

**National Action Program for Angola**  
**under the**  
**Environmental Protection and Sustainable**  
**Management of the Okavango (EMPSO)**  
**River Basin Project**

**Policy and Legislation Analysis**  
**(Draft 1)**

by

Vladimir Russo

for

the Food and Agriculture Organisation (FAO)

**September 2010**

**Luanda, Angola**

# Contents

## 1. Abbreviations

ADRA	Acção para o Desenvolvimento Rural e Ambiente (Action for Rural Development and Environment)
AEIN	African Environment Information Network
BCLME	Benguela Current Large Marine Ecosystem
BENEFIT	Benguela Environment Fisheries Interaction and Training
CIA	Central Intelligence Agency (USA)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CNRF	Comité Nacional de Recursos Fitogenéticos (Genetic Resources National Committee)
CTMA	Comissão Técnica-Multisectorial do Ambiente (Technical Commission for the Environment)
ENA	Estratégia Nacional do Ambiente (National Environmental Strategy)
ENDIAMA	Empresa Nacional de Diamantes de Angola (State national diamond company)
FAO	Food and Agriculture Organization of the United Nations
GEF	Global Environment Facility
IDF	Instituto de Desenvolvimento Florestal (Forestry Development Institute)
INIP	Instituto Nacional de Investigação Pesqueira (National Fishery Research Institute)
ISPRA	Instituto Superior Privado de Angola
IUCN	World Conservation Union
JEA	Juventude Ecológica Angolana (Ecological Youth of Angola )
PECA	Programa de Educação e Consciencialização Ambiental (Environmental Education and Awareness Programme)
PNGA	Plano Nacional de Gestão Ambiental (National Environmental Management Plan)
Ramsar	Convention on Wetlands of International Importance especially as Waterfowl Habitat
SADC	Southern African Development Community
SAIEA	Southern African Institute for Environmental Assessment
SARDC	Southern African Research and Documentation Centre
Sonangol	Sociedade Nacional de Combustíveis de Angola (National Fuel Company of Angola)
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
WFP	World Food Programme

## 2. Background

1. The field of environmental and water-related legislation in Angola has been marked by the introduction of a number of revisions to previous laws from the colonial period, and also by the development of new, innovative environmental acts and decrees. The reason for such revisions is that most of the current legislative framework on environmental and water-related matters was developed either during the colonial period or during the 1980s, the period immediately after independence. Most of these acts and decrees were either outdated, not considering the current Angolan context, or do not reflect many of the recommendations from multilateral environmental agreements and environmental protocols recently signed and ratified by the Angolan Government.
2. In addition, a number of environment and water-related laws have been approved in the recent years but are not yet fully enforced; these will be described below. Most of the new legislation (post-2000) has been developed with the Environment Framework Act (1998) in mind, as it sets the standards for a number of important areas pertinent to the development of environmental legislation in Angola. The Water Act (2002) also considers a number of environmental related issues.
3. The ratification of multilateral environmental agreements by the Angolan Government (at national and regional level), as well as the peace scenario since 2002, have also motivated the development of environmental legislation which, in on the one hand, is protective of the natural resource base (notably water, fisheries and land) and on the other hand , caters for the basic needs of the Angolan population in terms of food and shelter.
4. The development and approval by the Assembleia Nacional (Angolan National Assembly) of the Environment Framework Act (Act No. 5/98 of 19 June 1998) has increased the pressure on the Government to produce norms and standards as part of the regulatory decrees for this important act. Regarded as an innovative piece of legislation, the Environment Framework Act still needs to develop regulations to enable its enforcement to take place in an orderly manner and in line with standards developed at international and regional levels. As result of this, a number of legislative documents were produced from 2002 to 2010.
5. The development of new legislation, however, as well as the revision of old legislation, has been developed to be in line with the recently approved Angolan Constitution.
6. The present report undertakes to summarize all the key environmental and water-related policies and legislation in place in Angola, including some legislation approved during the colonial period. It also provides a summary of a range of environmental legislation related to the environment, water, land, forestry, petroleum, fisheries and mining, and other areas. Extracts and summaries of the main articles and clauses of each act, decree or order are also presented so as to illustrate how issues of environmental protection are reflected in these acts and decrees.
7. The report also presents a list of all multilateral environmental agreements that the Government of Angola has signed and ratified at regional and global levels. The adhesion of Angola to a number of these multilateral environmental agreements has stimulated the development of new environmental legislation, policy initiatives and regional programmes. Information on who is responsible for the implementation and monitoring of specific multilateral environmental agreements is also provided. Considering that many of these agreements have implications for protected areas, a list of all protected areas in Angola is also supplied.

8. When possible specific notes are made with regards to the Okavango basin area in Angola so as to support the development of the Strategic Action Plan for the three countries involved in the Environmental Protection and Sustainable Management of the Okavango (EMPSO) River Basin Project.

9. In this context of the development of laws, it is important to recognize that, although innovative environmental legislation has recently been developed, there is still a vacuum in terms of human and institutional capacity to implement and enforce such legislation at national and local levels (particularly at municipal and communal level). This often results in management decisions on natural resource use being taken in relative isolation, with developments being planned without national coordination.

### **3. Angolan Constitutional Law (5 February 2010)<sup>1</sup>**

10. Article 21 of the Constitution of the Republic of Angola (February 5, 2010) indicates that constitute the core tasks of the Angolan State, among others, promote the harmonious and sustainable development throughout the national territory, protecting the environment, natural resources and heritage , cultural and artistic heritage.

11. The need for environmental protection and the requirements for achieving sustainable development is founded on the right of all citizens to live in an environment healthy and unpolluted, and the duty to defend and preserve is enshrined in Article 39/1 of the Constitution.

12. The same article notes that the State shall take the measures necessary to protect the environment and species of flora and fauna throughout the national territory, the maintenance of ecological balance, the correct location of economic activity and the rational exploitation and utilization of all natural resources in the context of sustainable development and respect for the rights of future generations and the preservation of various species.

13. Overall, the new Constitution is proving to be more environmentally friendly than the current Constitutional Law. This is due not only to the articles presented above but also to its commitment to sustainable development and to the establishment of better rights and services in order for the people of Angola to achieve a good quality of life.

### **4. Environmental legislation and institutions**

14. Angola has inherited a great deal of environmental legislation (acts and decrees) and decisions, or orders (the establishment of protected areas) from the colonial era and thus its environmental legislation remained outdated until the mid-1990s, when new legislation started to be developed, adopted and enforced. Some of the colonial statutes, however, are still in place while others have been reviewed, amended, revoked or repealed.

15. With the establishment of the Secretaria de Estado do Ambiente (State Secretariat for the Environment) in 1993 as a direct result of the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, new strategies for policy development and implementation were developed. This groundwork was later undertaken by the Ministry of Environment (established in 1997), by the Ministry of Fisheries and Environment (established in 1999 and by the Ministry of Urban Affairs and Environment (established in 2002).

---

<sup>1</sup> Governo de Angola 2010 (<http://www.angola.gov.ao>).

16. Currently, the Environment Framework Act is administered by the Ministry of Environment (established at the end of 2008, after the legislative elections in October 2008). This Ministry is working on the development of new enabling legislation (act and decrees) to regulate the Environment Framework Act (e.g., Decree on Environmental Impact Assessment; Solid Waste Act; Noise and Air Pollution, Environmental Licensing and Auditing).

17. Apart from the legislation mentioned above, the Ministry of Environment has also been working towards the establishment of two important institutes, namely the *Instituto Nacional de Gestão Ambiental* (National Institute for Environmental Management) and the *Instituto Nacional da Biodiversidade* (National Biodiversity Institute).<sup>2</sup> This Ministry is also working towards the establishment of the Environmental Fund (*Fundo do Ambiente*).

18. In an attempt to provide a comprehensive list of environmental and water-related policies and legislation in Angola, a number of documents were consulted, particularly the *Diário da República* (Government Gazette), conference proceedings, unpublished reports and internet sites. A number of informal discussions were held with people working on the field of environmental policies and legislation. There is a number of other environmental legislation that is currently being discussed at the National Assembly and thus the final texts are not publicly available.

#### **A. Environment Framework Act (Act No. 5/98 of 19 June 1998)<sup>3</sup>**

19. This Act was developed based on the recognition of the importance of environmental protection at a national and global level, particularly due to the negative consequences that human development has had on the environment. The Environment Framework Act was developed drawing on the experience of Angolans and considered the Angolan context in which it would be applicable.

20. In developing this Act, the Government of Angola has also recognized that environmental issues are complex and can only be addressed through a strong legislative framework, multi-sector work to cover cross-sectoral issues, and the development of clear environmental policies and environmental management programmes. These form the basis for the development of the Environment Framework Act.

21. The Environment Framework Act defines the concepts and the general and specific principles of protection, preservation and conservation of the environment, the promotion of the quality of life and the national use of natural resources by guiding their exploration and development initiatives which benefit all Angolans. It indicates that activities that might cause a negative impact on the water resources should undertake an Environmental Impact Study.

22. The specific principles for environmental protection, preservation and conservation include, among other things, recognition of the right to environmental education and training; participation in environmental decision-making and management; precautionary principles; environmental balance towards achieving sustainable development; and the protection and preservation of natural resources, including national genetic resources.

23. Chapter VI defines the rights, duties and penalties of citizens, and promotes sustainable development through the incorporation of the principles of the Rio Declaration, as well as some of the guidelines of Agenda 21. Some other important

---

<sup>2</sup> Governo de Angola 2008 (Decreto-Lei n.º 4/09 de 18 de Maio).

<sup>3</sup> Governo de Angola 1998 (Diário da República, 1ª Série, N.º 27, 19 de Junho de 1998).

aspects of this Environment Framework Act are (Ministério das Pescas e Ambiente 1999a):

- Article 9: The right of non-governmental organizations to participate in environmental management forums
- Article 10: All projects which will affect communities, ecological balance and use of natural resources should conduct environmental impact assessments
- Article 11 (a): The Government is responsible for the development of the necessary regulations to facilitate the implementation of the *Plano Nacional de Gestão Ambiental* (National Environmental Management Plan)
- Article 16: Introduces environmental impact assessment as an important instrument for environmental management and presents basic steps to be followed when environmental impact assessments are undertaken. It notes that further legislation on environmental impact assessments will be developed. Legislation on environmental licensing and auditing have been developed.
- Article 20: Recognizes environmental education as an important activity to facilitate the implementation of the National Environmental Management Programme, and encourages the development of environmental education activities through the formal education system as well as through the mass media
- Article 27: States that all individuals and organizations that carry out activities involving the risk of environmental degradation, as classified by legislation on environmental impact assessments, shall take out third party insurance.

24. To avoid misinterpretations of the terminology used in this act, an annex is included to clarify certain definitions and concepts such as activity; biodiversity; deforestation; desertification; environment; environmental impact assessment; environmental legislation; environmental quality standards; town and country planning, etc.

