

National Reconciliation in Angola: A Role for Human Rights

Dissertation on Human Rights and Social Justice

Name

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AUTHOR'S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the regulations of London Metropolitan University.

The work is original and I certify that all the material in the dissertation which is not my own has been identified and acknowledged by special reference in the text.

The dissertation has not been presented to any other University for examination either in the United Kingdom or overseas.

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CONTENTS

AUTHOR’S DECLARATION	2
ABBREVIATIONS	7
ACKNOWLEDGEMENT	8
Introduction	9
Narrative of Angola’s War- its Effect & Outcome	10
History of breach of Human Rights in Angola	10
National Reconciliation in Angola	11
The Subject Matter for Reconciliation	12
Problems Hindering Effective National Reconciliation in Angola.....	12
Current Status of Human Rights	14
Role of various institutions in Reconciliation.....	17
Literature review.....	19
Constraints on human rights hampering peace	19
The role of the state and other actors in peace process:	20
Role of the church	20
Role of the international actors	21
Role of education in peace process	21
Chapter 1: The Role of the Recognised Participants in Effecting National Reconciliation and Peace-Building in Angola.....	22
The role of the nation-state.....	22
The pivotal function fundamental rights play in reconciliation:	22
The role of the civil society.....	25
National and international organisations.....	25
Church responses	26
Traditional authorities	28

Engaging in the educational programme of human rights, national unity, reconciliation and justice.....	29
Significance of education in reconciliation and justice	29
Signs of change.....	30
CHAPTER 2: The Angolan Civil War.....	31
Overview of the conflict.....	31
Causes of the war and the Role of national actors.....	32
International & global actors.....	33
Three attempts of peace agreements and the end of the conflict.....	34
Consequences of Angolan civil war	35
Political transition in the post-war.....	36
CHAPTER 3: Reconciliation and its Importance	37
The concept of reconciliation	37
Non-violent coexistence to Replace Fear.....	37
Expressing mutual respect and fairness by building confidence and trust.....	38
Political and moral value of reconciliation	38
Current situations hindering national unity and reconciliation in Angola.....	39
National unity and reconciliation initiatives in Angola in the post-war	39
National amnesty - Article 244 of the Constitution of the Republic of Angola.....	40
Commitment to reconciliation in the Constitution of the Republic of Angola – Preamble	40
The search for truth, justice, forgiveness and healing	40
Is it helpful to have the truth and reconciliation commission for the Angolan context?.....	41
The case of South Africa.....	41
The urgent need for building mutual respect and political acceptance in Angola.....	42
CHAPTER 4: Guarantees of Fundamental Rights and Freedoms of Citizens in Angola	43
The concept of human rights.....	43

Current human rights situation in Angola.....	43
Fundamental rights and freedoms of citizens based on the Constitution of the Republic of Angola:	44
Article 30: Right to life	44
Article 23: Principle of equality	45
Articles 2, 12, 17, 49, 50, 71: The need of protection of fundamental rights and freedoms	45
Article 52: Right to participation in public life	46
Article 47: Freedom to meet and demonstrate	46
Article 48: Freedom of association.....	47
Article 40: Freedom of expression and information.....	47
Article 46: Freedom of movement.....	47
Articles 21, 22, 35, 76, 80: Prohibition of discrimination and intolerance.....	48
Articles 60, 70: Ban on torture and degrading treatment	49
Article 67: Right to a fair and appropriate trial	49
Article 36: Right to physical and personal security.....	49
4.5 Strengthening fundamental rights and freedoms in Angola based on relevant documents:	49
CHAPTER 5: Essential Recommendations to improve Human Rights Promotion and Protection in Angola based on Reports of Relevant Entities.....	51
Reports of government entities.....	51
European Union.....	51
Reports of intergovernmental bodies	51
United Nations Human Rights Committee	51
5.2.2. United States Institution of Peace.....	52
Reports of international non-governmental entities	52
Amnesty International.....	52
Human Rights Watch.....	53

Conclusion..... 55
References & Bibliography 57

ABBREVIATIONS

MPLA *Movimento Popular de Libertação de Angola*

UNITA União Nacional para a Independência Total de Angola

FNLA *Frente Nacional de Libertação de Angola*

MNC Multinational Corporations

NGO Non-government organisations

PMSCs Private military and security contractors

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Introduction

From legally sanctioned slavery until abolition in 1836¹ to constitutionally guaranteed human rights² in 2010 when the latest constitution came into force, Angola experienced significant transformations. With the end of civil war³ in 2002, Angola required to implement a state of reconciliation where "enemies were required to be considered as friends"⁴. Reconciliation typically is a peacemaking process between one-time enemies who move to recognise the causes and injuries suffered. The antagonistic groups there showed mutual conciliatory accommodation to establish "relatively cooperative and amicable relationships"⁵. A scrutiny of Angola's context makes it evident that certain causes and their effects mutually fuelled each other over centuries. A singular lack of respect for human dignity and life led sequentially to division of the society on ethnic lines, centuries of foreign rule and decades of civil war. These in turn severely infringed human rights resulting in a strife-ridden and divided society.

Angolan people and the society have been widespread affected by the continued wars. The society is either displayed, there is no civic sense, low standards of education, rampant corruption and people are living in dismay at the discretion of political powers. The civil war was fought mainly between the political parties to gain control over the people of Angola, which led to formation of a democratic government and adoption of Constitution in 2010. These efforts were not simple but due to active involvement of various international organizations for human rights, politics, reconciliation and other NGOs. The process of reconciliation was considered as utmost important for the society so that its people could revive from the loss of life, shelter and nightmares of war. This study analyses logical solutions for achieving National Reconciliation and a prosperous Angola, where a robust and inviolable human rights regime is essential.

¹ Linda Marinda Heywood, *Contested Power in Angola, 1840s to the Present* (Boydell & Brewer 2000) 12

² Section I Chapter II Angola's Constitution of 2010

³ United Nations Conference on Trade and Development, 'A GENDER PERSPECTIVE who is benefiting from trade liberalization in Angola?' (2013) United Nations Publication UNCTAD/DITC/2013/3 <http://unctad14.org/Documents/ditc2013d3_en.pdf> accessed 22 July 2016.

⁴ Charles A. Kupchan, *How Enemies Become Friends: The Sources of Stable Peace* (Princeton Studies in International History and Politics, 2010)

⁵ Louis Kriesberg, 'Reconciliation: aspects, growth, and sequences' (2007) 12(1) *International Journal of Peace Studies* 1

Narrative of Angola's War- its Effect & Outcome

Angolan narrative puts out three propositions. Firstly, a strong human rights framework will mandate the state to act in such a manner that is conducive to peace. Secondly, such framework must temper the non-state actors (and foreign states) as much as it guides the state. Thirdly, rights are rarely *conferred*; it is for the society to secure the human rights for itself.

Since, the last proposition may appear rather unscholarly and is likely to be misconstrued as aggressive, it is clarified that absolutely no belligerence is advocated. For, peace can be achieved through peaceful means only. As Freeman⁶ observes, Gandhi in India formulated a unique pattern for "effectuating change within the law when law's normal procedures were inadequate or held captive by anti-legal forces" and could bring about the "necessary change in a democratic, consensual, non-violent way." Subsequent discussion will show that reconciliation is possible only through a strong democracy.

Returning to the discussion, it is admitted that the first proposition is not a novel one. History, particularly Angola's history, scholars, jurists and case law have repeatedly proven that societies with a vigorous human rights regime enjoy peace and economic development⁷. The second proposition is situated in the relationship between human rights and non-state actors. Commenting on the 1991-2002 conflict in Angola, Comerford⁸ said that "the 'tribal differences' could be exploited by others unless the seeds of discord "were identified and cured". This is exactly what happened between 17th and 19th century.⁹

History of breach of Human Rights in Angola

Angola's history of breach of human rights, though the concept had not evolved fully and was not known by that name, began with slavery. Ethnic and linguistically divided people fought frequent battles with each other and enslaved the losers. The modern concept of 'nation' was absent and consequently there was no 'national law' to prohibit slavery. It is widely accepted that there was a sizeable indigenous slave population in Africa before the Europeans

⁶ Harrop A. Freeman, 'The right of protest and civil disobedience' (1966) 41(2) *Indiana Law Journal* <<http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=3628&context=ilj>> accessed 23 July 2016

⁷ Andy McKay and Polly Vizard, 'Human Rights and Poverty Reduction Rights and economic growth: Inevitable conflict or 'common ground'?' (2005) ODI <<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4353.pdf>> accessed 22 July 2016

⁸ Michael Gerard Comerford, *The Peaceful Face of Angola: Biography of a Peace Process (1991-2002)* (M. Comerford 2005)

⁹ Linda Marinda Heywood, *Contested Power in Angola, 1840s to the Present* (Boydell & Brewer 2000) 12

arrived¹⁰. With the arrival of Europeans and Portugals in the case of Angola, the trans-Atlantic demand for slaves flourished swiftly. Apart from Portuguese colonial officials, the lineage heads, African rulers and Luso-African merchants were the principal actors in slave trade¹¹. The demand incentivised the local populations to further systemise capture and trade their fellow beings into slavery.

Suppose, the Universal Declaration of Human Rights (UDHR) 1948 was in existence, the crime by the Angolans and the Portuguese would be in breach of Article 3 and 4 under which every individual has the right to life and liberty and "No one shall be held in slavery or servitude...". Suppose, the Angolan constitution was operative in those days, the state (the lineage heads and the foreign colonial forces being representative of the 'state') would be in breach of Article 21, which directs that individuals will not be discriminated on account of race, sex, origins, colour and other protected characteristics. In fact, the entire Section 1 of chapter II of the Constitution including Articles 30, 31 and 36 require the state to protect right to life, human person and human dignity, physical freedom and individual security¹², which at that point of time would have been infringed. The violations support the point already made that the causes and effects mutually fuelled each other. If the democratic framework was strong, it could perhaps have prevented the 'state' from infringing the human right to individual liberty as above.

National Reconciliation in Angola

The peace agreement that ended the civil war in Angola was signed on 4 April 2002 by the military forces of the MPLA government and the UNITA military forces, marking the beginning of national reconciliation in Angola. National reconciliation involved all major national actors (the three main movements: MPLA, UNITA & FNLA) and their supporters. **MPLA** (Movimento Popular de Libertação de Angola / Popular Movement for the Liberation of Angola) was founded in 10 December 1956 (backed by **Soviet Union & Cuba**). **UNITA** (União Nacional para Independência Total de Angola / National Union for the Total Independence of Angola) was founded in 13 March 1966 (backed by **South Africa** & later by the **US**). And, lastly **FNLA** (Frente Nacional de Libertação de Angola / National Front for the

¹⁰ Walter Rodney, 'African Slavery and Other Forms of Social Oppression on the Upper Guinea Coast in the Context of the Atlantic Slave-Trade' (1966) 7(3) *Journal of African History* 431

¹¹ David Richardson, 'The Portuguese Slave Trade from Angola' (1991) 32 *Journal of African History* <https://www.jstor.org/stable/182582?seq=1#page_scan_tab_contents> accessed 21 July 2016

¹² Angola's Constitution of 2010

Liberation of Angola) was founded in July 1957 (backed mainly by the **US** & ex Republic of **Zaire**). After the first multiparty elections in 1992, FNLA stopped fighting the government.

Therefore, the Luena Memorandum of Understanding was signed by two principal actors (the government's MPLA armed forces, known as FAA (Forças Armadas Angolanas) and UNITA's military leadership, on 4 April 2002, in Luena, the capital of Moxico province. The Luena Memorandum of Understanding is the beginning of national reconciliation across the country as such. However, the process involves all actors: MPLA, UNITA and FNLA and their supporters, civil society, etc.

The Subject Matter for Reconciliation

All actors, their supporters and the entire civil society needed to reconcile and forgive each other. They had to forgive the dark past of fratricidal war, the numerous deaths of innocent civilians, and the destruction caused in the entire country, etc. Hence it is important that everyone, whether belonging to the MPLA government or the opposition parties and their supporters should respect each other, highlighting the values and goals of a democracy, and the fundamental freedoms enshrined in the Universal Declaration of Human Rights in which Angola is a signatory member. Further, it was required that there be political tolerance, respecting the difference of opinions, stopping abuses and political provocations between the government and opposition parties, as well as their supporters.

True national reconciliation in Angola required change in attitude and behaviour of all. True national reconciliation means that all sides must make efforts to give away bitterness, the feeling of hatred between old belligerents and their supporters. In the case of Angola, people must be willing to turn the page, to forgive and forget the dark past and take a step towards new direction.

Problems Hindering Effective National Reconciliation in Angola

One situation threatening national unity and reconciliation is that the rulers speak of reconciliation, but are not enthusiastic with the spirit of true reconciliation of Angolans; this is often visible in their speeches, attitudes and behaviour towards their political opponents. They usually demonstrate arrogant behaviour, humiliation and sometimes threaten others in a bid to strengthen their aims and objectives for the government.

