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Urban land reform in post-war Angola: research, advocacy & policy development

by Development Workshop (Angola) and the Centre for Environment & Human Settlements (UK) with support from One World Action (UK) & DFID (UK)
Urban land reform in post-war Angola:
research, advocacy and policy development
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**GLOSSARY**

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<tr>
<td>COFOPRI</td>
<td>Comisión de Formalización de la Propiedad Informal</td>
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<tr>
<td>CEHS</td>
<td>Centre for Environment and Human Settlements (at Heriot-Watt University)</td>
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<tr>
<td>CFB</td>
<td>Caminhos de Ferro de Benguela</td>
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<td>CFM</td>
<td>Caminhos de Ferro de Moçamedes</td>
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<td>DFID</td>
<td>Department for International Development</td>
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<td>DW</td>
<td>Development Workshop</td>
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<td>EDURB</td>
<td>Empresa de Desenvolvimento Urbana</td>
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<td>ESCOR</td>
<td>Economic and Social Research Committee Overseas</td>
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<tr>
<td>FAPLA</td>
<td>Forças Armadas Pela Libertação de Angola</td>
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<tr>
<td>ICT</td>
<td>Information Communication Technology</td>
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<td>IDP</td>
<td>Internally Displaced Person</td>
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<td>IDRC</td>
<td>International Development Research Centre</td>
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<td>IGCA</td>
<td>Instituto de Geografia e Cadastro de Angola</td>
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<tr>
<td>INOT</td>
<td>Instituto Nacional de Ordenamento do Território</td>
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<td>INOTU</td>
<td>Instituto Nacional de Ordenamento do Território e Desenvolvimento Urbano</td>
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<tr>
<td>GARM</td>
<td>Gabinete de Reabilitação dos Musseques</td>
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<tr>
<td>GPL</td>
<td>Governo Provincial de Luanda</td>
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<tr>
<td>HIV/AIDS</td>
<td>Human Immuno Virus/Acquired Immune Deficiency Syndrome</td>
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<tr>
<td>MGM</td>
<td>Ministério da Geologia e Minas</td>
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<tr>
<td>MINADER</td>
<td>Ministério de Agricultura e Desenvolvimento Rural</td>
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<td>MINDEF</td>
<td>Ministério da Defesa</td>
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<td>MINOPU</td>
<td>Ministério de Obras Publicas e Urbanismo</td>
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<td>MINUA</td>
<td>Ministério de Urbanismo e Ambiente</td>
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<td>MOP</td>
<td>Ministério de Obras Publicas</td>
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<td>MPA</td>
<td>Ministério das Pescas e Ambiente</td>
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<tr>
<td>MPLA</td>
<td>Movimento Pela Libertação de Angola</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
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<td>NORAD</td>
<td>Norwegian Agency for International Development</td>
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<td>Novib</td>
<td>Novib (OXFAM Netherlands)</td>
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<td>OWA</td>
<td>One World Action</td>
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<td>UCAH</td>
<td>Unidade de Coordenação das Ajudas Humanitárias</td>
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<td>UNCHS</td>
<td>United Nations Centre for Human Settlements (now UN Habitat)</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNITA</td>
<td>União Nacional para a Independência Total de Angola</td>
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This book is the outcome of a series of research studies that Development Workshop-Angola initiated in 2002, just as the decades of armed conflict came to an end. The Government of Angola through the Technical Ad-Hoc Group for Habitat — at the time based in the Ministry of Urbanism and Public Works — commissioned the first of these studies. The book and the in-depth and field-based research that provide the basis for this volume present a wealth of information on urban land in Angola.

This publication comes at a critical juncture. The end of the armed conflict allows the Government, communities, and international actors to focus their attention on pressing issues. The book contributes to the understanding of complex issues related to contemporary developments in Angola, such as:

- the end of the armed conflict;
- rapid urbanization of Angolan society;
- the process of administrative decentralisation;
- participation as a key aspect of good governance.

Like many countries throughout the developing world, Angola is undergoing rapid urbanisation. The armed conflict accelerated the migration of rural population to the cities. Although armed conflict has ended, urban growth continues at a rapid speed because of high natural population growth rates sustained by a very young Angolan population. Providing services and employment opportunities in a way that can keep pace with urban growth presents a major challenge to the public sector.

Part of the challenge is to generate resources to finance reconstruction. The administrative decentralisation of the Government presents a potential fiscal base for the improvement of infrastructure and basic services.

The question of land titling as stated in the new (2004) Land Law, provides an approach to tenure security and explicitly promotes a strategic vision by the Government for poverty reduction.
In this context, I note the importance of the public consultation associated with the drafting of the new Land Law. The research on which this book is based provided inputs and stimulated discussion in the consultation. The process demonstrates the importance of inclusion and good governance practice promoted by the Angolan state through its Government and Parliament.

The recommendations of this book focus on the capacity of respective institutions to plan and regulate the use of urban land. To this end, the Government is responding with the creation and promotion of partnerships with the private sector, non-governmental institutions, and community organisations. It is this vision of which I am convinced, does not only represent a general understanding, but also a challenge to which the information provided by this book will provide guidance.

Finally I would like to congratulate Development Workshop-Angola and the Centre for Environment and Human Settlements and all people that were directly or indirectly involved in the production of this book, being convinced that through their efforts they made an important contribution towards improvement of the living conditions of our population, poverty reduction, and the consolidation of peace in our country.

Luanda, 3 Setember 2005
Eng Diekumpuna Sita José
Minister of Urbanism and Environment
This book is based on a research programme undertaken by Development Workshop (DW), an Angola-based Non-Governmental Organisation (NGO), and the Centre for Environment and Human Settlements (CEHS), a UK-based university research centre. The programme was implemented with the assistance of One World Action (OWA), a UK-based International Non-Governmental Organisation, and funded by the UK Department for International Development (DFID), under its Angola Programme. DW initiated the idea of the research, requesting assistance from CEHS, based on the Centre’s work in this sector in Mozambique, and the proposal for the programme was developed from an initial Participatory Urban Land Workshop held in Angola in November 2001, when a range of Angolan-based stakeholders supported the joint DW-CEHS proposal. The detailed proposal of the research programme was submitted to DFID by DW, OWA and CEHS in July 2002, and approved in October 2002, with the research commencing in November of that year. In the interim DW undertook a study on behalf of the Angolan “Ad-hoc Technical Group for Habitat” (of the then Ministry of Public Works and Urbanism), funded by UN Habitat and the Norwegian Agency for International Development (NORAD), which served as a scoping study for the programme.

The six distinct research projects which comprise the overall DW-CEHS programme were implemented during the period November 2002 to September 2003 predominantly by Angolan personnel within, or contracted by DW, under the overall direction of CEHS. The book is based on the “Synthesis Report” prepared in September 2003 by Dr Paul Jenkins, the Director of CEHS, which drew on the various research project reports. It was edited by Andrew Couldridge and Maribel Gonzales for DW in early 2005. The more detailed research reports — listed in annex 1 — can be accessed through contacting Development Workshop. The principal people involved in the research were: Dr Paul Jenkins and Dr Harry Smith (CEHS); Ana Maria de Carvalho, Pacheco Ilinga and Beat Weber (DW), with inputs from Allan Cain and Carlos Figueiredo (DW management) and consultants Professor Patrick McAuslan and Paul Robson (UK), Miguel Barros and Paulo Felipe (Angola). Other DW staff and students from the University Agostinho Neto, Luanda were involved in the fieldwork components of the programme. The research would also not have been possible without the advice of the (then) Vice-Minister of Urbanism and
Environment Dr Graciano Domingos and the Director of EDURB, Eng Sita José (now Minister of Urbanism and Environment).

The programme was initially conceived as providing a much needed information base for the development of urban policy and land use management projects in peri-urban areas of Angola. Angola has been experiencing extremely high and concentrated forms of rapid urbanisation in the past decades, due to general socio-economic and development trends as well as the long civil war. The effect is felt strongly in both rural and urban areas, with the latter growing very fast in predominantly informal settlements around the previous colonial urban centres. Luanda, as capital, has been the focus for the strongest trend in urbanisation and was estimated at the time of the research to have well over 3 million inhabitants, with at least two thirds in peri-urban areas which are predominantly informal in various aspects, especially concerning rights to land occupation. The programme thus focussed on the nature of informal land settlement as a basis for recognising land rights and responsibilities in appropriate and practical ways, with in-depth studies in Luanda and a key secondary city Huambo. The overall emphasis was on developing urban land management systems which would promote social and economic inclusion, and not the exclusion of the majority of the urban population which had existed from the colonial period. This was seen as being essential as a basis for contributing to overall national development as well as avoiding the continuation of endemic potential conflict in new forms in the country.

In any event the war ceased quite abruptly more or less at the time the research programme proposal was submitted to DFID, permitting it to be considered as an important transitional support from war to peace, still within the overall objective of conflict avoidance, but oriented to a new phase of Angola’s national development. Not only did the war end in April 2002, but prior to this in July 2001 the government announced its intention to prepare a new Land Law and a Territorial Planning Law as the basis for development, the former being open to widespread public consultation. The research programme thus changed from one focussed on information provision as the basis for policy and practice recommendations, to also incorporate a strong focus on advocacy concerning the public consultation process, which lasted
from July 2002 to November 2003\(^1\) with the new Land Law being approved in August 2004\(^2\). Throughout this process a network of Angola-based NGOs — Rede Terra — was instrumental in working with, and representing the voice of wider civil society in land matters, both rural and urban, with DW leading the discussion on urban land affairs, drawing on the ongoing research programme. As such the programme took on the aegis of action-research without losing the original objective of policy and practice recommendations.

This book focuses predominantly on the policy recommendations as the moment for advocacy on the Land Law and its Regulations has now past, although these legal instruments will no doubt be revised in the light of experience. However, one of the final chapters in the book also reviews the advocacy process, with a focus on urban land issues, and as such serves as a point for reflection on the public consultation process. DW and CEHS have also contributed to the development of good practice in this sector, drawing on the research to provide a specialised course on Urban Land Use Management and Planning to a range of participants from the government, private sector and NGO institutions between August and November 2004. This course has provided a series of draft pilot project proposals for implementation to test appropriate options for urban land management and planning practices.

This book is published at an auspicious time for Angola. Not only was a new Ministry for Urbanism and Environment created in May 2003, during the above consultation process, but a new Minister was appointed in October 2004, with extensive experience of policy and practice in urban land issues. We are privileged to have Minister Sita José write a preface to the book. In addition, the advocacy engagement between civil society, NGOs and the government has led to a strong interest in partnership working, and this can be consolidated through pilot projects to test options in practice, as well as continued provision of knowledge services, such as training of key personnel. The book thus can serve as a reference point for monitoring and evaluation of policy and practice development as well as an important information resource.

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1. It is considered that the public consultation officially came to an end when the Council of Ministers approved the draft Law, but DW and other organisations in the Land Network continued to work with the Parliament and the Technical Commission who were mandated to introduce changes up until June 2004.

2. The new territorial Planning law was approved in March 2003 without public consultation.
The book focuses, naturally, on urban land issues, but needs to be seen in a wider context of changing governance in Angola, and indeed in the Sub-Saharan Africa region. The public consultation on the Land Law was the first such wide consultation by any government in Angola since the nation-state was created, and as such represents an enormous change in relations between the state and its citizens. The book therefore also aims to contribute to a wider review of the consultation process, as a means to draw on this experience to strengthen even further the good governance which this represents as the basis for future state-society partnerships in Angola. In addition the book will permit the research process and findings to be disseminated to a much wider audience, both nationally and internationally, and therefore also contribute to wider sectoral approaches to urban land management, as well as a wider appreciation of this initial experience of practice in good governance.

Luanda, March 2005

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Allan Cain (Director of Development Workshop), Paul Jenkins (Director of the Centre for Environment and Human Settlements) and Eng Sita José (then Director of EDURB, since October 2004 Minister of Urbanism and Environment) at the opening the first participatory workshop on Angolan land rights organised by Development Workshop and CEHS in 2001.
EXECUTIVE SUMMARY

This book integrates the findings of a series of linked and coordinated specialised studies into various aspects of urban land affairs in Angola as a contribution to the debate on the new Land Law. It represents the most detailed and extensive study on this subject ever undertaken in the country and incorporates investigation of the political-economic and legal-administrative background for urban land management; actual formal administrative and informal socio-cultural practices in urban land management; issues concerning migration trends, land conflicts and urban poverty; projections of urban growth and overall assessment of institutional capacity in urban land affairs; as well as reviews of current draft legislation, legal approaches in the region and recent international experience in urban land management.

The findings have important implications for the 2004 Land Law, for urban planning legislation, and for the regulations and practices that are currently used, or will be required to implement the law and its application in urban land management. The book has been structured to draw together and make as accessible as possible, the findings and recommendations of the various specific studies.

The process of urbanisation

Urban areas are growing rapidly in many parts of the “South,” both from natural population growth and rural to urban migration. The latter is driven by economic opportunity most of all, but also rural lack of opportunity, environmental and climatic change and war or other forms of insecurity. Angola is no different in this respect from many other countries, although the war has led to an acceleration of this process.

Even if the inward migration slowed or stopped with the end of the war, urban areas in Angola, especially Luanda, will continue to grow rapidly for some time due to the demographic profile (dominant age cohorts and fertility rates). Although some people may opt to leave urban areas for rural areas, especially if there are rural development opportunities, or move from one urban area to another, the overall tendency in post-conflict situations is for
limited relocation as many have lost most of their previous livelihood base and cannot afford to lose their current one.

The prognosis is thus continued growth of urban population and for some time at least, growing rates of urban poverty as general social and economic development opportunities lag behind. However, appropriate urban development policies, in parallel with appropriate rural development policies, can maximise the benefits of urban growth in overall economic and social terms and provide a secure base for development.

Urban development and general development

Urban areas represent real economic and social opportunity and hence their source of attraction. The scale of urban growth is itself a factor in general economic development to some extent in manufacturing production, but especially in the growth of services and markets. As such urban policy needs to positively include urban development and to work with urban development trends and not against them, which international experience has shown to involve extreme waste of human, social and economic resources.3

The key is to understand the nature of urban development and its potential, and factor this into general development policies. Urban areas can be “motors for development,” but require fine tuning to operate well in the prevailing circumstances. It generally makes better social and economic sense to build on existing investment rather than ignore or destroy this. This implies an incremental approach to urban development which is ultimately more sustainable.

Main research findings

The vast majority of urban dwellers in peri-urban areas of Angola have occupied land through informal mechanisms, often involving local administrative institutions. These processes have existed from before, and continued during,

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3 This is particularly so for any form of forced relocation of urban population.
the whole period since independence. The most common mechanism has been informal purchase of land with witnessed purchase documents, and an active informal land market exists, for residential rental as well as land and house purchase. While having limited actual land rights in terms of the new Land Law and previous legislation, the vast majority of the peri-urban populations consider themselves secure in their property holdings, but have a very low understanding of the formal legal and administrative context.

There has been no alternative for land access as state supply of land has been virtually non-existent, despite assumed responsibilities after independence. In addition the state capacity to formalise irregular land occupation has been also minimal. However, given the high level of perceived security and limited alternatives for land access, the majority of peri-urban households have made substantial investments in consolidating their land holdings in relation to their economic circumstances and are intending to further invest to improve their social circumstances and pass on their property as inheritance. Despite the lack of adequate land registration and legal and administrative dispute resolution mechanisms, there are however, as yet, relatively few conflicts, and most of these are resolved locally but this situation can change rapidly.

Given the generally high levels of structural poverty, particularly related to high levels of dependency, low levels of social infrastructure provision and informal forms of economic engagement, as well as the high perceived sense of security and limited incidence of conflict, any state intervention, whether legal, administrative and or physical, must build on the existing situation. To attempt to change this outright risks severe social disruption and rapidly rising levels of social unrest. In addition, the existing household investment, albeit inadequate in terms of need, should be the basis for consolidation and not discounted and threatened with complete renewal as this also represents a substantial overall economic investment.

The extremely weak legal, administrative, technical and investment capacity of the government — at all levels — in urban development (urban planning, infrastructure investment, land management, assistance to construction etc.) and the structural constraints on a widespread operation of formal private sector in this, reinforce the need for national government urban policies,
urban development strategies and programmes/projects, to focus on the social and economic inclusion of the majority and not their exclusion.

There are likely limitations on widespread relevant institution building for urban development in the short term (legal, administrative and technical) as this takes time to develop, although this should be a priority for the future. In the interim, state action should focus on partnerships with communities and civil society organisations and the private sector where appropriate, in order to maximise impact. This requires institutional investment and transparent and accountable action with adequate forms of participatory governance.

**Key urban land issues**

Secure access to, and transferable rights in, urban land is one of the key components for urban development, as is the provision of urban infrastructure. Inadequate urban land management and improvement can create massive inefficiencies for the whole economy — national and urban — and undermine the more equitable distribution of development opportunity. This then reduces the opportunity for more broadly based economic growth as well as improved living and environmental conditions. The key issues in urban land management are social inclusion, participation in urban governance, and economic opportunity.

Social inclusion has to be the basis for appropriate urban land strategies and should be based on clear land rights — access to land, secure tenure, avoidance/resolution of conflict and transparent administration, including transfer rights. To exclude part of the population systematically from land rights, whether based on legal and or technical grounds or due to limited institutional capacity, essentially undermines governance and the role of the state.

The need for land and for services leads urban populations to resolve these “informally” where “formal” systems cannot. To consider these informal solutions as being illegal, means putting the majority outside the law and in effect undermines the law. Many informal systems, while inadequate in various ways, are more legitimate and more functional than formal systems, especially when these have been inherited from another period or imported from another context.
Urban land is an essential source of livelihood, but can also be a source of wealth creation, and this represents an economic opportunity. The balance, at times delicate, between these two factors needs to be understood and the function of land as a survival mechanism as well as a creator of wealth both need attention, whether protective or regulatory. Urban land thus plays an extremely important role in poverty reduction and economic development, both directly and indirectly.

Mechanisms to incrementally move from informal, unregulated systems, towards formal, regulated systems are essential and this entails intermediate forms of land rights. There have been an increasing number of forms for intermediate land rights developed in various developing countries, including in the Sub-Saharan African region, underpinned by innovative approaches to Land Law and urban land regulations/mechanisms.

These intermediate forms of land rights permit social and legal inclusion, and are a strong element in promoting participation in urban governance. Adequate institutional structures need to be created to permit these to operate in as decentralised a form as possible, thus reducing the high costs of centralised or privatised systems of land management. Such publicly accountable institutions should operate also at local, provincial and national government level where they can provide essential inputs to refining national urban land policies, city-wide urban development strategies as well as specific projects and programmes. They should be composed of the main actors in each situation, and invest in civil society organisational capacity.

The importance of participatory urban land management

Land is so important for all urban dwellers, in different social and economic situations, that it has an equally important political role. However, attitudes to land are deeply rooted in cultural values. Hence strategies and mechanisms for urban land management need to be sensitive to the political, cultural, social and economic context for which they are directed. This changes from country to country, from one urban area to another, and even within one urban area.
Urban land management is complex and thus there is no one simple approach — simplistic solutions end up being more costly in all ways. The best approaches are based on a clear understanding of the diversity of land interests and the different contexts, and are above all based on open participation in developing the appropriate management mechanisms for these. This can of course draw on international experience, but can also draw on national experience, such as “learning by doing” through pilot projects.

Land legislation and regulation are only part of the answer. It is equally important to create institutional capacity and change how people think and act on urban land. There is no point having new laws just for these to be ignored or applied for a minority. More comprehensive land policy approaches however cannot be a task of the state alone, but must engage the private sector, NGOs and communities.

The approach to developing appropriate urban land management thus needs to evolve and draw on experience, and not only be based on legal and administrative definition or importation of international experience. Distinctive Angolan approaches can use research, open discussion with wide stakeholder groups and “learning by doing.”

The opportunity in Angola

For many, the so-called “anarchic” situation in Angola’s urban areas concerning land development is only seen as a problem. However, it also represents a unique opportunity to develop new approaches to urban land management that are based on Angola’s reality, engage the potential of Angola’s urban citizens, and contribute positively to Angola’s development.

There will be different solutions and mechanisms for different situations and different objectives. However, these must be as simple and as transparent as possible and devolved to the level where decision-making has most effect. It is essential to avoid creating new bases for social conflict which can rapidly emerge in situations such as peri-urban Angola.
This book is one of the final outputs of the action-research programme, “Land Access in Peri-Urban Angola — Its Role in Peace and Reconstruction,” which was implemented between 2001 and 2005, it represents the most extensive and detailed investigation on this subject ever done in Angola to date.

The objective of the overall research programme was to promote a wider debate on the development of appropriate legislation, regulations and procedures in Angola for urban land management mechanisms that are workable, clear and fair, seen as legitimate by those involved, and that are transparent and accountable. Furthermore these should protect the interests of the poor and vulnerable, thus consolidating peace by reducing the likelihood of conflict over urban land. This research programme was to contribute to such a debate by collecting information from the field about how land is allocated and managed in Angola; making accessible in Angola information about how such issues were dealt with in other countries; and supporting and providing opportunities for discussion between the various interested parties about the reality of land access based on information from field research.

1.1 RESEARCH PHASING AND COMPONENTS

The research programme consisted of the following phases:

A Preparatory Phase

Development Workshop (DW), with support from the International Development Research Centre (IDRC), undertook a series of studies on Angolan land issues between 1996 and 2000. These included a comparative desk study of land tenure policies in post-socialist countries of Africa and Latin America; a series of key informant interviews with senior Angolan local government officials involved with land policy and administration; and extensive bibliographic research on legal and historical documents on land tenure issues. DW at this time set up a media scanning and archiving system to record and archive articles and debate on land tenure in both the state-supported and the independent press.
In October 2001, DW and the Ad-hoc Technical Group on Habitat (comprised of representatives from the then Ministry of Public Works and Urbanism, several other Ministries including Territorial Administration and Women’s Promotion, several NGOs, and private sector organisations) launched the research programme through two one-day participatory workshops with two objectives:

• to provide a context for understanding the realities of urban development in Angola, including drawing on recent research in the sector from Mozambique; and
• to structure a general approach to key questions on land in Angola, including discussion on the research programme and its institutional manifestation.

These participatory workshops drew on Mozambique’s experience of urban land issues, provided by the Centre for Environment & Human Settlements (CEHS).

**Phase 1: November 2001 to July 2002**

The first phase involved a Scoping Exercise, which provided an overview of the span of land and housing rights issues in peri-urban areas of Angola, and was undertaken to address the following objectives:

• to identify key lacunae in information;
• to serve as a background resource for the research programme; and
• to serve as an initial intervention which would guide the development of the rest of the research programme.

**Phase 2: September 2002 to December 2002**

The results of the Scoping Exercise were presented at a workshop along with inputs from relevant sources in other countries to stimulate debate on issues,

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4 Peri-urban is used to describe the extensive settlements that have grown within and around the major urban centres in Angola. Peri-urban settlements in this book include the informal settlements that grew spontaneously at the periphery of the city as well as the informal “Musseque” settlements that are part of the fabric of cities like Luanda. Recent planned suburban “condominiums” in the urban periphery are also studied within this framework.
which arose as a result of the field research and outside experience. An intensive training programme in research methodologies was organised by DW and CEHS for personnel involved in the field research in Phase 3. A number of key initial research consultancies were also implemented including work on the legal basis for land access and institutional attitudes to urban land and informal settlements.

**Phase 3: January 2003 to September 2003**

Building on the initial scoping exercise, the main field research was conducted involving a wider sampling and a more in-depth exploration of the respective issues. This also included an investigation of quantitative trends in land supply and demand using Rapid Appraisal Methods as well as an investigation of institutional capacity, through qualitative research.

**Phase 4: September 2003 to October 2003**

The results of the extended field research from Phase 3 were presented. Detailed background information as well as practical proposals for land legislation, regulation and management, based on the real resource and institutional environment in urban Angola, was provided.

**Phase 5: October 2003 to March 2004**

The final phase of the research project was originally conceived as a one-year adaptation and testing of an Urban Land Use Monitoring System at the local level and involving institutions within civil society. However, when the government opened public debate on the new Land Law, it was refocussed on proactive advocacy work on the draft law, engaging with a wide range of parliamentary, government, non-governmental and international institutions.

**Phase 6: March 2004 to March 2005**

The investigation and proactive advocacy phases led to evolving partnerships with government. Based on these, the dissemination of the research findings was reoriented to focus on training based on the research. It also developed the basis for how the research could influence practice directly. This included a two-part training workshop on urban land management, which produced pilot projects for testing solutions in practice.
Phase 7: March 2005 to June 2005

A no-cost extension of the project consolidated the above working relationships and allowed the wider dissemination of the research findings and recommendations in Angola (e.g. at the Ministry of Urbanism and Environment in March 2005). This phase also included the drafting and publication of this book as the basis for wider national and international dissemination of the research and its findings.

1.2 RESEARCH METHODOLOGY

The lack of social science research in Angola prior to and since independence meant that very little was known about the mechanisms for land management in practice and about potential conflicts. The lack of most quantitative bases for land research in Angola and even related issues such as general demographic and socio-economic information led to the definition early on of a qualitative research approach. A number of qualitative research methods have been used, and some quantitative methods have also been employed in parts of the research. Overall however, the stress has been on:

- **Literature reviews**: mainly to establish the general background, legal and regulatory frameworks;
- **Key informant interviews**: mainly to establish the prevailing “institutional attitudes” to urban land issues, institutional capacity evaluation, and formal urban land supply and demand, but also for results dissemination;
- **Semi-structured fieldwork interviews**: mainly for establishing informal practices and cultural attitudes to urban land of the urban poor majority, as well as basic socio-economic and demographic parameters;
- **Satellite/aerial photographic interpretation and Geographic Information Systems (GIS) mapping**: mainly to establish sample frameworks and for illustrative purposes;

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5 Including what is often termed “grey literature” — i.e. unpublished reports.

6 Given the availability of an Angolan social researcher undertaking linked research, the Scoping Exercise also included a quantitative analysis of some of the data collected.
• **Interpretation of available quantitative data:** mainly for establishing informal land supply and demand; and

• **Participatory workshops:** to refine the research programme proposals, implement in-situ personnel training in research, and disseminate the results and recommendations.

The limited level of resources available and the research capacity led to the core research focus being in the cities of Luanda and Huambo, as representative of the large metropolitan and smaller secondary urban areas of Angola, respectively. The scoping study, however, also collected qualitative information from the cities of Benguela and Namibe.

The government, in July 2002, launched a consultation process for public inputs on the draft Land Law. This opened a window of opportunity for public debate to have direct influence on the development of legislation. However, opportunities to influence how the eventual legislation will be regulated and administered in practice at the provincial and local levels will continue to exist. The whole land management development process is likely to evolve over the medium and longer term beyond the time frame for publishing new legislation.

As noted previously, this book synthesises and summarises the findings of a series of linked and coordinated specialised studies into various aspects of urban affairs in Angola. It represents the most detailed and extensive study on this subject ever undertaken in the country and is intended as a means of sharing and disseminating information as well as contributing to the ongoing debate about land management in Angola. The findings have important implications for the new Land Law, as well as for legislation on urban planning and the various regulations and administrative and technical practices that either are currently used, or will be required to implement the law and its application in urban land management. As such the book is expected to continue to contribute to evolving urban land management policy and practice in Angola, as well as serve as a benchmark nationally and internationally.
The book is structured as follows:

- **Chapter 2** sets the international context and gives an overview of the global urbanisation process;
- **Chapter 3** is a brief review of recent international experience in the regulation and management of urban land processes;
- **Chapter 4** gives a succinct description of the Angolan land problem;
- **Chapter 5** explains the history of peri-urban areas in Angola, with specific details relating to Luanda, Huambo, Benguela, and Namibe;
- **Chapter 6** examines informal settlement patterns and urban poverty, with reference to identified settlement typologies in Luanda;
- **Chapter 7** summarises the findings of the research work undertaken on informal land processes, migration, and poverty with reference to Luanda and Huambo;
- **Chapter 8** summarises the findings from interviews with key actors on institutional aspects of urban land management in Angola;
- **Chapter 9** summarises the findings of the research into institutional attitudes to urban land processes;
- **Chapter 10** analyses land policy and land legislation with specific reference to the current debate on land legislation;
- **Chapter 11** describes the policy influencing and advocacy work that became part of and grew out of the research project. This gave the opportunity to feed into the civil society consultation and parliamentary debate around the new Land Law. The chapter draws lessons for future public consultation processes which hopefully will become a regular part of Angolan political culture;
- **Chapter 12** summarises proposed strategies and practical initiatives that would contribute to the continuing debate on the Land Law and the “regularisation agenda.”
2. GLOBAL URBANISATION TRENDS

2.1 AN URBANISING WORLD

“The relentless growth of cities is inevitable and irreversible. Standing at 2.4 billion in 1990, the world’s urban population will rise to 3.2 billion in 2000 and 5.5 billion in 2025. The developing countries’ share in these totals, 63% in 1990, will rise to 71% in 2000 and 80% in 2025” (UNDP, 1991). In most developing cities in Asia, Latin America, Sub-Saharan Africa and the Arab States, between 25 and 70% of the urban population is living in informal settlements (Durand-Lasserve & Royston, 2000).

The urban-based population of the world has recently begun to outnumber the rural-based population, although there is enormous variation between countries and regions in their level of urbanisation, how this is defined and how it is measured. Thus any global statistic on urbanisation has to be viewed with some caution. Nevertheless it is clear that the tendencies across the world are that urban populations are growing more rapidly than rural, and that the major growth or urban populations is in what are termed informal settlements, usually peri-urban areas.7

This process is closely related to changes in agricultural production, as well as natural resource extraction, food processing and commercialisation, which itself is deeply affected by the nature of subsidisation, particularly in the North, climate change and new technology. This has led to “push” factors for rural to urban migration as rural employment opportunities are significantly reduced or restructured. In some parts of the world this migratory process is also “pushed” heavily by problems of insecurity and war. The parallel “pull” factor for rural-urban migration is related to the generally greater social and economic opportunities in urban areas, albeit these are often precarious and informal. This continues to be the reality for most countries even after rural economic restructuring, as new forms of economic development tend to be urban-based. This aspect of rural-urban migration is also reinforced by

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7 From a world total of 37% of the population considered urban in 1975, 47% in 2000, 61% is projected for 2025. Africa and Asia are the least urbanised world regions with 25% in 1975, 37% in 2000 projected to grow to 54% in 2025. Europe, North America and South America all are projected to grow to 84% urban populations by 2025, although the latter already had 61% in 1975. (UNCHS, 1996).
changes and opportunities for change in cultural values. The result, in general, is an overall reduction in rural population growth with an overall increase in urban population growth. This economic, social and cultural underpinning of “urbanisation” is also reflected in different demographic patterns as recently “urbanising” countries tend to continue to retain high birth average rates, while exhibiting falling morbidity rates resulting in high overall natural population growth rates, at least until structural change in cultural, social and economic patterns leads to reductions in birth rates.

