

Law No 2/05
of 1 of July 2005

It being necessary to amend Law 2/97, of 7 of March - Law on Political Parties, in order to establish a party framework consistent with the Constitutional gravity and dignity that should be afforded the role of Political Parties within Angolan society;
In these terms, pursuant to the combined provisions of article 88(b) and article 89(i) of the Constitution, the National Assembly approves the following:

POLITICAL PARTIES LAW

CHAPTER I
General provisions

Article 1
(Notion)

Political Parties are citizen organisations, having a permanent, autonomous nature established with the basic objectives of: democratic participation in the political life of the Nation; free competition for the formation and expression of the popular will; the organisation of political power in accordance with the Constitution, their own charter and programmes. Political Parties intervene, namely, in the electoral process through the nomination or support of candidacies.

Article 2
(Purposes)

For the realization of their objectives, Political Parties may dedicate themselves to the following activities, namely:

- a) Participate in the activity of the State offices;
- b) contribute to the determination of national policy, namely through participation in elections and other democratic means;
- c) contribute to the exercise of political rights by citizens;
- d) contribute to the formation of public opinion and of a national and political conscience;
- e) encourage the participation of citizens in public life;
- f) enable citizens so that they are able to assume political responsibility in State offices;
- g) contribute to the patriotic and civic education of citizens and their respect and collaboration in the maintenance of public order;
- h) define Government and administration programmes for the exercise of power ;
- i) influence national policy in Parliament and Government;
- j) contribute in general to the development of the Nation's political institutions.

Article 3
(Political association)

1. Associations that carry out activities that are of a political nature do not benefit from the status of a Political party as established in this law.
2. The associations referred in the preceding paragraph are prohibited from prosecution of the purposes defined in paragraphs (a), (b), (c), (h) and (i) of the previous article.

Article 4
(Freedom of association)

The establishment of Political Parties is free and shall not be subject to any authorisation, without prejudice to the provisions of articles 5 and 6 of this law.

Article 5
(National character and limitations)

1. Political Parties shall have a national character and scope and shall conduct themselves under the terms of the Constitution, this law and other Angolan legislation.
2. The establishment and exercise of Political Parties is prohibited where they:
 - a) have a local or regional character;
 - b) promote tribalism, racism, regionalism and other forms of discrimination against citizen and national unity and territorial integrity;
 - c) using unconstitutional means, have the goal of subverting the democratic and multiparty regime;
 - d) use or propose to use violence in the carrying out of their purposes, namely, armed struggle as a means of achieving power, military or para- military training and the possession of weapon caches inside or outside of the national territory;
 - e) adopt a military or para- military type of uniforms for their members;
 - f) possess parallel clandestine organisational structures;
 - g) utilize military, para- military or militarised organisations;
 - h) subordinate themselves to the orientation of foreign governments, entities or parties.

Article 6
(Legal personality and capacity)

1. Parties acquire legal personality after their registration.
2. The legal capacity of parties cover all of the rights and obligations that are necessary or convenient to the carrying out of their objectives.

Article 7
(Equality of treatment)

Without prejudice to the provisions in this law, parties have the right to equality of treatment by all of the entities that exercise public power, namely, the possibility of the use of public installations, the grant of support and subsidies, access and use of the public service television and radio and access to State finance, in accordance with the terms of the law.

Article 8
(Democratic principle)

- The organisation of parties shall be subject to the following terms and condition:
- a) Non-discriminatory access, namely, in function of race, sex, origin or religious preference;
 - b) Approval of the party charter and programme by all members or by a representative assembly;
 - c) periodic election of the holders of the central and local party offices by all members or by a representative assembly.

Article 9
(Public prosecution of activities)

1. Political Parties shall carry out their activities publicly.
2. The public exercise of the objectives of political parties include:
 - a) the publication of the party charter and programme in the Diário of the Republic (government gazette);
 - b) the recognition by citizens of the identity of the members and leadership of the party;
 - c) informing the citizenry of the party's general activities at the local, national and international level.
3. Parties may distribute publications.
4. A specific law shall regulate the access by parties to broadcast time on radio and television.

Article 10
(Freedom of affiliation)

1. Affiliation with a Political party is free, no one may be obliged to join a party or to remain in a party.

2. No one can be deprived of the exercise of any civil, political or professional right because they are or are not affiliated with a legally established party.

