

- Vidal, Nuno, “Angola – Election Management Bodies” in *Election Management Bodies in Southern Africa; Comparative study of the electoral commissions’ contribution to electoral processes, a review by OSISA and ECF-SADC* (Johannesburg: Open Society Initiative for Southern Africa and African Minds, 2016), p. 1-43.

Election Management Bodies in Southern Africa

Comparative study of the
electoral commissions’ contribution
to electoral processes

A review by OSISA and ECF-SADC



PREVIEW EDITION

Published by Open Society Initiative for Southern Africa and African Minds
OSISA

President Place
1 Hood Avenue
Rosebank
Johannesburg, 2196
South Africa
www.osisa.org

African Minds
4 Eccleston Place, Somerset West, 7130, Cape Town, South Africa
info@africanminds.org.za
www.africanminds.org.za

© 2016

All contents of this document, unless specified otherwise, are licensed under
a Creative Commons Attribution Non-Commercial 4.0 International Licence

Copies of this book are available for free download at www.africanminds.org.za

ORDERS

To order printed copies from Africa, please contact:

African Minds

Email: info@africanminds.org.za

To order printed copies from outside Africa, please contact:

African Books Collective

PO Box 721, Oxford OX1 9EN, UK

Email: orders@africanbookscollective.com

CONTENTS

<i>Preface</i>	i
<i>Acknowledgements</i>	vii
<i>Overview</i>	viii
1. Angola	
<i>Dr Nuno de Fragoso Vidal</i>	1
2. Botswana	
<i>Prof. Emmanuel Botlhale, with Dr Onalenna Selolwane</i>	45
3. Democratic Republic of Congo	
<i>Dr Joseph Cihunda Hengelela</i>	73
4. Lesotho	
<i>Prof. Mafa M. Sejanamane</i>	107
5. Malawi	
<i>Ms Ann Maganga</i>	131
6. Mauritius	
<i>Dr Roukaya Kasenally</i>	161
7. Mozambique	
<i>Dr Domingos M do Rosário</i>	189
8. Namibia	
<i>Mr Moses Ndjarakana</i>	219
9. Seychelles	
<i>Dr Nandini Patel</i>	235
10. South Africa	
<i>Dr Collette Schulz-Herzenberg</i>	259
11. Zambia	
<i>Dr Njunga-Michael Mulikita</i>	289
12. Zimbabwe	
<i>Dr Charity Manyeruke</i>	317

1

ANGOLA

Dr Nuno de Fragoso Vidal



Introduction

This chapter provides an analysis of the Angolan electoral processes since the transition to a multiparty democracy in the 1990s. The focus is primarily on the electoral management body, in consideration within the whole evolving and dynamic political context and its interaction with other electoral organs, structures and actors.

The chapter is structured in three major parts, each one dedicated to one of the three elections that occurred since the transition. The first section deals with the first multiparty elections of 1992, the major electoral organs, the legislation endorsing them and their performance within the context of a troubled transition that was halted by the resumption of civil war right after elections. The extra ten years of civil war and its outcome in 2002, within a different international and domestic context, determined the new electoral structuring that set the stage for the following electoral process in 2008. Such a new context and setting majorly contributed to a qualified majority victory of the party in power. These issues are analysed in the second section. The third and final section is dedicated to the period evolving from the 2008 elections to the third electoral process of an Angolan multiparty system in 2012. Here attention is focused on the new constitution of 2010, which favoured an age-old concentration of powers in the presidency; the ensuing electoral engineering; and the renewed qualified majority in 2012.

In order to allow for a comparative perspective on the evolution of the electoral structures, their impact on reality, and how they were in turn influenced by such reality, the sections follow a similar thematic analysis. Different sections consider the historical-political context, the structuring of the electoral organs through political negotiation and endorsing legislation, the state power (mainly focusing on the legislative and the judiciary), access to the media, electoral observation, reported problems in each election and the financing of political parties. The chapter ends with recommendations and suggestions that could contribute to the more effective performance of electoral organs, structures and procedures.

First general elections and structures in 1992

Political and economic context

Angola has a long tradition of conflict and authoritarianism. Even after colonialism, peace, freedom and democratisation have been hard to realise. The first elections after the transition to a multiparty system (1992) were traumatic and plunged the country into an additional ten years of war, adding to the previous 16 (from independence in 1975 to the 1991 Bicesse peace-agreements).

The nationalist war against the Portuguese (1961–1975) promised freedom from a long colonial repression, but independence in 1975 marked the beginning of a civil war (which had effectively started even before) with major foreign involvement right from the start. With few interruptions (1991–1992; 1994), the war lasted for almost 27 years – up to February 2002 – when the rebel leader of the National Union for the Total Independence of Angola (UNITA), Jonas Savimbi, was killed in action and a peace memorandum was signed in March that year.

Between 1975 and 1977, there was a period of relative freedom in Angola. However, in 1977 an aborted coup resulted in a major purge with massive killings all over the country. An authoritarian and repressive one-party socialist regime was put in place by the Popular Movement for the Liberation of Angola (MPLA), ruling the country since independence. Paranoid state security bodies were in charge of surveillance and political repression. Non-state media were closed down and the right to association was limited to the party and mass organisations, such as the labour union of Angolan workers (UNTA), organisation of Angolan Women (OMA) and MPLA's youth league (JMPLA).¹

The judicial system became 'militarised', combining civilian and military courts with the ability to impose heavy penalties, including the death penalty (mainly for political and security crimes) and functioning under a vague and almost limitless revolutionary legitimacy. This system was politically dependent, being under the direct influence of the party and ultimately of the president. A culture of fear, intimidation and repression became entrenched.²

In a country with a weak sense of nationhood at the time of independence, the civil war became a main factor of further social and economic fragmentation. Resources became more and more absorbed by the war effort. The economy was almost exclusively dependent on oil revenue, and agriculture and industrial production dropped precipitously. The conflict increasingly assumed an ethnic overtone and accentuated the urban/rural divide. The developmental gap between Luanda and the provinces, as well as between the coast and the interior also widened. In the early eighties, the majority of the population was

1 Vidal N (2004) The genesis and development of the Angolan political and administrative system from 1975 to the present. In: S Kyle (org.) *Intersections between Social Sciences*. Cornell, NY: Cornell University. pp. 1–16.

2 Vidal N (2007) Social neglect and the emergence of civil society. In: P Chabal & N Vidal (eds) *Angola: The Weight of History*. London: Hurst. pp. 200–235.

already facing extreme poverty, aggravated by the disruption of health and educational services.³

Violations of human rights by both sides of the conflict became common, as well as impunity for the perpetrators of those crimes, as reported by several international organisations throughout the entire war.⁴ Priority given to defence and internal security stood in the way of democracy, transparency and accountability.⁵

With no freedom of expression and no civil society organisations (CSOs) or legal opposition allowed, inefficiency and corruption thrived. The increasing intensity of the war in the 1980s reinforced the whole system: the decline in public services; repression and authoritarianism; centralisation and the concentration of power; the disruption of internal production resulting in increasing economic dependency on oil revenues; intensifying social fragmentation, insofar as people resorted more and more to personal and informal solutions for their growing problems; and the erosion of state institutions and collective/public consciousness.⁶

In the mid-80s, the regime had reached the peak of power concentration and administrative centralisation: the country was run by President Eduardo dos Santos, exerting to the full his functions as president of the party, head of state, head of government and commander-in-chief of the armed forces.⁷

Increasing imports to feed an expanding war and to compensate for disrupted agriculture and industry, along with the fall in oil prices in 1986, created serious problems for the balance of payments. Together with the Union of Soviet Socialist Republics' (USSR's) decreasing capacity to carry on supporting the war effort, these problems led to cautious economic reforms from 1987 onwards.⁸ Officially, the socialist model lasted until the third MPLA Party Congress of December 1990. Complex negotiations with South Africa, the US and Cuba led to the withdrawal of Cuban troops and Namibia's independence, paving the way for the 1991 Bicesse peace agreement between the MPLA and UNITA and the 1992 multiparty elections — the first ever in Angola.

General elections in 1992

The MPLA had to quickly make massive changes before the elections to help the party come to terms with the new multiparty framework and the market economy. A constitutional revision of law 12/1991 in 1991 simply approved the basic principles of a

3 Ibid.

4 Human Rights Watch (1994) *Angola: Arms Trade and Violations of the Laws of War Since the 1992 Elections – Report*. NY, USA: Human Rights Watch.

5 Human Rights Watch (1999) *Angola Unravels: The Rise and Fall of the Lusaka Peace Process – Report*. NY, USA: Human Rights Watch.

6 Vidal N (2003) Modern and post-modern patrimonialism. In: M Newitt, P Chabal & N MacQueen (eds) *Community & the State in Lusophone Africa*. London: King's College London. pp. 1–14.

7 Vidal N (2007) The Angolan regime and the move to multiparty politics. In: P Chabal & N Vidal (eds) *Angola: The Weight of History*. London: Hurst. pp. 124–174.

8 Ferreira ME (1995) La reconversion économique de la nomenclature pétrolière. *Politique Africaine* 57: 11–26.

multiparty democracy, defining Angola as a democratic state based on the rule of law, enshrining key civic and human rights, as well as the basic principles of a market economy. The laws of association (14/1991), freedom of the press (22/1991), the permission to go on strike (23/1991) and independent radio broadcasting (9/1992), opened the space for the emergence of opposition political parties and civil society – church organisations, private media, independent labour and professional unions, and CSOs and non-governmental organisations (NGOs). State radio, television and newspaper became somewhat more pluralist and a wave of strikes took place in 1991 and 1992.

Nevertheless, the presidency and the MPLA's top echelons retained tight control over the state's resources (mainly the oil revenues) and institutions, with special emphasis on the state media. The private media were also kept under close surveillance, especially the new private commercial radio stations, which started broadcasting in 1992, each one kept within the sphere of influence of the party in power through their boards of directors.⁹

In this favourable position – controlling the state institutions, administration and resources – the MPLA led the transition process. The party managed to unilaterally change most of the new legislation (with several of the new laws approved between March 1991 and September 1992 by the People's Assembly – the parliament of the single party system). The state's administration capacity was used to for the party's electoral campaign and a significant amount of funds were gathered for electoral purposes, including for the general distribution of material benefits.¹⁰ Brazilian experts in political marketing were hired to manage the party's campaign and a major investment was made to increase party membership, which saw a dramatic increase from 65 362 members in 1990 to 544 639 by the end of 1992.

Besides UNITA (funded by the US and several Western countries, along with its own diamond revenues), emerging opposition parties and CSOs faced severe constraints and were extremely fragile and dependent. Minor opposition parties were easily manipulated and their activities disrupted, such was the case of the Party for Democratic Renewal (PRD), initially established by MPLA dissidents.¹¹ The so-called privatisation process mainly benefited the same old political elite, which was now transformed into an entrepreneurial class dominating the new private sector.¹²

9 Without exception, all the new private radio stations were indirectly controlled by the MPLA; broadcasting licenses were conceded to MPLA members that were supposed to assume a pro-governmental stance in face of forthcoming elections: LAC – Luanda Antena Comercial (Luanda); Rádio 2000 (Lubango); Rádio Morena (Benguela) and Rádio Comercial (Cabinda). UNITA's radio Voz do Galo Negro (Voice of the black cock), unauthorised during the civil war was then authorised but again declared illegal as soon as the war resumed in October 1992.

10 Messiant C (1995) Angola les voies de l'ethnisation et de la décomposition: Transition à la démocratie ou marche à la guerre? L'épanouissement des deux 'partis armés' (Mai 1991–Septembre 1992). *Lusotopie* 3: 181–221.

11 Ibid.

12 See Aguilar R (2003) Angola's private sector: rents distribution and oligarchy. In: K Wohlmuth, A Gutowski, T Knedlick, M Meyn & S Pitamber (eds) *African Development Perspectives*. Germany: Lit Verlag; Aguilar R (2005) *Angola: Getting off the Hook*. Gothenburg, Sweden: SIDA Gothenburg University, in particular pp. 13–18.

In compliance with the Electoral Law (5/1992, 16 April) the National Electoral Council (CNE), already planned at the Bicesse peace agreements of 1991, was created and went into operation on 11 May 1992. The CNE hierarchic structure comprised a president, general director and provincial electoral commissions to be run by provincial electoral directors and provincial electoral cabinets. Under the Electoral Law, political parties had the right to supervise the electoral registry, but besides the MPLA, none of them had the capacity to do so, not even UNITA.

In accordance with the law, the Supreme Council of the Judiciary elected the president of the CNE – which was one of its members, Judge Caetano de Sousa – to be appointed by the President of the Republic. A former member of the National Front for the Liberation of Angola (FNLA), Onofre dos Santos, was chosen and appointed by the President of the Republic to the position of general director of the elections. Besides those two positions, the CNE also included five citizens of recognised public merit chosen by the President of the Republic and the Minister of Territorial Administration; one representative from the National Council for the Media;¹³ and one delegate from each of the political parties and coalitions contesting the elections. Presidential candidates could also have a representative at the CNE if they wished to.

According to the Bicesse agreements and the Electoral Law (5/1992), the CNE was supposed to direct the electoral process and was conceived as an organ independent from the government and the political parties, deemed competent to coordinate, direct and assume the electoral registry and all other activities related to the electoral process (art. 13). It was also responsible for processing the electoral results and their public announcement, complying with constitutional prerogatives to assure the freedom, justice and transparency of the electoral process.

Despite all the tasks mandated to the CNE, several electoral activities had to count on the support of the state administration, especially the maintenance of the electoral registry. The government – through the Ministry of Territorial Administration – took over the administration of the electoral process from the Bicesse agreements to the constitution of the CNE, with the Minister of Territorial Administration becoming a permanent member of the CNE.¹⁴ The government was also responsible for the informatics system for processing the electoral data and results received from 5 800 polling stations all over the country. Such governmental control was criticised by several opposition parties, namely UNITA and its leader, which became louder after the first electoral results were announced pointing to the MPLA's victory.¹⁵

Despite all the criticism that later arose from the opposition, the CNE and its director were able to acquire a considerable degree of credibility throughout the whole process,

13 The National Council for the Media (CNCS) was conceived in accordance to the first press law of 1991 (law 22/1991, 15 June) as a media regulating body basically conceived to safeguard the freedom of expression, with its regulation set in 1992 by a specific law (7/1992, 16 April).

