



UNIVERSIDADE CATÓLICA DE ANGOLA



**Short Report  
on the regional conference  
on**

**The prevention and management  
of election-related  
conflict in the SADC region**

**held in Luanda, 26th to 27th of November, 2003**

**prepared and submitted by  
Dr. Sabine Fandrych  
Resident Representative,  
FES Angola,  
Luanda, 6<sup>th</sup> of January, 2003**

## **0. Background**

The Law Faculty of the Catholic University of Angola (UCAN) and the Friedrich Ebert Foundation, Angola office over the past years have organized several activities on the ongoing constitutional reform process in Angola and on electoral systems and processes, both in joint and separate events. In 2001 an international conference on electoral systems was jointly organized in Luanda. The following year the papers presented at the conference were published as a book, co-edited by both institutions. The Friedrich Ebert Stiftung (FES) organized and conducted a roundtable on 30 and 31 October 2002 in Luanda, Angola<sup>1</sup>. The roundtable brought together Angolan decision-makers and resource persons from the South African Development Community (SADC) region. Its purpose was to provide an opportunity to this informal group to exchange experiences on democratic transitions, offer possible solutions, encourage the Angolans to adhere to the principles of consensus-based political and electoral process and peaceful resolution of political and electoral conflicts, and to discuss electoral norms and standards. The ultimate objective of the initiative was to stimulate open and frank discussions on the steps to take in order to ensure that the next elections contribute to the resolution of Angola's 25-year old civil war and not an occasion for the exacerbation of the conflict.

Recommendations were made throughout the roundtable, as various subjects were presented and discussed. These included:

- Democratic Elections are necessary to ensure sustainable peace, reconciliation and economic development. Elections must be organised in an atmosphere of trust between the different stakeholders, especially between the two main Angolan political parties, MPLA and UNITA.
- Enough time should be devoted to the creation of an enabling environment for the holding of free and fair elections. During this time discussions on transitional mechanisms such as constitutional and electoral law reforms need to be carried out in an inclusive and transparent manner. Building consensus regarding best electoral practices, norms and standards amongst key stakeholders, namely the EMB, the political parties and CSOs would ensure the conduct of free, fair and successful elections.
- Angolans would have to agree on the institutional framework. The Proportional Representation electoral system should be retained.
- The Internally Displaced People (IDPs) need to be resettled and reintegrated into their areas of origin before the elections.
- Angola would need an intense civic and voter education. All stakeholders—the EMB, CSO, the churches, the political parties and the media would need to be involved to ensure that everyone has access to information. The experience in SADC demonstrates that civil society has played a key role in providing civic and voter education. In many SADC countries, CSOs work in close collaboration with the EMB in this respect. The government should therefore create an environment conducive towards the growth of an indigenous non-partisan civil society in Angola.<sup>2</sup> It was also suggested that, in the long run, voter education should form part of the school curriculum.

---

<sup>1</sup> In collaboration with the Electoral Institute of Southern Africa (EISA). We thank EISA for their valuable inputs and comments on the present proposal.

<sup>2</sup> Angolans could benefit from the experiences regional NGOs. Joint activities between those regional NGOs and local NGOs could be undertaken.

- The independence of the EMB needs to be ensured throughout the electoral process particularly with the appointment and dismissal of commissioners, and the financial independence of the EMB, as this would limit the interference by the executive. Equally important is the need to ensure that political parties have trust in the EMB. Trust would only be built by open and continual dialogue and consultations between the EMB and political parties.
- The playing field must be levelled amongst all political parties and candidates. Equal funding and access to the media and the freedom of movement and assembly throughout the territory should be guaranteed to all.
- The identification of the population and the registration of voters need to be carried out for the best management of the electoral process;
- Substantial external financial support for countries in transition is necessary. But this should not give donor countries an occasion for interference in the internal politics of Angola.
- The code of conduct is a useful tool for preventing conflicts and achieving consensus. It needs to be developed and agreed upon by all the interested stakeholders. Like in South Africa, it could be envisaged to incorporate the code of conduct in the Electoral Act.

