LEGAL PREPAREDNESS FOR INTERNATIONAL DISASTER ASSISTANCE IN ANGOLA

Mapping of Domestic Laws and Policies
ACKNOWLEDGMENTS

This mapping is an initiative of IFRC Disaster Law. The author of this mapping is Jeanique Serradinho assisted by Candela Navarro Casquete. Technical support and oversight were provided by María Martínez.

This mapping has been extracted from the report, Legal Preparedness for International Assistance in Southern Africa: Regional Assessment and Country Profiles, which examines the legal frameworks of ten countries in Southern Africa to determine legal preparedness for international assistance should a disaster exceed national capacities, and proposes recommendations to strengthen international disaster response law (IDRL) in the region. A summary version of the report is also available.

This mapping seeks to chart the International Disaster Response Law Framework (IDRL) in the Republic of Angola (Angola) as provided in domestic laws and policies, and is the result of a desktop review of information publicly available online. This mapping has been conducted using the ten guiding questions from the Checklist on the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (the IDRL Checklist). The IDRL Checklist is based on the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (the IDRL Guidelines).¹ The IDRL Guidelines, which were unanimously adopted by the 30th International Conference of the Red Cross and Red Crescent in 2007, are a set of recommendations concerning domestic legal preparedness for international disaster assistance.

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¹ IFRC, Introduction to the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (2008) (IDRL Guidelines). Note that the IDRL Guidelines have been re-issued with new forewords in 2011 and 2017.
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Angola

Political Framework
Angola is a presidential republic, whereby the President is the Head of State, the Executive Power and the Commander-in-Chief of the Angolan Armed Forces. The President is not elected directly; the 2010 Constitution provides that the President will be the head of the political party or coalition of political parties who holds the majority of seats in Parliament. The President serves a five-year term and may be eligible for a second consecutive term. Legislative power is vested in the President, the government and Parliament. Angola has a unicameral Parliament, the National Assembly, which consists of one hundred and thirty elected members at national level and five members for each province.

Angola follows a civil law tradition. Legislation is the primary source of law, but customary law also plays an important role. Angola adopts a monist approach to international law. Article 13 of the Constitution of Angola provides that international law forms an integral part of the Angolan legal system and that duly approved or ratified international treaties and agreements come into force after they have been officially published.

DRM Framework
The main legislative document on disaster management in Angola is the Basic Civil Protection Law of 2003 (Law 28/03) (the Basic Civil Protection Law), which was amended by Law 14/20 of 22 May 2020. The main objective of the Basic Civil Protection Law is to reduce disaster risk through the development of relief action, prevention, and training.

In addition, DRM in Angola is guided by Presidential Decree No. 29/16 of 1 February 2016: approving the national plan for preparation, resilience, response, and recovery from natural disasters for the period 2015–2017 (National Plan); and Presidential Decree no. 30/16 of 3 February 2016: approving the Strategic Plan for Disaster Prevention and Risk Reduction (Strategic Plan). In its introduction, the Strategic Plan provides an overview of DRM in Angola and lists the most common disasters faced by the country. It establishes the principles that should guide disaster policy in Angola and provides strategic actions for the prevention and reduction of disaster risks. For each strategic action, the Strategic Plan establishes one leading national authority or body and lists other participating institutions.

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3 Constitution of Angola, 2010, article 109(1).
5 Constitution of Angola, article 119.
6 Constitution of Angola, articles 141 and 144.
8 Although the period that the National Plan covers has expired, a new national plan does not appear to have been published.
The National Commission for Civil Protection (CNPC) and the National Civil Protection and Firefighter Service (SNPCB) are the two main institutions responsible for DRR activities in Angola.\(^9\) The CNPC was established by the Basic Civil Protection Law as a multidisciplinary and multisectoral institution comprised of representatives of national ministries and directors from relevant services which operates under the Ministry of the Interior.\(^10\) The main actions carried out by the CNPC seek to reduce disaster risk, with particular emphasis on issues related to education, institutional and national training and the strengthening of provincial structures, as well as training of its staff.\(^11\)

