

The role of State regulation and businesses towards sustainable development: the case of Angola

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Abstract

The challenges to achieve sustainable development within planetary boundaries in Africa are immense. This article outlines the extent to which the current regulatory and policy frameworks in Angola ensure sustainable development, do not contribute to human rights violations, and secure the social foundation for humanity within planetary boundaries.

There are multiple economic, social, political and legal challenges in Angola, which are hindering the enforcement of sustainability and human rights regulations. The article shows that while the effective protection of the environment and its people has been echoed in relevant sustainable development legislation and policies by the State in Angola it does not fully correspond with people's daily-lived experience. In this context, because social and planetary boundaries are complex and interdependent, the role of private actors and public cooperation with African states is essential. Businesses play a key role in ensuring that the Angolan State honours its commitment to the achievement of the Sustainable Development Goals. However, all of this must go hand in hand with not creating false expectations to its people. It is necessary to strengthen the enforcement of the national regulatory framework and policies in order to ensure that companies operating in the country adhere to, and contribute to, the achievement of human rights and sustainable development in order to secure the social foundation for humanity.

Key words: *Sustainable Development Goals, Business and Human Rights, Sustainability, Angola*

1. Sustainable development in the African context – *Quid juris?*

The importance of finding solutions to Africa's development problems and, in particular Angola, calls for a critical examination of what "sustainable development" means in the African context and, in particular, how environmental and human rights regulatory frameworks to regulate both private and public actors reflect this. The term sustainable development was first put forward by the World Conservation Strategy¹ and later reinforced by the Brundtland Report.² The World Conservation strategy aimed at protecting ecological processes, life support systems and genetic diversity through the sustainable usage of natural resources. The strategy linked important dilemmas facing rural people in developing

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¹ IUCN, UNEP, WWF (1980) World conservation strategy: Living resources conservation for sustainable development. IUCN: Gland, Switzerland.

² World Commission on Environment and Development (WCED) (1987) Our Common Future. Oxford University Press.

countries who are forced to over utilise natural resources in order to survive: poverty, development and the environment. It provided awareness to the importance of root causes of environmental crises including social, political and economic. These ideas later informed the development of the recommendations in the Brundtland Report, the Agenda 21³ leading up to the more recent Agenda 2030, also known as the Sustainable Development Goals (SDGs), a set of goals decided upon at the UN Sustainable Development Summit in 2015. A total of 17 goals have been agreed on, revolving around the same concepts of Agenda 21; people, planet, prosperity, peace, and partnership. As it stands the concept of sustainable development informs an array of local, national and international policies, programmes and strategies linking both environmental and social development concerns. This reflects the increasing acceptance of what is referred to as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” – a definition initially put forward by the Brundtland Report in 1987. This description, while widely accepted, is also highly ambiguous. Its imprecision has nevertheless paved way for consensus as it was made to be accessible to a wide range of society stakeholders (NGOs, local communities, business, authorities, governments and society at large)⁴. However, the question remains as to what extent the concept of sustainable development corresponds or reflects the reality of contemporary Africa. In particular, how do current regulatory and policy frameworks in Angola ensure sustainable development, do not contribute to human rights violations, and secure the social foundation for humanity within planetary boundaries?

2. Angola: from past to the present

As sub-Saharan Africa’s second largest oil producer and the fourth largest producer of diamonds globally⁵, Angola is one of the most resource-rich countries in Africa. With large quantities of natural resources comes the possibility for increased economic growth and development. Governments, however, have a responsibility to ensure that this growth and development is done sustainably and without causing adverse negative effects and consequences for the country, its people, and the environment.

Angola, located in southern Africa with a surface area of 1.246.700 km, has an estimated population of about 29 250 009 million spread over 18 provinces, 164 municipalities, 44 districts and 518 municipalities.⁶ It has large deposits of minerals, notably oil and diamonds. Previously under Portuguese colonial rule, Angola became independent in 1975 after which ensued a 27 year long civil war which was financed illegally by the sale of both oil and diamonds, to the detriment of the local communities within Angola. In 2002 Angola’s civil war ended and José Eduardo dos Santos, leader of the The People's Movement for the

³ United Nations (1992) UN Conference on Environment and Development Rio, 3-14 June 1992 *available from:* <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf> [accessed 05 November 2019].

⁴ See Fien, J. & Tilbury D. (2002) The global challenge of sustainability pp.1-24 in Education and sustainability responding to the global challenge. Ed. Tilbury D. *et al* Geneva: IUCN Commission on Education and Communication.

⁵ IFAD (2018) Republic of Angola Country Strategic Opportunities Programme 2019-2024 *available from:* <https://webapps.ifad.org/members/eb/125/docs/EB-2018-125-R-26-Rev-1.pdf> [accessed 30 October 2019].

⁶ OECD (2017) Angola Unitary Country *available from:* <https://www.oecd.org/regional/regional-policy/profile-Angola.pdf> [accessed 30 October 2019].

Liberation of Angola (Movimento Popular de Libertação de Angola – Partido do Trabalho-MPLA) party during the civil war, remained President. Despite the end of the civil war, Angola has since been dogged by rampant corruption, inflation, an economy overly reliant on oil, and low human development indicators.⁷

Recently, Angola has undergone a dramatic change. In 2017, after 38 years in power, the Angolan president, José Eduardo dos Santos, stepped down from power before elections. Dos Santos' party successor, João Lourenço, won the elections and took over peacefully as President in September 2017. Since coming into power, Lourenço has initiated a number of unprecedented reforms and cracked down on corruption in the country.⁸ Over 2018, these reforms have been accompanied by an increasing openness in Angolan society surrounding democracy, governance and human rights. Angola currently ranks 173rd out of 190 economies on the World Bank's Ease of Doing Business Index.⁹

Lourenço's policy and regulatory reforms have been widespread, ranging from boosting investment in the oil sector, promoting diversification in the economy, to firing government officials for corruption. The regulatory reforms have aimed to achieve macroeconomic stability within the country, attract foreign investment, and create an environment conducive to economic growth¹⁰ while at the same time aiming for achieving the Sustainable Development Goals (SDG). In March 2018, at the request of the Angolan Ministry of Economy and Planning, a United Nations (UN) Mission - Mainstreaming, Acceleration and Policy (MAPS) was in Angola with the objective to support the government in promoting sectorial work in order to achieve the SDGs within their national development plan (2018-2022).¹¹

In September 2018, the Angolan government also launched their first ever national strategy for human rights.¹² The National Human Rights Strategy is a guiding document that aims to

⁷ UNDP (2019) Angola Human Development indicators *available from:*

<http://hdr.undp.org/en/countries/profiles/AGO> [accessed 30 October 2019]; UNDP (2018) Human Development Indices and Indicators: 2018 Statistical Update *available from:*

http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/AGO.pdf [accessed 30 October 2019].

