

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in Angola
A National Law Desk Survey
October 2012

Acknowledgements

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Law and Regulation for the Reduction of Risk from Natural Disasters in Angola: a Desk Survey

Executive Summary

The legislative and institutional framework regarding Disaster Risk Reduction (DRR) is diverse and is approached by several legal documents.

In fact, there is no standalone legal document for Disaster Management (DM). DRR is mainly addressed by a National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters (NPPCRRCOND). Some indirect references and broad allusions to DRR can be found in other legal documents (Laws, Decrees, and Regulations).

This paper analyzes these legal documents but does not include a study of their effective implementation or application in practice.

If, on one hand, one can say that the NPPCRRCOND clearly addresses and sets out the main guidelines for DRR, on the other hand one can also demonstrate that the other legal documents only mention DRR in very broad and indirect terms. This situation presents, therefore, wide lacunae in legislation concerning DRR.

In fact, there are no examples of specific laws on concrete natural disasters, such as floods or drought, and the General Law on Water only touches in the subject *en passant*.

As for storms, for instance, there is no example of legislative documents on the subject.

The legal and institutional framework in regards to matters that regulate daily life land, telecommunications, urban planning, and construction rules also presents lacunae, and the vast majority of these does not tackle DRR.

The participation of the communities, the education of the population and responsible entities and the inclusion of DRR in the school curricula is very poorly addressed.

In conclusion, it is clear that the Government acknowledges the need to tackle DRR as contributing for the development of the Country, by reducing the vulnerability and the impact of natural disasters, by establishing the NPPCRRRCND. However, it is not clear that this goal is translated into the available legislation.

Summary of the main conclusions of this report:

- Government acknowledges and addresses DRR creating the NPPCRRRCND
- Legislation does not make explicit the fact that DRR is a priority for the Government according to the NPPCRRRCND
- Wide range of lacunae concerning DRR in the legislation, in general
- Laws that regulate daily life matters (water supply, construction, telecommunications, urban planning) only address DRR very broadly
- Inexistence of a DM specialized institution
- Participation of the communities and education in DRR very poorly regulated
- Lack of legislation on specific natural disasters (floods, drought, insect infestations, etc...)
- Lack of available legislation online, in general

This paper and the copies of the legislation are part of a desk-survey on Law and Regulation for the Reduction of Risk from Natural Disasters in Angola. Hopefully, it will serve as useful, non-exhaustive¹ guide to late researchers for DRR and DM related issues in Angola.

¹ Considering that the research only covered sources available online.

List of Abbreviations

DRR	Disaster Risk Reduction
DM	Disaster Management
EIA	Environmental Impact Assessment
EWS	Early Warning Systems
NSCP	National Service of Civil Protection
NCCP	National Commission of Civil Protection
PONTP	Principal Options of National Territory's Planning
PPTP	Provincial Plans of Territory's Planning
NDWSS	National Direction of Water Supply and Sanitation
NDWR	National Direction of Water Resources
NPPCRRCOND	National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters

1) Introduction

This study aims to provide an outline, identification and an analysis of the most relevant laws and regulations for the reduction of risk in natural disaster scenarios in Angola.

Disaster risk reduction (DDR) is the reducing of risks to disasters through systematic efforts to analyse and mitigate the casual factors of disasters. Legislation plays an important role in reducing the vulnerability of people and property by contributing to strengthen the institutional basis for DDR.

The legal and institutional framework in regard to DDR offers a large range of matters that go beyond preparation and response to natural disaster situations. In fact, matters such as safety codes and rules for building, land property, water supply, environmental preoccupations and telecommunications have implications in DDR. For this reason, it is extremely important that laws dealing with these issues incorporate disaster preparedness and response concerns.

This study aims to answer the following set questions, organized around the top priorities presented by the Hyogo Framework for Action, 2005-2015:

- Ensuring that DDR is a priority both at national and local level, with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”
- Identifying, assessing and monitoring disaster risks and enhance early warning
- Use knowledge, innovation and education to build a culture of safety and resilience at all levels.
- Reduce the underlying risk factors
- Strengthen disaster preparedness for effective response at all levels.

This desk survey attempts to answer the questions mentioned above by using online sources only.

Angola does not have a standalone legal document on disaster risk reduction, and there are references to DRR elements in other legal documents that are mentioned and analyzed throughout the report. This study is focused on the analysis of the legal documents (laws, legislative decrees, executive decrees, presidential decrees, regulations, decisions) available online.

2) Summary of Main Natural Hazards²

Angola is located in the western region of Austral Africa and has a surface of 1.246.700 km². The extension of the country's coast line is 1.650 km. About 65% of the territory is located within an altitude ranging from 1000 to 1600 meters. The country presents a peculiar geographic localization: it is situated both in the inter-tropical and sub-tropical zones of the Southern Hemisphere. The annual temperatures range from 17 to 27 degrees Celsius.

The armed conflict, which has lasted 30 years, caused several human and material losses and deeply affected the social-economic situation. It has also called the attention of the Government for the need to secure populations and infra-structures in the context of natural disasters, which became a major priority.

In terms of natural disasters, the country is (regularly) affected by wildfires, storms, floods, landslides, ravines and drought. Less frequently, it is also affected by earthquakes of lower intensity.

The Government acknowledges that, as in Africa in general and even worldwide, Angola was more exposed to natural disasters in the last decade.

To face all these situations, the Government decided to create the Strategic Plan on Disaster Management (analyzed in the report), and implemented policies and institutional mechanisms of risk reduction for natural disasters.