Thus in many countries with relatively recent high rates of urbanisation the structure of the urban population will continue to change for some time even without further significant in-migration from rural areas, or even if there are forms of emigration from urban areas or circular migration between rural and urban areas. This is also true where this process is affected by extraordinary factors such as war or rapid economic and social change. In countries that have experienced rapid urbanisation in the past, but where birth rates have stabilised in relation to morbidity, the pace of population growth slows, albeit continuing to demonstrate higher urban-based populations. However, the distribution of this urban population can often change significantly as large metropolitan centres become increasingly unattractive compared to smaller urban areas and improved means of transportation permits wider urban diffusion. In countries where the rapid phase of urbanisation took place some time ago, such as Northern Europe, and where population growth as a whole has stabilised or even become negative, social, economic and cultural issues still affect urban structure as families become smaller, personalised forms of transport generally accessible and people opt for more widely dispersed living patterns.

The main conclusion is that we live in an “urbanising world” and that “urbanisation” as a process is irreversible, with different effects in different phases. But it can be planned for to a certain extent, both proactively by direct state investment, and reactively by state regulation.
2.2 THE ROLE OF URBANISATION IN LAND DEVELOPMENT

Even with progress in Information Communication Technology (ICT), new economic development opportunities tend to concentrate in urban areas because the benefits of proximity to other productive units, labour markets or concentrated commercial opportunity tend to drive this process. Although many countries have implemented forms of regulation and incentives to adjust market trends in economic development, including forms of national economic redistribution, there is an overall tendency for economic development to be either based in, or controlled from and marketed through, urban areas, particularly the major metropolitan areas. As such, cities are at times referred to as “motors of economic growth,” although they are by no means the only source of this, especially in the less economically developed countries where direct exploitation of natural resources is an important component of the economy.

However, rapid urbanisation often outstrips the possibilities provided by economic development, and general underdevelopment can also lead to urbanisation where there is no, or negative, economic growth. In these situations the demand for employment in urban areas is much greater than the supply of new opportunities, often exacerbated by limited investment in improved human resources and forms of raised productivity such as mechanisation. The alternative is the fast growing “informal” sector, often mainly based on services provision. The result is a growth in predominantly low-income populations for whom it is difficult to provide adequate social facilities such as health and educational opportunities. This is also true for the provision of the necessary basic facilities for healthy urban living, such as piped water supply, forms of waste collection and disposal, and general access and energy supply in collective and regulated ways. In addition the low investment capacity of such a predominantly low-income population means that housing tends to be inadequate and usually provided in substantially informal ways.

Land is a unique resource in that it is limited, and all the more so in urban areas, especially where social and economic opportunities are also limited. As such, urban land values rise rapidly, yet at the same time the predominantly low-income populations have limited investment capacity to access land
or develop it formally at higher residential densities. The tendency is widening peripheral spread at low density coupled with rising and uncontrolled densities in inner or better located areas, without adequate planning or service provision, and hence poor overall public environments. The largely unplanned and unregulated land use in informal settlements areas also increases problems of general urban efficiency affecting the wider population, not just the urban poor who occupy the majority of the land.

2.3 LAND AS A SCARCE RESOURCE

Since land is a scarce resource and rises in value, there are windfall gains to be made by changes of land use (e.g. from rural to urban) and from improved services or amenities. These are often not due to private sector or individual action but to the activities of the community or the state. There are therefore three important factors to bear in mind when assessing the value and potential of urban land:

• how can this be used to create and distribute wealth?
• to what extent is access to land a factor in alleviating urban poverty? and
• how can land values be tapped by the state to provide collective benefits?

Urban land thus has a significance for economic development both directly, through wealth creation and investment, and indirectly, through poverty alleviation, state or collective investment, and increased urban efficiencies. This can be achieved largely through proactive approaches to urban development, including urban land use management.

Linked to the rising value of urban land is the tendency for increasing conflict over the land, the rights to use, boundaries, and disposal. Although unlikely to lead to widespread social unrest, the lack of definition of adequate land rights for individuals and the public interest can lead to situations of violence on behalf of communities and the state, such as in forced relocations. Equally inadequate mechanisms to define rights, register these and permit transfer in appropriate ways often leads to conflicts between individuals, families, firms and institutions which can also lead to conflict, especially where legal systems
are inadequate or do not adequately include the needs and interests of the wider society. Particularly important are the rights of women to hold land in their own name and not as subordinate to men in family structures.

Thus there is a direct link between land markets and potential urban conflict, which in situations of politico-military post-conflict are all the more dangerous as socio-cultural attitudes that accept violence and access to weapons are both more prevalent. Apart from the social and political repercussions of this, the prevailing uncertainty over land rights also leads to reduced investment and thus also adversely affects economic development, whether “formal” or “informal.”

2.4 URBAN POLICY

In situations of rapid urbanisation, generally low urban incomes and limited state resources — both financial and human — there is often no explicit urban policy. This is partly due to an implicit anti-urban bias in national development policies, as well as in international development policies, but also due to the limited institutional capacity to undertake the necessary background research and policy discussion. However, the urban base for economic development is an important development factor even if significant development opportunities are rural-based. No explicit policy usually means a de facto implicit policy that can be very inefficient and entail relatively large-scale waste of limited state resources.

Urban policy essentially needs to address three aspects of urbanisation:

- an understanding of the actual economic and socio-cultural basis for urban trends;
- the relation with national development policies and strategies; and
- the nature of urban government and hence individual urban area management.

It is often not possible to achieve clarity of all of these in detail, but it is important that an assessment of urban development options is made before any significant urban investments or changes in urban governance and legislation.
2.5 LAND MANAGEMENT

As land is a scarce resource in urban areas and is a vitally important factor underpinning urban development, urban land management is critical for economic as well as social reasons. The economic value of urban land use management is however often seen as secondary, or where economic exchange value dominates, this is only seen from the point of view of formal sector development and a narrow view of urban efficiency is based on this.

However, the role of urban land in relation to urban poverty is equally important for the large proportion of low-income population that tend to exist in situations of rapid urbanisation, whether in dynamic or stagnant economies. As such, the role of rising urban land values as the basis for urban wealth and as an important aspect of wider economic investment potential is often underestimated. Poor people with secure access to urban land can both improve their own residential circumstances, albeit slowly where poverty is high, and also eventually benefit from the exchange value inherent in the scarcity value of the land. If this is undervalued and poor people constantly move to low-cost land, only the higher income groups capture the benefit of the rising land values; thus this process contributes to unequal wealth distribution and exacerbates tendencies to create pockets of poverty, with attendant social and economic problems.

Although the action of market forces in urban land can have beneficial outcomes, this needs management on behalf of the poor as much as protection of the more wealthy — amenity has different manifestations for the poor than for the rich, but both are equally important. Well managed urban land can thus contribute to improving the basic circumstances of the poor as well as

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Land value can be perceived from the perspective of its "use value" and from its "exchange value." Use value derives from the utilisation of the land, whereas exchange value derives from the system of transfer — e.g. the market value. Land can have an exchange value but this may not be seen as important, with use values dominating, however the exchange value is there. Exchange value is also latent until the point of exchange, but in a market system can be used as a guarantee for other financial transactions such as mortgaging. Furthermore there exists a relation between land value, wealth, and poverty reduction, as tential of land value as a fiscal base for urban management.
contributing to wider economic growth. Land management therefore has an economic rationale for the wider population as well as a social rationale.

2.6 THE ROLE OF DIFFERENT ACTORS IN URBAN LAND

Different actors need to be consulted concerning urban land affairs to ensure that different interests in urban land management can be permitted to find expression. This often needs to be underpinned by research and even proactive education where significant proportions of urban residents have limited experience of urban land affairs. It is thus necessary to assess who are the different actors in urban land and engage with them in terms of their interests. This ideally can be undertaken through consultation, including consultation on key issues, but also maintaining consultation channels over time. It can also be assisted by targeted research.

2.7 THE ROLE OF URBAN LAND RESEARCH

Urban land research has in the past tended to be very focussed and specific. It often has concentrated on one aspect of land management, such as the role of markets, the wider role of land in the political economy or the cultural significance of land for different groups (Jones & Ward, 1994). During the past two decades increasing research has been undertaken on aspects of urban land in situations of rapid urbanisation as this has become a development focus and has paralleled the above general interests. More recently urban land research in such situations has focussed on informal land management and the advantages of integrating this with formal land management as the gap between the resources needed for these is growing. This has been a factor in the application of analyses of the relationships between informal sector activity, including land access and management, and poverty reduction. Most recently, given the stress on governance and the “rights-based approach” to development, there has been a widening of this approach with a focus on establishing land rights separately from land titles, and the development of forms of evolution between these.
Overall, focussed projects of urban land research do not provide the definitive answer to all urban realities, as these are heavily influenced by the context within which any land management system operates. As such a holistic approach to urban land management is recommended that increases information and, through widespread dissemination, provides a wider knowledge base, yet relates this to the specific national and local contexts. This form of research seeks to identify appropriate urban land management mechanisms that are politically acceptable, socially legitimate, economically sound, and institutionally practicable. In particular it focuses on how socially modified market mechanisms can be established to both protect the urban poor and create a solid basis for improved urban efficiency and economic development, and undertake this through local institutions.

The information collected and knowledge provided by this research is only valuable if it is applied in some form or other. Thus a wider discussion of this by key actors and its broad dissemination in accessible ways is essential. In this sense the research is seen as action-research as it has been developed not primarily for academic reflection, but as a resource for policy-makers. It is all the more so action-research in that it has been undertaken at a key time in policy formulation by the Angolan Government.
3. INTERNATIONAL EXPERIENCE IN URBAN LAND MANAGEMENT

3.1 INTERNATIONAL EXPERIENCE IN THE CONTEXT OF ANGOLA

Different international experiences in urban land management and urban land reform exist although not all of these can be relevant to the specific Angolan context of:

- a particularly weak colonial land management regime lasting through the mid 1970s (i.e. relatively recently in historical terms);
- fragmented state action in relation to urban development in general in the interim quarter century with additional minimal private sector activity;
- extremely rapid and concentrated urbanisation processes exacerbated by war during this period;
- very high levels of social and economic marginalisation in peri-urban areas;
- a highly centralised government situation with most powers residing in central government a relatively strong economic growth potential due to high value exports (petroleum and mining products mainly at this stage).

Some of the above characteristics are more or less unique to Sub-Saharan Africa and more specifically Lusophone countries, where colonial influence lasted much longer than in many other parts of the world. The nature of weak Portuguese colonialism also has significantly affected the legal, administrative, and general human resource base in the country. However, the strong export-oriented economy sets Angola to some extent apart from other countries in the region.

While Angola has the economic potential to in the future become a “middle-income developing country,” it is currently listed in international development statistics as a low-income country due to the effects of war, past policies, and general socio-economic status. As such, experience in urban land management from other middle-income countries such as Brazil, India, and South Africa, is unlikely at this stage to be as relevant as that of other lower-income countries. Much depends on the government policies of the next few years as the country emerges from war and concentrates on political, economic, and social development.
The main focus of this review of relevant international experience for Angola has therefore been on lower-income developing countries, especially in Sub-Saharan Africa, but also in Latin America. This is due to the:

- high proportion of informal settlement in peri-urban areas;
- extremely limited legal and institutional framework and capacities for state action;
- high levels of urban poverty and background socio-cultural context of the majority of peri-urban residents, including the juridical-political parameters for household strategies.

The experience of most countries in Africa, Latin America, and Asia is that informal systems of access to land prevail. Poorer and more vulnerable urban populations, generally, have access to land by way of these informal systems. The reasons for this are:

- the demand for land is enormous;
- the formal systems are not capable of responding to this manifest demand;
- the formal systems imply costs, knowledge, and investment of time that are outside the financial possibilities of poorer and more vulnerable urban populations (Payne, 1997).

In many developing cities, the informal sectors may provide settlement to more than 70% of the total population. Apart from this, there are lots of similarities between the situation of Angola and of other countries in Africa, Latin America, and Asia. Above all, the legal and administrative structures needed to make formal systems of access to land functional are weak.

### 3.2 RELEVANT TRENDS IN URBAN LAND MANAGEMENT

Given the above context, the most relevant trend in urban land management has been to focus increasingly on land rights and not on land titling in the first instance. This is based on three decades of intervention in urban land management by governments and international agencies, which have evolved through the following phases:
• land provision programmes through master planning and “sites & services” schemes of various types. Heavily promoted by international agencies such as the World Bank from the early 1970s, such programmes were generally unable to provide adequate land due to the continued requirement for state subsidy, national resistance to lowering of urban standards and political-economic interests in urban land;
• informal urban land occupation regularisation programmes in the 1980s, largely based on the experience of the previous phase and the inadequate capacity of the state to provide accessible land in the face of the fast rising urban populations;
• urban management programmes in the 1990s, with a stress on the role of cities and urban efficiencies in overall development. These focussed on policy change and legislation, including experimental projects addressing the integration of the widening informal land markets. The difficulties in successful application of these programmes led then to a focus on understanding informal land markets and some gearing up of informal land regularisation programmes as the foundation for basic wealth creation.\(^9\)

The main focus in the early years of the new century has been the reiteration of the need for secure tenure as the basis for urban development and wider economic and social development, such as the UN Habitat Global Programme for Secure Tenure. However, it is also now more widely recognised that such issues are highly political and can probably only have success where wider groups of the population participate in governance and hence the parallel UN Habitat Global Programme on Good Governance. These are closely related to the main development goals that international agencies have set themselves for the new millennium, especially the focus on eradicating urban poverty.

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\(^9\) The outcome of the recent research on large scale informal land regularisation heavily promoted by a number of middle-income developing country governments (e.g. Egypt, Mexico and Peru) is generally that this has not been a success. This is due to various reasons to do with the relatively high costs, the weakness of the actual market infrastructure and limited institutional capacities, the limited effect on wealth creation and investment, and the frequent increase in social exclusion, but also socio-cultural values and danger of corruption.
Regularisation and formalisation programmes aimed at access to land have rarely produced the hoped for results. The technical and administrative capacity seldom exists to put into practice programmes that give property title to all the residents (Durand–Lasserve and Royston, 2002). Without the necessary capacity, it may provoke less clear situations and create more insecurity (Payne, 1997; Durand-Lasserve and Royston, 2002). The effect is to discourage communities and local institutions from trying to solve conflicts regarding access to land. Indeed, the “informal” systems may be quicker and clearer than “formal” systems, without creating adequate formal structures.

The new approach to informal land occupation that is emerging stems from the insight that security of access to land does not necessarily imply formal individual property or individual title (Bromley and Cernea, 1989; AITEC, 1993; Payne, 1997; Fourie, 1999; Durand-Lasserve and Royston, 2002). It does imply the recognition by the state of the existence of “informal” areas, from which the state will not expel residents. It involves the identification of institutional and administrative constraints before any change in the legal and cadastral system, and it implies a significant investment in administrative and technical capacity.

3.3 RECENT INTERNATIONAL URBAN LAND RESEARCH
IN THE DEVELOPING WORLD

Recent urban land research programmes focus on how informal management systems can be articulated with formal systems. Recent proposals arising from this kind of research arguably represent a swing from the narrow econometric view of land valorisation to stress social justice and conflict avoidance, while not ignoring the economic value of urban land. These focus on:

• setting up simplified registration systems, compatible with the formal systems, where tenure can be incrementally upgraded to real rights in response to household demand and institutional capacity;

11 These can be associated with simplified survey/cadastral systems, as well as land adjudication.
• focussing on “intermediary” land rights prioritising collective over individual rights initially: i.e. starting with protection against eviction, evolving to temporary, renewable occupancy permits with right to basic services, then fixed and transferable period leases through to full real rights where possible;
• accepting decentralisation of land management responsibilities to the lowest local level possible vis-à-vis resources;
• providing basic services as integral to recognition of citizenship;
• creating roles for civil society organisations, especially community-based and or grassroots organisations, at settlement and city level;
• promoting “multi-stakeholder partnerships” in urban land management and improvements, which can include communities and other informal actors.

The resulting incremental approach thus focuses on initially guaranteeing non-transferable or non-negotiable security of tenure for occupants, identifying legitimate local leadership, identification of who holds what rights, resolving conflicts locally as much as possible, building up simplified land registers, and improving basic services.

Examples of such approaches in Anglophone Africa, Francophone Africa and Latin America include the following:  

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12 In Francophone Africa land management processes have been linked to decentralisation and pressures from civil society. Examples of these innovative processes can be found in Senegal, Benin and Burkina Faso.
13 Other Sub-Saharan African countries have reformed land legislation in recent years — including Malawi, Namibia, Uganda, Zambia and Zimbabwe. See Toulmin & Quan (2000) for more information. This report has also focussed on Anglophone countries, however in Francophone countries in the last 10 years similar reviews of land legislation have been made, based on three approaches (Delville,1999):
• Codification of customary rights into the modern legal system (e.g. Niger, Uganda);
• Registration of local usage rights to give modern legal status (e.g. Ivory Coast);
• State administration with devolved management of common lands (e.g. Mali) based on a charter as opposed to codified rights.

Mozambique also undertook a lengthy and wide-ranging consultation leading to a new Land Law in 1997 with regulations for rural land use published the following year, when urban land use regulations were also drafted. However, despite the general land reform and rural land regulations being seen as innovative and exemplary for the region, the urban land regulations have not been approved for various reasons — see Jenkins (2001d).
3.3.1 THE CERTIFICATE OF RIGHTS IN BOTSWANA

Since the 1968 Tribal Land Act, Botswana\(^{14}\) began to reform the legal basis for customary land occupation and integrate this with the modern legal system with considerable success. This was done based on establishing local Land Boards and the use of new forms of urban land tenure including the Fixed Period State Grant and Certificate of Rights. With increasing urbanisation, a Presidential Commission on Land Tenure held widespread consultations and in 1983 reported, promoting long-term leasehold for residential land, which is mortgageable, in line with this approach. The main objectives have been minimising administrative procedure and avoiding growing social exclusion and related higher state welfare costs through growing landlessness, which it was convinced freehold could lead to. These measures were accepted in the National Policy on Land Tenure of 1985.

This intermediate form of land right or land title was introduced to cater to the needs of the urban poor. It allows the identified occupant to use and develop the land; it is a title that can be sold, although the land remains the property of the state. This system is easily and cheaply administered at local level. In theory the certificate is mortgageable, though most financial institutions are more willing to provide mortgages against a Fixed Period State Grant. The Certificate of Rights can be converted into a Fixed Period State Grant on the payment of survey and registration fees, provided the land has an on-site water connection.

3.3.2 LAND ACT AND VILLAGE ACT IN TANZANIA

A Presidential Commission on land policies in Tanzania reported in 1994 based on an exhaustive study of land practices, and led to a new National Land Policy in 1995 and the subsequent Land Act and Village Land Act in 1999. This provides the legal framework for the operation of an equitable and efficient land market with appropriate regulatory procedures and a high degree of decentralisation to communities to manage their own land. The long-term use of Rights of Occupancy in urban land continue to have validity as the basic land tenure option, but are now subject to specific state regulatory powers and have legal redress. Importantly, informal urban land occupation is to be recorded and recognised through a participatory process of regularisation,

\(^{14}\) Botswana and Tanzania’s experience are considered amongst the most relevant concerning urban land reform.
which provides for intermediate residential licences to be granted pending the regularisation process. Tanzania has also established a National Land Advisory Council with representatives of civil society and the private sector as well as land experts. The new law provides for a dedicated system of dispute settlement for land conflicts and oversight of the law’s application. It also has specific provision for women’s equal land rights and is seen as a best practice in this regard.

3.3.3 COMMUNITY LAND TRUSTS IN KENYA

Since the 1990s local communities in secondary urban areas in Kenya have been consolidating their security of tenure through Community Land Trusts where the land is held in common for the community under one title held by trustees. This has allowed public areas to be reserved and provided adequate security for house consolidation, as well as reducing the costs of individual titles.

3.3.4 LARGE SCALE TENURE REGULARISATIONS IN SENEGAL

About 45% of Dakar metropolitan region’s urban population lives in informal settlements. During the 1980s in situ regularisation pilot projects were implemented, with some resettlement of households on serviced plots in the vicinity. Based on this experience, a national programme for regularisation of informal urban settlements was started in 1991, providing individual land titles (“superficy” or “surface” rights — a long term mortgageable lease for up to 150 years). The title was made available on payment of a single one-off sum, provided that a house was built within three years. While this has suffered from problems of scale and slow delivery, the initial recognition of occupancy rights in informal settlements through Occupation Permits has strengthened basic security of tenure.

3.3.5 INTEGRATION OF CUSTOMARY TENURE AND THE FORMAL SYSTEM IN BENIN

Due to the prevalence of customary tenure in the peri-urban areas of Cotonou an innovative programme of integrating this form of tenure with the formal system has been operating, including interim “Housing Permits” for land occupiers and community-based land reordering. The system has two key advantages. Firstly, the state does not take part in allocating land for housing. Customary owners who negotiate directly with households do this. Secondly,
in the land readjustment, the communities participate by identifying those with rights to the land, resolving disputes locally, and self-organising to negotiate with the authorities. The process has several stages:

• custom owners subdivide their land and sell plots to individuals, normally with administration officials authenticating the land sale;
• government planning agencies identify “presumed owners” and undertake land readjustment in order to free up land for infrastructure;
• once plot owners are on their definitive plot, they get a temporary “Housing Permit” from the government, which can be upgraded to a permanent permit once the house has been built.

3.3.6 INTERMEDIATE URBAN LAND RIGHTS IN BURKINA FASO

These include Provisional Administrative Permits, which can be upgraded to Permanent Administrative Permits, and later to Urban Housing Permits. Although full Housing Permits are required for formal construction, in many cases residents feel secure and invest with Administrative Permits. To facilitate this process the state has had a flexible approach to informal settlement consolidation. For example, it has recognised the validity of most documents used to testify “ownership,” which provided de facto security of tenure in the informal sector. In addition, land management was decentralised but local authorities are stretched in their land management role. Related land use taxes are often not collected.

3.3.7 GUIDED LAND DEVELOPMENT IN PERU

With financial support from the World Bank, Peru has since 1996 run a large-scale informal settlement regularisation programme based on simple titles through a Commission for the Formalisation of Informal Property (COFOPRI). Some one million titles were awarded in the first five years. However, most of these are in desert lands in the interior, far from the most occupied urban coastal strip, where the land is owned by the state and there is limited land dispute. This success is also linked to the availability of further similar land in state control where a basic land demarcation programme runs in parallel with the regularisation programme, and where titles for land are allocated as families are conceded the land.
3.3.8 REGULARISATION OF INFORMAL PRIVATE SECTOR LAND SUBDIVISIONS IN BOGOTA, COLOMBIA

The local government has been implementing a process of regularisation of “pirate” informal private sector land subdivisions, constituting the largest proportion of the 20% of the city area that was informally occupied in 1998. These are mostly on the periphery of the city, and illegally developed. The majority have now been formalised, although the process started 20 years ago. Intermediate land rights/titles used include both private sector-oriented documents and state-oriented documents: tenancy by private agreement (which provides a right to freehold tenure after 3 years residency); declaration of possession (after 5 years residency); future use rights (private sector documents); urban legalisation; and communal tenancy (state documents). Key to this approach is that the Colombian land law contains a basic right of every person or community to apply for and obtain public services and infrastructure, provided that they can prove they live in the housing unit.

3.4 LAND REFORM AND URBAN LAND ISSUES IN MOZAMBIQUE — A COMPARABLE EXPERIENCE

Mozambique emerged from a relatively weak but repressive form of colonialism in the mid 1970s, to follow socialist-oriented national development strategies. These included nationalisation of all land under state custodianship on behalf of the population. In practice, however, land administration by the state was limited in scope due to political attitudes, and weak technical and administrative capacities, particularly in urban areas. Nevertheless improvements in land access for the wider population were achieved in state sponsored programmes for land allocation, including peri-urban plot layouts. However, by the late 1980s the implementation of structural adjustment, compounded by the ongoing civil war, had significant effects on state activities in land allocation in urban areas, with a widespread upsurge of informal mechanisms for accessing land. But proposals to denationalise land in the new 1990 Constitution were rejected strongly — mainly by the rural peasant sector. Despite continued nationalisation, the growing inability of the state to administer urban land led eventually to consolidation of the growing market activity in the general context of privatisation of the economy and other social services, although as this was “illegal,” informal mechanisms were the predominant form.
However, research in Maputo, the capital, in 1999-2000 indicated that dual land markets were developing — an informal market catering to broad social needs and a private sector market catering to an urban elite, often for speculative purposes (Jenkins, 2001a). While the latter may entail informal elements of land access, it is generally subsequently formalised, whereas the former has little opportunity for formalisation. There exists continued pressure to privatise land in Mozambique, especially urban land. This is mainly from the economic elite, but also reflects the perceived lack of alternatives for the urban poor majority. Most studies on land markets in Mozambique have focussed on the rural areas, or urban agriculture, but the 1997 Land Law stimulated a debate on urban land rights, especially customary, or occupation, rights, which were accepted in the law, possibly primarily with the intention of formalising rural land occupation. The urban land debate and particularly the issues of land valuation and informal land occupation rights continue at the time of the current research project in Angola.

Mozambique has been classified as one of the poorest countries in the world for some time. As elsewhere in sub-Saharan Africa, urbanisation is increasing fast, with 40% of the population classified as urban, expected to rise to 57% in 2025 — a rise of some 12 million urban dwellers as opposed to 3 million rural dwellers. Poverty is as much an urban phenomenon as rural — overall rural poverty levels have been assessed at 70%, with urban population in general as 60% in absolute poverty. Despite a growing poverty alleviation focus within government policy, urban development and housing continue to be a very low national priority, although the election of the first autonomous local municipalities in 1998 has raised urban issues at strategic levels. Maputo, the capital, is generally considered to have lower overall poverty levels than other urban areas, yet studies indicate that in 2000 some 50% of the approximately 180,000 households are in absolute poverty (60% of these destitute). This situation is deteriorating due to macroeconomic changes with widespread formal

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15 Over a total population of some 19 million this means an 85% increase (2.5%/year). Source: UNCHS (1996)

16 Source: Official Mozambique web page http://www.mozambique.mz. Absolute poverty is defined as per capita expenditure of less than 0.5$/day
sector job loss, but (as yet) no alternative new employment prospects for the under skilled.\textsuperscript{17}

Mozambique has also inherited a severe legacy of underdevelopment from the (relatively recent) colonial period, which is all too apparent in the physical structure and fabric of urban areas. This underdevelopment is also marked in the skills level with the state — a factor exacerbated by structural adjustment. On the other hand market forces are only relatively recently operating openly and private sector capacities are very limited and constrained by the high levels of poverty. Resolving urban land access and management in the face of such acute and structural poverty is an enormous challenge, compounded by the difficulties of transition from a socialist-oriented to a free market economy, the aftermath of an extremely debilitating civil war and a continuing recurrence of natural disasters. In this context it has been argued that the state and the market, separately or together, cannot resolve the problems, but the resources in civil society are an essential element of any urban development strategy (Jenkins, 2001e).

Research was undertaken in late 2000 by CEHS, together with the Faculty of Architecture and Physical Planning at Eduardo Mondlane University, Maputo to investigate improved access by the poor to urban residential land in post-socialist Mozambique as a fundamental basis for sustainable urban development. This study addressed the following specific research questions:

1. \textbf{Effect of emerging land markets on the urban poor}
How do the urban poor get access to land for housing, and more specifically what is the extent of commodification and market behaviour? How are emerging land markets likely to affect the urban poor, more specifically, what is the importance of residential land to urban household strategies among the poor?

\textsuperscript{17} The approximately 1 million residents are expected to rise to some 1.6 million by 2010 — more than an additional 100,000 households. Source: Metropolitan Maputo Structure Plan 1999.

\textsuperscript{18} This research was funded by the British Department for International Development (DFID), Economic and Social Research Committee Overseas (ESCOR).
2. **Attitudes to land access for the poor in the context of wider land access issues**
What are the attitudes of the poor, organisations within civil society, the state, and private sector to the emerging land markets and the policies and practices that underpin this? How is this affecting the broader policy and legal environment?

3. **Alternative land access and development mechanisms**
What are alternatives for more closely associating the formal state land allocation system with actual practices that improve access for the wide group of stakeholders, especially the poor majority?

4. **Recommendations**
What recommendations can be made to the various stakeholders in urban land concerning this, stressing the wider impact of residential land access on urban development in general as well as an integral component of poverty alleviation through a livelihoods approach?

Two research methods were adopted in the light of the specific research questions and resources. An institutional analysis was based on a series of semi-structured interviews with key representatives of five types of institutions involved in urban land issues: central government, local government, private sector, NGOs, and land specialists. The interviews were designed to permit collection of information on involvement in urban land issues; investigate attitudes to urban land management reform; and stimulate new ideas and debate. Secondly, a series of field surveys was implemented to more fully investigate informal land access mechanisms. As resources did not permit a statistically representative sample, this method was designed to qualitatively expand and refine previous research into emerging land markets (reported in Jenkins, 2001a). An additional focus in this second method was attitudes of the urban poor to land access and tenure.¹⁹

The institutional analysis (in highly summarised form) found that there was a growing realisation of the need for specific urban land use regulations to

¹⁹ The emerging markets research is fully reported in Jenkins, 2001c, and also discussed in Jenkins, 2001d.
be based on the 1997 Land Law, along with complementary physical planning legislation. There was, however, as yet no clarity on the responsibilities within central government for the drafting and finalisation of this legislation and regulations, especially how central government involves new autonomous local governments in this process. At the time of research there were two conflicting views concerning the application of the Land Law in urban areas, especially vis-à-vis occupancy rights of a “customary” nature. In addition there is very limited urban land management capacity at central and local government levels, with no specific trained personnel to implement the current alternative proposals. As a result there is likely to be considerable delay in clarifying the position of “informal” urban land occupation and the current ad-hoc planning and land management arrangements will continue, despite growing conflict over urban land.