⁸ Lusa Jornal de negocios (2019) João Lourenço diz que luta contra a corrupção em Angola é liderada pelo MPLA *available from:* <https://www.jornaldenegocios.pt/economia/mundo/africa/angola/detalhe/joao-lourenco-diz-que-luta-contra-a-corrupcao-em-angola-e-liderada-pelo-mpla>; Voa Portugues (2016) Luta anticorrupção de João Lourenço é "exemplo para África" *available from:* <https://www.voaportugues.com/a/luta-anticorrupt%C3%A7%C3%A3o-de-jo%C3%A3o-louren%C3%A7o-%C3%A9-exemplo-para-%C3%A1frica-4974967.html> ; [accessed 30 October 2019]

[accessed 30 October 2019] DW (2019) Angola: Dois anos depois, luta de João Lourenço contra corrupção obteve resultados? *available from:* <https://www.dw.com/pt-002/angola-dois-anos-depois-luta-de-jo%C3%A3o-louren%C3%A7o-contra-corrup%C3%A7%C3%A3o-obteve-resultados/a-49581199> [accessed 30 October].

⁹ The World Bank (2019) Ease of Doing Business in Angola *available from:*

<https://www.doingbusiness.org/en/data/exploreconomies/angola#> [accessed 30 October].

¹⁰ The Economist (2018) Is Angola's new president serious about reform? 5 May 2018 *available from:*

<https://www.economist.com/leaders/2018/05/05/is-angolas-new-president-serious-about-reform> [accessed 09 October 2019].

¹¹ United Nations Development Programme (UNDP) (2018) MAPS: A strategy of the United Nations Group to implement the SDGs in Angola *available from:*

<https://www.ao.undp.org/content/angola/pt/home/sustainable-development-goals.html> [accessed 09 October 2019].

¹² The Republic of Angola (2018) National strategy medium term for human rights 2019-2022 *available from:*

<http://www.servicos.minjusdh.gov.ao/publicacoes-cierndh/29/estrategia-do-executivo-de-medio-prazo-para->

frame the actions of the Government of Angola in the human rights field. The strategy recognises and acknowledges the main challenges and constraints of human rights in Angola, noting the widespread lack of knowledge on human rights norms and related legislation by the general population. Furthermore, it takes on board the lack of realisation of human rights related to health, education, access to land and housing, freedom of assembly and expression, and freedom of the press, whilst proposing a mid-term strategy for improving the human rights situation in Angola. The main objectives highlighted include the promotion of human rights education, increased dialogue between government and civil society, promotion of freedom of expression, association and the press, and the promotion of gender equality.¹³

Despite these positive actions, Angola continues to suffer from lower global oil prices and production levels. The continued reliance of the economy on the oil sector – oil constitutes 90% of exports and one third of GDP¹⁴ – means that the economic growth of the country is likely to remain subdued. Angola remains a country marred by widespread corruption (Angola scored 19 out of 100 in the 2018 CPI) and is still classified as ‘Not Free’ on the Freedom in the World report.¹⁵ Inequality is high, the mean income per person is \$3,110 despite almost two thirds of the population living on less than \$3.10 a day and child and maternal mortality rates are among the world’s highest.¹⁶

According to the World Bank, significant development challenges remain including the need for the country to diversify its economy and reduce its dependency on oil, rebuild infrastructure, and improve institutional capacity, governance, public financial management, human development indicators, as well as the overall standard of living for its population.¹⁷

3. Angola’s (Un)Sustainable Regulatory and Policy Framework

The government of Angola has committed itself to the achievement of the SDGs¹⁸ as well as to ensuring that human rights are protected and that businesses in the country respect them. Of the nine core international human rights treaties¹⁹, Angola has ratified seven

[os-direitos-humanos-2018-2022](#) and <http://www.servicos.minjusdh.gov.ao/direitos-humanos> [accessed 09 October 2019].

¹³ *Ibid.*

¹⁴ The World Bank (2019) The World Bank in Angola *available from:* <https://www.worldbank.org/en/country/angola/overview#1> [accessed 30 October 2019].

¹⁵ Freedom House (2019) Freedom in the World Report: Angola *available from:* <https://freedomhouse.org/report/freedom-world/2019/angola> [accessed 30 October 2019].

¹⁶ United Nations Development Programme (2018) Human Development Reports: Angola *available from:* <http://hdr.undp.org/en/countries/profiles/AGO> [accessed 30 October 2019].

¹⁷ The World Bank (2019) The World Bank in Angola *available from:* <https://www.worldbank.org/en/country/angola/overview#1> [accessed 30 October 2019].

¹⁸ Permanent Mission of The Republic of Angola to the United Nations (2015) Statement by H:E: MR. Manuel Domingos Vicente Vice President of the Republic of Angola at the United Nations Summit for the Adoption of the Post-2015 Development Agenda *available from:* <https://sustainabledevelopment.un.org/content/documents/20608angola.pdf> [accessed 30 October 2019].

¹⁹ International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social, and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the

covering: the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, and, as of October 2019, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Racial Discrimination.²⁰ Angola has further ratified all eight of the International Labour Organisation's fundamental conventions on forced labour, freedom of association and protection of the right to organise, collective bargaining, equal remuneration, employment and occupation discrimination, minimum age for work, and child labour.²¹ At the regional level, Angola has ratified the African Charter on Human and Peoples Rights, African Charter on the Rights and Welfare of the Child, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.²²

At the national level, sustainable development takes a leading role, in particular under article 39 of the Constitution of the Republic of Angola (CRA)²³, which is the basis of the legal constitutional protection conferred on the environment. In paragraph 1 it states, "Everyone has the right to live in a healthy and unpolluted environment, and the duty to defend and preserve it." This means that the right to the environment like many others, such as the right to life, physical integrity, and health, is worthy of constitutional protection as a fundamental subjective right.²⁴ This evolutionary reform also reflects the commitment of the Angolan State to the protection of this right. In paragraph 2 of the same provision it states [emphasis added]: "The State shall take the necessary measures to protect the environment and national flora and fauna species throughout the national territory, to maintain the ecological balance, *to ensure the correct location of economic activities and the exploitation of and rational use of all natural resources, within the framework of sustainable development and respect for the rights of future generations* and the preservation of different species." The State ensures that for the preservation of the environment it shall take all the necessary measures to punish harmful or dangerous acts by law (article 39 paragraph 3).

The environment as a fundamental right comprises both negative and positive duties: to *respect, protect, fulfil, ensure and promote*. These programmatic obligations mean that they

Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); International Convention for the Protection of All Persons from Enforced Disappearance (2006); Convention on the Rights of Persons with Disabilities (2006)

²⁰ United Nations Human Rights Office of the High Commissioner – UN Treaty Body Database *available from*: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=5&Lang=EN [accessed 30 October 2019].

²¹ International Labour Organization – Ratifications for Angola *available from*: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102999 [accessed 30 October 2019].

²² Ministério da Justiça e dos Direitos Humanos - Convenções Internacionais de Direitos Humanos Ratificadas por Angola (2019) *available from*: <http://www.servicos.minijusdh.gov.ao/convencoes-e-tratados> [accessed 30 October 2019].