**IDRL Assessment**

**Question 1: Does Angola have a clear legal framework for disaster risk management which includes procedures relating to international disaster assistance?**

As stated above, the legal framework for DRM in Angola is provided by the Basic Civil Protection Law. The Basic Civil Protection Law establishes the institutional framework, defining roles and responsibilities of the relevant bodies when assisting the government in directing and coordinating activities for civil protection and, among others, promoting disaster preparedness, response and recovery operations and DRM across the country.\(^12\)

The Basic Civil Protection Law contains minimal provisions on international disaster assistance. Article 22 provides that unless an international treaty or convention provides otherwise, the request and the granting of international assistance in the event of a serious accident, catastrophe, or calamity, is the responsibility of the government. In addition, the goods and equipment that constitute international assistance, requested or granted, are exempt from any duties or taxes, for their import or export, and their customs clearance must be granted priority.\(^13\) Furthermore, the formalities for crossing borders by persons engaged in relief missions are reduced to the minimum.\(^14\) As stated above, the Basic Civil Protection Law was amended in 2020. However, detailed provisions on international disaster assistance were not included in the amendment.

In addition, the National Health Development Plan 2012-2025 also recognises the vital role of international partners in the implementation of prevention and control projects of infectious diseases, epidemics, and public health emergencies.\(^15\) Although not explicitly linked to DRM, this may be relevant as strengthening the healthcare system through

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\(^12\) Law 14/20, Amendments of the Basic Civil Protection Law, Chapters III-IV.

\(^13\) Law 28/03, Basic Civil Protection Law, article 22.

\(^14\) Law 28/03, Basic Civil Protection Law, article 22.

\(^15\) National Health Development Plan 2012-2025, page 23.
international assistance may contribute to better preparedness when responding to a disaster, in particular public health emergencies.

**Question 2: Do Angola’s laws and regulations clearly set out a focal point for coordinating international disaster assistance?**

With regard to coordination at the operational level, the Basic Civil Protection Law establishes the CNPC in Section IV as the specialised technical advisory and operational coordination body for civil protection organisations and structures, working directly under the supervision of the Ministry of Interior.\(^\text{16}\) The functions of the CNPC include, among others, studying and proposing:

- legislative measures and technical standards necessary for the implementation of the Basic Civil Protection Law and for the pursuit of civil protection;
- institutional collaboration mechanisms between all the bodies and services with responsibilities in the field of civil protection, as well as forms of technical and operational coordination of the activities carried out by them, within their specific scopes;
- criteria and technical norms on the organisation of the inventory of resources and means, public and private, capable of mobilisation at local, provincial, and national levels, in the event of a serious accident, catastrophe or calamity;
- criteria and technical rules on the elaboration of emergency plans, general and special, at the local, provincial, and national level; and
- forms of external cooperation that the bodies and structures of the civil protection system develop in the fields of their specific powers and competences.\(^\text{17}\)

However, the amendments to the Basic Civil Protection Law contained in Law 14/20 establish that the Chief of the Executive Branch is responsible for, among others, assuming the direction of operations in the event of a catastrophe or public disaster.\(^\text{18}\) Given this amendment, it is not explicitly clear whether the focal point for international disaster assistance in Angola would be the CNPC or the Chief of the Executive Branch.

