

### 3. ANGOLA

#### 3.1 Constitutional Requirement for Environmental Protection in Angola

The Constitution of the Republic of Angola (*Lei Constitucional da República de Angola*) was signed into law in 1992 and provides the basis for the Environment Framework Act through two articles that enable environmental protection and conservation, and the right to a healthy and unpolluted environment.<sup>37</sup>

**Article 12:**

- *All natural resources existing in the soil and subsoil, in internal and territorial waters, on the continental shelf and in the exclusive economic area, shall be the property of the State, which shall determine under what terms they are used, developed and exploited.*
- *The State shall promote the protection and conservation of natural resources guiding the exploitation and use thereof for the benefit of the community as a whole.*
- *Land, which is by origin the property of the State, may be transferred to individuals or corporate bodies, with a view to rational and full use thereof, in accordance with the law.*
- *The State shall respect and protect people's property, whether individuals or corporate bodies, and the property and ownership of land by peasants, without prejudice to the possibility of expropriation in the public interest, in accordance with the law.*

**Article 24:**

All citizens shall have the right to live in a healthy and unpolluted environment.

- *The State shall take the requisite measures to protect the environment and national species of flora and fauna throughout the national territory and maintain ecological balance.*
- *Acts that damage or directly or indirectly jeopardise conservation of the environment shall be punishable by law.*

The above constitutional articles are extremely important for the achievement of sustainable development – a concept implying improvements in the quality of life of people as well as their environment. Indeed, the two articles are concerned with the conservation and protection of natural resources, biodiversity and a healthy environment, with a view to maintaining the natural ecological balance and meeting basic human needs. Unfortunately, the Constitution does not mention the importance of meeting the needs of future generations whose rights to a healthy environment, rich and diverse natural resource base, and decent quality of life are thus not explicitly recognised.<sup>38</sup>

However, Angola's overriding concern in recent years is how to recover from a protracted armed conflict that has afflicted the country for four decades: 14 years of

<sup>37</sup> Republic of Angola, 1994.

<sup>38</sup> Russo, V, P Roque and H Krugman, 2003. Country Chapter on Angola in *"EIA in Southern Africa"* by Southern African Institute for Environmental Assessment, Windhoek, Namibia, pp 25-43.

liberation struggle, followed by 27 years of civil war. Events in 2002 have given fresh hope that seemingly never-ending warfare pitting Angolans against fellow Angolans has finally come to an end. Without durable peace, stable democracy, lasting reconciliation among warring factions, and sustained reconstruction of the devastated physical and social infrastructure, there will be no real development, let alone sustainable development.<sup>39</sup>

Accordingly, all policy frameworks and strategic plans designed to contribute to sustainable development are based, explicitly or implicitly, on the assumption or anticipation of a new era of peace, social justice, reconciliation and reconstruction within which the psychological trauma, socio-economic decay and environmental devastation left by the war can be reversed and healed – and within which development for all can once again become a realistic goal.<sup>40</sup>

## 3.2 Institutional and Administrative Structure

### 3.2.1 Ministry of Urbanisation and Environment

In 1993 the National Secretariat for the Environment was established, which became, in 1997, the Ministry for the Environment. In 1999 it was merged with the Ministry of Fisheries to become the Ministry of Fisheries and Environment. Finally in 2002 the current Ministry of Urban Affairs and Environment was formed, now known as the Ministry of Urbanisation and Environment (MUE).

The Ministry is responsible for overseeing urban affairs, and the environmental quality and conservation of biodiversity in Angola and therefore is responsible for establishing and implementing the National Environmental Management Programme (PNGA) (see section 3.3.1) As the key authority responsible for the implementation of the Environmental Framework Act (EFA) and all associated regulations, the Ministry is also responsible for the development and regulation of environmental impact assessments (EIAs). Depending on the type of project to be developed, the EIA report should also be approved by the appropriate ministry. This ensures that the EIA not only addresses the requirements of the Environmental Framework Act and EIA Decree, but also relevant sectoral legislation.

### 3.2.2 National Directorate for Environment

There is no EIA unit formally established within the Ministry of Urbanisation and Environment. Responsibility for EIA falls under the National Directorate for Environment, which, among other things, is responsible for reviewing and commenting on draft EIA reports.

The granting of an environmental licence for a proposed project is based on the results and recommendations of the EIA done on that project. If required, different institutions and stakeholders are invited by the National Directorate for Environment to give comments and suggestions on the final report. Although there are efforts to identify partners for this process, the Ministry

<sup>39</sup> Op. Cit. Footnote 38.

<sup>40</sup> Op. Cit. Footnote 38.

of Urbanisation and Environment currently retains full control of the EIA process and there is no decentralisation in decision-making to lower government levels.

