General Environmental Law
Law No. 5/98

LAW NO. 5/98
of 19 June 1998

The experiences that have been gathered over the last years, both in Angola and internationally, have created a new awareness abut the environmental implications of human development, which has resulted in an increased responsibility of the society as a whole for said implications.

It is the responsibility of each State to define environmental policies which may take into account this new awareness, and which may not only promote the renewal and sound use of the natural resources available, thereby ensuring a sustainable development of mankind, but also may guarantee a sustainable increase of the citizens' quality of life. In the case of Angola, such goal is expressly provided in the Constitutional Law, in Article 12, paragraph 2, and Article 24, paragraphs 1, 2 and 3.

In the case of our country, the first step that must be taken by the State, among other initiatives, in order to bring an environmental policy into existence is the creation of a legal framework which may define in a general way the collective and individual responsibilities to address the complex environmental and ecological matters which we are faced with.

Therefore, pursuant to Article 90, paragraph (h) of the Constitutional Law, the National Assembly approves the following:

GENERAL ENVIRONMENTAL LAW
CHAPTER 1

GENERIC PROVISIONS
Article 1
(Scope)

This law defines the basic concepts and principles for the protection, preservation and conservation of the Environment, promotion of the Quality of Life and the rational use of Natural Resources, in accordance with paragraphs 1, 2 and 3 of Article 24 and paragraph 2 of Article 12 of the Constitutional Law of the Republic of Angola.

Article 2
(Definitions)

The definitions and concepts used throughout the text are defined in the attached list, which is an integral part hereof.

Article 3
(General Principles)

All citizens have the right to live in a healthy environment and to benefit from the rational use of the country's natural resources, and therefore have also the obligation to participate in defending the environment and in the rational use of natural resources.
Due respect shall be paid to the well-being of the all population, the protection and conservation of the environment and the rational use of natural resources; these values shall not be underestimated in relation to merely utilitarian interests.

The State shall prepare a National Environmental Management Program in order to achieve the objectives referred to above, and for the purpose shall create the structures and specialist organizations needed and publish legislation to make it possible to achieve the said aims.

Article 4
(Specific Principles)

On the basis of the general principles provided in Article 3 of this Law, the following specific principles shall be observed:

(a) ***Training and environmental education:*** all citizens have the right and the obligation to receive environmental education in order to better understand the issues of environmental balance, to serve as an essential basis for conscious action in defence of National Environmental Policy;

(b) ***Participation***: all citizens have the right and the obligation to control the implementation of Environmental Policy, through public bodies on which they are represented or through the consultation of specific projects which interfere with their interests or with the balance of the environment;

(c) ***Prevention:*** all activities or undertakings with immediate or long term effects on the environment shall be analysed in advance, in order to eliminate or minimize such negative effects;

(d) ***Balance:*** economic and social development policies shall be tied to the principles of environmental conservation and protection and the rational use of natural resources, so that the objectives of Sustainable Development may be achieved;

(e) ***Management and action unit:*** a national body shall be created and supported to take responsibility for environmental policy, to work for the implementation of principles for the improvement of the quality of the environment and life in all areas of the life of the country, to organize and administer a network of environmental protection areas and to encourage environmental education on a systematic and ongoing basis;

(f) ***International cooperation:*** coordinated solutions shall be sought in conjunction with other countries, regional, sub-regional and international organizations, in respect of environmental problems and the management of shared natural resources;

(g) ***Liability***: all persons or organisations which through their actions cause harm to the environment, or the degradation, destruction or depletion of national resources, shall be held liable for the same, and shall be required to repair such damage and/or pay compensation for the damage caused; in the case of damages that occurred prior to the publication of this law, Article 18 shall apply;

(h) ***Valuation***: a monetary value shall be assigned to all natural resources destroyed or used in different activities, either as raw or subsidiary materials, which value shall be included in the final product and shall be charged and passed on to environmental management funds;

(i) ***Defence of genetic resources:*** the State shall be responsible for defending all aspects of the country's genetic resources, and shall preserve the same within the territory of the country.

