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Issues and Methods in Electoral Participation

An update following the 2024 Mozambique election

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Issues and Methods in Electoral Participation

An update following the 2024 Mozambique election

Mozambique elections are of low integrity as they tend to be characterized by malpractices. In 2019, more than 300,000 ghost voters were registered by the Electoral Management Body (EMB) on behalf of the ruling party in its stronghold of Gaza constituency. The purpose was to increase the number of its parliamentary seats from 14 in 2014 to 22 in 2019 - an increase of eight seats. A comparison in the number of seats across 11 multimember constituencies and six elections reveals a variation between zero and three seats, except for the two major constituencies (Nampula and Zambézia) which vary between four and five seats (Shenga 2024:1-2). Before 2019, Gaza only had a variation of two seats across elections. Despite the National Institute of Statistics acknowledging that Gaza's 300,000 ghost voters did not exist given that, based on population projections, this number of voters could not be possible until the year 2040,¹ the institution that validates election results chose to ignore this information and instead, continued to use the fake voter registration data. Mozambique has also witnessed electoral violence - which is another form of electoral malpractice - with the 2014 and 2019 elections being more violent (see *Observatório Eleitoral* 2014; Monitor 2019). However, the most recent 2024 election has been the bloodiest with two brutal political killings² by death squads and more than 300 people killed and 600 people shot by the police just between 21 October 2024 and 15 January 2025.³

In Africa, there are number of studies analyzing the effect of electoral violence on electoral participation as violence has been significant in many African elections. Of the several hundred competitive elections that have been held in Africa since 1990 (Bleck and van de Walle, 2019) about 25 percent have been violent (Fischer 2002; Straus & Taylor 2012). Violence has been part of elections in Nigeria (Bratton 2013; Sisk, 2012), Côte d'Ivoire (Boone and Kriger 2012), Sudan (Sisk 2012), Kenya (Burchard 2015; Mueller 2012), Ethiopia (Smith 2012), Zimbabwe (Boone and Kriger 2012; Bratton 2015), Uganda (Blattman 2009), Togo and Zanzibar (Boeke, 2012); and more recently in Zambia in 2016 (Bleck and van de Walle 2019:1; Cheeseman and Klaas 2018:122) and Mozambique (*Observatório Eleitoral* 2014; Monitor 2019).

Electoral studies show a negative relationship between violence and participation with voters who experience threats of election violence at the polls less likely to vote (Bratton 2013:129, Norris 2014:143) and electoral violence being used by the incumbent to prevent opposition supporters from turning out (Hafner-Burton et al. 2014). In contrast, Shenga and Pereira (2019) found the opposite - that Africans (from 33 countries including Mozambique) who perceived electoral violence were more likely to attend an election campaign rally and to vote. Instead of being used by the incumbent to prevent the opposition supporters from voting, Shenga and Pereira (2019) stress that electoral violence appears to motivate those who perceive it to participate. However, this malpractice is not conducive for consolidating democracy or fostering support for, or satisfaction with, democracy (Bleck and van de Walle 2019; Burchard 2015).

¹ O País, "INE confirma que eleitores recenseados em Gaza estão acima das projeções", 11 July 2019, <https://opais.co.mz/ine-confirma-que-eleitores-recenseados-em-gaza-estao-acima-das-projeccoes/>, accessed on 16 January 2025.

² Raquel Loureiro & Nádía Issufo, "Morte de Elvino Dias: 'Ato hediondo e de intimidação'", DW, 19 de Outubro de 2024, <https://www.dw.com/pt-002/morte-de-elvino-dias-ato-hediondo-e-de-intima%C3%A7%C3%A3o/a-70541747>, accessed on 16 January 2025.

³ Data from Plataforma Decide, www.pdecide.org, accessed on 17 January 2025.

