



ANGOLA

FINAL REPORT

**Parliamentary Elections
5 September 2008**

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I. EXECUTIVE SUMMARY

This present report aims to present the findings of the work carried out by the European Union Election Observation Mission throughout the country during the recent electoral process. Furthermore, and above all, its purpose is to present a series of recommendations, that inasmuch as possible, may contribute to improve electoral mechanisms as well as the conditions for the exercise of democratic political activity in future processes. These recommendations are specifically addressed to the recently elected National Assembly parliamentarians, the Government, political parties and civil society, among others.

The September 5, 2008 legislative elections represent a very important step in the strengthening of the democratic process in Angola, sixteen years after the country held its first and only elections since independence in 1975. The absence of significant incidents throughout the campaign, together with the generalised commitment to peace and the respect for the democratic process exhibited by political parties in the electoral campaign, as well as the acceptance of results published by the National Electoral Commission (CNE), and above all the high turnout registered at the polls, seem to express a nationwide desire to bring a chapter of its history, characterised by armed conflict, and which lasted for nearly thirty years, to a close.

The constitutional and electoral laws and regulations presented a framework that was, on the whole, in line with international and regional standards for elections. Nonetheless, the recent electoral process has brought to the fore important gaps and lack of clarity in the regulations governing two fundamental aspects in the exercise of suffrage: the effective and compulsory use of voters' lists in each and every polling station, as well as the procedures for the exercise, transmission and counting of special ballots. Moreover, the lack of provision for registration of Angolans residing abroad, as envisaged by the electoral law itself, effectively disenfranchised a significant number of citizens.

The EU EOM understands that the CNE, in its decision making, endeavoured to reach consensus whenever possible, even where this has delayed important decisions. However, there were a few decisions made over the election period which cast the impartiality of the CNE in an unfavourable light: notably the lack of access for political party representatives to the central tabulation centre and the failure to accredit a significant number of domestic observers from the largest observer group in the capital. All of which has generated great criticism regarding the independence of this institution among a broad section of the political opposition. It would therefore be advisable to strengthen the presence of opposition representatives, and/or of independent personalities within the electoral management structure, to reduce the currently existing predominance of ruling party and government representatives.

The election administration's operational organisation showed signs of serious weaknesses which had a significant impact in the actual administration of the election. Among these we can highlight insufficient coordination with the CIPE (responsible for the preparation of the voters' lists, under CNE supervision), the absence of a general director for elections responsible for the coordination of all the CNE's branches in the implementation of the electoral calendar, as well as the lack of decision-making and executive autonomy of the electoral administration at provincial and municipal level. The latter was especially relevant in the Province of Luanda, which encompasses over a third of the nation's electorate.

The CNE made a tremendous effort to ensure the success of an electoral model that would bring polling stations closer to the voters, facilitating counting operations, through the establishment of a considerable number of polling stations, with a relatively low ratio of voters per polling station. To this end, the CNE employed vast financial resources, resorting to highly technological solutions to inform voters of their respective polling stations, and hiring a vast amount of electoral officers. Unfortunately, the CNE's decision, allowing voters to cast their ballot in any polling station within their municipality, compounded with the significant lack of organisation of the electoral administration in the Province of Luanda, and the absence of clear and consistent instructions for the development of polling station staff activities affected Election Day in a negative manner and pushed the CNE to open a number of polling stations on the following day.

Overall 8,397,173 voters in total were registered, with 30% of these in the capital, Luanda. All stakeholders seem to agree that the vast majority of the people were registered. However, some CNE commissioners and opposition parties were concerned with a number of potential weaknesses to the voters list, especially with regard to the case of people who were registered where they were born and not where they currently reside.

The process of verification of candidacies, carried out by the Constitutional Court (*Tribunal Constitucional*, TC), and completed by the end of July, is considered to have been conducted in a swift and professional manner. Nevertheless, the approval of the candidacies was slightly delayed due to the late installation of the TC which, in turn, delayed the disbursement of campaign funds to the approved political parties and coalitions.

The electoral campaign was characterised by a high degree of civic responsibility on behalf of political party candidates, who excluded any call to political violence in their messages, as well as by their sympathisers. Consequently, the number of significant incidents was minimal, and were generally neutralised in a professional manner by the security forces. Nonetheless, the overwhelming financial and organisational superiority of the MPLA, as compared to the other political forces, was evident, as of the pre-campaign period. The EU EOM observed repeated cases of abuse of the benefits of the incumbency throughout the campaign. Similarly, cases of use of State resources as well as traditional authority and civil servant involvement in campaign activities were also observed, in favour of the ruling party. These situations clearly put all other political organisations at a disadvantage.

The state electronic media, including *Televisão Pública de Angola* (TPA) and *Rádio Nacional de Angola* (RNA) abided by the Election Law, allocating equal free airtime (*Tempo de Antena*) on a daily basis to all electoral contestants, and contributed to encourage civic participation. However, TPA, RNA and the state-owned *Jornal de Angola* provided coverage of the electoral campaign that was generally biased in favour of the ruling party. Unequal distribution of airtime and space to cover campaign activities, and the broadcasting of programs and news about Government inaugurations and development projects left opposition parties at a clear disadvantage *vis-à-vis* access to public media.

Mention must also be made to the fact that the presence of non-state media is in practical terms limited to the capital. Therefore, and to ensure a greater diversity of information, the independence of state-owned media editorial lines must be strengthened. Furthermore, broadcasting licenses for private electronic media must be extended to cover all of the country's provinces.

In an extremely positive development, 39% of the newly elected members of parliament are women. This is a significant increase on the 15% of members in the outgoing Parliament and was achieved without any quota being prescribed in the legal framework. Also very positively, six of the fourteen contesting parties included over 30% women candidates in their lists. Gender representation was notably balanced amongst polling station staff.

The 2008 legislative elections have been the first in Angola with the presence of domestic observers. This represents an important step for Angolan civil society participation in the consolidation of the democratic process. However, the failure of the CNE in accrediting a significant number of domestic observers in Luanda left a gap in observation in the most densely populated area of the country that should be corrected for future elections.

There was a lack of transparency in the tabulation of the election results. Neither political party representatives nor observers were allowed to witness the entry of the results into the national computer system and no separate manual tabulation occurred. Results were not published desegregated by polling station so there was no way of checking the results. In addition the voters list was not used to check voters on election day so there was no safeguard against ballot stuffing and no means of verifying the unexpectedly high turnout figures achieved. One province achieved a 108% turnout. It is highly recommended that the voters lists are used in future election, that political party agents and observers are allowed to monitor the entry of the results and that the election law is amended to ensure that results are published desegregated by polling station .

The results of the elections held on the 5th of September have configured a National Assembly that is characterised by the MPLA's overwhelming majority, and consequent weakness in the representation of opposition groups. The new parliament is entrusted with a very important role in furthering the construction of democracy in Angola; approving legislative reforms that will improve the quality of future electoral processes, that will strengthen plurality in the media as well as the independence of state-owned media, and promote the participation of civil society in the democratization effort. The EU EOM believes that the recommendations that follow this report can contribute to this effort.

II. INTRODUCTION

Following an invitation from the National Electoral Commission (CNE), the European Union (EU) established an Election Observation Mission (EOM) in the Republic of Angola for the Parliamentary Elections held on September 5, 2008. EU EOM opened on July 29 and remained in Angola for the duration of the election process, until September 23. Its mandate was to conduct a comprehensive assessment of the electoral process in accordance with international standards and best practices for elections.

The EU EOM led by Ms. Luisa Morgantini, Vice-President of the European Parliament, deployed 108 observers from 21 EU Member States and Norway and Switzerland, including diplomats from the EU Member States' embassies in Angola. Observers were deployed throughout Angola to observe and assess the electoral process in accordance with international standards for elections. The EU EOM was joined by a 7 member delegation from the European Parliament, headed by Ms. Fiona Hall, MEP. On Election Day, observers visited 405 polling stations in all 18 provinces to observe voting and counting. A Statement

containing the preliminary findings of the mission was presented in Luanda on September 8, 2008.

The EU EOM wishes to express its appreciation to the Angolan people, Government Authorities and the National Electoral Commission for their cooperation and assistance in the course of its observation. The EU EOM is also grateful to the Delegation of the European Commission in Angola, the diplomatic missions of the EU Member States in Luanda and to GTZ and GEOS for their support throughout.

III. POLITICAL BACKGROUND

A: *Political Context*

The 5 September legislative elections were the second elections to be held in Angola since Independence from Portugal in 1975. They were considered to represent an historical opportunity for Angola to enter a phase of democratic normalization. The first and only other multiparty elections were held in 1992 for both parliament and the Presidency. These were as a result of the 1991 Bicesse peace accord between the three main factions; the MPLA, the *União para a Independência Total de Angola* (UNITA) and the *Frente Nacional de Libertação* de Angola (FNLA) and were conducted under a newly passed constitution and election law with assistance from a small United Nations mission.

Seventeen political parties ran for seats in the legislature with 12 parties winning one or more seats. Of these the largest were the MPLA which won an outright majority with 53.1% of the vote, followed by UNITA with 34%. *Partido de Renovação Social* (PRS), *Partido Liberal Democrático* (PLD) and FNLA all received 2% of the vote with other parties receiving 1% or less. Seats are allocated for both national and provincial constituencies, which resulted in 12 parties winning parliamentary representation. The MPLA won 129 seats in total, UNITA won 70 seats, PRS seats, FNLA 5 seats and the others, one seat each.

For the presidential elections eleven parties or coalitions put forward candidates, including President José Eduardo dos Santos for the MPLA and Jonas Savimbi for UNITA. Dos Santos won 49.6% of the vote as opposed to Savimbi's 40.1%. Since no overall majority was obtained there should have been a second round vote for the two highest polling presidential candidates. However, this never occurred since UNITA pulled out of the contest, refusing to accept the results on the grounds of electoral fraud and going back to military struggle. Many analysts site reasons for this being incredulity at the result, general mistrust between the two parties, lack of sufficient time between the signing of the peace accords and the holding of elections for parties to prepare and campaign and insufficient security for party supporters to be able to campaign freely across much of the country. The lack of acceptance of the results led to a renewal of the civil war and some of the most severe fighting experienced.

Several attempts were made to reinstate peace talks over the next few years, including the signing of the Lusaka protocol in 1994, but with no lasting success until February 2002 when Jonas Savimbi was killed by MPLA forces in a military confrontation. A ceasefire was quickly established and in April the MPLA and UNITA signed a Memorandum of Understanding in Luena which provided for demobilisation of UNITA troops and integration with government forces and for the renovation of a Government of National Unity (GURN, which had been constituted for the first time in 1997). UNITA were given several ministerial

and provincial governmental positions within the GURN and elections were initially slated for 2004 after a new election law and constitution had been passed. However, the parliament failed to agree on key constitutional revisions since these required a two thirds majority, not held by the MPLA, and it was eventually decided to shelve the revision process until after legislative elections.

In total, Angola was immersed in civil war for almost 30 years with devastating effects for the country's economic development, infrastructure and population distribution. Peace has brought a huge change in the economic climate of the country with people free to move and trade for the first time since independence. Refugees returned as confidence increased. The government was able to capitalise on the peace by inviting foreign investment and oil production increased simultaneously with oil prices to the point where Angola is now the second largest oil producer in sub Saharan Africa. Much of this revenue, along with low cost loans from China, have been invested in infrastructure to the extent that almost all inter provincial roads have now been repaired.

Other consequences of the war have been a centralisation of power with a weak legislature and few civil society interlocutors outside of church organisations and private media. The lack of development of the constitution has meant that there is as yet, no decision on the form and powers of local government. However, the consultative commission on a new constitution established after the Luena Memorandum, opened up space for opposition parties and civil society and initiated a period of increased dialogue and political debate. Non governmental organisations that originally dealt with the humanitarian crises caused by the war started to become involved in advancing popular representation.

After two years of preparation and delays, in December 2007 the President finally announced that legislative elections would take place in 2008 and Presidential elections in 2009. The formal convocation of the election was made on June 5, 90 days in advance of the election as in accordance with the law.

Thus, after sixteen years without an electoral process, the 2008 legislative elections represented an enormous challenge for the election management bodies, civil society organizations and political parties. The elections have also been widely considered a crucial test for the Presidential election foreseen for next year. Furthermore, since President Dos Santos has announced his intention of revisiting the shelved constitutional reforms, which require a two-thirds majority in the National Assembly, the results of these legislative elections would have a substantial impact on the shape of these reforms.

Although it could be said that elections could have been held earlier, six years of peace has allowed the government sufficient time to establish suitable conditions. For the majority of the population memories of war were inextricably linked to the 1992 elections and fears that elections would plunge the country back in to war lessened as the peace continued. The peaceful way in which the electoral campaign was conducted, as well as the acceptance of the results of the 5 September elections by the political forces has contributed decisively to dissociating the idea of elections from such memories.

B: Key Political Actors

In the absence of reliable opinion polls, these elections offered the first opportunity in sixteen years to gain an accurate picture of the Angolan peoples political preferences.

For the 1992 elections, seed funding was given to nascent political parties. Following this 129 parties registered in total. In line with SADC regional guidelines and Angolan electoral law, the twelve parties that gained parliamentary seats, continued to receive state funds annually. However, for voter registration all 129 parties received additional equal funding to enable them to monitor registration around the country.

Sixteen years later, there were 98 existent political parties in the run up to the September 2008 polls. Of these 10 parties and four coalitions, representing a further 24 parties, were able to fulfil all legal requirements to register to run for these elections (see “*Registration of Parties*”).

The MPLA, UNITA and FNLA were all established during the period of Portuguese colonialism and were initially parties of resistance. Disagreements between the parties after the Portuguese withdrawal in 1975 led to a collapse of the transitional government established under the Alvor Accords and civil war. The three parties had different strongholds of regional support. The MPLA was rooted in the Kikongo speaking areas around Luanda, UNITA in the Umbundu speaking areas of the central highlands and FNLA in the Bakongo areas of the far north. PRS, which emerged slightly later but is now the third largest party, also has a regional stronghold in the Chokwe speaking areas of the north east. However, due to internal migration and election laws that insist that parties show support in all provinces many of these distinctions have now mostly disappeared and there is little perception of tribal affiliations for any of the main parties.

The notable exception to this is in the Cabinda enclave where a separatist movement has existed for many years led by the *Frente para a Libertação do Enclave de Cabinda* (FLEC) and several other civil society organisations. A peace agreement was signed in 2006 between the government and the Cabindan Forum for Dialogue (FCD), an umbrella group of civil society organisations and pro-independence factions. However, not all groups joined in the FCD and fighting between pro independence activist and the army is still common in the province. Since the aforementioned legal provisions prevent any of the local factions from registering to run in the elections different groups and local leaders publicly threw their support behind either the MPLA or UNITA. However, FLEC actively called for a boycott of the elections, distributing leaflets in the capital of the enclave. There were also reports of intimidation of citizens against voting in some areas

Of the other parties that contested these elections, PLD, *Partido Democrático para o Progresso de Aliança Nacional Angolana* (PDP-ANA), *Partido Renovador Democrática* (PRD), *Partido da Aliança Juventude, Operários e Camponenses* (PAJOCA) and the *AD-Coligação* (AD-Coalition) were all established before 1992 and won seats in the National Assembly during that election. *Frente para Democracia* (FpD) was part of the AD coalition in 1992 but decided to run independently this time around, thinking it had appeal amongst intellectual Luandans. However, none of these contestants managed to win a seat during this election, indicating dwindling support. A further three parties that won seats in the 1992 elections did not compete in 2008.

For the other competing parties 2008 was their first this electoral experience. *Partido de Apoio ao Desenvolvimento e Progresso de Angola* (PADEPA) was established in 1995 and PPE, FOFAC coalition and *Nova Democracia* (ND) are recently established and had little time to gain visibility and support. Of these only ND managed to obtain a seat in the new

parliament. For PADEPA, established in 1995, these elections represented the first electoral exercise. FpD, that had integrated AD in the 1992 elections, was expected, according to analysts, to have a better performance, mainly in Luanda, home of the majority of an intellectual class who the party seemed to attract.

PADEPA, FNLA and PRS have all been weakened by years of internal friction and factional splits, resulting in pending judicial cases at the Constitutional Court. In addition the parties themselves claim that the fixed annual state funding has been limited over the sixteen years between elections and has affected their capacity to maintain regional organisations. In addition, state funding for the legislative elections was given to the majority of political contestants only three weeks prior to the 2008 election as shall be seen.

Thus the 2008 elections have reduced the political field represented in parliament from 12 parties or coalitions down to five, whilst giving the ruling MPLA the two-thirds majority required for constitutional reform.

IV. LEGAL ISSUES

A: *Legal Framework*

The legal framework for elections provides a firm foundation for conducting genuine democratic elections according to international and regional principles. The legislative elections were conducted under the 1992 Constitutional Law which protects fundamental freedoms and political rights in accordance with international standards embedded in the International Covenant on Civil and Political Rights (ICCPR)¹.

A new set of laws governing the electoral process was passed by the National Assembly in 2005 and was tested for the first time in the September 2008 legislative elections. These include the Law on Electoral Registration, the Law on Political Parties, the Electoral Law, the Media Law, and the Law on Election Observation. In addition a Code of Electoral Conduct was also issued by the National Assembly. Some of the new laws have been detailed by subsequent Regulations issued by the Government, as a further layer of legal instruments. Others, such as the law on the press, were left with no regulatory framework thus substantially weakening its effective implementation.

Although the specific regulation on the Electoral Law was passed it fails in certain areas to develop the law and its principles in sufficient detail and reveals some inconsistencies. In a further stage, The National Election Commission issued Decisions (*Deliberações*), instructions and recommendations in order to implement the electoral law and its regulation on a more procedural level.

¹ In addition, several international Covenants have been signed by Angola such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Political Rights of Women (CPRW). At regional level, Angola ratified the 1981 African Charter on Human and Peoples' Rights (ACHPR) and signed, but still not ratified, the 2003 Protocol of the African Charter on Human and Peoples' Rights on the Rights of Women (ACHPR_PW). At sub-regional level, Angola signed the 2004 SADC Principles and Guidelines Governing Democratic Elections.

One critical improvement to the Electoral Law would be to emphasize the importance of the voter register in the transparency of the electoral process and to reinforce the implementation of its consistent use at all polling stations. A clarification on procedures regarding tendered ballots, particularly for which provincial constituency the tendered ballots are counted towards, is necessary for future elections. The regulation could also be improved with the inclusion of more detail on the responsibilities of the municipal and provincial election administration bodies and regarding the procedures regarding the application of indelible ink.

Amendments to the electoral law were introduced four months before elections concerning matters such as the extension of the announcement of final results from 8 to 15 days and the removal of appointed judges from the election administration structures. The participation of judges in the composition of the election administration structures was aimed at enhancing independence and to provide legal advice. However, their participation was considered unconstitutional according to art. 131 of the Constitution and thus the judges were removed². While the extension of the deadline for the announcement of final results is an improvement, allowing for a more feasible timeframe for tabulation of results and the handling of complaints and appeals, the removal of judges, although a legal action, resulted in changes of top positions of the election management in half of the provinces just four months prior to elections.

The Constitutional Court (TC) was constituted on 25 June 08. Until recently the Supreme Court had replaced the TC in its functions. The TC consists of seven judges, three nominated by the President of the Republic, 3 by a three quarter majority of Parliament and one judge nominated by the Supreme Court³. In regard to elections the TC has the responsibility for the registration and de-registration of political parties and coalitions, the verification and registration of the candidate lists and is, in addition, the ultimate instance for appeals to electoral complaints. The establishment of the Constitutional Court before the election is seen as a positive step in the strengthening of the judicial structure and advancement in the implementation of the rule of law.

According to the Constitution, the judicial structure in Angola comprises two higher courts in the capital city - the Supreme and the Constitutional Court - and provincial courts in each of the 18 provinces. Despite legal provision for first instance courts at municipal level, these have not yet been established in many municipalities, thus making access to justice difficult in rural areas. In addition, the lack of sufficient number of qualified personnel, such as judges and technical staff, contributes to a generally slow judicial response as courts are generally overwhelmed and consequently slow in delivering rulings.

Nevertheless, the legal framework provides satisfactory opportunities for legal remedy for election related irregularities and infractions in line with the international principle of effective “remedy for acts violating the fundamental rights granted by the constitution or by the law” in the UNDHR, art. 8. It comprises both administrative and legal avenues for the resolution of electoral disputes. Complaints (*Reclamações*) regarding electoral irregularities observed at polling stations must be filed at the polling station, precluding the opportunity to complain at a later stage concerning the same matter. These complaints are dealt within the election management structure and if not solved to the satisfaction of the complainant at the

² A judge can only act as a teacher or undertake scientific investigation. Any other activity is prohibited.

³ Law 2/8, of 17 July. TC judges have a non renewable mandate of 7 years.

polling station, are subsequently dealt with at provincial level and can be appealed to the CNE. The last instance of appeal for election complaints is the Constitutional Court.

It would be advantageous if the Electoral Law and its Regulation could elaborate in further detail on the administrative resolution of violations detailing, for instance, the time frame in which decisions by the election management bodies have to be taken. Furthermore, the introduction of a system for recording and tracking of complaints both at provincial and national level could enhance transparency and confidence in the election process.

According to the Law⁴, registration of voters is mandatory for all citizens, comprising Angolans living in the country and abroad, in line with international standards for registration which promotes inclusiveness of the voter register and promotes the exercise of the democratic right to vote. Despite the existing legal framework and against CNE opinion, out of country registration and voting of Angolans was not conducted as the government decided that conditions to conduct registration abroad were not met. In addition, the Constitution allows Angolans living abroad to participate in elections for the National Assembly but not to elect their President. According to article 57 of the Constitution, only nationals living in the country can participate in the presidential suffrage.

B: Election Offences

The Electoral Law includes a section on electoral infractions which is fairly comprehensive and details contraventions regarding the pre-election phase, infractions of campaign rules, infractions of the rules concerning the accountability of campaign funding and election related violations⁵. Sanctions vary from the suspension of political rights for up to 5 years in the case of false accusation of electoral violations to imprisonment and fines. In the case of vote buying, ballot stuffing and falsification of electoral documentation, penalties can go to up to 8 years in prison. For minor infractions the law provides for fines or combinations of fines with imprisonment of 3 to 6 months⁶. Other penalties include the suspension of the free air time for the offending political party or coalition during the campaign period as ordered by the CNE.

Most cases of electoral violations depend on criminal prosecution to be implemented and go through the ordinary courts with at least one instance of appeal. The last instance of appeal for this legal avenue is the Supreme Court.

Prosecutions for electoral offences are rare. In practise the requirement of criminal prosecution has a deterrent effect on the prosecution of electoral infractions as many political parties are not technically prepared to initiate legal actions and are discouraged by the weak judicial structure in most of the country.

C: The Electoral System

The Angolan election system is a mixed model by which part of the parliament is elected through a proportional system on a national district and part from provincial constituencies.

⁴ Law on Registration Nr. 3/05 and the Regulation on the Law of Registration, Decree 62/05.

⁵ Electoral Law, Title X, Chapter I, II, art. 164 to 218.

⁶ Fines for the infraction of electoral rules start at a minimum of 10.000Kz (94EUR) and rise to up to 1.500.000Kz (14,129EUR).

The electoral legal framework provides that all seats are elected by direct vote and that elections are to be held every four years. The parliament is unicameral and consists of a total of 223 members with candidates elected from closed lists. 130 candidates are elected from one national constituency according to a proportional system of seat allocation. An equal number of 5 candidates are elected from each of the 18 provincial constituencies, regardless of their size and population, following the D'Hondt system of proportional representation, in a total of 90⁷ seats. The electoral system for legislative elections is limited to party and coalition lists with individuals being excluded from nomination as independent candidates. Only one ballot is used for election for the different electoral constituencies, i.e: each vote counts both provincially and nationally. A further electoral district exists for Angolans living overseas with three seats, also allocated proportionately. Despite the existence of legal provisions, no out of country voting took place, as was the case in 1992 elections, leaving these seats vacant in the National Assembly.

The delimitation of electoral units according to administrative provinces takes into consideration the social and ethnic variety of the country thus recognizing that all 18 provincial constituencies have the same value regardless of the population they represent. In absence of an updated census, the recent voter registration provides some insight on the distribution of population and the size of the 18 provincial constituencies. Seven out of 18 provinces have a population of registered voters between 108.000 and 156.000. Five provinces have between 210.000 to 326.000 voters. Another five represent provinces with 430.000 to 747.000 voters. Luanda province alone accounts for 1.971.000 registered voters.

V. ELECTION ADMINISTRATION

A: *Structure and Composition of the Election Administration*

Two key institutions handle the electoral process and voter registration, the *National Electoral Commission (CNE)* established in August 2005, and the *Inter-Ministerial Commission for Election Processes (CIPE)*, established in December 2004.

The CIPE is composed of the Ministry of Territorial Administration (MAT), the Ministry of the Interior and the Ministry of Postal Services and Telecommunications under the lead of the MAT, and is the Governmental institution in charge of conducting voter registration.

In addition, the CIPE has a wide-ranging portfolio with responsibility for liaising with many other government departments in order to facilitate and support the election process, such as the Ministry of public works, for rehabilitation of essential infrastructure, the Ministries of Justice, Social Communications, Transport and Finance, Department of Statistics and the Institute of Statistics. Dating back to 1999, the MAT has a National Directorate of Elections (DNE) within its structure, which was tasked with planning, organising and conducting elections. The DNE was superseded by the CNE and was not observed to function in this capacity for these elections. However, the CIPE did have a memorandum of understanding with the CNE to support its activities.

⁷ The proportional system, as in the Law of the Constitution (art.79). The Electoral Law outlines the proportional system for the national constituency and the D'Hondt proportional system for the 18 provinces (art. 29 and 33).

The CIPE has established offices within the local administration buildings in all provinces and municipalities of the country.

The CNE, in line with the international treaties⁸ to which Angola is a signatory, is an independent body⁹ that governs the conduct of all election-related activities and operations, as well as supervising the voter registration process. However, the government is heavily represented in the composition of the ten member' CNE: two members, including the president of the commission, are nominated by the President of the Republic, one is a representative of the Ministry for Territorial Administration (MAT) and one is a member of the National Council for Social Communication (which both form part of the CIPE). The other six members are nominated by the National Assembly – three by the ruling party or coalition, two by the leading opposition party and one by the party with the third largest number of seats. The President of the commission has the deciding vote.