14 From a private interview with Onofre dos Santos, Luanda, 21 September 2015.

15 Albuquerque C (2002) *Angola, a cultura do medo* [Angola, the culture of fear]. Lisbon: Livros do Brasil.

especially within the international community and with the UN Special Representative, Dame Margaret Anstee.¹⁶ The strong presence of the international community, the considerable bargaining power of UNITA, the presence of a delegate from each party at the CNE, and the nomination of Onofre dos Santos (former member of the FNLA and long-time counsellor of the historical nationalist leader Holden Roberto) as General Director, all afforded some credibility to the CNE and restrained the political criticism of the MPLA's control over the council.

Massive UN assistance with electoral logistics and organisation was a key feature of the first general election and, according to several of the interviewees, seems to have been responsible for dissipating the initial political tension and mistrust among the opposition.¹⁷ The electoral hardware logistics were mainly assumed by the United Nations Angola Verification Mission II (UNAVEM II), involving 25 000 people (national and foreign) in one of the largest UN electoral support operations, with costs of about USD 40 million, paid by international donors. There was also a strong and significant presence of international observers (about 800), half of whom were chosen by the UN. The other half was selected by parliaments, governments, specialised organisations, the European Parliament, 13 observers from the Organisation of African Unity (OAU) and MPLA and UNITA invitees, among other foreign personalities. International observation was determined by its own law (6/1992, 16 April).¹⁸

In Angola's first nationwide multiparty elections ever, a turnout of more than 91% (4.4 million) registered voters gave the MPLA candidate, President Dos Santos 49.57% of the vote against 40.07% for Savimbi, while the legislative elections resulted in UNITA getting 34.10% of the vote against 53.74% for the MPLA.

Despite a so-called Joint Declaration of Angolan Political Parties issued on 2 October 1992 by UNITA with seven other opposition parties declaring the elections fraudulent, the UN and other foreign observers considered them 'generally free and fair'.¹⁹ According to the law there should have been a presidential election run-off, but the civil war immediately resumed, plunging the country into a new decade of conflict.

Transition towards a multiparty system

Lusaka Peace Protocol 1994–1998

Increasing US pressure seems to have led to the Lusaka peace agreement of November 1994 and the implementation of a Government of Unity and National Reconciliation

16 Anstee M (1996) *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process, 1992–1993*. London: Palgrave.

17 From private interviews with Onofre dos Santos, Abel Chivukuvuku, Lucan Ngonda, Sediangany Mbimbi, Adalberto da Costa Júnior, Filomeno Vieira Lopes, in Launda, September 2015.

18 Albuquerque C (2002) *Angola, a cultura do medo* [Angola, the culture of fear]. Lisbon: Livros do Brasil.

19 Ibid.

(GURN), inaugurated in April 1997, whereby the MPLA government integrated members of UNITA and other political parties represented at parliament.²⁰

Amidst several recurrent military incidents, the Lusaka protocol was partially implemented until 1998, when the government decided to suspend it due to UNITA's repeated failure to hand over the administrative control of municipalities in the areas it still dominated. At the fourth MPLA congress of December 1998, a decision was made in favour of a military solution.

The resumed war resulted in another contraction of the political and civil space that had partially relaxed during the 1994–1998 period.²¹ Political pressure on the private media was reinforced through state security and judicial activity, which resulted in several arrests and lawsuits against journalists.²² A multitude of opposition political parties had to face the challenge of internal factions contesting the legitimacy of their respective leaders – the so-called phenomenon of *Renovadas* – which, according to all the affected opposition leaders, were instigated and sponsored by the MPLA to foment division and weakness.²³ The party most affected was UNITA, whose deputies in Luanda were split between those who supported Savimbi and those who did not. Among the latter, a clearly government-sponsored group of defectors was formed (UNITA-Renovada or Renewed-UNITA), which took the parliamentary seats reserved for Savimbi's party, but without any domestic or external credibility.

Electoral restructuring in the late 1990s

In the meantime, amidst this worrisome context, during the Lusaka protocol period (1994–1998), and even after that, in 1999, discussions were taking place between the MPLA and the opposition concerning the new legislation that had to be approved, including the new constitution and the electoral package of laws. By then the MPLA was considering the possibility of elections, even in a situation of conflict, in order to further isolate Savimbi's UNITA.

20 UNITA headed the ministries of Commerce, Tourism, and Health, and had five vice-ministers at the ministries of finance, defense, social reinsertion, agriculture, and information, and integrated provincial governments, with the governors of Cuando Cubango, Uíge, Lunda Sul, and the vice-governors of Kwanza Sul, Benguela, Huambo, Bie and Luanda.

21 Within the period of 1994–1998 there was a boom in private newspapers (e.g. *Folha 8*, *Actual Fax*, *Agora*, *Comércio & Actualidade*, *O Independente* and *Angolense*, joining *Imparcial Fax*, which had existed since 1991). A labour union federation emerged in 1996 (General Centre of Independent and Free Labour Unions of Angola – CGSILA), ending the monopolistic status of the MPLA's federation (UNTA), allowing representation of other independent labour unions (e.g. teachers – SINPROF; Journalists – SJA). The state monopoly on radio broadcast also came to an end in 1997 with the re-opening of the Catholic Church's Radio Ecclesia in Luanda (closed in 1977).

22 See Amnesty International (AI) (1999) Angola, Freedom of Expression under Threat. Index AFR 12/016/1999, 1 November 1999. Available at <https://www.amnesty.org/en/documents/afr12/016/1999/en/> [accessed 23 June 2016]; also Amnesty International (AI) (2000) Angola: Unfair trial of Rafael Marques. Index AFR 12/004/2000, 30 March 2000. Available at <http://web.amnesty.org/library/index/ENGAFR120161999/en/> [accessed 20 November 2015].

23 Vidal N (2007) The Angolan regime and the move to multiparty politics. In: P Chabal & N Vidal (eds) *Angola: The Weight of History*. London: Hurst. pp. 124–174.

Those first discussions in the late 1990s left no doubt about the intentions of the party in power to reinforce government influence on the electoral management body, especially on the electoral registry through the Ministry of Territorial Administration. The opposition contested this, reaffirming the politically independent character of that organ. In January 1999 an executive decree approved the internal regulation of a planned National Direction of Electoral Processes with the competence to organise and execute all procedures for electoral processes, including the much disputed electoral registry (decree 7/1999, arts 1 & 2). In June 1999 a new decree placed that planned organ under the coordination of the Ministry of Territorial Administration (86/A-99, art. 1). In the same year a new statute of the Ministry of Territorial Administration, approved by the Council of Ministers (decree-law 19/1999), defined the National Direction for Electoral Processes as one of the central executive services of the ministry (art. 18) and attributed to the ministry the competence to create all the necessary organising and technical-administrative conditions for the electoral process, including the electoral registry (art. 1).²⁴

Such discussions were put aside as the war raged on and the military defeat of UNITA became the priority, an objective achieved in February 2002 with the killing of Savimbi in combat. After several attempts by the international community and Angolan social movements (e.g. the Pro Pace Movement²⁵), the cease fire and the Luena Peace Memorandum (4 April 2002) were signed by the victorious MPLA and the defeated UNITA without any external or internal participation. This relationship imbalance would from then on characterise the Angolan multiparty system.

With the end of the war, new legislative and presidential elections were expected to occur and talks on the electoral process regained importance. However, by then the political and military context had radically changed in favour of the MPLA, victorious from a long and exhausting civil war, with its main rival killed in action and UNITA's army in disarray and starving. The international community had long abandoned Savimbi and explicitly or implicitly supported the MPLA's political quest to legitimately govern the country. Even UNITA's long-time ally, the US, had normalised diplomatic relations with the MPLA, recognising its government in 1993 and taking full advantage of new business opportunities in the country.

In the face of such a favourable context, the party in power carefully prepared an electoral strategy designed at the fifth congress in 2003, again taking advantage of its dominance over other state structures —the legislative, the executive and the judicial, along with the public and private sectors of the economy and, last but not least, the state media.

24 Gomes C (2010) *Gestão da dissensão: a comissão nacional de eleições no processo eleitoral angolano de 2008* [Managing Dissent: the National Electoral Commission in the Angolan Electoral Process]. *Oficina do CES* 357: 3–4.

25 In the late 90s, myriad projects and initiatives for peace emerged between churches and CSOs: Pro Pace movement; Angolan Group Reflecting for Peace (GARP); Programme for Peace Building (PCP); and a number of others. For a detailed analysis of these initiatives, see Comerford M (2005) *O Rosto Pacífico de Angola*. Luanda: Author's edition, especially the end of chapter 2 and chapter 4.

Legislative power and elections

Confident of its electoral prospects after a major military achievement and the weakening of the opposition, the MPLA lost interest in the negotiations about the future constitution after several deadlocks with the opposition in 2004–2005.²⁶ The party believed it could achieve a two-thirds majority in the legislative elections, following the examples of the Mozambique Liberation Front (FRELIMO) in Mozambique and the African National Congress (ANC) in South Africa, and therefore approve the new constitution at will.

New electoral legislation had to be approved before elections, but considering the new internal and international context and the MPLA's parliamentary majority (129 seats out of 220, against UNITA's 70 seats and the remaining dispersed through smaller parties²⁷), the positions of the party in power would prevail, mainly establishing the centrality of government and the Ministry of Territorial Administration in the electoral process.

The first electoral calendar was presented in 2004 with legislative elections expected to occur in 2006 and presidential elections one year later. A proposal for the electoral registry came before parliament for discussion, presented by the MPLA, which established its previously exposed intention to place the responsibility for the registry in the hands of the government through the Ministry of Territorial Administration. The opposition complained again, insisting on the need to assure compliance with the above-mentioned law of 1992 (5/1992) determining that the CNE was a politically independent organ, competent to coordinate, execute, conduct and operate all activities related to the elections, as well as the superintendence and supervision of the electoral registry (art. 154).

The MPLA only conceded on recognising the role of the CNE to supervise the whole electoral process and to check the registry. Political parties were also allowed to check the registry if they wished to do so. Nevertheless, the organisation of the registry was to be the responsibility of the government administration (Ministry of Territorial Administration) under the argument that only the state administration had the structure and logistics to meet the demands of such task.²⁸

The new electoral law was approved in August 2005 (6/2005, revoking the old 5/1992) stating the independence of the CNE, which was deemed responsible for coordinating the execution of all activities related to elections, as well as the supervision of the electoral

26 Vidal N (2007) The Angolan regime and the move to multiparty politics. In: P Chabal & N Vidal (eds) *Angola: The Weight of History*. London: Hurst. p. 162.

27 PRS – *Partido da Renovação Social* [Party of Social Renewal], six MPs; FNLA – *Frente Nacional de Libertação de Angola* [Front for the National Liberation of Angola], five; PLD – *Partido Liberal Democrata* [Liberal Democratic Party], three; PRD – *Partido Renovador Democrático* [Party of Democratic Renewal], one; PAJOCA – *Partido da Juventude Operários e Camponeses de Angola* [Party of Youth, Workers and Peasants], one; PDP-ANA – *Partido Democrático para o Progresso da Aliança Nacional* [Democratic Party for Progress of the National Alliance], one; PNDA – *Partido Nacional Democrático de Angola* [Angolan National Democratic Party], one; FDA – *Forum Democrático Angolano* [Party of Angolan Democratic Fórum], one; AD – *Coligação, Aliança Democrática-Coligação* [Party of Democratic Alliance], one; PSD – *Partido Social Democrata* [Social Democratic Party], one.

28 Gomes C (2010) *Gestão da dissensão: a comissão nacional de eleições no processo eleitoral angolano de 2008* [Managing Dissent: the National Electoral Commission in the Angolan Electoral Process]. *Oficina do CES* 357: 3–4.

registry (art. 154, 1). A new electoral registry law (3/2005, 1 July), stated that it was up to the CNE to approve and supervise the electoral registry programme presented by the competent organ of the government (art. 13). The old National Electoral Council of 1992 (Conselho Nacional Eleitoral – CNE) was transformed into the National Electoral Commission (Comissão Nacional Eleitoral – CNE).

The Electoral Registry regulations were later approved by the Council of Ministers and left no doubt about the centrality of the government and the Ministry of Territorial Administration, defining the three organs responsible for the central coordination of the electoral registry, namely the Council of Ministers, the Ministry of Territorial Administration and the Inter-ministerial Commission for the Electoral Process (CIPPE).²⁹ According to the regulations, it was up to the Ministry of Territorial Administration to conceive, programme, organise, coordinate and execute the electoral registry (art. 6), up to the Council of Ministers to define the guiding principles and main tasks (art. 4), and up to the CIPPE to prepare the technical, material and administrative conditions for elections.

The CNE could still check the registry and officially ‘supervise’ it, but was clearly demoted in the decision-making and main operative tasks, devoid of several of its previous powers and main role in the 1992 electoral process. In the end, as concluded by the EU Electoral Observation Mission (EU EOM) to the 2008 elections, ‘the CNE’s role as supervisor of the registration process was at best limited’.³⁰

The new criteria for the CNE’s composition established the principle of proportionality. Such a principle was already present in the old 5/1992 law, but had not been strictly enforced in the 1992 process, as those had been the first inaugural elections of the multiparty system and it had not been possible to establish what the proportion of parliamentary forces was at that time. Therefore, the principle of proportionality was not applied and all the political parties running for the 1992 elections were represented at the CNE (even though it must be noticed that most of the important decisions were taken outside of the CNE, at the level of the Political-Military Joint Commission³¹, comprising only the MPLA, UNITA and representatives of the Troika – US, Russia and Portugal).

According to the MPLA, it was now possible to enforce the proportionality principle in the selection of commissioners and avoid the 1992 ‘chaotic’ meetings with representatives of all parties. On the opposition side the counter-arguments pointed out that the proportion of forces in parliament was again vitiated since parliament had been elected in 1992 for only five years and had since been operating without an electoral mandate.

29 CIPPE in the Portuguese acronym; previously created by a resolution of the Council of Ministers of 21 December 2004 as a government organ responsible for the technical, material and administrative conditions for elections, comprising representatives of the Ministries of Territorial Administration, Interior, Post Offices and Telecommunications; Council of Ministers Resolution 34/2004.

