

## THE SPECIAL TIES BETWEEN PORTUGAL AND ANGOLA

### 1. The Relation of Cooperation between the Portuguese Republic and the Angolan Republic

Due to its linguistic and cultural proximity, Portugal has been an important partner of the Angolan Republic in what concerns cooperation on several domains, namely in the economic and corporate area, as well as in banking, insurance and equity, new technologies of information and communication, legal and judicial cooperation, amongst others.

According to data provided by the Angolan Government the economical figures for said Country in 2009 are alluring: Angola shall reach a rate of growth of its gross domestic product (GDP) of 11 per cent, the annual inflation rate should settle at 10 per cent and the oil production is due to reach 739,7 million oil barrels per day.

These figures indicate a real economic growth of the Country which will be reflected in several sectors of the Angolan society.

It is in the aforementioned context that Portugal has been establishing numerous agreements and protocols with the Angolan State.

For example, regarding legal cooperation three protocols have been signed on the 18<sup>th</sup> of October of 2006 between the Portuguese and the Angolan Ministry of Justice in order to promote the project of the “On the Spot Firm”, the installation of the Portuguese computing and management procedure “H@bilus” (which will contribute for the modernization and computerization of the Criminal Court “D. Ana Joaquina”, in Luanda) and the protocol of cooperation in the justice domain.

Amongst the signed agreements and protocols we would highlight the Agreement of Legal and Judicial Cooperation between the Portuguese Republic and the Angolan Republic.

## **2. The Agreement on Legal and Judicial Cooperation**

The existing Agreement of Legal and Judicial Cooperation between the Portuguese Republic and the Republic of Angola was signed in Luanda on the 30<sup>th</sup> of August of 1995 and was ratified by Portugal through the Presidential Decree 9/97 of the 4<sup>th</sup> of March published in the Portuguese Official Gazette.

The exchange of instruments of ratification occurred on the 5<sup>th</sup> of April of 2006 and the Agreement came into force on the 5<sup>th</sup> of May of 2006, in the terms foreseen by notice number 582/2006 of the 11<sup>th</sup> of May published in the Portuguese Official Gazette.

This Agreement, which is of a bilateral nature, focuses in the areas of legal cooperation, cooperation in civil, criminal and administrative offence matters, cooperation in identification matters, registry and notary, training and information, as well as technical, legal and documental cooperation.

In what regards legal cooperation, the agreement contains rules and access conditions to the respective courts (article 1) for nationals of the signatory states in a situation of reciprocity, as well as matters related with the legal aid (article 2).

The communication and compliance of the judicial acts, the acts practised by diplomatic and consular agents in matters such as the service of judicial documents and the taking of personal evidence, as well as the subject of nationality conflicts are also foreseen in the above mentioned Agreement (articles 4, 9 and 11).

Still in respect of cooperation in civil matters, the Agreement contains provisions on the important matter of revision and confirmation of judicial decisions and in particular on the matter of the acknowledgement and enforcement of decisions relating to maintenance claims (please refer to articles 12, 13 and 14).

The Contracting States equally agree in what concerns the cooperation in criminal and administrative offence matters, on the obligation of providing reciprocal assistance regarding the notification of documents, the taking of evidence, the search warrants and seizures (article 32). Matters such as the application of coercive measures, the criminal

# FRANCO CAIADO GUERREIRO & ASSOCIADOS

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registry, the criminal action, the extradition conditions and requests and the provisional arrest are also safeguarded in said Agreement (articles 50, 55, 56 and 57, respectively).

The aforementioned Agreement also contains definitions on the effectiveness and enforcement of criminal judgements, as well as on the international effects of such judgements.

On the other hand, in areas such as identification, registry and notary, training and information, one may find provisions on the recognition of identification documents from the contracting States, the diplomatic and consular civil registry, the exchange of nationality, the certificates of civil registry and information on inheritance matters.

The agreement ends with the technical, legal and documental cooperation between the contracting States.

### **3. The practical implementation of the Agreement of Legal and Judicial Cooperation**

One may verify that the aforementioned Agreement has a potential impact in the life of citizens and companies of both countries by bringing real benefits to them such as the access to courts in reciprocity conditions, the legal aid, the effectiveness of judicial decisions, the application of coercive measures, the sanctions of deprivation of liberty, penalties, fines, loss of assets, deprivation of rights, amongst others.

Furthermore, the present Agreement places both Countries (Portugal and Angola) in a position of proximity and cooperation which very much supports and boosts the development of trade and investments from a Country to another, for it is known that the efficiency, security and swiftness of courts has a direct impact in the economic agent's behaviour.

Ricardo Costa Macedo / Sónia Maria Batalha

Franco Caiado Guerreiro & Associados