

Free and fair?

Angola's uneven election playing field

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On 24 August 2022, Angolans will vote in the country's fifth democratic and multiparty elections. The government of the Popular Movement for the Liberation of Angola (MPLA), in power since independence in 1975, faces serious opposition. Nevertheless, the highly uneven political landscape still favours the ruling party. Free, fair and credible polls will depend on the implementation of the Southern African Development Community's principles and guidelines.

Key findings

- ▶ The elections take place in a highly uneven landscape, favouring the ruling party. The state-owned media is controlled by the government and the ruling party, and often publishes information favourable to them. The Constitutional Court is proving partisan, taking decisions that harm opposition parties and candidates.
- ▶ Recommendations made by past election observer missions, including the Southern African Development Community (SADC) Electoral Observation Mission to Angola and the Angolan Electoral Observatory in 2017, are yet to be implemented.
- ▶ The voters' roll is compiled by the Ministry of Territorial Administration, a government agency, contrary to SADC recommendations.
- ▶ The National Electoral Commission (NEC) is limiting election observation, imposing a maximum of 2 000 national observers to monitor more than 26 480 polling stations, including the diaspora.
- ▶ The limit of three accredited observers per non-governmental organisation by province will prevent organisations from performing a proper parallel vote tabulation.
- ▶ Changes to the vote tabulation process are highly problematic and undermine accountability and transparency.
- ▶ Opposition and civil society are contesting the NEC's contracting of Spanish company Indra Sistemas for processing and transmitting electoral results from polling stations to the general results tabulation centre. They allege that the company may falsify electoral results.
- ▶ Despite the hostile environment, civil society in Angola is growing, with new rights organisations emerging that use digital platforms to exercise citizenship and promote democracy.

Recommendations

African Union and the international community:

- ▶ Ask the Angolan government to respect freedom of speech and human rights, and avoid cutting internet connectivity during elections and protests.

SADC:

- ▶ Urge the Angolan government to implement Electoral Observation Mission recommendations.
- ▶ Approach the government to invite independent and credible international observers to monitor the elections.
- ▶ Urge the government to allow independent verification of the voters' roll.
- ▶ Urge the Popular Movement for the Liberation of Angola (MPLA), the National Union for the

Total Independence of Angola (UNITA) and other parties and coalitions to avoid hate speech that can incite violence.

- ▶ Prepare a mediation mechanism to deal with electoral and post-election conflict.

Government of Angola:

- ▶ Stop instrumentalising the state-owned media.
- ▶ Ensure that the electoral management authorities respect the law and constitution, and practise transparency to guarantee the trust of election contenders and citizens.
- ▶ Allow the public to comment freely on the processing and transmission of election results.
- ▶ Approach the NEC to remove the barrier of 2 000 domestic observers and permit election monitors and observers.

Introduction

On 24 August 2022, Angola will hold its fifth democratic and multiparty elections amid the strengthening of opposition parties and popular contestation against the government of the Popular Movement for the Liberation of Angola (MPLA). The MPLA has ruled the country since the country's independence in 1975.

In 2021, the opposition created an informal coalition, the United Patriotic Front (Frente Patriótica Unida), which aims to defeat the ruling party.¹ This comprises the three leaders of the main opposition parties. They are Adalberto Costa Junior of the National Union for the Total Independence of Angola (UNITA), Justino Pinto de Andrade and Filomeno Viera Lopes of Bloco Democrático and Abel Chivukuvuku. The last-mentioned is ex-president of the political coalition *Convergência Ampla e Salvação de Angola – Electoral Coalition (CASA-CE)* and leader of the political project *Partido para o Renascimento Angolano – Juntos por Angola (PRA-JA)*.²

Political tensions and lack of trust in electoral and justice institutions could produce turbulent elections

The union of the opposition, a grouping that includes independent civilians, is considered a historic milestone in Angolan politics. It's certainly a first. Meanwhile, the numbers of popular demonstration have increased countrywide, especially in urban areas of the 18 provinces and in the streets of the capital Luanda. These are organised by youth and women's movements, but with a political bias, with the protesters presenting the slogan '45 (years in power) is a lot, MPLA out.'³ These demonstrations on the eve of elections have disturbed political power and spurred police violence, which belie Lourenço's boast in interviews abroad that 'demonstrations reflect the good state of democracy.'⁴

The Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections aims to promote regular free and fair, transparent, credible and peaceful democratic elections to institutionalise legitimate authority of representative government. The guidelines also promote electoral

justice and best practices in election management and mitigation of election-related conflict.⁵

Member states invite the SADC Electoral Observation Mission (SEOM) to observe their elections. Still, the SEOM has generally issued recommendations with no enforcement mechanisms for implementation and no proper follow-up. Key recommendations by the SEOM deployed to supervise the 2017 Angolan elections are still to be implemented.⁶

The political tension ahead of the Angolan elections, combined with the lack of trust in institutions of electoral administration and justice, predicts a turbulent election. Also, domestic observation missions have been hindered in their efforts. Thus, the contribution of SADC and the international community to free, fair, and peaceful elections in member states needs to be discussed urgently to ensure that SADC guidelines are not just a dead letter, but observed by member states.

Objectives

The study assesses how the Angolan elections comply with the principles of freedom, justice and transparency. It also explores how SADC and the international community can ensure that these principles are observed. Recommendations are made to guarantee a fair a free election and prevent post-electoral conflicts in Angola.

Methodology

This qualitative, mixed-method study looked initially at the history of elections in Angola before the research period. It then compared and contrasted Angolan elections with each other and with those in other SADC member states. The author also collected diverse documentary information on Angolan electoral processes. Lastly, open and semi-structured interviews were conducted with 27 people with knowledge and expertise on Angola, governance and elections. Twelve were interviewed in person in Luanda and 15 interviewed virtually. The selection of interviewees was qualitative, prioritising the knowledge and experience of the interviewees in Angolan political, economic and social dynamics.

Report structure

The document is split into five sections. The introduction describes the objectives, approach and methodology of the study. The second presents a historical summary

of Angolan electoral processes since the advent of multiparty democracy in 1992 to the last election in 2017. It considers the observance of the principles of transparent, free and fair elections.