Article 11
(Headquarters and representation)

1. The headquarters of Political Parties shall be located in the capital of the Republic de Angola.
2. Parties are forbidden to establish any delegation or any form of a representation abroad.
3. The provision in the preceding paragraph shall not prejudice the organisation of Angolan communities who are resident abroad within the basic structure of a party as defined in the party charter.
4. The institutional representation of party organisations within the structures of the State, in public offices and services, in public companies, the media, central and local governmental administration, companies with both public and private equity, as well as all those companies in which the State has a financial investment, such as a foundation, a public interest association and professional associations, is prohibited.

CHAPTER II
Establishment of Parties

Article 12
(Registration)

Political Parties established under the terms of article 4 of this law, acquire legal personality by inscription in the registry kept for this purpose in the Constitutional Tribunal.

Article 13
(Preliminary procedures for the establishment of parties)

1. Anyone who wishes to register a political party, may, prior to requesting the inscription as provided for under article 14 of this law, appoint an Instalment Committee, composed of seven to twenty-one members, which shall be generally in charge of the preparations of the organisation of the party for the purposes of registration.
2. The Instalment Committee may, for the purpose of facilitating the preparatory requirements for the registration of the party with the relevant authorities, request the Chief Justice of the Constitutional Tribunal a credential. This request shall indicate the following:
 - a) Indicate the objectives of the establishment of the party;
 - b) present an outline or brief summary of the Programme, charter and proposed name of the party;
 - c) annex a list of the names and a copy of the identity document and certificate of criminal record of the members of the Instalment Committee referred to in the preceding paragraph 1;
 - d) indicate a certain address for the purpose of receipt of the notification;
 - e) present documentary proof of the assets and financial resources that the Instalment Committee has at its disposal for the commencement of its activities.
3. Upon satisfaction of the formalities referred to in the preceding paragraph, the Chief Justice shall, in a period of 30 days, decide the request for the credential for the Instalment Committee and for the granting of a period of six months for the party in formation to request its registration.
4. If the request for the credential, as referred to in the preceding paragraph, is denied, the denial may, within the period of fifteen days counting from the date of the notification of the decision, be appealed by the interested parties, to the Plenary of the Constitutional Tribunal.
5. The Instalment Committee may publish and disseminate through the media information concerning the decision of the Constitutional Tribunal, together with the reasons for the establishment of the party and the proposals for the Programme and the charter.
6. On expiry of the period referred to in paragraph three without the registration of the party having been requested as provided for in the following articles, the Chief Justice of the Constitutional Tribunal shall cancel both the credential of the Instalment Committee and the authorisation that was given for the preparation of the establishment and organisation of the party in question.

Article 14
(Request for registration)

1. The registration of a political party is carried out at the request of a minimum of seven thousand five hundred citizens who are eighteen years of age or older and who have full enjoyment of their civil and political rights. This number shall include at least one hundred and fifty residents in each one of the Provinces which make up the territory of Angola.
2. The request for registration is addressed to the Chief Justice of the Constitutional Tribunal accompanied by the following documents:
 - a) the party charter and programmes, with proof that each has been approved by representative assembly of the party in formation;
 - b) photocopy of the publication of the convocation in a newspaper of wide circulation and an extract of the minutes of the realization of the forum that elected the leadership bodies of the party;
 - c) photocopy of the identity document, passport or voter card of the seven thousand five hundred citizen-applicants supporting the request for registration;
 - d) express declaration of the acceptance of each subscriber.
3. The attestation of residence referred to in paragraph 2(d) of this article may be obtained by one of the following means:
 - a) declaration issued by the competent administrative authorities of the local government offices certifying that the citizens whose identities are contained in the declaration reside in the respective municipality or province;
 - b) the recording on the reverse side of the individual inscription card by one of the entities mentioned in the previous paragraph, that the citizen in question resides in the respective municipality or province;
 - c) an individual attestation of residence issued by the competent State municipal administration authority.
4. The declaration, the recording and the individual attestation of residence mentioned in the preceding paragraph shall be dated and authenticated by the issuing entities.
5. The names of the subscribers whose signatures were considered valid shall be published in edicts in all of the provincial capitals of the country.
6. The authorities involved in the process of registration shall conduct the procedures in an efficient manner.