The government talks about the need for reconciliation but foment an exclusion policy, benefiting few individuals, who are connected to the ruling party, with opportunity for social promotion business, political and professional positions, while a majority, especially those who do not see themselves in the colours of ruling party are excluded from these opportunities. No government that wants to actually reconcile its citizens shall promote this kind of policy. The Angolan society is clearly divided from social, political and economic point of view. Citizens belonging to opposition parties are most affected. Actually, it should not be, because all we need is a real and effective unity and national reconciliation.

Even today, we can hear speeches of some MPLA leaders characterized by words of threats like "UNITA party is the one that destroyed the country", " we, the MPLA, are kind towards UNITA leaders and supporters especially after the death of their leader, Jonas Savimbi" such statements gives the impression that it is MPLA's kindness towards the opposition party. This attitude only proves that Angola will not be reconciled as long as there will be conflict with respect to difference of opinions, trampling over freedom and fundamental rights consecrated in the Angolan constitution. Such kind of speech or pronouncement encourages hatred and political intolerance among Angolans, who belong to different parties or have different views.

Effective national reconciliation in Angola must begin with the government leaders and officials, showing respect in their statements, attitudes and behaviour in relation to the opposition leaders, giving an example to the whole society to follow, penetrating the families and echoing the need to cultivate and live such attitudes within society in everyday life. As a society, we need to talk more and cultivate a sense of true forgiveness, starting from government leaders, building correct attitudes towards others with different opinions, cultivating a spirit genuine national reconciliation, the need to forgive ourselves over past hurts from independence to civil war and move on to another stage of acceptance, respect and love as a society and state-nation. Otherwise, we cannot talk of national reconciliation if our hearts are still hurt, broken and filled with feeling of revenge. Further, if the policy promoted by the government continues to be the one of exclusion, in favour of a few people while neglecting the majority, then this will hamper the movement of reconciliation and demotivate morale of the people.

It is pertinent to note that a forced reconciliation does not work. It is a time bomb that can explode at any time. This is the current situation in Angola. Intolerant policies happened recently in the provinces of Luanda, Uige, Malanje and very recently in Benguela province,

all of them resulting in deaths of supporters. Forced reconciliation makes the victim wait for the right moment to be able to take revenge of the past abuses from the oppressor. This is very dangerous in the Angolan's context because it may threaten the stability and peace process which is still fragile. Forced reconciliation is false and never secure. There is a need to encourage mutual forgiveness that liberates us all as a nation, beginning with the leaders of all parties, and penetrating all families and Angolan society in general. This is the responsibility of those in power, the current MPLA government, to cultivate this delicate task of true and effective reconciliation among Angolans.

So far, there are still visible signs that we are not truly reconciled in Angola, due to social, political and economic exclusion of many citizens, and existence of political intolerance between supporters of major parties and disrespect for difference of opinion, etc. The conciliatory action must come from the party in power, the MPLA. The MPLA must cultivate a reconciliatory attitude, abandoning the politics of exclusion and include opposition elements in the government as a symbol of true reconciliation, unity in diversity. Discourage violence among brothers of the same nation, avoid political assassination to impose its hegemony, constant human rights violations, cultivate the sense of equal justice for all and equal opportunity that benefits everyone, no matter political, social and professional view, as well as the guarantee of freedom and fundamental rights of all citizens. This will be only possible if the MPLA party, as the current government party, takes the stand of political will to see the country moving forward, to abandon selfishness, exclusion and hatred among Angolans. In fact, the Angolans have everything to live together in peace, joy and harmony as one nation.

Current Status of Human Rights

The status of human rights appears to be improving. While, opinions that choose to differ may argue that even today the concept of rights is more on paper than in reality, but some of the recent Court decisions are promising, for example in "15+2" in which the Supreme Court modified prison terms of Luaty Beirão and 16 of his companions to house arrest¹³. Journalist and author Rafael Marques de Morais were handed a suspended six-month jail sentence for

¹³ 'Supreme Court Orders Angola 15+2 to House Arrest from Prison' (Frontlinedefenders.org) <<https://www.frontlinedefenders.org/en/case/case-history-angola-15#case-update-id-3732>> accessed 23 July

"defaming army generals."¹⁴ Human rights activist José Marcos Mavungo was acquitted of 'incitement to rebellion and violence' after serving one year prison sentence.¹⁵

House arrest, suspended jail term or acquittal after one year in jail may not be exactly satisfactory; but viewed against the ground realities, the three decisions are signs of some progress. The second proposition expects foreign states and non-state actors (NSAs) to be included in the scope of human rights regime for a simple reason. NSAs can be risk multipliers or force multipliers for development.

According to UNICEF, wars are increasingly turning into low-intensity internal conflicts fought for longer time wherein civilians are deliberately targeted¹⁶. The inference is that NSAs engaged in internal conflicts infringe human rights as much as or more than the state and therefore must be considered in any scheme for national reconciliation. Grossman typifies rebellion as an industry that profits from looting and the insurgents as no different from "bandits and pirates".¹⁷ This raises a point as to who these NSAs are. When identifying NSAs, it is easy to categorise armed groups as NSAs and the effect of their action can be easily perceived. There is another category of NSAs who play an equally significant role in promoting peace and economy. These are organisations or individuals who do not identify or ally themselves with any country but wield enough economic, political and social power to influence national and occasionally international affairs¹⁸. Pearlman and Cunningham speak of only political actors with no direct nexus with the state but who pursue aims which affect a state's vital interests¹⁹. A list of NSAs, to be holistic must include PMSCs, MNCs, NGOs, interest groups, faith-based organisations and other organised formations.

¹⁴ David Smith, 'Angolan journalist given suspended jail term over blood diamonds book Thursday' *The Guardian* (Africa, 28 May 2015)

<https://www.theguardian.com/world/2015/may/28/angolan-suspended-jail-blood-diamonds-rafael-marques-de-morais> accessed 22 July 2016

¹⁵ 'Case History: José Marcos Mavungo' (Front Line Defenders, 24 May 2016) <https://www.frontlinedefenders.org/en/case/case-history-jose-marcos-mavungo> accessed 22 July 2016.

¹⁶ 'Patterns in conflict: Civilians are now the target' (UNICEF) <http://www.unicef.org/graca/patterns.htm> accessed 22 July 2016

¹⁷ Herschell I Grossman, 'A General Equilibrium Model of Insurrections' (1991) 81(4), *The American Economic Rev* 912-921.

¹⁸ Aw Joey, 'The role of non-state actors in international relations' https://www.academia.edu/5124220/The_Role_of_Non-state_Actors_in_International_Relations accessed 20 July 2016

¹⁹ Wendy Pearlman and Kathleen Gallagher Cunningham, 'Nonstate Actors, Fragmentation, and Conflict Processes' (2012) *Journal of Conflict Resolution* 56(1) 3-5

PMSCs, the new label for old-world mercenaries are a matter of serious concern. According to Ballesteros²⁰, UN Special Rapporteur, the mercenary "is present as a violator of human rights" whether as an individual or as an employee of multi-purpose security companies. Occasionally he may undertake terrorist operations, illicit trafficking or sabotage. The main reason for hiring him is his lack of scruples "in riding roughshod over the norms of international humanitarian law or even in committing serious crimes and human rights violations." Executive Outcomes, a South African mercenary "firm" is perhaps the one to attract substantial attention for its activities in Angola. One of the firm's members is reported to have said on television that they killed 300 enemy soldiers on the way to North Angolan village of Cafuno²¹.

MNCs are an important sub-category under NSAs. They do bring with them benefits in terms of capital, technology and jobs which are essential for economic progress, but some of them bring adverse effects also along with them. Manipulating the domestic politics and the state, manoeuvring to corner land, raw materials and other natural resources occur in many states as an effect of these organizations. Agbakwa²², points out how some of the MNCs seriously violated human rights in the third world countries with impunity. He emphasises that the "underlying issues, actors and beneficiaries" must be controlled for ensuring security and equality.

In Angola's own instance, for some corporations, low-intensity war is more profitable than peace as it enables them to capture higher rents from diamonds and oil. These minority beneficiaries are powerful in inflicting large losses on the majority²³. Of course, it would be unfair and economically unwise to tar all the MNCs with the same brush. International commerce does contribute to progress and the proper approach would be to control the conduct of these Corporations. This point leads to the second main category of NSAs who hold a positive promise for human rights.

²⁰ UN Economic and Social Council Commission on Human Rights Session 60 'The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation' Report by Enrique Bernales Ballesteros, Special Rapporteur <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/173/13/PDF/G0317313.pdf?OpenElement>> accessed 22 July 2016

²¹ David Isenberg, *Soldiers of Fortune Ltd.: 'A Profile of Today's Private Sector Corporate Mercenary Firms'* (Center for Defense Information Monograph, 1997) <<http://www.aloha.net/~stroble/mercs.html>> accessed 22 July 2016

²² Shedrack C Agbakwa, 'A Line in the Sand: International (Dis)Order and the Impunity of Non-State Corporate Actors in the Developing World' in Antony Anghie (ed), *The third world and international order; law politics, and globalization* (Martinus Nijhoff 2003) pp. 1-18

²³ Kirsten Hegsvold Andersen, 'Resources and Conflict in Angola An economic conflict analysis' (Master thesis, University of Oslo 2003) <<https://www.duo.uio.no/handle/10852/16966>> accessed 21 July 2016.

Role of various institutions in Reconciliation

In the midst of fragile contexts that prevailed in Angola, it is natural that there is a multiplicity of institutions engaged in relief and welfare. This was not only inevitable but desirable since the local stressors were such that the state was too busy fighting a civil war, did not have a mechanism, inclination or sufficient resources to discharge its civic functions. More importantly, faith-organisations enjoyed a higher degree of trust and acceptance by the population compared to the state or international organisations.

Angola's churches discharged two crucial functions. While providing relief to displaced population people in conflict zone was commendable, their active role as peacemakers is significant. The Catholic and Protestant bishops adopted a position that the war did not represent either the voice of the people or their interest. They jointly launched "*Movimento pro pace*" a Movement towards peace in 1999 aimed to create a "new mentality that values peace." In 2000, all religious leaders convened Congress for Peace. The church as a political actor was a potent factor in persuading the warring MPLA and UNITA towards peace talks²⁴.

At micro-level, the churches undertook relief work in thier regions. Serrano²⁵ gives an example of the initiative by Evangelical congregational church in Angola (IECA) which undertook large scale social and relief work in Bunjei province. Traditional authorities (TAs) are not merely yet another but an imperative actor in reconciliation vis-a-vis human rights discussion. Their importance prompts Ekeh²⁶ to call the system "two Publics²⁷". In the immediate aftermath of independence, the new postcolonial states in Sub Saharan Africa and the TAs had at best an ambiguous relationship.²⁸ TAs collaboration with colonial regimes in countering organised resistance and acting as local "agents" in extracting natural and human resources triggered ill feeling which was not always well concealed. The TAs who had exercised their own peculiar influence over the village population even in the era of the colonial "state", in fact gained additional sway in the interregnum when the new "national" state was struggling to find its feet. An elder administered the land rights vested in patrimony

²⁴ Lawrence C. Reardon, *The Catholic Church and the Nation-State: Comparative Perspectives* (Clyde Wilcox ed, Georgetown UP, 2006)

²⁵ Maliana Serrano, 'Institutional multiplicity in post-conflict reconstruction: The case of a local church in Bunjei, Angola', (2013) in Dorothea Hilhorst (ed) *Disaster, Conflict and Society in Crises: Everyday Politics of Crisis Response*, Abingdon: Routledge 149-166

²⁶ Peter P. Ekeh, 'Colonialism and the Two Publics in Africa: A Theoretical Statement' (1975) 17(1) *Comparative Studies in Society and History* 91-112

²⁷ The concept is elaborated in Chapter 1.2.4

²⁸ Helene Maria Kyed and Lars Buur, 'Introduction: Traditional Authority and democratization in Africa' in Helene Maria Kyed and Lars Buur (eds), *State Recognition and Democratization in Sub-Saharan Africa* (Palgrave Macmillan US, 2007).

in the Kongo of northern Angola²⁹ and similarly *sekulu* the current elder held land rights in the Umbundu³⁰.

Ancient beliefs such as the mythical ancestor subsisted despite Christianity or by the state action. Customarily the population was used to depending on the TAs for inexpensive justice in land or family disputes. These factors combined with the nascent state's inability to exhibit legitimacy ensure that the TAs continue to enjoy their sphere of influence. The institution of the "elder" proffers both advantages and disadvantages. It is desirable on some counts compared to sole prerogative of the state. The TAs is a local person more attuned to the local needs, easier to access and can carry the public opinion with him than the "far off" state authority. The TAs are or at least can be a valuable asset in building reconciliation. On the negative side, they would be reluctant to let go their power, in other words monetary benefits, would tend to be hegemonistic and subjective. Their attitude may not be conducive to democratic conduct.