The third section addresses the social, economic and political context in which the elections in Angola are taking place. This is characterised by high poverty, illiteracy and unemployment among most of the population, and the economic recession that will shape the voting trends of Angolans. The political context is marked by a lack of fundamental freedoms for citizens because of a governance system described as authoritarian⁷ in a 'not-free' country.⁸

The fourth section presents field study results on the current electoral process, evaluating the three fundamentals of a democratic election: The freedom to elect and be elected, the fairness of the electoral process, which implies compliance of electoral acts, and the transparency in access to information for contenders and the public. The final section posits two possible scenarios, details conclusions and offers recommendations to the Angolan Government, SADC, the African Union (AU) and the international community to ensure that they contribute to free, transparent and fair elections in Angola.

Historical overview of Angolan elections

The first time Angola held multiparty elections (presidential and legislative) was in 1992. The contestation of the electoral results was so great that it led to a return to civil war. The war would end only 10 years later when Jonas Savimbi, of UNITA was killed in combat.

The three other general elections – in 2008, 2012 and 2017 – were also described as fraudulent by opposition and independent observers. Independent research found that the 'electoral process was characterised by illegal and partisan political manoeuvring' that benefitted the winning MPLA, in power since 1975.⁹ Preparations for the 2022 general elections are already plagued by reports of fraud, intimidation and violence.¹⁰

In the presidential elections, candidates from the two main parties, José Eduardo dos Santos (MPLA) and Jonas Savimbi (UNITA), obtained the highest vote. Still,

neither achieved the minimum 50%+1 vote required to be declared the winner. Dos Santos received 49.6% of the votes and Savimbi 40.1%, forcing a second round, which did not happen due to the outbreak of the war soon after. Another nine candidates together obtained about 10% of the vote.

Preparations for the 2022 elections are already plagued by reports of fraud, intimidation and violence

Observers from the United Nations (UN) and other international organisations declared that irregularities could be described as honest error and inexperience. They were, it maintained, not serious enough to affect the elections as a legitimate expression of the people's will.¹¹ Still, the Halloween Massacre returned the country to war and stopped the second round of elections.¹²

In the legislative elections, 17 parties and a coalition of four parties competed, totalling 18 contenders.¹³ The MPLA won 54% of the votes, about 5% more than its presidential candidate, dos Santos. UNITA obtained 34% of the vote, about 6% below that of its presidential candidate. Never having been directly elected, dos Santos ruled for 16 years without further mandates from the electorate until 2008, when a new election was held.

The war's winner-takes-all

The 2008 elections were the first held after the end of the civil war. Fourteen parties and coalitions of political parties competed. The MPLA, which won the civil war, had a historic electoral victory, taking 81.64% of the vote, equivalent to 191 seats in the unicameral Parliament of 220 lawmakers.¹⁴ In contrast, UNITA, whose leader was killed in the war obtained its worst electoral result, winning 10.39% of votes and 16 Parliamentary seats.

Another three competitors shared 13 seats, namely the Social Renewal Party (eight), National Front for the Liberation of Angola (three) and New Democracy (two). Nine contestants obtained less than 1% of the vote and won no Parliamentary seats. The landslide victory allowed the winning party to amend Angola's constitution without the opposition's support. It did so in 2010.

After 1992 there were no separate presidential elections. Only legislature was elected in 2008. Presidential elections were due in 2009 but dos Santos delayed them, following which the constitution was amended to provide for the president to be indirectly elected through the legislative elections. Analysts believe this was a way for the MPLA to prevent its presidential candidate from obtaining fewer votes than the party, thus appearing weak.¹⁵ In the elections of 1992, the MPLA surpassed its presidential candidate in number of votes, while the UNITA candidate's votes surpassed those of his party.

With power reinforced with victory in the war and the elections, President dos Santos formed a new government made up exclusively of members of the winning party, a sort of winner-takes-all. Then the MPLA changed the constitution in the face of opposition contestation in 2010. The 2010 constitution, considered a hyper-presidential constitution, was approved with single votes from the MPLA. UNITA, the largest opposition party, abandoned the approval session in protest. Two other parties, the National Front for the Liberation of Angola (FNLA) and Social Renovation Party (PRS), abstained.¹⁶

The 2010 constitution submits lawmakers to show political loyalty to the party leader and party bodies

The first formal constitution of Angola changed the model for electing the head of state, with a single list for presidential and legislative elections. The first name in national electoral circumscription for lawmakers' candidates who receive a simple majority of seats in Parliament is elected president. The second individual becomes vice-president. It also conferred more powers on the president, who despite being elected head of the list of the winning party in the legislative elections, has autonomy in the Parliamentary majority. He and cannot be held politically responsible before Parliament through a monsoon of censorship, impeachment or similar mechanism.¹⁷

The 2010 constitution also submits the lawmakers to show political loyalty to the party leader and party

bodies should there be a conflict between freedom of conscience and party discipline. It also gives the head of state the power to dissolve Parliament.¹⁸

The UN, which was criticised by both MPLA and UNITA in the organisation of the 1992 elections, was not seen at the 2008 elections. New international observers attended, including the AU, SADC, the Economic Community of Central African States (ECCAS), the European Union (EU) and the United States Embassy. The EU election observer missions noted that the MPLA's use of state resources during its campaign rendered the playing field for political contenders uneven. Further, state-owned media (radio, television and newspaper) favoured the MPLA by publishing more news on it and using a more positive tone than that for UNITA.¹⁹

Ghost voters

In 2012, the MPLA won with 71.84% of the votes and 175 of 220 seats and UNITA took 18.66% of votes and 32 seats). The CASA-CE claimed 6% and eight seats, the PRS three seats and the FNLA two. New Democracy, United Front for Change of Angola, Opposition Political Council and People's Party for Development won no seats.

Overall, the 2012 elections were judged free and fair by observers. However, the lack of publication of the voters' roll before election day and the dubious audit of the voters' database were noted. These issues, and the lack of response by the National Electoral Commission to opposition party complaints, were identified as irregularities that negatively affected the process. The voter roll issue was the most serious. There were suspicions that around 1.6 million voters – 16% of the 9.7 million rolled voters – did not exist.²⁰

The list was based on voters rolled in 2008, plus an update in 2011 and 2012. In this update, only 7 million of the 8.6 million voters rolled in 2008 updated their registration and there were about 1 million new voters. About 1.6 million didn't update, yet they were considered for voting without a consistent audit or publication, in violation of electoral law.

