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Electoral conflicts: Conflict triggers and approaches for conflict management

Case Study Mozambique: General Elections 2004

Anne Gloor

Executive Summary

The danger of election-related conflicts is especially high in post-war societies, where democracies are young and fragile. In political systems, where power concentrates on the winning party, it is necessary to guarantee the transparency of electoral processes in order to enhance acceptance and credibility of electoral outcomes. Transparency and the capacity to recognise potential conflicts at an early stage can help to prevent and manage election-related conflicts and hence to maintain peace and stability.

The article attempts to give an overview of electoral conflicts that emerged during the 2004 election process in Mozambique. It identifies these conflicts along the phases of the electoral process and in relation to the leading players of the elections.

Many conflicts relate to the composition and functioning of the Election Management Bodies, which suffered from continuous mistrust between the major political parties and from dominance by the government. Technical deficiencies, whether intended for manipulation or not, were mostly observed during registration and counting. Lost, invalid and/or potentially created votes reached a high number. Without the parallel count confirming the official results, the credibility of the electoral process and the victory of the new President would be in doubt. The donor community hardly reacted to criticisms coming from opposition parties and observer missions. There was a high abstention rate of 64%. The case raises questions regarding the role and significance of elections in vulnerable democracies.

1. Introduction

Mozambique, one of the poorest countries in the world¹, located in the south-eastern part of Africa, hardly generates any interest among the Western public. Last year, however, considerable attention was given to Mozambique. The darling of donor agencies², the African example of successful peacebuilding, went through turbulent times. Mozambique held its third national elections since the 1992 Peace Accord.³

Election related conflicts

Elections can generate conflicts or even lead to wars, as the example of Angola shows. In Angola, the opposition group UNITA restarted fighting in the aftermath of the elections of 1992. Opposition leader Jonas Savimbi refused to accept the defeat against MPLA leader Eduardo dos Santos, who has ruled Angola until now.⁴ Recent examples like the Ukraine, Kyrgyzstan, Togo or Ethiopia provide more recent evidence of the conflict potential of elections. In Mozambique, over a hundred people died as a consequence of demonstrations against the results of the 1999 elections. Problems had occurred during the electoral process and especially during the counting. Both major

¹ In the Human Development Index of the UNDP, Mozambique ranks 171 out of 177 countries.

² Mozambique gets a remarkably high amount of money from Western donor states. An estimated 54% of the Mozambican state budget comes from aid – foreign investment excluded. At the 2003 meeting of the World Bank's Consultative Group on Mozambique, donors offered the Mozambican delegation more money than requested, i.e. 790 million USD instead of the 680 million requested by the Mozambican Government (AIM Report, No. 262).

³ On the peace process, see Morozzo della Rocca, R., *Vom Krieg zum Frieden – Mosambik: Geschichte einer ungewöhnlichen Vermittlung* (Hamburg: Verlag Dienste in Übersee, 1997).

⁴ For a comparison of elections and election related conflicts in Southern Africa, see Tom Lodge, Denis Kadima, David Pottie. (eds), *Compendium of Election in Southern Africa* (Johannesburg: EISA, 2002), p.9-30.

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parties, Frelimo and Renamo-Uniao Eleitoral, claimed victory - officially the Frelimo candidate Joaquim Chissano beat the Renamo candidate Afonso Dhlakama by 4.6%. The Electoral Commission and the High Court of Justice, both dominated by the governmental party Frelimo, declared Chissano as the winner. The opposition threatened to go back to war. Mediation efforts by diplomats and church leaders helped to overcome the crisis.⁵

Conflict prevention efforts

In light of these experiences, people in Mozambique approached the parliamentary and presidential elections of 2004 with fear. It seemed obvious that neither of the two big political parties was prepared to lose. National NGOs, supported by international NGOs and donors, initiated conflict prevention efforts in order to raise awareness of the potential for conflicts; to maximise the transparency of the electoral process; and to build confidence among the political parties.⁶ A national network composed of 7 local NGOs (almost 2000 people) – including the biggest religious communities as well as the most important human rights, democracy and conflict resolution organisations – observed the electoral process. This network, named “The Electoral Observatory” (EO), registered problems and irregularities that occurred during the process and discussed them with the Electoral Commission, the electoral administration, the political parties and donors, in various forums. The EO also organised a parallel count, based on a sample of results

⁵ On the 1999 election process, see Marc De Tollenaere, “Democracy and Elections in Mozambique: theory and practice”, in Brazao Mazua (ed), *Mozambique – 10 Years of Peace* (Maputo: CEDE, 2004), p.227-253.