#### **1.0. Purpose and Objectives of a broad public Conference on conflict prevention and management experiences in the SADC region**

The main purpose of this conference was to raise awareness and encourage public discussion and dialogue on why and how conflicts emerge during electoral processes and then explore mechanisms for conflict prevention, conflict management and conflict transformation drawing from regional experiences. The overall objective was formulated as follows:

*The process of preparation of general elections takes place with the involvement of political and societal key actors.*

The expected results of the Conference were: *The best and worst practices of the countries of the Southern African region, in constructing societal mechanisms for the prevention and transformation of electoral related conflict are reflected on; their relevance to the Angolan context is discussed publicly.*

More specifically, the conference aimed at:

- Discussing election-related conflicts in the SADC region since 1990;
- Drawing lessons of conflict management mechanisms from the SADC region;
- Suggesting concrete measures for building institutional mechanisms for conflict prevention, management and transformation in readiness for the forthcoming general elections;
- Identifying critical hotspots during the pre-election phase, election/polling day and in the post-election phase; and
- Defining good practices in terms of conduct of parties and other key stakeholders in the conflict management process during elections.

#### **2.0. Partner Organisation and target groups**

As a local partner FES Angola office worked again with the law faculty of the Catholic University (UCAN), as projected.

The project defined as main target group of the event political decision makers, from parliament and government, with a special focus on institutions charged to deal with the preparation of the elections (MAT). Furthermore, representatives of civil society, the armed

forces and the police, the media, political parties, the judiciary as well as diplomatic representations and the United Nations were invited.

### **3.0. Proceedings, methodology and coverage of the event**

The conference took place from 26th to 27th of November, 2003 in the auditorium of the Catholic University. The event was officially opened by Cardinal Dom Alexandre de Nascimento and closed by the secretary general of the UCAN. 12 participants from 6 SADC countries<sup>3</sup>, as well as an average of 148 Angolan participants<sup>4</sup> attended the conference. Among the foreign guests were the Chairman of the Tanzanian Supreme court, Justice Barnabas Samatta, the vice-chancellor of the Eduardo Mondlane University in Mozambique, Brazão Mazula, as well as the head of the law faculty of the University of Namibia, Manfred Hinz. Other foreign visitors included representatives of the media, political parties, security forces, academic institutions and electoral commissions. The media coverage was extremely positive, having been published at least 11 newspaper articles, both in the state and private press, among which one editorial in the daily newspaper *Jornal de Angola*, praising the conference. Both television networks operating in Angola (TPA, RTP Africa), as well as all Radio stations of Luanda gave broad coverage of the event, and aired several interviews with participants.

The topics to be discussed during the conference were grouped into four blocks with the following themes:

1. An analysis of election related conflict in the SADC region;
2. the constitutional and legal framework for holding elections;
3. the role of different actors in the prevention, management and transformation of conflict, such as electoral management bodies, political parties, civil society, the media, the security sector and the courts
4. Mechanisms and good practices for the holding of peaceful and transparent elections in SADC and the way forward.

The methodology for this event was designed so that each topic be treated by a foreign expert in an introductory speech, followed by a paper or comment presented by an Angolan expert or group of experts. The Angolan experts would analyse the input delivered by the speaker in light of the Angolan experience and current situation, as well as comment on the applicability of these lessons to be learned to the Angolan context. This methodology was designed to ensure the focus of the topics to be discussed as well as to pre-structure the plenary discussions. Thus it was not the main objective of this particular event to hold extensive public debates, given the restricted time frame, but rather to extract the most important lessons from the region and Angola itself in order to define the way forward for a peaceful and transparent electoral process in Angola.

Although the agenda of the conference was quite tight due to time constraints, the fact that all papers to be presented had been translated into English and Portuguese, respectively, before the event, and were made available to participants during the conference, helped to enhance the in-depth understanding of the topics.

### **4.0. Main issues, lessons learnt and the way forward**

During presentations, in the course of discussions and in the session dedicated to the way forward for peaceful and transparent elections, attention was drawn to the importance of the following issues:

---

<sup>3</sup> Namibia, South Africa, Mozambique, Zambia, Zimbabwe, Tanzania.

<sup>4</sup> On the first day there were 164 participants, on the second day 131. The attendance of women was 24%.

