Elections 2022: Retrospectives and upcoming challenges

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Overview

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Key electoral institutions: CNE and Constitutional Court, Constitutional amendments to 2010 Constitution

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Pre-elections environment under JES and JLO

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Some key procedural challenges

Final: Challenges to electoral observation

Key electoral institutions: Comissão Nacional Eleitoral (CNE)



Youth protest against taking office of new CNE president in 2020 (DW 27.2.2020)

Supervisory role "limited at best" (EU EOM 2008): Formal structure with no real control of the electoral process

- ✓ Violations of electoral laws and code of conduct by ruling party ignored (f.ex. abuse of state media, facilities, resources)
- ✓ In-transparent public tenders for electoral logistics (tailor-made at short notice) – Indra Sistemas in every election since 2008
- ✓ Allowed interference by parallel structures by the Presidency (Security Bureau)
- ✓ Failed to provide and facilitate timely access to voters' rolls
- ✓ Never published final municipal and provincial results

Large but non-inclusive – 16 political appointees + 1 judge, MPLA majority

Inner workings in-transparent: Example public protest of 7 opposition members in 2017 – later internal investigation against them

Reform demands ignored: 2021 new civil society petition to reform CNE and include civil society representatives

Controversial appointments of CNE presidents (2017, 2021)

Key electoral institutions: Tribunal Constitucional (TC)



- Only appeal court on elections. Registers running parties / coalitions and party candidate lists
- TC swiftly and integrally rejected all post-elections challenges by opposition parties so far
- In previous elections some, for 2022 elections blatant political bias in party registration:
  - Blocked Chivukuvuku's PRA-JA, while new parties formed by UNITA dissidents registered (f. ex. P-Ndjango, PHA)
  - Annulled UNITA 2019 Congress and AdCJr leadership.
- Controversial new president Laurinda Cardoso (2021)– predecessor resigned over "undemocratic" constitutional amendments
- To watch: validation of party candidate lists of UNITA (includes FPU members from other opposition parties)

2021 JLO amendments to 2010 JES Constitution



Dos Santos and Lourenço, Rádio Renascença, Sept. 2017

2010 constitution shaped by JES ("atypical" Model C)

- Top-down process after lengthy consultations
- Broad executive presidential powers (appoints all judges and deputies of all higher courts; presidential elections eliminated; powers of Parliament and ministers limited)

2021 amendments: top-down process without meaningful consultation of society (entered into force in August 2021)

- Confirm and strengthen presidential executive powers
- Power to declare *Estado de Calamidade* after "consulting" parliament
- Parliamentary oversight further limited - no retrospective accountability beyond current mandate; limited powers of specialty committees
- Introduce provisions that may exclude prominent opposition leader from running (Chivukuvuku previously renounced parliamentary seat)

Opposition and CivSoc want comprehensive revision and inclusive discussion of agenda. Some declined invitation to be "consulted".

Some consensus: gradualism in local elections eliminated, Diaspora vote

Pre-elections environment under JES



Silent protest of Benedito Jeremias at 15+2 trial, Maka Angola, 29.6.2016

Freedom of expression and media freedom

- ✓ Defamation criminalized (2006 press law)
- ✓ Pending lawsuits against journalists of privately-owned media reactivated before elections
- ✓ Intimidation and threats against journalists, censorship and self-censorship, and co-option normalized
- ✓ Limited access to independent media outside of Luanda; no community radios

Unequal application of the law

- ✓ Rádio Ecclesia national broadcasting project blocked until 2018
- ✓ Media projects of JES allies by-passed legal blockages (Medianova group)

Social media: internet access limited (rural areas), and costly

Political violence: Incidents in rural areas between local ruling party and (mainly) UNITA members, rarely investigated

Peaceful assembly

- ✓ Since 2011 renewed movement of urban youth and other street protests
- ✓ Intense state surveillance, state-sponsored violence, arbitrary arrests, culminating in 2015/16 “15+2” arrests and trial. Released after amnesty law passed in June 2016

Pre-elections environment under JLO: Freedom of assembly



Youth protest in Luanda, August 2021

- Since 2019 increasingly violent crackdowns on peaceful protests; arbitrary arrests
- Growing social unrest due to deepening economic crisis, unemployment, growing food insecurity fuelled by Covid 19 crisis
- Youth movements more organized and connected nationwide, mobilizing for local elections (2020 again delayed)
- Cabinda: recently civsoc conference (incl. Omunga) prevented from taking place

