

ANGOLAN ELECTIONS

Promoting Reconciliation Through Participation By Conflict-Forced Migrants

Participatory Elections Project (PEP)

Action Plan I

Project Team

Jeff Fischer, Senior Coordinator
Bruce Hatch, Technical Coordinator
Jeremy Grace, Research Coordinator

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EXECUTIVE SUMMARY

The Angolan civil war produced a substantial human displacement that will have a direct impact on the value and credibility of the electoral process mandated by the ceasefire and peace accords. If properly organized, the enfranchisement of refugees and Internally Displaced Persons (refugee/IDPs) can support broader objectives for reconstruction and reconciliation. An electoral process is an opportunity to establish communications among displaced communities so that there is visibility, transparency, and confidence as reconciliation continues. The enfranchisement of refugees/IDPs encourages the wide spread acceptance of electoral results and, hence, a durable peace.

However, actions taken to enfranchise the displaced can have unintended consequences that open avenue for electoral coercion and fraud. A conflict-forced migrant is one has been forced to flee community or country because of violence or the threat of violence. By connection, conflict-displaced voters can be considered as *subject voters* in that those voters' abilities to make free political choices are compromised by their overwhelming dependence for survival upon the services of the government seeking to retain power. The decision that refugee/IDPs should be enfranchised is important, but equally important are the questions on how that enfranchisement will occur.

Through funding from the Democracy and Governance Office of the United States Agency for International Development (USAID), this Action Plan will present the international, constitutional, and statutory requirements that clearly compel the Government of the Republic of Angola (GRA) to enfranchise these communities as well as the propose operational considerations on how such a process could be conducted.

That enfranchisement process would involve the government organizing four basic access steps: 1) establishment or re-establishment of an officially recognized identity; 2) determination of eligibility to vote under the Constitution and Electoral Law; 3) issuance of documentation; and 4) provision to case a ballot. Without the opportunity to take these four access steps, the conflict-forced migrant, inside or outside of Angola, will remain outside of its upcoming electoral process.

Angola was selected as an Action Plan case because of the convergence of positive development in the peace process leading to elections, the scale of the displacement problem in Angola, and the larger goal of promoting electoral inclusion as a tool for reconciliation. The information for this Action Plan was gathered by both a field assessment team and through a desk research component. This approach combines the tested methodology for pre-election technical assessment employed by the International Foundation for Election Systems (IFES) with that of the issues raised in the *Refugees and Elections* study by the Refugee Policy Group (RPG).

The upcoming Angolan electoral process possesses four unique attributes that must be considered when formulating an electoral assistance response. First, the election is an unusual second reconciliation election following the first reconciliation election in 1992. Second, with the potential of as much as one-third of the electorate in some form of

displacement, this case is the highest such percentage in any elections since 1989. Third, given the collapse of the electoral process in 1992 before a run-off election could occur, a special fragility to this process must be recognized. Special remedial steps and confidence building measure are required to overcome this frailty and promote reconciliation to assure that a second collapse does not occur. Fourth, previous elections and peace processes have been overseen by the United Nations and a peacekeeping force of some kind. There is no such international presence or mandate in this process.

In this report, international covenants, Angolan Constitutional provisions, electoral laws, and peace agreements have been overlaid with the resulting “peace and electoral” framework. The objective of this framework is to synchronize the peace process and election calendar with the circumstances of the refugee/IDP to assure that there are opportunities to participate.

A hierarchy of peace agreements and national laws that support the enfranchisement of refugee and IDPs regulates the Angolan electoral process. The roots of the current peace agreement can be traced to the 1991 Bicesse Peace Accords. One component of this Agreement was the Protocol of Estoril. This Protocol established a general framework for the elections to be held as early as September 1992. The 1992 Constitution mandates a 223-member National Assembly with three external districts (two for Angolans residing in Africa and one for Angolans residing elsewhere). However, these seats have never been filled. Electoral eligibility and the rules of balloting were established by the Electoral Law of April 1992. While the Constitution and Electoral Law remained in 1992 form, the period of 1993 to 2002 saw two new peace agreements come into being: 1) 1994 Lusaka Protocol; and 2) April 4, 2002 Memorandum of Understanding on the ceasefire.

On paper, these provisions guarantee the right for all Angolans to participate in the political process. In terms of IDP and refugee voting, the provision on universal and equal suffrage and non-discrimination appear to protect this population’s political rights.

However, there are major logistical and political obstacles confronting the participation of refugees and IDPs in the forthcoming elections. The ceasefire has produced spontaneous movements of people both within Angola and from outside its borders. This means that the re-integration process may be occurring simultaneously with the preparations for elections, posing obvious challenges to voter registration, proof of residence, and identity.

Refugees experience varying conditions depending upon their country of asylum. For example, in Zambia around half of the 190,000 official and unofficial refugees reside in UNHCR or Zambian government supported camps. By contrast, in the Democratic Republic of Congo (DRC), the conditions for the 210,000 refugees are poor. DRC continues to experience civil war and is a source of refugees to neighboring states. There are a smaller number of refugees in Namibia, 30,000, but the history of their treatment by the host government has been mixed.

Both refugees and IDPs receive their Angolan-based electronic news and information from two principal sources: 1) Radio/Television Angola (state-operated media); and 2) Radio Ecclesia (a Catholic Church-operated media). Radio Angola is the only station that currently broadcasts nationwide through five channels in Luanda and one in each of the 17 provinces. It broadcasts in Portuguese and in 59 other local languages. Radio Ecclesia is the principal alternative source of news and information to that of government-controlled media organizations. Radio Ecclesia currently broadcasts in Luanda and has repeaters for broadcast in five other provinces.

To roadmap a course of action for enfranchisement of these displaced communities, the conceptual model for intervention has six strategic underpinnings: 1) the plan must be designed to promote reconciliation while protecting refugees/IDPs; 2) the plan must be a broadly-scoped partnership between the GRA and the international community; 3) the plan must recognize the differences in approach required by the refugee and IDP communities; 4) the plan must possess an international dimension; 5) the plan must establish structures linking governmental, international, and non-governmental actors to implement the voting process; and 6) the plan should be monitored by national and international teams.

The Action Plan will unfold in four phases: 1) Consensus Phase; 2) Foundation Phase; 3) Planning Phase; and 4) Operational Phase. The objectives of the Consensus Phase are to identify the constitutional and electoral law amendment required so that refugees/IDPs are assured enfranchisement and to create a widely shared political view that these communities should have such political rights. The Foundation Phase is delimited in order to anchor the political consensus in articles, statutes, agreements, memoranda of understanding, political party pacts, and platforms; and to establish the constellation of groups required for implementation. In the Planning Phase, the CNE, Justice Ministry, Foreign Ministry, and other Angola government agencies will join with the international community to devise a joint and integrated operational plan on how to accomplish the registration/census, identity document distribution, and voting for the refugee/IDP communities. The Operational Phase is the conduct of the registration/census, campaigning, balloting, and certification of results.

Confidence building measures should begin during the Consensus Phase and continue through the electoral process. However, a focus on refugees/IDP enfranchisement should start several weeks in advance of the commencement of registration. There are at least three competing components involving identity and registration that are bundled into the electoral process through law, practice, or agreement: 1) census; 2) voter registration and voter card; and 3) national identity card.

For the 1992 elections, registrants were allowed to employ a form of social documentation in lieu of presenting identity documents. This procedure used the offices of traditional authorities in local towns and villages as well as Catholic Church officials to attest to the identity of applicants. Under the current scenario, registrants will present themselves at one of several Registration Centers located in their community where the process of voter registration and voter card issuance will occur. The site where the

applicants register is also where they return on Election Day to cast a ballot. The assignment of voters to polling stations will occur at the time of registration. The same concept applies to registration and voting by refugees.

Political party campaign activities in refugee/IDP camps or concentrations should be monitored and subject to some regulations. There should be no prohibitions on political party access to organized refugee/IDP settlements. However, there should be a political party pact signed that parties will not campaign coercively within organized displaced communities and now not to intimidate or manipulate voters. To ensure the enforcement of this pact, one ad hoc structure that can be considered is an ombudsman's office within the CNE for this cycle of activities for refugee/IDP registration and voting.

A voter's displacement from a home province is not a reason for disenfranchisement. If an IDP can substantiate a provincial residency claim for a prior residence, that elector should be entitled to register to cast an absentee ballot for that provincial list. However, if such claims cannot be substantiated, the registrant should be entitled to cast a ballot for the provincial list in the province of current residence.

Angolans abroad should be expected to cast ballots in much the same fashion. Displaced voters who return or resettle between the time of registration and the Election Day should have the opportunity to cast a conditional ballot at a Polling Station in their home province.

There are international and national actors in the development and implementation of a program to enfranchise refugees/IDPs. These actors can be divided into the following six functional categories: 1) constituents; 2) advocates; 3) public services; 4) donors; 5) technical assistance; and 6) monitoring.

The CEPPS Sample Election Preparation timeline described in their report can be modified to include PEP action points. This modification synchronizes the electoral calendar with the concerns and movements of the refugee/IDP community.

However, this Action Plan will not move forward without a "champion" organization assuming an initial leadership position. In this leadership role, the champion can initiate the Consensus Phase through informal discussions with national actors and donor organizations; and assemble the constellation of groups required to implement the process. Involving IOM in a "CEEPS plus one" arrangement can introduce the organization as the international champion while partnering with other lead assistance actors.

The recommendations of the Action Plan involve the peace and electoral framework; technical assistance to the CNE, Ministry of Justice, political parties, civil society organizations, and media organizations that will facilitate the enfranchisement of refugees/IDPs.

Because of the mission, there is a seminal constellation of groups identified as playing some role in the process. The champion organization should assemble these groups into a program network. Finally, it is recommended that the process be monitored. The presence of international and domestic electoral monitors focused on the activities in the displace communities will be confidence in the process and assure that the registration and voting is conducted transparently.

ACRONYMS AND ORGANIZATIONS

AAEA	Association of African Election Authorities
AU	African Union
CEPPS	Consortium for Elections and Political Processes Strengthening
CCG	Centre (Search) for Common Ground
CNE	National Electoral Commission
CSO	Civil Society Organization
DRC	Democratic Republic of Congo
EMB	Election Management Body
EU	European Union
FLEC	Frente de Libertação do Enclave de Cabinda (Front for the Liberation of the Cabinda Enclave)
FLNA	Frente Nacional de Libertação de Angola (National Front for the Liberation of Angola)
GRA	Government of Republic of Angola
IDP	Internally Displaced Person
IFES	International Foundation for Elections Systems
IRI	International Republican Institute
IOM	International Organization for Migration
MINARS	Ministry of Assistance and Social Affairs
MPLA	Movimento Popular de Libertação de Angola (Popular Movement for the Liberation of Angola)
MONUA	United Nations Observer Mission in Angola
NDI	National Democratic Institute for International Affairs
OCHA	United Nations Office for Coordination of Humanitarian Affairs

PEP	Participatory Elections Project
PRS	Partido de Renovação Social (Party for Social Renewal)
RPG	Refugee Policy Group
SADC	Southern Africa Development Community
UN	United Nations
UNAVEM	United Nations Angola Verification Mission
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNITA	União Nacional para a Independência Total de Angola (National Union for Total Independence of Angola)
USAID	United States Agency for International Development
USCR	United States Committee for Refugees
USSR	Soviet Union



IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

ANGOLAN ELECTIONS

Promoting Reconciliation Through Participation By Conflict-Forced Migrants

I. INTRODUCTION

The Angolan civil war produced a substantial human displacement that will have a direct impact on the value and credibility of the electoral process mandated by the ceasefire and peace accords. In Angola as elsewhere, resolution of long-enduring civil conflicts often leaves significant portions of the national population residing outside of their home environments for critical and sometimes long periods. These periods are critical because these are the moments when political forces at home are re-organizing for post-conflict governance, but displaced populations remain disenfranchised and un-represented. Such an impact can embolden those in power who would use human displacement as a political tool; and create breeding grounds for further conflict within the displaced communities.