The CNE also has offices in all 18 provinces and in each municipality around the country. The Provincial Election Commissions (CPEs) have eight members; one nominated by the provincial governor, one by MAT and 6 by the political parties in the same way as for the CNE. An amendment to the election law, passed in May 2008, removed an additional member of the CPEs and of the CNE who were nominated by the relevant courts since this was found to be unconstitutional.

Thus the ruling party effectively controls 7 of the 10 seats on the CNE and 5 of the 8 seats at CPE and Municipal Office (GME) levels. Moreover, almost all the presidents of the CPEs are either the MPLA or Administration nominees and many of them were also president of the local CIPE office. This has been the largest single bone of contention with the opposition parties since the election law was passed, since they have felt that this compromises the independence of the CNE and that it would favour the ruling MPLA party when necessary.

The true measure of independence of any public authority is in its decisions. The EU EOM understands that the CNE endeavoured to reach consensus whenever possible, even where this has delayed important decisions. However, there were a few decisions made over the election period which cast the impartiality of the CNE in an unfavourable light: notably the lack of access for political party representatives to the central tabulation centre; the failure to accredit a significant number of domestic observers from the largest observer group in the capital; and the setting up of special polling stations for overseas voters in Cabinda and Zaire provinces to which the MPLA transported supporters residing in neighbouring countries to vote.

The CNE's formal sessions were open to representatives of all competing parties and coalitions. However, decisions were published late or not at all on the web site which hampered transparency and clear understanding of the process.

The CNE has a secretariat which includes; the cabinet of the President of the commission; legal department; department of administration, finance and logistics; department for electoral organisation, statistics and IT; and a department for training, civic education and

⁸ The International Covenant on Civil and Political Rights (ICCPR) Art. 25 General comment 1996 paragraph 20, The African Charter on Democracy Elections and Governance 2007 Art. 17.1, and the SADC Principles and Guidelines Governing Democratic Elections 2004, Art. 2.1.7.

⁹ Art. 154 of the electoral law

information. The president of the commission also functioned as the president of the secretariat since there was no overall elections director.

The structure of the three directorates was not observed to be particularly logical, with the logistics department being separated from electoral organisation. Since all three departments have a large degree of overlap, communication is key and without a specific director of elections this communication was observed to be weak and directors lacked vital decision making capacity. All of the directorates could have benefited from experienced technical advisors to help in planning as well as in execution of key functions.

The CPEs and GMEs were found to be more open to EU EOM observers with the notable exception of Luanda CPE. In the main they invited political party representatives to be present at their meetings. Although CPEs and GMEs also had the same proportion of MPLA and government representation as the CNE, a level of trust had developed with the party agents through the long period of voter registration. However, personnel lacked in depth knowledge of the electoral process and suffered from late and unclear clarifications and instructions from the CNE.

B: The Administration of the Elections

The CNE was faced with an election legal framework with many poorly defined procedures. However, it tried to find practical solutions to the challenges of an election and to ensure maximum access to voters. It hired a foreign company, INDRA, which had the task of producing the election materials in Europe and transporting it to Luanda and a local one, Valleysoft, for its national distribution. The CNE utilised as well the services of the administration, police and military to reach remote areas of the country. Nevertheless, late decision making, poor communication of these procedural changes and breaches in the election law led to confusion and lack of necessary controls on Election Day and after.

To avoid long queues and ensure that voting could be completed in one day, 12,400 polling centres subdivided into 50,195 polling stations were established throughout the country with no more than 250 voters in each polling station. Over 270,000 people, or 3% of the entire voter population, were chosen according to set criteria to attend five day polling staff training courses which started two months prior to the election.

Although the training was well assessed by EU EOM observers, the procedures manual was weak on many of the election day processes and late changes to procedures were unable to be included. In addition, polling staff was not told if they had passed the training and recruited until ten days prior to the election due to lack of clear instructions to the GMEs. The necessity of accrediting so many people in such a short time overwhelmed the capacity of the GMEs and CPEs, delaying other vital operations, such as the accreditation of observers and party agents and the preparation of the sensitive materials.

With so many polling stations in urban areas it proved to be impossible for people to find out where they were meant to be voting. The situation was compounded by the fact that registration centres were not linked to polling stations, the lists were not posted in advance, and that most polling stations were in tents rather than buildings even in urban areas.

The CNE and CIPE tried to remedy the situation using a variety of innovative electronic means to help people identify the correct location where they should cast their vote. Voters

could check their PS using their unique voter number through SMS, internet, call in lines, by swiping their voter card in machines located in airports and banks as well as through agents equipped with special PDAs¹⁰.

The CNE was concerned that this would be insufficient in urban areas and that the tendered ballot system, allowed for in the law for people voting away from their place of registration, would be overwhelmed. This led to the release of an instruction on 2 September, only three days prior to the election, that voters could vote normally anywhere within their municipality and that the tendered ballot should only be used for people voting from outside of this area. This instruction was not given to the polling staff until the morning of election day in Luanda, and even later or not at all in some other provinces. The lateness of the communication undoubtedly caused some confusion and led to varied interpretations on Election Day resulting in the majority of polling stations being unable to reconcile the number of ballots used against the number of people who had voted as required by law.

The CNE reportedly ordered 6000 more PDAs in attempt to allow for people to be checked at polling centres and told where to go to vote. However, the CNE has informed us that they did not arrive on time and observers only saw PDA checks being conducted in six out of 41 municipalities monitored on Election Day.

The election law is weak on some of the other mechanisms that can help to prevent multiple or duplicate voting. For instance, there is no requirement for voters to sign the voter register and no instruction for polling station staff to check, before issuing the ballot, if voters' fingers have been marked with indelible ink.

INDRA produced fairly comprehensive voting kits for every polling station which included tables, chairs, a tent, voting booth but just one lamp, which made counting at night difficult. They were also responsible for the printing of the ballot papers. These were distributed to the CPEs on time and from there to the GMEs.

The CNE made efforts to be transparent and allow political party agents and observers access to all Election Day procedures. However, lateness of accreditation of polling station staff, party agents and national observers impacted on the efficiency and transparency of the process. According to the law political parties need to supply lists and details of party agents to the GME 8 days prior to the election for accreditation.¹¹ However, no deadline is given for the GMEs to respond. EU EOM observers reported that although MPLA party agents were accredited first in most provinces, all other party agents were accredited in time for Election Day.

National Observers by law can request to be accredited as early as 10 prior to presentation of candidacies – or 27 June - and this request should be answered by the CNE within 15 days. The largest non partisan national observer organisation, the *Plataforma Nacional da Sociedade Civil Angolana para as Eleições* (PNASCAE) informed the EU EOM that they submitted their request on in mid July but did not receive a letter of acceptance until a full month later. However, this did not hinder them from observing the campaign period since almost all CPEs were open and helpful. Official accreditation in all provinces was extremely

¹⁰ Personal Data Assistant or palm top computer which is connected to the central voter register database.

¹¹ *Lei Eleitoral* Art. 110,

late due to the backlog of political party agents and polling station staff but was completed before Election Day everywhere outside of Luanda.

The Regulation on the law of observation requires that national observers submit a criminal record check with their details as part of the request¹². The speed of the criminal record check varies between provinces, and can take several months.¹³ Again some CPEs were extremely helpful and did not demand the criminal record check. Others were less so. In Luanda, where accreditation was dealt with by the CNE and not the CPE as in other provinces, had the worst record of assistance to observers. Accreditation only started only two days prior to the election with preference being given to government funded associations¹⁴. PNASCAE had put forward 327 observers for accreditation who were left waiting until 17.00 on the eve of the election. In the end all but 28 of them were rejected on the grounds that their criminal record check was not the correct official one. This decision severely hampered transparency of the Election Day process in the capital.

Civic education efforts were rated positively by EU EOM observers. Broadcast and print media were flooded with CNE advertisements all through the campaign period with calls to vote 'for a unified Angola' and with information on how to vote. In addition, 1,752 civic education agents were trained in a cascade system, to go out into the communities to inform citizens for the two months prior to the elections. Special information centres were created in all municipalities for the distribution of leaflets and some agents were given motorbikes and Audio visual kits for showing video in remoter *comunas*. In addition booklets had been provided to aid civil society civic educators in discussing the democratic themes with the communities in which they work. However, given the huge distances involved and poor road conditions it is highly unlikely (and understandable) that information reached remote areas or nomadic populations.

The CNE established a centre in Luanda for the computerisation of the results. Results protocols were to be faxed here directly from the GMEs as soon as they arrived to provide for rapid tabulation. In another example of the hi tech approach being used in the election 150 polling stations in remote areas were issued with satellite kits to allow them to fax results directly. However, the CNE failed to provide for political party representatives to observe the entry of the results into the database and have not provided a break down of results by polling station. Thus it has been impossible for any of the electoral stakeholders to verify the results and has thus seriously undermined the transparency of the system.

VI. VOTER REGISTRATION

A: *The Right to Vote*

¹² Art 19/f. This *registro criminal* is also required for each candidate on the candidate lists.

¹³ PNASCAE reported that some of their observers still have not received their *registro criminal* more than a year after they first applied for it to observe voter registration. They have also reported that it is possible to pay an 'express fee' in some provinces, but checks conducted in this way were not accepted in Luanda.

¹⁴ More than 300 observers for The Angolan Institute for Electoral Systems and Democracy (IASSED) a recently formed organization funded by the CNE, were accredited plus the state funded National Youth Council and the Bar Association.

All Angolan nationals, over the age of 18 are obliged to register to vote under the Law of Voter Registration of 2005, whether in the country or residing overseas¹⁵. Everyone registered has the right to vote except for condemned prisoners and people officially declared mentally incapable.

The *Inter- ministerial Commission for Election Processes* (CIPE) was established in 2004 to assist in preparing for the election and specifically to conduct voter registration. The CNE has the competency to supervise the process and to approve the voters list and the map of polling station locations.

B: Voter Registration Procedures

Voter registration was conducted by the CIPE between November 2006 and September 2007 with an update in April and May this year for people who had reached the age of majority. A completely digitalised system was used where people were registered into a centralised database and were given a voter registration card with a magnetic strip bearing their details as well as their photograph and fingerprint.

Since civil registry, also a responsibility of the MAT, has never been completed, the voter card represents the only official ID for much of the population. Where people did not have any official ID documents, they could still register by means of testimonials from two voters. Traditional leaders or local church leaders provided testimonials for many members of their communities.

The central database compares all entries by name, personal details and lastly by fingerprint. All duplicates found are removed and sent to the Ministry of Justice who decides if further action need be taken against them. The EU EOM were not given access to the database to verify the efficiency of the system, but has been told that it has a 6 terabyte capacity to allow for rapid de duplication.

Overall 8,397,173 people in total were registered, with 30% of these in the capital, Luanda. All stakeholders seem to agree that the vast majority of the people were registered.

However, some CNE commissioners and opposition parties were concerned with a number of potential weaknesses to the voters list. i) people were often registered where they were born and not where they currently reside; ii) there still exists an unknown number of duplicate registrations mostly caused by peoples lack of understanding of the process; iii) many voter cards were never collected by voters, and the CNE has never been told how these cards were disposed of, and ; iv) large numbers of people lost their cards or allegedly submitted them to party activists during the candidate registration period.

Although registration was an enormous undertaking in such a logistically difficult country and in the absence of any census and incomplete civil registration data, CNE Commissioners from opposition parties complained that the CNE was unable to verify the voter register database prior to having formally accepted the voter register. They were at no time allowed access to it or allowed to see how data was compiled or double entries dealt with. Thus, the CNE role as supervisor of the registration process was at best limited.

¹⁵ Although voter registration is obligatory under the law, voting is a right, not an obligation.

According to the electoral law, the CNE has to implement necessary measures to assure that the electoral process is carried out in a secure environment and with transparency. Furthermore, the CNE can decide to establish auditing commissions when it deems necessary. Thus the CNE had legal instruments at hand that would have allowed it to reinforce its supervisory capacity over voter registration.

The CIPE handed over the proposed map of polling stations on 11 July which was approved by the CNE on 18 July. The complete Voter list was handed over to the CNE on 31 July, five days later than provided for under the law. However, this was not broken down by polling station and was therefore not suitable for printing and distribution. The CNE did not receive the voter register in the required format for dissemination to polling station locations until August 17 which meant that the posting of voters' lists was conducted late, or not at all, in some areas. For the same reason the CNE was unable to distribute copies to political parties/coalitions, thereby contravening their rights according to the current regulatory framework¹⁶.

Once the CPEs and GMEs received the lists some additional problems were noticed. EU EOM Observers were informed of at least eight villages in three provinces where many of the population were registered to vote in polling stations up to 20kms distant.

Faced with all of the above mentioned suspected weaknesses in the voters list and the fact that voters in urban areas did not know which polling station they were meant to vote at, the CNE tried to take remedial measures.

The law provides for a tendered ballot system for people who have either lost their cards or who unavoidably need to vote outside their area of registration. This entails placing the marked ballot within a blank envelope, which is in turn placed within another envelope marked with the voter's details. This is then sent to the CPE after the election for verification and for counting¹⁷.

The CNE was understandably concerned that despite all the efforts aimed at helping people in urban areas find out where they were meant to vote, the majority of people would try to vote at the nearest polling station using the tendered ballot, thus overwhelming the system. Unfortunately the CNE debated the issue for too long and did not issue a decision until September 3. This directive determined that the 'location' of a voter is their municipality¹⁸, and thus, as long as a voter was voting in a polling station in the same municipality that they are registered in they need not use the tendered ballot. This would be reserved for people voting outside of their municipality. This directive stated that these additional voters should be noted in the election day log, or *Acta das Operações*.

¹⁶ Art, 74/1 Regulation on the Election Law states that, the CNE has to send the voters list and polling location for each polling station to the different levels of local government as well as to the contesting political parties and coalitions 25 days in advance of the date of the election - by 21 August.

¹⁷ Art, 129 and 130 of the election law. However, Art 129 states that votes should be counted by the CPE in the province for which the voter was registered. This did not happen since the CNE decided that the majority of cases for which the tendered ballot was used was due to the voter having been wrongly registered. Therefore their vote should count for where they are currently (and habitually) living.

¹⁸ Angola is divided into 18 provinces which are in turn divided into 164 municipalities – between 4 and 16 municipalities per province. Municipalities are further subdivided into communes and villages.

Unfortunately, there was no time available to retrain polling staff. The presidents of polling centres were informed of the new directive the day before the election, or in most cases on the morning of the election. As shall be seen, this led to uneven practises on Election Day with most polling station staff unable to or unclear as to how to keep track of how many people voted at their station.

Contrary to what is established in the Law on Voter Registration and in the Electoral Law the government decided to not register Angolans abroad, the rationale being the lack of conditions in the Consulates and the CNE and the parties' impossibility to monitor the process. CNE supported that decision which has provoked a strong reaction among the political parties and mainly by UNITA who felt that they had strong support amongst the diaspora. UNITA submitted a challenge on this subject to the Supreme Court, which ruled in support of the challenge. Nevertheless, the Government did not change its decision. However, there is no evidence that this decision did in fact affect any one party more than another.

VII. REGISTRATION OF CANDIDATES/POLITICAL PARTIES/LISTS

A: *Registration Procedures*

Requirements for candidate registration are identical and non-discriminatory for all candidates and clearly stated in the electoral law. Candidates standing for office must be over 18 years old, registered as a voter, in power of all citizen and political rights and have not been convicted to serve a prison sentence of more than two years. In addition to these restrictions candidates are ineligible if serving as judges or members of the election administration bodies, or if they have previously been a member of a foreign government or parliament or if they have agreed to be a candidate for more than one list.¹⁹

The law sets out the dates for candidate nomination allowing for an opportunity to present corrections to the lists and for a reasonable time to submit claims. Approved lists are made public for scrutiny and final appeals concerning the rejection of a candidacy can be made to the Constitutional Court.

The process of verification of candidacies, conducted by the Constitutional Court and completed by the end of July, is considered to have been conducted in a swift and professional manner. Nevertheless, the approval of the candidacies was slightly delayed due to the late installation of the TC which, in turn, delayed the disbursement of campaign funds to the approved political parties and coalitions. According to the law this disbursement, which could have started as early as 90 days prior to elections, was considerably delayed. This late pay-out can be avoided for future elections as the TC is now constituted.

The procedure for acceptance on to the ballot involves the scrutiny and verification by the Constitutional Court of the accuracy of the supporting voters' signatures and the verification of the required documentation presented by each candidate. The electoral law obliges each candidate on a candidate list to present a copy of their ID card, a certificate of criminal record check, a declaration of candidacy and proof that the representative of the candidate list is a

¹⁹ Candidates are ineligible while serving as Ombudsperson, as members of the National Council of Media, as Public Prosecutors and military. Another special ineligibility for members of parliament to be elected is having been convicted of a crime punishable with a sanction of over 2 years (Electoral Law , art. 13,19, 20)

registered voter. In addition to being legally registered at the Constitutional Court²⁰, every political party or coalition needs to collect a minimum of 5000 signatures from registered voters for the national constituency and a minimum of 500 signatures from each of the 18 provinces.

National representation is mandatory for all political parties hence the collection of signatures in all constituencies as proof of widespread support. Some political parties expressed concerns that this requirement is unduly onerous and discriminatory to the parties representing regional interests.²¹

Thirty four registered coalitions and political parties submitted their candidacies to the Constitutional Court by 7 July²² out of which 10 political parties and 4 coalitions, representing a further 24 parties, were accepted as contestants in these elections. The Constitutional Court rejection of the 20 remaining organizations was mainly due to either having an insufficient number of verified supporting signatures of registered voters or due to the rejection of candidates for the provincial constituencies on the grounds of non fulfilment of the legal criteria. Despite complaints from several political parties, the Constitutional Court led the process competently.

The newly constituted TC aimed at setting high judicial standards and devoted large human resources to the scrutiny of the candidates' lists. All 34 proponents submitted incomplete lists and were allowed a period for corrections and appeals. Despite this opportunity, many candidates were lawfully disqualified resulting in a much reduced number of candidates running in some provinces. The most affected parties and coalitions were FpD, ND, PAJOCA FLNA, FOFAC and PADEPA²³. Both UNITA and MPLA benefited from being better prepared, crucial in this process, and saw the vast majority or all of their candidates accepted.²⁴ Despite the fact that many of the candidates were disqualified by the TC there was, nevertheless, a genuine sense of contest. In all, the Constitutional Court accepted 2382 candidates for both national and provincial constituencies.

B: Complaints Relating to Registration

The electoral law offers sufficient opportunity to present claims during the registration process or against any of the presented candidacies. In line with the general principle of transparency, the TC is obliged to publish the initial proposed lists before the start of the verification process and to notify political organizations in order to allow for corrections of irregularities and to substitute ineligible candidates. After corrections, the lists are published again and a new period for complaints is offered. Appeals on TC decisions are submitted to the TC itself and its decision is final. The TC is responsible for verifying whether

²⁰ Procedural requirements for acceptance on to the ballot are different from the initial registration of parties. To be legally registered, political parties need to present 7.500 signatures of supporting citizens including a minimum of 150 signatures from each of the 18 provinces (Law nr. 2/05 on Political Parties, art.14).

²¹ As is the case for FLEC

²² The legal deadline is 60 days prior to election was respected (art. 51 – Electoral Law).

²³ According to the Constitutional Court, many candidates did not have or did not produce their voter registration card; in addition many candidates did not present their certificate of criminal record check or the certificates were considered to be unofficial (as was also the case with PNASCAE observers); many ID cards were not presented or were deemed to be unofficial documents and to a lesser extent, candidates did not present the mandatory candidature statement.

²⁴ MPLA had all 355 candidates approved. UNITA had all but 16 of its 302 candidates approved.

requirements have been met by candidate lists and is, at the same time, the authority that reviews its own decisions. There is no further or different instance of appeal. Nevertheless, the level of confidence in the processing of candidate lists by the TC was high.

Following the period of verification of the candidate lists by the Constitutional Court (TC), twenty political organizations were rejected. The basis for the majority of these rejections was the lack of documents such as the certificate of criminal record check or insufficient supporting signatures. 18 of these organizations appealed the TC decision to reject their candidate lists within the legal time limit. In all cases the TC confirmed its former decision stating that it had not received substantive additional documents to justify changing its previous pronouncement.

This was the first time the TC had conducted registration of candidate lists and it made use of sophisticated means of verification such as the Central Computerized Data-Base for Registration - FICRE²⁵ and large numbers of personnel working in shifts to scrutinize required documents and signatures. This investment in the TC capacity was not matched by the preparedness of many of the political organizations resulting in the rejection of those insufficiently prepared.

VIII. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT

A: *Overview of the Election Campaign*

The election campaign was generally carried out in a calm and orderly manner with both the political contestants and citizens showing a significant degree of political tolerance. Freedoms of assembly, movement and speech were all respected which enabled political parties to conduct campaign activities in accordance with the Constitution (art. 32), the Electoral Law (art. 78 and 79) and in line with international electoral standards.

However, only the MPLA had had sufficient confidence, organizational capacity and funds to conduct any campaigning prior to the official campaign period. They then embarked on a high profile campaign with well organized events such as rallies, caravans, parties and concerts with famous celebrities, including the president himself at many events, dominating the 29 days of the official campaign period. This gave a clear indication of the ruling party's enormous financial and structural capacities as well as of the advantages ensuing from the indistinguishable division between party and government.

The MPLA focused on its achievements over the past few years of peace, and used the opening of many projects, a benefit of incumbency, to demonstrate this message.

Amongst opposition parties UNITA enjoyed the highest visibility. UNITA focused primarily on door-to-door campaigning, which is also an indication of its relatively inferior resources. Nevertheless, its campaign efforts increased in the last weeks which were best exemplified by the presence of UNITA's President in several of the country's provinces. Isáías Samakuva called repeatedly for a calm campaign and was intent on counteracting the perception for

²⁵ Art.64 – Decree 62/05, Regulation on the Law of Electoral Registration. FICRE stands for *Ficheiro Informático Central do Registo Eleitoral*.

much of the population between UNITA and the 1992 post-elections conflict, as well as to show a real commitment to stability. The other main strand of the campaign message was anti corruption, with its implied criticism of the MPLA.

The campaign of the remaining political contestants was muted, and they were scarcely visible beyond the provincial capitals. Financial limitations, weak organizational capacity and delays in the reception of state funds for campaign activities possibly contributed to this situation. The exceptions to this scenario were the presence of PRS in its traditional strongholds, Lunda Norte and Lunda Sul, with a well organized campaign in comparison to the other opposition parties; and PLD which had relatively high visibility in Luanda.

The ND electoral campaign was almost non-existent over most of the country. EU EOM observers witnessed this party campaign events and propaganda solely in Luanda and once in Kwanza Sul. Surprisingly however, ND achieved fourth position in these legislative elections.

The tone of campaign messages was generally mild and peaceful, signalling a degree of political maturity and a genuine engagement of all political forces towards reconciliation. In fact, reconciliation seemed to be the foremost message above any proposed government programs for most contestants. There was a lack of significant political content to the messages of most of the smaller parties and coalitions. Furthermore, there was no political debate between contestants, thus limiting the electorate's possibilities to contrast ideas and programs. The absence of debate, a campaign dominated by propaganda and short on analysis of political ideas and proposals hindered the citizenry's capacity to understand the possible differences between the various contestants.

This legislative elections' campaign was also characterized by a clear presidential focus evidenced in much of the posters and banners distributed and displayed throughout the country. Most contestants had pictures of their party president on their campaign material. EU EOM observers saw almost no propaganda focusing on the provincial constituency candidates. This approach did not help strengthen Angolan understanding of the nature of legislative elections and representation in parliament, and opened up space for confusion with the presidential polls. It also indicates that political choices are still offered on the basis of charismatic leaders and not on parties as a whole.

Despite the generally calm atmosphere, some electoral infringements were reported. The most common of these was the destruction of campaign material, which was reported across the country. There were also some isolated cases of electoral related violence²⁶, including personal attacks. In most cases, the behaviour and response of the police forces was considered positive by political contestants, thus contributing to the general atmosphere of tolerance and political coexistence that was evidenced throughout the campaign.

B: Use of State Resources

The playing field for political contestants was unbalanced by the MPLA's use of state resources during its campaign which is against SADC general principles on the equitable use of state resources and the Angolan legal ruling demanding equal treatment for all candidates

²⁶ Huambo, Ekunha (Quipeo), on 14.08.08, 1 person injured; Benguela, Balombo, on 23.08.08, 8 persons injured; Luanda (Cazenga), on 03.08.08, 2 persons hospitalized.

by state authorities (art.77 and 182, Election Law). For instance, EOM EU observers frequently witnessed the use of governmental vehicles for propaganda activities. In addition there were widespread and credible reports of distribution of gifts by the government to some traditional authorities and local leaders, particularly in rural areas, with a clear indication that this was in support of the MPLA campaign.

Provincial governors were also actively participating in the MPLA campaign along with the President of the Republic, José Eduardo dos Santos. Although this is not per se an electoral abuse as long as campaign activity is done outside of work hours and not using administrative resources this was clearly not the case. In fact, governors and the President alike inaugurated an unprecedented number of government projects during the campaign period, using these inaugurations as part of the campaign and thus claiming them as MPLA achievements.

Moreover, the government announced extemporaneous holidays for state workers whenever the President of the Republic visited the provinces to ensure maximum impact for the MPLA campaign. Several opposition parties alleged that public servants were widely obliged and sometimes threatened to attend MPLA campaign activities.

C: Complaints during the Campaign Period

The EOM received information concerning 6 official complaints presented either to the election administration, to local administrative authorities or to the Provincial Media Council. Complaints originated from Luanda, Huila, Huambo and Zaire provinces. Three complaints regarded allegations of campaign material being posted illegally on public premises; provincial agents removing leaflets and pamphlets; and opposition parties being obstructed from posting their campaign material. This reflects the fact that these were by far the most usual complaints received from political organizations.

A further case was a complaint made by PADEPA regarding the *Rádio Nacional de Angola (RNA)* in Huambo to the Provincial Media Office accusing the RNA of favouring the MPLA by violating the principles of equal treatment of political parties and equal broadcast time. UNITA also complained to the Provincial Election Commission that a CNE information Kiosk was located inside MPLA premises and in another case, complained about alleged illegal funding by BDA bank to MPLA. In this latter case the CNE confirmed having received the complaint and informed the complainant that it would be auditing all political parties and coalitions regarding their campaign funding according to the electoral law²⁷.

To the knowledge of the EOM, only one of these cases was resolved by the Municipal Administration by ordering the removal of propaganda from public places.