### 3.2.3 Intersectoral Cooperation

Cooperation between the Ministry of Urbanisation and Environment and other ministries is evident from the well-established Multisectoral Commission dealing with environmental matters, which has representation from over 12 different ministries and three environmental NGOs, as well as a number of environmental experts. However, there is a need to strengthen and improve this cooperation in a way that effectively addresses issues such as bureaucracy, lack of skills, and lack of continuity.

## 3.3 Policy and Legal Framework for EIA

The sustainable use of the environment is recognised as a fundamental dimension of sustainable development. The Government's environmental strategies, policy framework and management approaches and priorities are spelled out in two major documents – the *Programa Nacional de Gestão Ambiental*<sup>41</sup> (PNGA) and the *Estratégia Nacional do Ambiente*<sup>42</sup> (ENA). Responsibility for formulating and implementing environmental policies and programmes and for environmental management lies with the Ministry for Urbanisation and Environment. This includes the promotion of a policy to support environmental education processes within the formal and informal education sectors.<sup>43</sup>

### 3.3.1 Programa Nacional de Gestão Ambiental

The PNGA is seen as an important instrument for the achievement of sustainable development. Since 1993, stakeholders from government and civil society have been contributing to the document which is still in draft form. The draft PNGA emphasises the need for implementing an environmental management strategy to protect the environment, even though most of Angola's natural resources are still largely intact.

Importantly, the Environment Framework Act (EFA) recognises that the implementation of the PNGA should be the responsibility of all sectors of government whose activities may have an influence on the environment, all private individuals and organisations that make use of natural resources as well as those individuals who may use resources unsustainably and cause pollution.<sup>44</sup>

The PNGA proposes the establishment of an inter-ministerial body for coordinating all sectoral environmental management activities. This will contribute towards the '... exploration of natural resources, improvement of the economic environment, poverty alleviation and subsequent improvement of the quality of life and environment'.<sup>45</sup>

<sup>41</sup> National Environmental Management Programme.

<sup>42</sup> National Environmental Strategy.

<sup>43</sup> Op. Cit. Footnote 38.

<sup>44</sup> Article 6 of the Environment Framework Act, 1998.

<sup>45</sup> Ministério das Pescas e Ambiente, 2000. "Programa Nacional de Gestão Ambiental (PNGA) – National Environmental Management Programme, Draft Document". Unpublished Report, Luanda.

The PNGA also recognises and describes aspects of the broader national context of the environment in Angola, such as the transitions from war to peace and from a one-party to a multi-party 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; transition from a centralised to a market economy; and the impact of landmines, illegal hunting and game cropping. This PNGA is to be implemented over the long term, based on legal instruments to be developed and depending on available financial resources.

### 3.3.2 Estrat gia Nacional do Ambiente

The ENA is a guiding framework closely related to the PNGA, which aims to identify the main environmental problems in Angola, with a view to addressing them in order to achieve sustainable development goals.<sup>46</sup> The ENA is geared to meet Angola's needs but also reflects the goals and objectives of the United Nations Conference on Environment and Development.<sup>47</sup> It is seen by some as the Angola's 'Agenda 21'.

### 3.3.3 Environment Framework Act

Environmental legislation in Angola was outdated until the early 1990s, when a new State Secretariat for the Environment was established. This new Secretariat developed new strategies and policy approaches leading to the formulation of the Environment Framework Act in 1998 (Lei de Bases do Ambiente), No. 5/98 of 19 June. This act is based on Articles 12 and 24 of the Angolan Constitutional Law (see Section 3.1).<sup>48</sup>

The Act provides the framework for all environmental legislation and regulations in Angola. It provides the definitions of key concepts including protection, preservation and conservation of the environment, the promotion of quality of life and the use of natural resources. The Act incorporates key international sustainable development declarations and agendas (e.g. Agenda 21), and also establishes citizens' rights and responsibilities.

Article 14 allows for the establishment of environmental protection areas and the setting of rules for those areas, including the identification of activities which would be prohibited or permitted in the protected areas and their surroundings.

Article 16 of the Act makes provision for environmental impact assessments (EIAs) to be mandatory for all undertakings which may have an impact on the balance and well-being of the environment and society. Clause 2 of this Article states that more specific legislation on EIAs will be developed by the Government. This was accomplished when the Decree on Environmental Impact Assessment (No 51 of 2004) was passed on 23rd July 2004. Article 17 deals with the issue of environmental licensing and Article 18 with

<sup>46</sup> Minist rio das Pescas e Ambiente, 2000. "Estrat gia Nacional do Ambiente (ENA) – Environmental National Strategy, Draft Document." Unpublished Report, Luanda.

<sup>47</sup> UNCED 1992. Agenda 21. Rio de Janeiro, United Nations Conference on Environment and Development.

<sup>48</sup> Op. Cit. Footnote 38.

environmental auditing. These steps are based on the guidelines provided by the World Bank.