#### ***4.1. Analysis of electoral conflicts in SADC<sup>5</sup>***

There is a considerable gap between practice and the principles espoused by the region and the individual countries. In spite of the presence of the democratic legal framework, there is often a struggle between the need for self-preservation and the desire for democratic governance. For example while the need for independent and impartial electoral commissions, media institutions, courts and security agencies is recognized as critical to democratic elections, the governments lack the political will to implement them.

Prime areas of possible electoral conflict were identified, namely:

1. The registration of voters, which may be designed to disenfranchise prospective voters due to poor administrative capacity, lack of transparency and independence of the supervisory bodies; the legislative framework within which the elections take place are flawed and prejudicially applied in some countries.
2. Some countries place serious limitations on the freedom of speech, movement and association. In addition, state organized violence and intimidation appears to be carried out by ruling party supporters with tacit support from the highest political offices. This might be exacerbated by police failure to impartially enforce the law.
3. Thirdly it is clear that the ruling parties use their incumbency to exploit state resources for the benefit of their electoral campaigns. They control the broadcast media and government facilities that the oppositions have no access to.
4. Fourthly, the collation and declaration of the results lacks the level of transparency that is acceptable. In most polling stations and counting centers representatives of opposition political parties and monitors do not enjoy easy access.
5. Fifthly, the role of the courts in the process of electoral conflict management suffers from Executive influences.
6. Sixthly, there is a tendency to restrict civil society groups from participating fully. In particular, the accreditation of independent domestic observers is fettered directly or indirectly.

The SADC norms and principles were suggested as one of the tools that are useful because they provide the benchmarks for democratic growth in the region.

Lessons learned from the Angolan electoral conflict in 1992, for the peaceful holding of future elections were defined as the following:

1. It is necessary to hold elections without rival armies, i.e. special attention has to be given to the unification of the Armed Forces and the reintegration of former rebel soldiers before holding the next elections.
2. For the people, elections should have clear objectives for the resolution of concrete problems such as: unemployment, housing, economic and public sanitation, education, health, fair international cooperation, appropriate agriculture and land policies, rational use of national resources.
3. Causes of conflict have to be studied and come to grips with in an inclusive reconciliation process, as elections do not represent a mechanism of conflict resolution by themselves. A common vision of the Angolan nation must be created so the people see a sense in participating in the electoral process.

#### ***4.2. The constitutional and legal framework for holding elections<sup>6</sup>***

In this session speakers and participants looked at conducive constitutional and legal frameworks for the holding of free and fair elections in the SADC region.

---

<sup>5</sup> The speakers of this session were Dr. Lee Habasonda, Zambia and Mr. André Kangove, Angola.

<sup>6</sup> The main speaker of this session was Dr. Manfred Hinz, Namibia.

With regard to the **constitutional framework** it was noted that ‘firstly, governmental and non-governmental stakeholders need to be in agreement about the principles of the electoral process as such, but also about the principles governing the political order envisaged after the intended elections. Secondly, the process to reach these agreements must be governed by the interest to achieve the widest possible consensus, so that the agreed results be owned by as many as possible.’

Some of the most important provisions that should be contained in the constitutional framework with regard to elections are:

- a broadly **accepted vision with respect to the socio-political order** after the elections
- review of on **outdated legislation especially from authoritarian times**
- an agreement on whether the election will result in a constituent assembly with the sole mandate to deliberate the future constitution or in a national assembly, which will execute its powers within the framework of the existing constitutional order.
- principal **structural requirements** of the new post-electoral order
- a definition with regard to the place of **traditional authorities**
- **the definition of an electoral system** governing the various possible elections, with special mention of the fact that the proportional system has been accepted to be a fairer representation of societal views and interests
- the delimitation of the **relevant geographical areas**.
- agreement on how the elections would be **organised, supervised and certified**.

The legal (sub-constitutional) foundation should contain these most important areas:

- the proclamation of elections;
- the registration of voters (including establishing and maintaining voters’ role);
- the registration of parties (including the nomination of candidates);
- the determination of voter districts, the setting of polling stations, including securing of access to polling station by people in need of assistance and the possibility of special votes;
- voter information;
- political campaigning;
- funding for contesting parties;
- the various office bearers to assist in conducting the electoral process;
- the structures to deal with conflicts and complaints;
- domestic and international monitoring; and
- how to deal with votes cast and ballot material.