D: Voter Education

The CNE embarked on a large scale voter education campaign over the year prior to the election. This was done in two phases, the first being training representatives of civil society organizations and supply of materials to enable them to talk effectively to their communities

²⁷ Political parties and coalition must make public their campaign finances in the 60 days after the official results have been announced. The CNE has the responsibility to audit campaign funding and expenses (art.94 to 99, Electoral Law).

regarding the election. The second, more intensive phases, was the selection and training of CNE contracted voter education agents in each municipality to distribute material and answer questions coupled with a large scale media campaign. This phase started two months prior to the polls.

In all 1752 civic educators were trained and resourced with materials and transportation. They were visible in all municipalities though it is unlikely that they managed to reach remote areas due to the size of the country and the poor quality of many of the minor roads.

Full page advertisements, TV and radio commercials were also produced and distributed to all media outlets for printing or airing. The majority of private media used the material and the daily state run newspaper ran advertisements in every issue during the campaign period. However, these advertisements appeared opposite full page advertisements ran by newly formed organizations bearing the Presidents image or other national symbols in a seemingly deliberate attempt to link CNE messages to the ruling party.

Messages included how to vote, the need for political tolerance and a call to exercise the right to vote. In addition advertisements were created to inform people how to check and find their correct polling station.

The high turnout across the country and general peaceful atmosphere for the election attest to the effectiveness of the campaign and voters seemed aware that they had to bring their voter card in order to vote. However, people lacked information about the protection afforded to them by the voting system and the secrecy of the vote. Some political parties claimed that people were being manipulated by being told that satellites could tell which way they were voting, although EU EOM has no evidence of this.

The wider civic education topics of why vote and the importance and nature of legislative elections were intended to be covered more by civil society organizations in the first phase of the campaign. UNDP assisted by providing funding for one organization in each province. This occurred prior to the EU EOM presence in the country but it is hoped that this type of detailed civic education will continue without government interference and that the space for debate will open up still further.

IX. MEDIA AND THE ELECTIONS

A. Media Environment

There was a general and overall improvement in the media environment of Angola following the signing of the Bicesse peace accords in 1991. The Media Law, passed in June that year, guaranteed freedom of the press; new private media appeared and journalistic content became more open and critical. Nevertheless, several aspects of the current Angolan media environment still remain below international democratic standards.

Access to a plurality of opinions is limited for the vast majority of the population in Angola due to fact that all media with national coverage are controlled by the Government. The public media *Televisão Pública de Angola (TPA)*, *Rádio Nacional de Angola (RNA)*, the daily newspaper *Jornal de Angola* and the national news agency *Angola Press (ANGOP)* are the only media with capacity and the legal basis to reach the entire country. Private radio stations and weekly newspapers are available only in Luanda and few provincial capitals.

Radio is the most widespread and popular source of information in Angola. *RNA*, with five radio stations operating in Luanda and provincial branches in all the 17 remaining provinces of the country leads the national radio market. Moreover *RNA* is the only radio station transmitting in national languages -12 in Luanda and 59 different languages through the provincial stations.

Three private radio stations providing news and information operate in Luanda: *Rádio Ecclésia*, *Rádio Despertar* and *Luanda Antena Comercial (LAC)*. None of them is allowed to broadcast beyond the provincial limits.

The government owned *Jornal de Angola* is the only daily newspaper in existence in Angola with a circulation of around 40,000. It is part of *Edições Novembro*, state-run editorial company that includes as well *Jornal dos Desportos*, a sports paper, and the national news agency *ANGOP*. Some 14 private weekly newspapers are currently in circulation but, once more, mainly limited to Luanda.

According to local journalists, self-censorship is a common practice, especially in the provinces. This is often due to fears inherited from repressive policies against freedom of speech during the war, but severe penalties for violations of the media law²⁸ and continued pressure on media outlets are also responsible.

Consequently foreign media such as *Voice of America (VOA)* are viewed as a good source of independent information in the country. Foreign TV companies such as *Brazilian Record* and the Portuguese *RTP* and *SIC* are broadcasting countrywide, particularly via satellite. Although access to TV is still limited for many Angolans, especially those in rural areas, the presence of these foreign media contributes to plurality. However, the influence of these foreign media is not always welcomed by Angolan authorities and some foreign journalists were unable to get visas to enter the country to cover the 5 September Legislative elections. In addition official accreditation was denied to an Angolan journalist intending to cover the elections for Portuguese newspaper *Público*.

B. Legal Framework for the Media and Elections

Freedom of expression and freedom of the press are enshrined in Articles 32 and 35 of the Angolan Constitution. Freedom of the press is also provided for in the Media Law 7/06. Article 5 states the right to inform and to be informed with no interference, discrimination or censorship, whether it be political, ideological or artistic. Art 6 of the law also establishes that freedom of the press must ensure extensive and independent information, democratic pluralism, non discrimination and respect for public interest.

Regarding the limitations on radio broadcasting, Article 49 of the Media Law establishes that radio companies cannot be managed or financed by political parties or political associations, trade unions, or professional associations. Other provisions, such as the prohibition of media monopolies or oligopolies (Art. 25) represent clear improvements on the previous Media Law of 1991.

²⁸ Article 74 of the *Law of the Press* considers defamation as a crime subjected to sanctions on Penal Code of up to 4 months of prison.

Nevertheless, the new Angolan Media Law is weakened by the fact that it has not yet been regulated. Although the law, approved in May 2006, should have been regulated by the Government within 90 days, in accordance with its own Article 87, this has not yet happened. Consequently some provisions are still pending procedural clarification and are, therefore, open to a wide range of subjectivities and *ad hoc* interpretations. Article 88 of the law states that “*doubts or omissions resulting from the application of this law will be settled by the National Assembly*”, meaning that the capacity to set the limits of the Media Law lies with the ruling party.

This directly affects some of the most important provisions of the law such as Article 8, which refers to the organization, composition, competences and running of the National Council for Social Communication (*Conselho Nacional de Comunicação Social* or CNCS), and Articles 46 and 60, regarding concession of licences for radio and TV stations.

Article 52 of the Media Law reserves long and short wave frequencies exclusively for the public radio station *RNA*, leaving only medium and FM waves for the use of private radio stations. Since installation of provincial radio transmitters is conditioned by the requirement of providing local content, this results in private radio stations being prohibited from broadcasting nationally or across provincial boundaries.

The CNCS is an independent media regulatory body with the responsibility to “*ensure objectivity and independence of information and safeguard freedom of expression and thought in the press, in harmony with rights established in the Constitution and the law*”. With a total of 23 members representing the Government, religious denominations, political parties and journalists, the CNCS is regulated by the Law on the National Council for Social Communication 7/92. Nevertheless this law does not give the CNCS any sanctioning powers to act against breaches of freedom of expression or violations of the law by the media. Therefore its role, with capacity only to make recommendations or request the media to provide answers when complaints are presented, appears to be more educational than pro-active.

Specific guidelines for media during elections are laid out within the Election Law. Article 87 establishes the right for presidential candidates, political parties and coalitions contesting elections to use public and private broadcast media during the campaign period for dissemination of their campaign messages. Each contestant is entitled to 10 minutes free airtime daily on radio between 12:00 and 22:00 hours, and 5 free minutes a day on TV between 18:00 and 22:00 hours. The slots given to each contestant is established by the CNE through an open lottery. The law allows private media to choose whether or not to allocate free airtime to electoral contestants, but if they do so it has to be under the same terms established by CNE with equal conditions given to all parties, coalitions or candidates.

For print media, Article 88 of the Election Law establishes that publications, both public and private, must ensure equal treatment to all electoral contestants.

Complementing these provisions, Article 40 of the Regulation on the Election Law prohibits electoral propaganda in media outside of the free space and airtime given under the provisions mentioned above. Other relevant provisions in the Election Law include Article 81, which prohibits publication of opinion polls during campaign period and until one day after Election Day, and Article 82 which prohibits publication of defamatory articles, incitement to disorder, insurrection, violence or war.

C. *Monitoring of Media Coverage of the Elections*

The general coverage of the election campaign by both public and private media respected freedom of speech and was peaceful in tone. Television and Radio stations included new and special programs on the electoral process, while some private weekly papers provided opinion space to electoral contestants and political analysts to present and analyze political parties' programs.

Voter education advertisements developed by the CNE were broadcast and published on daily basis by the media, contributing to a better understanding of the electoral process and voting procedures by the population. In a welcome initiative, *TPA* and *RNA* developed and broadcasted their own information spots sensitizing Angolans to participate in the elections. Nevertheless, organization and broadcasting of political debates with contestants, in line with best practice to inform voters of the different political options available, was lacking in the media for the entire campaign period. The only exception was a single live debate broadcast by *Rádio Ecclésia* on 1 August²⁹.

In accordance with Art. 87 of the Election Law, *TPA I* and *RNA* allocated equal free airtime on a daily basis, to all electoral contestants during the entire campaign period. Times and order of these broadcasts³⁰ established by the CNE through a public lottery on 29 July were fully respected by both state-run media. Also according to the law, regional *RNA* stations simultaneously aired the political broadcasts, thus spreading the contestants' messages around the country. The competing political parties and coalitions have responsibility for production of their political broadcasts and they generally managed to make good use of the free airtime. An exception was one UNITA broadcast, aired 28 August, which showed footage of members of the armed forces and national police in a partisan fashion, contravening Art.4 of the Electoral Code of Conduct.

However, some media outlets were observed to violate some aspects of the legal code governing electoral coverage. On 3 September the state-run station *Rádio Luanda* violated Article 40 of the Regulation on the Election Law³¹ by broadcasting several MPLA propaganda songs during the intervals of its live transmission of the MPLA campaign closing event in the Cacucaco suburb of Luanda. In addition the private weekly newspaper *Semanário Angolense* violated Article 41 of the Regulation on the Election Law³² by publishing an MPLA advertisement in its edition num. 281 which was distributed on 4 September, during the media blackout period.

²⁹ The debate was organized by *Open Society In Southern Africa (OSISA)* and *Associação Justiça, Paz e Democracia (AJPD)*, in cooperation with *Rádio Ecclésia*.

³⁰ Five minutes of airtime to each party to be broadcast on *TPA I*, from 19:15 to 20:25 hours in the following order: PADEPA, UNITA, FOFAC, FNLA, AD-Co, PDP-ANA, PRS, PRD, MPLA, PLD, ND, FpD, PPE and PAJOCA. Ten minutes of airtime to each party to be broadcast on *RNA*, from 18:35 to 20:55 hours in the following order: FpD, PRD, ND, AD-Co, PDP-ANA, PAJOCA, PLD, PPE, FNLA, FOFAC, PRS, UNITA, MPLA and PADEPA.

³¹ This article prohibits publication or airing of electoral propaganda outside of the space and airtime given in accordance with the Electoral Law.

³² This Article prohibits the publication or broadcasting of any electoral propaganda from 00:00 hours on the day before election day.

TPA 1 and *TPA 2* also broadcasted pro Government spots and news bulletins on 4 September including reports about MPLA campaign closing rally in Cacuaco. Another example of bad practice by *TPA 1* was the broadcasting of several interviews of voters on Election Day in which interviewees were asked whether they had voted or were intending to vote for “*o partido do seu coração*” - a slogan used by MPLA during the campaign period.

EU EOM Media Monitoring

From 11 August to 3 September the EU EOM monitored a cross section of 11 Angolan print and broadcast media using both quantitative and qualitative methodologies with the objective of evaluating the level of access to the media by electoral contestants; the degree of impartiality of the analysed media and their level of fulfilment of the rules and regulations as proscribed by the legal framework.

In choosing the media to be monitored consideration was given to both public and private media, broadcast and print, the highest indices of audience/readership, and variety of editorial stance. The media monitored were the following:

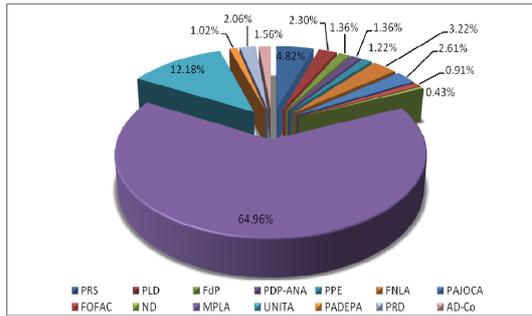
- TV channels: *TPA 1* (state-run channel) and *TPA 2* (state-run/private channel).
- Radio Stations: *RNA Canal A*, *Rádio Luanda* (state-run stations); *Rádio Ecclésia* and *Rádio Despertar* (private stations)
- Publications: *Jornal de Angola* (state-run daily newspaper), *Angolense*, *Semanário Angolense*, *Folha 8* and *Agora* (private weekly newspapers).

EU EOM monitored, on daily basis, the total airtime/space allocated to each political party in news programs³³/news broadcasts or articles printed by each medium, analyzing as well the tone in which the news was presented to the public.

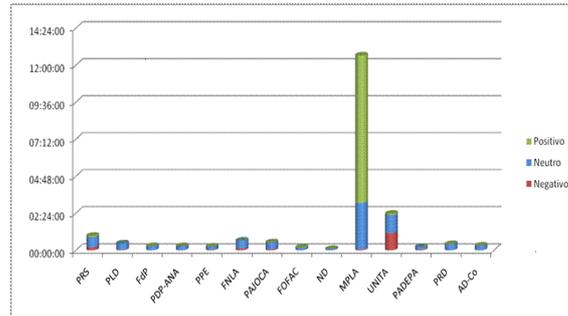
EU EOM media monitoring found that Angolan state run media failed to fulfil international electoral standards and the provisions of Articles 48 and 49 of the Regulation on the Electoral Law regarding equal treatment to all contestants, though biased coverage of the electoral campaign in favour of MPLA.

The results of the media monitoring show that, during the period of analysis, the ruling party obtained 64.9% and 64.2% of the total airtime devoted to political party activities in news programs broadcast by *TPA 1* and *RNA*, respectively. More than 75% and 32% of the news that *TPA 1* and *RNA*, respectively, allocated to the MPLA were presented in a positive tone. UNITA obtained 12.1% and 12.4% of airtime in *TPA 1* and *RNA*, respectively, while none of the 12 remaining parties received more than 4.8% of airtime in the electronic public media. Moreover, more than 46% and 41% of the news that *TPA 1* and *RNA* respectively allocated to UNITA were presented in negative tone (*see charts 1,2,3 and 4*).

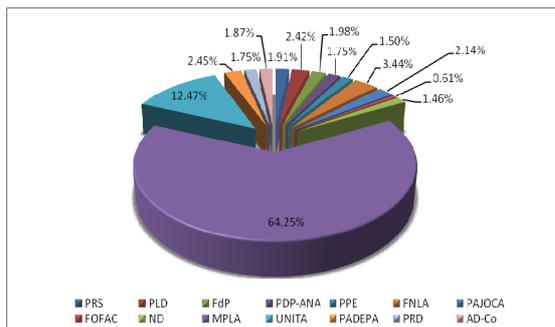
³³ **TPA 1:** *Jornal da Tarde*, *Jornal da Noite*, *Telejornal*, *Boletim Eleitoral*, news on *Bom Dia Angola* and special live broadcasts. **TPA 2:** *Jornal 1* and *Jornal 2*. **RNA:** *Jornal da Hora*, *Manhã Informativa*, *Jornal de Actualidade*, *Rádio Jornal*, *Jornal da Noite*, *Jornal de Campanha* and *Jornal de Meia-Noite*. **Rádio Luanda:** *Notícias* and *Flashes Notícias*. **Rádio Ecclésia:** *Jornal da Tarde*, *Jornal da Noite*, *Síntesis Notícias* and *Flash Notícias*. **Rádio Despertar:** *Angola Bom Dia*, *Noticiário Central*, *Noticiário de Encerramento* and *Síntesis Informativa*.



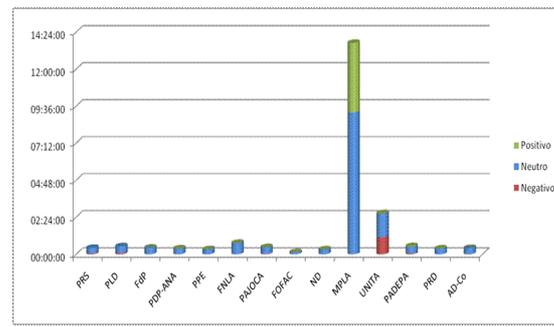
1. Total airtime allocated to parties on TPA 1 news programs.



2. Tone of news presented by TPA 1. Time in hours, min, sec.

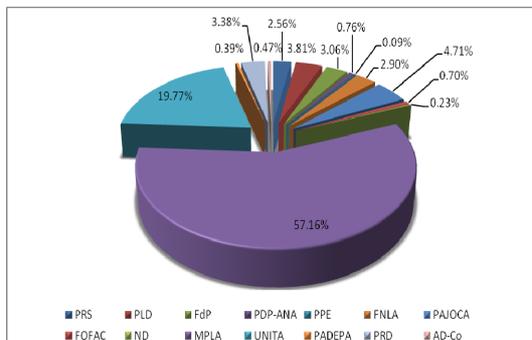


3. Total airtime allocated to parties on RNA news programs.

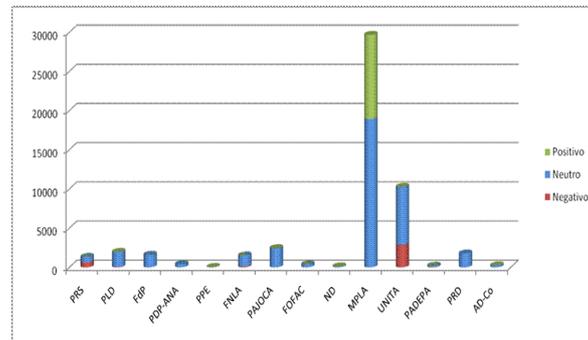


4. Tone of the news presented by RNA. Time in hours, min, sec.

At the same time, the public daily newspaper, *Jornal de Angola* devoted 57.1% of the total space allocated to electoral campaign news to the MPLA, while UNITA obtained 19.7% and the 12 remaining parties received less than 4.7% of space each. 36.1% of the MPLA news was presented by *Jornal de Angola* in positive tone, while 28.1% of the UNITA news was presented in negative tone (see charts 5 and 6).



5. Total space allocated to parties on Jornal de Angola.



6. Tone of news presented by Jornal de Angola. Space in cm2.

Analyzing the number of news and pictures received by each political party in *Jornal de Angola* during the entire campaign period (from 5 August to 3 September), a clear imbalance in favour of the MPLA is observed (see table below). The government newspaper allocated a total of 166 news and 129 pictures to the ruling party, while the second party with the highest presence on *Jornal de Angola* –UNITA– received 98 news and 102 pictures less than MPLA. This pattern is repeated if one looks at mentions on the front page, with MPLA receiving 22 mentions against UNITA with only 9 mentions, of which 5 were negative, such as statements by ex UNITA members supporting the ruling party or accusations of defamation by Banco de Desenvolvimento Angolano against UNITA. As for pictures of party leaders on the front page

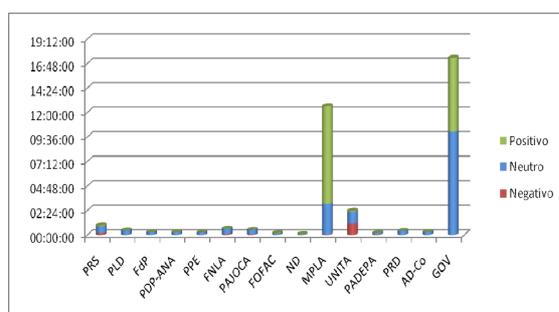
of *Jornal de Angola*, President José Eduardo dos Santos appeared 22 times in the cover page of the newspaper, while Isaías Samakuva appeared only once.

Political Party	Number of news articles	News on front page	Pictures
PRS	11		4
PLD	12		5
FpD	13		2
PDP-ANA	5		1
PPE	4		1
FNLA	14		7
PAJOCA	20	1	6
FOFAC	6		
ND	3		1
MPLA	166	22	129
UNITA	68	9	27
PADEPA	6	1	
PRD	22	1	6
AD-Co.	5		2

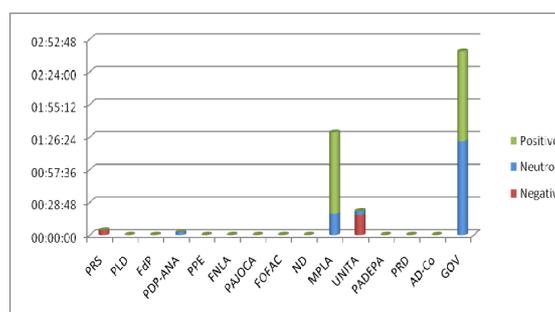
Electoral news published on Jornal de Angola from 5 August to 3 September

In addition to the already favourable coverage granted to the MPLA in news bulletins and politics/elections pages, the state media also favoured the ruling party through coverage of inaugurations by President José Eduardo dos Santos and/or government achievements. The clearest example of this was the daily broadcasting on *TPA 1* of the programs “*Reconstrução e Desenvolvimento*” and “*Bom Dia Angola*”, devoted to government reconstruction and development programs from all around the country. This was in addition to the high level of government news covered in news bulletins by *TPA 1* totalling 17 hours and 21 minutes of airtime in favour of the ruling party. The airtime allocated on *RNA* news to the Government was even higher (18 hours and 36 minutes), while *Jornal de Angola* devoted a total of 4461 cm² (4.6 pages) to achievements and inaugurations by Government during the analyzed period (see charts 7,8,9 and 10).

Besides this, state-run media also published/broadcast advertisements/spots³⁴ praising government achievements or indirectly calling on citizens to vote for the MPLA. All together all these practices, contrary to international electoral standards, contributed to create an uneven playing field and left opposition parties at a clear disadvantage vis-à-vis their access to the public media.



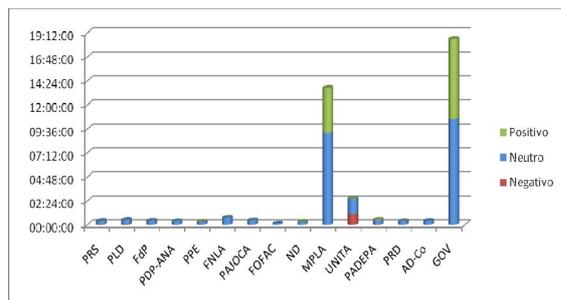
7. Time and tone devoted to political parties and Government on TPA 1



8. Time and tone devoted to political parties and Government on RNA

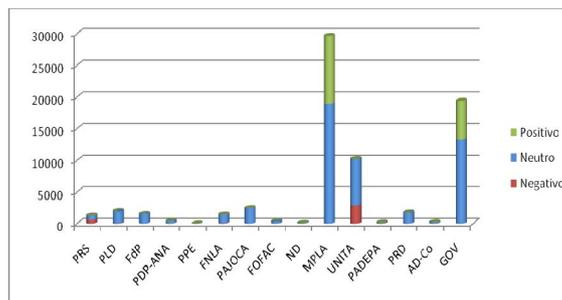
³⁴ By Government, by *Movimento Nacional Espontâneo* and also unidentified (“*Angola está a mudar*”)

news in TPA 1, from 11 August to 3 September.



9. Time and tone devoted to political parties and Government on news in RNA, from 11 August to 3 September.

on news in TPA 2, from 11 August to 3 September.



10. Space and tone devoted to parties and Government on Jornal de Angola, from 11 August to 3 September. (Space in cm2).

Although according to the Electoral Code of Conduct the CNE is responsible for observing equal access to the media, and whereas the CNCS has the competence to ensure objectivity and independence of information and media from political and economic powers, neither institution took action regarding the biased coverage by the state-run media. For its part the CNCS alleges that CNE has sole responsibility to act in this situation due to the fact that the current Law on the National Council for Social Communication does not give the CNCS any sanctioning power.

In the private media, political parties received diverse coverage with different levels of partiality, depending on the parties and media outlets analyzed. *Rádio Ecclésia* and the weekly *Agora* gave a reasonable coverage of all contestants. However, the majority of weekly magazines analyzed presented information mainly through opinion pieces and showed a lack of plurality in their content. EU EOM media monitoring found clear cases of biased coverage of the electoral campaign by *Rádio Despertar* and *Folha 8*, favouring UNITA (see charts of monitoring results for all the media analyzed in Annex).

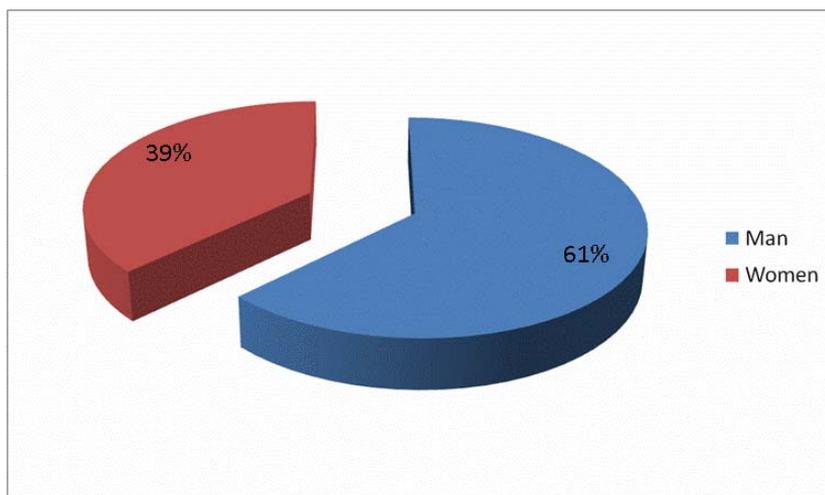
Although their status as private media and their more limited coverage put these media in a different league to the state-run media, their partisan coverage of the electoral campaign is also contrary to the Regulation on the Election Law, the Media Law and to international standards.

X. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS

In an extremely positive development, 39% of the newly elected members of parliament are women. This is a significant increase³⁵ on the 15% of members in the outgoing Parliament and was achieved without any quota being prescribed in the legal framework. This is in line with regional SADC guidelines that member states should have over 30% women's representation in parliament.

Gender Representation in the New Parliament

³⁵ This is significantly higher than the regional average of 17.1% in sub-Saharan regional (according to the Inter-parliamentary Union)



Note: figures are based on the CNE results of the 16th of September and the Candidates' lists approved by the Constitutional Court

Of the five parties represented in the new parliament, only MPLA and UNITA have women members, with MPLA taking the lead with 43% of female MPs against UNITA's 25%. The fact that PRS won seven seats but has not managed to place one female member has to be noted.

However, several of the contestants that did not win seats³⁶ did include more than 30% women candidates in their candidates' lists, demonstrating a commitment to improve the gender balance in parliament.

