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ANGOLA

CHAPTER 3: ANGOLA

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3 ANGOLA

3.1 Constitutional requirements for environmental protection in Angola

First signed into law in 1992, the Constitution of the Republic of Angola (*Lei Constitucional da República de Angola*) was replaced in 2010 and provides the basis for the Environment Framework Law through Article 39.

Article 39 (Environmental rights):

1. Everyone has the right to live in a healthy and unpolluted environment and the duty to defend and preserve it.
2. The state shall take the requisite measures to protect the environment and species of flora and fauna throughout the national territory, maintain the ecological balance, ensure the correct location of economic activities and the rational development and use of all natural resources, within the context of sustainable development, respect for the rights of future generations and the preservation of species.
- 3 Acts that endanger or damage conservation of the environment shall be punishable by law.¹

In addition, Article 90(e) reads that the state shall promote social development by “*ensuring that all citizens enjoy the benefits resulting from collective efforts in terms of development, specifically with regard to quantitative and qualitative improvements to standards of living.*” Article 15 recognises that local communities have access to, and the use of land without prejudicing the possibility of expropriation for public use on the basis of fair compensation in terms of the 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 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.

¹ Republic of Angola, 2010. *Constitution of the Republic of Angola*. Luanda: Government of Angola.

3.2 Institutional and administrative structure

3.2.1 Ministry of Culture, Tourism and Environment

In 1993, the National Secretariat for the Environment was established, which became, in 1997, the Ministry for the Environment. Over the years, the name of this Ministry has changed several times, but it is currently known as the Ministry of Culture, Tourism and Environment (or MCTA in Portuguese).

The Ministry is responsible for the development and coordination of the country's environmental policy and for implementing the National Environment Management Programme (*Programa Nacional de Gestão Ambiental (PNGA)*) (see section 3.3.1). As the primary authority responsible for the implementation of the Environment Framework Law, No. 5/98, the Presidential Decree No. 117/20² approving General Regulation on Environmental Impact Assessment and Environmental Licensing Procedures, and all associated Regulations, the Ministry is also responsible for the review and regulation of environmental impact assessments (EIAs). Depending on the type of project to be developed, the EIA report should also be initially reviewed by the appropriate line ministry which should issue its technical comments/opinion (*parecer*). This ensures that the EIA not only addresses the requirements of the Environment Framework Law and the Decree on Environmental Impact Assessment, but also relevant sectoral legislation and guidelines (e.g. policies and plans), and applicable Terms of Reference.

3.2.2 National Directorate for the Prevention and Assessment of Environmental Impacts

Responsibility for EIA falls under the National Directorate for the Prevention and Assessment of Environmental Impacts (*Direcção Nacional de Prevenção e Avaliação de Impactes Ambientais (DNPAIA)*), which, among other things, is responsible for reviewing and commenting on EIA processes, including project registration and Terms of Reference (ToR). All reports reviewed by DNPAIA are forwarded to the MCTA with recommendations on whether an environmental licence should be granted or not (see s. 3.3.6). If considered necessary, the MCTA invites different institutions and stakeholders to give comments and make suggestions on the final report. There is a growing decentralisation of decision-making to Provincial Government and Municipal Administration levels, particularly with regards to project categorisation, especially category C and D activities (see s. 3.4.1).

3.2.3 Inter-sectoral cooperation

Cooperation between the MCTA and other Ministries and Ministerial Departments is evident from the well-established Multi-Sectoral Technical Commission dealing with environmental matters, which has representation from over 12 different ministries and three environmental non-governmental organisations, as well as a number of environmental experts. Protocols of cooperation have been

² Note that the Angolan reference system of for all laws and decrees use the format: document number/year thus the Presidential Decree No. 117/20 is decree number 117 promulgated in 2020.

signed in the past years with other Ministerial Departments including Tourism (for ecotourism aspects) and Ministry of Agriculture and Fisheries (for the establishment of marine protected areas). However, there is a need to align sectoral policies and strengthen and improve this cooperation in a way that effectively addresses several challenges, such as onerous bureaucratic processes, insufficient skills, and a 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 spelt out in two major documents – the PNGA and the National Development Plan (*Plano de Desenvolvimento Nacional (PDN) – 2018-2022*) which has an environmental sustainability component. Responsibility for formulating and implementing environmental policies and programmes and for environmental management lies with the MCTA. This includes the promotion of a policy to support environmental education processes within the formal and informal education sectors, as well as fostering the implementation of environmentally-sound technologies and biodiversity protection.³

3.3.1 National Environmental Management Programme

The National Environmental Management Programme (*Programa Nacional de Gestão Ambiental – PNGA*), is seen as an important instrument for achieving sustainable development. The Ministry of Environment finalised it in 2009, with assistance from the United Nations Development Programme (UNDP). The PNGA emphasises the need for an environmental management strategy to protect the environment, even though most of Angola's natural resources are still largely intact.

Importantly, the Environment Framework Law 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.⁴

The PNGA has five strategic sub-programmes, defined as:

1. Promotion of inter-sectoral coordination;
2. Protection of biodiversity, flora, and terrestrial and marine fauna;
3. Ecosystem rehabilitation and protection;
4. Environmental management; and
5. Environmental education, information and awareness.

³ Russo, V, Roque, P & Krugman, H, 2003. *Country Chapter: Angola*. In: SAIEA (Southern African Institute for Environmental Assessment), *EIA in southern Africa*. Windhoek: SAIEA, pp. 25–43.

⁴ Article 6 of the Environment Framework Act of 1998.

A series of themed papers was published in draft in June 2005. Of these development plans, the Strategy to Combat Poverty has been the only plan available for review.⁵

In 2011 an Environmental Fund was established by Presidential Decree No. 9/11 of 7 January to fund the activities highlighted in the PNGA such as scientific studies, educational programmes, natural resource surveys, etc., to ensure that the health and wellbeing of citizens is not adversely affected by pollution. The Environmental Fund is a separate stand-alone agency under the MCTA and the Ministry of Finance.

3.3.2 National Development Plan (2018-2022)

The National Development Plan (2018-2022) recognizes that environmental issues are cross-cutting as reflected in the Angolan 2025 Long-Term Strategy (see below) and proposed Environmental Sustainability Policy which is intended to guide the environmental sector. The Environmental Sustainability Policy part of the PDN 2018-2022 encompasses four programmes, namely: 1) climate change; 2) biodiversity and conservation areas; 3) marine spatial planning and ecosystem health; and 4) risk prevention and environmental protection.

3.3.3 Other relevant policies

Angola 2025: Long-Term Strategy (*Estratégia de Longo Prazo*)

This strategy document reviews the significant challenges in Angola (very low human development, weak economic situation, institutional instability, inadequate health and education services, regional inequality, etc.) and establishes strategic options up to 2025. The plan considers the possible growth of various sectors and the main activities to realise this growth.

Strategy to Combat Poverty (2003)

The government has developed a strategy to combat poverty, following an ongoing process of reconstruction and national development. The overall objective is to improve the conditions of Angolan citizens, in particular those who are vulnerable, by motivating them to participate actively in the socio-economic development process.⁶

National Biodiversity Strategy and Action Plan (2019-2025)

The government approved the National Biodiversity Strategy and Action Plan (Resolution No. 42/06 of 26 July) to guarantee the conservation and sustainable use of biological diversity components that enable the fair and equitable sharing of the benefits of the use of biological resources. Its objective is to incorporate measures for the conservation and sustainable use of biological diversity and the fair and equitable sharing of biological resources into development policies and programmes for the

⁵ ERM 2009. *Draft scoping report for the Baynes Hydropower Project*. Chapter 2. Unpublished report.

⁶ ERM, 2009.

benefit of all Angolans.⁷ After two years of revision, an updated strategy has been drafted. The new Strategy and Biodiversity Action Plan (2019-2025) are inter-connected through twelve 'Strategic Goals' (SG)⁸ that were defined through a process of public consultation which involved representatives of government institutions, local and traditional authorities, environmental protection institutions, the education sector, the private sector, and the press. These goals, listed below, are meant to be integrated into broad programmes that drive the conservation and sustainable use of biodiversity:

- SG 1: Reduce pressure on biodiversity and promote its sustainable use;
- SG 2: Strengthen the conservation areas network including representations of the different biomes and ecosystems in Angola;
- SG 3: Promote scientific research and biodiversity information dissemination;
- SG 4: Reinforce education and awareness for sustainability;
- SG 5: Strengthen the implementation of international biodiversity agreements;
- SG 6: Reinforce the role of local communities in biodiversity management;
- SG 7: Mobilise funds for biodiversity conservation;
- SG 8: Restore biodiversity in cities, towns, villages and neighbourhoods;
- SG 9: Strengthen environment-related institutions;
- SG 10: Reinforce the development of specific legislation and its implementation in harmony with the international and SADC regional agreements;
- SG 11: Manage, coordinate and monitor conservation of biodiversity actions, through the National Biodiversity Strategy and Action Plan (NBSAP);
- SG 12: Restoring degraded forests and ecosystem services.

These activities are aligned with the national biodiversity goals and targets 2019-2025, including the Aichi Biodiversity Targets 2020 and the Sustainable Development Goals.

3.3.4 Climate change policies, plans and programmes

Angola has recently identified increased risks and climate changes including a growing number of hottest days on record, desertification and accelerated semi-arid conditions along the south and coastal areas. Higher temperatures are negatively impacting farming through increased evaporation. Institutional challenges to address climate risks in the medium-term include limited availability of concrete data to enable a rigorous estimation of expected climate changes in specific areas of the country and a lack of adaptive capacity and resilience. It is necessary to facilitate the integration of climate change adaptation into relevant new and existing policies, programmes and activities to improve resilience and adaptation over the coming years.⁹

⁷ NBSAP, 2006.

