

**Pre-conditions for Elections Programme in Southern Africa (PEPSA)  
Baseline Analysis Questionnaire**

<b>Country</b>	<b>Angola</b>	<b>Researcher</b>	<b>Bertha Chiroro</b>
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*Please enter your answers in the space below each question.*

**[I] Country Political Context (Introduction Section of the SADC Principles)**

**General**

1. *Has the country undergone a democratic transition? If so, when and how?*

*Angola's transition to independence in 1975 was not smooth as the country descended into civil war fought between the three liberation movements MPLA, UNITA and FNLA. The Country is now in transition towards multiparty democracy and busy setting up an environment conducive for elections expected in September 2006. The 29 and 30 September 1992 elections did not facilitate a smooth political transition and lack of adherence to the peace agreements did not usher in constructive engagement and national unity. The 27 year conflict finally ended in February 2002 after government forces trapped and killed UNITA Leader Jonas Savimbi. Electoral legislation in line with SADC guidelines has been debated and finally approved by the national assembly.*

2. *Has the country's government signed and ratified major international human rights declarations and protocols? Which ones?*

- *Universal declaration of human rights 1948*
  - *The African charter of human and people's rights*
  - *International Convention on Civil and Political Rights*
  - *The Convention on the Rights of the Child*
  - *Convention on the Elimination of all forms of Discrimination Against Women.*
- (Source, UNDP Human Development Report, 2004)*

**Political parties**

3. *Is the country a multi-party democracy?*

*The independence constitution was amended in 1976 and 1980 to introduce a single party system and was later amended in 1992 to introduce a multiparty political system. The legislative process has been dominated by MPLA. It is a multiparty political system which has not yet put into place institutions that facilitates the functioning of a multiparty democracy e.g. the holding of democratic elections since 1992.*

4. *How many political parties are registered and active?*

*There are 140 registered political parties, although only 12 are active.*

5. *How many parties are represented in the legislature?*

*5 parties MPLA 129 seats, UNITA 70 seats, PRS 6 seats, FNLA 5 seats, PLD 3 seats, others 7 seats in the 220 seat National Assembly.*

6. *Do political parties have programmes?*

*They do have their programmes and policies stated in their party manifestoes especially MPLA, UNITA and FNLA.*

7. *Which party is the ruling party?*

*MPLA, since 1975.*

8. <i>What is the total number of elected parliamentary seats and share of seats for the ruling party?</i>
<b>129 seats out of the 220 National Assembly.</b>
9. <i>Which one is the main opposition party?</i>
<b>UNITA.</b>
10. <i>What is its share of the elected parliamentary seats?</i>
<b>70 seats out of the 220 National Assembly.</b>
11. <i>How is the participation of parties in elections regulated and legislated?</i>
<b>The participation of political parties in elections is governed by The Electoral law of 1992. However a new Electoral Law was being debated and Bills have been approved by the National Assembly, which include, Electoral registration, Political Party's Code of Electoral Conduct, Nationality, Financing of political Parties and Electoral Observation all passed with 120 votes in favour, 60 against, and 3 Abstentions.</b>
12. <i>Are political parties generally aware of the SADC principles governing democratic elections?</i>
<b>The main political parties MPLA, UNITA, FNLA, PRS, PAJOCA, and the FPD are generally aware.</b>
13. <i>If so, what is their attitude towards the principles?</i>
<b>Those who are familiar with them are gradually trying to integrate them into their internal activities and documents.</b>
14. <i>How have political parties promoted the implementation of the SADC principles?</i>
<b>The opposition have been agitating for their implementation and even demanding fair representation in the CNE of civil society and the church organisations (IRIN NEWS, 2005/04/14.</b>
<b>Civil society</b>
15. <i>What is the state of civil society organisations?</i>
<b>A diverse civil society now exists for the past two years in this transition phase, there are now youth organisations, Trade Unions, Women's organisations, and development organisations concentrating more on civic education and human rights.</b>
16. <i>Is the legal and political environment conducive for civil society organisations to operate?</i>
<b>Legally, there are no restrictions to civil society existence. The political environment was not conducive to the growth of a vibrant civil society before the 1990s. However 1990 is considered the year of regeneration of civil society with the activism of the Civic Angolan Association and the Catholic Church. But a culture of fear, self restraint and self censorship, remain.</b>
17. <i>What specific roles do CSOs play in the electoral process?</i>
<b>The CSOs have played almost no role during the country's elections in 1992 But there are CSOs that have defined areas such as civic and voter education observation and monitoring as well as conflict resolution as there core business. They are also reopening up the debate on public participation in public affairs.</b>
18. <i>What legal/political constraints restrain the CSOs before and during elections?</i>
<ul style="list-style-type: none"> <li>• <b>CSOs finding there place in transition politics;</b></li> <li>• <b>Preparing for the post transition phase;</b></li> <li>• <b>Operating in an environment where most of the laws to deal with elections are still being debated.</b></li> </ul>
19. <i>Are CSOs aware of the SADC Principles governing democratic elections?</i>
<b>There is general awareness of SADC Principles by a few CSOs but no analysis of implications has been done yet.</b>