The participation of women in political rallies observed by EU EOM observers has been significant, averaging around a third of total participants. This percentage was greater in events organized by the MPLA and UNITA.

XI. PARTICIPATION OF CIVIL SOCIETY

Angolan civil society has been playing a key role in the country's democratization process. Since the end of the war in 2002, civil society organisations have been increasingly involved in democratic development and advocacy. A significant shift occurred of national non-governmental organisations away from emergency work to the area of good governance due to the need for an impartial and independent voice to balance out the political bi-polarisation that dominated Angolan political and social life for the previous three decades.

The 2008 legislative elections represented an important step in the inclusion of the Angolan civil society in the democratic processes since they are the first in Angolan history with the presence of domestic observers. The *Instituto Angolano de Sistemas Eleitorais e Democracia* (IASSED), the *Conselho Nacional de Juventude* (CNJ), the *Angolan Bar Association* (OAA) and the *Plataforma Nacional da Sociedade Civil Angolana para as Eleições* (PNASCAE) all registered to observe the elections. The largest and arguably most independent of these groups was PNASCAE. However, due to problems in accrediting observers, its presence on Election Day was significantly reduced in Luanda and Huambo.

³⁶ PLD, AD, PADEPA and FpD

Part of the problem stemmed from the fact that the CPEs responsible for accreditation were running behind schedule as previously mentioned. This meant that no observers from any group were accredited for the duration of the campaign period, however, this did not affect their working practise or relationship with the election management bodies. However, a second, more serious problem was the difficulties experienced by most observer groups in getting the required criminal record check for each observer. This is a requirement under the Regulation on the Election Law and application has to be made in person at provincial level. Response times vary between provinces and can take over three months. Due to this difficulty many CPEs took a lenient approach to this requirement and accredited observers without the certificate of criminal record.

Unfortunately, this was not the case in Luanda where accreditation was conducted by the CNE rather than the CPE. Observers were kept waiting in queues outside of the registration centre for the two days prior to the election and accreditation did not start until late in the afternoon on 4 September. In the end, over 300 PNASCAE observers and all observers from the *Conselho de Coordenação dos Direitos Humanos* (CCDH) were rejected on the grounds that the criminal record checks were unofficial³⁷. This left only 28 PNASCAE observers accredited to observe voting and counting in the whole of Luanda province. At the same time all observers from IASED, CNJ and OAA, all with links to the government or CNE, were accredited without any problems.

The impact of this on PNASCAE has been to limit the representativeness of the information collected, especially since Luanda, where 30% of voters reside, suffered more problems in the administration of the election on election day than other provinces. A secondary impact has been to undermine the efforts of these volunteers to participate in the country's political development.

PNASCAE delivered a preliminary report and overall statement on the electoral process on 16 September stating that according to its observation work the elections were free, fair, credible and transparent whilst recognising that they represent an important step in the democratic development of the country. However, PNASCAE noted problems and deficiencies on election day such as the lack of logistical support to the polling stations, the presence of political party propaganda and of police and military personnel in some polling stations.

PNASCAE criticised the CNE for the above mentioned problems in accrediting their observers as well as the fact that observers were denied access to various electoral procedures at municipal and provincial level in Luanda and at the National Counting Centre for the tabulation of the result. Nevertheless PNASCAE emphasized the commitment of the CNE, the civic consciousness of citizens and the tolerance evidenced by the political contestants.

Most other domestic observation organizations also criticized the need to present the certificate of criminal record check as a legal requirement to register as an observer since the length of time it takes to obtain the document and the fact it is not possible to obtain it in some provinces has caused major obstacles.

³⁷ In many provinces it is possible to pay for a fast track service (the applicant receives their certificate of criminal record check the same day). However, certificates obtained in this manner were not accepted by the CNE. This had also been one of the reasons for rejection of some candidates by the TC.

XII. ELECTION DAY

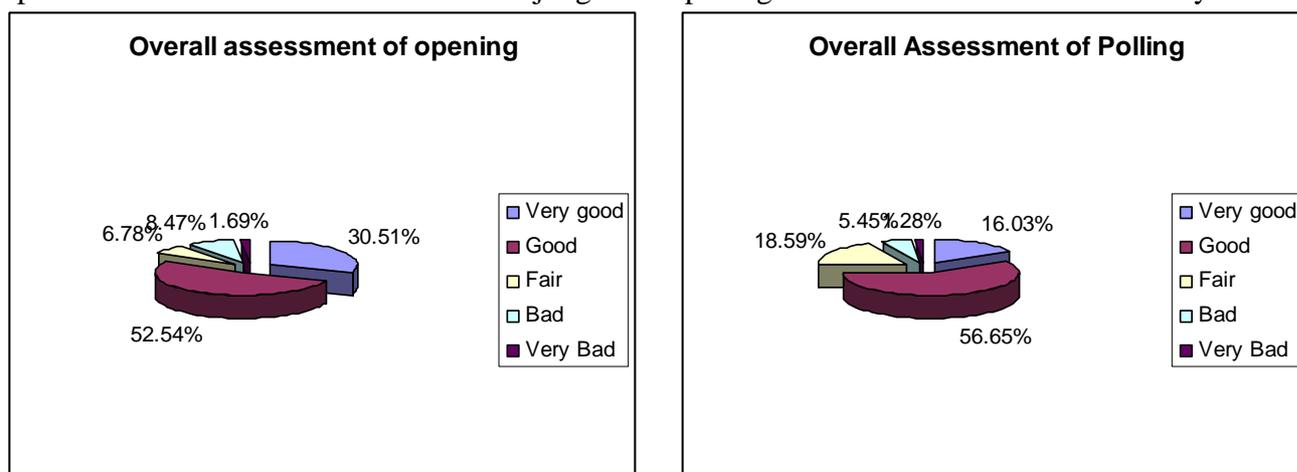
A: Overview of Voting

The EU EOM deployed 108 observers in teams of two across all 18 provinces in Angola spanning 46 of the country's 164 municipalities. Observer teams completed standardised forms for every polling station visited during the day. Visits were of at least half an hour in duration during which time the observers watched proceedings both inside and outside the polling station. Observer teams observed opening in 67 polling stations around the country and voting in 355 polling stations. They stayed and watched closing and counting in a further 70 polling stations. They then travelled to the GME to watch the process of delivery of the materials from polling stations in that municipality and transmission of the results to the CPE and national counting centre.

Teams observed voting on the second day where it occurred but these results are not included here since the sample size is too low. Observers were also present at 17 of the 18 CPEs to watch the counting of the special ballots and collation of materials. Luanda CPE denied access to EU EOM observers. Observers were also denied access for continued observation at the national counting centre, the sole place for tabulation of the results.

Voting was conducted extremely peacefully across the country with observers reporting only two minor incidents. This is a testament to the commitment to peace of all electoral actors and the voting population as a whole. Opening was rated good or very good in 83% of cases and voting as good or very good in 74.7% of cases. However, 6.7% of polling stations visited for voting and 10.2% for opening were rated as bad or very bad.

This is a high percentage of bad or very bad for opening which reflects the fact that many polling stations opened late due to delays in the delivery of essential materials, particularly ballot papers and voter registration lists. 16.3% of polling stations that were observed opened over an hour late.³⁸ Nevertheless 61.7% of polling stations observed across the country opened on time. In no case did observers judge late opening to be due to fraudulent activity.



In a further 11.5% of polling stations voting was observed to be suspended at some point of the day, mainly due to insufficient ballots papers or envelopes for tendered ballots. These

³⁸ Official opening time was 7.00 a.m.

were missing in 25.2% of observed polling stations, rising to 52.3% in Luanda. In many of these cases, additional materials were delivered throughout the day and voting was able to continue. However, the GMEs in Luanda were clearly overwhelmed with requests, having a much larger number of polling stations to administer than GMEs outside of the capital. This caused some polling stations to run out of ballots during the day.

As previously stated, the CNE instruction of 2 September allowed people to vote anywhere in the municipality in which they were registered, as long as they had a valid voter card and their name and details were subsequently incorporated into the Election Day log. There was no time to train polling staff on this new instruction and only 52% of observed polling stations reported to have received the instruction, many of them as late as on the morning of the election.

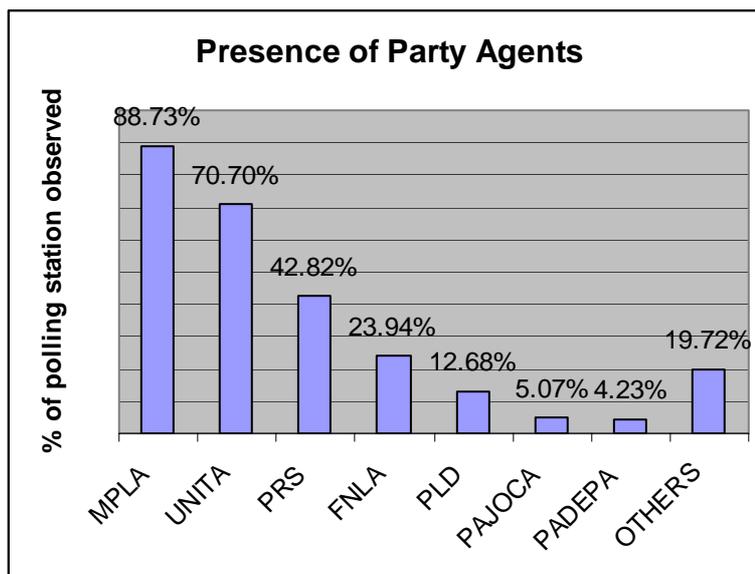
Consequently, the procedures were applied unevenly. In only 17.1% of polling stations where people were allowed to vote who were not in the voter register was a separate list made with their details to verify how many people had voted at the polling station. In urban areas, where people were turning up to the nearest polling station that had ballots, the voters list was abandoned completely during the day. Even in rural areas many observers reported that voters' names were not marked off against the voters list as having voted. This removed one of the main safeguards against fraud provided for in the Election Law in that there was no record of how many people cast their ballot at that polling station.

However, other safeguards were in place since the identity of the voter could be checked from their photo on the voter registration card and their finger was marked with indelible ink to prevent duplicate voting. The ink was applied in 96.7% of observed polling stations. However, the safeguard is undermined by the fact that voters' fingers were only checked for ink, prior to voting, in 40.2% of stations observed.

Observers considered that the anomalies arose from a lack of understanding of these key provisions rather than from any deliberate attempt to manipulate the polls. Thus although the system was open to abuse such as ballot stuffing, observers saw nothing to lead them to suspect that this was in fact going on. Only minor cases of electoral malpractice were reported. However, the use of a voter register is best practise and a required procedure according to the Election Law.

Although both party agents and domestic non-partisan observers complained privately about the lack of use of voter registers no formal complaints were registered at any of the polling stations observed. Since this is a legal requisite for any complaint, although many of the political parties expressed concerns regarding this irregularity to the EU EOM they were unable to pursue these concerns through the formal complaint structure. EU EOM observers thought that insufficient training of political party agents was the main reason they failed to file complaints although they may also have lacked courage since this was the first electoral experience for the majority.

Party agents were present in almost all observed polling stations. MPLA agents were present in 89.7% of polling stations, but had more than one representative present in 36.6% of cases. This is contrary to the Election Law. UNITA delegates were present in 70.7%, PRS 42.8%, FNLA 23.9% and PLD in 12.7%. None of the other contestants had polling agents in more than 5% of the locations visited.



Even without the issue of people being able to vote anywhere, the voter registers were not designed to be user friendly. Each polling station was meant to have 250 voters. However, the voters list extracts were produced for each polling centre, which often had four polling stations, not split into individual extracts one for each station. The decision to have so many small polling stations was in order to ensure that voting could be completed in one day. However, it undoubtedly added to the difficulties in logistics with the GMEs unable to cope with such large numbers of polling stations and to the voters' difficulties in finding their correct polling location.

Other problems with the voter registered were noted by observers including six rural polling stations having received the wrong list. After so much emphasis having been placed by the CNE on the importance of PDAs to assist voters in finding their polling station, these were only seen in four provinces³⁹, and even then infrequently. However, since the decision had been made to allow people to vote anywhere within the municipality, effectively, their relevance diminished.

Moreover, in three provinces polling did continue on 6 September in polling stations that had been unable to open due to lack of ballots or because polls closed early so that counting could be conducted in daylight. This was the case in some areas of Zaire, and Lunda Norte provinces⁴⁰. The law provides for voting to continue on a second day in exceptional circumstances⁴¹ and this had been a subject of contention between political parties prior to the election since many of the contestants felt insecure if the ballots were sealed overnight. In the event counting was conducted at the end of each day's voting.

However, EU EOM observers did not note any improvements on the second day and there were few political party poll watchers available to monitor the voting. In Luanda, although the CNE had announced that 320 polling stations would open on 6 September, the GMEs had insufficient time to prepare and no public notification was made as to which polling stations

³⁹ Cabinda city, Luanda city centre, Lunda Norte but only in the first part of the day, Malange occasionally.

⁴⁰ In Lucapa municipality, Lunda Norte, observers reported that 75% of polling stations closed at 2.00p.m. on 5 September, on the instruction of the GME, and opened again for voting on 6 September.

⁴¹ Election Law art. 120/4 and Regulation on Election Law, Art. 102

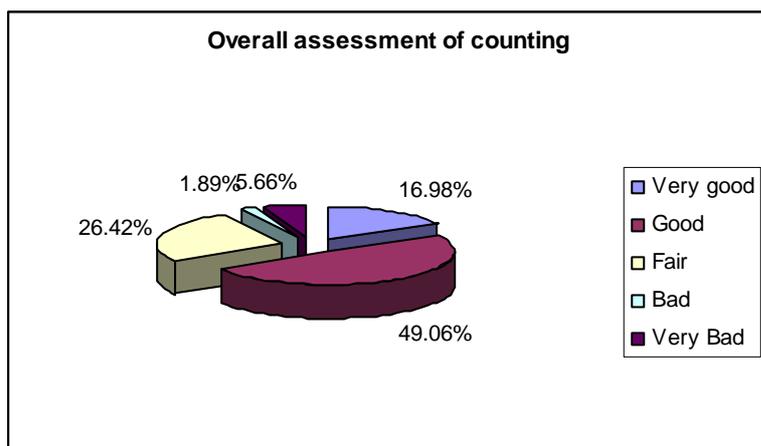
would be reopening. In fact only 22 polling stations received ballots and were thus able to open and several areas of the capital were left without provision for voting. However, the EU EOM observers found that in Nova Vida suburb, over 9000 people voted in one polling station as ballots were delivered on a continual basis during the day.

Organisational problems aside, observers saw remarkably few instances of intimidation (4 cases or 0.9%), breaches of the secrecy of the ballot (9.7%) or other forms of electoral fraud (1.65% or 7 cases). Family voting was also extremely low at only 3.5%.

Two cases were reported where special polling stations had been established to cater for voters coming from over the border. One case was in Cabinda province where around 1500 people, all registered voters, were bussed across the border from Congo Brazzaville and housed by the MPLA. This case was directly observed by EU EOM observers. The other case was reported to the EU EOM by both the FNLA and PRS in Mama Rosa commune in Zaire province where a similar number of voters were reported to have been bussed across from the Democratic Republic of the Congo, also by the MPLA. Whilst there is nothing inherently wrong in a political party assisting its supporters to exercise their democratic rights, the setting up of special polling stations for these voters by the CNE shows a level of cooperation with a single party that calls the independence of the election management body in to question. This is further compounded by the fact that there was no registration of overseas voters, so these citizens living in neighbouring countries can be said to have received special treatment.

B: Counting

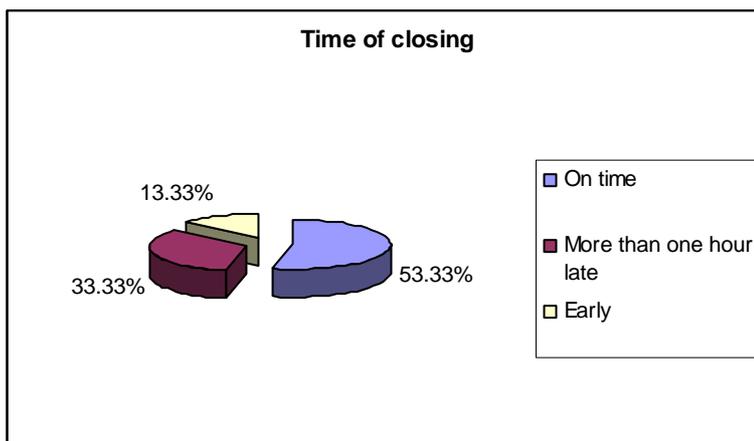
Counting was observed in 70 polling stations, 66% of which were rated as good or very good. This is considerably lower than for voting, although only 7.6% of polling stations were rated as bad or very bad. This was mainly due to problems in the reconciliation process and not considered to be due to any attempts at malfeasance.



Counting procedures are described in detail in the Election Law, art. 135 and allow for careful checking and transparency. These procedures were adhered to in all polling stations observed, with ballots being exhibited for general scrutiny. Observers rated the process as transparent in 98.5% of all cases.

However, lack of light and the cramped conditions of most polling stations made the process difficult for both polling staff and poll watchers.

In total only 53.3% of all polling stations visited closed between 18.00, the official time, and 19.00. This was due in part to some polling stations closing early so as to count during daylight hours and some polling stations in Namibe and Cunene provinces which still had tendered ballot envelopes staying open so that people could be bussed in to vote.

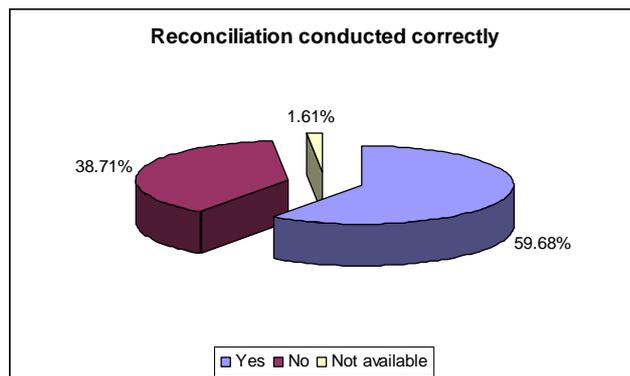
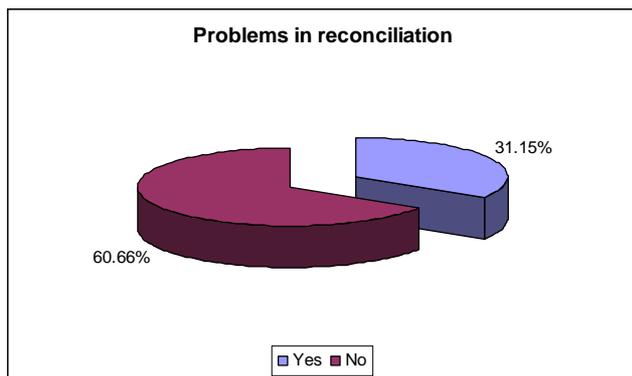


13.9% of observations recorded an extremely strict interpretation of what constituted a valid ballot, accepting only ballots marked exactly in the box. This is contrary to the Regulation on the Election Law, Art.135, which states that a ballot is valid if the voter has indicated his intention correctly. As a result, a high number (4.6%) of invalid ballots was recorded nationwide.

As mentioned, the main problem witnessed was in the ballot reconciliation process, with 60.66% of polling stations experiencing difficulties. The law provides for a number of double checks against fraud in the counting process in line with best practise to deter fraud. These include counting the number of people who have voted at the polling station (from the voter register and supplementary register), calculating the number of ballots issued for voting from the number of unused ballots, and checking that this equals the number of people who voted. This reconciliation process should be conducted before the ballot box seals are opened and the ballots are counted.

However because the majority of polling stations had not used the voter register, and/or had not created supplementary registers for people not on the register or using tendered ballots, they had no idea how many people had voted at the polling station or how many ballots had been used. Since tendered ballots were deposited by voters into a separate ballot box that was to remain sealed for counting at the CPE a few polling centres resorted to opening these boxes, counting the envelopes deposited there, and then resealing the boxes.

In the end many polling stations completed the protocols by using the figures obtained after the ballot boxes were opened. Observations show that although 60.66% of polling stations had experienced difficulties only 38.7% did not manage to correctly complete the reconciliation process.



Thus, in the final analysis, observers witnessed incorrectly completed forms in only 10.3% of cases. However, party agents were evidently dissatisfied with the process in many instances and lodged complaints in 10.9% of polling stations observed. They also refused to sign the protocols in 18% of observations.

The only other problem noted during the counting process was that the ballot box seals were not correctly recorded in the results protocol 40% of the time. Observations during voting found that ballot boxes were not properly sealed in 8.8% of cases, revealing a lack of understanding of this particular safeguard.

XIII. RESULTS

A. *Tabulation and Announcement of Results*

Overall 93.7% of observations deemed that the count had been conducted correctly for each contestant. In the cases noted above where there had been problems all observers deemed that this was due to negligence rather than to fraud.

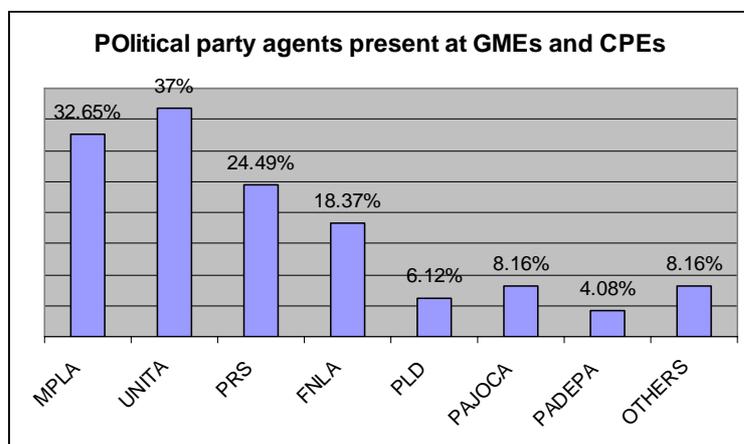
After the protocol for each polling station is completed, results are transferred to a synthesized protocol for the polling centre which should be posted outside the polling centre. This was correctly filled out in 77.4% of cases, however, it was only posted for public inspection 34% of the time. This may in part be due to the fact that many polling stations and centres were in tents which had limited possibilities for posting the results.

The system for packing up the used and unused ballots was in line with international best practise with tamper evident bags provided, clearly marked for the different categories of ballot⁴², all to be placed within the ballot box which should then be sealed. In most areas collections had been organised to take the materials to the GME.

The regulation and Electoral Law are unclear as to whether polling station members must accompany the materials to the GME, especially since there is no check conducted upon their reception. However, in 80.6% of polling stations observed the President of the polling centre did accompany the materials. The main reason staff were unable to accompany materials in the other 20% was lack of room in the pick up vehicles.

⁴² Used, unused, spoiled, blank, challenged and invalid ballots.

At the GME materials are received and stored for transportation to the CPE. The results protocols are faxed through to the national tabulation centre for entry into the database, and also to the CPE. EUEOM observers were present in all 18 CPEs and in 31 GMEs. Observers said that conditions in the majority of GMEs observed were cramped and systems for the reception of materials were lacking. This hampered observation of the process.



Although few party agents were able to accompany the materials from the polling station to the GME on election night due to lack of transport, specially accredited party agents were present for most of the process. Party agents were able to witness the faxing of the results in only 23% of GMEs observed and in 7% of observations they were unhappy with their level of access.

The GME is only responsible for the transmission of results to the CPE and CNE. However, they did check the accuracy of the protocols in 65% of observed cases which resulted in protocols being changed in 13.3% of GMEs. Only half of these were judged to be for valid reasons and observers recorded seeing irregularities in the verification process in 11% of cases.

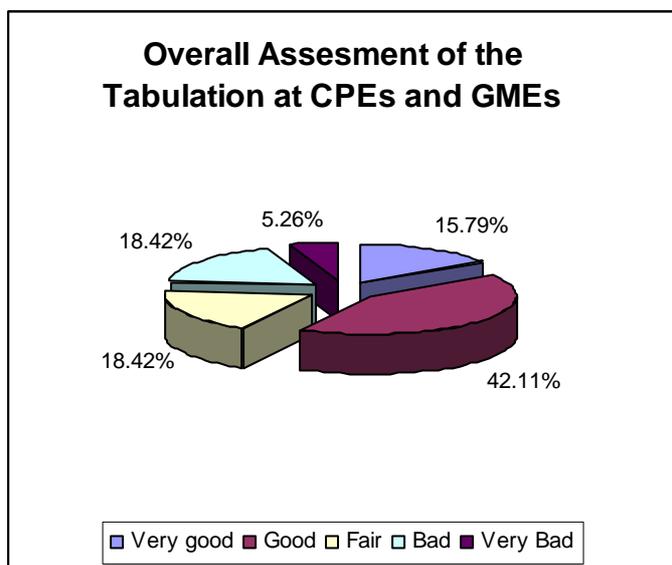
Because of the limited responsibility of the GMEs, the CPEs had a heavy burden with so many polling stations under their purview. All protocols had to be checked for written complaints which, if found had to be investigated. All invalid, challenged and blank ballots had to be rechecked and all tendered ballots had to be counted. This was an enormous undertaking considering the large number of polling stations, especially in Luanda where there were over 15,000 polling stations in total. In a positive move, members of the CNE visited different CPEs to assist them in establishing the procedures necessary for efficient running of the operation.

EU EOM Observers reported that there was little consistency in the manner in which blank and invalid ballots were checked and verified. Methods for counting the tendered ballots varied greatly between provinces. Only Moxico and Benguela CPEs consistently checked whether or not the voters' details, marked on the outside envelope, were in the central database using the PDAs provided. In Bengo, Lunda Sul and Zaire provinces checks were conducted but inconsistently. In Bengo, for instance, the commissioners decided the process was taking too long and decided to abandon it. Observers did not see any checks being conducted at all in other provinces. Since the tendered ballot may be used by people who say they have lost their voter card, failure to check whether the voter was registered is particularly problematic.

Likewise the method for counting the tendered ballots was not always conducted in accordance with CNE procedures. In around half the provinces both envelopes were opened simultaneously and the enclosed ballot counted, thus negating the secrecy of the system. This

led to disputes in around a third of the cases observed. However, the error was judged by EU EOM observers as having been due to time constraints and lack of understanding of the reason for the double envelope system rather than from any deliberate attempt to find out how people were voting. This is backed up by the fact that no formal complaints were lodged at the CPEs by any party agents.