### 3.3.4 Decree on Environmental Impact Assessment

The aim of the Decree on Environmental Impact Assessment (*Decreto sobre Avaliação de Impacte Ambiental*) No. 51/2004 of 23 July is to ensure better environmental protection, particularly of human activities likely to have an impact on the environment (e.g. mining, civil construction, exploration of natural resources, etc.) by:

- Providing regulations to supplement the Environment Framework Act on EIAs, in particular on the procedures and mechanisms to be used in EIAs;
- Establishing norms for conducting an EIA of public and private projects which, due to their nature, dimension or location, might have significant environmental and social impacts; and
- Establishing which projects should be subject to an EIA, what elements are to be included in an EIA, the nature and extent of public participation, the entity responsible for compliance with these legal requirements, and the EIA monitoring process.

Other important aspects of the EIA Decree include:

- Article 3: Definitions, including what is meant by environmental audit, environmental impact assessment, environmental impact study, public consultation, etc.
- Article 4: Indicates which projects will require an EIA and which projects, e.g. those aimed at national defence and security, might be exempted from the need to conduct an EIA.
- Article 6: Indicates the kind of information that needs to be included in the EIA.
- Article 10: Explains the procedure for public consultation and indicates that the costs of such consultations should be covered by the project proponent.
- Article 16: Indicates what is considered to be an infraction to this Decree.
- Article 17: Sets out the penalties for various offences.
- Article 22: States that environmental audits shall be conducted.

The EIA procedures set out in the EIA Decree are described in detail in Section 3.4 of this chapter.

### 3.3.5 Permits and Licences

An Environmental Licence is required for all activities, which, because of their nature, location and scale may have a significant environmental or social impact. The environmental licence is issued on the basis of the findings of an EIA and is required prior to any other permits or licences which may need to be issued under other laws.<sup>49</sup>

### 3.3.6 Offences and Penalties

Article 16 of the EIA Decree specifies the following as offences which are

<sup>49</sup> Article 17 of the Environment Framework Act.

liable to a fine ranging between USD1,000 to USD 1 million, depending on the seriousness of the case:

- The installation, start-up or extension of an activity in breach of the EIA Decree and any related regulations;
- Obstruction or non-collaboration with the environmental auditing team as per Article 22(5);
- Breach of the conditions of the Environmental Licence;
- Non-compliance with the recommendations contained in the EIS documentation.

In addition, offenders may have their machinery or equipment seized, and/or their operations closed down and/or be prevented from tendering for government contracts (Article 17).

### 3.3.7 Fees

The developer is responsible for all professional fees, costs and expenses associated with the preparation of an environmental impact study (EIS). Currently, there are no fees for government review of the EIS.

### 3.3.8 Guidelines

No guidelines have been developed to assist developers and practitioners with the EIA process per se nor are there any sector guidelines specific to Angola.

### 3.3.9 Environmental Standards

Article 19 of the Environment Framework Act recognises the seriousness of pollution as a by-product of economic development and makes provision for strict measures to be taken to eliminate or minimise its effects. Clause 2 of Article 19 allows for the promulgation of pollution control legislation to address the production, discharge, deposit, transport and management of gaseous, liquid and solid pollutants. Clause 3 states that the government will establish urban and non-urban environmental quality standards in respect of the burning of fossil fuels and Clause 4 prohibits the importation of hazardous waste except through specific legislation, approved by the National Assembly.

However, to date, there is no specific pollution control legislation and environmental standards for Angola have not yet been developed. In the meantime, the standards established by the World Bank and World Health Organisation are applied, and most foreign companies or aid agencies apply these or the pollution control standards from their home countries.

### 3.3.10 Certification of Consultants

An important aspect of quality assurance is ensuring that EIA practitioners are appropriately qualified, both through training and experience. Angola does not require practitioners to be registered with the Directorate for Environment before being allowed to practice. As is the case elsewhere in the region, reviewers of EIAs are also not required by law to possess a specific qualification nor to have appropriate experience.

### 3.4 EIA Procedural Framework in Angola

The Environmental Framework Act (EFA) states that one of the principal instruments for environmental management is Environmental Impact Assessment (EIA), which has the primary objective of determining the effects that public and private projects may have on the environment and which thus allows fair and balanced decision-making by the authorities.<sup>50</sup> The EIA procedures which must be followed are set out in the sub-sections below.

#### 3.4.1 Screening

The EFA establishes a broad rationale for the kinds of projects which are subject to an EIA stating that it is compulsory to carry out an EIA when actions 'interfere with the social and environmental equilibrium and harmony'.<sup>47</sup> More detailed criteria are spelled out in the EIA Decree which stipulates that EIAs must be conducted for all public or private projects mentioned in the Annex to the Decree, with the exception of all projects considered by the Government to be of vital interest to national defence or national security.<sup>52</sup>

The activities listed in the Annex to the EIA Decree are categorised according to the following sectors:

- Agriculture, fishery and forestry;
- Extractive industries, e.g. petroleum, mining, dredging;
- Energy industry;
- Glass industry;
- Chemical industry;
- Infrastructure projects; and
- Other projects.

