

Law N° 04/05
of 1st July

It is necessary to regulate electoral observation whether carried out by nationals or by foreign persons;

In these terms, under the terms of Article 88(b) of the Constitution, the National Assembly approve the following:

ELECTORAL OBSERVATION LAW

CHAPTER I
GENERAL PROVISIONS

Article 1
(Objective)

This law establishes the organisational principles and rules that regulate national and international observation of the electoral process.

Article 2
(National observation)

For the purposes of this law, national observation means the monitoring of the regularity of the electoral process carried out by national entities or organisations with legal personality which have been duly credentialed for this purpose by the National Electoral Commission.

Article 3
(International observation)

For the purposes of this law, international observation means the monitoring of the regularity of the electoral process carried out by regional and international organisations, non-governmental organisations, foreign governments or persons of recognised international experience and prestige, which have been duly credentialed for this purpose by the National Electoral Commission.

Article 4
(Definition of observation)

1. The national and international observation of the electoral process consists essentially, in the following:
 - a) monitor the impartiality of the National Electoral Commission;
 - b) monitor the implantation and operationality of the National Electoral Commission and its bodies throughout the national territory in accordance with the provisions of the Electoral Law;
 - c) accompany and review the activity of the National Electoral Commission and its bodies in conformity with the applicable legislation;
 - d) monitor the impartiality and legality of the decisions of the competent authorities regarding electoral disputes;
 - e) observe the process de submission and review of election candidates;
 - f) observe the conduct of the electoral campaign;
 - g) monitor the voting process, namely the observation of the procedures provided for in the law;
 - h) monitor the conduct of the tabulation;
 - i) observe the access to and utilisation of the media.
2. The irregularities documented during the electoral process by the national and international observers, shall be submitted to the competent body of the National Electoral Commission,

who has the duty to confirm the allegations and take the necessary measures and adjustments which are indispensable to the normal conduct of the electoral process.

Article 5

(Commencement and termination of the national and international observation)

1. The national and international observation of the electoral process starts with the electoral campaign, without prejudice to the observation of the voter registry.
2. The national and international observation terminates with the official publication of the electoral results.

Article 6

(Duty to collaborate)

1. The National Electoral Commission and its agencies, as well as the central and local bodies of the state, shall collaborate and provide the national and international observers with access and other facilities to enable the due fulfilment of the observation mission.
2. The competent bodies of the State shall guarantee and ensure the personal security and integrity of the national and international observers.

CHAPTER II INTERNATIONAL OBSERVATION

Article 7

(Competence to issue invitations)

1. The President of the Republic and a National Electoral Commission may, on their own initiative or at the request of State bodies, de political parties, party coalitions or by candidates for President of the Republic, issue invitations for international observation of the electoral process.
2. The invitations from the National Electoral Commission shall always be approved by this body and addressed by its President.
3. The provisions of the preceding paragraphs shall not apply to national observers. National observers need only submit a statement of intention to observe and the list of observers to the President of the Republic and the National Electoral Commission for purposes of being issued credentials.

Article 8

(Method of issuance of invitations by State bodies, political parties, party coalitions and candidates for the President of the Republic)

1. If the National Assembly, the Government or the Supreme Court wish to invite a particular observer, they shall communicate this fact to the President of the National Electoral Commission who has the authority to formalise the respective invitation.
2. If the political parties, the coalitions of political parties or the candidates a President of the Republic, wish to invite a particular observer, they shall submit this request in writing to the President of the National Electoral Commission who shall, in accordance with the terms of the law, formalise the respective invitation.
3. Persons who wish to be national observers shall submit a statement of this intention together with the respective list to the National Electoral Commission for the purpose of being issued credentials.

Article 9

(Request to observe the electoral process)

1. If a regional or international organisation non-governmental organisation, foreign government or another foreign entity which have not been invited, wish to observe the electoral process, it shall submit a request in writing to the President of the National Electoral Commission, specifying the reasons for its request, the type of observation that it wishes to conduct as well as the names of the persons who will represent it.
2. The President of the National Electoral Commission shall decide the request referred to in the preceding paragraph within a period of fifteen days.