This major irregularity of the 2012 elections, which was never clarified and continues to date. Voter rolling in Angola is carried out by the Ministry of Territorial Administration. This is contrary to the SADC electoral

recommendations of the 2017 election and principles that establish that an independent electoral body must organise the electoral process, including the voter roll.²¹

In addition to this issue, the illegal use of state resources and state-owned media in favour of the ruling MPLA continued. So, too, did the varying access to state resources among competing parties, which benefitted the MPLA and its candidate, the incumbent. For the first time, cases were reported of obstacles created by the ministry and the National Electoral Commission to the work of international and domestic observers. And, it was said, party agents delayed accreditation for voter roll monitors and agents.²²

Electoral manipulations post-dos Santos

The 2017 election marked the end of dos Santos's 38 years as head of state – as he didn't stand for re-election – and there was hope of a better-organised election. But observer missions reported that conditions were not equitable.

President João Lourenço promised more transparency, tolerance and political inclusion, and strengthened fight against corruption, presenting himself as more democratic and honest than dos Santos.²³ But in practice, Lourenço's governance did not differ much from his predecessor's, having started with the manipulation of the elections mentioned by electoral observers.²⁴

An electoral observation platform called Projecto Juku, which integrated local NGOs and higher education institutions, made an exhaustive electoral observation. It concluded that, while the 2017 elections were more peaceful and better organised, numerous irregularities still benefitted the MPLA.²⁵ From the outset, the inclusion of a government ministry in voter roll organisation was noted when the law and best international practices decree this to be the responsibility of independent electoral bodies.

In addition, the 2015 voter roll law (Lei do Registo Eleitoral Oficioso) based on a civil registration database of the Ministry of Territory Administration and the Ministry of Justice and Human Rights was approved in Parliament. This was despite protest by the opposition that it usurped the National Election Commission. The constitution approved in 2010 and revised in 2020 despite opposition protect reinforced

that the voter roll, including that of the diaspora, be conducted by the government.

The 2017 voter roll was a presential civil registration modality under law 8/15. Thus, the Ministry of Territory Administration concluded that 3 633 002 voters on the database from 2012 didn't demonstrate proof of life, so they were excluded in 2017.

However, independent observer organisations held that the integrated file of adult citizens (those eligible to vote) was audited 'late and by an amendment and a company managed by someone close to the president.'²⁶ There was also criticism of the hiring (allegedly manipulated tender) of Indra Sistemas. It would supply software for national centre counting, processing and transmitting votes from polling stations to the National Electoral Commission, where tabulation occurs and results announced.

Lourenço presented himself as more democratic than dos Santos but in practice, not much has changed

The appointment of Portuguese company Sinfic (Sistemas de Informação Industriais e Consultoria) responsible for the roll and information systems for the 2012 and 2017 elections was also criticised. The public tender that resulted in Indra's appointment lasted only a few days. SmartMatic and Indra submitted technical and financial proposals. The former's proposal was rejected due to administrative allegations that raised serious suspicions of manipulation of the public contracting process of the two companies.²⁷

State-owned media continued to favour the ruling party in its election reporting. The MPLA used state means for its campaign, including transporting party members and sympathisers by military brigade trucks through the provinces. The 2017 elections had six contenders – five political parties and a coalition.

The MPLA won with 61.8% of the vote, equivalent to 150 of the 220 Parliamentary seats.²⁸ UNITA obtained 19 more seats than in the previous election, winning 51 seats in Parliament, or 26.7% of the votes. The CASA-CE won 16 seats (9.5% of the votes) and the PRS two seats,

or 1.4%. The FNLA managed one seat (0.9% of the vote), but the National Patriotic Alliance none.

Increasing poverty and crackdown on fundamental freedoms

In the 2008 elections, in which the MPLA won its most significant victory ever, socioeconomic and political advances were cited as having contributed to the victory. It was argued at the time that the results reflected the improvement in living conditions since 2002. The most visible benefits mentioned were the combination of peace and high oil revenues, and greater mobility of the population thanks to improvements in the road network.²⁹

Yet, Angola's current socioeconomic and political environment is the opposite of what it was in 2008. In recent years, export earnings from oil (crude), Angola's main export commodity, have dropped drastically, from around US\$68.9 billion in 2012 to US\$20 billion in 2021.³⁰ This dragged the kwanza to very low levels of exchange against the US dollar and the euro. This pushed up inflation, from an average of 15% in 2016 to 40% in 2017 to 2018, and around 25% today (see Chart 1).