In its instruction of 2 September the CNE decided that tendered ballots should be counted for the province in which they were cast rather than for the province from which the voter was registered. This was in contradiction of the Election Law Art 117 which states that votes are counted for the constituency where they are registered. However, the CNE justified this by saying, within the instruction, that for the majority of people needing to use the tendered ballot system this was due to problems in voter registration and their constituency is where they are currently living and voting.



Overall observers rated the process at GMEs and CPEs as good or very good in only 58% of cases with 24% of cases being rated as bad or very bad. This was mainly due to inconsistent standards being applied in 22% of CPEs and GMEs and 19% being considered to have been inaccurate. However, EU EOM observers gave a high rating for transparency of the process judging 81% of CPEs and GMEs to have had good or very good transparency.

From the GME results were faxed through to the national counting centre established by the CNE especially for the purpose. Observers and party agents were specially accredited to enter the centre accompanied by a member of the CNE to verify how the tabulation was being conducted. However, they were not allowed to remain in the tabulation room to monitor the entry of the results. EU EOM observers were shown that there were two separate teams of data entry personnel entering each protocol to provide a double check. However, the EOM considers that system still failed to reach international standards of transparency. Opposition parties also complained to the EU EOM regarding their inability to monitor the tabulation but none made an official complaint.

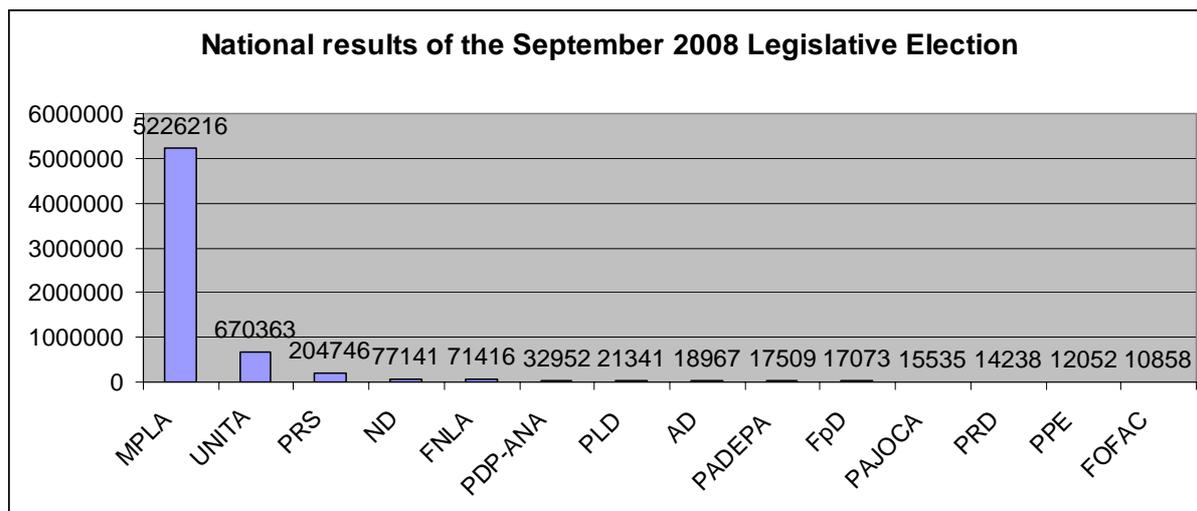
The Election Law Arts 139 to 144, provides for a second tabulation of results at the CPE based on the original protocols. This was not conducted and could also have formed the basis of a complaint by contestants.

Results from the provincial recounts of invalid, challenged and blank ballots and the count of tendered ballots were sent from the CPE to the CNE and included in the overall totals.

B. Publication of Results

Partial results were released by the CNE two days after the election and were updated at regular intervals thereafter. This helped in the acceptance of the final results.

Provincial results should have been released on 12 September in accordance with the 20 May 2008 amendment to the Election Law. Due to the time taken to complete all the checks at the CPEs, the results were announced two days late. However, there being no real difference between national and provincial results tabulations, national results were able to be released in advance of the 20 September deadline.



Results for each province were published on the day of their announcement in the state run daily newspaper, *Journal de Angola*, posted on the CNE web site and given to all media. The law requires that they are published in the official gazette (*Diário da Republica*) which was done on However, by the time the mission left the country (September 23) results had not been released desegregated by polling station which would allow observers and party agents to verify the tabulation against their copies of the results protocols. Although this is not specifically required by the election law the EOM highly recommends this as best practise and if the results had been published by polling station it would have helped remedy the lack of transparency at the national tabulation centre. As it is, no electoral actor other than the CNE can verify the results in any way.

UNITA did set up its own tabulation centre in order to conduct a parallel vote tabulation (PVT) from results protocols collected by its agents. However, it abandoned this effort due to the logistical difficulties in collecting the protocols. PNASCAE decided against conducting a PVT since this was a first test for their observation capacity. PRS told the EU EOM that it had conducted a PVT in its stronghold provinces of Lunda Norte and Lunda Sul. They claim that the official figures given by the CNE showed 8000 fewer votes in Lunda Norte than they calculated from results protocols collected and this cost them a seat in the province. By comparison they won two seats in neighbouring Lunda Sul where they had no complaints.

That being said, no other political contestant has seriously challenged the MPLA win, since the margin was so great. In addition it was evident at all counts witnessed by the EU EOM that the MPLA were going to win by a very large margin. However, these issues of safeguards

against ballot stuffing and transparency of the tabulation need to be addressed for the credibility of future elections.

C: Complaints relating to Election Results

The only political party to have challenged the election process was UNITA limiting its complaint to the province of Luanda. The complaint, presented to the CNE, highlighted the lack of voter registers at polling stations, the late start of polling, the shortage of ballot papers, the lack of accreditation of many UNITA agents and national observers and the impact of these deficiencies on the certainty and transparency of the process. The CNE dismissed the complaint based on lack of proof. UNITA's appeal to the Constitutional Court (TC) was lodged after the party had accepted the election results. The TC also dismissed the complaint on 16 September.

The complaint to CNE was weak as it lacked the required legal evidence despite focusing on relevant irregularities such as the lack of the voter registers and the resulting lack of control of voters. The TC's *Acordão* (decision) points out the lack of proof as complaints were not presented at polling stations as required by the law and to the fact that the CNE had corrected some of the logistical problems verified on Election-Day in Luanda as attested by the high turn out in the capital (82,42%).

It should be noted that in its *Acordão* the TC delivers an explanation on the importance of the voter register in the election process which constitutes a valuable contribution and a legal precedent to foster the implementation of the use of the voter register for future elections.

The EU EOM observed an extremely low number of formal complaints at polling stations on Election-Day despite the observation of several irregularities during the counting process. The lack of experience of party agents and lack of basic understanding of the safeguards of the electoral process might have contributed to this low level of complaints.

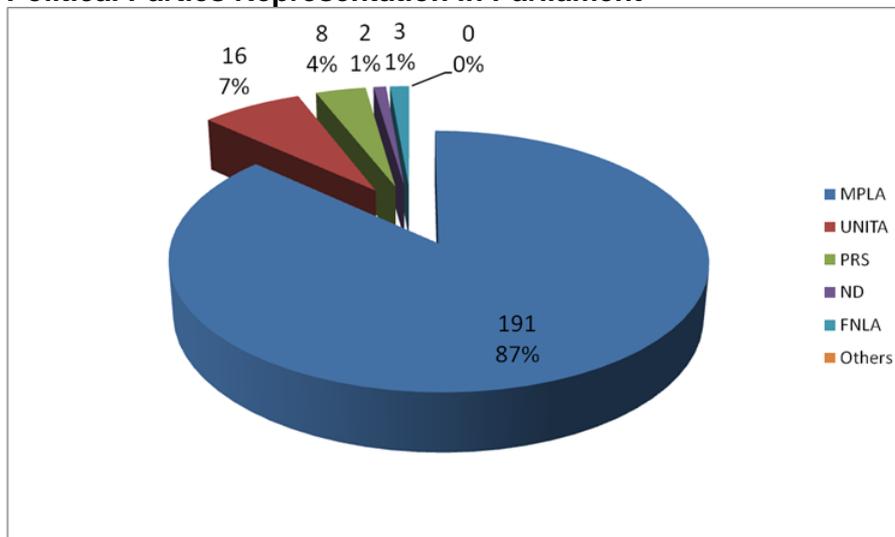
Nevertheless a few formal complaints were presented at provincial level. The PRS challenged provincial results in Lunda Norte claiming lack of transparency of the counting process by the provincial election commission as no party agents were allowed to observe. The complaint was dismissed as it was extemporaneous and party agents had signed polling station protocols. UNITA complained in Huila province to the CPE regarding the absence of voter registers which did not allow the checking of eligibility of the voter and about the counting of tendered ballots without prior verification against the voter register. The majority of complaints were denied by the election administration because of lack of proof. According to the electoral law, the polling station is the first instance and if missed, the right to complain is precluded. In many cases party agents did not make use of this instance and saw their subsequent complaints dismissed. The law does not define how to complain regarding procedural mistakes at higher levels of election management bodies.

D: Political Overview of the Election Results

The CNE announced final results on 16th September, showing MPLA as the clear winner with 81.64% of the votes overall and also leading in every province. This represents a huge increase on the 1992 result when MPLA won 54%. Moreover, it gives MPLA commanding

control in parliament with 191 of the 220 seats and the ability to change the constitution. The number of parties in parliament has been reduced from twelve down to five, with just UNITA, PRS, FNLA and ND also winning seats. Official turnout was given as 87% which demonstrates citizens desire to express their vote for the first time in 16 years.

Political Parties Representation in Parliament



Political analysts were not surprised by the MPLA victory, however, the large margin was not expected. The results reflect the improvement in living conditions since 2002 that the combination that peace and high oil revenues have delivered with freedom of movement and road reconstruction being the most visible benefits. Despite accusations of corruption and cronyism, MPLA has managed to achieve an economic boom and an increase of jobs in the growing numbers of national and international enterprises in the capital that benefited some voters. Other factors in the overwhelming win are the complete lack of separation between party and state maintained throughout the years in power and strengthened during the campaign and pre-campaign phases, and the distribution of gifts both by the government and MPLA to traditional authorities, influential in rural areas.

Having superseded the two thirds majority required to change the constitution, the MPLA can now proceed uncontested to the institutional reforms it first proposed in 2003, that were stalled due to its inability to win the necessary votes. The Minister for Internal Administration informed the EU EOM prior to the election that MPLA will press ahead with presidential elections in 2009, constitutional changes in 2010 and local government elections in 2011 before legislative elections again in 2012. One of the main disagreements over the previous constitutional discussions were over the type and powers of local administration. The other was over the powers of the presidency which MPLA had wished to increase. It remains to be seen whether MPLA has changed their ideas in the intervening years. Their manifesto says that they will strengthen Angolan democracy and decentralisation and the President should be the head of state, of the government and of the armed forces. Thus a new constitution along these lines will merely enshrine the powers that he already holds. Civil society organizations have said they are preparing to monitor these next four years but there is some apprehension regarding the degree of openness, debate and freedom of expression that MPLA will tolerate.

UNITA, with 10.39% of the vote, faced the biggest loss, down from the 34% obtained in 1992. This translates into just 16 seats, down from 70 – a fact that will hurt the party

hierarchy in lost revenue, prestige and political clout. The party failed to win in any province even its traditional strongholds and likely suffered from its association to the post 1992 election conflict in many voters' minds. Following the announcement of the results, UNITA held an extraordinary general meeting in Luanda and gave a vote of confidence to their president, Isaiás Samakuva.

UNITA achieved its best result, 31.37%, in Cabinda, up from 15% in 1992, where MPLA received its second worst result at 62.77%. This was clearly as a result of some of the best known personalities involved in the autonomy struggle for the oil rich enclave having joined UNITA. The top placed candidate on the provincial list for UNITA was the well known activist Raúl Danda, from Mpalabanda⁴³, who won UNITA's parliamentary seat for the province. MPLA may also have suffered from the voters' awareness that the current Memorandum of Understanding for peace in the province is only represented by some members of the independence movement, FLEC, and does not address many of the concerns of the wider movement.

The third largest party, PRS retained its position and gained two seats overall, up to 8 seats in total. This was largely due to a good showing in its traditional heartlands of the far east-Lunda-Sul, Lunda-Norte and Moxico- winning 2 provincial seats in Lunda Sul and one in Lunda Norte. This reflects the fact that PRS has maintained a strong organisation in these provinces. However, as mentioned above, the party has expressed its concerns over irregularities⁴⁴ in Lunda Norte which it feels denied them a second seat in that province.

FNLA had its only big win in Zaire province where it gained second position and won one seat. However, its percentage of the vote decreased substantially, from 33% in 1992 down to 15.85%. It gained three parliamentary seats overall, down from 5. This seems to reflect the fact that the party still retains ethnic loyalties over the older generation, but is failing young voters, due in part to its long standing internal frictions.

The only other party to gain any parliamentary seats was the recently established coalition, Nova Democracia (ND). This received 1.20% of the vote nationally and came in third position in six provinces. This has given it two seats in the National Assembly, which has surprised all interlocutors due to the party's lack of campaigning⁴⁵ and traditional supporters. The EU EOM saw little evidence of the party in terms of campaign event or party agents to justify its showing in the polls. Some analysts and political parties argue that it gained accidental votes from its position on the ballot, just before MPLA, others that voters liked the name and others still allege that the MPLA supported ND in order to create a fake opposition party in parliament. This last allegation has been informally discussed since the party's inception.

The poor results of the rest of the contestants, all but one gaining less than 0.5% of the total votes, mostly reflect their weak organisational structures, lack of profile and inability to campaign due in part to comparatively poor financial resources. According to the law

⁴³ The most active human rights organization based in Cabinda that was illegally extinguished by the government after years of denouncing human rights' violations perpetuated in that province.

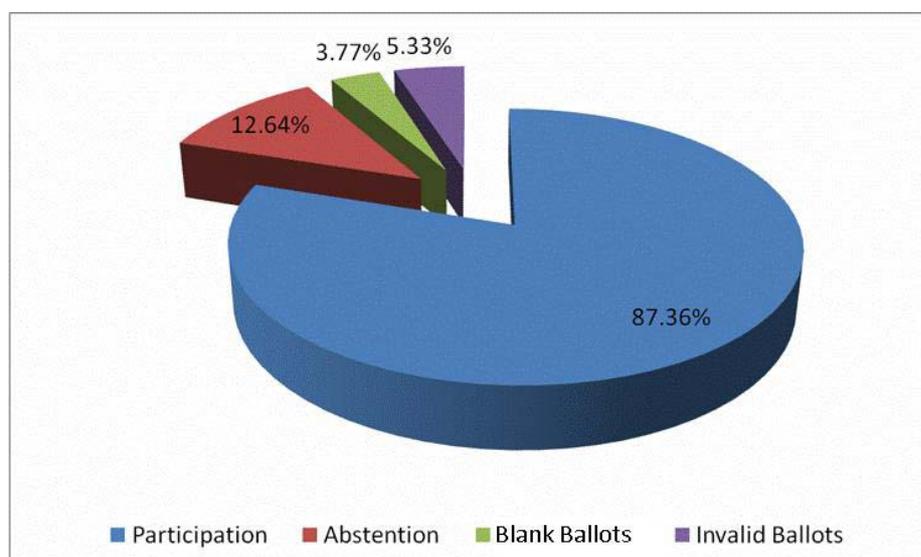
⁴⁴ The way counting was handled in parts of Lunda Norte, where ballot boxes were taken to the municipal administration and not counted until the evening after the election. It also claims that results shown in the national database differs from their parallel tabulation according to their copies of the results protocols.

⁴⁵ EU Observers saw no campaign activity for this party except for a small amount in two provinces.

governing political parties⁴⁶, any party gaining less than 0.5% of the popular vote can be de-registered, denying them the right to annual state funds. The President of the National Assembly, General Attorney and legally constituted parties have the right to request this de-registration and it remains to be seen if this will occur.

Blank ballots represent 3.77% of the total votes which is more than PRS, the third biggest party, won. High as this is it represents a considerable decrease over 1992 when blank ballots accounted for 7% of the total vote and probably reflects the higher degree of civic education conducted by civil society organisations prior to the election.

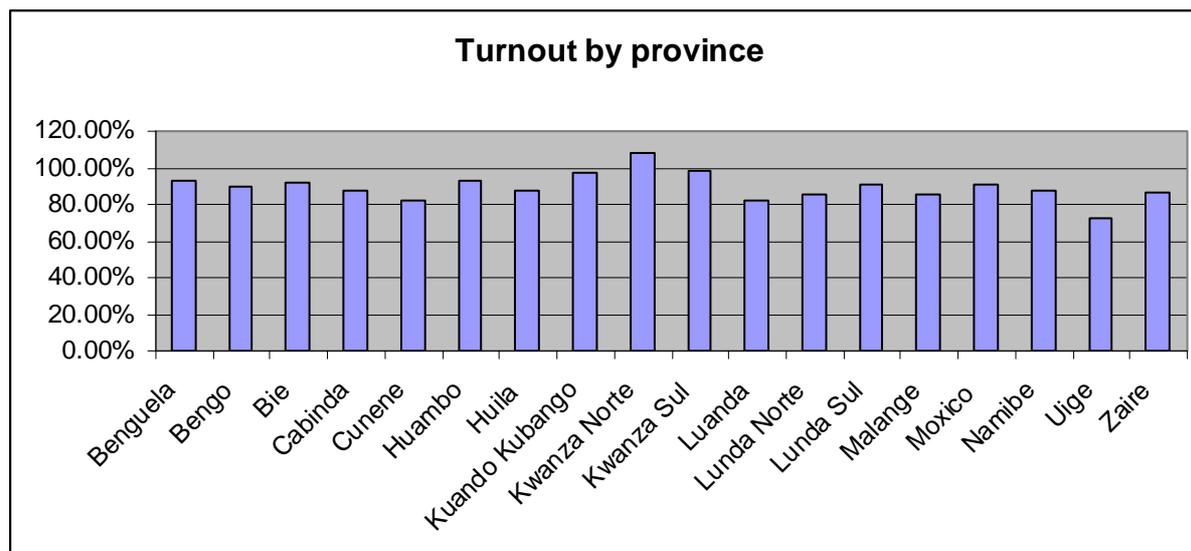
Level of participation, abstention, blank and invalid ballots



Although EU EOM observed voters a huge affluence of voters to the polling centres on Election Day, the mission is unable to confirm the high turnout due to the fact that we were not given access to the national tabulation centre to verify computer entry and there was no way of verifying turnout at the polling stations due to the fact that the voter registers were not used. However, on examination the turnout in some provinces seems to be exceptionally high, especially in areas where many voters live in remote areas such as Moxico, Cuando Cubango and Lunda Sul. The turnout in one province, Kwanza Norte, was 108%⁴⁷. Cabinda's figure was also unexpectedly high with an 87.7% turnout despite the FLEC campaign to boycott the election.

⁴⁶ Art. 33/4

⁴⁷ There were 145,067 registered voters in Kwanza Norte and 156,666 people voted, of which 144,055 votes were valid.



The majority of opposition parties have expressed dissatisfaction with the conduct of the polls to the EU EOM and characterised Election Day as organized disorganization in order to obscure what was really going on. They mentioned cases of ballot boxes being opened, transportation of ballot boxes without being monitored, lack of access to the national counting centre and intimidation of citizens. When asked about why they have presented so few complaints they all say that they feel obliged to accept the results in order to keep stability and reconciliation as well as to counteract any similar events of the 1992 polls.

XIV. RECOMMENDATIONS

The following recommendations to improve the electoral process and related areas are offered for consideration and action by the Angolan authorities, political parties, civil society and the international community:

EU EOM RECOMMENDATIONS	ESSENTIAL	DESIRABLE	ADDRESSED TO	POSSIBLE IMPROVEMENTS SUGGESTED	TIME LINE
ELECTION ADMINISTRATION	<ul style="list-style-type: none"> Strengthen the impartiality of the CNE 	<ul style="list-style-type: none"> Strengthen the powers of the CNE by ensuring that they have more direct support from different government departments that assist in the delivery of electoral support rather than having to rely on the CIPE to coordinate this 	GOV National Assemb.	<ul style="list-style-type: none"> Nominate at least two new members from opposition parties Set CNE budgets more accurately and in advance to ensure that funds arrive on time. 	Next six months By May 2009

	<ul style="list-style-type: none"> Strengthen the structure of the CNE directorates to ensure more effective decision making and communication 	<p>support on their behalf.</p> <ul style="list-style-type: none"> Tasks & responsibilities of lower levels of electoral administration should be more clearly defined CPE and GMEs in Luanda to be strengthened to enable them to cope with the large number of <i>Mesas de Voto</i> they manage Ensure that there is a timetable for decision making and that this is adhered to 	<p>CNE</p>	<ul style="list-style-type: none"> Conduct more training for GMEs and CPEs Give GMEs more responsibility for checking polling station results after the election and allow CPEs to tabulate provincial results in accordance with the law. Creation of an overall management post to facilitate communication and information sharing Re locate logistics section under the directorate of Organization (DOETTI) Devolve more decision making powers to the directorates. recruit of new professional staff to fill identified gaps in the administration structure 	<p>Over next year</p>
	<ul style="list-style-type: none"> Improve the transparency of the CNEs operations and decisions, especially in allowing party agents and observers in to the National Counting centre to monitor the tabulation of the results and publishing the results desegregated by polling station 		<p>CNE</p>	<ul style="list-style-type: none"> Make CNE formal decision making sessions open to domestic and international observers as well as to party agents Information on decisions should be permanently available on the web site and posted more rapidly Posting the election results by polling station on the CNE web site to facilitate verification by political contestants Make space available for party agents (<i>mandatários</i>) to be present and able to monitor all aspects of post election handling of materials and results at GMEs, CPEs and most importantly at the national counting centre (<i>Centro de Escrutinio</i>) to ensure full confidence in the results The accreditation process for observers and party agents (<i>delegados das listas</i>) should be improved to ensure equal and timely treatment 	

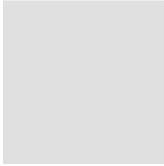
<p>LEGAL FRAMEWORK</p>	<ul style="list-style-type: none"> Review The Election Law and its Regulation in a consultative and participatory manner, with the CNE at the centre of the review to better define procedures taking into consideration proper safeguards against electoral fraud, even where hi tech procedures may be envisaged. 	<p>National Assembly and CNE</p> <ul style="list-style-type: none"> Highlight the essential role of the voter register and underline that its consistent use should be mandatory at all polling stations. Voters should have to sign their names against the voters list as a safeguard against proxy voting and ballot stuffing. Revise the regulation so that is harmonizes with Election law in that voters fingers must be checked for indelible ink <i>before</i> they are handed the ballot and are inked <i>after</i> they have voted. Revise the time of closing polling stations to 17.00 so that counting can commence in daylight hours Eliminate the requirement in the Regulation on the Electoral Law that domestic observers have to provide a current certificate of criminal record check (<i>registro criminal</i>). 	<p>Within six months</p>
	<ul style="list-style-type: none"> Regulate the The Media Law (Lei de Imprensa - Lei 07/05) in order to make applicable provisions on relevant issues such as concession of licences for radio and TV broadcastings and the organization and running of the National Council for Social Communication (Conselho Nacional de Comunicação Social - CNCS). 		<p>Within six months</p>
<p>VOTER REGISTRATION</p>	<ul style="list-style-type: none"> The CNE should define new polling station locations and begin an information 	<p>CNE and CIPE</p> <ul style="list-style-type: none"> The update period may have to be extended to cater for demand. 	<p>In next six months</p>

ELECTION MATERIAL	<p>campaign in advance of the next voter registration update. Voters should be informed that they will have to vote where they are registered at the next election and to check and amend their registration location during the update.</p>	<ul style="list-style-type: none"> • Conditions for out-of country registration and voting of Angolans should be met in order to allow all citizens to be able exercise their right to vote, also for the Presidential Election. 	GOV	Within 9 months	
	<ul style="list-style-type: none"> • Ensure that all procedural safeguards against electoral fraud are in place such as use of voter register, use of a supplementary voter register, systematic checking of voters' fingers for ink, and reconciliation of the ballots 	<ul style="list-style-type: none"> • Elaborate procedures for the use and counting of tendered ballots 	CNE	<ul style="list-style-type: none"> • Elaborate procedures for pre and post election activities for GMEs and CPEs • Revise the election day procedures manual with more detail and ensure that Polling station staff understand the reasons for the different checks • Revise the protocols to include spaces to enter number of ballot box seals, number of ballots received and a supplementary voter register • Shorten the cascade for training of polling station staff to ensure that trainers fully understand the information. • If electronic means such as PDAs or swipe machines are used instead of a voter list, these should be available at each polling station and linked to the central database to ensure voters only vote once. They should calculate the number of people who have voted at that polling station to facilitate the reconciliation process after closing. 	Procedures should all be determined at least three months prior to next elections
	<ul style="list-style-type: none"> • The number of polling stations (<i>Mesas de Voto</i>) should be reduced to enable more efficient organisation and easier identification of where a voter 	<ul style="list-style-type: none"> • Ensure all materials are delivered the day before and include lamps. Ensure adequate transport for Presidents of each Polling station to the GME to answer 		<ul style="list-style-type: none"> • Between 700 and 1000 voters per polling station in urban areas is a guideline but may be less in rural areas. • Polling stations should be located in schools and public buildings where possible, rather than in tents, to enable people to locate their polling stations more easily, provide an area for 	

	should go to vote.	questions in case of problems		posting the results, give a more orderly environment for voting and access to electricity for the counting.	
MEDIA	<ul style="list-style-type: none"> Review media law to implement a fair licensing system for private radio stations to allow for nationwide broadcasting and improve access to information from different sources for the population. 	<ul style="list-style-type: none"> Angolan State Owned media to strengthen their commitment to impartiality, independence and veracity, particularly in the context of an electoral campaign. Equal access to the media must be guaranteed for all electoral contestants at any level of information and not only when broadcasting free airtime programs (<i>Tempo de Antena</i>) by public radio and TV. 	<p>GOV</p> <p>National Assemb</p> <p>CNCS</p> <p>Media</p>	<p>Organisation and broadcasting of debates between contestants in the media, especially on national radio and TV during the campaign period to provide the electorate with greater information and comparison between the political choices available.</p> <p>Actions intended to limit freedom of expression and freedom of the press to be avoided in order to guarantee basic human rights, international democratic standards and avoid self censorship practises among Angolan media and journalists.</p>	<p>Within next year</p>
	<ul style="list-style-type: none"> The CNCS to take a more proactive role in sanctioning the press, especially over the campaign period, to ensure objectivity and independence of and media. The electoral administration should also reinforce its role in the same regard. 			<p>Ammend the Law on the National Council for Social Communication (<i>Lei sobre o Conselho Nacional de Comunicação Social 7/92</i>) to confer sanctioning powers on the CNCS</p> <p>A media monitoring unit should be established within the CNCS to monitor coverage of the election campaign. Methodological support could be requested from international organisations</p>	
CIVIC & VOTER EDUCATION	An extended campaign should be conducted to inform voters on how to locate their polling station and how to change their voting location if necessary.	Civil society organisations should be encouraged to continue their programs of civic education to encourage more open political debate, political	<p>CNE</p> <p>NGOs</p>	Civic education agents should be given refresher training prior to the next election. They would also benefit from spot visits from trainers and on the job training where possible.	To start within six months