Special attention should be given to the fact that the relatively low rate of literacy in many Southern African countries requires special provisions in order to provide the **information to the voter**. Equally important is the formula of party financing that should be applied. It was noted that international election observation and domestic monitoring help to provide legitimacy and ownership to the electoral process, as well as constituting a learning mechanism for all the actors involved.

Special attention should also be given to the phase of **political campaigning, as this is a time** before the election in which despite of the right to speak and the right to political activity, certain limits must be observed that guarantee the needed climate of mutual respect and tolerance. In addition to this, it has become widely accepted to set out a **code of conduct** to regulate political campaigning.

It was noted, however, that apart from the constitutional and legal framework, there must be a societal foundation without which the best constitution and the best electoral law will not

deliver what it is expected from them. Legal regulations have limits, one of which is resources. Obviously, law will also not deliver when it remains law in the books. Instead it has to reach out, must be understood and accepted by the people.

In the panel discussion of Angolan members of parliament<sup>7</sup> which focussed on the Angolan constitutional and legal framework for elections, the following conclusions were drawn:

With regard to **possible electoral conflicts** it was noted that they can erupt in any of the phases of the process, however they seem to be most common in the post-electoral phase during which the final results are being processed. This phase should therefore receive special attention.

**With regard to the societal causes of conflict in Angola, the following aspects were mentioned:**

- a lack of social justice and cohesion as demonstrated by an extreme social stratification of society.
- The fact that the country is passing through a phase of threefold transition, i.e. from a planned economy to a market economy, from authoritarian rule to multiparty democracy and from war to peace.
- Some deep-rooted problems, such as clientelism, the inherited culture of a State-Party, the lack of positive electoral references, the extreme poverty as well as the existence of a political culture of 'the winner takes all'.
- Other conflicts might arise as a reaction to the sequence chosen between presidential and legislative elections, or even local elections.

In general it was noted that electoral conflicts can arise due to 'objective' as well as 'subjective' reasons, the first meaning the legal and structural framework of elections, while the second one refers to the behaviour and ethics of the key actors involved.

**With regard to the constitutional framework in Angola, the panelists pointed out that:**

- The present constitutional framework was not very developed with regard to elections, as shown by the fact that the resolution of electoral disputes is not covered by the constitution;
- That only through electoral (i.e.ordinary) law the role of the Supreme Court in its function as Constitutional and Electoral Court can be understood;

However the new draft constitution soon to be approved constitutes a step in the right direction, not only expanding the rights and guarantees granted to citizens that will help to create a positive basis for the holding of future elections, but also creating a framework of electoral rules and principles that will help inform the reform of the electoral law. It is noteworthy that there is a tendency for maintaining a system of proportional representation.

#### ***4.3. The role of different actors in the prevention, management and transformation of conflict,***

In total three sessions were dedicated to the analysis of the roles of different societal, political and state actors in the electoral process. Special attention was devoted to the role of electoral management bodies, political parties, civil society organizations, the media, the security sector and the courts.

With regard to **the electoral management bodies**<sup>8</sup> it was pointed out that it was essential to guarantee their autonomy and independence in terms of conducting the electoral process as

---

<sup>7</sup> Dr. Bornito de Sousa, MPLA, Dr. Abel Chivukuvuku, UNITA, Dr. Lindo Bernardo Tito, PRS, Sr. Benjamin da Silva, FNLA.

well as in financial terms. Although no particular model or composition was proposed it was underlined that the technical knowledge and experience and the publicly recognised impartiality of their members was key, apart from their ability to liaison with other important actors of the process such as the security forces, the political parties and the press. Their main functions were defined as being the planning and budgeting of the electoral process, the effective organization and execution of the actions envisaged in the electoral calendar, including acts of training and civic education. It was said also that the electoral management bodies should have some liberty to interpret the law and to avoid dealing with the process in a legalistic way.

