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Andrea E. Ostheimer

## Mozambique's tainted parliamentary and presidential elections (December 2004)<sup>1</sup>

The 1st and 2<sup>nd</sup> of December 2004, Mozambique's voters went to the polls in the third parliamentary and presidential elections since the introduction of a multiparty system and the end of the country's civil war. Characteristic for these elections was a surprisingly low voter turnout of about 36 %. After the end of the civil war in 1992, and in its first free multiparty elections, 88 % of the electorate participated and demonstrated their support for the peace and democratization process. At that point, for most voters, elections symbolized the return of peace, and the majority of them expected an improvement of their living conditions from the new democratic set-up. In 1998, Mozambique's democratization process encountered its first set-back when voter turnout at the local elections remained as low as 14.6 %. An election boycott by Renamo, a lack of alternatives to Frelimo, the chaotic organization of the election itself and an insufficient civic education which failed to explain to voters the significance of local elections and its process, were mainly responsible for the high voter abstention. On the other hand, the apathy also indicated the population's frustration with the failure of the Frelimo government to deliver meaningful social services which would improve the living standards for the majority of Mozambicans. To the contrary, the people faced increasing living costs and a deterioration of public services. In 1999, Mozambique's voters returned to the ballot boxes for the second parliamentary and presidential elections. The relatively high turnout of 68.5% bestowed the winners of both elections with sufficient legitimacy. A high level of voter participation was also expected in 2004, because of the narrow margin of votes casted for Frelimo candidate Joaquim Chissano and his Renamo opponent, Afonso Dhlakama, in 1999 (difference of 205593 votes). Anticipated was also the question whether it would come, for the first time, to the so called „turn-over test“ that according to political scientist Samuel Huntington, has to be seen as a criteria for the consolidation of democracy. Election campaigning of both major parties but also of the newcomer, the 2003 established „Partido pelo Paz, Democracia e Desenvolvimento“ (PDD), was widespread and cov-

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1 Revised and extended version of a first assessment of the elections published in German by the author on 08.12.2004, cf. [www.kas.de/publikationen/2004/5824-dokument.html](http://www.kas.de/publikationen/2004/5824-dokument.html)

ered the whole country. However, the campaigns' character drastically demonstrated the highly polarized nature of Mozambique's political arena. Striking for any observer were the individualized campaigns, particularly in urban and developed regions. In addition to the party trucks, on which flag waving party agents cruised around town, one could see individual cars, windows and doors decorated with posters of the presidential candidates Guebuza or Dhlakama. SMS were sent around to friends and colleagues advocating to cast their votes in favour of a particular candidate. During the 45 days of official election campaigning Maputo's citizens embarked every weekend on endless election campaign rallies along the city's coastal strip – the Marginal. Against this vibrant and highly polarized election campaign the low voter turnout came as a surprise to observers. It seemed that after having had a good time and lots of free beverages during the run-up nobody was further interested to deliver their votes and to stand in polling queues for several hours. Despite the fact that only 36.3% of the electorate<sup>2</sup> participated the turnout was nevertheless higher than in the 2003 local elections (24.61%). Voter apathy and politically disinterested citizens are apparently on the increase in Mozambique. This phenomenon affects urban as well as rural areas, strongholds of the opposition as well as those of the ruling party.

Although a thorough empirical analysis will be needed to identify the reasons behind the high abstention – similarly to that done after the 1998 local elections<sup>3</sup> – certain factors, which probably influenced the voter turnout, need to be considered:

As the rainy season had already started in some areas peasants in rural areas gave priority to the cultivation of their „machambas”.

A general and comprehensive new registration process, as was done for the 1999 elections, was suspended for financial reasons. Instead voter registers were updated in 2003 and 2004; which particularly included first-time voters, people who had moved and those who had lost their voter's card. But also old registers of 1999 were used without being revised. Data samples gathered by the author at polling stations around the province of Sofala showed that polling stations with voters' rolls from 1999 hardly reached a participation level of

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2 This percentage was given by the National Electoral Commission (CNE) on the bases of an inflated voters roll. According to the Instituto Nacional de Estatística (INE) the total number of citizens of voting age were 9.1 Mio in August 2004. The CNE voters roll, however, contains the names of 9 095 185 voters. Taking into consideration the percentage of INE estimates for citizens that had reached voting age in 1999 and the percentage who were registered then (85%), one could assume, for 2004, that approximately 7.7 Mio. constitute the actual electorate. Against this figure approximately 43% might have exercised their right to vote and not 36.3% as stated by CNE. [AIM newsletter, <http://www.poptel.org.uk/mozambique-news/newsletter/aim290.html#story3>, accessed 22.12.2004

3 Carlos Serra, Eleitorado Incapturável, Maputo 1999.

20% whereas polling stations using voters' lists from 2003/2004 had an average participation rate of approximately 50%.