## **B. Legislation on marine resources and fisheries**

25. The fishing sector is one of the most important and lucrative industry sectors in Angola and thus is one of the most attractive to foreign investors; unfortunately it also attracts a great deal of illegal fishing. For this reason the Fisheries Act was one of the first acts to be developed after independence, drawing on a number of regulations from the 1980s.

26. To support the implementation and enforcement of this Act, a number of executive decrees are published annually, so as to control and manage the marine resources available in Angola as well as to determine the catch capacity of particular species. These executive decrees often indicate the species which are declining and therefore provide for restrictions in fishing, stipulate the standards required to control fishing for the purpose of protecting species, and specify areas where fishing is not permitted. A recent decree (Presidential Decree n° 120/10 of July 2nd) has declared the prohibition of industrial fishing companies to fish mackerel (*carapau*) and round sardinella (*Sardinha do reino*) until March 2011 due to the decrease in the stocks.

## 1. Fisheries Act (Act No. 20/92 of 14 August 1992)<sup>4</sup>

27. This Act was developed in recognition of the fisheries' sector as an important sector for the development of Angola. The ratification by Angola of the United Nations Convention on the Law of the Sea in 1990, as well as the demands for a better planning and management of the fisheries resources, were other reasons for the development of this Act.

28. The main objective of this Act is to legislate, manage and control fishing activity so as to keep fishing capacity in line with the availability of marine resources, as well as to carry out scientific research on the marine environment. This Act is applicable to the territorial sea, contiguous zone and economic exclusive zone. The Fisheries Act consists of 66 articles, which are aimed at regulating fishing activity in the Angolan territory, including that of marine and interior waters. In this Act, fishery resources are considered to be of public use and measures are identified for the conservation of marine resources.

29. The conservation of marine resources is adjusted according to the available fishing potential, stocks and the season. This is carried out through decrees published by the Minister of Fisheries with a view to regulating the fishing industry and ensuring sustainable development.

30. An important aspect of this Act is the establishment of the requirements to be satisfied by fishing vessels (including foreign vessels) and the fees to be paid in order to obtain fishing licences. It also prescribes financial and judicial sanctions to be imposed upon offenders (the amounts of the financial sanctions are established by the Council of Ministers).

31. Some other important aspects of this Act include:

- Article 8/1: This recognizes the need for fisheries to draw up plans, taking into account the maximum fishing capacity and the availability of marine resources
- Article 11: The annual fishing licences issued for fishing purposes stipulate which species can be captured
- Article 15/1: The annual fishing licences can contain information on specific fishing zones as well as maximum quantities per species
- Article 24 (a): This prohibits the use of light, electric instruments, explosives and toxic substances in fishing
- Article 50 (a)–(b): Considers violations of the following: fishing in areas or species not permitted by law; when the size of the fish is smaller than the allowed size; the use of non-authorized fishing gear.

32. The Fisheries Act revokes all legislation contrary to it, particularly decree No. 12-A/80 on regulating fishing activity in the Angolan exclusive fishing zone. This Act has been revoked by the Act on Biological Water Resources (with 274 articles), approved by the National Assembly in 2004.

33. The Biological Water Resources Act is very comprehensive and innovative and emphasizes the need for policies aimed at preserving and regenerating the biological water resources. The Act also presents a number of principles that should be followed to ensure sustainable use of biological water resources.

---

<sup>4</sup> Coelho 2002, pp. 61–91.

34. In addition, the Ministry of Agriculture, Rural Development and Fisheries has proposed the establishment of a scientific committee for the development of planning and management policies for biological water resources. Both the new act and the Scientific Committee are part of the Government's efforts towards poverty alleviation and the better management of fishery resources.

**2. Regulation on the Management of Fishery Resources (executive decree No. 48/98 of 28 August 1998)<sup>5</sup>**

35. This executive decree has been developed in order to establish better ways of managing Angola's fishery resources. Two important principles underpinning such an objective are the continuing scientific research conducted by the *Instituto de Investigação Pesqueira* – IIP (Fishery Research Institute), later established as the *Instituto de Investigação Marinha* – IIM<sup>6</sup> (Marine Research Institute) and the establishment of fishing parameters so as to facilitate the auto-reproduction, preservation and sustainability of marine resources. As a result of the adoption of the Biological Water Resources Act, which also gives the Ministry of Fisheries the right to oversee fishing in continental waters, the Institute has changed its name to *Instituto Nacional de Investigação Pesqueira* – INIP<sup>7</sup> (National Fisheries Research Institute).

36. In its article 4/2, the executive decree considers the development of plans that include the assessment of the main marine resources and their fishing potential, as well as the indication of annual fishing quotas per species. In its article 6 (a)–(b), it states that the Technical Council of the Ministry of Fisheries should recommend the annual fishing quotas and propose measures for the conservation of particular species.

**3. Regulation on fishing in interior waters (combined executive decree No. 17/99 of 22 January 1999)<sup>8</sup>**

37. This combined executive decree was issued by the Ministry of Finance and the Ministry of Agriculture and Rural Development to promote an effective administration of the marine fauna and to ensure better management of the issuing of fishing licences. It also recognizes the importance that the fishery sector has for Angola in terms of economic benefits and tourism.

38. This decree contains four articles and basically indicates the amounts required for obtaining fishing licences for interior waters (both for commercial and sport purposes). It also explains what is considered to be an infringement to the law (e.g., use of non-authorized fishing gear, destruction of areas for reproduction) and the respective fines for such infringements.

**4. Decree regulating fishing activity in the Angolan exclusive fishing zone (decree No. 12-A/80 of 6 February 1980)<sup>9</sup>**

39. This decree states that the Government of Angola shall exercise sovereign rights for the purpose of exploring, conserving, managing and exploiting the natural, biological marine resources of areas of the high seas adjacent to the national territory, up to a distance of 200 nautical miles measured from the legally established baselines,

---

<sup>5</sup> Ibid., pp. 92–98.

<sup>6</sup> The Marine Research Institute was established in 1995 through Decree–Act 10/95 of 13 October 1995. Its main objectives are to develop a knowledge base on sea and marine resources and to provide scientific advice on better ways of sustainably managing marine resources. IIM has been involved in the environmental monitoring of the economic exclusive zone and in regional undertakings such as Benguela Environment Fisheries Interaction and Training (BENEFIT) and the Benguela Current Large Marine Ecosystem (BCLME) projects.

<sup>7</sup> Governo de Angola 2005 (Diário da República, 1ª Série, N° 49, 25 de Abril de 2005).

<sup>8</sup> Coelho 2002, pp. 145–148.

<sup>9</sup> Ibid., pp. 114–117.

as well as the sedentary species of the continental shelf. Some other aspects of this decree include:

- In some areas defined in this decree, it shall be unlawful for foreign vessels to fish, prepare to fish, commit acts prejudicial to fishing or damage or destroy fishing gear legally installed in the sea
- For the purposes of this decree, churning up the waters, employing any other processes to frighten fish or resorting to any manoeuvre or method likely to prejudice fishing shall be deemed to constitute acts prejudicial to fishing

40. The Minister of Fisheries shall be responsible for determining which foreign vessels are authorized to fish in the areas defined in article 1 by means of the granting of fishing licences (requirements to be satisfied for obtaining such licence are specified in the decree).

41. This decree has been revoked by the Fisheries Act (Act No. 20/92 of 14 August 1992). Apart from the fisheries legislation presented above, there are other decrees which guide the fishing industry in Angola, namely:

- Act No. 21/92 of 21 August 1992 on the Territorial Sea, Contiguous Zone and Economic Exclusive Zone
- Executive decree No. 2/93 of 26 February 1993 on the fees for fishing infractions
- Executive decree No. 10/97 of 21 March 1997 on the regulations on crustacean fishing
- Executive decree No. 38/98 of 19 June 1998 on the management of fishery resources
- Executive decree No. 13/02 of 2 April 2002 on total admissible catch, fishery zones and fishing periods
- Act No. 6-A/04 of 8 October 2004 on Biological Water Resources.

### **C. Legislation on mineral resources**

42. Mineral resources in Angola play an important role in the country's balance. For this reason the legislative framework for the exploration of mineral resources has been continuously updated. More recently, a new Act was approved focusing on the exploration of diamonds, as these are an important source of revenue and, with good governance and new-found peace, the country should be able to return to previous levels of exploration and production of this particular mineral.

43. Apart from improving the profitability of diamond mining, the Government of Angola is planning to expand its mining activity, so as to include the exploration of deposits of black granite, chromium, copper, zinc, gold, gypsum, iron ore, lead, marble, phosphates, quartz and platinum. For this to be possible, better legislation needs to be developed so that the short-term economic gains do not cause long-term environmental degradation.

#### **1. Mining Act (Act No. 5/79 of 27 April 1979)**

44. This Act regulated the exploration of minerals after independence until the early 1990s. It stipulated that mineral resources were State property and recognized the need for indemnities with regard to all mining activities damaging the environment. Although it establishes the requirements for the rehabilitation of the environment, the

Act fails to provide any guidance or to indicate the requirements for environmental impact assessment. This Act, however, has been revoked by the new Act on Geological and Mining Activities approved in 1992.

**2. Geological and Mining Activities Act (Act No. 1/92 of 17 January 1992)<sup>10</sup>**

45. This Act is administered through the Ministry of Geology and Mines and has been developed to broaden the understanding of exploration of mineral resources, particularly with regard to the exploration of resources not previously known. It was also brought into line with the Act on Foreign Investment and with the principles of an open market economy being implemented in Angola.

46. This Act reflects the new mining policy aimed at creating the necessary conditions to include the development of the mining industry in both the national and international contexts. By doing this, the Act promotes the reduction of the dominance of State-owned companies by eliminating the monopoly of mineral rights and providing opportunities for the private sector, both national and international, to invest in the mining sector, thus leading to a better development of both Angola and its economy.

47. The Act states that all minerals belong to the State, as evident in the Constitutional Law, and gives the Ministry of Geology and Mines and Industry the right to manage and supervise all mineral exploration and development activities through the granting of relevant prospecting and mining titles.

48. Apart from providing information on the mechanisms to be followed for the concession of a prospecting licence, this Act also provides details on the duration allowed for the exploration of mineral resources.

49. Furthermore, the Act includes a clause on environmental protection, translated into the commitment of the entities in possession of the prospecting licence (“concessionaries”) to protect the environment, both fauna and flora, and to recover any damaged soils and deviated water courses in an effort to avoid causing problems to the local populace. It does not, however, explain how and what mechanisms will be put in place to ensure that such commitments are achieved.

