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Constitutional Council validates election results

The Constitutional Council, the body with the final word in electoral disputes, on 28 December validated the results from Mozambique's general and provincial elections that were held on 28 October. The Council acknowledged that the election had been marred by irregularities, notably the deliberate invalidation of votes by corrupt polling station staff. However, such vote tampering, the Council said, had not been on a sufficient scale to alter the election results. It thus proclaimed the same results that the National Elections Commission (CNE) had declared on 11 November.

There can be no appeal against decisions of the Constitutional Council, and so the final results from the three elections are as follows:

Presidential elections

Registered electorate:	9,871,949
Votes cast:	4,406,093
Abstentions:	5,465,856
Turnout:	44.63%

Valid votes:	3,965,885	90.09%
Invalid votes:	175,553	3.98%
Blank votes:	264,655	6.01%

Votes for candidates as a percentage of valid votes

Daviz Simango (MDM)	340,579	8.59%
Armando Guebuza (Frelimo)	2,974,627	75%
Afonso Dhlakama (Renamo)	650,679	16.41%

Parliamentary elections

Registered electorate:	9,871,949
Votes cast:	4,387,250
Abstentions:	5,484,699
Turnout:	44.42%

Valid votes:	3,893,858	88.75%
Invalid votes:	143,893	3.28%
Blank votes:	349,499	7.97%

Frelimo:	2,907,335	74.66%
Renamo:	688,782	17.69%
MDM:	152,836	3.93%

The remaining votes were shared between 16 minor parties who were on the ballot paper in one or more of the constituencies. However, none of them took even as much as one % of the total vote. This result gives Frelimo 191 of the 250 parliamentary seats. Renamo has 51 seats, and the MDM 8.

Provincial elections

The figures given by the Constitutional Council for this election do not add up. The total of valid votes, invalid votes and blank votes is 3,971,429 and not the 3,978,582 given by the Council.

The figures for registered electorate and abstentions must be adjusted to take account of the fact that there was no provincial election in Maputo city (in order not to duplicate the work of the Maputo Municipal Assembly). In the following figures, AIM has taken the liberty of correcting the Council's mathematics:

Registered electorate:	9,176,595
Votes cast:	3,971,429
Abstentions:	5,205,166
Turnout:	43.28%

Valid votes:	3,411,646	85.90%
Invalid votes:	126,039	3.17%
Blank votes:	433,744	10.92%

Votes for parties (as a percentage of valid votes)

Frelimo:	2,819,993	83.19%
Renamo:	436,663	13%
PDD:	6,042	0.19%
MDM:	115,602	3.41%

The ten provincial assemblies have 812 seats: 704 were won by Frelimo, 83 by Renamo, 24 by the MDM and one by PDD.

The provincial elections were organised on the basis of 141 district constituencies. In 67 of these Frelimo was unopposed, largely because Renamo candidates failed to present the necessary documents, notably the certificate proving that they had lived in the province for at least six months.

This explains why the Frelimo victory was so much larger for the provincial assemblies than in the presidential and parliamentary elections. The extraordinarily large number of blank ballots is probably a protest vote by opposition supporters in districts where Renamo or the MDM was not on the ballot paper.

Over a thousand result sheets not processed

The Constitutional Council announced that over 1,000 of the results sheets (“editais”) from the general and provincial elections could not be processed.

In its ruling proclaiming the election results, the Council said that these were editais that contained “insuperable errors”, including some that were deliberately fraudulent.

Of the 12,699 presidential editais, 332 (2.6%) could not be processed. For the parliamentary election, 354 editais (2.8%) were omitted. Because there was no provincial election in Maputo city, only 11,908 polling stations produced a provincial assembly results sheet. Of these, 377 (3.2%) were rejected.

The council also noted that “a large number of votes marked validly by the voters were later deliberately tampered with, leading them to be declared invalid”. The most common form of vote tampering was for the polling station returning officer, or other member of staff to add an inky fingerprint to the ballot paper, making it look as if the voter had tried to vote for more than one candidate.

The Council noted that people who tampered with votes were committed a criminal offence, but there have so far been no reports of anyone arrested in connection with vote tampering.

Constitutional Council criticises CNE

The Constitutional Council sharply criticised the CNE for the way it had handled the procedures leading up to the 28 October general and provincial elections.

In its ruling the Council pointed out that the calendar for the elections drawn up by the CNE “does not indicate with precision and clarity the deadlines for electoral acts, particularly those for the phase of delivering candidates’ nomination papers”.

In particular, the CNE announced exactly the same period (1 June to 29 July) for both the registration of parties for the parliamentary elections and for the delivery of candidates’ nomination papers.

This procedure was in violation of the law, which regards the registration of parties, and the delivery of nomination papers as quite separate.