On the **role of the political parties**<sup>9</sup>, a speaker pointed out that they should not be seen as the only means of citizen participation in governance, as it was not them elections were all about. Rather it was necessary to acknowledge that sovereignty rested with the citizens, and that political parties therefore served the function of articulating the voters' will. As for the role of political parties in the electoral process it was noted that they were obviously the direct participants of the electoral process and therefore had added responsibilities. In cooperation with the electoral management bodies they should be invited to directly monitor the electoral acts, especially the voting and counting of ballots. It was however key that the political parties undertake an effort to train party monitors for the voting stations so as to contribute to the confidence building and transparency of the whole process. Another area of concern, mentioned earlier, was with respect to the party financing system which had to be clarified at an early stage. A good instrument to hold political parties to the ethics required during the process was the drawing up a code of conduct, which could be part of a binding electoral law.

The deliberations on **the role of civil society**<sup>10</sup> were particularly interesting. In order to explain the vital role of civil society actors in the prevention of electoral conflict, two hyposthesis were advanced:

- the first is that the less politicians lock themselves in, avoiding the monopoly of leading the electoral process, the higher the degree of transparency and fairness of the process.
- the second is that a politically active posture of civil society organizations can change the turbulent, unstable and insecure political terrain to a dignifying election that consolidates peace itself and democracy.

While several concrete examples of successful conflict transformation activities carried out by NGOs were advanced by the speaker of the session, the more general conclusions can be summed up as follows:

- Civil society organizations should find adequate ways of ensuring that their action does not serve other interests save for the peace and development of the country, knowing how to “translate their objectives into broader objectives” in a just cause for peace the social well-being of the citizens and thus guaranteeing the maintenance of its third sector status in the society.
- The role played by civil society organisations of dealing with electoral issues is very delicate and requires a lot of patience. It is therefore paramount for it to know *i) how to deal equally with all candidates, political parties and the civil society in general and ii) how, in its action, to explore and boost to the maximum possible the forces or opportunities of transparency and reduce to the barest minimum occasions*

---

<sup>8</sup> This topic was presented by Justice Augustinho Ramadhani, Tanzania and commented by Onofre dos Santos, Angola.

<sup>9</sup> This topic was introduced by Chibazi Mfuni, Zambia and commented by Onofre dos Santos, Angola.

<sup>10</sup> This theme was explored by Brazão Mazula, Mozambique and commented on by Fernando Pacheco, Angola.

(weaknesses) of intransparency<sup>18</sup>, which can endanger its seriousness and commission to the mission.

The challenge is how to establish serious dialogue and a strategy of articulation between the civil society organization and the various level of political organization. However the field of intervention of civil society organisations in electoral events is wide. Experience shows us that it is fundamental to gather and give value to “good practices” and make them factors that reinforce democracy and peace.

Some of the following aspects of the **situation of the civil society in Angola** have to be kept in mind, when considering their past and future role in conflict prevention and transformation in the context of elections. Today, civil society must be regarded as a potentially important actor in civic education, domestic monitoring of elections as well as the local transformation of conflict. One of the key differences between today and the time when the first elections took place in Angola, in 1992, however is the fact that civil society practically did not exist then, and was eyed with suspicion by the two main political actors, with a certain exception of the churches which could have played a more constructive role in conflict prevention. It is important to note that the causes of the post-electoral conflict in Angola were not all directly linked to elections themselves but to their broader political context, such as the polarization of interests to control the state and its riches, extreme poverty and social exclusion, the frustration of the elites, i.e. the difference between their aspirations and the capacity to achieve them.

In the meantime, however, civil society in Angola has grown through the democratic transition but also through the civil war itself. Although there are differing attitudes of Civil Society Organizations (CSO) towards Government (radically critical; directly linked and government funded; middle of the road ‘independent’), they are gradually building up credibility especially with the rural population, encouraging participation at the local level. A new and important reality is about to come into existence with the founding of grassroots organizations which in some cases already work with local state administrations for the joint resolution of local problems. These experiences should be used to help build democracy from the local level upwards and to sustain the local government structures envisaged by the present as well as the new draft constitution.