⁸ NBSAP, 2020

⁹ <https://www.adaptation-undp.org/angola-undertakes-nap-training-key-ministries>

Although Angola is a Party to the United Nations Framework Convention on Climate Change, the country has been slow to develop policies, plans and programmes to combat this threat. The National Adaptation Programme of Action (NAPA) was developed in 2011, but the first training on the National Adaptation Plan (NAP) was only held in July 2015. The Government of Angola has identified food security, infrastructure development, promotion of green areas and growth of industrial sectors as key development priorities for the country, to be mainstreamed within the NAP process.

In addition, other NAPA initiatives in Angola such as ‘Promoting the Development of Resilience to Climate Change and Enhancing Adaptive Capacity to Support Disaster Risk in the Cuvelai and Cunene River Basins’ and ‘Addressing the Urgent Adaptation Needs in Coastal Areas and Strengthening National Capacities’ were found to provide a way forward on the NAP process by developing strong partnerships at national and international levels, and initiating evidence-based climate change research.¹⁰

3.3.5 Environment Framework Law

The 1998 Environment Framework Law (*Lei de Bases do Ambiente*) No. 5/98 of 19 June is based on Article 39 of the Angolan Constitutional Law (see section 3.1).^{11 12} The Law provides the framework for all environmental legislation and regulations in Angola. It gives the definitions of important concepts, such as the protection, preservation and conservation of the environment, the promotion of quality of life, and the use of natural resources. The Law incorporates the main international sustainable development declarations and agendas (e.g. Agenda 21) and 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 that would be prohibited or permitted in protected areas and their surroundings.

Article 16 of the Law makes provision for mandatory EIAs for all undertakings that may have an impact on the balance and wellbeing of the environment and society. Clause 2 of this Article states that the government will develop more specific legislation on EIAs. Article 17 of the Law deals with the issue of environmental licensing (see S. 3.3.7) and Article 18 with environmental auditing (s. 3.4.7). These steps are based on the guidelines provided by the World Bank.

¹⁰ Ibid

¹¹ Russo et al., 2003.

¹² Governo de Angola. (1998). *Lei de Bases do Ambiente* (Lei n.º 5/98 de 19 de Junho). Governo de Angola, Luanda.

3.3.6 Decree on General Regulation on Environmental Impact Assessment and Environmental Licensing Procedures

Presidential Decree No. 117/2020 of 22 April on General Regulation on Environmental Impact Assessment and Environmental Licensing Procedures establishes the rules and procedures regulating environmental impact assessments (EIAs) of public and private projects and the environmental licensing procedures for activities that, by their nature, location or dimension, are likely to cause significant environmental and social impacts. This Decree revokes Decree No. 51/04 of 23 July on Environmental Impact Assessment and Decree No. 59/07 of 13 July on Environmental Licensing. It outlines:

- The mandatory project registration procedure using the Integrated Environment System (*Sistema Integrado do Ambiente – SIA*) - an online platform created by the Ministry of Environment (Article 6);
- The categorisation of projects to be licensed (Article 7) and which are listed in annexes I, II, III, IV and V of the Decree (see the appendices at the end of this chapter);
- Decentralisation from MCTA to local administrations and provincial governments of competences, such as project evaluation, the issue of Environmental Licences (Article 8), and project pre-evaluation for further categorisation (Article 9);
- The inclusion of the mandatory Environmental Pre-Feasibility Study and Scope Definition (*Estudo de Pré-Viabilidade Ambiental e Definição do Âmbito – EPDA*), which is only required for Category A projects (Article 12) (see s. 3.4.2);
- The minimum content required for the Simplified Environmental Study – SES (*Estudo Ambiental Simplificado – EAS*) is presented in Article 15 and the Terms of Reference for such documents must be submitted to the Provincial Environmental Department.
- The rules for public consultations are established in Article 16 and should be guided by the Public Consultation Regulations approved by Executive Decree No. 87/12 of 24 February (see s. 3.4.4).

3.3.7 Environmental Damage Regulations

Presidential Decree No. 194/11 of 7 July contains the Environmental Damage Regulations. It is applicable to all sectors, including the petroleum and mining industries. Highlights of the Regulations include the following:

- The polluter pays principle;
- Strict liability (regardless of culpability) for environmental damage;
- Powers of the regulatory authority (the MCTA) to prevent or reduce the risk of environmental injury, including requiring businesses to develop prevention programmes and make disclosures in case of an imminent threat to the environment;

- Financial guarantees being payable for remediation or compensation of environmental damage in the form of insurance policies, bank guarantees, company reserves or other mechanisms;
- Individuals and non-governmental organisations granted *locus standi* (legal standing) to pursue legal action (including class action suits) to avoid, remedy and/or obtain compensation for environmental damage; and
- Strict penalties, including fines that can reach US\$100 million, as well as cancellation of Environmental Licences.¹³

Recognising the potential negative impacts of oil extraction, and in response to this rapidly growing industry in Angola, Decree No. 39/00 on Regulation of Environmental Protection in the Course of Petroleum Activities (*Protecção do Ambiente no Decorrer das Actividades Petrolíferas*) was gazetted on 10 October 2000. It regulates environmental practices in the oil industry in Angolan marine and terrestrial territory.

3.3.8 Environmental Permits and licences

An **Environmental Licence** is required for all activities that, because of their nature, location and scale, may have a significant environmental and/or social impact. The Environmental Licence is issued on the basis of the findings of an EIA and is required before the issuance of any other permits or licences under other laws.¹⁴

In terms of Chapter 3 of the General Regulation on Environmental Impact Assessment and Environmental Licensing Procedures, the following licences are required:

An **Environmental Installation Licence (EIL)** is issued by the MCTA for Category A and B projects (see s. 3.4.1), Category C project EILs are issued by Municipal Authorities to authorise the setting out and change of works, in accordance with the specifications contained in the project.

An **Environmental Operations Licence (EOL)** is a document issued by the MCTA for Category A and B projects. The EOL for Category C projects is issued by Municipal Authorities, who, subject to verification of compliance with all the requirements of the Simplified Environmental Study (SES), authorise the project or activity to start its operations.

The **Abandonment Licence** is a document issued by the MCTA, intended for the closure of facilities at the end of their activity so that potential environmental liabilities are properly identified and treated.

A **Declaration of Environmental Conformity** can also be issued by the MCTA, which certifies that the process of evaluating a project leading to environmental licensing is underway (serving the purposes of making the credit negotiation process possible with banks and other entities) (Article 28).

¹³ Governo de Angola. (1998). Lei de Bases do Ambiente (Lei n.º 5/98 de 19 de Junho). Governo de Angola, Luanda.

¹⁴ Article 17 of the Environment Framework Law.

The Presidential Decree No. 117/20 of 22 April defines the licence validity periods, with EILs valid for three years and EOLs valid for five years (Article 32). It should be noted that the renewal of environmental licences must be preceded by an environmental audit (Article 33) (see s. 3.4.7) and the application for renewal (supported by an environmental audit report) must be submitted up to ninety days before the environmental licence expiry date (Article 32).

3.3.9 Offences and penalties

In terms of Article 43 of the Presidential Decree No. 117/20 of 22 April, a person who constructs, implements or alters any installation without the corresponding EIL, or anyone who alters a system of production without the relevant licence, will be liable of an offence and subject to a fine. The fines are based on the value of the project, as follows:

Table 3.1: Fines payable

Value of the project	Fine
Less than Kz90 000	10%
More than Kz90 000 and less than Kz500 000	7%
More than Kz500 000 and less than Kz1 000 000	5%
More than Kz1 000 000	3%

In addition, the competent authority can suspend, embargo or interdict the operation or activity, and notify the public ministry and the line ministry accordingly (Article 27).

Article 43 of Presidential Decree No. 117/20 of 22 April specifies the following as offences that are liable to a fine ranging between Kz 500,000 (US\$ 800) and Kz 500 million (US\$ 800,000), depending on the seriousness of the case:

- The installation, start-up or extension of an activity in breach of the Presidential Decree No. 117/20 of 22 April and any related Regulations;
- Obstruction or non-collaboration with the environmental auditing team;
- Breach of the conditions present in the technical opinion of the MCTA and in the annexes of the Environmental Licence;
- Non-compliance with the recommendations of the Environmental Impact Study;
- Withholding and false declaration of information required in terms of this Decree is subject to civil and criminal liability.

In addition, offenders may have their machinery or equipment seized, have their operations/facilities closed down, and/or be prevented from tendering for government contracts (Article 45).

Decree No. 1/10 of 13 January on Environmental Audits specifies that penalties payable for offences are a minimum of US \$1,000 and a maximum of US \$1,000,000 for any of the following:

- Obstruction of, or failure to cooperate with registered environmental auditors;
- Non-compliance with the recommendations of a previous audit;
- Working without complying with environmental regulations; and
- Acting as an environmental auditor without being registered.