Pre-elections environment under JLO: media and civic space



Journalists hit by defamation lawsuits protesting in Luanda, June 2021 (Foto Francisco Paulo)

2017-18: apparent opening of civic space

- ✓ More plural debate on state television,
- ✓ 2018 RE allowed to extend broadcasting
- ✓ Human rights organizations finally legalized

Since 2019 space closing:

- ✓ Few remaining privately-owned radio stations and print media (high operation costs)
- ✓ Less plural debate and more partisanship in state media (ex. Congresso da Nação not covered, opposition party congresses not covered)
- ✓ Medianova group (owned by senior JES officials) under state control–censorship (2020)

New 2017/2021 press legislation: Main problems remain

- ✓ Media sector still under government supervision (MINTTICS)
- ✓ Defamation still criminalized –2021 pending defamation lawsuits against journalists
- ✓ High financial requirements for new TV and radio stations and community radios

2022: MINTTICS requires formal documentation of online media channels from 15 online information websites

Some key procedural challenges

Public access to voters' rolls (MAT, CNE) :

- ✓ Delays, access seriously hampered (2008, 2012, 2017)
- ✓ According to electoral law 30 days before voting day
- ✓ Criticism also by AU EOM

Accreditation of domestic observers (CNE) – massive delays, bias, limited number

- ✓ In 2008 most blatant: Major civsoc observer platforms rejected (CCDH) or halved in Luanda (PNASCE) - "Forged documents".
- ✓ Government-sponsored organizations had no problems.
- ✓ 2012 again accreditation of civsoc observer platform COE rejected (only 92 from 537)
- ✓ In 2012/2017 CNE set maximum total number of domestic observers to 3000.

Accreditation of opposition party delegates (CNE) – delays, cumbersome procedures, bias

- ✓ In 2017 UNITA claimed half of delegates / deputies did not receive accreditation
- ✓ 2012 CASA-CE protests related to late accreditation, arrests

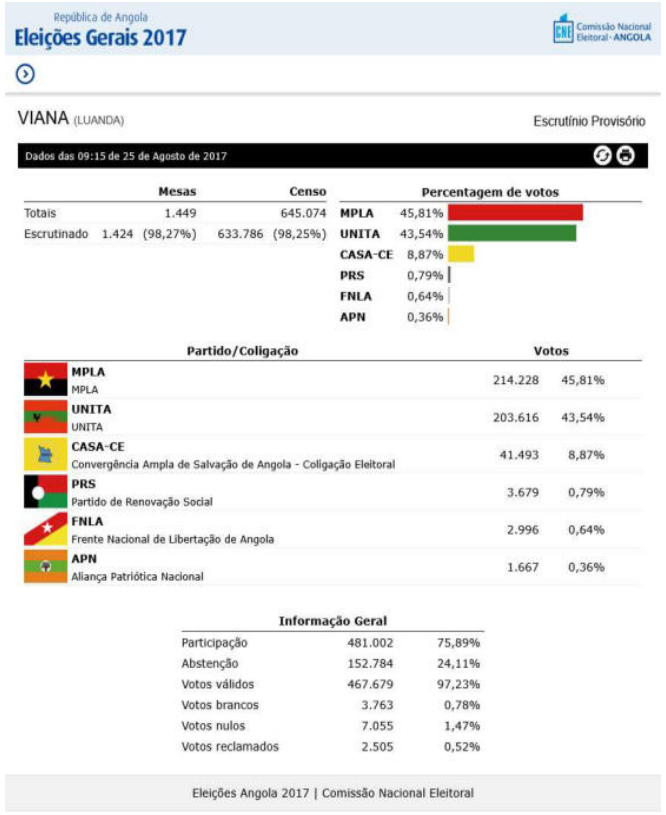
Counting and tabulation

Suspicions around transparency in all previous electoral processes

2017: CNE announced preliminary results before sign-off from provinces

2021 amendment of Organic Electoral Law centralizes counting in Luanda – formalizing previous practices?