20. <i>If so, what is their attitude towards the principles?</i>
<b><i>There is general ignorance of the principles among citizens and civil society and those few that are aware are struggling to promote them.</i></b>
21. <i>How have CSOs promoted the implementation of the SADC principles?</i>
<b><i>It is still too early to tell Angolan NGOS have formed an electoral network to examine the SADC principles they are promoting SADC principles through workshops, seminars and lobbying activities before the National Assembly.</i></b>
22. <i>Are CSOs engaged in civic and voters education?</i>
<b><i>Already a network formed in order to deal with electoral issues among the CSOs but voter education is not yet possible due to lack of specific electoral laws.</i></b>
<b>Media</b>
23. <i>What economical/ legal/or political constraints restrain the media in general?</i>
<ul style="list-style-type: none"> <li>• <b><i>Lack of clear laws to govern fair use of the public media by all parties concerned during or before elections;</i></b></li> <li>• <b><i>Lack of adequate resources as there is no strong private sector support for the media;</i></b></li> <li>• <b><i>State abuse of public media.</i></b></li> </ul>
24. <i>Is there an independent media council?</i>
<b><i>No.</i></b>
25. <i>Are the state media independent?</i>
<b><i>No.</i></b>
26. <i>Do the state media perform the role of a public service broadcaster?</i>
<b><i>Yes radio and television are state owned and also state controlled as there is significant government interference with the public broadcaster.</i></b>
27. <i>Is there a self-regulatory body of the media?</i>
<b><i>Information unavailable.</i></b>
28. <i>Is there a media monitoring project?</i>
<b><i>NO MISA Angola was suspended in June 2002 after internal problems.</i></b>
29. <i>Do the media have a general code of conduct and ethics?</i>
<b><i>No.</i></b>
30. <i>If so, how is this enforced?</i>
<b><i>N/A</i></b>
31. <i>What specific role do the media play in the electoral process?</i>
<b><i>The independent media generates debates and discussions on the critical issues on governance and elections.</i></b>
32. <i>Is there a specific code of conduct for election reporting?</i>
<b><i>No.</i></b>
33. <i>How is this enforced?</i>
<b><i>N/A.</i></b>
34. <i>What three (3) challenges face the media during elections?</i>
<b><i>For the private media it is mostly (A) Financial constrains, (B) Skills development (C) access to information is also a limitation with 30% illiteracy the impact of print media might be limited especially in the rural areas.</i></b>
35. <i>Is the media generally aware of the SADC principles governing democratic elections?</i>
<b><i>They are generally aware.</i></b>
36. <i>If so, what has been/is its role in promoting the principles?</i>
<b><i>Radio debates and news paper articles on the issue.</i></b>
<b>[II] Principles for Conducting Democratic Elections (Section 2 of the SADC</b>