Although the accumulation of polling stations into polling centers might have made sense from an organizer's perspective, viewed against the logistical challenges of elections in a country such as Mozambique, it however proved detrimental for the participation of citizens in the electoral process. Particularly in rural areas the pooling of polling stations resulted in long distances (up to 20 km) which most voters had to march. In the district of Buzi, Sofala province (Guarara polling centre), long walking distances were probably mainly responsible for the low turnout of 23 voters (from 584 voters registered) up to the afternoon of the second election day.

An additional factor contributing towards voter apathy is the Mozambican electoral law and the political system as such, notably the nomination of provincial governors by the President. Large majorities of citizens, who vote in their provinces for the opposition, feel excluded from the decision-making process. Also the electoral set-up, using provinces as ultra-large constituencies, enhances the gap between Members of Parliament (MPs) and their voters. Additionally, the „party list system” prevents voters to hold their MPs accountable, as their main interest becomes that of the party. Although civil society has done a lot of voters education over the last years, a lack of substantial civic education going beyond the mere explanation of how to vote, and highlighting the individual responsibilities of citizens for a consolidation of democracy, might have been another factor explaining the widespread voter apathy. Despite all positive reports about Mozambique's development one also should not forget that 68.4% of the population are living in absolute poverty, and high illiteracy rates amongst women (74.1%) and men (44.6%) are limiting popular participation in the political process.

## Favourable features of the electoral process

Unfortunately it seems that Mozambique's electoral bodies did not learn from the problems and weaknesses of the 1999 process – or even lacked the political will to do so. Therefore, problems of the 1999 election, such as the computer tabulation of data sheets coming in from the polling stations, reoccurred. Nevertheless, there were also positive aspects in the electoral process that merit to be highlighted.

In general voting went smoothly on both election days. Controversies that occurred, concerning for example the security of ballot boxes after the first polling day (should they be guarded jointly by party delegates and the

police or only by the police<sup>4</sup>), were resolved in most cases in consensus among all parties concerned. The presence of party delegates from at least three parties (Frelimo, PDD, Renamo) at most polling stations enhanced the transparency of the voting and the vote-counting process.

Also the efforts of well-trained polling station staff explaining, meticulously, the voting procedures to all voters were laudable. In 85% of the observed polling stations no irregularities were reported and the presiding officers did their job satisfactory.

Also commendable was the pooling of resources by Mozambican civil society and their creation of a national consortium for the monitoring of the elections („Observatório Eleitoral”). Its parallel count based on a sample of 792 polling stations (every 16<sup>th</sup>), bestowed much credibility to an albeit defunct post-election-process. With national observers and party delegates present at the majority of polling stations, transparency was guaranteed, up to the handing over of editorial sheets („editais”) containing the individual results to party agents.

Another factor to be mentioned is that Mozambique, particularly in comparison with elections held in other countries of the region, possesses albeit not a perfect, but a sound electoral law, which regulates even sensitive areas, such as election campaign financing (Capítulo III, Art. 35ff, Lei no. 7/2004 de 17 de Junho de 2004) and access to the media (Capítulo II, Art. 29ff, Lei no. 7/2004 de 17 de Junho de 2004).