The full list of projects is provided in Appendix 3-1 of this chapter.

#### 3.4.2 Scoping

There is no separately defined scoping phase required in Angola.

#### 3.4.3 Environmental Impact Study

The EIA Decree specifies the activities required during the EIA process, as well as the content of the EIA Report. The activities required as part of the environmental impact study (EIS) are set out in Articles 6 and 7 of the EIA Decree. The EIA consultants must give due consideration to:

- A thorough analysis of the baseline conditions prior to development, including the interactions within and between the physical, biological and socio-economic environments;
- Providing a full description of the project;
- Evaluating all technological alternatives and alternative locations for the project and comparing these to the no-go option;

<sup>50</sup> Adapted from the Preamble to the EIA Decree No 51/04.

<sup>51</sup> Article 16(1) of the Environmental Framework Act.

<sup>52</sup> Article 4(3) of the EIA Decree No 51/04.

- A systematic identification and assessment of the environmental impacts generated in each project phase (design, construction, operation and decommissioning). The impact assessment must include the identification and prediction of the magnitude and scale of impacts, detailing:
  - The positive and negative impacts, direct and indirect, immediate, medium and long-term, temporary and permanent;
  - The degree to which the impacts are reversible;
  - The cumulative and synergistic properties of impacts;
  - Distribution of the social burden and benefits;
  - The measures required to mitigate negative impacts;
- Defining the boundaries of the area which may be directly or indirectly affected by the project (sphere of influence), considering human population, wildlife, and the hydrographic basin in which the project is located;
- All government plans and programmes, proposed and being implemented in the project area of influence and the compatibility of the project with these;
- A monitoring and auditing programme;
- Any other information which may be relevant to the project e.g. international protocols etc.

The EFA (Article 16) and the EIA Decree (Article 9) specify the following contents of an EIA report:

- A non-technical summary of the project;
- A description of the planned activities;
- A general description of the state of the environment of the chosen locations for the project;
- Summary of opinions and criticisms resulting from public consultations (see section 3.4.4 below);
- A description of possible environmental and social changes caused by the project;
- An indication of the measures envisaged to eliminate or minimise negative social and environmental effects; and
- An indication of the systems envisaged for controlling and monitoring the activity.

#### 3.4.4 Public Consultation

All projects which are listed in the Annex to the EIA Decree (see also Appendix 3-1) must be subjected to a public consultation programme organised by the Ministry of Urbanisation and Environment, as prescribed in Article 10 of the EIA Decree. The public consultation process, to be undertaken by the responsible ministry, comprises the following steps:

- Release of the non-technical summary of the EIA Report to the interested and affected parties (as defined in Article 3 of the Decree);
- Consideration and appraisal of all presentations and comments relating to the proposed project;
- Compilation of a brief report within *8 days* of the completion of the consultation period, specifying the steps taken, the level of public participation and the conclusions which may be drawn.

The consultation process must take place over a period of *5-10 days* and the costs must be borne by the developer.

