

CHAPTER 7

Land rights in Angola: Poverty and plenty

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This chapter outlines the problems related to land rights in post-war Angola. Although Angola suffered massive destruction during three decades of civil war, the post-conflict period has not been marked by the sort of land disputes in rural areas that have affected similar societies elsewhere. This is mainly because Angola has a very low population density and so there is no shortage of arable land, although a lack of investment in rural areas means that much of this cannot be farmed commercially. A bigger immediate problem is that Angola's lop-sided economic development, which has largely relied on exploiting its oil and diamond reserves, has caused a huge increase in prices for land in urban areas. This has led to large numbers of people without formal titles being forcibly evicted from their homes. Similar problems could spread to the countryside if the ripple effects of the economic boom also spread.

Introduction

Angola is still suffering the effects of three decades of devastating civil war. The conflict killed up to 1.5 million people and displaced 4 million more. The war also destroyed much of Angola's infrastructure and left a deadly legacy in the form of landmines, which have maimed an estimated 80,000 people. By the time the war ended, in April 2002, the FAO estimated that just 3 per cent of arable land was under cultivation (FAO, 2002). More than 2 million Angolans were on the brink of starvation, and at least 3 million were receiving direct humanitarian assistance.

The UN Development Report currently ranks Angola 161 out of the 177 countries on its human development index (UNDP, 2006). Two-thirds of Angola's 14.5 million people live in rural areas and subsistence agriculture sustains one-third of Angola's population. According to the World Bank, approximately 70 per cent of the population lives on less than US\$2 a day, and the majority of Angolans lack access to basic healthcare. A third of the population are illiterate; in rural areas, this climbs to 50 per cent (World Bank, 2006). About one in four children die before their fifth birthday, mainly from malaria, diarrhoea and respiratory tract infections. The maternal mortality rate (at 1,800 per 100,000 births) is one of the highest in sub-Saharan Africa, and three in five people do not have access to safe water or sanitation.

Yet Angola's economy has grown rapidly over the last few years and is predicted to grow by over 20 per cent in 2008, the highest growth rate of any country in the world (*The Economist*, 2006). Angola is now producing approximately 1.4 million barrels of oil per day and production is expected to reach 2 million barrels per day during 2008. Oil production accounts for 52 per cent of the country's \$24 billion economy, while oil exports accounted for over 80 per cent of fiscal receipts in 2005. As production increases, Angola hopes to soon replace Nigeria as Africa's largest producer. It is the world's fourth-largest exporter of rough diamonds, which bring in export revenues of around \$1 billion a year. The country is also well endowed with agricultural resources. Unfortunately, this has turned into a 'resource curse' that is seriously distorting the rest of the economy. Unemployment is high and the country is a net importer of food. The vast majority of its population work outside the formal economy.

Angola has a very low population density; there is no acute shortage of arable land of reasonable quality and there have been comparatively few recorded cases of disputes over land between returnees in rural areas. Yet there has also been little investment in rural areas and rural Angolans enjoy virtually no security of tenure, which gives them little incentive to develop their own land themselves (Clover, 2005). There is also currently little economic incentive for land-grabbing, although this could change as the country's infrastructure improves or due to changes in the global economy. Angola's experiences highlight the importance of ensuring that issues in the emergency relief phase are more closely integrated into longer-term planning. Dealing with the issue of land rights will be central to this challenge.

Land tenure, governance and conflict in Angola

Angola has adopted a new economic model in recent years, based on encouraging private investment and a reduced emphasis on central planning. The market, rather than the state, is now regarded as the main engine of economic growth, and the concept of a 'right to private property', which was previously regarded with considerable suspicion, has been officially embraced by the authorities. However, most land in Angola is held under customary title and people do not have documents proving their rights to it. Customary land tenure is currently not recognized by Angolan law, and this risks creating a gap between the formal legal situation and the reality facing most people living without formal tenure rights.

Many Angolans have squatted on land without official permission, often for many years. In some cases they may have bought this land in good faith from others who were illegally occupying it. Many people have lived all their lives on land that they do not have any official right to occupy, and they may have invested considerable sums of money in what they regard as their only economic asset. People may also be on land that has been designated for other purposes, such as the construction of roads or public buildings.

Angola, like many other countries making the transition from humanitarian relief to development, does not have a functioning system of land registration because its records have been destroyed or are incomplete. The system that it inherited from the period of Portuguese colonial rule is out of date and suffered considerable damage during the war. It also failed to keep up with the government's changing policies towards land ownership. The Angolan government sees the establishment of a national cadastral record as a priority task. A national registration and titling system could bring greater security of tenure, encourage people to invest in their land and allow them to use it as collateral for investment loans. Most people know the borders of their own land, and that of their neighbours, even if they do not have the documents to prove it. But in situations where large numbers of people have been displaced by conflict, often for long periods of time, attempts to draw up a new centrally imposed system of land registration are fraught with difficulty. Lessons from elsewhere show that, if the state does not have the administrative capacity to create a comprehensive, fair and transparent registration process, this could make things worse for the affected population. Such systems are vulnerable to fraud and corruption, and can be used as a cover for land-grabbing (Alden Wiley, 2003; Adoko and Levine, 2004; Foley, 2004; Fan, 2006).