The adoption of this Plan shows, at least in principle, a commitment from the Government to tackle natural disaster related issues and to directly address disaster prevention, response and mitigation.

² Based in the data provided by the government on the National Strategic Plan on Disaster Management.

3) Governmental & Law Making Structure

Following the end of the Colonial War and the Declaration of the Independence, the Constitution of the Republic of Angola was adopted in 1975 (amended in 2010).

The political regime in Angola is a Presidential system, in which the President is also head of the Government and has legislative powers. The National Assembly is the representative organ of the People and therefore the supreme organ of the Republic.

The government structure is based on the principle of powers and is divided in three branches:

- i. The legislative power
- ii. The executive power
- iii. The judicial power

The legislative power is divided between the National Assembly and the Government, according to their specific attributions/competences. The executive power includes both the national and local levels of government.

Laws of the National Assembly must be adopted by absolute majority, and the amendments to the Constitution and the Referendums by a qualified majority (2/3 of the votes). The Government also issues legislation within its areas of competence.

Legal documents include:

- 1) Laws, Organic Law, Basic Laws, Laws of Legislative Authorization, Resolutions

2) Presidential Decrees, Presidential Orders, Decrees

3) Regulations, Decisions, Ordinance

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1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Constitution of the Republic of Angola of 1975, amended in January 21 of 2010	Article 55 Article 145 to 147	There are three levels of Government: <ul style="list-style-type: none"> • National • Provincial (directly under the central government) • Local :Municipal (execute the deliberations of the provincial government) and Communal (respond to the Municipalities) <p>Angola has 18 Provinces, 163 Municipalities and 532 Communes.</p>
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	Law of the National Assembly no. 17/10 of July 29	Article 9 Article 3	Yes. It decentralizes by establishing new institutions: <ul style="list-style-type: none"> • A Provincial Government • A Municipal and a Communal Administration

1. BACKGROUND INFORMATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 4	And by delegating powers to the provincial and local governments.
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	Constitution of the Republic of Angola of 1975, amended in January 21 of 2010	Article 12	There is no specific mention to reducing risks related to natural disasters, only a general reference to the protection of the environment and environmental education.
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			Yes. Angola is member of: IDRL Guidelines of IFRC Hyogo Framework for Action 2005

2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part One. Disaster Management Law & Institutions			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
A. Disaster Management Institutions			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Presidential Decree No.103/2011 to establish the National Strategic Plan for		The main goals of this plan is: Contribute to a sustainable development by reducing the risk and the impact of disasters.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Disaster Management</p> <p>Basic Law of Civil Protection³</p> <p>No. 28/03</p> <p>Presidential Decree No.205/10</p> <p>Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014</p>		<p>It identifies natural disaster prevention, response and solutions both for the country in general and for provinces (establishing some priority ones).</p> <p>Defines the main lines of action for Disaster Management in an effort to minimize the adverse effects of disasters on the population. In a way translates in practical and more detailed measures the National Strategic Plan for Disaster Management.</p>
<p>6. Is there also a national disaster management policy? Is this established by a law? Provide</p>	<p>Presidential Decree No.103/2011 to establish the National</p>		<p>This National Strategic Plan defines a policy of active prevention of disasters by the National Service of Civil Protection (NSCP).</p>

³ I could not find this legal instrument online.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Resposta" Point 2	
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?			No.
9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?			No.
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.	Presidential Decree No.103/2011 to establish the National Strategic Plan for Disaster Management Presidential Decree		It uses the NSCP as the main implementing institution of the policy.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>of preparation and response</p> <p>For more details on the allocated roles of the ministries see Scheme of Actions and Responsibilities in this legal document.</p>
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a) National?</p> <p>b) Provincial/state?</p> <p>c) Municipal/local?</p>	<p>Presidential Decree No.103/2011 to establish the National Strategic Plan for Disaster Management</p> <p>Presidential Decree No.205/10</p> <p>Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014</p>	<p>Part III</p> <p>B1</p> <p>“Module of Contingency and Response”</p> <p>-2.1,2.2,2.3</p>	<p>There is a general reference to the mobilization of the civil society in order to reduce the conditions of vulnerability of the country.</p> <p>The role of the civil society it is essentially defined as a subsidiary and complementary role to the NSCP.</p> <p>Several references are made to the role of civil society in DM at all levels. (Providing shelter and early warning mechanisms, especially)</p>
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and</p>	<p>Presidential Decree No.205/10</p> <p>Approval of the National</p>	<p>“Module on</p>	<p>Yes.</p> <p>Specific references are made only to its role regarding shelter and</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>what is the role? At what levels?</p> <p>a) National?</p> <p>b) Provincial/state?</p> <p>c) Municipal/local?</p>	<p>Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014</p>	<p>Contingency and Response”</p> <p>4.2.2 C</p> <p>“Module on Preparation”</p> <p>2.3</p>	<p>warning mechanisms in case of potentially affected areas and this at a national level.</p> <p>No specific reference to provincial or municipal levels.</p>
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women’s participation in DM institutions?</p> <p>a) National?</p> <p>b) Provincial/state?</p> <p>c) Municipal/local?</p>	<p>Presidential Decree No.103/2011 to establish the National Strategic Plan for Disaster Management</p>	<p>Part III</p> <p>B8</p>	<p>Yes, but in very general terms. It mentions that gender equality shall be considered in the thematic approach of DM, with special relevance of the role of women.</p>
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined</p>	<p>Presidential Decree No.103/2011 to establish the National</p>	<p>Part III</p> <p>B3</p>	<p>Yes. There are several references throughout the legal document.</p> <p>It is mentioned that the responsibilities of local communities shall be enforced so they can be able to manage their own conditions of</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>	<p>Strategic Plan for Disaster Management⁵</p>	<p>Preamble</p> <p>Part III</p> <p>B2</p> <p>Part IV</p> <p>A4</p>	<p>risk.</p> <p>a) No.</p> <p>b) No.</p> <p>c) Yes.</p> <p>There is a general reference to the vulnerable groups as the main object of protection of this legal document in the preamble.</p> <p>The protection of the vulnerable groups and communities are also one of the specific objectives of this legal document.</p> <p>Prescribes the need to develop direct actions (regarding early warning mechanisms) in the most vulnerable communities.</p> <p>d) Considered as part of the most vulnerable groups/communities (see c.).</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention</p>			<p>There are no major differences between the two of them.</p>