30 European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. p. 15. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

31 From private interview with Onofre dos Santos, general director of the 1992 elections, Luanda, 21 September 2015.

Despite the opposition's arguments, the MPLA's majority in parliament approved the new composition of the CNE as having 11 members: comprising two citizens appointed by the President of the Republic; six citizens appointed by the majority of MPs at the National Assembly proposed by the political parties represented at the parliament, three of which were to be appointed by the majority party and the other three by the remaining parties and coalitions (two from the first most popular opposition party and one from the second); one judge of the Supreme Court elected by the Supreme Council of the Judiciary (Caetano de Sousa was once again nominated and elected as president of the CNE, who also happened to be deputy-president of the Constitutional Court); one representative of the Ministry of Territorial Administration; and one member of the National Council for Media elected by its members.

At local level, the CNE was composed of the provincial electoral commissions (made up of nine members, six to be elected by the parliament, three of which appointed by the majority party and three from the rest of the opposition, one judge nominated by the Supreme Council of the Judiciary, one citizen appointed by the provincial government and one representative of the Ministry of Territorial Administration). The municipal electoral cabinets replicated the composition of the provincial cabinets (except for the citizen, who was supposed to be appointed by the municipal administrator) and, whenever necessary, communal electoral cabinets were nominated at will by the CNE.³² Representatives of political parties and coalitions in parliament and up to five representatives of the political parties and coalitions without parliamentary seats could attend the CNE deliberative meetings, but could not participate in discussions. Only presidential and MP candidates could not be members of the CNE.³³

The opposition complained that such composition allowed the MPLA and its president to directly and indirectly appoint eight out of 11 members to the new CNE (including the president of the CNE), also ensuring the same proportional majority at the CNE local structures. The MPLA would directly and indirectly control a two-thirds majority in the CNE, given the party and presidential influence over the other state organs such as the Supreme Court (judges were appointed by the President of the Republic), the National Council for the Media (itself majorly directly and indirectly appointed by the MPLA, its president and government; see below) and the Ministry of Territorial Administration (MPLA's government). The opposition was unyielding in its proposals that also included one representative of civil society organisations and one representative of the churches, and other proposals comprising nine independent personalities voted by a two-thirds parliamentary majority³⁴ that would force the MPLA to negotiate.

32 Arts 156 to 161, Law 6/2005, *DR, I*, 95, 10 August 2005 (Electoral Law, revoking law 5/1992).

33 Art. 156, 3 & 4, Law 6/2005, *DR, I*, 95, 10 August 2005 (Electoral Law, revoking law 5/1992).

34 Gomes C (2010) *Gestão da dissensão: a comissão nacional de eleições no processo eleitoral angolano de 2008* [Managing Dissent: the National Electoral Commission in the Angolan Electoral Process]. *Oficina do CES* 357: 7.

Fearful of another deadlock (after the constitutional deadlock of 2004/2005) the MPLA again rejected the opposition's proposal and approved its own plans. Executive commissions were created by the Council of Ministers to effectively manage the electoral process on a daily basis, with members exclusively appointed by the majority party.³⁵ The approval of the new electoral legislation brings to mind the old socialist days when the People's Assembly behaved as an echo-chamber for laws approved by the Council of Ministers, which was presided over by the president of the party/President of the Republic.³⁶ Mistrust in the process resurfaced and led the main opposition party to question the legitimacy of any future elections, seeing as they could not be considered democratic, free and fair by international standards.³⁷

In the end, the whole context favoured the MPLA government – the civil-war winner with a weak opposition and no longer subject to the influence and watchdog role of the international community as had been the case in 1992. The party took over the organisation of the electoral process (through the Council of Ministers and the Ministry of Territorial Administration), especially taking control of the long-disputed electoral registry and the CNE's composition and competences. The MPLA effectively controlled the entire electoral process, from the registry to the planning, management, operation, execution and, last but not least, the CNE, the supposedly independent organ expected to exert some supervisory role over the registry and the electoral process.

The MPLA's shenanigans did not pass unnoticed by the Southern African Development Community (SADC) Parliamentary Forum 'Voter Registration Observer Mission Report' one year prior to elections, pointing out that:

The fact that 6 of the 11 NEC [CNE] members were nominees of political parties, raised questions on the extent to which the NEC could be viewed as impartial in managing the electoral process and in this case voter registration. This also raised questions on the extent to which other stakeholders, especially political parties, could trust the voter registration exercise to be free from interference by the key player.³⁸

35 Compare the electoral law approved by the National Assembly, Law 6/2005, *DR, I*, 95, 10 August 2005 (Electoral Law, revoking law 5/1992) with the Council of Ministers Decree 63/2005, *DR, I*, 111, 16 September 2005 and the Council of Ministers Decree 62/2005, *DR, I*, 107, 7 September 2005.

36 In the same sense, see Human Rights Watch (2004) *Some Transparency, No Accountability: The Use of Oil Revenue in Angola and its Impact on Human Rights*. HRW Report 16(1). NY, USA: Human Rights Watch, pp. 76–77; also, Miranda A (2004) *Angola 2003/2004: Waiting for Elections*. Norway: Christian Michleson Institute. pp. 25–26.

37 Statements and arguments produced by UNITA's secretary for information, Adalberto da Costa Júnior, in a press conference. See Da Costa Júnior A (2005, 7 December) Alert on the legitimacy and dangers of the electoral process. Press Conference, Hotel Trópico, Luanda.

38 SADC (2007) *Voter Registration Observer Mission Report – Angola 2007*. Windhoek: SADC Parliamentary Forum. p. 18.

Concerning the accumulation of functions, the SADC mission recommended that:

In order to enhance transparency and accountability, the CIPPE and the NEC [CNE] should ensure that none of their officials performed both registration and supervisory functions. This recommendation stemmed from the concern raised by some stakeholders of instances where CIPPE officials at provincial level also worked for the NEC.³⁹

Concerning the involvement of the Ministry of Territorial Administration, the SADC observation mission recommended that:

For future voter registration and elections management, Government should seriously consider using a single independent electoral management body to avoid confusion and to enhance transparency and credibility as opposed to the current arrangement where both the MAT and the NEC [CNE] were involved in the process.⁴⁰

Executive power and elections

Despite the existence of the so-called Government of Unity and National Reconciliation (GURN), comprising members of the opposition and having power since 1997 (see above), all the major positions were occupied by MPLA members and the government was effectively led by the party in power. As stressed by all the opposition leaders, every governmental position occupied by their representatives at the GURN had been emptied of any effective power; no matter what position was attributed to the opposition – minister, vice-minister, governor, administrator – each and every politically sensitive duty was in practice transferred to the nearest position occupied by an MPLA member in the same ministry. Thus, if the governor was from UNITA, the effective powers, such as budget management, rested with a vice-governor belonging to the MPLA.⁴¹

Despite this, most of the opposition remained in the GURN, fearing retaliation from the majority party in terms of the cancellation of state budget funds and the loss of other benefits related to the positions occupied. There was also difficulty in obtaining a consensus within and among opposition parties in favour of abandoning their positions at the GURN, as that could be seen again, internationally and domestically, as anti-national reconciliation. Without much success, UNITA's new leader, Isaias Samakuva, tried to replace some of his party's representatives, in parliament and in government, who had been occupying their posts since the days of *UNITA-Renovada*.⁴²

³⁹ Ibid.: 22.

⁴⁰ Ibid.

⁴¹ From private interviews with leaders of opposition parties occupying positions in GURN, Luanda, May–June 1998; Abel Chivukuvuku and Alcides Sakala (UNITA); Ngola Kabango and Holden Roberto (FNLA); Anália Vitória Pereira (PLD); Eduardo Kwanga (PRS).

⁴² On this subject, see articles *Substituição de parlamentares aquece debate na Assembleia Nacional*

The combination of party, state, president and government is as old as the regime, but at elections they become one solid team. Party events made use of state administration logistics and resources, while government events were overwhelmed with party symbols and the party faithful from MPLA mass movements. Accordingly, the party made sure that its ministers, provincial governors and administrators (who in most cases were also top members of the party at national and provincial levels) were seen to inaugurate public infrastructure projects financed with public money in ceremonies where state and party symbols were often combined to give credit to the MPLA for such achievements. MPLA flags were everywhere in the provinces and are very similar to the Republic's flag. Such events were manipulated by the state media in order to give as much political credit as possible to the party in power.⁴³

Judicial power and elections

Political control over the judiciary remained as strong as ever. The President of the Republic, who is also president of the MPLA, maintained significant power over the judiciary, including the power to appoint Supreme Court judges without confirmation by the National Assembly.

The opposition regularly accused the judicial system of being politically influenced in cases involving factions within their parties (*Renovadas*' phenomena), often resulting in judicial decisions to suspend the state subsidy to those parties and serving the general purpose of dividing and weakening the opposition (see above). Several of these parties also pointed to the Supreme Court's decision, on 22 July 2005 not to consider Dos Santos' presidential administration since 1992 as presidential terms, as an example of presidential influence over the judicial system. Such a decision was seen as a way to circumvent the constitutional decree that limited presidential mandates to three five-year terms.⁴⁴

As rightly stressed by the opposition (so-called group of seven),⁴⁵ the Supreme Court judges appointed to the CNE structures did not stand down from their duties at the Supreme Court (e.g. Caetano de Sousa, president of the CNE for the 1992 and 2008 elections). This was not only unconstitutional (according to art. 131 of the Constitutional Law on the incompatibility of functions), but also legally and politically unacceptable since the Supreme Court acted as the Constitutional Court, to which parties appeal in instances of electoral disputes. The same person (or persons) could rule as CNE commissioners at the first instance, and then again as judges at the second instance (Constitutional Court).

[Replacement of MPs warms up debates in the National Assembly] (2006, 1 February) *Jornal de Angola*; *Sem consenso* [Without consensus] (2006, 1 February) *Jornal de Angola*.

43 European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. p. 21. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

44 From private interviews of the author with N'Gola Kabango (president of the FNLA), Isaias Samakuva (president of UNITA) and Eduardo Kwangana (president of PRS) in October 2008.

45 Group composed of UNITA, FNLA, PLD, PAJOCA, PDP-ANA, FpD and POC's (Parties of Civil Opposition, not represented at parliament).

Financing of political parties

Moving on from the previous practice whereby the Supreme Court assumed the role of Constitutional Court, a new Constitutional Court was appointed in late July 2008,⁴⁶ and on 25 July ruled on which political parties were authorised to run for the elections. Insofar as the distribution of public funds for political campaigning depended on such authorisation, the amounts of funding were only approved at the end of July by the Council of Ministers, in a clear violation of the law determining parliament as the competent organ for such an approval. The funding was only made available to political parties in early August, less than 30 days before the elections scheduled for 5 September, while the law established that 90 days was the rule. The opposition campaigns were obviously compromised (especially those of the smaller parties) while the MPLA campaign was far ahead.

The Council of Ministers approved USD 17 million to all ten political parties and four coalitions, but the effective disproportion of means became evident in favour of the MPLA's heavily funded campaign, allegedly supported by donations from Sonangol (the national oil company), Endiama (the national diamond company), private companies and investors.⁴⁷

In fact, the main problems for the opposition were financial. Membership fees were merely symbolic at around USD 1 per month, and even then most members did not usually pay their dues.⁴⁸ Those opposition parties represented in parliament before the 2008 elections survived essentially on funds coming out of the state budget (about USD 10 per vote obtained in the 1992 election), which in 2006 worked out at around USD 14 million/year for UNITA and sums that varied between USD 100 000 and USD 900 000 for the rest of the opposition, with the majority situated within the USD 100 000 and USD 200 000 range.⁴⁹ Opposition parties without exception complained that this was far from sufficient and was also paid irregularly (sometimes even suspended) so as to disrupt their activities or apply pressure on them at key moments, such as during the constitutional deadlock in 2004/2005 (see above).

In view of such financial restrictions, it was extremely difficult for the opposition to expand activities outside provincial capital cities. UNITA was the only opposition party with an effective national presence outside the provincial capitals. Some parties, such as the Democratic Party for Progress–Angolan National Alliance (PDP-ANA) and the Party of the Alliance of Youth, Workers and Farmers of Angola (PAJOCA), were still struggling

46 The new Constitutional Court is composed of 11 judges; four of which (including the court's president) are appointed by the President of the Republic, four are elected by a 2/3 qualified majority vote at parliament (including the court's deputy-president), two are elected by the Supreme Council of the Judiciary and one is selected through curricular application in an open public call. Law 2/2008, *DR, I*, 17 June 2008 (Constitutional Court Organic Law).

47 Roque PC (2013) *Angola's Second Post-War Elections: The Alchemy Of Change*. Institute for Security Studies (ISS) situation report. Pretoria: ISS. p. 7.

48 From private interviews of the author with all the political leaders of the opposition in October 2008.

49 For the exact number of votes obtained by each party in the 1992 elections see, Marques S (1993) *Angola: da Guerra à Democracia*. Luanda: Edipress. p. 43.

to get an office in the capital city of Luanda. The situation was far worse for parties without parliamentary representation and without access to state budget funds.

In absolute contrast to the opposition stood the MPLA, with an impressive collection of buildings throughout the country, with a presence in each and every village. The party had the largest state subsidy of around USD 21.5 million and membership fees obtained at source from salaries at some state companies. Moreover, it controlled directly or indirectly the most significant private companies and their funding for the campaign, which was managed through a special holding created for that purpose – the Society for Management and Financial Participation (GEFI).

Access to the media

In view of the stated compliance of the electoral process with international and regional norms and standards, the opposition's access to the state media (national radio, television and daily newspaper) remained a major problem.

A new press law enacted in 2006 (7/2006, 15 May) maintained the monopoly of long and short wave frequencies exclusively for the public radio station, Rádio Nacional de Angola (RNA), leaving only medium and FM waves for the use of private radio stations. The installation of provincial radio transmitters implied the provision of local content, which effectively meant that private radio stations were not allowed to broadcast nationally or across provincial boundaries (arts. 52 to 54). The only relatively independent radio station — the Catholic Church Radio Ecclesia — was therefore denied from broadcasting outside Luanda, this despite having installed a network of re-transmitters in several provinces since 2003.