If properly organized, the enfranchisement of refugees and Internally Displaced Person or IDPs (refugees/IDPs) can support broader objectives for reconstruction and reconciliation. A focus on this population's electoral rights can produce catalytic effects on the peace building process and facilitate returns, identity document distribution, and civil society reconstruction. An electoral process is an opportunity to establish communications among displaced communities so that there is visibility, transparency, and confidence as reconciliation continues. The enfranchisement of refugees/IDPs encourages the widespread acceptance of electoral results and, hence, a durable peace. Conversely, the absence of an organized program of enfranchisement for displaced communities creates a structural inequity in the electoral process that can undermine its credibility and broader reconciliation goals.

However, actions taken to enfranchise the displaced can have unintended consequence of opening avenues for electoral coercion and fraud. A conflict-forced migrant is one who has been forced to flee a community or country because of violence or the threat of violence. By connection, conflict-displaced voters can be considered as *subject voters* in that those voters' abilities to make free political choices is compromised by their overwhelming dependence for survival upon the services of the government seeking to retain power. This category of voters can include IDPs, refugees, asylum seekers (as defined by the 1951 *Convention relating to the Status of Refugees*, its 1967 *Protocol*, and the 1969 *Organization of African Unity's Convention Governing the Specific Aspects of*

Refugee Problems in Africa)¹, and some of the Diaspora. Given such a significant and material dependence, a credible and universally accepted election can only result if dependence is de-politicized and the election is transparently administered. Furthermore, as vulnerable populations, refugees/IDPs can become the targets of electoral intimidation and violence. Unreliable registration processes involving displaced populations can destroy public confidence in election results. In some cases, refugees could lose their status if forced to return in order to participate politically. The decision that refugee/IDPs should be enfranchised is important, but equally important are the questions on how that enfranchisement will occur.

Through funding from the Democracy and governance Office of the United States Agency for International Development (USAID), this Action Plan will present the international, constitutional, and statutory requirements that clearly compel the government to enfranchise these communities as well as the operational considerations on how such a process could be conducted. That enfranchisement process would involve the government organizing four basic access steps:

Access Step One

Establishment or re-establishment of an officially recognized identity.

Access Step Two

Determination of eligibility to vote under the Constitution and Electoral Law.

Access Step Three

Issuance of documentation.

Access Step Four

Provision to cast a ballot.

Without the opportunity to take these four access steps, the conflict-forced migrants, inside and outside of Angola, will remain outside of its upcoming electoral process.

The objective of the PEP Action Plan for Angola is to identify the issues and obstacles preventing Angolan refugees and displaced persons from full integration into the next electoral process; and to recommend actions that can be taken to promote opportunities for participation. This Action Plan is the first such document of its kind under PEP. Previous pre-election assessments have not placed the focus on the marginalization of refugee and displaced communities and the significance of their political engagement

¹ In the 1951 Convention the term refugee is defined as “owing to well founded fear of being persecuted for reasons of race, religion, nationality membership in a particular social group or political opinion, is outside the country of his nationality and is unable...to avail himself to the protection of that country...or is unable to return to it.” The OAU document states, “The term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of the whole of his country of origin or nationality, is compelled to have his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.” Definitions for IDPs are found in *The Guiding Principles on Internal Displacement*.

with the exception of the work of the Refugee Policy Group (RPG) in Liberia in 1997.² Their insights have been incorporated into these findings. This report has also drawn on the PEP web site, *Angola Backgrounder*, for information and text³

II. METHODOLOGY AND OUTCOMES

A. Methodology

Angola was selected as an Action Plan case because of the convergence of positive development in the peace process leading to elections, the scale of the displacement problem in Angola, and to promote electoral inclusion as a tool for reconciliation. With the ceasefire, expectations exist for creating new, post-conflict opportunities for governance. The conflict froze many aspects of political life into 1992 structures. This ceasefire represents the first opportunity for a thaw since that time.

The information for the Action Plan was gathered by both a field assessment team and through a desk research component. A profile of the PEP team is shown as the final Annex.

The approach to this Mission combines the tested methodology for pre-election technical assessments employed by the International Foundation for Election Systems (IFES) with that of the issues raised in the *Refugees and Elections* study by the Refugee Policy Group (RPG).⁴

An IFES-style pre-election technical assessment involves an evaluation of the legal framework underpinning the process; the capacity and independence of the Election Management Bodies (EMBs) responsible; political parties and campaigning; media, monitoring and other nongovernmental participation. The assessment would examine election worker training programs and the plan for civic and voter education. Recommendations would be made to the responsible EMB and the international community on actions to promote fairness and transparency in election design and administration.

In the RPG electoral assessment, the exclusive focus is on the refugees/IDPs. The basic factors to be considered in their study included assessing the characteristics of the refugee/IDP population, that is, the size, political alignment, and other demographics; determining the host country's role in refugee participation; harmonizing the electoral and peace processes with refugee/IDP movements, resettlement patterns, and other needs; and integrating an electoral perspective in the basic scope of humanitarian concerns for the international refugee/IDP support community.

² Gallagher, Denis and Anna Schowengerdt, *Refugees and Elections: A Separate peace*, Refugee Policy Group, October 1997.

³ See www.iom.int/pep/angola.pdf

⁴ Gallagher and Schowengerdt.

Other issues to be addressed included:

- Type of election being organized;
- Length, intensity, and victimization of the conflict;
- Length of time displaced or in asylum;
- List of donor countries supporting refugee political rights and the programs supported;
- Descriptions of the ad hoc organizational structures established to support refugee/displaced political participation;
- Security concerns in host countries and for returns;
- Border control policies of the Angolan and host governments;
- Identification of transportation, communications, and logistical service routes for refugee populations; and
- Identification of refugee community groups or networks in each host country.

As background, Annex I shows a table that describes the basic enfranchisement research as organized by the RPG study. It structures four models of intervention for refugee/IDP enfranchisement activities: 1) limited spontaneous repatriation; 2) elections/referendum in asylum; 3) facilitated repatriation; and 4) fully organized repatriation. This table also assists in placing the scale of the refugee/IDP circumstances in Angola in context with other elections where a substantial number of the electorate was displaced.

B. Project Outcomes

Without a commitment to enfranchise conflict-force migrants within and from Angola, election organizers risk engendering another post-election debacle as experienced in 1992, fuelled as before by perceptions of electoral unfairness. If a substantial portion of the voting population cannot participate because of status or location, such perceptions of unfairness could find a basis for support.

The recent pre-election assessment mission by the Consortium for Elections and Political Process Strengthening (CEPPS), which included IFES, the International Republican Institute (IRI), and the National Democratic Institute (NDI), cited the need to include IDPs in the electoral process. The report states:

“Internally displaced persons should have the right and the option to resettle in their homes of origin. The Angolan electoral law provides for universal suffrage, and this obviously extends to IDPs who meet the minimum eligibility requirements. However, Angolans with whom the team met were unclear whether IDPs would be resettled before elections. The uncertain status of IDPs is of particular concern to Angola’s political parties which are supported by regional and/or ethnic core constituencies, and many of the constituents are members of the displaced class in Angola.”⁵

⁵ *ANGOLA, Pre-Election Assessment Report*, Consortium for Elections and Political Process Strengthening (CEPPS), March 2002, page 7.

The report recommends that the United Nations (UN) assist the Government of the Republic of Angola (GRA) to develop a resettlement program that respects international norms and to review the system of representation in consideration of the internal displacement.

The PEP Action Plan will identify courses of action that can be taken by the government, international assistance providers, and non-governmental organizations to ensure political participation by IDPs. These courses of action will be organized into a conceptual model for intervention by the Angolan government and international community in the enfranchisement of refugees and IDPs.

The CEPPS report does not address the issue of registration and voting by refugees. The PEP Action Plan will identify the issues and obstacles associated with organizing elections in asylum to enfranchise the conflict-forced migrants currently residing in the Democratic Republic of Congo (DRC), Zambia, and Namibia; as well as the options for postal registration and voting by Angolans who are otherwise eligible but not living a country contiguous to Angola.

III. Background on Angolan Elections, Conflict, and Displacement

A. Elections

The upcoming Angolan electoral process possesses four unique attributes that must be considered when formulating an electoral assistance response. First, the election is an unusual second reconciliation election following the first reconciliation election in 1992. As Rafael Lopez Pintor explains about reconciliation elections, “These experiences shed new light on the importance of elections as part of a broader process of national reconciliation and political movement toward multiparty democracies. In these cases, the transitional elections have traits distinctive from those of elections that have taken place elsewhere after peaceful reform by authoritarian governments.”⁶

Second, with the potential of as much as one-third of the electorate in some form of displacement, this case is the highest such percentage in any election since 1989.⁷ Using round numbers for illustration purposes, if the total electorate can be estimated at six million persons (12 – 14 million total population), then, the current refugee/IDP electorate can be estimated at 2 million persons (4.5 million displaced, refugee, other external), or one-third of the voting population.

Third, given the collapse of the electoral process in 1992 before a run-off election could occur, a special fragility to this process must be recognized. Special remedial steps and confidence building measures are required to overcome this frailty and promote

⁶ Pintor, Rafael Lopez, “Reconciliation Elections: A Post-Cold War Experience, *Rebuilding Societies After Civil War*, Lynne Reiner Publishers, 1997, page 43.

⁷ Gallagher and Schowengerdt. Next highest percentages of “Refugees as Per Cent of Estimated Total Population” were Bosnia and Herzegovina in 1996 (1.2 million or 27%) and Namibia in 1989 (41,000 or 27%).

reconciliation to assure that a second collapse does not occur. Political participation by displaced communities is one such confidence building measure.

Fourth, previous elections and peace processes have been overseen by the United Nations and a peacekeeping force of some kind – United Nations Angola Verification Missions I, II, III (UNAVEM I, II, III) and the United Nations Observer Mission in Angola (MONUA) which ended in 1999. There is no such international presence or mandate in this electoral and peace process, although the GRA has sought a technical assistance package from the United Nations for help in election preparations.

During the 1992 elections, there were an estimated 350,000 refugees when the peace accords were signed – roughly 3.5% of the population. There were no special provisions for refugee voting and the conditions for refugee participation were confined to “limited spontaneous repatriation.”⁸ One exception was the “Bakano” refugees concentrated in Zaire, currently the Democratic republic of Congo or DRC. They were considered swing votes by both the Movimento Popular de Liberação de Angola (MPLA), which controlled the government, and the União Nacional para a Independência Total de Angola (UNITA), the principal rebel group. As such, both sides urged swift action by United Nations High Commissioner for Refugees (UNHCR) to hasten returns from this population group.

The in-country voter registration was conducted during a time of substantial population movements in Angola. The electoral timeline was not synchronized with these movements and the registration process was disrupted as a result. At the time of the election, the Angolan refugee populations had been under international protection and assistance for well over a decade and in-country security conditions were not conducive to organized or spontaneous return. As a result, refugees were forced to choose between political participation and personal safety. Finally, large numbers of registrants were without identity documents; however, the electoral code permitted the use of “social documentation” to establish identity.⁹

B. Conflict

At the time of Angolan independence in 1975, a guerilla war had already been raging for 15 years among three separate independence movements – the MPLA, UNITA, and the Frente Nacional de Liberação de Angola (FNLA). These forces were drawn into Cold War superpower surrogates as Cuba and the Soviet Union maintained their support for the MPLA while UNITA received backing from South Africa and the United States.