⁶ These efforts were initiated by an international conference on electoral conflicts. See conference report „Consolidating Peace and Democracy in Mozambique through election-related conflict management initiatives“, *Conference Report, 22&23 July 2003* (Maputo: EISA and CEDE, 2003).

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sheets from 800 polling stations.⁷ The Carter Center and EISA assisted the EO methodologically and logistically in this endeavour.

Since the lack of confidence in electoral commissions endangered the acceptance of electoral results, a strong presence of national and international observers turned out to be crucial for the credibility of the electoral process and its outcomes on the one hand, and for the stability of the country on the other. Sceptical at the beginning, the Election Administration Bodies and the government afterwards expressed their gratitude to the EO for having carried out a parallel count,⁸ because the clear victory of the governmental party Frelimo (62%) and its presidential candidate Armando Guebuza (64%) excelled all expectations. Given the many irregularities and, in the perception of the opposition, the certainty of Renamo-UE beating the unpopular Frelimo candidate Guebuza, it is likely that the announcement of the outcome would have provoked violent conflicts – had there not been confirmation of the Frelimo victory by an independent civil society network. The EO announced the results gathered by the network shortly before the official results were proclaimed: 63% for Armando Guebuza and 32% for Afonso Dhlakama in the presidential race, 63% for Frelimo and 29% for Renamo-UE in the elections for parliament – none of the other candidates and parties managed to reach 3%. The results of the parallel count were presented by eminent persons, known for their independent spirit, including nationally known bishops and the President of the first Electoral Commission of 1994. As a consequence, it was difficult for the opposition to fundamentally question these results. Instead of organising protest marches, as happened in 1999, the opposition

⁷ The total number of polling stations was 13'000. Despite this relatively little sample of 800 defined by the EO and the Carter Center, the marge of error of the parallel count was estimated at only 3%.

⁸ The author interviewed the director of the election administration body STAE, Antonio Carrasco, and the Head of Frelimo in Parliament, Manuel Tomé (interviews on 28.1.05 and 10.2.05 respectively). According to them, the work of the EO was essential to prevent major conflicts in the aftermath of the elections.

accepted – although never officially – the defeat and almost immediately started to reorganise the party. Progressive forces in Renamo-UE realised there would never be a better time to question the leadership of Afonso Dhlakama.

In summary it can be said that the 2004 elections in Mozambique had considerable conflict potential, but, because of the conflict prevention measures and other factors, they did not have serious destabilising consequences. Given the importance of early warnings about and the management of election-related conflicts, the following article will attempt to make a contribution to increasing knowledge about patterns that endanger peaceful outcomes of electoral processes.

Structure and aim of article

The author of this article managed an election support programme during the electoral processes of 2003 and 2004. The programme was financed by the Swiss Government and was mainly aimed at assisting local organisations in promoting transparency during the elections. In that function she had the opportunity to collaborate with most of the observer missions and the electoral management bodies. Her field report relates to a research project on electoral conflicts, supervised by the Department of Peace Studies at the University of Bradford. The report does not pretend to give a comprehensive appraisal of conflicts that emerged during the 2004 elections in Mozambique, but to identify the ones that might be relevant for comparison with other countries. Further analysis needs to be done in order to get a more generalised understanding of the characteristics and the possible prevention of election-related conflicts.

