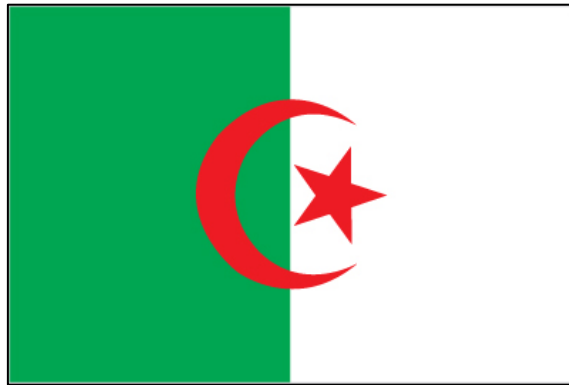


CLIMATE CHANGE LEGISLATION IN

ANGOLA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study **A Review of Climate Change Legislation in 99 Countries**



Michal Nachmany, Sam Fankhauser, Jana Davidová, Nick Kingsmill, Tucker Landesman, Hitomi Roppongi, Philip Schleifer, Joana Setzer, Amelia Sharman, C. Stolle Singleton, Jayaraj Sundaresan and Terry Townshend

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Angola

Legislative Process

The legislative process in Angola is established by the 2010 Constitution. The Constitution defines the Angola as a unitary state. The President of the Republic is the Head of State, the Executive Power and the Commander-in-Chief of the Armed Forces. Among its duties, the President of the Republic shall enact the laws of the National Assembly. The President should enact a law within 30 days of receiving it; within this period, the President can ask the National Assembly to reconsider the legislation. If, after this reconsideration, a two-thirds majority of the Members approve the legislation, the President must enact it within 15 days. The President also issues Presidential legislative decrees, provisional Presidential legislative decrees, Presidential decrees, and Presidential dispatches, which are published in the *Diário da República* (Official Gazette).

The National Assembly is the parliament, a unicameral body, with 220 members. The members are elected for five years according to a system of proportional representation, where 130 members are elected at national level, and 90 members are elected by provincial districts (five members for each province). After the first election for the National Assembly was held in 1992, the following election, scheduled for 1997, was delayed on numerous occasions until it was eventually held in 2008. The last election was held in 2012.

In the exercise of its functions, the National Assembly issues constitutional revision laws, organic laws, general laws, authorisations to legislate, and resolutions. Unless authorisation is granted to the Executive to do so, the National Assembly has competence for legislating on nature protection, ecological and environmental balance, and cultural heritage.

The power to initiate legislation is exercised by Members of Parliament, Parliamentary Groups and the President. Groups of citizens and the organisations representing them may present proposals for introducing new legislation. Bills of laws and resolutions are approved by an absolute majority vote of the Members present, provided that this amounts to more than half of the Members in full exercise of their office.

Responsibilities of local authorities include energy, water, transport, civil defence, the environment and basic sanitation, promotion of economic and social development.

Approach to Climate Change

Angola ratified the UNFCCC in 2000, and the Kyoto Protocol in 2007. The government has been making an effort to establish policies and regulation to protect the environment and address climate change. However, Angola still suffers the impacts of a devastating civil war that started in 1975 and lasted until 2002, after Angola gained its independence from Portugal. As a result of this long conflict, institutions face organisational deficiencies and there is a general lack of human resources in the country. Despite being the third-largest economy in Sub-Saharan Africa, around 36% of Angolans live below the poverty line. At the same time, CO₂ emissions are increasing rapidly in the country. Increase in crude oil output, land-use change, especially deforestation and forest degradation, constitute major sources of GHG emissions in Angola.

The main climate change forum is the National Committee on Climate Change and Biodiversity. This was created in 2012 under the Minister of Environment, and is composed of representatives from the Ministry of Oil; the Ministry of Transport; the Ministry of Education, Science and Technology; the Ministry of Health; the Ministry of Agriculture, Rural Development and Fisheries; the Ministry of

Telecommunications and Information Technology. The Committee has a number of responsibilities: harmonising the programmes and policies for the implementation of the National Climate Change and Biodiversity Strategies; creating the necessary conditions for the implementation of the National Climate Change Plan; creating a national plan for investments integrating issues related to climate change, biodiversity and desertification; and creating centres of excellence to carry out research on natural disasters and systematic observation and investigation of climate.