Successive attempts at peacemaking were accompanied by the deployment of UN peacekeeping teams, UNAVEM I (1989), UNAVEM II (1991) and UNAVEM III (1995). UNAVEM III was replaced by the UN Observer Mission in Angola (MONUA), withdrawing in 1999. It was under the auspices of UNAVEM II that the September 1992 elections were held. Three days after the voting was held, UNITA raised complaints

⁸ Ibid.

⁹ Gallagher and Schowengerdt.

about widespread fraud. Although a UN investigation was promised, the CNE announced the first round results on October 17 showing the presidential results of the MPLA with 49.57% and UNITA with 40.07%, a result that required a second round of voting. However, after the results were announced UNITA launched an initiative to occupy municipalities and other government positions by force. By the last day in October, fighting had again ensued with UNITA supporters in Luanda and other major cities taking a heavy loss of life.

Internationally mediated peace talks continued from 1993 through 2002. During this time, Angola remained in a continuous state of civil war with shifting front lines and the civilian populations as constant targets for both sides.

With the February 22, 2002 death of rebel leader Jonas Savimbi, an opening was created for a ceasefire in the 30-year civil war. On April 4, the rebel group UNITA and the Angolan government signed a ceasefire agreement in Luanda. The accords include a pledge by the two sides to abide by the terms of the 1994 peace agreement that collapsed four years ago. The ceasefire includes the demobilization of around 50,000 UNITA soldiers and as many as 300,000 families of rebels. Around 5,000 UNITA fighters will be repatriated from Rwanda and DRC as part of the peace process. UNITA appears to be finished as a combatant force.

C. Displacement

Reintegration of combatants is only part of the human displacement caused by the conflict. Since January 1998, 3,064,461 persons have been reported as internally displaced; however, the United Nations can confirm only 1,251,554 of these claims.¹⁰ By some unconfirmed reports, the figure could be as high as 3.8 million of a total population estimated at 12 million (31.6%).¹¹ The Bie, Huambo, and Malanje Provinces once held large concentrations of UNITA forces and IDPs from those areas are stigmatized by this history.

In addition to IDPs, at the beginning of 2001, there were an estimated 400,000 Angolans living as refugees in neighboring countries including 190,000 in Zambia, 170,000 in DRC, 20,000 in Republic of Congo, 20,000 in Namibia, plus 5,000 asylum seekers in Europe.¹² The discrepancies between the official registration statistics and individuals not registered reflect the fact that some refugees/IDPs are accessible in organized setting such as camp and villages; while other are dispersed and unregistered.

¹⁰ *IDP Fact Sheet*, United Nations, August 1, 2001.

¹¹ *Worldwide Refugee Information*, U.S. Committee for Refugees, 2000.

¹² *Worldwide Refugee Information*, U.S. Committee for Refugees, August 2001.

IV. PEACE AND ELECTORAL FRAMEWORK

A. Overview

In this report, international covenants, Angolan Constitutional provisions, electoral laws, and peace agreements have been overlaid with the resulting “peace and electoral” framework. The objective of this framework is to synchronize the peace process and elections calendar with the circumstances of the refugee/IDP to assure that there are opportunities to participate in secure and transparent conditions. The framework assembles applicable international covenants, applicable national laws and constitutional provisions; and situational ceasefire, peace, and reconciliation accords among former combatants.

A hierarchy of peace agreements and national laws that support the enfranchisement of refugees and IDPs regulates the Angolan electoral process. In establishing the legal foundation for the current process, it is necessary to include 1992 documents for baselines of agreement and law. Because of the civil war, electoral reforms have been frozen - there have been no amendments to the election law of 1991 and no amendments to the Constitution of 1992. The fundamental legal issues under discussion that relate to elections and migration include individual identity, citizenship, political eligibility, rules of balloting and campaigning, and systems of representation and administration.

As the case below will demonstrate, the peace and electoral framework compels the GRA and international community to enfranchise the displaced communities to participate in the next Angolan elections.

B. 1992 Peace and Electoral and Framework

The roots of the current peace agreement can be traced to the 1991 Bicesse Peace Accords. The Bicesse Accords – moderated by Portugal and observed by the United States (US) and Soviet Union (USSR) – formalized the settlement between the MPLA and UNITA. The Bicesse process had four central components: 1) ceasefire agreement; 2) fundamental principles for establishing a durable peace; 3) a framework for unresolved issues between the two parties; and 4) the Protocol of Estoril.

The Protocol of Estoril (Annex IV of the Bicesse Accords) created the conditions for an interim period between the conclusion of the ceasefire and the holding of elections. The Protocol established the Joint Political-Military Commission, principles relating to internal security, the political rights of UNITA supporters during the interim, administrative structures, and the formation of a unified Angolan military from the remaining UNITA and MPLA contingents. Estoril also established a general framework for the 1992 elections, including:

- Calling for Presidential and National Assembly elections (not necessarily to be held concurrently);

- Establishing universal adult suffrage and the ability to stand for elections – the specifics of which would be later addressed in an election law;
- Establishing that the electoral law would accommodate illiterate voters without compromising ballot secrecy;
- Stating that all parties, individuals, and political forces would have the opportunity for participation on equal footing regardless of political positions;
- Establishing an official election campaign period in consultation with the UN and all interested internal political forces;
- Guaranteeing freedom of expression, association, and access to the media;
- Establishing that the President and National Assembly would be elected by direct and secret suffrage in a proportional representation system at the national level; and
- Pending the resolution of logistical requirements, that the election would be held between September 1 and November 30, 1992.

The 1992 Constitution mandates a 223-member National Assembly to be composed of nationally and provincially elected members. At the provincial level, 5 candidates were elected from provincial lists for each of the 18 provinces (90). Another 130 members were elected on the basis of a national list. The Constitution also makes provisions for three external districts among the 223 (two for Angolans residing in Africa and one for Angolans residing elsewhere) to represent and be elected by Angolans living abroad.¹³ However, Angolans residing abroad were excluded from voting in 1992 presidential elections due to the difficulties that would be encountered should a run-off election be necessary. The three external seats were never filled, most likely owing to the same logistical and political obstacles.

Electoral eligibility was established by the Electoral Law of April 1992. Eligibility appears to have been based on the Nationality Law passed before the Bicesse process in 1991. The Constitution calls for universal suffrage. Additional statutes governing the 1992 process included the Law on Political Parties and the Political Party Finance Law.

C. 1993 – 2002 Peace and Electoral and Frameworks

The upcoming electoral process will be influenced by these statutes and agreements as well as the 1994 Lusaka Protocol (in particular Annex VII, on freedom of movement and “resettlement of displaced persons”)¹⁴ and the April 4, 2002 Memorandum of Understanding on the ceasefire concerning “resettling the displaced populations and conducting registration, elections, and census operations.”¹⁵

The Protocol included a reaffirmation of the Bicesse Accords and an acceptance of the numerous Security Council Resolutions. The parties once again agreed to UN monitoring of demilitarization, demobilization, the quartering of UNITA troops, the disarmament of civilians, and a ceasefire. Unlike the Bicesse Accords, the protocol also

¹³ Government of the Republic of Angola, 1992 Constitution, Articles 57 and 79.

¹⁴ Full text available at: http://www.usip.org/library/pa/angola/lusaka_11151994.html

¹⁵ Full text available at: http://www.angola.org.uk/press_releases_memo.htm

called for the formation of a “Government of Unity and National Reconciliation” (GURN) in which UNITA members would be appointed as ministers and police, and where Savimbi would become one of two vice-presidents until run-off elections could be held.

The pre-conditions for completing the 1992 electoral process, as outlined in Annex IV of the Lusaka Protocol, left the date for the second round of elections open. Both parties agreed that the elections would not be held until the UN could certify, *inter alia*,

- Guarantees of safety, free circulation of persons and goods and public freedoms through the national territory; and
- Effective guarantee of the functioning of the state administration and of the normalizations of national life throughout the national territory, including the rehabilitation of communication routes and the resettlement of displaced persons.¹⁶

The Lusaka Protocol was compromised by a number of major factors. The United Nations Angola Verification Mission (UNAVEM III) was deployed under a UN Chapter VI mandate, which requires the consent of both parties for peacekeeping operations and the cessation of hostilities. The problem with this type of mandate is twofold. First, the ceasefire never materialized and hostile military operations continued. Second, Savimbi refused to sign the Protocol, instead leaving the task to UNITA Secretary General Eugenio Manuvkaola. The terms of Lusaka were never fulfilled and the conflict continued until the death of Savimbi on February 22, 2002.

On April 4, 2002, the government declared a ceasefire and negotiated a 15-point “Memorandum of Understanding” with the surviving UNITA leadership. The Memorandum spelled out the terms of the ceasefire, provided mechanisms and a timetable for the demobilization of UNITA troops under a general amnesty, and called for a national census and the preparation of a voters register in anticipation of new elections. In an official Declaration, Angolan President José Eduardo dos Santos announced that,

The Government considers [it] necessary to find political and juridical solutions to the electoral process not concluded in 1992 and declares that it will implement the political, juridical, and administrative measures relevant for the organising of the next elections. To this end, in addition to the approval of a new Constitution, the Government will work on revising the electoral law, resettling the displaced populations, and conducting electoral registration and census operations.¹⁷

The current electoral framework is governed by four main instruments: the 1992 Constitution; the Electoral Law No. 5/92 of 1992; the Law on Political Parties No. 2/97 of 1997; and, the Law on Political Party Finance No. 3/97 of 1997.

¹⁶ Lusaka Protocol: Annex VII, Section II, Paragraph 4.

¹⁷ Declaration of the Government of the Republic of Angola (Completed), March 13, 2002.

The 1992 Constitution negotiated as part of the Bicesse process was never intended to be permanent. According to IFES, “the 1994 Lusaka Protocol and the National Assembly Law of 1996 called for the approval of a new constitution before elections are held.”¹⁸ In 1998, the government established a Constitutional Commission, headquartered in Luanda, to direct Constitutional reform. Since April 2002, the Commission has been discussing the prospects for a new constitutional structure. There is significant debate over whether a constitutional revision should be undertaken prior to holding elections, or whether the current constitution, in conjunction with existing electoral law, is sufficient for elections to proceed prior to amending or modifying the country’s constitutional framework.

There are at least seven Articles in the 1992 Constitution that promote or guarantee the political rights of all Angolans regardless of status or location. These Articles are cited in Annex II.

On paper, these provisions guarantee the right for all Angolans to participate in the political process. In terms of IDP and refugee voting, the provisions on universal and equal suffrage and non-discrimination appear to protect this population’s political rights. The provisions of Article 79 are flatly contradicted, however, by the stipulation in Article 57 that only citizens resident in Angola are allowed to vote in presidential contests. The 1992 Electoral Law puts Constitutional Articles 57 (Presidential) and 79 (National Assembly) into practice. Chapter II, Title I of the 1992 electoral code states, “citizens residing habitually abroad have the active electoral capacity for the legislative elections.”

V. ISSUES AND OBSTACLES CONCERNING REFUGEES/IDPS AND ELECTIONS

A. Overview

Although elections are an integral part of the overall peace agreement, there have been few preparatory steps taken to organize them. Major Constitutional issues must be resolved such as decentralization and systems of representation. The existing electoral law is from 1992 and requires legislative updates. A National Electoral Commission (CNE) must be constituted. A voter registration must be conducted and even a census conducted under some scenarios. The following discussion examines some of the major logistical and political issues confronting the participation of refugees/IDPs in the forthcoming elections.