²³ Constitution of the Republic of Angola (CRA), Luanda 21 January 2010 *available from*: <https://constitution.com/constitution-of-the-republic-of-angola/> [accessed 23 October 2010].

²⁴ For more on Angolan Constitutional Law See Machado, J.; Da Costa P. & Hilario, E. (2018) *Direito Constitucional Angolano*, Lisboa: Petrony.

require a positive action by the State and have a progressive (temporal) element.²⁵ On the one hand it places a duty upon the State and other legal persons to abstain from performing harmful acts to the environment. On the other hand, it imposes the duty on the state to realise the right to environment. In the words of Scott: “while the obligation to respect is the classic negative obligation of non-interference, forbidding a state to directly encroach upon a right. The other three require varying degrees of positive action and state policy.”²⁶ The State plays a key role in protecting the environment as it constitutes one of its fundamental duties under article 21 CRA [emphasis added]: m) *Promote the harmonious and sustainable development* throughout the national territory, protecting the environment, natural resources and the national historical, cultural and artistic heritage; o) Promote the sustained improvement of the human development index of Angolans.” The CRA is clear that “The state respects and protects the human person and human dignity” (article 31 paragraph 2). To achieve this, democracy, peace, equality and social progress (Article 1), and the protection of rights and fundamental liberties (Article 2) are essential.

While the effective protection of the environment is first and foremost a duty of the State of Angola, the CRA in its subsequent articles also implicitly puts forward the issue of shared responsibility for the environment imposing a subsidiary or complementary duty on each citizen, as well as associations and businesses as active participants in society or the location where they are based. Both State and non-State actors have therefore the duty to ensure the well-being and quality of life of the population locally and at large. This includes taking preventative measures to avoid and control pollution, protect the natural environment and the dignity of its people.

In this context, Angola’s Land Law (LL)²⁷ ensures not only the protection of the environment (article 16 LL) but also the efficient utilisation of its land (article 14LL). The Base Regulations of the Environment’s (BRE)²⁸ main objective is to fully achieve sustainable development, (Preamble BRE) ensuring the creation and classification of protected areas (article 14) and the need to carry out environmental and social impact assessments prior to infrastructure construction or other activities, including the need for environmental licensing (Articles 15 and 16 BRE). The Law of Spatial Planning and Urbanism (LSPU)²⁹, and its regulation, General Regulation of Territorial, Urban and Rural Plans (GRTURP),³⁰ are the main instruments of territorial management in Angola. As general objectives, it establishes that spatial planning aims at creating conditions favourable to social welfare, the protection of the environment, and the quality of life of citizens (article 4 (1)).³¹

²⁵ Van Hoff, G. J. H. (1984) The Legal nature of economic, social and cultural rights. A rebuttal of some traditional views in P. Alston & K. Tomasevski (eds.) *The right to Food* (Martinus Nijhoff) p. 106.

²⁶ Scott, C. (1989) “Independence and permeability of human rights norms: Towards a Partial Fusion of the January International Covenants on Human Rights” 27 *Osgoode Hall Law Journal* 3 p. 834: pp. 769-878.

²⁷ Lei das Terras Law no.9/04 of 9 of November 2004.

²⁸ Lei de Bases do Ambiente Law no.5/98 19 June 1998.

²⁹ Lei do Ordenamento do Território Law No. 3/04, of 25 June 2004.

³⁰ Regulamento Geral dos Planos Territoriais, Urbanísticos e Rurais approved by Decree No. 2/06, of 23 January 2006.

³¹ *Ibid.* Regarding its specific purposes, among others, this law refers to the safeguarding of ecological balance and historical-cultural heritage (article 4 (1) (a)), the restoration or conversion of degraded areas or illegal occupation (article 4 (1) (d)), the safeguarding and enhancement of the potentialities and conditions of rural spaces and the creation of employment opportunities as a means of fixing populations in rural areas (article 4 (1) (e)), the preservation and defence of soils with natural aptitude or used for agricultural, livestock or forestry

It seems obvious that the effective realisation of sustainable development is dependent on what path(s) the Angolan State takes to achieve this goal. The incorrect usage of natural resources, or other economic activities can deepen poverty in certain regions and lead to environmental damages, sometimes irreversible. An overemphatic legislation promoting sustainable development may contribute to create a false security for its people -including human rights violations- if it is not fully implemented in practice.

According to a report by Amnesty International (AI) published in 2019³², two-thirds of the most fertile grazing land in the Gambos region in Huila province, southern Angola, has been sold to commercial farms since the end of the civil war in 2002. According to BirdLife, the islands of Luanda and Mussulo, once considered natural beauties because of its exuberant vegetation and fauna, have been destroyed by overpopulation and a lack of sustainable planning.³³ Activities to produce oil have put pressure on marine biodiversity due to frequent oil spills and use of dispersants.³⁴ A commonly used method for the exploitation of diamonds, ornamental rocks and aggregates, is the deviation of rivers and watercourses including the usage of trenches and digging. Once these reserves are depleted both the extraction sites and watercourses are left abandoned and, as a consequence, many species have disappeared.³⁵ The Angolan Law on Geological and Mining Activities³⁶ establishes that the protection of the environment is a duty of extractive entities that perform mineral processing operations and who sell those minerals and whose activities change the natural configuration of the soil, subsoil and continental shelf (article 24). These activities are subject to monitoring and supervision by the adequate state body as set forth in the Executive Decree Nr 38/92, of August 21.³⁷ Despite this, in practice the state lacks a supervisory framework in order to minimise the impact of resource exploitation on biodiversity and the restoration of the environment and ecologically and sustainably sound mining practices (e.g. restoration with mineral residues, recycling of residues, soil decontamination).³⁸

This is alongside a current drought in Angola affecting 2.3 million people in Cunene, Huila, and Namibe provinces, and which has resulted in food insecurity in all areas. Southern

activities (article 4/1 (f)), the protection of water resources, riparian areas, the coastline, forests and other places of particular interest for nature conservation (article 4/1 g)), the protection of the natural and cultural heritage and the enhancement of the landscapes resulting from human action (article 4 (1)(h)). The purposes of spatial planning and urbanism must be harmonized with environmental policies, in accordance with the law in force (article 4 (2)).

³² Amnesty International (2019) The End of Cattle's Paradise: How Land Diversion For Ranches Eroded Food Security in The Gambos, Angola available from:

<https://www.amnesty.org/download/Documents/AFR1210202019ENGLISH.pdf> [accessed 30 October 2019].

³³ BirdLife International (2019) Important Bird Areas factsheet: Mussulo available from: <http://www.birdlife.org> [accessed 30/10/2019].

³⁴ Kvedikuenda, S. & Xavier M. (2009) Framework Report on Angola's Biodiversity Republic of Angola, Ministry of the Environment available from: <https://www.cbd.int/doc/world/ao/ao-nr-04-en.pdf> [accessed 30 October 2019].

³⁵ *Ibid.*

³⁶ Lei 01/92, 17 Janeiro 1992 das Actividades Geologicas e Mineiras.