#### **3.4.5 Review of EIA reports**

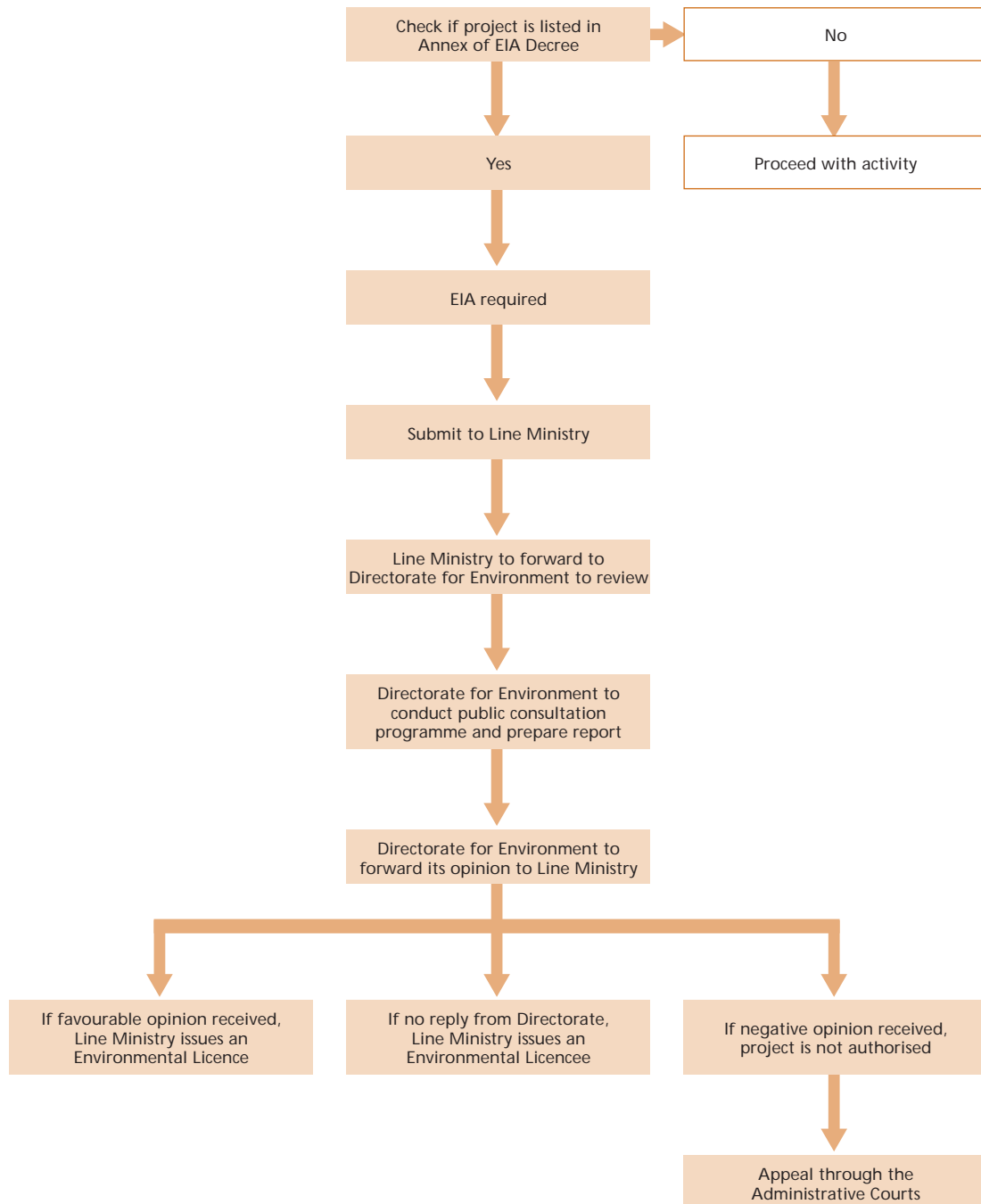
Once completed, the EIA reports and any supporting documents must be sent to the line ministry responsible for issuing the Environmental Licence (Figure 3.1). Within *5 days* of receiving these documents, the line ministry must forward such documentation to the Directorate for Environment. The review therefore is conducted by the Directorate for Environment, the line ministry relevant to the project in question and, for projects which may occur in urban areas or affect human settlements, the Minister responsible for planning should also be included in the review process.

Within *30 days* from the date of receipt of the documents, the Directorate for Environment must evaluate the EIA Report and forward its opinion to the licensing authority, accompanied by the public consultation report. A favourable opinion shall be deemed to have been issued if, on the expiry of the time limit, the Directorate for Environment has not issued its opinion. If however, the opinion of the Minister of Urbanisation and Environment is negative, the project cannot be authorised or licensed. The final decision must be made public.

#### **3.4.6 Appeals**

An appeal may be brought against the decision of the Minister through the administrative courts.

Figure 3.1: EIA Process Diagram



### 3.4.7 Environmental monitoring and audits

According to Article 22 of the EIA Decree, the competent environmental authority (in this case the Ministry of Urbanisation and Environment) is responsible for monitoring the implementation of the EIA in specific projects. However, in practice, there is often no follow-up from the Ministry and its Directorate for Environment due to the lack of available resources and professional capacity. Consequently, it is rare that mitigation measures are taken or penalties are imposed on projects that do not comply with EIA rules and recommendations or which otherwise impact very negatively on the environment. Currently most monitoring activities are carried out by the project implementers or in collaboration with Angolan institutes such as the Natural History Museum and the Agostinho Neto University's Faculty of Science.

## 3.5 Other Relevant Environmental Legislation in Angola

The EFA is complimented by various pieces of sectoral legislation (Table 3.1).

**Table 3.1: Other Potentially Applicable Sectoral Legislation**

Legislation	Key elements	Responsible authority
<b>Fisheries</b>		
<i>Lei das Pescas</i> , No. 20/92 of 14 August 1992 (Fisheries Act, No. 20 of 1992)	<ul style="list-style-type: none"> <li>Regulates fishing activity in marine and interior waters.</li> <li>Establishes the principle that fisheries resources are for public use and stipulates quotas consistent with the conservation of marine resources, adjusted according to available fishing potential and season.</li> <li>Regulates the fishing industry with the aim of achieving sustainable development.</li> </ul>	Ministry of Fisheries and Environment
Biological Water Resources Act (n° 6-A/04 of October 8)	<ul style="list-style-type: none"> <li>This innovative Act is very comprehensive and places emphasis on the need for policies aimed at preserving and regenerating the biological water resources. The Act is also a mechanism for the harmonisation of different legislation on the marine resources, particularly with regards to fisheries and aquaculture activities.</li> <li>The Act considers the discharge of any objects or substances which are likely to cause serious damage to the biological resources as a crime. It further states that any individual or collective person that causes damage to the environment has to recover the damage and also indemnify the State.</li> <li>The Act has been developed as part of the Government's policies towards environmental protection and sustainable use of natural resources. It has drawn on the Constitution and the Environment Framework Act. The Act also considers international instruments such as the United Nations Law of the Sea (UNCLOS), Convention on Biological Diversity and SADC Protocol on Fisheries.</li> <li>The biological water resources are considered in this Act to be important food sources for subsistence, economic activities and renewable resources.</li> </ul>	