Article 5
(Aims and Measures)

In order to maintain an environment amenable to the quality of life of the population, measures shall be adopted in order to:

(a) Achieve fully Sustainable Development, in all areas of the life of the country;
(b) Maintain a balance between meeting the basic needs of the citizens and the capacity of nature to provide for such needs;
(c) Minimize the environmental impact of undertakings needed for the development of the country through correct town and country planning and the use of appropriate techniques and technology;
(d) Pay greater attention to the quality of urban life through the effective action of local and municipal authorities;
(e) Create, consolidate and extend a network of Environmental Protection Areas in order to ensure that biodiversity is maintained, and to use these areas for environmental education and for the recreational pursuits of the population;
(f) Promote research into and scientific study of all aspects of ecology, making use of the country's facilities, especially university and research institutions;
(g) Work for the enforcement of environmental quality rules in all sectors of manufacturing and service industries, on the basis of international standards adjusted to the reality of the country;
(h) Ensure that citizens participate in all decisions which cause environmental and social imbalances;
(i) Defend consumers' rights, in cooperation with other sectors of society;
(j) Establish clear and enforceable rules for the protection of the country's natural, cultural and social heritage;

(k) Recover environmentally degraded areas in the country;
(l) Cooperate with neighbouring countries on actions aimed at protecting the environment and enhancing the quality of life of populations living in border areas.

CHAPTER II
ENVIRONMENTAL MANAGEMENT INSTITUTIONS

Article 6
(The Responsibilities of the State)

The State, represented by the Government and acting within the Environmental Policy, shall be responsible for establishing and implementing the Environmental Management Program, which shall contain the following:

(a) The responsibilities of all Government bodies which activities have an influence on the environment, through the use of natural resources, and the production and discharge of pollutants, or over the socio-economic conditions of communities;
(b) The responsibilities of all private individuals and organizations which make use of natural resources, influence the balance of the environment and the socio-economic conditions of communities;
(c) The responsibilities of citizens for the improper use of natural resources, the discharge of pollutants and harm caused to the Quality of Life.

Article 7
(Central and Local Authorities)

1. The Government shall create a central body to coordinate the work undertaken under the National Environmental Management Plan, which body may establish regional, provincial, municipal and local offices.
2. The central body coordinating the Environmental Management Plan may also set up organisations specialising in specific areas of Environmental Management.
3. The principal task of the body coordinating activities under the Environmental Management Plan shall be to carry out, and ensure that other State authorities and private organisations carry out, activities which contribute to Sustainable Development in all aspects of the life of the country.

Article 8
(Participation of Citizens)

All citizens have the right and the obligation to take part in the Environmental Management, through organised associations, as individuals during the public consultation process for planned projects, and by notifying the relevant

authorities of the actions of third parties which they find to be detrimental to the principles of Sustainable Development or the application legislation.

Article 9
(Non-Governmental Organisations)

Voluntary non-governmental organisations duly formed in accordance with the law, whose aims and activities include the defence of the environment, the rational use of natural resources and the protection of the right to the Quality of Life, shall be entitled to participate in and be represented at the Environmental Management bodies.

Article 10
(Public Consultation)

An Environmental and Social Impact Assessment shall be conducted for all planned undertakings which involve activities which may affect the interests of communities, interfere with the ecological balance or use natural resources to the detriment of third parties; such assessment shall include a public consultation process.

CHAPTER III
ENVIRONMENTAL PROTECTION MEASURES

Article 11
(Environmental Management Legislation)

1. The Government shall publish the regulations needed for the implementation of the National Environmental Management Program, and shall assign responsibility for implementing the measures included in the same to the relevant authorities.
2. The judicial bodies shall render advice and follow-up on the proposals of the regulations issued under this General Environmental Law, and shall include in the judicial legal principles the concepts of Environment and Sustainable Development necessary to its activity.

Article 12
(Environmental Heritage)

The Government shall ensure that permanent measures are taken to defend and enhance the nation's environmental heritage, namely its natural, historical and cultural heritage, and ensuring an adequate level of community involvement in this process, especially on the part of environmental organisations.