The discussion so far has touched briefly on how various stakeholders including civil society National and international organisations Church Traditional authorities contribute to the extreme complexity of the matrix in which the young Angola has to discover durable harmony. That takes this study forward to Chapter 1 in which the role of Nation-state in bringing all the stakeholders on board to complete the national reconciliation process and secure peace and inclusive development. The significance of educational programme of human rights, national unity, reconciliation and justice and the signs of change that are visible today will be presented.

²⁹ Alfredo Margarido, 'The Tokoist church and Portuguese colonialism in Angola' in R. Chilcote (ed), *Protest and resistance in Angola and Brazil* (U of California Press 1972)

³⁰ Allan Cain, 'Angola: Land resources and conflict' in J. Unruh and R. C. Williams (eds), *Land and post-conflict peace building* (Earthscan 2013)

Literature review:

Constraints on human rights hampering peace

In addition to the "resource curse" caused by abundance of resources, Angola suffers from yet another type of affliction. This "resource curse" is caused by limited availability of information. The government is selectively reticent and opposition is habitually strident so much so that counterchecking to authenticate the available data is often difficult. Marques, Bustelo and Roemersma observe that the "Culture of secrecy," practised by the state is the chief contributor to the situation. The media is perceived as adversaries than as partners in development and media workers lack knowledge of relevant laws and government policies.³¹

According to Schubert³², public sphere in Angola "is prefigured by a climate of fear" and the citizens are afraid to speak out openly. Pearce observes that the ruling regime is exploiting the opportunity to systematically politicise memories and indulges in 'memorialisation'. By endeavouring to redefine the public memory, the government is positioning itself as the sole liberator from colonial rule.³³

Faria³⁴ avers that there is dichotomy of "conformity or resistance" and "pseudo-public or counter-public" because the public is conditioned by past memory and survival struggle. The government is using to breakdown opposing voices into small groups which are "easier to threaten and to co-opt." In fact, rule of law and political pluralism have become instruments to further control and manufacture endorsement.

The restrictions of freedom of speech and right to association appear to fuel the fear complex and created an environment in which the state is able to infringe other rights easily. Human Rights Watch³⁵ has catalogued instances of various forced mass evictions, violent removal of street traders, intimidating anti-government voices with surveillance, harassment, criminal defamation lawsuits, arbitrary arrests and unfair trials that occurred in 2014 and 2015. The

³¹ Rafael Marques, Bustelo, MG and Roemersma, R. (2003) 'The media as a tool for civil society' Unpublished report, Amsterdam: Netherlands Institute for Southern Africa (NiZA) (as cited in Cândido Mendes and Barnaby Smith, *Angola Research findings and conclusions* (BBC World Service Trust, 2006)

³² Jon Schubert, 'Democratisation and the Consolidation of Political Authority in Post-War Angola'(2010) 36(3) *Journal of Southern African Studies* 665

³³ Justin Pearce, 'Contesting the Past in Angolan Politics' (2015) 41(1) *Journal of Southern African Studies* 103

³⁴ Paulo Conceição João Faria, 'The Dawning of Angola's Citizenship Revolution: A Quest for Inclusionary Politics' (2013) 39(2) *Journal of Southern African Studies* 293

<http://www.tandfonline.com.ezproxy01.rhul.ac.uk/doi/pdf/10.1080/03057070.2013.798541>

³⁵ 'World Report 2015: Angola' (Human Rights Watch) <<https://www.hrw.org/world-report/2015/country-chapters/angola>> accessed 5 August 2016; 'World Report 2016: Angola' (Human Rights Watch)<<https://www.hrw.org/world-report/2016/country-chapters/angola>> accessed 5 August 2016

government has passed Presidential Decree No. 74/15 in March 2015 placing undue restrictions on NGOs.³⁶

The role of the state and other actors in peace process:

The Angolan government's actions discussed above are in clear infringement of human rights related to right to physical freedom and personal security, freedoms of expression, press, meeting and demonstrating and association guaranteed by Articles 36, 40, 44, 47, and 48 of the Angola's Constitution of 2010. The condition automatically sets the agenda for the actors involved in the peace-building.

Galtung distinguishes peace building from peacekeeping and peacemaking. The last two are mere negative aspects of peace, an absence of conflict. Peace building on the other hand embodies the positive aspect of peace based on a "reservoir for the system itself to draw up..." its strength.³⁷ The logic behind Galtung's concept of peace building put forward by Chetail and Jütersonke is commendable for being holistic and in fact setting the agenda for all the actors. The authors see peace building as securing social justice through equal opportunity; a fair distribution of resources and power; and the rule of law providing equal protection³⁸.

Role of the church

Providing care and welfare service during conflict times is what is normally expected from religious organizations. Going beyond the regular call of duty, the Angolan church exercised its extensive influence amongst the population to mentor and foster peace. Comerford³⁹ brings out the significance of the church's initiative in peacebuilding. The strong public opinion created by the church was instrumental in compelling the warring parties to the negotiation table which eventually ended the civil war.

³⁶ 'Comments on Angola's Presidential Decree No. 74/15 on the Regulation of Non-Governmental Organizations' (The International Center for Not-for-Profit Law, 4 September 2015) accessed 5 August 2016 <<http://fatfplatform.org/wp-content/uploads/2015/10/ICNL-Comments-on-Angolas-Presidential-Decree-No-74-15-4-Sept-15.pdf>> accessed 5 August 2016

³⁷ Johan Galtung, 'Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding' in Johan Galtung (ed) *Peace, War and Defense: Essays in Peace Research*, vol 2 (Ejlers 1976)

³⁸ Vincent Chetail and Oliver Jütersonke, 'Introduction to Peacebuilding: A Review of the Academic Literature' in Vincent Chetail and Oliver Jütersonke (eds) *Peacebuilding: Critical Concepts in Political Science* (Routledge, 2014)

³⁹ Comerford MG, *The Peaceful Face of Angola: Biography of a Peace Process (1991-2002)* (M. Comerford 2005)

Role of the international actors

Prompted by their deep economic interests tied to oil and diamond sources in Angola, Russia and the USA radically contributed to and prolonged the Angola civil war. This inference comes out distinctly from Comerford's detailed analysis of the history of Angolan conflict⁴⁰. Russia intervened actively on behalf of the MPLA from the beginning and continues its support. The USA not wishing to jeopardise relationship with Portugal, a NATO ally was initially tentative but subsequently supported Holden Roberto in 1959, FNLA in 1974 and began actively arming the UNITA from 1985. Approximately 500,000 persons died, tens of thousands suffered mutilation by anti-personnel mines and more than a million people were displaced during the civil war according to US Department of Justice⁴¹. That was the role enacted by the international community in the Angola's past. That also defines their current responsibility to rebuild the nation, support the reconciliation process. Some of the duties proposed by various scholars are as follows. The international community should adopt mutually accountability approach that holds the foreign actors accountable for their economic and political interests. The international community must persuade Angola to include human rights in the political agenda. Economic and social rights must form an inalienable part of the dialogue in addition to civic and political rights⁴².

Role of education in peace process

Tinker⁴³ upholds views similar to Comerford. She maintains that the modern day peace education programmes are also founded "in religious heritage." Though the programmes assert their secularity, their philosophical assumptions are seen to be directly and indirectly influenced by religious heritage.

⁴⁰ ibid

⁴¹ 'Armed Conflicts Report Angola (1975 - first combat deaths) Update: September 2003' (US Department of Justice)
<https://www.justice.gov/sites/default/files/pages/attachments/2015/09/15/armed-conflict-report_angola_0.pdf>
accessed 5 August 2016.

⁴² Patrícia Magalhães Ferreira, 'State-Society Relations in Angola' (Initiative for Peacebuilding (IfP) 2009)
<https://www.academia.edu/2700669/State-Society_Relations_in_Angola>
accessed 5 August 2016

⁴³ Vanessa Tinker, 'Peace Education as a Post-conflict Peace building Tool' (2016) 5(n1) All Azimuth 27

Chapter 1: The Role of the Recognised Participants in Effecting National Reconciliation and Peace-Building in Angola

The past must be stopped at a point, for reconciliation, by definition is remedying the past and former enemies becoming friends.⁴⁴ By corollary, the present and the future should move forward, fully secured against recurrence of previous errors. While all the actors involved in peace building have to discharge this twofold duty, the nation and the state bears the highest responsibility in bringing about positive change.

The role of the nation-state

The reason for assigning the primary role to the state in nurturing reconciliation is based on the four significant duties it has to fulfil. 1. Considering that reconciliation is intertwined with fundamental rights, state has to endeavour that all the persons within its territory enjoy the full benefit of fundamental rights. 2. Win over the national actors such as the civil society, NSAs, religious groups and traditional authorities. 3. Influence international community favourably and obtain its cooperation of the in all spheres; and 4. Develop bilateral and multilateral economic and cultural relationships with neighbouring states.

Peace and reconciliation transcend political boundaries and limitation of times. This aspect places certain interlinked obligations on both the nation and the state and leads to a rather quaint requirement. The responsibilities are joint sometimes and are independent at other times e.g. while both the nation and the state have to believe in and foster democratic traditions, the state has to administer the enforcement mechanisms to protect the democratic framework. In other words, the nation and the state have to chaperone each other to achieve enduring peace. For the sake of simplicity, except when it is necessary to distinguish between them, the roles of the state and the nation are discussed together.

The pivotal function fundamental rights play in reconciliation:

Building peace in the aftermath of stubborn conflicts is not a sequential process and it is marked with inevitable ups and downs. Long-term commitment on part of the actors than

⁴⁴Charles A. Kupchan, *How Enemies Become Friends: The Sources of Stable Peace* (Princeton Studies in International History and Politics, 2010); Louis Kriesberg, 'Reconciliation: aspects, growth, and sequences' (2007) 12(1) *International Journal of Peace Studies* 1

"momentary conjectural optimism or opportunism" alone can achieve peace.⁴⁵ Different schools of thought have been putting forward different views on approaches to build peace. These range from 'retributive and prosecutorial' proponents to advocates of traditional justice who believe that a mature resolution of the differences and compensating the victims is more appropriate path to harmony.⁴⁶

It is only recently that reconciliation has been recognised as a mechanism to resolve post-conflict reconstruction. While evidence is still being gathered and experience has been limited, the "transitional justice" process has proved itself commendably in South Africa and to a limited extent in instances such as Guatemala.⁴⁷ It is a disappointment in a few states including Uganda and Haiti where the post-conflict democracy did not take firm roots.⁴⁸

South African success which in fact prompted global interest in the mechanism and other contracting scenarios such as Haiti, establish a close linkage between successful reconciliation and democratic culture. Bloomfield outlines democracy as "managing conflict arising out of differences in beliefs, ideology, culture, ethnicity without recourse to violence. Instead of eliminating the differences (obviously by compulsion) or excluding the population who have different beliefs from the society, democracy facilitates them to coexist without threatening the whole system.⁴⁹ Democracy is evidently interlinked with human rights and the rule of law⁵⁰ and as has been seen above, it is the primary building block of peace.

The Angolan experience regarding reconciliation has been at best a mixture of success and satisfaction. A brief review of the situation will assist in understanding the role that the state is playing in reconciliation and peace-building. However, one point has to be made: evaluating Angola is problematic because of lack of transparency. Even Supreme Court decisions are not placed in public domain and the government is studiously tight-lipped most

⁴⁵ Sami Adwan and Dan Bar-On 'Shared History Project: A prime example of peace-building under fire' (2004) 17(3) *International Journal of Politics, Culture, and Society* 513

⁴⁶ Sarah-Jane Koulen, Book Review, 'Traditional Justice and Reconciliation After Violent Conflict – Learning from African Experiences' (2009) 53(2) *Journal of African History* 321.

⁴⁷ Mark Freeman and Priscilla B. Hayner, 'The Truth Commissions of South Africa and Guatemala' In David Bloomfield, Teresa Barnes and Luc Huyse (eds) *Reconciliation After Violent Conflict* (Handbook, International Institute for Democracy and Electoral Assistance, 2003).

