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FINAL REPORT

Mozambique Election Law Consultations

and Follow-on Consultations

AID Grant No. 656-0227-G-00-3027

Under USAID Project 656-0227,
Mozambique Democratic
Initiatives Project

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I. PROGRAM SUMMARY

At the request of Minister of Justice Oussamne Ali Daut and Mozambique National Resistance (RENAMO) Secretary-General Vicient Ululu, the National Democratic Institute for International Affairs (NDI) sent a technical team of international election law experts to advise the ruling party of Mozambique (FRELIMO), the opposition RENAMO party and the smaller parties. From July 21 to 25, 1993, NDI's team of election advisors conducted a series of individual consultations with the parties to help advance negotiations at NDI's Multiparty Electoral Conference and adoption of an election law.

As a result of the election law consultations NDI received further requests for assistance with the election law negotiation process from Mozambican officials and party representatives. NDI assigned two representatives with experience in Mozambican politics and legal issues to attend the multiparty conference to: help political parties understand the political ramifications of issues under debate; cooperate and correspond with other sources of international assistance; report regularly to the USAID mission in Mozambique and to NDI; and when appropriate, relay technical analysis and advice from NDI to the parties. (See Appendix A for a complete report of the NDI field representatives' activities.)

II. BACKGROUND

On October 4, 1992, a peace accord was signed by Mozambican President Joaquim Chissano and the president of the opposition Mozambique National Resistance (RENAMO), Afonso Dhlakama. The General Peace Accord of Mozambique, a set of seven protocols and four accords ending the civil war, was produced after more than two years of negotiations between the government and RENAMO. More than 1 million lives have been lost and approximately 5 million people have been displaced in one of the most brutal conflicts in the region. With the signing of the peace declaration, the first democratic elections in Mozambique were tentatively scheduled to take place before the end of 1994.

One week after the signing NDI conducted a survey and consultation mission to Mozambique to develop a voter education project in preparation for elections. NDI subsequently drafted a proposal to the U.S. Agency for International Development (AID) to conduct a voter education program.

In June 1993, NDI continued its involvement in Mozambique by organizing a series of focus groups in which 173 randomly selected Mozambican participants in four provinces were interviewed. Also in June, NDI media consultant Sean Kelly analyzed the media infrastructure of Mozambique to assess the options for communicating a civic education program to the Mozambican voters. During the focus group program the major opposition party (RENAMO) and the government requested that NDI assist them in analyzing and assessing the draft election law.

In response to the requests NDI conducted a series of consultations in Maputo, Mozambique, from July 21 to 25, 1993, and provided two NDI consultants in Maputo to each participating political party during and after the multiparty conference.

III. PROGRAM OBJECTIVES

NDI's election law consultation program in Mozambique was designed to provide technical information about and practical advice on alternative election models and election administration. The program was intended to assist the Mozambican government, RENAMO and the smaller parties to develop an effective election system as they prepare for their first multiparty democratic election.

An underlying objective of the program was to advance the formation of a new electoral law for the transition election in October 1994. As the multiparty conference approached, the delegation attempted to meet with officials or representatives of each of the key political parties, identify the parties' major concerns and questions about the election system and offer analysis and comparative examples from other election systems.

Specific goals of the project also included: reviewing existing election law drafts; recommending consensus building measures; preparing a report containing general recommendations; meeting with government officials and political party representatives individually; and providing an oral report to the principals and the USAID mission before departing Maputo.

IV. PROGRAM ACTIVITIES

The NDI delegation conducted a series of individual consultations with the political parties in Mozambique from July 21 to 25, 1993. The NDI team included: Antonio Vitorino, a judge on the Constitutional Court in Portugal and member of the Portuguese Socialist Party;

Vitor Antonio, director of information for the Social Democratic Party in Portugal; Mark Braden, legal counsel for the U.S. Republican Party, and Michael Stoddard, NDI assistant counsel for electoral processes.

Delegation members met individually with representatives from all local political parties and with influential government and intragovernmental bodies in Mozambique to discuss the March 16, 1993, draft election law. This version of the law was drafted by the government and was nominally based on the parameters of the peace accords signed in Rome in 1992. Before arriving in Mozambique all members of the delegation received and analyzed the draft of the election law prepared by FRELIMO. Although other drafts or comments on the draft were said to exist, none were made available to the NDI team despite repeated requests.