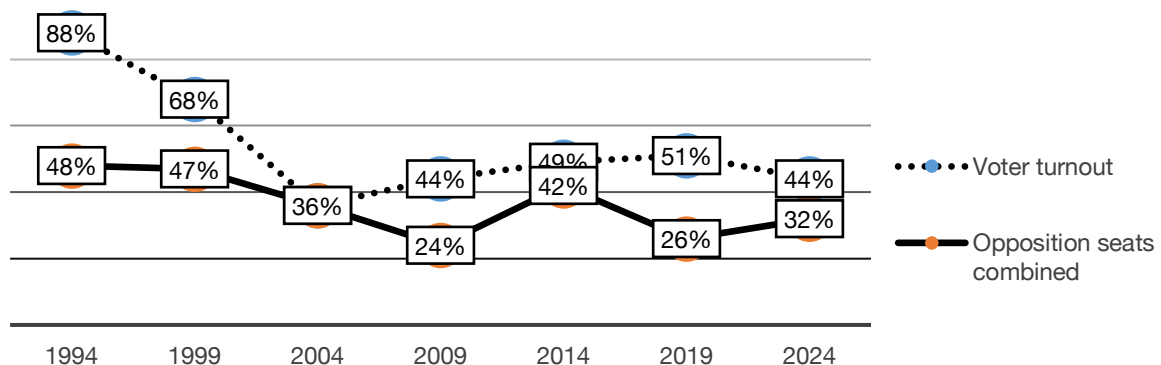
In this Policy Brief, I explore the effect of electoral violence and other electoral malpractices within electoral legislation on electoral participation, considering a dominant-party system and presidential system, using official election data and focusing on Mozambique’s legislative elections, which occur simultaneously with presidential elections. From 2009, provincial legislative elections to establish provincial legislatures, but not provincial executive, were conducted alongside general elections. This meant that provincial legislators had difficulties holding to account the provincial governors who were appointed by the executive president. Only since 2019, have provincial legislative elections culminated with the establishment of both the provincial legislature and provincial executive. Mozambique has conducted all expected legislative elections: 1994, 1999, 2004, 2014, 2019 and 2024. All were won with majorities by the same party that has been ruling since the country’s independence in 1975. With the aim of influencing policy making (change), I first analyse the effects of electoral legislation and electoral violence on electoral participation and then I discuss them to enhance electoral participation and then present recommendations.

ELECTORAL PARTICIPATION

Political participation is understood as the “legal activities by private citizens that are more or less directly aimed at influencing the selection of government personnel and the actions they take” (Verba, Nie and Kim 1978). It is measured by voting, campaigning, communing, contacting and protesting (Bratton, Mattes and Gyimah-Boadi 2005). In this Policy Brief, I focus on the electoral dimension of political participation particularly, voting.

Comparing elections, in the first two elections (1994 and 1999) the majority of Mozambicans tended to turnout to vote, while from 2004 onwards only the minority tended to do so, except in 2019 (see Figure 1). Alongside turnout declining over time, the data shows that support for the opposition, measured by number of opposition seats, has decreased.

Figure 1: Comparing voter turnout and opposition support, 1994-2024



Source: Generated by the author from election official data.

The effect of electoral legislation

Electoral legislation is one of the key factors that influences people to participate in elections (Burden et al., 2014). If there was no electoral legislation it would be difficult to know how the institutions that conduct voter registration and education and administer and supervise elections and validate them function; and how they orient electoral observers (including political parties) to act and voters to vote. To analyse the extent to which electoral legislation influences participation in elections I unpack it into three dimensions. The first concerns *timing to revise or amend electoral legislation*; second, *who controls the EMB and the*

institution that validates elections; and third, *when election results are released*. If in each of these dimensions, the electoral legislation is biased toward one political party – that is, it is not fair for all, then we are in the presence of electoral malpractice. Otherwise, we are facing integrity of electoral legislation. As demonstrated below, in all dimensions, Mozambique’s electoral legislation shows evidence of electoral malpractice.

To probe *timing to revise or amend electoral legislation* I compare the period of revision of electoral legislation with that of the election day. Since 1994 was the founding multiparty election I take this as a reference point – that is, the year of approval of the country’s first electoral legislation for multiparty competition. The results in Table 1 reveal that, since the founding multiparty election, all revisions or amendments to electoral legislation have happened within only a few months before the election day. This has at least two implications (see Figure 2). Overall, the late revision of electoral legislation reduces the prospects of stakeholders, particularly opposition political parties, civil society and election observer groups, to fully understand, interpret and master the revised legislation to effectively monitor the election. Secondly the late revision of electoral legislation creates difficulties for opposition parties to perform well to obtain parliamentary seats; it then dissatisfies opposition voters to continue to turnout, as they view that their parties cannot win. The decline in voter turnout from the 2004 elections and in opposition support (Figure 1) derives in part from the late revision of electoral legislation (Figure 2). The more that electoral legislation is revised in periods closer to the election day, the more opposition voters decide to not turnout thus weakening the opposition presence in legislatures.

