult to be either professional or serious because previous CNEs released so little information; indeed their lack of transparency was criticised by the Constitutional Council.

Professionalism and seriousness for us means checking as many things as possible against official documents. Of course, we on the *Bulletin* keep copies of the electoral laws close at hand, and it is often necessary to check to see precisely what the law says. It would be highly “unprofessional” to accept what even a CNE member says is in the law; it is always essential to return to the law to check because even CNE members can make mistakes.

Similarly, we on the *Bulletin* always prefer to have to hand the various electoral manuals, regulations and instructions. Election law and procedures are complex, and in all previous elections there have been disagreements about what the manuals actually say and if procedures are being correctly followed.

And there is the problem of rumours. In previous elections, STAE and CNE instructions issued to registration brigades and polling station staff were always secret. One party or the other would often give us copies of instructions, or tell the press what they claimed was contained in STAE instructions. Because the instructions were secret, it was impossible to check. Distorted reporting appeared in the media because CNE made it impossible for journalists to be professional.

Informally, we have been told that the new CNE is trying to correct the mistakes of past CNEs and is trying to be more transparent. But we also know that the traditional tendency for secrecy is very strong. Just one example will show the problem. In June the CNE met with Frelimo and Renamo and reached a very sensible agreement allowing supporting documentation for CPE and CDE nominations to be submitted after the deadline, and the agreement was signed by CNE and the parties. But what did the agreement say – was it just for a short period or did it allow a more flexible calendar in the future? Closer to elections, one party will surely tell the press that the agreement contained more than it really did. We asked to see the agreement, but we were told it was secret. How can we respond seriously and professionally, and check rumours and claims, if we cannot obtain basic documents?

It is also claimed that no press ever asked to see the agreement, which may be true. We have now formally asked to see the agreement and other CNE and STAE documents.

The Constitutional Council warned that secrecy creates an atmosphere of mistrust, and this is happening again. Constitutional Council member Teodato Hunguana wrote last year that “the CNE

must be guided by the principle of the most unrestricted openness.”

Clearly some matters, for example relating to personnel and tenders, need to remain confidential. But there is no reason why minutes of CNE meetings, all STAE and CNE decisions and instructions, manuals, and most background reports should be secret.

No doubt the CNE would like to believe that it has the trust of the people and can act in secret on behalf of the people. But after the harsh criticisms of

past CNEs, this new CNE will need to earn that trust, which can only be done through openness.

The CNE slogan is “For Free, Honest and Transparent Elections”. Press and the CNE need to work together to promote and encourage confidence and participation in the election process. So far, we have not seen the “transparency” and “unrestricted openness” on the side of the CNE that is necessary for us to work with “professionalism and seriousness”. jh

## Once again

# Donors warn on corruption but increase budget support

Budget support donors again increased aid, again praised government’s macroeconomic successes, and again threatened cuts if the government continues to fail to act on corruption. Donors are angry that government seems totally passive and even resistant on corruption and the justice sector in general.

The mid-term review joint aide memoire between government and the G19 budget support donors (PAP, Programme Aid Partners) was agreed and released on 21 September.

In the document, government and donors confirm that no corruption cases have been brought to trial in 2006 and so far in 2007, and that the government submitted its governance report so late that donors and government had to have a special meeting to consider it just four days before the final meeting. Even then, the government report was missing basic data. The late submission of the initial report meant there were no joint donor-government working group discussions on governance. The aide memoire notes that donors feel that dialogue on governance “always remains at the beginning”.

Speaking for the government, Planning and Development Minister Aiuba Cuereneia admitted the discussion with donors on governance has been “frank and open”, the normal diplomatic phrase for angry and confrontational. He admitted the need to “improve the dialogue” and “pay more attention” to governance. But in a press conference he defended the government, saying their has been “progress” on justice and the fight against corruption.

But donors do not agreed. Speaking for the G19, Norwegian ambassador Thorbjorn Gaustadsaether, stressed the need to investigate and prosecute cases of corruption. Then came the threat: “We observe that in other countries the level of budget support was reduced following a failure to consistently pursue corruption cases and weak governance”.

Privately, some key donors are saying that the government’s credibility depends on it bringing a major prosecution on corruption or theft. (Technically in Mozambique, stealing government money is robbery and not corruption, but donors want to see a senior official prosecuted for stealing government money under whatever law is deemed appropriate.)

