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## Africa Summary

# Democracy and Decentralization: The Implementation of the 2010 Angolan Constitution

Speaker: Hon Dr Bornito de Sousa

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## INTRODUCTION

The following document provides a summary of a meeting held at Chatham House on 30 July 2013 with Hon. Dr Bornito de Sousa, Minister for Territorial Administration, Angola.

Dr Bornito de Sousa discussed the implementation of the 2010 Angolan constitution, including outlining the history of Angola's constitutions, the similarities and differences between Angola's constitution and those of other states, and the theme of decentralization. A range of further issues were discussed, including the economic implications of decentralization, the development of public services, separatism and democratic accountability.

The meeting was on the record and it was held in Portuguese with consecutive interpretation. The following summary is intended to serve as an *aide-mémoire* for those who took part and to provide a general summary of discussions for those who did not.

## **BORNITO DE SOUSA**

The minister thanked Chatham House for hosting the event and all those present for attending, before outlining the key theme: the implementation of the 2010 constitution.

The minister discussed the central government's process of supporting the organization of territory, local authorities and communities; the human resources of local administration and cooperation; and the growth of cities and municipalities.

Dr de Sousa then briefly outlined the constitutional history of Angola. He described the 1975 constitution as a combination of the Soviet and French models, featuring a single party and centralized economy. Following the 1991 peace accords, a new constitution was introduced. The 1991 constitution was semi-presidential, like the French model, with a multi-party political system, a market-based economy, the separation of powers and free elections.

Angola's current constitution was drawn up in 2010. Although built on the previous constitution, this document is a departure from the French political system. Two political systems were considered for inclusion in the 2010 constitution – the UK parliamentary system and the US presidential system. The final political model embodied in the constitution is similar to the United Kingdom's, but does not include a Prime Minister.

Dr de Sousa argued that there is a proximity to South Africa's model as the election of the president is determined through the parliamentary process. However, the relationship between the president and parliament in Angola is closer to the US system, as unlike South Africa, the Angolan president is not required to respond to parliament.

Dr de Sousa went on to explain key differences between the Angolan and American political models. In Angola, the president is elected through parliamentary elections, the Council of Ministers has restrictions on its powers and the president is both the head of state and the head of the parliament.

The Angolan constitution has also increased the number of fundamental rights for citizens. The 2010 document established parliamentary rights and addressed questions of social development. Dr de Sousa argued that the process of electing the president through parliamentary elections reduces conflict by strengthening the connection between the parliamentary majority and the president. He warned that differences between the two could still arise, as theoretically the president could have taken office with under 50 per cent of the vote. As with the US model, the Angolan president must negotiate

with the parliament. Dr de Sousa said that, to date, he has been content with the constitution, even though initially some academics did not believe it would work.

Dr de Sousa went on to discuss the decentralization of government to the municipal level. He described the process as being much needed, and said that he had initially believed elections would take place before 2012. Dr de Sousa suggested that a road map should be drawn up, and that the date agreed for elections should be the subject of a consensus among all parties. He suggested that 2014 would be a suitable date, but admitted that there is a lot to do before elections that are scheduled for that year. There needs to be sufficient legislation to regulate local organs of government, to protect human rights (the government has established a local institution for this purpose) and to make progress with municipality budgets.

Dr de Sousa argued that the organization of the electoral system and the electoral register remain the most difficult challenges. He also said that those aged 18 years and over will be able to vote.

Dr de Sousa said that, before 2010, opposition parties thought that the new constitution would be unfair, but at that time it was still agreed that the minister could work on the system. Currently there are no elected departments to deal with elections, but administrators are a part of municipal elections, and they are much appreciated at the municipal and city levels. Besides them, there is an advisory body, integrating all political parties and civil society.

## QUESTIONS AND ANSWERS

### Questions

Despite the work of the *Movimento Popular de Libertação de Angola–Partido do Trabalho* (MPLA), people in east Angola are still suffering. This has led to the emergence of a new party calling for independence of the east. Please can you comment on these developments?

80 per cent of Angola's population live on less than a dollar a day. 64 per cent of Angolans are uneducated and 55 per cent are unemployed. What kind of policies will the government implement to address these issues?

Are you concerned that the transition away from a centralized political system could affect business?

### Bornito de Sousa

On the issue of east Angolan separatism, Dr de Sousa argued that the MPLA did not set Angola's borders. He pointed out that the African Union recognizes borders in Africa as they were when countries became independent from colonial rule, but acknowledged that he could address questions of separatism as Angola has a political forum even for controversial questions. Dr de Sousa said that the suffering of the inhabitants of east Angola is a legacy of the war, and maintained that the government should focus on social development to ease this suffering.

Dr de Sousa went on to outline a number of improvements that have taken place in Angola. He said that these include huge increases in schooling, with the number of universities and enrolled students rising. Dr de Sousa argued that more money and human capital would be needed for faster progress, but education remains a priority. He said that the average income and health of Angolan citizens has improved, and pointed out that every municipality now has a hospital and a medical centre, even if they are not of the best quality. Dr de Sousa said that a move away from oil dependency will also be essential for Angola.

Dr de Sousa went on to discuss corruption. He said that both the government and civil society had set up institutions to consider the issue. Dr de Sousa highlighted systems already in place for improving business, and warned against waiting for local governments to improve business conditions. He pointed to the work being done to make it easier for investors to gain visas,

but admitted that although the laws on visas are good, their implementation has been poor. He has raised these concerns with the president of Angola.

## Questions

Diversity of the economy is crucial to Angola. How will it impact on the constitution?

How will you ensure that all citizens, including those from informal settlements, will be able to participate in elections?

Will conditions be ready for elections in 2014 or, will they be delayed?

What is the impact of centralization on the electoral register?

## Bornito de Sousa

Dr de Sousa detailed the work that his ministry had conducted to prepare a road map for elections. He said that this road map will be put before parliament, allowing all parties to determine a date together. He explained that there is no deadlock or political problem with the municipalities, and said that any problems must be raised at the parliamentary level.

Dr de Sousa explained that people living in informal settlements would be able to participate in elections. He said that even foreigners were welcome to take part at the local level. Dr de Sousa added that sometimes confusion arises as to whether people are resettled to solve difficulties, or as an effort at ethnic cleansing. Dr de Sousa asserted that the latter is not taking place. He used the example of Luanda, a city that was originally designed for 600,000 people but which currently has six million inhabitants. Dr de Sousa outlined the huge problems that this can cause, and said it was a reason behind the movement of people.

Dr de Sousa emphasized the importance of accountability in a democracy. He said that in Angola the president is accountable to the people, and there is also interaction between the executive and the parliament. Once a year, the president must deliver a 'state of the nation' speech to the parliament and must also discuss the budget.

Dr de Sousa said that decentralization would not damage Angola's economy, but would clarify which institutions were responsible for varying issues. He gave the example of local development, which will now be the responsibility of the municipalities and not of provincial governments.