Article 13
(Protection of Biodiversity)

1. All activities which jeopardize the biodiversity, conservation, reproduction, quality and quantity of biological resources, either with actual or potential use or value, and especially species threatened with extinction, are prohibited.
2. The Government shall ensure that appropriate measures are taken for the:
   (a) Special protection of plant species threatened with extinction or of isolated plants or groups of plants which require protection because of their genetic potential, size, age, rarity, or scientific or cultural value;
   (b) Maintenance and regeneration of animal species, recovery of damaged habitats, with special controls on activities or the use of substances which may damage animal species or their habitats.

Article 14
(Environmental Protection Areas)

1. In order to protect and preserve environmental components, and in order to maintain and improve ecosystems of recognised ecological and socio-economic value, the Government shall establish a network of environmental protection areas.
2. The protected areas may be national, regional, local or international, in accordance with the interests to be safeguarded: protection areas may cover dry land, lakes, and rivers, maritime and other areas.
3. Environmental protection areas shall be classified, conserved and inspected, in accordance at all times with the need to preserve biodiversity and their social, economic, cultural and scientific value and their natural beauty.
4. The measures referred to in the preceding paragraph shall include rules on activities prohibited or permitted within the protection areas and their surroundings, and on the role of local communities in the management of the areas in question.
5. National protection areas shall be established by the National Assembly, and only the National Assembly may alter the status of such areas.
6. The protection areas existing as at the date on which the country became independent are hereby deemed to be environmental protection areas, and shall be studied, re-assessed and subsequently reclassified.

Article 15
(Location of Infrastructures)

Infrastructures to be built in the country which, because of their size, nature or location, will have a significant negative impact on the natural or social environment, shall be subject to an Environmental and Social Impact Assessment study, which will determine the social, environmental and economic viability of the proposed development, and the methods to be used to eliminate or minimize its effects.

Article 16
(Environmental Impact Assessment)

1. Environmental Impact Assessments are one of the main tools at the service of Environmental Management, and such assessments shall be mandatory for all undertakings which have an impact on the balance and well-being of the environment and society.
2. The Government shall publish specific legislation defining the form to be taken by Environmental Impact Assessments and other related requirements, covering all areas of the life of the country.
3. Environmental Impact Assessments shall be based on Environmental Impact Studies, which shall be adapted to the specific characteristics of each individual case, and shall include at least the following components:

   (a) A brief non-technical description of the project;
   (b) A description of the activities to be undertaken;
   (c) A general description of the environmental situation at the proposed site;
   (d) A summary of the opinions collected in the course of the public consultation process;
   (e) A description of the possible environmental and social changes which the project may cause;
   (f) A list of the measures planned in order to eliminate or minimize any negative environmental or social impact;
   (g) A description of the systems planned for controlling and monitoring the proposed activity.

Article 17
(Environmental Licences)

1. Licences shall be issued for those activities which, because of their nature, location or scale may have a significant environmental or social impact, and such licences shall be subject to special regulations and legislation to be published by the Government.
2. Environmental licences shall be issued on the basis of the outcome of the Environmental Impact Assessment for the proposed undertakings and shall be required prior to the issuing of any other licences required by law for each specific case.

Article 18
(Environmental Audits)

1. All activities which are underway as at the date on which this law comes into force without environmental and social protection measures having been implemented, resulting in known damage to the environment, shall be the subject of environmental audits.

2. The costs incurred in repairing any environmental or social damage which may be discovered in the course of such audits shall be borne by those undertaking the activities in question.

Article 19
(Pollution of the Environment)

1. The pollution of the environment is one of the most serious problems resulting from the activities of man in his eagerness to promote economic development, and strict measures should therefore be taken to eliminate or minimize its effects.
2. The Government shall publish and enforce legislation to control the production, discharge, deposit, transport, importation and management of gaseous, liquid and solid pollutants.
3. The Government shall establish urban and non-urban environmental quality standards in respect of pollution caused by the burning of industrial, agricultural and domestic fuels.
4. The importation of hazardous waste or residues is hereby prohibited, save when permitted by specific legislation which may be approved by the National Assembly.