The law envisages the possibility of appealing to the Constitutional Council against the CNE’s decisions on such matters as the legality of political parties’ names and symbols. Yet the CNE effectively made this impossible, since the calendar said that the CNE would decide on the legality of names and symbols only after the end of the period for delivery of nomination papers.

This was not an academic issue. There were strong suspicions that one new party, the PLD (Party of Freedom and Development), chose a turkey as its symbol to confuse the electorate, since the main extra-parliamentary force, the Mozambique Democratic Movement (MDM) also has a domestic bird, a cockerel, as its symbol.

The most flagrant case was that of the PPD (Popular Democratic Party), a completely obscure group, which chose its name in order to gain votes from the much better known PDD (Party of Peace, Democracy and Development), led by the former number two in Renamo, Raul Domingos.

The CNE’s calendar, described by the Council as “incoherent”, made it almost impossible to address such issues.

The CNE also had a legal obligation to publish lists of candidates on three separate occasions – first, immediately after the end of the period for presenting nomination papers (29 July); second, after all the nomination papers had been checked for irregularities (5 September); and finally, after any appeals by parties against the lists had been decided by the Constitutional Council (19 September).

In fact, the CNE only posted one set of lists of candidates on its notice board, on the night of 5/6 September. Even this was incomplete, since it only included the lists that were accepted, and not those that the CNE rejected, although the law states clearly that the rejected lists must also be posted.

The Council pointed out that failure to publish the list of candidates immediately after receiving their nomination papers meant that the parties could not check the lists for any omissions. The parties were thus being denied information they needed for any possible appeal against the CNE to the Council.

The Council also criticized the CNE for demanding residence certificates proving that candidates for the provincial assemblies have lived in the province for at least six months. That demand is not in the law, which only requires that candidates show their identity card and their voter card.

For the voter card number indicates the province where the candidate registered to vote, and where he or she presumably lives. The identity card also shows the candidate’s address. A third document is therefore unnecessary.

Opposition parties have repeatedly claimed that local authorities are unwilling to issue residence certificates for their candidates. The failure of opposition candidates to obtain these certificates is the main reason why the ruling Frelimo Party was unopposed in 67 of the 141 district constituencies used for the provincial elections.

Investiture set for 14 January

The Constitutional Council has set 14 January as the date for Armando Guebuza to be sworn in for his second term of office as President of the Republic. He will take office two days after the 250 deputies of the Assembly of the Republic, are sworn in. As for the ten provincial assemblies, their 812 members will take office on 5 January.

Once Guebuza has been sworn in, he will be able to announce his new government. Under the Mozambican constitution, the President has a free hand to appoint ministers, deputy ministers and provincial governors.

The entire apparatus for the next five years of governance – parliament, assemblies and government – should thus be in place by the end of January.

At the first sitting of the new Assembly, the deputies take the oath of office, and elect the new chairperson (speaker) of parliament. Since the first multi-party assembly was sworn into office in 1994, there has only been one parliamentary chairperson, Eduardo Mulembue. It is not yet known whether the ruling Frelimo Party will propose him for a fourth term of office.

The main opposition party, Renamo, has declared that its 51 deputies will not take their seats in the new Assembly. If Renamo keeps this promise, the eight deputies elected from the Mozambique Democratic Movement (MDM) will be the only opposition in the Assembly. The other 191 seats are all held by Frelimo, following its landslide victory with almost 75 % of the votes cast in the general election.

Renamo has less than a fortnight to change its mind. If it goes ahead with the boycott, the financial consequences will be severe. Deputies do not receive their parliamentary wages until they have taken the oath of office. If they do not do so within 30 days of the first sitting, they will lose their seats.

Those seats are then taken by the next names on the Renamo lists for the parliamentary elections. They too have thirty days to take office – and the procedure is repeated until there are no more names on the lists.

Furthermore, if Renamo is not in the Assembly, it will not receive the state subsidy granted to parties that have parliamentary representation. Traditionally, Renamo has been heavily dependent on that subsidy.

Immediately after the last elections, in December 2004, Renamo also threatened not to take its seats. However, it changed its mind, and in the event all the Renamo deputies took the oath of office.

For an in depth analysis of events, read **MozambiqueFile**. Subscription rates are individuals \$40 institutions US\$50. Send International Money Order to AIM, CP 896, Maputo, Mozambique.

Transport terminal inaugurated

One of the largest and filthiest of Maputo's informal markets has disappeared, giving way to the largest passenger transport terminal in the country, inaugurated on 23 December by the city's mayor, David Simango.

For years, the Praca dos Combatentes Mocambicanos (Square of the Mozambican Combatants), commonly known as "Xikheleni", has been overrun by informal vendors. Even the monument at the heart of the Square had been occupied by people illegally selling fuel, and was sometimes used as a urinal.

Roads and pavements were full of people selling all manner of goods under conditions of utter squalor and disregard for hygiene. For motorists, driving through this area was a slow and hazardous task.

