

# ELECTORAL POLITICS AND POLITICAL TRANSITION IN POST-WAR ANGOLA

## *Progress, Problems and Prospects*

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### ABSTRACT

*The southern African nation of Angola was included in the third wave of democratisation which began rolling over the African continent in the late 1980s. Structural political and economic reforms, including multiparty elections, were introduced in Angola as part of a peace settlement designed to set the country on a path to effective democratisation. However, the resumption of the armed conflict in the aftermath of the country's founding elections in 1992 blocked Angola's transition towards the consolidation of a multiparty democratic dispensation. The end of the civil war in 2002 renewed hopes for normal democratic development through a return to electoral politics. Building on the conception of elections as both instruments of democracy and tools of authoritarian rule, this article examines the progress, problems and prospects for democratisation brought about by the resumption of electoral politics in post-war Angola. The analysis of the evidence gathered from qualitative secondary sources suggests that, since the end of the war in 2002, Angola has seen the establishment of electoral hegemony. The MPLA has total dominance of not only the electoral process – its rules, their implementation and adjudication – but also of electoral results, allowing the winner to rule unchallenged. This has subsequently been used to engender other types of political domination, including constitutional and central government hegemony, thus ensuring regime entrenchment.*

**Keywords:** post-war Angola, elections, electoral politics, electoral authoritarianism in Africa, democratisation

## INTRODUCTION

The late 1980s and early 1990s witnessed massive political changes in sub-Saharan Africa, as personal dictatorships, one-party states and military regimes began to fall under the pressure of an emerging trend towards pluralist politics and multiparty elections. The changes came about as a result of both endogenous factors, such as popular calls for democratic rule; and exogenous factors, particularly the collapse of the Soviet Union and the end of the Cold War, which were part of a global phenomenon dubbed 'the third wave of democratization' (Huntington 1991). As one country after another held its 'founding elections', these events were described as the beginning of great 'democratic experiments in Africa' (Bratton & van de Walle 1997).

The optimism generated by the introduction, in some cases re-introduction of multiparty politics on the continent, was captured in the terminology used to describe the political changes taking place on the continent: 'political earthquake' (Mbaku & Ihonvbere 1998, p.1), 'Africa's second independence' (Ake 2000) and 'tectonic movements in African politics' (Bratton et al. 2005, p.14). However, assessments of these developments reveal a continent that is home to diverse political configurations. These range from liberal democracies and veiled personal dictatorships to 'situations in which elements of democracy and liberal politics operate in contexts where neo-patrimonialism and authoritarian tendencies also remain' (van de Walle 2002, p.66). In particular, the expansion of multiparty elections has given rise to the emergence of dominant-party systems and the prevalence of electoral authoritarian regimes in the politics of contemporary Africa.

Angola was part of the third wave of democratisation that began to roll over sub-Saharan Africa in the late 1980s. Substantial political and economic reforms, including multiparty elections, were introduced in the country as part of a peace settlement designed to consolidate strife-free political competition and set the country on a path to democracy. However, the resumption of the civil war in the aftermath of Angola's founding elections in 1992 blocked the country's trajectory towards the consolidation of a democratic dispensation, leaving it in 'an ambiguous state of transition' (Hodges 2004, p. 47).<sup>1</sup> The end of the armed conflict in 2002 renewed hopes for normal democratic development through a return to electoral politics.

This study examines the extent to which this expectation has been fulfilled, and the role of electoral politics in the political transition of post-war Angola, that is in the 21<sup>st</sup> century. More specifically, the study explores the three general

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1 Although the democratic reforms introduced in the months leading up to the 1992 elections were not reversed, there were severe restrictions placed on their application.

elections that have been held in the country since the end of the civil war, namely the 2008, 2012 and 2017 electoral processes, so as to ascertain their impact on the development of the democratisation process in the country. The focus is on the progress, problems and prospects for this transition to a more democratic dispensation between 2008 and 2017. The study is informed by the textual analysis of data gathered from secondary sources, such as books, peer-reviewed articles, newspapers, legislation and reports, and builds on two major theoretical assumptions: Firstly, that elections can be used both as ‘instruments of democracy’ (Powell 2000) and as ‘tools of authoritarian rule’ (Schedler 2015). Secondly, that regime transitions are open-ended processes, leading to the emergence of a democratic dispensation or a renewed form of authoritarian rule (Carothers 2002).

The analysis starts with an examination of the ambiguous character of elections as both instruments and tools of democracy and moves to explore the progress Angola has made towards democratisation. This is followed by a reflection on the challenges to the democratic process, culminating with an analysis of the prospects for democratisation in post-war Angola.

#### ELECTIONS AS BOTH INSTRUMENTS OF DEMOCRACY AND TOOLS OF AUTHORITARIAN RULE

In commonplace language, the word elections refers to mechanisms designed to choose representatives to perform specific duties for a group through the act of voting. In the realm of politics, elections represent a means to determine the collective decision of the citizenry regarding who should govern. This view is encapsulated in the definition of elections as ‘processes by which citizens choose a person to represent them in public office, or by which citizens accept or reject political propositions’ (Scott 2007, p.123).