⁴⁸ Joanna R. Quinn, *The Politics of Acknowledgement: Truth Commissions in Uganda and Haiti* (Reprint, UBC Press, 2010)

⁴⁹ David Bloomfield, 'Reconciliation: an Introduction' in David Bloomfield, Teresa Barnes and Luc Huyse (eds) *Reconciliation After Violent Conflict* (Handbook, International Institute for Democracy and Electoral Assistance, 2003)

⁵⁰ UNDEF (UN Democracy Fund) 'Guidance Note of the UN Secretary-General on democracy' <<http://www.un.org/democracyfund/guidance-note-un-secretary-general-democracy>> accessed 25 July 2016

of the time. On the other hand, persons who hold opposing views are highly vocal but it is difficult to cross verify their contentions and reports. Because of this, even favourable analysis or comment generally ends up with an escape clause. The major challenge facing the state was that the state riddled inherited many flaws in 2002. Generations of dependency characterised the administrative mechanism and political framework, the system was militarised, centralised and corrupted and customised for "colonial purposes and thus ipso facto antidemocratic".⁵¹

In spite of such a burden, Angola is striving in the right direction. In a signal development, Constitution 2010 has written a vigorous fundamental rights regime into the legislative mechanism.⁵² The 2012 general elections were peaceful and the international community acknowledged them to be "free and fair." If the status of women is considered for illustration, their representation is 30 per cent and 36 per cent in the judicial system and parliament respectively⁵³. The Parliament enacted Domestic Violence Act 2010 which aims to protect women from 'homemade' violence is a much needed relief in a male dominated society. The budgetary cuts and inflation however have adversely affected quality of life particularly for women.⁵⁴ On education front, the number of children in primary education was tripled between 2002 and 2013 and the current literacy is about 79%.⁵⁵

The real concerns however hover on the human rights. Public posturing by the government authorities is often aggressive. Ambassador Lima believes that the sole formula for peace is to overpower the warring parties who attack democracy with weapons and that African military conflicts cannot achieve peace through a "goalless match."⁵⁶ Chronicling hundreds of cases of torture, killings, mutilation of women's bodies in Cuango province, Morais observes:" "Cases are not.....a random series of unfortunate events in a context where

⁵¹ David Sogge, 'Angola "failed" yet "successful."' (2009) Working Paper No. 81 Fundación para las Relaciones Internacionales y el Diálogo Exterior <http://fride.org/download/WP81_Angola_failedyetsuccessful_ENG_may09.pdf> accessed 25 July 2016.

⁵² Section I Chapter II Angola's Constitution of 2010

⁵³ UNGA Human Rights Council Twenty-eighth session 5 December 2014, Report of the Working Group on the Universal Periodic review: Angola A/HRC/28/11

⁵⁴ UNDP (United Nations Development Programme) 'In-Depth' (Angola) <http://www.ao.undp.org/content/angola/en/home/ourwork/democraticgovernance/in_depth/> accessed 27 July 2016

⁵⁵ Eastin Shipman, 'Angola's National Education Development Plan' (2015) Borgen Magazine <<http://www.borgenmagazine.com/angolas-national-education-development-plan/>> accessed 25 July 2015

⁵⁶ 'Democracy in Angola is an edifice under construction – diplomat' Agência Angola Press (Madrid , 29 Oct 2015) <http://www.angop.ao/angola/en_us/noticias/politica/2015/9/44/Democracy-Angola-edifice-under-construction-diplomat,2044f963-32ec-41dd-9841-876606862fa8.html> accessed 25 July 2016

everything else operates under the rule of law." It was systematic and premeditated abuse of human rights.⁵⁷

The role of the civil society

For Angola to achieve lasting peace and reconciliation, it must aim for free movement of its people, implementation of various fundamental rights guaranteed under the Constitution as well as International instruments like UDHR and freedom to express and associate in any manner as per their wishes. These are integral elements, which are required to be achieved so as to ensure reconciliation in Angola. However, this reconciliation is not possible without intervention and constant support of international institutions, national, provincial and local government, private enterprises and NGOs. The civil society has progressively contributed towards reconciliation efforts by focusing on guaranteeing human rights to the citizens of Angola. However, at the same time a disappointed role of national and international organizations has also been seen in such context, who have acted in their selfish interests rather than working on issues of the nation.

National and international organisations

In terms of national organizations, Angola had three main national parties, which played a significant role in reconciliation efforts. However, since the Portuguese colonial system was profoundly repressive, the forms of political organizations could not be established. These national organizations played a major role in freeing the country from rule of Portuguese and thereby commencing the Angolan war of independence. However, in terms of their contribution towards reconciliation of Angolan state, there are various contradictions. It cannot be said that these parties did no good to revamp the community, support and protect the people and help them reconcile by forgetting past dreadful experiences. But it is equally important to analyze that in the name of reconciliation these parties were focusing on building their own national significance and thereby playing the politics of vote bank. The parties had less intentions of protecting the community but more of protecting their own

⁵⁷ Rafael Marques de Morais, *Blood Diamonds: Corruption and Torture in Angola* (Tinta da China 2011) <<http://www.tintadachina.pt/pdfs/626c1154352f7b4f96324bf928831b86-insideENG.pdf?tcsid=ppvbre6310p6kp1gdum9cl42q7>> accessed 24 July 2017

selfish interests. Thus, the role of national organizations in reconciliation is contradictory and has its own positive and negative faces.⁵⁸

Since 1995, various international organizations have taken up human rights and conflict resolution initiatives in a bid to support international peace and harmony principles. However, majority of these initiatives have failed to even realize the needs and wants of local communities. There have been feasibility studies showing that many international NGOs started with the Angola campaigns with the objective of ensuring reconciliation but it was later found that in the name of reconciliation, these organizations were looking for funds, which were easily available in the name of Angola. However, certain organizations implemented actual efforts to bring reconciliation in the community. National Democratic Institute along with International Republican Institute, both US based organizations, ensured success in enhancing levels of parliamentary debate by providing training in parliamentary speeches as well as political party development. Further, various operations were initiated wherein managers and media reporters were trained in Angola. Organizations also worked on develop awareness about women's legal rights by providing financial and other support to the human rights office.⁵⁹

Church responses

The churches played an active role in conflict resolution and civic education, particularly human rights education in Angola.⁶⁰ The churches began to voice out their views regarding human rights and actively speak on violation of human rights since 1989. During November of that year, a major action was taken by the Roman Catholic bishop by issuing letter to both MPLA and UNITA and asking them to stop war and rather work towards holding free elections in the country. Post this Angolan Civil Association was formed with the main objective of promoting good work in reality and to persuade both political groups to respect human rights in the times of conflict. Since 1991, the congregations of churches witnessed expansion and there was steady growth in the movements initiated by churches as well. One of the most crucial activities undertaken by the churches was to raise issues relating to human

⁵⁸ Action for Southern Africa (ed), "Achieving Lasting Peace in Angola: The Unfinished Agenda", Report of conference held at the School of Oriental and African Studies, London, on 4 September 1997 (London: ACTSA; Christian Aid; CIIR, 1997), p.18.

⁵⁹ Angolan Civil Society and Human Rights' (Human Rights Watch, 1999) <https://www.hrw.org/reports/1999/angola/Ang1998-11.htm>> accessed 21 August 2016

⁶⁰ Steve Kibble, "Trading trouble in Angola," *Catholic Institute for International Relations News*, February/March 1997; see also, Stephen Baranyi et al, *Making Solidarity Effective: Northern Voluntary Organizations Policy Advocacy and the Promotion of Peace in Angola and East Timor*, CIIR discussion paper, 1997. pp.24-26.

rights violation and poor state conditions before the politicians and the same time make the general public aware in regards to such matters.

CICA (Council of Christian Churches in Angola) along with AEA (Alliance of Evangelicals of Angola) started producing radio programs regularly, which discussed the requirement of democracy, citizen's rights, reconciliation and tolerance. Various programs were aimed with these initiatives, which helped in reconciliation. Further, the Catholic Church raised various rights and issues through its radio stations. A special series on the topic was human rights were broadcast, which had programs on landmine victims, prisons, right to freedom of expression and formation of trade unions.⁶¹

The Churches in Angola have played a bold role while appealing for peace and working towards ending abuses of human right activities.⁶² A very strong and firmly worded pastoral letter was issued by the Catholic Church, which stated flatly that was cannot be construed to represent either interest or voice of people and it was political parties on both the sides of war who were neglecting the welfare of people in troops and this led to increase in stealing from the people by the troops.⁶³ Further, they appealed the international community to help the Angolan people rather than abandoning them in this great hour of need. This letter announced a peace movement in the wartime. Further, National Day for Reconciliation was declared on March 14 by the churches and it was made mandatory for all the catechists and priests to follow this day. Subsequently, various catholic bishops condemned abuse of human rights and called for national reconciliation in Angola. The churches also began various peace initiatives; one such was initiated by the Angola Group for the Promotion of the Culture of Peace, which called from a commission on internal meditation so that the civil war could be ended and a vow towards mobilization of civil society could be taken.

Thus, from the above analysis it is clear that churches played a pivotal role in bringing reconciliation reforms. The main focus of churches was to ensure peace and bring stability in the society by bringing an end to the civil war. The church took variety of measures by funding programs, campaigns and running radio channels with the aim of educating people

⁶¹ Benjamin Castello, "The role of the Christian Churches in the process of Reconstruction and National Reconciliation in Angola after the signing of the Lusaka Protocol on November 1994," in Eduardo Mondlane Foundation and Holland Committee on Southern Africa (eds), *Reconciliation, Reconstruction and Civil Society in Angola, Conference 16 October 1996 Report* (Amsterdam: KZA and EMS, 1997), pp.27-31.

⁶² U.S. Department of State, "Angola," *Country Report on Human Rights Practices for 1996*, pp.1-8

⁶³ Missionários Espiritanos (ed.), *A Igreja em Angola Entre a Guerra e a Paz* (Lisbon: Missionários Espiritanos, 1999).

about their rights. Further, these churches led movements with support of civilians so as to bring national reconciliation in Angola.

Traditional authorities

The civil society of Angola did not come out strong in publicizing and evading the effects of abuses of human rights. Human right advocacy was robustly carried out by churches rather than traditional authorities including various political and non-political organizations. NGOs also participated actively to evade human right abuses in Angola.⁶⁴ These organizations came up with various plans and initiatives which were aimed at educating about human right abuses and thereby reducing them so that national reconciliation could be achieved. In one of such initiatives, Mosaiko Cultural Centre was opened by Dominican outside Luanda, which aimed at promoting human rights and justice. The main objective of this centre was to work as a resource centre so that reports on human rights violation in Angola could be published and a venue for discussion on issues of human rights can be formed. Later, this centre expanded its functions to work on missions like imparting education to the people in Angola regarding their rights. It also actively worked with military and in the prisons so that real conditions can be analyzed and strategies could be evaluated for their efficient working.⁶⁵ However majority of these organizations were working on grassroots levels without having sufficient funds to pay off their working staff and adequate experience in managing projects. Despite of these inefficiencies, the organizations worked tremendously in enhancing the life of people living in nearby surrounding areas.

It was important for these local and traditional organizations to get international support not only in monetary terms but other ways also so that their management could be effective and their objectives could be achieved in a timely manner. These organizations laid the foundations of emerging civil society of people who were dedicated to not become puppets in the hands of selfish political rulers. With the onset of war, the ruling elites got the reasons for disregarding the needs of ordinary people in terms of accountability. Such behaviour motivated the younger generation of Angolans to work towards a better political system without relying on the political system already established. The younger generation of

⁶⁴ Action for Southern Africa (ed), *Achieving Lasting Peace in Angola: The Unfinished Agenda. Report of conference held at the School of Oriental and African Studies, London, on 4 September 1997* (London: ACTSA; Christian Aid; CIIR, 1997), p.18.

⁶⁵ Walter Viegas "The role of NGO's in reconciliation and reconstruction," in Eduardo Mondlane Foundation and Holland Committee on Southern Africa (eds), *Reconciliation, Reconstruction and Civil Society in Angola, Conference 16 October 1996 Report* (Amsterdam: KZA and EMS, 1997), pp.20-26.

Angolans looked forward for participatory and pluralist democracy rather than becoming a new party, which could take over control from UNITA or MPLA. Thus, in terms of traditional organizations, NGOs played an eminent role in reconciliation of Angola. They worked towards evading the odds and also focused on bringing political stability to the country through reforms and implementation of new strategies.

Engaging in the educational programme of human rights, national unity, reconciliation and justice

Education is the means of transformation for every state. Especially in war hit countries, education helps in promoting social standards of the citizens.⁶⁶ Education does not relate to curriculum studies but focuses on expanding knowledge of human rights, national unity, justice and reconciliation in war hit states. Education helps in making people aware of their rights and plays a pivotal role in conducting campaigns.⁶⁷

Significance of education in reconciliation and justice

War adversely affects the education and system of justice in a society. War situations generally force the students to either become young fighters or leave the country. However, education plays a significant role in reconciliation of war stressed states. Education helps the society in forgetting and past and moving on by learning new skills and abilities that also help in securing financial means of living. Education significantly helps in dealing with the past while also contributes towards societal reconciliation. Education not only directly deals in evading the impact of war but it also helps in creating an efficient and educated workforce that can ensure a robust economic future. Further, education helps in making people realize about their rights and violation of such rights so that wrongful activities could be opposed. Education helps in bringing reformation, ending war and guiding people on how to deal with justice and war stress.⁶⁸ Further, even the government of Angola has now started to pay focus

⁶⁶ Phillips D., Arnhold N., Bekker J., Kersh N., and Mcleish E, 'Education for Reconstruction – The regeneration of educational capacity following national upheaval', Oxford, Studies in Comparative Education, Symposium Books (1998).