A list of political party representatives who attended the meetings is attached. (See Appendix B.) A list of those who attended the U.S. ambassador's reception for the NDI delegation is also attached. (See Appendix C). The reception, although ostensibly a social occasion, was an extremely productive gathering of government officials, members of the ruling party and members of RENAMO. At this meeting senior RENAMO officials invited NDI to visit their up-country headquarters and gave assurances of RENAMO participation in the election law consultations.

NDI was invited by the government to remain in Mozambique to attend the multiparty conference in August from which a final election code was to be negotiated. Though the four-person team of experts left the country before the negotiations began, two NDI consultants, Paula Santa-Rita, who has worked with NDI since its October 1992 survey mission, and Jorge Cortes, a native of Portugal and a professor of constitutional law at the University of Mozambique in Maputo, were contracted to be liaisons and to follow and report on conference developments.

The four-person team of election experts, accompanied Santa-Rita and Cortes briefed the U.S. ambassador, the deputy chief of mission, the AID chief of mission, the AID project officer, the public affairs officer and representatives of USIS. During the follow-on work at the multiparty conference NDI representatives were in constant contact with the AID project officer in charge of the program and provided the officer with frequent updates.

V. OBSERVATIONS

In March 1993 the government completed a draft election law based largely on the electoral system and law used in Angola. No parties had submitted a draft proposal. RENAMO and FRELIMO representatives had prepared written comments/analysis of the government draft, but neither party was able to provide NDI a copy of these comments until the conference began.

The team identified election-related issues and discussed them with representatives of all the political parties. The topics addressed were:

- the methodology to be employed during the autumn multiparty conference (election negotiations);

- the composition of electoral bodies such as the national election commission (CNE) and the polling places;

- the selection of a CNE president viewed as independent and trustworthy by all major parties;

- the magnitude of powers conferred upon the CNE in light of draft legislation proposing minimal decentralization and absence of judicial review;

- the minimum threshold percentage (between 5 and 20 percent) necessary to win allocation of seats and the level (national versus provincial) at which the threshold will be measured;

- the equitability of campaigning given the advantages of incumbency in Mozambique and disproportional state finance formulas (for gratis media time, for monthly stipends);

- perception of the STAE as being biased in favor of FRELIMO and of excessive reliance on former administrators and military personnel from the government; and

- logistics of registration, relocation of refugees/internally displaced persons, monitoring (a two-day voting process) and tendered ballots.

VI. EVALUATION

The timing of the NDI program was excellent. The U.S. ambassador expressed his satisfaction that NDI's presence had significantly influenced RENAMO's willingness to engage in discussion of the election law issues. NDI has assessed that the election law consultation aspect of the program helped clarify misunderstandings and build momentum toward consensus among key political negotiators at a critical period in Mozambique's transition discussions. The NDI team's meetings with RENAMO helped "de-mystify" the approach to election law negotiations and the election process in general.

For example, until its meeting with NDI experts Renamo was not aware that it had the right and the ability to monitor the vote tabulation process and the transmission of results. RENAMO's realization that computerization of the tabulation process could be monitored and verified eliminated a major concern the party had planned to voice at the negotiations and

allowed it to focus on other issues. Another critical achievement of the consultations was the development of strong working relations with government and party officials. The strong working relationship enabled NDI to introduce and establish a respected team of field representatives to remain available to all parties for assistance during the actual negotiations of the election system.

The problem of composition of the election commissions and subsidiary bodies is largely political. As a result of NDI's meetings, all parties are cognizant of the issue. The NDI team offered several examples of how other countries had addressed the composition issue but noted that final resolution of the composition matter would ultimately be the province of the political parties. The threshold percentage and lack of judicial review issues fall into a similar province.

The negotiations concerning the election systems in Mozambique may are the key to a successful transition in that country. Clearly, it was useful for each of the political parties to hear the concerns of international election experts and to receive feedback regarding their own concerns. In some cases the concerns of parties were dispelled by the NDI team. In others, potential solutions based on comparative examples from other countries were considered. Overall, however, the NDI team noted that the major issues facing the negotiators required political solutions. The team urged that these solutions be reached in a manner that incorporates all concerned political parties and urged that each party be committed to ensuring the credibility of the election process.