Although elections were not the preferred tool for selecting public officials in ancient Athens, the world’s first known democracy, they have become the defining institutional element of democracy in contemporary societies. Through elections the essence of democracy, that is self-rule of the people, is actualised in contemporary times. This is because of the impracticalities of practicing direct democracy in today’s densely populated and territorially large political communities where elections have emerged as the primary institutional mechanism for translating people’s power to rule into government power through elected representatives.

Besides enabling the delegation of political representation, elections make fundamental contributions to the sustenance and consolidation of democratic governance. Firstly, elections confer legitimacy on the political system and government. In the contemporary world, where democracy is considered the

only acceptable form of government, it is difficult for a government to claim to be democratic if it does not hold elections. This is also a strong argument for the legitimacy of any political system that 'is legitimate because it is democratic, and democratic because it holds elections' (Katz 1997, p.102). Secondly, electoral processes contribute to the institutionalisation of peaceful access to political power by allowing ordinary citizens to make themselves available for political office or to participate in the selection of political leaders. Thirdly, the regular occurrence of elections turns it into a practical mechanism to make government accountable to the people. Electoral processes provide voters with the opportunity to punish elected representatives should they fail to fulfil the aspirations of the citizenry, or to keep them in their positions if the electorate approve of their performance.

Fourthly, elections foster active popular involvement in public life. During campaign periods, alternative visions of society are put forward, with candidates trying to convince voters of their suitability and citizens trying to decide between different proposals. Furthermore, electoral campaigns inspire citizens to take a more active public role by listening to debates, expressing demands, proposing solutions to problems and standing for office. These culminate with voting, which is an act of direct participation in public decision-making. Lastly, elections give voters decision-making power over the policy decisions of government. This goal is accomplished by encouraging public officials to be responsive to the public and by giving citizens a direct role in government policy-making through direct participation in referenda and legislative initiatives (Medvic 2013, p.12).

However, elections must meet the criteria of freedom and fairness to pass as democratic. Elklit and Svensson (1997, p.40) clarify the meaning of these two constitutive qualities of democratic elections, noting that 'freedom entails the right and the opportunity to choose one thing over the other', while fairness 'involves both regularity (the unbiased application of rules) and reasonableness (the not-too-unequal distribution of relevant resources among competitors)'. Along the same lines, Levitsky and Way (2010, p.7) explain that elections are free 'in the sense that there is virtually no fraud or intimidation of voters' and fair 'in the sense that opposition parties campaign on relatively even footing: they are not subject to repression or harassment, and they are not systematically denied access to the media or other critical resources'. In brief, an election is free when voters can choose candidates, political parties and policies without any form of undue influence, coercion or intimidation; and fair when contenders are treated equally, and the electoral contest takes place on a level playing field, that is when everyone has the same chance of succeeding.

Without these conditions to guarantee the freedom and fairness of electoral processes, elections lack their democratic substance and content, leaving only their form, the procedure. When this happens, elections cease to be 'instruments

of democracy' (Powell 2000) becoming instead 'tools of authoritarian rule' (Schedler 2015). This has been the case in many countries in post-Cold War Latin America, Eurasia and Africa where political elites have adopted multiparty electoral competition, while manipulating electoral processes in order to ensure political survival. This state of affairs places these countries in the broad category of electoral authoritarian regimes as 'the idea of democratic self-government is incompatible with electoral farces' (Schedler 2002, p.37).

### PROGRESS

The Angolan polity has seen great changes since the end of the armed conflict in 2002. The most important of these changes is unquestionably the arrival of peace, which acts as a precondition for the development of any political community, and in the case of Angola has led to a resumption of the democratisation process. The following examples illustrate the progress that the country has made towards the development of a truly democratic political system. These include the organisation of three consecutive electoral processes, the promulgation of a brand-new constitution, and the schedule of the country's long-awaited first local elections for 2020.

Since the end of their civil war Angolans have been to the polls on three occasions, namely in 2008, 2012 and 2017. Several political parties participated in these elections, which confirmed the electoral domination of the ruling Popular Movement for the Liberation of Angola (MPLA). The 2017 electoral process is particularly important because of 'the politics of presidential succession' (Pearce et al. 2018). After almost four decades in power, President dos Santos decided not to stand again for re-election, thus paving the way for a new head of state, President João Lourenço.

Angola's post-war era has also seen the promulgation of a new constitution. Prior to the approval of the new constitution in 2010, a constitutional law (enacted in 1991 and revised in 1992) regulated all public and private affairs in the Angolan polity. The document had a provisional character, as at the time of its approval it had been expected that a new constitution would be negotiated by the legislature emerging from the country's first multiparty elections held in 1992. However, this did not happen due to the resumption of the civil war in the aftermath of the elections. Consequently, the approval of a new constitution in 2010 brought this protracted constitution-making process to a conclusion.

Despite the introduction of major reforms such as the abolition of direct presidential elections, the new constitution reaffirmed provisions found in previous constitutional documents. One such provision relates to the institutionalisation of the *autarquias locais* or elected local government bodies comprising an assembly

with decision-making powers, a collegiate executive body and a president (arts. 217-222, CRA 2010). At present, Angola has no locally elected officials. All state officials at the local level (province, municipality and districts) are appointed by the central government. After successive delays, the first local elections in the history of the country are now scheduled for 2020.