But these threats have been made before. The aid memoire says that “the performance of the economy in macroeconomic terms in the first half of 2007 was good” and Gaustadsaether praised the government “macro-economic management”. These are the top donor priorities. And, despite past criticisms of government on governance and corruption, the G19 announced that budget support in 2008 would increase (in real terms) by 10%; nine members of the G19 announced significant increases (see table). Will government again judge the threats to be hollow?

## Budget support donors pledges for 2008

	\$ mn	% change from 2007
UK	79.7	+ 14%
World Bank	70.0	
Euro. Com.	66.0	+ 8%
Sweden	50.0	+ 17%
ADB	30.1	
Norway	26.4	+ 14%
Netherlands	25.6	
Germany	17.8	+ 25%
Ireland	14.2	+ 11%
Finland	9.9	+ 40%
Denmark	8.8	- 17%
Spain	7.1	+ 67%
Canada	6.8	+ 50%
Switzerland	6.3	
Italy	5.4	
Belgium	4.3	
France	2.8	
Austria	2.3	new
Portugal	1.5	
<b>TOTAL</b>	<b>435.0</b>	<b>+ 10%</b>

(percentage change is in donor’s own currency)

## Danish cut

Although some countries increased their budget support less than planned, because of concerns about governance (See *Bulletin* 34), Denmark was the only country to actually reduce budget support. This reflects both growing concerns on governance and the fact that the Danish government is no longer a strong supporter of budget support in general.

## Lowering targets for roads, help for poor

Donors were also critical of government on social protection, health and roads. Of the 40 agreed targets for the government, many are being met. But Ambassador Thorbjorn Gaustadsaether noted that PARPA II had set “realistic ambitions”, and that to their “surprise” in the mid-term review the government was asking to lower some of those targets.

Most dramatic was the nearly halving of the target of children, old people and disabled benefiting from small cash transfers known as “food subsidies”. (See box) The 2008 target was cut from 279,800 to 152,763, because central government cut the budget of the Ministry of Women and Social Action.

The target for the proportion of girls completing the second level of primary school in 2008 was cut from 40% to 34%. The target for roads in good condition in 2008 was cut from 77% to 70%, because the roads agency is failing to spend its budget.

Health and Agriculture ministries remain unable to spend their whole budget. The share of births in health units continues to be very low and below targets, while maternal mortality is rising. After failing to spend its AIDS budget in 2006, the Ministry of Health simply cut the AIDS budget for 2007 by more than 40%.

There have also been cuts in access to free legal assistance.

### Cash transfers to 150,000 people

The government's social assistance programme, mainly small cash payments known as a “food subsidy” (*Subsídio de Alimentos*), now goes to nearly 150,000 people – 98,000 elderly, 25,000 children, 7,000 disabled and chronically ill, 7,000 people living with AIDS, and 4,000 women heads of households. No more people will be added to the programme in 2008, but it will double in size in 2009.

Donors continue to be unhappy about the lack of a salary reform and what they see as lack of clarity in allocation of the special district funds. VAT (IVA) rebates remain a serious problem.

### Surprise gain from falling \$

Mozambique has unexpectedly gained from the rapid fall in the value of the US dollar. Only the World Bank and (curiously) Portugal make aid pledges in dollars, which is the currency in which international aid is accounted and in which the IMF and World Bank work. The rest of budget support is in Euros or other strong currencies. Thus, since pledges were made earlier this year, the US\$ value has actually increased by 12%, which is a windfall for the Mozambican budget. This is *in addition* to the 10% shown in the table, which is real increases in donors' own currencies.

A similar windfall also helps the government budget this year. Government will go to parliament next month to ask for budget revisions, reflecting increased tax revenue and a substantial increase in budget support caused by the fall in the US\$ exchange rate. Ironically, exchange rate changes mean the government has enough extra money to pay for the January election, despite donors refusing to pay directly.

## Decentralisation

# Second district fund agreed

Districts will each receive an additional MT 2.35 million (\$90,000) next year for locally determined public investment. This is in addition to the MT 7 to 9.5 mn (\$275,000 to \$370,000) for job creation and food production, according to the government's Medium Term Fiscal Projection 2008-2010 (*Cenário Fiscal de Médio Prazo 2008-2010* – CFMP).