50. Other important aspects for this task are:

- Article 13/3: This states that the exploration of mineral resources can be suspended or reduced by the State in case the exploration activities are likely to cause environmental damage
- Article 21/1: This notes that the entities in possession of the prospecting licence, as well as their partners, are responsible for the protection of the environment
- Article 21/3: The damage caused by any mineral and geological activities is always imputed to the entities in possession of the prospecting licence, and these entities are subject to judicial actions and the payment of indemnities

51. This Act does not state that an environmental impact assessment needs to be conducted for the exploration of mineral resources, as stipulated in the Environment Framework Act and in the Environmental Impact Assessment Decree. This could be the cause of conflict, as the focus of the Geological and Mining Activities Act is on the rehabilitation of the environment in a post-mining scenario rather than on assessing the

---

<sup>10</sup> Ibid., pp. 355–373.

possible environmental impacts of the mining activities as well as developing mitigation strategies for such negative impacts.

### **3. Diamond Act (Act No. 16/94 of 7 October 1994)<sup>11</sup>**

52. Following a study of the exploration of diamonds in Angola, particularly in the Lunda-Sul and Lunda-Norte provinces, as well as a detailed analysis of the legislation related to the diamonds industry, the Government realized that a great deal of illegal mining was taking place in the diamond rich areas, that there was an uncontrolled movement of people and that the Constitutional Law was being violated. Considering this and the need to ensure better control of the exploration of diamonds in Angola, the Government developed the Diamond Act.

53. The Act has also been developed to contribute to the economic growth of Angola and to protect this important mineral resource. In doing so, the Diamond Act gives mineral rights exclusively to the State national diamond company ENDIAMA (Empresa Nacional de Diamantes de Angola). This company can, however, develop joint-venture activities with both local and foreign private investors. As a result, many foreign companies are currently involved in the development or exploration of potential kimberlitic and alluvial deposits.

54. This Act deals with aspects related to prospecting, researching, exploration, treatment and marketing of diamonds. In this Act, special provision is made for small-scale mining, as well as for artisanal exploration of diamonds. There are no references with regard to environmental protection or environmental damage caused by the exploration of diamonds.

55. Other legislation related to the exploration of mineral resources includes:

- Combined executive decree No. 38/92 of 21 August 1992 on norms for supervision and inspection of geological and mining activities and penalties
- Act No 17/94 of 7 October 1994 on Special Measures for the Diamond Reserve Zones

#### **D. Legislation on land**

56. Land issues have always been difficult to legislate in Angola, owing to the migration of people, the traditional and cultural value of the land (especially for the rural communities), the re-appropriation of land after independence and the variety of land uses in place in Angola. On the other hand, these factors are reason enough for the development of appropriate legislation aimed at providing people with the necessary land to cater for their basic needs and social development.

57. Recognizing that Angolan Constitutional Law states that land is State property and with a view to implementing agricultural, forestry and livestock-raising programmes, a number of legislative acts were developed in the 1990s.

### **1. Agricultural Land (ownership, concession and use) Act (Act No. 21-C/92 of 28 August 1992)<sup>12</sup>, known as the Land Act**

58. This Act is consistent with Article 12/3 of the Constitutional Law in that it reaffirms that land is State property. This Act establishes the modalities and basic conditions for the concession of the title, use and development of the land for various purposes, both agricultural and non-agricultural and for special purposes.

---

<sup>11</sup> Ibid., pp. 385–409.

<sup>12</sup> Ibid., pp. 151–166.

59. In its seven chapters this Act establishes the basic framework for ownership, concession and use of agricultural land in Angola. Chapter I deals with general provisions, which include basic information on the right to concession, and the nature and modalities for concession. In chapter II, information related to land classification is provided, with an emphasis on three main classifications, namely, for agricultural purposes, for non-agricultural purposes and for special purposes. The land set aside for special purposes includes areas for the total protection of the soil, fauna and flora, and the partial protection of the margins of waters, of the maritime edge, islands and small islands, etc.

60. Chapter III of the Land Act provides for licensing, as well as for the rights and duties of the concessionaries (land users). Chapter IV discusses aspects related to the transmission and termination of the land use right, while chapter V discusses registration issues. The way the administration powers are put in place by the different government institutions, the Ministry of Agriculture and Rural Development and the Council of Ministers is the focus of chapter VI. The final chapter (chapter VII) articulates the final provisions.

61. Other more environment-related aspects of the Land Act include:

- **Article 12 (a)–(b):** These two clauses consider areas of total protection: the areas which are exclusively used for protection of the soil, flora and fauna as well as for the protection of environmental and historical monuments
- **Article 22 (e):** This states that the institution which provides the concession for use of the land can revoke it in the event that the rules for the protection and conservation of the soil and nature have not been duly observed
- **Article 27 (d):** The Minister of Agriculture and Rural Development has the right to intervene in the establishment of protection zones needed for the preservation of water, soil, fauna and flora.

62. This Act repeals decree No. 43,894 of 13 September 1961 and Order No. 3,280 of 18 July 1962. It has been revoked by the new Land Act (9/04), which entered into force on 9 February 2005.

## 2. **Regulation of Land Act (Decree No. 32/95 of 8 December 1995)**<sup>13</sup>

63. This decree is a direct consequence of the Land Act and has been developed to facilitate and regulate the implementation of the recommendations from the Land Act. It is also an attempt to set up a number of rules and regulations on how to make the Land Act more relevant and consistent with the context of the country in the mid-1990s. The decree has been revoked by the new Land Act (9/04).

64. Despite the fact that it has been revoked, it is important to refer to it because it is relevant to the new Land Act. Under this decree, the land is considered to be used for two specific purposes, which include agricultural purposes (for agricultural, livestock and forestry activity) and for the establishment of national parks (areas for protection, conservation and reproduction of wildlife as well as for the conservation of scientific sites).

65. In chapter III of the Act, the competencies of the Council of Ministers, Minister of Agriculture and Rural Development, provincial governors and the Land National Register (Cadastro Nacional de Terras) are defined. Their competencies vary according

---

<sup>13</sup> Ibid., pp. 167–207.

to the area size for land use as well as to the purpose of the activity. Of particular significance is the role of the Council of Ministers to concede the right of land use for agricultural purposes in the continental platform and internal waters (article 5 (b)). The Minister of Agriculture is given the power to intervene in the establishment of protection zones which might affect agricultural land or zones essential for water, flora and fauna preservation (Article 6 (d)).

66. In terms of the duties of the entities in possession of a licence to use land for agricultural purposes, article 11 (a) states that such entities should take into consideration the proposed requirements for the sound use and conservation of the land. They also have to ensure the conservation of forests and other natural resources extant in the areas in which they are working (article 12 (c)).

67. This regulation also explains the steps that need to be followed for the application for a land use licence as well as the documents needed for such a process. In this process there are no references to plans or measures for environmental protection. Chapter XII deals entirely with the establishment of areas of protection. Below are summaries of articles from chapters XII and XIII relevant for this study:

- **Article 50 (a)–(d):** This considers the areas of total protection to be the following: national parks; integral nature reserves; conditioned reserves; and special reserves
- **Article 51 (a)–(m):** This presents the objectives for the areas of environmental protection. These include the avoidance of air pollution; the establishment of natural barriers around residential areas; the prevention of soil erosion and improvement of soil affected by soil erosion; the conservation, protection and management of water sources and courses; the protection of wildlife; the protection of human beings and domestic animals against attacks from wildlife and the diseases they carry and the establishment of areas of special protection.
- **Article 52/1 (a)–(k):** This draws on the Land Act to clarify and expand areas considered to be partially protected. Some of these areas include territorial and internal waters, islands, lakes and water courses, and important sources of water and areas containing both mineral and other natural resources.
- **Article 62 (a)–(f):** This article clarifies what human activities will be considered inappropriate and subject to penalty. The following are considered infractions of the Land Act: soil erosion and contamination, deviation of water courses, destruction of important vegetation, in particular trees with industrial interest or with precious and rare woods and finally, the non-recuperation of damaged soils and vegetation.

### 3. Land Act (Act No. 9/04 of 9 November 2004)<sup>14</sup>

68. The old Land Act (21-C/92) has long been considered outdated and incapable of efficiently dealing with the current land issues in Angola, particularly that of the use and access to land by rural communities. The Land Act (21-C/92) does not include the use of land for economic, social and urban development purposes and does not take a broad overview of land, as its focus is more on agriculture. With the new social, economic and political changes in the country there is a need to develop a more responsive and relevant Land Act.

---

<sup>14</sup> Governo de Angola 2004a (Diário da República, 1ª Série, Nº 45, 4 de Junho de 2004).

69. Considering the above and the need to understand the multiple uses of land in Angola in a more integrated manner, a new Land Act has been drafted and approved by the Council of Ministers and by the National Assembly. It has been published recently and has been in force since 9 February. It has also revoked Act No. 21-C/92 and decree No. 32/95.

70. This new Land Act considers land as the property of the State and proposes the following multiple uses for the land:

- To provide shelter and home for the inhabitants of Angola. This implies the existence of an appropriate urban planning system
- To serve as a source of natural resources which can be used for mining, agriculture, forestry and land planning
- To provide support for economic, agricultural and industrial activities

71. This new Land Act contains a number of environmental-related aspects which are important to foster sustainable development in Angola and also better use of the soil and natural resources. It makes reference to a number of other environmental statutes with particular emphasis on the Environmental Framework Act. The other legislation is used to support mechanisms for the implementation and enforcement of certain articles and clauses of the new Land Act.

72. For a better understanding of the terminology used in this Act, a number of definitions are presented in article 1, paragraphs (a)–(l). Below we provide summaries from the new Land Act of aspects relevant to the present review and to an understanding of the broader integration of environmental legislation in other legislative fields.

- **Article 3/1:** This presents the land areas (both rural and urban) in which the State has control and rights. These land areas include that used for agriculture, livestock, forestry, mining, industry, commercial, housing, rural and urban planning, environmental protection and the combating of soil erosion
- **Article 10:** This article states that all natural resources are State property and the State's rights over the land are not transmissible. It further notes that the State can determine new rights for the exploration of natural resources based on appropriate legislation
- **Article 14 (b):** This article notes that the State can intervene in the management and concession of the land affected by the present Act, in harmony with a number of objectives. An important objective is the protection of the environment and economically efficient and sustainable use of the land
- **Article 16/1–2:** This article affirms that the occupation and use of the land depends on a number of norms and standards for environmental protection, particularly with respect to the protection of landscape, flora and fauna, the preservation of ecological equilibrium and the right of citizens to a healthy and non-polluted environment. It further states that the occupation and use of the land shall not compromise its regenerative capacity or its ability to produce
- **Article 19/4–5:** In this article the land classification is presented, distinguishing two categories of land, urban land (areas for construction of buildings) and rural land (areas for agriculture, livestock-raising,

forestry and mining). The ministry dealing with land planning and environmental issues is the government institution that identifies the category in which such land falls, based on a proposal from other government entities dealing with similar issues. This is the case for the establishment of mining and oil schemes and the industrial sector. The Government has the right to decide on the establishment of protected areas (total and partial reserves) for specific purposes, including those for environmental protection, national security, preservation of monuments and historical sites. These reserves include both coastal areas (e.g., territorial sea, contiguous zone, economic exclusive zone, islands, estuaries) and land areas (e.g., roads, inland borders, airports and ports, military bases)

- **Article 30:** This article states that the concession of rights for the research, exploration and production of mineral resources and other natural resources is provided by special legislation, according to the resource being explored
- **Article 70/1 (a):** This clause of article 70 recognizes that environmental organizations can play an important role in environmental protection. This will be more effective if the Environmental Protection Associations Act is approved by the National Assembly

73. Some of the aspects of the new Land Act have been contested by a local umbrella non-governmental organization, Rede Terra. This network is formed by over 20 member organizations working on land-related issues in Angola and with a particular interest in the Land Act. The arguments of Rede Terra are based on a comprehensive study undertaken in ten provinces in Angola. In this extensive consultative process, over 2,000 people, including from rural areas, participated in the discussions and had an opportunity to voice their concerns and make proposals for the new Land Act.