NDI's liaison in Mozambique held observer status after the NDI delegation departed during the multiparty negotiations. The liaison continued to report current developments to NDI and, when appropriate, a member of the NDI team drafted comments and analysis for use by the political parties. This role was encouraged by the U.S. embassy and by the political parties as well.

Finally, administration of the program was successful. In response to urging from the U.S. mission, and on extremely short notice, NDI was able to recruit and deploy a team of election experts. The team was characterized by qualities that were important to the success of the program: it was multinational; it contained members who were extremely familiar with the politics and history of Mozambique and who also spoke Portuguese and possessed a reputation of impartiality; it contained representatives of the U.S. Republican and Democratic parties; its members were specialists in elections, and three of the members were lawyers; and its members had extensive experience in international democratic development work.

The team was organized and managed at minimal expense because the NDI election ? expert doubled as the staff person on the ground. This staff person assisted the NDI field representative who, because of superb connections with significant players in Maputo and native familiarity with the culture, language and politics of Mozambique, assembled the program meetings despite serious time limitations and logistical difficulties. The program could not have achieved similar success without the help of a full-time field representative, who was knowledgeable about both the local situation and NDI's programming needs.

Appendix A

NDI FIELD REPORT

MOZAMBIQUE

October 1993

Field Report:
The Multiparty Consultative Conference
on the Draft Electoral Laws[1]

I. Background

The General Peace Agreement

On October 4, 1992, in Rome, Italy, FRELIMO (the government's ruling party) and RENAMO (the National Resistance movement) signed the General Peace Agreement (GPA).

On October 15, 1992, the cease-fire took effect. The different accords which make up the GPA call for the establishment of the following commissions:

- CSC - Supervisory and Monitoring Commission
- CCF - Cease-fire Commission
- CCFADM - Joint Commission for the formation of the Mozambican Defense Force
- CORE - Reintegration Commission

The GPA agenda includes the following activities that are based on the proposals of the Peace Agreement Protocols:

1. Cease-fire;
2. Demobilization of troops;
3. Formation of a single, unified national army;
4. Control of the activities of private and irregular armed groups;
5. The functioning of the SNASP (now called SISE), the secret police;
6. Reintegration of demobilized soldiers;
7. Resettlement of Mozambican refugees;
8. Freedom of the press and equal access to the media;
9. The role of international observers at elections;
10. Drafting and approving of the electoral law based on a pluralistic, free and fair voting system.

Apart from the main commissions mentioned above, other commissions have been or are expected to be established to guarantee the implementation of the different parts of the process during the period from the date of the cease-fire to the date of the elections. These include:

1. The Commission for State Administration -- an important commission in view of the fact that RENAMO controls large parts of the rural territory in many parts of the country;

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[1] This report was prepared and translated by NDI Field Representative Paula Santa-Rita, with assistance from NDI Consultant Jorge Cortes.

2. The National Information Commission;

3. The Police Affairs Commission -- will monitor the activities of private security forces and the restructuring of the police forces;

4. The National Electoral Commission -- will organize and conduct the electoral process.

Each of these commissions, except for the National Electoral Commission, have been constituted, but they have never convened. The National Electoral Commission is dependent upon approval of the electoral law.

By mid-1993, the U.N. secretary general's special representative in Mozambique announced that the United Nations, the government and Renamo had agreed that the Rome calendar was unrealistic and that there were sufficient reasons to draft a new calendar based on a more realistic appraisal of the present Mozambique situation.

Because of a series of canceled meetings and because the commissions have not convened, there have been considerable delays in implementing the original timetable of the GPA. A new, more realistic and objective calendar has not been determined.

Elections

Elections are scheduled for October 1994. Elections are not to take place however without demobilization of troops and the formation of the new unified national army, which in turn is dependent on other parts of the process (including the establishment of an approved timetable). The new calendar does not foresee any changes in terms of the election date (October 1994), and the donor community continues to insist on the unalterability of the elections deadline even while admitting slow progress in many other areas of the process.

The process, which covers the period from cease-fire to elections, is long and complex and involves various components that are difficult to synchronize with one another.