## Negative aspects of the election process

An unprofessional and chaotic organization of the elections became already apparent during the two election days. Voters' registers („cadernos”) constituted one of the most serious problems. Some of them had been sent to the wrong polling stations. Some voters had valid voter's cards but were, however, not listed in the registers. Voters' numbers and names showed inconsistencies, and names in voters' lists but without registration numbers occurred frequently. In some cases the presiding officers reached consensus with party agents present and decided in favour of the citizen who had come to vote. However, in other cases voters remained excluded from the political process

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4 The Mozambican police (PRM) have the reputation to be closely associated with the ruling party as an integration of demobilized Renamo soldiers into PRM never took place. Particularly under the rule of Samora Machel the police forces were used as a political instrument, and the author found a poster still hanging on the walls of the Buzi district police command from Samora's times, stating that the police is the political agent of the party and the state.

due to errors and omissions in the preparation of the elections. Particularly in those districts considered as opposition strong-holds (on the Ilha de Moçambique, for example, two „cadernos” never turned up<sup>5</sup>) disappearing voters rolls posed serious questions. Some of these problems referred to had already occurred in the 2003 local elections and their negative impacts on the electoral process were highlighted by the Carter Center after the local elections, as well as after the registration up-date in 2004.<sup>6</sup>

At close scrutiny of the available statistical data of the voting age population it was evident even before the elections that the voter's roll contained double registrations. Voters who had already passed away were never taken off the roll. Particularly on provincial levels this became problematic, as the allocation of parliamentary seats was done on the bases of registered voters.

A serious omission for the transparency of the process had been the non-availability of a final polling station list with registration book numbers and the amount of registered voters. What has been declared as „state secret” by the CNE, would have been a valid instrument for observers and political parties to see how polling stations were allocated, and to assess whether this corresponded with the data contained in the tabulation software.<sup>7</sup>

Logistical problems with the distribution of election material – increased by the early rainy season – reduced the elections to only one day in remote areas of Gaza, Niassa and the province of Tete. Ten polling stations in Cabo Delgado and an additional 33 in the district of Milange (Zambezia province) remained entirely closed due to heavy rainfall. Thus approximately 24,943 voters were excluded.<sup>8</sup> As logistical problems are still common in a developing country with a desolate infrastructure, such as in Mozambique, the question arises whether delays or even non-opening of polling stations could have been avoided, and to what extent deviations of priorities in resource allocation from opposition strongholds could have been noticed. The EU Observer Mission explicitly mentioned the inadequate and last minute planning by the Technical Secretariat for the Administration of Elections (STAE) and the CNE, and chief observer Javier Pomes harshly criticized that the CNE could have done much better, but failed to make good use of the time, money and expertise which were available.<sup>9</sup>

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5 Observation by EISA Mission Observer.

6 Carter Center, The Carter Center Report on the Mozambique Voter Registration Update, June 28-July 15 2004, Atlanta/Maputo, September 2004.

7 Carter Center, Postelection Statement on Mozambique Elections, Dec. 21, 2004; <[www.cartercenter.org](http://www.cartercenter.org)>, accessed 08.12.2004.

8 “About 25 000 Mozambicans were disenfranchised”, in: AIM News Maputo, 07.12.2004.

9 EU Election Observation Mission (EOM) to Mozambique – 2004, Second Preliminary Statement, Maputo 20 December 2004. [www.eueomm.org./statement2](http://www.eueomm.org/), accessed 03.01.2005;

The politicized electoral commission definitely constituted an obstacle to the transparency and credibility of the electoral process. On the base of their seat allocation in parliament, Frelimo and Renamo appoint 10 and 8 members respectively. Since 2003 the President of CNE will be proposed by civil society and elected by CNE party members. Although the inclusion of civil society was a first step in the right direction, the majority of the ruling party within the CNE impeded an atmosphere of trust and cooperation, particularly on a national level. An independent and depoliticized CNE (e.g. as in South Africa) could reduce the existing mistrust, speed up the decision-making process by fostering consensus, and thereby could enhance the credibility of the electoral process in society.

Prior to the elections a lot of suspicion was created concerning the tabulation of votes and the access of national and international observers to this stage of the process. Problematic in 1999 and one of the points that Renamo had taken up as fraudulent, international observers continued to insist before the elections, that observation should cover all phases of the process including the tabulation of votes. Official statements by CNE before the elections, denying access to observers were later revised. CNE's final decision after the election days to restrict access to the tabulation proceedings to half an hour daily, created and enhanced an atmosphere of distrust.<sup>10</sup> Election observers, from the EU and the Carter Center, stressed that „the process suffered from numerous errors and insufficiencies arising from the software used and inadequate training of staff.“<sup>11</sup> The provisory tabulation of results started only five days after polling stations were closed and remained hampered due to technical software problems. The computer software itself proved to be problematic, as it was a homemade product of STAE which in a last-minute audit ( an auditor report was submitted to CNE on 26.11.) showed severe security risks of which not all could be eliminated before the elections.<sup>12</sup> The appearance of about 556 extra tally sheets due to software errors not only confused observers and political parties, but also constituted a fertile ground for fraud.<sup>13</sup>

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AWEPA, Mozambique Political Process Bulletin, 2004 election special issue 30 – 20 December 2004.