³⁷ Decreto Executivo 38/92 de 21 de Agosto 1992 sobre normas de acompanhamento e fiscalização de actividades geologicas e mineira.

³⁸ *Op. Cited* Kvedikuenda & Xavier (2009)

provinces of Angola, in general, have serious problems of desertification, land degradation and drought, with social, economic and ecological implications. The indiscriminate felling of wood and firewood trees has been a very serious problem in this region. According to the Global Forest Watch³⁹, it is estimated that Angola has lost 2.69 million hectares of tree cover from 2000 to 2018, thus resulting in 621 million tons of carbon dioxide emitted. They also describe that in 2010, almost 60% of the entire country consisted of non-forest areas. Food security has been especially exacerbated by the loss of fertile grazing land for local communities.

Under the Angolan legislation, rural communal lands such as the communal grazing land in the Gambos is protected, however, according to Amnesty International, the Angolan government has failed to uphold their laws. Under Angolan Land Law, rural communal lands are designated as “non-grantable lands” meaning that the government cannot sell them for the benefit of third parties without conducting thorough due diligence in advance, and the lands can only be expropriated for public benefit, not private, and on the condition of just compensation. In the case of the local pastoral communities in the Gambos, Amnesty International found that the Angolan government had failed to follow the relevant environmental provisions, notably by failing to conduct consultations with local communities, failure to conduct an environmental and social impact assessment, provided no compensation or alternative grazing lands to the local communities, and ultimately allowed commercial livestock farmers to occupy non-grantable lands, violating Angolan law.⁴⁰

On an international and regional scale, the Amnesty report further noted that by allowing commercial cattle farming on land previously held by local communities and contributing to increased exposure to cyclical droughts and food insecurity for local communities, the Angolan government could be in violation of international and regional human rights law with regards to the right to food. A right which has been recognised by the UN Committee on Economic, Social, and Cultural Rights as central to the fulfillment of other rights enshrined in international human rights law.⁴¹

Against this background, whether it is appropriate to use and apply the concept of sustainable development in Africa, particularly in Angola is doubtful. As Dei puts it “[w]e all have to seriously question how much improvement we can honestly expect in the lives and living conditions of African rural peoples if the approach to ‘sustainable development’ is pursued within the existing conventional development paradigm. We are referring to development paradigms that continuously create dependency, strengthen unequal dependency relations between nations, and also further reinforce and maximize the system

³⁹ See Global Forest Watch (2018) *available from*: <https://www.globalforestwatch.org/> [accessed 23 October 2019].

⁴⁰ Angola legislation has several legal instruments that protect the environment: 1) Impact Assessment Decree no. 51/04 23 of July 2004; 2) Environmental Licensing Decree 59/07 13 July 2007; Environmental Audit Decree No. 1/10 13 January 2010. They have also a number of public authorities to protect the environment and natural resources including the creation of an Environmental Fund to finance education, studies and programs to enhance natural resources and to guarantee citizens the right to live in a healthy and unpolluted environment. See Decree No. 201/10 of 13 September 2010. Estatuto Orgânico do Ministério do Ambiente.

⁴¹ See OHCHR (2019) The human right to food *available from*: <https://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx> [accessed 30 October 2019].

of control, exploitation, injustice and inequality within and among societies.”⁴² Sustainable development framed within Western models for non-Western people has been echoed in relevant sustainable development legislation in Angola but does not fully correspond with people’s daily-lived experience. More recently, ecological economists have stressed the need to situate the economy within environmental limits whereas human rights advocates have long highlighted the need of every person’s claims to basic life essentials. This renewed approach to sustainable development creates a closed framework - the doughnut – where inclusive and sustainable economic development takes place and humanity has the best chance to thrive.⁴³ However, the challenge of Africa moving into the safe and just space for humanity is even greater because social and planetary boundaries are complex and interdependent. This is why the role of private actors and public cooperation with African states is essential.

4. The role of business towards achieving sustainable development in Angola

The SDGs call on all countries to put policies in place and take action to ensure the goals’ achievement by 2030. In contrast to its predecessor, the Millennium Development Goals (MDGs), the SDGs place a much larger focus on the links between development and human rights, and the importance of the inclusion of the role of businesses in their achievement. The role of both the state and private sector in achieving the Agenda 2030 and SDGs is crucial. Companies are expected to conduct business responsibly and to use business innovation and collaboration in order to find solutions to societal challenges.⁴⁴

Companies have gained a reputation over the years, notably those working in developing countries, with regards to social and environmental development issues. Corporations have come under fire for unethical practices in relation to resource extraction, human rights and labour rights, and environmental degradation and loss of biodiversity, among others, notably in regions where governments either lack the willingness to regulate or lack the capacity to implement regulations on the practice of corporations in regards to their social and environmental conduct.⁴⁵ However, in light of the Agenda 2030 and Sustainable Development Goals, the private sector has also gained recognition for being one of the societal actors, which has “significant potential to address and overcome a range of economic, social and environmental challenges linked to currently unsustainable aspects of development”.⁴⁶

The private sector has the potential to provide significant financial and personnel resources, contribute towards the funding of sustainable infrastructure, technological innovation for

⁴² Dei, G. (1993) Sustainable Development in the African context: Revisiting some theoretical and methodological issues, *Africa Development* Vol. 18 No. 2 p. 99 pp. 97-110.

⁴³ See Raworth, K. (2012) *A Safe and just space for humanity, Can we live within the doughnut?* Oxford: Oxfam International and Steffen, W. *et al.* (2015) *Planetary Boundaries: Guiding Human development on a changing planet*, *Science* 343 (6223) pp. 736-746.

⁴⁴ UN Global Compact – The SDGs Explained for Business *available from:* <https://www.unglobalcompact.org/sdgs/about> [accessed 30 October 2019].

⁴⁵ Barkemeyer *et al.* (2014) What happened to the development in ‘sustainable development’? *Sustainable Development*, 22(1) p. 2 pp. 15-32.

⁴⁶ *Ibid.*

sustainability, and the promotion of good governance in both the countries they operate in and are domiciled in.⁴⁷ In Africa specifically, it has been estimated that the SDGs could open up markets worth US\$1 trillion by 2030 in business savings and revenue, and could create up to 85 million new jobs on the continent by 2030.⁴⁸

The SDGs and Agenda 2030 recognise this potential from the private sector and assume significant support from businesses and the private sector in their achievement.⁴⁹ For example, Goal 8 on decent work and economic growth⁵⁰ entails labour standards set by the International Labour Organization (ILO) as well as human rights related to the right to work, right to health, and right to an adequate standard of living, among others. As the private sector employs the largest percentage of workers in developing countries⁵¹, they have a huge role to play in the achievement of this goal. In addition, the role of the State in regulating private sector practice and ensuring that they conduct themselves in line with the standards set down by the ILO and international human rights law is also of paramount importance.