B. Unpredictable and Wide-Scale Movements

The ceasefire has produced spontaneous movements of people both within Angola and from outside its borders. These movements and those facilitated by UNHCR and the GRA are projected to continue over the next two years. This means that the reintegration process may be occurring simultaneously with the preparations for elections, posing

¹⁸ Consortium for Elections and Political Process Strengthening (CEPPS), *Angola: Pre-Election Assessment Report*, March 2002, page 6. Available at: http://www.ifes.org/reg_activities/Pdf/05_21_02_angola_eng_report.pdf

obvious challenges to voter registration, proof of residence, and identity. At the same time, around 30,000 former UNITA combatants have been quartered and are scheduled to be reintegrated in 2003. In the non-contiguous Cabinda region, there is still fighting by the rebel group Frente de Libertação do Enclave de Cabinda (FLEC) and the GRA with the obvious prospect of new flows of conflict forced migrants.

C. Structural Internal Displacement

The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) estimated in February 2002 that 4.1 million Angolans were internally displaced, one of the highest IDP populations in the world. In April 2002, the Angolan government estimated that the 30-year war had displaced at least 5 million people, many of whom have been displaced multiple times. Measuring Angola IDP statistics is extremely difficult because the number fluctuates frequently. According to one analysis, “The number of IDPs ... varies from month to month and from year to year. As some displaced return home, new people become displaced. As a result, there is continual disagreement between the Angolan government, particularly the Ministry of Assistance and Social Affairs (MINARS), and many international NGOs and agencies...”¹⁹

Although displacement is a nationwide phenomenon, according to Global IDP, the provinces with the highest IDP populations include: Bie – 174,000; Huila – 170,000; Huambo – 150,000; and Kuanza Sul – 118,000. Approximately 1.4 million Angolan IDPs currently receive some form of assistance from the government or international agencies. Of these, approximately 600,000 live in temporary settlement camps where conditions range from barely acceptable to deplorable. A report by OCHA estimated that 20% to 30% of the IDPs who enter a camp will die there from poor health conditions and a lack of nutrition.²⁰ An additional 400,000 were in temporary transit centers.²¹ The government has also forcibly moved displaced persons against their will, particularly away from major urban centers or in order to free up facilities for the military, with UNITA raising the issue that such individuals are not simply internally displaced, they are prisoners of war. Nevertheless, destinations of the displaced in Angola continue to be the coastal regions and the outskirts of urban areas.

Primary responsibility for the protection and care of IDPs lies with MINARS. According to Human Rights Watch, “Over many years, the Angolan government failed dismally to protect the rights of the displaced, although it made some efforts to provide humanitarian assistance – even these though suffered from poor implementation and minimal concerns

¹⁹ Global IDP Project, *Profile of Internal Displacement: Angola*, 9 August 2002: page 32. Available at: [http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Angola/\\$File/Angola%20-Aug02.pdf?OpenElement](http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Angola/$File/Angola%20-Aug02.pdf?OpenElement)

²⁰ UN Office for the Coordination of Humanitarian Affairs (UN OCHA), *Humanitarian Situation in Angola Monthly Analysis*, 30 April 2002. Available at: <http://www.reliefweb.int/w/rwb.nsf/3a81e21068ec1871c1256633003c1c6f/276f5a1bc2f042aac1256bd0036fdc0?OpenDocument>

²¹ Ibid.

for the well-being of the displaced.”²² Reports of arbitrary arrests and beatings and sexual violence against women and girls on the part of police are common.²³ It is particularly difficult for the displaced to obtain basic documents, which also causes difficulties in the relationship between IDPs and national and local authorities.

On the other hand, Angola was one of the first countries to adopt and use *The Guiding Principles on Internal Displacement*²⁴ and has generally maintained cordial relations with the UNHCR, OCHA, and other NGOs working in the field of IDP protection. In response to the increased pressure, as well as the fact that by 2001 many Angolan displaced persons were spontaneously returning to their homes, the government passed Decree No. 1/2001 the “Norms for the Resettlement of Displaced Populations,” which states that Angola intended to fully comply with the *Guiding Principles on Internal Displacement* and established rules and procedures to ensure that resettlement would be conducted in a humanitarian fashion. In addition, the Special Representative of the Secretary General on Internal Displacement, the UNHCR, and OCHA have established close working relationships with the government particularly MINARS, and have attempted to strengthen the mechanisms to protect the human rights of Angolan IDPs.

Nevertheless, the public commitments of the government are often not realized in practice, and the international community has pressured Angola to improve its care and protection policies and practices. The sudden resumption of the peace process since February 2002 augers well for the condition of IDPs, although, as usual, greater coordination and immediate resources will be needed to ensure that conditions improve and resettlement is well organized and managed. As part of the Memorandum of Understanding, Angola has established a trust fund to pay for the return of 1.5 million IDPs and former UNITA soldiers’ family members

UNHCR and the GRA share a complementary view on the sequencing of assistance to the IDP community and then to the refugee community. Until early 2003, their focus of attention was on assisting the internally displaced with expectations of facilitated refugee returns later that year. The GRA has also concentrated on the demobilization of UNITA. UNHCR intends to begin a formal repatriation program for Angolan refugees in early 2003, although an estimated 5,000 to 10,000 are reportedly repatriating spontaneously each month

²² Human Rights Watch, *The War is Over: The Crisis of Angola’s Internally Displaced Continues*. A Human Rights Watch Background Briefing Paper: Page 6. Available at: <http://www.hrw.org/backgrounder/africa/angola/2002/angola-idps.pdf>

²³ Ibid, page 8.

²⁴ In 1992, UN Secretary General Boutros Boutros Gahli appointed a Sudanese diplomat, Francis M. Deng to the post of Representative of the Secretary-General on Internally Displaced Persons. In 1998, Deng disseminated the “Guiding Principles on Internal Displacement,” which assembled existing precedents in customary and treaty laws pertaining to IDPs to create a case that IDPs have rights under certain existing international covenants.

D. Varying Conditions for Refugees

Externally, UNHCR distinguishes between two types of refugees: 1) long stayers – refugees in protracted stay circumstances who have diminished contacts and connections to home; and 2) newly arrived – refugees who maintain strong and current linkages to home. The Angolan refugee populations contain both types. In 2003, UNHCR anticipates two forms of returns from contiguous countries, particularly the DRC and Zambia. From this writing through mid-2003, there will continue to be spontaneous returns. This form of return is particularly problematic, because these are uncontrolled flows of people confronting substantial obstacles to return. These obstacles include the lack of local government administrative structures to assist them, deficient infrastructures such as missing bridges and roads, and minefields. UNHCR is not encouraging spontaneous returns until at least mid-2003.

Beginning in 2003, UNHCR will conduct a program of facilitated return and anticipates that 175,000 refugees will be reinserted through this mechanism. It is planning on opening up seven new offices in provinces where the impact of the returns is projected to be the greatest - two offices in the northern provinces of Zaire and Uige; and five offices in the southeast in the provinces of Moxico, Kuando Kubango, Cunene, Namibe, and Huila.

1. Zambia

Zambia hosts some 190,000 official and unofficial Angolan refugees. Approximately half of the refugees reside in UNCHR and Zambian government supported camps where they are provided small plots of land and other humanitarian assistance. The largest camp, Meheba, is located in the Northwest. Other notable camps are in Nengweshi and Mayukwayukwa. The roughly 50% of Angolan refugees in Zambia living outside the camps are primarily integrated into the urban areas or scattered in small villages along the Angolan border.

The Zambian government provides automatic refugee status to all asylum seekers except those residing in urban areas and those suspected of having a military background. Refugee law stems from the 1970 *Refugee (Contract) Act*²⁵, which details the rights and obligations of all refugees and asylum seekers. UNHCR reports that Zambian reservations concerning the Refugee Convention, as reflected in the refugee law, restrict the right of freedom of movement and the right to seek and obtain paid employment.²⁶ In addition, Zambian officials have occasionally made it difficult to cross the border (in both directions), primarily when military activity in eastern Angola had increased. Nevertheless, Zambian authorities appear interested in bringing their protection up to international standards. The UNHCR, the Zambian government, and roughly ten international NGOs work on providing health, education, income generation, integration, and protection programs.

²⁵ Available at www.unchr.ch/cgi-bin/texis/vtx/rsd/rsddocview.htm?CATEGORY=RSDLEGAL&I=3ae6c&page=research

²⁶ UNHCR, "Zambia" UNHCR Global Report 2001, page 252.

The UNHCR reported in August 2002 that:

Despite recent positive developments in Angola, it is believed that a portion of Angolan refugees presently residing in Zambia will not return to Angola, at least not immediately. Many of these refugees have been in exile for more than 20 years and they will want to see the peace process solidify before they consider returning. Meanwhile, Zambia has announced that a new Refugee Bill will be presented to Parliament in the next two months. This new bill will make it possible for long-staying refugees to apply for citizenship in Zambia.²⁷

The table below summarizes the refugee figures in Zambia.

Table I
Angolan Refugees in Zambia

Total Angolan Refugees in Zambia	Population	Estimated Number of Voters
190,000		114,000 ²⁸
Main Refugee Camps		
Meheba	41,471	25,000
Nangweshi	21,308	12,700
Mayukwayukwa	20,282	12,100
Totals for Camps	83,061	49,800

2. Democratic Republic of Congo

DRC hosts 210,000 official and unofficial Angolan refugees, 120,300 of whom receive assistance from the UNHCR. Given the ongoing conflict in DRC, conditions for Angolan refugees are extremely poor. The barely functioning central government is currently consulting with UNHCR to draft new refugee legislation, but even assuming it is passed, its effects are likely to be limited until the central government acquires the resources necessary to consolidate administrative control of the country. Most refugees simply enter the country without official paperwork, and any humanitarian assistance received comes from the UNHCR and other NGO providers. Tensions between refugees and local are reported to be particularly high in the border province of Bandundu.

The United States Committee for Refugees (USCR) reports that Angolan refugees in DRC are distributed as follows:

- 80,000 in Bas-Congo Province in Western Congo: 23,000 refugees live in the provinces two principal camps Kilueka and Nkondo, 12,000 live in seven special “integration villages,” and the remainder live in local villages.

²⁷ UNHCR Briefing Notes – August 27, 2002

²⁸ This figure is based upon the assumption that an average of 60% of the population is eligible to vote.

- 50,000 in Katanga Province: villages of Kisenge, Divuma, and Tshimbumbula with the remainder scattered.
- 30,000 in Kinshasa, not in camps.
- 22,000 in Bandundu Province: 11,000 in the villages of Kulindji, Bindu, and Tshifwamesu, and the rest in the remote border town of Tembo.²⁹

Other data shows the camp-to-camp populations and potential electorates.

Table II
Angolan Refugees in the Democratic Republic of Congo

Total Angolan Refugees in DRC	Population	Estimated Number of Voters
185,000		111,000
Main Refugee Camps and Villages		
Kilueka	11,826	7,100
Nkondo	11,888	7,130
Zomfi	1,189	710
Sadi/Zulu	3,464	2,080
Kinsafu	2,324	1,400
Kinsalulu	1,664	1,000
Kimfwakata	2,013	1,200
Napassa	3,250	1,950
Tshifwameso	3,886	6,500
Kulindji	4,062	2,440
Divuma	15,233	9,140
Kisenge	14,047	8,400
Tshimbumbula	12,948	7,800
Totals for Camps and Villages	87,794	56,850

3. Namibia

Namibia hosted approximately 30,000 refugees and asylum seekers from Angola in 2001. The single-largest camp is Osire, located close to Windhoek, which hosts some 20,000 Angolans and smaller concentrations of refugees from other countries.

In addition, refugees are scattered in a series of reception and transit camps along the Angolan border. Conditions in Osire, which had previously been largely acceptable, deteriorated markedly during 2001, when the World Food Program slashed rations in response to donor shortfalls and a severe drought. Namibia is a signatory to the 1951

²⁹ USCR, 2002, page 66.

