

Accountability on the Move The Parliament of Angola

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1 Introduction¹

According to the constitution, Angola is a multiparty democracy, with power separated between the executive branch (the President), the legislative branch (the National Assembly or Parliament), and the judiciary. The *Assembleia Nacional da República de Angola* (National Assembly of the Republic of Angola) is a 220 member unicameral national assembly, with 12 political parties represented.

At the same time, Angola is a presidential system to an extreme degree. There is little to no Supreme Court influence on the government, and the Parliament has a very weak mandate, it has relatively little autonomy and it has a weak institutional capacity. Besides, the electoral system, the current party constellation, and the political culture are factors rendering support to presidentialism in Angola.

1.1 History of the Angolan Parliament

The history of the Angolan Parliament is quite short. Prior to the establishment of the National Assembly in 1991-92, there was a very passive 'Peoples' Assembly', passive because it operated in a single-party system and was subjected to the dominance of the single ruling communist party MPLA, which placed itself above all state institutions. The political role of this People's Assembly was completely overshadowed by the MPLA Party Congress, Central Committee and Political Bureau, and indeed – the President of the Republic (who was also the MPLA President).

The Angolan Parliament was established through constitutional changes in 1991, which made it into a multiparty parliament (a National Assembly), and it was elected in September 1992. The democratic reforms of 1991-92 came after the end of the cold war, after MPLA formally abandoned Marxism-Leninism at its third congress in late 1990, and coincided with the negotiated Angolan peace accords at Bicesse of May 1991.

The Bicesse peace accords temporarily settled the 15 years civil war in Angola, a civil war with international links, opposing (mainly) the ruling communist MPLA government (underpinned by Cuban soldiers, and with the Soviet Union in the back) with the opposition UNITA (supported by apartheid South Africa with the USA in the back). The political reforms were a part of the peace process in Angola, and coincided also with similar democratic developments in a number of other African countries. The watershed elections in 1992 brought Angola formally from a (communist) single party rule to a democratic, multiparty political system.

The political reforms included two constitutional revisions, new laws on associations, the press and political parties, and lead to the establishment of a number of new organisations, independent newspapers, radio stations and political parties.

However, with the quick resurgence to civil war in 1992 (which lasted to 1994), the majority of the deputies elected from the second largest party UNITA did not take up their seats until 1997, five years after their election, when a new agreement between the belligerents formed a Government of

¹ This CMI Working Paper is one of the publications of a NORAD funded institutional research agreement between CMI, Bergen Norway, and A-IP, Angola Instituto de Pesquisa Económico e Social, Luanda, Angola . Inge Amundsen is a political scientist and senior researcher at the Chr. Michelsen Institute, Bergen, Norway. Cesaltina Abreu is a sociologist and researcher at A-IP. Laurinda Hoygaard is an economist and lecturer at the Universidade Lusíada, Luanda, Angola.

National Unity, GURN, which also included UNITA members. From its election in 1992 until 1997, the reformed Parliament therefore worked almost as under the Peoples' Congress period, totally dominated by the MPLA. The parliamentary process was again interrupted by a second war period from late 1998 to early 2002.

In November 1996, the Parliament extended its term 'for a minimum of two years to a maximum of four years'. From 2002 onwards, the lack of security, the returning of displaced persons, the existence of land mines etc. have precluded any new election, so the Angolan Parliament is consequently still operating on the basis of the 1992 elections plus this (self-made) mandate extension. The Angolan Parliament is therefore increasingly being regarded as having no formal mandate and to be operating without a legal basis.²

The recent political history of Angola is thus one of political centralisation and recurring civil war, which has contributed little in terms of democratic traditions on which to build a democratic parliament. A political culture of conflict, of administrative secrecy and confidentiality, of clientelism and favouritism (including co-optations: the buying off of political rivals) has furthermore weakened the political basis for a democratic parliament.

1.2 The analysis

The purpose of this analysis is to examine the legislative power in Angola, to make an assessment of the political role of the Angolan Parliament in a post-conflict democratisation setting. We will analyse the development of the institution since the introduction of multipartyism and the first, constitutive parliamentary elections in 1992, in order to assess how the Parliament fulfils the ideal role of democratic accountability.³

The background for this study is the African political transitions of the early 1990s, which were expected to curb executive dominance and democratise the continent. In the course of the 1990s, 42 of the 48 states in sub-Saharan Africa held multi-party elections, in many cases accompanied by the establishment or reform of core state institutions like the parliament and the judiciary in order to guard against abuse of power. But despite widespread democratic reforms, executive dominance is

² Already in 2001 did President dos Santos announce that new elections would be held in less than two years (and that he would not himself seek re-election). In 2004, this was repeated, and elections promised. New elections will, however, according to the Government, require a new constitution, a complex voter registration exercise (most of the adult population have no identity cards, further complicated by population displacements, the breakdown of local administrations, and land mines). The practical excuses for postponing the elections are nevertheless losing weight as time passes and the needs for democratic credentials are increasing.

³ Democratic accountability can be defined as a situation where 1) the political power-holders carry out their mandate and exercise their powers in a way that is *transparent*, in the sense that it enables other institutions – and the public – to see what is actually done, and assess whether it is in accordance with the mandate and the relevant norms and rules; 2) the power-holders are *answerable* in the sense of being obliged to provide reasons for their decisions in public, which also implies an element of *responsiveness*; and 3) there are *institutional checks or control mechanisms* in place to prevent abuse of power and ensure that corrective measures are taken in cases where the mandate is contravened or rules are violated. In short, there is accountability when there are institutions with the ability to say 'no' to the executive and make it stick. A working definition of 'democratic accountability' emphasising these elements can be found in The definition of accountability is found in Gløppen and Rakner: "Checking the State; Exploring Accountability Institutions in New Democracies", CMI WP (forthcoming 2005).

still the norm in most African political systems; and the many institutions and reforms implemented have in most cases been relatively impotent.⁴

The background is also the long academic discussion on the role of presidentialism in Africa's development. Presidential political systems can in themselves be relatively democratic⁵, but much of Africa's presidentialism is highly problematic, because presidentialism here implies the concentration of political power in the hands of one individual, clientelist pyramids and factional networks, personality cults and the lack of checks and balances.⁶

By looking at democratisation in Angola in terms of the democratic accountability of the Parliament, we seek to shed light on the interaction between the various institutions of government, emphasising aspects of separation of powers and the functioning of institutional checks and balances. We will see whether the Parliament is able (powerful enough, willing and competent) to counteract the executive dominance, in terms of the legal mandate, organisation and institutionalisation of the parliament. Furthermore, we will try to identify instances/cases where the executive is or is not constrained by operative accountability-relations, by looking at two basic processes: the passing of legislation and the passing of a national budget; and one significant event: the special sessions of Parliament during the summer of 2004.

1.3 The methodology

The methodology used for this case study on the Angolan Parliament is threefold. First of all, the study is based on a review of existing literature and written sources (in particular official documents and press reviews). Secondly, it is based on a survey addressed to 22 Members of Parliament. This survey covered 10% of the MPs, and was a representative selection of MPs in terms of political affiliation (parties; although the smaller parties were over-represented in this sample), parliamentary commission membership, gender, and national/regional representation.⁷ Thirdly, the study is based on qualitative (exploratory and in-depth) interviews with about ten MPs, and additional interviews with party officials, representatives of state institutions, civil society organisations and the media.

Although the survey covers about 10% of the MPs, considerable difficulties in obtaining answers points to some characteristics of the Angolan political climate and culture; a lack of democratic political traditions, including no tradition of transparency, deliberation, criticism and discussion. This can be explained by years of colonial rule followed by a totalitarian regime and civil war in the post-independence era. Even today, there is a feeling that there is no point in expressing your opinion and a tendency of suspicion, reluctance and withdrawal. There is even some fear of

⁴ According to Chabal and Daloz, "In most African countries, the state is no more than a décor, a pseudo-Western façade masking the realities of deeply personalized political relations. There may well appear to be a relative institutionalization of the main state structures but such bodies are largely devoid of authority" (Chabal, P. & Daloz, J-P: *Africa Works. Disorder as Political Instrument*. London, 1999, James Currey/Indiana University Press; page 16).

⁵ In political science, the distinction is usually made between presidential and parliamentary democracies (sometimes with hybrids like semi-presidential, semi-parliamentarian, presidential-premier and other systems in-between), between presidential systems which are systems of dual legitimacy (president elected by the people and controlling the executive branch including government), and parliamentarian systems in which the president (and government) is dependent on the legislature. In other words, pure parliamentarianism is a system of parliamentary domination, a system of lesser distinction (balance of powers) between president and parliament.