The role of businesses in achieving the SDGs is based on two pillars: 1. Acting and conducting business responsibly, and 2. Using their unique position to find solutions to societal challenges and achieving the SDGs through business innovation and collaboration.⁵² Despite the universal and global nature of the SDGs, in order to achieve their targets, each SDG must be addressed at the national level. Businesses either domiciled in a territory, or operating there, are therefore expected to engage with national stakeholders, including government, civil society, and local communities. Various tools and publications exist as guidance for businesses on how the SDGs affect them and how the private sector can contribute to the achievement of the goals. The UN Global Compact has notably produced the SDG Compass as a guidance tool for businesses, as well as a practical guide for businesses on how to integrate SDGs into their corporate reporting in collaboration with the Global Reporting Initiative.⁵³ The SDG Compass provides guidance to businesses on how to act for the achievement of the SDGs and rests upon the assumption that regardless of where a company operates, its size, or what sector it works in, all companies have a responsibility to

⁴⁷ *Ibid.* Pg. 5

⁴⁸ Business & Sustainable Development Commission (2017) Better Business Better World: Sustainable Business Opportunities in Africa, p. 6 *available from:* <http://report.businesscommission.org/uploads/Better-Business-Better-World-Africa.pdf> [accessed 30 October 2019].

⁴⁹ The Danish Institute for Human Rights – Realising the SDGs: The role of responsible business *available from* <https://www.humanrights.dk/research-project/realising-sdgs-role-responsible-business> [accessed 30 October 2019].

⁵⁰ SDG Knowledge Platform – SDG 8 *available from:* <https://sustainabledevelopment.un.org/sdg8> [accessed 05 November 2019]

⁵¹ The Government of Norway (2015) Private sector development in developing countries *available from:* https://www.regjeringen.no/en/topics/foreign-affairs/business-cooperation-abroad/innsikt/development_countries/id2076254/ [accessed 06 November 2018].

⁵² UN Global Compact – The SDGs Explained for Business *available from:* <https://www.unglobalcompact.org/sdgs/about> [accessed 05 November 2019].

⁵³ GRI, UN Global Compact, and the World Business Council for Sustainable Development (WBCSD) (2015) SDG Compass *available from:* https://www.unglobalcompact.org/docs/issues_doc/development/SDGCompass.pdf GRI (2018) New guidance for companies to report their impact on the Sustainable Development Goals *available from:* <https://www.globalreporting.org/information/news-and-press-center/Pages/New-guidance-for-companies-to-report-their-impact-on-the-Sustainable-Development-Goals.aspx> [accessed 05 November 2019].

comply with all relevant national legislation and regulations as well as upholding internationally recognised human rights laws and standards.⁵⁴

Furthermore, the business case for integrating the SDGs into business priorities is also strong. Incorporating SDGs into business priorities and practices can open up new opportunities, increase efficiency, foster innovation, reduce their risk profiles, and enhance businesses' reputation.⁵⁵ Regarding food and agriculture for example, evidence suggests that by aligning the global food and agriculture system with the SDGs it would be possible to deliver more nutritious and affordable food for the global population whilst at the same time generating higher incomes, restoring forests, water sources, and ecosystems and contributing to a food and agriculture sector more resilient to climate risk, and ultimately creating economic value worth more than US\$2 trillion globally by 2030.⁵⁶ In the case of the local communities and commercial cattle farmers in the Gambos region in Angola, by incorporating sustainable economic, agricultural, and development practices in line with the SDGs to commercial farming in the area, it could benefit the commercial cattle farmers as well as the local communities, and make both corporations and local communities more resilient to droughts and other climate risks.

Despite the increased focus on business and the private sector in the achievement of the SDGs, there is still a need for increased governance in order to achieve them. Governments must put in place relevant and effective regulations, policies, and expectations on businesses to ensure that they conduct their operations sustainably. Governments can often be discouraged from putting in place these regulations due to strong opposition from private sector interests.⁵⁷ The new Angolan Private Investment Law (PIL),⁵⁸ sets out the general principles and bases of private investment in Angola, putting forward the benefits and facilities that the Angolan State grants private investors and access criteria and establishes the rights, duties and guarantees of private investors. These include among others, the promotion of the social, economic and cultural well-being of populations, in particular youth, the elderly, women and children; the promotion of the inland and most disadvantaged regions; increasing national productive capacity; increasing the quality of goods produced in the country; the promotion of partnerships between national and foreign entities; the creation of new jobs and promoting the quality of the Angolan workforce.

Businesses, therefore, also play a key role in ensuring that the State honours its commitment to the achievement of the SDGs as also outlined in Angola's National Development Plan 2018-2022.⁵⁹ Businesses can work with governments, civil society and other companies in

⁵⁴ GRI, UN Global Compact, and the World Business Council for Sustainable Development (WBCSD) (2015) SDG Compass *available from*: https://www.unglobalcompact.org/docs/issues_doc/development/SDGCompass.pdf [accessed 05 November 2019].

⁵⁵ Business and Sustainable Development Commission (2016) Better Business, Better World *available from*: <http://report.businesscommission.org/report#references> [accessed 06 November 2019].

⁵⁶ *Ibid.*

⁵⁷ Oxfam (2017) Raising the Bar: Rethinking the role of business in the Sustainable Development Goals. p. 2 *available from*: https://www-cdn.oxfam.org/s3fs-public/dp-raising-the-bar-business-sdgs-130217-en_0.pdf [accessed 30 October 2019].

⁵⁸ Lei 10/18, 11 de Agosto 2018 which repealed previous Lei No. 14/15 of 11 de Agosto.

⁵⁹ See Plano de Desenvolvimento Nacional 2018-2022: X. Política de Ambiente de Negócios, Competividade e Produtividade pp. 124-128 *available from*: <https://www.info->

order to ensure that the State has in place a robust fiscal and regulatory framework in line with the SDGs through policy advocacy and demanding clarity on the regulatory framework.⁶⁰ Overall, through their resources, scale and reach, the private sector is an important stakeholder and has the capacity and ability to hold the government to account.⁶¹

The achievement of the SDGs is further linked to the protection and respect of international human rights law. The primary duty to protect human rights remains with governments. However, in recent years, a common understanding has evolved surrounding companies' responsibility to protect, respect and remedy human rights in all their operations. For businesses to be able to implement a coherent and effective approach to working responsibly and sustainably, businesses must ensure that human rights are incorporated within their sustainability strategies and activities.⁶² International standards and guidelines such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), as well as the UN Global Compact, provide guidelines for both States and companies to prevent, address and remedy human rights abuses committed in their business operations.⁶³ Under the UNGPs, businesses have an overall responsibility to respect human rights wherever they operate. This involves knowing their actual and potential impacts, preventing and mitigating abuses, and addressing adverse impacts that they cause and/or contribute to. Businesses' responsibility to respect applies to all internationally recognised human rights, incorporating both the UN human rights system and ILO system. Businesses must have the necessary policies and processes in place to ensure their respect for human rights, including having a policy commitment to respect human rights, processes in place to enable access to remedy for any adverse impacts on human rights that are caused or contributed to by the company, and to undertake ongoing human rights due diligence in order to identify, prevent, mitigate, and account for their human rights impacts. Businesses should continually monitor and evaluate their efforts and communicate clearly how they are addressing their human rights impacts.⁶⁴ In this context, the Angolan Corporate Governance Centre – a private initiative - was created in 2013 to set standards for both public and private companies that will help them lead to greater efficiency and sustainable business growth in order to reduce conflicts of interest, promote transparency, accountability and corporate social responsibility in Angola.⁶⁵

Alongside the increasing recognition of businesses' responsibility towards ensuring sustainable development and respecting human rights where they operate, there is also a

angola.com/attachments/article/4867/PDN%202018-2022_MASTER_vf_Volume%201_13052018.pdf [accessed 30 October 2019].