The demand for legislative clarity on urban land issues, however, was reinforced by the private sector for who access to land title and land transfer had become a significant blockage. However, the private sector only saw its role as catering to a minority in urban residential land development and considers that it was the state’s responsibility to deal with the urban poor majority. The respondents agreed that local government capacity to develop new land and/or improve existing land occupation was severely limited by technical capacity, but also political and economic interest. The tendency was to expect central government to subsidise urban land development, but there was no indication that this will happen. In addition any subsidised supply based urban land development would inevitably be proportionally small in relation to demand. In practice local government activities in urban land supply in the recent period had increasingly either been directed to the better off or absorbed by emergency relocations.

The NGOs had not been involved in urban development issues to any degree in Mozambique before 2000, but had become involved recently through emergency issues, such as the floods of that year. The NGOs increasingly saw their role as assisting the urban poor in poverty alleviation, but are dependent on foreign assistance to date as the state does not facilitate their operations. The key issue of customary land rights based on occupancy in peri-urban areas is an issue that NGOs were becoming interested in assisting with
at local level, however structures in civil society continue to be very weak in the urban areas of Mozambique and this undermines wider pressure for improved land management for the majority. In addition new land rights were not understood in any significant form at grassroots level, where the majority of land occupiers feel relatively secure based on their current informal occupancy rights.

The field surveys qualitatively assessed poverty with reference to five types of assets (human, economic, physical, socio-cultural and legal-political) and noted some broad differences between the areas surveyed, which to a great extent was predicated on the period of occupation of the land. Informal mechanisms for land management and onward transfer dominated although there was some state land allocation in all areas, while commodification of land was still limited, albeit increasing. Land market activity was still modified socially in many cases and use values dominate exchange values. In general the field surveys concurred with the findings of previous studies, providing a statistically sound basis for their interpretation, but have allowed a deeper understanding of the mechanisms involved. Despite limited perception of formal land rights the study demonstrated a tendency to consolidate the value of land in informal markets, especially in the peripheral expansion areas, where land conflicts tend to be greater and where this is accompanied by a higher preoccupation with land rights. Overall the study shows the tendency for better-located urban poor to be relocated, either officially or through market mechanisms, to more peripheral or environmentally unsuitable locations (including densification of these). This has adverse effect on urban livelihoods as location is a key element of physical assets.

The study made the following general recommendations. The state at central government level needs to clarify, as a matter of urgency, the legal basis for urban planning and development, including the rights of municipalities to develop norms, standards, and taxation. However, local governments need to be adequately involved in this process, as they have to implement the laws. In addition laws and regulations must be grounded in custom and practice and take into consideration the realistic institutional capacity to implement them, otherwise they can be widely inapplicable and not have legitimacy. Central government needs to continue to technically assist local government in
urban development through promoting specialised training and more qualified urban planners and land managers, as well as through special technical teams which can incorporate urban planning into wider regional planning contexts.

Local government urban development strategies need to be grounded in social and economic realities and confront the problems of various sectors, not only respond to the most influential politically and economically. If not the problems will be exacerbated. Environmental concerns need to have a much higher prominence in urban development decisions. A key aspect of urban development that needs clarification are the functions, responsibilities and skills, as well as accountability of local level administrative structures, both to the local authorities and to the broader urban population. This is a crucial issue in urban land management. Local government has to strengthen its technical capacity in urban planning, land management and registry and urban development, both to undertake these tasks and to monitor their contracting out where appropriate. A crucial aspect of this will be land valuation capacity. Local governments should also develop partnerships with private sector investors, but with the main objective being the broader public benefit, whether direct or indirect. This can be, for example, joint ventures, launching of bonds for investment, Build-Operate-Transfer and Land Pooling operations etc. Skills in this area urgently need to be developed. Local governments also need to develop partnerships with civil society organisations and NGOs to widen its scope of operation with the large proportion of urban poor.

At the time of writing this book on the Angolan urban land research, the Government of Mozambique has initiated a process for developing and establishing a territorial planning law, which it is believed will permit clarification of the drafts of the urban land regulations which have been available since 2000. However, major issues remain unresolved, such as how land will be valued by the state as it remains nationalised and how part of the de facto market value can be used for state-led programmes. Also how customary land occupation in good faith, as established in the new Land Law, can be applied in urban areas? The main issue here is whether this requires firstly a “technical” activity such as planning (to identify inappropriate land uses) prior to a legal adjudication process of rights, or whether this process is
reversed. The above study, however, has clearly pointed out that the actual technical and legal-administrative capacity to undertake either process is limited and this runs the risk of further socially and economically excluding the poor. Appropriate forms of planning and land rights recognition that take these realities into consideration are needed. CEHS is currently working with the Mozambican government Ministry for Coordination of Environmental Affairs (which oversees urban land planning issues) on this key area for development.
4.1 PERI-URBAN EXPANSION

Rapid and unregulated urbanisation, particularly in Luanda, has been the key trend in urban development in Angola since independence. One estimate suggests that new development between 1998 and 2000 expanded the city by 17 km², an extension roughly equal to the total city size in 1980, and where the current population of informal areas is estimated at around 400,000 households. In addition, this unregulated urbanisation has resulted in vast urban areas with irregular layouts and poor levels of infrastructure and services, but composed largely of “solid-built” houses.

Although it is evident that the war has been a major and dominant factor in urban expansion, high fertility rates also increasingly explain the rapid rates of growth of urban populations. These are likely to continue in the medium term thus maintaining the trend of urban growth. Furthermore the peace process is unlikely to reverse this process significantly, particularly in Luanda, although there may be some out-migration especially from secondary urban areas.

4.2 ACCESS TO LAND

Although access to both rural and urban land has not been a major issue of concern in Angola during the years since independence, a number of observers have suggested that, as in other southern African countries, it is likely to become an issue in the near future (Jenkins, 2001a; Palmer, 1998). Indeed some Angolan observers have also suggested that it is an issue that may hinder the achievement of lasting peace after so many years of war (Pacheco, 1997; Pacheco, 1998; Santos, 1997). Conflict over urban land access has begun to occur in parts of Luanda where the formal sector (the port, oil and other industries and upper-income housing) are in proximity to the informal sector (lower-income housing), and where central and provincial governments have begun to improve urban infrastructure (such as drainage, road widening or erosion control). During 2001, several hundred families were forcibly removed from the area of Boa Vista (situated on a steep slope between the port and the upper-income housing area of Miramar) and rehoused beyond Viana, far from
jobs, transport, and services. Since the end of the war in 2002, there are indications that increased economic investment and expansion of industrial and commercial areas will continue to threaten low-income housing neighbourhoods unless other mutually beneficial mechanisms for land access are developed. Peace may also lead to further government reconstruction programmes that cause forced removals from low-income housing areas.

Even if peace allows a more secure access to rural areas, and more state and private sector investment is directed to rural development, major urban areas will continue to represent a significant proportion of the overall national population. Luanda may by now have 20% of the overall national population, and 60% of the urban population. The United Nations currently considers Angola to be well over 50% urbanised. Given current and projected patterns of urban poverty, it is likely that the majority of the urban poor population will continue to reside in peri-urban areas (Jenkins, Robson and Cain, 2002a, 2002b).

4.3 LAND AND SURVIVAL STRATEGIES

While land access is a key component of urban regeneration and development, access to land is all the more vital for the survival strategies of the most poor and vulnerable groups (Jenkins, 2001c). In urban Angola, formal employment is rare; most of the poor and vulnerable depend on the informal economy. Here, survival strategies depend on access to land close to key points in the informal economy and as a basic resource in urban livelihoods and survival. In rural areas, most survival strategies also depend on growing one’s own food and access to land is vital. Poverty reduction strategies rarely mention land access, and land legislation has not taken into account the link with survival and poverty reduction strategies, with widespread detrimental economic and social effects, which can lead to continued conflict.

The importance of urban land in domestic wealth creation and in survival strategies for the poor, is not clearly understood, and as such the existing investment is generally discounted, leading to the prevalent attitude favourable to physical “reordering.” The fact that many would be unable to afford reordering and/or formal regularisation is implicitly accepted in the option
for growth pole strategies for future urban development, as opposed to urban consolidation strategies (see Chapter 9). Of great importance is that this places the responsibility for investment on the state (new growth poles) and private sector (redevelopment of existing areas). While there is no doubt that these approaches can be a valid part of urban development policy, it is probably unrealistic to assume that the state or private sector investment will be sufficient. The opportunity to stimulate domestic investment needs more attention.

4.4 PERI-URBAN LAND ALLOCATION MECHANISMS

Until the late 1990s, no formal land allocation mechanisms were in place in peri-urban areas and even now formal land allocation mechanisms are in place in only a small part of peri-urban areas. Peri-urban residents of Luanda generally have obtained access to land by informal mechanisms. Areas occupied in the early 1980s have been simply occupied, or land was purchased from previous occupiers, such as small-scale farmers in the green belt around the city. In the 1990s, land has been purchased from previous settlers. From the mid-1990s onwards, there has been a greater involvement of the local level of government administration in land distribution in newly occupied areas, although this has not been “formal” as it has not been based on legal and administrative norms.

Government personnel estimate that 85% to 90% of land occupation in Luanda does not have legal title. There is even some recognition that “illegal” builders have been disadvantaged by lack of access to “legal” materials during the 1975-91 period, thus making construction with expensive informal market construction materials more expensive for them.

Most peri-urban residents have some form of document that confirms their purchase of land. The document is used if there is a dispute over land access with another resident but it is of little value if there is a dispute with a state body or a private company as it is not recognised formally by the provincial government. There is a procedure for registering land that involves documents being passed from local government to the provincial government, but almost
no peri-urban residents have succeeded in carrying it through partly because of the complexity and cost of the process.\textsuperscript{20}

In general in urban areas in sub-Saharan Africa, the law does not discriminate against women over land access but attitudes and practices do limit their access (Meer, 1997; UNCHS, 1999). In the case of Angola, there are strong indications that women prefer not to be heads of household because of the difficulties in dealing with this kind of administrative question, and that they enter relationships partly because a male head of household is perceived as being better able to deal with “the authorities.”\textsuperscript{21}

\section*{4.5 LAND AND LEGISLATION}

A Land Law was passed in 1992 (“Lei 21-c/92”) with relatively little political debate. The law was similar to the colonial legislation and licensed land concessions. However, some commentators pointed out that the law was ambiguous, imprecise, and left many areas undefined. Its application in peri-urban areas was very difficult. This law placed responsibility on the state to manage land access, although the state institutions for regulating land access were weak and did not have adequate capacity to implement the existing legislation and regulations in a transparent and accountable manner. State management of land was disorganised and open to abuse. Furthermore there was a dispersion and overlap of responsibilities, and no clear records. As with the colonial laws and regulations, the system gave advantages to those who were able to understand the system, knew how it operated, and knew the people who administered it. What happened in practice was often different from what was in the law (Pacheco, 1998).

The rights to de facto occupation of land are generally currently respected, but there is a position within government at central and provincial levels,

\textsuperscript{20} This section is based on information obtained initially from a limited number of interviews carried out as part of the scoping exercise for the proposed research programme. This information was confirmed by the wider interviewing undertaken during the main field research. See Chapter 7 for more details on this.

\textsuperscript{21} From an unpublished study by Development Workshop for UNICEF on gender and urban households (DW, 2002a).
as well as to some extent within the private sector, that de facto or informal occupation increases urban development costs and should thus be limited or ignored in future. NGOs, on the other hand, are alert to the need to recognise and “valorise” actual occupation rights. Some see this as an issue of human rights, mainly to avoid future social conflict, but some also see this as a means to consolidate domestic investment and economic growth.

The new Land Law (Lei 09/04) passed in August 2004 and published in November 2004, replaces the 1992 Law and provides a three-year window for informal occupation to be regularised after which time these occupations can be considered illegal.

4.6 LAND MANAGEMENT

As the state has not effectively managed land access, informal mechanisms for land allocation have developed on the margins of the formal state system, or entirely separately. In some areas traditional land allocation mechanisms have reasserted themselves. Like many other African countries, illegal or informal systems of land management have developed because the legal or formal systems do not have adequate resources to function, are not seen as legitimate, and have not been adapted to local circumstances (Jenkins, 2001b; Jenkins, 2001c; Fekade, 2000; Leduka, 2000). The existence of various systems of management of land access and the complex history of Angola create the risk of overlapping claims of access to land.

There exists an assumption that the definition of a better legal and administrative position will by itself provide a significant improvement, although the issue is the nature of the legal framework and how it will be administered.

4.7 CONFLICT AND LAND

Within the peri-urban areas land conflicts are primarily due to problems of access and definition of rights, partly because of the confused responsibilities within government (see Chapter 8) and clashes between formal and customary land allocation procedures, but also because of the weak management/control
capacity of government or other land title holders, and the ill-defined nature of rights to occupation. The latter may lead to an increase in conflicts due to historic claims to specific bits of land (by local communities, institutions such as the churches, foreign landowners, etc.), brought about by new prospects following the end of war.

At the local level, the government representatives are also aware of conflicts over who controls specific land parcels, with or without clear titles, and some land boundary problems. The evidence from the research indicates that past and current conflicts over land have generally been resolved at a local level.

Nevertheless, the pressures of economic investment and government reconstruction programmes are probably going to increase the likelihood of urban land conflicts, including forced removals from the predominantly low-income areas.

4.8 LAND AS A SOURCE OF WEALTH CREATION

The potential role of wealth creation through urban land is partially recognised, although there is a general position that the state has the main role in controlling it. The mechanisms for this, whether through taxation of land use or of change of land use (e.g. agricultural to other urban), are generally not well understood, with a few notable exceptions.

The potential for a clearer state and private partnership role in urban land management based on the rising value of land is also not clearly understood within the state or by some NGO actors. However, private sector actors and some NGO and local government actors perceive that the actual and projected demand for urban land itself creates an economic basis for land taxation and related state reinvestment.

4.9 URBAN LAND — “PROBLEM” OR “OPPORTUNITY”

The government has published new legislation on land access and begun the process of setting regulations for implementation of the Land Law.
Various observers are concerned that this process has not adequately taken into account the complex reality in Angola. It is thought that this may be driven more by pressure from international financial institutions for a more market-based system, which can have unnecessary negative general social and economic effects (Jenkins, 2001a; Palmer, 1998). The colonial legal framework dominates official thinking, as does the idea that agriculture and urban areas need to be “modernised” — that rural land needs to be transferred to more modern farmers to be used productively and to private sector developers and high-income groups for urban investment.

This position has been increasingly challenged in research, which has shown the wider economic and social development benefits of more appropriate mechanisms for land access and management (e.g. Toulmin & Quan, 2000 on rural land; Doebele, 1994 on urban land). In some official circles in Angola, the position was that the peri-urban population of mainly “war-displaced people” was likely to leave the city en masse when there was peace. While some relocation happened after the Luena Peace Accords in 2002, like other countries in the region, the high levels of urban population growth continued, with increasing pressure on urban land. It is thus feared that the new legislation will not deal adequately with actual and potential sources of socio-economic conflict, being based on the erroneous belief that there are large amounts of land in Angola available for human habitation and development. In fact, land suitable for urban and rural development with good means of access and adequate services is relatively limited. There is a potential for conflict where land suitable for development is at present occupied through traditional or informal mechanisms yet sought by “modern” or formal institutions.

The lack of relevant research in Angola means that very little is known about how land is in fact allocated in different areas, whether overlapping claims have developed, whether the mechanisms adequately deal with conflict or the needs of different interested parties, particularly the most poor and vulnerable groups, whether the mechanisms provide security for women.22 Furthermore, the new legislation does not deal with potential conflicts or with the needs

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22 The research reported on in this book is an effort to generate knowledge about these issues in Angola, thus contributing to redress this situation.
of more vulnerable groups whose survival strategies depend on their access to land. Nor is it clear that the new legislation will be workable or will be applied in the way that is intended. Implementation of the law in both colonial and post-independence periods has been erratic and has not given the protection to the most vulnerable that was stated in the law. The new legislation, as drafted, was not based on an analysis of how land is actually managed today, thus it could inadvertently contribute to the continuation of informal mechanisms in parallel with the formal mechanisms and the possibility of overlapping claims and continued lack of security of tenure.

Many observers feel the need for a debate about how a legal, regulatory and institutional framework for land access in Angola can be developed that is workable, clear and fair, that balances the needs of the various relevant stakeholders while taking into account the needs of the poorer and more vulnerable groups, and is based on the reality of the complex situations found in Angola. It would need to be seen as legitimate by those involved, be transparent and accountable, and reconcile formal and informal mechanisms (Durand-Lasserve, 1990; Durand-Lasserve, 1996; Durand-Lasserve, 1997; Fourie, 1997; Jenkins, 2001c; Kombe and Kreibach, 2000). This requires information about present land management mechanisms because “it is difficult to conceive of an adequate land law without an understanding of how land allocation works at present ... which could contribute to serious dialogue between the interested parties” (Pacheco, 1998). In too many countries the application of “modernising” legislation, not based on existing practice and with weak legal and administrative capacity, has led to increasing social exclusion and eventually undermined economic development.

The debate on new legislation on land access and management represented an opportunity to contribute to conflict-resolution, reconstruction and poverty-reduction. There remains a risk, however, that legal land reform may do the opposite if it does not realistically take into account the limited resources of the state and the variety of situations in Angola, and does not recognise that various types of informal mechanisms have developed and become legitimised through use.
5. THE EVOLUTION OF PERI-URBAN AREAS IN ANGOLA UNTIL THE END OF THE WAR

5.1 HISTORICAL CONTEXT

The history of migratory movements and urban growth in Angola is complex. The scoping research undertaken in the cities of Luanda, Huambo, Benguela, and Namibe revealed that the growth and development of the peri-urban areas of the cities studied differed substantially, although there existed common factors. Migration to the cities, in particular Luanda, is a general phenomenon in Angola. It began in the 1950s and became more significant in the “boom” economic years of the 1960s. During the colonial period, migration was principally for economic reasons.

After independence in 1975, the nature of the movement of people from rural areas to the cities changed. The collapse of the Angolan economy soon after independence, including its colonial plantations and bush-trader networks, pushed a considerable number of rural inhabitants to the cities, as did the intensification of war in the country. The military conflict aggravated the isolation and the economic crises in the rural zones and young people, especially, left the rural areas in favour of the cities, even where lack of physical security was not the cause. Nevertheless, the gradual deterioration in the military situation and the flight from insecurity in the rural zones became the strongest reason for the migration to the cities. This migration in the last decades has been a particularly painful and traumatic experience for the displaced.

The resumption of the conflict after the 1992 elections, in contrast with previous wars, had a direct impact on the larger Angolan cities, especially in the interior. Between the end of 1992 and 1994, the fighting spread throughout a large part of the country, creating roaming displaced people. The population of the more secure cities of Luanda, Benguela, Lobito, and Lubango grew quickly. It is estimated that 3,000,000 people migrated between October 1992 and October 1994 (UCAH, 1995). Luanda provided a haven for the country’s largest concentration of Internally Displaced People (IDPs). Migration continued even during the period of “fragile peace” between November 1994 and December 1998 following the Lusaka Peace Accords. The increasing intensity
of the war between 1998 and 2001 is estimated to have provoked the further movement of approximately 1,000,000 people.\textsuperscript{23}

Growth of selected Angolan cities 1940-2000

The graph above illustrates the population growth in the cities of Luanda, Benguela, Huambo and Namibe between 1940 and 2000, based on the census of 1940, 1960, and 1970 and the various population estimates made afterwards.\textsuperscript{24} Although the data are compiled from divergent sources, they do demonstrate the dramatic increase in the urban population, especially in Luanda.

Migration in Angola should be analysed, not only as a result of internal displacement because of the war, but also in terms of rural to urban migration for economic reasons. From an urban policy and planning perspective, there are fundamental differences. It might be assumed that IDPs will return to their places of origin as soon as the war ends. Given that the economic opportunity presented by the cities — and the lack of such opportunity in rural areas — has also played a role in population migration, it is evident that a large number of urban migrants will remain in the peri-urban areas, or move to rural areas closer to Luanda and other urban centres, depending on the economic opportunities that these may offer. Furthermore it is evident that more recently urban growth rates are derived increasingly from natural reproduction and not intensive migration.


\textsuperscript{24} Data taken from the DW "Study for a Legal and Institutional Framework for Improving Land management in Angola" (2002).
5.2 OVERVIEW: HISTORY OF LUANDA

The city of Luanda was founded in 1576. It is one of the oldest cities in Africa south of the Sahara. For three centuries, it was a small commercial post, linked mainly to the slave trade. In the first years of the twentieth century, a social and racial division of the city appeared between the downtown area known as the “Baixa” and the peripheral shantytowns or “musseques.”

This has profoundly influenced the organisation of urban space, with the centre of the city becoming synonymous with the officially urbanised area and the white population.

From 1945, the rapid rate of economic growth in Angola contributed to the acceleration of immigration from Portugal. Simultaneously, the process of increasing industrialisation provoked an internal migration to the cities. A “contract” system was used to recruit labour from the Central Highlands to the ports of Luanda and Lobito and to the coffee zones. In the north, many people migrated to the city of Luanda to escape compulsory agricultural cultivation. Between 1940 and 1960, the population of Luanda grew from 61,028 to 224,540, and the percentage of the white population grew from 14.7% to 24.7%.

“The urbanised and white city started an accelerating expansion by way of tentacles that penetrated the various blocks of the musseques, that were forced in turn to retreat to increasingly greater distances” (Amaral, 1968, quoted by Carvalho, 1989).

Data related to the population of Luanda show that the black population of the city grew 102.7% between 1960 and 1970 (Cahen, 1989).

25 The “Baixa” literally means the “low” part of the city and “musseque” is the name commonly applied to the suburban zones occupied by the economically disadvantaged population of the capital. Today the term “musseque” is still used for improvised, precarious and permanently expanding urbanisation, although it originates from the geological term for the sandy land that surrounds the city of Luanda (Carvalho, 1989).

26 Labour to the coffee plantations, to the ports of Luanda and Lobito and to the fishing industry was originally recruited by force, above all from the Central Highlands. Later, a shortage of land in the Central Highlands, the result of a series of social and political as well as ecological factors, impelled the inhabitants to “go away on a contract” without being formally forced to do so.
Survey areas in Luanda
In 1973, 50% of the inhabitants of the musseques of Luanda had been born there. The migrant population of Luanda came mostly from Umbundu (74%), Ovimbundu (18%), and Bakongo (6%) areas (Monteiro, 1973). The rapid growth of the city continued until 1974. Vast areas around the city were, on the eve of independence, in transition to urbanisation.

During 1974 and 1975, the city of Luanda was the theatre of violent conflicts. As happened in the rest of the country, almost all the white population of the city left for Portugal. In the following years, the houses and apartments left empty were occupied by other residents of the city or by Angolans returning from exile. The rural migration to the city continued, but the population and the total area of the city changed little.

Angolans who had returned from exile started to build their houses in zones that had already been demarcated for urbanisation, but where infrastructure had not yet been constructed. More or less at same time, migrants from rural environments started building in areas where, before 1975, there had been only market gardens. In the same way, some inhabitants from the older musseques, crowded out by high population densities, moved to land available in areas a little further removed. Some musseques, such as Golfe, expanded into the surrounding areas, and the area of Val Saroca, between the railway and the old musseque of Petrangol, was occupied at this time. Thus the construction of the musseques continued, in bands successively further removed from the centre of the city.

The city of Luanda was the most sought after refuge during the wars of the 1990s and its area expanded even further. New areas were occupied in the municipalities of Cacuaco, Viana, Samba and Kilambi Kiaxi. At the same time, the density increased in the areas already occupied, with the construction of annexes to already existing houses, the occupation of the verges of some roads, and any land still empty, such as that reserved for factories.

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27 The population of the city tripled between 1950 and 1970. In 1970, the population of Luanda was 480,613 persons, of which less than 126,253 (26%) were whites.
For the most part, the peri-urban population of Luanda is heterogeneous, although some areas are associated with people from a specific part of Angola. The houses in the peri-urban zones of Luanda are generally built of cement blocks and corrugated iron roofs. Many are incomplete or take many years being constructed by their owners. The building of a house represents a large effort and investment on the part of the extended family.

Over the years, there have been various attempts to control the rapid urban expansion. A 1943 master plan quickly became out of date and was followed by five successive versions up to 1963; none managed to regulate the urban growth. A Building Code was published in 1954 and a Sanitation Plan was developed in 1966. In 1973, a French company was contracted to prepare a new master plan. At this time it was calculated that there were 350,000 *musseque* inhabitants in Luanda. This plan was based on a strategy of growth centres decentralised to three nuclei. These included a new urban centre in Viana, the first important stop of the railway line to the interior. The plan also recognised, for the first time, the necessity to improve rather than replace the *musseques*. Like other plans made at this time in the Portuguese colonies, it was never implemented when the colonial government collapsed in 1974 (Jenkins, Robson and Cain, 2002a).

After independence in the late 1970s, the National Directorate of Physical Planning produced a series of five planning options for the city of Luanda. The government lacked the administrative and technical capacity for implementation and the plans had little influence on the spontaneous development of the city. The publication of the 1982 Law of Auto-construção, or self-help housing, marked the first attempt by the state to deal with the increasing demand for urban shelter. The programme foresaw the demarcation of plots and areas for social services and the provision of subsidised building materials for those who wished to build their own housing. Demand, however, so overwhelmed the capacity of local government to provide land, and even register applicants, that the programme collapsed. Informal settlers generally squatted on sites earmarked for auto-construção and the programme was eventually shelved.
By the mid-1980s the unrelenting flow of rural in-migrants fuelled by the war and collapse of the economy led to massive expansion of the musseque areas. In 1987 a new initiative was undertaken, inspired by experiences in the Southern African region in urban squatter area upgrading. Development Workshop, together with the then National Department of Urbanism, set up an Office for Musseque Upgrading (GARM) in Luanda (Cain, 1987). The Sambizanga Upgrading Project undertaken by the team subsequently became a pilot for developing social mobilisation strategies for basic urban service provision and the community management of water distribution by elected water committees. The project was one of the International Best Practices identified by the Habitat Human Settlements Conference in Istanbul in 1996, but was not able to scale up to respond to the rapidly increasing demand (Jenkins, Robson and Cain, 2002b). In 2000, the Council of Ministers approved the “Management Plan of Urban Growth in Luanda,” which would be the foundation for the elaboration of a new master plan.28

![Population Growth Scenarios for Luanda 2000-2010](image)

Estimating the population of Luanda is difficult due to a lack of an updated and reliable database. The last census undertaken in Luanda was in 1983, since then the city has been subject to rapid population growth. “The decisive factor for

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28 Resolution No 27/00 of 24 November, Diário da Republica, I Série – No 50.
Evolution of Luanda 1964
This shows relatively limited peri-urban areas on the upper plains around the central urban area, but also the continued existence of some informal settlements within this, being redeveloped (musseques em transição) and at the periphery of this (musseques antigos). Overall, however, the city is limited in area as are the peri-urban areas.

Evolution of Luanda 1974
There has been some consolidation of the inner urban core, but no expansion of this, whereas informal settlements have begun to spring up beyond this, including beyond some areas where more rigorous land use control has operated. Some of these however are organised, albeit not fully formalised — bairros populares — and others used for relocation of baixa dwellers in inner city consolidation — musseques ordenados.

These typologies were included in the fieldwork in Val Saroca and Catambor and their characteristics are described in the next chapter.

These typologies were included in the fieldwork in Bairro Popular and São João / Santo Antonio / Cazenga Popular.
Evolution of Luanda 1986
The urban core consolidation has stalled with the reversion to informal occupation in areas within the city centre, and widespread informal settlement in peri-urban areas, including peripheral areas (musseques periféricos) at Samba (south) Cacuaco (east) and Viana (southeast) – the latter being more significant.

Evolution of Luanda 2001
The essentially linear spread of peri-urban settlement along the three main routes out of and into the city (east, south and south-east) has continued with rapid peripheral occupation. Previous outlying settlements have been incorporated within the more or less continuous informal settlement, although some nuclei of new formal settlement (novos assentamentos) are interspersed with these.

31 This typology was included in Augusto N’gangula.
32 This typology was included in the various condominums.
the population growth rate in Luanda is natural reproduction and not intensive immigration” (Dar Al-Handasah, 1997a), due to a very young population profile and constantly high fertility rates since 1983.\textsuperscript{33} It was estimated that during the 1980s the natural increase in the population of Luanda was 4.4% and the increase through migration between 3.3% and 3.5% (Amado et al, 1992). Thus it is unlikely that the population growth rate will fall below 5% in the next 10 years, even with a reduction in migration, unless there is a dramatic change in population dynamics. Furthermore, the incidence of HIV/AIDS in Angola is currently at a much lower level compared to that in neighbouring countries. Although this is projected to increase, it is not expected to have a significant impact on population growth in the next 10 years.\textsuperscript{34}

The future growth scenarios above are based on two sources of information. The first source is a report by the consultants Dar Al-Handasah (1996) as part of the IRE project (Urban Land Use and Growth Management Plan) and the second source is an estimate of population and growth rates in a Luanda Provincial Government (GPL) report of May 2003 (DW & CEHS, 2003h).

Based on aerial photographs and satellite images, the following maps show the delineation of the urban land occupation since 1964. In each case the core urban area is defined (“casco urbano”) with the peri-urban areas indicated differently. These maps illustrate the rapid physical growth of Luanda in recent years. The informal land occupation trends in Luanda are clearly visible.

Overall the images reveal that the city is spreading physically very rapidly. The current construction of a new ring road from Benfica — Samba in the south, via Viana to Cacuaco in the east, some 10 kilometres from the centre, is already a major factor in consolidating and stimulating both formal and informal settlement around the city, as are the resettlement locations based on Viana — now up to more than 20 kilometres to the southeast.