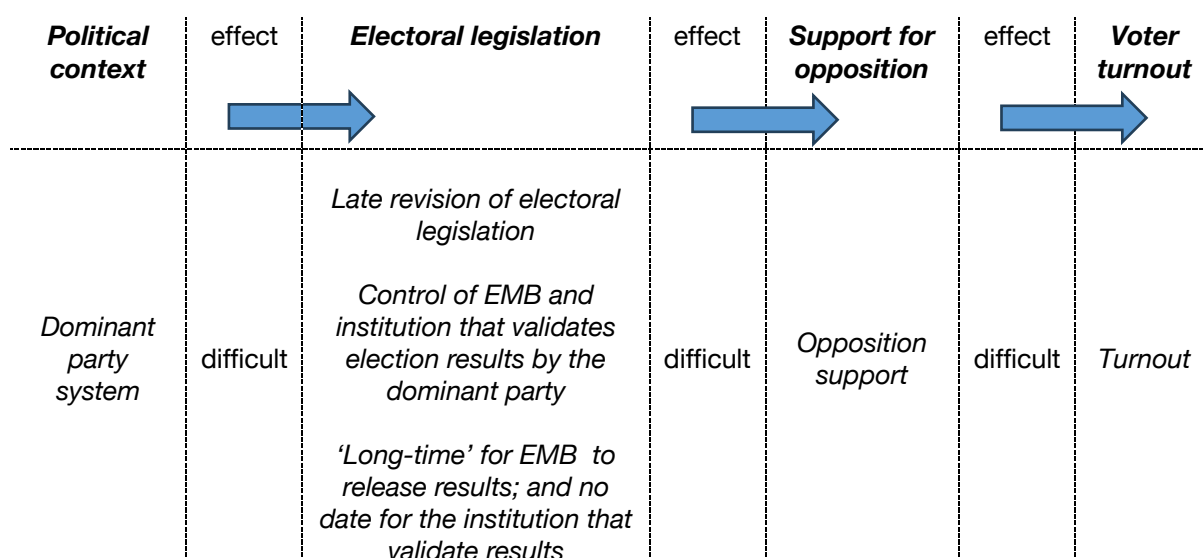
Table 1: Comparison between the period to revise electoral legislation and to conduct election, 1994-2024

Election day	Electoral legislation	Timeframe before election
27 th , 28 th and 29 th October 1994	Law 4/93, of 12 January of 1994 – establishment of the first legal framework for presidential and legislative elections	Starting Reference Point
3 rd , 4 th and 5 th December 1999	Law 3/99, of 2 nd February – sets up the legal framework for presidential and legislative elections	9 months
1 st and 2 nd December 2004	Law 7/2004, of 17 June - sets up the legal framework for presidential and legislative elections	5.5 months
28 th October 2009	Law 15/2009, of 9 April - sets up the legal framework for presidential and legislative elections	6.5 months
15 th October 2014	Law 12/2014, of 23 April - sets up the legal framework for presidential and legislative elections	5 months, 3 weeks
15 th October 2019	Law 2/2019, of 31 May - sets up the legal framework for presidential and legislative elections	4.5 months
9 th October 2024	Law 15/2024, of 23 August - sets up the legal framework for presidential and legislative elections	1.5 months

Note: There was no electoral legislation revision for the 1994 founding multiparty election, making it the reference point for the analysis. Periods that are below a year are significant and were highlighted in bold.

Source: Author based on review of electoral legislation.

Figure 2: Explanatory model of electoral participation



Source: Developed by the author based on existing data.

To analyse *who controls the EMB* I probe the electoral legislation that deals with EMB composition (see the last row of Table 2). For *who controls the institution that validates election results*, I investigate the Constitution. For all elections (1994-2024), the EMB has been dominated by the same majority political party, which has also controlled the executive. This imbalance within the EMB was firstly imposed by the one-party legislature in 1993 when it approved electoral legislation for the founding multiparty election (Law 4/93) with 21 seats, comprised of: 10 for the ruling party, seven for the opposition, three for the minor opposition and one for the executive president to appoint the chair. In all other elections, the multiparty legislature adopted the principle of membership to the EMB by political parties based on their parliamentary representation. But from the 2009 election, it included individuals recruited from civil society who were co-opted by political parties based on their parliamentary representation (Table 2).

Turning to *the institution that validates elections*, according to article 241 of the Constitution (Republic of Mozambique, 2018), its composition entails seven members, of which the executive president appoints the chair; political parties appoint five members based on parliamentary representation; and the judiciary one member, suggesting that, of seven, only one member is a professional magistrate. With the exception of the 1994 and 1999 elections (validated by the Supreme Court, since the institution that validates elections was only established in 2003)⁴, all other elections were validated by an institution constitutionally controlled by the same majority party, which has been dominating the executive.

