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Poster, calling for demonstrations on the 17 June 2023. Most calls were made by social media. Source: LAB.

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## Subverting the Constitution and Curtailing Civil Society Angola's New Law on NGOs

In Angola, the government is in the process of making a new law on the NGOs, a law that is deemed unconstitutional, unnecessary, and a breach of people's fundamental rights and freedoms of association. Like in many other authoritarian regimes, "terrorism financing" and "resistance of international donors to comply with national laws" are used to legitimate the law and its further restrictions and control of civil society, NGOs, activists, and democracy. Civil society has mobilised against the law, but protesters have been met with violent government suppression.

## Key Messages

- Non-Governmental Organisations (NGOs) are fundamental actors in a democracy – as a channel for citizen voice, in holding the government accountable, and for the general control of power in society – through the supervision of the actions of the government and through the exercise of the freedoms of information, expression, and association.
- The proposed new Law on the Non-Governmental Organisations (NGOs) is unconstitutional and embodies a will to control, typical of authoritarian regimes. The bill demonstrates the political objectives of the government to restrict and control civil society, and it violates the Angolan Constitution which guarantees the fundamental rights and freedoms of association.
- The proposed law is another setback with a negative impact on the democratic principles and rule of law of in Angola, as it will restrict social engagement of citizens in public, collective, and associative actions.
- Some government control of NGOs is recommended in cases of transfer of public funds from government to NGOs, but apart from this, interaction between the government and NGOs should be based on cooperation, mutual agreement, and rules established by both parties in common – and not by presidential decrees, illiberal laws, and government restrictions.
- While preserving the principle of autonomy of civil society organisations, associations, and NGOs that should govern civic life, only judicial supervision is an appropriate mechanism to overcome divergences in the governance of NGOs.

## Angolan Authoritarianism

While formally a multiparty democracy, Angola is not considered to be free or democratic because of its poor record on human and political rights. The ruling party *Popular Movement for the Liberation of Angola* (MPLA) has been in power since independence in 1975, and former President dos Santos was Africa's longest serving president (38 years) when he stepped down in September 2017 leaving the office to his hand-picked successor. Angola is classified as 'not free' in the *Freedom in the World 2022* index (Freedom House 2023), and it is an 'authoritarian regime' according to the *Democracy Index of 2022* (IEU 2022).

Since formal democratisation in 1991, Angola has held four general elections, in which the ruling party MPLA gained the absolute majority with 84, 72, 65 and 51 per cent, in 2008, 2012, 2017, and 2022 respectively (Bye et al 2022: 26). The governance system is firmly presidential with the ruling party MPLA in a dominant position in politics and administration (Amundsen 2014: 178, 2021: 4).

In addition to political authoritarianism, Angola also characterised by high rates of poverty. Extreme poverty grew

from 35% to 44% from 2019 to 2022, according to credible sources (Afrobarometer 2022 and World Poverty Clock 2023). The *Human Development Index* score is only 0.586, making Angola number 148 of 153 countries, and this low level of development is accompanied by a high level of inequality (a Gini Coefficient of 0.51) (UNDP 2022: 274, World Bank 2018). Angola's score on the *Human Capital Index* (HCI) is one of the lowest in the world (0.36; World Bank 2020), which means that each child born in Angola is only 36% likely to reach its potential in terms of human achievement.

Furthermore, Angola is very corrupt, with an overall score of 33 (on a scale from totally corrupt: 100 to totally clean: 0) and a country rank of 116 of 180 countries, according to Transparency International's *Corruption Perceptions Index* (CPI 2022). These high scores on corruption means that corruption is not only entrenched in the state bureaucracy, it also an essential part of the power base of the regime as corruption enables the ruling elite to extract from the economy and to reinvest in their hold on power (i.e., political corruption) (Amundsen 2014: 175-176, 179-182).

In our view, this highly problematic economic context reflects an exclusionary and non-democratic exercise of power.

Angola has seen repeated violations of human rights and the use of repressive and violent means, for example excessive use of force, teargas, arrests, and arbitrary detention to suppress youth protests (Amnesty International 2019 and 2020, HRW 2020 and 2023a, DW 2022).