One of the major obstacles underlying many of the delays and lack of consensus is the extreme mistrust between the two main parties: the ruling FRELIMO and main opposition party, RENAMO. Very little progress has been made toward building a greater degree of trust between the two. The [recent] summit between the two leaders, Dhlakama and Chissana, important as it was, did not do much to change this climate of persistent suspicion that seems to prevail at all debates and negotiations and permeates much of present day Mozambican society.

The Multiparty Consultative Conference to debate and draft the new electoral law was conducted in the context of this deep suspicion and the sensitive and complex negotiations related to the various other components of the Peace Agreement.

II. The Multiparty Consultative Conference on the Electoral Law Maputo, August to September 1993

Methodology

Protocol III of the General Peace Agreement, in the introduction to the chapter on "Principles of the Electoral Act," states that:

> "The Electoral Act (Law) shall be drafted by the Government in consultation with RENAMO and all other political parties."

The government however chose first to present the opposition with its own draft of the law and then to have a conference to "consult and debate" RENAMO and the other opposition parties. Taking into account the existing mistrust between all parties in the process, this approach did not contribute to an open and frank environment for discussions.

The government had previously drafted at least three other election laws during the preceding year. The latest version distributed to the other parties in April was the version finally approved by the government's Council of Ministers.

The conference on the law was signed by Frelimo, Renamo, and fourteen other opposition parties and groups on July 26.[2] Throughout the duration of the conference the government stressed the consultative nature of the meeting noting there was no provision for making decisions by vote. Rather, the government interpreted the methodology as allowing only decision by consensus.

The methodology allowed for non-registered parties to participate on equal footing with legally registered parties. International observers were not allowed to participate during the proceedings, which were conducted in a series of plenary sessions.

The government and FRELIMO on the one side and Renamo and most opposition parties on the other had diverging interpretations of Article 13 of the Methodology, which reads: "In all other respects pertaining to the running of the sessions normal procedures shall be followed." Although the government and FRELIMO interpreted the article as meaning "decisions by consensus," RENAMO and the majority of the opposition parties interpreted it as implying different choices, including decision-making by a simple majority voting procedure.

The government's main arguments for rejecting voting were:

1. That none of the participating parties had been democratically legitimized through elections;
2. That a few of the participating parties were not yet legally registered;
3. That the Multiparty Conference had a consultative (not decision-making) nature.

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[2] "Parties" are legally registered political parties while "groups" or "emerging parties" are those not yet legally registered.

The methodology proved to be inadequate in many respects. NDI later worked with ONUMOZ on a draft proposal for a review of the methodology and some of those considerations are included in this report.

The National Electoral Commission

At the time of this writing, the National Electoral Commission, which will organize and conduct the electoral process, has not been established because its existence depends on the approval of the electoral law.

Protocol III, Part 3, Article A of the GPA states that the National Electoral Commission shall be:

> ". . . composed of individuals whose professional and personal qualities afford guarantees of balance, objectivity and independence [vis-a-vis] all political parties."

The GPA provision points toward a non-partisan type of commission. This orientation was diverted however at the start of the conference. The government's draft proposed that Supreme Court judges and other public officials or individuals chosen by the president serve as members of the Electoral Commission. The opposition groups however countered that these officials were unacceptably biased toward the government party that appointed them.

The other major disagreement around the composition of the commission was related to the fact that the government's draft pointed towards a National Electoral Commission controlled by the government. The government contends that the management of the electoral process is its responsibility.

The Multi-party Conference: Observation Notes

The Multi-Party Conference had its opening session on July 29. The conference was subsequently suspended because of a deadlock over the issue of the composition of the National Electoral Commission.

The conference met with problems from the start when RENAMO chief delegate to the conference, Jose de Castro, read a lengthy document containing criticisms of 25 articles of the government's Electoral Law Draft (containing more than 200 articles). Castro claimed that those 25 articles were in breach of the GPA and that the government had drafted it without consulting RENAMO and the other parties. Castro asked U.N. Special Representative Aldo Ajello to establish a special "working group" or "technical committee" consisting of representatives of the government, RENAMO and other opposition parties, under the supervision of the Supervisory and Monitoring Commission (CSC) to completely redraft the electoral law proposal.