But in May the City Council, despite resistance from the vendors, began to remodel the Square and the surrounding area, in a municipal investment totalling \$4 million. The roads and pavements were rebuilt, complete with two roundabouts, drainage ditches were installed, and an urban and inter-city transport terminal was built.

Speaking during the inauguration ceremony, Simango said that when he had visited Xikheleni on rainy days in November 2008 "I saw that people were in great misery. They were selling goods with their feet in the mud or in filthy water, and I said I had to do something to solve this situation".

The work is not complete. The passenger terminal has not yet been electrified, and the promised public toilets have yet to be built. Nonetheless the terminal is operational, much to the delight of bus drivers and passengers, and the finishing touches are promised for January.

The work took six rather than four months, because of the massive presence of the petty traders who were refusing to move. Last week, the City Council had to use armed police and police dogs to expel the vendors who were making it impossible to paint the new road markings.

Simango insisted that chaos will not return to Xikheleni. "We are going to be very tough" he promised. "We shall allow both formal and informal trade, but not in the road and not on the pavements. We shall deal with the people who occupy these".

He said that the Council is working to expand the real Xikheleni market, which will mean negotiating with people living in nearby shacks so that they can be resettled elsewhere in the city.

The City Council has long pointed out that is no good reason for petty vendors to sell in the street, since there are thousands of unoccupied stalls in the municipal markets. The unacknowledged problem here is that traders who use real markets have to pay municipal taxes, while those who sell in the streets are evading taxes.

Transfer of power to Maputo municipality

The central government on 21 December handed over responsibility for most education, health, commerce and industry in Maputo to the City Council, as part of the government's decentralization policy.

The governor of the city, Rosa da Silva, who represents the central government structures in the city, signed four agreements with the Mayor of Maputo, David Simango, under which, from 1 January, the City Council will take responsibility for 150 primary schools, 30 health units, and 787 commercial and micro-industrial units.

"We are fully aware that the challenges are enormous", said Silva. "In education, more than 5,000 teaching and non-teaching staff and 150 public and privately owned primary schools will fall under the management of the municipality. Likewise, more than 30 health posts and over 500 doctors, nurses and auxiliary staff will also be under municipal management".

As for the industrial and commercial premises, most of these are privately owned, but they will now fall under municipal jurisdiction.

Simango said the City Council was ready to accept its new responsibilities. "Everything's in hand", he said. "The staff and the institutions that will now be managed by the City Council come with their own resources, and so we will not need to make great efforts to seek new resources. But we must work hard to comply with the objectives of the agreement – which are to provide better services for our citizens".

Maputo is the first of the country's 43 municipalities to experience this transfer of powers from the central state to the local authority.

Eucalyptus plantations approved

The Mozambican government approved on 22 December a project to plant eucalyptus trees for industrial purposes across large swathes of the northern province of Nampula.

The project, proposed by the Norwegian-owned company, Lurio Green Resources, involves total investment of \$2.2 billion.

According to the government spokesperson, Deputy Education Minister Luis Covane, only \$209 million will be spent on the eucalyptus plantation itself. The remaining two billion is for sawmills and other industrial infrastructure.

"The company will establish a forestry plantation for the production of paper, sawn wood and charcoal, and also for the generation of electricity", said Covane. "Part of the land granted to the company will be used for food production".

Lurio Green Resources initially asked for a concession of 210,000 hectares, but in the end the government granted it 126,000 hectares in several blocks in Mecuburi, Ribaue and Nampula districts

The project is expected to create 11,500 jobs, and the company has promised to invest \$30 million in building schools, health centres and other infrastructure for communities living in the project area.

A second, even larger eucalyptus project approved by the government on 22 December will cover over 173,000 hectares in Ile and Namarroi districts, in the central province of Zambezia. In this case, the investor is the Portuguese forestry and paper group Portucel.

Covane gave no details of this project, but from the Portuguese media it is known that Portucel has been negotiating to set up a paper pulp factory.

First stone laid for solar panel factory

Mozambique and India are investing \$10 million in building a factory to manufacture solar panels in the Belulune Industrial Park, on the outskirts of Maputo.

Energy Minister Salvador Namburete laid the first stone for the new factory on 17 December. Construction is expected to take a year. When it is operating, the factory will employ 70 people, include 15 engineers trained in India.

Namburete said that initially the raw materials for assembling the solar panels will be imported from India, but he hoped that later Mozambican companies can be identified who can manufacture some of the components.

Currently Mozambique imports the solar panels used to provide electricity for schools, health posts and other public institutions that are not linked to the national electricity grid.

Namburete said that the initiative to build the factory arises as part of the government's strategy to use all available energy resources, including solar power and other renewable energies, for the country's development.

This was only the first factory, he added, since it could not possibly serve the entire country. "We want this initiative to be repeated in other parts of Mozambique", Namburete stressed.

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