⁶ See Bratton & van de Walle: *Democratic Experiments in Africa*. Cambridge 1997, Cambridge University Press.

⁷ The survey questionnaire is attached in appendix B.

retaliation and suppression. The 'politically possible' and official standpoint was therefore sought and reiterated, a tendency also reflected in the survey results.

2 Regulation of Parliamentary Authority

Formally, the *Assembleia Nacional* (National Assembly) is a 220 member unicameral national assembly, with 130 members by proportional representation and 90 members from provincial districts.⁸ The deputies are furthermore representing 12 political parties,⁹ and 36 of the deputies are women.

2.1 Presidentialism in Angola

By looking at the mandate of the Angolan Parliament, its formally assigned powers, tasks and responsibilities according to the constitution and formal regulations,¹⁰ Angola displays the features of a strong presidential system at several levels.

First of all, presidentialism is displayed in how the government is composed. The President of the Republic and the National Assembly are elected in separate elections, for fixed terms of office. The President of the Republic is elected in direct elections for a five year term, and the Government with its ministers and vice ministers are all nominated (appointed and can be dismissed) by the President. Furthermore, the President is effectively the Head of Government (presiding over the Council of Ministers). The President cannot be voted out of office by parliamentary vote of no confidence or censure, and there is no premier (Prime Minister) or cabinet (with executive functions) which is subject to the confidence of the legislature. This constitutional fact is the basis for placing Angola formally in the group of purely presidential systems on the scale from parliamentary to presidential countries.

This is contrary to the official Angolan claim that the country is semi-presidential, due to the fact that there is a prime minister. We will still hold that Angola is purely presidential, because throughout most of the years 1999-2004 there was no prime minister, and although there is a Prime Minister today, he is not the Head of Government and he is subject to the President's exclusive powers to nominate and dismiss.¹¹

The President chooses the Government (the cabinet or Council of Ministers), as well as the Prime Minister independently of the Parliament. The President, without any parliamentary consultation,

⁸ Officially there are 223 deputies elected on the basis of a direct and universal scrutiny. 90 deputies are elected (proportionally from party lists) from 18 multi-member provincial constituencies (4 or 5 seats for each province), 130 deputies are elected (from party lists) from the national constituency (the entire country), and three deputies are elected from multi-member constituencies representing the Angolan community living abroad (two in Africa and one for the rest of the world). The three latter were not elected in the 1992 elections.

⁹ See Appendix A for a list of parties in the Angolan Parliament.

¹⁰ The official English version of the current Constitution of Angola can be found at the website of the Embassy of the Republic of Angola, Washington U.S.A.

[<http://209.183.193.172/referenc/constitution/constit.htm> (01.06.05)]

¹¹ The current Prime Minister Fernando da Piedade Dias dos Santos ("Nandó") is entrusted of 'directing, guiding and coordinating the general action of the Government', and 'politically responsible' before the President of the Republic under the terms of the Constitutional Law, but at the same time and in all practice is the President of the Republic the Head of Government and leading government meetings. There was even a dispute between the two when the Prime Minister called for a government meeting without the President's knowledge, and dos Santos had to reaffirm his authority.

approval or possibility of censure, nominates all the government ministers and vice ministers. Although the President should 'hear the political parties represented in the National Assembly' before appointing the Prime Minister,¹² this is a non-binding formality and there is no consultation necessary before dismissing the premier.

There is, furthermore, no overlap in membership between the executive and the legislature. Unlike the Westminster model, members of the Angolan Parliament cannot at the same time be Ministers of Government (or hold certain other nominated high state positions).¹³ To the extent the President appoints MPs to government positions, they will be given a temporary leave from the Parliament and their seat is filled by the next on the party list.¹⁴ In 1997, the President even appointed a "Government of National Reconciliation" (GURN), which encompassed four ministers from UNITA and the other smaller parties, and a larger number of non-MPLA vice-ministers.¹⁵

In other words, the Parliament (or parliamentary elections) has no influence whatsoever on the composition of Government.¹⁶ The President has absolute discretionary powers to nominate (and dismiss) his government. Besides, in appointing members of Government (ministers and vice ministers) the President is not only free to choose people from outside of the Parliament, but also from outside of the ruling party.

Furthermore, the parliamentary mandate is weak because the executive (President of the Republic) has the exclusive right to dissolve the Parliament and call for new elections¹⁷. The Parliament can in other words be dissolved by the President, but not *vice versa*. The Angolan political system is presidential because this right is not mutual. The Parliament cannot remove the President¹⁸, it can never call for elections, and the President's right to call for new parliamentary elections is not balanced by any automatic call for simultaneous presidential elections. Therefore, the President's dissolution powers are neither relative nor restricted.

¹² Article 66 of the Constitution.

¹³ Article 82 of the Angolan Constitution states that 'the term of office a Member shall be incompatible with a ministerial post; paid employment by foreign companies or international organisations; being president and member of the administrative board of a limited company, a shareholding manager of a company, director general or deputy director general of a public enterprise; and that the following may not be MPs: judges and members of military or militarized forces on active service'.

¹⁴ This is *replacement*, in other words, as the seat will be filled by a representative of the same party (the next on the party list).

¹⁵ This has rendered the status of UNITA as 'an opposition party' very much in doubt. UNITA, the second biggest party in Parliament with 67 deputies, is dwarfing all the smaller parties (see appendix A), but claims to be 'in opposition' in Parliament at the same time as it is represented in the Government!

¹⁶ That is, according to the constitution, the nomination of Prime Minister and Parliament ministers shall be "after hearing the political parties represented in the National Assembly". This is an informal practice only, as the formation of a government does not require any parliamentary vote of confidence or other formal parliamentary sanction.

¹⁷ Constitution of Angola, Article 66: the President can "decree the dissolution of the National Assembly after consultation with the Prime Minister, the President of the National Assembly and the Council of the Republic". According to Article 95, there is only few restrictions on this right; "The National Assembly may not be dissolved within the six months subsequent to its election, in the last quarter of the term of office of the President of the Republic, during the term of office of the interim President of the Republic or during a state of siege or state of emergency."

¹⁸ However, according to the Constitution, Article 65, 'The President of the Republic shall not be responsible for acts carried out during the discharge of his duties, except in the case of bribery or treason. Proceedings shall be initiated by the National Assembly, on the proposal of one-fifth and a decision approved by a two-thirds majority of Members present, and the trial shall be conducted by the Supreme Court'. This means that any impeachment proposal need to be on bribery or treason, to be initiated with the support of at least one fifth of the deputies, and that any impeachment ruling must be approved by at least two thirds of the deputies.

Secondly, there are few other constitutional means by which the Parliament can hold executive power to account. The initiative for constitutional reforms and new legislation emanates largely from the presidency, for instance, and the Parliament's budgetary powers are weak. Furthermore, the capacity of the Angolan Parliament is weak in terms of resources, administrative and technical expertise and assistance, and in terms of internal organisation (see below),

Thirdly, the ruling party MPLA is in full control of the parliamentary process through its absolute majority (129 of 220 deputies). Coupled with MPLA's history of one-party rule and the established informal tactics of presidential domination, it seems that Angola has instituted a political practice (tradition) in which the Parliament exercises to a very little degree its possibilities of checks and balances in the political system.

There are only two factors pointing in the opposite direction. One is the fact that the political parties are relatively strong in Angola, and the second is that there is a recent upsurge in parliamentary initiatives and general activity. There is a constitutional and parliamentary reform process going on, transparency is increasing, and general elections are on the planning stage. All this may lead to a stronger Angolan parliament.

It should be noted, however, that the constitution of Angola dates back to the single party communist era, only with (the two rounds of) constitutional amendments made in March and September 1991 aiming at changing Angola into a multiparty democracy with fundamental political rights and freedoms and the basic principles of a market economy. In other words, there are remnants of single party rule within the constitution, and the Parliament thus set down in 1998 a Constitutional Commission¹⁹ to work out an entirely new basic law (constitution) aiming at clarification of the political system, at separation of powers and the interdependence of the sovereign bodies of the state, and in guaranteeing the principles of a democratic state based on the rule of law in Angola.²⁰

It should also be noted that the aim of this new constitution is, – according to the ruling party –, to “reflect the country's reality and assure greater stability for the citizens”.²¹ This may signify the ruling party's continued inclination of a strong presidency, which we also believe is the aim of the biggest opposition party, UNITA.