In 2006 each district received MT 7 mn to be spent in any way the local administration decided, with the approval of district consultative councils. This year the amount was increased by 13% overall, with some districts receiving more than others. But after a variety of rapid rule changes, expenditure was limited to economic development projects involving job creation and food production. But there were complaints that money in the first year had been spent on projects that were locally important such as wells and bridges, which are excluded this year. So next year each district is to receive the same job and food allocation as this year, plus MT 2.35 mn extra for locally decided infrastructure.

Total spending which will now be determined at local level is MT 1.3 bn (\$50 mn).

The CFMP shows that this year two new districts were created (apparently without parliamentary

approval), Ilha de Moçambique and Nacala-Porto, and given MT 7.6 mn each. These were the first two Renamo-controlled cities which had a government appointed administrator in addition to the elected administration. For next year, the CFMP adds another district, Maxixe. This is Frelimo controlled but unusual in that the municipality covers the entire district.

Meanwhile, in preparing the mid-term review, the government suddenly announced that the long promised national decentralisation *policy* will not be produced, because decentralisation *policy* is defined in the constitution. Instead, the government proposes to elaborate a national decentralisation *strategy*, and is just beginning to elaborate terms of reference for a consultant to begin developing a strategy. Donors were not pleased and demanded "more clarity" on what the government intends.

## Ministries moving money to districts

Roads, water, agriculture, education and health ministries are all decentralising control over some spending to districts and provinces. But, despite the strong pressure from President Armando Guebuza and the Council of Ministers to decentralise, the process is facing substantial political and practical obstacles

In a paper issued in August, the Ministry of State Administration (MAE, Ministério da Administração Estatal) notes particularly that "central level is afraid that since the priorities of local government may not coincide with centrally defined priorities, decentralisation of funds destined for certain activities and the change of the centres of decision to local government could lead to a change in how funds are applied, which may compromise centrally defined targets."

There are also practical obstacles, including the lack of local banks, lack of local staff with the capacity to control larger budgets, and the fact that the government accounting system, SISTAFE, does not yet extend to districts.

Therefore MAE proposes that local powers be sharply restricted. First, MAE proposes that "to guarantee the carrying out of centrally defined programmes", local governments should be forced to sign "programme contracts" with central government which oblige them to meet centrally defined targets. Second, money should go from the

Ministry of Finance to the provincial governments and not from line ministries like health to their provincial directorates.

It is intended that from next year districts should control the local purchase of goods and services and from 2010 the paying of local salaries. From next year, provinces will buy their own transport and other equipment.

Road funding in the state budget, but not foreign funded projects, will be transferred to the provinces, mainly to satisfy a provincially determined annual plan. Districts, too, will receive some roads money, to be spent on a plan approved by the district consultative council (*Conselho Consultivo Distrital* –

### **Money available, but no one was told**

Agriculture money was made available earlier this year to districts and provinces, but no one ever told the districts that the money existed, admits MAE.

CCD), which is also expected to monitor the work.

For water, maintenance of wells and boreholes, as well as training, passes to the district, which should have 25% of the funds of Agua Rural, the national rural water agency. Again, annual plans must be agreed by the CCD. Nationally funded well

drilling will be decentralised to provinces, but donor funded projects will continue to be run centrally.

In Agriculture, as part of Proagri-II, 60% of funds will be decided at provincial and district level and 40% at national level. Health and education will both shift more construction to local levels.

## Boost for municipalities

A year before the third municipal elections, and after a period in which the focus has been on the districts, attention is shifting back to municipalities. It is widely expected that the government will propose to parliament (*Assembleia da República*, AR) the creation of more municipalities. A small increase in municipal funding is promised. And last year a decree was finally issued setting procedures to move primary education and health care to municipalities. In this section, the *Bulletin* looks at some of the successes and a few continuing problems of municipalities.

### An assessment

## Broader links in most municipalities

Rosita Alberta and Thelma Mahiquene

Improved services, real links with the community and involvement in economic development are all happening in the most successful municipalities, nearly a decade after their creation. Problems remain, including shortages of funds and some tensions with central government. But what is most notable in a majority of municipalities is successful efforts to overcome these problems.

The 33 municipalities, which cover about one quarter of the Mozambican population, have elected assemblies and presidents and a high degree of autonomy. However, they are in provinces and districts where the administration is still appointed by central government.

Despite the commitment to transfer more responsibilities to the municipalities (see box), many key functions within the boundaries of the municipality – including education, health, roads and water – remain with central government and thus the governor and the district administrator.