2. The 2004 Elections in Mozambique: Conflict elements

The next section will elaborate on conflicts that emerged during the different phases of the electoral process namely: electoral law reform; registration of voters; civic education; campaigning; polling; and counting. The following section identifies the stakeholders of the elections that played an active role in triggering or in managing conflicts. Each chapter first provides a summary of facts and figures, and then lists the conflict triggers. Information on the conflicts was mostly provided by the observer mission reports and the media.⁹

2.1. Phases in the electoral process

2.1.1. Electoral law reform

The new election's law was approved by parliament on 12 May 2004. It contained some important changes, but was very similar to the previous laws of the 1999 national elections and the local elections of 2003.¹⁰

An important step to achieving transparency, which was introduced in 2003 and maintained by the 2004 election law, was the provision for parties to receive original

⁹ The information is based on an analysis of the reports of the Carter Center, the EU Election Observation Mission (EOM) to Mozambique, the Mozambique political process bulletin of AWEPA and the statements as well as the final report of the Electoral Observatory. Some appear in the literature list at the end of this article. Information was also drawn from Mozambican newspapers such as *Noticias*, *Savana*, *Zambezie*, *Vertical*, *Mediafax* and *Imparcial*. Reports of the National Election Commission CNE, claims of Renamo-UE, statements of the Constitutional Council and minutes of various donor meetings have been taken into consideration as well.

¹⁰ See "Handbook on Mozambique's Electoral Laws – 2004 General Elections", *EISA Election Handbook 14* (2004).

copies of the result sheets handed out to party monitors in each polling station after the counting. All participating parties can by law observe all stages of the process.

The law requires counting at provincial and national levels only, not at district level where controls against manipulation could, according to opposition parties, have been more easily guaranteed. The published results should be broken down to district level.

The new law explicitly bans the use of any goods or property of the state.

Critical issues:

- Access for all participating political parties to observe the electoral process at every stage
- Copy of result sheets for each polling station provided to all participating political parties
- Level of tabulation
- Use of public means for campaigning

2.1.2. Voter registration – updating of the voters list

Altogether registered voters reached the number of 9,095,185. The figure was used for allocating parliamentary seats. The National Statistics Institute's latest estimate for the voting age population is 9.1 million, which means that almost an impossible 100% of adults registered. Since voters' lists have not been updated since 1999, experts assume that the number could be corrected to around 7 million, due to deaths and double inscriptions.

The unrealistically high figure has the following possible consequences:

- ballot box stuffing is more likely to happen

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- double-registered people, if they manage to wash away the control ink from their finger, can vote more than once
- the allocation of seats per province cannot be correctly defined
- participation cannot be realistically measured

The Carter Center observed a biased coverage of registration: "Collected data show that voters in the Provinces of Zambézia and Nampula on average had to walk 30 minutes to reach a registration post, i.e. twice the average distance recorded in the other visited provinces".¹¹

Some brigades used the wrong voters list, i.e. they changed the list – by purpose or not – between themselves ("*troca de cadernos*"). This can have serious consequences, as one case of changed books leads to the exclusion of 2000 voters (one book or list contains up to 1000 voters). Voters can only vote in a specific polling station, i.e. where their name is registered. If voting lists and polling stations do not correspond due to exchanged lists, the respective voters are deprived from their right to vote.

Critical issues:

- Incorrect number of registered voters
- Biased coverage of registration (different from one province to another)
- Varying number of registration posts (different from one province to another)
- Incorrect voters' lists
- Duplication of voters' lists
- Exchange of voters' lists

¹¹ The Carter Center, *Relatorio sobre a Actualizaçao de Recenseamento Eleitoral de Moçambique, 28 de Juno-15 de Julho de 2004*, Atlanta/Maputo: Agosto de 2004.

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- Obstacles to voters registration (distance to registration post, identification, limited working hours, wrong voters lists) and accordingly to voting

2.1.3. Civic education and campaigning

Civic education (16.9. -15.10.04) and party campaigning (17.10. -28.11.04) was assessed by the observer missions as generally being peaceful and fair, although the Electoral Observatory and AWEPA noted verbal and physical violence and systematic disruption of other parties' campaigning. In Tete, Renamo-UE reported the deliberate destruction of their houses, detention of their members for unclear reasons, intimidation, and beating of party monitors by the police. Similar problems happened in Gaza Province. Observers confirmed some of these cases.

The EU observer mission made an analysis of the media coverage of the campaign and declared it fairly free. Local observers made no reference to this. Journalists of independent newspapers instead concluded that the coverage of the state channel TVM was unbalanced.