It also reflects and increasingly restrictive legal framework. One example is the constitutional amendments in 2021, made in a process that was strongly criticised by the opposition as top-down with no real participation of citizens or civil society. It had the effect that the ruling party's dominant position was reinforced, and the already omnipotent presidency was further strengthened (Amundsen 2021).

After the former president dos Santos stepped down in 2017 after 38 years in power, there were great expectations in his hand-picked successor, João Lourenço. The fraud and embezzlement charges raised against the former president's family was one reason for optimism, but it has been argued that the much-hyped clamp-down on corruption was a cleansing of his predecessor's influence than a real check on corruption (Roque 2021: 186). The manipulations of the August 2022 elections (Bye et al 2022: 33) – where the incumbent president and ruling party were re-elected with 51% – and the heavy security and military presence in the capital after the election are other recent indicators of an illiberal regime.

Like many other non-democratic regimes, the MPLA regime in Angola has always limited the space for civil society and non-governmental organisations (Amundsen and Abreu 2016). Worldwide, the repressive methods range from the draconian Russian methods of having NGOs, media outlets, activists, and bloggers with links to the outside world labelled as 'foreign agents' and/or having their leaders killed (Russell 2022: 3, 8), to more subtle legal restrictions on their activities.

Angola has always done the latter, and the regime recently strengthened its control of NGOs and civil society by adopting several additional laws and decrees, of which the bill on the Statute on the Non-Governmental Organisations (*Lei do Estatuto das Organizações Não-Governamentais (ONG)*), now considerably limits fundamental freedoms and shrinks civic and democratic space (ISHR 2023; Associação KUTAKESA 2023).

## The New Law on NGOs

The new bill on the *Statute of the NGOs* is the latest example. It came on the initiative of the president and was introduced to parliament by the MPLA caucus, with the official justification that the previous regulation was "ineffective and creates complex situations, either by the difficulty of control by state agencies, or by the resistance of donors and these, especially international ones, to comply with the laws in force in our country on the matter" (MPLA 2023: 2).

More specifically, according to the MPLA, the objectives of the law were to secure a) the conformation of the NGOs to the normative-constitutional framework; b) organic-formal adequacy; c) compliance with obligations to combat money laundering and terrorist financing; d) coordination between government work and NGO interventions, and e) State engagement in the financing of NGOs recognised as partners (ibid.: 1, 3, 10).

Furthermore, in the presentation of the proposal, the Angolan Minister of Justice and Human Rights, Marcy Lopes, said that regarding the activity of non-governmental organisations (NGOs), it had become "essential to create legal instruments to guarantee the organisation of these institutions [...] due to the difficulty of supervision by State agencies, as well as some resistance from donors and the organisations themselves, especially international ones, in complying with the laws in force in the country". He added that donors, "in many cases, reach the point of determining the places where a given NGO should spend resources and with whom and when to do it" (LUSA/VER ANGOLA 2023).

According to the *American Bar Association*, the Angolan government introduced the bill also under the auspices of addressing terrorist financing and money-laundering risks in the non-profit sector (ABA 2023: 2). This is in line with how other illiberal governments have justified restrictions on civil society and NGOs. Heiss, for instance, writes that anti-NGO law is part of a larger global trend of closing civic space in authoritarian regimes, and that "autocrats have turned to anti-NGO legislation [...] for multiple reasons, including increased nationalism and xenophobia, [and] counterterrorism policies (Heiss 2018: 1, 15. See also Glasius et al. 2020).

In Angola on the 26 to 28 of June 2023, the *Ministry of Justice and Human Rights*, through the Secretary of State for

*The new Statute of the Non-Governmental Organisations limits fundamental freedoms and shrinks civic and democratic space.*

*The anti-NGO law is part of a larger global trend of closing civic space in authoritarian regimes.*

Justice (a staunch supporter of the NGO Law), held a seminar on the new law, together with the *UN Office on Drugs and Crime* (UNODC), ostensibly with the intention of listening to the public, but there was no publicity or invitation to civil society organisations or to the organisers of the national demonstrations.<sup>1</sup>

On 3 August 2023, quoting FATF (the *Financial Action Task Force*, FATF, is a global money laundering and terrorist financing watchdog), *Radio Angola* reported that “many governments around the world, including in Angola, use counterterrorism as a pretext to introduce restrictive measures on civil society” (Rádio Angola 2023).