CNE never published final municipal and provincial results



República de Angola
Eleições Gerais 2017
Comissão Nacional Eleitoral - ANGOLA

VIANA (LUANDA) — Escrutínio Provisório

Dados das 09:15 de 25 de Agosto de 2017

	Mesas	Censo
Totais	1.449	645.074
Escrutinado	1.424 (98,27%)	633.786 (98,25%)

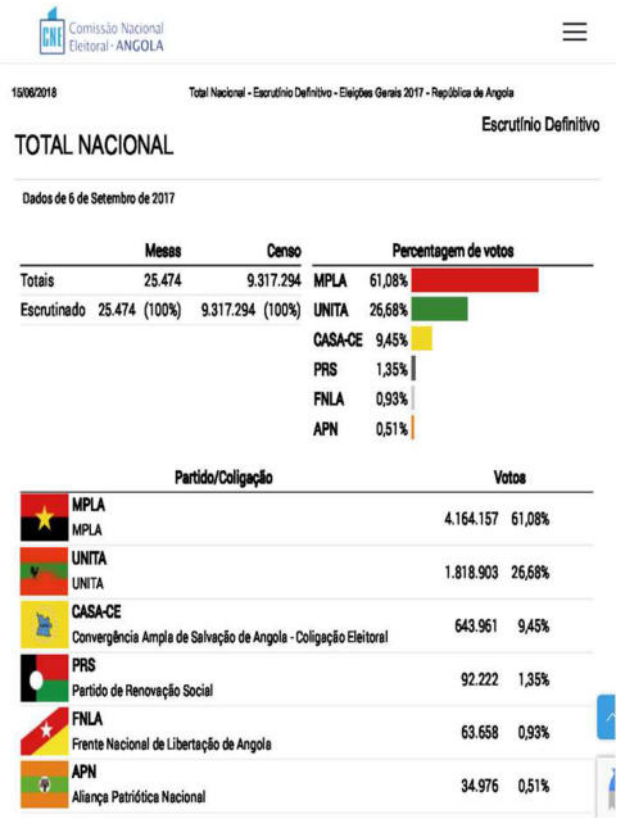
Percentagem de votos	
MPLA	45,81%
UNITA	43,54%
CASA-CE	8,87%
PRS	0,79%
FNLA	0,64%
APN	0,36%

Partido/Coligação	Votos	
MPLA — MPLA	214.228	45,81%
UNITA — UNITA	203.616	43,54%
CASA-CE — Convergência Ampla de Salvação de Angola - Coligação Eleitoral	41.493	8,87%
PRS — Partido de Renovação Social	3.679	0,79%
FNLA — Frente Nacional de Libertação de Angola	2.996	0,64%
APN — Aliança Patriótica Nacional	1.667	0,36%

Informação Geral		
Participação	481.002	75,89%
Abstenção	152.784	24,11%
Votos válidos	467.679	97,23%
Votos brancos	3.763	0,78%
Votos nulos	7.055	1,47%
Votos reclamados	2.505	0,52%

Eleições Angola 2017 | Comissão Nacional Eleitoral

Sample from preliminary municipal results (downloaded 3.9.2017) – today not publicly available)



Comissão Nacional Eleitoral - ANGOLA

15/06/2018 — Total Nacional - Escrutínio Definitivo - Eleições Gerais 2017 - República de Angola

TOTAL NACIONAL — Escrutínio Definitivo

Dados de 6 de Setembro de 2017

	Mesas	Censo
Totais	25.474	9.317.294
Escrutinado	25.474 (100%)	9.317.294 (100%)

Percentagem de votos	
MPLA	61,08%
UNITA	26,68%
CASA-CE	9,45%
PRS	1,35%
FNLA	0,93%
APN	0,51%

Partido/Coligação	Votos	
MPLA — MPLA	4.164.157	61,08%
UNITA — UNITA	1.818.903	26,68%
CASA-CE — Convergência Ampla de Salvação de Angola - Coligação Eleitoral	643.961	9,45%
PRS — Partido de Renovação Social	92.222	1,35%
FNLA — Frente Nacional de Libertação de Angola	63.658	0,93%
APN — Aliança Patriótica Nacional	34.976	0,51%

Only publicly available voting data on CNE website today for 2017 elections

Challenges to electoral observation 2022

- Timely accreditation – or observation without (Plan B)
- Large and long-term international observer missions are costly (EU EOM 2008) and require long-term planning, political will on both sides, and resources; Larger observer missions f.ex. from AU and SADC rather short-term and focused on peaceful nature of process
- Risk of post-electoral violence? Backdrop lack of trust in the process and its results, high level of frustration and exhaustion in society. Renewed “destabilization threat” narrative by the government.
- Documentation and fact-checking/follow-up of reported incidents consumes time and resources