\textsuperscript{33} 50% of the population of Luanda is below the age of 21 and fertility rates are 8 children born per woman.

\textsuperscript{34} With a population of about 13.5 million, in Angola there were 24,000 AIDS-related deaths in 2001 and 350,000 people with an infection. In Zambia, with a population of 10.5 million, there were 120,000 AIDS-related deaths in 2001 and 1,200,00 people with an infection. All countries bordering on Angola have similarly high HIV/AIDS rates (UNAIDS country fact-sheets, 2002).
The city of Huambo was inaugurated in 1912, even though at the time no construction existed there. It coincided with the arrival of the Benguela Railway (Caminhos de Ferro de Benguela — CFB) in the Central Highlands. It was projected that the city would become the capital of Angola. A large area was reserved for the city of Huambo, within which the construction of “shacks or wattle-and-daub houses or anything that disfigures the exemplary European character that the city must have” was prohibited (Neto, 2000a). However, the European migration was less than expected and until the 1950s, the city was little more than a commercial staging post and an administrative centre connected to the CFB workshops. The city of Huambo had, at this time, a colonial form of settlement, with a clearer and more rigid social and racial division, different from the older cities of Luanda and Benguela. Legislation of 1928 elevated the city of Huambo to the capital of Angola and gave it the name of Nova Lisboa, and Luanda became the provisional capital. In fact, the city of Huambo never became the capital of Angola, and until the 1940s it did not even have electricity, running water or sewers.

During the 1950s and 1960s, Huambo increased in size with the development of an industrial complex. The Institute of Agronomic Investigation and the Agronomy and Veterinary Faculty were created in the 1960s, extensions of the University of Luanda. It received an important number of immigrants, originally from Portugal. The attraction for these immigrants was the pleasant climate of the Central Highlands, considered less harsh for Europeans, and the possibilities of development in the southern regions of the country. Huambo continued to be principally a white city. The small agglomerates of houses of the black population grew gradually around the “white city,” maintaining the separation. It was still possible to graze animals and practise agriculture in the free spaces between the groups of houses. The inhabitants of these bairros continued to return to the rural areas, during certain seasons of the year, to do agricultural work.

At independence in 1975, like Luanda, the majority of the white population left Huambo. The city was, in November 1975, under control of União Nacional para a Independência Total de Angola (UNITA). In February 1976, the Angolan Govern-

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35 In Portuguese bairro literally means “district” and is generally used to refer to a suburb of the city.
5. The evolution of peri-urban areas in Angola until the end of the war

Survey areas in Huambo
ment, assisted by Cuban troops, retook the city and UNITA was forced to leave. These events triggered migration from Huambo to other areas and vice-versa.

The true transformation of the small groups of houses into peri-urban bairros dates from the period after 1980. At the beginning of the 1980s, UNITA had started to occupy municipalities in the Central Highlands thus drawing a noose around the city of Huambo. From 1982, the insecurity that this created caused a gradual movement towards the city by people from the neighbouring villages and municipalities. The rural area around the city of Huambo, three to five kilometres from the city centre, became depopulated and that population moved to the peri-urban areas, voluntarily or by force. The spaces that existed between the bairros of the periphery of city were occupied. The growth of peri-urban zones continued within the previous peri-urban perimeter, principally for two reasons: because outside this zone there were fields that belonged to individuals that had never left the city and because this zone was also more secure since it was already inhabited.

The city was both bombarded and bombed from January 1993. The “55-day war” concluded with the recapture of Huambo by UNITA in March 1993. Huambo was severely affected by the war and IDPs came to the city at the same time as other people abandoned it. The area of the city grew little, but there were intensive and complex population movements and fluctuations. Government forces retook the city in 1995, but it was under constant pressure due to its proximity to other major areas of conflict such as Bailundo and Andulo. The violent conflicts in the Central Highlands led to a drastic reduction in the population in this region of the country, the majority of whom fled to the coast, in particular to the cities of Luanda, Benguela and Lobito or to the southern city of Lubango.

Most of the residents of the peri-urban bairros of Huambo were born in the Central Highlands, particularly the provinces of Huambo and Bié, and belong to the Ovimbundu ethno-linguistic group. However, the neighbourhoods of the city are not “organised” according to origin. Currently, the material most often used for house construction in the peri-urban zones of Huambo is adobe blocks, with roofs of corrugated iron. Older houses built in pre-independence bairros have tiled roofs with plastered walls.
Survey areas in Benguela
As is the case elsewhere in Angola, there currently exists little reliable data on population size and growth. However, it is estimated that the population of the Huambo urban area is 250,000.36

5.4 OVERVIEW: THE HISTORY OF BENGUELA

Benguela was founded in 1617. Luanda and Benguela were, for several centuries, the two cities of Angola. Benguela was a trading post and a centre for the exchange of products between caravans from the interior and Brazilian and Portuguese traders. It relied successively on the trade in slaves, rubber, ivory, wax, and resin.

The collapse of the rubber trade in the first years of the twentieth century coincided with the construction of the Benguela Railway (CFB) between 1903 and 1929 and the effective Portuguese occupation of the Central Highlands. This resulted in the growth of an industrial complex and of commerce in the city of Benguela. The fact that the railway line ended at Lobito, where a more sheltered harbour could be built, diverted a part of the population, industrial and commercial growth from Benguela to Lobito, and indeed between 1940 and 1970, Benguela grew less than Luanda.

During the twentieth century, bairros connected to the fishing industry grew along the beach and bairros connected to the various industries grew closer to the railway. Some of these bairros thus developed a strong connection with a specific industry or factory. An area was also reclaimed between the sea and the old city that became a settlement area for the middle class.

The population growth of Benguela accelerated from 1981 with the spread of the war in the Central Highlands. The war of 1992-1994 provoked a new influx of people fleeing the Central Highlands. The existing bairros grew, as did new bairros further from the city. In 1987 the area of the “cement” city was estimated at 532 hectares and the population at 88,000. Surrounding the cement city, 21 bairros occupied 474 hectares with a population of 150,000 people (Angola, 1987).

36 Calculation done by Development Workshop from a database by bairro and by comuna offered by various NGOs.
In 1991, the Bulgarian company Technoexportstroy prepared a “General Urbanisation Plan” for the Provincial Government of Benguela, for the cities of Benguela and Lobito, and for the towns of Baía Farta and Catumbela. Through the 1990s the World Bank supported the Benguela Provincial Government to implement a water and sanitation infrastructure programme (PRUALB\textsuperscript{37}) for these same urban areas. The return to conflict in 1998 interrupted the final stages of PRUALB.

The last population census was done in 1970. Subsequently various estimates of population were done for the elaboration of the “General Urbanisation Plan” and for other objectives. The 1970 census indicates a large population growth in the urban centres of Benguela and Lobito. The data for 1950 states population figures of 14,690 people and in 1960 the population had increased to 23,256 people. Data offered by the administration of Benguela indicate that the population of the city was 93,000 in 1970/71 and had almost tripled by 1993 to 235,000. The current population estimates for 2000 for Benguela\textsuperscript{38} and Lobito\textsuperscript{39} are 469,365 and 444,868, respectively.

5.5 OVERVIEW: HISTORY OF NAMIBE

The growth of the city of Namibe during the twentieth century is related to the construction of the Mocâmedes railway (Caminhos de Ferro de Mocâmedes — CFM) and to the growth of the fishing industry. The area surrounding the city is arid semi desert and growth was very slow. At the end of colonial period the population was less than 12,000. As in other Angolan cities, the growth accelerated from 1980, although it is difficult to ascertain precisely the current population of the city.

The peri-urban areas evolved with the political situation and in 1975 the bairros Valódia, Nação, Eucaliptos and Forte Santa Rita already existed, but were not very populated. The new bairro Cambongue appeared in 1983 and today is very large. Satmar used to be a Commune, but has been absorbed into the peri-urban area.

\textsuperscript{37} PRUALB — Urban Rehabilitation Programme for Lobito and Benguela.  
\textsuperscript{38} Source, Provincial government of Benguela, Office of Studies, Planning and Statistics.  
\textsuperscript{39} Source, Municipal Administration, Lobito.
Map of survey areas in Namibe
The growth of these areas has been gradual and controlled. During the years of conflict the city never received large numbers of IDPs. There was not the same pressure on the peri-urban belt experienced by other coastal cities. The people or families that came to the city fleeing the war did so individually and were accommodated and assisted, in the initial phase, by resident families.

The families that have settled in the city of Namibe are from different provinces. A considerable number were originally from the penitentiary of São Nicolau, or their families and they settled in Namibe in order to assist them. After resolving their judicial problems, many remained in the city. The bairros Valódia and Santa Rita are predominantly made up of the so-called Kimbaris, that is to say of Ambundu origin. In these bairros the Kimbundu language dominates, though others are also used.

Fishing attracted the population of Bairro Valódia, which in colonial times was called Bairro dos Pescadores, the fishermen’s bairro. The people in other bairros came from various provinces, principally from where the Moçâmedes railway passed, such as Huíla and Menongue. In the different bairros a number of different languages are spoken including Kioko, Umbundu, Nganguela, and Kimbari. The Kuvalé has very strong roots in their areas of origin and never felt attracted to the city and are not to be found in the peri-urban areas.

Houses are constructed of local material, largely adobe, with a local peculiarity, soil mixed with gravel. The majority of the adobe houses are not plastered, but they survive because there is little rain in this area. The street plans are regular and within the blocks there exist very few alleys. The majority of the houses are covered with corrugated iron secured with rocks. On the periphery of the city there are almost no houses of cement blocks.

The Province of Namibe does not have a master urbanisation plan and continues to use the old colonial urbanisation plan of Moçâmedes.

The city of Namibe is estimated to have grown from 59,508 in 1984 to 90,000 in 1988 and to between 115,000 and 120,492 in 1997. No estimates of Namibe’s population have been made since 1997.
Colonial history, economic cycles, migration and the war have shaped the evolution and growth of peri-urban areas in Angola. The growth of informal settlements in the cities of Luanda and Huambo — the core focus of the research — has involved substantially different dynamics. The characteristics of peri-urban areas vary significantly within each city and between the two cities.

In Luanda, the research identified six distinct different typologies of settlements in the musseques based on key characteristics. In Huambo, the peri-urban areas have not developed in such a geographically differentiated way. Diverse forms of settlement are much more intermingled within a given area. The differential influences of the factors affecting poverty cannot therefore be generally distinguished on a geographical basis.

It would be overly simplistic to assume that the character of informal settlements and urban poverty in Angolan cities — and particularly in the peri-urban areas — is homogeneous and can be reduced to generalisations. Nonetheless, lessons can be drawn for poverty alleviation and planning from an understanding of the settlement types and their evolution. This chapter examines informal settlement patterns and urban poverty, with reference to settlement typologies identified in Luanda.

6.1 SETTLEMENT TYPOLOGIES

The research programme has identified different settlement typologies in peri-urban Luanda. Each typology is based on characteristics such as:

- migration patterns including the proportion of incomers;
- residents’ place of origin;
- main period of influx into the settlement;
- intentions to move out;
- main forms of access to land;
- amount and type of documents held by householders as evidence of their right to their land;
- sense of security;
- attitudes to land; and
- expectation of conflicts over land.
The six different types of settlement distinguished in Luanda are as follows:

- **Bairro Popular** (townships);
- **Old musseques**;
- **Organised musseques**;
- **Transitional musseques**;
- **Peripheral musseques**;
- **Condominiums**.

The research of the various settlement typologies was based on a sample of 0.12% of households in the city, or one in approximately 8,000. The findings of the fieldwork are therefore illustrative rather than definitive. It is not necessarily possible to extrapolate the findings in any statistically sound way to the overall universe. Nevertheless, even with the limitations of the sampling, the research provides in-depth qualitative information on the aspects surveyed for each household and it is possible to undertake sound analysis at typology level concerning the overall characteristics. An example of each kind of settlement typology and their principal characteristics is described below. A summary of the generic typologies is given in section 6.2.

### Number of Respondents per **Bairro**, Luanda

<table>
<thead>
<tr>
<th>Type</th>
<th>Bairro</th>
<th>Number Interviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bairro Popular</td>
<td>Bairro Popular</td>
<td>52</td>
</tr>
<tr>
<td>Old musseque</td>
<td>Val Saroca</td>
<td>70</td>
</tr>
<tr>
<td>Organised musseque</td>
<td>Santo Antonio</td>
<td>95</td>
</tr>
<tr>
<td>Organised musseque</td>
<td>Mabor Malhas</td>
<td>52</td>
</tr>
<tr>
<td>Organised musseque</td>
<td>Sao Joao</td>
<td>48</td>
</tr>
<tr>
<td>Transitional musseque</td>
<td>Catambor</td>
<td>57</td>
</tr>
<tr>
<td>Peripheral musseque</td>
<td>Augusto N’Gnangula</td>
<td>108</td>
</tr>
<tr>
<td>Condominiums</td>
<td>INORAD</td>
<td>25</td>
</tr>
<tr>
<td>Condominiums</td>
<td>Cambamba</td>
<td>21</td>
</tr>
<tr>
<td><strong>Number of Respondents</strong></td>
<td></td>
<td><strong>528</strong></td>
</tr>
</tbody>
</table>
1. Popular
   Township Typology

2. Val Saroco
   Old Musseque Typology

3. Mabor Malhas
   Organised Musseque Typology

4. Catambor
   Transitional Musseque Typology

5. Augusto N’Gangula
   Peripheral Musseque Typology

6. INORAD
   New Condominium Typology
6. Informal settlement patterns and urban poverty

6.1.1 "TOWNSHIP" (BAIRRO POPULAR) SETTLEMENTS

Background of Township (Bairro Popular) Settlements

“Popular” bairros were built in the late colonial era (1960s & 1970s) by the state or public companies such as the railways. They were modelled on the South African “townships” for housing working class black and poor white families. The houses are generally rows or duplexes and were built on a mass scale by formal contractors. Some “popular” bairros were built for relocation of musseque populations and were normally provided with a low level of infrastructure and services, which were sometimes shared.

Independence halted the construction of “popular” bairros and most poor white families abandoned the country at this time. The rudimentary services deteriorated after independence and many of these settlements began to resemble informal musseques and informal construction in courtyards has lead to a densification. House plots are registered and follow street alignments even though some encroachment has occurred with densification.

Summary of the Situation of Bairro Popular, Neves Bendinha Commune, Municipality of Kilamba Kiaxi

Bairro Popular is located in the commune of Neves Bendinha, in the municipality of Kilamba Kiaxi. “Popular” bairros have high levels of poverty from their initial conception, as they were built for relocation from the musseques and were poorly provided with infrastructure and services. However, relative to other peri-urban areas poverty levels are low, savings higher than elsewhere, house overcrowding relatively low and access to infrastructure and services relatively high. There are relatively few incomers from beyond the province, and the level of intended out-migration is comparatively very low.
Irrespective of their origin, households in the Bairro Popular are among the longest established in the Luanda peri-urban areas, most commonly having accessed land through formal purchase. As the bairro was initially built through a formal process that developed all the land, direct land occupation is an infrequent form of land access. In addition, evidence of informal purchase is very low, but there is a developed rental market, and land is passed on within the family as informal inheritance. In this consolidated area with clearly demarcated roads, upgrading, and provision of services, registration of land rights could significantly improve the quality of life while respecting individual households’ assets.

Main Characteristics of Bairro Popular, Neves Bendinha Commune, Municipality of Kilamba Kiaxi

- A high proportion of household heads are women (44%);
- High level of poverty, the majority being classified as very poor;
- Houses are mostly of colonial low-cost “township” style and built with ceramic block, and have zinc or asbestos sheet roofs;
- Low level provision of services (there are very few household piped water connections, and very irregular coverage in electricity and no drains);
- There are some public schools, one public hospital and some recreation areas; there are also many private schools and health posts;
• There is a moderate to high household density (mostly between two and three persons per sleeping room);
• Most would rely/depend/count on family members within the neighbourhood for support;
• Immigration from beyond the province of Luanda has been moderate since these settlements were established in the late colonial period;
• The most frequent length of residence is between 21 and 30 years, with a complete range from less than one year to 40 years;
• Most of the respondents are not the first occupiers of the land;
• Most acquired land through informal purchase, or informal renting (land market);
• The majority have some sort of housing documents;
• For most of the respondents houses have a use value;
• The majority feel secure in their houses;
• The majority did not answer the question about land rights awareness, an indication that most had no knowledge/perception of land rights;
• There has been a very low level of conflict over the land (two cases were registered over the demarcation of land and rights within the family.)

6.1.2 OLD MUSSEQUE (MUSSEQUE ANTIMO) SETTLEMENTS

Background of Old Musseque Settlements

Musseques grew from the original black settlements of Luanda. The black settlements grew over the centuries in parallel with the colonial city. Some of these old musseques date back to the late 19th century and many grew in spontaneous ways to substantial dimensions through the colonial era.
More than half of Luanda’s population lived in informal *musseques* at independence. These *musseques* that existed at independence are what the “typology” classifies as “old” in this study. Old *musseques* spread into vacant land and urban infill sites in the last 25 years and gained extremely high densities once lateral expansion was no longer possible. These *musseques* are often hemmed in by the formal cement-city or have grown into marginal inner-city lands, such as cliffsides, railway verges and dumpsites. Old *musseques* provide housing close to the city centre and industrial districts and are generally near to employment opportunities and sometimes public services such as schools (in adjacent urban districts).

**Summary of the Situation of Val Saroca, Commune of Ngola Kiluange, Municipality of Sambizanga**

Val Saroca is an example of an old *musseque*. As in other peri-urban areas, Val Saroca has high levels of poverty, but dependency levels are the lowest in the old *musseques*, and savings levels are above average. This area has some degree of access to infrastructure and services. A high proportion of houses are built of materials other than concrete block — e.g. mud and lathe construction (“wattle-and-daub”) — which sets it apart from other *musseques* in physical terms. In addition, houses are densely occupied. The area had a high influx of in-migrants in the late 1990s, and has the highest rate of intended out-migration — one in every four.

Informal rent is more prevalent than in other areas, as is informal inheritance. On the other hand, possession of documents related to the land is lower than average, particularly “purchase and sale” documents and documents issued by the administration. Residents in this *bairro* are more aware than others of the land exchange value, as well as of land rights. In addition, there is a higher than average expectation of land conflicts. Given the physical layout and infrastructure, there is scope for this long-established area to be upgraded with some degree of land adjustment or pooling. This could be facilitated by the reported intentions of out-migration, provided that compensation was adequately addressed in this settlement with higher than average awareness of land rights and values.
Main Characteristics of Val Saroca, Commune of Ngola Kiluange, Municipality of Sambizanga

- Women-headed households are relatively low in number (13%);
- High level of poverty (55%), some households are in the destitute category (37%);
- Inadequate or non-existing provision of public services such as water (there are no piped water connections), no electricity coverage and no drains;
- There are some public and private schools, some health posts and recreation areas;
- There is a very high household density (the majority having over three persons per sleeping room);
- Most would rely/depend/count on their neighbours for support (more than 35%);
- Immigration from beyond the province of Luanda has been moderate, with most cases occurring in the period 1996-2000;
- The most frequent length of residence is between 1 and 5 years, with a complete range from less than one year to more than 40 years;

- Most of the respondents are not the first occupiers of the land;
- Most acquired land through informal purchase (land market);
- The majority have some sort of housing documents, usually a “purchase and sale declaration;”
• To most of the respondents, houses have a use value;
• The majority feel secure in their houses;
• The majority have no knowledge/perception of land rights;
• Only limited conflict over land was reported (over the demarcation of land).

6.1.3 ORGANISED MUSSEQUE (MUSSEQUE ORDENADO) SETTLEMENTS

Background of the Organised Musseque Settlements

Informal settlements, when they evolved adjacent to planned neighbourhoods of the cement-city or “Populars” Bairros, were often built as extensions of these settlements, respecting road alignments and service corridors. Sometimes housing plots were sold to new settlers by existing landholders, following the prevailing pattern and sizes, albeit without formal titles. This process of informal extension of existing urbanised areas started in the late colonial period as a natural growth of the city.

The colonial administration progressively formalised these settlements by eventually allocating titles. However, housing in these areas is informal, usually self-built and initially of a low standard. Lack of titles inhibits families from borrowing to invest in formal construction. In almost all of these cases, the residents of these settlements have high expectations that public services will be extended to their residences and are loath to identify their neighbourhoods as “musseques.”

The post-colonial urban administration has not had the capacity to continue the process of formalising these areas. Over the years, as formal services have not been forthcoming and land title regularisation has not occurred, these areas have suffered densification and some encroachment into road and service reserves. Communities in some of these organised musseques demonstrate
a higher level of social capital, organising themselves to resist encroachment and even lobbying for collective services. These districts will be relatively easy for municipal authorities to upgrade or transform into regularised and serviced bairros.

Summary of the Situation in Santo Antonio, Hoji-ya-Henda Commune, Municipality of Cazenga

Santo Antonio is an example of an organised musseque and has relatively moderate levels of poverty compared to other peri-urban areas. It also has comparatively high levels of access to infrastructure and services. It shares with other organised musseques high densities of house occupancy; considerable levels of incomers from beyond the province (going back to the late 1970s) and very low intentions of out-migration; large numbers of households that are long established on their land/property; and a relatively high predisposition among householders to renting their property or part of it.

A difference with other organised musseques is the very low incidence of land occupation as a mechanism of land access. Probably because of the abundance of houses from pre-independence, there is a very high level of house occupation as an access mechanism, as well as relatively high formal purchase. The informal rental market is small. “Purchase and Sale” contract documents are common, as well as rent receipts from the state as forms of perceived tenure security. The expectation of land conflicts is higher than average, however.

The residents have invested heavily in new buildings and improved or upgraded the formal colonial construction. They feel secure in their property and often have purchase documents but not clear titles. In this consolidated area with clearly demarcated roads, upgrading and provision of services could improve the quality of life while respecting individual households’ assets.

Main Characteristics of Santo Antonio, Hoji-ya-Henda Commune, Municipality of Cazenga

- Women headed households (12%);
- Moderate to high levels of poverty, given that 60% are either very poor or destitute households;
- Houses are mostly self-built with ceramic or cement blocks, with zinc or fibre-cement roofs;
• Inadequate provision of services (there are very few piped water connections, very irregular coverage in electricity and no drains);
• There are some public schools, one public hospital and no recreation areas;
• There is a moderate to high household density (mostly either between two and three persons per sleeping room or over three persons per sleeping room);
• Most would rely/depend/count on neighbours for support;
• In-migration from other municipalities within Luanda and from beyond the province of Luanda has been moderate;
• The most frequent length of residence is between 21 and 30 years, with a complete range from less than one year to 40 years;
• Most of the respondents are not the first occupiers of the land;
• Most acquired land through either formal or informal purchase (land market);
• The majority have some sort of housing documents but not formal titles;
• To most of the respondents houses have a use value;
• The majority feel secure in their houses;
• There has been a very low level of conflict over the land (five cases were reported over the demarcation of land, and rights within the family.)
6.1.4 TRANSITIONAL MUSSEQUE (MUSSEQUE EM TRANSIÇÃO) SETTLEMENTS

Background of the Transitional Musseque Settlements

Being close to urban employment, markets, and social services but unable to expand geographically, some inner-city musseques have appreciated significantly in land values, these “old” musseques achieved saturation densities some decades ago and have in many cases begun to grow vertically as householders have upgraded hutsments into cement block buildings and eventually into two- and even three-storey constructions, on their original small plots.

Some of these districts are undergoing a process of “gentrification” as the poorest families “cash in” their land holdings and migrate to the urban periphery where land is cheaper, or they rent their old inner city houses to other poor families who may depend on low-paid service jobs in the urban marketplaces. The intricate informal pattern of alleyways and small irregular plots makes vehicle access and service lines difficult to install. Basic urban services are available in the surrounding city districts.

These transitional areas are being slowly upgraded with private investments of the residents. Regularisation of occupancy titles could accelerate this process and may lead to consolidation into more substantial construction and generate investment in innovative servicing solutions.

Summary of the Situation in Catambor, Municipality of Maianga

An example of a transitional musseque is Catambor, which has high levels of poverty but in relation to other peri-urban areas has better access to infrastructure and services. Density of house occupation is high. It is the surveyed peri-urban area with the lowest overall proportion of in-migrants, but at the same time with one of the highest percentages of incomers from
beyond the province (many from the early 1990s), being the only area where these outnumber incomers from other municipalities within Luanda province.

In addition, it shows one of the highest levels of intention to move out — one in every four respondents. In this densely packed area, informal land seizure is a relatively infrequent mechanism of land access, and there is higher than average informal inheritance. Residents in this area report the highest willingness to sell land, although this is still low in absolute terms, and a relatively high willingness to rent. In this consolidated area without demarcated roads, simple upgrading and provision of services would constitute a problem to improve the quality of life of its inhabitants. However, the evidence of intended out-migration may allow for some measure of decreasing densities and re-parcelling of land.

Main Characteristics of Catambor, Municipality of Maianga

• A moderate number of women are heads of households (30%);
• High level of poverty, given that there is a huge number of very poor families (60%, and 37% of destitute households);
• Houses are mostly built with concrete blocks, are not rendered and have zinc or asbestos roofs;
• Inadequate or nonexistent services (there are no piped water connections, the area has no coverage in electricity and no drains);
• There are no public schools nor hospitals or recreation areas, but there are some private schools and health posts in the adjacent areas;
• There is a high household density (the majority having over three persons per sleeping room);
• Most would rely/depend/count on family members within the neighbourhood for support;
• The most frequent length of residence is between one and five years, with a complete range from less than one year to 30 years;
• Most of the respondents are not the first occupiers of the land;
• Most acquired land through informal purchase (land market);
• The majority have some sort of housing documents but not titles;
• For most of the respondents houses have a use value;
• The majority feel secure in their houses;
• The majority has no knowledge/perception of land rights;
• There has been a low level of conflict over the land (three cases were reported, one over the demarcation of land and two over family rights over the same land).

6.1.5 PERIPHERAL MUSSEQUE (MUSSEQUE PERIFÉRICO) SETTLEMENTS

Background of the Peripheral (Peri-Urban) Musseque Settlements
As the civil war progressed after independence, rural areas became unstable and dangerous resulting in successive waves of migration to the relative safe haven of Luanda. Internally displaced families initially sought refuge with family members or those with kinship or ethnic connections who
may have migrated earlier. These previous settlers were usually also poor and older musseque settlements quickly became over populated.

New settlers were forced to find low-cost land at the urban periphery. These lands were a long distance from any basic services and also far from employment opportunities; new migrants had to pay high prices for transport and for water. This highly vulnerable population became almost completely dependent on the informal economy in order to subsist at the periphery. Housing became a secondary concern, and houses initially tended to be small and made of temporary materials and only later upgraded with more substantial materials as incomes increased over time.

Peripheral settlements have grown rapidly in geographic terms and have shown a rapid rate of densification. These areas have generally the lowest densities of the various typologies studied. In many areas, an attempt has been made by residents to leave road access ways open anticipating the provision of municipal services in the future.

Summary of the Situation in Augusto N’gangula, Commune of Kikolo, Municipality of Cacuaco

Augusto N’gangula is an example of a peripheral musseque. It has the highest index of absolute poverty (destitution) among the sampled areas, with the highest level of overcrowding and the lowest access to services of any kind as well as infrastructures. Even in this area the overwhelming majority of houses are built with solid materials such as concrete blocks, but very few are plastered or painted, and there is some construction with other materials.

This area has the highest level of incomers from elsewhere (excepting the condominiums) and the highest overall level of in-migrants from other provinces, a high proportion of which arrived in the last few years. It has more first occupiers of land than other musseques, and occupation of vacant land is higher than average. On the other hand, the development of an informal land market is evident in the fact that informal purchase of land is also higher than average, and many have “purchase and sale” documents, but in general fewer people have documents of any sort compared to elsewhere. Though high, the sense of security is the lowest recorded in the surveyed areas, as well as the awareness of land rights.

Fewer people than elsewhere expect their families to inherit the land eventually. There is therefore a fast-establishing population that, despite the
absence or the lack of infrastructures and services, and the seriousness of the environmental problems affecting the area, are generally investing in providing themselves with permanent construction type of houses. The provision of services will not be easy, because of the irregular construction which prevails in the area and the lack of roads that were not previously laid out.

Main Characteristics of Augusto N’gangula, Commune of Kikolo, Municipality of Cacuaco

- The level of women-headed households is low (2%);
- Presents the highest level of poverty among all the typologies, given the number of destitute people (over 84%);
- Basic services such as water, electricity and drainage systems do not exist (most people rely on water bought from tanks around the area, because there are no piped water connections);
- Houses are mostly built with concrete blocks and have zinc or asbestos roofs;
- There is no sanitation and there are serious environmental problems;
- There are no public schools or hospitals (there is one private school and probably two private health posts);
- Most of the inhabitants work in the informal market (mainly Roque Santeiro), or sell things (mostly food) in the area;
• Has the highest household density of all typologies (the vast majority having over three persons per sleeping room);
• The majority depend on their neighbours for support;
• In-migration from other municipalities and provinces has been high (72%), with around half of this influx taking place in the period 2001-2003;
• The most frequent length of residence is between one to five years, with a complete range from less than one year to 17 years;
• Very heterogeneous community, but mainly Umbundu speaking;
• The majority came from the neighbouring municipalities, mainly Cazenga and Sambizanga;
• Most of the respondents are not the first occupiers of the land;
• Most acquired land through informal purchase;
• 64% have informal purchase documents, while 31% do not hold any kind of document;
• Three cases of conflicts over land were reported.

6.1.6 CONDOMINIUM (NOVO ASSENTAMENTO) SETTLEMENTS

Background of the Condominium (Novo Assentamento) Settlements

In partnership with national and foreign private capital the Angolan state has undertaken a substantial investment in new “green-field” housing and formal infrastructure and servicing projects. These initiatives respond to the clear private demand for housing from employees of large national companies and expatriate staff.

The government has approved a number of special regulations allowing for this commercial land development in southern Luanda (Luanda Sul), and the building of condominium housing projects. It is anticipated by state authorities that this type of commercial development
will generate profits that can be reinvested in economic housing, however this is doubtful in practice (Jenkins, Robson & Cain, 2002b). The government creates a formal value for real estate by investing in water, sanitation and basic infrastructure and attributing private title deeds on green-field sites with the intention of reinvesting these profits in low-cost housing.