⁵ <http://www.casacivilpr.ao/pt/documentos/4558a5766e0e89a35261fef1ad04c2c832c591a6.pdf>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and disaster risk reduction.			
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?			No.
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	Presidential Decree No.103/2011 to establish the National Strategic Plan for Disaster Management	Section IV A1	It mentions that this Strategic Plan is orientated in accordance with Hyogo Framework for Action, and establishes the NSCP as the legal responsible for DRR. Creates the NSCP as the responsible for DM and DRR.
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their			No. ⁶

⁶ I consulted some newspaper article that announced the inauguration of a Centre for Ecology and Climate Change created by the Angolan Government but I could not find any mention to its attributions and competences in legislation.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
designated roles in DRR?			
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.			No information available.
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	Presidential Decree No.205/10 Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014	Scheme NCCP Composition of the Expenditure	There is a reference to the budget previewed annually for the NCCP but there is no express reference to a budget specifically allocated to DRR.
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?			No.
24. Is there a budget allocated to DRR at municipal or local level? How is			No.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
this prescribed?			
Part Two. Responsibility, accountability and liability for natural disaster risk reduction			
<p>The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.</p>			
A. Constitutional Rights & Guarantees for the Population			
<p>25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to:</p> <p>a) DRR in general? b) Safety /Life c) Right to Food? d) Right to adequate shelter or</p>	<p>Constitution of the Republic of Angola of 1975, amended in January 21 of 2010</p>		<p>a) Yes, article 16 b) Yes, article 30 c) No. d) Yes, article 85 e) Yes, article 23 f) Yes, article 77 g) No. h) Yes, article 40</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>housing?</p> <p>e) Non-discrimination, (and other relevant civil and political rights)?</p> <p>f) Livelihoods, Health (and other economic, social and cultural rights)?</p> <p>g) Compensation for losses due to natural disasters?</p> <p>h) Information?</p>			
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a) Is it an individual or a collective right?</p> <p>b) Can claimants represent themselves?</p> <p>c) Are there costs that mean the</p>	<p>Constitution of the Republic of Angola of 1975, amended in January 21 of 2010</p>	<p>Article 73 and 74</p> <p>Article 196</p>	<p>a) It is both an individual and collective right.</p> <p>b) It is not specified.</p> <p>c) Poorest people are guaranteed access to justice by the State.</p> <p>d) It is not specified.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>poorest people cannot access the remedy?</p> <p>d) Are there financial limitations on any such claims (minimums or maximums)?</p>			
B. Liability & Insurance			
<p>27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?</p>	<p>Constitution of the Republic of Angola of 1975, amended in January 21 of 2010</p>	<p>Article 75</p>	<p>Case Law is not applicable in Angola</p> <p>There is a general clause of State's liability for any actions and omissions committed which result in the violation of rights, freedoms and guarantees.</p> <p>It does not address failure to prevent natural disasters directly.</p>
<p>28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>	<p>Constitution of the Republic of Angola of 1975, amended in January 21 of 2010</p>	<p>Article 75</p> <p>Articles 73 and 74</p>	<p>There is no specific law or regulation on natural disaster warnings. There is a general clause of State's liability (see Q.28), therefore depending on the seriousness of the offense civil or criminal responsibility will be applied.</p> <p>They can be both individual and collective actions.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?</p>	<p>Constitution of the Republic of Angola of 1975, amended in January 21 of 2010</p>	<p>Article 75</p>	<p>According to the Constitution no, there is no legal immunity for this purposes.</p>
<p>30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>			<p>No information.</p>
<p>31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to</p>			<p>In principle, general rules of damage caused to others from their property are applicable.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
seek redress? Are these individual or collective actions, or both?			
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?			No.

3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
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3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<p>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</p>			
<p>A. Cyclones, tornadoes, or storms?</p>			
<p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>No.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>No.</p>
<p>35. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty</p>			<p>No.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b) failure to take preventive action including by reducing this risk?</p> <p>c) If so, who may be liable - or immune?</p> <p>d) Is it civil or criminal liability, or both?</p>			
<p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No.
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people? 			
<p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No.
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
B. Earthquake/Tsunami?			
40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No.
41. Does this law specify how management of this risk is financed? If so, describe.			No.
42. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both?			No.
43. Does this law regulate the collection			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			
<p>44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people? 			No.
45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
community involvement in EWS?			
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			No.
C. Fire?			
<p>47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			No.
<p>48. Does this law specify how management of this risk is financed?</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
If so, describe.			
<p>49. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both? 			No.
<p>50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No.
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people? 			
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No.
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, 			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
radio or internet access to meteorological or seismological data and analysis)?			
D. Floods?			
54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Law on Water no. 6/02 of July 21	Article 29	No. Floods are mentioned, notwithstanding, in the Law on water, in general terms: It is the responsibility of the State to create and maintain systems to prevent calamities related to floods and droughts. The systems of prevention, warning and rescue in the event of floods are ruled by specific regulations issued by the Government ⁷ .
55. Does this law specify how management of this risk is financed? If so, describe.	Law on Water no. 6/02 of July 21	Article 18	There is a reference, in the general Law on water, to the creation of a complementary Fund to foment the development of the water resources and related environmental protection. There is no specific mention to the management of the risk of floods.
56. Does this law attribute liability for	Law on Water no. 6/02	Article 29,	This law attributes to the landlords and users of dams the responsibility to take preventive measures to avoid natural disasters