After reading this statement, Castro suggested that RENAMO representatives would leave the conference and would not participate in the debates unless their demand was met. This stormy start interrupted the proceedings for a few days in what was to become a pattern of interruptions and delays caused by both major parties (RENAMO and FRELIMO). This pattern appeared to most observers as a deliberate delaying tactic aimed at gaining leverage

in negotiations on non-election related aspects of the GPA.

Various issues were discussed before participants addressed Article 16 (Composition of the Electoral Commission - "CNE"), their major concern and the cause of the deadlock. These preliminary issues included.

1. The simultaneity of presidential and legislative elections -- Smaller parties argued that this approach will harm their parliamentary chances since they do not have presidential candidates.

   [N.B. Unfortunately for the sake of democratic debate, this and many other important points in the discussions could not technically be subject to debate or discussion because the whole draft is bound by the strict constraints imposed by the General Peace Agreement.]

2. Rules governing the role of international observers during elections -- Participants observed that if the government should decide the rules unilaterally, the consequences would inevitably generate suspicion towards such observers by the opposition.

3. Restrictions on the right to vote -- Participants warned that if those under preventive detention (detention without trial) are prohibited from voting it would infringe on basic human rights, run counter to domestic laws and the constitution and ultimately might endanger the democratic electoral process itself.

Conference Deadlock

Discussion of Article 16 of the Draft Electoral Law, pertaining to the composition of the National Electoral Commission (CNE) brought the conference to a deadlock that dominated the conference from the start. It also led to the split of the "12 + one," (twelve plus one, the "one" being FUMO opposition parties also known as the "unarmed opposition," which never regained their original unity as "the opposition" throughout the conference and the remainder of the crisis around article 16.

The impossibility of reaching consensus about what would constitute a "balanced composition" of the electoral commission was the major impediment to progress in the negotiations. For the government, "balance" meant a commission divided evenly in two parts: one part comprising the government and appointees and the other comprising representatives of all other parties, including RENAMO. For RENAMO and the majority of the opposition parties "balance" meant a commission divided equitably and proportionately in three parts: the government, RENAMO and the other parties.

Political forces in Mozambique, including the government, appear to have little experience or technical skills needed in democratic negotiations with political opponents. Mistrust also contributed to the extreme politicizing of all issues to the detriment of a more technical and constructive approach.

Several attempts by domestic and international actors to end the deadlock proved unsuccessful. The donor community exercised considerable pressure to have the electoral

law approved by October 1993 so as to keep up with the original calendar of elections by October 1994.

In an attempt to accelerate proceedings and respond to the pressure of the donor community, the government decided to announce a deadline of October 10 to have the new draft ready for adoption by the Assembly of the Republic. The government held a series of "restricted meetings," behind closed doors, with RENAMO and other parties individually to try to reach consensus.

Renamo and eight of the unarmed parties which sided with it on this issue continued to insist on use of a simple majority vote to overcome the deadlock. As mentioned above under the discussion of "Methodology," these eight unarmed parties interpreted Article 13 of the Methodology as allowing for a voting procedure to be introduced and negotiated in the proceedings of the conference.

From a strictly juridical perspective it is questionable whether the conference had a mere consultative nature since, before the beginning of the conference, the government had yielded to RENAMO's demand (even though the demand was unconstitutional by Mozambican Law) that the Assembly of the Republic could only approve and ratify the final draft law approved by the conference. In fact, the first Methodology drafted by the government, dated June 30, states that the "consultation meeting aims at collecting contributions towards the drafting of the electoral law," while the Methodology signed by all parties contemplated that the conference would ". . . collect contributions with the aim of drafting the Electoral Law and to fix its letter."

On September 17 after the "group of eight" decided to abandon the conference and RENAMO stated that it would not continue to participate without the rest of the opposition, the government formally suspended the conference. The government stated that it would continue to consult all parties on an individual basis and reassured the donor community that elections would take place as scheduled in October 1994.

NDI Assistance

Election Law Consultations

In the period just before the commencement of the Multi-party Conference on the Draft Electoral Law, during the last week of July 1993, the National Democratic Institute for International Affairs (NDI) sent an international team of election law experts to work with the political parties on issues related to the forthcoming first multiparty elections.