These settlements, mainly in the southern part of Luanda, have high standards of services and are built to a high standard by large international construction companies.

**Summary of the Situation of Condominio Sonangol, Bairro INORAD/Morro Bentoll, Futungo Commune, Municipality of Samba**

Condominium Sonangol is an example of the “condominium” typology. It serves well-to-do people, with relatively high savings among its residents who are employees of the state oil company, Sonangol. The houses are of very high quality, and density of house occupancy is low. However, infrastructure and services, which are provided through the private sector rather than through the state, are unreliable and not to the standard that residents would expect.

Residents have settled in the condominium in the last few years, and the majority are in a “rent to buy” situation through a contract entered into between the employer and the employee. In some cases people have already finished paying for their houses. The majority feel very secure in their property and have official documents to back this, provided by the company.

The current situation of all respondents does not allow for the emergence of any kind of conflict over property. There is an administrative body created by the company involved, to address the most basic problems that may arise in the condominium. The key improvement to quality of life in this area would be provision of more reliable and comprehensive services.

**Main Characteristics of Condominio Sonangol, Bairro INORAD/Morro Bentoll, Futungo Commune, Municipality of Samba**

- There are few women-headed households (10%):
- Relatively low level of poverty, given that about 36% the respondents are in the high income group;
- Houses are built with high quality construction materials;
• Piped water and electricity supply are provided by the condominium owner, Sonangol, the state oil company, but supply is inadequate and irregular;
• There are as yet no public schools nor hospitals or recreation areas in the condominium complexes although sites have been reserved for these, but there are some private schools and a private clinic;
• There is a low household density (only one or two persons per sleeping room);
• Immigration from beyond the province of Luanda has been low, with most cases occurring in the period 2000-2003;
• The most frequent length of residence is between one and five years;
• Most of the respondents are the first occupiers of the land;
• All respondents acquired land through formal purchase;
• The majority have legal property document or have been promised one when final payment has been made;
• To most of the respondents houses have a use value;
• The majority feel secure in their houses;
• The majority have knowledge/perception of land rights;
• There have been some conflicts reported between original occupiers who were expropriated and commercial developers over the land in the area.

The six settlement typologies identified in Luanda, are summarised in the following table.
### 6.2 SUMMARY OF GENERIC SETTLEMENT TYPOLOGIES IN LUANDA

<table>
<thead>
<tr>
<th>CHARACTERISTICS</th>
<th>POPULAR NEIGHBOURHOODS (BAIRROS POPULARES)</th>
<th>OLD MUSSEQUES (MUSSEQUES ANTIGOS)</th>
<th>ORGANISED MUSSEQUES (MUSSEQUES ORDENADOS)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETTLEMENT AGE</strong></td>
<td>25 + years (pre-independence)</td>
<td>25 years and over</td>
<td>15 years and over</td>
</tr>
<tr>
<td><strong>LEVEL OF DEVELOPMENT AND BY WHOM</strong></td>
<td>Laid out according to minimal planning regulations; colonial low-cost township style by contractors</td>
<td>'Non-orderly' layout, 'anarchic' settlement</td>
<td>Minimally aligned streets allowing eventual infrastructure provision; mostly self-built</td>
</tr>
<tr>
<td><strong>INFRASTRUCTURE AND SERVICES</strong></td>
<td>Basic level of infrastructure, though currently deteriorated and sometimes non-functional</td>
<td>Inadequate or non-existent services, clandestine connections to networks (water and electricity)</td>
<td>Non-existent or inadequate services, clandestine connections to networks (water and electricity)</td>
</tr>
<tr>
<td><strong>POPULATION DENSITY</strong></td>
<td>Medium/high</td>
<td>High density, 800-1000 people/ha</td>
<td>Medium/high</td>
</tr>
<tr>
<td><strong>HOUSING QUALITY</strong></td>
<td>Reasonable building quality, but deteriorated due to lack of maintenance</td>
<td>Low quality, deteriorated due to lack of maintenance, serious basic sanitation problems</td>
<td>Tendency towards gradual house improvement</td>
</tr>
<tr>
<td><strong>OTHER CHARACTERISTICS</strong></td>
<td>Some rented houses, often houses are extended and annexes sub-rented</td>
<td>Large number of rented houses with absentee landlords</td>
<td>Large number of rented houses with absentee landlords</td>
</tr>
<tr>
<td><strong>EXAMPLES</strong></td>
<td>Cassequel, Cariango, Bairro Popular</td>
<td>Val Saroca, Cazenga</td>
<td>Mabor Malhas, Palanca</td>
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<tr>
<td><strong>RESEARCH AREAS</strong></td>
<td>Bairro Popular</td>
<td>Val Saroca</td>
<td>Santo António, Mabor Malhas, São João</td>
</tr>
<tr>
<td>TRANSITIONAL MUSSEQUES</td>
<td></td>
<td></td>
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<tr>
<td>(MUSSEQUES EM TRANSIÇÃO)</td>
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<tr>
<td>PERIPHERAL MUSSEQUES</td>
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<tr>
<td>(MUSSEQUES PERIFÉRICOS)</td>
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<tr>
<td>CONDOMINIUMS</td>
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<tr>
<td>(NOVOS ASSENTAMENTOS)</td>
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<tr>
<td>10 years and over</td>
<td>Under 10 years</td>
<td>Under 6 years</td>
<td></td>
</tr>
<tr>
<td>Gradually developed</td>
<td>'Non-orderly' layout, 'anarchic' settlements</td>
<td>Laid out according to existing regulations, reasonable living standards, mainly foreign contractors</td>
<td></td>
</tr>
<tr>
<td>Services improving to an acceptable level, sometimes through clandestine connections to water and electricity</td>
<td>Water and electricity provided by informal vendors — poor quality and expensive</td>
<td>Adequate infrastructure networks, but inadequate supply due to weak sources</td>
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<tr>
<td>High density, 800-1000 people/ha</td>
<td>Medium and low</td>
<td>Medium</td>
<td></td>
</tr>
<tr>
<td>Quality improved with permanent materials reaching acceptable standards</td>
<td>Precarious constructions</td>
<td>Good quality</td>
<td></td>
</tr>
<tr>
<td>Sale and rental housing market, social mobility, attempts to regularise tenure</td>
<td>Large number of people displaced by war, and poor</td>
<td>Middle or high class, who can afford to buy house or plot</td>
<td></td>
</tr>
<tr>
<td>Catambor, Bairro Operário</td>
<td>N'Gangula, Boa Esperança</td>
<td>Talatona — Luanda Sul, Viana II</td>
<td></td>
</tr>
<tr>
<td>Catambor</td>
<td>Augusto N'Gangula</td>
<td>Condomínio Sonangol (INORAD), Condomínio Dália (Cambamba II)</td>
<td></td>
</tr>
</tbody>
</table>
7. INFORMAL LAND PROCESSES, MIGRATION AND POVERTY

This chapter summarises the findings of the field research undertaken in the peri-urban areas of Luanda and Huambo in relation to informal land processes, migration and poverty. These provide important elements of the basis for the analysis and strategies, which are proposed in the research.

7.1 THE SITUATION IN LUANDA

7.1.1 LAND ACCESS MECHANISMS

The research showed that 67% of the residents in peri-urban areas of Luanda were not the first occupiers of the land. First-time occupiers of land tended to be more concentrated in the recently constructed condominiums and the more peripheral musqueques, i.e. the more recently occupied areas.

The most widely reported form of land access was through informal purchase mechanisms at 33%, especially in the peripheral musqueques but less so in the Bairro Popular, where formal purchase had occurred. The main exceptions to the use of informal mechanisms were the new condominiums, due to the nature of the development.

There is also a considerable informal rental market. Throughout the areas surveyed, it was found that around 15% of respondents had obtained access to land through the rental market. This figure was higher at 25% in the old and transitional musqueques and non-existent in the condominiums. In most areas it is common for residents to rent a single room or several rooms as an annex from the main house.

Around 10% of the respondents accessed land through transfer between relatives. Other forms of access that were identified with some frequency included informal inheritance, formal rent, formal transfer from the state and other types of transfer, and formal inheritance, among others, although these were less significant.

The dominant form of land housing access in Luanda by far is through the operation of informal markets, mostly through the sale of land, but also through rental.
7.1.2 SECURITY OF TENURE

Eighty per cent of residents interviewed across peri-urban areas in Luanda, reported having some form of document that proves that they have purchased, are occupying, or are renting the land on which they are living. Only 16% did not have any such document. In the old and peripheral musseques, residents’ possession of documentary evidence of their land occupation was lower at 64%. Depending on the kind of musseque, “Purchase and Sale” contracts made up 20% to 30% of these documents. The frequency of documents witnessed or signed by the local administration varied from 10% to 25%. Some documents are actually receipts for fines paid to the local administration for unauthorised occupation. The majority of the reported documents, however, do not confer legal occupancy rights although most residents mistakenly think that they do. Less than 20% of those interviewed had what could be considered as legal ownership titles or formal rental contracts with owners holding legal titles.

Forms of rental documents, such as receipts, rental contracts etc. were also encountered fairly uniformly across all musseques, with the lowest incidence being found in peripheral areas (6%) and the highest in the Bairro Popular (20%). In one of the organised musseques a particular concentration of rent receipts was evident.

Despite the fact that over 80% of those interviewed had occupied their land through informal mechanisms (i.e., they were informal land occupiers), 86% of respondents felt secure on their land. The lowest level of security at 72% was felt in the peripheral musseque on the margins of the city.
7.1.3 CULTURAL VALUE OF LAND

The overwhelming majority of respondents (89%) valued their land for its “use value.” Only around 10% considered that their property also had an “exchange value.” An insignificant proportion of respondents valued their land as a commercial source of income. A higher incidence (27-28%) of perception of the exchange value of land was evident in one of the “organised musqueques,” Mabor Malhas and in the “old musseque” category.

Very few respondents (3%) stated that they would consider selling their land in the future, 18% would be prepared to rent their land, but the majority (77%) expected to leave their land to their children or other relatives as inheritance. In general therefore, although informal markets operate, the lack of supply in relation to overall demand means that the market does not operate adequately in terms of exchange.

7.1.4 PERCEPTIONS OF LAND RIGHTS

A large proportion (43%) of respondents throughout the survey areas had no awareness of the legal concept of land rights and only 13% had a reasonable awareness of land rights issues.

7.1.5 LAND CONFLICTS

Very few respondents (4%) reported conflicts over land. Those conflicts that were mentioned tended to be about plot boundaries, followed by conflicts over the rights to land of other people within the family. The most often cited form of conflict resolution was through neighbours, with other important channels for resolution being the local administration. A slightly higher number of respondents (5%) anticipated conflicts over land in the future.

7.1.6 MIGRATION TRENDS

About 59% of the interviewed households have moved in to the bairro from elsewhere broken down as follows: 35% of respondents have moved from another municipality within Luanda province, 20% from another province, and a small proportion from another country. The municipalities of Sambizanga and Ingombotas, reported to have high housing costs (rent, etc.), were the origins of the largest numbers of migrants within Luanda province, whilst the largest numbers of in-migrants from beyond Luanda province came from Uige, Bengo, Malange and Huambo. The highest levels of in-migration from elsewhere
were reported in the condominiums (96% and 95%) and in the peripheral settlements (72%) and the lowest, in the transitional musseque (40%) and the old musseque (49%).

**Peri-urban population growth**

Across Luanda peri-urban areas as a whole, about half of those who had moved to the bairro from other municipalities, provinces, or countries had done so since 1996, with nearly as many moving in between 2001 and 2003 as in the previous five years. However, this pattern is not uniform across Luanda peri-urban areas. Apart from the two new settlements, where given their time of construction in-migration is necessarily recent, the periods when the highest influx of incomers were recorded are in 1975 (Santo Antonio) and 1981-1985 (Mabor Malhas and São João) in the organised musseques, 1991-1995 in the transitional musseque, 1996-2000 in the old musseque, and since 2001 in the peripheral musseque.

In contrast to the still significant proportion of in-migration to the study areas, levels of actual and intended out-migration are low, with 12% of respondents reporting migration that had already taken place, and only 10% indicating that a household member(s) intended to move out of the area. Of this total out-migration (actual and intended), only 21% was to other provinces, with a large proportion being abroad (34%). The highest levels of intended out-migration were found in the old musseque (27% of all respondents), the transitional musseque (25%) and the peripheral musseque (12%). The lowest levels of intended out-migration were reported in the new settlements (only one case in one of these), the Bairro Popular (4%) and the organised musseques (ranging from 0% to 5%).
Despite continued migration, a large proportion of the population in the surveyed areas (41%) did not arrive from other municipalities and provinces. Urban growth in these areas is also due to natural growth and moving within the municipality. In addition, there are considerable numbers who have lived on their current land for many years. Although high levels of urban growth are indicated by the figures of 10% of respondents having settled on their current plot within the last year, and 47% within the last five years, half the population reported having been on their plot for over five years. The highest proportions of long-established populations (over five years) were found in the Bairro Popular (71%) and the organised musseques (65% to 79%). In the old musseque and the transitional musseque there were also relatively high proportions of residents who had been on their land for over five years (50% and 63% respectively).

In general the research shows that the demographic tendencies are already predominantly due to natural urban growth and intra-urban transfers rather than to direct in-migration, as is often assumed. This has led to a differential housing market, albeit with significant restrictions on movement due to the limited lack of availability of new units. The declared low intention for urban out-migration is again not surprising, given the lack of realistic opportunities elsewhere, and needs to be taken into account in urban policy preparation.

7.1.7 POVERTY LEVELS

Poverty levels are very high across the surveyed peri-urban areas in Luanda, with 42% of respondents being considered as destitute and 37% as very poor, according to the parameters established within this research.\(^4\) This is due to a combination of low personal/household access to sources of income, high dependency ratios, and poor physical conditions both on plot and off plot. The highest levels of absolute poverty were recorded in the peripheral musseque (84% destitute). In most bairros the vast majority of the population was destitute or very poor, with the expected exception of the new condominium settlements. Other exceptions were the Bairro Popular (where 37% were not within these categories) and one of the organised musseques — Santo Antonio (40% were poor or better off).

The levels of poverty are compounded by some 80% of households having very poor access to economic resources and high dependency factors, with 49% of...
having six or more dependants per income earner, and 40% having between three and six dependants per income earner. Dependency levels were highest in two of the organised musseques (Mabor Malhas and Santo Antonio), and lowest in one of the new condominiums and in the old musseque. Across the surveyed peri-urban areas, and excluding the new condominiums (where respondents are employees of major oil companies), there was an even split among the informal market, the public sector and the formal private sector in terms of sources of income (about a quarter of household heads in each of these categories). Overall, however, the informal sector was dominant given the additional amount of respondents involved in trades (5%) or running their own small businesses (6%).

Only 3% of the households reported having no source of monetary income but about 72% reported having no savings, and only 1% a fair amount of savings. The new condominiums had relatively high proportions of people with some or substantial savings, whereas all the other areas had very low levels of savings, though these were slightly higher in the Bairro Popular and in the old musseque, i.e. in the longest-established areas. The most prevalent form of savings was through the kixikila 42 (about 40% of those reporting some savings).

7.1.8 ACCESS TO URBAN SERVICES

Physical resources tended to be very low in the surveyed peri-urban areas. On the whole, about 30% of interviewed households did not have access to services such as water supply and electricity, as well as to basic services such as health and education in the vicinity. This situation was worst in the peripheral musseque, and in one of the organised musseques (Mabor Malhas), where all respondents reported having no access to such infrastructure and services. About 56% of the total population interviewed in Luanda had access to some level of infrastructure and services. This was the case of all respondents in the old musseque, the transitional musseque, one of the organised musseques (São João), and both new settlements. Only 13% of respondents throughout Luanda had access to a relatively high provision of infrastructure and services, though this was concentrated exclusively in two of the surveyed areas: the Bairro Popular and one of the organised musseques (Santo Antonio).

42 Kixikila is an informal system of savings and credit normally involving a group of people who put away money on a regular basis into the Kixikila. The whole amount “saved” is then put at the disposition of one of the members in a system of rotation a number of times a year.
7.1.9 HOUSING CONDITIONS

Across Luanda as a whole, physical housing conditions do not have as high an impact on poverty levels as other factors such as income dependency ratios and lack of infrastructure and basic services, though the housing conditions of 28% of the respondents could be defined as poor, and 32% as very poor. Poor and very poor physical housing conditions tended to be due more to overcrowding than to the quality of construction or materials. Fifty-five percent of households reported over three people to a room, and 30% between two and three people to a room. The highest levels of overcrowding were reported in the peripheral musseque, where 75% of households had over three people to a room. House occupation density was also high generally across all organised musseques, and in the old musseque and the transitional musseque. Overcrowding was lower in the Bairro Popular, where only a third of households reported over three people to a room. House occupation density was lowest in the new condominiums, where low densities (under 2 people per room) were reported.

Throughout Luanda a very high proportion (94%) of houses are built with solid materials (generally concrete blocks or, in some cases, brick), and about 60% of these are rendered and/or painted. Besides the new condominiums, where 100% of the houses are contractor-built, the highest proportions of rendered and/or painted block or brick were found in the Bairro Popular (83%) and in two of the organised musseques (Mabor Malhas with 79% and Santo Antonio with 77%). The lowest proportion of rendered and/or painted houses were found in the peripheral musseque (only 8%), though even here 92% of the houses are built with solid materials such as concrete block. Although there have been some forms of physical consolidation in housing or economic assets in the surveyed areas, these have been off-set by increased levels of dependency, there are therefore high levels of structural poverty. Still the relatively high level of house consolidation demonstrates a desire to invest the limited assets that households can accumulate and overall it is significant in relation to general levels of poverty. However, the expected continued high urban population growth rate will mean that increasingly this existing housing stock is inadequate to provide shelter as it is already highly overcrowded.

43 This overall estimation across Luanda peri-urban areas is slightly skewed by the cases of the new settlements, where 100% of the houses are contractor-built to a high specification. Excluding these from the estimation, the figures across peri-urban Luanda, on the basis of this fieldwork, become 93% of houses built with
Of equal concern is the very limited provision of social infrastructure, whether services such as water, sanitation, energy and access, or facilities such as schools. This will also exacerbate structural poverty in future as increasing numbers of (predominantly young) urban residents saturate limited formal and even informal sector economic opportunities. In general improving collective services and consolidating individual investment, as well as encouraging this and associated housing improvements, are top priorities.

7.2 THE SITUATION IN HUAMBO

7.2.1 LAND ACCESS MECHANISMS

Almost two thirds of the respondents throughout Huambo (a proportion similar to that of Luanda — were not the first occupiers of the land, with the remaining third reporting that they were the first to live on their plot.

The most widely reported form of land access in Huambo was through informal purchase, 47% of respondents reported they had bought their land on the informal market. Transfer between relatives accounted for the second most reported form of access to land (18% of all responses). There is also an informal rental market, this being the third most reported form of land access (14% of all respondents), however, the informal rental market is not uniformly spread throughout the peri-urban areas. It is concentrated in two areas: a bairro that is partly formally urbanised (São José) and a bairro that is relatively distant from the old formal city (Chiva). Only about 6% of respondents had occupied vacant land, most of these in the outlying settlement of Chiva.

An exception to the widespread existence of informal mechanisms to access land is Kilombo, which was built in the late 1980s for ex-combatants from the Forças Armadas Pela Libertação de Angola (FAPLA, the Angolan Armed Forces), and where access to the land was mostly reported as through allocation by the state. Only two cases, of formal purchase, both in the bairro São José, were reported.

In general, 61% of the population in peri-urban Huambo had been established on their land for over five years. It is evident that the dominant form of land and housing access is through informal markets operating mostly for the sale of land, but also for rent.
7.2.2 SECURITY OF TENURE

The possession of documentary evidence of their right to the land is far less widespread in peri-urban Huambo than in Luanda: 39% of respondents across peri-urban areas in Huambo as a whole had some form of document, while 61% reported not having documents. By contrast, 27% of respondents would rely on witnesses present during the purchase of the land, a figure that is far higher than in Luanda. Only around 11% of all respondents reported possession of “Purchase and Sale” documents. In addition, 8% received some kind of document from a local administration and 6% confirmed that they had formally legalised their occupation and had the respective documents. Some form of a rent document was only reported in one case, again a significant difference from Luanda.

Despite the relatively low incidence of possession of documents, the overwhelming majority (83%) of respondents across the surveyed areas felt secure on their land. Although there is great reliance on traditional mechanisms such as witnessing, among those who do not have documents (but would rely on witnesses) the lack of these was sometimes a reason to feel insecure.

7.2.3 CULTURAL VALUE OF LAND

The overwhelming majority of respondents (89%) valued their land for its “use value.” Only around 11% considered that in addition their land had an “exchange value,” though this was more evident in one of the bairros, Kalomanda, than elsewhere — this is a bairro which has an old colonial “urban” area. The existence of informal land markets, however, suggests that there may be a subsumed awareness of land’s exchange value. Despite this, no respondents reported they would consider selling their land in the future. Some would rent their land (13%), but the majority expected to leave their land to their children or other relatives as inheritance (82%).

7.2.4 PERCEPTIONS OF LAND RIGHTS

Almost 50% of respondents throughout the survey areas reported no awareness of the legal concept of land rights, and the other 50% showed little or some awareness. Awareness of land rights was expressed, for example, in terms of citizens having a right to have somewhere to live. In general therefore, although informal markets operate, the lack of supply in relation to overall demand means that the market does not operate adequately in terms of exchange.
7.2.5 LAND CONFLICTS

A low level of conflicts over land was reported overall in peri-urban Huambo (only seven cases). As the number was low, no predominant cause for these conflicts could be identified, these being very varied. One case was about plot boundaries, two were due to rights over land by individuals outside the family, and three cases due to other reasons. The most frequent channel for conflict resolution was found to be relatives (three of the interviewed). The other main mechanism for resolution was through the municipal administration, reported in two cases. As in Luanda peri-urban areas, the expectation of conflicts over land in Huambo in the future was higher (12%) than actual conflicts. Half the expected conflicts were related to conflicting claims over the land by people outside the family, for example because of land having been sold to more than one person. Other reasons varied, ranging from the perception that the local administration wanted to demolish all adobe houses that are close to the city centre, to the expectation of ‘real’ owners claiming back houses that were sold by people who did not legally own them.

In peri-urban areas of Huambo there is therefore a potential risk of future conflict over land as a result of practices and events that took place during the many years of war, and new processes set in motion by the advent of peace, such as reestablishment of pre-war claims over land, or state activity that ignores a security of tenure that peri-urban settlers believe they have established. Increasing pressure to access land with continuing population growth and post-war processes of reclaiming land may increase the likelihood of conflict over this limited resource.

7.2.6 MIGRATION TRENDS

The majority of the population in Huambo peri-urban areas are in-migrants, with about 72% of the interviewed households reporting having moved in to the bairro from elsewhere. Around 36% of respondents had moved from another municipality within Huambo province, 24% had moved from another province.

In Huambo’s peri-urban areas, about half of those who had moved to their bairro from other municipalities, provinces or countries have done so since 1991, with 14% having moved in during 2001-2002. Relative to the proportion of in-migration to the study areas, levels of actual and intended out-migration were considerable, with 24% of respondents reporting migration that had already taken place, but only 5% indicating that a household member(s)
intended to move out of the area. Of this total out-migration (actual and intended), 71% was to other provinces and 25% to another municipality.

The figures indicate that in-migration is a strong motor of demographic growth in peri-urban Huambo, and that this trend has remained strong in recent years. In addition, expected out-migration is low, and the continuing incoming population can therefore be expected in turn to contribute to further natural growth in the future.

7.2.7 POVERTY LEVELS

Throughout the surveyed peri-urban areas in Huambo poverty levels were very high, with 33% of respondents being considered as destitute and 57% as very poor. These levels were quite uniform across all surveyed bairros. This is due to a combination of low personal/household access to sources of income, high dependency ratios, and poor physical conditions both on plot and off plot.

About 90% of households had very low access to economic resources. This level of access to economic resources, however, varied among the bairros. About 49% had six or more dependants per income earner, and 43% had between three and six dependants per income earner. About half of household heads had no training and about half work in low level jobs, very few people had senior level jobs. About 82% of those surveyed reported having no savings, 15% some savings, and under 3% a fair amount of savings.

In terms of socio-cultural resources, for support in cases of need and emergency, residents in peri-urban Huambo reported relying equally on organisations, relatives within the plot, relatives outside the plot and neighbours. Within the category of organisations, churches were predominant. Overall, levels of structural poverty are high in Huambo’s peri-urban areas, largely demonstrated by high levels of dependency.

7.2.8 ACCESS TO URBAN INFRASTRUCTURE

Physical resources tend to be very low in the surveyed peri-urban areas; access to water was usually through protected and unprotected water wells as piped water is non-existent. Furthermore, access to water, electricity, education, and health facilities is not uniform throughout the Huambo peri-urban areas. For example, Kamilikinhento had no health facilities and no schools, but did have an irregular electricity supply and water supply from wells.
About 4% of interviewed households did not have access to infrastructure such as water supply and electricity, as well as to basic services such as health and education in the vicinity. About 94% of the total population interviewed in Huambo had access to some form of water and/or electricity supply. Only 2% of respondents throughout Huambo had access to a relatively high provision of infrastructure and services.

7.2.9 HOUSING CONDITIONS

Physical housing conditions have a higher impact on poverty levels in Huambo than these do in Luanda. Housing conditions of 16% of the respondents could be defined as poor, and 64% as very poor. Poor and very poor physical housing conditions tend to be due more to overcrowding than to the quality of construction or materials. Across Huambo 66% of households reported over three people to a room, and 16% between two and three people to a room. Throughout Huambo peri-urban areas, most houses are built with adobe blocks. About 16% of the houses in these areas are of higher quality, mostly old Portuguese colonial houses.

There is a high level of house consolidation, which demonstrates a desire to invest household assets. However, the population surveyed intends little post-conflict out-migration. The urban population should therefore be expected to grow, thus putting increased pressure on the already overcrowded housing stock. This, added to the overwhelmingly limited provision of infrastructure and services, is likely to contribute to continuing or intensified structural poverty, compounded by the saturation of limited formal and even informal sector economic opportunities.

7.3 KEY ISSUES FOR URBAN LAND DEVELOPMENT IN LUANDA AND HUAMBO

Based on the field work summaries outlined above and associated research components, a number of key issues emerge which need to be addressed in urban land development in Luanda and Huambo.
7.3.1 PROJECTED URBAN GROWTH

Even with reduced rural to urban migration, or some relocation of urban population from urban areas, growth of urban areas will continue based on natural demographic tendencies. In time this may change, but the demand for land for housing will continue to grow rather than diminish for some time. The development of economic growth poles may be a factor in urban policy, but the forced relocation of low-income people to these will not significantly reduce prevailing demographic trends.

Urban policy needs to be developed which addresses the existing situation of urban poverty in realistic ways. Given the already large-scale informal land occupation, state investment needs to be targeted to complement private sector and household investment. There needs to be a realistic assessment of what can be provided by the private sector, based on effective demand and profit-making, and what needs to be provided at low cost to enable low-income households to participate in the benefits of urban development, in addition to safeguarding public health.

7.3.2 ECONOMIC DEVELOPMENT, URBAN EFFICIENCY AND EQUITY

The urban areas of Angola will continue to play an important role in the country’s overall economic and social development. This needs to be coherently expressed in urban policies and urban development strategies which balance the use of state resources with other development sectors such as rural and natural resource development.

Existing investment in urban areas is still low per capita. Building on the base of existing investment, however, makes better sense than any form of wholesale redevelopment, at least in the interim, recognising and protecting the majority of individual households’ own social and economic investments in their land and housing.

Economic development in urban areas needs to focus on poverty reduction as well as wealth creation and distribution. In addition the rising value of land needs to be tapped as a fiscal basis for state activity in urban development. The poor, who presently occupy much of the urban land, should also be guaranteed benefits from the rising value of these lands.
Urban land is an essential source of livelihood, but also can be a source of wealth creation, and this represents an economic opportunity. The balance, at times delicate, between these two factors needs to be understood and the function of land as a survival mechanism as well as a creator of wealth both need attention, whether protective or regulatory. Urban land as such plays an extremely important role in poverty reduction and economic development, both directly and indirectly.

Mechanisms to incrementally move from informal, unregulated systems, towards formal, regulated systems are essential and this entails intermediate forms of land rights.

7.3.3 LAND RIGHTS AND LAND TITLES

The vast majority of urban residents have accessed land informally, yet most of them consider they have valid rights to the land they occupy and where they have invested their scarce available resources. This needs to be recognised in any new legal formulation and the rights of occupation given legal status. If not the law will be seen as largely illegitimate and will not become operational. Rather than lead to such aggravated social exclusion, the law should be used to lead to greater social inclusion.

However, there are very serious limitations on what can be effectively undertaken by the government in moving to formal land rights for the majority in the short term. As such this needs to be a medium- to long-term objective. There thus needs to be a distinction between land rights and security, and land titles, with an initial emphasis on the former as a means to mobilise resources to move towards the latter. In this gradual and evolutive process, the collective and individual resources of the population need to be used to ensure minimal land management and regulation.

There is a role for the private sector in urban land development, as well as for the non-governmental sector. However, these need to be assessed realistically. The main activity needs to be focussed on local government and community, both benefiting from partnerships with other institutions where possible and appropriate.
Secure access to, and transferable rights in, urban land is one of the key components for urban development, as is the provision of urban infrastructure. Inadequate urban land management and improvement can create massive inefficiencies for the whole economy, both national and urban, and undermine the more equitable distribution of development opportunity. This then reduces the opportunity for more broadly based economic growth as well as improved living and environmental conditions. The key issues in urban land management are social inclusion, participation in urban governance, and economic opportunity.

Social inclusion has to be the basis for appropriate urban land strategies and should be based on clear land rights — access to land, secure tenure, avoidance/resolution of conflict and transparent administration, including transfer rights. To exclude part of the population systematically from land rights, whether based on legal or technical grounds or due to limited institutional capacity, essentially undermines governance and the role of the state.