⁷ I could not find any example of these regulations.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>damage caused by:</p> <ul style="list-style-type: none"> a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both? 	<p>of July 21</p>	<p>para. 2</p> <p>Article 72</p> <p>Article 72 para.1 f)</p>	<p>both in the construction phase and exploitation one.</p> <ul style="list-style-type: none"> a) No. b) There is reference to administrative liability for some situations including the <i>lack of respect for the prohibitions and restrictions set out by this law, or the omission of the conditions prescribed by this same law.</i> <p>It can be read that this law prescribes that landlords and users of dams take preventive actions to avoid natural disasters (i.e. floods), so they are obliged to respect this conditions. In the case they don't, article 72 para. 1 f) is applicable.</p> <p>It is also said that possible civil and criminal liability are not excluded.</p> <ul style="list-style-type: none"> c) See answer to b). d) No.
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is</p>			<p>No.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?			
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people? 	Law on Water no. 6/02 of July 21	<p>Articles 9, 15 and 16</p> <p>Article 10</p>	<p>No. But there is a reference to the participation of the community in water related issues. No mention, however, is made in regard to risk mapping, early warning or general DRR.</p> <p>General reference is made regarding the importance of equality of treatment and opportunity for the participants in water related issues, but there is not any specific mention to these specific groups.</p>
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No.
60. If communities are involved in EWS, does this law provide that they:			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			
E. Heat/cold waves?			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No.
62. Does this law specify how management of this risk is financed? If so, describe.			No.
63. Does this law attribute liability for damage caused by:			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both? 			
<p>64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No.
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a) Women? b) Different cultural or ethnic 			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>			
<p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No.
<p>67. If communities are involved in EWS, does this law provide that they:</p> <p>a) Assist in the design of local and community EWS?</p> <p>b) Establish or maintain EWS?</p> <p>c) Provide information for the EWS?</p> <p>d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
68. Describe form of regulation, and institutional responsibility.			No.
F. Insect Infestations?			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	<p>Executive-Decree of June 25 2010, Organic Statute of the Ministry of Agriculture, Rural Development Fishing Activities</p> <p>Executive Decree No. 52/06 of April 17</p>	<p>Article2)r</p> <p>Articles 2, 6, 17 and 18</p>	<p>No.</p> <p>Notwithstanding the Organic Statute of the Ministry of Agriculture has some general references to plagues:</p> <p>It is a Ministry's of Agriculture attribution to:</p> <ul style="list-style-type: none"> Secure the protection of animals vegetables and the national territory against diseases and local and transnational plagues <p>The Executive Decree No. 52/06 also reinforces this idea.</p>
70. Does this law specify how management of this risk is financed? If so, describe.			No.
71. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b) failure to take preventive action including by reducing this risk?</p> <p>c) If so, who may be liable - or immune?</p> <p>d) Is it civil or criminal liability, or both?</p>			
<p>72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No.
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic</p>			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>			
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No.
<p>75. If communities are involved in EWS, does this law provide that they:</p> <p>a) Assist in the design of local and community EWS?</p> <p>b) Establish or maintain EWS?</p> <p>c) Provide information for the EWS?</p> <p>d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			No.
<p>G. Landslides and avalanches?</p>			

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No.
77. Does this law specify how management of this risk is financed? If so, describe.			No.
78. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both?			No.
79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
relation to this risk? If so, what authority is responsible and what is their mandate?			
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people? 			No.
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			No.
H. Volcanoes?			
<p>83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			No.
<p>84. Does this law specify how management of this risk is financed?</p>			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
If so, describe.			
<p>85. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both? 			No.
<p>86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			No.
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice</p>			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>for all parts of those communities, including:</p> <ul style="list-style-type: none"> a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people? 			
<p>88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			No.
<p>89. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on 			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation			
I. Drought and related famine?			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a) Rain and river water storage, distribution and conservation measures?</p> <p>b) Development and maintenance of ground water extraction, storage and distribution?</p> <p>c) If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>	<p>Executive-Decree of June 25 2010, Organic Statute of the Ministry of Agriculture, Rural Development Fishing Activities</p> <p>Law on Water No. 6/02 of July 21</p>	<p>Article 22,23,24 and 25</p>	<p>No.</p> <p>But according to the Organic Statute of the Ministry of Agriculture it is its own attribution to formulate and propose a strategic plan to develop the agricultural and other related sectors.</p> <p>No reference is made to drought preparedness and risk reduction in this law.</p> <p>In the Law on Water some references are made to the private and public use of water resources.</p> <p>It specifies that the private use of water resources is subjected to the issuing of permits and concessions and must comply with certain legal conditions and, on the other side, that the public use is</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>free.</p> <p>Drought is mentioned, notwithstanding, in the Law on water, in general terms:</p> <ul style="list-style-type: none"> • It is the responsibility of the State to create and maintain systems to prevent calamities related to floods and drought. • The systems of prevention, warning and rescue in the event of drought are ruled by specific regulations issued by the Government.
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a) Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b) Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c) Is there legal provision for diversion, piping or transporting</p>			<p>No.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
water to drought-affected areas? If so, at what level(s) of government?			
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.	Law on Water no. 6/02 of July 21	Article 18	<p>There is a reference, in the general Law on water, to the creation of a complementary Fund to foment the development of the water resources and related environmental protection.</p> <p>There is no specific mention to the management of the risk of drought.</p>
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			No.
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:	Law on Water no. 6/02 of July 21	<p>Articles 9, 15 and 16</p> <p>Article 10</p>	<p>No. But there is a reference to the participation of the community in water related issues. No mention, however, is made in regard to risk mapping, early warning or general DRR.</p> <p>General reference is made regarding the importance of equality of treatment and opportunity for the participants in water related issues, but there is not any specific mention to these specific</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people? 			groups.
J. Other food security risks?			
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <ul style="list-style-type: none"> a) If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility b) At what level(s) of government is this regulated? 			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
96. Does the above law or mandate specify how management of food security is financed? If so, describe.			No.
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?			No.
98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including: a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
with disabilities? d) Socially isolated groups and the very poorest people?			
Part Three. Early Warning, Hazard Mapping and Risk Information			
A. Early Warning			
99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law ?	Presidential Decree No.103/2011 ⁸	Section III Objectives and Strategy	Yes. It is considered one of the main objectives and part of the national strategy to respect the principle of prevention, meaning that the risks of disaster shall be considered in advance in order to eliminate its causes or at least reduce their consequences.
a) If so, does this include institutional mandates on EWS?			
b) Which institution(s) are involved and what are their mandates on EWS?	Presidential Decree No.205/10 ⁹	Module of Preparation	The National Strategic Plan also establishes the obligation to
c) Is there legal provision for			