## PROBLEMS

This section investigates the main challenges to democratisation in post-war Angola in a critical examination of the major political transformations in the country since the end of the war. These comprise electoral politics, the constitutional reform process, and the institutionalisation of local elections.

### *The Nature of Electoral Politics*

The advent of peace revived calls for a return to electoral politics in Angola. In particular, there was a need for renewed electoral mandate at the apex of the central institutions of the state, the National Assembly (parliament) and the Head of State, which had been suspended as a result of the war effort. After successive delays, Angola held its first legislative elections since the end of the civil war on 5-6 September 2008. These have been followed by two consecutive general elections held on 31 August 2012 and 23 August 2017, respectively.

The MPLA has been in power in Angola since the country's independence from Portugal on 11 November 1975. It has won the three electoral contests with overwhelming majorities of 81.6% of the votes in 2008, 71.8% in 2012 and 61.1% in 2017. These outstanding results mean that the ruling party has successively won 191, 175 and 150 seats in a 220-seat parliament, investing it with a supermajority that allows the party to govern alone and implement any structural reform uncontested, including changing the country's constitution. In contrast, opposition parties as a whole have gained a mere 18.4, 28.2 and 38.9 percent of the votes in the 2008, 2012 and 2017 elections respectively (Matsimbe & Domingos 2018). Although they have increased their share of parliamentary seats from 29 to 45 and then 70 seats in a 220-seat parliament, opposition parties remain minor players in the Angolan political system.

The abovementioned electoral results not only indicate the non-competitive nature of the Angolan political system but also the configuration of the party system, which has the characteristics of a dominant-party system and works as a *de facto* one-party state. Dominant-party systems are defined as states where multiparty politics are constitutionally and legally endorsed, but where in practice only one party dominates the political system to the exclusion of other political

forces (Bogaards 2004). This type of political configuration tends to impact negatively on the overall performance expected from an established democratic state since they are not sufficiently separated from state institutions. In other words, in transitional settings, dominant-party systems tend to be hostile to meaningful democratisation because they often blur the lines between the state, the ruling party and government.

Although national and international observers have declared Angola's post-war elections to be overall free and fair, the electoral hegemony of the MPLA continues to derive from its dominant-party status. Control over state institutions and resources have often been used to manage electoral processes, shape the electoral playing field and ultimately deliver resounding victories. However, this does not in any way exclude the failures and weaknesses of opposition parties, which suffer from a series of structural and organisational problems.

For instance, there have been negative perceptions about the credibility of the voters' registration process and the integrity of the voters' roll. These tasks are carried out by government (through the Ministry of Territorial Administration) under the supervision of the National Electoral Commission (CNE). This institutional arrangement is particularly problematic in the case of Angola, which is dominated by a public administration that is still learning to practice the culture of bureaucratic neutrality. In the Angolan context, this arrangement means that despite being a contestant in the electoral game, the ruling party can manipulate the composition of the electorate through its control over the compilation of the voters' roll. This seems to have been the case in 2012 when almost two million voters were prevented from casting their votes. Official records showed that voters were registered to vote in polling stations located far away from where they lived, sometimes even a different municipality or province altogether. The government's explanation noted that the voters in question had not updated their registration (COE 2012, p.8). The opposition, and in particular the leader of the main opposition party, stated publicly that those voters had been the victims of 'a structured and well-planned program of manipulation of the voters' registration data orchestrated by the government'.<sup>2</sup>

The impartiality of the institution responsible for the administration of electoral procedures, the CNE, is also questionable. According to the constitution, the CNE is an 'independent administrative body' (art. 107, CRA 2010). However, this administrative independence (meaning that the CNE is not incorporated in a ministry or other government department) does not extend to the way the entity operates. This is so because of the legal provisions for the appointment

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2 See: [http://www.club-k.net/index.php?option=com\\_content&view=article&id=12877:integra-do-discurso-do-lider-da-unita-em-reacao-aos-resultados-das-eleicoes-de-31-de-agosto&catid=11&Itemid=1072&lang=pt](http://www.club-k.net/index.php?option=com_content&view=article&id=12877:integra-do-discurso-do-lider-da-unita-em-reacao-aos-resultados-das-eleicoes-de-31-de-agosto&catid=11&Itemid=1072&lang=pt) [viewed 14 April 2018].

of its members, resulting in a partisan body strongly dominated by the ruling party. Accordingly, the CNE comprises seventeen commissioners eligible for up to two five-year terms and includes the president (a judge chosen and appointed by the Supreme Council of the Judiciary) together with sixteen commissioners nominated by political parties and party coalitions according to their electoral strength. After being nominated by the parties, commissioners are officially appointed in the National Assembly by an absolute majority of votes (art.143, Law 36/2011). The outcome of the elections determines the number of commissioners a party is entitled to nominate. The outcome of the 2008 elections resulted in the following allocation for the 2012 elections: nine commissioners for the MPLA, three for National Union for the Total Independence of Angola (UNITA), two for the Social Renewal Party (PRS), and one for the National Front for the Liberation of Angola (FNLA) and New Democracy-Electoral Union (ND-UE), respectively (art.209, Law 36/2011). The same configuration is replicated down to the CNE's provincial and municipal structures. The outcome of the 2012 elections ensured that the MPLA was entitled to appoint the same number of commissioners in 2017, which effectively ensures that the ruling party enjoys almost complete control over the electoral commission.