3.3.10 Fees

The developer is responsible for all professional fees, costs and expenses associated with the preparation of an EIA report. The withholding and the false declaration of information required in terms of Presidential Decree No. 117/20 is subject to civil and criminal liability. Decree No. 96/09 of 6 October was issued jointly by the Ministry of Finance and the Ministry responsible for the environment and sets out fees payable for the issuing of Environmental Licences. For projects with a value in excess of approximately US\$221,500, the Environmental Installation Licence fee is 0.18% of the project's investment value and the fee for an Environmental Operational Licence is 0.3% of the investment value. Note that the Joint Executive Decree No. 130/09 of 26 November replaced the Kwanza amounts (formerly set out in Joint Executive Decree No. 96/09) by Tax Correction Units – *Unidade de Correção Fiscal* (UCF). Ministerial Order No. 174/11 of 3 November sets the fees to be paid in UCF and determines that currently each UCF corresponds to 88 Kwanzas. The value of each UCF can therefore vary depending on foreign exchange circumstances.

3.3.11 Guidelines

EIA guidelines are currently being developed to assist developers and practitioners with the EIA process in Angola. Most major development projects have used the World Bank guidelines in order to fulfil country and lender-specific requirements.

3.3.12 Environmental standards

Article 19 of the Environment Framework Law recognises the seriousness of pollution as a by-product of economic development and provides for strict measures 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 for the burning of fossil fuels, and Clause 4 prohibits the importation of hazardous waste, except through specific legislation approved by the National Assembly.

Water quality standards have been established under Presidential Decree No. 261/11 of 6 October. The Regulations, consisting of 4 Chapters and 10 Annexes, establish the norms and criteria for assessing the quality of water in order to protect the natural environment and inland water resources,

including surface water and groundwater.¹⁵ It establishes standards and measures to be applied in order to improve the quality of water for its principal uses such as for human consumption, aquaculture, fisheries, irrigation agriculture and bathing (Table 3.2). Classes A1 and A2 are acceptable for human consumption following treatment (see footnote to the Table), but Class A3 water cannot be used as potable water except with permission from the Ministry of Health. Article 9 of the Regulations sets out the conditions under which these standards may be waived or not applied.

Table 3.2: Water quality standards for human consumption

Parameters	Expressed as	Class A1		Class A2		Class A3	
		Max allowable	Recom-mended	Max allowable	Recom-mended	Max allowable	Recom-mended
pH at 25°C	Units	6.5-8.5	-	5.5-9.0	-	5.5-9.0	-
Colour (after filtration)	mg/l	10	(0) 20	50	(0) 100	50	(0) 200
Total Suspended Solids	mg/l	25	-	-	-	-	-
Temperature	°C	22	(0) 25	22	(0) 25	22	(0) 25
Conductivity	µS/cm at 20°C	1000	-	1000	-	1000	-
Smell/odour	At a factor of dilution of:	3	-	10	-	20	-
Nitrate*	mg/l NO ₃	25	(0) 50	-	(0) 50	-	(0) 50
Fluoride	mg/l F	0.7 – 1.7	1.5	0.7 – 1.7	-	0 – 1.7	-
Dissolved iron*	mg/l Fe	0.1	0.3	1.0	2.0	1.0	-
Manganese*	mg/l Mn	0.05	-	0.01	-	1.0	-
Copper	mg/l Cu	0.02	(0) 0.05	0.05	-	1.0	-
Zinc	mg/l Zn	0.5	3.0	1.0	5.0	1.0	5.0
Boron	mg/l B	1.0	-	1.0	-	1.0	-
Beryllium	mg/l Be	-	-	-	-	-	-
Cobalt	mg/l Co	-	-	-	-	-	-
Nickel	mg/l Ni	-	-	-	-	-	-
Vanadium	mg/l V	-	-	-	-	-	-
Arsenic	mg/l As	0.01	0.05	-	0.05	0.05	0.10
Cadmium	mg/l Cd	0.001	0.005	0.001	0.005	0.001	0.005
Total Chrome	mg/l Cr	-	0.05	-	0.05	-	0.05
Lead	mg/l Pb	-	0.05	-	0.05	-	0.05
Selenium	mg/l Se	-	0.01	-	0.05	-	0.01
Mercury	mg/l Hg	0.0005	0.0010	0.0005	0.0010	0.0005	0.0010
Barium	mg/l Ba	-	0.1	-	1.0	-	1.0

¹⁵ <https://www.ecolex.org/details/legislation/presidential-decree-no-26111-approving-the-regulation-on-the-quality-of-water-lex-faoc119447/>

Parameters	Expressed as	Class A1		Class A2		Class A3	
		Max allowable	Recom-mended	Max allowable	Recom-mended	Max allowable	Recom-mended
Cyanide	mg/l CN	-	0.05	-	0.05	-	0.05
Sulphate	mg/l SO ₄	150	250	150	(0) 250	150	(0) 250
Chloride	mg/l Cl	200	-	200	-	200	-
Phosphate*	mg/l P ₂ O ₃	0.4	-	0.7	-	0.7	-

* Limits can be exceeded in shallow lakes

Class A1 water to receive physical treatment and disinfection

Class A2 water to receive physical and chemical treatment and disinfection

Class A3 water to receive high level physical and chemical treatment and disinfection

Table 3.3: Water quality standards for the discharge of liquid effluent

Parameters	Expressed as:	Effluent Limits
pH	Units	6.0 – 9.0
Temperature	°C	Not to increase by more than 3°C
Dissolved oxygen	mg/l O ₂ at 20°C	40
Chemical Oxygen Demand	mg/l O ₂	150
Total suspended solids	mg/l TSS	60
Aluminium	mg/l Al	10
Total Iron	mg/l Fe	2.0
Total Manganese	mg/l Mn	2.0
Odour	-	Not detectable at a dilution of 1:20
Colour	-	Not visible at a dilution of 1:20
Free Chlorine	mg/l Cl	0.5
Total Chlorine	mg/l Cl	1.0
Phenol	mg/l C ₆ H ₅ OH	0.5
Oil and grease	mg/l	15
Sulphur	mg/l S	1.0
Sulphite	mg/l SO ₃	1.0
Sulphate	mg/l SO ₄	2000
Total phosphorus	mg/l P	3 (in waters that feed lagoons or reservoirs) 0.5 (in ponds or reservoirs)
Ammonia	mg/l NH ₄	10
Total Nitrogen	mg/l N	15

Parameters	Expressed as:	Effluent Limits
Nitrate	mg/l NO ₃	50
Aldehyde	mg/l	1.0
Total Arsenic	mg/l As	1.0
Total Lead	mg/l Pb	1.0
Total Cadmium	mg/l Cd	2.0
Total Chrome	mg/l Cr	2.0
Hexavalent Chrome	mg/l Cr (VI)	0.1
Total Copper	mg/l Cu	1.0
Total Nickel	mg/l Ni	2.0
Total Mercury	mg/l Hg	0.05
Total Cyanide	mg/l CN	0.5
Mineral oils	mg/l	15
Detergents (sodium lauryl sulphate)	mg/l	2.0

Table 3.4: Specific standards relating to pesticides and organo-chlorides

Parameters	Expressed as:	Maximum allowable limit
Hexachloro Cyclo-(1) 20	µg/l (HCH)	(1) 20 (2) 100 (3) 50
Carbon tetrachloride	µg/l	12
Solvent isomer DDT	µg/l	10
Total DDT	µg/l	25
Pentachlorophenol	µg/l	2
Aldrin, dieldrin, endrin and isodrin	µg/l	30
Hexachloro-benzene	µg/l (HCB)	0.03
Hexachloro-butadiene (HCBd)	µg/l	0.1
Chlorofom	µg/l	12

- (1) Applicable to estuaries, marine and inland waters
(2) Applicable to surface water affected by pollution
(3) Applicable to surface water not affected by pollution

Table 3.5: Minimum environmental water quality objectives for surface water

Parameters	Expressed as:	Maximum allowable limits
pH	Units	5.0 - 9.0
Temperature	°C	30
Allowable variation in temperature from ambient	°C	3
Dissolved oxygen	% of saturation	50
Chemical Oxygen Demand	mg/l O ₂	5
Ammonia	mg/l NH ₄	1
Total Phosphorus	mg/l P	1
Chloride	mg/l Cl	250
Sulphate	mg/l SO ₄	250
Chloro-phenols	µg/l, per compound	100
Poly-aromatic hydrocarbons	ug/l PAH	100
Anionic surfactants	mg/l	0.5
Pesticides: Total	µg/l	2.5
Per individual substance	µg/l	0
Poly-chlorinated biphenyl	µg/l (PCB)	0.02
Kjeldahl Nitrogen	mg/l N	2
Total Cyanide	mg/l CN	0.05
Total Arsenic	mg/l As	0.1
Total Cadmium	mg/l Cd	0.01
Total Lead	mg/l Pb	0.05
Total Chrome	mg/l Cr	0.05
Total Copper	mg/l Cu	0.1
Total Mercury	mg/l Hg	0.001
Total Nickel	mg/l Ni	0.05
Total Zinc	mg/l Zn	0.5

Standards for air quality are currently in preparation, but national standards for other environmental aspects such as soil, noise, vibration and waste management have not been developed yet. In the absence of national standards, those used by the World Bank/International Finance Corporation, World Health Organisation, and others are applied.¹⁶

3.3.13 Certification of consultants

Article 42 of Presidential Decree No. 117/20 of 22 April provides that only professionals employed by registered environmental consultancy companies can carry out environmental impact studies (EISs). In turn, Executive Decree No. 86/12 of 23 February on the Technical Registration of Environmental Consulting Companies, establishes the rules that regulate the activities of environmental consultancies. It considers environmental consultancy companies to be legal persons registered by the MCTA for undertaking environmental consultancy activities, and regulates the registration of such

¹⁶ www.jica.go.jp Report of 15 July 2016.

companies. The registration authority will issue Environmental Consultancy Certificates, set the fees and the sanctioning regime. The required documents and declarations required to apply for registration are contained in the Decree.