<b>Principles)</b>
37. <i>What legislation provides for citizen participation in the political process, especially in elections?</i>
<b><i>The Constitution as amended in 1992) and the Electoral Law of 1992. However, both ruling party and the opposition have debated the new electoral law.</i></b>
38. <i>How does citizen participation in the political process (especially before and during elections) take place?</i>
<b><i>Public debates that are civil society driven and the media as well as political party meetings but high levels of illiteracy could be an impediment to full participation.</i></b>
39. <i>What legislation provides for political freedoms including freedom of association, political movement and freedom of speech?</i>
<b><i>Angolan constitution as amended in 1992 outlining a new electoral system and gave citizens the freedom to form political parties. However Freedom House gave Angola a rating of 6 on political rights and 5 on civil rights making Angola not a free country.</i></b>
40. <i>Are these freedoms and political tolerance allowed by political actors during electioneering?</i>
<b><i>This has yet to be experienced as the last elections were held in 1992. The country's military context placed a limitation on the realisation of basic freedoms.</i></b>
41. <i>What is the frequency and regularity of elections in the country (consider both national and local government elections please)?</i>
<b><i>5 year terms but the country had elections in 1992.</i></b>
42. <i>Are the dates of elections specifically predetermined by a relevant constitutional or legislative provision?</i>
<b><i>No.</i></b>
43. <i>To what extent is access to public resources (i.e. funding for campaigning and access to the public media) by political parties during elections equitable?</i>
<b><i>These are issues under discussion but at the moment there is no distinction between ruling party and state coffers although a specific law to determine the use of public resources will be approved.</i></b>
44. <i>What is the exact role of the judiciary in the electoral process?</i>
<b><i>The supreme court deals with electoral disputes although the National Assembly on 20 April 2005 urged the government to set up a constitutional court to deal with electoral issues and the National Assembly adopted the resolution on the constitutional court unanimously (ACTSA, Angola Peace Monitor April 2005).</i></b>
45. <i>Does the judiciary exhibit impartiality in handling electoral matters?</i>
<b><i>It has so far not been challenged.</i></b>
46. <i>Which Electoral Management Bodies (EMBs) have the responsibility to run elections?</i>
<b><i>The National Election Council (CNE) established by the constitution in charge of election management and administration and fully funded by the Angolan Ministry of territorial administration. The composition of the CNE was finally agreed on and it will have 11 members.</i></b>
47. <i>What is the exact role of these Electoral Management Bodies (EMBs) in the electoral process?</i>
<b><i>CNE is in charge of the electoral process and pre election activities i.e. Voter registration, voter education, polling, counting of results, announcement of the results and management of election related disputes.</i></b>
48. <i>How independent and impartial are these EMBs in discharging their electoral mandates?</i>
<b><i>The CNE has yet to be tested.</i></b>
49. <i>Which institutions are responsible for conducting voter education?</i>