Refugee Convention (but not the Optional Protocol), and has lately observed its requirements.

However, USCR and Amnesty International report that an unknown number of refugees were repatriated against their will in 2001 and that the government forces harassed and killed many others in the border camps as fighting in Angola spilled across the border.

The table below summarizes the reported refugee figures.

**Table III
Angolan Refugees in Namibia**

Total Angolan Refugees in Namibia	Camp Population	Estimated Number of Voters
30,000		18,000
Main Refugee Camp		
Osire	20,000	12,000
Totals for Camp	20,000	12,000

E. Lack of Documentation

The IDP community is marginalized from electoral processes by a pervasive lack of identity documents. The right to documentation is guaranteed in a variety of human rights instruments. The Universal Declaration for Human Rights, ICCPR, the American Convention, and the African Charter all contain language indicating a non-derogable right to a legal personality and “recognition as a person under the law.”³⁰ A basic prerequisite to the realization of this right is adequate documentation proving identity, citizenship, and residence.

In addition, Article 25 of the 1951 Refugee Convention obligates contracting states to provide “such documents or certification as would normally be delivered to aliens by or through their national authorities.” Finally, Principle 19 of the *Guiding Principles on Internal Displacement* states that “Every human being has the right to recognition everywhere as a person before the law...To give effect to this right for internally displaced persons, the authorities concerned shall issue them all documents necessary for the exercise and enjoyment of their legal rights...without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents.”

The Ministry of Justice directs the civil registration and identity document distribution programs and has requested assistance with conducting the program. IDPs have been disadvantaged in obtaining identity documents because the Ministry has focused on youth as a target registration population and the practice to register IDPs upon their return and not in their displacement. There is also a focus on registering former UNITA combatants.

³⁰ UDHR Article 6; ICCPR Article 16; American Convention Article 17; African Convention Article 5.

The commercial vendor Thomas de la Rue and Company is reported to be the contractor for the ID card production process. There are ID card offices at the provincial level, but the process remains centralized in Luanda.

The alternative to “hard copy” documentation is “social” documentation. Social documentation refers to instances where the electoral rules allow persons to register without providing physical proof of their identity, citizenship, residency, or other requirements. As a rule, the modalities for social documentation involve the applicant swearing an affidavit of identity, citizenship, or residency in front of a judge, notary, religious leader, village or tribal elder, or other notable and reputable person.

F. Political Parties and Displaced Constituencies

In order to ascertain the policy priority that the refugee/IDP issue represented to political parties, meetings were held with the Party of Social Renewal (PRS), FNLA, UNITA, and the MPLA.

1. Party for Social Renewal (PRS)

The PRS representatives made the point that IDPs have been left out of the political transition and that assistance can be influenced by political affiliation. Their belief was that most parties would support refugee/IDP voting, but that there were insufficient resources to accomplish that task.

The PRS representatives expressed the view that the refugee/IDPs were not monolithically UNITA supporters; although southern provinces were considered UNITA territory for many years. The displaced communities represent a cross-section of opposition parties. The PRS does not plan on campaigning in the refugee communities because of a lack of resources; however, their party “militants” have visited IDP camps. The PRS would support the use of social documentation as a tool of enfranchising refugees/IDPs.

2. National Front for the Liberation of Angola (FNLA)

The FNLA representatives also expressed their support of a program to enfranchise refugee/IDPs. It echoed the PRS concern over a lack of public resources to conduct the elections in asylum and a lack of party resources for the FNLA to campaign among those communities. These representatives expressed the belief that IDPs from the northern, eastern, and southern provinces are considered to be affiliated with opposition movements.

They expressed concern about the government’s partiality in facilitating returns on the basis of political affiliation, and that only the government and MPLA have the resources to be able to facilitate return. The FNLA claims to have supporters in the three contiguous

countries of asylum plus the Republic of Congo, South Africa, Portugal, France, and the United States.

The FNLA representatives reported that the MPLA was already active in refugee and IDP camps. The kinds of activities that MPLA undertakes were reported to include civic education programs, party registration campaigns, and distribution of party t-shirts and flags. In fact, MPLA flags have been reported to be flown at some refugee and IDP camps. The FLNA claimed that some applicants confused the process of “registering” with the MPLA to imply a form of “voter” registration.

The FNLA would support the use of social documentation to establish voter identity; however, they would also prefer that the process be conducted under international supervision. They also support intrusive international technical assistance and observation.

3. National Union for the Total Independence of Angola (UNITA)

The UNITA representatives expressed the belief that it was still unclear how to enfranchise refugees/IDPs. Rather, their primary concern was for the establishment of conditions that would facilitate returns and elections. They believe that a census should be conducted before an election can be held. In fact, the representatives listed the steps of return, resettlement, census, registration, and verification as all occurring before casting a ballot. They also pointed out that Constitutional and Electoral Law amendments were required before elections. However, UNITA would recognize the social documentation process that was employed in 1992.

The UNITA representatives admitted that they had not yet discussed the issue of refugee/IDP enfranchisement with the government, but they asserted that the government was using favoritism in humanitarian aid for electoral purposes. In particular, the delivery of food was being manipulated for political purposes with food shipments first being denied and then MPLA employing its auxiliary social organizations to deliver the emergency supplies.

They did not believe that the government would permit elections in asylum because the refugees were predominantly UNITA supporters.

4. Popular Movement for the Liberation of Angola (MPLA)

The MPLA representative expressed the hope that the IDP would be fully re-integrated by the elections. They deferred taking a position on supporting elections in asylum, stating that this was a decision for the National Assembly and that other such decisions would be taken by the CNE.

The MPLA representatives also deferred supporting a form of social documentation in order to establish or re-establish identity. They indicated that was a decision for the CNE.

The MPLA has no special programs for displaced voters.

5. Political Party Assistance

Both the Friedrich Ebert Stiftung and the National Democratic Institute (NDI) are conducting democracy programs that involve political party development. The Friedrich Ebert representative indicated that their program is not yet focused on election issues, however, it did conduct a conference on electoral systems in 2001. According to the representative, IDP enfranchisement had not entered yet into the discussions. The IDP camps suffer from a lack of news and information. The representative indicated that IDPs were not the typical constituents of the MPLA and that this was reflected in government interest about them. The NDI representative expressed concerns about the complexity of obtaining national identity cards and its impact on the involvement of refugee/IDP in elections. The representative also cited concerns about the manipulation of IDP votes by the MPLA.

G. Media and Displaced Audiences

Both refugees and IDPs receive their Angolan-based electronic news and information from two principal sources: 1) Radio/Television Angola (the state-operated media); and 2) Radio Ecclesia (a Catholic Church-operated media).

Radio Angola is the only station that currently broadcasts nationwide through five channels in Luanda and one in each of the 17 provinces. It broadcasts in Portuguese and in 59 other local languages. Radio Angola has both short wave and medium wave capabilities. Its broadcasts are heard in the DRC and Zambia. There is a special broadcast for Angolans residing in Europe. Radio Angola conducts programming that is specific to the concerns of refugee/IDPs. In the upcoming electoral process, Radio Angola plans to offer civic education programming and a forum for candidate debate. Television Angola broadcast a daily series of personal messages from individual seeking their missing information on their missing family and friends. During the message, the individual usually displays a photograph of the missing person.

Radio Ecclesia is the principal alternative source of news and information to that of government-controlled media organizations. Radio Ecclesia currently broadcasts in Luanda and has repeaters for broadcast in five other provinces. By June 2003, the station anticipates that it will have repeaters in place for all 17 provinces and a national reach to its broadcasting. The station has short wave capability.

In cooperation with the Centre (Search) for Common Ground (CCG), Radio Ecclesia broadcasts a program entitled *X-Ray*, information for refugees. The station reports that it has developed around 50 programs for refugees/IDPs. At the Moxico camp, the IDPs reported using Radio Ecclesia to communicate among camps, not simply as a one-way broadcast of news. From time to time, the Red Cross reads lists of missing persons on the air. Radio Ecclesia reports that it anticipates conducting election-related programming, but does not have any planned at this time. It has organized election-

training courses for some of its journalists and plans to base one correspondent in Zambia. CCG has provided “soap opera” dramas used by both media organizations that provide useful information and instruction for IDPs within a melodramatic storyline. Two such taped presentations were entitled *Radio Life* and *Voices That Speak*.

Its media programming is just one of the CCG’s outreach initiatives to the IDP community. Additional CCG projects include conflict resolution, mediation, and leadership training; and instruction on how to interact with local government authorities and MINARS offices. CCG distributes information about IDP rights and the *Guiding Principles* and facilitates “town hall” type meetings with local MINARS officials, local police, and other IDP to talk about issues and concerns. CCG has distributed wind-up AM/FM radios to IDP communities so that they can listen to Radio Ecclesia and Radio Angola programming.

Additional radio stations include Luanda Commercial, Radio 2000, Radio Commercial, and Radio Morina; however, these stations are reported to be connected to the MPLA or other government-related sponsors.

H. Movement and Security Issues

As of January 2003, movement into and within Angola is much improved. A steady flow of refugees and IDPs are returning to their homes and UNHCR is establishing resettlement offices in areas where high numbers of returns are expected. A number of donor governments have responded to an interagency consolidated appeal for funding to help return and reintegration programs. The European Commission (EC) has approved \$1.1 million (USD) for 60,000 refugees in the DRC, and similar programs are contemplated for Namibia and Zambia. Most reports indicate that formal repatriation programs, under the care of the UNHCR, should be well underway by mid to late 2003. The Interagency Consolidated Appeal of November 2002 predicts that 1 million displaced persons will return to their homes over the course of 2003.

The sudden end of the conflict, however, has prompted a mass spontaneous return, with UNHCR estimating that only 15% of returnees have moved under an organized plan. While most individuals are able to move freely without threat of violence, not all areas of the country are secure. The primary security problem is widespread mine infestation, including along primary access routes and into return locations. In addition, fighting between the government and a rebel group in the Cabinda province remains fierce, and that province remains off limits to the UN and other humanitarian actors.

VI. ACTION PLAN FRAMEWORK

A. Objectives

The objective of the Action Plan is to roadmap processes by which refugees/IDPs can register, cast ballots, observe or compete in the upcoming elections; while protecting them in residence and in movement before, during, and after the elections. This objective

is fulfilled through the development of a conceptual model of intervention that describes the processes and structures required to accomplish this enfranchisement task.

There are six strategic underpinnings to the Action Plan conceptual model.

1. The Plan must be designed to promote reconciliation, build confidence in electoral processes, and institutions; while protecting refugee/IDPs participating in the electoral process.
2. The Plan must be a broadly scoped partnership among the GRA, international organizations, and non-governmental organizations and include legal, technical, political, security, and educational dimensions.
3. The Plan must recognize differences in issues and approaches between the IDP and refugee communities; and among sub-groups and locations for each of those communities.
4. The Plan must possess an international dimension because of the regional and Diaspora elements of the process that are not governed by Angolan law alone.
5. The Plan must establish temporary, ad hoc structures among the governmental, international, and non-governmental actors to implement a process that will be unique to this Angola election.
6. The Plan should be monitored by international and national teams.

B. Phases

The Action Plan will unfold in four phases: 1) Consensus Phase; 2) Foundation Phase; 3) Planning Phase; and 4) Operational Phase.

1. Consensus Phase

The objectives of the Consensus Phase are to identify the constitutional and electoral law amendments required so that refugees/IDPs are assured opportunity, access and representation; to create a widely shared political view that refugees/IDPs should be permitted full rights to participate in the next elections; and to develop channels through which the refugee/IDP communities can be formally engaged in the consensus building activities.