Article 10

(Number of observers invited by a party, party coalitions or a candidate for President of the Republic)

The National Electoral Commission shall define the maximum number of observers that the Government, the National Assembly, the Supreme Court and each political party, party coalitions or candidate for President of the Republic may propose in accordance with the terms of Article 9.2.

**CHAPTER III
CATEGORIES OF INTERNATIONAL OBSERVERS**

Article 11

(Categories)

For the purposes of this law, there are the following categories de international observers

- a) observers from international organisations;
- b) observers from non-state organisations;
- c) observers from foreign governments;
- d) observers from foreign non-governmental organisations that have been recognised in Angola;
- e) individual observers.

Article 12

(Observers from regional and international organisations)

Observers from regional and international organisations are those who are specifically designated by a regional and international organisation to observe the Angolan electoral process in accordance with the terms proved in this instrument..

Article 13

(Observers from non-state organisations)

Official observers from non-state organisations are those who were specifically designated by foreign non-state organisations to observe the Angolan electoral process in accordance with the terms of this law.

Article 14

(Observers from foreign governments)

Observers from foreign Governments are those who were specifically designated by foreign non-state organisations to observe the Angolan electoral process in accordance with the terms of this law.

Article 15

(Observers from foreign non-governmental organisations recognised in Angola)

Observers from foreign non-governmental organisations recognised in Angola are those, who were specifically designated by any foreign non-governmental organisation non-state organisations recognised in Angola to observe the Angolan electoral process in accordance with the terms of this law.

Article 16

(Individual observers)

Individual observers are all those persons with recognised experience and international prestige who are personally invited and recognised to observe the Angolan electoral process in accordance with the terms of this law..

**CHAPTER IV
CATEGORIES OF NATIONAL OBSERVERS**

Article 17

(Categories)

For the purposes of this law, there are the following categories of national observers:

- a) non-governmental organisations;
- b) organised associations;
- c) churches;
- d) traditional authorities;
- e) individuals.

Article 18

(Non-governmental organisations)

Non-governmental organisations may give powers of representation to some of their members to observe the regularity of the electoral process in accordance with the terms of this law

Article 19

(Organised associations)

Associations that have been established in accordance with the terms of the Constitution and the Law of Associations may give powers of representation to some of their members to observe the regularity of the electoral process in accordance with the terms of this law.

Article 20

(Churches)

Churches, individually or in association, may give powers of representation to some of their members to observe the regularity of the electoral process in accordance with the terms of this law.

Article 21

(Traditional authorities)

Traditional authorities may give powers of representation to some of their members to observe the regularity of the process in accordance with the terms of this law.

Article 22

(Individuals)

Individual observers are all those persons with recognised experience and national prestige who are personally invited in accordance with the terms of Article 7.3 of this law, to observe the regularity of the electoral process.

CHAPTER V RECOGNITION

Article 23

(National and international observer requirements)

Requirements for the recognition of the status of observer are:

- a) be a national or foreign citizen, with proven experience and integrity by the country;
- b) be recognised in accordance with the terms of Articles 7 through 9 of this law;
- c) be included within the maximum number set by the National Electoral Commission in accordance with the terms of Article 10 of this law.

Article 24

(Prerequisite of recognition)

To acquire the status of a national and international de observer, the representatives of international and regional organisations, non-governmental organisations, foreign Governments, foreign non-state organisations recognised in Angola, national NGOs and invited individual persons, must have this capacity be expressly recognised.

Article 25

(Competence)

1. The National Electoral Commission has the authority to recognise the national and international observers.
2. For the purposes of the provision in the preceding paragraph, the National Electoral Commission shall have the appropriate organisational structure in order to guarantee the suitable, timely recognition of the observers in accordance with the terms of the accreditation regulations.

Article 26

(Identification and issuance of credentials for international observers)

1. The recognition and issuance of credentials to international observers is preceded by their identification.
2. The National Electoral Commission shall devise an identity card and credential for each category of observers provided for under this law, without prejudice to the issuance of credentials by the respective bodies.

3. In addition to the card referred to in the preceding paragraph, the National Electoral Commission shall provide the observers with a common badge, easily identifiable, as well as all of the available documentation regarding the electoral process.

Article 27
(Observation location)

Observers shall indicate beforehand to the National Electoral Commission, their preferences with regard to which provinces and if possible which polling stations they wish to observe.