One important difference between Angola and other conflict and post-conflict states is the absence of any straightforward competition for scarce land in rural areas. Angola has one of the lowest population densities in the world, at 8.6 people per square kilometre (World Bank, 2006). This is far lower than many other countries that have experienced comparable conflicts. Rwanda, for example, has a population density of 303 people per square kilometre. The land is also fertile. Before the war, Angola was a net exporter of food. It was once the fourth-largest producer of coffee in the world, and the third-largest producer of sisal. Cotton, tobacco, oil palms and citrus fruits were also grown (Clover, 2005). Other staple crops included cassava, maize and sorghum/millet. Potatoes are still an important crop, and cattle are raised in the central plateau and the southern provinces of Cunene, Huila and Namibe. Agricultural production was badly disrupted during the conflict and has never returned to former levels. However, this appears to be less because of a shortage of productive land than a lack of investment, both in the land itself and in the infrastructure necessary to bring goods to market. Many roads and bridges that were destroyed during the war have still not been repaired. Transport is expensive, meaning that the retail price of food is so high as to be unaffordable to many. An estimated 85 per cent of rural Angolans live off subsistence agriculture, growing just enough to feed their own families (Clover, 2005).

There has also been a very large movement of people from rural to urban areas, and many peri-urban areas were rural/agricultural only a decade or so ago. According to some estimates, the population of Luanda has doubled in the past 10 years, from around 2 million in the mid-1990s to around 4 million today. It is predicted that the city will reach 7 million by 2010 (Development

Workshop, 2005). Many of these people first came to the city to escape fighting in rural areas, but urban migration is continuing for economic reasons as the oil and construction industries develop (Amnesty International, 2007). The increasing urban population is generating a strong demand for land and housing in the cities. Most settlement and housing plot acquisition has been through the informal land market, and only a small percentage of settlers have acquired full legal title to the land they occupy.

In 2003, the government established a new Ministry of Urban Development and Environment. This was followed by the establishment of a National Reconstruction Office in 2005 to oversee post-war rebuilding. This reconstruction has included the forced eviction of thousands of people from informal settlements. These evictions have made the issue of urban land rights a major political concern, and much of the research into land rights has focused on urban tenure. According to a report by Human Rights Watch in May 2007, the government has:

forcibly and violently evicted thousands of people living in informal housing areas with little or no notice. In violation of Angola's own laws and its international human rights obligations, the government has destroyed houses, crops and residents' personal possessions without due process and has rarely provided compensation. (Human Rights Watch, 2007: 1)

To set these issues in the context of Angola's transition from humanitarian relief to development, the following sections detail the humanitarian challenges that Angola faced and the measures taken by the Angolan government to tackle land issues in the context of substantial economic reform and governance challenges. This is followed by an analysis of the efforts of national and international relief agencies in addressing land-related issues.

Humanitarian challenges

According to OCHA (2004), at the height of the emergency in 2002, more than 2 million Angolans were on the brink of death, through malnutrition and disease, and at least 3 million were receiving direct humanitarian assistance. The situation stabilized during 2003 and humanitarian agencies gained access to all affected populations. In its 2004 Consolidated Appeal for Angola, the UN noted that more than 3.8 million war-affected Angolans had resettled or returned to their areas of origin during the previous year. Some 70 per cent of these returnees resettled without any aid from local authorities or humanitarian organizations, and concern was expressed that the conditions they faced were below internationally accepted standards. The UN appeal requested \$262 million, about half of which was earmarked for food distribution. A report compiled by OCHA (2004) stated that around half a million people had been temporarily resettled in camps for IDPs, while 400,000 were staying with host families in towns and cities and 350,000 remained refugees in neighbouring countries.

In March 2005, a report by Human Rights Watch (2007) claimed that the conditions facing returnees were still dire. It noted that families were returning to devastated communities and settling on land that was heavily mined. Nevertheless, international organizations had begun to significantly reduce their activities in Angola by this stage. The relief effort was intended to consolidate support for the peace process, but then phase out rapidly as the country recovered. One USAID mission suggested that assistance should be cut by half during 2003, and half again following the harvest in early 2004. This suggested a transition from emergency to development over a three-year period (USAID, 2002).