10 Exchange of information with Member of Commonwealth Observer Group, Maputo 20.12.2004.

11 EU Election Observation Mission (EOM) to Mozambique – 2004, Second Preliminary Statement, Maputo 20 December 2004. [www.eueomm.org./statement2](http://www.eueomm.org./statement2), accessed 03.01.2005.

12 AWEPA, Mozambique Political Process Bulletin, No. 31 – 29.12.2004 and No. 20 – 9 December 2004.

13 Carter Center, Postelection Statement on Mozambique Elections, Dec. 21, 2004; [www.cartercenter.org](http://www.cartercenter.org); accessed 08.12.2004; AWEPA, 2004 Election Special Issue 21 – 10 December 2004.

The re-assessment of invalid and contested votes could only be observed within allocated time slots - a procedure that additionally raised questions about its secret character.

## Incidents of irregularities

Observers of the post-election phase reported tally sheets („editais“) with unrealistically high voter turnouts. These occurred mainly in the provinces of Niassa, Tete and Gaza where polling stations showed a 100% turnout (against 30 to 40% on a national level) and a 90% support for Frelimo.<sup>14</sup> As it was mainly in those areas where party agents were denied credentials, where observers encountered problems getting access to information, and opposition campaigners were intimidated prior to the elections, it seems very likely that ballot boxes got stuffed here in favour of the ruling party. During the re-classification of invalid ballots it could also be noticed that a high number of invalid ballot papers were recorded particularly from the provinces of Niassa and Tete, showing „consistent patterns of additional ink marks that were mostly seen on ballots that would have otherwise been for Renamo.”<sup>15</sup>

## The final results

On the bases of their parallel counts conducted immediately after the polling stations were closed, both „Radio Moçambique” and „Observatório Eleitoral” forecasted an overwhelming victory by Frelimo. As the final results were announced by the Chairperson of the CNE, Arão Litsuri on 21st of December (four days after the legal deadline), they were then of no surprise. According to the CNE Frelimo won the Parliamentary elections with 62.03% of the 3 321 926 votes cast against 29.73% gained by Renamo and 2.00% for the PDD. In Mozambique only those parties with a minimum of 5% of the national votes are allocated seats in parliament. Therefore, once again Frelimo and the electoral alliance Renamo-União Eleitoral share the cake.

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14 EU Election Observation Mission (EOM) to Mozambique-2004, op.cit.

15 Carter Center, Postelection Statement on Mozambique Elections, Dec. 21, 2004, op. cit.



## Legislative parliamentary elections 2004

**Tab. 1: Seat distribution according to provinces  
(with 1999 figures in brackets):**

<b>Province</b>	<b>Seats to be dis- tributed</b>	<b>Frelimo</b>	<b>No. of votes for Frelimo</b>	<b>Renamo</b>	<b>No. of votes for Renamo</b>
Niassa	12 (13)	9 (6)	92,871	3 (7)	39,267
Cabo Delgado	22 (22)	18 (16)	207,936	4 (6)	48,408
Nampula	50 (50)	27 (24)	210,942	23 (26)	177,275
Zambezia	48 (49)	19 (15)	150,318	29 (34)	220,724
Tete	18 (18)	14 (8)	249,397	4 (10)	72,911
Manica	14 (15)	7 (5)	87,114	7 (10)	86,942
Sofala	22 (21)	6 (4)	71,668	18 (17)	183,787
Inhambane	16 (17)	15 (13)	129,391	1 (4)	16,831
Gaza	17 (16)	17 (16)	291,729	0 (0)	5,460
Maputo Province	13 (13)	12 (12)	164,551	1 (1)	16,888
Maputo City	16 (16)	14 (14)	209,590	2 (2)	34,717
Emigrants	1 (0)/ 1(0)	1(0)/1(0)	23,547	0 (0)/0(0)	2,079
<b>TOTAL</b>	<b>250 (250)</b>	<b>160 (133)</b>	<b>1,889,054</b>	<b>90 (117)</b>	<b>905,289</b>

Source: <http://www.poptel.org.uk/mozambique-news/newsletter/aim290.html#story3>, accessed 22.12.2004 ; AWEPA, 2004 Election Special Issue No 34, 5 January 2005.