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Legislation	Key elements	Responsible authority
<b>Fisheries cont.</b>	<ul style="list-style-type: none"> <li>Title I deals with General Dispositions; Title II deals with Measures for the Protection of Biological Resources and 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.</li> <li>The most important area of the 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.</li> <li>Moreover, an enabling legislation of the above Act has been approved focusing on the rules of fishing concessions and licensing (Decree n° 14/05 of May 2005).</li> </ul>	
<b>Conservation</b>		
Various decrees from the colonial period	<ul style="list-style-type: none"> <li>The first legislation on nature conservation and on the establishment of protected areas for different purposes (initially for hunting purposes and later for nature conservation) was issued on 20 January 1955 through the Decree n° 40 040 (published in the Official Bulletin on 9 February 1955). This Decree covered aspects related to soil, fauna and flora protection, conservation and use of game, establishment of national parks, nature reserves and controlled hunting areas. This Decree pioneered the establishment of an institution (<i>Conselho de Protecção à Natureza</i> – Nature Conservation Council) responsible for controlling the protected areas and developing important enabling legislation for this effect.</li> <li>This legislation included the Hunting Regulation (<i>Regulamento de Caça</i>, Decree n° 2 873 of December 11, 1957), Forestry Regulation (<i>Regulamento Florestal</i>, Decree 44 531) and National Parks Regulation (<i>Regulamento de Parques Nacionais</i>, Decree 10 375 of October 15, 1958).</li> <li>In its annexes, the Decree n° 40 040 included a list of mammal and bird species whose hunting was considered illegal.</li> <li>A Decree n° 43/77 of 5 May 1977 approved the structure of the Ministry of Agriculture and defined five different categories for protected areas, namely national park; strict nature reserve; partial reserve; regional nature park and special reserve. This differentiation of categories does not include issues such as rural community use of wildlife, the conservation on heritage sites and important monuments. The above legislation is currently being reviewed through a FAO project known as “Participatory Formulation of Policy and Legislation on Forest, Wildlife and Protected Areas”.</li> </ul>	Ministry of Agriculture and Rural Development
<b>Mining</b>		
<i>Lei das Minas</i> , No. 5/79 of 27 April 1979 (Mining Act, No. 5 of 1979)	<ul style="list-style-type: none"> <li>Regulates the exploration of minerals.</li> <li>Stipulates that mineral resources are state property.</li> <li>Recognises the need for environmental rehabilitation following mining activities that damage the environment.</li> </ul>	Ministry of Geology and Mines

Legislation	Key elements	Responsible authority
<b>Mining cont.</b>		
Geological and Mining Activities Act (n° 1/92 of January 17)	<ul style="list-style-type: none"> <li>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 regards to the exploration of resources not known before. It was also developed to become consistent with the Act on Foreign Investment as well as the principles of an open market economy being implemented in Angola.</li> </ul>	
	<ul style="list-style-type: none"> <li>This Act reflects the new mining policy aiming at creating the necessary conditions to include the development of the mining industry in the national and international context. By doing this, the Act promotes the reduction of the dominance of the state-owned companies by eliminating monopoly of mineral rights and providing opportunities for the private sector, both national and international, to invest in the mining sector leading to a better development of Angola and its economy.</li> <li>The Act states that all minerals belong to the State as evident in the Constitutional Law and gives the Ministry of Geology and Mines the right to manage and supervise all mineral exploration and development activities through the granting of relevant prospecting and mining titles.</li> <li>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 for the exploration of mineral resources.</li> <li>The Act also includes a clause on environmental protection translated in the commitment of the entities in possession of the prospecting licence (concessionaries) to protect the environment, fauna and flora and to recover any damaged soils and deviated water courses so as to avoid any problems to the populations. However, it does not explain how and what mechanisms will be put in place to ensure that such commitments are achieved.</li> <li>This Act aims to create the necessary conditions to include the development of the mining industry in the national and international context. The Act gives the Ministry of Geology and Mines the rights to manage and supervise all mineral prospecting and development activities through the granting of licences.</li> </ul>	Ministry of Geology and Mines
Diamond Act (n° 16/94 of 7 October)	<ul style="list-style-type: none"> <li>This Act does not mention the need for Environmental Impact Assessment (EIA) for the exploration of mineral resources as stipulated in the Environment Framework Act and in the Environmental Impact Assessment Decree.</li> <li>The Act has also been developed to contribute to the economic growth of Angola and to better protect this important mineral resource. In doing so, the Diamond Act gives mineral rights exclusively to ENDIAMA (Empresa Nacional de Diamantes de Angola), the State National Diamond Company. This company can, however, develop joint venture activities with private foreign/local investors. As result of this many foreign companies are currently involved in the development and/or exploration of potential kimberlitic and alluvial deposits.</li> <li>This Act deals with aspects related to prospecting, researching, exploration, treatment and commercialization of diamonds. In this Act a special provision is made for small-scale mining as well as for artisanal exploration of diamonds. There are no references with regards to environmental protection or environmental damage caused by the exploration of diamonds.</li> </ul>	