The World Bank continues to fund a number of humanitarian projects, including a demobilization and reintegration programme for former combatants, an emergency multi-sector recovery project and a social action fund. However, most donors have significantly reduced their support to Angola and there is broad consensus that the country has now moved beyond the emergency crisis phase. On 26 March 2007 UNHCR officially marked the end of its repatriation programme for Angolan refugees, and announced that it was scaling back its activities. According to the agency, the return and resettlement of refugees and IDPs has proved durable. According to a UNHCR spokesperson:

Securing the future of the returnees – as well as the millions of internally displaced who have come home – is a long-term development need that is beyond the resources or mandate of UNHCR. The government and its development partners are expected to take the lead in rehabilitation and reconstruction efforts as these programmes proceed.

Future activities would focus on the continued protection needs of refugees from other countries inside Angola (UNHCR, 2007).

OCHA has closed its Angolan office. Other UN agencies that still have a presence in Angola include OHCHR, the UN Children's Fund (UNICEF), WFP and the FAO. OHCHR has a comparatively large presence, but this is largely for historical reasons, when it was used to maintain some form of UN presence in the country after the withdrawal of the UN Observer Mission to Angola (MONUA) in February 1999. The Angolan government had refused to extend the mandate of this mission because of its perceived failures and this also left a legacy of significant mistrust between Angola and the UN. Those humanitarian organizations that remain in Angola are increasingly working on rights-based programmes, some of which have a focus on land rights.

The political and legal framework

Land was regarded as a common resource in pre-colonial Angola, with a system of communal possession in which any member of the community had the right to cultivate parcels of land occupied by the community (Clover, 2005). Under Portuguese colonial rule, land in the north-west of the country was gradually

appropriated, mainly to establish coffee plantations. In the aftermath of the Second World War, the price of Angola's principal crops – coffee and sisal – jumped dramatically, and the Portuguese government began to reinvest some profits inside the country. Portuguese citizens were encouraged to emigrate to Angola, where planned settlements (*colonatos*) were established for them in rural areas. At the height of the colonial period, 300,000 colonial families occupied approximately half of Angola's arable land.

Angola gained independence from Portugal in November 1975, prompting a massive exodus of Portuguese settlers. Thousands of plantations were abandoned, and were promptly 'nationalized' by the new government (Hodges, 2001). According to the new Constitution:

All natural resources existing in the soil and subsoil, in internal and territorial waters, on the continental shelf and in the exclusive economic area, shall be the property of the State, which shall determine under what terms they are used, developed and exploited... Land, which is by origin the property of the State, may be transferred to individuals or corporate bodies, with a view to rational and full use thereof, in accordance with the law... The State shall respect and protect people's property, whether individuals or corporate bodies, and the property and ownership of land by peasants, without prejudice to the possibility of expropriation in the public interest, in accordance with the law... Any nationalization or confiscation carried out under the appropriate law shall be considered valid and irreversible for all legal purposes, without prejudice to the provisions of specific legislation on re-privatization.

This meant that the state became the owner of lands that were not definitively privately owned. Abandoned private land could be appropriated 'because of the unjustified absence of the proprietor for more than 45 days' (Clover, 2005). However, the legal procedures surrounding such appropriations were unclear, and in practice many people simply seized abandoned land and properties for themselves. Sometimes these were the original owners of the land, who had lost it to the Portuguese colonists, or landless or homeless people displaced from their homes by fighting elsewhere. In other cases they were people connected to the dominant political and military group in the area, who took the lands as 'spoils of war'.

After 1975 individuals were no longer able to buy private land, but were instead granted 'surface' or 'possession' rights, which meant that they had the exclusive right to use the land, although it formally belonged to the state. These provisions were included in Angola's Civil Code, inherited from colonial times, which remained the legal framework governing land rights until 1992, when a new constitution was adopted, together with the country's first law on land since independence. The Land Law 1992 (Law 21-C/92) based itself on the former colonial cadastral record, which has not been updated since independence, and tried to restore some order to rural land relations. The law was adopted as one of a number of legislative measures passed in the few

months before the 1992 elections. There was little public debate, however, and it was approved without much scrutiny. The country was still at war and the Popular Movement for the Liberation of Angola (MPLA) retained a monopoly of power in the areas it controlled. Angola's legislature was still unelected and civil society was practically non-existent.

The preamble of the 1992 law stated that local community land rights would be protected and recognized some different forms of tenure. However, it remained heavily based on the old ideals of state central-planning principles, requiring, for example, that land conceded by the government must be 'put to effective use', and retaining the right to subject production to the 'requirements of national development'. The attempt to make security of land tenure dependent on land use was based on a general hostility towards both the concept of private ownership and the social and economic position of rural smallholder producers, a hostility shared by many of Africa's post-colonial governments. Similar provisions, which attempt to boost agricultural production through coercion, can be found in the early land laws of a number of other African countries.