Lastly, there is, according to Hodges (2004:56), “a high degree of presidential intervention in the day-to-day management of state affairs. Presidential advisers often have greater influence than ministers, leading to a situation where ministers are unable to assert their authority”. In the survey conducted for this analysis, the Deputies are also acknowledging the fact that the Parliament of Angola does not have the desired responsibility and influence of a democratic political system.

¹⁹ <http://www.comissao-constitucional.gv.ao/>. This was a provisional commission dissolved in November 2004.

²⁰ The new constitution will probably have to be passed before new general elections can be held (at least this is a condition set by the MPLA and endorsed by UNITA, although the current constitution does not inhibit an electoral process – elections are covered by the existing Election Law. However, an issue of constitutional concern is the fact that the current Parliament will have to pass this new constitution, but it is questionable whether the current Parliament's mandate is still valid. The current Parliament was elected in 1992, for a four year period with a self-proclaimed mandate extension due to the resurgence of civil war, but many people are questioning its legality.

²¹ According to Angolan National Assembly's Constitutional Commission chairman and head of the ruling party parliamentary bench, Bomito de Sousa, in a speech in October 2004 (Angola Press Agency, October 7, 2004).

2.2 Laws regulating the Parliament

In addition to the constitution, the Angolan Parliament has also adopted a number of laws and regulations controlling the workings of the Parliament. There is a law on the Organisation of the National Assembly; laws on the Status and Remuneration of Deputies; an Internal Regulation of the National Assembly, as well as an Electoral Code and a law on Political Parties, which are all regulating and influencing the operations of the Parliament.²²

In its plenary session of 2003, the Parliament again reviewed and approved the National Assembly's internal regulation. The first presentation of the new regulation draft occurred in December 2001 and was for several times postponed on the opposition's petition. The new draft was intended to overcome shortcomings, loopholes, omissions and unconstitutional situations noted in the previous regulation approved in 1992. These intended changes to the legislature, proposed by the ruling party bench, were meant for the updating and modernisation of the Parliament's functioning, as well as strengthening its democratic character, plus a better and major intervention of the people's representatives. Its reformulation took into account the Parliament's ten-year experience as a multiparty parliament, coupled with the Parliamentary Law compared with those of countries comprising the Portuguese Speaking Countries Community (CPLP).

2.3 Parliamentary powers: the law making process

According to the constitution, the National Assembly has absolute supremacy when it comes to the passing of legislation in areas of national strategic interest. The right to initiate legislation, however, does not rest only with the deputies (Members of Parliament) and the Parliament's Committees (and Party Groups), but also with the Government.²³ According to the interviews, (there are no statistics available on this, but the Deputies were unanimous), some 90% of all legislation is initiated by the Government.

Although proposals are sometimes initiated, discussed and formulated (with legal technical assistance) within the ruling party structure, laws are basically initiated and formulated within the Government (Council of Ministers and some government ministry or office, sometimes with external expertise and stakeholders involved). The proposal is then formally passed on via the Council of Ministers and the President's Office to the Parliament for approval. In practical terms, most legislation is initiated and formulated by the President's office, and it passes through Parliament without much discussion. It is the ruling party MPLA structures that might have proper political discussions on legal propositions, rather than the Parliament.

One example is the proposal for a new Press Bill, which was initiated by the Ministry of Information and Social Communication. The Ministry as well as the journalists themselves recognised the need for a revision of the press law, but the first proposal was dismissed by the Parliament. The President of the Republic then appointed a commission to redraft the law (constituted by the leader of the Bar Association, the Journalists' Syndicate, the Union of Angolan

²² Lei Orgânica da Assembleia Nacional; Lei Orgânica do Estatuto do Deputado; Lei Orgânica do Estatuto Remuneratório do Deputado; Regimento Interno da Assembleia Nacional; Lei Eleitoral; Lei dos Partidos Políticos.

²³ According to Article 93 of the constitution: "Members, parliamentary groups and the Government shall have the right to propose legislation". There is one very significant limitation to this right, however, namely that "Members and parliamentary groups shall not in the course of the economic year present draft laws that involve an increase in the expenditure or decrease in the State revenue established in the Budget". This obligation is currently inhibiting the approval of the new Press Law, for instance.

Journalists, and two Parliament representatives). The new draft was completed and passed on to the Parliament in January 2005, but is not yet approved.²⁴

According to the constitution, laws can also be initiated by the Parliament itself, by individual deputies through their party groups or committees, or by the party groups or committees. Over the functioning period of the current parliament, this has happened very rarely, however. The most important initiative from Parliament was the law establishing an anti-corruption commission in Angola (*Alta Autoridade contra a Corrupção*), which was passed in April 1996, and the Law on HIV/AIDS, passed in 2003.

According to the survey conducted for this study, the parliamentarians are of the opinion that they lack the proper influence on the drafting, wording and passing of bills. Only in some cases did the Parliamentarians report that they had a decisive influence on the phrasing of the new laws, namely on the War Veteran's Bill, on the Law of the Budget Process, and on the recently passed Petroleum and Land laws.

Any law passed by the Parliament will have to be ratified by the President. But, he has a veto. Although the constitution does not clearly empowers him with a veto, article 71 of the Constitutional Law rules that if 'the laws referred to in Article 66 (s) [are] not promulgated by the President of the Republic, and Government decrees [are] not signed by the President of the Republic, [they] shall be null and void'.²⁵ In practice this corresponds to veto powers.

Besides, in cases where a law of the President's disliking has been passed, he can choose to delay the ratification, and he can use other 'administrative' means, like the issuing of secondary legislation (decrees), or by postponing and delaying the process of implementing the new legislation.

The President has in some instances preferred this latter method. One example of an important initiative from Parliament was the anti-corruption commission in Angola. The President ratified this law, but there has been no following up, no actual establishment of the institution, and no concrete action taken to implement this law.

The Parliament's capacity to check and control the implementation of legislation is very weak. According to the survey conducted for this study, there are no doubts about the situation: only one MP believes the Parliament verifies and controls the Government's implementation of the approved laws. Six MPs believe the Parliament 'rarely' or in 'some ways' are exercising this control; three states that the laws are not at all regularised and one considers that the Parliament exercises no control at all, despite its formal mechanisms to do so.

2.4 Parliamentary powers: the budget process

The Parliament's role in discussing, altering, formally approving and not least in overseeing and controlling the state budgets of Angola has been a recurrent problem. Although the Parliament will – according to the Constitution – discuss and approve the National Plan and the General Budget (and its execution reports), as well as contracting and granting loans, this role is limited in practical terms. Due to high levels of oil income and a civil war fuelled by "oil for weapons" arrangements, emergency and secrecy provisions, vested elite interests and high levels of corruption,

²⁴ From the news agency *allAfrica.com*; <http://allafrica.com/stories/200410290547.html>

²⁵ Article 66 s) points to the President's power 'To sign and promulgate laws approved by the National Assembly and executive laws approved by the Government'.

parliamentary insight into state income and expenditure has been severely restricted, and much remains to be done in order to have full parliamentary oversight and an effective budget control.²⁶

Because of large budgetary and balance-of-payments deficits, increasing indebtedness and increasing external pressure (led by the World Bank and IMF, supported by the private banks of the 'Paris Club'), this situation is about to change, however.

Some observers would now claim that all state income is accounted for and made transparent through the National Bank and the budget process. Other observers would hold that large tracts of the Government's income, in particular from the oil and diamonds sector, are still un-accounted for. The IMF, for instance, had as late as 2002 "*concerns about the handling and disposition of oil and diamond concessions, revenue flows in the oil sector, the finances of Sonangol, and external borrowing practices*" (Hodges 2004:121). However, government commitments to halt extra-budgetary expenditures, to improve the transparency of government finances through an improved budget process, have led to official claims that all incomes and expenditures are now accounted for.

In formal terms, the budget process has improved considerably in quality over the last years, but the passing of the state budget is still a learning process. Formally, each of the ministries will present their budget requests to the Ministry of Finance by the end of June, and the Ministry of Finance prepares the draft budget proposal to the Council of Ministers, which discusses and approves the budget proposition on behalf of the Government.²⁷ On October 15, the Minister of Finance then presents the Government's budget proposal to the Parliament.

The revision and approval process by the Parliament will then take about two months (the revised budget will have to be approved by December 31). The different provincial deputies will be consulted, and the party groups will discuss it. So far, it seems that only the ruling party MPLA has a proper budget discussion in their party group. Then also each of the parliamentary committees will discuss it, highlight their issues of concern, and present a report to the fifth committee, the Economy and Finance committee. The real discussions seem to take place in this 30-member committee. The fifth committee then submits a final report to the Parliament President, and the revised budgets are discussed and voted over in a plenary session.