<i>The CNE (1992) although the role of other CSOs in voter education still has to be discussed.</i>
50. <i>In what ways do these institutions coordinate their efforts in undertaking voter education?</i>
<b><i>CNE will coordinate voter education.</i></b>
51. <i>Is there a political culture of acceptance and respect of election results by political parties?</i>
<b><i>The 1992 elections were contested by UNITA which had lost the elections, cited several irregularities and stated that his party would never accept defeat. The UN observer missions had pronounced them free and fair. A recount was done by the NEC and monitored by UNAVEM, the inquiry found no errors and irregularities. Savimbi rejected the outcome and civil war was restarted leading the parties to several rounds of peace talks until 2002 with the death of Savimbi.</i></b>
52. <i>If not, why?</i>
<b><i>UNITA contested the election results on the allegation of fraud which was not proven at the time.</i></b>
53. <i>What legal provisions exist for the management for election-related disputes?</i>
<b><i>The 1992 Electoral Law provided for the CNE and the courts to solve electoral disputes apart from the UN mechanisms under the Bicesse Peace Agreement.</i></b>
54. <i>What institutional and regulatory mechanisms are in place for the constructive resolution of election-related disputes?</i>
<b><i>The CNE and the Courts.</i></b>
<b>[III] Guidelines for Observation of Elections (Section 4 of the SADC Principles)</b>
55. <i>What legislation guarantees the rights and freedoms of the citizens?</i>
<b><i>The Constitution (as amended) 1996.</i></b>
56. <i>Does the political culture and practice protect and promote citizens' freedoms?</i>
<b><i>This has been a war situation and the war ended two years ago so a democratic political environment has not yet taken root. Freedom House gives Angola a rating of '6' for Political Rights. (1-Most Free; 7-Least Free)</i></b>
57. <i>If not, what possibilities do citizens have to complain (independent human rights commission/ombudsman?)</i>
<b><i>The National Assembly on 19 April elected Paulo Tjipilica to the new post of Ombudsman, a position set up to defend Citizen's rights. He was nominated by the MPLA without consultations with civil society over who should take up the post. Previously there was a National Assembly Human Rights Commission as well as CSO organisations who through the courts litigate on behalf of citizen's rights.</i></b>
58. <i>To what extent is the election environment free, fair and peaceful?</i>
<b><i>In 1992 it was not considered free and fair which might have led to UNITA's refusal to accept the election results although UNAVEN declared the elections free and fair.</i></b>
59. <i>How is voter registration conducted and by whom?</i>
<b><i>For the 1992 voter registration was the responsibility of a government department but the new law allows the CNE to be responsible and the method still has to be decided.</i></b>
60. <i>Is voter registration conducted periodically around elections or continuously?</i>
<b><i>CSOs conducted sporadic civic education campaigns in 1992.</i></b>
61. <i>Is the process of voter registration satisfactory and acceptable to all stakeholders?</i>
<b><i>In 1992 voter registration was not regarded as satisfactory, however for the coming elections plans are underway to ensure a smooth registration process under the CNE.</i></b>

62. <i>How is the voters' roll prepared and by whom?</i>
<b><i>CNE, at the moment there is huge pressure on the Ministry of Territorial Administration to provide identity documents free of charge as a lot of people do not have identity documents.</i></b>
63. <i>How is the voters' roll maintained and regularly updated and by whom?</i>
<b><i>Information on maintenance of Voter's Roll not yet available.</i></b>
64. <i>To what extent is the voter's roll easily accessible and non-discriminatory?</i>
<b><i>N/A.</i></b>
65. <i>Is the process of preparation and maintenance of the voters' roll satisfactory and acceptable to all stakeholders?</i>
<b><i>In regard to the 1992 elections it was not because of bad roads potential voters in the remote areas were not registered.</i></b>
66. <i>Is there a culture of announcement of the date of elections timeously to allow all contestants to prepare for the contest?</i>
<b><i>In regard to the 1992 process it was timeous.</i></b>
67. <i>What legal provisions regulate private and public funding for political parties?</i>
<b><i>This matter still under discussion but the electoral law regulate on funding for election candidates in addition there is a political party funding law. The law that has just been approved is the one that allows funding for political parties with parliamentary representation.</i></b>
68. <i>How transparent are the mechanisms for private and public funding of political parties?</i>
<b><i>In 1992 all registered political parties and candidates received public funding.</i></b>
69. <i>To what extent are the mechanisms for private and public funding to political parties satisfactory and acceptable to all stakeholders?</i>
<b><i>They were considered satisfactory in 1992.</i></b>
70. <i>To what extent does the location of polling stations compromise the integrity of the electoral process and its outcome?</i>
<b><i>There were no complaints in that regard in 1992.</i></b>
71. <i>Where does counting of votes take place?</i>
<b><i>At counting centres, but in the 1992 elections they were problems of lack of electricity in some of the counting centres.</i></b>
72. <i>In what way(s) does the location of the counting of votes affect the integrity of the poll?</i>
<b><i>In the 1992 elections there were no complaints about the location.</i></b>
73. <i>What legal provisions regulate election monitoring and observation?</i>
<b><i>The electoral law provided for the UN and other international observers in the 1992 elections.</i></b>
74. <i>Which institutions are responsible for facilitating election monitoring and observation?</i>
<b><i>Not applicable before approval of new electoral law. But in 1992 it was the UN</i></b>
75. <i>Who is allowed to monitor and observe elections? Why?</i>
<b><i>Awaiting the approval of the new electoral law</i></b>
76. <i>Do monitors and observers get accorded adequate time to be able to monitor and observe all the three stages of the electoral process?</i>
<b><i>Awaiting new law</i></b>