There is a clear mutual dependence. Voters expect their elected municipal leaders to provide more schools, even though this is a central government function. Meanwhile, district administrations know that key areas of their district, such as markets and the main economic infrastructure, are in the municipalities.

In some municipalities, such as Chòkwé, Manica, Mocuba and Monapo, this interdependence is well understood and the annual plan is now done jointly. In Monapo, for example, plans were developed jointly for a new bairro as part of the expansion of the city, and for a plantation for jatropa (an oilseed for biodiesel). There was pressure from residents for a new secondary school, and this was planned jointly, and has now been built.

Not all municipalities have been so successful. Jealousies and power struggles continue. Some municipalities and districts do plans without consulting each other – a district suddenly informing the municipality of roadworks, for example – or the district failing to carry out its side of the agreement,

### ***Municipalities can run primary schools***

Municipalities can take over the running of primary schools and primary health care units, under a little noted decree (33/2006) issued last year.

In the law setting up elected municipalities (7/97) it was always intended that municipalities should gradually take over central government functions, including primary education and health care, when they felt able to do so. But regulations to allow this were never published.

This decree established a system to transfer functions and even provided a form that the municipalities could use to apply to the provincial governor, who passes the application on to the correct minister. When functions are transferred, buildings, staff and budget money should also be transferred, according to the decree.

Primary education and primary health care are specifically cited in the decree as areas which can be transferred to local control.

In 2003, municipalities were given the responsibility of maintaining local roads and streets, and also were given the right to negotiate with the National Roads Administration (ANE) to share responsibility for major roads within the municipality. In addition, municipalities are expected to receive 10% of the roads fund which comes from fuel taxes.

as in one municipality which opened up an expansion neighbourhood and thought the district had promised a primary school, but it was not built.

But in other places there has been real partnership. In Mocuba, for example, the municipality needed a new borehole but did not have the resources, so the district organised the project – inside the municipality. Several municipalities are cooperating with districts on road repair, to try to prevent deep holes developing on main streets in the city which are technically a district responsibility.

Each municipality is different and has responded to problems in local ways. Some municipalities have built strong community links – some have forums which bring together community groups and municipal officials. In others, the municipal assembly commissions are building links with local NGOs, for example in areas such as health or care of orphans. Often the relevant *vereador* is also involved.

Manjacaze had a problem of criminality, and a community group joined with the police (who come under the district) and one of the municipal assembly commissions. By working together, a group of bandits was identified and arrested in May.

In Monapo there was a spring used as a local water source, but it was always dirty because it was used by so many people and animals. The community appealed to the municipality. Help was obtained from an NGO to buy a pump and filter, which were installed by the municipality, and which is now managed by a community water committee which organises hours, queues etc as well as doing repairs.

The law gives municipalities substantial economic development powers. Only a few have used these powers, but the number is increasing. In Maxixe, for example, schools and health posts are built by local contractors rather than being put out to tender at provincial or national level. People now proudly point to a school and say “that was built by our sons”.

In Chòckwé, a group of women members of the municipal assembly began working with a local association of women peasant producers and traders

to develop trading and production – with goals to both create income and to lower prices in Chòckwé. Spaces have been created for association charcoal vendors and small stalls for sellers of tomatoes and other vegetables. When necessary, the municipality is providing some materials to help the association become established.

In Nacala, the municipality has build six industrial units.

In some municipalities like Maxixe and Dondo, there is a real municipal pride and substantial community involvement.

## ***More money from Maputo***

Money from central government covers about half the municipal budget and municipalities received only 0.7 per cent of the government budget in 2007, according to the government’s Medium Term Fiscal Projection 2008-2010 (CFMP) – only \$18 million (MT 463 million) for all 33 municipalities which are home to one-quarter of the population. This is projected to rise to 1% by 2009, \$34 million (MT 866 mn). Of this transfer, roughly 60 per cent is for current expenditure and 40% for investment.

Per person spending in 2007 was actually higher in districts than in municipalities, but by 2009 it should be roughly equal, according to the CFMP.

## **Pressure on Renamo cities**

Tensions continue between central government and the four Renamo controlled municipalities. In an interview in *Magazine Independente* on 19 September, the mayor of Nacala, Manuel José dos Santos, accused the Frelimo government of trying to “destabilise” the work of the Renamo municipal government. Dos Santos has won praise as mayor, but he accuses central government of withholding funds for important works, especially to prevent further erosion.