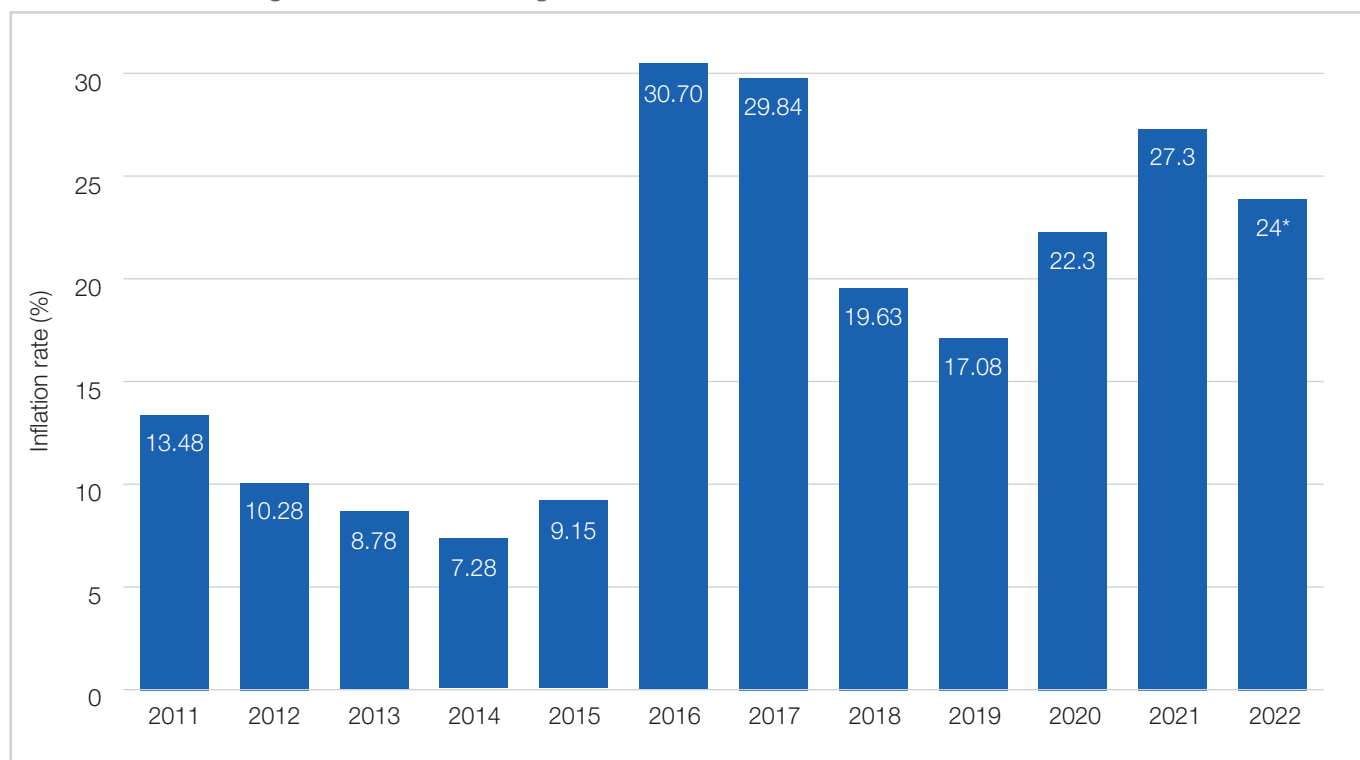
The increase in inflation implies loss of purchasing power for urban families. Since 2018, rural areas, mainly in the south of Angola, have experienced their worst drought of the last 40 years,³¹ which is currently affecting around 2 million people.³²

In Luanda, skyscrapers hide misery and poverty that lead people to hunt for meals at funerals

In Luanda, skyscrapers facing the Atlantic Ocean hide misery and hunger in suburban neighbourhoods. Men, women and children rummage through rubbish dumps in search of food. Extreme poverty in Angola grew from 35% to 44% between 2019 and 2022 and currently affects almost half of the population.³³ Poverty is such that it leads Luandans to hunt for meals at funerals.³⁴

The Angolan government's management of growing urban and rural poverty has been criticised by the people and by independent organisations. To provide better assistance to victims of drought and famine in southern

Chart 1: Evolution of general inflation in Angola, 2012–2022



Source: macrotrends.net and Instituto Nacional De Estatística, Angola
* Estimation for the annual rate 2022

Angola, the government has been called on to declare a state of emergency so that international aid can be brought in.³⁵ Yet, the Lourenço government has refused, allegedly so as not to appear incapable of solving the hunger problem.³⁶

Government control over the media

The Angolan media is divided between the state-owned media – controlled by the ruling party and the government – and private media outlets. The former dominate, comprising the Televisão Pública de Angola (TPA), Rádio Nacional de Angola and the Angola Press Agency. They are the only media with national coverage and report only news favourable to the government and the ruling party. The Media Institute for Southern Africa (MISA) report on the state of press freedom in southern Africa 2020 to 2022 concluded that the Angolan media remains largely controlled by the ruling MPLA.³⁷

Existing independent media faces lack of resources, harassment, and legal and bureaucratic impediments that prevent broad national coverage. This is the case of Rádio Ecclesia, the only independent radio still without national coverage. The independent media, which had some financial strength, was taken over by the government amid allegations that it was created by corrupt public funds. It comprises TV Zimbo, Rádio Mais and the newspaper o País, from the Media Nova group, belonging to the inner-circle of former president dos Santos.³⁸

When the private-owned media was taken over, the government promised it would not change their editorial lines. However, these media now tend to be favourable to the government. In a joint complaint by five opposition parties, UNITA, FNLA, PRS, CASA-CE and Bloco Democrático accused the MPLA Information and Propaganda Department of interfering with TV Zimbo and TPA. This, they alleged, included appointing journalists to cover government activities.³⁹

Angolans generally access independent news from international media such as *Deutsche Welle*, *Voice of America*, *Radio France International* and *Agência de Notícias Portuguesa* (LUSA), which publish regularly about Angola. Independent local media, besides lacking funds to carry out its work fully, also suffers what it calls political persecution from the MPLA and

government, which institute legal proceedings for injury and defamation.⁴⁰

Given the government's control of the mainstream media, some citizens have resorted to social media such as Facebook and YouTube to create and run channels of information and e-news. One of these digital channels, whose programmes reach millions of views, is Camunda News, created in 2020 by a sociology graduate from the Catholic University of Lisbon, David Boio.

Despite the hostile environment, Angola's civic space is growing with the help of digital platforms

The Ministry of Telecommunications, Information Technologies and Social Communication notified Camunda News in early-June 2022 to present, within 48 hours, its licence to publish news on social media. This was preceded by the arrival of alleged agents of the Criminal Investigation Service at Camunda's premises. This act was repudiated by rights organisations as an intimidation and curtailment of freedom of expression in an electoral context.⁴¹ Reporters without Borders states that: 'Angolan journalists are frequently harassed and persecuted and the media landscape continues to be marked by a lack of pluralism ... the state's grip on the media has even increased.'⁴²

Civic space in a hostile environment

The civic space in Angola is growing despite the hostile environment. New rights organisations are emerging. Digital platforms are the main tools for exercising citizenship and promoting democracy. In general though, citizens who have demonstrated against various problems in Angola have been raped by the police, arrested and accused of vandalism.⁴³ So, to face the hostile environment in the civic space in Angola, civil society is organising itself into networks and platforms to act together in monitoring and observing the electoral process. Among these is the Movimento Cívico Mudei, which brings together individuals, citizens' movements and civil society organisations engaged in the 'defence of the Fair vote.'⁴⁴

The movement, despite not being a formally registered organisation and therefore not eligible under Angolan law to be an election observer, formally requested observer status.⁴⁵ It has been dedicated to civic education and the promotion of debates on the elections. Despite being non-accredited, it aims to monitor the 2022 elections to ensure ‘smoothness of the process and that this time the juggling does not win.’⁴⁶

OBEA is a similar initiative. It is a coalition of 61 NGOs, including the Justice and Peace Commission of the Catholic Church of Angola and the Council of the Christian Church in Angola. Its roles are civic education and electoral observation led by the NGO, the Angolan Institute for Electoral System and Democracy.