The new law abolished the state monopoly over television broadcasting, but as happened with commercial radio stations in 1992, no politically independent television channels emerged. In 2008 a new TV channel, Zimbo, was licensed, initiating its broadcasting in 2009 but was again related to a financial group proximate to the regime – *MediaNova* (see below). Private weekly newspapers, in their low thousands, were basically restricted to Luanda and a few capitals of the most accessible provinces (coastal). The only daily newspaper was still the government-owned *Jornal de Angola*, with a circulation of around 40 000 and reaching every provincial capital.

Contradicting the recommendations of the Declaration of Principles on Freedom and Expression in Africa of the African Commission on Human and Peoples' Rights, state-owned media (television, radio, newspaper and news agency) continued to operate under exclusive governmental control, without a governing board protected against editorial interference from the government.⁵⁰ International reports stressed the regime's intimidation of journalists by either forcing them to practise self-censorship or by co-opting them into the state media.⁵¹

50 African Commission on Human and Peoples' Rights (2002) *Declaration of Principles on Freedom of Expression in Africa*, 32nd Session, 17–23 October 2002, Banjul, The Gambia.

51 See Human Rights Watch (2004) *Unfinished Democracy: Media and Political Freedoms in Angola – Report*.

As monitored by the EU EOM between 11 August and 3 September, airtime and space on the public media (TPA 1, RNA, and *Jornal de Angola*) was majorly devoted to MPLA activities (57% to 65%), while UNITA had 12–19%, and the rest of the opposition combined had less than 4.8%. Needless to say, most of that airtime allocated to the MPLA had a positive and supportive tone (75% and 32% of the news at TPA 1 and RNA, respectively) while more than 46% and 41% of the news allocated to UNITA (TPA 1 and RNA respectively) was presented in a negative tone. The same happened at the *Jornal de Angola*, where 36.1% of MPLA news was presented in a positive tone and 28.1% of UNITA news was presented in a negative tone.⁵²

In the face of such biased election coverage by the state media, the role of a media regulatory body would obviously be important. However, insofar as the new press law (7/2006) was not regulated (clarified and specified in several of its sections) as was supposed to happen within 90 days from its publication (art. 87), several important procedures were left up to subjective interpretation (eventually to be settled by the National Assembly, art. 88), leaving the media regulatory body – the National Council for the Media (CNCS) – without rules on its organisation, composition and mandate.⁵³

The CNCS continued to be regulated by the old law (7/1992), with a total of 23 members mainly appointed by the government and the majority party, although also comprising members appointed by the opposition parties (according to the 1992 legislature), journalists and the churches. Above all, it maintained its somehow previously harmless role, more educational than proactive, with a mandate limited to making recommendations or requests to the media to provide answers when complaints were received. The opposition blamed the MPLA's influence for the organ's lack of effectiveness. In fact, it was unable to make a single pronouncement during the electoral period in the face of a series of outright violations of the law by the state media in favour of the party in power.

NY, USA: Human Rights Watch; also news report Media Institute of Southern Africa (2005, 23 February) Director of government news agency threatens to shoot journalist. IFEX. Available at https://www.ifex.org/angola/2005/02/23/director_of_government_news_agency/ [accessed 23 June]; also Human Rights Watch (2006) *Human Rights Watch World Report 2006*. NY, USA: Human Rights Watch & Seven Stories Press, pp. 74–79; European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. p. 23. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

52 European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. pp. 25–29. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016]; also European Union Election Observation Mission Angola (2008) *Preliminary Statement: Legislative Election, September 2008*. Brussels: European Parliament. p. 9. Available at http://eeas.europa.eu/eueom/pdf/missions/eueom_angola_2008_ps_en.pdf [accessed 23 June 2016].

53 As previously referred, the CNCS was originally created in sequence of the first press law (Law 22/1991, *DR, I*, nº25, 15 June 1991 (Press Law)) with its first regulation set by a specific law (Law 7/1992, *DR, I*, 16 April 1992 [National Council for the Social Media – CNCS]).

Electoral observation and reported problems

Important to the credibility of the electoral process was international and domestic observation. A specific law on electoral observation had been enacted on 4 July 2005 (4/2005), allowing civil society organisations to observe parliamentary elections for the first time. However, in practice several problems emerged, with difficulties arising around the accreditation of civil society observers.

The largest and most soundly structured civil society initiative to observe the elections was a coalition platform mainly funded by the US National Democratic Institute – *Plataforma Nacional da Sociedade Civil Angolana para as Eleições* (PNASCAE) – which trained 2 640 observers, but only managed to get accreditation for 1 300, and in the end only 28 observers (out of the proposed 370) were allowed to observe the elections in Luanda,⁵⁴ where 30% of the electorate was concentrated. The CNE justified the refusal of these and other CSO observers' applications on procedural grounds, incomplete applications or forged documents.⁵⁵

The international observation teams comprised the European Union, the European Parliament, Pan-African Parliament, Community of Portuguese Speaking Countries (CPLP), SADC, the US diplomatic mission in Angola and the African Union.⁵⁶ The European Union, with the largest contingent of observers was able to get reasonable coverage of the whole country, having deployed 108 observers (long-term and short-term observers) in teams of two across all 18 provinces of Angola, spanning 46 of the country's 164 municipalities and producing the most reliable, data-based report ever written on Angolan elections.⁵⁷

Besides the aforementioned problems regarding access to the media and the accreditation of civil society observers, other sets of problems reported by electoral observers focused on several logistical problems during election day, especially in the outskirts of Luanda (concentrating most of the Luanda voters). Of the 1 522 polling stations of Luanda, 320 did not open due to the lack of election material, and others opened late for the same reasons, which led the head of the EU EOM, Luisa Morgantini, to make a first statement characterising the situation as chaotic. Due to these problems and in compliance with

54 From private interview with Onésimo Setecula, coordinator of the Civil Society Observation Platform (PNASCAE), September 2008.

55 European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. pp. 13–14. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

56 The European Union (108 observers, comprising long-time and short-time observers, joined by a 7-member delegation from the European Parliament, headed by Ms. Fiona Hall, MEP), the Pan-African Parliament (27), the Community of Portuguese Speaking Countries – CPLP (17), SADC (90), the US diplomatic mission in Angola (40); the African Union (40); Japanese embassies (6). See Hall F (2008) *Report of the Delegation to Observe Parliamentary Elections in Angola*. Brussels: European Parliament. p. 2. Available at http://www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20080905angolareport.pdf [accessed 23 June 2016].

57 European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

the law, the election was extended for a second day (the 1992 election had also taken place in two days) with some polling stations remaining closed on the second day.⁵⁸ Other problems included late accreditation of party delegates and polling station staff, insufficient distribution of ballot papers, the absence of voters' rolls in most of the polling stations under observation, and the absence of independent scrutiny of vote counting in the Luanda central headquarters.⁵⁹ The absence of voters' rolls clearly contradicts the SADC guidelines requiring the existence of an updated and accessible voters' roll.⁶⁰

The EU EOM remarked on the exceptionally high turnout in some provinces where many voters live in remote areas, such as Moxico, Cuando Cubango and Lunda Sul. In addition, they noted –the turnout was 108% in the province of Kwanza-Norte, and that in the province of Cabinda – despite the FLEC campaign to boycott the election – the turnout was 87.7%.⁶¹

As election day approached, several logistical problems started to accumulate: the fact that no proper and comprehensive voters' rolls were made available on time by the CNE; the confusing, complex and too large system of 12 400 polling centres subdivided into 50 195 polling stations throughout the country to allow for a limited number of voters per polling station (no more than 250 voters in each); the late training of polling staff; the late or no accreditation of party delegates and observers; and so on and so forth.

Due to such problems, the CNE allowed people to vote away from their place of registration. On 2 September, just three days prior to the election, the CNE announced that voters could vote normally anywhere within their municipality and that the tendered ballots should only be used for people voting from outside that area. As explained by the EU EOM, the instruction was given to the polling staff only on the morning of election day in Luanda and even later or not at all in some provinces, leading to obvious confusion and varied interpretations. As a consequence, the majority of polling stations were unable to reconcile the number of ballots used with the number of people who had voted in their municipalities.⁶²

58 Hall F (2008) *Report of the Delegation to Observe Parliamentary Elections in Angola*. Brussels: European Parliament. p. 6. Available at http://www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20080905angolareport.pdf [accessed 23 June 2016].

59 European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

60 SADC (2004) *Principles and Guidelines Governing Democratic Elections*. Gaborone: SADC; also SADC (2015) *Principles and guidelines governing democratic elections*; adopted by the Ministerial Committee of the Organ (MCO) on Politics, Defence and Security Cooperation on 20 July 2015, Pretoria, Republic of South Africa, Section 13.4.1, 2015.

61 There were 145 067 registered voters in Kwanza-Norte, but 156 666 people voted, of which 144 055 votes were valid. European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. p. 44. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

62 European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. p. 13. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

Such flexibility and the consequent confusion would eventually explain a turn-out above 100%, as happened in the province of Kwanza-Norte. However, such events are detrimental to the transparency and credibility of electoral processes and should be avoided in future elections, starting with proper voters' rolls being made available in time as determined by law. Unfortunately, as we will see in the next section, the problem with the availability of voters' rolls repeated itself in the 2012 election.

Although several cases of violence and intimidation by MPLA supporters in rural areas of Huambo, Benguela, Bié and Cabinda had been reported in months prior to the elections by the Human Rights Watch team visiting the country,⁶³ most of the international and national observers to the elections stressed and praised the peaceful environment in which the elections took place.

The 2008 qualified majority vote

Within the above characterised general context, when the 2008 elections finally took place, the internal and external situation was totally favourable to the MPLA and the party managed to achieve a resounding victory with more than 81.64% of the vote against 10.39% of UNITA (in a turnout of 87.36% of 8 256 584 registered voters).

According to the voter registration law (art. 9, 3, law 3/2005)⁶⁴ the Council of Ministers decided in May 2007 that it was not possible to organise the registry and voting process to the Angolan *diaspora* due to lack of administrative capacity and therefore (as happened in 1992) those voters were excluded. The decision seems to have mainly benefited the MPLA, since most of the *diaspora* is thought to hold resentments towards the party in power.

Considering the logistical problems on election day and alleged procedural illegalities, UNITA demanded the annulment of elections and filed a complaint with the CNE on the following day (7 September), asking for a re-run in eight days. The complaint was refuted in the first instance by the CNE and in the second instance by the Constitutional Court for lack of sound proof.⁶⁵ Other complaints at national level were later filed by other opposition parties such as the Front for Democracy (FpD), PDP-ANA, the Liberal Democratic Party (PLD), and Democratic Angola – Coalition (AD-Coligação), but were also dismissed.

The EU and the Pan-African Parliament recognised several shortcomings, but generally accepted and approved the electoral results along with the other international

63 Human Rights Watch (2008) Angola: Doubts over free and fair elections. Intimidation of opposition, media before first poll since 1992. Available at <https://www.hrw.org/news/2008/08/13/angola-doubts-over-free-and-fair-elections>. [accessed 1 November 2015]. See also Human Rights Watch (2009) Angola democracy or monopoly? Angola's reluctant return to elections. pp. 32–42. Available at <https://www.hrw.org/sites/default/files/reports/angola0209webwcover.pdf> [accessed 1 November 2015].

64 Such article stipulated in article 9, 3, (Law 3/2005, DR, I, 1 July 2005 (Voter Registration Law)) that Angolans living outside the country were to be registered 'as far as material conditions and accompanying mechanisms by the competent entities were established'.

65 Constitutional Court Decision [Acórdão] nº 74/2008, 16 September 2008. Available at <http://www.tribunalconstitucional.ao> [accessed 1 September 2015].

observers. The EU Parliament delegation went even further, considering such a qualified majority as the logical consequence of the MPLA's control over the state's structures⁶⁶

On the other hand, the most influential parties of the opposition considered the whole electoral process fraudulent and a farce. Nevertheless, they still accepted the electoral results and occupied their seats at parliament under the argument that this was the better way of showing the Angolan society and international community its commitment towards peace consolidation and the democratisation process.⁶⁷

In the end, it became clear that the whole electoral process of 2008 lacked pluralism, with too much state control by the party in power using and abusing its prerogatives as civil war winner in control of the legislative, the executive and the judiciary (more than in the 1992 elections). As rightly summed up by the EU Parliament delegation, 'Angola should move to a true multiparty system; this implies a change towards a culture of pluralism'.⁶⁸

Electoral restructuring for the 2012 elections

The new Constitution of the Republic established the administrative independent electoral organs (art. 107). A new Organic Law on the Organisation of General Elections was approved on 21 December (36/2011) as well as a new Organic Law on the Organisation and Functioning of the National Electoral Commission (12/2012, 13 April).

Registry

Under the new law, the CNE kept its statute as independent body responsible for organising, implementing, coordinating and conducting elections and even recovered some control over the database of the previous registry process. It was now up to the CNE 'to maintain and manage the data of voters obtained from the civil identification database and from information provided by voters and prepare voters' rolls based on that information' (art. 144, law 36/2011).

It was up to the public administration (Ministry of Territorial Administration) to undertake the electoral registry and its update under the supervision of the CNE. The Ministry of Territorial Administration had until 15 May 2012 to hand over to the CNE the custody and management of the Central Informatics Files of the Electoral Registry (FICRE), its informatics programs, database, institutional records and other elements of the electoral registry in its possession. Before the transfer, all the material should be

66 Hall F (2008) *Report of the Delegation to Observe Parliamentary Elections in Angola*. Brussels: European Parliament. p. 8. Available at http://www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20080905angolareport.pdf [accessed 23 June 2016].

67 From private interviews with Isaias Samakuva (UNITA), Eduardo Kwangana (PRS) and Sediangani Mbimbi (PDP-ANA); September 2008.

68 Hall F (2008) *Report of the Delegation to Observe Parliamentary Elections in Angola*. Brussels: European Parliament. p. 9. Available at http://www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20080905angolareport.pdf [accessed 23 June 2016].

audited by an independent company chosen and hired by the CNE (art. 211, law 36/2011). This process took place between 29 July 2011 and 15 April 2012.