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Legislation	Key elements	Responsible authority
<b>Land</b>		
<i>Lei de Terras</i> , No. 21-c/92 of 28 August 1992 – currently under revision (Land Act, No. 21 of 1992)	<ul style="list-style-type: none"> <li>States that all land is state property.</li> <li>Establishes modalities and basic conditions for concession of title, and for use and exploration of land for agricultural, non-agricultural and special purposes (the latter includes regimes for the total and partial protection of soil, fauna and flora).</li> </ul>	Ministry of Agriculture and Rural Development
Land Use Planning and Urban Development Act (n° 3/04 of June 25)	<ul style="list-style-type: none"> <li>After independence, issues relating 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. Most of the legislation available in this field has also been inherited from the colonial period and thus is outdated and inefficient. Most of the existing legislation on territory, town and country planning and urban issues is fragmented and not in line with the scientific and technological progress.</li> <li>In addition, the growth of the capital cities, particularly due to urbanisation to cities in the coastal areas as result of the war factor, the belief that opportunities in the cities are greater than in the rural areas, has increased the problems related to the management of urban areas leading to overcrowded and dilapidated cities. The lack of integrated and coordinated plans associated with inefficient development and growth of the cities to respond to the growing number of people has motivated the development of this law.</li> <li>This law adopts a concept of integrated planning, which does not only include socio-economic aspects but also attempts to create synergies between the relationship between the city and countryside. This law calls for the establishment of a decentralised system to coordinate the work of planning land use.</li> </ul>	Ministry of Urbanisation and Environment & Ministry of Agriculture and Rural Development
Land Act (n° 9/04 of November 9)	<ul style="list-style-type: none"> <li>This new Land Act considers land as a property of the State and proposes the following multiple uses for the land: <ul style="list-style-type: none"> <li>To provide shelter and home for inhabitants of Angola. This implies the existence of an appropriate urban planning system;</li> <li>A source of natural resources which can be used for mining, agriculture, forestry and land planning;</li> <li>A support for economic, agricultural and industrial activities.</li> </ul> </li> <li>This new Land Act contains a number of environmental related aspects which are important to foster sustainable development in Angola as well as better use of the soil and natural resources. It makes references to a number of other pieces of environmental legislation 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.</li> <li>It presents two land classifications, namely 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 environment is the government institution that declares such land 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 competence to decide on the establishment of protected areas (total and</li> </ul>	Ministry of Urbanisation and Environment

Legislation	Key elements	Responsible authority
<b>Land cont.</b>		
	partial reserves) for specific purposes and these include 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).	
<b>Water</b>		
<i>Lei das Águas –</i> (Water Act n° 6/02 of June 21)	<ul style="list-style-type: none"> <li>• This Act states the priorities for the use of water resources in Angola, particularly in relation to internal/continental waters. It gives the right to the Ministry of Water Affairs to ensure environmental protection and conservation of areas of partial protection. It provides a list of water management principles particularly the harmonisation of the water management policy with land use planning. It calls for the development of a General Plan for the Development and Use of Water Resources in Basins.</li> <li>• This Act clarifies the priorities for water resources use in Angola, particularly in relation to internal waters (both surface and underground). The Act states the priorities for the use of water resources in Angola, particularly in relation to interior waters, both surface and underground. It further notes that water resources are State property. Article 6 gives the right to the Ministry responsible for water affairs to ensure the preservation and conservation of areas of partial protection.</li> </ul>	Ministry of Water and Energy
	<ul style="list-style-type: none"> <li>• A number of principles of water management that shall be put into practice by the government are described in this Act. These include right for individuals and entities to access water; integrated management of water resources; institutional coordination and community participation; the harmonisation of the water management policy with land use planning and environmental policies; water as a renewable resource for people; the relationship between pollution and social and financial issues.</li> <li>• This Act encourages the development of a new administrative policy for the water sector which includes a decentralised 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 availability of water resources and demand; to promote research activities and sustainable use of existing water resources; to ensure proper sewage systems and to regulate the discharge of domestic effluents.</li> </ul>	
<i>Lei sobre águas interiores, oceanos e zona económica exclusiva</i> , No. 21/92 of 28 August 1992 (Act on internal waters, ocean and exclusive economic zone, No. 21 of 1992)	<ul style="list-style-type: none"> <li>• Regulates control over internal waters and lakes.</li> <li>• Regulates the use of natural resources, the protection of the marine environment, the promotion of scientific marine research, and the use of artificial structures.</li> </ul>	Ministry of Water and Energy