The activities in this Phase are largely consultative with discussions on the perspectives of international, governmental, political, and nongovernmental actors about how the enfranchisement can be accomplished and what would be an acceptable process to them.

Some of the key issues for agreement or resolution include the following ones:

- Procedures for the “social documentation” of voters without paper identity documents;
- Procedure to define and identify an “Angolan living abroad;”
- Identification of asylum or Diaspora countries where registration and voting will be conducted;
- Resolution of an approach to the census;
- Codes of conduct for campaigning in refugee/IDP camps and concentrations; and
- Eligibility by refugee/IDPs to cast ballots in all levels of elections.

During the Consensus Phase, discussions will be required with the governments of Zambia, Namibia, and DRC will be required to achieve modalities agreements on registration and elections in asylum and border policies. In addition, similar agreements must be made with other governments in Africa and outside of Africa where registration and balloting may be held.

2. Foundation Phase

The objectives of the Foundation Phase are to anchor the agreements and procedures from the Consensus Phase into articles, statutes, agreements, memoranda of understanding, political party pacts, and platforms; and to establish the constellation of groups that will be required to accomplish the full participation of the refugee/IDP communities.

During this Phase, amendments to the Constitution and electoral law should be made that will guarantee enfranchisement opportunities. In the Foundation Phase, a constellation of interest groups should be identified that may play a role in the enfranchisement process. These interests include constituent groups, agencies of the GRA such as the Interior Ministry and MINARS, host governments for refugee populations, civil society organizations, political parties, media organizations, and international organizations. Agreements on focus and divisions of responsibilities among actors should occur during this Phase.

This Phase will also produce a political party pact, mediated by the international community, wherein the parties agree to a set of ethical standards with respect to campaigning and soliciting votes from displaced communities. The pact will forbid the parties to engage in any form of intimidation or inducements such as food for votes while campaigning in refugee/IDP communities.

Finally, this Phase will be used as a period to engage the political parties in supporting public policies and programs to aid the return and resettlement of refugee/IDPs. Such program initiatives should include the security, housing, health care, and education sectors

3. Planning Phase

In the Planning Phase, the National Electoral Commission (CNE), Justice Ministry, Foreign Ministry, and other Angola government agencies will join with the international community in devising a joint and integrated operational plan on how to accomplish the registration/census, identity document distribution, and voting for the refugee/IDP communities. The plan will identify a timeline and set of tasks for each actor. Resource requirements will be identified such as staffing, equipment, vehicles, and consumable items such as paper, fuel, and film will be identified. The plan will include a budget and funding strategy for obtaining the people and materiel to operate the process.

4. Operational Phase

In the Operational Phase, the CNE and ad hoc structures created during the previous phases implement the registration, campaigning, balloting and certification of results. A schematic of these Phases is shown as Annex III. Below is a Process Scenario description of how such enfranchisement initiative can be conducted.

C. Process Scenario

1. Overview

This scenario will describe each of the major steps in the electoral process: 1) confidence building and information; 2) registration; 3) political campaigning; and 4) balloting and results. From the outset, the process of refugee/IDP enfranchisement should be subject to a dedicated international/local observation effort. The monitoring effort could be a joint initiative of the European Union (EU), African Union (AU), and Southern African Development Community (SADC). For implementation, a constellation of national and international actors will be required such as the CNE, Ministry of Justice, MINARS, Catholic Church, and other international organizations seeking to provide logistical, technical, and educational assistance.

2. Confidence Building and Information

Confidence building measures should begin during the Consensus Phase and continue throughout the electoral process including a focus on refugees/IDPs voter education. This voter education initiative should coordinate the resources and official status of a program by the CNE with the UN and other initiatives funded bilaterally involving local and international NGOs.

The voter education initiative should provide electoral information to IDPs and refugees and it should establish communication structures with the displaced populations' networks so that information can be effectively relayed. The refugees/IDPs should be instructed on how the registration will be conducted and what the applicant can do to assist with facilitating registration. The voter education effort should include sponsorship and programming on the national radio and television outlets as well as Radio Ecclesia.

3. Registration

There are at least three competing activities involving identity and registration that are bundled into the electoral process through law, practice, or agreement: 1) conducting a census; 2) voter registration and voter card distribution; and 3) issuance of national identity cards.

a. Census

In the April 4, 2002 Memorandum of Understanding and the stated position of UNITA³¹ that a census is should be conducted before they would support an electoral process. If a political process involving an election timeline is to be initiated, a census pre-requisite can become a stalling and divisive showstopper.

The conduct of a census before an election or after an election is a strategic decision. If conducted before an election, the census can provide baselines of population distribution and that validates voter registration exercise and provides the foundation for constituency delimitation. However, total census processes are time consuming, political, and an operationally high-risk activity. An alternative that should satisfy the political concerns of those supporting the census is to conduct a multi-phased census process that can be conducted in parallel and complementarity with voter registration.

The census process can be initiated with a household listing survey in targeted, pilot communities, and a sampling of some basic demographics of a portion of the families residing within that pilot community. The survey questions should not be extensive and identify only numbers, genders, ages, and perhaps occupations. After methodologies have been tested and capacity established, a full census can be conducted. However, this process should be conducted independently of a voter registration exercise.

b. Voter Registration and Voter Card

For both the refugee and IDP communities, the Registration Centers where they choose to apply will also serve as their Polling Centers for voting. Registration/Polling Centers (such as school facilities) will be divided into Registration and Polling Stations (such as classrooms), each of which will accommodate no more than 700 registrant/voters.

Although the confirmed number of IDPs has hovered at from 1.2 – 1.4 million since 1998, the reported number of IDPs since that time is around 3 million persons. This can translate into a potential IDP electorate of from 840,000 to 1,800,000 persons. Based on these figures, the simple arithmetic would indicate that from 1,200 to 2,575 Registration/Polling Stations would be needed for these communities. However, the distribution of these Stations will have to service the concentration of IDPs temporary resettlement locations, camps, and transit centers. This distribution will also have to service the internally displaced who have been forced to urban displacement in the major

³¹ This issue was discussed with UNITA representatives in Luanda at an October 15, 2002 meeting.

cities of every province. In some cases, Registration/Polling Stations can be dual use, that is, used by both displaced and non-displaced communities.

In the 1992 elections, registrants were allowed to employ a form of social documentation in lieu of presenting identity document. This procedure used the offices of traditional authorities in local towns and villages as well as Catholic Church officials to attest to the identity of applicants. Political party agents were also permitted to serve as witnesses, but it is recommended that their involvement in this capacity be discontinued because of their vested interest in the identification decisions.³²

Under the current scenario, at each Registration Station, a Registration Committee directed by the CNE composed of a Chair, two Documentation Officers, two Registration Officers, and a Queue Controller will conduct the process. The Committee members should be IDPs appointed from the community where they intend to apply for registration. Committee members should represent a diversity of political parties, ethnicities, disabilities, ages, and should be gender balanced. Registrants will present themselves at one of several Registration Centers located in their community. The process of voter registration and voter card issuance will occur at the Stations located within these Centers. The Station where the applicants registered is also where they will return on Election Day to cast a ballot. The assignment of voters to Polling Stations occurs at the time of registration.

Externally, the conduct of registration and voting of refugees should be done in cooperation and with substantial technical assistance from the international community. The Foreign Ministry should replace MINARS on the implementation consortium. Refugees in Zambia, DRC, and Namibia can be registered at in-person Registration Centers located in the major camps and villages; at Embassies of Angola or designated Catholic Church locations in Kinshasa, Lusaka, and Windhoek and elsewhere in those countries for unregistered refugees or those not residing in organized camps. At other locations on the continent of Africa, registration will be conducted at the Angolan Embassies or at a designated Catholic Church operated site. Outside of Africa, registration will be conducted at Angolan Embassies or at a Catholic Church designated site or a postal registration vote option can be considered. The electoral law should provide for an appeals process permitted applicants who have been rejected to re-state for case for enfranchisement. These appeals cases should be a matter of public record and subject to electoral monitoring.

c. National Identity Cards

The Justice Ministry has initiated a national identity card program but it is not moving forward because of a lacking of funding. The Ministry made a verbal request for assistance with this program. Although not essential for registration and voting under a social documentation procedure, the availability of ID cards to IDPs strengthens Angola's identity infrastructure, is a confidence building measure, and can enhance the credibility

³² This procedure was described in an October 21, 2002 meeting with the former Chair of the CNE Mr. Caetano Sousa

of the electoral process. Accompanying any assistance response should be the condition that the ID card program is extended to adults and to those currently in IDP status. However, the process should be conducted independently but in coordination with the voter registration exercise

3. Political Campaigning

Political party campaign activities in refugee/IDP camps or concentrations should be monitored and subject to some conditions. Accredited international and domestic monitors should be permitted free access to refugee/IDP residence centers. There should be no prohibitions on political party access to organized refugee/IDP settlements. However, there should be a political party pact signed that parties will not campaign coercively within organized displaced communities and vow not to intimidate or manipulate voters. Actions such as raising political party flags and distributing food or benefits near the registration centers in the refugee/IDP camps and concentrations should be prohibited.

To ensure the enforcement of this pact, one ad hoc structure that can be considered is an ombudsman office for this cycle of activities for refugee/IDP registration and voting. The ombudsman can be a transitional component of the CNE, but remaining independent of other government control.

4. Balloting and Results

A voter's displacement from a home province is not a reason for disenfranchisement in the Presidential contest. Nor is it an issue in a National Assembly election with a single national district since there is no constituency other than the national one. However, an inequity emerges in the balloting for the province-based National Assembly members.

If an IDP can substantiate a provincial residency claim for a prior residence, that elector should be entitled to register to cast an absentee ballot for that provincial list. However, if such claims cannot be substantiated, the registrant should be entitled to cast a ballot for the provincial list in the province of current residence. This option will require a special distribution, collection, and counting procedure for absentee ballots for those who can substantiate the prior residence claim.

Angolans abroad should be permitted to vote in the presidential election and in the National Assembly elections. Angolans abroad will be identified through documentation such as Portuguese or Angolan passports, Angolan national ID cards, refugee cards, or other documents that are issued by the host country, GRA or an international organization. For unregistered refugees, a social documentation procedure can be applied.

In both the cases of IDPs and refugees, the voters will cast ballots at the locations where they registered or by post. Voters lists will be created for each of these Polling Stations (with an average of 700 voters per poll). Voted ballots for president and the national list

from IDP Polling Stations inside camps and organized facilities will be mixed with those of the next larger electoral unit so that election results will not be calculated and reported by camp or by polls within camps. Any provincial list ballots cast will be counted and reported as a single national absentee total for that provincial contest, requiring that all absentee ballots for the provincial lists be moved to a central counting center and mixed together before counting. Out-of-country presidential and national list ballots will be counted and reported as a single, out-of-country total. Out-of-country ballots will be collected at the Polling Centers and transported to a central counting facility in Luanda immediately upon the close of polls. These ballots will be mixed with those received by post directly to the CNE in Luanda. The out-of-Angola seats can be treated as two constituencies (Africa and outside of Africa) and tabulated accordingly. In principle, this means that refugees must stand as candidates. A candidate registration procedure should be devised so that individuals seeking to contest for these seats can apply at Angolan Embassies or other designated locations.

Displaced voters who return or resettle between the time of registration and the Election Day should have the opportunity to cast a conditional ballot at a Polling Station in their home province. The conditional ballot preserves the franchise during times of unpredictable movement.

D. Constellation of Groups

There are six functional categories international and national actors involved in the development and implementation of a program to enfranchise refugees/IDPs: 1) constituents; 2) advocates; 3) public services; 4) donors; 5) technical assistance; and 6) monitoring.