On 29 August 2023, an *Open Letter* was sent to the President of Angola by three *UN Special Rapporteurs*,<sup>2</sup> commenting on the new law on the NGOs, requesting specific information from the Angolan government, and stating that the bill was in violation of international human rights standards and “in its current form, the law fails to address these risks and instead imposes arbitrarily harsh regulatory, supervisory, and disciplinary measures that will greatly restrict the independence and autonomy of Angolan civil society organisations (CSOs)”. The letter ended by encouraging the Angolan government to refrain from approving the bill (Friends of Angola 2023).

The proposal was approved, in general terms, by the parliament on 25 May 2023, with 105 votes in favour (MPLA votes), 69 against (UNITA votes) and 2 abstentions (PRS and FNLA) (LUSA/Ver Angola 2023). After this general parliamentary approval, the law will undergo a possible revision by a special parliamentary committee before being reapproved by the Parliament, and subsequently it will be sent to the President for promulgation (ABA 2023: 2).

There was no parliamentary plenary discussion of the proposal, and the law proposal was forwarded without any consultation process and without any invitation by parliament for a hearing involving the NGOs concerned. A parliamentary debate on it had been scheduled for 26 June 2023, but then it was removed from the agenda and postponed without a new date. We can only speculate why: to avoid the escalation of social tensions, which were already intense, to give time to let the dust settle, or to reconsider the entire law project.

According to an analysis of the bill by the *American Bar Association*, the bill is unnecessary, because Angola already has a strong legislative framework to address money laundering and terrorism financing, but it will “indiscriminately restrict Non-Governmental Organizations (NGOs) access to funding and resources, and their freedom of operations and trade”. It further notes that the claim that the law will guard against institutions with ‘dubious purposes’ that are ‘detrimental to the security of the State’ and ‘engaged in mercenary activity’ are “vague and unnecessary”, and “will unjustifiably label NGOs as vessels of unlawful activity”. It states that

***There was no parliamentary plenary discussion of the proposal, and the bill was tabled without any consultation with the NGOs concerned.***

if passed in its current form, it will impose arbitrarily harsh regulatory and supervisory measures, and will allow for inappropriate intervention by the government into NGO operations (including granting strong administrative powers for suspension and termination of NGOs). This will further restrict the independence and autonomy of Angolan civil society organizations, which are already operating in a highly repressed environment (ABA 2023: 2).

The law proposal has also been fundamentally rejected by Angolan civil society organisations and human rights groups, as will be seen.

### **Once Opening Up ...**

After years of civil war and socialist one-party rule in Angola, a partial democratisation took place in 1990-1991 that introduced multipartyism (i.e., an agreement that allowed the UNITA guerilla to form as a political party), fundamental freedoms and rights and the basic principles of the market economy, also made possible the formation of NGOs in Angola. Article 24 of the revised Constitution (Constitutional Law no. 12/91 of 6 May 1991) enshrined freedom of association in the following terms (in our translation):

<sup>1</sup> Although LAB runs a daily News Observatory, we could find no news reports on this seminar. According to rumours circulating, another seminar is being prepared, with the same organisers, on the same law, but nothing has been made public and no NGOs have been invited.

<sup>2</sup> *Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, Clement Nyaletsossi Voule; *Special Rapporteur on the Situation of Human Rights Defenders*, Mary Lawlor, and *Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism*, Fionnuala Ní Aoláin).

The freedoms of expression, assembly, demonstration, association, and all other forms of expression are guaranteed.

The same article of the revised constitution gave the state the right to regulate the exercise of these rights only on some specific grounds. It stated that:

Groups and associations, whose purposes or activities are contrary to the constitutional order, criminal laws, and those that pursue, even indirectly, political objectives through organizations of a military, para-military or militarized nature, are prohibited.