74. The concerns and proposals from many community members were part of a letter sent by the Rede Terra to the President of the National Assembly, as suggestions to be considered when the Land Act was tabled at the Assembly, as well as in the development of appropriate norms and regulations to support this Act. Below is a summary of their main points (adapted from Rede Terra 2004).

#### **Article 5**

The fact that the land is State property reflects that the land belongs to the State and not to the people who lived and worked on some areas long before the Government was there. Rede Terra (2004) argues that the concept of “belonging” can be interpreted in many ways and therefore a clarification of this article is needed, particularly to include the concept of communal land and a recognition that many areas of Angola have been occupied and explored by people for many years.

#### **Article 7**

Rede Terra (2004) considers inappropriate the fact that the State determines what farmers should do with their land, and thus proposes a text which prevents the State from the enforcement or limitation of certain agricultural practices and plot sizes.

## Articles 19, 22 and 36

Rede Terra (2004) proposes changes to the existing articles as it deems that they are worded in a vague manner and therefore allow many different interpretations. It also proposes to include the recognition of the local and indigenous knowledge of the rural communities. The benefits for rural communities are, however, explicitly spelled out in the new Land Act.

75. This new Land Act has been very controversial, with many opposing and contradictory views. The arguments turn mainly around the issues of land use, the area for various uses of the land and the benefits for the rural communities. This controversy and lack of consensus was evident when the Land Act was finally approved by the National Assembly on 10 August 2004, with 116 votes in favour, 59 against and 5 abstentions.

### E. Legislation on urban planning

76. In the course of over 25 years of civil war there has been extensive migration of the people of Angola from rural areas, particularly those affected by the war in the provinces of Bié, Huambo, Kwanza-Norte, Malange and Uíje, to the coastal area (Ministério do Planeamento 2003). This movement of people, associated with the increase of war refugees in provinces such as Luanda and Benguela, has led to the growth of slums and informal settlements. The lack of proper legislation on land-use planning, particularly for housing and informal markets, and the inefficient enforcement of existing legislation has led to the destruction of infrastructure, the deterioration of basic services (e.g., water, electricity, sewerage) and the establishment of human settlements in inappropriate areas (*ibid.*). All of these issues are often highlighted as primary contributors to health problems, social disintegration and crime.

77. This situation called for the development of new legislation and programmes that would change this situation where possible and mitigate the associated impacts on the population and on the environment. In recognition of the urgent need to transform this situation the Government of Angola drafted and is further developing appropriate legislation.

#### 1. Decree on plans for coastal seafront planning (decree No. 4/01 of 2 February 2001)<sup>15</sup>

78. The Angolan littoral and the coastal seafront are very sensitive areas and their natural resources are exposed to many unsustainable human activities. With the migration of people from rural areas to the coast due to the armed conflict and in search of better living conditions, the natural resources around the coastal area have been heavily depleted. Furthermore, an increase in local tourism and entertainment-related activities has placed more pressure on such resources.

79. In order to regulate such activities and introduce better systems for land-use planning in the coastal areas, the Government of Angola developed the decree on plans for coastal seafront planning. This decree recognizes the vulnerability of the Angolan coast due to continuing erosion and human activities and proposes better planning of the coast through the establishment of plans for coastal seafront planning.

80. The main objective of these sectoral plans is to define and regulate the use of land on the coast of Angola, as well as to regulate the exploration of its natural resources. The decree recognizes that the coastal area can be used for a number of

---

<sup>15</sup> Coelho 2002, pp. 211–228.

activities, including the building of infrastructure, beaches and protection of the environment.

81. A number of principles guiding the development of the plans are presented in article 4/1, paragraphs (a)–(d), which include protection of the biophysical integrity of the space; development of the existing resources on the coastal seafront; conservation of aspects of the environment and landscape; and protection of local communities.

82. The remaining articles clarify the process of developing, implementing and monitoring the plans, as well as the process of issuing licences for the use of the coastal land for different purposes.

83. The decree has two annexes, annex I defining the terminology used in the decree and annex II on the principles to follow in the occupation, use and transformation of terrestrial protection zones.

## 2. **Land-Use Planning and Urban Development Act (Act No. 3/04 of 25 June 2004)**<sup>16</sup>

84. After independence, issues related to land-use planning and urban management were never fully considered as part of the country's priorities in terms of the development of new legislation. In addition, most of the legislation available in this field has been inherited from the colonial period and thus is outdated and inefficient. Much of the existing legislation area, town and country planning and urban issues are fragmented and not in line with scientific and technological progress.

85. In addition, the growth of the major cities, due in particular to urban drift to the cities in the coastal areas as a result of the war and the belief that opportunities in the cities are greater than in the rural areas, has exacerbated the problems related to the management of urban areas and has led to the growth of overcrowded and dilapidated cities. The lack of integrated and coordinated plans associated with an inefficient development and growth of the cities in responding to the growing number of people has motivated the development of this law.

86. This law adopts a concept of integrated planning which includes not only social and economic aspects but also attempts to create synergies from the relationship between the city and the countryside. The law calls for the establishment of a decentralized system to coordinate the work of planning land use. For a better interpretation of the terminology used in the Act a glossary of terms is added.

87. Below are summaries from this proposed act which provide a better insight into the new planning system for land-use planning and urban management for Angola.

- **Article 4/1/a-h:** This states that land-use planning is aimed at creating favourable conditions to ensure social and economic development, good quality of life and environmental protection, particularly, among other things, to restore degraded areas; to preserve soils useful for agricultural, livestock and forestry purposes; to protect water resources, the coastal seafront, forests and other places for nature conservation; to protect and preserve landscapes
- **Article 6/2 (a)–(c):** These clauses recognize that the State and other collective bodies should follow some principles of land -use planning, including the protection of the environment, cultural values, landscapes and historic sites and the sustainable use of natural resources
- **Articles 13 and 14:** These articles state that the plans for land use planning are instruments contributing to the establishment of fundamental

<sup>16</sup> Governo de Angola 2004b (Diário da República, 1ª Série, Nº 51, 25 de Junho de 2004).

conditions for social and economic development and improvement of the quality of life; sustainable use of the soil; and environmental protection

- **Article 27/1 (b)–(d):** These clauses recognize that, in the implementation of this act, other existing legislation should be considered with specific reference to the Land Act, Geological and Mining Activities Act, Petroleum Activities Act and Environmental Framework Act
- **Chapter II:** This chapter describes the classification of land-use plans (area plans, provincial plans and municipal plans), their objectives and content
  - (i) **Article 68/1–2:** This article articulates the need for additional legislation related to economic planning, land use, mining and oil exploration, environment, etc.

## F. Legislation on forests

88. According to CIA (2005), over 40 per cent of Angola's area is covered with forests and woodland. Other source indicates that nearly 50 per cent of the Angolan land area is covered by forest (SARDC 1996). Different sources cite different figures, however: for example, UNEP recognizes that Angola "has the highest forest cover with 56 per cent of the land area under forests" (UNEP 2002:145), while Caetano (1999) notes that only 17 per cent of Angola's land area is covered with forest. Despite these differences, however, due to the war over 4 million people were displaced (Governo de Angola 2004a; Ministério do Planeamento 2003; CIA 2005) and had to rely on forests and tree plantations to satisfy their immediate needs for survival (Ministério do Planeamento 2003). These needs included using firewood for cooking and heating. Meeting these needs led to deforestation and soil erosion and thus worsened the quality of life.

89. In order to address such problems, as well as to control the way in which forests have been exploited, a number of statutes were developed by the colonial Government and after it by the Angolan Government. Such legislation deals mainly with forestry resources and according to Caetano (1999), it needs to be updated according to the requirements of the Environment Framework Act with multilateral agreements signed and ratified by Angola. He also recommends (ibid.: 159) the promotion of studies for the development of a Forestry Act. In the past three years, there was a Food and Agriculture Organization (FAO) of the United Nations project looking into the development of new legislation on forest, fauna and flora based on what was adopted in the colonial period and in light with the new developments on biodiversity conservation and management. This project was implemented by the Ministry of Agriculture and Rural Development and Ministry of Urban Affairs and Environment.

90. Recently the government approved the National Policy of Forestry, Wildlife and Conservation Areas, which aims to promote the sector's contribution to the country's sustainable development through conservation, development and rational use of forests, wildlife areas and conservation for the benefit of present and future generations. This policy is based on several guiding principles, which should be highlighted for this project, the stand and replanting of trees and wildlife, the enhancement of forest and wildlife resources and sustainable development.

91. The policy defines a number of implementation strategies which should highlight the following goals:

- Promotion of ways to use and economic profitability of forests, wildlife and land conservation areas;

- Improved security systems, conservation and management of forests and wildlife in areas free, including the integrated management of natural resources with emphasis on ecologically sensitive areas and in arid, semi-arid areas, wetlands and mangroves.

92. The policy recommends the implementation through the Local Councils of Forest and Wildlife Protection, programs and awareness-raising and empowerment of citizens and local communities to ensure a greater participation for the benefit of present and future generations.

### 1. Decree on forest regulation (decree No. 44,531 of 21 August 1962)<sup>17</sup>

93. This decree was developed during the colonial era with the objective of regulating the use of forestry resources in Angola, Guinea Bissau and Mozambique. It contains 183 articles and is thus very descriptive and explanatory.

94. Chapter I of the decree deals with generic provisions, in particular with regard to the classification of vegetation into the categories of natural vegetation (natural forest and savannah) and artificial vegetation (man-made forests with exotic and indigenous species). The norms and procedures of the forestry administration are discussed in chapter II. Chapter III focuses on the forestry reserves, emphasizing their objectives of the conservation of forests; the control of water and climate cycles; soil conservation; and the conservation of areas containing endangered species or species with scientific value. The rules designed to encourage the sustainable use of forestry resources as well as its management and reforestation are elaborated in chapter IV. The importance of nature conservation is reflected in chapter VII. In chapter X, extensive details are given of the rules relating to forestry development, including procedures for the classification of what species can be harvested, how the costs are attributed to different species and what activities do not require a forestry licence.