⁸ Presidential Decree No.103/2011 to establish the National Strategic Plan for Disaster Management

⁹ Presidential Decree No.205/10 Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
financing of EWS?	<p>Presidential Decree No.103/2011</p> <p>Presidential Decree No.205/10</p>	<p>2. Early Warning and Alert</p> <p>Section IV</p> <p>Areas of Action</p> <p>Scheme of actions and responsibility</p> <p>Module of Preparation</p> <p>2. Early Warning and</p>	<p>establish EWS.</p> <p>a) Yes the de-centralized Commissions of Civil Protection.</p> <p>b) To develop the local warning systems, the NSCP (at a coordination level) and the Provincial and the Local Commissions.</p> <p>To develop a municipal system of instruments and warnings, to capacitate the communities to respond to the warnings and to establish agreements between the public and the private sectors for actions of evacuation and warning :<u>At a coordination level</u>- the Provincial Commissions, commune observers of EWS; <u>At an implementation level</u>; the local EWS, local organizations and</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Alert	local administrations. c) No.
100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.	Presidential Decree No.205/10	Module of Preparation 2. Early Warning and Alert	Yes. There is a reference to the need of include community participation (especially the vulnerable ones) so they are prepared to act in disaster scenarios.
101. Does EWS regulation provide for community-based early warning data collection? Describe.	Presidential Decree No.205/10	Module of Preparation 2. Early Warning and Alert	Yes. The EWS shall be in accordance with local practices to guarantee an effective monitoring, alert and warning of the main threats.
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.	Presidential Decree No.205/10	Module of Preparation 2. Early Warning and Alert	Yes. It is mentioned that the monitoring of the warning systems shall be done considering the data of Meteorological Alert Systems and considered for each particular situation. The warnings shall be made with effective and reliable communication systems.
103. Does the law regulating telecommunications infrastructure	General telecommunications Law		No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>and delivery include any DRR criteria in general, or any specific measures such as:</p> <p>a) geographical coverage of telecommunications to include remote and/or at-risk areas?</p> <p>b) priority access to communications technology for at-risk communities and responders to disaster?</p> <p>c) access for vulnerable groups such as the elderly and persons with disabilities?</p> <p>d) Support for early warning systems?</p>	<p>No. 08/01 of May 11</p>		
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a) Generally throughout the territory?</p> <p>b) In specified areas?</p> <p>c) Under specified circumstances?</p>	<p>General telecommunications Law</p> <p>No. 08/01 of May 11</p>		<p>No.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
B. Risk identification, assessment and monitoring			
105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?	Presidential Decree No.205/10 Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014		There are some reference to information purposes but there is no specific reference to collection and distribution on hazards and risks.
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?			No.
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
this, and under what law?			
Part Four. Regulation of the Built Environment			
<p>The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.</p>			
A. Building Codes			
<p>Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.</p>			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	Law on Territorial and Urban Planning No. 3/04 of June 25	Article 5	It is the responsibility of the State to promote and guide the policy on the Country Planning. The communes shall intervene in the territorial planning of their areas of jurisdiction. The rural communities can participate in actions of territorial planning.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 43	<p>The authorities responsible for the implementation are political, technical and participatory organs.</p> <p><u>At a political level:</u></p> <ul style="list-style-type: none"> • National Assembly, Government, Inter –ministerial Commission on Territorial and Urban Planning. <p><u>At a technical level:</u></p> <ul style="list-style-type: none"> • National, Provincial and municipal technical organs. <p><u>At a participatory level:</u></p> <ul style="list-style-type: none"> • National Consultation Commission of Territorial and Urban Planning and Provincial Consultation Commissions on Territorial, Urban Planning Municipal organs.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			No.
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding?	Law on Territorial and Urban Planning No. 3/04 of June 25	Article 25	Yes. These building codes, regulations and rules are binding.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.</p>	<p>Executive Decree No. 13/07 of February 26 General Regulation on Urban Buildings</p>		<p>Areas covered:</p> <ul style="list-style-type: none"> • General building design <p>Fire (several articles are mentioned concerning specific measures that must be adopted in order to secure the construction against the risk of fire): Article 139 to 157</p> <ul style="list-style-type: none"> • Health requirements: Article 7,14,53,61^o... • Water and Sanitation Requirements: Article 51, 87, 100 ... • Evacuation of smoke and gases: Article 107 to 113