The law failed to include customary land rights in rural areas, or the rights of those living in informal settlements in urban and peri-urban zones. It was also unclear about the legal status of communal land. Urban land issues were almost completely ignored, despite huge population drift to the cities. One observer concluded that the law 'was not rooted in any formal, written policies that might have explained the priorities to be promoted through land use, tenure or transactions... it was not so much a land law as a set of regulations for access and titles' (Clover, 2005: 357).

Perhaps the biggest single weakness of the law was its failure to acknowledge customary practices and the role of the village elders (*Sobas*) in adjudicating on disputes. Customary law often expands during a conflict, to fill the vacuum caused by the weaknesses of the official legal institutions. This can lead to a growing gap between 'legality and legitimacy' when the majority of land adjudication decisions are made outside the formal system. Many of the 1992 law's provisions were not enforced and it soon became clear that the legal framework it provided was inadequate.

By the end of the 1990s there were discussions about a new law between the Ministry of Agriculture, the FAO and the National Directorate of Territorial Planning, the body responsible for issuing land titles. This resulted in a series of amendments to the law. A land titling project was also started that, in 2001, began issuing deeds to some communities, based on their customary rights. At the same time, President José Eduardo dos Santos appointed his own advisor to prepare a new draft land law in a process that paralleled the work of his own ministry, and may have been intended to undermine it.

In December 2001 an ad hoc Land Commission was formed to combine the two drafts, which eventually emerged as the draft Land Act and draft Territorial Planning Law in July 2002, three months after the formal end of the war. The government announced a three-month period for public consultation on

the draft laws, and this provided a rallying point for civil society groups. A national network of NGOs, Rede Terra (Land Network), was formed in August 2002, and there was strong pressure to extend the deadline before the laws were finalized.

In December 2003 the Cabinet approved revisions to the draft Land Act, which included some improvements such as the recognition of the traditional collective rights of rural communities, but also some measures that could weaken the protection of people's rights. The new act was approved by parliament in August 2004, and was finally passed into law that December as the Land Law and the Law of Territorial and Urban Management. Although many land rights activists have expressed disappointment with some of the law's provisions, others feel that it does at least provide some basis for protecting people against the worst excesses of arbitrary expropriations and evictions. Many organizations are now concentrating on disseminating its provisions as widely as possible, so that people at least know their most basic rights, while continuing to advocate for amendments and improvements.

According to the 2004 land laws, the state can only expropriate land for specific public use, and it must declare this purpose when it does so. Anyone whose land is expropriated for public use has a right to compensation. Where the state grants land concessions for urban development projects, it has a legal duty to publicize this widely. Any infrastructure project that may have a significant social or environmental impact must be subject to an impact assessment, which must include hearings with the local population affected. These specific requirements reinforce the general principle in Angolan law that public administration must provide adequate notice to people whose rights are likely to be affected by its actions. While these provisions, if implemented, should provide people with more procedural protection against forced evictions, a requirement that everyone must complete the official process of registering their land and securing title within three years has been greeted with dismay as entirely unrealistic.

The law places the onus on individual citizens to seek regularization, and states that irregularly occupied land may be subject to forcible requisition after the three-year period. Angola's official bureaucracy is slow and inefficient and lacks administrative capacity. Many Angolans are illiterate and most do not have formal identification documents, either because they never had them or because they lost them during the war. Without a massive public awareness campaign, it is difficult to see how this proposal can be implemented. Human Rights Watch (2007: 6) concludes that:

Unless the Angolan government takes deliberate steps to approve the remaining regulations and prioritize resources to ensure effective land registration for all those requiring regularization, insecurity of tenure will continue to be prevalent in Luanda and the city's urban poor will remain vulnerable to forced evictions such as those described in this report.

The government has begun a dialogue with some NGOs over the problem of the vast number of people living in urban and peri-urban areas whose settlements currently lack any legal status, and has promised that issues such as consultation, the establishment of clear rules for expropriations and compensation levels can still be addressed in by-laws that have yet to be published. However, serious concern remains that, given that the vast majority of Angolans currently living on land to which they have only customary rights, an attempt to enforce the law's provisions could lead to widespread and serious social unrest.

Economic reform and governance issues

The issue of land rights also needs to be seen in the broader context of economic reform and governance. The only democratic elections in Angola were held in 1992, but the polls were abandoned after the first round of voting, giving the ruling MPLA an absolute majority in parliament. Although opposition deputies currently hold 43 per cent of parliamentary seats and substantive debates do sometimes take place, in which government officials are called to respond to question-and-answer sessions, few mechanisms exist to check the power of the MPLA majority or defeat legislation supported by the executive branch (US State Department, 2007). The president, dos Santos, cannot be removed from office by a vote of no-confidence or censure. The executive appoints the prime minister and all other government ministers, who in turn cannot be dismissed by parliament. Although parliament has gained a limited role in discussing and scrutinizing the budget and national plan in recent years, its financial oversight is limited.