Article 15
(Competence of the Chief Justice of the Constitutional Tribunal)

1. The Chief Justice of the Constitutional Tribunal shall have the competence to decide on the request. The decision shall review the identity, similarity or impact of the denomination, emblems and symbols of the parties, the compliance with the requirements established in the previous article, as well as whether the charter and the programmes conform with the provisions of this law.
2. The decision shall be issued in the period of 60 days.
3. Whenever the Constitutional Tribunal shall conclude, under the terms of the law, that there is a need to alter the denomination, emblem or symbols proposed or that there is the need to submit additional data regarding the items referred to in Article 14.2, the Tribunal shall, within the period of 15 days, inform the requesting party of the need to make the alteration or to provide the additional information required. The running of the period set in the preceding paragraph shall be suspended, without prejudice to the provisions of Article 16(b).

Article 16
(Rejection of the registration)

The rejection of the registration may only be based on the following grounds:

- a) violation of the fundamental principles established in Chapter I of this law;
- b) lack of the essential requirements established in article 14 where within the period of three months, the party has not completed the respective procedure, under the terms of Article 15.3;
- c) lack of essential requirements in the charter or programmes of previously registered parties.

Article 17
(Publication)

1. The decision of the Chief Justice of the Constitutional Tribunal either to accept or reject the registration shall be published in the Third Series of the Diário of the Republic.
2. The decision that orders the registration shall also be published in the Third Series of the Diário of the Republic together with the charter, the programme, the emblem and of the graphic logotype of the party.

Article 18
(Appeal)

1. The decision of the Chief Justice of the Constitutional Tribunal ordering or rejecting the registration of a party, may be appealed to the Plenary of the Constitutional Tribunal. The appeal must be filed by the interested party or parties or by the Attorney General of the Republic within the period of fifteen days counting from the date of the publication of the decision.
2. The appeal shall be decided within the period of sixty days and published in the Third Series of the Diário of the Republic.

Article 19
(Denomination, emblem and symbols)

1. The emblem and symbols of a party may not be confusing or have any graphic or symbolic relation with national symbols and emblems or with religious images and symbols.
2. The denomination, emblem and symbols of a party shall be clearly distinguishable from the denomination, emblem and symbols of the already existing parties.
3. The denomination of a party may not adopt or evoke the name of a person, church, religion, tribe, race, region, religious confession or doctrine and are not permitted to use expressions or arrangements that either result in or may result in confusing or misleading the electorate.

Article 20
(Charter and programmes)

1. The charter and programme is an essential document for Political Parties.
2. The charter shall obligatorily include the following:
 - a) denomination, emblem, symbols, headquarters and scope of activities;
 - b) rules regarding the admission and exclusion of members;
 - c) rights and duties of members;
 - d) disciplinary regime, including disciplinary measures, grounds for the loss of membership, acts which result in disciplinary procedures, bodies with disciplinary authority and member protective measures;
 - e) national, local and internal organisational structures of the party;
 - f) composition and competence of the party internal organisational structures;
 - g) areas of exclusive competence of the general or members' representative assembly within the party.
 - h) the competent bodies for the nomination of the proposals for candidates for the State representative bodies;
 - i) sources of funds of the party;
 - j) method of representation when dealing with third parties;
 - k) periodic realization of the election of the internal bodies based on democratic principle;
 - l) rules which encourage the promotion of the equality of opportunity and equity between men and women, as well as a gender representation of not less than 30%;
 - m) rules and criteria regarding the observance of internal democracy.
3. The programme includes at a minimum the purposes and objectives, as well as a summary of the political and administrative activities that the party is proposing to carry out, in the event that its candidates are elected to State offices.
4. The party shall notify the Constitutional Tribunal for the purpose of comparison and recording of the names and the certificates of criminal registration of the central party office holders, accompanied by the submission of the minutes of this election and the

deposit in the Tribunal of the programme and charter, once established or modified by the competent bodies in the party.

5. Political Parties may establish specific requirements for affiliation, as well as their own specific structures and forms of organisation and operation, subject to the provisions of this law.

CHAPTER III **Party affiliation and discipline**

Article 21

(General requirements for affiliation)

1. Only Angolan citizens, who are over the age of eighteen years and have full enjoyment of their civil and political rights, may be members of a political party.
2. The following persons are prohibited from having a party affiliation:
 - a) Members of the Angolan Armed Forces in active duty;
 - b) members of the Police Forces;
 - c) Judicial Magistrates and Prosecuting Magistrates;
 - d) Corporate persons.

Article 22

(Single affiliation)

No one can register as a member simultaneously in more than one party, nor subscribe to the request for registration of a party while affiliated with another political party.