⁶⁷ Buckland P, 'Reshaping the Future: Education and Post-Conflict Reconstruction' Washington, DC: World Bank, (2005).

⁶⁸ Hamber B, 'Ere their story die': truth, justice and reconciliation in South Africa. *Race and Class*, (2002) 44(1), 61-79.

on higher education because it helps in ensuring ‘harmonious’ sustainable development and at the same time helps in revamping justice and other social issues prevalent in the country.⁶⁹

Signs of change

Angola witnessed huge change and transformation among its people by integrating tools of education. It helped the people in realizing significance of reconciliation and how it can help them to overcome the stress of war. In Angola reconciliation means to forget the past. There has been a culture of violence in the past with post conflict atrocities, misuse of lethal weapons, mass proliferation of weapons and military imagery dominating national discourse. However, education has helped in changing this culture and converting it into a culture of peace. Thus, in this transition of the society of Angola, education has played a key role. Various missions of educating people started by grassroots level organizations, churches and supported by international organizations helped the people in undertaking their rights and joining the human right campaigns.⁷⁰

⁶⁹ Samuel N Gongwa, ‘Angola’, Sarua <
<http://www.sarua.org/files/Country%20Reports%202012/Angola%20country%20profile%20Eng.pdf>>
(Accessed 22 August 2016)

⁷⁰ Wessels, M. and Monterio, C. “Healing Wounds of War in Angola.” In Addressing Childhood Adversity, edited by D. Donald, A. Dawes and J. Louw. Cape Town: David Philip, 2000.

CHAPTER 2: The Angolan Civil War

As a result of exploitation and oppression of the colonial power of Portugal, Angola was kept under artificial development. Angola forms part of the third world countries and was dominated by the colonial rule of another country. With the objective to end this colonial rule, the people of Angola began the conflict against colonialism through armed struggles. This was substantially contributed to the downfall of the colonial power of Portugal. The Angolan fought three liberation movements, all of which were against the Portugal to bring an end to their colonial power.⁷¹ The civil war of Angola commenced after it fought for its independence from Portuguese and thus it was a war between the people of Angola, who fought for power during the period from 1975 to 2002.

Overview of the conflict

The Portuguese colonies in Angola and other districts faced watershed movement's consequent to the overthrow of the Prime Minister of Portugal. Armed forces movement lead by Angola overthrew the dictatorship and thereby ended the colonial rule of Portuguese. Officially, Angola attained independence on November 11, 1975, however it was hit with international pressures and ethnic tensions before it could think of the development of a new and independent country.⁷² Thus, the hard won victory of Angola was rendered problematic. There came the power struggle between liberation movements. Subsequent to the withdrawal of Portuguese from Angola, MPLA took over the control of Luanda, the capital city of Angola and came up front in the independent state of Angola to declare itself as the new government for its people. It took this position because it received significant support and recognition from various African countries. Post independence during the period from 1975 to 1976, the Portuguese withdrew its forces, but there was arrival of the Cuban forces, which led to invasion of Luanda by South Africa. Further, during this period there was political instability, since UNITA rose as a challenger to MPLA with the fall of FNLA.⁷³

⁷¹ The Civil War in Angola, Instigated by Social Imperialism (The Workers' Communist Party), (August 1976), International Bulletin, WCP (M-L) of Norway, < <https://www.marxists.org/history/erol/periodicals/class-struggle-norway/no-special.pdf>> (Accessed 22 August 2016)

⁷² Angola "Second Civil War" 1996-2002 [Online]. <<http://www.globalsecurity.org/military/world/war/angola-civil-war-2.htm>> accessed 22 August 2016

⁷³ The Angolan Civil War (1975-2002): A Brief History, South African History Online (2016), < <http://www.sahistory.org.za/article/angolan-civil-war-1975-2002-brief-history>> accessed 24 August 2016.

Causes of the war and the Role of national actors

The war between Portuguese and Angolan was not only for one but many reasons, including ethnic tensions between the communities, five centuries of colonial rule and curse on resources.⁷⁴ All of these reasons collectively contributed in the war, which had varied impact on the people of Angola.⁷⁵ The civil war post independence in Angola continued due to ethnic tensions. It means that the dominant liberation movement of Angola showed reluctance in sharing power with other multi-ethnic societies. The war fought against colonial power was fought in three fronts in Angola. A single united front was led by MPLA; however its appeal restricted to the community of Mbundu, which forms second largest ethnic group in the country. The Bakongo people were not satisfied with the nationalist drive of MPLA and thus they supported the FNLA leader, who supported the reestablishment of the ancient kingdom of Kongo.⁷⁶ The supporters of FNLA consisted of rural population and were separated from the colonial society, but were largely affected by land dispossession done under the colonial rule. Third drive was led by UNITA, which was formed in 1966 and was able to attract the largest support base from the Ovimbundu ethnic group.⁷⁷ Each of these ethnic groups had their own considerations and objectives of becoming political power and thereby leading to conflicts between the communities causing the civil war.

The root cause behind the ethnic conflict or tension between varied communities was the different status given to these societies prior to independence. The apparent outcome of colonial rule was politicisation of ethnicity.⁷⁸ The colonial officials combined and placed distinct communities under one colonial territory that was centrally administered. Further, ethnic disparity was aggravated with introduction and imposition of class and racial divisions. The support base of UNITA and FNLA consisted of communities, which were largely affected by dispossession of colonial land. The politics was also reasoned due to huge

⁷⁴ Bissonnette, B. 2008. *The Angolan Proxy War: A Study of Foreign Intervention and its Impact on War Fighting* [Online]. <<https://havanaluanda.files.wordpress.com/2013/07/bissonnette-brian-the-angolan-proxy-war.pdf>> Accessed 22 August 2016

⁷⁵ Médecins Sans Frontières, Angola, sacrifice of a people, MSF, 2002.

⁷⁶ Gamba, V. & Cornwell, R. 2000. Arms, Elites, and Resources in the Angolan Civil War, in Berdal, M. & Malone, D.M. (eds.). *Greed and Grievance: Economic Agendas in Civil Wars*. Colorado: Lynne Rienner Publishers. 157-173.

⁷⁷ The Angola Crisis 1974-75 [Online] <<https://history.state.gov/milestones/1969-1976/angola>> accessed 23 August 2016.

⁷⁸ W. M. James, 'A Political History of the Civil War in Angola: 1974-1990', New Jersey: Transaction Publishers (2011).

resources owned by Angola.⁷⁹ Thus, the colonialism rooted political agendas in the mind of political groups of Angola and thereby aggravated the colonial war.

International & global actors

In the Angolan civil war, Cuba played the role of most pertinent international actor, particularly in regards to sheer manpower. Towards the end of first civil war, which was in 1976, the MPLA through Cuba had deployed a minimum of 10,000 Cuban troops. These troops played a crucial role in making the Neto movement a success. Further, these troops helped in defending the central control of MPLA in the capital city of Angola, Luanda. Without their intervention, it was likely that MPLA would not have won from UNITA and FNLA. The main motivation behind the support rendered by Cuba to MPLA was due to its long-standing relations and internationalist foreign policy to this political party. Close relations were developed between Cuba and Angola during the independence of Alregia in 1962, which led to its support during the civil war to the MPLA.⁸⁰

Another international force that confronted with Cuba in the Angolan war was from South Africa.⁸¹ However, with the battles between the two forces, the one belonging to South Africa started to retract in early 1976. However, the South African forces had an overwhelming significance in respect to political intervention in the war.⁸² The South African forces were anti-MPLA and also discredited the MPLA wherein diverting negative attention to the Cuban intervention also.⁸³ The policy of war implemented by South Africa in Angola in 1975 was not cohesive. It was unanimously defended within the power structure; thereby its intervention was half hearted and ill-defined. Thus, various misperceptions were created in context of the Angolan conflict, namely the commitment of the US towards Angola and the negative impact of the forces of South Africa in the civil war.⁸⁴

Apart from these international actors, there were other global actors also involved in the Angolan civil war. The main global actors in the war were Soviet Union, United States and China. The Angolan conflict also led to repercussions on East-West relations. In the war, the extant rivalry between the Soviet and the United States was expressed and it had a huge

⁷⁹ P. Le Billon, 'Angola's Political Economy of War: The Role of Oil and Diamonds, 1975-2000', *African Affairs*, 100(398): 55-80, (2001).

⁸⁰ N. Valdes, 'Revolutionary Solidarity in Angola' (1979), p. 91.

⁸¹ C Coker, NATO, the Warsaw Pact and Africa, [1985], p.240.

⁸² Raul Diaz Arguelles. F Bridgland, Jonas Savimbi: A Key to Africa [1986], pp.149-150.

⁸³ J Seiler, 'South Africa's Regional Role', [1981], p.107.

⁸⁴ K Grundy, The Militarization of South African Politics, [1986], p.90.

impact on the internal governance and actions of the political parties.⁸⁵ The war portrayed the ideologies of Communists versus the anti-Communists. The main role of China in the war was in regards to provided training to the forces of MPLA and other weaponry.⁸⁶ However, China also played a significant role in political terms by acting on the inference of Soviet Union and standing by its policy. The main reason behind the US to support Angola was to counter the influence perceived by the Soviet.⁸⁷

Three attempts of peace agreements and the end of the conflict

The Angolan government and the UNITA at Lusaka signed three peace agreements and finally the Luena to conclude the war in April 2002. The main purpose of each of these agreements was to end the Angolan conflict.

The Bicesse Accords was signed by President of Santos who met with Savimbi in Lisbon, Portugal on 31 May 1991 to end the first Angolan Civil war of 16 years. This Accord made provision for bilateral quartering, bilateral cease-fire of the forces of the parties, bilateral disbandment and disarmament and thereby formation of a national army and other police force, which was under the control of a single and neutral government. Further, the accord ensured multiparty elections in the state, which were to be monitored by military and observed by civilians as per the Second UN Verification Mission.

The Cuban troops in Angola withdrew with the establishing of UNAVEM I (First UN Verification Mission) in 1989. It also implemented the UNSC resolution 435 of (1978). Further, this accord mandated that none of the political parties shall indulge in any buying of arms or ammunitions from Russia, US or any other foreign sources. However, the objectives of this Accord were vitiated with the onset of Second Angolan War in later 1992. Later, in 1994, the Lusaka Protocol was signed so that the UNITA generals could be integrated together. The main objective of this protocol was to verify and monitor the situation in the country by the UN, establish an independent radio station by the UN, cess all hostile propagandas running in the country form a government having nation unity and reconciliation and thereby extended State administration to UNITA.⁸⁸ However, even this protocol collapsed due to its failure to maintain balance of power between the leading parties,

⁸⁵ Testimony of Secretary of State before the Subcommittee on Africa, Committee on Foreign Affairs, US Senate 29 January 1976. Citation in J Marcum [1976] p.408.

⁸⁶ S N Macfarlane, *Intervention and Regional Security* [198.], p.12

⁸⁷ N Davis 'The Angola Decision of 1975: A Personal Memoir', [1978].

⁸⁸ "Abuses Committed by the Government," *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, Human Rights Watch, New York, September 1999, pp. 67-79

importation of arms and ammunitions from foreign sources by MPLA, mutual distrust between political parties and other environmental concerns. Thus, all the peace agreements entered into between parties and even the interference of the United Nations could not conclude in ending the conflict in Angola. The Angolan war continued with increasing involvement of multinational mercenary companies and other international organizations.⁸⁹ Finally an end of this conflict was done by the Leuna Memorandum of Understanding, signed by both the parties after the death of FNLA leader Savimbi.⁹⁰

Consequences of Angolan civil war

A disastrous humanitarian crisis was evident after the Angolan civil war, which led to displacement of more than 4.28 million people,⁹¹ approximately one third of the total population of Angola. In 2003, the UN estimated that more than 80% of the Angolan people lack basic access to medical care, 60% lack access to water for drinking and other purposes and 30% children of Angola died before attaining the age of five years. Also, the national life expectancy rate in the country has become 40 years.⁹²

A mass departure from rural areas was witnessed in the country. The total of urban population is slightly more than the total population in the country. People also went to live in cities leaving their traditional areas and ethnic groups so as to guard a better livelihood.⁹³

Surprisingly, the situation of human rights was not included in any of the peace agreements signed in Angola. The country has huge abuse of human rights restricting the right to express, freedom of opinion, assembly and association on the people of Angola. Further, there exists systematic persecution in regards to the people working in media. The war led to exodus amongst people, torture and mutilation, enforced disappearances, child soldiers⁹⁴, recruitment of mercenaries and other abuses.⁹⁵

⁸⁹ “Background to the Agreement: Weapons Procurement and Oil-backed Loans,” The IMF and Angola: Oil and Human Rights, A Human Rights Watch Backgrounder, Human Rights Watch, London, June 2000

⁹⁰ Leon (2004). Letters to Gabriella: Angola's Last War for Peace, What the Un Did And Why. p. 462

⁹¹ “Focus on Troubled Angola: Many of the dead left to decay where they fell,” *The Windhoek Advertiser*, April 3, 1993, pp.30-32

⁹² “Critical View: Angola Sanctions Regime,” NSHR, Windhoek, April 27, 2000

⁹³ Soliman M. Santos, Jr, “Genocide and Crimes Against Humanity,” The International Criminal Court and rebel Groups, Geneva, March 24-25, 2000, pp.10-11

⁹⁴ “Government Urged to Break Silence on Massacre, Child Soldiers,” For Immediate Release, National Society for Human Rights, January 12, 2000;

⁹⁵ Krishna Kumar, ed., Postconflict Elections, Democratization, and International Assistance (Boulder, Colo.: Lynne Rienner, 1998).