Angola has a National Implementation Strategy for the UNFCCC and the Kyoto Protocol, which was approved in 2008. The Strategy called for the preparation of GHG inventories and reports, the adoption of mitigation programmes, promotion of awareness, knowledge and experience sharing through international co-operation, promotion of clean technologies and the establishment of a structure to promote the flexible mechanisms under the Kyoto Protocol. Out of these activities, in 2009 the government established a Designated National Authority, and in 2012 submitted its Initial National Communication to the UNFCCC, which presented the national GHG inventory, covering energy, industrial processes, agriculture, forestry, land use and waste. Beyond that, education, awareness rising and investigation actions are being conducted. A Climate Action Plan, which should follow the Strategy, was not yet prepared. The Ministry of Environment, with support from the UNDP, is currently working on the Second National GHG Inventory and on the preparation of the Second National Communication under the UNFCCC.

In addition to the National Implementation Strategy, the government is starting to integrate climate change into broad national strategies. The 2013-2017 National Development Plan (PND, in Portuguese) is the first medium-term plan drafted within the framework of the new Constitution of Angola. The PND focuses on poverty reduction, eradication of hunger, accelerated infrastructure development, assistance to young entrepreneurs, and better access to education and training. Some of the activities planned by the PND are relevant to climate change: the improvement of meteorological centres and services; the promotion of afforestation and reforestation; the adoption of measures to control floods and droughts; the promotion of decentralisation and diversification of energy sources (e.g. small hydroelectric plants, hydro, solar, wind and biomass); and the improvement of public transportation at the municipal, provincial and inter-provincial levels. The Plan explicitly mentions the need to improve irrigation as a way to reduce the impacts of climate change, and it requires the implementation of national climate change programmes.

The government is also trying to improve its knowledge of Angola's GHG emissions and vulnerabilities to climate change. The initial National Communication to the UNFCCC, for example, acknowledges the difficulties in obtaining reliable information on climate variation and emissions. The National Institute of Meteorology and Geophysics (INAMET), created in 2006, is the main institution responsible for monitoring the weather and the climate. INAMET has a new strategic development plan for 2014-2020, which aims at improving investments in equipment and specialised technical personnel. The government also created the Centre of Tropical Ecology and Climate Change (CETAC) in 2012, which has a Department responsible for implementing and controlling climate change policies. The Strategic Plan for New Environmental Technologies created in 2013 explicitly takes into consideration the commitments assumed by Angola within the UNFCCC and calls for the implementation of environmental technologies that can optimise the use of natural resources, energy efficiency and promote sustainable development. The National Action Programme to fight Desertification (PANCOD), approved in 2014, further addresses this issue, containing a cross-cutting strategy which can contribute to promoting climate change adaptation and mitigation strategies.

Energy supply

Angola's economy is largely dependent on oil production. Oil revenue accounted for almost 80% of total government revenue in 2011. Yet, Angola's oil is mainly exported, rather than used for the country's own energy production. The latest 2011 estimate from the World Bank indicates that only 37.8% of Angolans have access to electricity. The majority of people still use traditional solid

biomass and waste (typically consisting of wood, charcoal, manure, and crop residues) to meet off-grid heating and cooking needs, mainly in rural areas. In 2011, about 55% of primary energy consumption consisted of traditional solid biomass and waste.

Energy strategies and policies are under the auspices of the Inter-ministerial Commission on National Energy Security. This Inter-ministerial Commission is responsible for establishing the energy security programme, for defining the institutional structure for implementing this programme, and for guiding the energy balance and the energy matrix in the country. In 2011 the Inter-ministerial Commission established four principles to guide the formulation of energy strategies and policies. These principles are: to establish energy as a main driver of economic development; to develop infrastructure in order to provide affordable energy to the population; to encourage efficient operation and financial stability of the energy sector; and to promote a sustainable development of the economy and society, reducing social and geographical disparities and increasing energy security and environmental sustainability.

In past years, one of the focuses of the government has been to increase electricity supply through renewable energy. In addition to passing legislation, a number of bioenergy projects have been established. These projects aim to produce ethanol from sugar cane (based on the Brazilian model) and biodiesel from palm oil and sunflower seed. The government also wants to increase the amount of energy produced from wind and solar sources. With the extension and diversification of energy sources, the government hopes to improve access to electricity and reduce GHG emissions in rural areas, where in 2009 the contribution of biomass amounted to 80% of all energy. The government also expects that these projects will open way for a multi-billion dollar investment in the energy sector, which would reduce dependence on oil and also develop the farming sector, which was deeply affected by the civil war. In May 2014 the African Development Bank (AFDB) approved a USD1bn loan to help develop Angola's war-ravaged electricity network and facilitate governmental reforms. The government plans to spend USD23bn by 2017 to quintuple installed capacity by building large dams and improving the power transport and distribution networks.