The MPLA abandoned its ideological commitment to Marxism-Leninism at its third congress in late 1990, but many believe that it has not shed its authoritarian attitudes and practices. The combination of a long period of first colonial and then single-party rule, the pressures of war, huge inequality and then a sudden influx of vast wealth have also impacted on Angolan society in ways that have encouraged the development of a corrupt, clientelistic, non-transparent and authoritarian culture. Government control over the economy has given it scope for patronage and the buying off of political opponents. Sonangol and Endiama, the national oil and diamond companies, have been described as functioning almost as 'states within the state'. The official bureaucracy is large, and many consider the number of government employees to be excessive, while the structure of the economy encourages rent-seeking and bribery.

Prior to 1992, the only 'mass organizations' tolerated by the government were controlled by the MPLA. Their primary role was to help legitimize the government in areas of the country where it exercised authority. The only independent voices came from a number of Church-based organizations. The constitution was changed in 1992 to allow NGOs to register, although the government retained the right to monitor and direct their activity. An influx

of foreign humanitarian NGOs opened up political space for independent civil society organizations to emerge, and these have grown in number and influence since the end of the war. Religious and secular NGOs have formed effective partnerships on issues such as peace-building and human rights, often with international support. Given the weakness of Angola's formal democratic institutions, these organizations are playing an increasingly important role in holding the executive to account.

Human rights and humanitarian organizations in Angola

According to the 2006 human rights report by the US State Department (2007), there are more than 100 international NGOs operating in the country, and approximately 350 domestic NGOs. The Angolan government's own directory of NGOs lists 97 international, 78 national and 15 Church organizations. There are probably more national NGOs operating, especially at the local level. OHCHR has a comparatively large presence in Angola, and the ICRC is also active in the country.

The US State Department report (2007) also notes that Angola's human rights record remains poor, although there have been improvements in a few areas. In 2004, the government introduced a new Law on Associations, which was mainly aimed at regulating the activities of NGOs. It specifies that NGOs are obliged to abstain from 'political and partisan actions', and demands detailed reporting to the government's Humanitarian Aid Coordination Technical Unit (UCTAH). The decree states that the role of NGOs is to be partners of the government and its institutions, in projects and activities determined by the government, which is clearly intended to restrict their interventions to humanitarian work. Some observers worry that this might lead to greater restrictions on NGO activities, although previous laws, such as a requirement for NGOs to provide the authorities with details of their banking and financial details, have not been enforced in practice (Amundsen and Abreu, 2006). It is often difficult for foreign aid workers to obtain work visas, and some see this as a sign of government suspicion towards them, although such bureaucratic delays are common in many other aspects of Angolan society.

Many international donors continue to support NGOs as they believe that this is one of the more effective ways to ensure that aid is used where it is most needed, and that it also contributes to the strengthening of governance and civil society. The Norwegian government, for example, supports the work of a number of human rights NGOs including those most active in land rights issues. These include Action for Rural Development and Environment (ADRA), Associação Justiça, Paz e Democracia (AJPD), Development Workshop, Mãos Livres, Norwegian Church Aid (NCA), Norwegian People's Aid (NPA) and the NRC.

Corruption and forced evictions

The two issues on which human rights and advocacy NGOs have been most active in Angola in recent years have been alleged corruption and forced evictions. Although these are distinct issues, the linkage between them is obvious. Many people have settled informally on land, particularly in urban areas, which has recently become commercially valuable. Human Rights Watch (2007: 4) notes that ‘the government’s conduct in carrying out the evictions documented in this report [is] in clear violation of its obligations under both international and Angolan law’.

Some evictions may have been carried out for legitimate reasons, including that many houses are unsafe or have been built in areas that are vulnerable to flooding and other problems. However, resistance to evictions has become politically sensitive due to a lack of trust about the government’s intentions and a, sometimes mistaken, belief that its officials are always solely motivated by land-grabbing for personal gain. An increasing number of national and international NGOs have become involved in the issue of forced evictions in urban areas.

Amnesty International claims that between 2001 and 2006 thousands of families were forcibly evicted from various neighbourhoods in the capital, Luanda. According to Amnesty (2007), the evictions have left tens of thousands without shelter, and were typically carried out without prior notification or consultation, without due process and with excessive use of force.

These evictions have also been condemned by the UN Special Rapporteur on the Right to Adequate Housing who has accused the police, provincial officials and private security guards of using excessive force, and reports they shot into the unarmed crowd of residents and kicked and hit people with guns and whips. Homes were demolished and, according to reports, residents have not been offered alternative housing or any type of compensation (Kothari, 2006). The evictions also targeted the poorest families who had least access to the means of securing their tenure or of finding alternative accommodation (Amnesty International, 2007). According to Amnesty, hundreds of those forcibly evicted remain without shelter. Some were forcibly relocated to other areas, invariably far away from schools and places of work, and often lacking services such as sanitation. Furthermore, they were not given security of tenure to the new land, making them vulnerable to further forced evictions.