The partisan character of the CNE has turned the electoral administration body into a miniature replica of the National Assembly, where the ruling party dominates with the required majority to approve or block any decision it deems fit for its political agenda. This situation is particularly challenging since in the Angolan case, the electoral commission doubles as an electoral court, working as a first instance court in the settlement of electoral disputes.

Consequently, the electoral commission has often been at the centre of major election-related controversies in the country. For instance, during the 2008 elections, the CNE was accused of preventing the accreditation of national observers from independent civil society groups (HRW 2009, p.25). In the months leading up to the 2012 elections, the head of the CNE, a high-ranking MPLA official, was forced to resign after the Supreme Court found her re-appointment to be unlawful. However, successive attempts by opposition parties to invalidate the decisions she made during her contentious tenure (roughly three months before polling day) were unsuccessful. More recently, during the 2017 electoral process, opposition parties accused the CNE of hiring INDRA and SINFIC without following proper procedure. The process leading up to the selection of the two companies was shrouded in mystery, suggesting a previous agreement between the commission and the companies. The events took place in a context where INDRA and SINFIC stood accused of helping to rig previous elections and consequently were not trusted by opposition parties. In the end, the CNE's controversial decision prevailed and the two companies went on supplying the electoral logistics and computer programs for the elections.



In post-war Angola, the electoral playing field is often skewed in favour of the ruling party, resulting in unfair competition. Having been in power for more than four decades, the MPLA has absolute control over state resources. During campaign periods, the public administration, vehicles, state media and other state resources are deployed at the service of the ruling party and there are massive unveilings of public works across the country. Government officials, acting as party officials, unveil these public works which are paraded as MPLA's achievements. Public servants are often forced to attend MPLA's rallies for fear of losing their jobs if they fail to comply. It was reported in the 2012 elections that there was widespread fear amongst public servants that they would lose their jobs if they voted for any party other than the MPLA (OPSA 2012, p.5).

This uneven playing field has also been made manifest in terms of access to finances. Although all parties cleared to run in the elections are entitled to an equal amount of public funding, the MPLA often dwarfs those sums. For instance, in the 2008 electoral process all parties received the equivalent of \$1.2 million from the government to fund their campaign. However, the cost of the ruling party's campaign was estimated at around \$300 million. Analysts have pointed out that the amount was probably the result of donations from Sonangol (the National Oil Company) and Endiama (the National Diamond Company), in clear violation of regulations preventing political parties from accepting donations from public companies and foreign entities (Roque 2009, p.142). In recent times, it has emerged that the ruling party's campaign in 2012 benefited from US\$50 million paid for by the Brazilian Construction Company Odebrecht in clear violation of the electoral law, which bans the acceptance of funds from foreign entities (art.80, Law 36/11).<sup>3</sup>

Media access is another area where the odds are tilted towards the ruling party because of the configuration of the media sector in Angola, which is controlled by the MPLA. State-run media outlets dominate the media sector – the National Television Broadcasting (TPA); the National Radio Broadcasting (RNA); and *Journal de Angola* (a daily newspaper). People close to the ruling party own most private media outlets, giving the illusion of media pluralism (Faria 2013). Most of the population is prevented from accessing alternative sources of information because of regulations that grant state monopoly over national radio and television broadcasting. Electoral legislation provides for equal media coverage during the official 30-day campaign period for reports on electoral activities (ten minutes on the national radio broadcaster and five minutes on television); but outside these allotted times the media tends to focus disproportionately on pro-ruling party and pro-government reporting.

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3 *UNITA acusa MPLA de receber financiamento externo nas eleições de 2012 em Angola:*  
<https://www.dn.pt/lusa/interior/unita-acusa-mpla-de-receber-financiamento-externo-nas-eleicoes-de-2012-em-angola-8595831.html> [viewed 18 April 2018].

Finally, there have been major controversies around vote counting, and opposition parties have repeatedly claimed that their representatives are excluded from the counting centres. As a result, the three electoral processes held in post-war Angola have been settled in court. The most widely reported case in the media took place during the 2017 electoral process when CNE commissioners nominated by opposition parties held a press conference to distance themselves from the provisional results. Subsequently, opposition parties, with the exception of the National Patriotic Alliance (APN), rejected the provisional results, claiming that the vote-counting process did not follow proper procedure. This led to the unfolding of a pattern observed in 2008 and 2012 where the MPLA-dominated CNE would dismiss the contestations and the Constitutional Court (the highest court of appeal in the settlement of electoral disputes) would uphold the decisions taken by the electoral commission.

It is thus evident that in the post-war period the MPLA has resorted to control over the state and its structures to attain electoral hegemony. This view is summed up in the assertion by Pearce et al. (2018, p.152), referring to the 2017 elections, that 'it is not as a party that the MPLA goes to the polls, but as a party-state'. Electoral outcomes are then used to engender other types of domination, such as approving a self-serving constitution (constitutional hegemony) and delay the implementation of elected local government bodies (central government hegemony). These strategies not only consolidate the power of the ruling elite in the short term but also ensure the party's continued control over the Angolan polity in the long run.