Constituent organizations are composed of representatives from the displaced communities as communication and liaison instruments with those communities. In most cases, such constituency groups for both IDPs and refugees will have to be established through this initiative.

Advocate organizations are domestic in nature such as political parties, civil groups, media organizations, and the Catholic Church; but advocates also include a range of international NGOs providing humanitarian assistance to refugees/IDP populations in health care, education, food relief, and demining.

Public services include all government agencies that which are involved in the electoral process. These actors include the National Assembly, Ministry of Interior, Foreign Ministry, MINARS, CNE, and Constitution Commission among others. The governments of the host countries where registration/elections in asylum or postal voting will occur must also be considered in the services category. The services of the Constitution Commission and National Assembly involve establishing the legal framework for participation.

The initiative will be funded by resource organizations. These donor groups include international organizations such as the United Nations Development Programme (UNDP) and the European Union (EU), bilateral development agencies, and IFIs such as the World Bank and Africa Development Bank.

Technical assistance will be provided by an array of international organizations such as IOM and NGOs such as the CEPPS consortium partners to provide specific staffing, training, or materiel to organize and conduct the process.

Finally, the enfranchisement process should be monitored by international and domestic organizations. The international groups include political party institutes, NGOs, bilateral delegations, and representatives from regional associations such as the AU, AAEA, and SADC. However, just as constituent groups will require development to be effective partners, civil society groups and political parties should be assisted in conducting domestic election monitoring of the refugee/IDP process.

VII. Recommendations

A. Synchronized Timelines

The CEPPS *Angola: Pre-Elections Assessment Report* includes a sample pre-election preparation timeline. The table below summarizes this timeline and synchronizes an additional column action points that are specific to the enfranchisement of refugees and IDPs.

Table IV
CEPPS Sample Election Preparation Timeline³³
PEP Synchronization

Election Chronology	CEPPS Preparation Tasks	PEP Issues and Action Points
12 to 24 months before elections	Determine kinds of elections	Ensure provisions for refugee/IDP participation; analyze and project return and resettlement patterns
	Delimit constituencies	Resolve issues related to outside constituencies and internal voting options
	Draft CNE regulations	Establish an office for refugee/IDP voting within the CNE
	Nominate CNE members	Include at least one representative for refugees/IDPs

³³ *Angola Pre-Election Assessment Report*, CEPPS (IFES, NDI, IRI), March 2002, pages 18-20. Available at http://www.ifes.org/reg_activities/Pdf/05_21_02_angola_eng_report.pdf.

	Approve electoral law	Include specific provisions guaranteeing refugee/IDP enfranchisement that include provides that address the unique needs of displaced voters (external and border registration/voting sites, documentation, citizenship) negotiate registration and elections in asylum with host countries
	Consolidate law	Ensure refugee/IDP equity in constitutional articles. Other points not included in the CEPPS timeline – engagement of political parties, GRA ministries, international donors and host countries in ad hoc implementation consortia
12 months before elections	Survey of voter register	Include displaced populations; assess the use of Catholic church records for identity establishment
	Publish electoral calendar	Include an external registration and voting component with sufficient lead times; develop calendar in recognition of annual population movements and climatic imperatives
	Independent accounting firm	NA
	Hire CNE staff	Include staff for the refugee/IDP operations
	Adopt budget	Include extraordinary costs associated with refugee/IDP enfranchisement
	Organize procurement of equipment, services, and supplies	Take into account the longer lead times required to service refugee/IDP communities
90 days to 11 month before elections	Survey potential sites for registration/polling centers	Include external sites, border locations, IDP

		camps, and designated sites for IDP outside of camps
	Confirm list of centers	NA
	Procure registration supplies	Include supplies and services specific to the refugee/IDP operations such as external transport and central counting facilities
	Accredit international and domestic observers	Include election observers for the external and postal operations
	Begin voter registration information campaign	Organize focused campaign in IDP camps and campaign directed to refugee and other external communities
	Train voter registrars	Recruit IDPs and refugees to serve as voter registrars
	Distribute materials to registration centers	NA
	Open registration period and voter card distribution	Coordinate advance opening of registration centers externally with those internally operated
	Review and input results from registration	NA
	Confirmation period	Assure that IDPs and refugees can confirm their registration data; establish protocols on the availability of data to observers and the public
	Review and input results from confirmation period	NA
30 to 90 days before elections	Order balloting materials	Assure sufficient advance time for external balloting
	Nomination day	Establish external locations for candidates to present their nomination papers; establish procedures for eligible IDPs to serve as candidates for the home province
	Begin voting phase of information campaign	Include focused information campaign on IDP and external communities
Final 30 days before election	Deadline for all eligible	NA

eve	people to be registered	
	Distribution of non-sensitive voting materials	Organize the distribution timeline to accommodate the refugees voting lead times
	Final day of campaign	NA
	Poll worker training	Recruit refugees and IDPs as poll workers
Election Day (s)	Voting	Externally voting occurs at GRA and Catholic Church sites, postal voting continues, IDPs vote from their current residences
	Preliminary transmission of results	Central counting facilities will be required to tabulate the external vote as a single total. No results reporting from the IDP camp level
Post Election Days (s) – up to 6 month following	Certification and release of complete results	Preserve same reporting protocols
	Adjudication of election disputes	Include refugees/IDPs in adjudication mechanisms
	Accounting/Expense audit	Calculate the costs of refugee/IDP registration and voting
	Final election report	Include section on refugee/IDP program

B. Recommendations Summary

This Action Plan will not move forward without a “champion” organization assuming an initial leadership position. In this leadership role, the champion can initiate the Consensus Phase through informal discussions with national actors and donor organizations; and assemble the constellation of groups required to implement the process. As it currently stands, the CEPPS mechanism is an instrument through which international electoral assistance is being organized. Involving IOM in a “CEPPS plus one” arrangement can introduce the organization as the international champion while partnering with the other lead assistance actors. IOM can brief these actors on its management of registration and elections for displaced persons in other elections.

1. Peace and Electoral Framework

Inter-governmental organizations, such as the UN, AU, EU, and SADC, which have established covenants for refugees/IDP and electoral standards should be called upon to support this Action Plan. This support can take the form of participation in the constellation of groups that will be required to implement the process. The broader

discussion of refugee/IDP enfranchisement should be placed on the agenda for the electoral standard initiative of SADC.

The Constitution Commission should amend the 1992 document to include voting in the Presidential contest by Angolans living abroad. The Electoral Law should be amended to include enfranchisement options for refugees/IDPs that involve the use of absentee and conditional ballots. The law should also accommodate the establishment of an ombudsman's office to monitor compliance with the political campaigning pact and serve as a clearinghouse for displaced citizens' complaints about abuse or coercion by political parties.

2. Technical Assistance

A program of technical assistance can be organized for the CNE, Justice Ministry, political parties, civil society, and the media.

a. National Electoral Commission

This assistance package can begin with the consultative resources facilitate the discussions in the Consensus Phase and for working with the CNE to plan the IDP registration and voting process; and the organization of registration and elections in asylum. This assistance can extend beyond the planning phase in a program of general support for conducting the refugee/IDP balloting. The technical assistance program can include requests and support to Church authorities for birth and cadastral records to endorse claims of identity and residency by voters.

In preparation for registration, the assistance program should support the CNE and GRA in identifying a set of Designated Voter Routes (DVRs), that is, likely avenues of migration for refugees/IDPs to return home. These DVRs should be de-mined, repaired, and secured for migrant traffic. Under this plan, border registration and voting locations with Zambia, DRC, and Namibia should be identified as additional options for refugees unable or unwilling to register in their country of asylum.

b. Ministry of Justice

The Justice Ministry has requested assistance with conducting its identity card distribution program. Although the refugee/IDP electoral process can be organized without this program in place, creating opportunities where displaced communities can obtain ID's is a confidence building measure and enhances the credibility of voter identity at the polls. There should be a follow-up assessment with the Ministry of Justice on how the ID card program can be supported.

c. Political Parties

Technical assistance can also be provided to political parties to build awareness of refugee/IDP issues as a party platform issue. Organizing party workshops with such a

focus and involving displaced communities in the workshop presentations should be explored with NDI and the Friedrich Ebert Stiftung. This assistance should encourage the political parties to establish a Code of Conduct for campaigning in displaced communities and development of a training program for political party agents to monitoring registration and voting in displaced communities.

d. Civil Society Organizations (CSOs)

Assistance can be provided to CSOs on two levels: 1) development of indigenous CSOs of displaced persons; and 2) instruction to existing CSO interested in election monitoring on the refugee/IDP observation process. In the first instance, these CSOs, that could be termed Indigenous Displaced Networks (IDNs), can be established to more effectively channel information about the electoral process to these communities. The IDNs can also organize political party discussions and issue debates. IDNs can also serve as focus groups to test the effectiveness of civic education and identify community concerns. The *Voices for Peace* program of the UN is a focus group project appropriate for this case.

CSOs that intend to serve as election watchdogs can receive special training on monitoring the election in refugee/IDP communities. Such training would involve registration and voting specific information about the refugee/IDP concentrations, registration/voting sites, information on camp populations and languages, and security.

e. Media Organizations

Media assistance should take the form of refugee/IDP program production or sponsorship. This programming should be directed at these displaced communities, offered in their local languages, and used to convey information about registration and elections. This programming can include broadcasting panel discussions involving IDPs from different communities articulating their concerns and expectations about the next election. The reach of the media program should include those that can reach IDP audiences; refugee audiences in Zambia, DRC, and Namibia; and Diaspora audiences worldwide.

3. Constellation of Groups

From this Action Plan mission, a seminal constellation of groups can be identified that are essential to this initiative. Using the topology described above, below is a list of the prospective actors.

a. Constituent

Indigenous Displaced Networks (IDNs) as described in the section on Technical Assistance.

b. Advocates

MPLA	Radio Ecclesia
UNITA	UNHCR/implementing partners (Zambia, DRC)
FNLA	ADRA (Angolan NGO)
PRS	Centre for Common Ground
Radio/TV Angola	

c. Public Services

Angola – CNE	Zambia – Zambian Electoral Commission
Ministry of Justice	Commissioner of Refugees
MINARS	
Ministry of Interior	DRC – Angolan Embassy
Ministry of Foreign Affairs	
National Statistics Office	

d. Donors

USAID	Government of Germany
UNDP	EU

e. Technical Assistance

IOM	IRI
IFES	Friedrich Erbert Stiftung
NDI	

f. Monitoring

The recommendations on monitoring are described below.

4. Domestic and International Monitoring

Domestic and international groups should monitor the process of refugee/IDP enfranchisement. A training program for domestic CSOs and political part agents interested in monitoring this process was described in the section on Technical Assistance. In addition to these local groups, an inter-governmental organization, such as the AU, SADC, or Association of African Election Authorities (AAEA), should take the lead in the monitoring refugee/IDP enfranchisement. However, western inter-governmental organizations such as the EU can also be encouraged to field refugee/IDP-focused observers. Given the current movements of refugees/IDP and the ensuing electoral impact, the monitoring initiative could commence immediately. The range of monitoring should include registration and voting activities in Zambia, DRC, and Namibia. In addition to an international monitoring mission, observation initiatives with

a refugee/IDP focus should be encouraged for bilateral deployments and for international NGOs.