Frelimo was reported to have used state resources (civil servants, vehicles) for campaigning. It was obvious that the leading party had significantly more resources for campaigning than any other political party.

Critical issues:

- Verbal and physical violence
- Disruption of campaign meetings by police and followers of other political forces

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- Destruction of goods
- Restriction of monitors by police
- Unbalanced media coverage
- Unbalanced financial support
- Use of state resources

2.1.4. Polling

The voting day passed without major problems. Due to the irregularities in registration, some people could not find their polling station, and voting is only allowed in those stations where the list with the corresponding name is registered. STAE did not publish a list with the numbers of each polling station, which would have facilitated the correct selection of polling stations by voters, the monitoring by party representatives and observers, and the organisation of a parallel count by civil society organisations.

In the aftermath of the polling, some party followers that worked for STAE in the polling stations stuffed ballot boxes for their candidate – especially where monitors for opposition parties were not allowed to spend the night in the polling station (mostly in the Province of Tete).¹²

Critical issues:

- Distribution of polling stations
- Ballot box stuffing

¹² See AWEPA, Joe Hanlon, *Mozambique Political Process Bulletin*, issue 24, 12 December 2004.

2.1.5. *Counting and tabulation*

Counting started late in provinces because of missing or malfunctioning software; because of Renamo STAE-members refusing to give access to the system with their password (passwords from both parties are necessary to start processing data); and because the list of polling stations and their registration book numbers was still missing (see above).

Another reason for delay was the high number of invalid votes which had to be checked by the Provincial and the National Commissions (probably around 350,000) – which, according to Renamo-UE, were partly caused deliberately by Frelimo staff to invalidate Renamo-votes .

In the 1999 elections 1277 polling station results sheets (*editais*) were excluded, which means that 600,000 votes were never counted (in presidential and parliamentary elections combined). Where an official polling station count (*edital*) has been excluded (because of errors or alleged fraud) there is no indication on the database, the polling station is simply missing, so it is impossible to tell if it was excluded, or if the data has not yet been entered.

The computer database contained 556 non-existent polling stations. The opposition was worried that there was nothing to stop the introduction of "*editais*" for the phantom polling stations.

Observers were only given restricted access to the counting, which resulted in an open conflict between the CNE and the EU Observation Mission (see below).

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The final results presented by CNE were validated by the Constitutional Council. All allegations of fraud and irregularities coming from the opposition have been rejected by the Constitutional Council, officially because the opposition failed to respect deadlines.

Critical issues:

- Counting software
- Counting procedures
- Non-existent polling stations in database
- Mistakes in interim results
- Numerous tally sheets declared invalid or stolen
- Numerous votes declared invalid
- Limited access for observers

2.2. Electoral Stakeholders

2.2.1. National Commission and Technical Secretariat for Elections

Several problems relating to the National Election Commission (CNE) and Technical Secretariat for the Elections (STAE) had already emerged during the preparation of the registration, the polling and the counting. The CNE in Mozambique, different from most other democracies, is composed of party members (10 Frelimo, 8 Renamo-UE). As a consequence, recruitment of members and decision-making during the electoral process corresponds to political interests rather than technical issues. Decisions were not taken by consensus. According to the law, CNE can make decisions based on a simple majority.

Frelimo has this majority and made several decisions alone. The selection of the President of CNE, the decision in favour of the voting in the diasporas, the decisions regarding the rights of observers, the decisions on the instruments for tabulation (software case – see below) – just to mention a few – were seemingly made against the will of the Renamo-UE. Renamo also complained that the nomination of STAE directors and chiefs and the recruitment of STAE personnel were not conducted in an impartial way, favouring people from Frelimo. Furthermore, it claimed that its STAE members were excluded from some training and therefore disadvantaged in their controlling function.

Given the political context in which the Election Management Bodies had to function, it is difficult to assess whether the problems occurring during the electoral phases can be explained mainly by management deficiencies or by political agendas.