### *The Atypical Constitution*

In the aftermath of the 2008 elections, the MPLA put the presidential and local elections on hold, conditional on the approval of a new constitution. In this regard, this study suggests that President Dos Santos and the ruling party built on the 2008 electoral victory in order to consolidate their hegemonic control over the Angolan political system through the constitution-making process concluded in 2010 – the MPLA by pre-empting the possibility of losing power through elections, and Dos Santos by cementing his personal power and position as the dominant figure in Angolan politics. This argument has theoretical support from the idea that in the current 'era of electoral authoritarianism' (Morse 2012) constitutional change is one of the many tactics that rulers use to retain and maintain power (D'Anieri 2013, p.6).

On 5 February 2010, President Dos Santos promulgated the Constitution of the Republic of Angola. This followed an approval of the document by the National Assembly two weeks earlier. The MPLA, PRS and the ND-UE voted

in favour of the document, the FNLA abstained, while UNITA parliamentarians walked out of parliament in protest. According to Ms. Alda Sachiambo, leader of UNITA's parliamentary caucus at the time, 'January 21 will be remembered as a day of national mourning for Angolan democrats because it marks the consummation of a coup against democracy and the sovereignty of the Angolan people perpetrated by the MPLA, the enemy of the people' (*O Publico*, 21 January 2010).

More important, for the purposes of this paper, is the 'map of power' encapsulated in the new constitution. Accordingly, the Angolan constitution exemplifies the phenomenon of 'imperial presidency' as it endows the president of the republic with extensive executive powers in the absence of meaningful mechanisms checks and balances (Okoth-Ogendo 1991, p.13). For instance, the president of the Republic is the head of state, holder of executive power and the commander-in-chief of the armed forces (art. 108, CRA 2010). Ministers serve at the pleasure of the president assisting him in fulfilling his executive powers (art. 108, CRA 2010). Technically, there is no government but the president who is the holder of all executive powers (*Titular do poder executive*, in Portuguese).

In addition to the considerable legislative powers which the president shares with parliament, the president has the prerogative to appoint the presiding and deputy presiding judges of all the highest courts in the country (Constitutional, Supreme, Auditors and the Supreme Military Courts), to appoint and dismiss the attorney general, the deputy-attorney general and the military prosecutors of the Supreme Military Court (art. 119, CRA 2010). These provisions not only compromise the independence of the judiciary and the democratic principle of separation of powers, but give pre-eminence to executive power.

The Angolan constitution, however, is not the only constitution in the world that grants extensive powers to the president; in fact, many presidential systems make similar provisions. However, the peculiarity of the Angolan constitutional order, which runs counter to modern liberal constitutionalism, is the absence of a system of checks and balances to regulate the exercise of presidential power. For instance, the constitution does not provide for a parliamentary vote of no confidence in the president. It also prevents parliament from summoning ministers or other 'auxiliaries of the holder of executive power' without the president's consent (Constitutional Court Ruling 319/2013). This effectively results in a system with minimal or no executive accountability to parliament. Nonetheless, the president may resign for political reasons and should this happen, parliament is automatically dissolved and early elections are called (art. 128, CRA 2010).

Despite the large concentration of powers in the executive branch, the constitution does not provide for the direct election of the president. The constitution clearly states that, 'the individual heading the national list of the political party or coalition of political parties that receives most votes in the general elections shall

be elected President of the Republic and Head of the Executive' (art.109.1, CRA 2010). This provision has at least three major implications: it fuses presidential and legislative elections, preventing voters from making different choices between a presidential candidate and parliamentary representation; it shields the top executive officer and his deputy from the direct judgment of the voters; and it prevents independent candidates from running for the presidency, thus forcing them to align themselves with a party or a coalition of parties cleared to run in the general elections.

This configuration of power has given rise to some interesting debates regarding the system of government outlined in the Angolan constitution. Although the Angolan system of government has officially been described as 'presidential-parliamentary'<sup>4</sup>, it is essentially *sui generis* because it does not fit within any of the classical categories (parliamentary, presidential and semi-presidential systems). Attempts at classifications by eminent Portuguese-speaking legal scholars have yielded various conclusions, including a 'hyper-presidential regime' (Vital Moreira cited in Pereira 2013, p.6), a case of 'extreme presidentialism' (Pestana 2011) and a 'simple representative government' (Miranda 2010). Alexandrino (2013, p.13) captures the Angolan reality with a concise clarification, that 'the system of government outlined in the Constitution of the Republic of Angola is a specifically Angolan system (that is, it is an atypical system), characterized by a *de facto* presidentialism and power personalization, within a multiparty framework with a hegemonic party'.

The adoption of a highly presidentialist constitution in Angola speaks to the persistence of the logic of 'personal rule' in Africa (Jackson & Rosberg 1982; Hyden 2006, p. 95). In fact, the constitution has merely translated into law the political reality of President Dos Santos's pre-eminence in the Angolan political system, further consolidating his personal powers. This leads to questions about how President Dos Santos managed to attain such constitutionally sanctioned powers. The answer to this question seems to lie in the remarkably long tenure of his presidency and shrewd political manoeuvring during the extraordinary circumstance of a raging civil war.