Article 28
(Mandatory use of the card and the badge)

Observers are obligated to use the identity card and common badge whenever they are , acting in their role as observers.

CHAPTER VI
RIGHTS AND DUTIES OF THE OBSERVERS

Article 29
(Rights)

The national and international observers enjoy the following rights:

- a) the acquisition of a visa for a foreign person's entry into Angola;
- b) the liberty of movement throughout the throughout the national territory;
- c) to request the clarification at any of the government agencies participating in the electoral process regarding matters linked to the electoral process and obtain in a timely manner from such agencies the corresponding clarification;
- d) the freedom of speech with all political parties, party coalitions and other political and social forces in the country.
- e) to accompany the registration of voters, the actions of the electoral campaign, the voting and the conduct of the electoral tabulation;
- f) to have access to the documentation regarding the electoral process;
- g) to visit the permanent data base and the installations of the National Electoral Commission for the purpose of monitoring the conformity of the means to be used for the electoral process;
- h) to have access to the denunciations and complaints submitted against any fact linked to the electoral process;
- i) to prove the participation of the political parties or party coalitions in the bodies or organisations linked to the electoral process;
- j) to send representatives to the interior of the country;
- k) to transmit to the officials of the various organisations in the electoral process, the concerns that they have;
- l) the accreditation as electoral observers non discriminatory basis;
- m) the liberty of access and communication with the media;
- n) the free access to all legislation and regulations that govern the electoral process;
- o) the freedom of access to all of the voting stations and centres of tabulation;
- p) to communicate and have the freedom of access to the National Electoral Commission or to the other appropriate electoral authorities;
- q) to send through the hierarchy of the team that puts together the reports regarding the process of electoral observation with regard to the questions that could require urgent attention;
- r) to issue a declaration regarding the conduct and the results of the election after the announcement of the results by the National Electoral Commission.

Article 30
(Duties)

1. In addition to the duties of transparency, impartiality, independence and objectivity, national and international observers have the following duties:
 - a) to respect the Constitution of the Republic of Angola, this law and other legislation in force in the Republic of Angola;
 - b) to provide the National Electoral Commission with all of the data necessary for their identification;

- c) to give written notice to the National Electoral Commission regarding any anomaly, complaint or challenge that they detect or receive;
 - d) not to interfere or impede the conduct of the electoral process;
 - e) to abstain from the public issuance of declarations that could put in question the organisational structure of the electoral process or which could endanger the normal conduct of the different activities which are part of the electoral process;
 - f) to furnish the National Electoral Commission with a copy of the informational report that they produce;
 - g) to maintain rigorous impartiality in the conduct of their duties to avoid any partiality or preference in relation to national authorities, parties or the candidates;
 - h) not to exhibit or use party or candidate symbols, colours or flags;
 - i) not to accept nor attempt to acquire any presents, favours or incentives from any candidate, agent thereof, political party or any other organisation or person involved in the electoral process;
 - j) to demonstrate any relationship that might create a conflict of interest with their duties or with the process of observation and evaluation of the election;
 - k) to base all of their reports, information and conclusions on proof that is well documented, factual and verifiable from different credible sources or from reputable eye-witnesses;
 - l) to obtain a reply or confirmation from the person or organisation that is interested or is being observed, before treating any undocumented allegation as valid;
 - m) to use exact and truthful information in their reports and identify the sources or bases of information that were used;
 - n) to inform the election officials, the competent governmental structures and public administration officials, as well as the political parties, the candidates and their representatives regarding the objectives of the electoral observation mission;
 - o) to carry with themselves at all times the identification issued by the National Electoral Commission and identify themselves when so requested by any electoral authority or official;
 - p) to abstain from personal or premature commentary or opinions to the media or any other interested party regarding their observation and limit any comments to general information regarding the nature of their activities as an observer.
2. The National Electoral Commission may revoke the credentials and stop the activities of the national and international observers who violate the duties established in this Article.

CHAPTER VII FINAL PROVISIONS

Article 31 (Regime for diplomatic missions)

Diplomatic missions that are accredited in Angola are permitted to nominate some of their personnel for the purpose of observing the electoral process without prejudice to the provisions of the Vienna Convention on Diplomatic Relations.