<p>111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?</p>	<p>Decree No. 80/06 of October 30 Regulation on Licensing Allotment, Urbanization and Construction Works</p>	<p>Article 15</p>	<p>Yes. The responsible authority for the individual building approvals is the Governor of the Province (where the construction is taking place).</p>
<p>112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to: a) New buildings?</p>	<p>Decree No. 80/06 of October 30 Regulation on Licensing Allotment, Urbanization</p>	<p>Article 68</p>	<p>Yes, to all this categories. The responsible authority may organize inspections at all times.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>b) Renovations / extensions of existing buildings?</p> <p>c) Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p>	and Construction Works		
<p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?</p>	<p>Executive Decree</p> <p>No. 13/07 of February 26</p> <p>General Regulation on Urban Buildings</p> <p>Decree</p> <p>No. 80/06 of October 30</p> <p>Regulation on Licensing Allotment, Urbanization and Construction Works</p>	<p>Article 159^o</p> <p>Article 164^o</p>	<p>Yes. It can impose pecuniary sanctions as fines but also the suspension of the works or the demolition of the works in the case of violation of these Regulations. The responsible authorities are the Provincial Governments.</p>
<p>114. Do the building regulations have special standards or requirements for:</p>			<p>No.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
a) schools? b) hospitals? c) fire stations? d) other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?			
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.			No.
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.	Executive Decree No. 13/07 of February 26 General Regulation on Urban Buildings	Articles 45 to 48	Yes.
117. Do the building laws/regulations include small self-built constructions? Identify & describe.	Executive Decree No. 13/07 of February 26		No, they are covered by the general rules on construction.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	General Regulation on Urban Buildings		
<p>118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g.</p> <p>a) the extent of regulation?</p> <p>b) the level of government at which it is regulated?</p> <p>c) other?</p>	<p>Executive Decree No. 13/07 of February 26 General Regulation on Urban Buildings</p>		<p>No. This law is applicable both to new constructions or any works on re-constructions, extensions, modifications, reparations or demolitions in the urban perimeter and the rural areas of protection. Out of these zones this decree can also be applicable to agglomerates of population when the Provincial Governments decide so.</p>
<p>119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?</p>			<p>No.</p>
<p>120. Do the building laws/regulations include:</p> <p>a) Inspections?</p> <p>b) programmes and/or incentives</p>	<p>Decree No. 80/06 of October 30 Regulation on Licensing</p>		<p>a) Yes, see Q. 113. b) No.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?</p> <p>If so, what form of regulation and which institution(s) have responsibility for this?</p>	<p>Allotment, Urbanization and Construction Works</p>		
<p>121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).</p>	<p>Executive Decree No. 2/06 of January 23 General Regulation Territorial, Urban and Rural Plans</p>	<p>Article 26 and 27</p>	<p>Yes. There are a general reference to public roads and other related public works required to be indicated in the Territorial and Municipal General plans.</p> <p>The responsible authorities are both the Central and Provincial Government.</p>
<p>122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?</p>			<p>The aspects relevant to DRR were already mentioned in the Q. 111.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
B. Land Use Planning Laws			
<p>The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).</p>			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?	Law on Territorial and Urban Planning No. 3/04 of June 25		Yes.
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?	Law on Territorial and Urban Planning No. 3/04 of June 25	Article 43 Article 29	<p>It is regulated both at the state, provincial level and municipal level.</p> <p>The authorities responsible for the implementation are political, technical and participatory organs.</p> <p><u>At a political level:</u></p> <ul style="list-style-type: none"> • National Assembly, Government, Inter –ministerial Commission on Territorial and Urban Planning. <p><u>At a technical level:</u></p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 30	<ul style="list-style-type: none"> • National, Provincial and municipal technical organs. <p><u>At a participatory level:</u></p> <ul style="list-style-type: none"> • National Consultation Commission of Territorial and Urban Planning, Provincial Consultation Commissions on Territorial and Urban Planning , Municipal organs. <p>At a national level there is the Law that approves the Principal Options of National Territory's Planning (PONTTP)¹⁰.</p> <p>At a provincial level Provincial Plans of Territory's Planning (PPTP)¹¹.</p>
<p>125. Does the land use planning and/or zoning law include processes for:</p> <ol style="list-style-type: none"> a) Formal release of land for new developments? b) Approval of each new urban development? c) Approval of major commercial developments? 	<p>Law on Land</p> <p>No. 9/04 of November 9</p>	Article 21	<ol style="list-style-type: none"> a) No. b) Yes. This article classifies the types of urban land and refers that in order to be dealt as urban land they must be approved in accordance with the urban plans or recognized as so by the competent authorities. (same idea in article 41) c)No

¹⁰ I could not find this law online.