Political transition in the post-war

With the end to war in 2002, the government mechanism as adopted by the political parties showed a transition towards democratic government. The parties of Angola adopted the democratic form of government for the country.⁹⁶ The first attempt to implement the democratic form of government was made during the negotiations between dos Santos and Savimbi in Portugal. These negotiations resulted in dispatch of a small UN mission, namely the UN Angola Verification Mission. However, due to shortage in staff and poor funding, this mission was condemned.⁹⁷ In 1992, Angola experienced elections for the first time. These elections were conducted in an orderly and peaceful manner and had 90% voter turnout. However, the results of these elections were rejected by Savimbi and thereby another war was declared in the country.⁹⁸

Again, attempts were made to formation of democratic government in Lusaka Protocol and later by establishing the National Unity Government. However, with the rejection of Savimbi to compromise, the unity government could not function.⁹⁹ Finally, after the death of Savimbi, a peace agreement was signed between the representatives of MPLA and UNITA and was known as the Luena Memorandum of Understanding.¹⁰⁰ This MOU was the major breakthrough in bringing and establishing peace in the country. With this, the country began to transform and there were regular elections. The country shifted to democratisation post war.¹⁰¹

⁹⁶ Minter, William. *Apartheid's Contras: An Inquiry into the Roots of War in Angola and Mozambique*. Johannesburg: Witwatersrand UP, Zed Books, 1994

⁹⁷ Meredith, Martin. *The Fate of Africa: A History of Fifty Years of Independence*. New York: PublicAffairs, 2006.

⁹⁸ McMillian, John. "Promoting Transparency in Angola." *Journal of Democracy*. 16.3. 2005.

⁹⁹ Handelman, Howard. *The Challenge of Third World Development* (5th edition). Upper Saddle River: Prentice Hall, 2009

¹⁰⁰ EBSCOhost. 2005. "After Savimbi", In *Economist*; 3/2/2002 vol. 362, Issue 8262, Database: Academic Search Premier.

¹⁰¹ Global Witness "Will Angola Finally Publish Its Oil Accounts?" *Review of African Political Economy*. 30.98. December 2003: pp 685-686.

CHAPTER 3: Reconciliation and its Importance

The concept of reconciliation

The term 'reconciliation' is complex in itself because it refers to both a goal as well as process. Reconciliation may be either something to achieve or a mechanism to achieve certain goal. The definition of reconciliation depends on how reconciliation is perceived in respect to particular situations.¹⁰² The main objective for reconciliation is to think of a better future for the state by having future aspirations and having a clear aim. To build and work on the process of reconciliation it is integral to work practically and effectively towards the final goal. The process of reconciliation is a long term and depends on certain situations.¹⁰³ It has a slow pace and requires long term continuous efforts by the people who want to have it. Also, it is a very wide concept, which applies to many people at the same time.

Reconciliation has been defined as to the following five ways¹⁰⁴, namely, a non-racial ideology, an ideology that bridges the gap between various distinct communities, a religious ideology that emphasized on forgiveness¹⁰⁵, as an approach to human rights to prevent and regulate any violations of abuses of human rights happening in the community and reconciliation as a tool of building community relationships. It is pertinent to discuss various stages and aspects of reconciliation so as to understand the very basics of reconciliation and its effect on a country.

Non-violent coexistence to Replace Fear

When war comes to an end, the first step towards reconciliation is to achieve non-violent coexistence between the groups and individuals fighting on either side. An alternative to revenge is required to be looked at, which must be establishing and promoting peace. The mere meaning to co-existence is to live without any willingness to kill the other.¹⁰⁶ It is important to make people understand that killing is not a solution to the bad done to them and neither it will bring the dead back to life. Reconciliation is a long process, which must start

¹⁰² Kevin Avruch and Beatriz Vejarano, "Truth and Reconciliation Commissions: A Review Essay and Annotated Bibliography," *The Online Journal of Peace and Conflict Resolution* 4, no. 2 (2002).

¹⁰³ Mani, Rama. *Beyond Retribution: Seeking Justice in the Shadows of War*. Cambridge and Malden, Mass: Polity Press and Blackwell, 2002.

¹⁰⁴ Hamber B & van der Merwe H, 'What is this thing called Reconciliation?' *Reconciliation in Review*, (1998) 1(1), 3-6.

¹⁰⁵ Brandon Hamber and Steve Kibble, "From Truth to Transformation: South Africa's Truth and Reconciliation Commission," (Johannesburg: Catholic Institute for International Relations Report, 1999).

¹⁰⁶ Maria Ericson, *Reconciliation and the Search for a Shared Moral Landscape: An Exploration Based Upon a Study of Northern Ireland and South Africa* (Frankfurt am Main; New York: P. Lang, 2001)

with the very notion of peace. At each stage of reconciliation, it is pertinent to ensure change in attitude of people and their acceptance towards tolerance rather than revenge. With building of tolerance in individuals, their conduct will change and shall ensure a non-violent coexistence within the community. A second condition to non-violent existence is building a safe environment for the people to live in. A path to reconciliation cannot be build without being able to provide physical security to the people. In regards to physical security, an important role is played by local or international government or organizations working towards the welfare of the people.¹⁰⁷

Expressing mutual respect and fairness by building confidence and trust

Coexistence can help in building trust within the community. At this stage of reconciliation, it is required that there is renewed confidence and trust between the people, which can be built by enhancing fairness in actions and building respect for the people. For trust and confidence to develop without hindrance, a crucial role is required to be played by the institutions working in the state including the legislature and judiciary by ensuring fairness in their actions. This condition helps to link the policy of reconciliation towards other development process of the country and help in transmission of a violent state to a peaceful state.¹⁰⁸

Political and moral value of reconciliation

The state of reconciliation is not only good for the people to develop but is the most effective strategy in regards to the political powers. Reconciliation delves with building a state that has no conflicts or demands rather it propagates only harmony, love and unity. However, in practical considerations, no political party would want such a state and it is absolutely impossible to achieve such a state. Thus, reconciliation can be used a strategic agenda for a political party to garner support from its people and work towards such a reconciliation state. Reconciliation helps in increasing awareness of socialists' causes among the top political leaders and also helps in enforcing or modifying laws that can ensure reconciliation in the state.¹⁰⁹

¹⁰⁷ Johan Galtung, "After Violence, Reconstruction, Reconciliation, and Resolution: Coping with Visible and Invisible Effects," in *Reconciliation, Justice, and Coexistence: Theory and Practice*, ed. Mohammed Abu-Nimer (Lanham, Maryland: Lexington Books, 2001).

¹⁰⁸ John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace Press, 1997), p 30.

¹⁰⁹ Hamber, "Remembering to Forget: Issues to Consider When Establishing Structures for Dealing with the Past," p 57.

Current situations hindering national unity and reconciliation in Angola Officially, the civil war came to an end in 2002; however till today various problems in the economy of Angola persist that hinder the aspects of reconciliation and national unity. The high risk factors that hinder reconciliation in Angola have been discussed below:¹¹⁰

- Corrupt government- government plays a pivotal role in implementing as well as integrating tasks aimed at reconciliation. However, the government in Angola is highly corrupt and thereby weakens the social and economic infrastructure and also fails to garner support and trust from the public. Due to corrupt government, the grievances go in vain.
- Diamond Industry's Militarization- militarization of the diamond industry of Angola has led to consistent and habitual violations of human rights.¹¹¹
- Increase in number of refugees- the living standards of the people of Angola are already deplorable due to human rights violations and deteriorated living conditions, this is further impacted by increase in number of refugees, which is causing the economy to destabilize and enhance the scope of uncontrolled violations.
- Unequal distributions of resources- due to highly corrupt government and domestic legislations that favour corporate elite over the citizens of Angola, the resources are distributed unequally in the country. This hinders national unity as it inflicts the rage to speak against the government. Further, the expectations of the citizens go unmet since the government fails to ensure employment, adequate social infrastructure and equalized working conditions.¹¹²
- Participation of corporate in violence- by way of private security organizations, corporate houses participate in violent activities that cause conflict and tense and thereby hinder reconciliation process.

National unity and reconciliation initiatives in Angola in the post-war With the aim to integrate the process of reconciliation within the Angolan society, the government has taken various initiatives, particularly by ensuring reconciliation through the Constitution. The Constitution is the supreme law of the land and binds all its citizens with

¹¹⁰ Aleisha Stevens & David Carment, "Commerce & Conflict Angola & Diamond Works", *CIFP* (2005) <<http://www4.carleton.ca/cifp/app/serve.php/1055.pdf>> Accessed on 22 August 2016.

¹¹¹ Will Purcell, "Diamond Works Remembers its Dead in Silence" in *Stockwatch Street Wire* (November 11, 2003) <http://www.minesandcommunities.org/Action/press2_13.htm> Accessed at 20 August 2016.

¹¹² Christian Dietrich. "Power Struggles in the Diamond Fields" in Jakkie Cilliers and Christian Dietrich eds., *Angola's War Economy: The Role of Oil and Diamonds*, (South Africa: Institute for Security Studies, 2000) pp. 176.

the principles and rules mentioned under it. Thus, the legislature of Angola has attempted to infuse the ideas of reconciliation within the Constitution so that the same could not be ignored.

National amnesty - Article 244 of the Constitution of the Republic of Angola Article 244 of the Constitution of Republic Angola is the last Article and it is regarding national amnesty. As per this Article, in regards to crimes against security of the state, military crimes and other related crimes there shall be amnesty. The crimes would also include those committed by agents of security forces, military personnel and other public order forces. The crimes may be committed in any form but must be within the context of military and political conflict, which ended in the year 2002 putting an end to the Angolan civil war. Amnesty means a grant of official pardon, given to the people who have been convicted of various political offences. The main aim of this article is to ensure reconciliation and that the economy of Angola can move forward by giving pardon to the criminals of the war.

Commitment to reconciliation in the Constitution of the Republic of Angola – Preamble

The preamble in the Constitution of Angola clearly states that the culture of Angolan society is that of tolerance and they are profoundly committed to the concepts of reconciliation along with justice, equality and development. It is clear that the society of Angola has faced a lot of trouble, from the war for freedom for colonial power of Portuguese to the war of power struggle within the national parties causing civil war, all of which came to an end in 2002. Thus, now the people have become tolerant and have committed themselves to reconciliation.

The search for truth, justice, forgiveness and healing

Truth, justice, forgiveness and healing are integral components for reconciliation. For the process of reconciliation to work effectively and ensure a better living to the people, it must first focus on implementing higher levels of healing, forgiveness, justice and truth amongst the people. With this aim in mind, the Truth and Reconciliation Commission was established in Angola, following the South African example.

Is it helpful to have the truth and reconciliation commission for the Angolan context?

The Truth and Reconciliation commission (TRC) in Angola could have been successful only if it was suggested and supported by the leading party as well as the Parliament.¹¹³ It is helpful to have this commission in the contest of Angola because: Firstly, it shall help in telling the government about the activities that were against the nation and welfare of all but were still done by them; Secondly, since the main aim of the commission will not be to conduct a trail and hunt the wrongs did by government, thus it can focus on healing people and helping them recovering from their past traumatic experiences; and Thirdly, the commission shall help in granting amnesty to such perpetrators who have been decreed without being able to received forgiveness from the people. Further, with proper working of this commission, it can be ensured that none of the violent past activities is repeated in the future.¹¹⁴

The case of South Africa

The TRC was first established in the South Africa so as to implement reconciliation efforts and secure livelihood for the people affected from long regime of Apartheid¹¹⁵. The TRC helped in opening tombs for the dead people and raised them to life. The people living in extremely poor conditions realized that they had the right to live in new and better conditions and the government is still on acting on their needs.¹¹⁶ However, in South Africa the objectives of TRC are only partially achieved because even today it has not been able to rehabilitate wounded people completely and there are many perpetrators, who have not even been prosecuted.¹¹⁷ The initiatives of government changed in regards to prosecution of perpetrators. Further, the TRC failed to bring a positive attitude in regards to discrimination between the black and the white. Even till today, material inequalities and racial tension has not been addressed in South Africa.¹¹⁸

¹¹³ EBSCO, 2005. "Republic of Angola". In the Background Notes on Countries of the World (2005).