OBEA conducted national observer missions during the 2012 and 2017 general elections and produced public statements on the electoral environment, releasing findings and recommendations for the main electoral actors in those elections. For the 2022 elections, it has representation in the 18 provinces of Angola and is observing the process from update of the voter roll until the post-electoral phase. OBEA includes a mechanism of

mediation for possible post-electoral violent conflict, which is somehow expected.⁴⁷

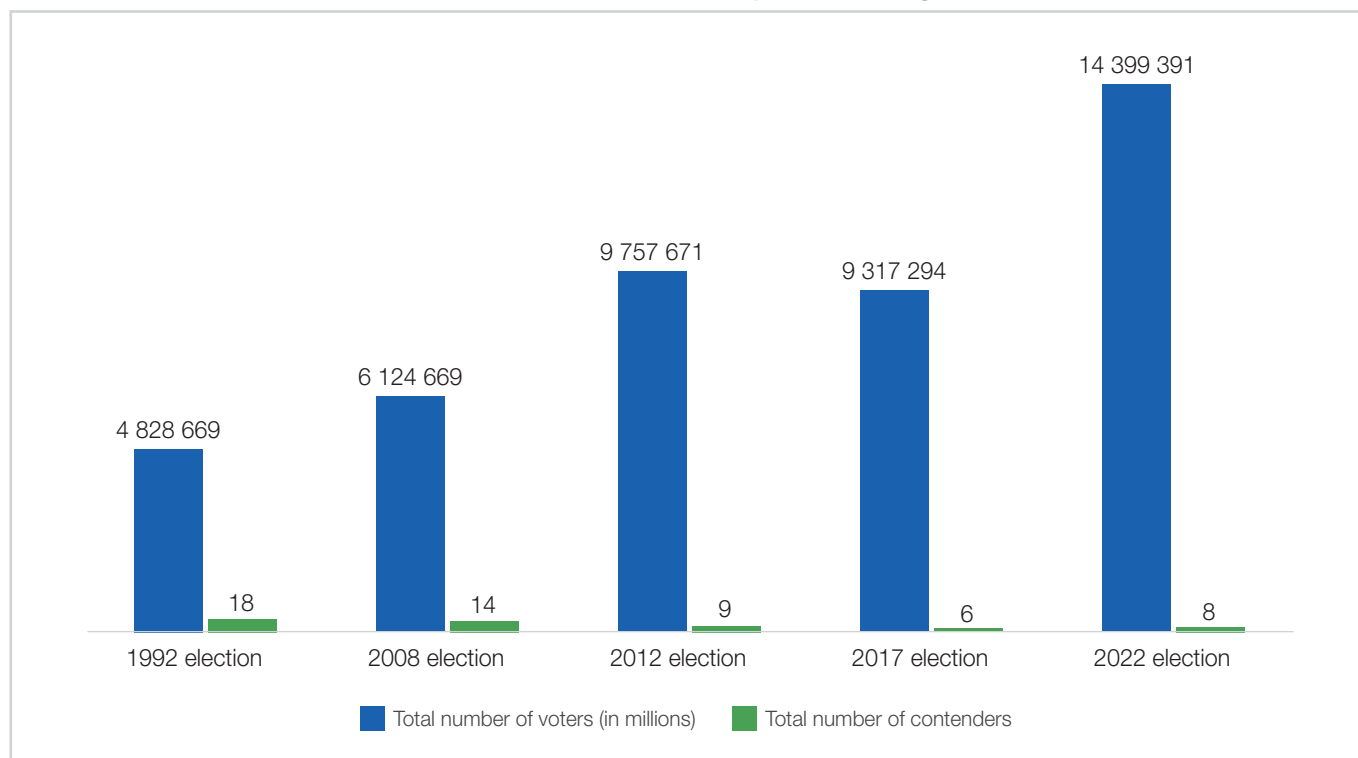
Because of this environment of media control, closure of civic space, crackdown of fundamental freedoms, Angola is classified as not free in Freedom House's Global Freedom Score from 2017 to 2022.⁴⁸ The government is described as an authoritarian regime in the Democracy Index of the Economist.⁴⁹

Angola’s political configuration

From election to election, numbers of voters increase, except in 2017, when there were about 3 000 fewer voters than in 2012. The number of competing parties and coalitions decreases (see Chart 2). For this year's elections, 14 399 391 voters are registered to vote, 14 376 831 of whom are in Angola and 22 560 abroad. For the first time, Angolans in the diaspora will vote to elect the lawmakers, the president and the vice-president, but they represent only 0.15% of the total number of voters enrolled.

While the increase in voters is a natural result of population growth, the number of competing parties has

Chart 2: Evolution of the number of voters and electoral competitors in Angola



Sources: CNE, EISA, JIKU

more than halved since the first election. This is due partly to the Angolan law on political parties, whereby a political party that fails to obtain the minimum of 0.5% of the votes is automatically disqualified from subsequent elections. Any party that does not run for two consecutive elections is also disqualified.⁵⁰

By 2022, 67 parties had been dissolved, 19 for not having reached the required 0.5% and 48 for not having run in two consecutive elections. Angolan law also makes it very difficult to create a political party, thus limiting the fundamental right of citizens to run for political office.

Misuse of state resources gives the MPLA financial strength unattainable by other parties, along with support from state-owned media and electoral bodies

For the 2022 election, the main contenders are the MPLA and its presidential candidate Lourenço and a renewed UNITA. The main opposition has the support of two other important opposition groups in its quest to defeat the MPLA – dissident from the MPLA, and members of civil society and academics.⁵¹ Together, they constitute the informal coalition the United Patriotic Front.

The UNITA presidential candidate is the popular Adalberto Costa Junior and for vice-president, Abel Chivukuvuku (former senior member of UNITA, founder of CASA-CE and current leader of PRA-JA). Justino Pinto Andrade (from the Democratic Bloc Party) is UNITA's hope for president of the national assembly. The other contenders are the PRS, FNLA, National Patriotic Alliance (APN), Humanist Party, Nationalist Justice Party in Angola and the CASA-CE.⁵² The head of each list for the legislative elections is automatically the candidate for president of the republic. The second on each list is automatically the vice-presidential choice.