However, the process did not exactly follow this path. The electoral registry effectively started on 29 July 2011 and officially closed on 15 April 2012, but unexpectedly reopened in early August to allegedly register 1.5 million voters that still needed to collect their voter cards.⁶⁹ The registry and FICRE were supposed to have been independently audited by Deloitte, but no audited and accurate electoral rolls from the registry were ever made available and there was no published or publicly known audit report on FICRE. A Deloitte report on its review of the registry (not an official audit report and not on FICRE) leaked to the press, exposed several detected flaws such as the fact that 6.5 out of the 9 million registered voters had been registered without presenting identity cards and therefore could not have their identity checked at polling stations. The same document also expressed concerns regarding the data centre and data systems operated by sub-contracted entities.⁷⁰

A new party, the Electoral Coalition for the Salvation of Angola (*Convergência Ampla de Salvação de Angola – Coligação Eleitoral* [CASA-CE]) and UNITA alerted the CNE in July that electoral rolls made available by then were incomplete and incorrect, and even the names of key opposition leaders were missing.⁷¹ The opposition condemned these flaws for blocking its ability to observe most of the polling stations, again casting doubt on the transparency and credibility of the elections.⁷² In the end, no proper, audited and full electoral rolls were publicly made available by the ministry or the CNE for public consultation.

The SADC parliamentary forum observation mission referred to those facts recommending:

The need to avail the report produced by independent auditors on the Voters' Roll to all electoral stakeholders in order to improve stakeholders' confidence in the electoral process. (...) [and] The need to avail the voters' roll in good time for the Angolans to verify their information in line with the law.⁷³

Problems related to the management of electoral data and electoral rolls were attributed by UNITA to a Portuguese company, SINFIC. UNITA accused SINFIC of complicity in FICRE management malpractices. Such accusations were based on the leaked 'Deloitte report' of June 2012, according to which SINFIC, at the service of the Ministry of

69 Roque PC (2013) *Angola's Second Post-War Elections: The Alchemy Of Change*. Institute for Security Studies (ISS) situation report. Pretoria: ISS. p. 7.

70 *Novo Jornal*, 28 September 2012.

71 Roque PC (2013) *Angola's Second Post-War Elections: The Alchemy Of Change*. Institute for Security Studies (ISS) situation report. Pretoria: ISS. p. 7.

72 Smith D (2012) Angolan president expected to win another term in 'flawed' election. *The Guardian*, 31 August 2012. Available at <http://www.theguardian.com/world/2012/aug/31/angolan-president-win-term-election> [accessed 1 December 2015].

73 SADC (2012) *Parliamentary Forum Election Observation Mission to the Angola 31st August 2012 General Elections – Interim Mission Statement*. Gaborone: SADC. p. 13.

Territorial Administration, was the effective manager of the system of electoral registry, the main file of FICRE.⁷⁴

UNITA had already complained that the electoral logistical structures were partly replicating the ones of 2008. According to them, the same companies hired in 2008 were once again being hired for the 2012 elections. This was the case with the Spanish company, INDRA, hired to supply all the voting materials and scrutinising equipment, and the Angolan companies, LTI and BECOM, hired to provide logistical support and the transport of that material.⁷⁵ According to UNITA, LTI and BECOM were owned by generals close to the MPLA and the Presidency and once again, as in 2008, these companies were supervised by the Military/Security House of the Presidency of the Republic.⁷⁶

CNE composition

There was some organisational re-arrangement, but essentially the CNE maintained its three main structures at national, provincial and municipal levels: the Plenary of the National Electoral Commission at the central level and the provincial electoral commissions and municipal electoral commissions at local levels. There were also three technical directorates at the three levels to help with the implementation of the decisions and policies of the commission – administration, finances and logistics; electoral organisation, statistics and information technologies; civic and electoral education and information.

The CNE composition was expanded to comprise 17 members. The president is still a judge chosen and appointed by the Supreme Council of the Judiciary. The other 16 members are appointed by the National Assembly by majority vote, on the basis of proposals by the parties and coalitions represented at parliament in line with the principles of majority rule and respect for minorities, which for the 2012 elections worked as follows: nine members for the MPLA; three for UNITA; two for the Social Renewal Party (PRS); one for the FNLA and one for the New Democracy (art. 209, law 36/2011).

Members of the CNE are appointed for up to two five-year terms. The new law kept the possibility of political parties' official representatives and government members to attend the CNE plenary sessions, under the category of 'permanent participants', but now with the ability to intervene, although still without a vote (art. 145, law 36/2011), which somehow represents an advancement on the transparency of the CNE plenary meetings.⁷⁷ The

74 'Complaint of Crime' [Queixa-Crime] presented by UNITA to the Angolan General-Attorney on 27th March 2013.

75 See UNITA (2008) *Relatório de auditoria às eleições legislativas de 5 de setembro. Uma contribuição para a realização de eleições livres, justas e transparentes em Angola* [Audit report to the legislative elections of September 5. A contribution to free, fair and transparent elections in Angola] Luanda: UNITA; references to the role of INDRA in the 2008 elections can also be found in European Union Election Observation Mission (2008) *Angola Final Report: Parliamentary Elections, 5 September 2008*. Brussels: European Parliament. pp. 12–13. Available at http://eeas.europa.eu/eueom/pdf/missions/fr_eueom_angola_08_en.pdf [accessed 23 June 2016].

76 Roque PC (2013) *Angola's Second Post-War Elections: The Alchemy Of Change*. Institute for Security Studies (ISS) situation report. Pretoria: ISS. p. 7.

77 According to the law, 'permanent participants' would include: one representative of the executive to support the electoral process; one from each political party or colligation represented at parliament; up to five

same composition was replicated at the Electoral Provincial Commissions and Electoral Municipal Commissions.

The law states the political independence of the CNE and its members through the appointment criteria, based on civic and moral responsibility as well as technical competence, along with the rule determining that CNE commissioners cannot be members of the executive bodies of political parties (the same principles applying to the selection of the CNE members to the local structures at the provincial and municipal levels).⁷⁸ As a positive step towards probity, the new law forbade members of the CNE to accumulate other functions while conducting the role of commissioners, namely magistrates and deputies who held other positions in several other administrative bodies at central and local level.⁷⁹ This was a response to the criticism expressed by the opposition in the 1992 and 2008 electoral processes and the SADC mission in 2007, against judges (namely the president of the CNE in both elections, Caetano de Sousa) who kept conducting their functions as magistrates after being nominated to the CNE (see above).

Nevertheless, the opposition was still critical of the majority of the MPLA appointees to the CNE, and the appointment of its president by the Supreme Council of the Judiciary (itself an organ mainly appointed by the President of the Republic).

The problem immediately emerged after the approval of the Law on the Organisation of Elections (36/2011), with the selection of Suzana Inglês on 17 January 2012 by the Supreme Council of the Judiciary. Considering that she had been occupying the position since 2010, it was in fact a re-appointment to comply with the new law. According to several opposition parties and civil society organisations such an appointment once again violated the recently approved law (in its art. 143, 1), clearly stating that the new president had to be a judge at the time of appointment and that he/she had to suspend this role with the nomination to the CNE. Suzana Inglês had been a magistrate since 1994 and was a well-known leader of the MPLA's Organisation of Angolan Women.

UNITA and the PRS applied to the Supreme Court which ruled in favour of the complainants on procedural grounds. Suzana Inglês left the position on 17 May 2012. UNITA and the PRS had also sought to nullify all the decisions taken by Suzana Inglês while at the CNE, but the Supreme Court denied this request. In June the new CNE president was nominated, André Silva Neto, and UNITA's selected commissioners to the CNE were finally sworn in, accepting the Supreme Court's decision and the new president.

representatives of political parties and colligations not represented at the parliament; one of each political party running to elections after the definite approval of candidates, excluding those already represented under the previous criteria (art. 145, law 36/11, *DR, I*, 21 December (Organic Law on General Elections)).

78 Art. 7, Law 12/2012, *DR, I*, 13 April 2012 (Organic Law on the Organisation and Functioning of the National Electoral Commission).

79 The role of commissioner at the CNE cannot combine with the position of President and Deputy-President of the Republic; minister of parliament; ambassador; magistrate; general attorney and deputy general attorney; provincial governor and deputy provincial governor and any other positions at local administration; positions at local autarchies, art. 44, Law 12/2012, *DR, I*, 13 April 2012 (Organic Law on the Organisation and Functioning of the National Electoral Commission).

In the end, both the MPLA and the opposition do seem to consider their nominated commissioners as their representatives and it is hard to see how the political independence of the organ can be strengthened by such an attitude.

The SADC Parliamentary Forum mission of observation to the Angolan 2012 elections reported ‘shortcomings in the selection process for CNE Commissioners’,⁸⁰ suggesting that:

[...] in addition to appointing the Chairperson of the CNE, it will be in line with the **Norms and Standards for Elections in the SADC Region** if the Supreme Council of the Judiciary is mandated to appoint all other commissioners of the CNE before ratification by the National Assembly in order to guarantee greater independence of the Commission [emphasis mine].⁸¹

Despite those shortcomings, the mission still expressed the:

[...] overall view that the legal framework within which the CNE is established and operates generally **augurs well for the independence and autonomous functioning of the Commission in line with the Norms and Standards for Elections in the SADC Region and the SADC Principles and Guidelines for Democratic Elections** [emphasis mine].⁸²

Accreditation of party delegates

Again replicating the 2008 elections, problems arose with the accreditation of opposition delegates to the polling stations. For several weeks prior to the election, opposition parties repeatedly accused the CNE of deliberately delaying the accreditation of their delegates, while the CNE alleged that their accreditation did not comply with the established deadlines and procedural requirements. On the Thursday before the election, several members and a candidate of the new party coalition, the Broad Convergence for the Salvation of Angola–Electoral Coalition (CASA-CE), tried to force entry into the CNE building in Luanda to demand their accreditation and ended up being arrested by the police.⁸³

Contradicting the law, the CNE did not send the list of registered delegates to each candidate ten days before the election (n4, art. 94, law 36/2011), alleging that parties did not provide the required documents in time. Several parties only received accreditation for their delegates on the eve of election day, which rendered it impossible to dispatch accredited

80 SADC (2012) *Parliamentary Forum Election Observation Mission to the Angola 31st August 2012 General Elections – Interim Mission Statement*. Gaborone: SADC. p. 7.

81 Ibid.

82 Ibid.

83 Coligação para a Observação Eleitoral (COE) (2012) *Relatório Final de Observação das Eleições Gerais de 2012 da Coligação para a Observação Eleitoral 2012* [Final report of observation on the 2012 Angolan general elections, of the Electoral Observation Coalition]. Luanda: COE. p. 5; also Smith D (2012) Angolan president expected to win another term in ‘flawed’ election. *The Guardian*, 31 August 2012. Available at <http://www.theguardian.com/world/2012/aug/31/angolan-president-win-term-election> [accessed 1 December 2015].

delegates throughout the whole country.⁸⁴ Later, the Constitutional Court referred to these problems while ruling on the complaints of the PRS, CASA-CE and UNITA, and actually recognised the non-compliance of the CNE as well as the complainants (see below).

Although the law provided for each party to have delegates at each polling station, only a small percentage of stations in fact had opposition delegates. On election day (repeating events of 2008) only the MPLA had delegates at each of the 10 349 polling stations and 25 359 polling tables⁸⁵ at the 18 provinces and 170 municipalities throughout the country, along with the CNE, which had 170 000 people (comprising 16 000 presiding officers and 12 000 logistical supervisors)⁸⁶ to staff all those polling stations and tables. In a few provinces the opposition tried to combine efforts and send out delegates to get larger coverage, but most of the polling stations and tables were left without opposition delegates.⁸⁷

Access to the media

From 2008 onwards, the Angolan media underwent a process of deep restructuring following the new increased economic growth of the country resulting from the oil boom. New pro-regime media corporations owned by the regime elites (e.g. *Media.Nova*) developed well-funded, modern outlets, attracting several of the best journalists and opinion-makers⁸⁸ and suffocating smaller and relatively independent newspapers, which went bankrupt for lack of advertising (mainly controlled by the regime itself). The Union of Angolan Journalists referred to this fact in a report issued during the electoral campaign, stressing that most of the private newspapers belonged to sectors related to the governing party, and as such represented the oligopoly and monopoly prohibited by the press law.⁸⁹

84 Coligação para a Observação Eleitoral (COE) (2012) *Relatório Final de Observação das Eleições Gerais de 2012 da Coligação para a Observação Eleitoral 2012* [Final report of observation on the 2012 Angolan general elections, of the Electoral Observation Coalition]. Luanda: COE. p. 5; also Episcopalian Conference of Angola and São Tome (CEAST) *Report of the CEAST to the 2012 elections*. Available at: http://club-k.net/index.php?option=com_content&view=article&id=13011:conferencia-episcopal-de-angola-e-sao-tome&lang=pt [accessed 25 October 2015].

85 Each polling table had a maximum of 500 registered voters, while in 2008 they had 250.

86 Roque PC (2013) *Angola's Second Post-War Elections: The Alchemy Of Change*. Institute for Security Studies (ISS) situation report. Pretoria: ISS. p. 7.

87 Coligação para a Observação Eleitoral (COE) (2012) *Relatório Final de Observação das Eleições Gerais de 2012 da Coligação para a Observação Eleitoral 2012* [Final report of observation on the 2012 Angolan general elections, of the Electoral Observation Coalition]. Luanda: COE. p. 20; also Episcopalian Conference of Angola and São Tome (CEAST) *Report of the CEAST to the 2012 elections*. Available at: http://club-k.net/index.php?option=com_content&view=article&id=13011:conferencia-episcopal-de-angola-e-sao-tome&lang=pt [accessed 25 October 2015].

88 From the 2008 elections onwards, the group MediaNova launched several new media outlets in Angola besides the TV channel Zimbo – a weekly newspaper *O País* and the radio station *Rádio Mais* in Luanda. On the characterisation of this and other economic groups on their relationship to prominent personalities of the regime see Filipe C (2013) *O Poder Angolano em Portugal* [Angolan Power in Portugal]. Lisboa: Planeta; Costa J, Teixeira Lopes J & Louçã F (2014) *Os Donos Angolanos de Portugal* [The Angolan Owners of Portugal]. Lisbon: Bertrand; Soares de Oliveira R (2005) *Magnificent and Beggar Land: Angola since the Civil War*. London: Hurst.