The Angolan Parliament lacks a lot in terms of technical and economic competence to make a real influence in the budget revision process. Even the finance committee has a lack of experience, capacity, and expertise. Support staff with relevant economic and budgetary expertise is very limited, and the other committees have none, and a very weak political culture of budget making.

This fact is acknowledged also by the Deputies themselves in the survey conducted for this study. The majority of the parliamentarians are of the opinion that the Parliament does not have enough

²⁶ According to a statement of IMF Deputy Managing Director, Mr. Takatoshi Kato, upon his visit to Angola in October 2004; "the Government needs to build upon recent advances to meet the President's objective that scarce resources are used in the best possible manner for the people of Angola who have borne immense sacrifices during the last two decades. This will involve further efforts to enhance transparency in the Government's budget and central bank operations, including the management of oil resources" (<http://www.imf.org/external/np/sec/pr/2004/pr04233.htm>[02.11.04]). See also the 2004 Human Rights Watch report "Some Transparency, No Accountability" (<http://www.hrw.org/reports/2004/angola0104/angola0104.pdf> [100605]).

²⁷ It should be noted that the various ministries has a very weak capacity and culture for making detailed and comprehensive budget requests. Not even the Ministry of Finance is adequately equipped to make professional budget preparations. Expertise, research and capacity is lacking. It is the Council of Ministers and the President's office, and to some extent the MPLA, that holds the decisive capacity, technically as well as politically.

influence in the national budget. This is substantiated by statements on their lack of influence on macroeconomic policies and economic stability as well as economic policies concerning poverty alleviation and reduced social inequalities. The survey results suggest a need for deputies to have more technical and special expertise, in the commissions.

So far, the Angolan Parliament has made no substantial changes to the Government's budget proposition. Some small increases in social sectors has been registered, and a corresponding reduction in military and government administration expenses. The deputies seem to be more concerned about certain details, than about the overall distribution of the funds.

In terms of registered *political* or ideological differences between the parties on economic priorities, there seems to have been almost none so far. The political parties are not expressing their different priorities in the budget debates, neither in the committees nor in the plenary discussions on the budget. And there are no alternative budget propositions made. The only visible differencing point was made when UNITA for symbolic reasons voted en bloc *against* the budget in late 2003. In late 2004, the Economy and Finance commission examined the budget proposal and passed it on to the Plenary for approval, and the Parliament approved it with only one UNITA vote against it.

2.5 Parliamentary powers: other means of accountability and control

The President of the Republic and the Parliament are two institutions both elected in direct elections, but with different terms. The President is elected for five years, the Parliament for four years.²⁸ The elections and terms will therefore rarely coincide in the future.

This means that a French-style 'cohabitation' is a theoretic possibility in Angola. That is, the President and the majority of the Parliament can be of two different party colours. In terms of democracy, this is no problem, but in terms of policy and command capacity this can be problematic. With a strong separation of powers and strong mutual sanctions (blocking capacities), a president and a parliament with different party affiliations can possibly block each other from making efficient policy decisions.²⁹ In Angola, this will depend, however, on the future constitution as well as future political situations. At the moment, the Parliament is in no position to create a political deadlock situation because of the strong presidency and the dominant ruling party.

Additional parliamentary control and 'checks and balances' mechanisms can in theoretical terms be exercised, among other things, through hearings, audits and inspections, special agencies and appointments. The use of these will depend much on the political 'climate' and on the self-esteem and institutional pride of the parliament.³⁰

In Angola, hearings are instituted in the political system.³¹ The various parliamentary committees regularly make inquiries to relevant ministries, and individual ministers are called in by Parliament

²⁸ Angolan Constitution, article 59 and 79.

²⁹ According to Kurian (2003:783), "the legislatures that are *least* able to constrain the executive are those associated with the very *strongest* and with the very *weakest* political party systems".

³⁰ We know for instance that in Vietnam – a country with a one-party communist system in which the Parliament is formally subjected to the party – the Parliament is still able to exercise some influence. The Vietnamese Parliament is in currently demonstrating and increasing its influence vis-à-vis the Vietnamese Communist Party and the Government, despite its very weak mandate and formal powers, among other things via hearings, commissions and 'leakages' to the media.

³¹ Article 83 of the constitution reads: Members of the National Assembly shall have the right, in accordance with the Constitutional Law and the Regulations of the National Assembly, to question the Government or

to answer specific questions. Legally, the Prime Minister as well as other members of Government should attend parliamentary hearings on censure motions, ministerial reports, questions and National Plan/General Budget. Notwithstanding the legal obligations, some members of the Government have sometimes refused to give detailed information about actions they have taken.³²

Of the special committees and bodies nominated by the Angolan Parliament, with a mandate that includes some form of monitoring of the actions of the Government and of the other state organs, the National Audit is the most important. The Audit Department of the Ministry of Finance is not functioning well, however. It does not have the proficiency and not even the clearly defined powers, as yet (according to interviews). Sometimes, however, the President of the Audit Department as well as individual deputies and representatives of the Economy and Finance committees make visits to provinces to check the actual use of budget allocations and public investments.

The Parliament has also established an anti-corruption commission, but the necessary Government implementing action has not been taken. More important are the complaints and suggestions coming in from the public to the “Human rights and citizen petitions, complaints and suggestions” committee. This 22 member committee is quite active, addressing various government ministries and agencies on behalf of the citizens and their complaints. In this respect, the committee acts quite like an ombudsman’s office.

On the other hand, according to the survey conducted for this study, the MPs are indicating that the Parliament has the power to, and have used the power to establish special investigative, ‘fact-finding’ commissions. In particular, the MPs mentioned the special commissions established to investigate and analyse the ‘bloody Friday’ case, the case of the destiny of the former Kinaxixi market, the demolition of the D. Ana Joaquina Palace, and other specific government activities.

An important aspect of a parliament’s control of executive decisions is the possibility of influencing nominations. In Angola this influence is quite weak. In addition to the President’s exclusive, constitutional right to appoint and dismiss the Prime Minister, he also appoints other senior state personnel (like the Governor of the National Bank of Angola, Supreme Court judges, the Attorney General, Chief of General Staff, Chiefs and Deputies of Staff of the different branches of the armed forces; and Provincial Governors), “on the proposal of the Prime Minister”. The Parliament has no formal role in appointments, although informal consultations are taking place.

This point is also clearly reflected in the survey conducted for this study. The majority of the deputies consider that the Parliament ‘does not’ have any influence on nominations to senior government positions. One deputy added that both appointments and dismissals are the exclusive right of the President, and that ‘the deputies don’t even know how these decisions are made’. Only one deputy thinks that in some cases, the President ‘consults’ and ‘takes into account’ the opinion of the Parliament.

2.6 Informal powers

During summer 2004, events took place of great (negative) significance as to the autonomy of the Angolan Parliament and to the respect of formal rules. When officially not in session because of

any of the members thereof, and to obtain from all public bodies and enterprises the cooperation needed to discharge their duties.

³² One recent and well-known case was the purchase of two armoured luxury cars, each worth US\$ 800 000, for the President of the Supreme Court. Neither the Minister of Transport nor the Minister of Finance (Chancellor of the Exchequer) appeared for the Parliament, arguing that they needed to be summoned by the President of the National Assembly and not some opposition deputies only.

holidays (the Angolan Parliament is in session from October 15 to 15 July, with a standing committee in charge of business during the holidays from July till October), two important laws were passed; on oil and land.

According to practices and regulations, no major debates should take place and no important piece of legislation should be passed when the Parliament is not in session, although special sessions can be called for.³³ What happened over the holiday period of 2004 was that the Parliament discussed and approved the new Land Law and the new Petroleum Law, not in plenary but in the Permanent Commission 'because of its importance to the country'.³⁴

These are two laws of great importance. The Angolan National Assembly had begun to discuss the pressing issue of land and this was applauded by land right advocates and NGOs. Organisations such as Development Workshop (DW) and Rede Terra (Land Network) had been invited to consultations, and gave their opinion in thoroughly studied reports.³⁵ The NGOs have complained, however, that their opinions were not reflected in the final law. On July 27, 2004, the draft law was sent to the Permanent Commission, and on August 10, it was approved.

The Petroleum Law was also pushed through at the same time, without much prior consultation, partly as a result of pressure from the international oil companies. The Petroleum Law will be of quite some importance for future investors and investments.