⁶⁰ Business and Sustainable Development Commission (2016) *Better Business, Better World* available from: <http://report.businesscommission.org/report#references> [accessed 30 October 2019].

⁶¹ *Op. Cited Oxfam* (2017) p. 2.

⁶² See Shift – SDGs available from: <https://www.shiftproject.org/sdgs/> [accessed 30 October 2019].

⁶³ The UN Guiding Principles on Business and Human Rights are a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations. They were endorsed by the UN Human Rights Council in 2011 and contain three chapters (pillars) that set out concrete and actional steps for governments and companies on how to *protect*, *respect*, and *remedy* human rights abuses caused by businesses and business activities. The UNGPs are voluntary but have become accepted practice in recent years and become the global reference point on business and human rights.

⁶⁴ UNGPs

⁶⁵ See Centro de Corporate Governance Angolano (2019) available from: <http://www.ccca.co.ao/associados.html> [accessed 30 October 2019].

focus on the role of the State and State regulation of businesses in particular. In light of the global sustainable development agenda, the State's role of monitoring, regulating, and setting the standards and expectations of business practice is vital. The UN Office of the High Commissioner for Human Rights has stated that "when adopting the 2030 Agenda, States made a specific commitment to ensure a well-functioning business environment, in which human rights are protected, in line with the Guiding Principles on Business and Human Rights and the labour standards of the ILO".⁶⁶ States have the primary responsibility in ensuring that there is an effective policy and regulatory framework in place to regulate business activities and ensure they protect human rights and contribute to sustainable development. This is further reiterated by the UNGPs which states that States are required to ensure that the expectations of businesses domiciled in their territory or operating under their jurisdiction to respect human rights in their operations are clearly set out i.e. in the legal and regulatory framework. This also entails that States provide guidance to companies as to how they can identify, prevent, and remedy human rights abuses in their operations.⁶⁷ The annual UN Forum on Business and Human Rights acknowledged in 2018 that governments must increase their action and leadership in ensuring that businesses respect human rights, stating that: "The lack of government leadership, reflected in governance gaps and a lack of policy coherence at all levels – national, regional and global – remains a fundamental challenge to ensuring that the human rights and dignity of all are upheld in the context of business activities."⁶⁸ The main theme of the 2019 UN Forum on Business and Human Rights, to be held in November 2019, will be on governments as catalysts for business respect for human rights.⁶⁹ Under the UNGPs, States are incentivised both directly and indirectly- directly via their own obligations under international human rights law, and indirectly by expectations placed on them by businesses themselves to provide them with guidance and policy coherence in the field of business and human rights.⁷⁰ There are three main means of control through which a State can foster an accountable business environment: corporate governance requirements and laws; human rights reporting requirements; and disclosure requirements.⁷¹

Overall, States have power over companies domiciled in their territory or operating under their jurisdiction. States are also powerful customers, with public procurement a significant

⁶⁶ UN Human Rights Office of the High Commissioner (2018) "The movement to ensure businesses uphold human rights is gaining momentum" *available from*: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23930&LangID=E> [accessed 30 October 2019].

⁶⁷ UN Human Rights Office of the High Commissioner (2017) The business and human rights dimension of sustainable development: Embedding "Protect, Respect and Remedy" in SDGs implementation, p. 2 *available from*: https://www.ohchr.org/Documents/Issues/Business/Session18/InfoNoteWGBHR_SDGRecommendations.pdf [accessed 30 October 2019].

⁶⁸ UN Human Rights Office of the High Commissioner - UN Forum on Business and Human Rights (2019) *available from*: <https://www.ohchr.org/EN/Issues/Business/Forum/Pages/2019ForumBHR.aspx> [accessed 30 October 2019].

⁶⁹ *Ibid.*

⁷⁰ Institute for Human Rights and Business (2014) State of Play Human Rights in the Political Economy of States: Avenues for Application *available from*: [https://www.ihrb.org/uploads/reports/2014-03-18%2C Report%2C State of Play - Human Rights Within the Political Economy of States - Full Report.pdf](https://www.ihrb.org/uploads/reports/2014-03-18%2C%20Report%2C%20State%20of%20Play%20-%20Human%20Rights%20Within%20the%20Political%20Economy%20of%20States%20-%20Full%20Report.pdf) [accessed 30 October 2019].

⁷¹ *Ibid.*

proportion of GDP in many countries.⁷² States have the opportunity to implement powerful incentives and disincentives over companies as well as through using their buying and selling power in order to improve human rights protections and regulate the companies in their territory/jurisdiction whilst also providing companies with guidance on how to behave responsibly and sustainably.⁷³

On a regional level, the role of business with regards to the achievement of sustainable development and protection of human rights is gaining traction. The first African Regional Forum on Business and Human Rights was held in 2014.⁷⁴ The Forum highlighted human rights within the extractive sector as being a key issue for African States as well as also stressing the importance of involvement from all stakeholders in addressing challenges and opportunities for promoting business respect for human rights, notably the important role that governments must play in ensuring real improvements and change. Key takeaways from the Forum focused on the importance for all States to develop a national action plan on business and human rights⁷⁵ in order to further policy coherence and implementation of the UNGPs, as well as the importance of companies integrating human rights throughout their business model in order to increase reputation and stability.

Further regional initiatives in Africa include the Africa Mining Vision⁷⁶, the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa⁷⁷, and the Resolution on a Human-Rights Based Approach to Natural Resource Governance⁷⁸. All these initiatives recognise the importance of both States and businesses in ensuring respect and protection for human rights in these specific areas, as well as noting important considerations regarding the environment and need for businesses to operate with respect to sustainable growth and development. The Resolution on a Human Rights-Based Approach to Natural Resource Governance, in particular, [emphasis added] “calls upon States to adopt a human rights-based approach to natural resource governance, including through the

⁷² *Ibid.* p. 50.

⁷³ *Ibid.*

⁷⁴ OHCHR (2014) Business and human rights in Africa – first UN regional forum from 16-18 September *available from*: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15010&LangID=E> [accessed 30 October 2019]; UN and AU commit to advance business and human rights agenda in Africa *available from*: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15053&LangID=E> [accessed 30 October 2019].

⁷⁵ A National Action Plan (NAP) is a policy strategy developed by a State. In the field of business and human rights, a NAP has been described by the UN as an “evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UN Guiding Principles on Business and Human Rights” *available from*:

https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf [accessed 30 October 2019].