POLITICAL PARTIES		tolerance and greater understanding of the democratic process, particularly focusing on rural areas.		
	State funding for political contestants to be provided immediately after the contestants have been accepted by the TC	<p>The CNE, in conjunction with the MAT, should develop a training program for local leaders including <i>Sobas</i>, and traditional authorities, to encourage political tolerance in their area of authority.</p> <p>Opposition political forces should design and conduct a strong fundraising strategy, in order to have the financial capacity to strengthen their structures, specifically at the local level, train and recruit new members and develop a timely and thorough campaign.</p> <p>Political contestants should involve their provincial candidates in campaigning and debates in their home constituency during the campaign to increase voter awareness of their future representatives.</p> <p>More effective and timely training of party agents to increase their</p>	CNE, MAT	<p>GOV & NEC & Political Parties</p> <p>The CNE should provide guidance notes to all political contestants on how to present their candidacies and receive funding once accepted, so as to avoid the large number of disqualifications and lack of preparedness of many of the political contestants evidenced in this election.</p> <p>Political Parties should elicit training in political marketing possibly with assistance from homologous political parties in other countries or political marketing consultants</p> <p>Political parties should establish regular liaison with civil society organizations to listen to their concerns and local issues.</p> <p>Training should cover voting and counting proceedings, the importance of official complaints and how to file them, and obtaining a copy of the results protocol</p>

		effectiveness..			
COMPLAINTS AND APPEALS	The Election Law and its Regulation should detail the time frame in which decisions on complaints by the election administrative bodies (municipal, provincial and national) have to be taken	The Law to include provision for making complaints at GME or CPE level either for infractions conducted by these bodies or for complaints that were not accepted at lower level election administration. This would particularly benefit party agents who were intimidated at their polling station.	GOV & NEC	The introduction of a system for recording and tracking of complaints at municipal, provincial and national level to allow for easy follow up of the treatment of complaints by interested parties.	
USE OF STATE RESOURCES	<ul style="list-style-type: none"> The ruling party should cease to use state resources to its benefit during the campaign. 		GOV	<ul style="list-style-type: none"> Correcting measures should include not giving holidays to government employees to attend party events and a moratorium on inaugurating new projects during the campaign period 	
OTHERS		Consideration should be given to the introduction of legal provisions to promote women's participation as candidates in the electoral process to ensure that all political contestants achieve a healthy gender balance throughout their candidate lists.	GOV, Political Parties	<p>Programs could be implemented to train women candidates within parties to ensure that, if elected, they can fulfil their functions effectively.</p> <p>Political parties could give a certain proportion of their leadership and decision making roles to women.</p>	Over next four years
		The CNE should develop a gender policy to improve the recruitment and participations of women in the election management bodies, particularly in	CNE		

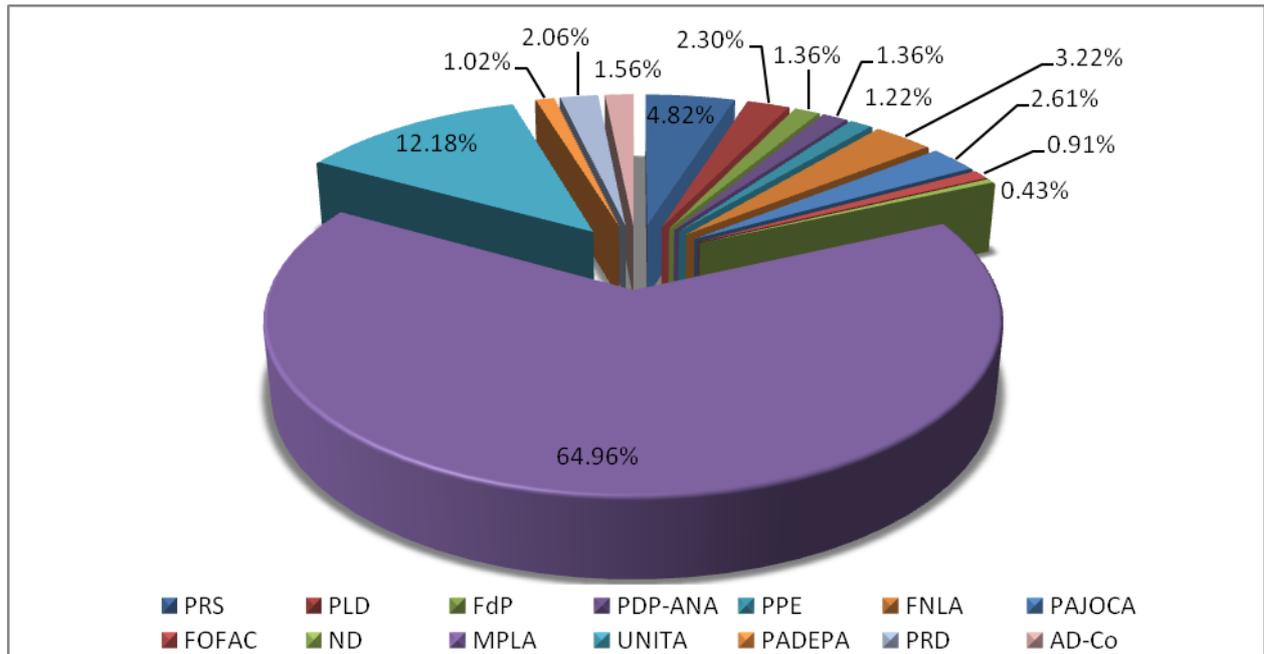


polling station
staff.

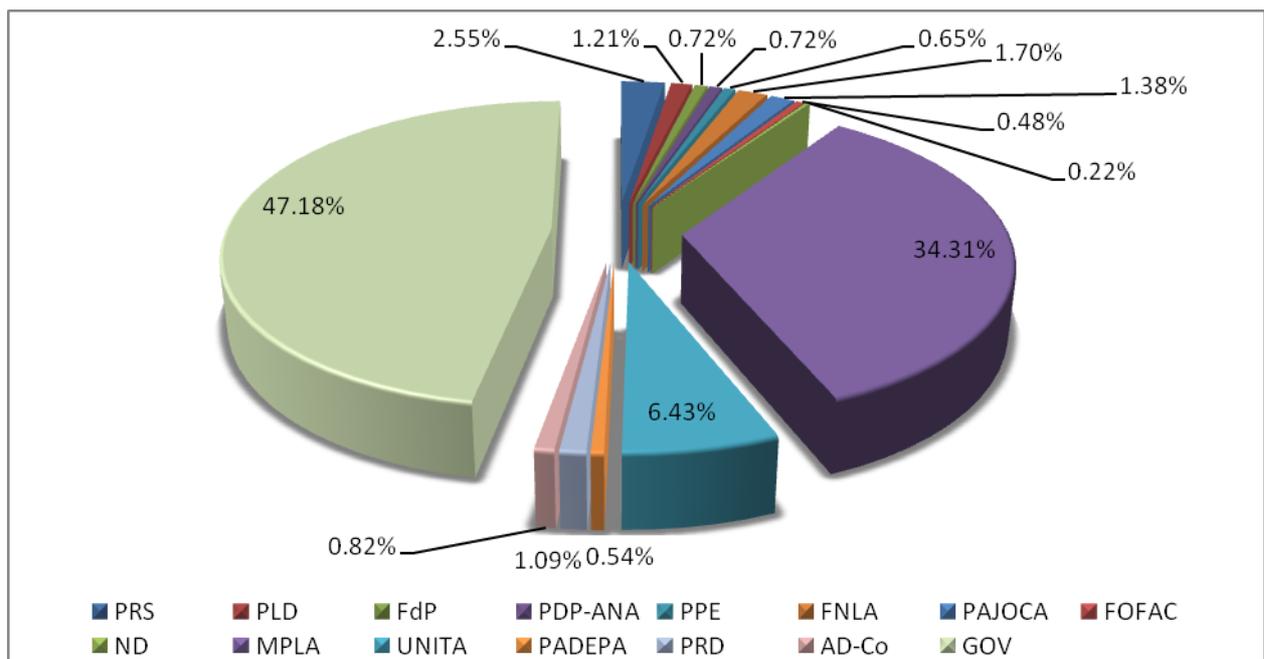
XV. ANNEX

Results of the media monitoring (final charts).

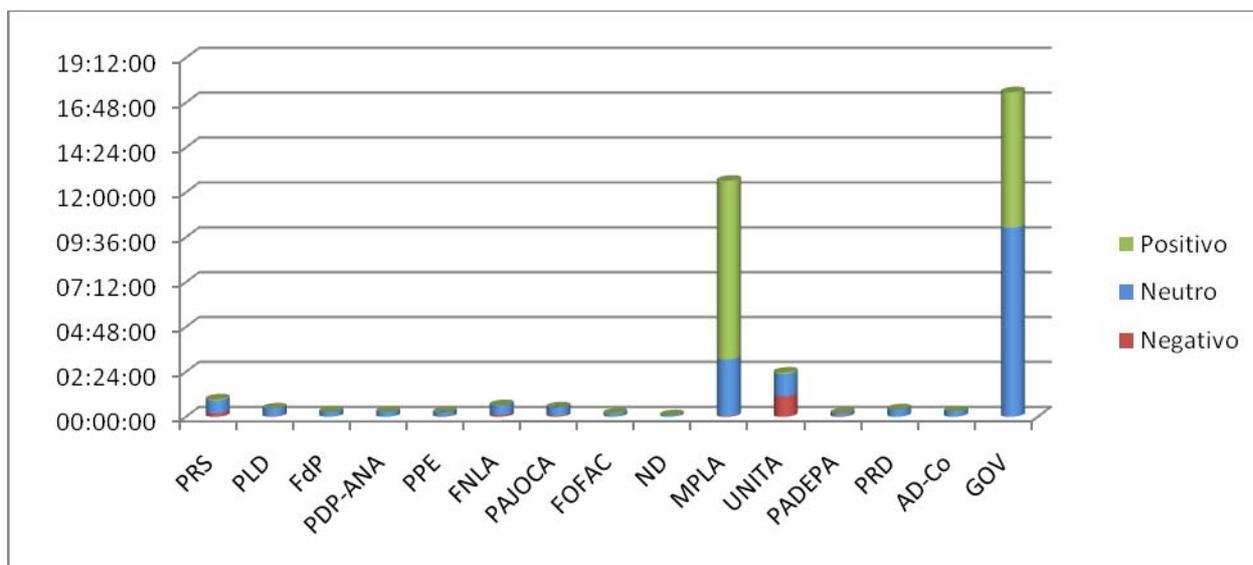
TPA 1



Total airtime allocated to political parties on news programs.



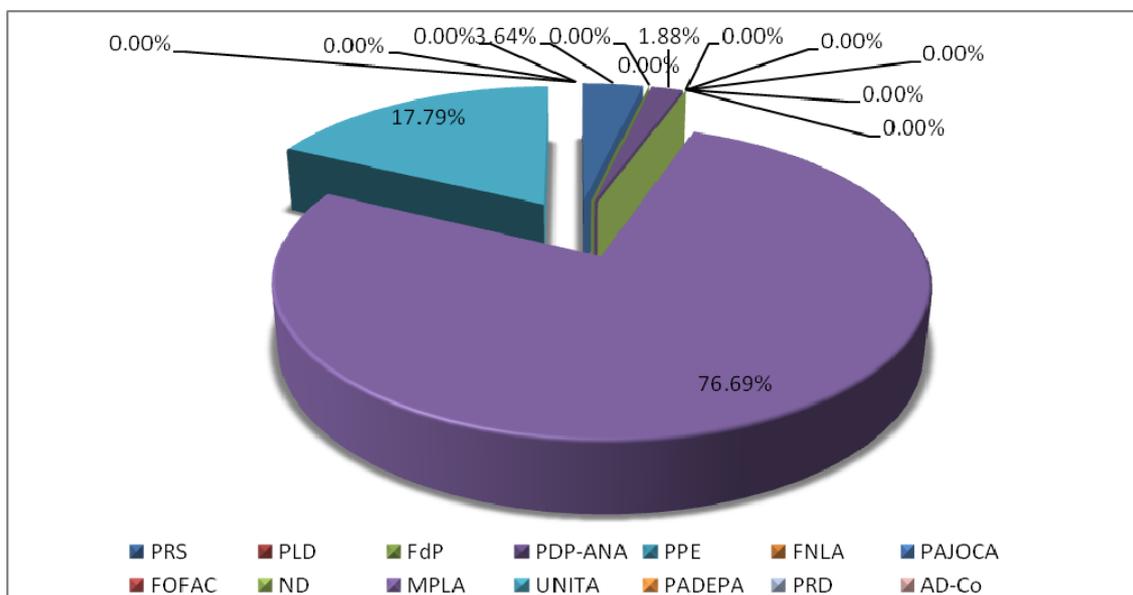
Total airtime allocated to political parties and Government on news programs.



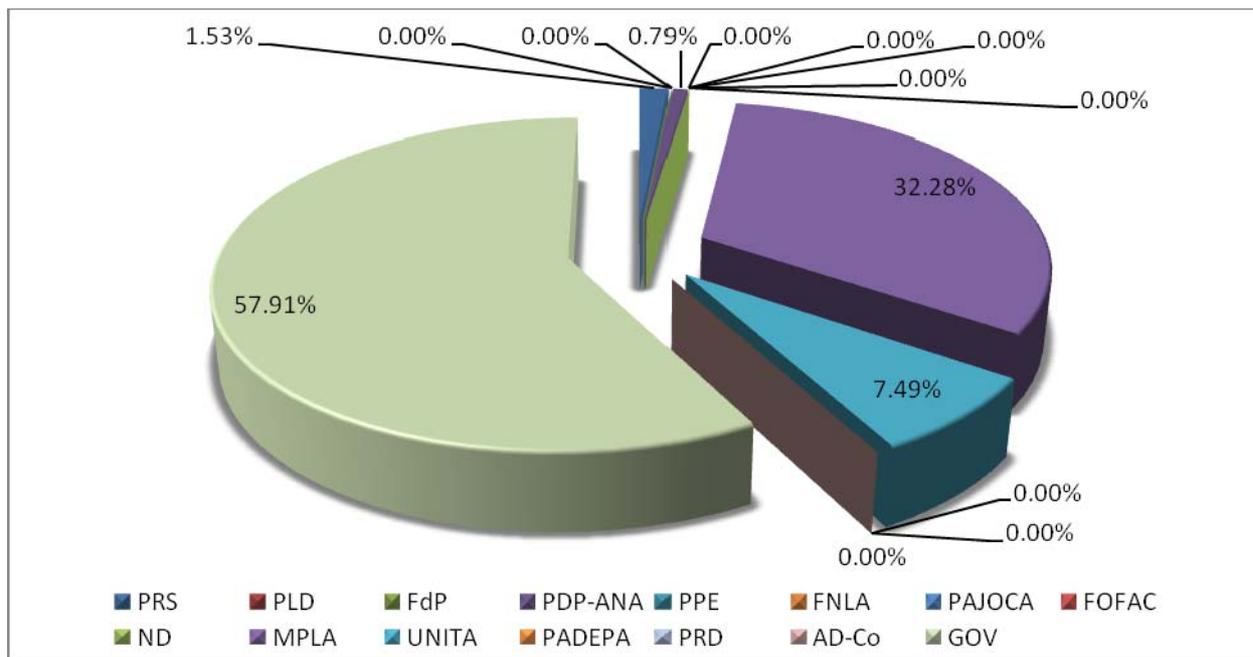
Time (hours, min, secs) and tone in which the information was presented.

Monitoring results from 11 August to 3 September. Programmes monitored: “Jornal da Tarde”, “Jornal da Noite”, “Telejornal”, “Boletim Eleitoral”, “Resumo Informativo em Bom Dia Angola” and especial live broadcasts.

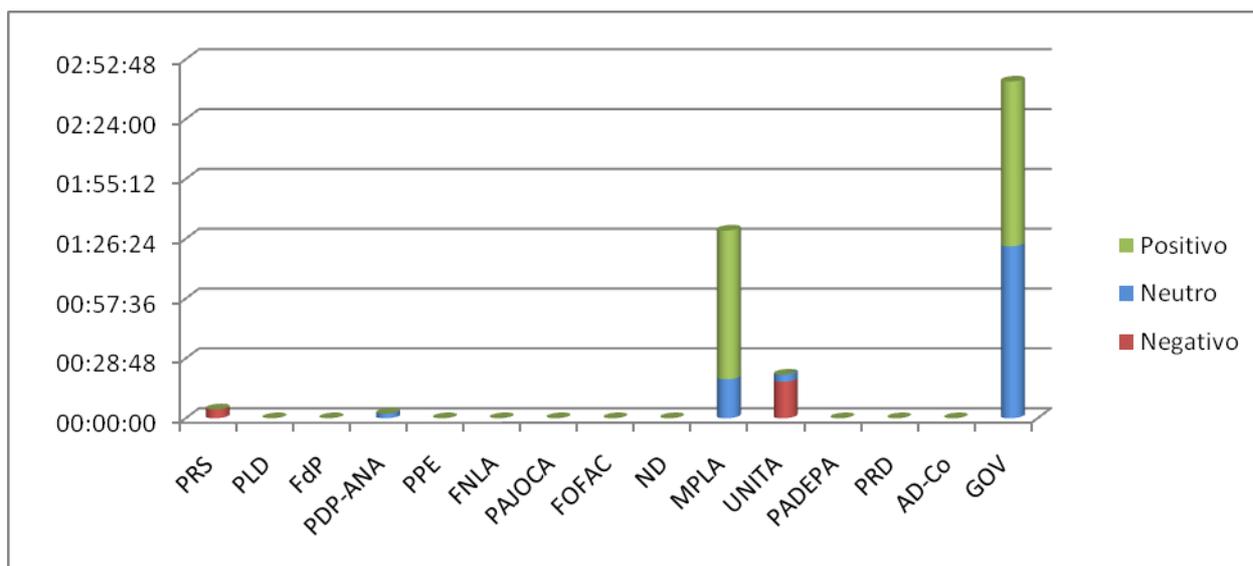
TPA 2



Total airtime allocated to political parties on news programs.

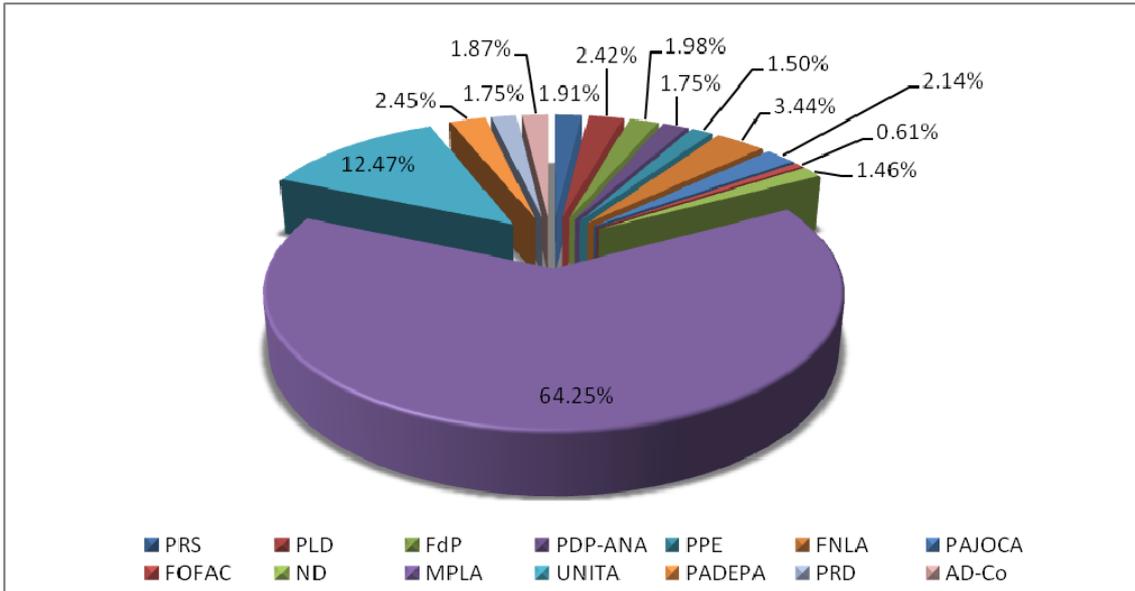


Total airtime allocated to political parties and Government on news programs.

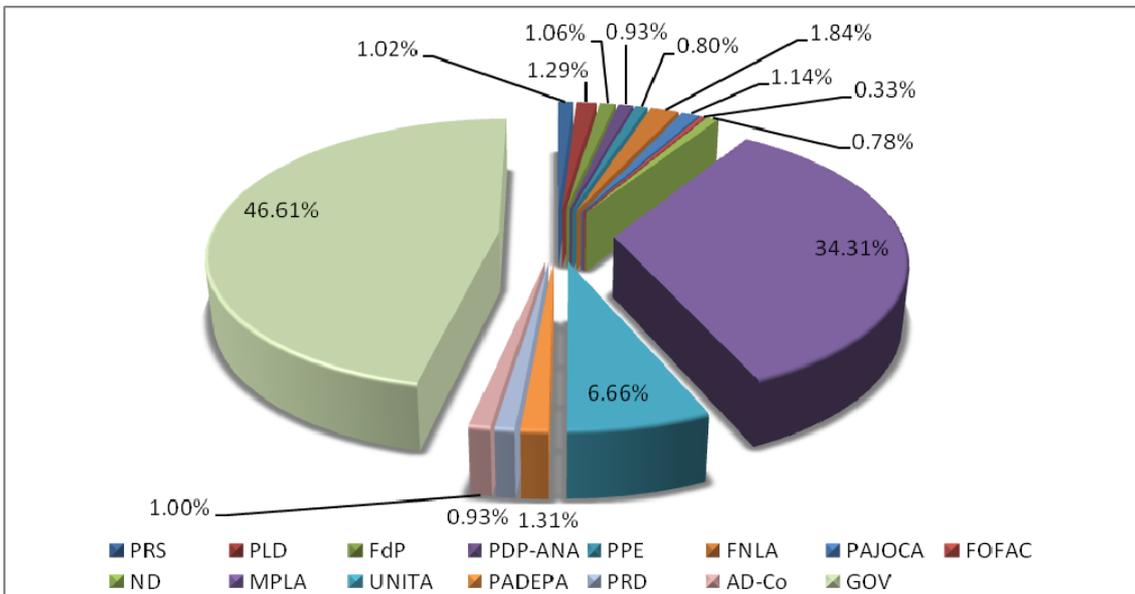


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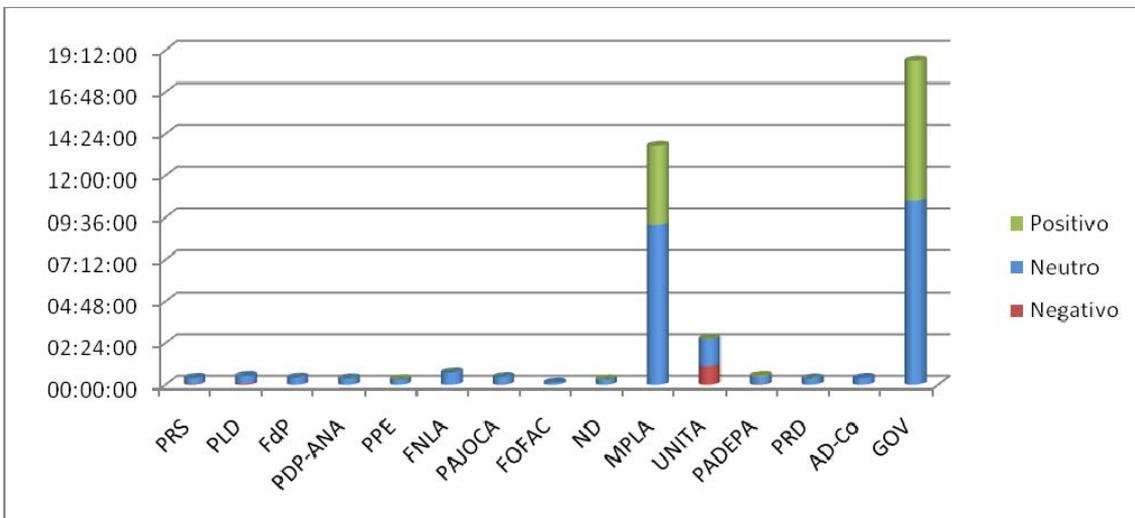
Monitoring results from 11 August to 3 September. Programmes monitored: "Jornal 1" and "Jornal 2".



Total airtime allocated to political parties by RNA Canal A on news programs.



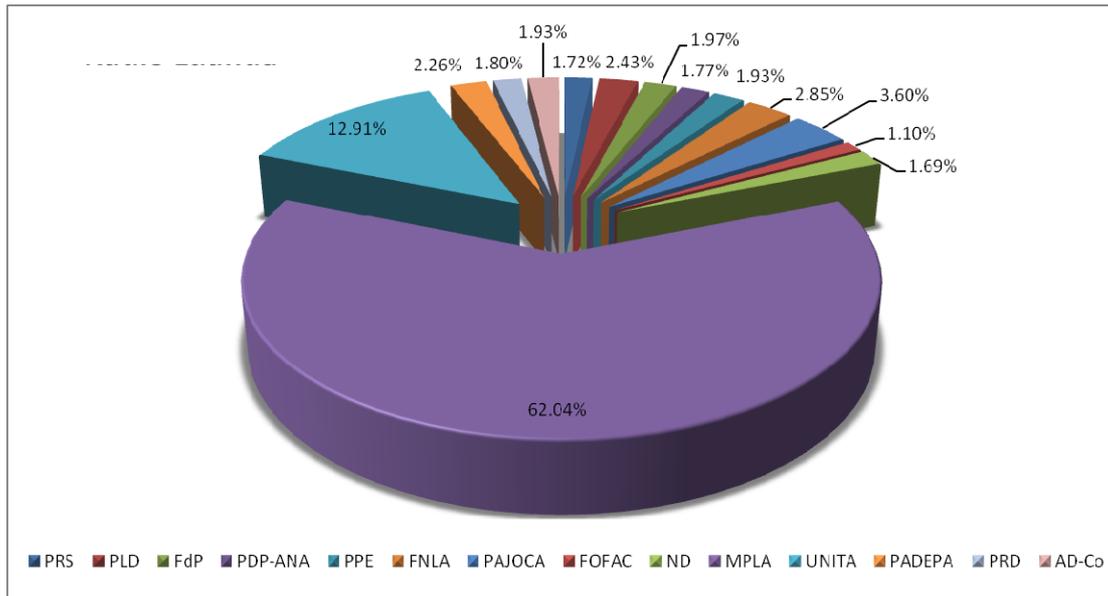
Total airtime allocated to political parties and Government by RNA Canal A on news programs.