**Question 3: Do Angola’s laws and regulations outline the roles and responsibilities of different institutions relating to international disaster assistance?**

The roles and responsibilities of some of the relevant institutions have been outlined above. Additional governmental civil protection actors include:

- the National Civil Protection Council, which is an inter-ministerial consultation organ which consults with the Head of Government in matters of civil protection;
- the entity responsible for Civil Protection and Firemen;
- the Defence, Security and Internal Order organs; and

\(^\text{16}\) Law 28/03, Basic Civil Protection Law, article 15.
\(^\text{17}\) Law 28/03, Basic Civil Protection Law, article 16.
\(^\text{18}\) Law 14/20, Amendments of the Basic Civil Protection Law, article 11.
• the entities responsible for Civil Aviation, Merchant Navy and Ports, Maritime Inspection, Urban Planning, and the Environment.19

The National Plan highlights the role of international partners and the international community during the preparedness phase regarding monitoring, evaluation, and participation. Although it does not specify liaison procedures between the resident / humanitarian coordinator and international partners, it provides that their contribution should promote the elaboration and implementation of the national plan monitoring mechanism, and the establishment of a National Consultative Platform for the Preparedness, Response and Recovery processes (within the scope of the United Nations Office for Disaster Risk Reduction's (UNISDR) National DRR Platforms).20 The National Plan for Disaster Preparedness, Contingency, Response and Recovery 2014-2019 (National Plan II) provides that UN agencies such as FAO and UNICEF are two of the responsible actors during the contingency and response phase, providing general food assistance and emergency nutrition interventions in accordance with internationally required standards, establishing timely identification of nutrition and food security situations, performing food security assessments for populations in emergency situations, and providing food rations to affected households.21

Question 4: Do Angola’s laws and regulations outline a process for requesting/welcoming offers of international disaster assistance, and for terminating international assistance?

The current legal framework for DRM in Angola does not establish specific procedures for requesting and/or terminating international disaster assistance, nor for the exchange of information among state and non-state actors.

However, as stated above, article 22 of the Basic Civil Protection Law establishes that the government is responsible for requesting external assistance, in the event of a serious accident, catastrophe or calamity.22 In addition, article 16 provides the functions of the CNPC, highlighting its vital role in the specific scope of public information and the training and updating of the personnel of bodies and structures that make up the civil protection system, and that of external cooperation.23

Question 5: Do Angola’s laws and regulations provide for necessary legal facilities to be provided to international assisting actors?

The Basic Civil Protection Law does not provide comprehensive facilities for international assisting actors. It does, however, provide that goods and equipment that constitute international assistance, requested or granted, are exempt from any duties or taxes, for their import or export, and their customs clearance must be granted priority.24 In

19 Law 14/20, Amendments of the Basic Civil Protection Law, articles 13 and 18.
20 National Plan, page 455.
22 Law 28/03, Basic Civil Protection Law, article 22.
23 Law 28/03, Basic Civil Protection Law, article 16.
24 Law 28/03, Basic Civil Protection Law, article 22.
addition, the formalities for crossing borders by persons engaged in relief missions are reduced to the minimum. The sections below analyse whether the relevant sectoral laws provide for necessary legal facilities to be provided to international assisting actors.

**Landing rights and general customs arrangements**
The Civil Aviation law of Angola, Law 14/19, provides the national legal framework for civil aviation in compliance with the Chicago Convention. Article 75 provides that sanitary, customs and migratory control services – all of which are auxiliary aviation services – are performed by the competent bodies, under the terms provided for in the applicable law and regulations. The Civil Aviation Law is, however, silent on simplified customs and landing procedures for airplanes carrying humanitarian assistance.

However, Decree 142/20 stipulates the actions to be taken during the COVID-19 pandemic and is a good example of ad-hoc measures that may be implemented during a public health emergency and, potentially, in the event of a disaster. More specifically, article 8 of Decree 142/20 states that as a situation of Public Calamity was declared due to the COVID-19 pandemic, the borders of Angola remain closed, with the entrances and exits of the national territory subject to sanitary control defined by the competent authorities. However, some exemptions to this provision are provided, which include international humanitarian aid, and the entry and departure of diplomatic and consular personnel.

**Food, medication, and quarantine and specialised goods and equipment**
As stated above, the Basic Civil Protection Law provides that goods and equipment that constitute international assistance, requested or granted, are exempt from any duties or taxes, for their import or export, and their customs clearance must be granted priority. However, further details are not provided. Further, the law does not appear to provide simplified procedures for the registration of specialised equipment such as communications equipment or vehicles for international disaster assistance. The law also does not appear to contain any provisions on special quarantine procedures for rescue dogs. Therefore, it appears that the normal rules relating to the registration and licensing of specialised equipment and the importation of rescue dogs would apply.