## ANGOLA

Legislation	Key elements	Responsible authority
<b>Local authorities</b>		
<i>Lei das Autoridades Locais</i> , No. 17/99 of 1999 (Local Municipalities Act, No. 17 of 1999)	<ul style="list-style-type: none"> <li>Establishes that local governments are responsible for the promotion of development, basic sanitation, environmental protection and land management.</li> </ul>	Provincial and local authorities
<b>Investment</b>		
<i>Lei do Investimento Estrangeiro</i> , No. 15/94 of 23 September 1994 (Foreign Investment Act, No. 15 of 1994)	<ul style="list-style-type: none"> <li>Plays an important role in setting up mechanisms to enforce regulations relating to environmental protection, sanitation, and the protection and security of workers against occupational diseases and accidents at work.</li> </ul>	Ministry of Planning
<b>Petroleum</b>		
<i>Lei das Actividades Petrolíferas</i> , No. 13/78 of 26 August 1978 (Oil Activities Act, No. 13 of 1978)	<ul style="list-style-type: none"> <li>Gives Sonangol exclusive rights to prospect for, and produce, oil and associated products.</li> <li>Authorises Sonangol to establish partnerships with foreign companies with the main purpose of benefiting from their logistic assistance and drawing on their technical and administrative capacity to develop local human resources.</li> </ul>	Ministry of Petroleum
<i>Decreto Lei das Actividades Petrolíferas</i> , No. 39/00 of 10 October 2000 (Oil Activities Decree, No. 10 of 2000)	<ul style="list-style-type: none"> <li>States the need to regulate oil exploration activities in a way that ensures sustainable development.</li> <li>Recognises the important role of oil in the Angolan economy and its impact on the environment, and calls for the compulsory implementation of EIAs for any offshore or onshore project.</li> </ul>	Ministry of Petroleum
Petroleum Activities Act (n° 10/04 of November 12)	<ul style="list-style-type: none"> <li>This Act includes principles of economic policies, particularly for the protection of national interests, promotion of the workforce, valuation of minerals and environmental protection.</li> <li>It establishes the exclusivity principle for the national petroleum concessionary Sonangol, by giving to Sonangol the rights to use natural resources through the establishment of partnerships other foreign companies.</li> <li>In Article 7/2 it is stated that all petroleum operations must be conducted in a careful way, by considering the safety of people and infrastructure as well as the protection of the environment and conservation of the nature. Furthermore Article 9/3 notes that the attribution of rights related to petroleum operations can only be granted if measures are out in place to ensure the sovereignty of the country, safety, environmental protection, research, management and preservation of natural resources, including the living and non-living aquatic biological resources.</li> <li>Article 24 on Environmental Protection indicates that all companies, including Sonangol, involved in petroleum operations have to put in place appropriate measures to ensure environmental protection with a view to guarantee its preservation which includes health, water, soil and sub-soil, air, biodiversity preservation, flora and fauna, ecosystems, landscapes, atmosphere and cultural, archaeological and aesthetic values. In addition, Article 24/2 requires that plans on environmental preservation, environmental impact assessment, rehabilitation plans and environmental audits are submitted to the competent authorities within the established time frames.</li> </ul>	

Legislation	Key elements	Responsible authority
Petroleum cont.		
Decree on Environmental Protection for Petroleum Activities (n° 39/00 of October 10)	<ul style="list-style-type: none"> <li>• This Decree which is administered by the Ministry of Petroleum is aimed at protecting the environment from petroleum exploration and production activities. It defines the environment as including, inter alia, fauna, flora, soil, water, landscape, cultural values, atmosphere, etc. and is applicable to activities both off and onshore (Article 3).</li> <li>• In regulating petroleum activities in a way that ensures the achievement of sustainable development the Decree recognises the impact of these activities on the natural environment. It also calls for compulsory implementation of Environmental Impact Assessments (EIAs) as a key instrument to ensure environmental protection in any project. It provides details on the EIA process with an emphasis on the procedure for obtaining an environmental licence from the Ministry of Urbanisation and Environment (Article 6).</li> <li>• The Government is currently developing complementary legislation to this Decree, namely on the management of operational discharges, management, collection and treatment of waste, and the procedures for the notification of oil spills.</li> <li>• Other legislation for the petroleum industry has recently been approved and it includes an Executive Decree on the procedures for waste management (n° 8/05 of January 5), Executive Decree on the procedures for oil spill notification (n° 11/05 of January 12), Executive Decree on procedures for operational discharges management (n° 12/05 of January 12).</li> </ul>	Ministry of Petroleum

Source: Adapted from *Diário da República, various issues, 1979-1999* and documents from the Ministry of Urbanisation and Environment.