Executive Decree No. 85/11 of 27 May indicates that individual environmental consultants can no longer be registered and undertake environmental impact studies where such studies require experts in different fields. In these cases, individual consultants have to be registered as part of a consulting company and supply the information listed above, including a list of projects undertaken by the company, as required in the Regulations.

In the case of *joint ventures and partnerships*, all participating companies must submit the following:

- Relevant information about their consultants, in terms of numbers of professional staff;
- A compilation of studies already completed; and
- A commercial registration certificate and tax number.

In case of doubt, the competent authority reserves the right to demand proof of the information supplied by the interested party, as well as of other additional information.

Executive Decree No. 350/17 approves the Regulation for Registration of Environmental Protection Associations. The Regulation, consisting of 15 articles divided into four Chapters, establishes the requirements to be satisfied to register such associations, in compliance with the terms of Law No. 3/06 of 18 January on Environmental Protection Associations. Chapters establish the following issues: General provisions (Chap. I); Requirements and Procedures (Chap. II); Registration requirements (Chap. III); and Auditors (Chap. IV).¹⁷

3.4 EIA procedural framework in Angola

The Framework Environment Law states that one of the principal instruments for environmental management is the Environmental Impact Assessment (EIA) procedure, which has the primary objective of determining the effects of public and private projects on the environment and which thus allows fair and balanced decision-making by the authorities.¹⁸ The EIA procedures are set out in the subsections below.

3.4.1 Screening

The Environment Framework Law establishes a broad rationale for the kinds of projects that are subject to an EIA, stating that an EIA is compulsory when actions “*interfere with the social and*

¹⁷<https://www.ecolex.org/details/legislation/executive-decree-no-35017-approving-the-regulation-for-registration-of-the-environmental-protection-associations-lex-faoc168615/>

¹⁸ Adapted from the Preamble to the EIA Decree No. 51/04 of 23 July (revoked).

environmental equilibrium and harmony".¹⁹ More detailed criteria are spelt out in the Presidential Decree No. 117/20 of 22 April, which requires EIAs for all public or private projects mentioned in the Annexes to the Decree, with the exception of projects the government deems to be of vital interest to national defence or national security.²⁰ There are five categories of projects:

Category A: listed in Annex I and are subject to an EIS and supervision by independent expert reviewers with proven experience;

Category B: projects whose activities are included in Annex II and are subject to an EIS;

Category C: whose activities are listed in Annex III and are subject to an SES;

Category D: activities listed in Annex IV and are not subject to the EIA process and to Environmental Licensing;

Category E: activities listed in Annex V and considered to be "fatal flaws".

However, according to the Executive Decree No. 92/12 of 1 March and the Presidential Decree No. 117/20 of 22 April, projects which are not listed in the above categories still have to consult the MCTA to obtain confirmation of exemption. The full lists of projects for which an EIA is mandatory (Categories A and B) are provided in Appendices 3-1 and 3-2 of this chapter, while projects which only require an SES are listed in Appendix 3-3. Category D and E projects are presented in Appendices 3-4 and 3-5.

3.4.2 Environmental Pre-feasibility Study and Scoping Report

The EPDA is a desktop-based study focusing on the description of the project and baseline conditions, as well as a preliminary assessment of potential impacts and fatal flaws and must propose the Terms of Reference (ToRs) for the full EIA. Public participation during the preparation of the EPDA is not required in terms of the law, however the stakeholder engagement process to be followed in the EIA preparation stage should be proposed in the EPDA.

The project proponent with the support from an environmental consultancy company, must register the project on the Integrated Environmental System (SIA) online platform. In this online registration process, project and proponent information is provided and documents are uploaded, allowing the MCTA to complete their assessment and comments (Figure 3.1). After reviewing the information package, the MCTA confirms the project category, issues the ToR for the project, and can request specific documentation about the project.

The ToRs are presented in the Presidential Decree No. 117/20 of 22 April, including specific ToRs for each type of report, namely the EPDA, EIS and SES, in Articles 12, 14 and 15, respectively. Since the approval of Executive Decree No. 92/12 of 1 March, at least nine templates for ToRs for infrastructure

¹⁹ Article 16(1) of the Environment Framework Law.

²⁰ Article 5 of the Presidential Decree No. 117/20 of 22 April.

projects have been developed (e.g. oil and gas projects (seismic, drilling and production), hydropower dams, ports and terminals, housing complexes, landfill sites, water supply, mining, etc).

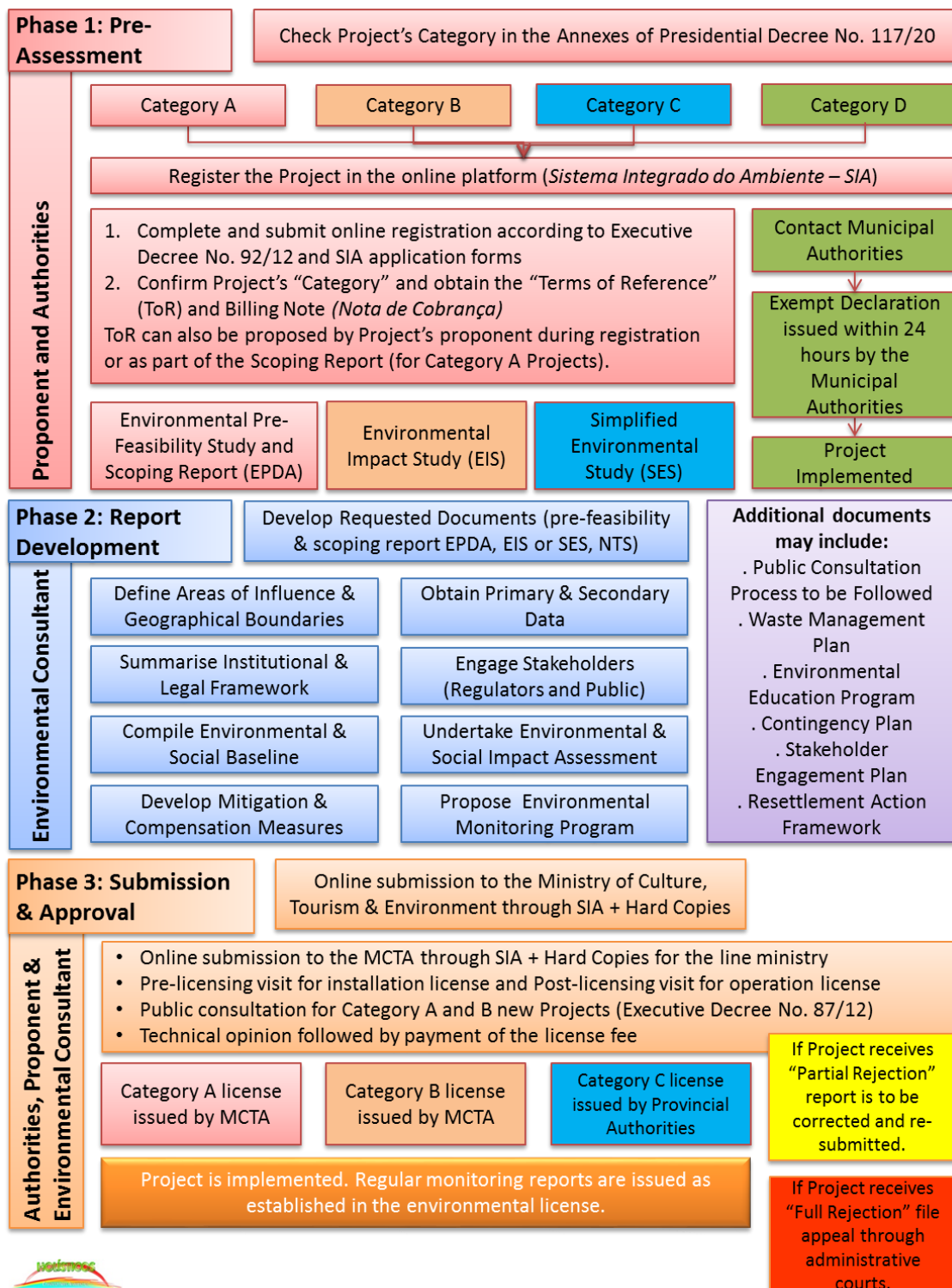


Figure 3.1: Generic EIA Process.

The Executive Decree No. 92/12 indicates that the EIA consultants, through a stakeholder engagement process, must obtain people's perceptions and expectations about the project during the EIA development process.

3.4.3 Environmental Impact Study

The Presidential Decree No. 117/20 of 22 April specifies the **activities** that are required during the EIA process, as well as the **contents** of the EIS report. The EIA consultants must give due consideration to:

- A thorough analysis of the baseline conditions before development, including the interactions within and between the physical, biological and socio-economic environments;
- A full description of the project;
- An evaluation of all technological alternatives and alternative locations for the project and a comparison of these to the no-go option;
- A systematic identification and assessment of the environmental impacts generated in each project phase (design, construction, operation and decommissioning), including 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; and
 - The distribution of the social burden and benefits;
- The measures required to mitigate negative impacts;
- A definition of the boundaries of the area that may directly or indirectly be 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; and
- Any other information that may be relevant to the project, such as international protocols.