¹¹⁴ Masango M., 2005. "Reconciliation: A Way of Life for the World", In *Verbum et Ecclesia*, vol. 26(1), Pretoria

¹¹⁵ Verdoolaege, Annelies & Kerstens, Paul. 2004. "The South African Truth and Reconciliation and the Belgian Lumumba Commission: A Comparison", In *Africa Today*, Spring 2004, vol. 50, issue 3.

¹¹⁶ Meiring, Piet 1999. *The Chronicle of The Truth Commission, A Journey through the Past and Present – into the future of South Africa*, Carpe Diem Books, Venderbijlpark, Johannesburg.

¹¹⁷ Maluleke, Tinyiko Sam, 1997. "Truth, National Unity and Reconciliation In South Africa: Aspects of the Emerging Agenda", In *An African Challenge To The Church In the 21st Century*, Ed. Mongezi Guma Leslie Milton, Publisher, South Africa Council of Churches, Cape Town.

¹¹⁸ Mbiti, John S. 1991. *Introduction to African Religion*, Heinemann, Nairobi

The urgent need for building mutual respect and political acceptance in Angola

In terms of reconciliation, a serious obstacle is mutual mistrust between the citizens and the government of Angola. The principle of reconciliation was implemented even in the Lusaka Protocol, wherein under Annex 6, General Principle 5, it was stated that it is pertinent for all the Angolans to forget and forgive the offences committed by perpetrators which led to the conflict and thereby focus on building more confidence and tolerance so as to uphold the spirit of National Reconciliation. However, with rampant abuse of human rights violations, political killings, selfish approach of the political parties and their illegal activities enhancing discrimination between rich and poor has led to decrease in respect and political acceptance. Therefore, the political parties must strive way to ensure respect among the citizens and follow the principles of democratic government. Further, efforts must be made to reduce violation of human rights, punish the offenders, and reduce corruption and discrimination.

CHAPTER 4: Guarantees of Fundamental Rights and Freedoms of Citizens in Angola

The concept of human rights

The main concept of human rights is that every human being is born with rights¹¹⁹ and dignity and these moral claims of human life are inalienable and inherent in every human being by virtue of them being humans irrespective of any other consideration including caste, gender, creed, sex, religion, etc. Human rights have been defined as such minimum rights, which the State grants to every individual by virtue of the person being a human.¹²⁰ As per the UDHR, human rights are such rights that are delivered from the inherent dignity of the person who is a human. Human rights are also the fundamental rights because they are guaranteed to all individuals by the State in their written constitution, which is the fundamental and supreme law of the state.¹²¹

Current human rights situation in Angola

There is rampant violation of human rights in Angola in regards to violation many Articles under the Constitution, which determine fundamental rights and citizens. Outspoken journalists have been continued to be target by the government by disturbing them with arbitrary arrests, intimidation, criminal defamation lawsuit, surveillance, unfair trails and harassment. Even peaceful protests against government and gatherings are stopped by the police officials by usage of excessive force and engaging in arbitrary arrests.¹²²

Government also took part in evictions of mass force living in Luanda, the capital city and in other cities also continued to evacuate various street traders including women with children and pregnant women.¹²³ There are repeated cases of intimidation, harassment and pervasive surveillance on outspoken activities of human rights, human rights lawyers, journalists and youth activities by the intelligence agents as well as police.

¹¹⁹ United Nations, “Human Rights: A Basic Handbook for UN Staff”, *Office of the High Commissioner for Human Rights* <<http://www.ohchr.org/Documents/Publications/HRhandbooken.pdf>> accessed on 25 August 2016.

¹²⁰ Prof. Manohar R. Wadhawani, *The Philosophy and Practice of Human Rights* – Chetana Publishers, (2003).

¹²¹ Nirmal C.J. *Human Rights in India*, Oxford University Press.

¹²² “Angola: End Violence Against Peaceful Protests,” Human Rights Watch news release, (2011), <<http://www.hrw.org/news/2011/12/07/angola-end-violence-against-peaceful-protests>> accessed on 25 August 2016.

¹²³ Human Rights Watch, “Human Rights Issues Regarding Angola Submitted by Human Rights Watch to the UN Human Rights Committee” (2013) <http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AGO/INT_CCPR_NGO_AGO_14330_E.pdf> accessed on 25 August 2016.

The freedom of expression is merely of papers and this right is highly restricted in its practical implementation due to self-censorship in regards to state media and excessive control of ruling party on the private media. The main channels which have open up for debate include social media platforms and internet blogs.¹²⁴

Other degrading human rights conditions persistent in Angola include excessive, cruel and degrading punishment, beatings and torture, overcrowded prisons and life threatening conditions of prisons, restrictions on freedom to speech, association, press and assembly¹²⁵ and high levels of corruption. Further, the government has been involved in unlawful or arbitrary deprivation of life, arbitrary arrest and detention, lack of implementation of due process, inefficient working of judiciary, lengthy detention during pre-trials, restrictions on NGOs and media, forced evictions without compensation, trafficking of persons, impunity for abusers of human rights, forced labour and limits and restrictions on the rights of the workers.¹²⁶

However, the government has taken various steps to punish the offenders, these initiatives have failed to ensure fulfilment of the rights and duties guaranteed under the Constitution as discussed in the section below.

Fundamental rights and freedoms of citizens based on the Constitution of the Republic of Angola:

Article 30: Right to life

Article 30 of the Constitution states that it shall be the duty of the State to protect as well as respect human life and such duty is inviolable. This means that at no point of time the State can infringe its duty to protect and respect the human life. The State cannot involve in any activity that threatens the life of citizens of Angola. Right to life must be protected in all respects and thus this can be extended to the matter of public health also. Thus, the state must

¹²⁴ Human Rights Watch report, “Angola’s Upcoming Elections: Attacks on the Media, Expression and Assembly,” (2012) <<http://www.hrw.org/reports/2012/08/01/angola-s-upcoming-elections>> accessed 25 August 2016.

¹²⁵ “Angola: Stop Repression of Anti-Government Protests,” Human Rights Watch news release, September 5, 2011, <<http://www.hrw.org/news/2011/09/05/angola-stop-repression-anti-governmentprotests>> accessed on 25 August 2016.

¹²⁶ Country Reports on Human Rights Practices for 2015, United States Department of State, Bureau of Democracy, Human Rights and Labor < <http://www.state.gov/documents/organization/252861.pdf>> accessed on 25 August 2016.

perform such activities that can ensure reasonable living of the citizens of Angola. Further, this also means that death penalty as a punishment has been outlawed with this Article.¹²⁷

Article 23: Principle of equality

The principle of equality under Article 23 states that in the eyes of law and under the Constitution everyone shall have equal status and thereby shall be treated equally. People shall not be privileged, discrimination, deprived of any right granted under the laws in force, exempted from certain duties due to sex, ancestry, race, colour, ethnicity, language, disability, place of birth, political, religious, philosophical or ideological beliefs, professional or social status, level of economic or education.

Equality means there shall be no discrimination between individuals on any basis. Further, the laws shall be equally applicable to all the individuals regardless of their status or identity in the society. Equality is the main stump for reconciliation because while moving into various phases of reconciliation it is pertinent to guarantee equal protection to the individuals.

Articles 2, 12, 17, 49, 50, 71: The need of protection of fundamental rights and freedoms

Article 2 states that Angola is democratic and sovereign state, which follows the doctrine of rule of law. Further, the Constitution is supreme and the principles of separation of powers, national unity, interdependence of functions, representative and participatory democracy and pluralism of organisation and political expression are well integrated within it. The state shall ensure that basic human rights and individual's freedom is promoted as well as defended and social organizations are respected.

Article 12 states that international obligations shall be respected and implemented within the laws of the country so that friendly and cooperative relations could be established with all States. Further, protection of cultural heritage shall be done along with protection of people from foreign military establishments.

Article 17 states that the political parties must compete as is done in a pure democracy. Further, the main aim of the parties must be to implement plans for the development and advancement of society.

¹²⁷ African Minds, "Policing and Human Rights: Assessing southern African countries compliance with the SARPCCO Code of Conduct for Police Officials", *Human Rights Monitoring* (2012).

Article 49 provides for freedom relating to conduct profession and business and thereby form associations for the same. To the people who are self employed or under professions have the freedom to form professional associations under this Article.

Article 50 provides freedom to form trade unions. The trade unions can be made to defend the individual as well as collective interests of the workers of an organization. Further, these unions can exercise their right to social dialogue as well in regards to violation of fundamental human rights. These unions shall be independent from the state as well as their respective employers.

Article 71 states that if an expatriate citizen or foreign national is persecuted due to political reasons, then such person shall have the right to seek asylum as per the international instruments and national laws in force.

Article 52: Right to participation in public life

Under this Article, every citizen of the nation is guaranteed a right to participate in matters of public affairs and political life either directly or by being an elected representative. Further, even citizen has the duty to abide by the law, consider the Constitution to be supreme and respect the freedoms, fundamental rights and guarantees given by the Constitution.

Article 47: Freedom to meet and demonstrate

All the citizens are guaranteed the freedom to hold assembly in a peaceful and unarmed manner. Further, citizens can discuss their views in such assemblies without seeking for permissions from any authorities or under any law. However, it is pertinent to serve notice before appropriate authorities prior to holding such public assemblies, demonstrations or meetings.

This Article ensures implementation of the right to freedom of association and movement and helps in building a true democratic society by ensuring that the people can have their say in public on topics related to public good. Further, these assemblies can be held by political parties to voice their views or even by other organizations so as to speak to the public. Demonstrations can be done in any manner but there should not use of any arms and such demonstration should be peaceful without harming the general public.

Article 48: Freedom of association

This article ensures that the citizens of Angola are free to form associations. These associations can be formed without taking any permission from the authorities but these must not violate any democratic principles and should be in accordance to the terms of the law. The objectives of such associations shall not hindered or interfered by any public authority and further neither these associations can be dissolved or suspended, except in situations where they become illegal or unlawful. Only such associations which are against the law, contrary to the constitution, promote unlawful activities or are military associations shall be prohibited by the authority

These associations ensure that the citizens have right to speak in public and for the purpose of same they can form associations. The main of associations is to ensure protection of individual as well as collective interests. The rights given to business or professional association and trade unions, as discussed above ensure implementation of this right guaranteed to the citizens.

Article 40: Freedom of expression and information

This right is guaranteed to everyone in Angolan. The right is to freely express, share ideas and opinions and publicize thoughts through the medium of words, images or other sources. Further, with this right to express is also the right to inform others, themselves and the right to be informed without any type of discrimination or hindrance. No censorship has the power to limit or obstruct any type of right or freedom to express. Thus, this is an absolute right guaranteed under the Constitution. This right also covers the right to privacy, which must be respected while making expression or furnishing information. Privacy, reputation, family life, professional, legal and secrecy and other protections must be considered while exercising the right guaranteed under this Article. A person contradicting other law while exercising right guaranteed here shall be liable for penalties under criminal, civil or disciplinary laws. Further, this right also includes the effective and equal right to reply, make corrections and compensate for the loss suffered to all body cooperates and individuals.

Article 46: Freedom of movement

This Article deals with the freedom to establish residence in any area within the territory of Angola, except where certain territories are prohibited under the Constitution in consideration of national of environmental interests. Further, the citizens are free to move across the borders of the country and emigrate to any foreign national. Further, if such a citizen who has

moved out of the country wished to come back, then he is required to fulfil certain duties established by law. This freedom of movement, emigration and residence is granted solely to the citizens of the country of Angola.

Articles 21, 22, 35, 76, 80: Prohibition of discrimination and intolerance Article 21 mentions the fundamental tasks of the State of Angolan. These tasks vary from securing territorial integrity to promoting eradication of poverty and equal rights. A huge list of duties towards the State has been listed under the Article, which is mandatory to be performed by the State. The main essentials of a democratic government are mentioned under this list as duties of the State to be performed towards its citizens and other people living in the country.

Article 22 contains the principle of universality. As per this principle, the rights, guarantees and freedoms enshrined in the Constitution shall be equally enjoyed by everyone. Further, everyone shall also be subject to the adherence and fulfilment of duties mentioned in the Constitution. The duties are in relation to society, family, state and other legal institutions.

Article 35 provides that essence of social organization lies in family and thus it must be subject to protection by the state. A family may either be based on marriage or union between two opposite sex. People have the right to live and find their families and equal status shall be regarded to men, women and children within the families. The requirement, effect and dissolution of marriage as well as union shall be regulated by the law.