On May 11, 1991, only a few days after the revised constitution came into force, the *Law on Associations* (Law No. 14/91) was published, which again, unequivocally, enshrined the principle of autonomy of NGOs. It admitted accountability to its members, stating in Article 9 that:

The associations freely and autonomously pursue the ends, enjoying for this purpose legal, administrative, and financial autonomy. Associations may not be extinguished or have their activities suspended except in accordance with the law.

In 2012, the revised Private Associations Law (Decree No. 6/12) protected Angolan citizens' right to constitute associations freely and independently, without interference from the authorities, within the confines of the law (ABA 2023: 3).

In 2010, the revised (and current) Constitution of the Republic of Angola again constitutionally enshrined freedom of association and organisation. Article 48 states that

1. Citizens have the right, freely and without dependence on any administrative authorization, to form associations, provided that they are organized on the basis of democratic principles, in accordance with the law.
2. Associations shall pursue their purposes freely, without interference from public authorities, and may not be dissolved or their activities suspended, except in the cases provided for by law.
3. No one shall be compelled to be part of an association or coerced by any means to remain in it.

4. Associations or any groupings whose purposes or activities are contrary to the constitutional order, incite and practice violence, promote tribalism, racism, dictatorship, fascism, and xenophobia, as well as associations of a military, paramilitary or militarized type shall be prohibited.

In other words, the principles of autonomy of NGOs and civil society organisations and of the non-interference of public authorities in the organisation and functioning of associations and organisations (including in the suspension or dissolution of their organisations, which could only be done by judicial intervention) is firmly established, by the Constitution of Angola and by the Law on Associations.

Besides, with the resumption of the civil war and for the next decade or so, most NGOs and civil society organisations (CSOs) in Angola were prioritising humanitarian assistance, in various forms. Therefore, the interventions and activities of NGOs and CSOs were tolerated (had some space), for some time.

### ... And Reigning In

However, in moments of political tension, the openings that had been established by the Constitution and the law were seen as unwarranted by the regime in power, which set in motion various mechanisms to reign in this space of action that civil society organisations and NGOs had been granted.

At the same time, the power of civil society had been growing in its capacity of 'supplementary action', i.e., in addition to providing social services CSOs and NGOs were also able to mobilise and organise people, to get support from the international community, and to formulate criticism of the regime and its policies.

In 1998, this mobilisation of and criticism by civil society groups triggered the regime to create the *Technical Unit for the Coordination of Humanitarian Aid* (Unidade Técnica de Coordenação da Ajuda Humanitária, UTCAH), established by presidential decree (Decree No. 30/98 of 11 September 1988). According to the provisions of the decree, UTCAH is a public institution (Article 1) whose objective is to:

raise awareness of the national and international community for the collection of non-reimbursable donations, as well as the monitoring, control, coordination, and evaluation of all humanitarian assistance programs to the populations (Article 2).

*The Constitution and the law of Angola guarantees the freedoms of expression, assembly, demonstration, and association.*

This was a first move in the direction of ‘coordinating’ NGO activities with government priorities.

Published in the year of the end of the civil war, in 2002 (but only implemented in 2004), another presidential decree (Decree No. 84/02 of 31 December) came to regulate even more rigorously the relatively open space that had been created by the 1991 Constitution and Law on Associations. This decree intended to “discipline” NGOs directly and specifically (although, for the time being, it left out the other types of associative life and non-state actors like community organisations, trade unions, etc.).

The Decree 84/02 established the obligation of NGO ‘accountability’ before the institutions of the state. The decree aimed at restricting NGO membership, finances, and politics. The decree conditioned the employment of expatriates, it required NGOs to submit annual activity and financial reports to UTCAH, including a list of donations from abroad, and it even banned NGOs from taking a ‘political role’. Article 21, paragraph 1 of the decree stated that NGOs are obliged to “refrain from the practice of actions of a political nature”.

In addition to hurting the right of free association, the 2002 decree intentionally limited the space of NGOs even further, by establishing NGOs in a subordinated assisting role: the NGOs were to be ‘partners’ of the state and its institutions, and their activities were to assist in projects and activities determined by the state.