¹¹ I could not find an example online.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?			No.
127. Does the planning / zoning law include public open space for evacuation?			No.
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			No.
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?	Executive Decree No. 2/06 of January 23 General Regulation Territorial, Urban and Rural Plans	Article 27	It mentions that the main strategic lines relating to the installation, conservation and development of infrastructures shall be established by Principal Options on National Territorial Planning (PONTTP) and provincial and inter-provincial plans.
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
access for emergency services such as fire and ambulance?			
<p>131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g.</p> <p>a) the extent of regulation?</p> <p>b) the level of government at which it is regulated?</p> <p>c) other?</p>	<p>Executive Decree No. 2/06 of January 23</p> <p>General Regulation Territorial, Urban and Rural Plans</p>	<p>Article 18</p>	<p>Yes.</p> <p>The rural system is dedicated a special article, in which is highlighted the importance of the consideration of values of the traditional culture and the role of the Custom for the development of the quality of life of the rural communities (respecting the natural and ecological balance).</p> <p>As for the level of Government at which this is regulated it should be dealt mainly by the municipal plans (i.e. at the municipal level) but it can also be dealt by the general territorial plans (similar to the urban settings already analysed above).</p>
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			No.
C. Land tenure			
<p>133. Is there a national system of land title registration established under law?</p> <p>a) If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can</p>	<p>Law on Land No. 9/04 of November 9</p>	<p>Article 5 Article 6</p>	<p>a) The land belongs originally to the State. Notwithstanding, the State can transfer or charge integrated in its domain to the private sector. A certificate is always issued either it is a transfer or a concession/usage by the State.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>you find an example of such a law?</p> <p>b) Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p>		<p>Article 48</p> <p>Article 59</p> <p>Article 60</p>	<p>b) It is not mentioned.</p> <p>The registration shall be made in the competent delegation of the National Real Estate Registration Office. It is also a responsibility of the authority, which issues the certificate, to keep a copy of the process of transfer or concession.</p>
<p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a) require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b) establish a timeframe for the conclusion of land mapping?</p> <p>c) allocate resources for land mapping?</p>	<p>Executive Decree</p> <p>No. 2/06 of January 23</p> <p>General Regulation Territorial, Urban and Rural Plans</p>	<p>Article</p>	<p>a) According to the article 12 the communities have the right to participate in the land mapping activities.</p> <p>b) Not mentioned.</p> <p>c) Not mentioned.</p>
<p>135. Does the land title system allow anyone to purchase or own land, or</p>	<p>Law on Land</p>	<p>Article 42</p>	<p>It is mentioned that all singular persons with Angolan nationality can purchase land.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <ul style="list-style-type: none"> a) Women? b) All ethnic or religious groups? c) Non-nationals? 	No. 9/04 of November 9		<p>a) Not mentioned.</p> <p>b) Not mentioned.</p> <p>c) Yes, but within the limits established by the Constitution and this law. (i.e. no nationals are subjected to some requirements that Angolan citizens are not)</p>
136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.			See Q.138
137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation	<p>Law on Land</p> <p>No. 9/04 of November 9</p>		<p>Yes.</p> <p>It is mentioned that rights of <i>possession</i>¹², occupation and rights of use and usufruct are <u>recognized to the families, part of rural communities, that used these lands in an utile and effective way, in accordance with Costume.</u></p>

¹² Other term used for this word in Portuguese is land titling.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
or case law.			
<p>138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:</p> <p>a) adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</p> <p>b) 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</p>	<p>Law on Land No. 9/04 of November 9</p>	<p>Article 6</p>	<p>No.</p> <p>a) It is mentioned that adverse possession cannot be recognized as a mean of acquiring land tenure from the State's or the rural communities' private domains.</p> <p>b) No information provided.</p>
<p>139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?</p>	<p>Law on Land No. 9/04 of November 9</p>		<p>No. See Q. 138 to acknowledge the only exception made for customary law.</p>
<p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes?</p>	<p>Law on Land No. 9/04 of November 9</p>	<p>Article 12</p>	<p>Yes.</p> <p>But the State can only compulsory purchase or requisite land for public purposes only in the cases prescribed by the law, and can</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>general disputes.</p> <p>a) see Q 27.</p> <p>According to the Constitution Tribunals are available throughout all the territory.</p> <p>b) No information.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
D. Informal and precarious settlements			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a) If so, what is the policy reason given (if any) for such clearance?</p> <p>b) Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c) If residents are to be moved, does this law require the provision of alternative housing? If so, how is</p>			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>this financed?</p> <p>d) If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e) Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>			
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a) If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b) Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c) Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d) Does this law authorise or</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>mandate the provision of social services to informal settlements?</p> <p>e) Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			
<p>144. Does any law require that informal settlements are included in:</p> <p>a) Early Warning Systems?</p> <p>b) Community based DRR education and training?</p>			No.
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a) If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b) If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
E. Urban Water and Flood Management			
<p>146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?</p>	<p>Executive Decree No. 2/06 of January 23</p> <p>General Regulation Territorial, Urban and Rural Plans</p> <p>Law on Water No 06/02 of July 21</p>	<p>Article 24 b)</p>	<p>The municipal plans shall specify the lines of action set out by the National and Provincial plans on water storage and distribution.</p> <p>Water distribution for human use and consumption has priority over other types of uses.</p> <p>See Q. 148</p>
<p>147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?</p>	<p>Presidential -Decree No. 77/10 of May 24</p> <p>Organic Statute of the Ministry of Energy and</p>		<p>Yes, the Ministry of Energy and Water. This Ministry has two executive organs in what concern water management:</p> <ul style="list-style-type: none"> ▪ National Direction of Water Supply and Sanitation (NDWSS) ▪ National Direction of Water Resources (NDWR) <p>It is considered one of the attributions of the NDWR to establish the</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Water		guidelines and mechanisms of evaluation and prevention of floods and drought, but safeguarding the water supply in general is an attribution of the NDWSS.
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?			No.
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			No information.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part Five. Regulation of the Natural & Rural Environment			
<p>Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.</p>			
A. Human Risks in Environmental Change			
<p>150. Is there legislation on environmental protection? If so, what institution has responsibility?</p>	<p>Law No. 5/98 of June 29 Basic Law on Environment</p>	<p>Article 6 and 7</p>	<p>Yes. The Government at all levels (national, provincial, municipal).</p>
<p>151. Does the above mandate include environmental management from the perspective of:</p> <ul style="list-style-type: none"> a) human safety? b) preservation of livelihoods? c) food security, especially concerning protection of crops 			<p>No.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and livestock?			
152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?	Law No. 5/98 of June 29 Basic Law on Environment	Article 16	Yes. Article 16 prescribes that the EIAs are always mandatory for actions that might have implications in the environmental and social balance.
153. If there are EIAs, do the criteria include: a) human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b) assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?	Decree NO. 51/04 of July 23 About the Environmental Impact Assessment (EIA)	Article 9	This article prescribes that the EIA must respect the principles and objectives of the Basic Law on Environment: <ul style="list-style-type: none"> ▪ A non-technical summary of the project ▪ Descriptions of the activities to develop ▪ General description of the environmental situation of the local where the activity is going to take place ▪ A summary of the opinions and critiques collected in public surveys ▪ Description of the possible environmental and social changes brought by the action ▪ Descriptions of the possible actions to undertake to minimize the negative social and environmental effects ▪ Indication of the systems for the control and evaluation of the action