89 Sindicato de Jornalistas Angolanos (SJA) (2012) *Monitoria da Mídia em Tempo de Eleições*. Luanda: SJA. p. 14.

The strategy went even further, with the new media corporations investing in several of the most important Portuguese media corporations, where criticism of the regime had been common for years as a space used by Angolan critics to voice their complaints and to reach the international arena.⁹⁰

Consequently, the tone of criticism in the private media in Angola and Portugal towards the government was less aggressive. A more professional display was put on, integrating several reports on positions assumed by the opposition but always keeping them from detracting from the image of the party in power and its candidate.

In view of the 2012 elections, once again all the usual tactics and strategies were set in motion with the state administration, resources and logistics at the service of the MPLA and its candidate, especially the state media (TPA 1, RNA and *Jornal de Angola*). As previously mentioned, a new private TV channel, Zimbo, was created in 2008 and started broadcasting in 2009 but, as reported, it was owned by *Media.Nova*, and therefore closely related to the regime and with an editorial line within the limits of ‘political correctness’ to the party in government and its candidate.

The ‘new’ private media introduced modern layouts and attractive design. They hired several expatriate cadres recruited in Portugal, and added a more professional tone to the reports, which complied with the appearance of respect for pluralism, but were still effectively under close control of the regime. Ironically, the new private newspapers indirectly contributed to the extinction of the most politically inconvenient ‘old’ private press, which had been left without advertising, were printed badly and full of careless mistakes.

Although it must be recognised that the old private press had serious financial handicaps and editorial flaws, they nevertheless partially filled the void by voicing criticism of the regime.

In a few cases, the new private media did actually escape central control, proving at times the ‘danger’ of hiring professional journalists used to operating according to standard reporting procedures with some autonomy. Such was the case, for instance, of the previously mentioned Deloitte review of the flaws in the electoral registry, which was leaked and published by *Novo Jornal*.⁹¹ Nonetheless, these episodes were the exception.

In the end, the party and its government greatly reinforced their influence over the public and private media. National radio broadcasts remained exclusive to the state-owned RNA, and the Catholic Church Radio Ecclesia abandoned its quest for national broadcasting rights when in December 2012 (three months after elections), they announced the decision to drop their petition and give up on their protracted battle to expand their broadcast coverage. Although it is true that this radio station had in recent years (mainly

90 Filipe C (2013) *O Poder Angolano em Portugal* [Angolan Power in Portugal]. Lisboa: Planeta; Costa J, Teixeira Lopes J & Louçã F (2014) *Os Donos Angolanos de Portugal* [The Angolan Owners of Portugal]. Lisbon: Bertrand; Soares de Oliveira R (2005) *Magnificent and Beggar Land: Angola since the Civil War*. London: Hurst.

91 *Novo Jornal*, 28 September 2012.

from 2011 onwards) been changing its editorial line, stressing religious issues over more politically sensitive issues, it was nevertheless a good source of non-partisan information. The focus of the editorial line on religious issues and the decision to give up on expanding their broadcast coverage gave rise to enormous political speculation⁹² and certainly paid lip service to pluralism of opinion in the media and to the democratisation process itself.

In compliance with the law, during the month-long electoral campaign all candidate parties had access to five minutes of national television airtime and ten minutes of radio broadcasting (art. 73, n1, law 36/2011). However, obviously reflecting a difference in funding, there was a stark contrast between the technical quality, editorial structuring and production of the MPLA radio and television programmes and those of the opposition.

The 2012 public media coverage of the elections was undoubtedly biased in favour of the MPLA and its candidate. The public media coverage reached the level of propaganda, prior to and especially during the electoral campaign, with endless and constantly repeated reports on each and every ruling party, state and presidential event, giving them an incredible amount of airtime and space.⁹³ National television and radio reports went back and forth from a party event to a state event to a presidential event, from declarations made by government officials to party officials (sometimes the same person at different events), further confusing party and state and thereby directly helping the campaign of both the MPLA and its presidential candidate.

Once again in a repeat of 2008, as elections drew closer, the party, state, government and president became one, as reflected in the public media and some of the private outlets, reporting on the massive programme of public works inaugurated by government officials/ party candidates and the president, also inaugurating private buildings and projects with visible impact on society (especially hotels in the provinces, along with major industrial and agricultural private-investment projects). Again, at these inaugural events it was commonplace to see symbols of the party and the Republic mixed up together on caps, t-shirts and banners.

The public newspaper *Jornal de Angola*, the most read in the whole country and with the largest number of printed copies, reaching all the provinces, followed its television and radio counterpart's bias in favour of the MPLA as reported by the Angolan Journalists' Union Media Monitoring Report. According to the Union only the MPLA had access to prominent space and the use of photographs on the front page. The rest of the candidates only appeared in small, marginal spaces on the front page or if they were being reported

92 See article Angolan government tightens its grip on Radio Ecclesia (2014, 28 March). Angolan News Network. Available at <http://www.angolannewsnetwork.com/news/2014/3/28/angolan-government-tightens-its-grip-on-radio-ecclesia.html> [accessed 1 December 2015].

93 Sindicato de Jornalistas Angolanos (SJA) (2012) *Monitoria da Mídia em Tempo de Eleições*. Luanda: SJA. This monitoring report analysed 11 newspapers (*Folha 8*, *O País*, *A Capital*, *Agora*, *Semanário Angolense*, *Angolense*, *Novo Jornal*, *Jornal de Angola*, *O Independente*, *Continente*, *Factual*), five Rádios (*RNA*, *LAC*, *Mais*, *2000*, *Morena*), representations of the National Radio in four provinces (Huila, Huambo, Benguela and Cabinda) and two TV channels (National Television – TPA 1 and *Zimbo*).

on negatively, ‘especially UNITA which is frequently dealt with in a negative tone’.⁹⁴ The same report criticised two specific sections of *Jornal de Angola*, ‘*Ditos & Feitos Eleitorais*’ (elections, all said and done) and ‘*Diários da Campanha*’ (election campaign diary), associated with opinion and editorial articles, saying that those spaces,

[...] can demonstrate deep hate and favour the MPLA. Therefore, in general, the readers and potential voters do not have the opportunity to observe debates between candidates (complete absence of opposing views) and can only access one program of government and one electoral manifest: the one from the party which ended its mandate.⁹⁵

Contrary to their silence during the 2008 elections (see above), the Journalists’ Union issued a statement during the 2012 electoral campaign accusing the private and public media of gross and intolerant violation of the laws regulating journalism, especially in the electoral period.⁹⁶

The same type of criticism, denouncing the partiality of the public media, was expressed by the Episcopalian Conference of Angola and São Tomé (CEAST) report,

The state media, namely the Angolan Public Television, Angolan National Radio and Angolan Newspaper *Jornal de Angola*, were not impartial prior, during or after elections, clearly favouring the party in power and conceding little space to opposing perspectives. Guest commentators had usually and excessive uniformity of language and perspectives. *Jornal de Angola* was too hostile to the opposition parties, without discerning between information service and propaganda.⁹⁷

Prior to the elections, the National Council for the Media (CNCS) praised the President of the Republic’s decision to dismiss the Councils of Administration of the National Radio and Television (deliberation of 29 of June). The measure was in accordance with the Council’s previously expressed concerns, seen as an attempt to improve the quality of those public services in respect of plurality and impartiality. However, after the elections, the CNCS ended up criticising the public media’s behaviour.

94 Sindicato de Jornalistas Angolanos (SJA) (2012) *Monitoria da Mídia em Tempo de Eleições*. Luanda: SJ. p. 14.

95 Ibid.: 14–15.

96 Coligação para a Observação Eleitoral (COE) (2012) *Relatório Final de Observação das Eleições Gerais de 2012 da Coligação para a Observação Eleitoral 2012* [Final report of observation on the 2012 Angolan general elections, of the Electoral Observation Coalition]. Luanda: COE. p. 15.

97 Episcopalian Conference of Angola and São Tomé (CEAST) *Report of the CEAST to the 2012 elections*. Available at: http://club-k.net/index.php?option=com_content&view=article&id=13011:conferencia-episcopal-de-angola-e-sao-tome&lang=pt [accessed 25 October 2015].

The New Year's message of the CNCS president warned of the 'worrying evaluation' of the Angolan public media's performance during elections, with its 'lack of impartiality as mentioned in the totality of electoral observation reports produced by national and foreign entities'.⁹⁸

At the end of 2012, and in compliance with the new law (art. 8, n2, law 7/2006, replacing law 22/1991), new regulations for the CNCS were to be approved that would increase its powers of intervention and specify its mandate, composition, organisation and functioning. However, the new regulatory law has not been implemented and the CNCS still has the same composition as set by the regulatory law 7/1992 and the mandates of its members have long since expired.

The new law reduces the number of members to be appointed by the opposition, preventing the Journalists' Union from appointing a member and imposing the selection of the president by MPLA-appointed members only. The CNCS would be reduced to seven members appointed by parliament (three by the majority party, two by the opposition in general, one by a journalists' assembly organised by the ethics commission – no longer appointed by the Journalists' Union as in the previous CNCS law – and one from the Conference of Angolan Christian Churches – CICA). The president of the CNCS is chosen by the majority party (no longer by the Judiciary Council) and the deputy-president is elected from among the general council's members (art. 13. n1 & 2). Probity rules attempt to sustain the independence of the CNCS by stating that its members cannot have business interests in media corporations and, in the two years prior to their appointment, cannot have had positions in the journalists' union, editorial desks of media corporations, political parties or political associations, state organs, or have been members of any national security forces (art. 12. n1).

According to journalists interviewed in the course of this research, given the majority party's control over the ethics commission and the reduced number of members chosen by the opposition, the council would become much more politically influenced by the majority party than it is already. The spokesperson of the CNCS, Joaquim Paulo, explained that there has been some resistance to renewing the composition of the CNCS' general council under the new law, insofar as the opposition would lose relevance in it. According to him, the CNCS should be much more technical than political.⁹⁹ Such statements reveal the effective political dependency of the organ under the old and new regulations, the difference being the degree of influence by the MPLA, which has increased as a result of the new regulations.

It must be noted that CNCS regulations and composition were the same in 2008 (with its toothless behaviour in the face of outright violations of the press law by the public

98 New Year's message from the CNCS president (2012, 27 December). CNCS-Angola. Available at <http://cncs-angola.blogspot.com.br/> [accessed 1 December 2015].

99 Voice of America Radio News (2012) *CNCS em Angola com mandato expirado*. 9 April 2012. Available at <http://www.voaportugues.com/content/conselho-nacional-de-comunicacao-social-em-angola-com-mandato-expirado/2713053.html> [accessed 1 December 2015].

media) and in 2012, with relatively more powers of intervention, providing a few critical deliberations as previously mentioned, but still unable to issue any direct appraisals during the electoral period (August 2012) when it was most needed. On June 2012 the council approved a deliberation on the correct media procedures for covering the campaign, but remained silent through the entire campaign, issuing a new deliberation only in October, after the elections, when it was already irrelevant to the process. In the end, the real issue at stake in this discussion is not very different to the discussion on the CNE's composition and the battle over the political influence of such organs.

Given all the problems with the operation of the CNCS, it is important to stress that The Declaration of Principles on Freedom of Expression in Africa recommends self-regulation as a preferable solution to the establishment of such a regulatory body.¹⁰⁰ Therefore, in view of the 2017 elections, it would probably be much more fruitful for this recommendation to be acted upon as part of an eventual media-regulation restructuring process.

Electoral observation and reported problems

The lack of opposition party access to the media was noted by the majority of national and international election observers, but this was more of a problem than in the previous (2008) election, especially at international level.

In general terms, the new law on electoral observation (11/2012, 22 March) complies with SADC norms and rules on electoral observation, which was ratified by the Angolan state as a member of SADC.¹⁰¹ However, taking advantage of large prerogatives permitted by that same law, the CNE took several decisions that in practice constrained international and national observers.

As a result of the quality and credibility of the 2008 EU EOM report, there was no invitation to an observer mission from the EU for the 2012 elections. International observers were basically limited to SADC, the Community of Portuguese-Speaking Countries and the African Union (AU), which from the 2008 experience could be seen as much more government-friendly than other international electoral observation missions, such as the EU.

The law allowed diplomatic missions accredited in the country to appoint any of their members to observe the elections (art. 18, law 11/2012). Nonetheless, the government reminded those missions of a set of rules determined by law that they had to respect, which included a ban on public statements about observations on the process (art. 33 p. & e., law 11/2012), the need to communicate in advance their mission's objectives (art. 3, law 11/2012), the intended areas of observation (art. 28, n3, law 11/2012), and the responsibility of the state to assure the security of all national and international observers (art. 6 n2, law

100 African Commission on Human and Peoples' Rights (2002) *Declaration of Principles on Freedom of Expression in Africa*, 32nd Session, 17–23 October 2002, Banjul, The Gambia.

101 Including the SADC Principles and Guidelines Governing Democratic Elections, the SADC Parliamentary Forum Norms and Standards for Elections in the SADC Region, and the SADC Election Commissioners' Forum (SADC-ECF) and Electoral Institute of Southern Africa (EISA) Principles for Election Management, Monitoring and Observation in the SADC Region.

11/2012). Any malpractice or complaints observed should be reported first to the CNE before any other entity (art. 33 c., law 11/2012) via a report template supplied by the CNE to all national and international observers; all observation reports had to be first sent to the CNE before being made public (art. 33 f.). Observers' accreditation could be revoked at any time if compliance with the established rules wasn't followed (art. 33 n2, law 11/2012).