In short, Decree 84/02 established governmental supervision of NGOs, exercised by the Ministry of Assistance and Social Reintegration, through the UTCAH, in direct contradiction of the right of free association guaranteed by the 1991 Constitution and granted by the 1991 Law on Associations. UTCAH became the *gatekeeper*, a political instrument of control and repression.

For instance, in April 2007, Pedro Walipi Kalenga, the then director of the UTCAH, publicly announced that the government would soon be closing down the activities of more than 500 NGOs “whose projects had had no impact on the lives of the population” (FIDH 2015: 17).

In July 2007, on the eve of the 2008 general elections, during a radio interview, Kalenga confirmed his threats when he accused four major human rights organisations, the *Association Justice Peace and Democracy* (Associação Justiça, Paz e Democracia, AJPD), *Mãos Livres*, the Angolan branch of the *Open Society Initiative for Southern Africa* (OSISA), and the local housing rights organisation *SOS-Habitat*, of claiming human rights abuses to justify their activities while at the same time carrying out actions contrary to the law.

He also accused them of inciting violent reaction against government institutions and authorities and threatened to ban their activities (ibid.).

This happened at the same time as Angola was accused of several human rights violations, the enforced evictions and demolition of houses in the Luanda municipalities of Kilamba Kiaxi and Bairro Cambamba I and II, in March 2006 in particular (and at the same time as Angola was elected as a member of the UN Human Rights Council (sic)).

In May 2008, the UN *Office of the High Commissioner for Human Rights* (OHCHR) in Luanda was even closed down after the Angolan authorities decided not to renew the Memorandum of Understanding on the promotion and protection of human rights in Angola (OHCHR 2008). In late 2008, the Angolan authorities then initiated concrete actions aimed at closing down some of these human rights organisations or threatening their sustainability.

The organisation *Mpalabanda* (Civic Association of Cabinda) had already been banned and had its offices closed in 2006, following a decision by the Cabinda Provincial Court, due to its alleged involvement in politics and for “incitement

to violence”. *Mpalabanda* had been created in 2003 by representatives of the Catholic Church, students, university professors, peasants, local government leaders, etc., with the aim of promoting peace and respect for human rights in the Cabinda region.

It had since its creation published reports and documents denouncing the human rights abuses perpetrated during the conflict between the government’s armed forces and members of the *Front for the Liberation of the Enclave of Cabinda* (FLEC).

Since its formation, *Mpalabanda* members had been subjected to intimidation and persecution, including arbitrary arrests, death threats, and the seizure of passports. Some of the members have allegedly been victims of torture or murder (The New Humanitarian 2006).

Thus, in our opinion, Decree 84/02 is unconstitutional. For instance, Article 4 stipulates that NGOs “are subject to the supervision of the Ministry of Assistance and Social Reintegration”, Article 6 stipulates that UTCAH shall “monitor, control and supervise the activities of Non-Governmental Organizations”, and Article 16 requires NGOs to be “authorised to operate” by “the coordinating body” (UTCAH). Likewise, it is directly unconstitutional when NGOs are, according to Article 21, obliged to obtain the approval of its projects by relevant government ministries and to be accountable to the provincial governments at the end of their projects, and not least when NGOs are to “refrain from the practice of actions of a political nature”.

### *The presidential decree obliged NGOs to refrain from “actions of a political nature”.*

By the same decree, the government also requires full oversight of domestic fundraising and foreign donations to NGOs. That is, the NGOs were from then on obliged to “obtain prior approval from the Ministry” (through the UTCAH) in order to “raise funds or other support from the national and international community”, and to report annually on funds received and future funding forecasts (Article 21).

Already in 2009, the UN *Committee on Economic, Social and Cultural Rights* (CESCR, a body of 18 independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its state parties), raised concerns that Angolan NGOs were under strict supervision and subject to inspections and coordination carried out by the government agency UTCAH, and that human rights defenders were subject to various legal and ‘de facto’ restrictions. CESCR “urged [Angola] to establish the legal guarantees necessary for NGOs to continue their activities to promote and protect economic, social and cultural rights without arbitrary interference and to guarantee that those responsible for attacks on human rights defenders are brought to justice” (ISHR 2015: 2).