Both Amnesty International and the UN Special Rapporteur on the Right to Adequate Housing have called on the authorities to abide by the ‘Basic principles and guidelines on development-based evictions and displacement’ prepared by the UN, which include the recognition that ‘forced evictions intensify inequality, social conflict, segregation and “ghettoization”, and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society’. The Special Rapporteur has warned that the Angolan government ‘could be in violation of its obligations under the International Covenant on Economic, Social and Cultural Rights, to which

Angola acceded to in January 1992' (Kothari, 2006). He has also drawn attention to General Comment No. 7, which states that 'forced evictions are *prima facie* incompatible with the provisions of the Covenant and can only be carried out under specific circumstances'. States are obliged (Kothari, 2006):

to ensure, prior to carrying out any eviction, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force; equally to ensure that legal remedies or procedures are available and accessible to those who are affected by eviction orders, along with adequate compensation for any property affected, both personal and real; and, in those cases where evictions are considered justified, ensure that they be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with the general principles of reasonableness and proportionality.

The Angolan government has contested the Special Rapporteur's findings and, according to the US State Department (2007), has also restricted some NGO activities as a result. On 22 May 2006 a high-level government official denounced the housing initiatives of local NGO SOS-Habitat for allegedly 'fulfilling an agenda, with a view to tarnishing the image of the government, by constantly and permanently creating difficulties to its performance'. SOS-Habitat continued its activities and public advocacy despite this criticism and has been backed by a number of other Angolan NGOs. The international NGO Christian Aid, which funds SOS-Habitat's work, responded with a statement of support for its partner.

The issue of urban evictions is complicated. Many people are clearly occupying land illegally, but still have the right to due process before being evicted. Others have papers showing they bought the land, but these do not constitute legal proof of their right to be there, even if they have paid for it, invested in it and lived on it for most of their lives. Others have old papers showing that they were allocated land from government-sponsored agricultural programmes in areas that have subsequently become peri-urban. The solution proposed by one NGO, Development Workshop, is to allow people to regularize their occupation rights by issuing deeds to *bona fide* occupants. Where evictions do take place they should follow fair and transparent procedures, and people should be offered alternative accommodation.

Given the rise in property prices in urban areas this could give a significant economic boost to many poor people, as the wealth that is currently locked up in their land and houses is now considerable. By legalizing informal settlements, the government would enable people either to sell their houses on the formal market, or use them as collateral against which to borrow. Regularization of land rights and the, currently informal, real estate market could provide a boost to state revenues by providing an opportunity to levy sales taxes and local rates, which in turn could help tackle the current lack of basic services such as water and sanitation in urban areas. The fear is that, if

the government continues to rely on forced evictions and coercion, clashes will escalate and could eventually result in major conflict.

The demobilization process

In contrast to these controversies over land in urban areas, the demobilization of 100,000 former rebel combatants of the National Union for the Total Independence of Angola (UNITA) was completed within three years with few serious incidents or controversies. The process, which included allocating land to former combatants, was organized in close collaboration with UNHCR's sustainable reintegration programme, which included surveying and socio-economic profiling of areas for return. Land was widely available in the main municipalities profiled by UNHCR: Lumbala Nguimbo, Luao and alto Zambeze in Moxico, Mbanza Congo and Kuimba in Zaire, Caungula in Lunda Norte, Menongue in Kuando Kubango, and Maquela do Zombo in Uige, and almost 70 per cent of the returnee population settled in these places. More than 50 per cent of the land was deemed fit for cultivation, and there have been no reported incidents of conflict over land tenure. Viewed from a purely geographical standpoint, there is enough land to go around and so no particular reason to fight for it.

As a Development Workshop report notes, Angola's process of demobilization and resettlement occurred remarkably quickly and smoothly. Access is possible to all parts of the countryside and there have been no documented cases of widespread disputes over access to land (Robson, 2006). The report includes a detailed study on the specific topic of access to land by demobilized soldiers in rural areas of Huambo province and a more wide-ranging examination of the issue in four other provinces. It found few cases of conflicts over land, and that traditional methods of conflict resolution, through customary law as interpreted by village elders, seemed able to deal with these. It stated that 'the number and severity of [land-related] problems facing demobilised soldiers was not found to be alarming' (Robson, 2006: 52–53).

The vast majority of those interviewed were returning to their birthplace or the place where they had resided before they joined UNITA (89 per cent). This does not mean that the same proportion of demobilized combatants have returned home, but simply reflects where the survey was carried out. Given its other findings about the harsh social and economic conditions facing returnees in rural areas, and the discussion above about the general movement of people towards urban and peri-urban areas, it seems likely that many former combatants will also have drifted to the cities. However, the study does provide some important insights into the problems of reintegrating former combatants into Angolan society, and some of the obstacles that are likely to face other displaced people who wish to return to their original homes.