**Immigration**
Although the formalities for crossing borders by persons engaged in relief missions are reduced to the minimum under the Basic Civil Protection Law, there are no specifications on how these “minimised formalities” should be implemented.

In terms of applicable sectoral laws, Law 13/19 establishes the Legal Regime for Foreign Citizens in the Republic of Angola, providing in article 14 that foreign citizens can enter

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25 Law 28/03, Basic Civil Protection Law, article 22.
26 Law 14/19, Civil Aviation Law, article 75.
27 Decree 142/20, article 8.
28 Law 28/03, Basic Civil Protection Law, article 22.
29 Law 28/03, Basic Civil Protection Law, article 22.
the national territory provided that they meet, cumulatively, the following general requirements:

- hold a passport or any other international travel document valid in the Republic of Angola with a validity of longer than 6 months;
- have an entry visa in force and adequate for the purpose of travel;
- have means of subsistence under the terms of article 19 of Law 13/19;
- hold an international vacancy certificate; and
- not be subject to a ban on entry under the terms of article 23 of Law 13/19.

In addition, a foreign citizen with a safe-conduct or a *laissez-passer* issued by the state authorities of which he is a national or by an international organisation of which Angola is a member, is exempt from presenting a passport as long as there is an agreement in place for that purpose.\(^{30}\)

Chapter IV of Law 13/19 outlines the different types of entry visas applicable in Angola. The types of visas most relevant for international assisting actors include the following:

- **Diplomatic, Official and Courtesy Visas**, which are granted by the Ministerial Department of Foreign Affairs, through diplomatic or consular missions to the holder of a diplomatic, service, special or ordinary passport that travels to Angola on diplomatic, service, or official visit. This visa is valid for 60 days and exceptionally it can be granted for multiple entries;\(^{31}\)
- **Short-Stay Visas**, which are granted by diplomatic and consular missions to foreign citizens who, for urgent reasons, need to enter national territory. These allow a stay in the country of up to 10 days. Although this type of visa is extendable, it does not allow its holder to establish residence in national territory, nor to exercise any paid activity;\(^{32}\)
- **Work Visas**, which are granted by diplomatic and consular missions and are intended to allow entry to the Angolan territory, in order to exercise paid professional activity. These do not entitle the holder to establish residence in national territory but allow a stay of up to 365 days and are renewable for the same period until the end of the contract. The contracting entity must notify the Migration Authority at all times and the holder will be subject to proof of compliance with the tax obligations;\(^{33}\) and
- **Temporary-Stay Visas**, which are granted by diplomatic and consular missions and are intended for entry into national territory to carry out a mission in a religious institution or non-governmental organisation (NGO), or for a scientific research,
mobility and university extension work, among others. These allow a 365-day stay with multiple entries and are extendable for an equal period of time.\textsuperscript{34}

It should be noted that non-citizens working in Angola must hold a valid work visa and all employment contracts of foreign employees have to be registered with the Ministry of Labour.\textsuperscript{35} In addition, non-resident employees may only be hired when Angolan employees with comparable qualifications and experience are not available to fill a position and, generally, foreign employees may only be hired if an entity's staff include at least 70% Angolan nationals.\textsuperscript{36} It is not clear whether the provisions of the Basic Civil Protection Law which stipulate that the formalities for crossing borders by persons engaged in relief missions are reduced to the minimum in situations of disaster would include exceptions to these provisions.\textsuperscript{37}

\textit{Registration of international assisting actors}

There do not appear to be simplified procedures in place for the registration of international assisting actors in Angola, but limited information could be accessed regarding this question. In the absence of simplified procedures in place for the registration of international assisting actors in Angola, the normal rules applicable in the country would apply.