Uneven playing field prevents free and fair elections

From the first to the last elections held in Angola, there were reports of serious irregularities that benefitted the ruling party and its presidential candidates. The most consistent and constant irregularities have to do with a highly uneven playing field of electoral dispute resolution in favour of the MPLA. This includes the misuse of state resources, giving the party a financial strength unattainable for others and support from state-owned media, institutions of electoral justice and electoral bodies.⁵³

As time passed since the first election and more elections were organised, improvements in the organisational process were expected, as a result of experience gained. But errors reported by electoral observation missions persist, leading to the belief that they are premeditated and not mere technical failures.

Irregularities have prevailed and the voter roll process is contrary to the law and international principles. The main issue is that it is the domain

THE DIASPORA CAN VOTE
FOR THE FIRST TIME IN 2022
BUT MAKE UP JUST

0.15%

OF REGISTERED VOTERS

of the Ministry of Territorial Administration when it should be conducted by an independent electoral body. Repeatedly, electoral observation missions have recommended that the National Election Commission carry out the voter roll. SEOM, for one, made this call in 2017.

The organisation of the electoral process has not changed much since the time of dos Santos. Hiring Indra for electoral logistics, through a non-transparent procurement process, remains an issue. The election of the president of the National Electoral Commission is contested. The state-owned media continues to be manipulated by the MPLA and the government. The Constitutional Court is influenced by political power to make decisions in favour of the MPLA and President Lourenço that harm the opposition.⁵⁴ The pre-election environment is one of intimidation and tension, with militants from the two main parties involved in physical aggression.⁵⁵

Lack of trust in electoral management

Opposition parties and society show no confidence in electoral management. There is serious mistrust of the processes and management bodies, from the voter roll process to the independence of the National Electoral Commission and that of the Constitutional Court, which acts as the electoral court. The commission organises the entire process and is the focus of suspicions of the opposition and independent observers. Most of its members are appointed by the MPLA, which holds the majority in Parliament.

The commission chair, Manuel Pereira da Silva, was elected in 2020, proposed by the Superior Council of the Judiciary, a formerly independent body. The opposition objected, claiming that it favoured the MPLA, as da Silva's former position was chair of the Luanda Provincial Electoral Commission.⁵⁶ Independent analysts also doubt the integrity of da Silva to exercise the required independence, given his poor record previously.⁵⁷

A new headquarters for the National Elections Commission was built in the upper city (Cidade Alta) of Luanda, within the perimeter of the office of the president. Some analysts fear this is to facilitate the interference of the presidency in vote tabulation.⁵⁸ Others suspect that the location aims to intimidate the

opposition as the presidential security staff will guard the headquarters during the vote count.⁵⁹

The Ministry of Territorial Administration updates the database of citizens 18 years or older, thus eligible to vote. The opposition and independent personalities question the figure of 14 390 091 voters. The UNITA president pointed out that since 1996 there has been no depuration of deceased citizens from the database and that the average number of deaths annually is 100 000.⁶⁰ Independent personalities claim that it will benefit the ruling party, as extra people registered may be part of a fraudulent plot.⁶¹

The voter database should be audited to ensure legal compliance but these audits come too late for problems to be fixed before elections. An election specialist explained that the database is unaudited, but has already been validated as the basis for electoral rolls, defining the number of polling stations and hiring polling station tellers. All these downstream processes are determined by the number of voters registered.⁶²

The Constitutional Court is the highest body of electoral justice, but it is not trusted by the opposition and parts of society. Its president was nominated by Lourenço a year before the elections and he is criticised for being an active MPLA militant, having been a member of its political bureau.⁶³ Analysts believe this appointment was made to legitimise electoral fraud, failing any opposition appeals.⁶⁴

There is serious mistrust of the voter roll process and the National Electoral Commission's independence

Angola's organic law of elections determines that appeals challenging the decisions of the National Electoral Commission must be lodged with the Constitutional Court within 72 hours of notification of the decision. In the past, the court rejected all opposition appeals, legitimising errors that occurred in results tabulation.⁶⁵ Furthermore, it has been criticised for obstructing the normal functioning of political parties. It annulled the election of Adalberto Costa Junior and it forced UNITA to organise an extraordinary congress to elect him again in late-2021. Therefore, the court has been described as a political rather than judicial body.⁶⁶

Central problems of vote tabulation and transmission

Voting in Angola takes place in a single day, through physical voting at polling stations installed throughout the country. In this year's elections, around 26 000 polling stations will be installed. The 14 390 091 rolled voters are distributed in electoral rolls of 750 voters each. Each polling station has an electoral register, meaning that a maximum of 750 people can vote per station. With this number even with 100% turnout, all registered voters can vote peacefully throughout the day. In previous elections, the number of voters per polling station was 1 000 people.

In the past, voting ran smoothly and the reported failures, such as running out of fingerprint ink or ballots, did not hamper the flow of the process. Election's observers interviewed expect the trend to continue this year. However, the critical stage is vote tabulation and transmission of results from polling stations across the country to the National Electoral Commission in Luanda.⁶⁷

In Angola, there are two types of constituencies for election of the 220 members of the unicameral Parliament. The national constituency elects 130 lawmakers, while each of the 18 provinces elects five lawmakers, making a subtotal of 90.⁶⁸ Therefore, voters will have a single ballot paper to elect lawmakers from the national and provincial constituencies. The head of the list of each party or coalition on the national constituency list automatically runs for president and his or her name and photograph appear on the ballot paper.

When voting ends, polling stations count the votes in the ballot box and complete a results sheet. The results are transported by the military directly to the commission for tabulation, centralisation of results and distribution of mandates that define how many lawmakers were elected by list.

This vote tabulation process is criticised by the opposition and independent observers for several reasons. First, the municipal and provincial tabulation was revoked with the new organic electoral law in 2021. Although 18 provincial constituencies elect lawmakers, tabulation is not done provincially, but nationally.⁶⁹

Removing municipal and provincial counting takes away a crucial element of accountability and checks

and balances. Opposition delegates cannot check the tabulation in all polling stations, so municipal and provincial tabulation helped them to keep a parallel count, which they can no longer do.