ANNEX 1

COMPARATIVE DATA OF ELECTIONS AND REFUGEES

Country	Date of Elections	Type of Elections	Estimated Number of refugees at Signing of Peace Accord	Refugees as Percent of Estimated Total Population	Extent and Conditions of refugee Participation
Angola	September 29-30, 1992	Presidential	350,000	3.5%	Limited Spontaneous Repatriation
Bosnia and Herzegovina	September 14, 1996	National/ Entity/ Cantonal	1.2 million	27%	Elections in Asylum
Cambodia	May 23-28, 1993	Constituent Assembly	360,000	4%	Full Organized Repatriation
Eritrea	April 23-25, 1993	Referendum on Independence	900,000	28%	Referendum in Asylum
Liberia	July 19, 1997	Presidential/ Legislative	750,000	25%	Limited Spontaneous and Facilitated Repatriation
Mozambique	October 27-29, 1994	Presidential/ Legislative	1.7 million	10%	Full Organized Repatriation
Namibia	November 7-11, 1989	Presidential/ Legislative	41,000	27%	Full Organized Repatriation
Sierra Leone	February 26-27, March 15, 1996	Presidential/ Parliamentary	360,000	8%	Limited Spontaneous Repatriation

ANGOLAN ELECTORAL RIGHTS

Article 2 – “The Republic of Angola shall be a democratic State based on the rule of law, national unity, the dignity of the individual, pluralism of expression and of political organizations, respecting and guaranteeing the basic rights and freedoms of persons, both as individual and as members of organized social groups.”

Article 3 (1) and (2) “Sovereignty shall be vested in the people, who shall exercise it in the manner provided for in the present Law...The Angolan people shall exercise political power through period universal suffrage to choose their representatives, by means of referendums and other forms of democratic participation in national life.”

Article 18 – “All citizens shall be equal under the law and shall enjoy the same rights and be subject to the same duties, without distinction as to color, race, ethnic group, sex, place of birth, religion, ideology, level of education or economic or social status.”

Article 38 – “It shall be the right and duty of all citizens aged over 18, other than those legally deprived of political and civil rights, to take an active part in public life, to vote and stand for election to any State body, and to fulfill their offices with full dedication to the cause of the Angolan nation.”

Article 51 – “The State shall protect Angolan citizens abroad or residents abroad, who shall enjoy the right and be subject to duties that are not incompatible with their absence from the country, without prejudice to the effects of unjustified absence provide for by law.”

Article 57 (1) – “The President of the republic shall be elected by universal, direct, equal, secret and periodic suffrage by citizens resident in the national territory, in accordance with the law.”

Article 79 (1) and (2) – “The National Assembly shall be composed of two hundred and twenty-three Members elected by universal, equal, direct, secret and periodic suffrage for a four-year term of office...Members of the National Assembly shall be elected through the system of proportional representation, based upon the following criteria: (a) Each province shall by right be represented in the National Assembly by five Members, and each province shall for this purpose constitute an electoral college; (b) The remaining one hundred and thirty Members shall be elected at the national level, and the country shall for this purpose be considered a single electoral college; (c) For Angolan communities abroad, there shall be constituted a single electoral college of three Members, two in the African region and one in the rest of the world.”

OVERVIEW OF KEY ACTIVITIES BY PHASE

1. CONSENSUS PHASE

Objectives

- Identify the Constitutional and Electoral Law amendments required to ensure refugee/IDP access and representation
- Promotion of the idea that refugees/IDPs should be permitted full right to participation
- Develop channels through which the refugee/IDP communities can be formally engaged in consensus building activities

Activities

- Consultations between concerned actors and agencies on mechanisms and guidelines for refugee/IDP enfranchisement
- Key actors include:
 - Angolan government (MINARS, CNE, Justice and Foreign Ministries, Constitutional Commission)
 - International agencies (UN, UNHCR, OCHA)
 - Bilateral and multilateral Donors (EU, USAID, UNDP)
 - Refugee host states
 - Political, and non-governmental actors (including refugee and IDP groups and associations)
 - Media outlets in Angola and refugee hosting states

Outcomes

- Resolution on basic procedural issues, including:
 - Definition of “Diaspora Voter”
 - Documentation assessment and needs of displaced populations
 - Structure of census and civil registration processes,
- Identification of refugee hosting states where electoral activities will take place
- Agreements with refugee hosting governments on election activities taking place within their territories
- Contacts with non-governmental agencies and churches in the major refugee hosting states
- Contacts with refugee associations and agencies

2. FOUNDATION PHASE

Objectives

- Anchor the agreements and procedures from the Consensus phase into statutes, memoranda of understanding and possible constitutional revisions
- Develop political party pacts and platforms that are refugee and IDP inclusive
- Establishment of formal and ad hoc structures necessary to lobby for and implement refugee and IDP voting

Activities

- Continued consultations between major governmental and non-governmental actors
- Establishment of an “ad hoc” consortium or agency (including governmental, funding, IGO, and NGO) mandated to continue moving the process forward

Outcomes

- Production of a political party “pact” wherein parties agree to set of electoral standards and codes of conduct in relation to:
 - Eligibility of all displaced populations to participate in the vote
 - Guidelines for campaigning and soliciting votes from displaced communities
 - Prohibitions on attempts at intimidating or manipulating the displaced vote via means such as “food for votes” or threats to discontinue receipt of humanitarian assistance
 - Inclusion of issues important to refugee and IDP populations in party platforms, including issues of repatriation, transport, humanitarian assistance, and reintegration.
- Constitutional revisions as needed to amend citizenship criteria and determine the electoral system and systems of representation

3. PLANNING AND OPERATIONAL PHASES

Objectives

- Consolidate the displaced voting program and processes into a permanent institutional structure
- Implement the refugee/IDP registration and polling process

Activities

- Ad hoc consortium supports the NEC, Justice Ministry, Foreign Ministry and other agencies involved in creating the operational plan for enfranchisement
- Establishment of information campaigns and networks among the displaced communities
- Conduct of in-person registration/census, issuance of identification cards, balloting, transport of ballots, counting and tabulation, certification of results
- Voter Education Program to ensure familiarity with rules and documentation requirements for registration and voting

Outcomes

- Electoral codes and procedures promulgated for registration/census, identity card distribution, and voting
- Timeline for registration and elections process devised
- Resource requirements identified and funding sources approached
- Census, Registration, and Balloting completed

LIST OF FIELD MEETINGS AND CONTACTS

Jeff Fischer
Field Assessment
October 2002

Monday, 14 October 2002

- Eduardo Kwangana, PRS Vice President
- Ngola Kabango, Secretary General, Mr. Benjamim da Silva, Assembly President and João Roberto Soki, Adjunct Coordinator for the Electoral Commission Campaign FNLA (National Front for the Liberation of Angola)

Tuesday, 15 October 2002

- Abrantes Jamba, General Secretary, National Union for the Total Independence of Angola (UNITA)

Wednesday, 16 October 2002

- Steve Utterwulghe, General Director, Centre for Common Ground
- Sabine Sandrych, General Director, Friederich Ebert Foundation
- Erik de Mul, UNDP
- José Luís Mendonça, Program Director, National Radio of Angola

Thursday, 17 October 2002

- António Joca, General Director, Radio Ecclesia
- Thomas Vargas, UNHCR
- Isabel Emerson, General Director, NDI
- Bob Hellyer, USAID

Friday, 18 October 2002

- Alexandre Borges Gomes, Economic Adviser and Mr. Walter Viegas, Engineer, European Union (EU)
- Ambassador Chris Dell and Mr. Bob Hellyer (USAID), USA Embassy
- Dr. Maria Ferreira, Vice Director, Angola National Office of Statistics (INE)
- General Andrade, Director, IRSEM (Ministry of Interior)
- Luís Augusto Monteiro, General Director, ADRA

Saturday, 19 October 2002

- Visit to Moxico IDP camp

Monday, 21 October 2002

- Paulo Chipilica, Angola Ministry of Justice
- Ambassador Francisco Xavier Esteves, Portuguese Embassy
- Ambassador Romani, Spanish Embassy
- Maria Joaquina da Silva, SME-Migration and Emigration Services
- Caetano Sousa-Vice President, Supreme Court

Bruce Hatch

Field Assessment

October/November 2002

1. Zambia

Lusaka

1. Par Liljert, Liaison Officer, IOM
2. Katherine Dhanani, Political & Economic Chief, US Embassy
3. Frank Dawes, Democracy & Governance Advisor, USAID
4. Jacob Mphemo, Commissioner for Refugees, Ministry of Home Affairs
5. Machiel Salomons, Senior Protection Office, UNHCR
6. M. Issacs, Deputy Chair, Zambian Electoral Commission

Solwesi

1. Emmanuel Egyire, Protection Officer, UNHCR
2. KyiKyi Myint, Field Officer, UNHCR

Meheba Refugee Settlement

(UNHCR Implementing Partners)

1. Lutheran World federation (LWF)
2. Medecins Sans Frontiers (MSF)
3. Jesuit Refugee Services (JRS)
4. Association for Aid & Relief (AAR Japan)

2. Democratic Republic of Congo (DRC)

Kinshasa

1. Boni Kadima, IOM
2. Darfour Masegi, Democracy & Governance Specialist, USAID
3. International Rescue Committee
4. Maximo Halty, Chef de Mission, IOM (Republique de Congo)
5. Mr. Mohamed Dayri, Deputy Representative & Staff, UNHCR
6. Joao Batista Mawete, Ambassador, Republic of Angola

7. Joao Batista, First Secretary, Embassy of Portugal
8. Marty Schulman, USAID
9. Marceau Eduard, IFES
- 10.

District of Bas Congo, Kimpese & Nkondo Refugee Camp Visit

1. UNHCR
2. International Rescue Committee Staff (UNHCR Implementing Partner)
3. OXFAM Staff (UNHCR Implementing Partner)

**PARTICIPATORY ELECTIONS PROJECT
PROJECT TEAM**

Jeff Fischer

Jeff Fischer is the Senior Coordinator for PEP. In this role, he is responsible for the conduct of the project modules and the direction of the research. Mr. Fischer is currently Senior Advisor for Elections at the International Foundation for Elections Systems (IFES) where he has conducted numerous assignments for the organization. In 2000, Fischer was the Director of Election Operations for the Organization for Security and Cooperation in Europe (OSCE) and Head of the Joint Registration Task Force of United Nations (UNMIK) and OSCE in Kosovo. Before that, he served in 1999 as Chief Electoral Officer for the United Nations (UNAMET) in East Timor and Director General of Elections in 1996 for the OSCE in Bosnia and Herzegovina. Each of these electoral processes involved major initiatives to assure that refugees and displaced persons were able to register and cast their ballots.

Jeremy Grace

Jeremy Grace is the Research Coordinator for PEP. He is responsible to organize and conduct the research module of PEP. Mr. Grace is currently visiting professor in international politics, law, organization, and European politics at State University of New York at Geneseo. In 1998, he directed the IOM out of country voting program for Bosnia refugees residing in Croatia and was, in 1999, the IOM Deputy Director for the registration and polling of East Timorese displaced persons in Indonesia. He also authored in 2000 an evaluation of IOM's role in the Kosovo elections. From 1996 to 2000, Mr. Grace had multiple assignments with the OSCE in Croatia, Bosnia and Herzegovina and Kosovo. He is also a consultant for the World Bank.

Bruce Hatch

As the Technical Coordinator for PEP, Bruce Hatch is responsible to examine the logistical and other technical issues that must be managed in order to conduct out-of-country registration and voting. In 2001, Mr. Hatch was the operations advisor to the Out-of-Kosovo voting program conducted by IOM on the behalf of the OSCE. From 1999 to 2000, he served as operations and logistics advisor to the Joint Registration Task Force (UN and OSCE) in Kosovo and as operations advisor to the OSCE Mission in Kosovo. Before that, Mr. Hatch was an operations and logistics consultant for IFES, Elections Canada, the Canadian International Development Agency (CIDA), the United Nations Electoral Assistance Division (UNEAD), and the National Election Commission of Tanzania.