Looking at the absolute figures, it was striking, how well Frelimo managed to keep up its support. With 1 889,055 in the 2004 election Frelimo only ran short of 115,648 votes compared to the 1999 result of 2,005,703 votes. Also Guebuza did well with 2 004 227 as successor of Joaquim Chissano who in 1999 won 2 336 333 votes. In the end, Frelimo candidate Armando Guebuza succeeded with 63.74% of the valid votes over his Renamo-UE opponent, Afonso Dhlakama (31.74%). Raul Domingos, presidential candidate of the newcomer PDD, came third with 2.73%.<sup>16</sup>

**Tab. 2: Presidential election results:**

Province	Guebuza	% of valid	Dhlakama	% of valid
Niassa	93,711	67.3	39,390	28.3
Cabo Delgado	212,980	77.6	49,340	18.0
Nampula	224,206	49.8	197,815	44.0
Zambezia	162,142	37.5	245,826	56.8
Tete	256,070	74.2	76,464	22.2
Manica	92,113	47.4	92,161	47.5
Sofala	75,691	26.1	198,809	68.5
Inhambane	142,729	83.7	18,139	10.6
Gaza	304,562	96.4	5,611	1.8
Maputo Province	184,475	89.2	17,782	8.6
Maputo City	217,337	85.2	32,845	12.9
Africa	24,061	90.6	1,925	7.3
Europe	535	76.5	149	21.3
Total	1,990,612	64.2	976,256	31.5
Requalified	13,614	31.9	21,803	51.1
TOTAL	2,004,226	63.7	998,059	31.7

Source: I Ruigrok, Mozambique's 2004 General Elections, ISS Situation Report, 3 February 2005, p. 2.

## The reaction of the opposition

Even before the final results were published, Renamo, a number of the smaller parties and the presidential candidates Yussuf Jacob Sibindy and Carlos Reis called for the annulment of the elections and submitted their „Maputo declaration” containing issues of alleged fraud to representatives of the donor community on December 14.<sup>17</sup>

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17 According to that statement which was not shared by PDD,

- „the registration earlier this year was ‘intentionally deficient’ and excluded large numbers of opposition supporters, there were still many errors and omissions in registration books and people could not vote,
- on the night of 1-2 December police did not allow opposition delegates to sleep with the ballot boxes in some districts in Tete, Niassa, Cabo Delgado and Gaza. Frelimo came in the night and swapped the ballot boxes for different ones containing votes for Guebuza instead of Dhlakama
- police were too close to polling stations and frightened voters,
- many polling stations opened late or not at all,
- the tabulation software is not credible,

Despite foreign and local advice to accept the results, Dhlakama, the Renamo candidate, continued his obstructive stance, known from past elections, even after the official announcement of the final results. He demanded an interim government until new elections were held in September 2005 and stated that he would refuse to accept the seat in the new council of state reserved for the leader of the official opposition. Equally, all 90 Renamo deputies would refuse to take up their seats in parliament<sup>18</sup>

Finally, however, Renamo's National Council again changed its mind and suggested instead that elections would need not to be re-run in the entire country but only in those constituencies where irregularities were detected. It was however unclear whether the party was defining the term constituency according to the electoral law meaning that elections would have to be repeated in entire provinces or whether they were referring to those polling stations where irregularities had occurred.<sup>19</sup> Renamo submitted its case to the Conselho Constitucional, the highest authority to decide on the discrepancies and the alleged fraudulent practices. In its judgement on January 15<sup>th</sup>, the Conselho Constitucional rejected the Renamo-UE complaints on procedural grounds. The Conselho Constitucional, although highlighting weaknesses of the electoral process (such as the lack of a national voter register, insufficient knowledge of the electoral legislation on the side of political parties, etc.), endorsed the final results published by the CNE and argued that irregularities observed finally did not have changed the electoral outcome. While this might be true for the presidential elections, it certainly can be assumed that stuffed ballot boxes, tally sheets full of errors, and the admitted exclusion of 674 polling stations from the parliamentary count without any explanation given by CNE<sup>20</sup>, might have deprived the opposition of at least two to three seats in parliament.<sup>21</sup>