### 2. Forestry development licenses (order No. 149/00 of 7 July 2000)<sup>18</sup>

95. Recognizing the need to regulate forestry activities in Angola, particularly those relating to timber, and considering the need to establish appropriate rules for the achievement of sustainable development, the Ministry of Agriculture and Rural Development developed this order. The order was also motivated by the fact that previous legislation is partially outdated and thus it is vital that such important legislation is produced.

96. The order aims at establishing rules on forestry activities and for the conservation of forests in Angola. This is to be consistent with the provisions on the Land Act (Act No. 21-C/92) but will be altered by the new Land Act.

97. The development of forests for timber is more extensive between May and the second week of September. According to the order, only entities in possession of licences can undertake forestry activities on Angolan soil. The order describes the process and requirements for the issuing of forestry licences. The maximum quantity of forest area that can be developed annually is determined by the *Instituto de Desenvolvimento Florestal* (Forestry Development Institute – IDF).

### 3. Access to genetic resources (order No. 59/96 of 14 June 1996)<sup>19</sup>

98. Angola has ratified the Convention on Biological Diversity and signed the International Agreement on Genetic Resources. These two binding instruments recognize the rights of countries over the conservation and use of its biological and

<sup>17</sup> Coelho 2002, p.237–299.

<sup>18</sup> Ibid., pp. 300–301.

<sup>19</sup> Ibid., pp. 307–311.

genetic resources. Over the past two decades, however, such resources have been exported without providing any benefits to national institutions and local communities.

99. Considering the above and the fact that Angola does not have any specific legislation for the conservation of its biological resources, the Ministry of Agriculture and Rural Development has produced this order. It rules that the exportation of any genetic resources can only be made with the authorization of the Comité Nacional de Recursos Fitogenéticos (Phytogenetic Resources National Committee – CNRF).

100. The order also explains the process for the issuing of licences for the development of genetic resources. It further states that, in the process of developing such resources, local traditional values and property rights should be respected. The order stipulates that, to avoid genetic erosion, genetic resources should not be used unsustainably and encourages scientific research to facilitate access to and use of genetic resources.

## **G. Legislation on water**

101. Although Angola is a country rich in water resources with its extensive river network, water basins, lakes and underground water, people's access to it, particularly to safe water, is still very limited. Data from the period 1999–2002 indicate that only 38 per cent of people have access to drinking water (Ministério do Planeamento 2003). Out of these 38 per cent it is estimated that 70 per cent of the urban population has access to potable water while in the rural areas only 40 per cent have access to water sources (ibid.). In many cases, where tapped water is distributed, notably in major cities, its quality is not satisfactory, leading to many diseases such as cholera and diarrhoea (Governo de Angola 2004a). In many cities, water distribution is dependant on the availability of electricity, which has not been reliable in the capital, let alone in the other provinces.

102. The lack of access to good quality water often leads to inefficient health and sanitation programmes, which is a major cause of child mortality. In many places, people use the same river for bathing, washing and as a source of drinking water. Problems associated with water pollution and health issues due to water-borne diseases are matters to which the Government of Angola is paying attention. To address such problems and plan for the better management of the country's water resources, a number of statutes have recently been developed, as well as a national programme for the development of the water sector.

### **1. Water Act (Act No. 6/02 of 21 June 2002)<sup>20</sup>**

103. Considering water as one of the most important natural resources for life, life-supporting systems and economic and social development, the Government of Angola developed the Water Act. The Act was also developed in recognition that, for a sustainable economic and social development through the use of water, it is important to put in place appropriate water management systems and policies. Such instruments will not only prevent the wastage of water but can also promote its sustainable use.

104. In the development of this Act the Government of Angola recognized that the previous water-related legislation was outdated and inconsistent with the current judicial, economic and social framework and with new technical and scientific advancements in the water field.

105. The Act states the priorities for the use of water resources in Angola, particularly in relation to internal waters (both surface and underground) which

---

<sup>20</sup> Ibid., pp. 315–352.

constitute the water cycle. It further notes that water resources are State property. Article 6 gives the right to the Ministry of Water Affairs to ensure the protection and conservation of areas of partial protection, while considering proposed measures on the Land Act, Environment Framework Act and other relevant environmental legislation.

106. A number of principles of water management that shall be put into practice by the Government are described in chapter II (article 9/1 (a)–(j)). These principles include: right for individuals and entities to access water; integrated management of water resources; institutional coordination and community participation; harmonization of the water management policy with land use planning and environmental policies; water as a renewable resource for people, limited and with economic value; relationship between pollution and social and financial responsibility to address environmental degradation.

107. The Act encourages the development of a new administrative policy for the water sector which includes a decentralized system of control on the use of water as well as for the protection of water resources and the environment. In the implementation of such policy, the Government aims at achieving a number of objectives, namely to ensure access to water resources; to ensure a continuous balance between the waters resources available and the demand; to promote research activities and the sustainable use of the existent water resources; to ensure proper sewerage systems and to regulate the discharge of domestic effluents.

108. For an integrated management and sustainable use of water resources, the Water Act also proposes the development by the Government of realistic plans for the management of water resources. These include a general plan for the development and use of water resources in basins; a national water resources plan and a general plan for water resources management.

109. Summaries of environmental relevant aspects of the Water Act are presented below:

- Article 18/1: This establishes the National Water Resources Fund (*Fundo Nacional de Recursos Hídricos*) as a financial mechanism to support the development of water resources and environmental protection
- Article 19/1 (c): This encourages international cooperation for the control of water quality and soil erosion
- Article 23: This recognizes the free access to water for household, personal and family needs, including for livestock production and subsistence agriculture
- Article 29: This proposes the establishment and maintenance of national systems for natural disasters such as droughts and floods
- Chapter VI: This chapter deals entirely with issues related to water protection by elaborating on the objectives of protecting water resources against pollution; limiting certain activities which are likely to cause water pollution; proposing measures to prevent and control water pollution; and recognizing the polluter-pays principle

110. For the purpose of equal interpretation of the different terminology used in the Water Act, an annex is included, containing, for example, definitions of “aquifers”, “calamity”, “effluent”, “floods”, “public use”, “rainwater”, “water”, “water basins”, “water cycle”, “water resources”, etc.

111. The act revokes all colonial legislation related to water issues, particularly decree No. 35,463 of 23 January 1946 (Ultramar Water Act), as well as all the water-related references (groundwater; spring water; mineral, medicinal and table water) contained in the Geological and Mining Activities Act (Act No. 1/92 of 17 January 1992).

112. To facilitate the implementation of this act and make possible the development of the water sector, the Ministry of Energy and Water has been developing a national water programme. This document recognizes the problems in the water sector (e.g., lack of legislation related to the water sector, fragmented and weak institutional coordination, lack of human and financial resources, inadequate access to a number of areas in Angola). Based on such problems it proposes a range of solutions and integrated programmes aimed at ensuring a sustainable management of the water resources.

113. The Ministry of Energy and Water is also currently undertaking a public consultative process on the regulation of general utilization of water resources. This regulation includes a number of articles to ensure environmental protection as well as to promote the sustainable management of water resources. It also requires environmental impact assessments for any water development projects which may cause significant environmental impact.

114. In 2003 the Water Sector Development Strategy was developed. The Water Strategy and Law called for decentralization of the water supply and sanitation (WSS) service delivery to autonomous provincial water and sanitation utilities (PWSUs), especially in peri-urban and rural areas. While the streamlining of institutional reforms has fostered momentum in WSS sector development, constraints on further reforms and sustainability are due to the lack of financial, managerial, and technical capacity in the sector.

115. The institutional framework for WSS is undergoing significant change. Currently, the Ministry of Energy and Water (MINEA ) and Ministry of Finance (MINFIN) share responsibility of regulating WSS services, including the establishment of tariffs.

116. Under the 2003 Water Strategy (which covers the period until 2016) Angola's primary focus is on urban areas. The strategy calls for two phases. The first phase focused on emergency actions to rehabilitate the existing system and expand if and where possible, targeting provincial capitals and other large urban populations. The strategy's second phase began in 2005 and focuses on the longer term interventions needed to meet Millennium Development Goals and national targets. As an example, the "Água para Todos" or "Water for All" project has drawn \$650 million from the government to increase coverage to peri-urban and rural areas to 80 percent by 2012.

117. In 2004 a Water Sector Development Programme (PDSA – Programa de Desenvolvimento do Sector de Águas) was approved. The PDSA does not include concrete proposals apart from the recommendation that the management of water services and sanitation is carried out together, which in fact is directed primarily to urban areas.

118. The needs for public spending to promote sanitation and hygiene and infrastructure were estimated at PDSA to be in the order of \$ 980 million for the achievement of the targets of MDGs.

119. Under the ongoing water programmes a number of project are being planned or implemented as described below (USAID 2009).

Donor	Activities	Proposed Budget
African Development Bank	Supports WSS sector management through institutional capacity building (Supports the Sumbe Water Supply, Sanitation, and Institutional Support Project)	
World Bank	Institutional reform and capacity building at national level and for WSS Service provider Development of regulatory agency IWRM Sustainable operations of PWSUs	
European Commission	Training and capacity building for WSS regional institutions Support for non-state utilities Biodiversity management Some infrastructure development in urban, peri-urban and rural areas	
UNICEF	Angola Water and Sanitation Program	
China	Investment in water supply and infrastructure Investment in road building (access to rural areas)	
Spanish Cooperation	Prioritizing access to potable water sources and basic sanitation in the City of Malanje and surrounding provinces	
Portugal (IPAD)	Urban and rural WSS service delivery	
Brazilian Development Bank	Provision of emergency water supply rehabilitation and now sanitation Infrastructure development in Benguela Province (rehabilitation and expansion of existing infrastructure)	

120. Access to potable water remains a worrying factor, because according to the UNICEF report of 2010, only 42 percent of the Angolan population has access to that property, ie, less than half of the Angolan population, taking into account that water reservoirs are not considered water safe for consumption and a high number of people buy water at prices still very high compared to the rates charged in the distribution of mains water.

121. Recommendations under the Millennium Development Goals to address the above issues indicate a need to increase conditions of access to clean water, extension

of distribution sources and reduce the need to purchase and use of water reservoirs, where conservation and water quality is questionable.

122. In the field of public water supply, this running the "Water for All Programme" which aims to be a pragmatic response to increase the supply of treated water to municipalities, communes and rural areas as a major concern of the Government, with an estimated production of 113,130 m<sup>3</sup>/day.

## **2. Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act (Act No. 21/92 of 28 August 1992)<sup>21</sup>**

123. This act was developed with the objective of defining the sovereignty of Angola over its internal waters and territorial sea, and to establish a contiguous zone and an exclusive economic zone. It is administered by the Ministry of Energy and Water. The Act regulates internal waters and lakes, the use of natural resources, the protection of the marine environment and the promotion of scientific marine research.

124. It explains that the territorial sea extends up to 12 nautical miles from the low-water line or straight baselines as indicated in decree No. 47,771 of 27 June 1967, or as may be defined by the Government of Angola under article 3 of the Act. The Act further delineates the internal waters and the contiguous zone and establishes an exclusive economic zone of 200 nautical miles.