The members of the delegation were:

1. Michael Stoddard
2. Antonio Vitorino
3. Vitor Antonio
4. Mark Braden
5. Paula Santa-Rita
6. Jorge Cortes

The delegation's main objectives were to:

1. Advise the parties about various electoral models.
2. Provide practical information about the available choices and the possible consequences of the different approaches within the context of the existing draft law.
3. Evaluate and discuss any other proposals that had been formulated.
4. Review existing proposals and recommend consensus-building measures.

During its stay in Mozambique the delegation worked with FRELIMO, RENAMO and the unarmed opposition parties and groups. It also met with Mozambican government officials working directly on election-related issues as well as with members of the International Team of Consultants attached to the STAE (the informal technical and executive electoral support structure).

Some of the points raised during those meetings were:

1. The composition of the National Electoral Commission (CNE).
2. The relevance of setting up an electoral tribunal.
3. The appointment of the president of the elections executive body (STAE).
4. The role of the C.S.S. (Supervisory and Monitoring Commission).
5. The practical problems involved in having a two-day election.
6. The 5 to 20 percent threshold barrier (imposed by the GPA).
7. Whether or not candidacies should be presented at the [provincial] rather than the national level.
8. Districting and Gerrymandering.
9. Article 244 of the draft law dealing with suspension of right of access to the media.
10. Voter registration issues.

Many of the questions discussed in those first meetings were subsequently raised during the first day of the Multi-party Conference by parties such as FUMO and MONAMO during the discussions on the first few articles of the Draft. Unfortunately, many of these questions were never resolved nor properly debated then, either because of the constraints of the GPA already referred to or because the conference degenerated into political posturing.

Many of these same issues and questions were considered so relevant and important by the parties that they were often raised in the frequent meetings and informal discussions NDI held with the parties for the period while the conference was being held and after it was officially suspended.

Liaison with the Multiparty Conference and international assistance projects

After the NDI election law consultations, two NDI team members continued to follow the events around the drafting of the electoral law and attended the conference as observers. The team included a socio-political analyst and an expert on constitutional law.

The team members followed the conference daily. On August 4, the chairman of the conference, Presiding Justice Minister Aly Dauto, formally announced to the plenary NDI's presence at the conference and that NDI's team was available to give technical assistance to all interested political parties.

The team's main tasks were to: observe and report on the proceedings, provide advice and information to political parties, conduct group discussions on the draft, be available for informal individual consultations during the proceedings and during the breaks, and assist political parties in the drafting or reviewing of their own proposals.

The team also had consultative meetings with individual political parties and prepared written notes at their request. It also translated and distributed copies of Namibia's "Code of Conduct for Political Parties."

Finally, the team also communicated, verbally and in writing about the conference and the political situation in general to the USAID mission project officer through Michael Turner and to NDI's Washington Office.

In mid-August, U.N. consultant Lucinda Almeida, a Portuguese election expert, visited Mozambique for a two-week assignment to observe the Multi-party Conference and to provide technical advice to all political parties.

NDI's team worked closely with Almeida during her stay. NDI's team and Almeida met daily to discuss technical and political aspects of the discussions and to review the various articles of the draft or to go over technical points which she had raised in written comments on the draft. NDI also worked with Almeida in organizing joint NDI/ONUMOZ meetings with the political parties including weekend meetings with individual parties.

As soon an the conference came to a standstill around Article 16, NDI met with Almeida, other U.N. consultants then in the country and ONUMOZ's electoral unit staff to discuss the possibility of setting up an informal working group to address the more technical aspects of the draft. The informal working group consisted of representatives of NDI, the United Nations, UNUMOZ and of each party or group of parties.

The main aim of the informal working group was to overcome some of the difficulties that were bringing discussions to a halt, to help overcome the growing degree of suspicion and to try through the group's discussions to build a more positive attitude among opponents. The fundamental consensus that initially existed on most technical issues was seriously shaken by the on-going power struggle over Article 16. The working group's joint work was an attempt to help prevent the conference and the transition from unravelling.

Throughout the conference and after its suspension, NDI worked closely with ONUMOZ's Electoral Unit, particularly with the unit's legal officer, Leite Faria. The Unit's chief officer, Djemba, agreed to provide a meeting room for all NDI's meetings with the parties and invited NDI to participate in the Unit's internal meetings to discuss the draft law.