\textit{Recognition of professional qualification of foreign personnel}

Current laws and policies in Angola do not appear to define specific procedures for recognition of professional qualifications of foreign personnel. For instance, although the National Health Development Plan 2012-2025 repeatedly mentions the need of recruiting foreign health personnel to strengthen the National Health Care System and contribute to its development, the document does not specify special provisions for the licences of these professionals to be recognised. In the absence of expedited procedures for the recognition of the professional qualifications of international assisting personnel, the normal rules applicable in the country would apply.

\textit{Tax and currency exchange for disaster relief activities}

Angola has a residence-based tax system in terms of which residents are taxed on their worldwide income, whereas non-residents are subject to tax only on their Angolan-sourced income.\textsuperscript{38} The Income Tax Code of Angola, approved by Law 18/14 provides a list of exemptions from income tax, including: income earned by agents of foreign diplomatic and consular missions whenever there is reciprocity of treatment; income earned by personnel of the services of international organisations, under the terms established in agreements ratified by the competent body of the state; and income earned by the staff at the service of NGOs, under the terms established in the agreements with national entities, with the prior written recognition of the National Tax Director.\textsuperscript{39} These provisions

\textsuperscript{34} Law 13/19, Legal Regime for Foreign Citizens in the Republic of Angola, article 56.
\textsuperscript{37} Law 28/03, Basic Civil Protection Law, article 22.
\textsuperscript{39} Income Tax Code of Angola, article 5.
may provide tax relief to international assisting actors which fall within these categories. To the extent that an international assisting actor does not fall within any of these categories, it appears that the normal rules relating to taxation would apply.

Moreover, Chapter II of the Value Added Tax (VAT) Code provides a number of goods, services and operations that are exempt from the tax. Article 12 of the VAT Code provides that the acquisition of goods intended to mitigate the effects of natural disasters, such as floods, storms, droughts, cyclones, earthquakes and others of similar nature, are exempt from VAT. in addition, article 8 of the VAT Code provides that the provision of: goods from the basic basket; medical and sanitary services (and operations closely related thereto); medicines, pharmaceutical specialties and other pharmaceutical products intended exclusively for therapeutic and prophylactic purposes; human organs, blood and milk; as well as the transport of sick or injured persons in ambulances or other appropriate vehicles carried out by duly authorised bodies, are exempt from VAT.

With regards to exchange control, Angola applies strict exchange control rules under the Angola Foreign Exchange Law and all companies operating in Angola are required to make payments through local banks using the Kwanza. There do not appear to be exceptions relating to international disaster assistance. This may impact the ability of international assisting actors to freely bring currencies in and out of the country.

**Freedom of movement of international assisting actors during a disaster response**

There do not appear to be explicit provisions on the freedom of movement of international assisting actors in Angola.

**Safety and security of international assisting actors**

Measures to ensure the safety of international assistance personnel are not explicitly outlined in the law. Law 14/20 does, however, provide in article 18 that the Defence, Security and Internal Order bodies are among the agents responsible for civil protection. The declaration of a state of calamity in Angola enables the summoning of Defence, Security and Internal Order Bodies, as civil protection agents, to support citizens and guarantee compliance with the measures taken. However, it is not clear whether these bodies will also be responsible for ensuring the safety and security of international assisting actors as well, as it is not explicitly stated.

**Question 6: Do Angola’s laws and regulations set out quality standards for international assisting actors?**

Angolan legislation does not explicitly specify the fundamental principles that shall guide international disaster assistance in the country. However, Law 14/20 establishes the Civil Protection Policy, which consists of a set of principles, guidelines, and measures for civil

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40 Value Added Tax Code of Angola, article 12.
41 Value Added Tax Code of Angola, article 8.
protection, stating that the fundamental principles and permanent objectives of civil protection derive from the Constitution and Law 14/20, and the President of Angola, as incumbent on the Executive Branch, is responsible for defining the civil protection policy for Angola, its development and permanent updating.44

Question 7: Do Angola’s laws and regulations set out eligibility requirements for international assisting actors to receive legal facilities?
The law does not explicitly outline eligibility requirements for granting legal facilities to international assisting actors.45

Question 8: Do Angola's laws and regulations establish a specialised unit for expediting the entry of international disaster assistance?
The legal framework in Angola does not establish a specialised unit for expediting the entry of international assistance. The current framework involves the engagement of various lead agencies, but there do not appear to be clear coordination procedures set out in the law.