To begin with, President Dos Santos was one of the longest-serving leaders in Africa. He had been in power for almost three decades when the constitution was adopted. This longevity provided him with enough temporal latitude to consolidate a parallel system of power, which functioned alongside centres of

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4 This terminology is misleading. In the Angolan context, the system of government was termed 'presidential' in reference to the preeminence of the president in the structure of government (often (mis)-using the American case to illustrate the presidential nature of the system) and 'parliamentary' in relation to the mode of electing/selecting the head of state (indirectly in parliament with references being made to the South African case).

power such as state institutions and the MPLA. The parallel system consisted of a large presidential bureaucracy comprising an office for civilian affairs and an office for military affairs. This administrative structure held a preeminent position in the definition of all major policies in the country. The engine of the parallel system was kept running by funds from Sonangol, the national oil company and the main source of Angola's state revenues. President dos Santos' control over Sonangol granted him direct access to petrodollars, which were used to reward and co-opt different groups and individuals within the state and society at large, including influential politicians, military personnel and family members (Soares de Oliveira 2015).

In addition, President Dos Santos' consolidated his personal powers against the backdrop of the civil war. In these exceptional circumstances, the centralisation of power in the presidency took place at the expense of the MPLA, the party over which Dos Santos had presided. For example, he remained in office despite the inconclusive nature of Angola's first presidential elections in 1992. Furthermore, government continued to function along presidential lines despite the constitutional provision for a semi-presidential system, which required the president and the prime minister to share executive powers. The relationship between these two entities has always been tense, reaching a peak after the president failed to appoint a prime minister in 1999. On that occasion, President Dos Santos decided to approach the Supreme Court to clarify the position of head of government. After the court found in his favour and recognised him as the head of government, the president abstained from filling the constitutionally sanctioned office of the prime minister, arrogating all the powers attached to that position. This made him *de facto* head of state and head of government.

The post-war period also elicited new political manoeuvres: in 2005, President Dos Santos approached the Supreme Court to pronounce on his eligibility to run for the presidency. This was in the context of the approval of the new Electoral Law, which established that the position of president of the Republic should be held only for two consecutive or three non-consecutive terms (art. 17/d, Law 06/05). The court ruled that the president had been exercising his duties in a context of constitutional abnormality, resulting from the non-conclusion of the presidential elections in 1992. Consequently, President Dos Santos was entitled to run for another two consecutive or three non-consecutive terms.

Initial plans to hold presidential elections in 2009 could not be carried out as the governing elite decided to postpone them subsequent to the approval of a new constitution. However, in the last stages of the constitutional reform process, President Dos Santos pushed for the indirect election of the president of the Republic. His proposal differed from the MPLA's constitutional project,

which granted strong executive powers to the president, who had to be directly voted into office by the electorate while having the extensive executive powers restrained by a system of checks and balances. In reality, what was at stake was President Dos Santos' reduced capacity to attract votes in comparison to the strong national following of the MPLA.<sup>5</sup>

This has strengthened the argument that President Dos Santos was concerned about getting fewer votes than the MPLA, as that would have weakened his authority within both the ruling party and the state. As a result, President Dos Santos influenced the ruling party to make a volte-face on their constitutional proposal (submitted to the National Assembly) in support of his favoured constitutional proposal (Model C), which incorporated the indirect method of electing the head of state to be adopted in the new constitution.

In the end, this institutional arrangement constituted a win-win situation for both President Dos Santos and the ruling party in their strategy to retain power in Angola in the long run. In the short term, the fusion of presidential and legislative elections addressed the issue of President Dos Santos' lack of charisma and popularity with the voters. He would be elected on the MPLA's ticket as he was the president of the party and was entitled to occupy the top position on the party's list. In the long run, particularly in the event of President Dos Santos being unavailable to run for office, the system ensured that an MPLA-fielded candidate would win the presidency, which happened in the 2017 general elections when João Lourenço ascended to the presidential office.

### *The Politics of Institutionalising Local Elections*

Although a new constitution has been enacted and three general elections held since the end of the civil war, no local government elections have yet been held. Looking at the zero sum nature of electoral politics in Angola, where the winner of the general elections (at national level) takes all (appointing all government officials from national down to the local level), this section of the study argues that the Angolan government's failure to implement the *autarquias locais* (elected local government bodies) seems to be part of the ruling party's strategy to preserve its hegemony over the Angolan political system through electoral containment.

At the heart of political and administrative decentralisation is the transfer of power from the central government to local units of power. This makes the call for decentralisation not only a reflection of the view that a decentralised government

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5 President Dos Santos has never been elected into office by popular vote despite being in office for almost three decades at the time of the constitutional reform process. In his first attempt to get elected, he proved to be less popular than his party, scoring 49.5% against the MPLA's 53.7% in the 1992 elections.

brings government closer to the people, thus fostering accountability, but also the notion that local government improves democracy in its participatory form.