Robson (2006) notes that most of the demobilized soldiers had joined UNITA when they were young, and that they had spent an average of 15 years away from their communities. They were returning home with few skills

useful in peacetime. Over three-quarters had not progressed beyond primary education and a quarter had only got as far as the end of one year's schooling. They were now overwhelmingly dependent on agriculture for their livelihood (Robson, 2006: 39):

Non-agricultural occupations were rarely mentioned in the interviews, even in areas near the towns, where some alternative occupations would have been expected. The range of current occupations was noticeably more limited than in the past: 73 per cent said that they had relied on small-scale agriculture before joining UNITA.

The vast majority (87 per cent) obtained land, either through loan or inheritance, from their family. Much smaller numbers bought (4 per cent), rented or loaned (3 per cent) or were awarded land by village elders (3 per cent), while the remaining 3 per cent had no land. Of those who claimed to have a legal right to the land they were occupying, only 3 per cent had any documents, although few of the remaining 97 per cent considered this to be a problem (Robson, 2006).

The biggest threat that those interviewed expressed in relation to their land rights was the possible encroachment of large-scale commercial farmers, whose *fazendas* (large farms) were established during the colonial era. Most were abandoned at independence and many were formally declared to be the property of the state. In 1992, the government 'privatized' this land, which in practice meant that it has now passed into the hands of people with links to the government, the army and the MPLA. Many of the new owners were based in urban areas and were not able to take physical possession of the land until the end of the conflict. Since mid-2002, commercial farming has resumed and some of the *fazendas* have started operations. This is leading to some tensions with local people who had previously been using the land for their own purposes – such as wood-gathering and hunting. There have also been reports that some *fazenda* owners have been attempting to expand the borders of their farms, as happened during the colonial period.

According to one report (Robson, 2006), over half (52 per cent) of the ex-combatants interviewed said that they were only cultivating a small part of the land they occupied. The main reasons given for this were a lack of animal traction to help in ploughing (77 per cent), lack of physical strength to work larger areas of land (17 per cent) and a lack of seeds and tools (59 per cent). Similarly, most of the land of the current *fazendas* is not yet being farmed because its owners do not have the capital necessary to invest in it or to employ sufficient workers. Humanitarian organizations repeatedly stress that poverty rather than a shortage of land was the main problem facing people in rural areas.

Many humanitarian organizations have already attempted to address the problem of lack of investment by small farmers through programmes of seed and tool distribution, but it is clear that this has not been enough to meet current needs. The report (Robson, 2006) noted that only 19 per cent

of those who had obtained seeds and tools had received them from NGOs, while 42 per cent had bought them and 20 per cent had borrowed them from neighbours and family members. The report stated that only 30 per cent of those interviewed considered that they had land of sufficient size and quality on which to earn a livelihood, however, the conclusions tend to reinforce those of other studies, which show that it is a lack of investment in land, rather than a lack of land itself, that appears to be the biggest problem facing rural communities in Angola.

Rural land rights

As previously discussed, one of the central problems regarding land rights in Angola is that, without an increase in investment, the land that people have access to is insufficient to support them and their families. The solution to this is not, however, simply to give them more land. As one land rights expert has noted, the average Angolan family needs a minimum of about 2 hectares of farming land to sustain itself, but it is difficult for them to cultivate such an area without animal traction, proper irrigation and fertilizers (Pacheco, 2001). This problem becomes even more acute for female-headed households, orphans and other vulnerable groups. The issue of land rights and tenure security, therefore, needs to be seen in a social and economic, as well as a civil and political, context.

As described above, there have been reports of land-grabbing in rural Angola and there are general concerns about the lack of transparency with which land is being allocated. The Ministry of Agriculture has stated that, up to 1999, more than 2 million hectares of land in the country had been granted to commercial farmers, but this largely remains unused. During interviews conducted for this chapter in Bie and Huila province, it was reported that there had been some instances where land close to towns had been taken over illegally, but that there was no shortage of arable land in more isolated rural areas, areas where there were no roads and it was effectively impossible to farm on a commercial basis.

There is little economic incentive for rural land-grabbing. However, given that so few people have documents proving their right to be on their own land, there is a danger that grabbing could increase if strategies to improve the rural economy are successful. The government is developing a major construction programme, heavily backed by Chinese investment, which will involve building roads and other infrastructure. The issue of rural land rights needs, therefore, to be tackled holistically by increasing people's security of tenure at the same time as promoting economic investment in the land. One policy without the other will not help people; if implemented together, they could lead to a virtuous circle where greater tenure security leads to greater investment, which in turn promotes economic and social development.