The analysis of the role of the **security forces**<sup>11</sup> in election-related conflict was conducted on the basis of a case study of the situation in Zimbabwe. Participants agreed, that the situation in that country was particularly difficult, and formulated the following recommendations:

1. State institutions in general, and security sector institutions in particular should be democratized and de-partidarized;
2. A new political order must be constructed on the basis of consensus and harmony where security of the citizens is safeguarded regardless of their political convictions
3. The inadequate use and/or instrumentalisation of security forces in the interest of political leaders or parties is one source of violent conflict, especially during elections.

With respect to the Angolan situation it had already been pointed out that the existence of two armies during the first elections had facilitated the eruption of post-electoral conflict. The current situation is quite different, as the armed forces have undergone a fundamental re-

---

<sup>18</sup> MAZULA, Brazão. *Instrumentos Disponíveis à Comissão Nacional de Eleições para a Gestão de Conflitos e Possíveis Alternativas*. Presentation at the Seminar jointly organised by EISA and CEDE, in Maputo, June 2003, p.15.

<sup>11</sup> This presentation was given by Wilfred Mhanda, Zimbabwe, and commented by Gen. Mário Plácido ‘Ita’, Angola.

structuring since 1992, with the integration of a large number of former UNITA soldiers, that has been concluded recently. It was however suggested that the civil-military relations be improved through dialogue, especially outside the capital Luanda.

For the **media**<sup>12</sup> to become *mediators* in the prevention and transformation of conflict, it is necessary to question the common understanding of what constitutes ‘news’ in terms of a commodity, as well as the concept of ‘objectivity and neutrality’. One of the speakers defended that it is not *desirable* that the media should be “objective” in a situation of conflict where they can so easily take the side of peace. Where a situation threatens to escalate into any number of violent conflicts – electoral, political, constitutional, ethnic, etc - pragmatism demands that the media should actively work to forestall that escalation. In such situations, it was morally and professionally justifiable for the media to adduce in their defence the *objectivity-subjectivity paradox*. It is a paradox because it calls upon journalists to be both objective and subjective at the same time. The media must *objectively* or *factually* gather news, but they must *subjectively* or *sensitively* communicate it.

There were several methods which journalists could apply and which were prone to diminish the probability of conflict, such as:

- ❑ To increase the *quantity of communication*, *i.e.* the mass media should provide greater access to the different conflicting parties so as to reflect the volume of the diversity of perspectives on a conflict issue or event.
- ❑ To increase the *quality of communication*, *i.e.* the mass media must exercise their analytical skills in a process called the *critical-sensitive* approach on the basis of the following principles:
  - (i) Paying attention to the causes, rather than just symptoms, of conflict;
  - (ii) Engaging conflicting parties in ‘interest-based’ discussions, or helping them to define their mutual interests;
  - (iii) Presenting conflicting parties’ perceptions and fears; and
  - (iv) Prioritising process over outcome, or paying more attention to the processes of negotiations and how the media report these in terms of the sources cited and what is ascribed to those sources.
- ❑ To provide *early warning* of situations that might lead to conflict, as well as to alert political leaders and attentive publics to opportunities for increasing inter-party understanding and dialogue.
- ❑ To stimulate the use of mechanisms for conflict resolution, and to provide information that tends to facilitate these processes.
- ❑ To help create a mood in which peaceful solutions are more likely to be sought or accepted.
- ❑ To mobilise, or help to establish contacts among those who are interested in finding peaceful solutions, and to help build public opinion favouring such solutions.

With regard to the Angolan situation in 1992 it was noted that the journalists had not been in a position to adequately cover the process. The most important thing was to follow the code of ethics of journalism and to obey democratic and constitutional principles. Given the fact that there had only been one electoral experience –which ended in conflict – it was very important to train Angolan journalists in the methods of electoral coverage.

Finally, the **role of courts**<sup>13</sup> in the electoral processes was discussed extensively during the conference. Their effective functioning during the electoral process in turn was only possible

---

<sup>12</sup> This topic was presented by Fackson Banda, Zambia, and commented on by Reginaldo Silva, Angola.

