

MINISTRY FOR AGRICULTURE AND RURAL DEVELOPMENT

Order No. 59/96
of June 14

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The Republic of Angola is a signatory to the Convention on Biodiversity and the International Treaty on Plant Genetic Resources for Food and Agriculture, which recognize the sovereign right of States to conserve and use their biological resources;

In recent years this valuable national heritage has been exported without any benefits to either national institutions or local communities from such activity;

Noting the absence of specific protective legislation in the area of national biodiversity conservation and given the extreme need and urgency to regulate the collection, transfer and export of plant germplasm;

In the exercise of the powers conferred on me by Article 114(3) of the Constitutional Law, I state that:

1. In the Republic of Angola, collections and exports of phylogenetic resources may only be carried out, either by nationals or by foreigners or by national or foreign entities, following authorization from the National Committee for Phylogenetic Resources, (CNRF).
2. The collectors or their sponsors interested in phylogenetic exploitation in Angola shall address their requests to CNRF mentioning:
 - (a) their commitment to respect the relevant legislation of the Republic of Angola;
 - (b) the demonstration of knowledge of the species to be collected, their geographic distribution and collection methods;
 - (c) present indicative plans for field missions and provisional itineraries;
 - (d) a request for the type of assistance necessary for the successful outcome of the mission;
 - (e) presentation of a list of national and/or international entities to which the phylogenetic resources will be distributed (Mission Report) once the mission has been undertaken.
3. CNRF shall communicate, within a period of 30 days, its decision to the collectors and sponsors requesting the license.
 - 3.1 In the event of a favorable decision, CNRF shall, before the mission, establish the collaboration conditions including:
 - (a) indication of the types and quantities of germplasm which may be collected and exported;
 - (b) disclosure of any particular provision or restriction related to the distribution or use of germplasm or of improved materials derived from them;

(c) nomination of a national counterpart to accompany the field mission and/or to collaborate thereafter;

(d) determination of any financial obligation to be met by the applicant, including potential national participation in the collection team and other services which could be provided;

(e) provision of relevant information to the applicant, about the country and its policies related to phylogenetic resources.

4. Once authorization has been obtained, the collectors shall, in the exercise of their activities, respect the customs, local traditional values and property rights.

4.1. In order not to aggravate the risks of genetic erosion, when obtaining the germplasm, the material populations, either in farmers' plantations or of wild species, must not be exhausted.

4.2. Wherever the germplasm is collected, the collector shall systematically register the collection data, in order to allow the entities and users of germplasm to become familiar with the original context.

5. Once collection in the field has been concluded, the collectors and their sponsors shall:

(a) deposit duplicates of all the collections and associated materials and the corresponding information registers with the institution(s) previously agreed upon for example, the National Genetic Bank, National Herbarium or the Institute for Agronomic Research;

(b) carry out the official administrative procedures for quarantine and treatment of samples so that they are transferred as fast as possible and with optimum viability indicators;

(c) obtain the phytosanitary and authorization certificates necessary for exploitation;

(d) deliver a report of the samples collected to CNRF and/or another relevant official entity.

6. The sponsors and curators shall adopt measures of a practical nature on the transfer of material including the sharing of the benefits derived from the germplasm collected, with local communities, farmers and national institutions.

7. The germplasm users shall, for the benefit of local communities, farmers and national institutions offer some form of compensation for the profits made from the use of the material collected, for example:

(a) facilitate access to new and better varieties and other products on mutually agreed terms;

(b) support the research of interest for the conservation and use of phylogenetic resources;

(c) training of national teams for conservation, assessment and use of phylogenetic resources;

(d) support national programs to assess and improve local varieties and other local germplasm, with the aim of encouraging the best possible utilization of phylogenetic resources at the national and regional levels for farmers and communities and encourage the conservation thereof;

(e) any other appropriate support for farmers in the conservation of local germplasm.

8. The following definitions shall apply:

Phylogenetic resources and plant germplasm; reproductive or propagated plant material, cultivated or wild;

Genetic erosion - the loss of genetic diversity;

Curator – the natural or legal person who conserves and manages phylogenetic resources and the corresponding information;

Sponsor – the natural or legal person who sponsors financially or in another way, the task of collecting phylogenetic resources.

9. This Order shall not cover all commercial exports, both normal and day to day, of coffee and other foods normally exported in the form of grain.

10. Equally exempt from the application of this Order shall be the following categories of plants and material exported from the country on an individual basis and for personal use, for example:

(a) bunches of ornamental flowers;

(b) roasted or cooked foods;

(c) dried medicinal plants for therapeutic purposes and in quantities appropriate for personal use;

(d) dried flowers, without seeds;

(e) up to three specimens of herborized, dried plants (without seeds, if exported under the system of trade between national herbaria).

11. This Order shall enter into force immediately.