Likewise, in 2012, the *African Commission on Human and People's Rights* (ACHPR) was also concerned about allegations of persecution of human rights defenders and recommended that Angola “adopt legislative measures to guarantee freedom of association and ensure the protection of human rights defenders” (ACHPR 2012).

In 2013, the UN *Covenant on Civil and Political Rights* (CCPR) expressed concern about “reports of intimidation and harassment of some non-governmental organisations, which prevents them from carrying out their activities” and recommended that Angola “take measures to support [the associations’ activities] and to collaborate with them and to protect non-governmental organisations and their members from reprisals” (CCPR 203: 22).

In a report on Angola, the American Bar Association (ABA) also finds Decree 84/02 to be “deeply problematic” as it provides for excessively bureaucratic registration procedures, excessive state interference, excessive reporting requirements, and excessive discretion for the Public Prosecution Service to suspend NGOs (ABA 2023: 4).

In 2015, Decree 84/02 was revoked by another NGO Regulation, namely the Presidential Decree (No. 74/15 of 23 March). This regulation still contained many of the same, problematic issues (such as bureaucratic registration processes, the compulsory association of NGOs with the executive, limitations on freedom of expression, excessive oversight

powers by a supervisory body, and excessive discretionary grounds for suspension and termination of NGOs by administrative order) (ABA 2023: 4). In 2017, this decree was revoked by the Constitutional Court on the basis that it had been passed unconstitutionally by Presidential Decree, not by

the National Assembly, but the Court declared that Decree No. 84/02 would remain in effect until the passing of specific legislation on NGOs (RFI 2017, Tribunal Constitutional 2017).

The new bill on the *Statute of the NGOs* is therefore only the latest revision of legislation that restricts the freedom of association and shrinks civic and democratic space in Angola, largely by the same legal constraints.

The content of the *Statute of the NGOs*

law is, with slight changes, the same as that of Decree 84/02 and Decree 74/15 (Tribunal Constitutional 2017).

**The new bill on the Statute of the NGOs is only the latest version of legislation that restricts the freedom of association and shrinks civic and democratic space in Angola.**

## Unconstitutional

In our analysis, the *Statute of the NGOs* law illustrates two perpetual problems of interaction between the executive branch and the NGOs in Angola.

The first is legal, linked to the regime’s motivation for proposing and approving the law, which reveals both the intention (political will) to contradict the Constitution of the Republic and the demonstrated willingness (political action) to contradict the constitution. The regime is intentionally violating the constitutional provisions of freedom of association, provided for in Article 48 of the Constitution, which enshrines “the citizens’ right to constitute themselves freely and without administrative dependence” and “without interference from public authorities”.

The new law contradicts these constitutional granted freedoms as it provides a state agency “the power of supervision and monitoring” of NGOs. This administrative body will be appointed by the President of the Republic. Thus, it introduces a system of administrative supervision, subjecting NGOs to the discretion of a body of presidential nominees (yet unknown). In addition, the law bestows this agency the power to suspend the activities of any NGO. According to its Article 32:1,

“The activity of NGOs may be suspended by administrative act (...) whenever there is strong evidence of illegal acts or harmful to the sovereignty, security, or integrity of the Republic of Angola”.



Constitution of Angola.

Suspension by a mere administrative process is unconstitutional because it violates the principle of judicial protection and reduces the guarantees of access to justice.

The law also establishes bureaucratic requirements that are very burdensome for the NGOs, and it introduces a vague concept of “subversive action” which may criminalise and lead to the suspension of NGO activities, when deemed “subversive” by a state administrative agency. Article 19 of the law states that NGOs must refrain “*from the practice of subversive actions or actions likely to be confused with these*”, without defining or indicating the criteria for what will constitute “subversive actions”.