Finally, despite the evident problem of access to the public media, international observers and their reports basically praised the peaceful and mature way in which the elections took place, generally considering them transparent, 'free and fair' with an extremely government-friendly tone.¹⁰² The head of the AU mission, Pedro Pires (former president of Cape-Vert), was the only one who pointed out the problems observers had attaining accreditation, besides the more commonly mentioned problem of unequal access to the state media.¹⁰³

As for national observers, accreditation became an even more tortuous and difficult process at central and local level than in 2008. At central level several difficulties arose due to procedural and technical issues, and were aggravated at local level by the CNE's decision to centralise the whole process by insisting all applications should be directly sent to the CNE in Luanda. This decision came about late in the process and the provincial electoral commissions that had already received applications could not forward these to Luanda and only informed the applicants after the deadline had expired, preventing many observers from getting their accreditation. Another contested decision of the CNE was the limiting of the number of national electoral observers to 3000, a number far below the 10 349 polling stations.¹⁰⁴ All these problems were later heavily criticised in the civil society organisations' reports as well as in the CEAST report.¹⁰⁵

Only two groups of national observers managed to have a minimally structured observation team, covering more than a couple of provinces and showing a methodological commitment towards impartiality: namely the previously mentioned reports of the CEAST¹⁰⁶ (covering 12 of Angola's 18 provinces with 13 observers, but unable to get accreditation for the remaining five observers initially allowed by the CNE)¹⁰⁷ and the

102 SADC (2012) *Parliamentary Forum Election Observation Mission to the Angola 31st August 2012 General Elections – Interim Mission Statement*. Gaborone: SADC. p. 14.

103 Angola election judged 'free and fair' by African Union. (2012, 2 September). BBC News online. Available at <http://www.bbc.com/news/world-africa-19460914> [accessed 13 December 2015].

104 Coligação para a Observação Eleitoral (COE) (2012) *Relatório Final de Observação das Eleições Gerais de 2012 da Coligação para a Observação Eleitoral 2012* [Final report of observation on the 2012 Angolan general elections, of the Electoral Observation Coalition]. Luanda: COE. p. 18.

105 Ibid.; also Episcopalian Conference of Angola and São Tome (CEAST) *Report of the CEAST to the 2012 elections*. Available at: http://club-k.net/index.php?option=com_content&view=article&id=13011:conferencia-episcopal-de-angola-e-sao-tome&lang=pt [accessed 25 October 2015].

106 We are here considering CEAST as a national observer insofar as most of its observers and coordinators were Angolan.

107 CEAST could not get accreditation for observers in the provinces of Cabinda, Zaire, Namibe, Lunda Sul and Huambo.

Coalition to Electoral Observation (COE 2012) (a group of seven credible civil society organisations who observed the elections in nine provinces).¹⁰⁸

Despite all the difficulties in getting accreditation as well as the limited numbers of observers, it must be stressed that these organisations' reports were much more incisive and reliable than the international ones. They courageously reported on: the accreditation problems for observers and opposition delegates; the unavailability of voters' rolls; the non-compliance with the law on electoral conduct by several candidates (mentioning the MPLA, UNITA and CASA-CE); and the intolerance, intimidation and violent incidents occurring during the months prior to elections. Moreover, the CEAST report abstained from calling the process free and fair, while the COE 2012, despite acknowledging the incidents affecting the transparency and credibility of the process, did consider the elections free, fair and peaceful. It is worth noting that none of these organisations observed in the problematic province of Cabinda, which according to the opposition repeated the malpractices of 2008 (reported by the EU EOM; see above) with allegations that foreigners were voting in that province, as well as in Lunda-North and Kwando-Kubango.¹⁰⁹

As reported by most international and national observers, behaviour was a generally peaceful behaviour during the campaign and on election day. However, one cannot ignore the numerous incidents of violence, political intolerance and arbitrary arrests in 2012, before and after the elections, several of which being mentioned in the national observers' reports.

The police prevented the majority of peaceful anti-government demonstrations from taking place and made use of excessive violence to crack down on several actual demonstrations. Selecting only the most noteworthy reports, on 10 March 2012, security agents in plainclothes attacked a crowd of 40 demonstrators in the Cazenga neighbourhood on the outskirts of Luanda. On the same day security agents in plainclothes brutally assaulted a senior opposition politician from the Democratic Bloc, Filomeno Vieira Lopes, during a demonstration in the city centre.¹¹⁰ On 12 March, police raided the newspaper *Folha 8*'s office, run by William Tonnet, a journalist known for his criticism of the regime (who later adhered to CASA-CE) and confiscated the paper's equipment on charges of 'outrage against the president', an offence under the 2010 crimes against the security of the state.¹¹¹ On 10 May 2012, a UNITA municipal secretary in Huambo was killed in a sequence of attacks by alleged MPLA supporters, who also allegedly destroyed a UNITA convention area.¹¹²

108 COE was able to monitor nine provinces and 28 municipalities (presumably with 28 observers, although that is not specified in their report): Benguela (3 municipalities); Cuanza Sul (5); Huambo (5); Huila (3); Luanda (5); Lunda Norte (1); Lunda Sul (3); Moxico (1); Uíge (2).

109 From private interview with Isaias Samakuva, president of UNITA in September 2012.

110 Human Rights Watch (2013) *World Report 2013: Angola: Events of 2012*. p. 4 Available at https://www.hrw.org/sites/default/files/related_material/angola_4.pdf [accessed 30 September 2015].

111 Ibid.: 3.

112 Voice of America Radio News (2012) *Huambo: Violência entre elementos da UNITA e do MPLA faz 1 morto e vários feridos* [Huambo: violence between members of the MPLA and UNITA ends up with one death and several wounded]. Available at <http://www.voaportugues.com/content/angola-violencia/1659634>.

Finally, the most publicly known cases of the so-called ‘revolutionary youth’ cannot go without mention. This movement spread via social networking sites, gathering together urban/suburban students and singers of rap, hip hop and *kuduru* to publicly speak out against the president and the regime. The movement slowly emerged after the end of the war, gaining increased inspiration and motivation in 2010/2011 from the so-called Arab Spring. Several opposition political parties hoped to attract a few of these new leaders and their rebelliousness to their ranks in view of the 2012 elections. However, besides denouncing the political manipulation of the public and private media, the judicial and legislative systems, and of the electoral process and results, they also rejected the dynamics of partisan politics.¹¹³

Several public demonstrations by these groups of youngsters took place, mainly in Luanda since the first trimester of 2011, through 2012 and afterwards, involving between a dozen and a hundred people depending on the occasion.¹¹⁴ The regime has always reacted with disproportionate violence despite there being a relatively small number of dispersed young individuals or small groups of individuals who are very active in web-based social networks, but don’t have any significant mass mobilisation capacity. Several members of those groups have been arrested, beaten, questioned and released at several of those demonstrations, especially in 2011 and 2012 as elections approached.¹¹⁵

After elections, the violent break up of this youth movement’s demonstrations took place between 20–24 June 2015. The National Directorate for Criminal Investigation raided several of their members’ homes in Luanda and arrested 15 of them after they had attended a meeting to discuss politics and governance in the country. The country’s Interior Ministry released a public statement on 20 June saying they were suspected of planning to disrupt public order and security. On 16 September 2015 the 15 detainees and two others were formally charged with preparing for a ‘rebellion’ and ‘plotting against the president’. The trial of the 17 activists, which began on 16 November 2015, had enormous international repercussions. A verdict is expected sometime in 2016.¹¹⁶

This repressive attitude towards dissident socio-political movements does not augur well for the democratisation process in view of the anticipated 2017 elections. Such repression should be challenged with reference to the human rights’ principles largely protected by

html [accessed 30 September 2015].

113 For a comprehensive analysis of this movement see Vidal N (2015) Angolan civil society activism since the 1990s: reformists, confrontationists and young revolutionaries of the ‘Arab spring generation’. *Review of African Political Economy*, 42(143): 77–91.

114 Demonstrations of these youngsters occurred on several occasions, the most relevant as follows: 7 March, 3 September, 3 December 2011; 10 March (Luanda and Benguela), 14 July, 22 December 2012; 30 March, 27 May, 19 September 2013; 23 November 2014.

115 See Human Rights Watch (2012) Angola: Violent crackdown on critics; Increasing violence and threats raise concerns about 2012 Elections. Available at <https://www.hrw.org/news/2012/04/02/angola-violent-crackdown-critics> [accessed 30 September 2015].

116 See Amnesty International coverage on this case at <https://www.amnesty.org/en/latest/news/2015/12/angola-kangaroo-court-undermines-judicial-independence-as-trial-of-activists-enters-fourth-week/> [accessed 22 December 2015].

the constitution and Angolan law in conformity with the international and regional treaties of which Angola is a signatory.

Financing of political parties

Despite the economic oil boom and the massive availability of funds for public investment, funding for the electoral campaigns of political parties and coalitions (provided for by Law 10/2012, 22 March) was significantly reduced. On 12 July 2012, the President of the Republic (head of the government) approved an amount of about USD 800 000 of public funding for each of the nine contesting political parties and coalitions, while in the 2008 elections the public funding approved by the Council of Ministers had been about USD 1.2 million for each of the ten political parties and four coalitions (USD 17 million in total).

Not only did the campaign funds decrease, but they were only made available to the opposition a month prior to elections, as had happened at the 2008 elections. This delay again significantly crippled the opposition's already meagre capacity to campaign outside the capital city and the main provincial capitals. Campaign materials could not be ordered and made available in time for the campaign.

In addition to the funding issues, internal factionalism within opposition parties weakened their preparedness, with the most affected parties being the FNLA, PRS and the PDP-ANA. Factions aggressively contested the leadership of their parties, accusing them of being funded and supported by the MPLA.

In the case of the PRS, the challenger, António Muachicungo, was expelled from the party, but he applied to the Constitutional Court and got a favourable decision that ruled for his re-admission into the party in May 2011. Still unable to get enough internal support to depose the incumbent president (Eduardo Kwangana), Muachicungo decided to create his own party, the United Front for Change in Angola (FUMA), which was cleared by the Constitutional Court and authorised to participate in the 2012 elections. The FNLA president, NGola Kabango (whose leadership had been under attack since the death of former president, Holden Roberto, in August 2007, but recognised as legitimate by the Supreme Court in 2008), ended up being deposed in a sequence of new decisions by the same Supreme Court in 2011, which ruled him out in favour of the long-time contestant Lucas NGonda. Despite the fact that Kabango's faction managed to collect 21 304 signatures, well beyond the 15 000 required by law, the Constitutional Court did not authorise his faction to run for the elections. In the case of the PDP-ANA a contestant failed to depose the president Sediangani Mbimbi, but even so, the Constitutional Court excluded the party from the elections on procedural grounds (see below).¹¹⁷

Aside from UNITA and CASA-CE, the rest of the opposition had poorly funded and poorly organised campaigns: they lacked advertising material, were unable to campaign

¹¹⁷ From private interviews with Ngola Kabango (FNLA), Eduardo Kwangana (PRS), Sediangani Mbimbi (PDP-ANA); Luanda, September 2012.

outside the main provincial capital cities, and several of them even lacked the capacity to campaign in the 18 provincial capitals. Although far behind the MPLA campaign, UNITA and CASA-CE were nevertheless able to cover all the provinces and to present a minimally organised campaign with supporting logistics, advertising material for scheduled events, and with political plans and policies presented clearly as a coherent programme. Their airtime broadcasts were professionally edited and structured, although still lacking the quality presented by the MPLA.

UNITA showed that despite all the difficulties affecting the movement following its military defeat in 2002, it managed to re-organise and re-activate itself in the provinces, especially in its historical strongholds on the central plateau. The movement managed to imbue its structures with a civilian character, leaving behind its image of an armed movement/party of the Savimbi period. As for CASA-CE, presided over by UNITA dissident, Abel Chivukuvuku, the coalition was in fact the new big thing on the opposition. It managed to absorb several smaller political forces and even dissidents from the MPLA into a new political project that grew in organisation and reach all over the country throughout the 2012 elections and afterwards.

Once again, in stark contrast with the opposition, the MPLA campaign was even more ostentatious than in 2008. It was professionally organised by Brazilian political marketing companies. It had a presence in each and every municipality and village, hosted major events and demonstrations, was extremely well-funded with loads of widespread campaign material, it subsidised food and drink during the mega-events of the party campaign and hired popular music celebrities to perform. The entire campaign was once again carefully articulated through the inauguration of intensive public works programmes in all the 18 provinces by government officials/party officials and the President of the Republic/president of the party. The inaugurations involved the party's mass organisations, which used state administration resources and logistics. All the events were fully and intensively covered by the public and private media (see above).

Despite the massive investment by the government in public works, infrastructure and even social programmes, the electoral victory of 2012 was smaller than in 2008. Nevertheless, the MPLA was still assured of a qualified majority of 71.84% of the votes (corresponding to 175 parliamentary seats) against 18.66% for UNITA (32 seats). An 'unexpected' 6% achieved by the CASA-CE electoral coalition (eight seats) transformed it into the third political force in Angola. The remaining seats were distributed between the PRS (three seats corresponding to 1.7% of the vote) and the FNLA (two seats corresponding to 1.13% of the vote). Abstention tripled to 37.2% compared to 1992 (12.5%) and 2008 (12.64%), with a turnout of only 62.77% of the 9 757 671 registered voters out of a total population estimated by the UNDP to be about 19.6 million.

Judicial power and the 2012 electoral process

Once again the opposition complained about the political influence exerted by the MPLA over the judicial system, especially over the Constitutional Court. Alleged examples of

such influence were the decisions of the Constitutional Court to reject the applications of well-known parties to run in the elections: the PDP-ANA led by Sediangani MBimbi (with a significant constituency among the Bakongo returnees group in Luanda and in the northern provinces); the FNLA group led by NGola Kabango in favour of the FNLA section led by Lucas NGonda, thus contributing to split an historical party and its constituency (see above); the *Bloco Democrático* (BD) led by Justino Pinto de Andrade (a party of intellectuals and opinion-makers with deep influence among the urban milieu); and the *Partido Popular* (PP) led by David Mendes (a well-known human rights' lawyer, facing the regime in numerous politically sensitive lawsuits).¹¹⁸

The Constitutional Court rejected a total of 18 applications, but the trials involving those parties raised serious concerns about political interference due to the potential impact on electoral results and especially on the abnormal levels of abstention (37.2%; see above). The Constitutional Court decisions in each case were mainly based on procedural grounds, usually alleging non-compliance with the number of endorsing signatures required by law. The law requires that, up to 60 days before elections, all political parties have to present documentary proof of a minimum of 14 000 supporters (500 in each of the 18 provincial circles and 5 000 for the national circle) and the same citizen cannot endorse more than one party (art. 51, 4 & 5, law 36/2011). The court alleged that the signatures presented by most of those parties were not properly documented and validated and therefore did not comply with the law's requirements.