The need for land and for services leads urban populations to resolve this "informally" where "formal" systems are unable. To consider these informal solutions as being illegal, means putting the majority outside the law and in effect undermines the law. Many informal systems, while inadequate in various ways, are more legitimate and more functional than formal systems, especially when these formal systems have been inherited from another period (such as the colonial era) or imported from another context.

7.3.4 REDUCTION OF CONFLICT

The research shows that there is very little occupation of land with legal title in urban areas, and the court system’s capacity to adjudicate and resolve land conflicts is extremely limited, both administratively and judicially. However, the majority of urban land residents feel secure and believe they have rights to the land, although these may be qualified in some way. There is also relatively limited incidence of urban land conflict to date, and most of this is resolved locally or temporarily allayed.

There is a high potential for increased conflict over land in future as the extraordinary conditions of society in a time of war are set aside and land values rise as demand rises in the face of limited supply and general
scarcity of land with urban characteristics. This will probably take several distinct forms.

- It is very likely that there will be a sharp increase in conflict over “urbanised” land — i.e. land for which title can be offered and which has access to services. This may well include conflict between different grantees, between different occupiers of parts, over boundary disputes and over rights of allocation within families. Given the potentially high value of this urban land, these conflicts can be acute, and given the lack of administrative and legal capacity to resolve these, risks increase significantly.

- Specific conflicts and acts of violence and resistance, and possible wider social reaction if widespread for the majority without immediate current right to title. The situation may be continued uncertainty, selective forced relocation in key sites, such as the example of Boa Vista, and even more general relocation to rural areas, unless more realistic and progressive forms of urban land management being advocated for are taken on board in policy. This may give rise to specific conflicts and acts of violence and resistance, and again lead to wider social reaction if widespread.

- Conflict between the two different potential systems of land management, the “traditional” and modified forms of this, and the “modern” and the various forms of application of this, although conflict within each system is possible due to the widespread population movements during the long periods of war. In intermediate sized urban centres such as Huambo and other provincial or municipal towns, there is likely to be potential conflict between peri-urban occupation and rural occupation (i.e. crossing over between the two situations mentioned above). Here the traditional action of sobas has been undermined, partly due to social and economic pressures and the political changes, but also due to population instability as populations have migrated, including the sobas.

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44 Sobas are the traditional headmen normally associated with rural communities in Angola.
The inclusion of intermediate forms of land rights in land legislation permits social and legal inclusion, and as such is a strong element in promoting participation in urban governance. Adequate institutional structures need to be created to permit these intermediate forms of land rights to operate in as decentralised a form as possible, thus reducing the high costs of centralised or privatised systems of land management. Such publicly accountable institutions should operate also at local, provincial, and national government level where they can provide essential inputs to refining national urban land policies, citywide urban development strategies as well as specific projects and programmes. They should be composed of the main actors in each situation and invest in civil society organisational capacity.

Furthermore, land is so important for all urban dwellers, in different social and economic situations, that it has an equally important political role. However, attitudes to land are deeply rooted in cultural values. Hence strategies and mechanisms for urban land management need to be sensitive to the political, cultural, social, and economic context for which they are directed. This changes from country to country, from one urban area to another, and even within one urban area.

Urban land management is complex and thus there is no one simple approach. The best approaches are based on a clear understanding of the diversity of land interests and the different contexts, and are above all based on open participation in developing the appropriate management mechanisms for these.

Specific conflicts are probably best dealt with at the local level, within an appropriate general regulatory framework, whereas the widespread issues need careful policy and realistic state action. To the extent possible, land conflicts should be avoided and resolved administratively rather than juridically due to the weakness of the legal system. However, administrative resolution of conflicts needs some form of oversight and guidance, and hence some form of local land commissions with representatives from local administration and communities can serve an important function in this, with certain rights of appeal to higher order commissions. These local commissions could act as mechanisms to collect information and stimulate local debate on appropriate action, as well as eventually provide mechanisms for wider consultation on urban policy, strategies, and programmes.
7.3.5 URBAN GOVERNANCE

The widespread nature of land demand and difficulties in the state or private sector providing adequate solutions without social inputs, the potential for social and other forms of conflict over urban land, and the important economic gains to be made by appropriate urban policies all require well balanced forms of governance which, engage with the various actors in land.

As such urban land is not only a source of socio-cultural stability and economic development, but also an essentially political issue. Explicitly or implicitly urban land is a major part of urban politics and is increasingly important in national politics as urban areas grow in size and importance.

Action in respect of urban land has thus been a focus for local and national political debate in various ways and at various times in most countries, as it is obviously also becoming in Angola. In general there is a need to widen the debate to include as broad a group of actors in land as possible, not only in defining action and resolving conflict but also in setting the general direction of urban policy.

The existence of an increasingly active and organised civil society in Angola, as well as the advocacy of NGOs, should thus be seen as an asset and not as a hindrance to state action, in parallel with advocacy by private sector actors and international governments and agencies. This thus needs to be proactively engaged with. The creation of urban land commissions at community, local authority, provincial, and national level can be a mechanism to engage with wider actors in land and can provide important inputs to policy, strategy, programme and local action, monitoring, evaluating, and adjudicating where necessary.
8. INSTITUTIONAL ASPECTS OF URBAN LAND MANAGEMENT

This chapter presents recent and current roles and responsibilities in relation to peri-urban land, as well as attitudes to urban land issues and urbanisation trends among key actors in Angola. Along with part of the next chapter, it summarises the results of interviews held in November-December 2002 with key informants in Luanda and Huambo that included: national government, provincial and local government, private sector, NGOs, international organisations and land experts.

8.1 NATIONAL GOVERNMENT ROLES AND RESPONSIBILITIES

Before independence there was no clear institution at central government level responsible for urban land issues. These were handled by the cadastre departments of municipalities within “foral” areas (administrative territorial limits) ceded to the city governments. Not many of these departments existed however, and outside of these, or where they did not exist, the national Geographic and Cadastre Services were responsible for urban land management. These agencies generally had a reactive role, reacting to requests for land demarcation by individuals and entities rather than demarcating land proactively. In some of the urban areas there were attempts to demarcate urban land for housing by the state, albeit limited in scope vis-à-vis demand.

With the colonial exodus, the technical capacity of the state after independence was severely affected. In addition, due to the war, the national cadastre was taken over by the Ministry of Defence, whose priorities were different from those of urban development. This cadastre became very out of date. Until recently there was no clear definition of responsibility for land management, a number of institutions acted as follows:

• Instituto Nacional de Ordenamento do Territorio (INOT, the National Territorial Planning Institute), which has some provincial delegations;
• Ministério de Obras Públicas e Urbanismo (MINOPU, the Ministry for Public Works and Urbanism) again with provincial delegations;
• Ministério da Agricultura e Desenvolvimento Rural (MINADER, the Ministry of Agriculture and Rural Development), has allocated farm land, some of which include areas into which cities have been expanding;
Ministério da Geologia e Minas (MGM, the Ministry of Geology and Mining) has allocated mining licences, which at times clash with agricultural land use, mainly in rural areas;

Ministério das Pescas e Ambiente (MPA, the Ministry of Fishing and Environment), formally responsible for the coastal strip (orla maritima), although it seldom seems to act on this; and

Ministério de Defesa (MINDEF, the Ministry of Defence), concerned with strategic areas, as well as a series of fairly ad hoc actions (including land subdivision), but has no clear legal and administrative competencies.

A new government structure, announced in 2003, introduced the following changes:

Ministério de Urbanismo e Ambiente (MINUA, a new Ministry of Urbanism and Environment, which now also has authority over the Instituto de Geografia e Cadastro de Angola (IGCA, the National Institute for Geography and Cadastre — previously with the Ministry of Defence); and

Ministério de Obras Públicas (MOP, a new Ministry of Public Works) responsible for development of physical infrastructure.

8.2 LOCAL GOVERNMENT ROLES AND RESPONSIBILITIES

Apart from the above central government institutions, legislation from 1999 and 2000 defines the competencies of provincial and local government levels including those that relate to urban land management. However, there is a lack of clarity in the delimitation of competencies, raising the potential for conflict both between provincial government departments and the relevant central government ministry, and between provincial and local levels of government. More importantly, regulations of how provincial government undertakes these responsibilities have not been developed, and therefore in practice this legislation remains unimplemented.

45 Decreto-Lei 17/99 and Decreto 27/00. This legislation assigns provincial government development control and plot demarcation and registration responsibilities through an Inspection and Control Office (Gabinete de Inspecção e Fiscalização), and planning and housing policy responsibilities through its Provincial Directorate for Public Works and Urbanism (Direcção Provincial de Obras Públicas e Urbanismo). The same legislation gives local government responsibility over the control of development, as well as planning and housing responsibilities at municipal level.
Currently local government is subordinate to provincial government, the municipal administrators being appointed by the provincial governor. These municipal administrators then appoint commune administrators, which are the lowest level of formal local administration in urban areas. However, below the commune administrators there are a variety of local entities operating:

- in provincial urban areas such as Huambo there are sobas (traditional headmen) who undertake local administration and land management within peri-urban areas occupied on the basis of customary rights, including areas within the “foral” urban administrative area;\(^{46}\)
- in parallel, coordenadores (coordinators) established by the ruling party in many peri-urban areas as social mobilisers with a more political function. This has at times led to a lack of clarity over which function or person has which responsibility, such as in relation to land allocation;
- in larger urban areas such as Luanda, the bairro coordinators have a more important role, as the sobas do not exist in most peri-urban areas and have been marginalised even in the older settlements with increased urban migration. In Luanda musseques the coordinators — or bairro leaders — operate through comissões de moradores (residents’ committees). This system operates widely, has been depoliticised to some extent and is rarely contested by alternative political parties.

The lowest levels of administration have no formal right to allocate land but in practice, these have allocated land extensively as an emergency measure during the war. Undoubtedly the roles subordinate to the commune administrator, while informal, have significant importance in local administration, including land management.

In addition, the commune administrations have attempted to articulate with higher levels of government concerning legalisation of land occupations. However, this has been largely unsuccessful due to the lack of capacity

\(^{46}\) These have continued to have this responsibility since before independence, although in some areas they are no longer traditional. With large scale population movements they may have moved into these areas together with displaced people during the war when others, with their headmen, moved out. Such sobas generally operate with “elders” who counsel them and undertake local level management activities to a limited extent, and are now mostly elected rather than hereditary.
to respond at provincial government level, as well as to the emergence of a de facto dual track system for land regularisation that favoured those applying at the higher, provincial level.

There is overall consensus among the main political parties on the need for local government decentralisation and therefore this is quite likely to happen sooner rather than later. Central and local government institutions have expressed that this should lead to greater decentralisation of land management functions to local government level, although there is lack of clarity about when this will take place and in what format. Two alternatives mentioned are:

• an initial form of de-concentration of powers and responsibilities through appointed commissions, which is possible on the basis of the current Constitution, but would need changes in a series of related laws regarding, for example, fiscal responsibilities in order to operate effectively, this may take time; or

• decentralisation to autarquias locais (autonomous local authorities) on the basis of elections, which might take place after the next national elections.  

Whether adequate resources will be made available to enable such local authorities to operate reasonably independently is uncertain. A general caveat was expressed in the research that these authorities would have to be adequately equipped, with human and other resources, before the decentralisation process took place.

To this end DW and CEHS as part of the current project, began the process of capacity building of both central government and local authority personnel through formal training and practical pilot projects in both Huambo and Luanda (see section 12.5).

8.3 CURRENT INSTITUTIONAL STRUCTURE AND RESPONSIBILITIES

In summary, the main responsibilities for urban land management are currently distributed as shown in the figure below.

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47 A third alternative is the recognition and legalisation of the de facto system of commune and municipal land management and registration of actual land occupation.
The recent institutional changes and redefinition of roles and responsibilities thus continue to rely on a strong role of the state in urban land management. This is understood and supported by other actors, including the private sector and NGOs as well as international agencies.

However, the above roles and responsibilities are not adequately clarified. These are difficult to identify as they have often not been formally approved, and others are out of date, given the relatively recent institutional change (e.g. creation of MINUA). There is thus a need to clarify responsibilities between different leading government institutions, as well as at various levels of government. International experience supports the idea that urban land management should be decentralised as much as possible to the level where resources are closest to the dominant demands.

As to whether local authorities will have adequate resources, the relative lack of institutional capacity even at provincial government level to date has led to some partnerships developing between the state and private sector, and some others
between the state and NGOs. There is scope for more of these to develop and a willingness from various parts to be so involved, including at local government level. Realistically, however, these partnerships will not resolve all the urban land management issues, and should be used to deal with part of the demand where profit is possible and develop pilot alternatives for state activity.

8.4 PRIVATE SECTOR ACTIVITIES

In urban land development the private sector has two main activities:
• land assembly and servicing; and
• financing of land development, building construction, and property market activity.

The first is typically undertaken by property developers, which can include construction firms, and the second by financial institutions, although there is often some overlap. Both can act through formal and informal channels, although the latter are more difficult to identify. Historically, both forms of formal and informal private sector actors have operated in Angola. After independence the formal actors more or less disappeared, as much land and property was confiscated by the state. The divestiture of such abandoned and subsequently confiscated property since the beginning of economic restructuring has led to the re-emergence of formal sector operators, although this has taken some time. Informal sector operators seem to have operated throughout the interim period, however, and much of the resurgence of private sector activity has in fact been stimulated by state entities that have operated on the fringes of the market such as through direct property development.

As defined by the current Constitution, land still formally belongs to the state, full freehold land rights only exist for a limited number of entities, which had this right before independence and did not lose this through abandonment and confiscation. Apart from customary land rights and some other feudal rights inherited from the past, the current system of state land allocation is based on “surface” rights, which have a usufruct basis and in principle are mortgageable. There is also the legal option of a temporary “precarious title” for one year, renewable, with a right to erect only temporary buildings, and with no
compensation rights, which has been used in the interim period by state entities in land demarcation and allocation.\textsuperscript{48} This is one of the factors that have led to the key role of the state in the reactivation of private sector activity. Manifestations of this have been:

- the development of de jure and de facto public-private partnerships in urban land development, whether actors such as EDURB\textsuperscript{49} or other property agencies which operate as agencies developing land owned by state entities; and
- the slow redevelopment of financial activity in this field by the banking sector, with various calls on the state to support the development of the sector in terms of better definition of land access, land rights, land transfer etc., as well as for subsidisation of activities, whether directly through interest rates or indirectly through risk reduction.

There is no doubt that the lack of clear state responsibilities has affected the action of the private sector in land development and financing. However, many of the factors affecting the latter are also structural, such as the lack of a clear legal and regulatory basis for the property sector in general, the absence of a housing finance system, the problems of legal identification of individuals, the weakness of the legal system to underpin repossession, and the actual financial capacity to lend in the long term. This latter is due to a weak domestic savings capacity and few alternative “forced” savings institutions such as the social security and insurance sectors.

This general situation has created a number of difficulties for private sector actors, as they are effectively “pioneers.” They thus generate a very limited supply in relation to even the effective demand: i.e. the demand from income groups which typically will permit profit seeking. This has led to difficulties in protecting land from invasion, informal and formal speculative activity on private sector land, difficulties with sustainability of programmes even with internal cross-subsidy, and the proliferation of informality within the sector, further hampering formal sector activity.

\textsuperscript{48} Although this legal figure exists since 1975, in Luanda it was not implemented until 1988. In the interim period there were no legal deeds in Luanda, only provisional documents.

\textsuperscript{49} EDURB is a public-private partnership established in 1996 by the Luanda Provincial Government and a Brazilian firm, with the purpose of developing urban land.
As a result, without a strong effective demand to underpin private sector supply, the private sector actors have required state involvement in some form or other to operate. Despite aspirations from various actors in land, such as government and others, that the private sector will increase its activities significantly, this will probably entail the continuation of forms of public-private partnerships for some time in terms of land development. The supply of finance for land development and property market activity will probably remain very limited for even longer, although the state may become more involved. However, normally the sustainability of state-subsidised systems is generally weak.

Even so, there is a relatively strong private sector demand in Angola for land for housing, for both national and international personnel. This is, however, mostly confined to Luanda and driven by the oil sector; supply is predominantly for middle and upper-income housing. The state has also strong interests in providing lower- and middle-income housing, for instance for state personnel, and these demands for urban land also need to be met. However, there is a need to get a clearer idea of what the nature of this demand is in quantitative terms and how this may evolve in time. While it is significant, this is likely to be proportionally small in relation to the lower-income demand. Hence the urban land development and supply needs to balance these demands, using cross-subsidy mechanisms where possible.50

Land access for private sector investors was not widely raised by the private sector actors as a major problem, even though this may seem a key issue since it has been a major factor in some of the relatively recent urban population relocations. It was generally assumed that foreign investors would have to find national partners to get access to land. National private sector actors have preferential access to urban land in this scenario, but as yet this is not seen as a blockage to investment, perhaps as most foreign investors are larger scale. However, secure access to land by smaller national and international investors.

50 The Luanda Sul project is an important example of this, but its replicability is undermined by the lack of alternative land supply mechanisms, the limited nature of possible cross-subsidy within the project, the administrative basis for land pricing, and the practical difficulties experienced with land invasion.
is an issue that is possibly currently not receiving much attention, but should be an important component of urban development policy.

Private sector actors also acknowledged the need for compensation of existing occupants as a relatively well established precedent, although this was also seen as linked to speculative activity by some occupiers. The fact that these rights were neither clearly established in the old law, nor in the new Land Law, has led NGOs to focus on this issue. In fact, despite the precedence, there is a need to clarify the legal rights to compensation for both occupier and investor to have confidence.

### 8.4 NON-GOVERNMENTAL SECTOR ACTIVITIES

The flourishing of the NGO sector in Angola has been predominantly in humanitarian assistance but NGOs increasingly operate in development activities. A few key NGOs have been involved in land issues for some time, mostly concerning rural land. A limited number have had experience in the past, and a few others more recently, in urban land issues.51

There are two main activities:
- defence of legal rights; and
- urban management capacity building/assistance.

Defence of legal rights has been a preoccupation concerning rural land during the past decade, since the 1992 Land Law revision promoted private sector access to agricultural land.52 More recently it has become a current issue in urban areas because of forced relocations. The involvement of NGOs has focussed on defending land rights in general by informing and actively engaging in debate on the proposed new Land Law, as well as on taking up specific cases, some of which are high profile. The former activity has entailed long term investment in working practices with local levels of administration — commune and bairro level mostly — and generally

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51 The NGO with the longest and most significant experience in urban development issues is Development Workshop, the implementing agency of the action-research programme on which this publication is based.

52 This was led by the National Union of Peasants.
promotes the role of civil society and especially community based organisations in relation to these.

Key informants in government accept the NGO sector’s role in supporting and, to some extent, representing wider civil society mainly through Rede Terra (the Land Network), but the opportunity for this is rather limited. Some NGOs have focussed on assisting government actors to engage with communities; others, on documenting the complexity of the land situation. The government is less supportive of the defence of specific land rights, viewing this in part as disruptive and/or speculative. The identification of specific land conflict situations has served to highlight the potential for wider social conflict, the nature of de facto acquired rights and related compensation, and some of the underlying socio-economic and eventually policy tendencies. Government actors to some extent understand that these issues should not be ignored. Nevertheless, the risk of the adversarial approach is that it can provoke antagonistic reactions, which go beyond the specific situation and lead to less openness to alternatives that could permit wider resolution of land rights issues.

Generally, the state has stronger support for NGO activities that directly assist capacity building for local administration and related services, including land management. NGOs’ activities have been significant in suggesting alternatives to direct state and/or private sector activity. They are important in when the state and private sector capacity is limited in relation to need and demand. Here it is also important to realise that NGO activity is limited in quantity while strong on quality. As such government — NGO partnerships should be seen as assisting in pilot alternatives and building capacity rather than as involved in resolving problems directly.

Finally, both the NGO sector itself and some state respondents call for an increased NGO role in awareness raising. NGOs related this to knowledge of rights and participation in law and policy preparation processes, whilst the latter relate this more to explaining state-led urban development projects and the intended benefits for the community.
This chapter summarises the findings from interviews with key actors on their understanding, views, and perceptions about institutional aspects of urban land management in Angola. The interviews were undertaken to establish the prevailing “institutional attitudes” to urban land issues, gauge institutional capacity to manage urban processes, and formal urban land supply and demand.

9.1 INSTITUTIONAL PERCEPTIONS

The predominant attitude to post-independence urban development trends is that this has been “anarchic.” However, there is also very limited perception that the form of urban land management prior to independence was also weak and unsustainable.

Views are mixed as to whether the general urbanisation process is related to relative urban opportunity or to rural opportunity. Most respondents see the war as the main and dominant factor in the accelerated urban growth, underpinning for some a concept that this could be reversed with peace. However, even those who consider this reversal possible are aware that people simply leaving urban areas for rural areas again will not reverse the process of urbanisation. This is especially the case in Luanda, as many residents arrived a long time ago, many via various other migration points, and have lost most of what they previously had.53

That the state has a role in attracting or forcing rural in-migrants to return to their origins or go to other rural areas as an alternative to urban existence was strongly expressed by various respondents. This attitude constitutes a de facto urban policy and views the urban poor majority’s involvement in the informal economy as “parasitic” rather than as a survival mechanism that offers services in the absence of other employment opportunities. Concerning

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53 In addition experience of return during previous “peace processes” has generally been negative. That said, however, there seems to be some evidence in Huambo of voluntary relocation to rural areas, although there is also a trend to relocate to Huambo from elsewhere (mainly from coastal cities).
the relationship between employment and urbanisation, there was a view that, again, the state has to provide alternative employment, usually also related to state-stimulated economic development projects. Overall, there is also a weak understanding of the urban demographic process, with the dominant concept being that this was driven by in-migration and not by internal or natural growth.

This attitude concerning accelerated urbanisation, its causes and the possible action in “reversing” this forms part of the basis for a proposed regional growth pole development for Luanda. Agricultural and transport related investments in the wider region are proposed as an alternative for attracting or relocating part of the existing urban population, thus “de-densifying” the city and allowing its redevelopment. This redevelopment is seen as primarily oriented to the middle- and upper-income groups who could be serviced by the private sector, under state guidance.

In terms of land values, there is a widespread understanding that urban land was rising in value, but limited understanding of the dual nature of land values for use and for exchange. The fact that land is widely sold informally as part of a property market is widely known but assumed to be a manifestation of the general “anarchic” land situation, which needs state discipline. There is limited appreciation of the relation between land value and wealth or poverty reduction, as well as of the potential of land value as a fiscal base for urban management.

There are divergent views regarding de facto land rights that non-regularised peri-urban households might have. At higher levels of government the view is mostly that untitled constructions in peri-urban land are ‘illegal’ and open to demolition, which is reportedly also the ‘official’ government view. At more local (i.e., lower) levels of administration and among some other actors there is a perception that, despite this formal ‘illegality’, such land occupations and construction have some legitimacy, which should be officially recognised. In general, however, most government personnel do not see de facto land rights as adequate or appropriate for regularisation without significant redevelopment and restructuring, as well as relocation.

The relatively high level of domestic investment represented by the nature and density of land use in peri-urban areas was also not generally recognised. The
assumption was that these areas would need to be totally redeveloped, with consequent new investment needs, which would often be beyond the means of the existing residents. The prospect of gradual upgrading with accompanying consolidation of land rights had generally not been considered. However, when discussed, this was considered as a possible input to the current Land Law debate. Nonetheless, there were various caveats concerning how these rights would be recognised, whether in national law or in regulations or local by-laws.

There is a relatively high degree of awareness of urban land conflicts. These are seen as primarily due to problems of access and definition of rights, partly because of the confused responsibilities within government and clashes between formal and customary land allocation procedures. The weak management or control capacity of government or other land titleholders and the ill-defined nature of rights to occupation are seen as further contributory factors. Local government representatives are also aware of conflicts over who controlled specific land parcels, with or without clear titles, and some land boundary problems. The latter were usually resolved locally, as indeed for informal occupations there is no other recourse. The conflicts over control of specific parcels were also generally resolved locally, at bairro or commune level. Failing resolution at this level, there was little chance of their being resolved in the courts, or even with the police, for most residents. Here the tendency is for central and provincial government actors to assume that formal de jure land rights always had precedence and that de facto rights do not really exist.

In addition, there is limited articulation of the problems of urban inefficiency that arise from the current situation. Urban equity is an issue that is more specifically understood by respondents and on which there are more specific disagreements, such as concerning the rights to de facto occupation of land as mentioned above.

The mechanisms through which rising land values can be the fiscal basis for enhanced state involvement in urban land management, through taxation of land use or change of land use (e.g. agricultural to other urban) are generally not well understood. This is to some extent a legacy of the pre-independence situation where urban land speculation was rife, as it is of the post-independence situation when the state confiscated land and ceased to recognise its commercial transfer, ignoring in the process the possibility of capturing land value.
In summary, urban land is thus to date generally seen as a problem. The high demand for land, the relatively high level of domestic investment, and the ability to resolve a high proportion of conflicts at local level have not been seen as opportunities for either economic or social development, when in reality this is what they could become with appropriate articulation in legal, technical, and administrative terms.

Of major concern is the fact that the de facto urban policy has been little debated and researched. The basis for the proposal is unclear. There is a need for public debate as well as for an understanding of the real underlying social and economic trends in the profile of urban residents and the likely prognosis for this in demographic terms that will condition its success.

9.2 INSTITUTIONAL CAPACITIES TO MANAGE URBAN LAND PROCESSES

Urban land use planning capacity at either the strategic or subdivision level is virtually non-existent. The tendency is thus to undertake the technical evaluation of any urban land process such as regularisation with reference to very out of date urban master plans from the colonial period in Huambo (1970)\(^54\) or with reference to an urban structure plan (“Plano de Gestão de Crescimento”) in Luanda,\(^55\) which does not include any detailed zoning.

MINUA has contracted several international firms to undertake rapid physical planning exercises for some of the provincial capitals such as Huambo and Lubango in an effort to address what they see as priority need.

Very limited urban land subdivision and allocation by government entities has been practised, although this has been assumed since independence as a state function. These include several peripheral areas in Luanda, and some small areas in Huambo peri-urban areas.

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\(^{54}\) A revision of the colonial Master Plan (Plano Director) in Huambo is underway based on technical inputs by the central office of INOT.

\(^{55}\) This was developed by consultants in 1997 and approved in November 2000 (Resolution 27/00) and is also called the “Plano Estratégico.”
The main function of the state is the land occupation regularisation process. The process is long, complicated, and involves individual localisation of the plots in question. There is no one clear process for these requests, and requests entering at the local administrative level still need to go to provincial level, but at least the local administration is aware of the process. The process entails various visits to the plot, which as the departments involved have no or insufficient transport, are at the cost of the requesting individual or body. This also opens the process to the possibility of interference.

In Huambo the soba (traditional leader) is the main local entity consulted. The sobas have traditionally allocated land in rural areas, continuing this function in peri-urban areas. In Luanda, after verifying actual occupation the land cadastre is checked. However, this is very out of date. If a previous land registry is noted in the cadastre, there needs to be a public announcement to verify if this has been abandoned or if there are still legitimate active rights.\footnote{These public announcements are in the national newspaper with 30 days for anyone such as an heir to respond.} After the land rights situation is clarified a technical appraisal of the proposal in urban and construction terms is provided based on the development of the architectural project.\footnote{This has to be presented in 6-12 months, with 2 years to build after approval (Huambo 3 years), or else the land reverts to public use. During this period the land is allocated on the basis of a Provisional Title.} In Huambo the process for the land request is normally handled by a coordinating commission with participation from the provincial departments of the Ministry of Public Works and the National Institute for Spatial Planning (INOT) — although the formal competence has been passed to the Municipal Administration (Decree/Law 17/99).\footnote{For non-residential use this is handled by the Ministry of Agriculture.}

Land registry is only undertaken at the official property registry, as the land cadastre in the provincial governments is totally out of date. This means that any search for land rights is extremely complicated and there is no overall mapping of the one-off individual land regularisations.\footnote{Formally (Decree/Law 32/95) the National Institute for Geography and Cadastre is responsible for the national cadastre. This institution was subordinated to the Ministry of Defence until 2003.} The number of different government entities that have land allocation rights, which potentially overlap in peri-urban areas, compounds this. The fact that the
provincial governments only respond to the parties who make requests, and not to the other entities involved, such as at local level, adds to the general confusion as the latter have no information on the approvals or refusals. The capacity to file authorisations is also very limited, so the administrative archives are also generally in a very poor state.

Land use control is normally subordinated to building control. The fiscais (inspectors) are under the technical guidance of the provincial government but under direct authority of the local administrations. Fiscais have been accused in the press of operating irregularly and where fines are applied, the receipt for payment is often seen as a de facto authorisation for occupation. Land conflict resolution is in the first instance dealt with administratively at local commune and administration level, and only if this is unsuccessful, at provincial level (within the Building Control Department). If unsuccessful at this level, this then is passed on to the judicial system. Very few land conflicts get this far, however, as the judicial system is very limited in its capacity to deal with these cases.

Overall the processes used are almost totally reactive and not proactive, require extensive technical, administrative and personal costs, and are open to different forms of abuse. This type of land management system is inadequate to deal with the potential volume of demand, as evidenced even in the response to the relatively low number of actual formal requests.

9.3 URBAN LAND — DEMAND AND SUPPLY

9.3.1 URBAN LAND — FORMAL DEMAND AND SUPPLY

Formal demand for land takes two forms:
• regularização, or requests for the regularisation of irregular occupation, these make up the majority of formal land requests; and
• new land occupation requests that can be made with any part of the local administration. These are channelled to the provincial government, which can consider these as part of the formal land supply below.60

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60 This applies to Luanda.
In general very little information exists on either regularisation requests or new land requests; the provincial authorities do not maintain a central register of this information.

In Luanda it is estimated that some 600 formal requests for regularisation per month are made through the various local administration and provincial authorities, however only 30 are actually dealt with. In Huambo it has been estimated that some 120 to 200 allocations have been made in the last five years and that all of the available land has been allocated. The state’s present capacity to deal with regularisation requests is extremely limited and insufficient to attend to only about 5% of the present demand.

This apparent lack of capacity will be further stressed by the requirement of the new Land Law to regularise tens of thousands of irregular occupations within a three-year time frame.