Critical issues:

- Political character and composition of Electoral Commission (on national, provincial and district levels)
- Role and competence of the Electoral Commission (on national, provincial and district levels) – particularly in decision-making
- Role and composition of the election administration STAE – particularly recruitment
- Mismanagement and instrumentalisation of Election Management Bodies

2.2.2. Election observers

The elections were observed by several hundred national and international observers:

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The EU Observation Mission deployed 130 observers from EU Member States, Switzerland (6) and Norway. The Carter Center deployed 60 observers from 23 different countries. EISA (The Electoral Institute of Southern Africa) deployed a mission with 34 members coming mostly from the Southern African Development Community (SADC) region. Other smaller international observer missions came from the Commonwealth, SADC, the African Union, individual African States and AWEPA. The biggest observer mission was the Mozambican network of seven NGOs called the Electoral Observatory (EO), which had 200 long-term observers deployed in all provinces (throughout the electoral process, starting with registration) and 1600 short-term observers to collect results in almost 800 polling stations for a parallel count. Various other local actors observed the electoral process, such as FOMOE (*Forum Moçambicano de Observação Eleitoral*) and FECIV (*Forum de Educação Cívica*).

A serious conflict between CNE and the observers, especially the EU Observer mission, emerged in relation to the right to observe the counting, which would be international standard. CNE argued that observation of provincial and final tabulation was against the law. Also, observers were instructed to avoid speaking to polling station staff. When the first results were communicated in favour of a victory for Frelimo, CNE granted access to the provincial and final tabulation. Observers could eventually partly watch the processing of result sheets from a separate room and visit the data registration in selected cases. The reassessment of invalid and contested votes could not be observed at all.¹³

¹³ On this conflict, see e.g. IRINnews, *Mozambique: Observers excluded from final vote count*, 14.10.2004, www.IRINnews.org.

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The counting and tabulation process was highly criticised by most observer missions and the final declarations on the whole process were far from being enthusiastic.

Critical issues:

- Access to observation during all phases of the electoral process, especially the counting
- Interpretation of the law
- Do observers intervene in internal affairs? Do donors pressure the Government to allow observers to look into internal affairs?
- Impressive list of irregularities presented by observers
- Impact of election observation mission on donor policy?

2.2.3. Political parties

As mentioned above, the electoral process 2004 reflected a constant conflict between the two major parties Frelimo and Renamo-UE. The first serious escalations of conflict happened when the government sent its troops to the province of Sofala, the stronghold of the opposition, to disarm the personal security forces of opposition leader Afonso Dhlakama.¹⁴

The more the electoral process advanced, the more conflictual the relationship between the two parties became. Many conflicts emerged within the Electoral Commission (see above). Overruled frequently by the Frelimo-majority, Renamo complained publicly about the decision-making in CNE.

¹⁴ See Mozambique News Agency AIM Report No. 282, 3 September 2004, www.poptel.org.uk.

After the polling, Renamo leader Dhlakama and senior party members held several press conferences and meetings with donors where they claimed sufficient proof of “massive fraud” and “electoral crimes”. Renamo-UE, in alliance with smaller parties, suggested invalidating the elections and repeating them within six months, including the constitution of a new electoral register and electoral bodies. Given the strength of the government and the silence of the donor community, the losing party eventually accepted the defeat, although it never officially accepted the results.

Critical issues:

- Basically every decision taken by the CNE
- Most of the electoral conflicts were raised by the opposition party Renamo-UE
- What impact do unbalanced power structures have on elections?

2.2.4. Constitutional Council

The Constitutional Council is an important stakeholder in the elections because it validates the results, examines all the claimed irregularities and proclaims the official winner. Because the Council can recommend repeating the election or parts of the election (i.e. in some Provinces), it can have a significant political impact. In the 2004 elections, the Constitutional Council did not uphold any claims by the opposition, officially because deadlines for the submission of claims were not respected. Recommendations of the

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Council that accompanied the proclamation of the final results have so far hardly been respected. The Constitutional Council, contrary to a Constitutional Tribunal, has no binding judgement. The Constitutional Council criticised the management of the CNE and recommended its composition be changed in favour of impartiality.

Critical issue:

- How to deal with the allegations made by Renamo-UE
- How to validate the election results, taking into account the irregularities

2.2.5. Government

The government played a crucial role in CNE decision-making because it controlled the majority of the Commission through party discipline. Although government officials would officially contest this view – formally the CNE is an independent body, despite its partisan composition – it was evident in the conflict between observer missions and the CNE. The president declared the requirements of the EU observer mission to be interference in internal affairs. By doing so he transformed a legal question (does the electoral law allow for observation of the national tabulation?) into a political issue that concerned collaboration between donors and the Mozambican government.