After the conference was suspended, NDI and ONUMOZ also held individual meetings with RENAMO, FUMO, PCN and FRELIMO.

Besides the joint work with ONUMOZ, NDI's team also had individual meetings with the parties listed above, with the spokesperson for the "group of eight" and with representatives of all the parties from the "group of eight."

In all of those meetings the agenda covered one or more of the following questions:

1. Rights and duties of poll watchers and registration officers;
2. Use of government property and facilities by the party in power;
3. The impartiality and neutrality of public entities during the electoral campaign;
4. Rules regarding financial contributions to political parties;
5. Regulations regarding the use of the press for propaganda purposes;
6. Broadcasting time allocation and the principle of proportionality;
7. Freedom to assemble and demonstration rights;
8. Various systems of proportional representation;
9. Electoral tribunals: organization and proceedings;
10. Any other technical-juridical issue related to the present draft proposal or to the GPA or that is of particular interest to the party.

As the deadlock at the conference set in, NDI met with one of ONUMOZ's political/information officers to consider constructive options to overcome the situation.

One of the options considered was a proposal for changes in the Methodology adopted for running the conference. NDI actively cooperated with ONUMOZ in the writing up of the first draft of this proposal, which would then be sent to the Special Representative's Office for comments and suggestions. As mediators, facilitator and supervisors of the peace and democratization process, ONUMOZ has a special position in Mozambique and therefore may be best placed to encourage and suggest constructive measures to overcome the on-going crisis.

The main points proposed for a review of the Methodology consisted of two points:

1. That the Methodology should include the establishment of a formal Technical Committee which would work on technical issues before opening up political discussion on those issues in the Plenary.
2. That international/national experts could be invited to be active advisers, without voting or decision making powers, to the Committee.

The Technical Committee would in a joint effort cooperate to alter, amend, revise or redraft all or parts of the existing draft within a set limit of time agreed to by all parties. The Technical Committee would then take the proposal to the Plenary for discussions and approval.

On October 11, ONUMOZ's executive director told the press that ONUMOZ might suggest to the parties that the conference put less emphasis on plenary sessions and give more attention to smaller working groups. At the time of this writing there was no direct follow-up to NDI's suggestion regarding the Technical Committee nor to the executive director's proposal. The crisis continued to its final deadlock.

Reflections

Free and fair multi-party elections are the main objective in the short-term for Mozambique. As already stated, elections cannot take place until other components of the General Peace Agreement have been implemented, particularly demobilization of troops and the formation of the new national army. Though elections are scheduled for October 1994, in face of the need for a new calendar and the various delays to the process as a whole, it now seems more realistic to expect elections to take place sometime in 1995. In spite of the concern of the donor community over the delays and its protests against the idea of delaying elections until 1995, holding elections a few months later than scheduled might prove more beneficial than harmful to the country.

Appendix B

NDI ELECTION LAW CONSULTATION

LIST OF PARTICIPANTS

APPENDIX B

NDI ELECTION LAW CONSULTATION
MEETING WITH REPRESENTATIVES OF THE "UNARMED PARTIES"