Provincial governments currently have the responsibility in Luanda and Huambo for land demarcation and allocation. Demarcation has been undertaken in conjunction with the Local Administration and the Provincial Directorate for Public Works, which is currently the only entity with the technical capacity.

Very limited information on land demarcation is available. In Huambo at the time of the field research, there appear to be only two areas demarcated since independence: Kilombo for former military personnel, at the end of the 1980s, and Kalomanda in 2002, probably amounting to less than 100 plots in total. In Luanda, where demarcation only occurs in the peripheral municipalities — as all other land is considered occupied or allocated — it is estimated that nearly 30,000 plots have been planned although a much smaller number have actually been demarcated. It is estimated that around 10,350 plots were actually demarcated and 4,000 plots allocated. In addition many of these layouts have been planned in relation to specific population relocations, such as the Zango Terra Nova plan which has been used to relocate residents from the Boa Vista area above the port rather than for those residents voluntarily requesting regularisation of their existing occupations or new housing sites.

61 Several land demarcations have commenced since this time and continue at the time of preparing the book.
62 Formal Residential Plot Layouts, Luanda Province (September 2003).
63 It proved exceedingly difficult to get clear information from the relevant authorities on land demarcation — recent, ongoing or planned. So much so that this component of the research had to be curtailed despite a series of attempts by various local consultants to access this information.
9.3.2 URBAN LAND — INFORMAL DEMAND AND SUPPLY

No overall survey of the predominantly informal land occupation trends in Angolan urban areas is available. The resources available to this research project have not permitted this. To illustrate the overall likely trends, a study was implemented within the research programme to identify reliable demographic trends of Luanda’s city population, with projections of growth up to the year 2010, and estimates of the likely number of new households formed each year. Estimating the number of new households formed each year would enable a forecast of how many residential land units have been supplied in recent years — and by matching this information with that of formal supply data, by inference, assess what is the scale of informal land supply; and how many residential land units may continue to need to be provided or legalised each year through growth projections, and compare this with the separate assessment of actual capacity (of the state and the private sector) to provide or legalise housing units and/or land plots.

This study made use of two estimates of the population of Luanda and of growth rates: the first from 1995 and the second from 2003.\(^{64}\) It was decided not to attempt to make other estimates from satellite and aerial photographs for this study, as this would not necessarily provide better estimates than from the two sources used. The photographs do show, however, the rapid spatial growth of Luanda.

The total population in 1995 was estimated as 2,070,000, and the overall average growth rate estimated as 6.7% per annum. The provincial government estimated the total population in 2000 as 3,150,000 and the growth rate, as 8.23% per annum. (DW & CEHS, 2003h)

The two sources show a number of differences in the population distribution and growth rates in different administrative divisions and there are large differences in the population density between different areas of the city. Both sets of data also show that there are wide variations in growth rates between areas of the city. The central areas of the city, which are

\(^{64}\) The study of the population of Luanda is difficult due to the lack of an updated and reliable database. The last census undertaken in Luanda in 1983 is the only complete database available for a population assessment, since then Luanda has been subject to rapid population growth. Later surveys have been made that allow some estimates of the population, though they are imprecise. See the full study for detailed basis for these estimates and why they were chosen as the most reliable.
generally more affluent, have a lower population density. There are also the older musqueques closer to the city centre with a high population density but which are growing slowly as they have reached saturation point. On the other hand certain areas of outlying municipalities are shown to be growing rapidly from a very low base.

Three possible scenarios of overall population growth in Luanda were developed in the study:

• a high-growth scenario based on the growth rate estimates of 8%, from the provincial government estimate;
• a medium-growth scenario based on the growth rate estimates of 6.7% from the 1995 source; and
• a low-growth scenario, also based on the population estimates and growth rate estimates from the 1995 estimate, but assuming a reduction of the growth rate to 5% from 2002 due to (speculated) reduced rural to urban migration after the end of the war.65

The high growth rate implies a doubling of the population in about 9 years, so this scenario implies a population of Luanda of almost 7,000,000 by the year 2010. It also implies that the population would, by 2010, be growing by about 500,000 per year and that 70,000 new housing units would be required per year.

The medium growth rate implies a doubling of the population in about 10.5 years. By 2010 the population of Luanda would be 5,473,049 in this scenario. This scenario also implies that by 2010 the population of Luanda would be growing at the rate of almost 350,000 per annum and that 50,000 new housing units would be required each year.

The low growth rate implies a doubling of the population in just less than 15 years. By 2010 the population of Luanda would be about 4,800,000 in this scenario. This scenario also implies that by 2010 the population of Luanda would be growing at the rate of almost 229,000 per annum and that 33,000 new housing units would be required each year.

65 It should be noted however that as yet there is no evidence either way of the validity of such an assumption. The population growth rate of Luanda has never fallen below 5% since 1960 and the decisive factor for population growth is natural reproduction. Thus even a reduction to 5% would be a remarkable change in the population dynamics of Luanda.
The medium growth scenario appears to be closest to estimates made by other institutions. For instance, EDURB has indicated that with a population growth of 7% per year, Luanda will require 50,000 dwellings per year in 2010.

**Urban Growth Scenarios for Luanda**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>1995 estimate (GPL consultant)</th>
<th>2000 estimate (GPL)</th>
<th>2010 estimate (research programme)</th>
<th>estimated new households formed per year (research programme)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>2,070,000</td>
<td>3,150,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High growth</td>
<td></td>
<td>7,000,000</td>
<td>70,000</td>
<td></td>
</tr>
<tr>
<td>Medium growth</td>
<td></td>
<td>5,475,000</td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>Low growth</td>
<td></td>
<td>4,800,000</td>
<td>33,000</td>
<td></td>
</tr>
</tbody>
</table>

Estimates have not attempted to determine the impact on household formation caused by any major populations relocation of people from the central area of the city, which might occur due to increased commercial activity, or to allow for upgrading of housing stock, or caused by compulsory relocations from areas deemed to be unsuitable for occupation.

As argued previously, the decisive factor for the population growth rate in Luanda is already natural growth and not inward migration, and this is unlikely to be significantly affected by such relocations, and/or reduced inward migration from rural to urban areas. Thus, for example, in 2003 alone 23,000 new households are expected to be formed (low growth scenario). 66

This, even in a low growth scenario, implies a serious challenge in the provision of secure access to land for residential use and in the provision of social infrastructure. The capacity to address this formally is already extremely limited. Even with new investment to resolve the backlog, while demographic growth continues, new approaches which draw on actual informal urban land management practices will be required.

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66 The medium and high growth scenarios indicate successively larger numbers of new households being formed in 2003: 31,000 (medium growth scenario), 42,000 new households (high growth scenario).
This chapter analyses land policy and land legislation with specific reference to the current debate on land legislation.

10.1 LEGAL BACKGROUND

The legal system used in Angola is largely derived from the colonial system imposed by the Portuguese, with adaptations of generally a social nature after independence. Thus the legal system itself can be considered a sub-set of the Napoleonic legal system used in various European countries, which is based on the Civil Code. This differs fundamentally from the legal systems used — for example — in North American and British law, the latter being based on Common Law and having considerable influence in Sub-Saharan Africa through “received law” imported to British colonial territories. In addition it is different from the Roman-Dutch legal system developed in South Africa, which has been another influence on ex-colonies in the Southern African region. Although it has more in common with the French legal system imported to Francophone colonies in Sub-Saharan Africa, the nature of colonial government was significantly different and hence legal practice also differs. As such Angola’s inherited legal system displays considerable difference to those of any other country in the region except Mozambique. However, the post-independence trajectories of each of these countries have also led to significant legal differences occurring, with arguably more coherent legal developments in Mozambique, which brought its post-independence warfare and later civil war to an earlier end.

67 The majority of Commonwealth Africa has land laws based on what is called “old” English land law — e.g. Kenya, Tanzania, Uganda, Malawi and Zambia. Swaziland, Lesotho, Zimbabwe and Namibia have land laws based on the South Africa Roman-Dutch system, whereas Cameroon and Mozambique (the only two non-English language Commonwealth countries) have legal systems based on the civil law codes of France and Portugal. “Old” English land law refers to the law prior to the significant land law reform in England in 1925, which in fact was after the “reception” (i.e. colonial imposition) of land law in many British colonies, and which therefore were not reformed in 1925. This major change shifted the legal basis from laws favouring protection of traditional landowning classes to laws favouring market exchange (McCauslan, 2003).

68 The British (and North American) legal system is founded on judicial precedent, and Roman-Dutch law is similar. The Napoleonic system, widespread elsewhere in Europe, is based on abstract legal norms prescribing possible issues in advance through codification.
Since the imposition of colonial land laws at the time of consolidation of colonial rule, these have been adjusted and adapted to changing political and economic interests elsewhere in Africa.\textsuperscript{69} In the past decade this process has been speeded up with many African countries reforming land laws, largely to attempt to integrate customary and modern legal systems which had until then co-existed, albeit with difficulties. To date these land law reforms have met with mixed success, especially in implementation as a number have been very ambitious in relation to the legal and administrative capacity, and others have not adequately dealt with the dominant tendencies, as they are still subject to political and economic pressures.

![Land regularisation is a recognised part of the policies and practices of many countries throughout the world and is now mandated as an appropriate policy for dealing with the land and housing problems of the urban poor by the Habitat Agenda adopted in 1996 at the City Summit at Istanbul.](image)

Few land law reforms in the Sub-Saharan African region have adequately focussed on urban land issues, as they have been generally driven by agricultural and rural development interests. This has led to more difficulties in urban development than even prior to reform in some countries.\textsuperscript{70} The major problem has been the continued dominant focus on land as the basis for economic development and the subordination of the role of land in social development and redistribution. As the dominant political and economic groups control lawmaking, these groups’ interests tend to be the focus for land reform. Thus to a great extent recent land law reforms have been directed to protecting the interests of national elites against international competition. They have also attempted to integrate customary land rights, as these still are widespread in practice. However, the tendency here is to integrate these for economic rather than social reasons.

Angola has the opportunity to learn from some of these experiences as it begins this process later and there is now a growing literature on urban

\textsuperscript{69} For instance, “old” English land law has been adapted through most of the past century in African countries, especially after the 1950s (before and after independence) — to strengthen market activities, and then in the 1960s-80s period.

\textsuperscript{70} For example in Uganda (McAuslan, 2003).
land law reform in the region, as well as internationally. The main principles that need to guide such land reform are:

- **efficiency** — as land is a scarce and non-renewable resource;
- **equity** — an essential objective in modern democracy-oriented nation-states;
- **certainty** — security of tenure is essential for economic and social stability; and
- **recognition of difference** — despite the ideal of a totally integrated holistic legal system operational for all, the historical and actual social, economic, and cultural context means that diversity is prevalent and this needs to be adequately recognised and dealt with in legal terms.

There are rather few models of legal regimes for the operation of the process of land regularisation within Africa. Zambia’s Housing (Statutory and Improvement Areas) Act, 1974 is an early example of such a law and heralded a very successful programme of upgrading as it was then known. The Act established procedures for upgrading, a 30-year occupancy right for occupants who had been upgraded, and a simplified system of registration of title managed by local authorities based on the existing national Title Registration Act.

Of current examples, South Africa’s 1996 Development Facilitation Act comes close to setting out a framework for dealing with the land development problems of the urban poor. That law is mainly concerned with new development rather than upgrading, though there are matters dealt with there, which are relevant to regularisation, particularly participation and the conversion of informal tenure to formal titles. Similarly the new law in Namibia providing for new forms of urban tenure in informal settlements does not deal with the process of upgrading, concentrating more on the new tenures.

More relevant, however, are provisions in the Tanzanian Land Act 1999 and regulations made there under dealing with regularisation of existing urban informal settlements, of which Tanzania has a very great number. It is for instance estimated that more than 60% of Dar es Salaam’s residents live in informal “illegal” urban settlements. The National Land Policy (NLP) of 1995 recognised that these residents had to be made a part of the legal city, and the Land Act which provided for the implementation of the NLP and regulations made in 2000 provide the legal framework for the process of regularising and upgrading these informal settlements and conferring security of title on residents in the areas.
The Law No. 2030 of 1948 was the basis for land law in the colonial period in Angola, with this being subject to numerous local bye-laws in various provinces. The new Constitution at independence in 1975 established the overall right of the state to all land, which could be transferred to individuals and entities, based on the use of this, i.e. a form of usufruct. In 1992 the Law 21C was approved to regulate the concession of land for agricultural use as the basis for rural development, on the basis of “surface land use” rights. The Decree 46A of the same year developed this, giving the provincial government the right to concession, including in urban areas where the land was under state control. This form of usufruct right was to be conceded for a minimum of 25 and maximum of 60 years, renewable.

The Luanda Provincial Government announced an emergency programme in 1994 to deal with unplanned land use in the urban area (Resolution 30/94). It subsequently developed Bye-Law 1 in 1996 to permit its implementation in conceding the usufruct (surface) right, linked to a programme of land and infrastructure development with private sector partners — the Luanda Sul Programme. This was a base for the later approval in 2000 at Central Government level of the Plan for Management and Growth of Luanda (Resolution 27/00 of the Council of Ministers) as a base for a Master Plan. The Master Plan was never finalised despite two follow-up regulations: Dispatch 57/2000, creating a working group to update and coordinate all laws and regulations affecting provincial government, and Dispatch 82/2000 which indicated the intention to commence a comprehensive and systematic urban planning and upgrading programme.71

The process of drafting a new Land Law began in 2002 with the appointment of a Land Technical Commission by the Council of Ministers. A first draft was published in July that year and presented for public consultation. A second draft was produced by the Technical Commission in November 2003 and eventually sent to the National Assembly for their consideration. The National Assembly reviewed and approved a somewhat revised version of the Law in

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71 Benguela is another province where the government has also established some subordinate legislation.
August 2004. It was signed by the President and became law in November 2004. The Law specified that regulations or bye-laws would be drafted and become effective within six months of this date.

10.3 THE DRAFT LAND LAW

The draft law, as it was conceived in 2002, was mainly concerned with conferring increased powers on state officials to manage land and determine who gets what land and on what terms. As such it ignored the experiences of other countries in Africa and the manifold defects of the state-centralised administrative systems of land management. For instance, the principles set out in the draft law made no reference to any form of participatory land management, or even the social obligations of the owners of land, a principle of land ownership more or less now universally accepted.

It would have been unlikely that the original draft law would have met the needs of the people for obtaining or holding a plot with some guarantee of secure tenure. It also did not establish a local system of dispute settlement to meet the inevitable conflicts that arise over land, especially after more than two decades of civil war. Returning IDPs and large areas of informal urban settlements are situations continuing to give rise to occupation of land without formal legal authority, and disputes over the occupation of land. However, neither of these issues was addressed in the draft land law. Indeed, the draft law specifically outlawed acquisition of land by usupacião, i.e., acquisition of a right to occupy land by virtue of a factual occupation of the land for a specific period of time. In the past three decades of dealing with informal urban settlements worldwide, it is now widely recognised that the only way to confront the challenges presented by such settlements is to:

- recognise that they are there to stay;
- develop legal frameworks for providing the residents with rights to be where they are;
- create mechanisms for participative urban planning within and for such settlements; and
- integrate the settlements into the formal legal framework of the city.
DW recommended to the Technical Commission the inclusion of an additional section to the second draft of the Land Law which was designed to provide a legal framework for the regularisation and granting of legal security of tenure to the residents of unauthorised urban settlements in Angola.

Experience in other countries in Africa has shown that it is neither practical nor just to try and remove the hundreds of thousands of “illegal” occupants of land within cities and on the peri-urban land around cities. What needs to be done is to recognise that such people have come to stay and wish to make a positive contribution to the life and development of the cities wherein they reside. The first and most important step in recognition of the contribution that residents in informal areas can make is to grant them legal security of tenure of the land they are occupying. This will encourage them to invest in their homes and commercial activities and so improve both their and the cities’ environment.

Regularisation is concerned with tenure issues, not town planning or compulsory acquisition of land issues which is either the subject of, or will need to be the subject of, other legislation. The aim of regularisation is to determine the interests in land which exist in the large unauthorised settlements in and around the urban areas of Angola, record them and allocate them to the occupiers and users of land in those areas. It is a form of urban land rights adjudication, which is an essential precondition to any proper planning and development of those areas.

The proposals made by DW were based on these principals of international best practice and drafted by one of the authors of the 1996 Habitat II Agenda (McAuslan, 2003). The recommendations were included as an annex to the second draft law when it was sent to the National Assembly for parliamentary debate.

The need to coordinate the Land Law with the Territorial Planning Law was evident. Some articles of the draft land law sought to relate the acquisition of an individual urban plot to compliance with urban planning programmes. It is clear that informal urban settlements will not comply with these. The only formal route to obtaining a lawful urban plot is dependent on urban planning, whether through a new sub division or regularisation. In addition to the capacity to implement urban plans, this relationship also leads to the
importance of town planning standards, which may be set unrealistically high. Assuming that the law can bring about a “city beautiful” by enforcing such standards, is effectively another obstacle to providing for low-income city dwellers to have secure and legal tenure to their land occupation.

The issue of fair compensation for land occupied in good faith was not adequately provided for. If informal urban settlers were to be cleared off their land with no compensation payable, then the injustice of the law would be compounded. In general it could be argued that the lack of administrative capacity would mean that in practice things would go on as before; i.e. the land-poor in urban areas will continue to occupy land without regard to what the law may state, and they will not in practice be moved. It could thus be argued that the draft law, if put into practice, would be extremely difficult to implement on a large scale.

The draft land law did not comply with the principles enshrined in the Habitat Agenda and its Global Plan of Action, which were approved at the City Summit in Istanbul in June 1996, and to which the government of Angola was a signatory. As it was originally conceived, the draft law may have worsened the conditions of those who were living in informal urban settlements.

There are now many examples of laws applicable to urban land both in countries in Africa and elsewhere which endeavour to provide for access by the urban poor to land, for their security of tenure and for their involvement in the planning and management of their own urban communities. The Government of Angola can learn from these experiences and can adapt the land law and its regulations accordingly.

There are several constraints on the implementation of any new land law in Angola, not least the weakness of the judicial capacity nationwide. A law has little value if it is not widely implemented or implementable. This may be because it requires institutional and other resources that are beyond the capacity of the context. In either case the law itself is not enough and the law needs to be based as much as possible on what is practicable, including wide “informal” practices as well as the institutional capacity.
The new Land Law will require adequate regulation and the building of administrative and judicial capacity in order for it to become effective.

The new Land Law published in December 2004, did not incorporate many of the recommendations presented by civil society organisations and NGOs in its final form. However, some improvements had been introduced in later drafts, and through advocacy in the National Assembly, became part of the final law. These included the protection of collective customary rights as well as a three-year extension period of time to allow informal occupiers of land to regularise their plots and acquire titles. MINUA, which will lead the implementation of the Land Law, is looking to develop a framework of regulations and local bye-laws to facilitate this regularisation process.

10.4 SPECIFIC RECOMMENDATIONS ON INTERMEDIATE AND EVOLUTIVE RIGHTS

The action-research programme team drew up a set of recommendations for MINUA to consider for incorporation into the regulations or bye-laws of the new Land Law. These were focussed on the creation of intermediate and evolutive land rights as a basis for peri-urban consolidation and upgrading to maximise the role of domestic investment and minimise social hardship. It was recommended that the statute of a form of intermediate and evolutive land rights be instituted in the regulations of the new Land Law, since they were not included in the law itself. While these were primarily seen as being of use in the urban areas and specifically in the case of, “peri-urban” or ”suburban” land, there could also be a role for them in rural areas.

The reason for the proposal on evolutive rights is to rationalise the variety of existing “informal” land practices that have occurred in massive urban land occupations for many years with and without implicit acceptance by the state and its local actors. The inadequate capacity of the state in urban land management has led to a series of “informal” land practices, some involving low levels of administration, some forms of market action, some based on forms of intra-family transfer and others — all of which are seen as broadly legitimate if not legal. To these can be added “traditional” forms of land
administration within urban areas, albeit modified. The widespread nature of these “informal” practices is such that significant proportions of the urban population of Angola, and thus of the country are involved.

Despite informal land occupation, this peri-urban population, albeit with limited resources, has made a significant investment in the built environment that represents the bulk of their collective savings potential. The location of this population is often intimately tied to their economic engagement, whether in the formal or the informal sector. Urban land occupation thus represents a basis for both wealth creation and poverty mitigation. As such it is unlikely that massive relocation will be either economically desirable or socially possible. Realistically, even with peace and rural development alternatives, the proportion of the national population in urban areas will continue to grow, and a significant proportion of the urban population growth is likely to remain poor. The research has demonstrated that the possibility for the state or private sector to provide urban land for this backlog and projected demand is also realistically limited despite renewed attention and the dedication of resources to this area of development. Therefore consolidation of peri-urban areas represents a potential to tap and consolidate domestic investment while at the same time minimising social hardship. The priority, where possible, should be to upgrade and regularise peri-urban land occupation and as part of peri-urban land rights. This approach also draws significantly on recent international experience, as documented in Chapter 3.

The essential aspects of the proposed intermediate land rights were that they be:

• **intermediate** between full land rights such as freehold or surface rights to land and precarious rights or the basic property rights enshrined in the Civil Code;
• **evolutive** in that they permit the possibility, given certain circumstances, to evolve through manifestations of these rights to the full rights;
• **defined** to permit the clarification of what these rights entail, as opposed to the generality of full rights or basic property rights, with respect to such issues as transferability, compensation, and limitations.
The principles underpinning the proposed intermediate and evolutive land rights include:

- the acceptance of regularisation of land occupation where possible, with the reordering, upgrading and requalifying of the nature of the land use taking into consideration the value of the land;
- the principle that land has to be valorised by the state, even where there is no formal land market, through taxation instruments which are based on actual land transaction costs, or as close to these as possible;
- the basis of the actual land instruments, to be the subject of detailed regulation, should draw on actual practices in peri-urban areas as much as possible, representing customs and legitimacy.

The intermediate and evolutive land rights could include for example the following:

a) **A temporary residency permit** which:

- would be invoked in peri-urban areas where regularisation is not possible for a limited number of established reasons;\(^{72}\)
- would be non-transferable;
- would be limited in period of validity;
- would establish limited rights to compensation of property built prior to its application;
- would be allocated by the local municipality on the basis of evidence of right established locally;
- could be applied to land which had customary land tenure;
- would carry a limited one-off land charge to cover administration.

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\(^{72}\) These reasons need to be established in the regulation and would include the overall land use plan for the area and suitable ecological situation.
b) A **provisional occupancy permit** which:

- would be invoked in peri-urban areas where regularisation is possible for established reasons;
- be transferable within the immediate family;
- would have a defined period of validity, such as 15 years, with renewable status if no upgrading is imminent;
- would establish rights to compensation of property built prior to its application and any improvements authorised thereafter;
- would be allocated by the local municipality on the basis of evidence of right established locally;
- could be applied to land which had customary and collective land tenure;
- would carry a limited initial and annual land tax to cover administration.

c) A **provisional surface land permit** which:

- would be invoked in peri-urban areas where regularisation is planned or underway;
- would be transferable through a registered transfer process, such as notarised sale;
- would have to be taken up within a defined period to be validated, e.g. 5 years, with renewable status if upgrading is delayed for recognised reasons;
- establishes rights to compensation of property built prior to its application and any improvements authorised thereafter, as well as the land value or equivalent;
- would be allocated by the local municipality on the basis of a regularisation process or a new plot demarcation process;
- would carry a more onerous initial and annual land tax to cover the regularisation process;
- would permit the individual to request full individual surface title through individual topographic demarcation.

The above forms of occupancy rights need to be detailed in discussion with the legal and technical entities engaged in formulating the Land Law Regulations, and should draw on practice, such as through pilot projects,
for their refinement over time. They should be applied taking into consideration in all circumstances:

- the actual capacity of urban areas in terms of local administration, including community level organisations;
- the decentralisation of activities to local levels where possible;
- the involvement of other actors in the land regularisation process, such as civil society, non-governmental organisations and the private sector, where appropriate;
- maximising cost recovery of the land upgrading process from beneficiaries through land taxation and the direct return of this into land development.

The recommendations were added as an annex when the Land technical committee sent their final draft to Parliament. The recommendations, however, were not incorporated into the final law. Members of the technical committee recommended that these proposals be taken into account when drawing up the bye-laws that will regulate the implementation of the legislation.
11. ACTION RESEARCH AS AN ADVOCACY TOOL TO INFLUENCE ANGOLA’S LAND POLICIES

11.1 BACKGROUND

When DW first started studying the land question in the mid 1990s, Angola was still embroiled in cycles of civil war. Conflicts over land were lost in the general preoccupation with higher-level conflicts of the day and had not been viewed as a major issue since the country’s independence from Portugal in 1975. The expropriation of Angolans’ lands and the accumulation of lands by colonial settlers could be considered one of the key determining factors fuelling the liberation war for independence.

During 27 years of civil war, literally millions of people fled fighting in the countryside and headed for the relative safety of the big cities. They set up homes in musseques and shanty towns, building their basic dwellings on land obtained by a variety of informal mechanisms and investing what little money they had in home improvements. But the informal land occupation or purchase documents that they obtained, if any, were not legal titles and were invariably of little value when presented in a dispute over land with the state or a private company.

As peace approached, disagreements over land became more frequent. In the rural communities, fertile, agricultural ground with relatively easy access to urban markets was in high demand and the cause of a few disputes among resident and returning populations of IDPs, refugees, and demobilised ex-combatants as well as more powerful official interests. In the towns, the urban poor risked being uprooted from their homes, as their sprawling musseques were located on prime real estate, ideal locations for elite housing developments, offices, and roads.

DW had realised early on that the conditions were in place for land conflicts to spiral, possibly even pose a threat to lasting peace in the country. That concern prompted it to engage in advocacy and research work around the land issue. Research can be a powerful advocacy tool for policy development, and CEHS has considerable experience in action-research to this end (Jenkins & Smith, 2004; Jenkins, forthcoming 2006). It was thus possible to bring
together DW and CEHS in a partnership to undertake research as the basis for advocacy, and the research programme was conceived in this format.

11.2 NEED AND FOCUS FOR RESEARCH

With the old Land Law dating back to 1992 seen as outmoded, poorly applied, and ignoring the urban context, the government had indicated in July 2001 its plan to update the legal framework. DW was concerned that there existed a profound information gap, especially a lack of knowledge about the actual situation on the ground, at a time when there were massive post-war population movements with resulting new urban land occupation patterns emerging. There was a risk that decision-making and legislative processes could have weak practical application. Worst, it could produce a legislative process, which not only failed to deal with current challenges, but also inadvertently contributed to exacerbating the problems.

As early as November 2001, DW spearheaded two one-day participatory workshops on the land issue, with assistance from the CEHS. Attended by more than 50 members of the government and civil society, including representatives from Luanda, Huambo, and Benguela, these workshops effectively launched DW’s research and advocacy work — eight months before the Government published the draft version of its new Land Law. These workshops highlighted the misconceptions and lack of knowledge surrounding land issues among those in positions of decision-making, especially on urban land issues.

The then Ministry of Urbanism and Public Works (now the Ministry of Urbanism and Environment) commissioned DW to undertake a “scoping exercise” (undertaken in November 2001-July 2002), which was designed to provide an overview of the range of land and housing rights issues in peri-urban areas. The results of the scoping exercise confirmed DW’s earlier concerns, made a case for much more detailed investigations, and opened the possibility to input to the newly opened public consultation on the draft law. It also underscored the need for the government to facilitate and formalise the regulation of land titles.

The government released a draft of new land legislation in July 2002 and
opened it to public consultation. The new legislation presented an opportunity to contribute to conflict resolution, reconstruction, and poverty reduction. Research about how land was accessed by the poor and war-affected populations was thus of vital importance for the consolidation of peace, reconstruction, and development of the country (Development Workshop, 2003). The main research investigated a range of issues, including: informal and formal mechanisms for land access, institutions involved in land management, institutional attitudes to land, poverty, migration and land conflicts. It also provided an opportunity to open key issues up to wider debate, including attracting the attention and support of other interested parties in Government, the private sector, and civil society.

11.3 DISSEMINATING THE FINDINGS

DW faced a two-pronged challenge to use the research findings as they emerged. First, it had to influence the Land Technical Commission as it prepared the draft Law, and later, the National Assembly as it fine-tuned the land bill. At the same time, it had to raise awareness of the issue among the general public and promote debate. To address these, DW used a variety of strategies to work with government, the private sector, and civil society as described below. Several factors facilitated DW’s work in this regard.

The Government of Angola had been one of the signatories of the Habitat II Agenda in the UN Conference on Human Settlements in Istanbul in 1996. Together with UN Habitat, the government had begun the process to bring Angola into compliance with the international human settlements principles. Therefore within government there was already some commitment to international norms that could be built upon. Further, the Habitat II Agenda provided a useful context against which the proposed Land Law could be analysed.

Angola’s involvement in the Habitat Agenda process was also a factor that prompted the government to take the unprecedented step of seeking input and

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73 Development Workshop, Land access in peri-urban Angola: Its role in peace and reconstruction, September 2003.
advice from civil society about the proposed changes to the Law. This was the first law that had been opened to public consultation in Angola and marked an important development in Angola’s opening to civil society and democratic evolution. The Land Law consultation followed closely after the Luena Accords that ended the civil war and initiated a phase of reintegration of the formerly warring parties into a more plural political process. The government set up a Land Technical Commission in 2002 whose role was to study the law and consult publicly around it.

For the Angolan civil society, input into the consultation process was facilitated by Rede Terra (Land Network), a coalition of NGOs looking at the land rights situation in rural and urban areas. Founded by DW, along with a number of NGOs in November 2002, Rede Terra became a focal point for civil society consultation and information around the Land Law. While Rede Terra was predominantly focussed on the effects of the proposed changes on the rural population, DW led the discussion on urban land affairs, drawing on the ongoing research programme. This ensured that urban issues were included in the overall debate.

A series of participatory workshop presentations of work in progress were organised over the period September to December 2002 to present results of the “scoping exercise.” The Scoping Report, which was produced by September 2002, and subsequently published as a government document (as it was commissioned by the then Ministry of Urbanism and Public Works), was the first core document presented to the Land Technical Commission and the Presidential Advisor who led the legislation drafting team. The research findings and its conclusions and recommendations, being contained within a Government owned study, carried more weight and credibility than an unsolicited document carrying the same messages would have had.