The Environment Framework Law (Article 16) and the Presidential Decree No. 117 of 22 April (Article 6) specify the following contents of an EIS report:

- A non-technical summary of the project;
- A description of the planned activities, including all technological alternatives as well as the no-go option;
- Justification for the activity;
- Legal framework;

- A general description of the state of the environment (biophysical and socio-economic) at the chosen location 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;
- Any other relevant information.

3.4.4 Public consultation

The Presidential Decree No. 117/20 of 22 April points out the need for public consultation for all projects subjected to the EIA process, as indicated in the ToRs and shown in Figure 3.1. In addition, all projects listed in Annexes I and II of this Decree (see Appendices 3-1 and 3-2) or classified as A or B category after the project registration process, must be subject to a public consultation process *after* the project's EIS report has been received, as prescribed in Article 16 of the Decree (see Figure 3.1). The public consultation process, to be undertaken by the ministry responsible for the environmental sector in collaboration with the line ministry, comprises the following steps:

- Release of the non-technical summary of the EIS report to the interested and affected parties (as defined in Article 16 of the Decree);
- Consideration and appraisal of all presentations and comments relating to the proposed project; and
- Compilation of a brief report within **eight days** of the completion of the consultation period, specifying the steps taken, the level of public participation, and the conclusions that may be drawn.

This public consultation process must take place over a period of **five to ten days** and the costs must be borne by the developer.

In terms of the Public Consultation Regulations contained in Executive Decree No. 87/12 of 24 February 2012 (*Regulamento de Consulta Pública*), the public consultation process or hearing is chaired by the National Director of the DNPAIA on behalf of the Ministry (or the designated alternate) and comprises a Board with the following members: President, Secretary, and a Rapporteur.

In order to ensure stakeholder participation, the Decree stipulates the consultation be disclosed in a daily newspaper (i.e. *Jornal de Angola* or *O País*) and other relevant social media (Article 7). As a rule, the public consultation starts with the disclosure of the Non-Technical Summary (NTS) (i.e.

the project description and its main significant effects on the environment) and continues with the stakeholder intervention. The questions and opinions presented during the public consultation are answered and taken into consideration in the decision-making process to be performed by DNPAIA.

3.4.5 Review of EIS reports

Once completed, the project proponent must submit the EIS reports and any supporting documents to the DNPAIA, who in turn must forward the documents to the relevant line ministry within five days of receipt from the proponent (see Figure 3.1). Within **five days** of receiving these documents, the line ministry must forward a binding opinion to the DNPAIA. For projects in urban areas or which affect human settlements, the minister responsible for planning should also be included in the review process.

Within **thirty days** from the date of receipt of the documents, the DNPAIA must evaluate the EIS report (Article 17 of Presidential Decree No. 117/20). If a favourable opinion is received, the MCTA (for Category A and B projects), and the Provincial Authorities for Category C projects, shall issue an Environmental Installation Licence within eight days following the receipt of the required fee from the proponent (see s. 3.3.10). If there is insufficient information in the EIS report, the DNPAIA may request more information before it can make a decision. If, however, a negative opinion is received by the Project Proponent from DNPAIA, 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 if the project has been rejected outright by the MCTA or if it has received a negative technical opinion from the line ministry. The appeal will be heard through the administrative courts.

3.4.7 Environmental monitoring and audits

According to Article 33 of the Presidential Decree No. 117/20 of 22 April, the competent environmental authority is responsible for monitoring the implementation of the EIA in specific projects. Currently, the level of follow-up by the Ministry or its Directorate is increasing, but the lack of available resources and professional capacity still constrains the scope of this activity. Simultaneously, there is a greater propensity by proponents and managers to comply with environmental legislation and to adopt more environmentally sustainable actions. Several monitoring activities are carried out by the project implementers themselves, or in collaboration with Angolan institutes, such as the Natural History Museum and the Agostinho Neto University's Faculty of Sciences. Given the number of environmental licences issued in the last few years by the MCTA, it is likely that the increase in monitoring activities and audits may be due to the need for licence renewal, since an audit report must be submitted to MCTA to obtain or renew environmental licences (installation or operation) (see Section 3.3.8).

Decree No. 1/10 of 13 January on Environmental Audits, gazetted in January 2010, establishes the terms under which environmental audits take place. Article 18 of the Environment Framework Law states that any activities that take place without the necessary environmental and social mitigation, and from which environmental damage is observed, are subject to environmental auditing. The Decree explains types of audits that may be conducted, and that they can be conducted by authorised public or private bodies. It makes provision for the registration and accreditation of environmental auditors. The costs of the audits are carried by the entity being audited.

3.4.8 Strategic environmental assessment

The Presidential Decree No. 117/20 of 22 April does not refer to strategic environmental assessments or assessments to be conducted for policies, plans or programmes. Article 7 of the Environment Framework Law does, however, refer to the development of a National Environmental Management Plan and its implementation.

3.4.9 Trans-boundary impacts

Angola's neighbours include Namibia, Zambia, Congo and the Democratic Republic of Congo. Although none of the environmental legislation refers to trans-boundary impacts, Angola's active involvement in the Benguela Current Large Marine Ecosystem project (and is a Member State of the Benguela Current Convention together with South Africa and Namibia), the Permanent Joint Technical Committee with Namibia, and the Cubango-Okavango and Zambezi River, in the Maiombe Trans-boundary Area Commissions, shows a commitment to dealing with cross-border environmental impacts.

3.5 Other relevant environmental legislation in Angola

The Environment Framework Law is complemented by various pieces of sectoral legislation (see Table 3.6).

Table 3.6: Other potentially applicable sectoral legislation

Sector	Primary Agency	Title and date of document	Purpose
Fisheries	Ministry of Agriculture and Fisheries	Law No. 6A/04 of 8 October	<ul style="list-style-type: none"> • Biological and Aquatic Resources Law • This innovative Act is very comprehensive and emphasises the need for policies aimed at preserving and regenerating biological and aquatic resources. It is also a mechanism for the harmonisation of different legislation on marine resources, particularly on fisheries and aquaculture activities. • The Ministry has to be consulted before the implementation of any project pertaining to the exploitation of natural resources within inland waters. • The Act considers it a crime to discharge any objects or substances that are likely to cause serious damage to biological resources. It further states that any individual or collective person that causes damage to the environment has to repair the damage and indemnify the state. • The Act was developed as part of the government's policies on environmental protection and the sustainable use of natural resources. It draws on the Constitution and the Environment Framework Law. The Act also considers international instruments such as the United Nations Law of the Sea, the Convention on Biological Diversity, and the Southern African Development Community (SADC) Protocol on Fisheries. • The Act considers biological and aquatic resources as important food sources for subsistence, economic activities and renewable resources. • 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. • The most important part of the Act in relation to environmental protection is Title II, which deals in its five chapters with measures for the protection of biological aquatic resources and the marine environment. • Moreover, an enabling legislation of the above Act was approved, focusing on the rules of fishing concessions and licensing (Decree No. 14/05 of May 2005).
		Presidential Decree No. 130/20 of 11 May	<ul style="list-style-type: none"> • This decree approves the Marine Fisheries, Inland Fisheries and Aquaculture Management Measures for the year 2020, which are intended primarily to adjust the capacity of catches to the available potential of aquatic biological resources and the development of sustainable aquaculture, as well as to ensure the protection and conservation of target species and their ecosystems.
Conservation	Ministry of Agriculture and Fisheries	Decree No. 92/04 of 14 December	<ul style="list-style-type: none"> • This Decree prohibits the importation of transgenic, genetically modified seeds or grains.

Sector	Primary Agency	Title and date of document	Purpose
		Resolution No. 1/10 of 4 January	<ul style="list-style-type: none"> National Policy of the Forests, Wildlife and Protected Areas. It focuses in four main axes, namely economic, social, institutional and environmental. The economic axis aims at promoting the economic use and profitability of forests, the social axis advocates the establishment of mechanisms for the participation of local communities, the private sector and civil society in the management and sharing of benefits resulting from the sustainable exploitation and use of forests, while the institutional axis is aimed at establishing institutional capacity building mechanisms to ensure efficiency, transparency, professionalism and confidence in the fulfilment of the mandate related to the management of forest areas. The environmental axis aims at contributing to the conservation and protection of terrestrial biodiversity, with a view to national sustainable development.
		Law No. 6/17 of 24 January	<ul style="list-style-type: none"> This Law is applicable to forests and wildlife, as well as their biological diversity and related activities. Not applicable to aquatic biological resources, genetic resources and environmental conservation areas.
	Ministry of Culture, Tourism and Environment	Presidential Decree No. 26/20 of 6 February	<ul style="list-style-type: none"> Contains the Biodiversity National Action Plan.
		Law No. 8/20 of 16 April	<ul style="list-style-type: none"> Defines the Environmental Conservation Areas System Action Plan.
Waste	Ministry of Culture, Tourism and Environment	Presidential Decree No 190/12 of 12 August	<ul style="list-style-type: none"> This Decree approves the regulations on waste management.
	Ministry of Health	Presidential Decree No. 160/14 of 18 June	<ul style="list-style-type: none"> This Presidential Decree on Medical Waste and Health Services aims to regulate the medical waste produced by hospitals, medical centres, pharmacies as well as education and research institutions with a focus on the health sector. It provides the rules and procedures for the management of medical waste including storage, transport and final destination and the need for the development of individual medical waste management plans.
	Ministry of Culture, Tourism and Environment	Presidential Decree No. 265/18 of 15 November	<ul style="list-style-type: none"> This Regulation for the Transfer of Waste destined for Reuse, Recycling and its Valorisation outside of the Country establishes the rules and procedures for operational and administrative control over the transfer of waste destined for reuse, recycling and its recovery outside the country.
Local Authorities	Provincial and local authorities	Law No. 15/16 of 10 November	<ul style="list-style-type: none"> Approval of the State's Local Administration Law. Establishes the principles and rules of the organisation and work of local government bodies, which are applicable at the province, municipal and intra-municipal levels, ruling administrative control, relations with central administration bodies, coordination between both, guarantees administrative, personnel and regime, remuneration, financial and patrimonial regime.
Investment	Ministry of Public Works and Territory Planning	Law No. 10/18 of 26 June	<ul style="list-style-type: none"> Foreign Investment Law. The Act plays an important role in setting up mechanisms to enforce regulations on environmental protection, sanitation and the protection and security of workers against occupational diseases and accidents at work.