The FAO has been working in Angola since 1999, aiming to promote a decentralized and participatory system of land management (Deve, 2007). It

believes that Angola could easily become self-sufficient in food, given its rich agricultural resources, but, without a conscious change in policy, the country will remain a net importer. The success of Angola's peace process, and the current investment boom, are bringing new roads and other infrastructural improvements, which could make it easier for farmers to market their crops. But this will also make it easier to import food from abroad, which is often cheaper due to Angola's strong currency. The vast majority of Angolan farmers are subsistence smallholders generally producing little or no surplus, while only 2 per cent are commercial farmers with a paid workforce.

The FAO (Deve, 2007) estimates that 18 per cent of farmers produce some surplus, which they can sell to local markets. The key to their productivity is the ability to use animal traction and machinery. Experience from around the world has shown that people will only invest in their land when they are sure about the security of their tenure over it, and that people can also use their land as collateral for loans to make the land more productive. Encouraging investment seems, therefore, to be essential for the sustainable development of Angola's agricultural sector (Ramírez, 2002). FAO has initiated a number of projects helping communities to map and demarcate the boundaries of their land and obtain titles and certificates of ownership. The decision to start the project in rural areas was taken mainly because the topic is less controversial there than in urban areas. FAO hopes that the scheme can be piloted in rural areas and that this will help to build up experience and trust in working with the official authorities. FAO sees 'trust-building' as a long-term project, which will take several years. FAO also believes that international agencies need to think harder about what land tenure security actually means in practice in countries such as Angola, where the concept of private property is quite different from how it is perceived in the West.

A number of NGOs have also combined the provision of humanitarian assistance with lobbying for a new land law and raising people's awareness of their rights under existing law. The NRC, NPA, Caritas and other agencies are all running training seminars in rural communities to tell people about their rights. This training is conducted at the village level and is interactive and participatory. It aims to communicate legal concepts about land rights in a simple way, and relies on raising knowledge amongst selected groups of community leaders, who can then communicate this message to the wider population. The NRC, for example, is aiming to sensitize 12,000 people through its seminars on land rights. The agency has created a mobile 'information service' that goes from village to village discussing land rights issues. This includes an innovative use of technology and well-structured training sessions, which encourage people to discuss the issue of land rights in an open way.

It is clear from observing one of these seminars that people are concerned that the *fazendas* may encroach on their land, and that traditional communities could face the possibility of land-grabbing in the future. However, this is seen as a potential rather than actual problem. None of the humanitarian NGOs interviewed provides a direct legal advice service for people concerned about

land rights issues, although NRC has established such programmes elsewhere in the world, and any problems are currently being resolved by the *Soba* and village elders.

Conclusions

Angola accomplished a transition from war to peace, which has included a demobilization, disarmament and reintegration process and the return and resettlement of millions of refugees and displaced people, without experiencing widespread conflicts over land amongst the returnees. The conflicts that have taken place have been in urban and peri-urban areas, where land is most valuable and pressure on space is greatest. However, lack of security of tenure is an issue for both the urban and rural poor. There is general agreement that establishing food security and livelihoods is the priority in stabilizing the population and laying a foundation for sustainable return. As one observer has noted:

Most rural people do not have access to a sustainable income base outside of agriculture, and the high unemployment levels exacerbate the demand for land. Even if food becomes available in the local markets, most households will not have the cash to buy it. There is an urgent need to diversify and expand the agricultural and the non-agricultural base of rural households.

Most humanitarian agencies are phasing out their activities, despite the considerable hardship and poverty that exists. Donors are increasingly funding advocacy work by civil society organizations in recognition of the fact that Angola's two greatest problems are good governance and social inequality. A range of organizations, including UN agencies, the World Bank and international donors, grassroots national NGOs and land rights activists, describe this as the greatest challenge facing Angola as it makes the transition from humanitarian relief to broad-based development.

Angola has ratified a number of international human rights instruments that recognize people's HLP rights, and it is clear that its current policy of forced evictions violates these standards. There is an urgent need to teach people about their rights, particularly because of Angola's widespread poverty and illiteracy. International donors should also support projects that help defend people from land-grabs and forced eviction, advocate for legal reforms and strengthen tenure security. Providing people with legal aid and simplifying dispute resolution mechanisms to deal with land conflicts has been shown to be an extremely effective way of promoting sustainable return and the transition from relief to development.

Angola's problems are complex, but some of the solutions are quite simple. Huge amounts of investment will be needed to develop Angola's economy:

but one of the sources of investment in the sector will come from the people themselves, if their rights are recognized. One of their only ways

of saving – putting aside money – is to invest in houses: people invest in turning a tin-sheet house into a concrete house and upgrading their land. The wealth of all of these poor people is tied up in their land and housing. (Cain, 2002)

If people were able to access this wealth it could provide a powerful boost to the process of early recovery and sustainable development.

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