These events demonstrate a lack of respect for formal procedure and a lack of respect for democratic principles, because the Standing Committee was called in to pass two important laws when the Parliament was not in session. Furthermore, the opposition parties in Parliament were in general boycott of parliamentary work, because of divisions within the Constitutional Commission over the process of establishing dates for a new election (UNITA is pushing for elections to be held in late 2005 whereas the President had hinted at 2006 to allow time for a Constitutional review).

Also according to the survey carried out for this analysis, there were strong opinions about the power concentration in the Presidency. In answering the question 'in your opinion, are there examples that the President's Cabinet or the Government do not respect the decisions made by the Parliament?' seven deputies stated yes and three said 'sometimes'. To illustrate this, the MPs of the

³³ According to Constitution Article 96: "The legislature shall comprise four legislative sessions. Each legislative session shall last one year and shall start on 15 October. The normal period in which the National Assembly shall function shall be eight months and shall start on 15 October, without prejudice to intervals provided for in the Regulations of the National Assembly and suspensions determined by a two-thirds majority of Members present. The National Assembly may meet in special session whenever necessary on the decision of a plenary meeting or on the initiative of the Standing Commission or of more than half of its Members. The National Assembly may meet in special session outside its normal session on the decision of a plenary meeting, on the initiative of the Standing Commission or more than half of its Members or when convened by the President of the Republic".

³⁴ The Permanent Commission is bestowed with the authority to run current affairs when the Parliament is not in session (see 3.3 below).

³⁵ And they expressed deep concern about the content and the potential effects of the Land Bill. The bill fails to recognize the everyday realities of land tenureship in Angola, and it does not take existing institutional shortcomings into consideration. For example, large proportions of the rural population is internally displaced and dispossessed, and most of the poor have no documentation to prove legal ownership of their land. In fact, the proposed law risks mislabelling informal landholders as illegal occupants. Although landholders can request to have their legal entitlements to their land recognized according to this law, they have but one year to do so. Given Angola's weak institutional capacity, it is very unlikely that the vast majority will be able to present and document their claims, and very unlikely that most applications will even be considered. It seems that the new rules are designed basically to make it possible for the relatively well off and well connected to secure urban housing property rights and to seize rural land.

sample gave in particular the examples of public infrastructure investments that are not included in the budget (General State Budget), and of laws not being implemented, not even regulated. Only one MP stated that ‘there have been no accusations of such practice’.

3 Organisational set-up

Each legislature includes four sessions (it is elected for a four year term), starting on 15th October and normally ending in July. As a unicameral assembly, debates, decision-making and formal voting takes place in plenary sessions. The plenary sessions normally takes place from Tuesday to Thursday throughout the parliamentary year.

3.1 Financing the Parliament

In formal terms, the budget of the Parliament is approved by the Parliament itself, being the budget approving authority. However, the actual size of the operating budget is a result of the budget process as such, and a result of the actual allocations made by the Ministry of Finance.

In the budget process (see below), the Parliament as well as the various ministries will come up with their wish-lists before the Government prepares the state budget proposal. Because of the limited influence of the Parliament on the budget process (the Government and the ruling party exercises more influence on the budgets than does the Parliament), the financial autonomy of the Parliament remains weak.

This weakness is also clearly expressed by the MPs surveyed for this study. The majority of the parliamentarians believe the financial resources attributed to the Parliament are very limited, and that it even prevents the Parliament and Deputies from accomplishing their mission.

The formal pay for deputies is relatively good. The basic salary is quite moderate (about \$ 5,000 a month), but when adding all fringe benefits and privileges, this amounts to a substantial and very attractive remuneration. The fringe benefits and privileges include for instance a very valuable health insurance cover with treatment at specialised clinics abroad when necessary.³⁶ Besides, deputies have parliamentary immunity (from certain forms of legal prosecution). However, in the survey conducted for this study, the majority of the MPs stated that the remuneration of MPs is too limited to enable them to do their job properly.

3.2 Organising the Parliament: presidency and committees

The Angolan Parliament has a Presidency that includes the President of the National Assembly (the Speaker, currently Roberto António Victor Francisco de Almeida), who is elected by simple majority of votes, as proposed by the majority party (or majority coalition).³⁷ Like in most countries (without a vice president), the President of the National Assembly is in formal terms the second in

³⁶ According to Hodges (Angola: Anatomy of an Oil State, 2004:64), one of the tactics used by the Government to make a split in UNITA and force people into the new, regime loyal “UNITA-Renovada”, was to strip the non-compliant parliamentarians of their parliamentary privileges like “homes, cars and cellular phones”. Furthermore, according to Hodges, ‘worthy’ members of the political establishment, including parliamentarians, is receiving an annual ‘Christmas bonus’ (also members of UNITA and other ‘opposition’ parties, have they behaved well). This bonus has “in some years run as high as \$30,000, dwarfing their annual salaries” (Hodges 2004:61).

³⁷ In other words, with the right to nominate a National Assembly President resting with the largest party, the ruling party MPLA will have the exclusive right to this position for as long as it keeps its majority.

the state hierarchy, after the President of the Republic.³⁸ He has administrative as well as political functions, and he represents the Parliament in international organisations and in official visits. The Presiding Office also includes four Deputy-Speakers and four Table Clerks, proposed by political parties in proportion of their seats.

When the Parliament is not in session (holidays, when it is dissolved etc.) there is a Permanent Commission bestowed with the authority to run current affairs, composed of by the President of the Assembly, two Vice Presidents (representing the two largest party groups, MPLA and UNITA) and 12 deputies chosen proportionally from the party groups. In addition to this, the Angolan Parliament has nine standing (Permanent Work) committees. These are to assist and prepare the activity of the Plenary, studying projects laws and resolutions, etc. These committees also have representation proportional to the representation of the parties,³⁹ and the nine committees are:

1. Constitutional and legal affairs (Assuntos Constitucionais e Jurídicos Regimentos e Mandatos)
2. Defence, security and internal order (Defensa, Segurança e Ordem Interna)
3. Foreign relations, international co-operation and Angolan communities abroad (Relações Exteriores, Cooperação Internacional e Comunidades Angolanas no Estrangeiro)
4. Local administration and local authorities (Administração e Poder Local)
5. Economy and finance (Economia e Finanças)
6. Education, science, culture, religious affairs, sports and media (Educação, Ciência, Cultura, Assuntos Religiosos, Desporto e Comunicação Social)
7. Health, environment, social affairs and war veterans (Saúde, Meio Ambiente, Acção Social Emprego e Antigos Combatentes)
8. Parliamentary mandate, ethics and protocol (Mandatos, Ética e Decoro Parlamentar)
9. Human rights and citizen petitions, complaints and suggestions (Direitos Humanos, Petições, Reclamações e Sugestões dos Cidadãos).

The nine standing committees are not reflecting the organisation of the 29 government ministries. Although they are supposed to cover all activities of the ministries and the Office of the President, this is in practice impossible.

Still, the MPs themselves are expressing satisfaction on the way the Parliament is organised internally. Also according to the survey conducted for this study, the MPs are ranking the Constitutional and Legal Affairs Commission as the most important one, seconded by the Economy and Finance Commission, probably reflecting the process of constitutional revision in the country.

In addition to the formal organisation above, lobbying is also directly influencing deputies and the Parliament as such. There is no regulation or recording of lobbying activities going on, and there is reason to believe that lobbyism is a recent, limited and disorganized phenomenon. According to the survey conducted for this study, the parliamentarians say that lobbyism takes place.⁴⁰ Due to the lack of regulation, lobbyism in Angola will, however, raise future questions on transparency and accountability.

³⁸ The President of the National Assembly will fully replace the President of the Republic in case of 'temporary impediment or vacancy'.

³⁹ *Ad hoc* committees (Eventual and Special Committees) are created for carrying out specific tasks, and closed as soon as these are completed.

⁴⁰ One of the few instances reported is the lobbying of various NGOs during parliamentary discussions on the new Land Law. *Rede Terra* (Land Network), a coalition of NGOs working together on the land issue, did for instance distribute a statement to members of Parliament reminding them of the bill's major shortcomings. The parliamentarians furthermore mention the Angolan Industrial Association (AIA), War Veterans and certain gender and environmental NGOs.

3.3 Organising the Parliament: party groups and independents

Of Angola's 125 registered political parties, 12 are represented in Parliament, and all National Assembly deputies have a party affiliation. According to the electoral law, the political parties are presenting their candidates for election, and every candidate must represent a political party. Even candidates for presidential elections will have to be nominated by a political party (or present 5000 signatures from at least 10 different provinces) in order to stand for elections. Of the 220 member National Assembly, 130 deputies are elected (from party lists) from Angola as a national constituency (the entire country), and 90 deputies are elected (proportionally from party lists) from 18 multi-member provincial constituencies (4 or 5 seats for each province).