Article 23

(Rights of members)

1. Affiliation in a political party does not confer any rights of a patrimonial nature.
2. Members of the party have equal rights and duties.
3. The principle of equality of rights is not considered to be prejudiced either by the fact that the right to vote on party matters may be made subject to the payment of monetary contributions as provided for in the charter, or by a charter provision that requires a minimum period of membership before a member can be a candidate for a leadership office in the party.

Article 24

(Party leadership positions)

1. Only Angolan citizens resident in the national territory may qualify for leadership positions in political parties.
2. Citizens who have acquired Angolan nationality may only qualify for leadership positions within political parties 15 years after the acquisition of Angolan nationality.
3. Only Angolan citizens who are Angolan nationals by birth may qualify for the highest leadership position in a political party.
4. For the purposes of the provision in the preceding paragraphs, a party leader is a member of a party who is part of the central leadership offices listed in article 20.4 of this law.

Article 25

(Resident in national territory)

1. For the purposes of this law, an Angolan citizen who has been habitually resident in Angola for at least three years is considered to be resident in the national territory.
2. An Angolan citizen's qualification as a resident in the national territory is not prejudiced by residence abroad for any of the following reasons:
 - a) exercise of diplomatic and consular activities or the provision of services in Angolan commercial representations;
 - b) exercise of activities State companies or branches located abroad;
 - c) education;
 - d) health.

Article 26
(Oath and promise of loyalty)

1. The taking of an oath or promise of personal loyalty by members of a party to their leaders is prohibited.
2. The provision in the preceding paragraph shall not prejudice the duty of the members and the leadership of Political Parties to act with loyalty, respect, courtesy and to allow for differences among themselves.

Article 27
(Termination of affiliation)

The cancellation of a party affiliation occurs in the following cases:

- a) death;
- b) becoming a magistrate;
- c) entry into the Angolan Armed Forces or the Police Force;
- d) renunciation;
- e) expulsion from the party;
- f) affiliation in another party;
- g) candidacy for a political office in the State on behalf of another party.

Article 28
(Party discipline and internal conflicts)

1. The disciplinary order to which party members are bound, shall not affect the rights and the fulfilment of duties prescribed by Constitution or by law.
2. The internal conflicts regarding the use of funds shall be reviewed by the Tribunal of Accounts, those conflicts that result from the application of the party charter or Convention shall be decided by the Constitutional Tribunal, and those that are of a civil or administrative nature shall be resolved by the ordinary courts.

CHAPTER IV
Nomination of candidates for election to state offices

Article 29
(Legislative and local office candidates)

1. The nomination of candidates for the Parliamentary elections and for Local Authority offices shall be made by the competent party authorities under the terms of the respective charter.
2. The violation of the provisions in the preceding paragraph 1 shall result in the non-acceptance of the nomination of the candidacies.

Article 30
(Sponsorship of a presidential candidate)

Political Parties may support a candidate for the office of President of the Republic as they decide subject and without prejudice to non-party affiliation of the office of President.

CHAPTER V
Relations with other organisations

Article 31
(Organisation associates)

Parties may organise or associate with other organisations such as those for youth, women and particular professions for the purpose of carrying out their purposes, without prejudice to the autonomy of these.

Article 32
(International affiliation)

1. Without prejudice to the provisions in the following paragraphs, Angolan Political Parties may affiliate with international party organisations which have a democratic structure and operation and which do not espouse objectives that are contrary to the Constitution and the present law.
2. A party shall give notice of the decision to make such an affiliation to the President of the National Assembly and to the Chief Justice of the Constitutional Tribunal.

3. The affiliation of Angolan parties with international organisations may not jeopardise the full autonomy and capacity for self-determination of Angolan parties.
4. Any allegiance by Political Parties to external norms, orders or directives, which are contrary to Angolan laws is prohibited.

CHAPTER VI
Dissolution, merger, split-up, incorporation and coalition
Article 33
(Dissolution)

