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Law No. 18/1996 of 14 November 1996, Constitutional Law Amendment

Following the advent of multiparty democracy and the recognition and guarantees of citizens' fundamental rights and freedoms and the basic principles of market economy, all enshrined in the constitution (Law No. 12/91 of 6th May and Law No. 23/92, of 16th September, Constitutional Amendment Law), as well as the signing of Angolan Peace Accord on 31st May 1991, the first presidential and legislative elections were held in September 1992, thus, making the establishment of Sovereign Organs of the Second Republic possible.

Notwithstanding the fact that the elections had been declared free and fair by International Community, the final results were rejected, leading to serious post-electoral crisis, thus shattering hopes that Angolan politics and the lives of population at large would see better days.

This situation stymied constitutional reforms, especially those regarding the time frame for the appointment of heads of sovereign organs.

The urgent need for political and constitutional stability, the implementation of the peace accord and national reconciliation and the consolidation of democracy in Angola, have made it imperative that, in order not to create a hiatus in the normal functioning of the principal organs and institutions of state, there be an amendment to the Constitutional Law of the Country;

This amendment stated with the establishment of Sovereign Organs of the Nation, following the September 1992 general elections, and the Government of National Unity and Reconciliation.

In this regard,

Bearing in mind that it is impossible, objectively speaking, to hold legislative elections within the constitutional framework;

Considering that it is in the best interest of the nation to promote and guarantee full constitutional normality as well as to secure peace and national reconciliation in accordance with the provisions of the Lusaka protocol, with a view to bring about stability and national reconstruction;

The National Assembly, in accordance with paragraph a) of article 88 and subsection 2 of article 92 and subsections 1 and 3 of article 158 of the Constitutional Law, hereby approves the following:

CONSTITUTIONAL LAW AMENDMENT

ARTICLE 1

1. The next legislative elections in the Republic of Angola shall be held as soon as the military, political, security and material conditions spelt out in the Constitutional Law and other legislative instruments in force in the Republic of Angola are met, namely:

a) the establishment of State Organs countrywide and the guarantee of the functioning of the administrative machinery without let or hindrance.

b) security guarantee as well as the free movement of people and goods throughout the country.

c) guarantee of fundamental freedoms of citizens countrywide.

d) the approval of the future constitution of the republic of Angola.

e) alterations to the electoral law.

f) countrywide census to be conducted.

g) new electoral register nationwide.

2. In accordance with the provisions of the aforementioned article, the next elections shall be held within a period not less than two years and not more than four years, unless the conditions laid down in Section 1 of this article are met.

ARTICLE 2

Under provisions of the article 81 of the Constitutional Law and of those under article 1 of current Law, the mandate of the current legislature shall be in force until the swearing in of the Members of Parliament to be elected during the subsequent legislative elections.

ARTICLE 3

The legislative elections envisaged in article 1 of current law shall be convened by the President of Republic, within the framework of provisions of the law, as soon as the conditions spelt out, in this law, laid down by the relevant State Organs, are met.

ARTICLE 4

1. The Government of the Republic of Angola shall be one of National Unity and Reconciliation, in supreme interest of national reconciliation.

2. Despite the fact that the Government has a majority in the Parliament, the Government of National Unity and Reconciliation shall be made up of members of all political parties with seats in the National Assembly.

3. For the formation of the Government of National Unity and Reconciliation, and taking into account the provisions in the aforementioned article, the President of the Republic, at request of the Prime Minister, shall:

- a) designate and convene the political parties to make up the Government.
- b) designate the governmental and administrative roles to be played by the parties concerned.
- c) establish the candidates' profile.

ARTICLE 5

The Government of National Unity and Reconciliation shall be governed by the provisions of Constitutional Law as well as by Legislative Instruments in force in the Republic of Angola.

ARTICLE 6

All provisions which contradict those stipulated in the present Constitutional Law Amendment, are hereby revoked.

ARTICLE 7

This Constitutional Law Amendment comes into force with immediate effect.

RESOLUTION No. 14/96 of 14th November 1996

Considering the circumstances leading to the Constitutional Amendment process, begun through Resolution No. 10/95 of 1st September,

The National Assembly, in accordance with the provisions of subsections a) and r) of Article 88 and section 6 of Article 92 of the Constitutional Law, hereby revokes Resolution No. 10/95 of 1st September.

Approved by the National Assembly in Luanda, 13th November, 1996.

The President of National Assembly, *Roberto Antonio Victor Francisco de Almeida*.