Article 76 states that it is not only the right but also a duty to work and every worker shall have certain rights. The health and other aspects of workers shall be regulated by the State and thereby the State shall maintain adequate standards of working in the country. To ensure right to work, State must implement policies that are capable of generating work, promote equal opportunity and provide development to the workers. It shall be illegal to dismiss any worker without a reasonable or fair cause, consequent to which the employer shall be held liability to compensate as per the terms of the law.

Article 80 deals with children and their rights. The family, society and state must work together to ensure that special focus and attention is given to the children so that their needs can be identified and worked upon. Further, no child should be subject to any form of discrimination, neglect, oppression, abuse of authority or exploitation anywhere. Interest of children must be secured and safeguarded by the authorities as their prime objective. Further,

minors living school age cannot work in any circumstances and thereby are forbidden to work. Adoption, integration to family environment and striving full development in children shall be regulated by the State.

Articles 60, 70: Ban on torture and degrading treatment

Article 60 expressly bans any kind of torture, inhuman, degrading or cruel treatment or forced labour to anyone in the country. Further, Article 70 deals with extradition and deportation. No Angolan citizen can be deported or extradited from the national territory of Angola. If such acts are done, then the guilty shall be punished even with death penalty. The conditions and requirements for expulsion of foreigners and extradition shall be governed by the law.

Article 67: Right to a fair and appropriate trial

Article 67 provides various rights that are guaranteed to the people of Angola while they face criminal proceedings. These rights are provided as per the principles of natural justice and other jurisprudence common to various democratic states. These rights include, right to legal aid, right to valid defence and legal representation, right to be presumed until other proven guilty or the sentence becomes *res judicator*, right to defend the case and right to receive visits from family, lawyers, etc and the right to appeal before a higher court.

Article 36: Right to physical and personal security

This Article provides the right to physical freedom and personal security. This right is guaranteed to everyone. Further, it is in sync with the right to freedom and thus it cannot be taken away until otherwise expressly provided in the law and the Constitution. This right ensures that a person is not subjected to any type of violence and torture from another, there is full enjoyment of mental and integrity by the person, the right to control and protect one's body and the right to be not forced for any type of scientific or medical experiment.

4.5 Strengthening fundamental rights and freedoms in Angola based on relevant documents:

The courts and legislation of Angola have sorted to implement various international instruments including the Covenants to which Angola is a state party. A special emphasis has been given to the Universal Declaration of Human Rights (UDHR) as well as the African Charter on Human Rights. The rights and duties enshrined under these two international instruments are well placed within the legal framework and the Constitution as discussed above, particularly the right relating to protection and promotion of various civil and political

rights of the individuals. Further, there are laws which uphold protection of children (Article 80) and principle of equality (Article 23).¹²⁸

However, from the above evolution of the condition of human rights it is clear that these rights exist only in paper and there is rampant abuse and violation of human rights in Angola. The citizens are deprived of their basic right to free speech and expression and formation of peaceful assemblies. Even when the principles of UDHR are integrated in the Constitution, they are of no use because the Constitution is not regarded to be supreme and is rather suppressed under arbitrary acts of the authorities and government officials.

¹²⁸ United Nations Human Rights Office of the High Commissioner, 'Human Rights Committee considers report of Angola', (2013) <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13149&LangID=E>> accessed on 25 August 2016.

CHAPTER 5: Essential Recommendations to improve Human Rights Promotion and Protection in Angola based on Reports of Relevant Entities

Reports of government entities

European Union

In regards to the external relation policy formulated by EU, human rights and democracy play a pivotal role. EU considers democracy to be the most appropriate form of government through which the people of a society can claim and implement their social, civil and political rights without any hindrance. EU proposed a Joint Action Plan for Angola as a recommendation to improve human right conditions in the country. This action plan addresses the crucial relating to human rights policy and focuses on enhancing commitments so as to achieve the proposed objectives. The Plan focuses on the five strategic areas, which must be considered in Angola in a bid to reduce abuse of human rights and establish peace:¹²⁹, the strategic areas are as follows: boost and advocate the strategic role played by local actors, especially media and NGOs; address the main challenges of human rights as per official statistics and records posted by independent organizations; implement a comprehensive approach to human rights that is able to combat conflicts and crisis prevent between the community and the government; Foster consistency and coherence of the policies already made; and focus on ensuring effectiveness in actions and implementing a result based culture in regards to democracy and human rights. These strategic actions seek to build a “Human Rights package”, which should be followed in Angola so as to ensure peace and build reconciliation in the society.

Reports of intergovernmental bodies

United Nations Human Rights Committee

The government of Angola was called by the UNHCR to amend as well as strengthen the access to rights guaranteed to the citizens under the Constitution as per the draft report on Universal Periodic Review (UPR) from its Working Group. Based on the findings of the report, the following recommendations were made in respect of the Angolan humanitarian

¹²⁹ European Commission, “EU Proposes new Joint Action Plan on Human Rights and Democracy”, Press Release, Brussels (2015), < http://europa.eu/rapid/press-release_IP-15-4893_en.htm> Accessed on 25 August 2016.

crisis:¹³⁰ First, the right and freedom to express in the State must be improved. This can be done by decriminalising offences of press, enhancing the freedom of media, focusing on concepts of plurality and improving conditions for the practitioners of media; second, a comprehensive Freedom Information Action Implementation Program should be formulated in Angola by inviting ideas from the civil society organizations. The program must have strict time frame and authorities to ensure its implementation; and third, there must be amendments in the Freedom of Information Act, in consultation with the organizations of civil society so that regional and international standards can be followed.

5.2.2. United States Institution of Peace

The USIP focused on integration of NGOs both national and international in the process of building peace and reducing violations of human rights in Angola. The main aim of these NGOs should be to: promote contract and interaction within the communities and the government, enhance the role of media as the peace making authorities and using various sources of media to build as well as promote peace, organization discussions to analyse various policies relating to issues of peace and human rights violations, providing adequate train to the staff and volunteers of NGOs to ensure peacemaking skills in them, train individuals as mediators to handle disputes and conflicts, promote fact finding and monitoring peace activities, foster aspects of grassroots economic development and advocate peace by engaging in educational campaigns in schools and societies.¹³¹

Reports of international non-governmental entities

Amnesty International

Due to absence of political standards, there have been human rights abuses in the country. The country needs to confront in past and ensure the people that such violations shall not be occur in future. The recommendations by Amnesty International state that the state must take immediate actions so that a minimum framework of action can be implemented with a view to protect human rights as a part of peace keeping operations in the country. Further, the international community must participate while pressuring the political parties to act and safeguard the human rights of its citizens. The most crucial aspect while implementing the

¹³⁰ MISA, “MISA welcomes UNHCR recommendations to Angola to amend and implement its national access to Information Law”, Namibia (2014) <<http://misa.org/media-centre/press-releases/misa-welcomes-unhcr-recommendation-to-angola-to-amend-and-implement-its-national-access-to-information-law/>> accessed on 25 August 2016.

¹³¹ CSIS Africa Notes, March 1996, See in, David Smock, ‘NGOs and the Peace Process in Angola’, Special Report by United States Institute of Peace (2000).

framework of protection of human right is the implementation of independent effective and impartial mechanism that is given the responsibility to protect and monitor human rights and implement a comprehensive program that promotes human rights in the country. The political parties must make public announcements that any abuse of human rights shall not be tolerated at level. This would help in accelerating and assisting the process of mitigating human rights violations in the country.

It is most important for the political leaders to be bound by the strict adherence of principles of human rights as per the Constitution, international treaties and other laws. Further, even suspects of human rights violations should be brought before the law to face severe punishment. The authorities must take help on NGOs to ensure awareness and education about human rights and their violations in the community. This shall help in making people realize their rights so that they voice against atrocities and arbitrary acts of the authorities done in violation of human rights.

Peace and reconciliation can help in confronting the legal of human rights abuse followed in Angola. It is pertinent for the officials to express the truth and come before the people and thereby take responsibility of their wrongful activities. A way through which peace and reconciliation can be established in Angola could be by holding a national consultative conference, wherein people from all varied communities and ethnic groups, legal journalists and NGOs should be invited so that discussions can made and the best possible solutions to evade the problem can be concluded. ¹³²

Human Rights Watch

The government under dos Santos has continued to violate human rights irrespective of new pledges and constant watch by international organizations. Human Rights Watch conduct timely review and analysis of the human rights situation in Angola so as to ensure preventive actions can be taken collectively by the country and other international actors. In respect to the current crisis, it has recommended that it is pertinent to focus on implementation of already enacted laws in the Constitution. The Constitution is well drafted and incorporates all rights, which are sufficient for sustenance of people without any violation or infringement of basic human rights. However, these rights are not implemented in reality and there is huge violation of various rights, especially those pertaining to freedom of expression of civil society organizations, right to peaceful assembly and freedom of movement. Further, the

¹³² Amnesty International, “Angola: From war to... what? No reconciliation without accountability” (1996).

country lacks access to basic facilities, which deprives the rights of the individuals to life as mentioned under Article 30. Thus, the main focus should be to integrate an effective and impartial judiciary, ensure separation of powers and giving authority to media and NGOs to intervene in the process of eradication of human rights.¹³³

¹³³ World Report 2015: Angola' (Human Rights Watch) <<https://www.hrw.org/world-report/2015/country-chapters/angola>> accessed 5 August 2016; 'World Report 2016: Angola' (Human Rights Watch)<<https://www.hrw.org/world-report/2016/country-chapters/angola>> accessed 5 August 2016

Conclusion

The country of Angola has been subjected to the longest running conflicts in the region of Africa. Originally the country was a battleground to dispose of colonial rulers but later it showcased the battle between the superpowers during cold war. These conflicts were instigated by international actors considering high yielding revenue economy of the country, which was fuelled by diamonds and oil. The people of Angola were severely hit by the long war with displacement of more than 4 million people internally in the country by early 2002 and more than 450,000 people living as refugees in the neighbouring countries. There was forced displacement due to increasing attacks by the rebel groups and government to counter insurgency activities, which led to the creation of the largest humanitarian crisis of mankind during the 1990s. The international community actively participated to reduce the ill effects of humanitarian crisis by imposing protection and promotion of human rights in the country. However, the human rights were weak in implementation due to no support from the political parties of Angola to establish them in the country.¹³⁴ The citizens of Angola have access to all fundamental rights and freedoms under the Constitution and by way of numerous other international instruments. Even the international treaties have been well integrated within the legal order and national laws so as to ensure their implementation. However, the current practice and standards show that these documents have been a waste in guaranteeing human rights and other fundamental rights to the citizens. This incompatibility is due to variety of reasons including the existence of the idea that human rights are not compatible in Angola, a country with religious and cultural differences and ethnicity.¹³⁵ Further, the rulers in Angola used the method of violation of rights to ensure their superiority before the State and imposition of will so as to perpetuate and cement their powers. This also acted as a huge hurdle in establishing of democratic process in the country.

This thesis attempts to analyse and evaluate the process of national reconciliation in Angola. For this purpose, the situation of Angola has been examined in detail in regards to the civil war, role of various actors in the civil war, the impact and consequences of civil war, violence of human rights, the process of reconciliation and its implementation in Angola, constitutional provisions for ensuring protection and promotion of human rights and recommendations made by various authorities on how to battle the current conditions in

¹³⁴ Andrea Lari and Rob Kevlihan, 'International Human Rights Protection in Situations of Conflict and Post-Conflict- A case study of Angola', *African Security Review*, Vol. 13, No. 4. Pp-28-42, (2004).

¹³⁵ Maria Lúcia Da Silveira, 'Human Rights and Social Change in Angola'(2014) 11(20) *SUR - Intl J On Human Rights* 212

Angola. From the above analysis it is clear that Angola needs the process of national reconciliation to be implemented as a ground reality on urgent basis. This idea should not be fused with the political strategies of leaders rather actually initiated to mitigate abuse of human rights. The constitutional provisions and mandate of laws are sufficient within the context of Angola to ensure zero violation of human rights but there requires implementation of these principles.

It is clear that the people of Angola have to fight for their rights and fight for actual implementation of a democratic government, where all essentials of a democratic society are well observed. Apart from that, the government actors must become puppets in the hands of citizens rather the vice versa situation which is quite observed in the present scenario. The people must hold greater control and influence over the political parties, since they are the voters and it should be their will to appoint any party to power. Further, a greater emphasis should be on process of reconciliation, actual protection of human rights and under fundamental rights guaranteed under the Constitution. The international organizations and NGOs should work effortlessly in ensuring that the citizens have access to their basic fundamental rights not only on paper but also in practical terms. The process of National Reconciliation is the sword to establish peace and harmony in the country, provided it is well used by the citizens of the country with the aid of unselfishly working organizations.

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