125. The remaining articles outline the rights and obligations of the State of Angola in with regards to the exclusive economic zone, particularly with regards to rights of the Angolan Government to explore, use, conserve and manage natural resources. This Act repeals Decree-Act No. 159 of 6 November 1975.

## **H. Legislation on petroleum**

126. Angola's economy has for many years been highly dependent on the oil sector and its supporting activities, which accounts for over 45 per cent of its gross domestic product (GDP) and more than 50 per cent of exports (CIA 2005). This sector has seen a substantial foreign investment from many international oil companies. The estimative for oil production in 2001 was 742,400 barrels per day (bbl/d) (www.angola.org 2004; CIA 2005). In 2003, however, oil production averaged 902,000 bbl/d and it is expected to reach 2 million bbl/d by 2008 when new deep-water production sites are expected to operate at higher levels (EIA 2005), providing very good revenues for the reconstruction of the country. Through its off-shore exploration activities, however, the oil sector has also been causing a number of oil spills, particularly in the north of Angola, in Cabinda province.

127. Due to the importance of the oil sector for the Angolan economy and the need to legislate the development of this important resource and to protect the environment, particularly the marine environment, legislation and programmes on oil activities were developed and are constantly being updated and revised to meet new international requirements and the requirements of new Angolan legislation.

### **1. Petroleum Activities Act (Act No. 13/78 of 26 August 1978)<sup>22</sup>**

128. This Act gives exclusive rights to Sonangol (*Sociedade Nacional de Combustíveis de Angola*), the State-owned oil company, to prospect for and produce oil and its associated products, and to control all oil exploration activity in Angola. Sonangol can, however, establish partnerships with foreign companies with the main

---

<sup>21</sup> Ibid., pp. 39–45.

<sup>22</sup> Coelho 2003, p.581–590.

purpose of benefiting from their logistic assistance and to draw on their technical and administrative capacity to develop local human resources.

129. The Petroleum Activities Act reinforces the statement in the Constitutional Law that all the resources, in this case hydrocarbon mines (both in their liquid or gas form), are the sole property of the State. Articles 13/1 and 13/2 state that Sonangol and its foreign partners (associates) are responsible for undertaking oil exploration according to technical and scientific regulations and standards so as to protect nature and the environment.

130. The use of natural gas is encouraged in article 14, although the flaring of gas is prohibited without an authorization from the Ministry of Petroleum. It is also stated that the mining rights can be temporarily suspended or ceased when the exploration activities pose risks to the life and health of the population.

131. This act has been revised and updated and the new version was tabled at the National Assembly's session on 22 June 2004. Opposition members of parliament requested more time to analyse the document, however, owing to the importance of the Act to the Angolan economy and people's quality of life. They have also suggested a wider public participation process similar to the process undertaken for the new Land Act. The new act (10/04) has been approved and thus the Petroleum Activities Act 13/78 has been repealed.

## **2. Decree on environmental protection in petroleum activities (Decree No. 39/00 of 10 October 2000)<sup>23</sup>**

132. This decree was developed in recognition of the environmental provisions in the Constitutional Law, Environment Framework Act and Petroleum Activities Act, particularly in relation to the State's priority objective of environmental protection. In its development the Decree acknowledges the need to encourage technological development of oil resources in Angola, while considering the principles of environmental protection. Ensuring environmental protection for future generations is also recognized as a vital component of the decree.

133. The Decree's objective is to regulate environmental protection within oil exploration activities, with a view to preserving the environment as a whole, including, among others, fauna, flora, soil, water, landscape, cultural values, atmosphere and other elements. The Decree is administered by the Ministry of Petroleum and is applicable to oil exploration activities both off-shore and on-shore.

134. For a clear and better understanding of the terminology used in the Decree, article 1 establishes definitions of words and expressions such as "environment"; "environmental assessment", "national concessionary"; "pollution"; "oil activities"; "oil spills", and others.

135. In considering the need to regulate petroleum exploration activities in a way that ensures sustainable development, the Decree recognizes the important role that oil plays in the Angolan economy and its impact on the environment. Thus, in its article 6, it calls for compulsory implementation of environmental impact assessments as a key instrument in ensuring environmental protection in any off-shore or on-shore projects. It provides details on the process with an emphasis on the issuing of required licences. A specific decree on environmental impact assessments for petroleum activities is being developed and will be tabled at the National Assembly later in 2004.

136. An exhaustive explanation of measures to prevent oil spills is provided in article 7 and adequate responses to such oil spills are offered in article 8. In chapter III

---

<sup>23</sup> Ibid., pp. 590–607.

emphasis is placed on the need to develop national plans to act as key instruments to respond to oil spills of great proportions, particularly with regard to the relationship between the Government and the oil companies, and the degrees of responsibility of each.

137. Chapter IV focuses entirely on oil spills and arrangements to deal with them. It states that the Government has the right to be informed as quickly as possible of all oil spills which cause environmental damage (article 15). It further notes that the costs involved in cleaning activities as result of the oil spills (e.g., obtaining appropriate equipment for controlling and cleaning oil spills) will be regulated by specific legislation on the oil sector (article 16).

138. Chapter V deals with what are considered to be infractions in oil activities, and also with punitive measures. The infractions include lack of any instruments of environmental protection; failure to implement existing instruments; not meeting the requirements of other legislation in the oil sector; and not informing the Government of any oil spill. The penalties for these infractions vary from \$5,000 to \$500,000.

139. A number of Executive Decrees were established in 2005 to support the development of waste management plans, operational discharges plans and oil spill contingency plans.

### **3. New Petroleum Activities Act (Act No. 10/04 of 12 November 2004)<sup>24</sup>**

140. The initial text states that Sonangol is the national concessionary and thus possesses the prospecting rights. It can, however, establish partnerships and joint ventures for the prospecting and development of oil. It explains the process and procedures for issuing licences.

141. The Act also provides information on the use of and access to facilities and the property of the data collected during petroleum development activities. As a technical act, it also provides details on the monitoring and evaluation of petroleum activities. In article 76/6, clauses (a)–(c), it states the actions that can be taken in case a particular petroleum activity is endangering human lives or the environment.

#### **I. Other environmental legislation**

142. There are a number of other statutes which do not necessarily fit into the categories presented above but have influenced aspects related to environmental protection and have implications for the environment in Angola. Some of this legislation has been approved by the Council of Ministers but has not yet been approved by the National Assembly or has just been published. Below we provide provisional summaries that may be changed after this legislation has been tabled at the National Assembly and published in the Government Gazette.

##### **1. Decree on genetically modified organisms**

143. Drawing on the Cartagena Protocol on Biosafety, to which Angola acceded in May 2002, and recognizing the controversy on genetically modified organisms, the Angolan Government has recently refused genetically modified food aid from the World Food Programme (WFP). This decision is grounded in the conviction that Angola must not compromise its long-term agricultural biodiversity and food security with possible contamination of its food and seed.

144. Besides this, Angola does not have any legislation on biosafety and biotechnology or any regulatory system to control the development and use of

---

<sup>24</sup> Governo de Angola 2004d (Diário da República, 1ª Série, Nº 91, 12 de Novembro de 2004).

genetically modified organisms. In the light of this and the precautionary principle of Agenda 21, the Council of Ministers recently approved a decree on genetic resources. This decree is the first step towards the establishment of a national biosafety system to manage the import, use and possible production of genetically modified organisms in Angola.

145. The proposed decree includes a number of steps and restrictions important to ensure that Angola does not receive any food aid in the form of genetically modified food. It proposes that, to import transgenic seeds or genetically modified food aid, Angola has to follow the recommendations from the Integrated Council of Ministers of the Southern African Development Community (SADC). These recommendations include:

(a) Before importing any genetically modified material, written authorization needs to be issued by the Ministry of Agriculture and Rural Development;

(b) Any imported genetically modified food aid in the form of seeds or grains must be milled immediately upon arrival and before distribution to its beneficiaries, so as to avoid possible contamination.

146. The decree also prohibits the introduction into Angola of any variety of transgenic or genetically modified seeds and grains, except for food aid that complies with the recommendations presented above.

147. The decree establishes that the use and importation of genetically modified varieties for scientific research will be controlled by specific regulations to be developed and approved by the Minister of Agriculture and Rural Development.

#### 4. **Biological Water Resources Act (Act No. 6-A/04 of 8 October 2004)**<sup>25</sup>

148. The Biological Water Resources Act has only recently been approved by the National Assembly but is not being implemented as it has not yet been published in the Government Gazette. This act is a comprehensive and updated version of the Fisheries Act. It has been developed as part of the Government's policies on environmental protection and the sustainable use of natural resources. It draws on articles in the Constitutional Law, Environmental Framework Act and the Angolan Business Act. The Act also considers international instruments such as the United Nations Convention on the Law of the Sea, the Convention on Biological Diversity and the SADC Protocol on Fisheries.

149. Biological water resources are considered for the purposes of this act to be important food sources for subsistence and economic activities and renewable resources. The Act contains 274 articles divided into six titles and various chapters. Title I deals with general dispositions; title II with measures for the protection of biological resources and the marine environment; title III focuses on vessels, procedures for processing and aquaculture; title IV elaborates on the institutions and services for biological water resources control; title V deals with responsibility; and title VI concludes with final and transitory dispositions.

150. The most important area of this act in relation to environmental protection is title II, which deals in its five chapters with measures for the protection of biological resources and the marine environment. Other articles relevant for the present study include:

- **Article 1:** This deals with terminology used in the Act. It includes 81 definitions of such concepts as "aquaculture"; "biological diversity";

<sup>25</sup>

Governo de Angola 2004 (Diário da República, 1ª Série, Nº 81, 8 de Outubro de 2004)

“endangered species”; “marine ecosystem”; “marine mammal”; “polluter-pays principle”; “precautionary principle”; “protected area”; “sustainable fishing”; etc.