This is an efficient barrier against independent candidates and independent members of parliament, of which there are none. However, it does not preclude the formation of micro-parties with only one candidate, the so-called 'vote-for-me' parties run by and for the party president.

The political parties are in other words determining the composition of the party lists for elections, and therefore to a large extent the parties are deciding who will be elected as members of Parliament. Besides, there is a ban on crossing the floor. In contrast to most other parliaments, it is not possible to change party once elected. A deputy is elected as a representative of his party, and if he leaves (or is expelled from) the party, his seat becomes vacant and it will be filled by the next candidate on the elected party list. There is consequently no need for by-elections to fill vacancies.

Thus, the role of the political parties in selecting, nominating, promoting (and eventually expelling) candidates is crucial for any individual seeking election, as well as for his position as an MP during his term. Every deputy is dependent on his political party, and party discipline is therefore quite strong.

This is also reflected in the survey conducted for this study. Two thirds believe the party discipline and obedience is strong, and they justified it with the fact that elections are between parties, and the party is deciding the names on the party list. Secondly, they said the organisational structure of the party leads to discipline, that there is "a natural following and a fear of retaliation".⁴¹

Furthermore, according to the deputies interviewed, about half consider that all parties represented in Parliament "are organised, coherent and have some influence", while the other half indicated that only some of the political parties were organised and coherent, namely MPLA, to a lesser degree UNITA, and to a low degree PRS, PLD and FNLA.

Debates and negotiations are therefore largely taking place within the parties, and the political priorities and standpoints of the parties are to a large degree determined by possible political gain of the party, not by the interests of the constituencies. The Members of Parliament are also relating to and reporting to their respective parties, much more than to their districts (constituencies) and voters.

In terms of party organisation within the Parliament, each party forms a parliamentary group, except for parties with less than three members; they will have to join larger party groups or to form party coalitions. Each parliamentary group has access to meeting facilities and some secretarial services. The parliamentary group of MPLA, for instance, meets every week, and is an important and lively discussion forum.

⁴¹ At the same time, as noted by one of the MPs interviewed and by irregular news reports, there are still factions within several of the party groups.

The party parliamentary groups are represented according to their size in the Parliament's various Committees, and they have a role in debating issues, suggesting legislation etc. prior to committee meetings and plenary voting. Furthermore, the party group presidents are meeting regularly (*Conferência dos Presidentes dos Grupos Parlamentares*) to set the order of the day, and they are electing the National Assembly Presidency.

3.4 MP background and representativity

Of the 220 members of the Angolan Parliament, only 35 are women (16%). According to some of the deputies interviewed, the representativeness of the Angolan Parliament is relatively good, although it is somewhat weak in terms of women, as it is in terms of the rural society. This is also reflected in a national political survey from 2003, in which the respondents were asked if the number of women in Government, National Assembly and state administration was high, medium or low. The general opinion was that female representation was too low (IDI 2003:15).

Even with 90 of the 220 deputies elected as direct representatives of their districts, the national seats and proportional character of the electoral system has prevented any strong regional affiliation of the political parties. There are a few parties with exclusive representation in some provinces (MPLA representing alone the districts of Kuanza-Norte, Kunene and Malange; UNITA taking all five seats from the district of Bié), and there are provinces where some of the parties are relatively strong. In addition to all seats in Bié, UNITA has the majority of deputies from Benguela, Huambo and Kuando-Kubango, which proves it has a stronghold in the central parts of the country (central west and central south). PRS has two representatives from Lunda-Sul and one from Lunda-Norte, which indicates a north-east stronghold of this party, and FNLA has two representatives from Zaire province in the far north (which is also its historical heartland).

In terms of regional representation in the Parliament, this aspect also seems to have low priority. Deputies are to a very little degree voicing the interests of their local constituencies, including people elected on a district list. According to one study, almost 4 of every 5 responses indicate it is difficult for people as citizens to identify their political leaders, their deputies from the province or municipality, "because they never show up to listen to their concerns" (IRI report 2003:9).⁴²

The National Assembly deputies are well educated. About half of the MPLA deputies has a university education (60%, i.e. not necessarily a university degree, but university training), one third has secondary school (professional training) and about 15% has primary school only. Of the UNITA MPs, the distribution is about 50-50 in terms of higher/secondary education. Very few UNITA MPs have primary school only; the UNITA deputies are consequently not 'the people from the bush', which is the popular prejudice. Of the smaller and one-man parties, the education levels are even slightly higher.⁴³

3.5 Administrative support

The parliamentary administration has several offices for day-to-day services; there is an office for judicial assistance (*Gabinete de Assessoria Jurídica*); an office for secretarial and technical support (*Direcção de Apoio Parlamentar*); for administration and finances (*Direcção de Administração e*

⁴² This report demonstrate a low esteem of political parties: 42% of the sample have the belief that there is no freedom of political thought within the political parties; although the perception is more favourable among party

members (58% believe there is freedom of political thought within the parties) (IRI report 2004:10).

⁴³ These are rough estimates based on information given on 50% of the deputies, on the official web-site of the Angolan Parliament (<http://www.parlamento.ao/deputados.htm>)

Finanças), for documentation and information (*Direcção de Documentação e Informação*) with a small and efficient, but very limited library and archive; an office for external relations and protocol (*Direcção de Relações Públicas e Relações Internacionais e Protocolo*); and an office for constituency relations (*Gabinete de Apoio aos Núcleos*). The latter assists deputies in keeping contact with their local constituencies.⁴⁴

Concerning the existence and adequacy of administrative support, in terms of administrative personnel, secretarial staff, availability of expertise on juridical, financial and other technical matters, library etc., the deputies surveyed for this study expressed their dissatisfaction. The large majority said the administrative support resources are limited and rarely at the MPs disposal, and sometimes their responsibilities hindered by this (only one was of the opinion that administrative support was sufficient). Several MPs pointed to the fact that the number of secretarial staff was sufficient, but that their competence and efficiency was inadequate.

3.6 Technical facilities, offices, infrastructure, research, travel, etc

The Angolan Parliament is situated in the centre of Luanda, in a former cinema building. Despite several extensions of the building to make it the 'Congress Palace', it is still too small to house all deputies and to provide them with decent working conditions. A new parliament building is in planning.

The physical infrastructure is also weak. There are too few computers available to deputies; office and meeting facilities are limited, and technical infrastructures are inadequate. In the survey conducted for this study, the deputies claimed that these deficiencies made it difficult to fulfil their mandate. They exemplified this for instance by pointing to the lack of office space (often several deputies in one office) and lack of meeting facilities, a lack of paper, tables, computers and other basic equipment, and run down communication facilities (computers, internet, telephone, fax).

The MPs also claimed that the Parliament has a weak research capacity. Although some consultancies and studies have been commissioned, the resources for this kind of support are very limited.

4 Conclusions

There is no academic consensus on whether a parliamentary system (for instance the Westminster model with a strong ruling party and a fusion of executive-legislative powers) or a presidential system (executive-legislative balance of powers) is more democratic.⁴⁵ There is more academic consensus that for Africa, in its transitions from semi-authoritarian dominant party systems to more democratic systems, the horizontal checks and balances are absolutely essential. Given the strong tendency of voter alignment behind the ruling parties from the rural majority of the population, the respect for human rights including political rights will only be secured through a stronger internal balance of power, in which the national assemblies (and the courts) become essential.

⁴⁴ The question has been raised whether deputies should have local regional offices established.

⁴⁵ There is some agreement, however, that the parliamentary system provides a higher degree of democratic accountability *when there is a distinct two-party system*. This condition is important, because the Westminster model will work at its best only in situations where voters have a clear choice between two alternatives, two parties or party blocks that constitutes credible government alternatives.

In Angola, the MPLA – UNITA constellation can be regarded as an emerging two-party system, given the dominance of these two parties historically, in the political field (in the civil war!), and now in Parliament.⁴⁶ Angola has nevertheless a distinctly presidential system, without any tendencies or even aspirations for parliamentarism. The ruling party as well as the main opposition party is in favour of a strong presidency.

There are nevertheless two basic elements of the presidential system that can give quite some parliamentary independence and thus the necessary checks and balances, when administered properly. These are first of all the facts that the Parliament is elected in separate elections. Secondly, there is the fact that there is no fusion in terms of people between the two institutions. Unlike the Westminster model, members of the parliament cannot at the same time be ministers of government. These two elements can give the parliament the necessary autonomy and legitimacy.