The second problem illustrated by the new law is political and concerns the culture of power and control by the regime and by the MPLA. The ruling party MPLA has its origins in socialist ideology (where the party superseded the state), and its culture has further been formed in the context of several internal power struggles (of which 27 May 1977 purges were the most spectacular, see for instance Roque 2021: 25-27) as well as by the militarisation and securitisation of the state and the party due to the prolonged civil war.

Tied to the exercise of governmental power, which the MPLA has exercised for more than 45 years, the political attitude of the MPLA has been an unequivocal struggle for the maintenance and continuity of its hold on power. Thus, it has been attacking, by violence as well as by judicial, financial, and administrative processes, anyone – individuals or organisations – considered as a “threat to power” (see for instance Abreu 2023, Roque 2021:220).

Since 2015, with the worsening of the social and economic crisis, triggered by the abrupt fall in the price of oil, demonstrations and public protests have become more frequent, as well as critical public positions of civil society actors. Increased pressure compelled the regime to rethink how much openness it can tolerate in its legal framework.

Now, in the beginning of João Lourenço’s second term, the regime has returned to the same rationale, i.e., the old

strategy of controlling civil society, at the same time as (and because) civil society in Angola has been more active and able to collaborate in collective action, thus generating greater impact. Despite the restrictions that were being imposed, the NGOs began to pay attention to other areas of intervention, such as citizenship, development, human rights, assuming their agendas increasingly politicized contours, in the sense of implying debates on reality, identifying problems and advancing solutions. Their increasing capacity has also allowed these actors to play a role in monitoring public policies, contributing to a higher level of demand in terms of service delivery, transparency, and accountability.

Please note that in our analysis, we are distinguishing between the non-governmental organisations that are aligned with the interests of the state (and the ruling party), and those that are not. This distinction makes it possible to identify the politically co-opted and submissive organisations from those that act with autonomy and critical capacity, and to understand the political culture of power and control. This is because the distinction is also employed by non-democratic regimes (including in Angola) who perceive every ‘non-submissive’ organisation as being ‘against the state’, and therefore these regimes are harassing, restricting, and even criminalising them.

Our analysis is in line with the American Bar Association’s analysis of the law proposition on the NGOs. The ABA says that the bill is ‘stigmatizing’ NGOs and contains unnecessary and vague provisions that may be subject to abuse (ABA 2023:5).

The Bill will severely undermine the ability of Angolan human rights defenders and civil society organizations to organize themselves and operate freely and independently in the defence of human rights (ABA 2023: 14).

## Protesting the Law

The suppressive mechanisms of harassment, legal controls, and restraints, and even the criminalising of NGOs and civil society organisations are well known in Angola. The legal and political restrictions were documented in a 2006 study (Amundsen and Abreu 2006). According to preliminary findings of our survey on civil society organisations in Angola, the clear majority (61%) of the organisations asked believed there were no or very small differences between the previous (dos Santos) regime and the first Lourenço government, 43% said that the space for civil society had become a bit more restricted, and 54% felt that the participation of civil society (groups, organisations and movements) was *not* valued by the government (with another 42% saying the

## Statute on the Non-Governmental Organisations (NGOs)

### *Lei do Estatuto das Organizações Não-Governamentais (ONG)*

The contents of the proposed law that have been most criticised are:

- The establishment of an administrative “Supervisory Body” with the “power of supervision and monitoring” of NGOs, criticised for being an administrative body of presidential nominees with wide-ranging discretionary powers that may be subject to abuse.
- This body will have the power to sanction NGOs if there is evidence of “illegal acts or harmful to the sovereignty, security, or integrity of the Republic of Angola”, leaving it to the state administrative agency to define what these “subversive actions” are, and thus to criminalise and suspend any NGO and NGO activities on vague allegations and without following judicial processes.
- The imposition of several anti-money laundering and counter-terrorism provisions, including the obligation of citizens to report NGOs “suspected of money laundering or financing of terrorism”, which will also stigmatise and possibly criminalise NGOs.
- The establishment of vague “duties” for NGOs, like refraining from subversive actions and even “actions that could be perceived as such” and “participating” in the “implementation of economic and social programs” of the government.
- Restricting the hiring of personnel by having to “inform” the NGO Supervisory Body about the hiring, transfer, and dismissal expatriate staff.
- The required bureaucratic and financial requirements (registration procedures, activity and financial reporting requirements on the origin and use of funds/financial resources, audits, tax payments, oversight of imported and domestically acquired goods, an action plan for the following year, assessments of partnerships established, etc.), criticised for being unnecessarily detailed and burdensome, which may possibly impede some NGO operations.

government valued it ‘a little’, and only 4% saying ‘yes’ it was valued) (LAB 2023).