- **Article 3:** This presents the objectives of the Act which include, among other things, establishing principles and rules for the protection of biological water resources and marine ecosystems, promoting the protection of the marine environment and coastal areas, and establishing principles and rules for responsible fishing
- **Article 6/3:** This recognizes a number of important general principles for the conservation of biological water resources, which include, for example, sustainable development; responsible fishing; optimal conservation and use of biological water resources, as well as the precautionary, prevention, user-pays and polluter-pays principles
- **Articles 12–18:** These articles deal with the development of appropriate plans for the fishing industry
- **Article 64:** This introduces the objectives of title II, which include ensuring the contribution of biological water resources to social and economic development; contributing to people’s quality of life; ensuring the appropriate protection of the marine, water and coastal environment; ensuring the conservation and reproduction of endangered species; preventing or mitigating the negative impacts of aquaculture in the marine ecosystems; etc.
- **Article 79:** This deals with the objectives of marine protected areas, which include the preservation of species, ecosystems and habitats, as well as their biological diversity; protection of cultural values; entertainment and tourism; scientific research; establishment of a network of areas for environmental protection
- **Article 80 (a)–(e):** These clauses clarify the five types of protected water areas. These include integral water nature reserves; national water parks; nature water reserves; partial reserves; and natural monuments
- **Article 90/2:** This deals with the State’s obligations relating to the use of fishing gear. The ministry dealing with the fishery sector should promote environmental impact assessments on fishing methods and gear, particularly in relation to the introduction of new fishing technology
- **Article 105:** This prohibits the use of explosives, toxic substances and electric fishing gear
- **Article 118:** This deals with the protection of biological resources of the sea
- **Article 129:** This spells out the objectives and purposes of scientific research
- **Article 200:** This presents the objectives of aquaculture, namely to contribute towards food security; sustainable regeneration of the biological water resources; regeneration of endangered species or rehabilitation of degraded habitats; and fostering of employment and financial returns, particularly for rural communities

- **Article 263:** This clarifies what activities causing environmental degradation and damage to biological resources are considered crimes and subject to penalties.

## 5. **Environmental impact assessment decree (Decree No. 51/04 of 23 July 2004)**<sup>26</sup>

151. The environmental impact assessment decree is a response to article 16 of the Environment Framework Act, which states that appropriate environmental impact assessment regulations will be developed. This decree has been developed in the recognition that environmental impact assessments are important instruments for environmental protection and management, as well as in assisting informed decision-making on projects of a nature likely to cause environmental damage.

152. The Decree gives additional legislative weight to the Environment Framework Act in relation to environmental impact assessments by providing clear guidance on the procedures and mechanisms to be used in such assessments. The main objective of the Decree is to establish the norms regarding the environmental impact assessment of public and private projects that, due to their nature, dimension or location, might have impacts on the environmental and social equilibrium.

153. The environmental impact assessment decree also establishes which projects (public and private) should be submitted to an environmental impact assessment, the elements that should be included in an environmental impact assessment, the importance of public participation, the responsible entity, the deadlines to be fulfilled and the monitoring process. Summaries of other important aspects of the environmental impact assessment decree include the following:

- **Article 3:** For a better understanding of the terminology used in this decree, this article presents a number of definitions. These include the notions of “environmental audit”, “environmental impact assessment”, “environmental impact study”, “public consultation”, etc.
- **Article 4/3:** This article indicates that projects aimed at national defence and security might be exempted of environmental impact assessments
- **Article 6 (a)–(g):** These clauses indicate the kind of information that needs to be included in the environmental impact assessments
- **Article 10:** This explains the procedure for public consultation and indicates that the costs of such consultations should be covered by the project proponent
- **Article 16:** This indicates what is considered to be an infraction against this decree
- **Article 17:** This states that the penalties for the infractions vary from \$1,000 to \$1,000,000 and that, apart from a financial penalty, other penalties can be applied
- **Article 22:** This states that the environmental audits shall be conducted

154. The projects that need to be submitted to an environmental impact assessment are divided into seven groups and are presented in an annex to the decree. These projects include, first, agriculture, fishery and forestry; second, extractive industry; third, energy industry; fourth, glass industry; fifth, chemical industry; sixth, infrastructure projects; and, seventh, other projects.

<sup>26</sup>

Governo de Angola 2004c (Diário da República, 1ª Série, Nº 59, 23 de Julho de 2004).

## **6. Waste Act (to be submitted to the Council of Ministers)<sup>27</sup>**

155. This draft act comprises 22 articles and deals with issues related to the management of waste, particularly its collection, transport, storage, treatment, valuation and elimination. The draft act considers waste in the form of liquid, gas and solid, thus including radioactive waste, waste generated from the extractive industry, residual waters, old explosives and gases. It further notes that waste can be generated through industrial, domestic and medical activities. In its article 3 a number of definitions are presented.

156. It proposes the establishment of a waste management plan to deal with waste-related problems, which should include government institutions overseeing areas such as water, health, education, fisheries, agriculture and industry. Article 7 states that the responsibility for the management and disposal of waste rests with its respective producer, i.e., municipalities for urban waste, industries for industrial waste and health units for medical waste.

## **5. Environmental policy instruments**

157. The Environmental Framework Act (Ministério das Pescas e Ambiente 1999a) states, in its articles 3/3 and 6, that the State should be responsible for the development and implementation of a national environmental management plan (Plano Nacional de Gestão Ambiental – PNGA). This plan, which is still a draft, is seen as an important instrument guided by the principles of sustainable development. The draft plan gives emphasis to the need to implement an environmental management strategy (Estratégia Nacional do Ambiente – ENA) to protect the environment and promote sustainable development. Development of this document started in 1993 and has had contributions from the Government and private institutions and civil society.

158. The plan describes aspects of the broader environmental context in Angola, with particular emphasis on the transition from a war situation to a more peaceful scenario, as well as the shift from a one-party to a multiparty democratic system; the destruction of social, economic and environmental infrastructure; the deficient education system and lack of skilled human resources; weaknesses in the private sector; the transition from a centralized to a market economy; and the impact of landmines, illegal hunting and game cropping.

159. According to Ministério do Urbanismo e Ambiente (2003) the main objectives of the national environmental management plan are:

- To establish an environmental policy and strategy
- To define national priorities for the environmental sector
- To integrate environmental aspects in development processes
- To contribute to poverty alleviation
- To promote and improve intersectoral coordination
- To elaborate and propose the concept of sustainability to increase awareness regarding environmental problems and define short, medium and long-term strategies
- To promote and develop environmental awareness and correctness at all levels

---

<sup>27</sup>

Unpublished draft document 2004.

- To promote the development of relevant legislation and update the old legislation regarding conservation of fauna and flora.

160. The actions proposed by the plan are to be implemented and enforced over a long period, and need to be supported by legal instruments which are still to be developed. All of these will depend on the availability of financial and human resources. These important policy instruments appear to recognize a broader context for environmental issues and risks, and environment in Angola. In this the national context is outlined as described below:

<b>Political aspects</b>	<b>Social aspects</b>	<b>Economic aspects</b>	<b>Environmental aspects</b>
Transition from war to peace, good governance and political stability	Destruction of social infrastructures (e.g., schools, hospitals, water sources, road and railway network)	Destruction of economic infrastructures (e.g., factories, commercial establishments)	Destruction of environmental infrastructures (e.g., protected areas, training centres)
Transition from destruction to national reconstruction and reconciliation	Portuguese left the country after the national independence of Angola	Weak development of the productive sector	Drought in the southern part of the country, increased air pollution, worsening of health and sanitation issues
Transition from exodus to human resettlement and better urban planning	Lack of skilled people and weak civil society groups	Lack of a strong private sector	Environmental degradation due to overutilization of and pressure on natural resource base
Transition from one-party government to the establishment of democratic institutions	Deficient education system	Transition from a centralized economy to market economy	Illegal hunting, land mines and game killing to support soldiers

161. The establishment of an inter-ministerial structure to coordinate all sectoral environmental management activities is proposed in the plan. It is envisaged that this will contribute towards sustainable use of the natural resource base, improvement of the economic and social environment, poverty alleviation and consequent improvement of the quality of life and the environment. This programme is to be implemented by the Ministry of Environment through the Direcção Nacional de Gestão do Ambiente (National Environmental Management Directorate). Other government institutions and civil society organizations are also expected to contribute to the achievement of the plan's objectives.

## **6. Multilateral environmental agreements**

162. Multilateral environmental agreements are important instruments in ensuring environmental sustainability and safeguarding natural resources. It is in recognition of their importance that Angola has acceded to, signed and ratified a number of multilateral environmental agreements over the past 20 years. In some cases the People's Assembly (between 1975 and 1992) and the National Assembly (after 1992) have only approved Angola's accession to protocols and conventions, both at global and regional level. Accordingly, it is still necessary for the country to ratify such

agreements so that they can be enforced and included in the national environmental policies and management programmes.

163. Below, in table 1, we provide a list of the multilateral environmental agreements that the Government of Angola has signed, acceded to or joined as a party. It also includes information on specific multilateral environmental agreements which are being considered for accession by the Angolan Government. This list still needs to be updated constantly as there are many multilateral environmental agreements which might be approved in the forthcoming months. Where it was possible to find the published documents, the number of the resolution has been included. The other cases are based on information contained in reports from different institutions. Some of the multilateral environmental agreements approved by the People's Assembly or National Assembly through resolutions have not been officially published in the Government Gazette (e.g., the United Nations Convention on the Law of the Sea).

**Table 1 – List of multilateral environmental agreements in Angola<sup>28</sup>**

Multilateral environmental agreement	Signed	Ratified	Date of signature or ratification	Institution responsible for implementation/legislation
Bamako Convention (1991)	No	No	N/A	<i>Being considered</i> Ministry of Environment
Basel Convention on Hazardous Waste (1989)	No	No	N/A	Ministry of Public Administration, Labour and Social Security
Cartagena Protocol on Biosafety (2000)	No	No	2002 (adhesion)	Ministry of Environment
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Yes	Yes	1992	Ministry of Culture
Convention of Migratory Species of Wild Animals or Bonn Convention (1979)	No	No	2003 (adhesion)	Ministry of Agriculture and Rural Development (Resolution 14/03 of April 15)
Convention on Biological Diversity (1992)	Yes	Yes	1997	Ministry of Urban Affairs and Environment (Resolution 23/97)
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973)	No	No	N/A	<i>Being considered</i> Ministry of Agriculture and Rural Development
Convention on Nuclear Safety (1994)	No	No	2003 (adhesion)	Ministry of Water and Energy (Resolution 27/03 of August 8)
Convention on the Law of the Sea (1982)	Yes	Yes	1990	Ministry of Fisheries (Resolution 18/90)
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972)	Yes	No	2001	Ministry of Petroleum (Resolution 22/01)
Convention on Wetlands of International Importance especially Waterfowl Habitat (Ramsar Convention, 1971)	No	No	N/A	<i>Being considered</i> Ministry of Environment
Convention to Combat Desertification (1994)	Yes	Yes	2000	Ministry of Agriculture and Rural Development (Resolution 12/00)
Framework Convention on Climate Change (1992)	Yes	Yes	1998	Ministry of Environment (Resolution 13/98)
Kyoto Protocol (1997)	Yes	Yes	2007	Ministry of Environment (Resolution 14/07)
International Convention for the Conservation of Atlantic Tunas (1966)	Yes	No	1976	Ministry of Fisheries
International Convention for the Prevention of Pollution from Ships – MARPOL (1973/1978)	Yes	No	2001	Ministry of Petroleum (Resolution 41/01 of December 21)
International Convention on Civil Liability for Oil Pollution Damage (1992)	Yes	No	2001	Ministry of Petroleum (Resolution 32/01 of November 1)
International Convention on Oil Pollution Preparedness, Response and Co-operation	Yes	No	2001	Ministry of Petroleum (Resolution 33/01 of November 9)

<sup>28</sup>

Coelho 2001; Government Gazette; Ministério do Urbanismo e Ambiente 2003; SARDC, SADC & IUCN 1994; www.biodiv.org; www.sadc.int; www.unesco.org; www.unfccc.org.

