

European Union monitor report released

On 10 December the European Union Election Observer Mission to Angola formally handed over its final report on September's election to the Angolan government in Luanda. The report was delivered by the head of the 108-member mission, Luisa Morgantini, to the Angolan Foreign Minister Assuncao dos Anjos.

The Final Report (www.eueom-ao.org/EN/Final_Report.html) highlighted several serious weaknesses in the elections, which it mainly put down to inexperience and communication difficulties. It also pointed to other areas in the election framework that did not meet international standards. However, the report's most serious criticism – which is widely accepted – is that there was no level playing field between the political parties.

The report contained praise for the elections: "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".

However, the EU monitors found that "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".

Whilst the state electronic media, including Televisao Publica de Angola (TPA)

and Radio Nacional de Angola (RNA) were found to stick by the law requiring equal free airtime, the EU monitors found that TPA, RNA and the state-owned newspaper Jornal de Angola were biased in their election coverage in favour of the ruling MPLA. The monitors also found that two privately owned media outlets, Radio Despertar and Folha 8 were biased in favour of UNITA.

In the province of Cabinda the EU monitors reported that FLEC separatists had distributed leaflets calling for a boycott and that there were reports of intimidation against voting. However, the boycott was unsuccessful with 87.87 per cent of the provincial electorate voting. Cabinda was the province where the opposition party UNITA received its best results, gaining 31 per cent of the vote.

The mission welcomed the fact that 39 per cent of the new parliament are women, up from 15 per cent in the last parliament. However, it lamented that the government did not allow Angolans living overseas to take part in the elections. Whilst the legislations does provide for three seats to be allocated according to the wishes of overseas voters, the government decided that it did not have the capacity to run the election overseas, leaving those seats unfilled.

Some Angolans living in neighbouring countries did return to vote, and the Mission states that several special voting stations were set up in Cabinda and Zaire province for overseas voters "to which the MPLA transported supporters residing in neighbouring countries to vote".

Observers hampered

The elections have also been criticised because, particularly in Luanda, many Angolans from civil society were denied the opportunity to observe the elections.

By law, national observers need to submit a criminal record check to the Provincial Electoral Commission, CPE, before they can be accredited. The speed of the criminal record check varies between provinces, some taking several months, and the EU observer

mission found that whilst some CPE's were "extremely helpful" others were less so.

In Luanda accreditation, which was dealt with by the CNE, only began two days before the election. The EU report states that preference was given to state funded associations, naming the Angolan Institute for Electoral Systems and Democracy, the National Youth Council, and the Bar Association, as state funded organisations that received accreditation for their national observers.

This is in contrast to the Plataforma Nacional da Sociedade Civil Angolana para as Eleicoes (PNASCAE) which put forward 327 observers for accreditation, of which all but 28 were rejected on the grounds that the criminal check was not correctly carried out.

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

It should be noted, however, that PNASCAE in its preliminary report on the electoral process found that the elections were "free, fair, credible and transparent".

Confusion on voting day

On voting day the EU Observer team found that "voting was conducted extremely peacefully across the country with observers reporting only two minor incidents. This is testament to the commitment to peace of all electoral actors and the voting population as a whole".

Many polling stations were found to have opened late due to delays in the delivery of essential materials, particularly ballot papers and voter registration lists.

Perhaps the biggest problem in the elections was caused by the late decision of the CNE to allow voters to go to any polling station in their province, provided that they had a valid voter card and that their details were written into the election day log. The electoral process had the additional safeguard that voters' fingers were dipped in indelible ink.

The problem was caused because people living in urban areas could not find out which polling station they were supposed to attend. Despite efforts to use SMS, internet, phone lines, special swipe machines in public places, and roving officials with special Personal Data Assistants (handheld computers), the CNE

realised that people would go to their nearest polling station and use the provision called tendered ballot. The tendered ballot is meant for a small number of voters who for whatever reason cannot get to their personal voting station. Their vote would be put inside an envelope, marked, and then put inside another envelope.

Realising that there was going to be a mass of voters going to the "wrong" polling stations, the CNE decided to scrap tendered ballots for those voting within their own municipality. However, it was not able to communicate this to all the polling staff, resulting in several different local solutions to the problem.

In only 17 per cent of polling stations was a list created of these extra voters details as required by the CNE. Thus it is impossible to compare the number of valid voters with the number of ballots cast. According to the EU team, in some urban areas the voters list was abandoned completely.

The EU report states "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".

This seems to match up with the spirit of the election day – no formal complaints were lodged by political parties or other observers at any of the polling stations visited by the EU team.

Voting extended

In three provinces voting was extended by an extra day. In some areas of Zaire and Lunda Norte provinces this was so that counting could take place in daylight, but in most areas it was due to ballot papers running out during the first day.

The biggest problems were in Luanda, where many polling stations opened late, whilst others ran out of voting material. The CNE announced that 320 polling stations would open for a second day in the capital, but only 22 received ballot papers for the extra day.

Counting and aggregation weaknesses

The EU observers found that the counting procedures following the close of the vote were adhered to and were transparent. Where

there were difficulties this was due to cramped conditions and a lack of light.

A serious weakness was found in the aggregation of votes. The EU Observer Mission points out that observers and political parties were not allowed to watch the central tabulation of results. However, the EU report does state that there was no official complaint from opposition parties.

Each polling station was expected to publish the result of its vote. However, observers found that whilst 77 per cent of polling stations filled out the form to be displayed, only 34 per cent of polling stations put these forms up for public inspection.