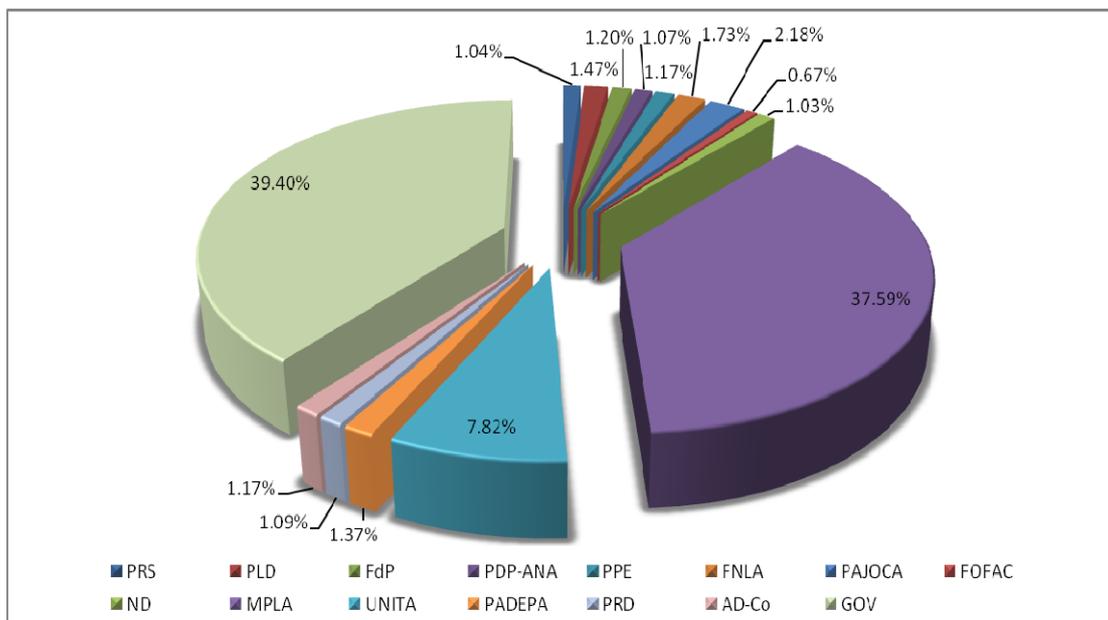
Time (hours, min, secs) and tone in which the information was presented.

Monitoring results from 11 August to 3 September. Programmes monitored: “Jornal da Hora”, “Manhã informativa”, “Jornal de Actualidade”, “Rádio Jornal”, “Jornal da Noite”, “Jornal de Campanha” and “Jornal da Meia-Noite”

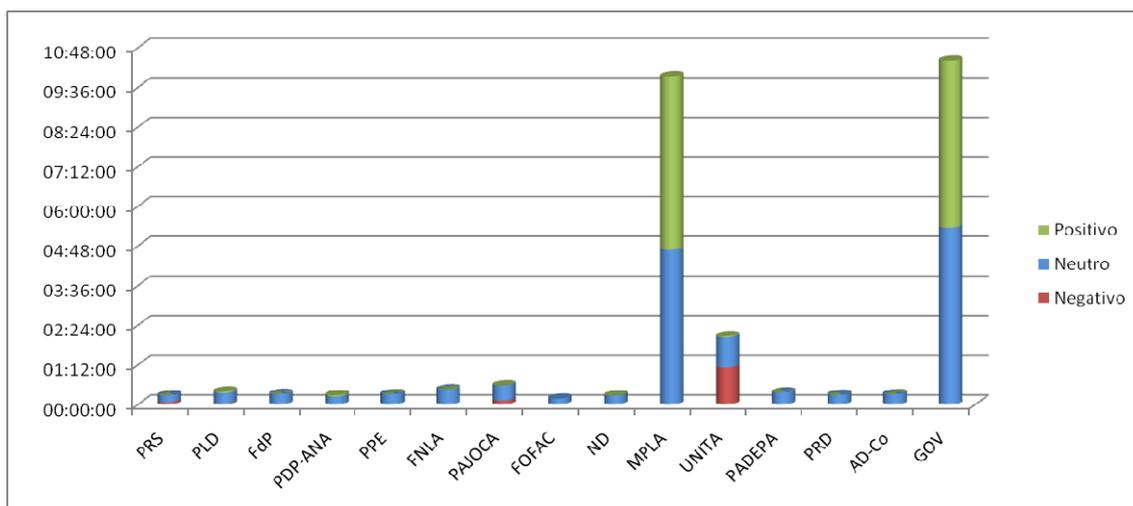
RÁDIO LUANDA



Total airtime allocated to political parties on news programs.



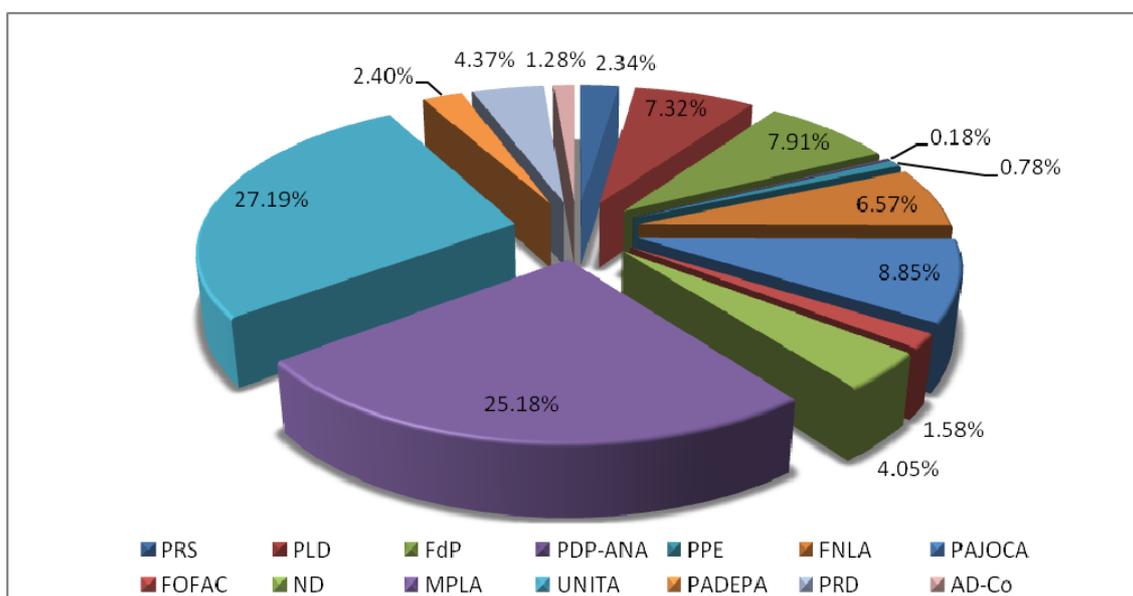
Total airtime allocated to political parties and Government on news programs.



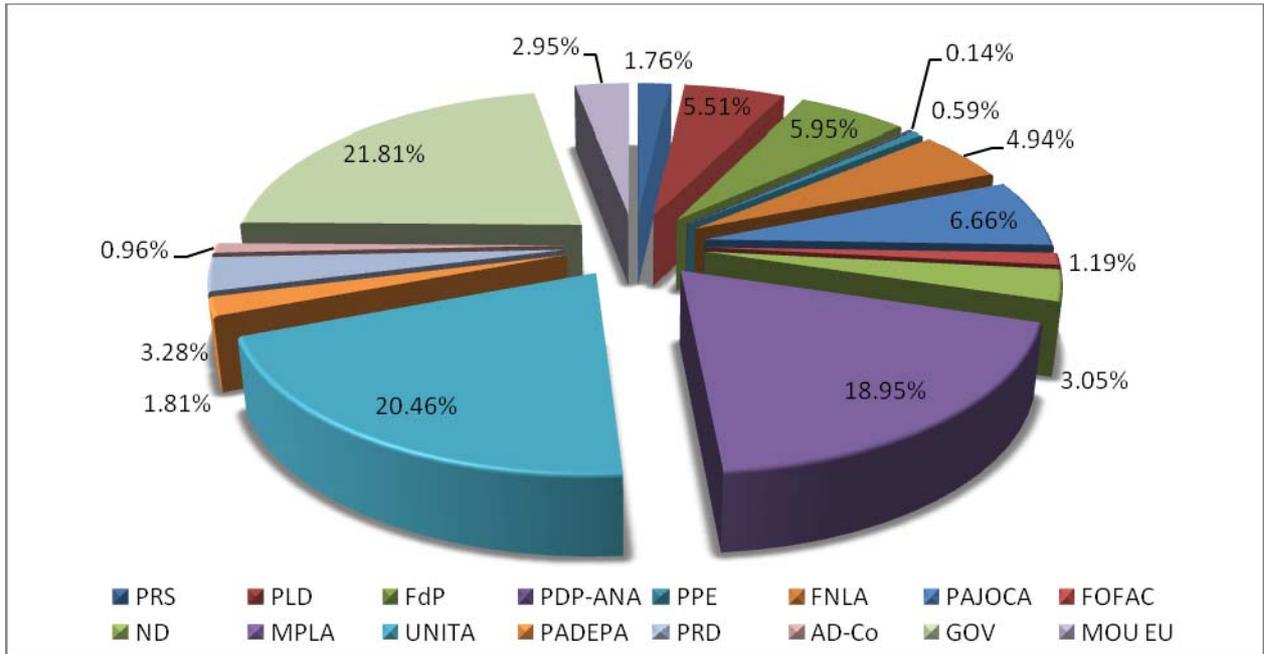
Time (hours, min, secs) and tone in which information was presented.

Monitoring results from 11 August to 3 September. Programmes monitored: "Notícias" and "Flases Notícias".

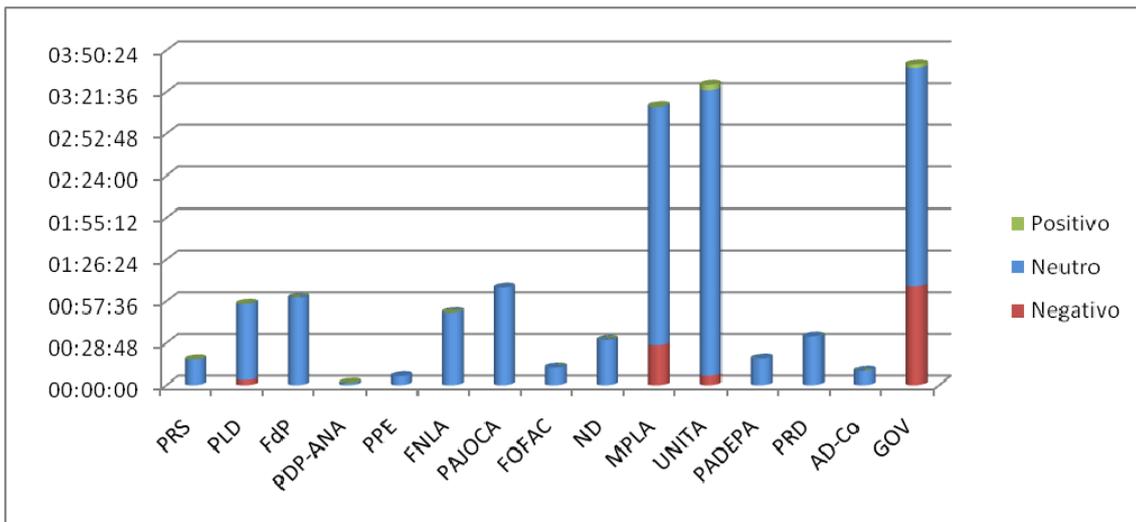
RÁDIO ECCLÉSIA



Total airtime allocated to political parties on news programs.



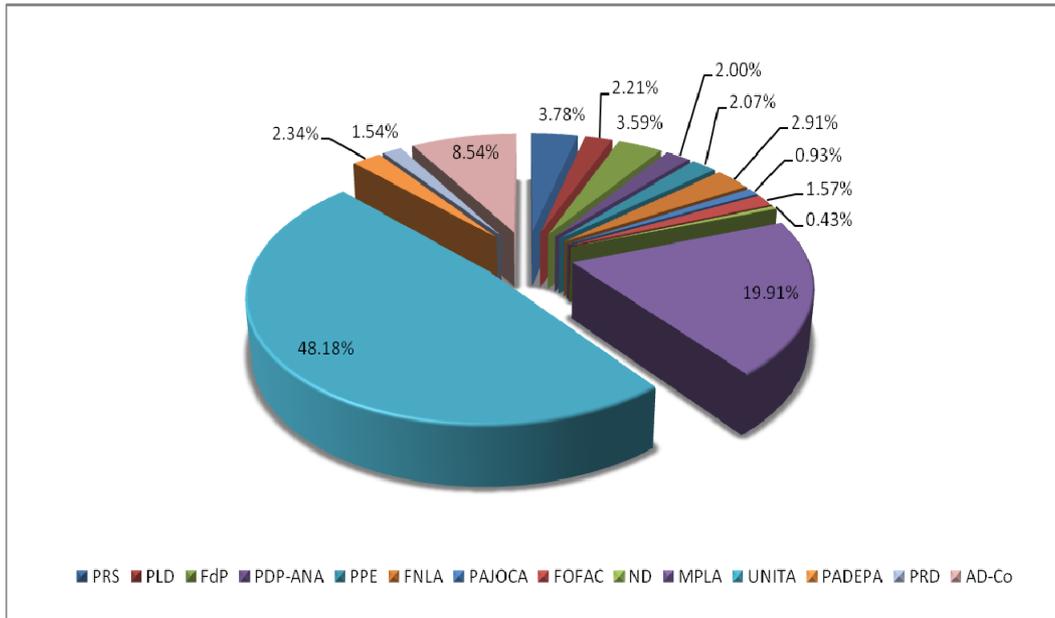
Total airtime allocated to political parties and Government on news programs.



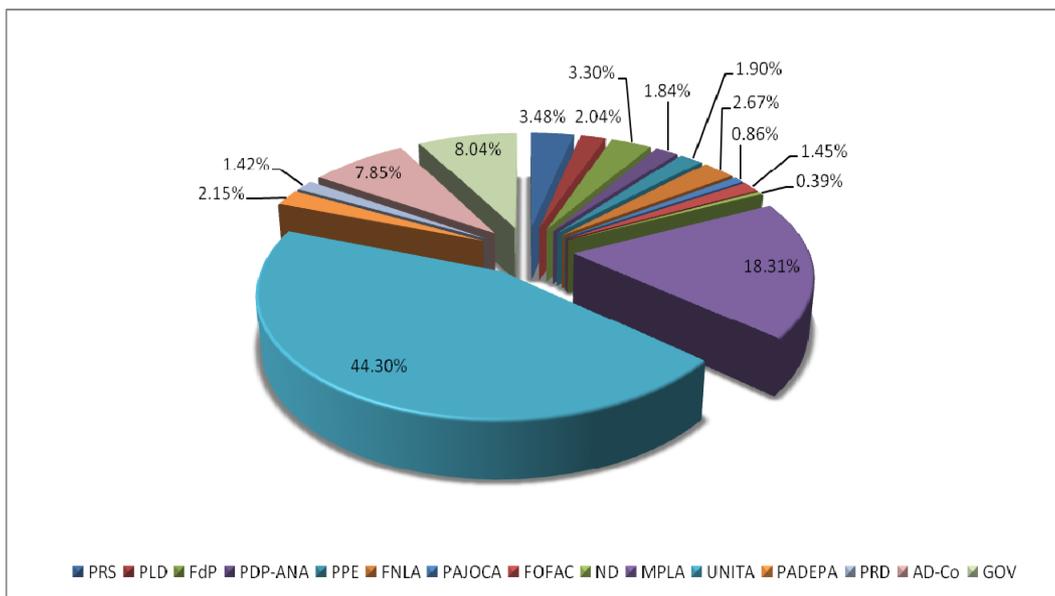
Time (hours, min, secs) and tone in which information was presented.

Monitoring results from 11 August to 3 September. Programmes monitored: “Jornal da Tarde”, “Jornal da Noite”, “Síntesis Notícias” and “Flash Notícias”.

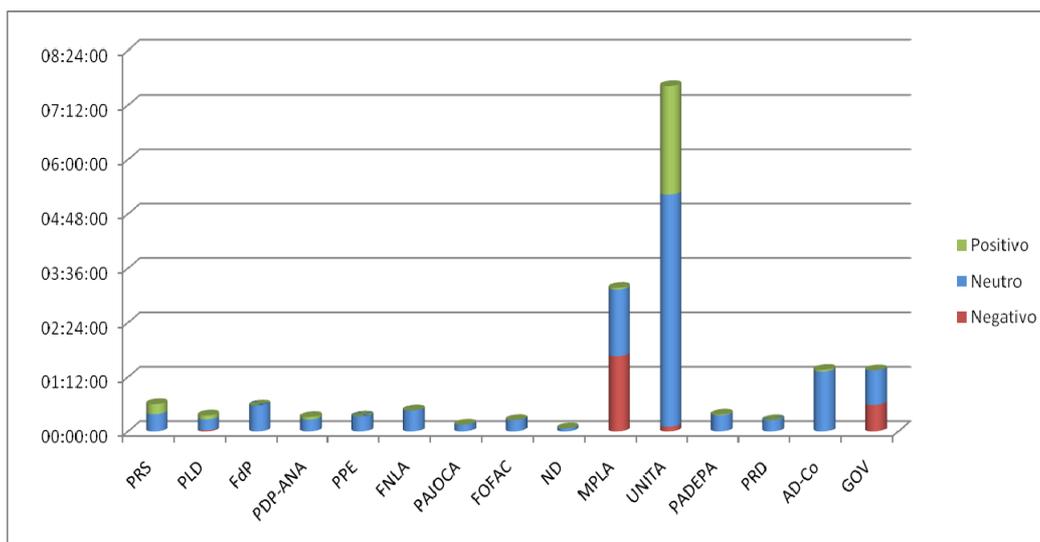
RÁDIO DESPERTAR



Total airtime allocated to political parties on news programs.



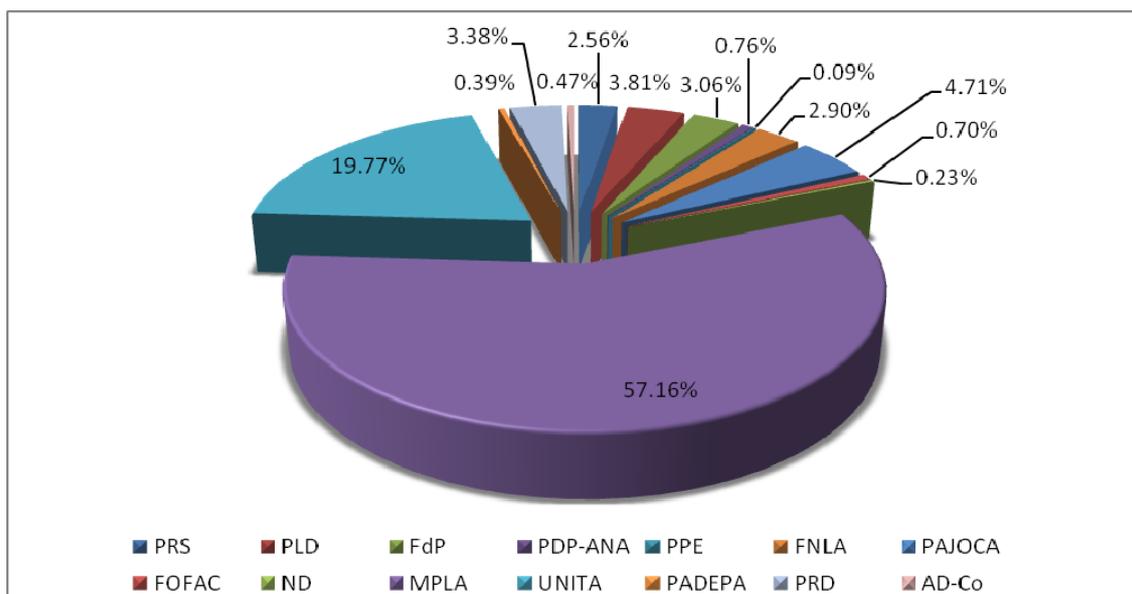
Total airtime allocated to political parties and Government on news programs.



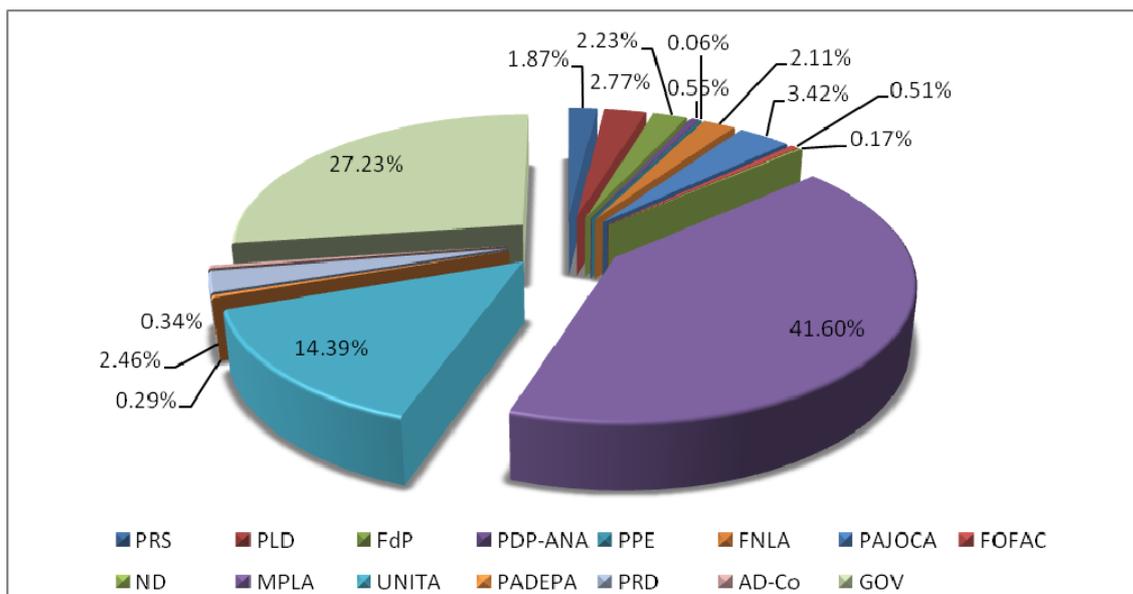
Time (hours, min, secs) and tone in which the information was presented.

Monitoring results from 11 August to 3 September. Programmes monitored: “Angola Bom Dia”, “Noticiário Centra”, “Noticiário de Encerramento” e “Síntesis Informativa”.

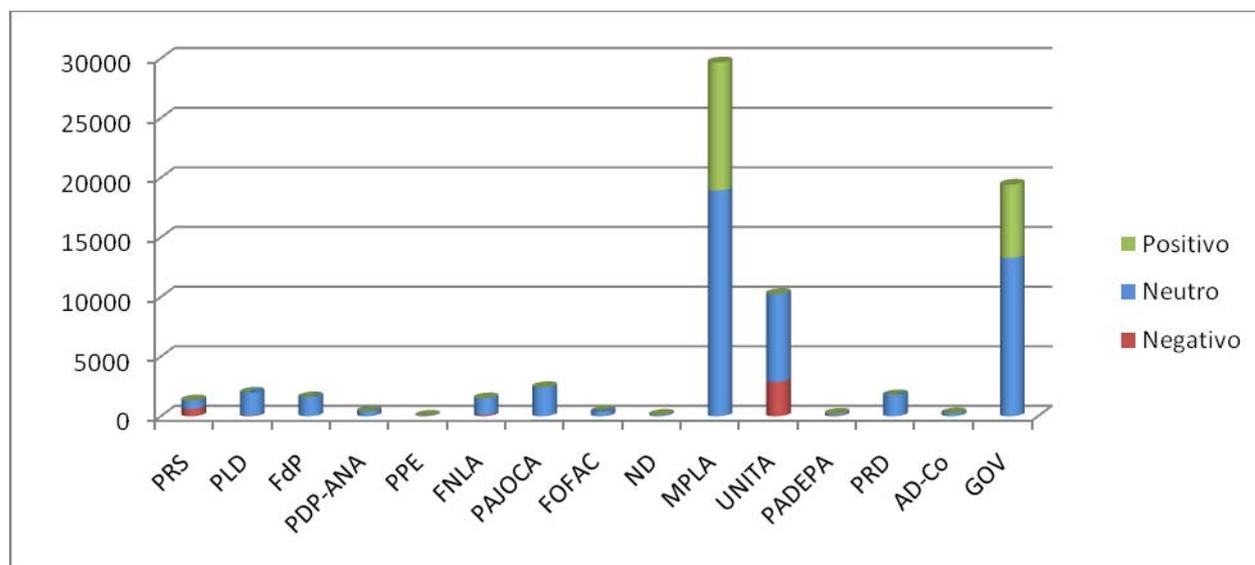
JORNAL DE ANGOLA



Total space allocated to political parties on campaign news.