REDD+ and LULUCF

The National Implementation Strategy for the UNFCCC and the Kyoto Protocol contains recommendations for reducing deforestation from forestry exploration, agricultural practices, forest fires, use of wood and coal.

In 2010 the government published its National Policy for Forestry, Wildlife and Conservation Areas and the National Afforestation and Reforestation Strategy. The Afforestation and Reforestation Strategy requires the increase of commercial or industrial forests, as well as protection and conservation of native forests. Angola's National Adaptation Programme of Action (NAPA), published in 2011, lists within its priorities the promotion of alternative renewable energies to avoid deforestation, and the promotion of sustainable land management to increase agricultural yields.

In 2013 the GEF Council approved a USD4.41m grant to implement a project to integrate climate change into sustainable land management practices. The project will disseminate sustainable land management and adaptation practices in agro-forestry and land ecology in 350 communities.

Adaptation

The main document concerning adaptation is the 2011 National Adaptation Programme of Action (NAPA). The Global Environmental Fund (GEF) and the United Nations Environment Programme (UNEP) provided financial and technical support for the drafting of Angola's NAPA. The NAPA acknowledges that there is not enough data allowing for a rigorous estimation of expected climate

changes in Angola. Yet, based on available knowledge and priorities expressed during a consultation project, the NAPA was able to determine a list of adaptation priorities. These priorities include studying the vulnerability of fishing activities in relation to modifications of climate and currents, revising sectoral laws for proactive adaptation, creating early warning systems for flooding and storms, establishing a national institutional mechanism for adaptation planning and mainstreaming, creating soil erosion control through organic methods; and diversifying crops to less climate sensitive cultures.

The National Action Programme to fight Desertification (PANCOD), approved in 2014, further addresses a number of measures relevant to climate change adaptation. A broad range of practices and technologies established by the PANCOD to combat desertification have the potential to either reduce GHG emissions or increase resilience to the adverse impacts of climate change.

Angola: Legislative portfolio

Name of law	Law 06/10 on sugar cane production for biofuel
Date	23 April 2010
Summary	This Law regulates sugar cane production for biofuel purposes. It establishes the general basis for promoting the sugar cane cultivation and other plants in order to exploit their products, in particular with the purpose of biofuel production. Under this law, foreign companies which invest in biofuels must sell to state-owned oil firm Sonangol part of their biofuels production to satisfy Angola's internal consumption needs. It also states that foreign companies must provide local people with medical assistance and access to water and other basic resources in the land they are using to produce biofuels.

Angola: Executive portfolio

Name of Policy	Presidential Decree 85/14 which approves the Statute of the Ministry for Environment (MINAMB)
Date	24 April 2014
Summary	<p>This Presidential Decree approves the Statute of the Ministry for Environment (MINAMB). The Statute establishes attributions, composition and competences of the MINAMB. MINAMB is responsible for co-ordinating and overseeing the implementation of measures, strategies, plans and projects on climate change. It is also responsible for promoting projects and programmes to stabilise GHGs. This Presidential Decree creates the Climate Change Office within the MINAMB.</p> <p>The Climate Change Office is the implementing agency of the National Climate Change Programme. The Office should promote projects and programmes promoting emission reductions. The Climate Change Office has the following responsibilities: (i) co-ordinate and oversee the implementation of measures for the development of strategies, plans and projects on mitigation and adaptation to climate change; (ii) promote projects and emission reduction programmes, and sustainability in order to stabilise GHG; (iii) promote projects and preventing drought and desert encroachment programmes by reducing emissions; (iv) identify and co-ordinate projects under the Clean Development Mechanism; (v) ensure the participation of Angola in the global carbon market; (vi) facilitate integration of adaptation and mitigation programmes aimed at integrating the phenomena of drought disasters and environmental conservation; (vii) promote and co-ordinate the development of policies, programmes and actions to control and reduce emissions of GHGs; (viii) promote and co-ordinate strategies aimed at establishing the framework for intervention in Angola in the legislative, technical, prevention, mitigation and adaptation field to contribute to the stabilisation of emissions of GHGs.</p> <p>It further establishes that the Department of Drought and Desertification and the Department of Vulnerability to Climate Change operate within the Climate Change Office.</p>