However, it is hard to understand how those parties with a relatively long existence, with previous experience in parliament and proven constituencies in several provinces, did not manage to get the sufficient number of signatures while other newcomers that no one had ever heard of did manage to get them.¹¹⁹ Speculation increased when it became clear that most of the newcomers were not credible opposition parties. When observing the radio and television airtime of parties such as the United Front for Change in Angola (FUMA), the Council for Political Opposition (CPO), the Popular Party for Development (PAPOD) and the New Democracy (ND),¹²⁰ it became clear that they essentially used their

118 From private interviews with Sediangani Mbimbi (PDP-ANA), Justino Pinto de Andrade and Filomeno Vieira Lopes (FpD), Ngola Kabango (FNLA), David Mendes (PP), Luanda, September 2012.

119 The exception was the PP, created prior to the 2012 elections, but even in this case there was a proven constituency in several provinces due to the path of its leader and the Human Rights association that he led for so many years – *Mãos Livres*. As for the BD, it was a reformulation of the previous FpD, which held a parliamentary seat from 1992 to 2008 and was extinct by law for not having achieved the minimum number of votes required by law in the 2008 election. A new party congress transformed the party into BD.

120 From these parties the only one that was not a newcomer was New Democracy, which had surprised everybody in 2008 coming out of the blue and getting one parliamentary seat, by then also raising serious suspicions of being sponsored by the party in power. Once again in 2012, the party had a weak electoral performance and from its airtime confirmed its proximity to the party in power. However, this time it could not get any seat and according to the law it was extinct. Contrary to what happened to BD in 2008, which went through an extinction process but was transformed by its members into BD, the ND did not transform itself under a different denomination, its leaders and members simply and quietly vanished from the political scene after the 2012 elections, again adding suspicions about its credibility and mentoring. The author interviewed the leader of ND, Quintino Moreira, in September 2008 and

time to attack other opposition parties (mainly UNITA and occasionally the CASA-CE, the major MPLA challengers). They often praised the MPLA government and its deeds, limiting their campaign to a few vague slogans instead of presenting their own political programme. Their campaigns were virtually non-existent and without supporters in the field.

The requirement that the same citizen cannot support more than one party significantly restricts gathering the required number of properly authorised signatures. The party is unable to check if the supporter had not previously signed for a different party, rendering his second signature invalid by the time the Constitutional Court pronounces on applications and processes (art. 51, 5, law 36/2011). Moreover, within a system so deeply permeated by the same party dominating the state and administrative structures since independence, with a long tradition of clientelism and decades of civil war, it is understandable that many citizens might fear reprisals for endorsing an opposition party. The suppression of the rule that one citizen can only endorse one party would be a major advance for the democratisation and peace-making process.¹²¹

Evidence of alleged electoral fraud and malpractices occurring in several provinces besides Luanda were filed by three opposition parties – the CASA-CE, UNITA and the PRS – and they all laid complaints with the CNE. The FNLA that did not file their own fraud complaint, but expressed their agreement with the fraud complaints presented by UNITA and the CASA-CE and corroborated the evidence with reports from their delegates at several polling tables.¹²² The CNE dismissed this evidence and ruled the complaints as unfounded. The three parties appealed to the Constitutional Court as the final court of appeal, which ruled in favour of the CNE in all three cases.

Surprisingly, for usually the judiciary is in full support of the executive, one of the judges – Maria da Conceição Melo — voted against the majority decision in all three cases. She explained that some of the allegations and evidence could not simply be dismissed, and that there were several flaws in the CNE procedures with serious implications for the safeguarding of citizens' fundamental rights that should have been taking into account by the court. She therefore demanded further investigation.¹²³

was impressed with the lack of party structure, organisation, cadres, political message or program. The president of the party could not even provide any specific explanation on votes obtained according to provinces, the campaigning events, number of members in each province, names of provincial representatives and so on and so forth. In 2012, as in 2008, the author monitored almost every day of the national television and radio broadcasting campaign of political parties throughout August 2012. The same opinion to the 2012 elections was expressed by other authors, see Roque PC (2013) *Angola's Second Post-War Elections: The Alchemy Of Change*. Institute for Security Studies (ISS) situation report. Pretoria: ISS. pp. 5–6.

121 Standing for the suppression of that rule see also Coligação para a Observação Eleitoral (COE) (2012) *Relatório Final de Observação das Eleições Gerais de 2012 da Coligação para a Observação Eleitoral 2012* [Final report of observation on the 2012 Angolan general elections, of the Electoral Observation Coalition]. Luanda: COE. pp. 10–11.

122 From private interview with Lucas Ngonda, Luanda September 2015.

123 See Constitutional Court Resolution 226/2012, Process 294-D/2012 [presented by UNITA]; Constitutional Resolution 225/2012, Process 293-D/2012 [presented by PRS]; Constitutional Resolution 224/2012,

The position taken by the judge was mostly unexpected. It might simply be an isolated judge who refused to go with the consensus in the face of what she considered to be a gross misevaluation of the facts; or it could be seen as the first breach of political influence over the judiciary that might eventually lead to the necessary and constitutionally protected separation of powers and the independence of the judiciary. However, given the Angolan political, institutional and constitutional context and remembering recent history, expectations must be kept low.

The fact that it was a female judge who spoke out is even more striking and leads us to make a final observation on gender. The 2012 elections saw an increase in the number of women elected to parliament, currently occupying 29% of the seats, with special reference to the MPLA, UNITA and CASA-CE comprising 25–30% of women in their parliamentary caucuses.¹²⁴

Conclusion

From the analysis provided we can clearly observe two different dimensions that need addressing: one at the macro-level, comprising structural and long-term issues; and a second dimension at the micro-level, with the more specific, short-term issues to deal with.

Starting with the macro or structural-level, we should refer to the more general question of the conflation of state, party and government structures. This conflation was also noticed by the SADC mission that observed the voters' registry in 2007, recommending that the 'government should seriously consider the separation of powers between the state, government and the party to avoid conflicts of interest in resolving electoral disputes'.¹²⁵

Or as also noticed by the EU parliamentary delegation to the 2008 elections, 'Angola should move to a true multiparty system; this implies a change towards a culture of pluralism'.¹²⁶

The immediate consequences of such structural problems can be seen at the micro-level, with the ongoing power struggle, disputes and consequent suspicion to control each and every step and organ related to the electoral process: namely the voters' registry; the electoral management body (composition and mandate); the National Council for the Media (composition and mandate); the public and private media administration boards; the logistics and supporting services to elections; the accreditation of party delegates to polling stations; the accreditation of national and international observers; the financing of political parties; the judicial power related to electoral disputes; and to the nomination of

Process 295-B/2012 [presented by CASA-CE].

124 See Human Rights Watch (2013) *World Report 2013: Angola: Events of 2012*. Available at https://www.hrw.org/sites/default/files/related_material/angola_4.pdf [accessed 30 September 2015].

125 SADC (2007) *Voter Registration Observer Mission Report – Angola 2007*. Windhoek: SADC Parliamentary Forum. p. 22.

126 Hall F (2008) *Report of the Delegation to Observe Parliamentary Elections in Angola*. Brussels: European Parliament. p. 9. Available at http://www.europarl.europa.eu/intcoop/election_observation/missions/2004-2009/20080905angolareport.pdf [accessed 23 June 2016].

members to electoral organs. Both the government and the opposition are still primarily focused on (i) disputes and negotiations to get ‘their’ representatives into all the organs related to the elections; and (ii) keeping legislation that supports their objectives.

In the end, the reputational and procedural damage to the electoral process as a result of this squabbling illuminates the contested legitimacy of the party in power, all state institutions and the entire political system.

Recommendations: 2017 elections

Judicial power

An important first step would be to follow the SADC recommendations to the CNE in 2007, whereby:

... in addition to appointing the Chairperson of the CNE, it will be in line with the Norms and Standards for Elections in the SADC Region if the Supreme Council of the Judiciary is mandated to appoint all other commissioners of the CNE before ratification by the National Assembly in order to guarantee greater independence of the Commission.¹²⁷

Accordingly, it would also be important to have new legislation that strongly reinforces in practice the independence of the judiciary through self-regulation mechanisms that deal with the selection and appointment of judges.

Registration

Although it was not taken into consideration for the 2012 election, the SADC mission’s recommendation about the 2007 registry is still valid today:

For future voter registration and elections management, Government should seriously consider using a single independent electoral management body to avoid confusion and to enhance transparency and credibility as opposed to the current arrangement where both the MAT and the NEC [CNE] were involved in the process.¹²⁸

After two peaceful elections (2008 and 2012), it is about time the CNE effectively assumed the leading role in the management of elections by preparing a properly and timely audited voters’ register, and by thoroughly training electoral staff and observers at polling stations, as well as parties’ delegates at polling stations and tables. Flaws within these processes have

127 SADC (2012) *Parliamentary Forum Election Observation Mission to the Angola 31st August 2012 General Elections – Interim Mission Statement*. Gaborone: SADC. p. 7.

128 SADC (2007) *Voter Registration Observer Mission Report – Angola 2007*. Windhoek: SADC Parliamentary Forum. p. 22.

been noticed by international and national observers (as well as the Constitutional Court during the 2012 election) in every election. These flaws have detrimental consequences for the credibility and transparency of the process. These recommendations were once again rightly stressed by the CEAST report on the 2012 elections, but have not been taken into consideration three years after the elections and less than two years before the 2017 elections.

Effective permanent structures between elections

It is important to remember that according to the law, CNE structures at central and local levels should be: permanent and have premises in Luanda and the provinces; provided with adequate equipment and supporting services; and funded with an annual budget of USD 300 million per year. Nevertheless, there is no visible activity between elections, as bemoaned by some CNE members¹²⁹ and observed by the author. This lack of activity between elections seems to be even more striking at local levels where it has been most needed.

Another possible measure for reinforcing CNE effectiveness and credibility would be to recover the 1992 role of National Director of the Elections. The director would implement and coordinate procedural tasks and mechanisms between elections, namely: the much-needed training of polling staff and national observers; an audit of the voters' registry and of the information system; communication between central and local CNE structures (administrative and supportive services as well as data communication systems); the training and accreditation of parties' delegates to the polling stations and tables; and the accreditation of national and international observers.

The candidate for such a position should be chosen by two-thirds of parliamentarians from a list of names of well-known personalities and based on their work experience and recognised merit. An innovative way to add to the credibility of the position, and to the electoral management process in general as well, would be to nominate a regionally (Southern African or African) and internationally respected personage.

The suppression of the rule that one citizen can only endorse one party would also be a major advance for the democratisation and peace-making process.¹³⁰

National Council for the Media

The National Council for the Media experiences the same problems, with political parties struggling to influence its composition and mandate. Here, once again, it would be important to follow the recommendations provided by The Declaration of Principles

129 From private interviews with CNE members in Luanda, September 2015.

130 Standing for the suppression of that rule see also Electoral Observation Coalition (COE) (2012) Final report of observation on the 2012 Angolan general elections, of the Electoral Observation Coalition. Luanda: COE. pp. 10–11.

on Freedom of Expression in Africa, which recommends self-regulation as a preferable solution to the establishment of a regulatory body.¹³¹

A restructuring in line with the recommended self-regulated body, but still maintaining sanctioning powers, should be taken into consideration in the run up to the 2017 elections, insofar as the new regulations for the CNCS have been fiercely resisted, as we have seen.

Access to the media

Access to public media has been totally unbalanced in favour of the party in power and its candidate and, since 1992, has been getting worse, reaching the level of outright propaganda – a fact noticed by just about everyone in all the election observation missions.

A restructuring of the CNCS with sanctioning powers intact is a necessary step, but must be complemented by the approval of proper legislation to protect the public media boards' editorial decisions from political interference. As we have seen, contradicting the recommendations of the Declaration of Principles on Freedom and Expression in Africa of the African Commission on Human and Peoples' Rights, state-owned media (television, radio, newspaper and news agency) have continued to operate under exclusive governmental control, without a governing board to protect them from governmental interference.¹³²

Electoral observation

In accordance with SADC principles and guidelines, as well as international norms and standards, electoral observation is important for the credibility of an electoral process. As we have seen, the new Angolan law on electoral observation complies in general terms with the SADC norms and rules on electoral observation that have been ratified by the Angolan state as a member of SADC. However, using the wide prerogatives given by that law, the CNE has taken several decisions that, in practice, have constrained and restricted international and national electoral observation.

For the sake of credibility and transparency, the government and the CNE should obviously abstain from any such discriminatory actions against respected and credible international observers. The same goes for the national observers, whose importance was proven during the 2012 elections. Some of these organisations' reports were the only relevant source of credible information. The international ones made their observations in a very government-friendly tone, passing over all the problems and therefore simply paying lip service to their stated objective of providing credible and reliable observation.

Financing of political parties

As was obvious in 1992, 2008 and 2012, the financing of political parties has not been made transparent. Public funding for the electoral campaign of 2008 and 2012, contrary

131 See African Commission on Human and Peoples' Rights (2002) *Declaration of Principles on Freedom of Expression in Africa*, 32nd Session, 17–23 October 2002, Banjul, The Gambia.

132 Ibid.

to what is required by law, was made available to the opposition less than a month prior to elections, thereby significantly crippling their campaign.

Although private funding is allowed by law, it must also be acknowledged that within the Angolan political-economic context, most of the private sector is also extremely dependent on the government.¹³³ Therefore, it is potentially easy to be seduced into funding the party in power.

The law should be amended to force parties' annual financial statements to specify the source of all their funding. Private funding should be limited to proscribed amounts and subjected to rigid criteria (e.g. companies and individuals whose business activities have not involved state contracts for the last five years; companies who donate above certain amounts should be blocked from public contracts for five years). In the same terms, the audit court's explicit approval should be mandatory before the statements are sent to parliament and the minister of finance for publication. Failure to obtain the audit court's approval should accordingly be sanctioned by the law.

133 Vidal N (2004) The genesis and development of the Angolan political and administrative system from 1975 to the present. In: S Kyle (ed.) *Intersections between Social Sciences*. Cornell, NY: Cornell University. pp. 9–66.