This dominance of one-party over both the legislative and executive powers makes 'the relatively enduring features of party competition' in Mozambique of a dominant-party system. The same implications of *late revision or amendment of electoral legislation* on voting are observed on the effects of *who controls the EMB and the institution that validate elections* (see Figure 2). As the dominant party controls the institutions that administer and supervise elections and validate results, the abilities of the opposition to monitor elections, challenge election results and increase parliamentary seats is low, thus discouraging its voters to turnout.

⁴ Although the institution that validates elections was foreseen in the revised 1990 Constitution, it was only established on 3 November 2003. see <https://cconstitucional.org.mz/o-conselho/>, accessed on 14 January 2024.

Table 2: Composition of Mozambique’s Electoral Management Body between 1994 - 2024

Year	1994	1999	2004	2009	2014	2019	2024
Members	<ul style="list-style-type: none"> • 10 from the ruling party • 7 from opposition • 3 from minor opposition • 1 appointed by the President of the Republic to be the chair 	<ul style="list-style-type: none"> • 2 from government • 15 from political parties based on their parliamentary representation 	<ul style="list-style-type: none"> • 18 appointed by political parties based on parliamentary representation • 1 appointed by the President of the Republic to be the chair 	<ul style="list-style-type: none"> • 5 appointed by political parties based on parliamentary representation • 8 from civil society co-opted by political parties based on their parliamentary representation • Chair selected among those within civil society 	<ul style="list-style-type: none"> • 10 appointed by political parties: major party (five); major opposition (four); and minor opposition (one). • 7 civil society individuals selected through parliamentary review • Chair selected among those within civil society; and two deputy-chairs from the two most voted parliamentary parties 	<ul style="list-style-type: none"> • 10 appointed by political parties: major party (five); major opposition (four); and minor opposition (one). • 7 civil society individuals selected through parliamentary review • Chair selected among those within civil society; and two deputy-chairs from the two most voted parliamentary parties 	<ul style="list-style-type: none"> • 10 appointed by political parties: major party (five); major opposition (four); and minor opposition (one). • 7 civil society individuals selected through parliamentary review • Chair selected among those within civil society; and two deputy-chairs from the two most voted parliamentary parties
No of seats	21	17	19	13	17	17	17
Law	Law 4/93 of 12 Jan. 1994	Law 4/99, of 2 Feb.	Law 20/2002, of 10 Oct.	Law 8/2007, of 26 Feb.	Law 30/2014, of 26 Sep.	Law 30/2014, of 26 Sep.	Law 30/2014, of 26 Sep.

Source: Generated by the author based on electoral legislation

With respect to *when election results are released*, “the electoral law foresees a ‘long-time’ (15 days in the case of the 2024 election) for the EMB to add up the number of votes from official ballot papers” (Shenga 2024:4). This gives enough time for the controlled EMB to amend or fake election results and to cast doubt, particularly among opposition parties and supporters, on the validity on the results. Compared to other African polities that conducted elections after Mozambique on 9th October 2024, Mozambique is the worst polity in terms of the delay in releasing election results (see Table 3). Of the 6 other countries, all of them declared their results within 2-6 days of the election day, and in 5 of the 6 cases (except Namibia), the ‘short-time’ in releasing election results coincided with alternation of power. Whereas, in Mozambique’s case, where results were only released 15 days after the election they gave the ruling dominant party an absolute majority. In Mozambique, the ‘long-time’ to release results is exacerbated by the fact that electoral legislation does not define when the institution that validates election results has to do so. While this gap reveals the poor quality of law making of Mozambican legislators, it constitutes a dominant-party weapon against the opposition to continue failing.

Table 3: Difference (in days) between election day and announcement of election results in Africa, following Mozambique’s 2024 election

Polity	Election day	Day of election results	Difference between election day and election results	Winner
Mozambique	9/10/2024	24/10/2024	15 days	Dominant party
Botswana	30/10/2024	1/11/2024	2 days	Opposition
Mauritius	10/11/2024	15/11/2024	5 days	Opposition
Somaliland	13/11/2024	19/11/2024	6 days	Opposition
Senegal	17/11/2024	22/11/2024	5 days	Opposition
Namibia	27-30/11/2024	3/11/2024	4 days	Dominant party
Ghana	7/12/2024	9/12/2024	2 days	Opposition