<b>Multilateral environmental agreement</b>	<b>Signed</b>	<b>Ratified</b>	<b>Date of signature or ratification</b>	<b>Institution responsible for implementation/legislation</b>
(OPRC Convention, 1990)				
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 1992)	Yes	No	2001	Ministry of Petroleum (Resolution 30/01 of October 26)
International Convention Relating to Intervention on High Seas in Cases of Oil Pollution Casualties (1969)	Yes	No	2001	Ministry of Petroleum (Resolution 29-A/01)
Montreal Protocol on Climate Change (1987)	Yes	Yes	1998	Ministry of Environment (Resolution 12/98)
SADC Protocol on Energy	Yes	Yes	1997	Ministry of Energy and Water
SADC Protocol on Fisheries	Yes	Yes	2003	Ministry of Fisheries
SADC Protocol on Forestry	Yes	No	2002	Ministry of Agriculture and Rural Development
SADC Protocol on Shared Watercourses Systems	Yes	No	1999	Ministry of Energy and Water
SADC Protocol on Trade	Yes	No	2000	Ministry of Industry
SADC Protocol on Transport, Communications and Meteorology	Yes	Yes	1996	Ministry of Postal Services and Telecommunications
SADC Protocol on Education and Training	Yes	No	1997	Ministry of Education
SADC Protocol on Wildlife Conservation and Law Enforcement	Yes	No	1999	Ministry of Agriculture and Rural Development
SADC Revised Protocol on Shared Watercourses	Yes	No	2000	Ministry of Energy and Water
Vienna Convention for the Protection of the Ozone Layer (1985)	Yes	Yes	1998	Ministry of Urban Affairs and Environment (Resolution 12/98)

164. Some of these multilateral environmental agreements are implemented by more than one institution because of the range of environmental issues they are trying to tackle. In many cases, there are specific national focal points appointed by the Government of Angola for each multilateral environmental agreement. These national focal points are often working in departments, institutes or directorates within the government institutions, usually ministries. The Ministry of Environment oversees and coordinates most multilateral environmental agreements.

165. One of the responsibilities of the national focal points is to submit reports to the convention and protocol secretariats on progress in the implementation of the multilateral environmental agreements which they represent. This is also part of the fulfilment of Angola's obligations. In the official websites of the multilateral environmental agreements visited, however, and in contact with the different environmental institutions and focal points there were no reports available on the status of implementation of these important environmental instruments.

## 7. References and bibliography

- Caetano, Tomás Pedro. 1999. A importância das florestas na manutenção dos equilíbrios ecológicos. *In* Ministério das Pescas e Ambiente. *Proceedings of the 1st National Environment Forum*. Ministério das Pescas e Ambiente. Luanda, Angola, p.137-159.
- Central Intelligence Agency (CIA). 2005. *The world fact book – Angola* [online]. Available at <http://www.cia.org/cia/publications.factbook/geos/ao.html> [Accessed 25 February 2005].
- Coelho, Antonieta. 2001. *Lei de Bases do Ambiente Anotada*. Faculdade de Direito da Universidade Agostinho Neto. Luanda, Angola.
- Coelho, Antonieta. 2002. *Colectânea de Legislação de Recursos Naturais – Volume I*. Faculdade de Direito da Universidade Agostinho Neto. Luanda, Angola.
- Coelho, Antonieta. 2003. *Colectânea de Legislação de Recursos Naturais – Volume II*. Faculdade de Direito da Universidade Agostinho Neto. Luanda, Angola.
- Comissão Constitucional. 2004. Proposta de Constituição de Angola. Unpublished discussion document. Luanda, Angola.
- Energy Information Administration (EIA). 2005. *Angola Country Analysis Brief* [online]. Available at <http://www.eia.doe.gov/emeu/cabs/angola.html> [Accessed 25 February 2005].
- Fundação Kissama. 2004. *A voz da Quiçama, No. 0*. Luanda, Angola.
- Governo de Angola. 1994. *Lei Constitucional da República de Angola (Act No. 23/92 of 16 September)*. Government of Angola. Luanda, Angola.
- Governo de Angola. 1998. Lei de Bases do Ambiente (Lei n.º 5/98 de 19 de Junho). Governo de Angola. Luanda.
- Governo de Angola. 2002. Lei de Águas (Lei n.º 6/02 de 21 de Junho). Governo de Angola. Luanda.
- Governo de Angola. 2004a. Resolução n.º 10/04 que Aprova o Programa de Desenvolvimento do Sector das Águas e o Plano de acção de curto prazo do Sector das Águas e as linhas gerais de longo prazo do Programa de Desenvolvimento do Sector das Águas e o Plano de Desenvolvimento de Médio Prazo. Governo de Angola. Luanda.
- Governo de Angola. 2004b. Decreto sobre a Avaliação de Impacte Ambiental (Decreto n.º 51/04 de 23 de Julho). Governo de Angola. Luanda.
- Governo de Angola. 2004c. Lei das Actividades Industriais (Lei n.º 5/04 de 7 de Setembro). Governo de Angola. Luanda.
- Governo de Angola. 2004d. Lei de Terras (Lei n.º 9/04 de 9 de Novembro). Governo de Angola. Luanda.
- Governo de Angola. 2005a. Decreto sobre o Licenciamento das Actividades Industriais (Decreto n.º 44/05 de 6 de Julho). Governo de Angola. Luanda.
- Governo de Angola. 2005b. Decreto sobre o Regime Jurídico dos Acidentes de Trabalho e Doenças Profissionais (Decreto n.º 53/05 de 15 de Agosto). Governo de Angola. Luanda.
- Governo de Angola. 2006. Lei dos Recursos Biológicos Aquáticos (Lei n.º 6-A/04 de 8 de Outubro). Governo de Angola. Luanda.
- Governo de Angola. 2007. Decreto sobre o Licenciamento Ambiental (Decreto n.º 59/07 de 13 de Julho). Governo de Angola. Luanda.
- Governo de Angola. 2009a. Decreto-Lei que aprova o Estatuto Orgânico do Ministério do Ambiente (Decreto-Lei n.º 4/09 de 18 de Maio). Governo de Angola. Luanda.
- Governo de Angola. 2009b. Decreto Executivo Conjunto que aprova as Taxas de Licenciamento Ambiental (Decreto Executivo n.º 96/09 de 6 de Outubro). Governo de Angola. Luanda.
- Governo de Angola. 2009c. Substitui Tabela Anexa ao Decreto Executivo Conjunto que aprova as Taxas de Licenciamento Ambiental (Decreto Executivo n.º 130/09 de 26 de Novembro). Governo de Angola. Luanda.
- Governo de Angola. 2010a. Decreto sobre as Auditorias Ambientais (Decreto n.º 1/10 de 13 de Janeiro 23). Governo de Angola. Luanda.

- Governo de Angola. 2010b. Constituição da República de Angola (Diário da República n.º 23 de 5 de Fevereiro). Governo de Angola. Luanda.
- Governo de Portugal. 1955. *Government Gazette, 1ª Série, NO. 6* of February 9. Luanda, Angola.
- Governo de Portugal. 1957. *Government Gazette, 1ª Série, NO. 50* of December 11. Luanda, Angola.
- IUCN. 1992. *Angola – Avaliação do Estado Actual do Meio Ambiente*. IUCN. Harare, Zimbabwe.
- JEA (Ecological Youth of Angola) & International Union for the Conservation of Nature (IUCN). 2001. *A Sociedade Civil e a Cimeira da Terra em 2002*. JEA. Howick, South Africa.
- Lucidus Publicações. 2003. *Tourist Guide – Angola 2003*. Lucidus Publicações. Lisboa, Portugal.
- Ministério da Agricultura e do Desenvolvimento Rural (*Ministry of Agriculture and Rural Development*). 2004. Legislação vigente, Fauna & Flora. Unpublished draft document.
- Ministério das Pescas e Ambiente (*Ministry of Fisheries and Environment*). 1999a. *Lei de Bases do Ambiente e Convenções*. Ministério das Pescas e Ambiente. Luanda, Angola.
- Ministério das Pescas e Ambiente. 1999b. *Proceedings of the 1st National Environment Forum*. Ministério das Pescas e Ambiente. Luanda, Angola.
- Ministério das Pescas e Ambiente. 1999c. Programa de Educação e Consciencialização Ambiental. Unpublished draft document.
- Ministério das Pescas e Ambiente. 2000. Estratégia Nacional do Ambiente (ENA). Unpublished draft document.
- Ministério das Pescas e Ambiente e Faculdade de Direito (*Faculty of Law*). 2001. *Seminário sobre Legislação do Ambiente em Angola*. Ministério das Pescas e Ambiente. Luanda, Angola.
- Ministério do Planeamento (*Ministry of Planning*). 2003. *Relatório de Progresso dos Objectivos do Desenvolvimento do Milénio e NEPAD*. Ministério do Planeamento. Luanda, Angola.
- Ministério do Urbanismo e Ambiente. 2003. Plano Nacional de Gestão Ambiental (draft). Unpublished draft document.
- Ministério do Urbanismo e Ambiente. 2006. Relatório do Estado Geral do Ambiente.
- National Assembly. 2004. *Ante-Projecto de Constituição da República de Angola*. Luanda, Angola.
- Rede Terra (*Land Network*). 2004. Posição da Rede Terra Relativo ao Projecto da Lei de Terra de 28 de Novembro de 2003. Unpublished document. Luanda, Angola
- Southern African Research and Documentation Centre (SARDC). 1996. Biological Diversity or Biodiversity. *CEP Factsheet Southern African Environmental Issues, No. 13*. SARDC. Harare, Zimbabwe.
- Southern African Research and Documentation Centre (SARDC), Southern African Development Community (SADC) & International Union for the Conservation of Nature (IUCN). 1994. *The State of the Environment in Southern Africa*. SARDC. Harare, Zimbabwe.
- Southern Africa. Southern African Institute for Environmental Assessment (SAIEA). 2003. *Environmental Impact Assessment in Southern Africa*. SAIEA. Windhoek, Namibia.
- United Nations Environment Programme. 2002. *Africa Environment Outlook*. UNEP. Hertfordshire, England.
- Various issues of the *Boletim Oficial* and *Diário da República - 1ª Série* (Government Gazette) and documents from the Ministry of Fisheries and Environment, Ministry of Urban Affairs and Environment, and Ministry of Agriculture and Rural Development.

#### **Websites**

<http://www.angola.org>

<http://www.angola.gov.ao>

<http://www.angolapress-angop.ao>

<http://www.cia.gov/cia/publications/factbook/geos/ao.html>

<http://www.kissama.org>

<http://www.sadc.int>

<http://www.unep-wcmc.org/cgi-bin/padb.p>

<http://www.unesco.org>