<sup>13</sup> The topic was presented by Barnabas Samatta, Tanzania, and commented on by Caetano de Sousa, Angola.

on the basis of a solid and reasonable constitutional and legal framework. In addition, a conducive institutional environment had to be created, such as independent electoral management bodies, impartial public administration, and the possibility of election candidates having access to the judiciary. Also, the independence of the judiciary itself had to be guaranteed by a political and financial autonomy. Access to justice by the ordinary citizens was another crucial factor. One of the basic functions of the judiciary was the promotion of a culture of democracy and the safeguarding of justice. Courts should take care so as to speedily respond to and process electoral complaints, as the delay in decisions itself could be a cause of conflict in a polarized environment. Courts should therefore assume an active and pragmatic role in resolving conflict, as opposed to a legalistic approach.

In **Angola** the courts intervene in the pre-electoral, electoral and post-electoral phases. Complaints during the registering of voters can be presented to the Provincial courts. During the voting process and in the post-electoral phase complaints are filed with the Supreme Court. Candidates and their mandatories are in a position to file such complaints. However, in 1992 a flexible approach was necessary to deal with a complaint presented by UNITA. Because in this particular situation the procedural prerequisites had not been observed, the case was dealt with by a commission of the electoral council, instead of a strictly legal mechanism.

#### ***4.4 Mechanisms and good practices for the holding of peaceful and transparent elections in SADC and the way forward.***

During the two-day conference numerous innovative good practices were mentioned, such as the setting up of a code of conduct for political parties. In the last session of the event, several commentators<sup>14</sup> summed up the positive lessons learnt over the past few years in the SADC region and highlighted the ones which in their opinion would be useful to have in mind when preparing the upcoming general elections in Angola:

It was pointed out that elections do not make a democracy but they are an important prerequisite for democratic development, if there is the political will by the players to abide by the rules of the political game and to accept the results of the process. However it was necessary to institutionalise conflict management processes into the electoral legislative landscape, as this has assisted to prevent or manage conflicts that are either electoral by nature (ie. directly related to the electoral process) or play themselves out during the election period, but are in fact political, with an agenda that has roots beyond the electoral process.

For the process of nation building to take effect and create a sense of ‘new patriotism’ and a ‘moral regeneration’ of the social fabric the following **values** need to be included into the blueprint of the constitutional framework:

1. **Fairness** – this is a founding value, especially in a society that is emerging from deep rooted conflict.
2. **Inclusiveness** – the role a chosen electoral system model can either enhance or otherwise inhibit participation, which can result in conflict.
3. **Simplicity** – the populations of SADC countries suffer under a bondage of innumeracy and illiteracy and this needs to be catered for when preparing for elections.
4. **Accountability** – this value does not only relate to the choice of electoral model but also how the political parties and their representatives engage the populace and

---

<sup>14</sup> Dren Nupen, South Africa and Adérito Correia, Angola.

keep them informed about macro-policy issues and development, once they have been elected to power.

If these **values** are integrated into the electoral and political processes there is the possibility for peace and stability during and post the election period. But in themselves these values and the relationships cannot guarantee political stability and the formal transition to democracy. **Institutions** that promote sustainable peace need to be put in place and form part of the legislative framework and electoral landscape to counter the general structural weaknesses of societies that have experienced long bouts of conflict and war.

Furthermore in order to create a ‘road map’ of peace in the run up to elections it is important for the Electoral Management Bodies (EMBs) in consultation with civil society, including political parties to devise strategies as to how conflict and disputes that directly or tangentially relate to the elections can be dealt with.

The so-called ‘Consensus or Interest-based approach’ offers some ways of dealing with conflict such as:

- the setting up of Conflict Management Committees as the entry point to manage and resolve electoral related disputes. (the Electoral Court, as the mechanism of last resort;)
- the institutionalisation of Codes of Conduct for political parties and their supporters, the Electoral Commissions, international observers and national monitors;
- the establishment of Multi-Party Liaison Committees to develop a consensual basis for any decisions made by the EMBs and to ensure that there is agreement amongst them about the rules of the game;
- the establishment of Results Centre to make available to the public the results as they are received from the various constituencies or voting districts;
- localized Citizens Assemblies to engage with the local EMB offices about the rules of the game – these are consultative forums where citizens are informed about the electoral process and issues related to the elections. It also creates a space for dialogue between the EMB and the voting population.