Name of Policy	Presidential Decree 17/14 which approves the Modernisation Programme of the National Institution of Meteorology and Geophysics (INAMET)
Date	13 January 2014
Summary	This Presidential Decree approves the Modernisation Programme of the National Institution of Meteorology and Geophysics (INAMET) and the Strategic Development Plan (PDE) for the period 2014-2020. This Modernisation Programme establishes INAMET's inter-ministerial interest. INAMET should deal with climate change, and also civil protection, agriculture, environment, fisheries, water resources, oil, industry, transports, civil construction and energy.
Name of Policy	Presidential Decree 88/13 which approves the Strategic Plan for New Environmental Technologies
Date	14 June 2013
Summary	This Presidential Decree approves the Strategic Plan for New Environmental Technologies. This Plan aims at protecting, preserving and conserving environmental quality standards, controlling environmental pollution as well as conservation areas, including the valorisation of natural heritage its preservation and rational use of renewable natural resources. It explicitly takes into consideration the commitments assumed by Angola within the UNFCCC. It calls for the implementation of environmental technologies which can optimize the use of natural resources, energy efficiency and promote sustainable development.
Name of Policy	Executive Decree 65/13 which approves the Regulation of the National Direction of Petroleum and Biofuel
Date	15 March 2013
Summary	This Executive Decree approves the Regulation of the National Direction of Petroleum and Biofuel within the Ministry of Petroleum. The Regulation establishes composition, duties and responsibilities of the National Direction, entitled to promoting the implementation of the National Policy on Petroleum, for activities related to licensing, exploitation, development and production of petroleum, including processing and biofuel production. The Biofuels Department is in charge of updating and proposing new legislation to regulate the production of biofuels, as well as supervising research, licencing of biofuel production, and establishing incentive mechanisms for biofuel production.
Name of Policy	Presidential Decree 184/12 which creates and approves the Statute of the Centre of Tropical Ecology and Climate Change (CETAC)
Date	17 August 2012
Summary	This Presidential Decree creates and approves the Statute of the Centre of Tropical Ecology and Climate Change (CETAC). This Statute establishes CETAC's composition, duties and responsibilities. CETAC is entitled to carry out researches and investigations in the domain of the tropical ecology and management of natural ecosystems to support the designing and implementation of environment preservation policies and programmes, in order to improve the life conditions of populations through a rational use of water and climatic resources. CETAC's climate change department is responsible for implementing the control of climate change policies. With this objective, CETAC may: develop models to study climate variations; monitor the effects of climate change on air quality, water and soil; develop studies about the interactions between climate change and forests, tropical ecosystems; implement projects to estimate GHG emissions and identify areas for promoting reduction of GHG emissions and CO ₂ sequestration; develop projects to investigate possible perceptions, adaptation and mitigation strategies; analyse the effects of climate change over different living beings, ecosystem services, Earth processes and tropical ecosystems.
Name of Policy	Presidential Order 10/12 which creates the National Committee on Climate Change and Biodiversity
Date	1 February 2012
Summary	This Presidential Order creates the National Committee on Climate Change and Biodiversity. It creates it as an inter-ministerial Committee, establishing its duties and responsibilities. The Committee is responsible for harmonising the programmes and policies for the implementation of the National Climate Change and Biodiversity

Strategies; creating the necessary conditions for the implementation of the National Climate Change Plan; creating a national plan for investments integrating issues related to climate change, biodiversity and desertification; and creating centres of excellence to carry out research on natural disasters and systematic observation and investigation of climate (Article 2). The Presidential Order also establishes that every trimester the Co-ordinator of the Committee shall present to the Minister of the Environment a detailed report regarding the activities undertaken by the Committee.

Name of Policy	Executive Decree 161/10 which approves the Regulation of the National Direction for Renewable Energies (DNER)
Date	29 October 2010
Summary	This Executive Decree approves the Regulation of the National Direction for Renewable Energies (DNER). This Regulation establishes DNER's composition, duties and responsibilities. DNER is an executive service of the Ministry of Energy and Waters and has following responsibilities: designing, proposing and implementing the policy on the development and exploitation of renewable energies; promoting the diversification of the national energy, in particular through the efficient use of renewable energies; participating in scientific research and technological actions related to renewable energies; assessing, certifying and monitoring renewable energy technologies in order to protect the environment and guarantee quality and security standards; licensing renewable energy infrastructures.