The literature on democratisation acknowledges its ambiguous nature by stressing the means by which local government fosters democratic vitality and the challenges associated with such endeavours. For instance, Larry Diamond (1999, p.122) points out that local government contributes to the development of democratic values and skills amongst citizens; increases accountability and responsiveness to local interests and concerns; improves the representative chances of marginalised groups; enhances checks and balances vis-à-vis the centre; and provides opportunities for opposition parties at the national level to exercise a modicum of power at the local level. In contrast, scholars have cautioned against viewing decentralisation as the panacea for developing democracy and good governance (Cheema 2005, p.121). In certain circumstances, decentralised governance may create authoritarian fiefdoms, aggravate regional inequalities, and even stimulate geographical or ethnic secessionist demands (Troco 2018).

Notwithstanding these virtues and pitfalls, Angola is one of the many African countries that have subscribed to the principles of political and administrative decentralisation. Constitutional documents enacted since the end of formal one-party rule (even before, if one looks closely at the 1975 LCRA) have referred to the institutionalisation of autonomous local representative structures. The first democratic constitutional document makes references to the *autarquias locais* (or local government bodies) with elected representative structures and freedom to administer their communities (art.146, LCRA 1992). The new constitution reinforces these provisions by describing the *autarquias locais* as elected local government bodies comprising an assembly with decision-making powers, a collegiate executive body and a president (art. 217-222, CRA 2010).

Despite these constitutional provisions the truth of the matter is that no *autarquias locais* have yet been set up. As a result, the country has no locally elected officials; all state officials at the local level (province, municipality and districts) are appointed by the central government. This state of affairs begs the question about why government has failed to implement the constitutionally-sanctioned mandate to establish elected local governing bodies.

Although the government emphasises the security situation of the 1990s and the preparation of the 'right conditions' after the end of the war as the main factors preventing the institutionalisation of elected local government bodies, the ruling party does not have political incentives to decentralise power. Realistically, the current structure of sub-national government does not require the MPLA to share power with any political party at the local level, but this situation could change if the ruling party were to institutionalise locally elected government.

Currently, the structure of local government in Angola comprises three strands: provincial, municipal and district levels.<sup>6</sup> These different spheres enjoy little policy, budgetary or fiscal autonomy because of a rigid top-down relationship with the central government based in Luanda. In addition, the central government controls the appointment of all senior officials at sub-national level. Accordingly, the president of the Republic appoints the 18 provincial governors who are politically and institutionally accountable to him alone (art 201/3, CRA). Provincial governors (in consultation with the Ministry of Territorial Administration) appoint the 164 municipal administrators, who in turn appoint the 528 district administrators.

This situation has some serious political and administrative implications. Firstly, it has turned Angola into one of the most politically and administratively centralised states on the African continent.<sup>7</sup> Secondly, it strengthens the zero-sum nature of national politics, where the party that wins the general elections gets to fill all state administrative offices with its cadres. Thirdly, it has turned local government into a highly politicised and party-oriented sphere of governance, dominated by the ruling party.

As mentioned above, the MPLA not only appoints all senior state officials at the local level; but these appointees quite often double their positions in government with the chairmanship of the party at the level of their state jurisdiction. For instance, provincial governors are often the leaders of the MPLA in their respective provinces. The same logic applies to municipal and district administrators. This configuration of sub-national government also shifts the role of local government from delivering services and welfare to the citizenry to a structure that advances the interests and concerns of the governing party. This problematic feature of sub-national government in Angola tends to heighten during electoral periods, as the ruling party deploys massive state resources at the service of the party, thus blurring the lines between party, government and state alluded to in the previous section.

Institutional democratic reforms have now reached the point of no return and the MPLA cannot formally renege on the commitment to implement elected local government structures; however, the party has approached the matter with extreme caution. The MPLA's actions and policies, informed by the principle of gradualism, are indicative of the party's strategies to implement the decentralisation process without losing actual political power. Article 242 of

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6 The municipalities are administrative regions within provinces while districts are administrative regions within the municipalities.

7 Angola is the only country in southern Africa that has not institutionalised elected local government. Once the country manages to set up locally elected government bodies these will be restricted to the municipal level. The appointment of provincial premiers will continue to be a prerogative of central government.



the constitution states that 'the effective institutionalisation of local authorities shall obey the principle of gradualism'. In the Angolan context, gradualism means, theoretically, that large reforms should not be implemented at once, but progressively, bit by bit. However, in practice, reforms are being implemented at a very slow pace under the strict control of the ruling party, which may explain why the government has continuously delayed local elections. In the immediate post-war period, local elections had been planned for 2011 (EUEOM 2008, p.42) and later for 2015. More recently, the Minister of Territorial Administration has announced that the institutionalisation of elected local government will start in selected municipalities in 2020 and spread to all municipalities by 2035 (*O Pais*, 22/05/2018). In response to the government's proposal, opposition parties have been calling for the simultaneous implementation of elected local government in all municipalities. The crux of the problem seems to lie with the interpretation of the principle of gradualism. The ruling party understands it in territorial or geographical terms (*gradualismo geográfico*), while opposition parties interpret it in terms of progressive transference of responsibilities from the central government to the municipalities (*gradualismo funcional*). However, the careful management of the institutionalisation of autonomous local representative structures suggests a concerted effort by the ruling party to control the pace and direction of change in order to pre-empt possible threats to its hold on power.