The most effective approach to managing and transforming conflict, as experienced in some of the SADC countries has been the establishment at **community level of conflict management committees**. These instruments form part of the electoral authority infrastructure and are in the final analysis accountable to the EMB. They are staffed by independent, impartial citizens in good standing in their respective communities. It is also important to ensure that women are represented on these committees as they are generally closer to the conflicts that occur on the ground. They are trained as mediators to deal with disputes and conflicts that fall within the electoral legislative and regulatory framework.

Any disputes outside of this need to be referred to the EMB who will decide how they are to be dealt with and will seek resolution through either the Multi-party liaison committees or legal mechanisms. Conflict Management Committees not only have the ability to resolve conflicts that may impact negatively on the elections at a local level, but they also have the value of being able to identify at an early stage disputes that could be detrimental to the political process during election times. In order to ensure their legitimacy and viability the quality and stature of the staff is essential and the credibility of the EMB critical. It is also important that the public are apprised of the fact that the decisions made at the level of the committees are binding and that any infringement of the agreements will be dealt with by the EMB, and as a last resort referred to the Electoral Court.

In conclusion, the various mechanisms for preventing, managing and transforming societal conflicts during election periods can only be effectively implemented if there is agreement as to what the rules of the game are – and these are succinctly captured in the SADC Electoral Norms and Standards, developed by the Electoral Commissions Forum of SADC countries and the SADC Parliamentary Forum, for EMB's and Parliaments respectively. These standards provide a framework for the conduct of credible, legitimate and acceptable elections within the context of SADC, and Angola could not do better than use these as a reference for preparing for the forthcoming elections. For international observer missions and national monitors they provide a useful set of criteria against which to evaluate electoral processes – criteria which reflect the social, economic and political conditions of southern African countries. They are also important building blocks for evaluating the state of Political Governance set out for the African Peer Review Mechanism, as constituted as part of NEPAD and the African Union. It is therefore imperative that in order to deliver on a legitimate election in Angola the major stakeholders to the process consensually agree on the rules of the game and how the integrity of the electoral process can be institutionalised as the only mechanism for power alternation.

With regard to the Angola context in particular, it was also mentioned that it was imperative to find a balance between the paradox of consensus and conflict/competition, the first applying to the basic rules of the game (i.e. the constitution and electoral framework), and the second being a necessary ingredient to the modern democratic process. In Africa there was a lot of mentioning to the consensus-based approach, such as through the creation of Governments of National Unity or the Swiss model of government. However, it was necessary to accept that competition was the general rule of democracy and that other approaches could reduce the actual choices the electorate would have over the actual outcome. Moreover, there was an urgent necessity for the Angolan political parties to become more transparent and democratic internally. The methods for the nomination and election of candidates could no longer be at the exclusive discretion of the party leadership, but was of national interest as it was the pre-selection of candidates that would be presented to voters.

### **5.0. Evaluation:**

Although there was obviously a certain time constraint which precluded the possibility of ample discussion of all the topics, as well as a certain inexperience by the Angolan commentators to refrain from turning their comments into speeches, the overall success of this conference cannot be doubted. The expected results were achieved in full, i.e. '*the best and worst practices* of the countries of the Southern African region, in constructing societal mechanisms for the prevention and transformation of electoral related conflict were reflected on, and their relevance to the Angolan context was discussed publicly.' The quality of the papers presented was in general very high. Therefore a publication of these is recommended, apart from them being made available in both languages at the FES internet page.

The overall objective of this line of work, however, is far from having been achieved, as the process of preparation for general elections officially has not even started. Yet, it can safely be said that valuable contributions were made available to the most important stakeholders of the Angolan political and civil society as well as to state and government institutions. Participants came from a wide spectrum:

- such as the Ministries of Interior, Culture, Foreign Relations, Territorial Administration and Defense;
- the Supreme Court
- the Provincial Government of Luanda, as well as several municipal administrations,
- the police and the armed forces,

- Parliament;
- at least seven political parties, amongst which MPLA, UNITA, FNLA and PRS;
- apart from a range of universities, as well as numerous Angolan and Foreign NGOs and churches, and diplomatic representatives.

The continuation of this line of work, especially with regard to the publication of the papers, as well as the discussion of these topics in the provinces is strongly recommendable.

Sabine Fandrych,  
Luanda, 6<sup>th</sup> of January, 2003