The recent *Statute of the NGOs* law has been met with massive condemnation and protests, both when it was tabled as a bill and after it was approved (in principle) by the Parliament in May 2023.

For instance, on 1 June, a public debate on the law was organised by the Angolan CSO umbrella organisation *OMUNGA* (entitled “The Future of NGOs in the face of the new proposal for their regulation”, see *OMUNGA* 2023), and the *Working Group for the Monitoring of Human Rights* (Grupo de Trabalho de Monitoria dos Direitos Humanos, GTMDH, which is made up of several Angolan organisations

that work in the promotion and defence of human rights) prepared a petition addressed to Parliament (DW 2023b). Guilherme Neves, president of the *Mãos Livres* organisation and coordinator of the GTMDH said he was suspicious of an “unconfessed interest” on the part of the government and called the bill “another mechanism to silence uncomfortable voices” (ibid.).

In July 2023, 100 civil society organisations, both Angolan, regional, and international organisations, signed a declaration and started a campaign called “Protect civic space in Angola – Stop the new NGO law” (CIVIC +264 2023). In addition to all of this, there were also other initiatives taken – such as engagement with the press, preparations of legal analysis, and other advocacy mechanisms to stop the final adoption of the law.

Some street manifestations also took place in June and July 2023. Among these were a *Call for Social Solidarity at the National Level*, an appeal for national peaceful demonstrations to protest against the proposed Law on the Statute of NGOs (and in protest against the increase in fuel prices and the prohibition of *zunga* (street vending)), in 16 of the country’s 18 provinces on 17 June 2023. This call considered the risk of seeing imposed “a new NGO law that will repress, asphyxiate and eventually extinguish the multiple civic organizations that, in Angola, work in places where the executive resigns from its responsibilities and obligations” (VoA Português 2023a).

Once again, the 17 June demonstrations were violently repressed, with the police using bullets and tear gas, intimidation and detention and post-dispersion persecutions. A number of protesters were arrested in Luanda, Bié, and in Benguela, eighty-seven people were detained (according to the Angolan National Police spokesman), and these “are expected to be summarily tried for crimes of rioting and disobedience” (VoA Português 2023b, DW 2023c, Expresso 2023). In Cabinda and Lunda the police used preventive detention of activists (LUSA 2023a).

In Huambo activists were arrested over the days following the demonstrations. One of them, a young man named Joseph Ezekiel, stated that his house was invaded by more than 20 agents who fired shots and threatened him with death (DW 2023d). There were several other clashes between protesters and the police in the aftermath of the protests, and the media reported eight people dead, eight wounded, and 135 arrested (DW 2023a, LUSA 2023b, *AngoNoticias* 2023).

*Human Rights Watch* reported “grave police abuses against activists”, claiming that Angolan security forces have actually carried out more than a dozen unlawful killings and numerous other serious abuses against political activists and peaceful protesters since January 2023 (HRW 2023b).

In an interview on the 2 July 2023, Godinho Cristóvão, a jurist, human rights defender, and executive director

of the *Movement of Human Rights Defenders of Angola* (Movimento de Defensores de Direitos Humanos de Angola, KUTAKESA), said that,

it is also important to note that the repression of peaceful and legal demonstrations predates the approval of this law. Government mismanagement and endemic corruption have been some of the main causes of the deteriorating social, economic, and family conditions for the majority of the population, leading to growing protests and mass demonstrations, which have often been repressed. The approval of this law is just another means of repression and of legalising the arrogance and excesses of the government and its agents, particularly the national police (CIVICUS 2023).

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