⁷⁶ African Union – Africa Mining Vision *available from*: <https://au.int/en/ti/amv/about> [accessed 30 October 2019].

⁷⁷ AfricLaw (2016) A review of the work of the African Commission’s Working Group on Extractive Industries, Environment and Human Rights Violations in Africa *available from*: <https://africlaw.com/2016/04/26/a-review-of-the-work-of-the-african-commissions-working-group-on-extractive-industries-environment-and-human-rights-violations-in-africa/> [accessed 30 October 2019].

⁷⁸ Forest Peoples Programme (2012) African Commission adopts Resolution on a Human Rights-Based Approach to Natural Resource Governance *available from*: <https://www.forestpeoples.org/en/topics/environmental-governance/news/2012/07/african-commission-adopts-resolution-human-rights-based> [accessed 30 October 2019].

establishment of a clear legal framework that recognises how *the respect for human rights is a condition for sustainability*".⁷⁹

5. Current challenges towards sustainable development in Angola

As noted previously, despite Angola's growth and development since the end of the civil war in 2002, Angola remains with significant development-related challenges. The World Bank has highlighted Angola's need for diversification of the economy and reducing its dependency on oil, rebuilding infrastructure, improving institutional capacity, governance and public financial management, as well as improving human development indicators and the overall standards of living for its population.⁸⁰ All of these challenges remain a hindrance to the achievement of sustainability and sustainable development in the country.

Inequality in Angola is high. Two thirds of the population live on less than \$3.10 a day and Angola has a Gini coefficient of 42.7.⁸¹ The government of Angola is currently investing in a social protection scheme, which aims to assist the poorest of the poor.⁸² However, with a large percentage of the population living below the poverty line and lacking access to basic services, there is a need for more inclusive development policies in the country in order to achieve sustainable development.

Sustainable development is further hindered by the widespread lack of knowledge on human rights norms by the general population as noted by the Angolan government's Mid-Term Strategy for Human Rights.⁸³ Without knowledge of their rights, local communities cannot hold the government as well as corporations to account with regards to their land, livelihoods, access to food and water, and an adequate standard of living etc. Without empowered local communities able to hold the government and corporations to account, there is a lack of incentive for both the government and corporations to respect the law (both national and international) with regards to human rights and sustainability (as can be seen in the acquisition of farming land by commercial cattle farmers in the Gambos region in southern Angola).

This is further compounded by a small and closed operating space for civil society unable to hold government and business to account. The civil war in Angola created a "culture of

⁷⁹ *Ibid.*

⁸⁰ The World Bank (2019) *The World Bank in Angola available from:* <https://www.worldbank.org/en/country/angola/overview#1> [accessed 30 October 2019].

⁸¹ United Nations Development Programme (2018) *Human Development Reports: Angola available from:* <http://hdr.undp.org/en/countries/profiles/AGO> [accessed 30 October 2019].

⁸² The World Bank (2019) *The World Bank in Angola available from:* <https://www.worldbank.org/en/country/angola/overview#1> [accessed 30 October 2019].

⁸³ The Republic of Angola (2018) *National strategy medium term for human rights 2019-2022 available from:* <http://www.servicos.minjusdh.gov.ao/publicacoes-cierndh/29/estrategia-do-executivo-de-medio-prazo-para-os-direitos-humanos-2018-2022> and <http://www.servicos.minjusdh.gov.ao/direitos-humanos> [accessed 09 October 2019]. In a survey carried out in 2012 found that in the municipalities of Matala, Caibambo, Cubal, Kibala, Amboim, Kuito and Cazengo, the level of knowledge of human rights was very low (12.5%), low (49.1%), reasonable (23.4%), high (10.5%) and very high (4.5%). Of the total only 38.3% of women had already heard of human rights. See Silveira, L. & Ventura, A. (2017) *Angola: O sector da Justiça, os Direitos Humanos e o Estado de Direito*. Associação Justiça, Paz e Democracia pp. 184-185.

secrecy” and lack of transparency in society⁸⁴ with the Angolan government putting in place a restrictive legal framework for civil society organisations, resulting in a weak civil society sector in the country.⁸⁵ The environment for civil society organisations has, however, opened up significantly since 2017 and the inauguration of new President João Lourenço. The government has showed increased willingness to engage in dialogue with civil society groups, however, Angola is still classified as “not free” by Freedom House’s Freedom in the World Report⁸⁶, and it will take time for the civil society sector in Angola to develop to full capacity in order to hold both government and businesses in the country to account with regards to human rights and sustainability.⁸⁷ At the international level, however, various international organisations have been running awareness-raising programmes in Angola, especially in rural areas, in order to educate people on their rights and support them in claiming these rights.⁸⁸

Legally, under both international and national law, Angola has the regulatory framework in place to ensure that development is achieved sustainably and that businesses operating in the country adhere to internationally recognised human rights as well as conduct their operations in a sustainable manner. The issue, however, is in the enforcement of this regulatory framework. An understaffed and weak formal judiciary system has not been able to cater to the needs of local populations due to financial and geographic distance. Outside provincial capitals, the “Soba or Sekulo,” pastor, priest or human rights organisations are still used to settle private law conflicts.⁸⁹ This is not necessarily an issue unique to Angola. There are inherent challenges to the governance framework of the SDGs in that it is largely based at the international political level and has not been scaled down to the level of national implementation. There is a lack of clarity surrounding ratification, reporting, accountability mechanisms, and the roles and responsibilities of both States and businesses in their implementation.⁹⁰ At the Angolan level, however, both economic and political challenges have a role to play in the ineffective implementation of the regulatory framework.

Since the global drop in oil prices, the Angolan government has aimed to diversify the economy, notably by encouraging investment in agriculture by both foreign and local companies. This coincided with the passing of Angola’s new land law, which stipulates legal

⁸⁴ Angola currently ranks number 165 with a score of 19 on Transparency International’s Corruption Perceptions Index *available from*: <https://www.transparency.org/cpi2018> [accessed 30 October 2019].

⁸⁵ Wiig, A. Kolstad, I. (2010) “Multinational corporations and host country institutions: A case study of CSR activities in Angola” *International Business Review* 19, 178-190. Pg. 189

⁸⁶ Freedom House’s Freedom in the World (FIW) is an annual global report on political rights and civil liberties covering 195 countries and 14 territories and comprises of numerical ratings and descriptive texts for each. The report is regarded as one of the leading global metrics for measuring democracy and freedom across the globe and is one of the most widely read rankings on human rights *available from*: <https://freedomhouse.org/report/freedom-world/freedom-world-2019> [accessed 30 October 2019].

⁸⁷ Freedom House (2019) Freedom in the World Report: Angola *available from*: <https://freedomhouse.org/report/freedom-world/2019/angola> [accessed 30 October 2019].

⁸⁸ Development Workshop (2018) Land Grabbing in Angola – A Growing Threat *available from*: <https://www.dw.angonet.org/forumitem/land-grabbing-angola-growing-thhreat> [accessed 30 October 2019].