Furthermore, there are some informal features of the political system of Angola that points in the direction of a stronger and more autonomous parliament. First of all, the political parties are relatively powerful. The system has made them decisive for who will stand for elections, the parties are the main organisational element of the parliamentary debate, members cannot cross the floor, etc.

Secondly, there is a tendency of more pride, self-esteem and independence among the deputies, as the institution is gaining experience and is functioning better. Despite the weaknesses of its mandate, there could be processes of socialisation, of MPs finding their role sufficiently valuable, honourable and personally beneficial, in order to push for more parliamentary authority and autonomy. Some initiatives, some debates, and some commissions are pointing in this direction.

However, the Angolan parliament is basically very weak. It operates in a distinct presidential system with few powers to check on and restrict presidential powers. Its mandate is weak, for instance with no more than a 'consultative' role in forming the Government and in making nominations to higher positions within the state. It cannot remove the President or any government minister (except in exceptional cases). Furthermore, as seen from the analysis of the budget and law-making processes, its mandate and influence is weak. Regarding the budget process, the Angolan Parliament lacks a lot in terms of technical and economic competence to make a real influence. Even the finance committee has a lack of experience, capacity, and expertise. And so far, the Angolan Parliament has made no substantial changes to the Government's budget proposition.

This overall conclusion is also supported by the sample of Members of Parliament questioned for this study. On the question of the real political decisions were taken in Parliament or outside of it, the vast majority of parliamentarians consider that the hard decisions are made by either the President/Government or by the ruling party (MPLA). Within the Parliament, the plenary or the parliamentary commissions holds little influence, again the Parliament's party groups are considered the centres of decision making (again with the MPLA as the most influential).

The capacity of the Angolan Parliament is also limited. According to the survey conducted for this study, the parliamentarians themselves were mentioning several factors that inhibited their work as deputies; weak preparation by the support staff, lack of discipline and assiduity among MPs (that

⁴⁶ These two parties will probably be the dominant parties also after the next elections, given their historic strengths. That is, unless there is something to the rumours that the two parties are planning a merger (which is not unlikely: the UNITA cadres may well prefer negotiations with the ruling party in order to secure their positions, rather than open up for the uncertainties of an election).

could be addressed through more binding formalities in proceedings), insufficient salaries and the lack of solutions to other practical problems among deputies, and weak physical infrastructures.

The Parliament of Angola has nevertheless gained some impetus over the last few years. Internal as well as external pressures have made it impossible for the Angolan Government to rule without having the Parliament formally passing legislation on essential issues. Thus, the parliament is moving slowly and unevenly in a direction of better performance. There is a steep learning curve.













According to the survey conducted for this study, the large majority of the parliamentarians (80% of the sample) still believe the MPs are showing pride and respect to the Parliament as an institution. They also believe people, in general, respect the Parliament and understand its problems. Some mentioned, however, the need to develop a greater attachment to the national symbols. And referring to the ability of the Parliament to maintain at least some principles of democracy and representation, despite the civil war and the lack of a renewed mandate, and one deputy said that “in spite of the representation in Parliament of the party that waged war, the House is functioning”.

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Appendix A

The political parties represented in current Angolan parliament (acronym, flag, name in Portuguese and English, party leader (leader of parliamentary group), % of votes in 1992 elections and number of seats):

Party	Full party name	% of votes	# of seats
MPLA 	Movimento Popular de Libertação de Angola (Partido do Trabalho) (Popular Movement for the Liberation of Angola) Mr. Bornito de Sousa Baltazar Diogo	53.7	129
UNITA 	União Nacional para a Independência Total de Angola (National Union for the Total Independence of Angola) Mr. Constantino Zeferino	34.1	67
PRS 	Partido Renovador Social (Social Renewal Party, centrist) Mr. Lindo Bernardo Tito	2.3	6
FNLA 	Frente Nacional para a Libertação de Angola (National Front for the Liberation of Angola) Mr. Benjamim Manuel da Silva	2.4	5
PLD 	Partido Liberal Democrático (Liberal Democratic Party) Mrs. Analia Maria Caldeira de Victória Pereira Simeão	2.4	3
PRD 	Partido Renovador Democrático (Democratic Renewal Party) Mr. Rui Augusto Ribeiro da Costa	0.9	1
AD 	Aliança Democrática de Angola (AD-Coligação) (Democratic Alliance of Angola) Mr. Joao Baptista Vieira Lopes	0.9	1
PSD 	Partido Social-Democrata (Social Democratic Party) Mr. Bengui Pedro João	0.8	1
PAJOCA 	Partido da Aliança da Juventude, Operários e Camponeses de Angola (Party of the Alliance of Youth, Workers and Farmers of Angola) Mr. Alexandre Sebastião André	0.4	1
FDA 	Fórum Democrático Angolano (Angolan Democratic Forum) Mr. António Dias da Silva	0,3	1
PDP-ANA 	Partido Democrático para o Progresso/Aliança Nacional Angolana (Democratic Progress Party/Angolan National Alliance) Mr. Mfulumpinga N'lando Victor (deceased)	0,3	1
PNDA 	Partido Nacional Democrático Angolano (Angolan National Democratic Party) Mr. Geraldo Pereira da Silva	0,3	1

Source: official web-site of the Parliament of Angola (Página Oficial da Assembleia Nacional da República de Angola: <http://www.parlamento.ao/>)

Appendix B

A-IP/CMI

Institutional development in Angola – The Parliament

Questionnaire

In the scope of the research project “Institutional development in Angola”, having as a study case the national Parliament, we ask for and welcome your opinion, as MP, on the following issues, related to parliamentary activities in Angola.

1 MANDATE and AUTONOMY

*Since 1991 the constitution has formally given the Angolan Parliament more powers, influence and responsibilities in the political system. We would like to know your opinion on the **formal responsibilities** of the Parliament of Angola, and your opinion on its ability to make decisions according to its purpose and mandate, and to make decisions without undue interference from other institutions in the political system.*

- a) In your opinion, does the **current constitution** assign sufficient **influence** and responsibilities to the Parliament?
- Yes, the Parliament is constitutionally strong and influential
 - Basically, the Parliament is strong according to the constitution although some reforms smaller should be made.
 - No, the constitution is not giving sufficient powers to the Parliament. A constitutional reform should strengthen the role of the Parliament, in particular by:

- b) In your opinion, looking at the **budget process**, does the Parliament have sufficient influence on the national budget?
- Yes, the Parliament has a significant influence on the national budget
 - No, the Parliament does not have sufficient influence on the national budget
 - The parliament has some influence on the budget. The most important budgetary influence exercised by the Parliament has been that:

- c) What is your impression of where the **initiative for new laws** is coming from, in general?
- The initiative for new laws is basically taken by the President or the Government
 - The initiative is taken in general by the Legislative branch (the courts)
 - The initiative is basically taken by the Parliament itself
 - In some important cases, the initiative for new laws has been taken by the Parliament, namely the laws of (which, when):

- d) In your opinion, looking at the **legal process** in general (the process of formulating and passing laws), does the Parliament have sufficient influence?
- Yes, the Parliament has a significant influence on the law making process

- () No, the Parliament does not have sufficient influence on the law making process
- () On the passing of some new laws, the Parliament has had influence (which, when):

- e) In your opinion, can and does the Parliament check and control the **implementation** of (new) legislation?
 - () Yes, the Parliament is checking and controlling that the Government is implementing legislation passed, on a sufficient and permanent basis
 - () The Parliament is to some extent checking and controlling implementation
 - () No, the Parliament rarely checks or controls the implementation of lawsAdditional comments:

- f) In your opinion, does the President have and use his **power of veto**?
 - () No, the President does not have veto powers
 - () Yes, the President has veto powers, but he rarely or never uses his veto powers
 - () Yes, the President has and is frequently using his veto powers. These are some important examples:

- g) In your opinion, are there any examples of the President's office or Government **not respecting** the decisions taken by the Parliament (by for instance issuing Government decrees contradictory to legislation passed by the Parliament, or spending money on purposes not authorised by the Parliament through the budget)?
 - () Yes, this is common in Angola
 - () No, the decisions of the Parliament is generally respected and followed up correctly by the President and the Government
 - () The President and Government are sometimes disregarding Parliamentary decisions. The following are important examples:

- h) In making **nominations to senior government positions** (like in the military and state administration, governors and directors of central bank, state companies etc.), does the Parliament in your opinion have sufficient influence?
 - () Yes, the Parliament has a decisive influence on nominations
 - () No, nominations are generally made by the President and Government exclusively
 - () In some instances, the President and Government have consulted with and taken the view of the Parliament into consideration in nominations. The following are important examples:

- i) In establishing **special commissions** (non-permanent commissions of control, like for instance an Electoral Commission, Anti-Corruption Commission, Human Rights Commission, Anti-Drugs Commission); what is the influence of the Parliament? Does the Parliament have an influence on having these established, on their mandate and staff, and do they report to the Parliament?
 Yes, the Parliament has a decisive influence on special commissions
 No, commissions are generally established by and report only to the President and Government
 In some instances, the Parliament has established, influenced on the mandate of, and are receiving reports from special agencies, like for instance

- j) In your opinion, does the Parliament of Angola have the power to **lift** (take away) **the immunity** of the President, Government ministers and members of the Supreme Court, and of impeachment towards the executive or judiciary branch?
 No, the parliament of Angola is not bestowed with this authority
 Yes, the Parliament has this authority but it has never used it
 Yes, the Parliament has this authority and has already used it (on what occasion?)