Article 20
(Environmental Education)

1. Environmental Education is an Environmental Protection measure which should accelerate and facilitate the implementation of the National Environmental Management Program, by progressively increasing the population's knowledge of ecological, social and economic phenomena which govern human society.
2. Environmental Education shall be organised on a permanent basis and in successive campaigns, through two main channels:
   (a) Through the existing education system;
   (b) Through the media.
3. Environmental Education campaigns shall reach all sectors of the population, and special projects would be considered for the armed forces and government officials.

CHAPTER IV
RIGHTS AND DUTIES OF CITIZENS

Article 21
(Right to Information)

All citizens have the right to be informed about the management of the country's environment, without prejudice to the rights of third parties duly protected by law.

Article 22
(Right to Education|)

All persons shall be entitled to access to Environmental Education in order to be able to take part effectively in the management of the environment.

Article 23
(Right of Access to Justice)

1. Any citizen who deems that his rights hereunder have been violated or are going to be violated may have recourse to the courts in order to restore his rights or prevent such violation.
2. The Public Prosecutor shall be responsible for defending the environmental values established by this Law, the right of injured parties to bring the actions referred to herein notwithstanding.

Article 24
(Immediate Measures of Relief)

Any person who deems that his right to an ecologically balanced environment has been violated may apply for the immediate suspension of the activity causing such offence, by using the appropriate legal means.

Article 25
(Responsible Use of Resources)

The citizens and the public and private sectors shall have the duty to use natural resources and social well-being in a responsible and sustainable manner, regardless of the purpose for which they are used, and shall promote the progressive improvement of the quality of life.

Article 26
(Notice of Offences)

Any person who discovers a breach of the provisions of this Law or of any other environmental legislation, or who thinks that such a breach is about to occur, shall notify the relevant authorities of the fact.

CHAPTER V
LIABILITY, OFFENCES AND PENALTIES

Article 27
(Civil Liability Insurance)

All individuals and organisations which carry on activities which involve the risk of environmental degradation, as classified by legislation on Environmental Impact Assessments, shall take out insurance.

Article 28
(Strict Liability)

1. All those who, regardless of fault, cause damage to the Environment, shall be required to repair the damage and/or indemnify the State.
2. The courts shall assess the seriousness of the damage referred to in the preceding paragraph; such assessment shall be done by means of environmental expert inspection.

Article 29
(Environmental Crimes and Offences)

Special legislation shall be published to regulate criminal offences and misdemeanours relating to the environment.

CHAPTER VI
ENVIRONMENTAL INSPECTION

Article 30
(Environmental Inspection)

The Government shall, under the terms of regulations to be published, create a system of environmental inspection for the purpose of enforcing environmental legislation.

Article 31
(Duty to Cooperate)

All persons, regardless of their duties and subject to environmental inspections, shall cooperate with environmental inspectors in the course of their work.

Article 32
(Participation by the Community)

In order to ensure that local communities duly participate and to make appropriate use of their knowledge and human capacity, the Government shall create the post of community inspectors.

CHAPTER VII
FINAL PROVISIONS

Article 33
(Incentives)

The Government shall create economic and other incentives in order to encourage the use of technologies, manufacturing processes or the use of natural resources in keeping with the spirit of Sustainable Development.

Article 34
(Repeal of Legislation)

All laws which are contrary to the present Law are hereby repealed.

Article 35
(Legislation to be published)

The legislation to be approved in accordance with the requirements of this Law, shall be published within one year of this Law coming into force.

Article 36
(Doubts and Omissions)

The doubts and omissions which may arise from the interpretation or implementation of this Law shall be resolved by the National Assembly.

Article 37
(Effective Date)

This Law shall come into force on the date of its publication.

Reviewed and approved by the National Assembly, in Luanda, on 21 April 1998.

THE PRESIDENT OF TH NATIONAL ASSEMBLY

ROBERTO ANTÓNIO VICTOR FRANCISCO DE ALMEIDA

Be it published.

Promulgated on _____ 1998.

THE PRESIDENT OF THE REPUBLIC

JOSÉ EDUARDO DOS SANTOS