## PROSPECTS

The extant political order in Angola is still authoritarian, according to several indexes of democracy. For instance, the Freedom House Index, an annual freedom barometer that measures the levels of civil and political freedom in the world, has consistently placed Angola in the 'Not Free' category, a proxy for authoritarian states (Freedom House 2018). Similarly, the Economist Intelligence Unit's Index of democracy has consistently classified Angola as an authoritarian state (EIUI 2018). However, judging by how the ruling elite conditions the effective functioning of constitutional provisions for a multiparty democratic dispensation, particularly free and fair electoral competition, Angola is best defined as an electoral authoritarian state of a hegemonic type.

Both quantitative and qualitative empirical studies have established that elections tend to have a liberalising effect in competitive electoral authoritarian regimes (Howard & Roessler 2009; Brownlee 2009). This is because competitive regimes have meaningful 'arenas of contestations', such as the electoral, legislative, judiciary and the media through which opposition forces may periodically challenge, weaken, and occasionally, even defeat autocratic incumbents (Levitsky & Way 2010, p.7). The same cannot be said of hegemonic electoral authoritarian

regimes. These regimes tend to be stable as the incumbent controls all the relevant sites of state power, including the electoral arena, its actors and outcomes. They remain stable as long as elections remain non-competitive. In the words of a prominent academic in the field: 'elections are a mode of transition in competitive, but not hegemonic authoritarian regimes' (Brownlee 2009, p.144).

From this perspective, prospects for democratisation in post-war Angola are not promising. Although the MPLA has lost parliamentary seats in every election since 2008, this has not translated in an effective loss of power and since the country's accession to independent statehood, the ruling party has entrenched its domination over the Angolan state and society. The party still controls the presidency; it has more than the required number of seats in parliament to change or approve any piece of legislation it wishes; and also has a monopoly over government policy-formulation, implementation and decision-making in general. In these circumstances and in the absence of a political (or even a social) revolution, meaningful democratic reforms in the country will take place only if the MPLA undertakes a reform of its *modus operandi*.

In addition, the ruling party espouses certain practices and principles that are not conducive to democracy. For instance, the MPLA's actions and policies are informed by the principle of gradualism, meaning that large reforms are implemented at very slow and controlled pace so as not to weaken the party's hold on power, illustrated by the politics of implementing elected local government discussed above. In addition, the party has a long tradition of single-candidate contests for the presidency with candidates winning with astonishing majorities. In 2016, President dos Santos was re-elected head of the party with 96.6 percent of the votes.<sup>8</sup> Two years later, his successor, President João Lourenço was elected with 98.59 percent of the votes (*Jornal de Angola*, 9 September 2018). This is perceived as a deficit of democratic traditions in the ruling party, as no political leader in contemporary liberal parties runs unopposed and wins with such majorities.

The MPLA still practices democratic centralism, an organisational principle borrowed from the Communist Party of the Soviet Union. It combines the discussion of policies and election of executive officials at all levels with the acceptance and implementation of decisions made by hierarchically superior decision-making bodies. This results in a strong top-down approach, excessive centralisation of power and suppression of internal dissent. In recent times, this was observed in the selection of the party's presidential candidate, a decision made by the higher echelons of the party (President Dos Santos and the Political Bureau) without the participation of rank and file party members. It also became

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8 More at: <https://www.dw.com/pt-002/josé-eduardo-dos-santos-reeleito-presidente-do-mpla/a-19492171> [viewed 6 September 2018].

evident during the debates on the perils of *bicefalia* (the existence of two centres of power, namely the party and the state) that arose when President João Lourenço took up the position of head of state, while President Dos Santos remained head of the ruling party.

There are, however, signs of hope now that President João Lourenço has taken over the helm of both the state and the ruling party and has initiated a series of reforms in these two spheres of the Angolan polity. There is a strong sense of optimism and renewed hope for a more open society and a more accountable government. All these developments are taking place against the backdrop of an emerging narrative that speaks of the re-birth of the Angolan state.

## CONCLUSION

This study explores the relationship between electoral politics and political transition with particular reference to the Angolan experience in the aftermath of its civil war. Building on the theoretical assumptions that elections can be used both as instruments of democracy (Powell 2000) and as tools of authoritarian rule (Schedler 2015), the article focused on the progress, problems and prospects for democratisation that the resumption of electoral politics has had on the political trajectory of the country since the end of the armed conflict in 2002.

The analysis of evidence gathered from secondary data sources supports the view that post-war Angola has registered political changes pointing to a return to democratic normalcy. These include the organisation of three consecutive electoral cycles, a presidential succession, the promulgation of a brand-new constitution, and the announcement of the date for the country's local elections. However, a critical examination of these events shows how these developments have been used to ensure continued MPLA dominance over the Angolan political system. In other words, the ruling party uses its control over the state and state structures to manufacture electoral hegemony. This in turn is subsequently used to engender other types of political domination, such as approving a self-serving constitution (constitutional hegemony) and delay the implementation of elected local government bodies (central government hegemony).

Despite these challenges, Angolans are currently living in a climate of renewed hope brought about by the election of a new president. Since taking over from President Dos Santos, President João Lourenço has initiated a series of reforms, including a strong anti-corruption rhetoric. This has led to a narrative that speaks of the consolidation of Angola's democratic process, a process that is still unfolding at the time of writing.

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