1. Political Parties may dissolve in the following cases:
 - a) voluntarily by decision of the competent internal party body as defined by the charter;
 - b) by jurisdictional decision.
2. The charter shall establish the terms under which a party may decide to dissolve voluntarily by the respective affiliates.
3. The party assembly that decides the dissolution shall designate the liquidators who shall decide the settlement and distribution of the assets in the event there is something to be distributed by the members.
4. A political party may be dissolved by decision of the Constitutional Tribunal when:
 - a) the party does not observe the limits established in article 5.2 of this law;
 - b) the party does not participate, twice consecutively, individually or in coalition, in any parliamentary or municipal election, with its own election programme and candidates;
 - c) the number of party affiliates becomes less than the number established in article 14.1 of this law;
 - d) the party does not submit for filing during a period of seven years the minutes which are proof of the periodic election of the leadership of the party;
 - e) the party receives, directly or indirectly, funds that are prohibited under the terms of the law;
 - f) the party is declared insolvent;
 - g) it is determined that the party's real purpose is illicit or contrary to public order or morals;
 - h) the party does not have delegations or representation in at least two-thirds of the provincial capital cities in the country;
 - i) the party has not attained 0.5 % of the total votes cast in the parliamentary elections at the national level.
5. The President of the National Assembly, the Attorney General of the Republic and legally constituted parties have the right to request the dissolution of a party by jurisdictional decision.
6. Political Parties may appeal to the Plenary of the Constitutional Tribunal any decision ordering the dissolution of a party.

Article 34
(Merger split-up and incorporation)

1. The party organisational body that is competent to decide on the dissolution of the party, may, subject to the same formal requirements, decide on the merger of the party with another, the incorporation of the party into another party or its split-up.
2. Without prejudice to the provisions in this law regarding the establishment of parties, the rules regarding merger, incorporation and split-up for commercial companies shall apply to the merger, incorporation and split-up regulated by the charter regarding any lacunae with the necessary adaptation.

Article 35
(Coalition)

1. The Political Parties may freely form coalitions, subject to the following terms:
 - a) approval of the coalition by the relevant representative bodies of the parties;
 - b) clear definition of the scope, of the purposes and of the specific duration of the coalition;
 - c) written notice of the decision to form a coalition given to the Constitutional Tribunal, for purposes of merely recording the fact.

2. When the coalition has electoral pretensions, namely, the joint nomination of candidates for election, the party coalition shall adopt their own emblems and symbols. The rules regarding the register of party denomination, emblems and symbols shall apply.
3. The coalition shall not be considered to have personality distinct from that of the parties that are part of the coalition.

CHAPTER VII

Infractions and the respective penalties

Article 36 **(Disobedience)**

Anyone who leads a Political party after the respective application for registration has been denied or the party has been judicially declared dissolved, shall be punished with a prison sentence of up to six months and the corresponding fine.

Article 37 **(Incitement to violence)**

The political party leader or activist who in writing, by acts, gestures or public declaration, in the exercise of or in connection with this position shall be punished in accordance with the terms of the Penal Law in force, commits the following acts:

- a) incites to violence or uses violence against the constitutional and legal order in force;
- b) encourage tribalism, racism, regionalism or any form of discrimination against citizens;
- c) incites to violence against members or supporters of a party or against other citizens.

Article 38 **(Force)**

Anyone who obligates someone to affiliate in a party or to remain in a party shall be punished with a prison sentence of up to six months and the corresponding fine.

CHAPTER VIII

Final and transitory provisions

Article 39 **(Party assets)**

The Angolan State shall respect and guarantee the protection of the assets of Political Parties, namely, their moveable and immovable assets, as well as, subject to the terms of the law, the rights acquired by the Political Parties in relation to assets connected with and destined for the development of the party's activities.

Article 40 **(Financing regime)**

The regime applicable to financing, financing prohibitions, benefits and exemptions, as well as infractions and corresponding penalties shall be established by law.

Article 41 **(Protocol facilities)**

1. The Presidents and other members of the executive leadership bodies of Political Parties that have seats in the National Assembly.
2. The other members of the national leadership of the parties that have seats in the National Assembly and the Presidents of Political Parties that do not have seats in Parliament are granted the right to the use of a service passport.
3. The competent State services shall establish the necessary procedures to provide for the protocol treatment of the entities referred to in this article.

Article 42 **(Pending proceedings)**

1. This law is applicable to the Political Party and Instalment Committee credential proceedings now pending in the Supreme Court that conform with this law.

2. Those items and documents submitted to the Supreme Court that conform with this law may be used as a basis for decision.

Article 43
(Similarities with national symbols and emblems)

The provisions in article 19.1 of this law regarding graphic or phonetic similarities or relationships with national symbols and emblems shall, given the scope of the broad and profound constitutional revision, be applied upon the approval of the new Constitution.

Article 44
(Doubts and omissions)

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

Article 45
(Revocation)

Law 15/91, of 11 March, Law 4/92, of 27 March and Law 2/97, of 7 March are revoked.

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 on the _____ of _____ 2005

LET IT BE PUBLISHED

THE PRESIDENT OF THE REPUBLIC
JOSÉ EDUARDO DOS SANTOS

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