Article 32 (Organisation of the observers)

1. The structure adopted to organise and direct the internal operations of the international observers, is determined by each organisation, institution or government that is invited.
2. The structure adopted to organise and direct the internal operations of the national observers, is determined by each organisation or institution.
3. The individual international observers may agree among themselves to adopt a structure for the purposes referred to in the preceding paragraphs.
4. Official notice of the structures adopted in accordance with the terms of the preceding paragraphs shall be given to the National Electoral Commission and to the President of the Republic, who shall define the methodologies for their monitoring.

Article 33 (Relations with the Government and the National Electoral Commission)

1. The entities referred to in Article 24 shall designate an entity to provide contact with the permanent representatives of the Government and of the National Electoral Commission at the central level.

2. The provisions in the preceding paragraph shall not apply to independent observers whose contact may be made personally by each one.

**Article 34
(Revocation)**

Law no. 6/92, of 16 April is revoked.

Article 35
(Doubts and omissions)

The doubts and omissions that arise from the interpretation and application of this law shall be resolved by the National Assembly.

Seen and approved by the National Assembly, in Luanda, 20 April 2005.

The PRESIDENT OF THE NATIONAL ASSEMBLY

ROBERTO ANTÓNIO VICTOR FRANCISCO DE ALMEIDA
Promulgated ____ 2005.

LET IT BE PUBLISHED.-

THE PRESIDENT OF THE REPUBLIC

JOSÉ EDUARDO DOS SANTOS

INDEX

| | |
|--|---|
| ELECTORAL OBSERVATION LAW | 1 |
| CHAPTER I GENERAL PROVISIONS..... | 1 |
| Article 1 (Objective) | 1 |
| Article 2 (National observation) | 1 |
| Article 3 (International observation)..... | 1 |
| Article 4 (Definition of observation)..... | 1 |
| Article 5 (Commencement and termination of the national and international observation).. | 2 |
| Article 6 (Duty to collaborate) | 2 |
| CHAPTER II INTERNATIONAL OBSERVATION | 2 |
| Article 7 (Competence to issue invitations) | 2 |
| Article 8 (Method of issuance of invitations by State bodies, political parties, party coalitions and candidates for the President of the Republic) | 2 |
| Article 9 (Request to observe the electoral process)..... | 2 |
| Article 10 (Number of observers invited by a party, party coalitions or a candidate for President of the Republic) | 3 |
| CHAPTER III CATEGORIES OF INTERNATIONAL OBSERVERS | 3 |
| Article 11 (Categories)..... | 3 |
| Article 12 (Observers from regional and international organisations) | 3 |
| Article 13 (Observers from non-state organisations)..... | 3 |
| Article 14 (Observers from foreign governments) | 3 |
| Article 15 (Observers from foreign non-governmental organisations recognised in Angola)3 | 3 |
| Article 16 (Individual observers) | 3 |
| CHAPTER IV CATEGORIES OF NATIONAL OBSERVERS..... | 3 |
| Article 17 (Categories) | 3 |
| Article 18 (Non-governmental organisations) | 4 |
| Article 19 (Organised associations)..... | 4 |
| Article 20 (Churches)..... | 4 |
| Article 21 (Traditional authorities)..... | 4 |
| Article 22 (Individuals) | 4 |
| CHAPTER V RECOGNITION..... | 4 |
| Article 23 (National and international observer requirements) | 4 |
| Article 24 (Prerequisite of recognition) | 4 |
| Article 25 (Competence)..... | 4 |
| Article 26 (Identification and issuance of credentials for international observers) | 4 |
| Article 27 (Observation location) | 5 |
| Article 28 (Mandatory use of the card and the badge) | 5 |
| CHAPTER VI RIGHTS AND DUTIES OF THE OBSERVERS..... | 5 |
| Article 29 (Rights) | 5 |
| Article 30 (Duties) | 5 |
| CHAPTER VII FINAL PROVISIONS | 6 |
| Article 31 (Regime for diplomatic missions) | 6 |
| Article 32 (Organisation of the observers)..... | 6 |
| Article 33 (Relations with the Government and the National Electoral Commission) | 6 |
| Article 34 (Revocation) | 7 |
| Article 35 (Doubts and omissions)..... | 7 |
| INDEX | 8 |