A specialist in Angolan electoral process considers that the suppression of the provincial count creates constraints – the province no longer declares a winner in its constituency and provincial electoral disputes are decided nationally.⁷⁰ As tabulation is done in Luanda, distant municipality irregularities must be challenged thousands of kilometres, with the Constitutional Court, which is the only body with competence to judge cases of electoral litigation.

The second problem is that, as voting takes place at hundreds of polling stations across the country and votes must be sent for national tabulation in Luanda, a more effective means of transmitting results from polling stations to the commission is needed. This work is carried out by Indra, a company criticised for lack of transparency and accused of manipulating election results during their transmission in favour of the MPLA.

Removing municipal and provincial counting weakens accountability and checks and balances

Last February, 11 Angolan NGOs wrote letters to the EU, the United States and the AU protesting the appointment of Indra.⁷¹ No audit has been done on the company's computer system,⁷² nor has there been an effective breakdown of results by polling station.⁷³ To ensure transparency in elections voting results should be published as they are counted at each polling station.

Restriction of election observation

Recent elections in Angola have been poorly observed by both international and domestic observers. While in the first two elections there were international missions including the UN (in the first elections in 1992), the United States Embassy and EU (2008), they were not seen in 2012 and 2017, as they were no longer invited by the Angolan government. However, the AU and regional

economic communities of which Angola is a member state, namely SADC and ECCAS were invited to observe.

The EU expressed its interest in and willingness to send a mission in August 2022 to contribute to a free and transparent electoral process.⁷⁴ But by mid-July, the Angolan authorities had not responded. The National Electoral Commission published a decree limiting the number of national observers to 2 000 across the country⁷⁵ for about 26 000 polling stations, which makes electoral observation very insignificant and hardly allows for international involvement.⁷⁶

Restricting the number of national election observers makes electoral observation insignificant and limits the role for international monitors

While the lack of international participation makes the process less transparent, restricting national observation has even more negative effects. It makes parallel vote tabulation by NGOs or other associations impossible. Without observers at all polls, they will not be able to independently collect and verify the results at the polls to carry out the parallel process with a significant sample.

The restriction of domestic involvement has been called unconstitutional by political science and constitutional law professor at Universidade Lusíadas de Angola, Fernando Macedo. Electoral observation pertains to elections and, in principle, elections constitute a matter of absolute legislative reservation of the Angolan Parliament. He argues that the Angolan constitution has two types of legislative reservation – the absolute reserve and the relative reserve. According to item d) of article 164 of the constitution, he points out, elections are covered by the absolute reserve of legislative competence of the Parliament.⁷⁷

No consistent polls

Electoral polls carried out in Angola have used inconsistent methodologies, being based on surveys on social networks and presenting questionable results. This is so of the poll by Friends of Angola in May 2022, which found that UNITA will take the election with 90%, against the MPLA with around 7% of the votes.⁷⁸

A second poll, carried out by the Mudei Angola initiative in June 2022, concluded that UNITA will win with 49% of the votes, forcing the MPLA into second place with 30%.⁷⁹ Yet another, by Afrobarometer, an international entity with experience in the area, predicted that the MPLA will win the elections with 29% of the votes, against 22% for UNITA.⁸⁰

Claiming it intends to prevent the proliferation of inconsistent polls, the Angolan Parliament passed a new law that restricts the conduct of electoral

2 000

MAXIMUM NUMBER OF
ELECTION OBSERVERS
ALLOWED FOR THE
WHOLE COUNTRY

polls. Entities that intend to carry out polls must pay a considerable sum as a guarantee to repair damage in case results harm competitors. The law was approved with a majority vote of the MPLA, overcoming the vote against by UNITA and abstention from the other opposition parties.⁸¹

With the polls restricted to Angola, at the end of July 2022, a poll with completely different results from the previous ones was published in the Angolan State-owned media, claiming that it was carried out by a Brazilian polling company called POB Brasil. The poll attributes favouritism in the votes to the MPLA, with 62% of the votes against 33% of the MPLA, alleging that the poll was conducted by telephone call to 1500 people in just five days, between the 16th and 21st of July, targeting men and women residents in Angola, aged 18 or over, with a maximum margin of error of 3%.⁸²

Scenarios for elections and post-elections

Scenario one is that the MPLA and its presidential candidate João Lourenço will benefit from in the inequity and will manipulate the elections. This will include introducing ghost voters, manipulating tabulation and counting, and using the National Electoral Commission and the Constitutional Court to win a significant majority in Parliament (reaching 60%).

This situation would lead to great contestation of results by the opposition and its sympathisers, and would most likely lead to social upheaval. This would be characterised by demonstrations led by UNITA and joined by young people in the main urban centres of Angola, including Luanda. These demonstrations could be violently repressed by police and military.

Anticipating this scenario, General Francisco Pereira Furtado, the Angolan president's head of security, said in a speech directed to UNITA in early-July 2022 that 1992 would not be repeated in Angola. 'Instability and war will not exist again in Angola. If someone has two agendas, one political and the other insurrection, this agenda must be dealt with in the context of combating banditry, armed insurrection and terrorism.'⁸³

Scenario two is that the 'renewed' UNITA, supported by other opposition parties and civil society, wins with a narrow majority and its candidate becomes president

after almost five decades of MPLA rule. This implies some political post-election instability, with some influential MPLA members trying to resist handing over power to the newly elected president or forcing the formation of a government of national unity. This could generate a political crisis requiring national, regional and international mediation.

The MPLA seems unwilling to stop using state resources to manipulate the elections in its favour

Of the two scenarios, the first seems more likely for several reasons. The MPLA seems unwilling to stop using the state's human, material, and financial resources to manipulate the elections in its favour. However, it appears willing to do anything, including manipulating the election, to prevent the opposition from having any chance of winning. With all the political configurations in Angola, it is very unlikely that an opposition candidate can win, for this would require a free and fair election, with equal opportunities for all contenders. This cannot happen with the law restricting domestic observation.