Sector	Primary Agency	Title and date of document	Purpose
Mining	Ministry of Mineral Resources, Petroleum and Gas	Law No. 31/11 of 23 September	<ul style="list-style-type: none"> • The Mining Code of 2011 repeals a number of old laws relating to mining, such as the Law of Mines (Lei das Minas), No. 27 of 1979, the Geological and Mining Activities Law, No. 1 of 1992, and the Diamond Act, No. 16 of 1994. The new Mining Code amalgamated these (and other laws) into a single set of regulations, with the intention of providing easier access to applicable laws and harmonising, to the extent possible, the rules and procedures that apply to particular activities. • The Code applies to all mining activities (such as prospecting, mining and commercialisation) that take place in Angola and all maritime areas that are subject to the Angolan jurisdiction. It does not apply to hydrocarbons, whether in liquid or gas form. • The Code further provides that, in consideration for granting mining rights, the Angolan state shall be entitled to compensation, in the form of a participation of not less than 10% in the company that conducts the activities and/or allocations in kind of the minerals to be extracted. • The Code contains specific (broadly speaking stricter) rules for mining activities that involve strategic minerals. Gold, diamonds and radioactive minerals are currently designated as strategic minerals, although the Angolan Executive can designate others. • All mineral resources that can be found in Angola and within the maritime boundary of Angola are deemed the property of the Angolan state. However, the minerals explored and extracted by holders of mining rights are the property of these parties in accordance with the terms of their concession. • Mining rights can be granted for the following activities: <ul style="list-style-type: none"> ○ Prospecting for specific minerals; ○ Mining of specific minerals; ○ Prospecting and exploitation of minerals for civil construction; and ○ Artisanal mining. • The Mining Code imposes a number of obligations on the holders of mining rights regarding the exercise of their rights. These include obligations in the areas of: <ul style="list-style-type: none"> ○ Hygiene, health, security and training; ○ Environmental protection; ○ Use of soil; and ○ Use of explosives.²¹
Land	Ministry of Culture, Tourism and Environment Ministry of Agriculture and Fisheries	Law No. 3/04 of 25 June	<ul style="list-style-type: none"> • Land Use Planning and Urban Development. • The Act adopts a concept of integrated planning, which not only includes socio-economic aspects but also attempts to create synergies in the relationship between the city and the countryside. It calls for the establishment of a decentralised system to coordinate land use planning.

²¹ Governo de Angola. (2011). Aprovação do Código Mineiro (Lei nº 31/11 de 23 de Setembro). Governo de Angola, Luanda.

Sector	Primary Agency	Title and date of document	Purpose
	Ministry of Public Works and Territory Planning	Law No. 9/04 of 9 November	<ul style="list-style-type: none"> • This Law deems land to be the property of the state and proposes the following multiple uses for the land: <ul style="list-style-type: none"> ○ A shelter and home for the inhabitants of Angola, which implies the existence of an appropriate urban planning system; ○ A source of natural resources that can be used for mining, agriculture, forestry and land planning; and ○ A support for economic, agricultural and industrial activities. • It contains a number of aspects related to the environment, which are important to foster sustainable development and the improved use of the soil and natural resources. The Law refers to various other pieces of environmental legislation, with particular emphasis on the Environment Framework Law. The other legislation is used to support mechanisms for the implementation and enforcement of certain Articles and clauses of the Law. • It presents two land classifications, namely urban land (areas for the construction of buildings) and rural land (areas for agriculture, raising livestock, 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 decides on the establishment of protected areas (total and partial reserves) for specific purposes, such as 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 and estuaries) and land areas (e.g. roads, inland borders, airports and ports, and military bases). • The Law also allows for the state to expropriate land for public use.

Sector	Primary Agency	Title and date of document	Purpose
Water	Ministry of Energy and Water	Law No. 6/02 of 21 June	<ul style="list-style-type: none"> • Water Law. • This Law states the priorities for the use of surface water resources in Angola. It enables the State Secretariat 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. The Act calls for the development of a General Plan for the Development and Use of Water Resources in River Basins. • It further notes that water resources are state property. Article 6 gives the right to the organ of state responsible for water affairs to ensure the preservation and conservation of areas of partial protection. • The Act describes a number of principles of water management that the government should put into practice. These include: the right of 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; and the relationship between pollution and social and financial issues. • It encourages the development of a new administrative policy for the water sector, which includes a decentralised system of control over the use of water, as well as for the protection of water resources and the environment. In the implementation of such a policy, the government aims to achieve a number of objectives, namely to ensure access to water resources; ensure a continuous balance between the availability of water resources and demand; promote research activities and the sustainable use of existent water resources; ensure proper sewage systems; and regulate the discharge of domestic effluents.
		Presidential Decree No. 261/2011 of 6 October	<ul style="list-style-type: none"> • Diploma on water quality for public health, the integrated management of water and environmental protection. • It establishes the roles within the Angolan governmental administration for overseeing water quality issues and addresses water quality standards relating to human consumption and wastewater. It also indicates the role of water quality monitoring along with the standard parameters for both drinking and surface water, and emissions limits for wastewater discharge. It also regulates the control standards of wastewater discharge to waterbodies and soil, in order to preserve the quality of the aquatic environment and protect public health.
		Presidential Decree No. 82/14 of 12 April	<ul style="list-style-type: none"> • The Regulation on Public Water Supply and Wastewater Sanitation Activities defines the regime for public water supply and wastewater sanitation, establishing rules on assets and means associated with the systems.
Cultural Heritage	Ministry of Culture, Tourism and Environment	Cultural Assets Law No. 14/05 of 11 October 2005	<ul style="list-style-type: none"> • Approval of the Cultural Heritage Law, which establishes the basic protection and enhancement policy and regime for the of Cultural Heritage, considered to be of relevant interest for understanding, permanence and construction of the Angolan cultural identity

Sector	Primary Agency	Title and date of document	Purpose
Occupational Health and Safety	Ministry of Public Administration, Work and Social Security	Law No. 7/15 of 15 June 2015	<ul style="list-style-type: none"> • General Labour Law. • Replaces the old Labour Law No 2/00. The new Law has brought significant changes to the Angolan labour market, and one of its main purposes is to ensure the creation of employment and the economic and social development of Angola.
		Decree No. 31/94 of 5 August 1994	<ul style="list-style-type: none"> • Establishes the principles to promote health, safety and workplace conditions.
		Decree No. 31/95 of 5 November 1995	<ul style="list-style-type: none"> • Contains the Regulations relating to occupational health and safety systems.
		Executive Decree No. 128/04 of 23 November 2004	<ul style="list-style-type: none"> • Sets out the regulations pertaining to safety and health in the workplace.
		Decree No. 53/05 of 5 August 2005	<ul style="list-style-type: none"> • Sets out the legal regime relating to occupational accidents and diseases.
Petroleum	Ministry of Mineral Resources, Petroleum and Gas	Decree No. 39/00 of 10 October	<ul style="list-style-type: none"> • This Decree, which is administered by the Ministry of Petroleum, aims 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 and the like, and is applicable to activities both off- and onshore (Article 3). • In regulating petroleum activities in a way that ensures sustainable development, the Decree recognises the impact of these activities on the natural environment. It also calls for compulsory implementation of EIAs as an important instrument for ensuring 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 MCTA (Article 6). • The government is developing complementary legislation to this Decree, including on the management of operational discharges; the management, collection and treatment of waste; and the procedures for the notification of oil spills.
		Law No. 10/04 of 12 November	<ul style="list-style-type: none"> • Petroleum Activities Law. • This Act includes principles of economic policies, particularly for the protection of national interests, the promotion of the workforce, the valuation of minerals, and environmental protection. • It establishes the exclusivity principle for the national petroleum concessionary Sonangol, by giving Sonangol the right to use natural resources through the establishment of partnerships with other foreign companies. • Article 24 on Environmental Protection indicates that all companies involved in petroleum operations, including Sonangol, have to implement appropriate measures to ensure environmental protection and preservation. This includes health, water, soil and subsoil, air, biodiversity preservation, flora and fauna, ecosystems, landscapes, atmosphere and cultural, archaeological and aesthetic values. In addition, Article 24/2 requires plans on environmental preservation, EIA plans, rehabilitation plans and environmental audits to be submitted to the competent authorities within the established timeframes.