PARTIDO	NOME*	CARGO/POSICAO	TELEFONE
PPPM	Mario Markipcue	Junideo	29111
PPPM	Sernia Maria Bida		
PPPM	Cesor Jeilia Carmele		29111/47055113
PALMO	Martin Lim Bilal	Presidente	401289/415647
PALMO	Antonio Palange	Vic-Pres	418241,475147
PALMO	Alberto	I. Courite' Politics	418241,475147
FUMO	Pouter Alberto	Igreja	427290
PPPM	Miguel Nabote	Vice Presidente	
SOL	Arnaloh Aroue Whule		
SOL	Matusuike	Vice-Presidente	
SOL	German Andoe Siklesi		752282
PATE	Cha Gaiule		732890
MONAMO	Alserto Wuuuna		460346-4240313
MONAMO	Maximo Dias		4222781
MONAMO	Francisco Manuel		417768
MONAMO	Jennifer Soka		348856
SOL	Casimiro Nharihambo	Presidente	33479/31062
MONAMO	Imario Jalifief		
UNAMO	Candida Guinara		417670
PACODE	Gonzales Augusto Tacho Pondo		491109
PPPM	Ernesto Matique	Chefe do Dept. Assuntos P.	29111
PANADE	Regina deKlers		31979
FAP		Journal Domingo	431026
UNAMO	Carlos Revisdecu		491283
PADERMO	Akilio P. Chilanbo	Vice-Presidente	33715
PADERMO	Domingos Preale	Secret de R. Est.	21008
UNAMO	Antonio Muamanange		417670
UNAMO	Isaias Vasco Metterviue	Secret Provicial.	732410
UNAMO	Goreio Seragaie Teua		
UNAMO	Auselimo Sina		417670
PAFEMODF	Wouneu Juna	Secret Relations Exteriore	33433
PATEMO/DG	Manuel Joaquim Pangane	Sec. Geral	732890
PANADE	Lacerda F.S. Pinto	Membro da Direccau	31979-733072
PANADE	Carlos Saide	Vice-Coordinador Geral	31979733072
PCN	Lutero Simango	Corrd. Pelas Rel. Ext.	742442
PCN	Marcela Palka Cardosa	Dept. F. Quadros	
PCN		Iotje Publicictate	
FUMO	Pedro Luforte	Presidente/Vice Congress	32972

* These names were handwritten by the representatives. The names typed here constitute NDI's best effort to transcribe the names and other relevant information.

Appendix C

NDI ELECTORAL LAW CONSULTANCY RECEPTION

LIST OF ATTENDEES

APPENDIX C

7/23/93 NDI ELECTORAL LAW CONSULTANCY RECEPTION
AMBASSADOR'S RESIDENCE
GUESTLIST

NDI

Michael Stoddard-NDI Program Officer
Mark Braden-Consultant, Electoral Law Expert, former Chief Counsel to the Republican Party
Antonio Vitorino-Consultant, Electoral Law Expert, Justice Constitutional Court of Portugal, former member of Parliament
Victor Antonio-Consultant, Electoral Law Expert, Director of Information, Portuguese Social Democratic Party
Paula Santa Rita-Consultant, Field Administrator for Mozambique
Mr. Zeferino Fanequiço, Translator

Ministry of Justice

H.E. Oussamane Ali Dauto-Minister
Dr. Abdul Carimo Mohamed Issa-Special Advisor to the Minister
Dr. Ismail Valigy-Member of Interministerial Secretariat/Ministry of Foreign Affairs
Dr. Aires do Amaral
Dr. Carlos Manuel-Director of Interministerial Secretariat

Ministry of State Administration
H.E. Aguiar J.R. Real Mazula-Minister

FRELIMO

Mr. Mariano Matsinhe, Chair FRELIMO Elections Committee
tel. 490972

RENAMO

Mr. Raul Domingos
Mr. Vicente Ululu
Mr. Victor Anselmo
Mr. Francisco Rupansan, Commissioner for Territorial Administration
Mr. Jose de Castro, Secretary for International Relations
Tel. 421293, 423277

PADEMO

Mr. Wehia Ripua +1
(res.)743271
Av. Kim il Sung
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FUMO

Dr. Carlos Jeque
tel.426974

Mr. Pedro Laforte
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MONAMO

Dr. Maximo Dias +1
(off.)422781 or 34856

UNAMO

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Av. Mao Tse-Tung no. 1224
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PCN

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Mr. Mabunda

PPPM

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SOL

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Mr. Martins Bilal +1
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INVITED BY AMBASSADOR ON 7/23/93

UNOMOZ-ELECTORAL DIVISION
Mr. Albert Djemba-Yumbula, Acting Head of Division
Ms. Carol Castiel (Tel. 42-32-17, ext. 2211)
Mr. Jose Maria Leite Faria
Ms. Deborah Schein

STILL NEED TO BE CONTACTED

UNDP
Carlos Picado Horta, Economist
Christian Manahl, Program Advisor, UNDP Electoral Project

EMBASSY

The Ambassador
Chris Dell
Dean Pittman
Susie Pratt

USAID

Roger Carlson
Jack Miller
Sue Nelson
Luisa Capelao
Mike Turner

USIS
David Ballard