All sources (except Mozambique: EMB deliberation, 24 November 2024) were accessed on 14 January 2025

Botswana: <https://www.bbc.com/news/articles/c238n5zr51yo>

Mauritius: <https://www.aljazeera.com/news/2024/11/19/oppositions-abdullahi-wins-presidential-election-in-breakaway-somaliland>

Somaliland: <https://www.aljazeera.com/news/2024/11/19/oppositions-abdullahi-wins-presidential-election-in-breakaway-somaliland>

Senegal: <https://www.france24.com/en/live-news/20241121-senegal-ruling-party-wins-parliamentary-majority-provisional-results>

Namibia: <https://www.aljazeera.com/news/2024/12/3/namibia-elects-nandi-ndaitwah-as-countrys-first-woman-president>

Ghana: <https://www.bbc.com/pidgin/articles/c36e01nw962o>

The combined effects of control of the EMB and the institution that validates results by the dominant party and that election results can take a long time to be released reduces highly the possibility of opposition parties to win an election. In addition, it discourages opposition supporters to continue to turn out to vote (Figure 1; Figure 2).

The impact of electoral violence

I explore violence across elections by probing the number of mentions of the term ‘violence’ within final electoral observation reports. For the 2024 election I use my own experience, since at the time of writing, electoral observation groups are still in process of finalizing their reports and only interim statements have been made available. Table 4 shows that the 1999 election was violent but that electoral violence emerged in Mozambique from the 2014 election. For instance, on 23 September 2014, dominant party and opposition party

supporters were involved in violence in Chokwe, Gaza constituency which resulted in the destruction of vehicles and election campaign materials (Observação Eleitoral 2014:17). Seven days before the 15 October 2019 election, a coordinator from civil society electoral observation platform in Gaza was assassinated by five death squad members of which four were identified as officers from police elite unit.⁵ As mentioned earlier, in 2024 election, there have been two brutal political killings by death squad, more than 300 people have been killed and 600 people shot by the police just between 21 October 2024 and 15 January 2025. Indeed, in December 2024 a young journalist questioned the executive president, during a televised exchange, about the killing of more than 100 Mozambicans in the post-election period. Instead of showing sympathy, the executive president responded: “And how many police officers [have been killed]?”. With Mozambicans systematically detained, shot and killed by the police during the post-election unrest, there is little evidence that the president issued any orders to the minister of interior, police chief or police officers themselves to curb the violence.

Table 4: Violence across Mozambique elections, 1994-2024

	1994	1999	2004	2009	2014	2019	2024
Mentions of violence	-	8	3	3	7	7	-

Final electoral observation reports were not found for 1994 election. For 2024 election, electoral observers have not yet released their final report (as of 24 January 2025)

Source: Final electoral observation reports.

The Carter Center (2005) Observação das eleições de Moçambique 2004, October.

The Carter Center (2000) Processo de Observação das eleições de 1999 em Moçambique, November.

Observatório Eleitoral (2014) relatório de observacao do processo eleitoral – Eleições gerais e para as assembleias provinciais de 2014. Recenseamento, campanha, gestao de conflitos, votacao e recolha dos apuramentos parciais, November.

Monitor (2019) Observação do Processo eleitoral, 15 November 2019, Maputo.

European Union (2009) Missão de Observação Eleitoral. Relatório Final. Moçambique 2009.

Associating the evidence of electoral violence (Table 4) with that of voting (Figure 1) it can be said that: for the 1994 election, low electoral violence is associated with high turnout but low support for opposition. For the 1999 election, high electoral violence is connected to high turnout and low opposition support. For the 2004 and 2009 elections, low electoral violence is linked with both low turnout and support for opposition. While these findings are mixed because of the lack of robust data, data from 2014 appears to be more understandable: since electoral violence in 2014 was associated with low voter turnout and support for the opposition. In other words, electoral violence prompt voters and opposition supporters to not turnout. This supports the finding that threats of violence at the polls reduces the prospect of voting (Bratton 2013:129, Norris 2014:143) as electoral violence is used by the incumbent to prevent opposition supporters from turning out (Hafner-Burton et al. 2014).

ENHANCING ELECTORAL PARTICIPATION

Issues around the electoral process in Mozambique make political parties and the EMB and the institution that validates election results, among others, to call for a review of the electoral legislation. Through this Policy Brief we learnt, however, that those reviews always tend to occur in the months immediately before the election day. This unfair and undemocratic method is being used systematically by the dominant party to prevent the opposition from having sufficient time to fully understand, interpret and master the legislation; and to reduce its presence in parliament.