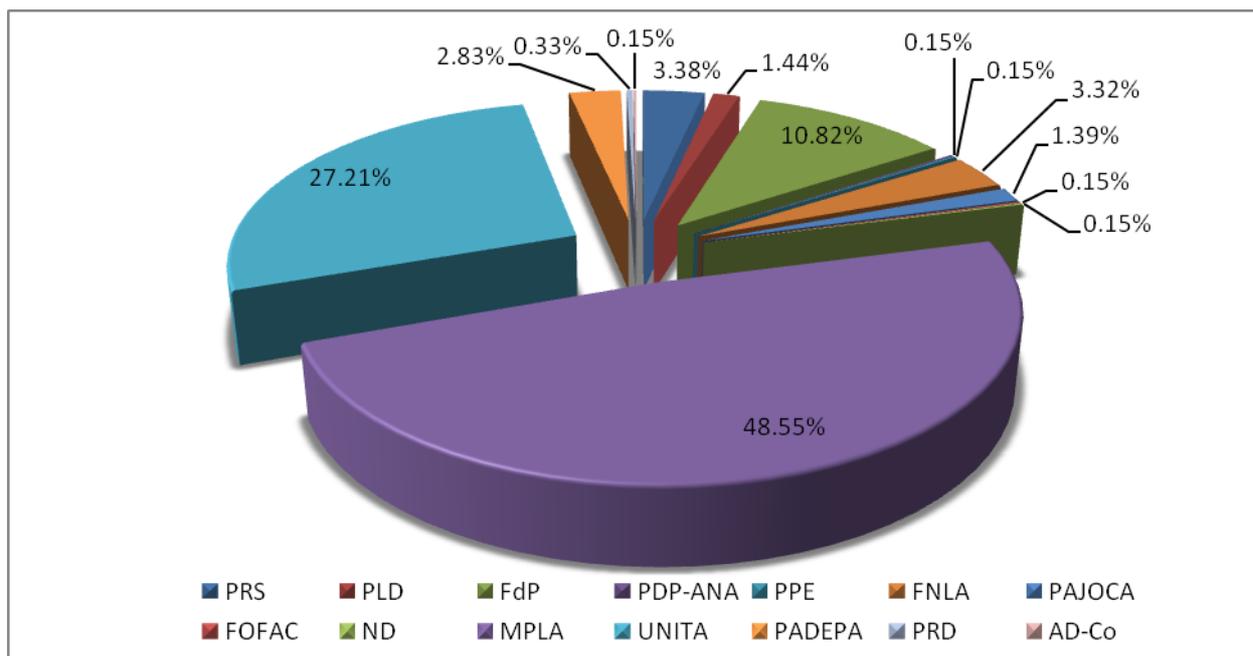
Total space allocated to political parties and Government on campaign news.



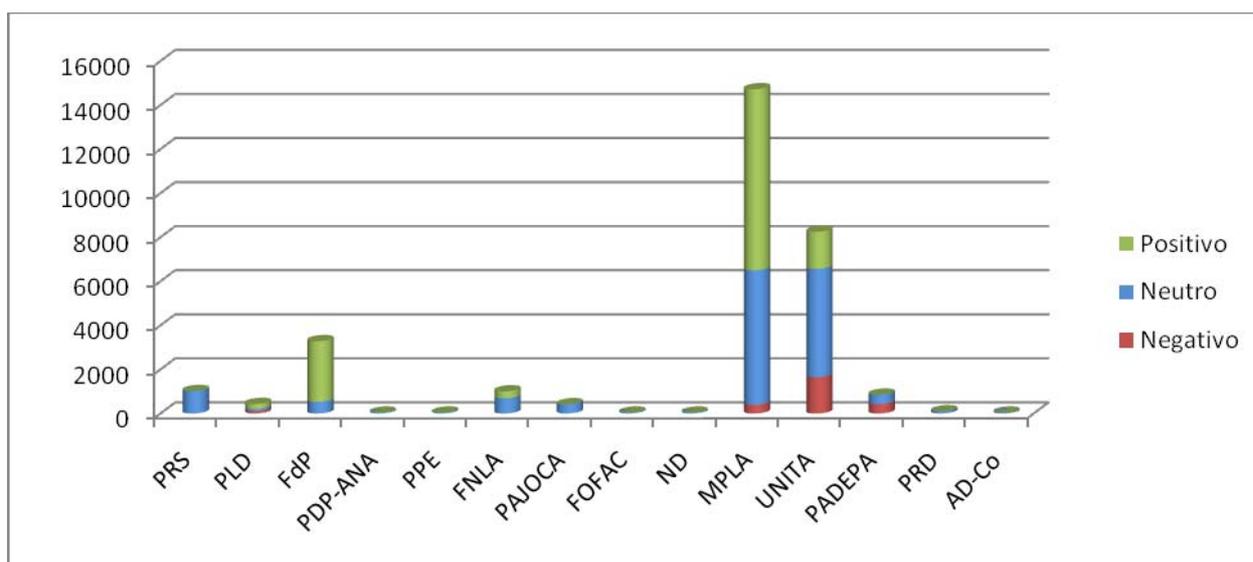
Space (cm2) and tone in which the information was presented.

Monitoring results from 11 August to 3 September. Editorials, opinion articles and adverts excluded.

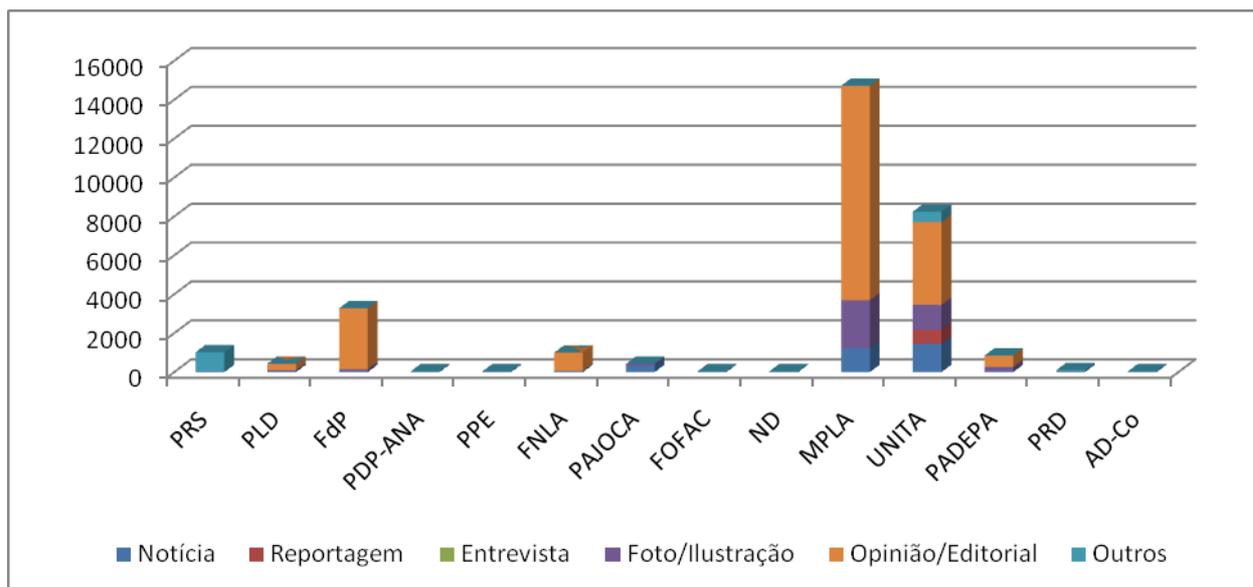
SEMÁNARIO ANGOLENSE



Total space allocated to political parties on campaign news and opinion articles.



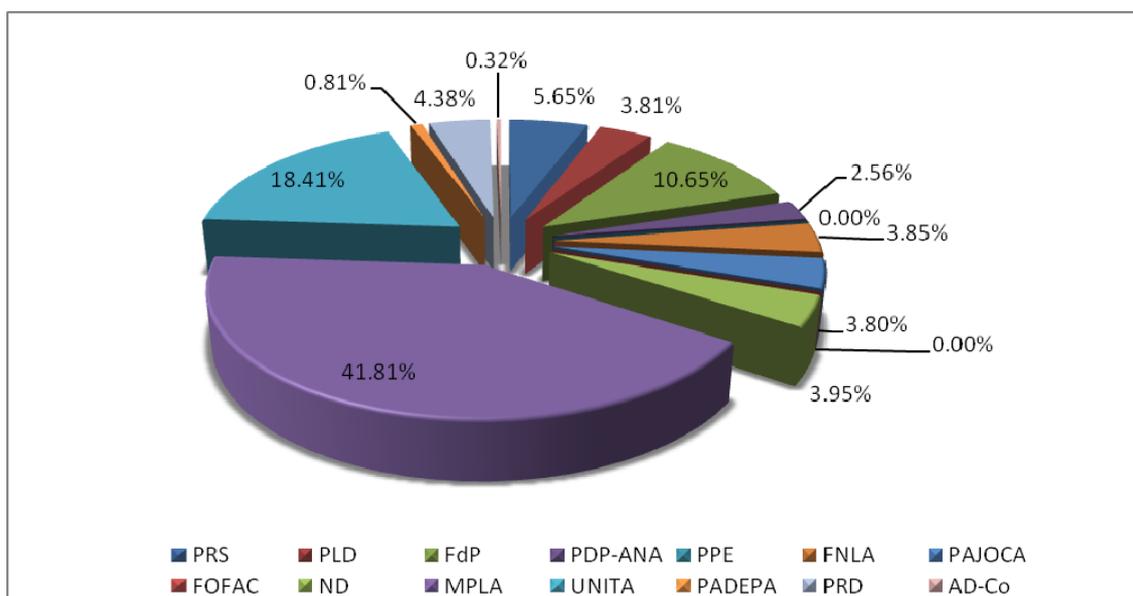
Space (cm2) and tone allocated to political parties on campaign news and opinion articles.



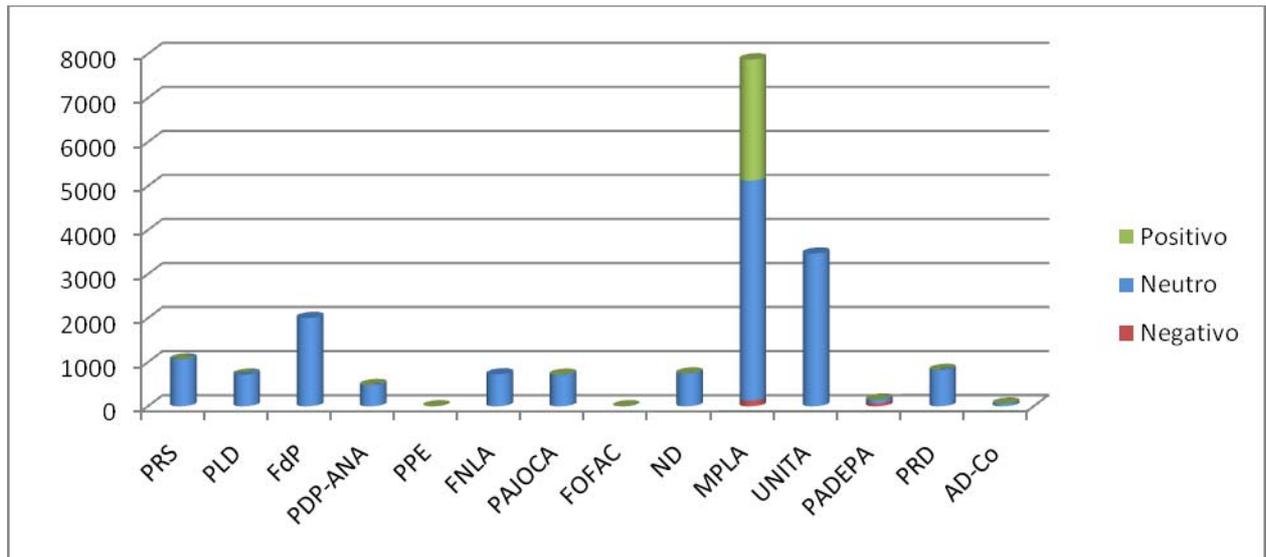
News categories.

Monitoring results from 11 August to 3 September. Adverts excluded.

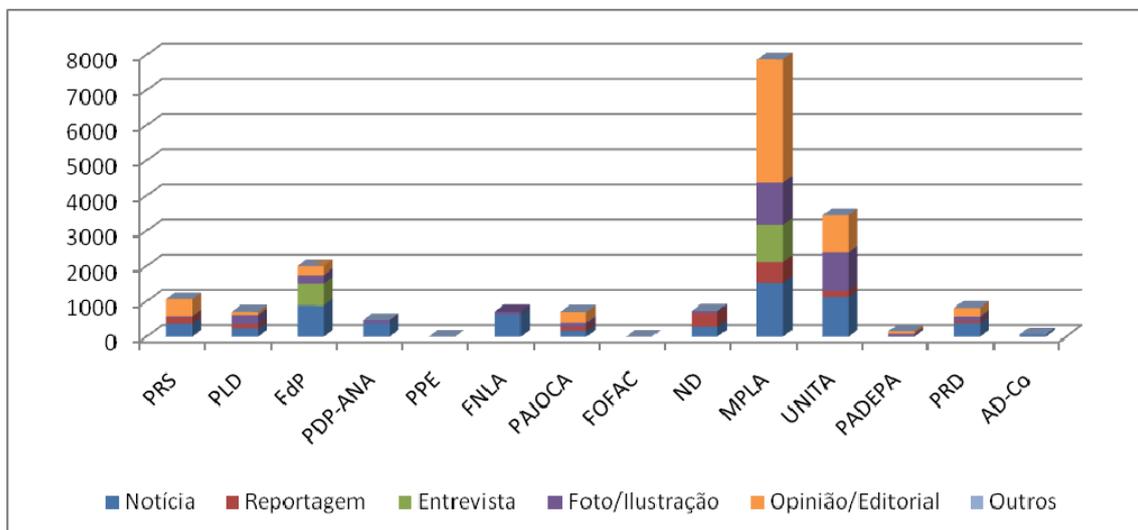
ANGOLENSE



Total space allocated to political parties on campaign news and opinion articles.

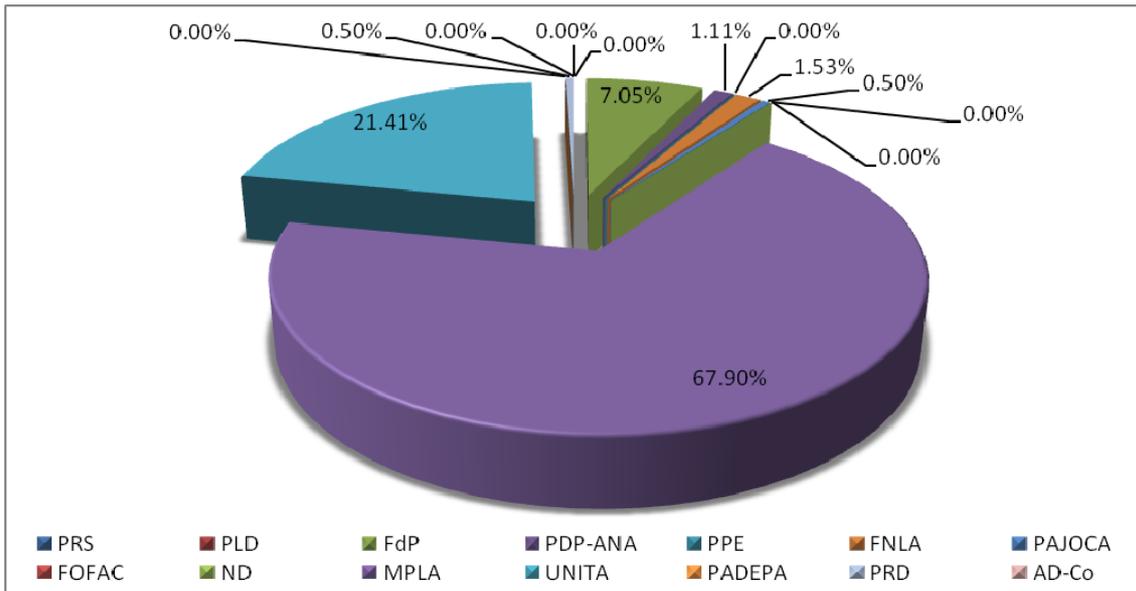


Space (cm2) and tone in which the information was presented.

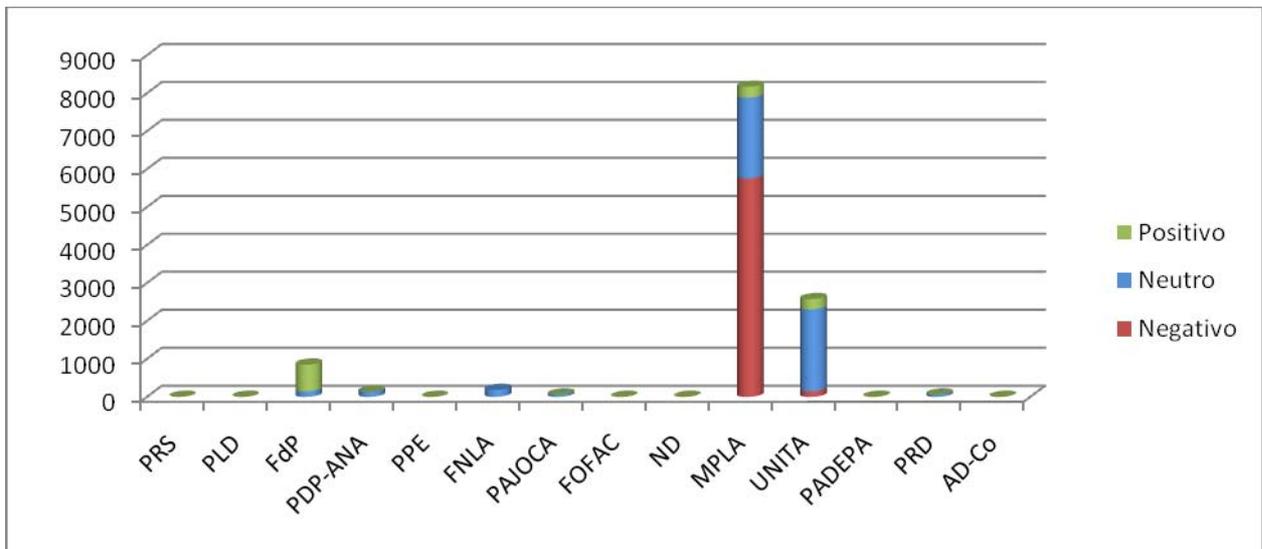


News categories.

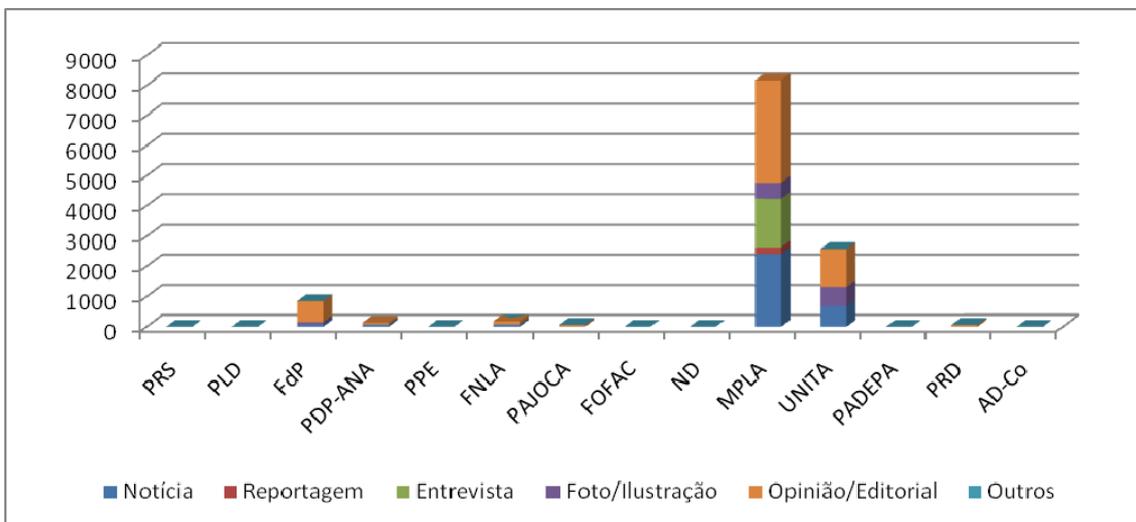
Monitoring results from 11 August to 3 September. Adverts excluded.



Total space allocated to political parties on campaign news and opinion articles.



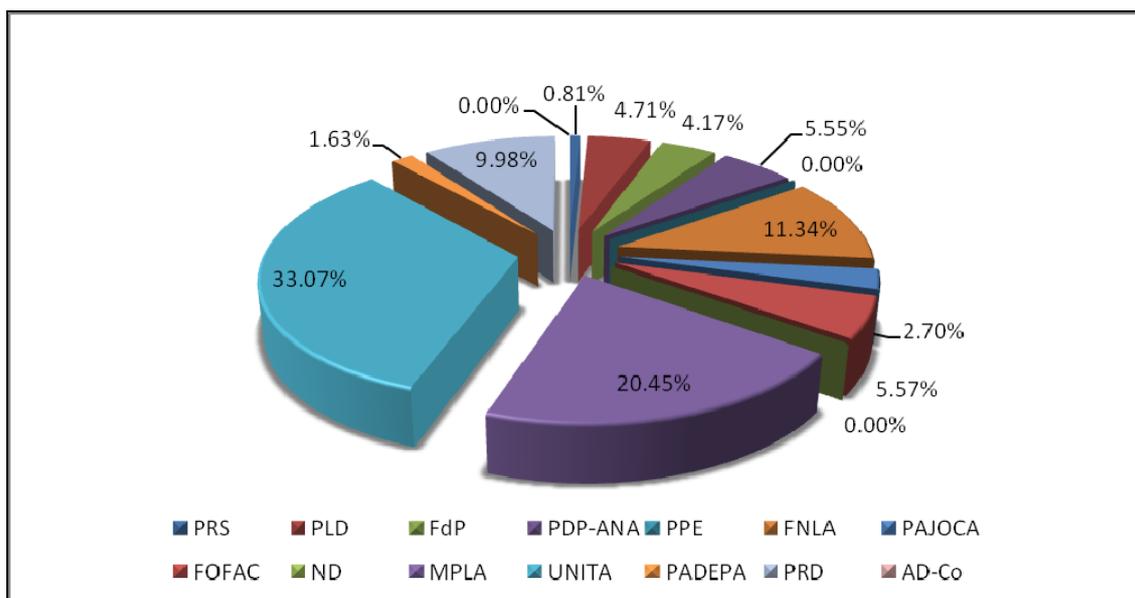
Space (cm2) and tone allocated to political parties on campaign news and opinion articles.



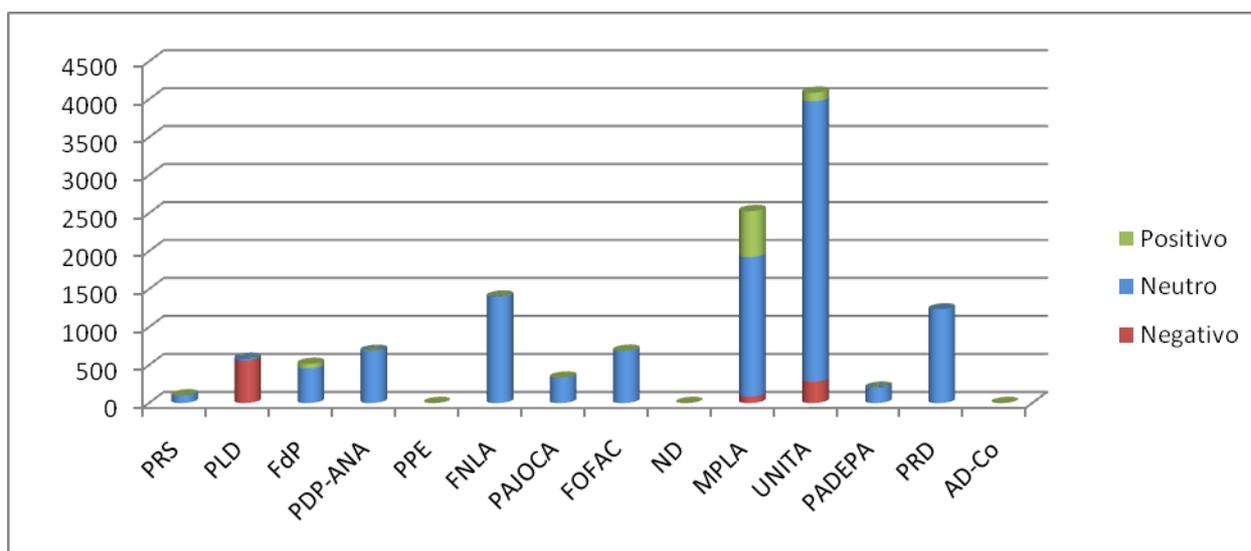
News categories.

Monitoring results from 11 August to 3 September. Adverts excluded.

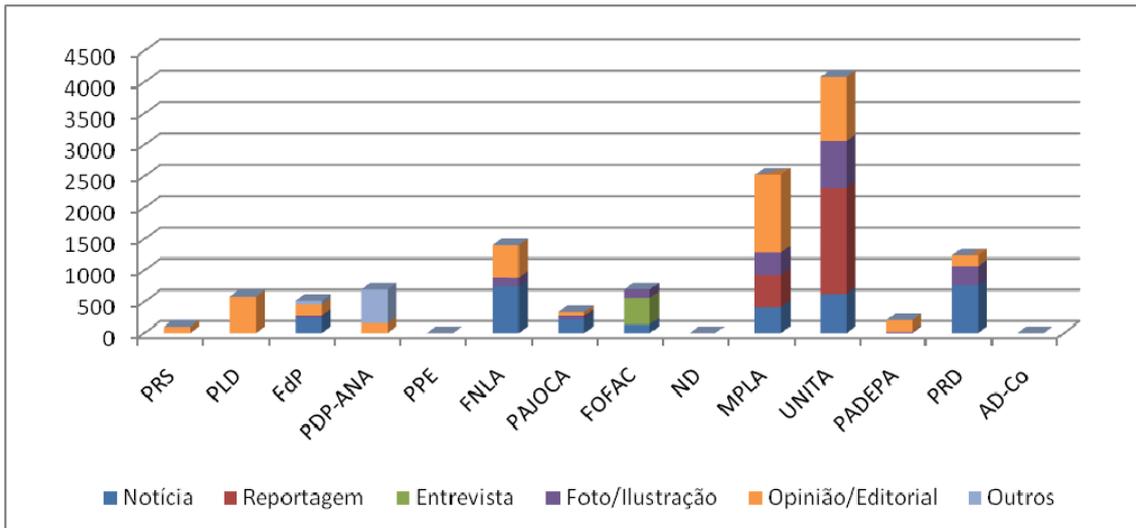
AGORA



Total space allocated to political parties on campaign news and opinion articles.



Space (cm2) and tone allocated to political parties on campaign news and opinion articles.



News categories.

Monitoring results from 11 August to 3 September. Adverts excluded.