Question 9: Do Angola's laws and regulations provide adequate transparency, safeguards and accountability mechanisms governing international disaster relief and initial recovery assistance?
There do not appear to be provisions in the law to prevent fraud or misappropriation concerning foreign disaster relief funds in Angola. There also do not appear to be provisions relating to the removal of legal facilities from international assisting actors which fail to adhere to international and domestic standards. However, Law 14/20 does provide that non-compliance with the legitimate orders of competent entities during a serious accident or declared catastrophe or public calamity situation is punishable as a crime of disobedience.46

In addition, international actors would generally be subject to the laws of Angola, including the terms of the Criminal Code of Angola. The Criminal Code provides that anyone who, in the event of catastrophe or public calamity, prevents aid being given to a person in a life-threatening situation, fails to provide assistance, or is a health professional and illegitimately refuses to provide assistance, can be punished with imprisonment.47 Furthermore, the Criminal Code establishes provisions to punish crimes against foreign states such as physical, defamatory or harmful attacks against foreign diplomatic officers or personnel of international organisations.48 Although not directly related to international disaster assistance, these provisions provide protection mechanisms for diplomatic and consular personnel, and for international organisations

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44 Law 14/20, Amendments of the Basic Civil Protection Law, article 5.
45 See however, Law 13/19, Legal Regime for Foreign Citizens in the Republic of Angola.
46 Law 14/20, Amendments of the Basic Civil Protection Law, article 24.
48 Criminal Code of Angola, articles 311-313.
operating in Angola, which could potentially apply to international disaster assistance actors which enjoy diplomatic privileges and immunities.

**Question 10:** Do Angola's laws and regulations outline procedures for international disaster assistance sent from and transiting through the country? The Basic Civil Protection law does not contain details on the procedures for international disaster assistance sent from and transiting through the country, but it does provide that goods and equipment that constitute international assistance, requested or granted, are exempt from any duties or taxes for their export, and that formalities for crossing borders by persons engaged in relief missions are reduced to the minimum.49

With regards to sectoral laws, the VAT Code contains a list of exports, assimilated operations and goods in international transportation which are exempt from the tax. These include, among others:

- transfers of goods to duly recognised organisations that export them abroad as part of their humanitarian, charitable, or educational activities, upon prior recognition of the right to exemption;
- transfers of goods made under diplomatic and consular relations, the exemption of which results from international agreements and conventions signed by Angola; and
- transfers of goods destined for international organisations recognised by Angola or for members of the same organisations, within the limits and with the conditions established in international agreements and conventions signed by Angola.50

In addition, Law 13/19 outlines the regulations for transit visas, among others. This type of visa is granted by Angolan diplomatic and consular missions to foreign citizens who, in order to reach the country of destination, have to make a stop in national territory.51 It is valid for 60 days, for one or two entries and allows a stay of up to 5 days and is not extendable.52 Transit visas can exceptionally be granted at the border post to foreign citizens who interrupt a continuous journey for a mandatory stopover of the means of transport used.53 This could theoretically include international relief personnel headed to an end destination other than Angola.

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49 Law 28/03, Basic Civil Protection Law, article 22.
50 Value Added Tax Code of Angola, article 11.
51 Law 13/19, Legal Regime for Foreign Citizens in the Republic of Angola, article 50.
52 Law 13/19, Legal Regime for Foreign Citizens in the Republic of Angola, article 50.
53 Law 13/19, Legal Regime for Foreign Citizens in the Republic of Angola, article 50.
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