Sector	Primary Agency	Title and date of document	Purpose
		Executive Decree No. 8/05 of 5 January	<ul style="list-style-type: none"> Relates to the procedures for waste management. Article 7/2 states that all petroleum operations must be conducted carefully, by considering the safety of people and infrastructure as well as the protection of the environment and the conservation of nature. Furthermore, Article 9/3 notes that rights for petroleum operations can only be granted if measures are in place to ensure the sovereignty of the country, safety, environmental protection, research and the management and preservation of natural resources, including the living and non-living aquatic biological resources.
		Executive Decree No. 11/05 of 12 January	<ul style="list-style-type: none"> Relates to the procedures for oil spill notification. Defines and standardises the procedures for notifying the occurrence of spills to be provided to the Ministerial Department for the Oil and Gas Sector by the operator and other oil companies.
		Executive Decree No. 97/14 of 8 April	<ul style="list-style-type: none"> Relates to procedures for the management of operational discharges. Establishes the rules and procedures to be followed in the management of operational discharges undertaken by oil companies, or from the petroleum sector, both onshore and offshore, except for facilities in transit. It also provides instructions for the Operational Discharge Management Plan, with requirements regarding the discharge into the sea of the main effluents (namely, water-based drilling mud, and non-aqueous based mud, drill cuttings, produced water, produced sand), and collateral effluents (cooling water, ballast water, open drain waters, sanitary wastes, food and domestic wastes, and chemical additives).
		Presidential Decree No. 91/18 of 10 April	<ul style="list-style-type: none"> Establishes rules and procedures governing the abandonment of oil wells and for oil and gas facilities decommissioning in the Angolan territory. The rules and procedures of this Presidential Decree are applicable to the abandonment of wells and dismantling of facilities used in oil operations carried out on land and at sea, in accordance with the Law of Petroleum Activities, approved by Law No. 10/04 of 12 November, and are not applicable to the dismantling of facilities used for the activities of crude oil refining, transportation, logistics, distribution and sale of petroleum products, defining the general principles on which the abandonment plan, delivery facilities and wells, inspection and auditing, and provisioning, methodology and cost estimates.

Source: Adapted from *Diário da República*, various issues, 1979–2020, documents from the Ministry of Environment and www.angolaenvironmentalconsulting.com/legsupenv.html

3.6 Resettlement Legislation

Involuntary resettlement in Angola is guided by the Land Law (No. 9/04 of 9 November) and the Regulation on Resettlement (see Table 3.6). Under Article 12 of the Land Law, the state is allowed to expropriate land for public purposes. In order to obtain an Environmental Licence, the proponent or developer must attach written agreements pertaining to land acquisition and

resettlement to the final draft EIS. The Presidential Decree No. 117/16 of 30 May 2016 establishes the rules for resettlement and rehousing for public projects but can be applicable to other projects. This Regulation aims to define the rules, procedures and criteria that should govern the action of the organs of public administration and autonomous state in the resettlement and rehousing process for a group of people living in a given territory, households, residents affected by redevelopment and conversion of urban areas, in accordance with the principles governing public administration, without prejudice to the pursuit of public interest and the protection of rights and interests of citizens.

Article 3 defines that it is the responsibility of the Provincial Governments (or other designated entity) to manage the resettlement operations. Where the relocation results from an expropriation order, it is the responsibility of the expropriating authority to manage the resettlement process.

According to Article 4, resettlement may be required in the following circumstances:

- Natural catastrophes;
- Urban re-zoning and urban renewal;
- Family disaffection as a result of public works;
- Distribution of housing under housing programmes.

Appendix 3-1: List of Category A projects that require an EIS

Because of their complexity, location, and/or irreversibility and magnitude of possible impacts, Category A projects requires an EIS, in accordance with Article 7 of Presidential Decree No. 117/20 (Annex I of the EIA Regulations).

Activities related to and/or located in the following areas are part of this category:

1. The physical and economic displacement of families that does not correspond to the model of resettlement defined in the Regulation on the Resettlement Process Resulting from Economic Activities;
2. Activities located in areas of high biodiversity value, including:
 - a) Habitats of significant importance for species that are critically endangered and/or threatened under national or international legislation;
 - b) Habitats of significant importance for endemic and/or restricted species;
 - c) Habitats of significant importance for protected species in the country;
 - d) Habitats that provide conditions for the existence of significant concentrations of migratory and/or congregational species;
 - e) Highly threatened and/or unique ecosystems;
2. Areas associated with key evolutionary processes like mangroves;
3. Activities with potentially irreversible impacts (prior to the application of mitigation measures) in areas where human activity has not substantially modified native ecological functions and species composition;
4. Activities located in conservation and protection areas and in their buffer areas, except for activities proposed by the managing entity of referred Conservation Area, when intended to improve its management;
5. Activities whose implementation directly affects coral reefs and primary dunes, mangroves, wetlands and seagrass where they are affected over an area of more than 1ha;
6. Populated areas where activity may involve high levels of pollution or other disturbances that could significantly affect local communities;
7. Native forests;
8. Zones containing animal and/or plant species, habitats and endangered ecosystems;
9. Zones of unique scenery;
10. Include in this Category:
 - a) Treatment and manufacture of dangerous substances classified as carcinogenic, mutagenic or toxic;
 - b) Manufacture of products using genetically modified organisms, and their derivatives;
 - c) Manufacture of pesticides;

- d) Nuclear power plants;
- e) Processing and storage of radioactive wastes;
- f) Extraction and processing of minerals;
- g) Extraction, storage, transport, processing and production of hydrocarbon derivatives;
- h) Underground and above-ground storage facilities for combustible gases.

Appendix 3-2: List of Category B projects that require an EIS

The projects that require an EIS are listed in Annex II of Presidential Decree No. 117/20, as follows:

Activities relating to and/or located in areas with characteristics described below are classified as Category B activities, in accordance with Annex II of Presidential Decree No. 117/20 (Annex II of the EIS Regulations):

Areas and ecosystems recognised as having special protection status under national and international legislation, such as:

1. Small islands;
2. Zones of imminent erosion;
3. Zones exposed to desertification;
4. Zones of archaeological, historical and cultural value to be preserved;
5. Protected areas
6. Marshlands;
7. Areas containing extinct animal and / or plant species, inhabitants and ecosystems;
8. Unique/unparallel scenic areas;
9. Protection areas around water supply springs and fountains;
10. Groundwater aquifers;
11. Populated areas that imply the need for resettlement;
12. Regions subject to high development levels or where there are conflicts in the distribution and use of natural resources;
13. Areas along rivers or areas used by local communities as a source of water supply;
14. Areas prone to natural disasters:
 - a) Included in this region;
 - b) All activities that involve population resettlement;
 - c) Urban subdivision activities and/or development of new villages/neighbourhoods with more than 10 ha.
- 15. Infrastructure:**
 - a) All activities requiring population resettlement;
 - b) Urban subdivision and/or development of new villages or neighbourhoods with more than 10 ha;
 - c) Tourist enterprises outside urban zones or in zones without land use plans – with capacity equal to or higher than 150 beds;
 - d) Camping sites for more than 650 users or with an area equal to or greater than 5 ha;
 - e) Theme parks with an area of more than 8 ha;
 - f) Industrial zoning activities of more than 15 ha;

- g) Construction or expansion of recreational areas, such as golf courses, in an area equal to or greater than 5 ha;
- h) Marinas and docks with more than 75 mooring points;
- i) Works for the transfer of water resources between watersheds where it is intended to augment water shortages in one region and the water volume to be transferred exceeds 100 million m³/year;
- j) All main roads outside urban areas;
- k) Railway and road bridges more than 100 m long;
- l) Railways of length equal to or longer than 5 km;
- m) Airports, aerodromes with a runway of length equal to or greater than 1,800 m;
- n) Heliports in residential, industrial and sensitive areas;
- o) Water pipelines over 0.5 m in diameter and over 10 km in length;
- p) Oil pipelines, gas pipelines, submarine cables and land fibre-optic cables of more than 5 km in length;
- q) Construction or expansion of ports and port facilities for vessels with tonnage greater than 4,000 gross tonnes (related to total internal volume of the ship);
- r) Shipbuilding and repair shipyards with a proposed area equal to or more than 5 ha, or a coastal length of more than 150 m;
- s) Dams and weirs with a flooded area equivalent to or greater than 5 ha;
- t) Water mains or aqueducts of more than 10 km in length and diameter equal to or greater than 1 m;
- u) Exploration for and use of groundwater resources, including the production of geothermal energy, involving the extraction of more than 500 m³/h or 12,000 m³/day;
- v) Dredging of new port access navigation channels;
- w) Anchorages or shipping berths;
- x) Electric train and metropolitan lines;
- y) Rehabilitation of fixed iron ore port facilities;
- z) Construction of waterways and works for construction and regularisation of watercourses;
- aa) Coastal works to contain marine erosion (dykes, jetties or spurs).
- bb) Housing complexes with more than 15 houses and horizontal or vertical properties in non-urbanised areas;
- cc) Hypermarkets with areas equal to or greater than 1 ha.

16. Forestry exploration:

- a) Deforestation, parcelling and exploitation of indigenous vegetative cover, individual and cumulative;
- b) All deforestation activities over more than 50 ha, reforestation more than 250 ha.

17. Agriculture:

- a) Parcelling activities for agriculture of more than 350 ha with irrigation, and more than 1,000 ha without irrigation;
- b) Conversion of agricultural land for commercial, urban or industrial purposes;

- c) Conversion of uncultivated land equal to, or greater than 100 ha to intensive agriculture for more than five years;
- d) Introduction of new crops and exotic species;
- e) Irrigation systems for areas of more than 350 ha;

18. Intensive animal breeding activities for more than:

- a) 50,000 poultry per year;
- b) 1,500 pigs and/or 100 breeding sows/year and 500 cattle/year with an individual or cumulative area of less than 1,000 (4 ha/ animal);

19. Intensive livestock activities for more than:

- a) 500 cattle/year with an individual or cumulative area of less than 2,000 ha (4 ha/animal);
- b) 2,000/year (small ruminants – sheep and goats);
- c) Aerial or ground spraying of pesticides over areas, individual or cumulative, greater than 1,000 ha.