The state-owned media, which clearly favours the ruling MPLA and its candidates, are dubbed organs of propaganda promoting the party-state, a symbol of political oppression in Angola.⁸⁴

Conclusion

The elections take place against a backdrop of strengthened opposition and weakened MPLA, which creates the possibility of a tight dispute similar to that of 1992, in which results were close. UNITA is revitalised, with a new leader and fresh ideas. It has presented a candidate list that includes prominent members of other opposition parties and civil society personalities.

The MPLA's popularity is low, especially among the urban public. President Lourenço, who is running for his second term, promised more transparency, less corruption and inclusive governance. But at the end of his first term, his governance is as authoritarian and highly criticised as that of his predecessor.

Angola faces an economic recession caused in part by the drop in the international market price of crude oil, Angola's the main export commodity. This led to the historic devaluation of the currency against the US dollar and euro, the main exchange currencies. The cost of living soared in urban centres. Severe drought in provinces in southern Angola is affecting more than two million people, causing starvation and death of animals due to lack of pasture. Extreme poverty has increased by 9% in the last three years, now affecting 44% of Angolans.

The government's management of these problems has not been appreciated by the population and civil society organisations, leading to popular demonstrations in major cities against the governance of the MPLA and Lourenço. Demonstrations have been violently repelled by police and several people have been arrested and accused of organising subversion. Despite this, civil society is strengthening itself to observe the elections and carry out parallel vote tabulation.

The political field in Angola favours the MPLA, which uses state resources, including the state-owned media and human resources, for its electoral campaign. Electoral bodies and electoral justice also favour the MPLA. All of this makes it possible to design the two most likely scenarios.

The first, and most likely, is that the MPLA will win the election, manipulating the electoral and justice institutions and benefitting from partiality. This may cause a popular uprising that could lead to post-election violence. The second scenario, which is less likely, is a UNITA win, which would lead to some conservative groups in the MPLA refusing to transfer power. Mediation would be needed to avoid a probable violent post-election conflict.

Recommendations

To SADC

SADC should closely monitor elections in Angola (as in all member states), sending its observer mission guided by SADC Principles and Guidelines Governing Democratic Elections. This would promote free and fair, transparent, credible and peaceful democratic elections to institutionalise legitimate authority of representative government.

The SEOM should make recommendations to the Angolan authorities, although these are ignored or partially implemented. In 2017, the mission to Angola recommended that the National Electoral Commission, as an independent body, should be responsible for the voter roll. This has not yet happened. The voter roll was compiled by the Ministry of Territory Administration despite complaints from the opposition and civil society.

The SEOM to Angola in 2017 also recommended a monitoring and implementation to ensure that state resources and the public media are not used to benefit any single political party's campaign programme. This was not implemented. The ruling MPLA continues to use state resources for its electoral campaign, even abusively.

This was not the first observation mission whose recommendations were ignored by the Angolan authorities. In 2008, the EU mission recommended the strengthening of the impartiality of the commission and its transparency and that the ruling party should cease using state resources to its benefit during the campaign.⁶⁵ All were ignored.

The SADC Electoral Advisory Council plays an important role, including in the pre-election period

The SADC Electoral Advisory Council (SEAC) plays an important role, including in the pre-election period. It reflects on possible conflicts arising from electoral processes and advises the Ministerial Committee of the Organ on Politics, Defence and Security Cooperation on developing mediation strategies before, during and after elections. Based on the findings of the goodwill mission, the SEAC reports to the committee on whether the political environment is conducive to free, fair, transparent, credible and peaceful elections in line with SADC guidelines.

The last SEAC mission in Angola on a post-election goodwill mission to follow up on the implementation of SEOM recommendations following the August 2017 election was conducted in March this year. It consulted with the government, UNITA, CASA-CE, Forum of Angolan Non-governmental Organisations, APN, the

Angolan chapter of MISA, and FNLA. It also met with SADC ambassadors and high commissioners accredited to the Republic of Angola, UN resident coordinator in Angola and the EU delegation. SEAC should be aware that SEOM recommendations of 2017 are yet to be implemented, ahead of a new election. Therefore, SADC should urge Angola to implement these now.

SADC should stress the importance of not limiting the number of international observers and of inviting credible and independent election observers

SADC must appeal to the Angolan government and ruling MPLA to stop using the state-owned media and let it serve citizens. It must approach electoral management and justice bodies to show strict respect for the law and constitution, with transparency, to guarantee the trust of electoral contenders and citizens. The government and Indra must be persuaded to act in a transparent and open way that will withstand scrutiny by the public and electoral contenders.

SADC should approach the National Electoral Commission to remove the 2 000 domestic observer limit and let any natural or legal person (NGO, associations, faiths) interested in monitoring the elections to do so. It must stress the importance of not limiting the number of international observers and of inviting credible and independent international observers.

SADC should propose a formal code of conduct for contenders to avoid hate and incitement of violence among supporters of different parties. Lastly, it should prepare for the mediation of eventual electoral and post-election conflicts between the main competitors, involving state and non-state actors.

To the AU and international community

The AU and the international community should ask for respect for freedom of speech and human rights in Angola, warning against cutting internet connectivity during elections, the protection of activists during protests.

EXTREME POVERTY
GREW FROM

35% – 44%

BETWEEN 2019 AND 2022

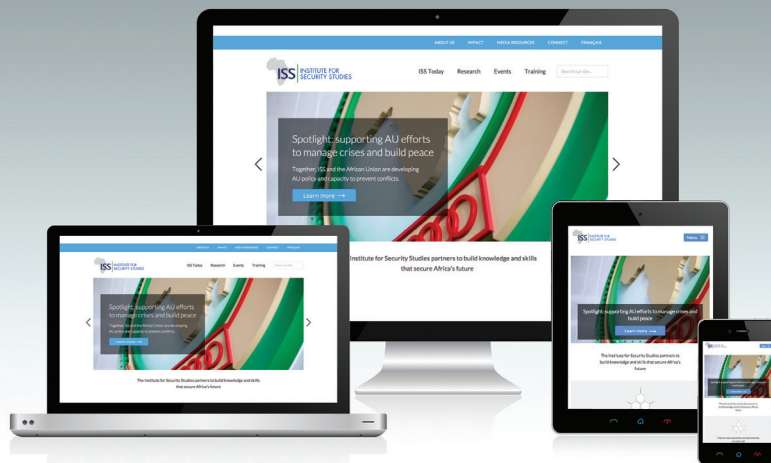
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