The vote would then be sent to the municipal equivalent of the CPE, which then faxed the result to the CNE, which entered the result into its database. These results were put into the database by two separate officials, which is a safeguard against typing errors – the two entries must match.

However, the EU team criticise the fact that these results should be published, broken down to each polling station, so that the results can be verified against the result published – in theory at least - at the polling station.

The report states that without the results being disaggregated to the level of polling station “no electoral actor other than the CNE can verify the results in any way”.

However, the EU observer team does state “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”.

The only party to challenge the election process was UNITA, which limited its complaint to Luanda, citing the lack of voter registers at polling stations, the late opening of the polling stations, and the lack of accreditation of observers and party monitors.

However, the EU team found that “The complaint to CNE was weak as it lacked the required legal evidence”.

An “extremely low” number of complaints were lodged alleging irregularities in voting, which must be filed at the polling stations on the day of the elections.

The EU Observer Mission report ends with several recommendations to strengthen the impartiality and structure of the CNE, improve transparency and the safeguards against fraud, and to end the use of state resources to the benefit of the ruling party.

New constitution to be written

On 15 December Angola's parliament, the National Assembly, met in Luanda to elect a Constitutional Commission to draft a new constitution for the country to replace the one adopted in 1991. The draft will be subject to broad public debate before being put to the National Assembly. Any changes to the constitution require a two-thirds majority in parliament, but as the ruling MPLA hold 191 parliamentary seats out of a total of 220 this should not be a problem.

Angola's president, Jose Eduardo dos Santos, spoke of the importance of adopting a modern constitution during a speech he made to the ruling MPLA's Central Committee on 28 November.

The President raised the possibility that the new constitution would not require an Angolan president to be elected by a common vote, but by a vote in the National Assembly.

The floating of the concept of the president being elected by parliament, which has in the past been rejected by the ruling MPLA, was immediately criticised by opposition figures. UNITA spokesperson, Alcides Sakala, said, “we believe that the president must be elected by the people. If the new constitution decides that the president shall be elected by Parliament, then Eduardo dos Santos is already the winner”.

The adoption of the new constitution will have a large influence on the timing and form of the presidential election. It had been assumed that the election will take place in September 2009. Whilst it is still probable that the public vote will take place, President dos Santos, speaking to the MPLA Central Committee, indicated that the schedule for the presidential election will not be finalised until after the new constitution is adopted. This could easily throw the schedule into disarray, forcing a delay in the election date until perhaps mid-2010.

Although President dos Santos has not yet confirmed that he wants to stand again, it is looking increasingly likely that he will. On 10 December the Secretary General of the MPLA, Juliao Paulo ‘Dino Matross’ told reporters “he is our natural candidate, there should be no doubt about that... It will be him”.

HRW calls for end to abuse in Cabinda

Human Rights Watch on 10 December called for an end to torture and unfair trials in the Angolan province of Cabinda.

Despite a large section of the separatist movement laying down its arms in January 2007, a low intensity insurrection has continued, and there have been widespread accusations that the Angolan army has committed human rights abuse in its security clampdown.

According to HRW, since September 2007 the Angolan army has detained at least 15 civilians and six military personnel in Cabinda under charges of "crimes against the security of the state" for assisting the FLEC separatist movement.

Of those charged, a military court convicted journalist Fernando Lelo and four soldiers, and convicted them to 12 years in prison. Lelo was arrested in November 2007 and accused of having paid the six soldiers in July 2007 to carry out acts of sabotage. According to Human Rights Watch "the trial fell far short of international fair trial standards". One soldier was acquitted and another had all charges against him dropped.

According to Georgette Gagnon, Africa director at Human Rights Watch, "the unfair trial of Fernando Lelo and four soldiers has set a disturbing precedent. Angola should exonerate and free them, and make sure that future national security trials meet international standards."

Human Rights Watch states that those detained were held in an unofficial military detention centre where they were tortured and held in inhumane conditions for.

Human Rights Watch states that 14 villagers and community leaders currently held in pre-trial detention for state security offences faced torture and ill treatment.

Weapons destroyed

On 12 December the government launched a programme to destroy weapons collected from the public as part of its disarmament process.

The destruction was launched at a ceremony in Luanda by the Minister for Social Reintegration, Joao Baptista Kussumua.

So far the disarmament campaign has collected around 52,000 weapons since it began in March.

The government recently announced that its National Commission for Disarming the Civilian Population will have a \$10 million budget in 2009.

Angola heads OPEC

On 17 December Angola took over the presidency of the Organisation of Petroleum Exporting Countries (OPEC) during the ministerial meeting of OPEC in Algeria.

Angola's oil minister, Jose Maria Botelho de Vasconcelos, becomes President of the organisation at a time when the price of oil has dropped to around \$45 a barrel. In response to the fall in the price of oil, which is partly due to a fall in demand as the world economy goes into recession, OPEC is due to agree to cuts in production.

For Angola, the price of oil is currently below the price assumed in state budget, agreed on 12 December, of \$55 a barrel. The vast majority of state revenues come from the oil sector and the Minister of the Economy, Manuel Junior, has warned that the budget may have to be revisited.

The state budget for 2009 is 43 per cent higher than this year, with the social sector increasing its budget by over a third. Whilst the blow of the oil price fall will be softened by reserves built up when oil prices rocketed, any new tighter quotas imposed by OPEC will also hit the country. Angola has a theoretical output of around 2 million barrels per day, but OPEC is likely to demand a global cut of at least 2 million barrels per day on top of the recent cuts of 1.7 million barrels per day.

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