- k) In your opinion, does the President have the power to **lift the immunity** of the Members of Parliament in Angola?
 No, the President of Angola is not bestowed with this authority
 Yes, the President has this authority but it has never used it
 Yes, the President has this authority and has already used it (on what occasion?)

2 CAPACITIES

Not every Parliament in the world has sufficient resources to fulfil all its responsibilities. We would like to have your opinion about the resources, capacities, and organisation of the Angolan Parliament.

- l) In your opinion, are the budget allocations and **financial resources** made available to the Parliament sufficient for it to fulfil its responsibilities?
 Yes, the Parliament is sufficiently resourced
 No, resources are severely limited, which makes it impossible to do what the Parliament and the MPs are supposed to do
 In some instances, resources have been inadequate to complete certain responsibilities. The following are important examples:

- m) In your opinion, is the **remuneration system of parliamentarians** adequate? Is the pay good enough for Members of Parliament to fulfil their duties?
 Yes, the Members of Parliament are adequately paid to fulfil their duties.
 No, the pay is generally too limited, which makes it impossible to do what the Parliament and the MPs are supposed to do.

n) In your opinion, are there substantial **fringe benefits** and/or **informal payments** made to Members of Parliament, with some possible influence on MP's capacity or their incentives?

o) In your opinion, does the Parliament of Angola have a sufficient **administration** (support staff, permanent secretarial staff, including financial and legal expertise, library etc.) in terms of number, professional skills, experience, expertise, and outlook?

- Yes, the Parliament is sufficiently resourced in terms of administrative capacities
- No, resources are limited and hardly available to Members of Parliament
- In some instances, administrative resources are too scarce to adequately fulfil certain tasks. The following are important examples:

p) In your opinion, is the Parliament of Angola **well equipped** in terms of **infrastructure**? Does the Members of Parliament have access to computers, research, travel, offices and other necessary infrastructure?

- Yes, the Parliament is well equipped
- No, the parliament is in general inadequately equipped
- In some areas, the Parliament is insufficiently equipped. In my opinion, the most severe shortages are:

q) In your opinion, is the Parliament of Angola **well organised** (does it have an efficient internal organisation in terms of its presidency, permanent committees, plenary sessions, and party groups)?

- Yes, the Parliament is well organised to fulfil its tasks
- No, the internal organisation is not efficient
- Some parts of the organisation are inadequate or weak. The following are in my opinion the main weaknesses in the Parliament's organisation:

r) In your opinion, where are the **real** political decisions made? In what part of the Parliament (our beyond) are the most important political discussions, considerations and hard decisions taken?

- Important political decisions are in general taken outside of Parliament
 - By the Government or President's office
 - By the ruling party
 - By

- Important political decisions are to a large extent made in Parliament, and more specifically by
 - The Parliament's Presidency
 - The permanent committees (comissões)
 - The party groups (Grupos Parlamentares)
 - Parliament Plenary sessions
 - Other: _____

- s) In your opinion, which are the most important permanent commissions of the Angolan Parliament? What commissions are more important and influential? (*more than one is possible; please also indicate why*)
- 1 Constitutional and legal affairs (Assuntos Constitucionais e Jurídicos Regimentos e Mandato)
 - 2 Defence, security and internal order (Defesa, Segurança e Ordem Interna)
 - 3 Foreign relations, international co-operation and Angolan communities abroad (Relações Exteriores, Cooperação Internacional e Comunidades Angolanas no Estrangeiro)
 - 4 Local administration and local authorities (Administração e Poder Local)
 - 5 Economy and finance (Económia e Finanças)
 - 6 Education, science, culture, religious affairs, sports and media (Educação, Ciência, Cultura, Assuntos Religiosos, Desporto e Comunicação Social)
 - 7 Health, environment, social affairs and war weterans (Saúde, Meio Ambiente, Acção Social Emprego e Antigos Combatentes)
 - 8 Parliamentary mandate, ethics and form (Mandatos, Ética e Decoro Parlamentar)
 - 9 Human rights and citizen petitions, complaints and suggestions (Direitos Humanos, Petições, Reclamações e Sugestões dos Cidadãos).

- t) In your opinion, does the Members of Parliament of Angola have a ‘pride’ in the institution, do they show **loyalty and respect** to the Parliament as an institution, and do they in general take part in its work with a positive, constructive attitude?
- Yes, pride and respect is the general attitude of the Members of Parliament
 - No, in general the parliamentarians hold little respect and pride in the institution
 - The question cannot be answered in simple terms. In some cases, there is a lack of respect or lack of pride. In my opinion, the problems are:

- u) In your opinion, would you say that the **Party Groups** (Grupos Parlamentares) and the **political parties** represented in Parliament are well organised, coherent and influential?
- Yes, the parties represented and the party groups are well organised
 - No, the parties and party groups are in general weak, fragmented and have little influence
 - Some of the parties and party groups are well organised, others are not. In my opinion, the well organised _____ and _____ influential _____ are:

- v) In your opinion, would you say that **party discipline** is strong in Angola? Are individual Members of Parliament in general respecting and following up decisions made by their party (party group)?
- Yes, party discipline is strong in Angola. This is because:

No, party discipline is weak in Angola. This is because:

3 REPRESENTATIVITY and LEGITIMACY

One basic purpose of a parliament is to represent all segments of a society. Now we would like to have your opinion in the Angolan Parliament’s representativity, and also your opinion on aspects of its legitimacy; how you think it is regarded by people outside of the Parliament.

w) In your opinion, would you say that the Parliament as such is **representing** Angolan society well? Are all parts of society (ethnic, religious, regional, gender, age, class, political ideologies) represented, and represented according to their numbers in society?

() Yes, the Parliament is quite representative of the Angolan society

() No, some segments of society are over-represented in Parliament, and others are severely under-represented. These are basically:

() Over-represented:

() Under-represented:

x) In your opinion, would you say that the Parliament of Angola is **legitimate**? Do you think that people’s opinion about the Parliament is favourable, and that the Parliament is well respected?

() Yes, the Parliament is legitimate and in general well respected

() No, there are severe lacks in terms of its legitimacy and respect

() Some segments of society are not respecting the Parliament. These are basically:

y) In your opinion and experience, do interest groups in society address the Parliament directly? Is there **lobbyism** taking place in the Angolan Parliament? Are certain groups (businesses, interest groups, NGOs, etc.) taking contact with Members of Parliament, the Parliament in general or parliament committees directly, and on their own initiative, to voice their opinions?

() Yes, lobbyism takes place frequently

() No, lobbyism does not take place in Angola

() Some groups have taken direct contact to express their concerns and opinions, namely (who, and possibly when and for what purpose):

z) In your opinion, is the **media coverage** of the activities of the Parliament good? Are state and private media sufficiently interested in the work done by the Parliament, and are they adequately reporting what is important?

() Yes, the media coverage of parliamentary activities is good

() No, media coverage of parliamentary activities is in general very insufficient

() Some media have a stronger interest and better coverage. These are for instance:

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SUMMARY

The Parliament of Angola was established and elected in 1992 in a watershed election that coincided with the peace process in Angola and the democratisation process in much of Africa. There has still been no second election, which means that this parliament is now working on a feeble legal basis. This study explores the strengths and weaknesses of the Angolan Parliament. It demonstrates that the Angolan Parliament is very weak in terms of its constitutional mandate, mainly because it is operating within a strong presidential system. It is also weak in terms of resource allocations and working conditions, because the ruling party is so dominant. Despite this, a slow and uneven process of increased parliamentary power for possible checks and balances is just beginning.

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