20. Fisheries:

- a) Industrial fishing activities involving increased pressure on fishery resources;
- b) Aquaculture activities with more than 50 tonnes of production per year.

21. Industry

22. Production and transformation of metals and non-metals;

23. Production and processing of metals;

24. Surface treatment of metals and plastics that use chemical and electrolyte processes – total volume of treatment tanks equal to or greater than 30 m³;

25. Manufacture and assembly of motor vehicles;

26. Manufacture of glass and its derivatives;

27. Ceramic industry;

28. Bending of zinc sheets;

29. Manufacture of railway equipment.

30. Chemical industries:

- a) Production of pharmaceutical products;
- b) Production of cigarettes, cigars and the like;
- c) Production of paint and varnish from primary raw materials;
- d) Infrastructure for fuel supply;
- e) Production and treatment of products based on elastomers;
- f) Peroxide production;
- g) Production or processing of fertilisers;
- h) Soap production;
- i) Tobacco processing;

31. Food:

- a) Animal feed production equal or more than 500 t/month;
- b) Food and drinks processing industry with production greater than 10 t/day;
- c) Milk and milk products production;

- d) Juice and/or water production and processing;
- e) Oil production and animal fats (production equal to or greater than 10 t/day) and vegetal fats (equal to or greater than 300 t/month);
- f) Sugar production including the cultivation of sugarcane;
- g) Cookies, pasta, biscuits and sweets industries.

32. Textiles, tanning, wood and paper:

- a) Paper and cardboard production with a capacity of more than 10 t/day;
- b) Cleaning, bleaching, mercerisation or dyeing of fibres and textiles with a capacity of more than 10 t/day;
- c) Tanning factory with a capacity of more than 6 t/day;
- d) Facilities for production and treatment of cellulose with a capacity of more than 10 t/day.
- e) Furniture factory;

33. Mining and quarrying industry:

- a) Quarries with a mining concession;
- b) Industrial installations and complexes such as cement milling plant, steel mill and coconut trees. This type of activity must be located in industrial parks, or where there are no spatial planning instruments at a minimum distance of 20 km from the housing areas;

34. Industrial carpentry;

35. Energy:

- a) Hydroelectric power plants; thermal power stations; geothermal installations; photovoltaic, wind and wave energy projects;
- b) Facilities for surface storage of liquid or solid fuels;
- c) Industries manufacturing briquettes, black coal and lignite with production capacity equal to or higher than 150 t/day; and
- d) 66 kV power transmission and distribution lines.

36. Conservation areas

- a) Establishment of national parks, reserves, game reserves, areas of fauna management and buffer areas;
- b) Commercial exploitation of natural fauna and flora;
- c) Introduction of exotic species of fauna and flora.

37. Treatment and disposal of solid and liquid waste:

- a) Municipal waste disposal sites with a load of more than 500 t/day;
- b) Storage, transportation, treatment and disposal of hazardous industrial waste;
- c) Storage, transportation, treatment of medical waste, from general, central and provincial hospitals;
- d) Treatment plants and effluent disposal systems;
- e) Installation of wastewater/sewage treatment with capacity for more than 150,000 inhabitants;
- f) Treatment and disposal of solid waste and effluents;
- g) Storage, transport, treatment and disposal of hazardous industrial waste;
- h) Landfills;

- i) Storage, transport, treatment and disposal of medical waste from central, general, provincial, district hospitals and clinics with maternity and general surgery services;
- j) Wastewater/sewage treatment facilities;
- k) Storage areas, scrap treatment greater than 5 ha;
- l) Cemeteries with an area of more than 25 ha; and
- m) Waste treatment and other incinerators.

38. Other projects.

All projects and or activities that are not listed in categories C and D are subject to environmental licensing from Central government.

Appendix 3-3: List of Category C projects that require a Simplified Environmental Study (SES)

In general, they do not significantly affect human populations or environmentally sensitive areas in comparison to Category B projects. Included in this category are:

1. Fuel filling stations with a capacity of 200 m³ or less;
2. Lubricant stores with a capacity of 200 m³ or less;
3. Container petrol stations;
4. Hotels, hotel-residential, motels, pensions and lodges in cities and towns up to 4 floors in urban areas;
5. Refrigeration facilities;
6. Fruit and vegetables preservation industry with production of 300 t/d or less;
7. Scrap storage areas of less than 2 ha;
8. Transmission and distribution powerlines below 66 kV;
9. Tyre re-treading;
10. Municipal water supply and sanitation systems, and its pipelines;
11. Cashew nut processing plant;
12. Car repair services and washing station;
13. Poultry farming in sheds with capacity between 1,000 and 1,500 animals/year;
14. Transformation or removal of native vegetation from areas between 100 and 200 hectares for agriculture with irrigation;
15. Industrial production located at a minimum distance of 6 km from the housing areas;
16. Industrial flour processing below 100 t/month;
17. Production and processing of wigs (synthetic hair);
18. Domestic carpentry and woodwork;
19. Exploration of aggregates (sand and gravel);
20. Hypermarkets with an area less than or equal to 1000 m²;
21. Bakery industry;
22. Production of fibre, particleboard and plywood panels;
23. Intensive livestock activities (poultry <1000 animals/year);
24. Activities in conservation areas proposed by the management entity of conservation area, aimed at improving its management;
25. Schools with a capacity of over 1,500 students;
26. Storage, treatment, transportation and disposal of medical waste from rural hospitals, health centres and clinics and private clinics with minor surgery services;
27. Activities for the construction of parking lots in a horizontal property above 200 spaces;
28. Dredging of maintenance navigation channels, not exceeding the previously reached bottom levels.

Appendix 3-4: List of Category D projects that do not require an EIS or SES

These are activities with negligible, insignificant or minimal negative impacts. There are no irreversible impacts in this category, and the positive ones are clearly higher and more significant than the adverse effects. The following activities are included in category D:

1. Irrigation systems with individual or cumulative areas up to 50 ha;
2. Telecommunication towers;
3. Medical centre up to 10 beds;
4. Pharmacies;
5. Bank branches;
6. Bookstores;
7. Beauty salons and barbershops;
8. Tailoring, boutiques and shoe shops;
9. Canteens (for food products);
10. Barbecues and bars;
11. Exploration and use of underground water resources, including the production of geothermal energy that involves the extraction of more or less than 200 m³/year;
12. Equipment installation within existing railway port areas;
13. Construction activities for parking lots on a horizontal property up to 200 spaces.

Appendix 3-5: List of Category E projects with possible fatal flaws

The projects that would be considered to have fatal flaws are listed in the Annex V of Presidential Decree No. 117/20. During the EIA process, fatal issues should always be assessed. These constitute areas in which no activity potentially causing significant negative impacts are authorised, namely:

1. Areas of total environmental protection, except for activities proposed by the conservation area management entity, when it is intended to improve their management;
2. Areas with the following characteristics:
 - a. Presence of critically endangered and/or endangered species, comprising the habitat necessary to sustain 10% of the global or national population of a critically endangered or endangered species, species/subspecies where are known regular occurrences of the species and where these habitats can be considered a discrete management unit for the species; or habitat with known regular occurrences of critically endangered or endangered species, where that habitat is one of 10 or less sites managed discreetly globally for these species;
 - b. Presence of a variety of endemic/restricted species, namely habitat known to support about 95% of the world or national population of an endemic or limited range species, where the habitat can be considered a discrete management unit for the species (e.g., endemic unique site);
 - c. Presence of migratory/congregational species, integrating habitats known to sustain, cyclically or otherwise regularly 95% of the world or national population of a migratory or congregational species at any point in the species life cycle, where that habitat can be considered a discrete management unit for these species.

Acronyms

DNPAIA	<i>Direcção Nacional de Prevenção e Avaliação de Impactes Ambientais</i> (National Directorate for the Prevention and Assessment of Environmental Impacts)
EIA	environmental impact assessment
EIL	Environmental Installation Licence
EIS	environmental impact study
EOL	Environmental Operation Licence
EPDA	<i>Estudo de Pré-Viabilidade Ambiental e Definição do Âmbito</i> (Environmental Pre-Feasibility Study and Scoping Report)
Kz	Kwanza
MCTA	<i>Ministério da Cultura, Turismo e Ambiente</i> (Ministry of Culture, Tourism and Environment)
NAP	National Adaptation Plan
NAPA	National Adaptation Programme of Action
NBSAP	National Biodiversity Strategy and Action Plan
PDN	<i>Plano de Desenvolvimento Nacional</i> (National Development Plan)
PNGA	<i>Programa Nacional de Gestão Ambiental</i> (National Environmental Management Programme)
SADC	Southern African Development Community
SES	Simplified Environmental Study
ToR	terms of reference
UCF	<i>Unidade de Correção Fiscal</i> (Tax Correction Unit)
UNDP	United Nations Development Programme

Useful contacts

Department	Ministry	Telephone	Fax	Website
Directorate for the Prevention and Assessment of Environmental Impacts	Ministry of Culture, Tourism and Environment			www.minamb.gov.ao dnpaia.amb@minamb.gov.ao