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- votes for opposition presidential candidates were marked by polling station staff to make them valid, and most *nulos* [invalid votes] are actually votes for Dhlakama,
  - the abstention was because people felt threatened by the 'secret police' and were too afraid to vote." (AWEPA, 26 – 15 December 2004)

Interestingly, Renamo's spokesperson Antonio Eduardo Namburete even admitted at an academic roundtable in Maputo that „Renamo's protests and claims of fraud in 1994 and 1999 had no proof. We must accept that. But this year is different." (AWEPA, 27 – 16 December 2004).

18 „Increasingly isolated, Dhlakama reaffirms boycott", in: AIM News, Maputo 23 December 2004.

19 „Renamo national council rejects elections results", in: AIM News, Maputo 11 January 2005.

20 AWEPA, 2004 Election Special Issue No 33, 3 January 2005.

21 „Election Irregularities do not change the result", in: AIM News Maputo, 21 December 2004.

## Perils and challenges of Frelimo continuity

Frelimo received in these elections a comfortable majority which strengthened its hegemony further. Counterbalancing and constructive actors with significant weight in the political arena are not visible on the horizon, yet, and, in addition, the political institutions that could provide the necessary checks and balances within the system remain weak. Mozambique's political landscape, after these elections, is endangered to enter again into a vicious circle of an overwhelming one-party dominance with all its unfavourable implications for democracy.

A one party dominant system tends to respond increasingly less to public opinions as the governing party can be assured of its re-election. Quite often the political process in party dominant systems is characterized by a dissolving boundary between party and state – a phenomenon which is already apparent in Mozambique's state administration since independence and which might again become reinforced. This in itself has the side effect of reducing the likely formation of independent groups within civil society who are and remain autonomous from the ruling party. Besides, the growing preponderance of political power facilitates the abuse of office and fosters arbitrary decision-making that undermines the integrity of democratic institutions. Particularly the proper functioning of the legislature and its ability to check on the executive that has been weak in Mozambique so far, runs the risk to be further trimmed down.<sup>22</sup> Society's continuation or cessation of support for the dominant party is also determined by its perception of the opposition and its identity, strategy and actions. However, one-party dominance openly forces the opposition to develop strategies and policies in response to the dominant ruling party and not necessarily in the redesign of their own political profile.

Lack of professionalism of electoral bodies, their partisan character due to their politicization and ruling party dominance, non-transparent decision-making practices of the CNE, its unwillingness to admit mistakes and shortcomings as well as the occurrence of evident fraudulent practices are factors which increase the stains on Mozambique's electoral and democratic process.<sup>23</sup> Although the highlighted shortcomings and irregularities did not make an impact on the overall election results in the end, and Renamo will not be able to claim, as they did in 1999, that they were deprived of their victory by

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22 Giliomee, H. and Simkins, C. (Eds.) (1999): *The Awkward Embrace; One Party-Domination and Democracy*, Tafelberg, Cape Town.

23 For an indepth analyses of Mozambique's democratization process see: A Lala/AE Ostheimer, 2003, *How to remove the stains on Mozambique's democratic track record: Challenges for the democratization process between 1999-2003*, Maputo.

fraud, the 2004 elections nevertheless leave behind a bitter aftertaste for observers of Mozambique's democratization process. It became evident in these elections, even with Renamo increasingly loosing support, that the political arena still remains bipolarised. As in the 2003 local elections, the low voter turnout favoured the ruling party as Frelimo still managed to sufficiently mobilize their core supporters. But Mozambique's latest elections also demonstrated – considering the small margin between Frelimo and Renamo in 1999 – that Renamo is not perceived as a credible governmental alternative. Instead the growing dissatisfaction of Mozambicans with the Frelimo government transforms into the silent protest of voter abstention.

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