Furthermore, the government played a role by making state resources available for Frelimo campaigning and by allegedly using police forces to intimidate followers of the opposition.

Finally, the government indirectly determined the positions of Frelimo in any conflicts between political parties. This relates to the fact that the Secretary-General of the party, Armando Guebuza, ran for and won the presidential elections. He started to define politics from the moment he was elected internally as the successor of former President Joaquim Chissano in 2002. As the acting head of Frelimo he was, from then on, in the position to direct the affairs of Frelimo, including affairs concerning decisions of the CNE.

Critical issues:

- What should the role of a government in elections be?
- How can the independence of an Electoral Commission be guaranteed?

2.2.6 Donors

The conflict between observers and the CNE only slightly challenged the relationship between donors and the government. Basically, donors avoided taking a position. Given the impressive amount of money Mozambique receives from foreign governments, it is amazing that very few donors publicly encouraged the Mozambican government to provide transparency by all possible means. Given in addition, that most of the bigger agreements with the government refer to the condition of free and fair elections, one wonders how donors were supposed to act in case of major political disturbances.

Critical issues:

- What are the limits and needs of interference in electoral processes of recipient countries?
- What is or should be the relationship between donor policy and the conduct of elections?

3. Conclusions

The article attempted to give an overview of election related conflicts during the 2004 national elections in Mozambique. It identified these conflicts along the phases of the electoral process and in relation to the leading players of this process. It mentions the conflict prevention tools that developed, e.g. the conduct of a parallel count and open discussion about conflict issues. The article concludes by questioning the influence of electoral conflicts on voter abstention, rather than attempting to provide any answers.

In summary, it can be said that the 2004 elections in Mozambique had a considerable conflict potential, but due to conflict prevention measures and other factors, did not have serious destabilising consequences. The irregularities, however, were numerous and openly criticised, not only by the opposition parties, but also by observers. In an immediate post-conflict situation where the opposition still disposes of arms and where conflict management capacity is limited, the described case might have caused armed conflict.

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There was hardly any proof of politically motivated manipulation and fraud – except the ballot box stuffing that resulted in some polling stations having a participation of over 100%, which was declared irregular even by the authorities. The case shows, however, the amazing potential for fraud, just to mention the irregularities that observers came across shows: an estimated 2 million non-existent, but registered voters; over 500 non-existent polling stations registered in the computer system – which potentially corresponds to over half a million fictitious votes; and a yet unknown figure of uncounted or invalid votes that can easily reach another million.

It was said that the critical statements of observers and the allegation of opposition parties did not have any visible effects on donors. To the author's knowledge, funding to Mozambique has instead increased rather than reduced since. Has election observation lost significance? Are election regimes jeopardised by the fact that irregularities continuously happen, although they can significantly modify results? Should we all the same continue supporting and observing elections? Or should we simply build on existing governments and work out other criteria for assessing their legitimacy?¹⁵

¹⁵ In Mozambique the number one indicator for measuring good or bad governance is related to PARPA, the poverty reduction plan developed in a joint effort between government and donors.

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Abbreviations

AU – African Union

AWEPA – Association of Western European Parliamentarians for Africa

CEDE - Centro de Estudos de Democracia e Desenvolvimento

CNE – Comissão Nacional de Eleições (National Election Commission)

EISA – Electoral Institute of Southern Africa

EO – Electoral Observatory

EU – European Union

FOMOE – Fórum Moçambicano de Observação Eleitoral

FECIV – Fórum de Educação Cívica

FRELIMO – Frente de Libertação de Moçambique

IDEA – International Institute for Democracy and Electoral Assistance

MPLA – Popular Movement for the Liberation of Angola

NGO – Non Governmental Organisation

RENAMO-UE – Resistência Nacional Moçambicana – União Eleitoral

SADC – Southern African Development Community

STAE – Secretário Técnico da Administração Eleitoral (Technical Secretariat for Election Administration)

UNITA – National Union for the Total Independence of Angola

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