⁵ Leonel Matias, PRM confirma envolvimento de polícias na morte de Matavel, DW, 8 October 2019, <https://www.dw.com/pt-002/prm-confirma-envolvimento-de-agentes-da-pol%C3%ADcia-no-assassinato-de-anast%C3%A1cio-matavel/a-50742660>, accessed on 16 January 2025.

Even when opposition parties are given ample time (years rather than months or weeks) to master electoral legislation they can still fail. For example, on membership to the EMB, after realising that the majority party had an advantage through the use of the parliamentary representation rule, the opposition, in 2014, consensually approved the new method consisting of 17 members: 10 from political parties (the majority party with five, opposition four and minor opposition one); and seven from civil society selected through parliamentary scrutiny. At this point, the opposition did not realize that the majority party would still get a majority in the EMB because it did not scrutinize how the civil society members would be selected and that a “majority voting rule” could be employed to suppress non-partisan civil society individuals.

On membership to the institution that validates election results, the method of using parliamentary representation to select five of its seven members means that it is not an independent body. The same applies to the method of the executive president selecting the chair. The principle of separation of powers suggests that each of the three branches of government (the legislative, executive and judiciary) conduct their business autonomously without interference of others, although they work interdependently. In other words, the selection and appointment of members to each branch of government should not rely on another branch. Each branch of government should be granted with the powers to select and appoint its own members. Here the issue is why the executive has to select those within the judiciary: both the EMB and institution that validates election results should rely on professional judicial magistrates rather than on amateurs. This is crucial since the application and interpretation of the constitution and legislation on administration, supervision and validation of elections requires skills that can be found among those within the judiciary.

Moving to violence, the 2024 electoral violence points to the existing presidential system playing a key negative role. In the Mozambican presidential system, the president is the commander in chief of the army, appoints cabinet ministers and chairs in the judiciary and controls the majority of politicians to the legislature through his or her party as the president is also the head of the dominant party. Thus, for better or worse, the executive president is fully responsible for the nation. Rather than presidential systems, parliamentary systems are better for good governance. Gerring, Thacker and Moreno (2008) used global data to test the effect of constitutional designs of presidential and parliamentary systems (controlling for other aspects) on political, economic and human development. They found that parliamentary systems were much better at fostering good governance particularly economic development and human development. Systems of government where power is concentrated in one person tend to be more harmful to the people than those with relative deconcentrating of power like parliamentary systems followed by semi-presidential systems.

RECOMMENDATIONS

1. To enable all political parties to better understand, interpret and master electoral legislation, there should be a minimum time-limit, for example two years prior to an election day, within which revisions or amendments can be made to electoral legislation for them to be valid on the election day.
2. To enhance the independence of the EMB, its membership should be determined solely by the judiciary with no interference at all by the legislature or executive. This suggests reviewing electoral legislation as soon as possible.

3. To enhance independence of the institution that validates election results its membership should be determined by the judiciary only with no interference at all by the legislature or executive. This suggests amending article 241 of the Constitution.
4. To enhance good governance and, in particular, ensure that Mozambicans are not ruled by a tyrant, constitutional design should be advanced to consider a parliamentary system, if not, semi-presidential system.

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Centre for Research on
Governance and Development

The **Centre for Research on Governance and Development (CPGD)** is an independent and interdisciplinary research institution, established in 2011, dedicated to supporting and conducting relevant, systematic and evidence-based research for policy intervention in Mozambique and the wider African region.

CPDG is based in Mozambique, harnessing local expertise, to conduct research in the areas of democracy, governance, energy, youth and socio-economic development with the aim of building an effective and capable state that is accountable and transparent, inclusive and responsive.

Our goal is to strengthen empirical social science capacity by supporting and conducting relevant systematic research to inform Mozambican decision-makers for policy intervention and implementation.

Our mission is to produce and promote evidence-based research for effective public policy and decision making in Mozambique and the wider Africa region.

Our main objectives are:

- To produce and collect scientifically reliable data on citizens and institutions
- To build capacity to conduct research and utilise research findings in Mozambique
- To disseminate research results to inform policy making and implementation

The **values shared by the organization**:

- We are an independent and interdisciplinary research organization;
- We are accountable to the public whose trust we hold;
- We uphold integrity, neutrality and objectivity in our work; and
- We are committed to excellence in all endeavours.

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OUR MISSION is to promote evidence-based research and public policy