77. Do observers get deployed two (2) weeks before the voting day?
<i>Awaiting new law</i>
<b>[IV] Responsibilities of Member States Holding Elections (Section 7 of the SADC Principles)</b>
78. What are the legislated qualifications for voting?
<b>Angolan citizens aged 18 years.</b>
79. What are the legislated disqualifications from voting?
<b>Prisoners and mentally ill people.</b>
80. Are these legal provisions for qualification and disqualification applied fairly during elections?
<b>Yes, there have not been any objections so far on the issue.</b>
81. Is the practical application of the qualifications and disqualifications satisfactory and acceptable to all stakeholders?
<b>YES, However some CSOs argue that prisoners should be allowed to vote.</b>
82. Is the political environment generally conducive for all political parties to campaign freely without undue hindrance?
<b>In the 1992 elections some districts were no go areas especially if they were either in ruling party or the opposition stronghold. Freedom house gave Angola a rating of 6 on political rights One hopes that this does not happen in future elections.</b>
83. Is there a code of conduct for political parties and to what extent do parties adhere to it?
<b>There is a proposal at the National Assembly for the 2006 elections.</b>
84. To what extent are the EMBs competent, effective and well resourced in carrying out their mandate?
<b>In the 1992 elections they were concerns about the composition, independence and funding of the CNE as it was housed under the Ministry of Territorial Affairs. For the 2006 elections, the composition and structure of the EMB which is the NEC is under consideration.</b>
85. To what extent are the courts competent, effective and well resourced in dealing with electoral matters?
<b>Not yet tested.</b>
86. What legal guarantees and institutional mechanisms exist to prevent electoral fraud, vote-rigging and other illegal election practices?
<b>The Constitution and The Electoral Law.</b>
87. What cases of electoral fraud and vote rigging have been brought to the fore and how have these been dealt with?
<b>UNITA refused to accept the 1992 elections on the grounds of irregularities and alleged electoral rigging and fraud. The issue was dealt with by the CNE and the UN verification mission.</b>
88. What common irregularities tend to become a characteristic feature of elections and how have these been dealt with?
<b>Counting process was the source of the problem in 1992 but the CNE and the UN mission recounted and declared the elections free and fair.</b>
89. Are there measures which restrict the freedom of movement of the citizenry or election observer missions?
<b>No.</b>
90. Are candidates and/or their agents allowed to monitor the whole electoral process without undue restrictions?
<b>Yes.</b>
91. What is the nature of the participation of women, youth and people with disabilities in the

<i>electoral process? Is it high or is it low and why?</i>
<b><i>In 1992 the issue of women, youth and persons with disabilities were not highlighted by any of the parties.</i></b>
<i>92. Do observers get invited ninety (90) days before the voting day?</i>
<b><i>In 1992 observers were invited according to the rules in the Electoral Act.</i></b>
<i>93. Do observers get accorded free movement throughout the country and room to communicate with all political parties and candidates, EMBs, media, CSOs and voters without undue hindrance?</i>
<b><i>Observers are bound by the rules regulating elections in Angola which is the Electoral Act.</i></b>
<i>94. Is the process of invitation and accreditation of observers efficient and non-discriminatory?</i>
<b><i>Not yet tested.</i></b>
<i>95. Are observers allowed access to all relevant national laws and regulations?</i>
<b><i>Yes.</i></b>
<i>96. Are observers allowed access to relevant election materials such as constituency delimitation report, voters' Roll etc?</i>
<b><i>Yes.</i></b>
<i>97. Do observers have an unimpeded and unrestricted access to all polling stations and counting centres?</i>
<b><i>Yes in 1992.</i></b>