Name of Policy	Resolution 52/08, establishing the National Strategy for the Implementation of UNFCCC and the Kyoto Protocol
Date	5 June 2008
Summary	Resolution 52/08 approved the National Implementation Strategy for the UNFCCC and the Kyoto Protocol. The Strategy requires that the government: (i) elaborates GHG inventories and reports about their impact on the environment and on public health; (ii) adopts programmes and projects to mitigate the effects of climate change; (iii) promotes technical/professional awareness; (iv) fosters international cooperation, particularly transfer of knowledge and experiences; (v) promotes the use of clean technologies; (vi) implement the Convention's and the Protocol's commitments; (vii) creates a structure and appropriate instruments for the management of Kyoto Protocol's flexible mechanisms. Out of these activities, Angola submitted its Initial National Communication to UNFCCC in 2012. The communication contains the national GHG inventory. The GHG inventory comprises the following sectors: energy, industrial processes, agriculture, forestry, land use and waste. The government also established a Designated National Authority in 2009. Beyond that, education, awareness rising and investigation actions are being conducted. The Action Plan, which should have followed the approval of the strategy, was not prepared.

The National Strategy discusses the possibilities and opportunities that Angola has as a result of joining the Kyoto Protocol as well as the flexible mechanisms that can be used, especially in the case of Angola, the Clean Development Mechanism (CDM).

The Resolution sets the intervention framework for Angola in the legislative, technical and human domains. This framework should contribute to the stabilisation of GHG emissions and technological development of the country. The National Implementation Strategy comprises: generating reports and inventories about GHG emissions in Angola and their impact on the environment and public health; producing programmes and projects with measures to mitigate the effects of climate change; developing technical and professional training actions in areas related to climate change; fostering international co-operation within the context of climate change, particularly in terms of transfer of knowledge, experience and technology; and instituting the Designated National Authority (DNA) under the Ministry of the Environment as the entity responsible for coordinating inter-sectoral efforts for the implementation of UNFCCC in the country on the issues related to CDM. The DNA had its attributions defined through Government Order 2/10, being responsible for the execution of all CDM actions pertaining to the implementation of UNFCCC in the country.

Sources

- AfDB, 2014. AfDB and Global Environment Facility to Strengthen Climate Change Adaptation with USD 33.58 million. [URL: <http://www.afdb.org/en/news-and-events/article/afdb-and-global-environment-facility-to-strengthen-climate-change-adaptation-with-usd-33-58-million-12082/>]. Accessed 6 June 2014.
- AfDB, 2014. BAD concede mil milhões de dólares para melhorar sector de energia de Angola [URL: <http://www.afdb.org/en/news-and-events/article/afdb-and-global-environment-facility-to-strengthen-climate-change-adaptation-with-usd-33-58-million-12082/>]. Accessed 6 June 2014.
- Angolan Environmental and Climate Change Legislation available on [<http://faolex.fao.org>]
- Angola's Constitution, 2010. [URL: http://www.wipo.int/wipolex/en/text.jsp?file_id=196467]. Accessed 6 June 2014.
- Angola's Initial Communication on Climate Change to the UNFCCC, 2012 [URL: <http://unfccc.int/resource/docs/natc/agonc1.pdf>]. Accessed 6 June 2014.
- Angola Ministry of Energy and Water. Official website [URL: <http://www.minea.gv.ao/>]. Accessed 6 June 2014.
- Angola's 2013-2017 National Development Plan. Official website, DOE Portal [URL: <http://www.minfin.gv.ao/fsys/PND.pdf>]. Accessed 6 June 2014.
- Angola's Ministry of Environment. Official website, DOE Portal [URL: <http://www.minamb.gov.ao/>]. Accessed 6 June 2014.
- Angola's Parliament, 2013. Official website, DOE Portal [URL: <http://www.parlamento.ao/>]. Accessed 6 June 2014.
- US Energy Information Administration. [URL: <http://www.eia.gov/countries/cab.cfm?fips=ao>]. Accessed 6 June 2014.