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			There is no express reference to human risk factors or known natural hazards.
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?			No.
B. Forests			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?	Decree No. 00/07 of April 30 ¹³ Preliminary Draft of the Law on Forests, Wild Fauna and Areas of Land Conservation		Yes. The Government at all levels (national, provincial and municipal). At the national level the Ministry of Agriculture is the main institutional responsible.

¹³ I could not find the number of the law, but in this website <http://www.padoca.org/pag/lei-seg.htm> is referred as Decree No.00/07 of April 30.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
158. Does the law provide for use, conservation or management of forests and their resources by communities?	Decree No. 00/07 of April 30 Preliminary Draft of the Law on Forests, Wild Fauna and Areas of Land Conservation		Yes. See Q. 159. Several participation rights are recognized to the communities throughout this legal document (with special attention to their participation in the elaboration of the scientific report and acknowledgment of the traditional knowledge regarding the management of forests).
C. Rivers and watercourses			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?			See Floods analyse made above.
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as: a) Riverbed management relevant to flood prevention and mitigation? b) Water storage and distribution			No information

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p>			
161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?			No information
162. Does the law provide for use, conservation or management of rivers and their resources by communities?			No information
D. Drought and food security			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?			See Drought and food security analyse made above.
164. Does the above mandate include the construction and maintenance			No information

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
of water reserves, including against the risk of drought?			
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			No information

4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
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4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a) If so, what does it require and who is responsible for this, and under what law?</p> <p>b) Does it provide for community level access to the data?</p>			No.
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a) If so, what does it require and who is responsible for this, and under what law?</p> <p>b) Does it provide for community level access to the data?</p>			No.

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	<p>Presidential Decree No.103/2011 to establish the National Strategic Plan for Disaster Management</p> <p>Presidential Decree No. 101/11 of May 23, Regulations on the NCCP</p>	<p>Section IV Areas of Action</p> <p>Article 7 para. 2 b)</p>	<p>Could not find the education law.</p> <p>This legal instrument refers the importance of the incorporation of the school curriculum of DRR awareness and for the population in general.</p> <p>Yes. It refers as a competence of this Commission the promotion at the education level, the diffusion of practical and theoretical knowledge about the nature of risks and the ways in each one can contribute to limit the effects of natural disasters.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a) If so, which authorities and what are they required to do?</p> <p>b) In particular does it require DRR education in schools?</p>	<p>Presidential Decree No.205/10</p> <p>Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014</p> <p>Presidential Decree No. 101/11 of May 23, Regulations on the NCCP</p>	<p>Article 7 para. 2 c)</p>	<p>It is mentioned, generally, that the promotion of the information of the population via actions of awareness with the aim of preparing them to auto-protect themselves (within the structures of response to disasters of the Plan) is one of the main objectives and strategies.</p> <p>See Q. 169.</p> <p>This article prescribes the need of training programs of the organisms and structures that are part of the NSCP.</p>
<p>170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?</p>	<p>Presidential Decree No.205/10</p> <p>Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014</p>		<p>See Q.170.</p> <p>Community participation, not explicitly mentioned.</p> <p>See Q.169.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?			No. But the actions of the Red Cross are only generally mentioned in this legal instrument. For more details see Q 14.
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?			No. The role of Civil Society is only generally mentioned in this legal instrument, see Q. 13.

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>173. Does any law provide for community-level results in DRR, such as:</p> <ul style="list-style-type: none"> a) Natural disaster warnings that extend to community level? b) Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c) Community involvement in land-use and urban planning? d) Community involvement in and education concerning building codes? 	<p>Presidential Decree No.103/2011 to establish the National Strategic Plan for Disaster Management</p> <p>Presidential Decree No.205/10</p> <p>Approval of the National Plan of Preparation, Contingency, Response and Recovering from Calamities and Natural Disasters 2009-2014</p>		<ul style="list-style-type: none"> a) Very broadly mentioned in these legal instruments. b) No. c) See Q. 132 and 135. d) No.

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¹⁴ I could not find the number of the law, but in this website - <http://www.padoca.org/pag/lei-seg.htm> - is referred as Decree No.00/07 of April 30.

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