⁸⁹ See: Silveira, L. & Ventura, A. (2017) Angola: O sector da Justiça, os Direitos Humanos e o Estado de Direito. Associação Justiça, Paz e Democracia.

⁹⁰ Brookings (2019) Africa and the Sustainable Development Goals: A long way to go *available from*: <https://www.brookings.edu/blog/africa-in-focus/2019/07/29/africa-and-the-sustainable-development-goals-a-long-way-to-go/> [accessed 30 October 2019].

procedures and protections surrounding land ownership and access, such as the need for social and environmental impact assessments and consultations with affected communities, among others. Despite this, Amnesty International has found that the legal procedure is often not respected or implemented in practice.⁹¹ This has resulted in cases such as the acquisition of community farmland by commercial cattle farmers in the Gambos region, as well as multiple other cases related to mining and oil and gas projects in rural areas, and land acquisition for agribusiness in multiple provinces.⁹² Amnesty International has noted how these cases highlight how the government has failed to conduct environmental impact assessments and authorised projects without the free, prior, and informed consent of the affected communities. This lack of enforcement of regulations is compounded by the low level of awareness of the local population of their rights and the small space for civil society in order to ensure that the government and businesses are held to account in upholding their legal obligations towards human rights and sustainable practice.

Economically, Angola has been experiencing negative economic growth since 2016 which is largely attributed to the global drop in oil prices and reduction in oil production. Angola's economy still relies heavily on the export of oil, with the oil sector accounting for one-third of GDP and over 90% of exports.⁹³ The Angola government is attempting to diversify its economy, achieve macroeconomic stability and foster an environment conducive to economic growth.⁹⁴ As part of this, the Angolan government aims to privatise a large number of state-owned enterprises. State-owned enterprises in Angola pose significant financial and fiscal risks, partly due to their relative economic size.⁹⁵ The programme, named Programa de Privatizações (PROPRIV), began implementation in 2019 and aims to privatise state-owned enterprises and sell stakes held by the government, directly and indirectly, in enterprises.⁹⁶ Despite the government shifting away from a state-led oil economy to a private-sector-led growth model, the oil sector will still play an important role during the transition period. This leaves Angola still heavily dependent on the petroleum industry and the major international oil companies present in Angola.⁹⁷

Privatising state-owned enterprises and encouraging private sector investment in the country also brings with it its own challenges relating to the protection of human rights and achievement of sustainable development. Despite the economic power of States, multinational corporations (MNCs), such as international oil companies, are also powerful players in both the global economy as well as the economies of individual States. They have the ability to influence the terms under which they operate and, in many cases, especially in

⁹¹ Development Workshop (2018) Land Grabbing in Angola – A Growing Threat *available from:* <https://www.dw.angonet.org/forumitem/land-grabbing-angola-growing-thhreat> [accessed 30 October 2019].

⁹² Amnesty International (2019) The End of Cattle's Paradise: How Land Diversion For Ranches Eroded Food Security in The Gambos, Angola. p. 28 *available from:* <https://www.amnesty.org/download/Documents/AFR1210202019ENGLISH.pdf> [accessed 30 October 2019].

⁹³ The World Bank (2019) The World Bank in Angola *available from:* <https://www.worldbank.org/en/country/angola/overview#1> [accessed 30 October 2019].

⁹⁴ *Ibid.*

⁹⁵ Sub-Saharan Africa Regional Economic Outlook: Recovery Amid Elevated Uncertainty. IMF (2019) p. 7 <https://www.imf.org/en/Publications/REO/SSA/Issues/2019/04/01/sreo0419> [accessed 30 October 2019].

⁹⁶ Clifford Chance (2019) Publication of Angola's Privatisation Programme 2019-2022 *available from:* <https://www.cliffordchance.com/content/dam/cliffordchance/briefings/2019/08/publication-of-angolas-privatisation-programme-2019-2022.pdf> [accessed 30 October 2019].

⁹⁷ Chevron, ExxonMobil, BP, Total, Equinor.

resource rich countries such as Angola, they have the expertise and technology to extract resources which States rely on. MNCs further have substantial collective influence and can use this to impact on the governance in countries where they operate.⁹⁸ Angola's dependence on the oil sector for the economy leaves the Angolan State also dependent on the international oil companies that operate in this sector and leaves the State vulnerable to their influence and demands concerning business practice. This can also be seen in the agricultural sector, whereby Angola's dependence on oil and need to diversify results in less power over the companies in the sector that Angola is dependent on diversifying into. It is important to note that despite the international frameworks of the SDGs and UNGPs, neither of these impose any legally binding obligations on businesses. There needs to be political will of the State to ensure that their laws and regulations are properly implemented and properly adhered to by both local and international companies operating in Angola regarding sustainability, however this political will can be hampered by economic imperative. Even with increasing positive signs of change in the country, Angola remains on the lower end of many governance indicators. The World Bank's Worldwide Governance Indicators show that government effectiveness in Angola has remained under the 20% percentile range over the last decade and regulatory quality has decreased over the past four years.⁹⁹

6. Angola enters a new chapter

Angola is entering a new chapter. For the first time in 38 years there is a new president who is implementing positive reforms. Angola has their first ever national action plan on human rights, has committed itself to the achievement of the SDGs, and has a regulatory framework in place to ensure State and business adherence to human rights and sustainable conduct. However, all of this must go hand in hand with not creating false expectations to its people. It is necessary to strengthen the *enforcement* of the national regulatory framework and policies in order to ensure that companies operating in the country adhere to and contribute to the achievement of human rights and sustainable development in order to secure the social foundation for humanity.

Angola is one of the most resource-rich countries in Africa and has experienced high levels of growth since the end of the civil war in 2002. Angola is also vulnerable to the effects of climate change, notably in provinces prone to cyclical droughts, and has experienced high levels of deforestation, and rates among the world's highest for deaths attributed to environmental causes.

There are therefore, multiple economic, social, political and legal challenges in Angola, which are hindering the enforcement of sustainability and human rights regulations. Recognising that ensuring sustainable development of the country could go a long way in alleviating, and not compounding, the challenges facing the country. Businesses, both national and international, operating in Angola also have an obligation to ensure that their practices are sustainable. Large MNCs, such as the international oil companies in Angola, can also use

⁹⁸ Wigg, A. & Kolstad, I. (2010) "Multinational corporations and host country institutions: A case study of CSR activities in Angola" *International Business Review* 19, p. 189, pp. 178-190.

⁹⁹ The World Bank (2019) *Worldwide Governance Indicators available from: <http://info.worldbank.org/governance/wgi/Home/Reports>* [accessed 30 October 2019].

their power and influence to encourage the Angolan government to enforce their regulations. On a society level, civil society needs to be able to develop in order to hold both the government and businesses to account, and the local population needs to be educated and empowered to know their rights so that they too can demand compliance with the regulations in place. The challenges in Angola today are interlinked. The government, international community, businesses, civil society, and local communities need to work together to hold each other to account in order to ensure the future sustainability and sustainable development of the country.

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