The openness of the Technical Commission to proactive inputs was a positive factor in the dissemination work. DW produced a detailed commentary on the first draft of the Land Law from the perspective of the Habitat II Agenda and comparative legislation from the southern African region. It also recruited a renowned international legal expert who had been part of the UN technical group and who advised on preparation of the Habitat principles
in Istanbul in 1996. This led to the preparation, with additional CEHS inputs, of a proposed set of statutes as clauses for inclusion in the draft legislation that would bring the law into compliance with international land tenure norms and regional African best practices for regularising informal settlements. The Technical Commission agreed to include the commentary and proposed clauses as an annex to the next draft of land legislation that was being prepared.

Throughout 2003 the research programme continued to produce a regular supply of draft reports and studies that were delivered to the Land Technical Commission, Government and civil society policy and opinion makers and were fed into the ongoing public consultation process. A key piece of research that was designed to inform the programme’s policy and influencing strategy was the Institutional Attitudes Study (see a summary of findings in Chapter 9) undertaken by CEHS with DW assistance. In the absence of a debate or clearly articulated position on land policy, the research team showed that the Land Law was based on a set of commonly held assumptions which occupied the “virtual space” normally set aside for “policy” and had embedded policy assumptions, which were not discussed nor made explicit. This study set out to clarify and publicise these assumptions or implicit policies by inviting key informants — policy makers in government and those opinion makers in civil society and the media — to speak openly (albeit anonymously) about their visions and ideas around urban development and land settlement policies.

A striking similarity emerged from both government and civil society key informants. There was a common perception that urban growth was a negative phenomenon that government should and could reverse through a concerted effort of master planning and the creation of rural or new planned urban growth poles. The “growth pole model” was one current in the period before the civil war (1960s and 1970s) and the dominant perception was that many plans and projects, stalled in the early years of war after independence, still existed and could be dusted off for application in the post-war era.

The opportunity to air these ideas and policy assumptions openly also presented a chance to discuss and debate them. Concepts in the field of planning over

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74 Professor Patrick McAuslan of the Law Faculty at Birkbeck College the University of London.
the last several decades have progressed beyond master planning and growth poles. Some of these earlier growth models have produced expensive and embarrassing failures across Africa and other developing regions. Current planning models are based on strong community participation and public consultation and are focussed increasingly on local levels like the municipality or community. International norms promote informal settlement regularisation of tenure and urban upgrading of basic services. Today urban growth is seen as an inevitable and integral part of national development that presents as many opportunities as challenges.

The joint DW-CEHS research studies, published and circulated through 2003 and 2004, have continually and effectively raised key questions around some of the suppositions and prejudices illustrated in the Attitudes Study. The research findings, while highlighting the critical condition left at the end of the war, also confirmed that the urban trends in Angola where not unlike those being experienced in many other developing countries. Natural urban growth and inner-city population movements had for instance already overtaken rural migration as the major factor for growth of the peri-urban settlements. The research also demonstrated the existence of a lively real estate market, albeit unregulated and considered “illegal,” but presenting opportunities for Government to finance urban and infrastructure upgrading from rates, fees and eventually taxation from land titling and regularisation.

Meanwhile the process of revising the Land Law gained momentum. In late 2003 the Land Commission produced a second draft which responded to some of Rede Terra’s concerns about communal land rights, but only left informal occupants a period of 12 months to formalise the legal titling of their land. The legislative process was then passed on to the National Assembly. DW and Rede Terra were both invited to present their research findings to members of the National Assembly and to political party groupings in the National Assembly. By 2004 the focus had shifted to the National Assembly; the Technical Commission had only the role of providing information and advice, if requested.

Civil society in Angola has as yet little experience with concepts of lobbying and policy influence and gaining the attention of members of the National Assembly. On the other hand, members of the National Assembly and political
party groupings also have little experience or resources for doing their own research or public consultations on specific issues or pending legislation. The findings of the research demonstrated some serious concerns that remained with the second draft of the Land Law and the opportunity to present these issues to members of the National Assembly was widely welcomed.

The numerous specific issues raised by the research risked overloading busy members of the National Assembly with too much information or complex analysis. The research findings were therefore distilled into two principal arguments. First, that the proposed Land Law did not adequately address the reality of the majority of Angola’s poor who occupy land informally and have no title to their land. Second, that the state institutions had inadequate capacity to deal with land titling. The draft Law’s provision to allow only one year for people to regularise their titles to land, meant that instead of protecting the vulnerable, the Law risked making thousands of informal land holders illegal occupants of their own homes. It was important to bring to the legislators’ attention that the Law must respond to the real conditions of the day and the post-war context of massive urbanisation of the country along with existing occupations. An ideal situation and capacity for large-scale planning and resettlement does not exist. The starting point was not one where land was empty and certainly in urban areas much of the land is already occupied.

To further advocacy at National Assembly level, DW adopted the innovative idea, suggested by CEHS, of enlisting the help of a former politician, a retired member of the ruling party who had a lecturer post at one of the capital’s universities. This consultant had good contacts within the government and, more importantly, was held in high esteem by members of the National Assembly across the entire political spectrum. In this phase of advocacy, meetings were held with each party leader and relevant research documents were provided and explained. Briefings of the research results were arranged with each party group and with several multi-party National Assembly standing committees. All the members of the National Assembly who attended these briefings were very receptive and eager to get as much information as possible. The idea of feeding research findings to the National Assembly was an innovation in parliamentary affairs in Angola — especially since the initiative came from civil society. The fact-sharing sessions were a success and
eventually led to a meeting, initiated by the Speaker of the National Assembly himself, in which more than 70 members of the National Assembly participated and engaged in active discussion, an achievement almost unheard of in Angolan parliamentary history.

The final draft of the Law eventually presented to the National Assembly for voting was modified to partially address the two key issues argued from the research. Senior government leaders conceded that the weak administrative and master planning capacity of the state could not permit the regularisation of informal titles within one year after publication of the law. Civil society argued for five years; eventually parliament agreed on a three-year regularisation period in the Law that was passed in August 2004. A consensus was not reached in the National Assembly and the Law was voted through on the strength of the ruling party’s majority. The Land Law that was finally published and came into force in December 2004 has left many issues unresolved and many questions raised in the research studies still unanswered. The public consultation on the Law and the issues identified by the research studies however had successfully put land on the public and political agenda, where it is likely to remain in the years to come.

11.4 LAND FIRMLY ON THE AGENDA

The DW-CEHS research programme, and the way it was put it to use, had several positive effects, not least the major achievement of enabling civil society contributions and putting the whole issue of land rights and land tenure firmly on the public and political agenda. The whole process of constructive engagement in this way has made political parties much more aware of the development issues related to urban policy and land, and are now able to understand these in greater depth. All parties now have to have a position on these. Although the advocacy process exposed real knowledge gaps of members of the National Assembly, it also helped fill in some of those gaps, and as such this is a good practical example of “proactive” as opposed to “confrontational” advocacy — although this does not preclude the need for the other in many contexts. Due to the proactive “positive criticism” with concrete alternative proposals grounded in solid research, those responsible
for formulating the new Law were both much better informed and eventually will be more accountable via an increasingly interested press for their actions.

The media has provided good coverage on land issues. During the last two and half to three years there has been an increased attention to land tenure issues. Forced removals or perceived violations of people’s rights around land cannot happen without the press drawing attention to it. The national media in particular, but also some international publications, also expanded their coverage to include the legal process and its implications, as well as specific cases of conflict. This substantially greater awareness had some trickle-down benefits on the Law itself and helped encourage the National Assembly to provide more time (three years) for the process of land regularisation.

11.5 LESSONS LEARNED

DW and its partners did important work in voicing the concerns of civil society, but not all of their suggestions have been acted upon; many issues remain unresolved. While the new Law permits the regularisation of informal occupancy and sets a time frame for this to be carried out, it stops short of recognising this process as a basic right. The Law also — as yet — failed to recognise the principle of progressive upgradeable rights, which would have provided the government with a flexible tool during the years that it will need to develop formal settlement plans lacking in the many urban and municipal districts of the country. MINUE, which has taken over leadership and promotion of the land legislation since 2004, does, however, see these pending issues as being best dealt with in the bye-laws and detailed regulations that are still to be developed in the months to come.

While most members of the National Assembly were very receptive and open to the arguments presented by the research studies, on the day the bill was up for approval it was passed by the National Assembly without amendments apart from the extension of the period for regularisation of titles. Some of the constraints on the impact of the advocacy may be traced to a lack of capacity to absorb all the complex information presented up by the DW-CEHS research.
However, the application of the voting discipline of the dominant political party likely played a larger role. As a result, the Law that was given its final seal of approval by the President in December 2004 did not change substantially through the consultation process. It has, however, put in place a framework to allow people to claim legal title, although it stopped short of guaranteeing that those requesting a formal title would receive it. It did not incorporate all the issues that civil society was arguing for nor did it incorporate all of the principles of the Habitat II Agenda. Although advocacy work did have the effect of ensuring that traditional land rights were incorporated, the issue of urban land right regulation was not incorporated into the law but was deferred to the subsequent process of developing bye-laws.

Nevertheless, as the land consultation process was the first of its kind in popular participation in Angola the ability to influence policy through targeted and proactive advocacy is an extremely important step forward to wider and deeper democracy. The consultation process, and the advocacy role within this, needs to be viewed primarily in this light. In addition the strong partnership working ethos built up so far through the process provides the basis for continued refinement of the law, through regulations and practice, that provide ongoing opportunities to help produce a more realistic and workable land management system.

Overall, the whole process has been considered extremely positive in that it achieved a level of openness and debate in an atmosphere of goodwill that is hoped will establish a norm for Angola in the future. The land debate has not yet ended and the quest to make the Law fair to those it is designed to protect goes on. The opportunity remains for DW and its partners in civil society to exert their influence within the process to define the bye-laws or regulations that will accompany the new Law, and this needs to be the new focus for attention, through pilot projects and continued action-research activities.
12. PROPOSED FUTURE STRATEGIES

12.1 GENERAL CONTEXT

The research that has been undertaken was largely stimulated by the opportunity to contribute to the development of new legislation, in particular the Land Law and its Regulations. Drafting a new law is an important event, one that often has long-lasting consequences and major impact, whether positive or negative. As such it is something to be carefully considered, particularly given the weak and inappropriate nature of previous legislation in this area. The drafting of new legislation is an opportunity not to be squandered but developed wisely and if necessary gradually adapted over time.

The main thrust of this research has been to contribute proactively to the process and debate on the new legislation and its consequences for practice, both within civil society and government, in order to help produce appropriate and workable land legislation. A key objective has been to ascertain what are the accompanying elements of a sound legislation that can make it applicable in practice, appropriate to political and economic objectives, and acceptable socially and culturally. Ignoring these elements can result in legislation that will not be applicable or not widely acceptable and therefore largely ignored. In particular, the research has pointed to the constraints caused by lack of a clear policy direction to orient the law, integration with overall development objectives, and lack of institutional capacity to implement the law and attendant regulations and administration. These are the main challenges that face legislators, both at the law and regulation formulation stage and during the subsequent legal/regulatory revision process. The importance of this has been shown by the research in highlighting how there is a limited understanding of what a land law is in practice and what form of rights and responsibilities this should incorporate. While this is particularly the case for the majority of peri-urban residents, it is also the case for other actors involved in urban land affairs.

The research has also highlighted the complexity of the actual situation concerning urban land, resulting from the combined effects of the following: the already complex situation inherited from the colonial period, the limited attention urban land has received from the state in the post-independence period due to other priorities, and major social and economic change brought
about, but not exclusively, as a result of war, and overwhelmingly the impact of current and future rapid urbanisation trends. Three different systems of land management operate de facto in the urban areas studied, with sub-systems in some cases:

- the formal state allocation system with considerable overlap and lack of clarity of which entity has what authority, including some formal market related activity in Luanda;
- the informal system, largely operating on market principles now, but incorporating action through local administrators and other forms of social action such as within families; and
- in some peripheral urban areas and more particularly in secondary cities such as Huambo, “traditional” allocation and registry is still a factor.

The most prevalent of these is the informal system, with around 80% of peri-urban households in Luanda relying on this in one form or other and higher numbers in secondary urban centres such as Huambo. Whereas it might have been expected that traditional forms of land access would be more prevalent in secondary urban areas such as Huambo, in fact the informal land market activity is also well established there. Of importance is the acceptance that the overall urban population is already, and will continue to be, a significant proportion of the overall Angolan population and that these informal urban land mechanisms already have national significance.75

This complexity requires a diversity of response, not simplistic solutions, above all there is a need to move from what is currently practised and not ideal to improved forms of land management gradually, counting on popular support and engagement, as otherwise any new system will not succeed.

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75 Currently it is estimated that Luanda has between 20-25% of the overall national population, and 60% of the urban population (which is estimated at 34% of the total national population). UN estimates include urban growth up to 44% by 2015 and 53% by 2030. If Luanda grows to 5.4 million inhabitants by 2010 (medium growth rate), the city alone would represent 33% of the overall national population. Thus, some one in five of all Angolans can be reliant on informal urban land markets already.
12.2 THE NEED FOR URBAN POLICY

While improved urban land management is of potential benefit to all, its nature can have differential effects on groups. As such how and who can benefit from urban development, and urban land management as part of this, needs political guidance as expressed in urban policy. The wide impact of urban development leads to the need to orient this to maximise the socio-economic benefit for the majority, and not only focus development in urban areas on the formal private sector. To focus urban development and its benefits on a small elite or limited middle income group at the expense of the much larger lower-income groups of the city will lead to greater social and economic exclusion from development opportunities.

Thus urban policy needs to take into account informal practice and aim to integrate this with formal development. The current situation and the potential resources available for this process however require the development of a gradual approach to urban policy development and implementation: gradual development through “learning by doing” and evolving forms of implementation which permit maximising individual investment starting from a relatively poor socio-economic basis.

The process of development of urban policy should be seen as iterative, based on reality as much as possible, oriented to the maximum benefit, and open to ongoing revision based on feedback. Similar to legislation, which it should guide, policy is only as effective as its implementation feasibility and needs to be revised in the light of practice.

12.3 THE NEED FOR AN INCREMENTAL APPROACH

The research has focussed on the limited institutional capacity to implement urban development and urban land management, and yet there is enormous demand for this. The only practicable solution is to be “demand-led,” i.e., respond to this demand. This will permit action to draw on the resources of those who benefit, thus maximising the resources available, whether private sector or the general population.
To this end, state involvement in urban land management should be as decentralised as possible to local level where effective demand can be better assessed and responded to, albeit within overall policy and legal-administrative frameworks established by the government centrally to ensure coherence and equity.

However, the necessary involvement of the state will again require an incremental approach, due to the limited state capacity in this area. It is not possible to move from the current situation to one of full formal urban land management, even for the minority, in a short period of time. The difficulties experienced by some formal sector pilot projects are an illustration of this.

12.4 DEVELOPING AN APPROPRIATE LEGAL BASE AND BROAD LEGITIMACY

Ideally there will be specific legal provision within the implementing Regulations of the new Land Law for the incremental approach to urban development, land management, and the upgrading of urban areas as well as provision of new urban areas.

This is the main means for recognition of de facto rights of occupation of urban land, with appropriate simple procedures to adjudicate this, otherwise the majority of urban residents will become excluded, and the law will be largely seen as illegitimate. The legal basis, regulation, and administrative application of this, however, needs also to be the basis for avoidance of continuing speculation in land occupation, whether by “formal” or “informal” means.

Any new land law and management which does not incorporate actual occupation rights in some way or another will lead to a situation of increased conflict over urban land access in general and will undermine the current local, albeit largely informal, procedures by which urban land conflicts are resolved. To minimise this potential situation, simple rules and procedures for operation at local level and widespread dissemination of these is necessary.

The incremental approach should permit the distinction between land rights and land titles, with the gradual progression from rights to titles, using
intermediate forms of land management mechanisms. This gradual approach should also permit the provision of improved urban services and general urban upgrading.

To build broad legitimacy around new approaches and activities there is a need for education campaigns about the provisions of the new Land Law, on basic land rights and responsibilities for urban residents. This should draw on the resources of communities and civil society organisations as well as local and provincial administrations and central government, and as such needs specific dissemination and education campaigns for leaders and activists.

### 12.5 INSTITUTIONAL STRENGTHENING

Institutional change needs to start with changes in cultural attitudes to urban land, whether on the part of the urban majority in relation to the need for public control and collective benefit, or whether on the part of the state in relation to the need for popular applicability and relevance of action. An essential aspect of urban land management in this situation thus starts with supplying information and training, as noted above.

It is recommended that specialised services be created to undertake this, involving not only state actors, but non-governmental and private sector organisations where appropriate, and civil society. Training should be undertaken at a variety of levels, ranging from higher education to local mobilisation. DW and CEHS have used the later part of this research project to pilot this form of training, and show how this can link to practical outcomes such as pilot project design.

There is an urgent need for clarification of institutional roles and responsibilities with the Government at national and subordinate levels, which institutions are responsible for leading on, and contributing to, urban policy, urban development strategies and programmes, specific projects and activities and other ongoing aspects of land management such as regulation, conflict-resolution and so on. This should be an aspect of the overall urban policy development and is particularly important for relations between central,
provincial and local government, especially as Angola embarks on a pilot decentralisation programme.

In general the model should be to decentralise to local level as much as possible, and to create as simple administrative systems as possible, accepting that different situations need different land management systems and mechanisms. The operation of these in practice should be monitored and evaluated and then these should be modified to enhance their success.

Not only do institutional roles and responsibilities refer to those of government entities, but also how these interface with the private sector, NGO community and civil society needs clarification. The development of strategic partnerships is essential to widen the scope of government action.

12.6 “LEARNING BY DOING” — PILOT PROJECTS

An important aspect of the incremental approach is learning from experience. While Angola should draw on the experience of other countries, especially those with similar contexts where possible, it is important that this form of learning from practice elsewhere be adapted adequately to the contextual reality in the country and in specific situations.

Arguably more important is learning from practice in-country, whether previous or actual practice, and whether good or bad. There is a need thus to review what has been practised in the past, including before independence, in a realistic and critical way. In addition and of particular importance is learning from new practice, and the refinement of new approaches and actions through this. Two main areas of this “learning by doing” are recommended:

- Pilot projects in urban land titling; and
- Pilot projects in establishing urban land rights.

It is important to note that Portugal had relatively underdeveloped land management during the period of colonialism, and this has continued to influence land management in Angola post-independence.
Pilot projects in urban land titling should be focussed on testing the mechanisms, institutional capacities, and costs required for formal identification and titling of urban land in both new land subdivisions and areas with informal occupation which are suitable for upgrading. The costs of this should be incorporated with improvements in services at different levels to assess different approaches, which can themselves be evolutive — i.e. develop from basic standards to fuller standards in time.

Pilot project proposals drafted for Luanda and Huambo in the above mentioned training course include the following two types.

Type I projects deal with different forms of formal allocation and titling — i.e. the “end” of the urban land management process. In Huambo, at the request of the local Administration, the focus will be on land assembly, new plot demarcation with infrastructure and cost recovery. In Luanda, at the request of the provincial government, the focus will be on regularisation of land occupation and titling, with upgrading of infrastructure on a cost recovery basis.

The Type I projects should be based as much as possible on real cost recovery — including actual land costs — and as such institutional mechanisms need to be created to permit the costs recovered to be reapplied. To enable this some form of not-for-profit joint venture between DW and the relevant Provincial governments is envisaged.

Type II projects deal with initiating urban land management at a local level — i.e. the “start” of the process. In Luanda this will focus on the commune level, with action including local land commissions and land use control in a typical peri-urban area. In Huambo this will involve both the commune but also the traditional authorities, and be based in a peri-urban and adjoining peri-rural area. If permitted in the new Land Law, these Type II projects will establish intermediary individual land rights, if not as yet defined, the projects will organise communities to apply for collective forms of title.

Type II projects also involves partnerships between DW and the local administrations and community organisations. These also need formal structures, although they may not require legal recognition.
Pilot projects in establishing urban land rights should be focussed on refining the nature of occupation rights and the limits to these, including widespread mobilisation against continued informal occupation with no adequate process. These should also establish the mechanisms for gradual evolution of these rights to titles. The two main areas for establishing pilot projects here will be in peri-urban and peripheral urban situations: the former generally currently dominated by informal market activity with limited local administrative action; the latter similar but with more activity by traditional authority than local urban administration, and probably more relevant to secondary urban areas.

Such pilot projects ideally will be implemented through partnerships between provincial and local government, with civil society participation, and involvement of non-governmental and private sector organisations with appropriate technical and service skills. They should be rigorously monitored for cost to assess the possibility of the pilots becoming replicable in wider programmes, as well as permitting the “learning” by doing activity.

12.7 MONITORING AND EVALUATION

Monitoring of pilot projects and other initiatives in land law regulation, administration, and conflict resolution is of extreme importance in the next phase, prior to and after the definition of the Land Law. This will permit the refinement of these. An essential aspect of the initial implementation is a degree of flexibility to permit maximising the learning by doing experience. The evaluation of the initial experience is invaluable to this process but needs clear objectives, criteria for evaluation and transparent mechanisms for this form of accountability, which should be established in advance of the action.

The monitoring and evaluation procedures should also include the participation of key actors across the board, particularly different levels and different geographic areas of government, legislators, and institutions involved in rights and conflict resolution, private sector and non-governmental organisations with their technical and service skills, and organisations in civil society. Ideally these can be involved in the process of monitoring through joint action in some form of institutional structure; e.g. an Urban Land Commission, with provincial delegations.
BUILDING ON THE RESEARCH IN INSTITUTIONAL TERMS

Development Workshop proposes the creation of a stand-alone “Technical, Training and Information Service” for urban land management and development. This would be a separate unit with DW, which would work with partners such as the government, in relevant areas of activity for urban land system development (e.g. training and information collection for an urban land monitoring system as well as providing technical skills and information services for pilot projects).

The main objective of this proposal, to be supported by CEHS, would be to provide information in appropriate formats and start to build appropriate institutional capacity (including in information services) within DW. While DW would develop internal capacity through the creation of a not-for-profit “Technical, Training and Information Service,” it would also work with partner organisations such as universities and other local government training institutions, in providing necessary services to government and other actors, including civil society organisations and the private sector where appropriate.

The intention is to develop an urban land monitoring system linking NGO, private sector and government research capacity, thus continuing to build institutional capacity as the research project has undertaken to date. Linking with the Ministry of Urbanism and Environment (MINUA), this initiative could be an integral part of the UN Habitat Urban Observatory Network. The urban land monitoring system itself could be set up through action by the proposed DW Technical, Training and Information Service, working with MINUA, and could begin with units in at least Luanda and Huambo where DW has institutional capacity and strong links with provincial and local governments, including in urban land affairs — part of the legacy of the land research programme.

An important associated objective of this proposal is to continue the policy influencing work initiated in the land research programme, and to continue to strengthen good governance mechanisms. The initiative will continue to stress the need for appropriate explicit urban development policy and the avoidance of socially and economically expensive implicit policy action.

The main strategy will be creating space for continued independent advocacy by civil society, non-governmental and private sector organisations and the stress will be on creating space for wider institutional governance. Ideally it will be possible to encourage the government to create such an urban land commission with a wide mandate and with participation from all stakeholder sectors.
To ensure that such a relatively complex institutional set-up works efficiently, the roles and responsibilities of different parties need to be clarified in advance, and there needs above all to be institutional coherence and leadership within government.

12.8 SUMMARY OF RECOMMENDATIONS

In conclusion, the broad recommendations of this book are based on extensive and detailed studies in Angola over several years. They stress the relevance of urban land management for economic development, and the need for policy decisions on how urban development can be integrated within economic development policies.

The stress has, however, been on the opportunity to widen socio-economic inclusion through an open approach to land development which draws in the majority of urban land occupants and gradually regularises their situation, underpinning their possibility for investment and benefit from urban living and production. This requires a focus on land rights as well as land titles and the incremental evolution from establishment and protection of basic rights through intermediate forms of land management to titling and the wider operation of market and other exchange mechanisms.

This recommendation, based on previous experience worldwide as well as an in-depth analysis of the Angolan context, is considered the most appropriate to a balanced urban-rural development approach, as it minimises state investment by maximising individual and social investment in urban infrastructure and the built environment as a means to wider social development. It also is oriented to minimising social conflict and disruption, which has economic and political costs.

Such an approach to urban land management and urban development is also of direct relevance to poverty reduction and thus international development targets. It is the least disruptive of existing livelihoods of the majority of the urban population, which the research has identified as having relatively high degrees of poverty in relation to assets and resources. This approach stresses
the fact that poverty is not a fixed state but a dynamic process that households, and individuals within households, can slip into, or move out of depending on various factors and access to urban land is one of these. The recognition of land rights and development of secure tenure for land not only has direct use value for the urban poor, but also exchange value for wealth creation.

Apart from the relevance of appropriate urban land management for reduction of poverty and wider economic development, it is important as a means to prevent social conflict, particularly in a situation such as Angola where conflict has been excessive and recent and where there is wide social and economic differentiation. Land conflicts can exist concerning rights to use the land, benefit from it in other ways, and dispose of it. They can be within and between households and families and other entities, private, public and state. They can be over boundaries, registration, and legality. They can be resolved between parties, administratively, and juridically. Alternatively they can lead to individual cases of violence or wider social unrest.

To date there is limited evidence of conflict over urban land, and what exists is largely resolved at local level or suppressed. However, the extraordinary situation of war and the rapid growth in actual land values, together with the widespread evidence of land market activities is likely to lead to fast increasing incidences of conflict over urban land, which could in turn lead to social unrest, unless the prevalence for conflict is resolved. The limited nature of the legal and administrative systems lead to the strong recommendation of preventative action more than remedial action in this respect, through the development and application of the above broad urban land management approaches as opposed to the simplistic definition of legal provision.

The research that these recommendations are based on has been conducted in two of Angola’s urban areas, the capital Luanda, a special case in many ways, and one secondary urban area, Huambo, more typical of other urban areas. The scoping study which was done in four provinces has shown that there are always local differences in context which need to be adjusted to, and thus continued development of research through an urban land monitoring system and flexible “learning by doing” through pilot projects are important in future.
Angola, as stressed in this book, has numerous constraints to improved and more appropriate urban development and land management as a contribution to economic and social development, poverty reduction and conflict resolution. It, however, has an opportunity to make significant steps forward in this respect; an opportunity to which the research reported in this book can contribute significantly.
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The following is a list of the research component reports produced which form the basis of the findings and recommendations of this book. All these documents are available through Development Workshop.

1. **Initial "scoping study"**

Development Workshop. July 2003. “Estudo para uma Estrutura Legal e Institucional para Melhoria dos Direitos à Terra e Habitação em Áreas Urbanas e Peri-Urbanas de Angola,” Ministério do Urbanismo e Ambiente/UN-HABITAT/ Development Workshop, Angola. This report covers a wide range of aspects concerning peri-urban land, and is based on qualitative research undertaken between November 2001 and September 2002 by DW in four urban areas: Luanda, Huambo, Benguela and Namibe. It provides a concise overview of urban land issues and was the basis for definition of the subsequent more in-depth research components.

2. **Legal Consultancy Reports**


3. **Institutional Attitudes Study Report**

Jenkins, P. & Smith, H. 2003. “Institutional attitudes to urban land management: A report of action-research across key actors,” Centre for Environment & Human Settlements-Development Workshop, Angola. This report is based on a series of semi-structured interviews with key informants in Luanda and Huambo during November – December 2002 by CEHS – DW. It investigates the different institutional roles and attitudes to key issues in urban land of the main actors in urban land in central, provincial and local government (including commune/traditional authorities); private and non-governmental sectors; and land specialists.
4. **Fieldwork Reports**

Carvalho, A., Robson, P., Smith, H., & Weber, B. 2003. “Informal urban land survey and analysis, Luanda and Huambo,” Development Workshop, Angola. This report covers all aspects related to demographic structure, migration, settlement and urban land access history, cultural and investment attitudes to urban land holdings and land conflicts, as well as qualitatively assessing the level of poverty through a livelihood approach. It covers more than 500 households in peri-urban Luanda as well as more than 80 households in peri-urban Huambo and studies issues raised in the above initial “scoping study” in more depth. The only study of its nature in Angola, it was implemented by DW researchers during January – August 2003 with CEHS technical assistance, including the analysis.

5. **Formal Land Demand and Supply Study Report**

Barros, M. & Illinga, P. (2003) “Provimento de terrenos para habitação nos moldes formais nas áreas urbanas de Luanda e Huambo,” Development Workshop, Angola. This report investigates in detail the trends in formal land demand and supply through official channels in Luanda and Huambo, including other related responsibilities for land management such as planning.

6. **Institutional Capacity Study Report**

Barros, M. & Illinga, P. 2003. “Levantamento da capacidade existente nas instituições envolvidas na provisão/alocação de terrenos para habitação nas áreas urbanas de Luanda e Huambo,” Development Workshop, Angola. This report investigates in detail the institutional capacity of institutions involved in formal land demand and supply in Luanda and Huambo, including those with other related responsibilities for land management such as planning.

7. **Informal Land Demand and Supply Study Report**

DEVELOPMENT WORKSHOP, LUANDA, ANGOLA


DW is a network of non-governmental organisations in Angola, Canada, and France. DW's mission is to improve the living conditions for the disadvantaged by empowering communities and organisations to address development problems and opportunities and by using DW's practical experience to advocate for social justice. Its principal activities include:

- Implementation of programmes in: shelter; water supply and sanitation; peacebuilding; governance; microfinance and small enterprise. Capacity building is an underlying theme of all activities.
- Conduct of training programmes.
- Research based policy advocacy on the following themes: post-conflict transition, conflict prevention and peacebuilding, land tenure rights, informal sector and microfinance sector development, appropriate building technologies, and disaster prevention.

DW has worked with communities, NGOs, local and national government authorities and international organisations in more than 30 countries and has won several awards in recognition of its work including:

- 2004 Literacy Award of the Provincial Government of Huambo, Angola for Promotion of Educational Facilities and Literacy
- 2001 Medal of Honour Award of the Provincial Government of Luanda, Angola for contributions to community development in the Province of Luanda
- 1998 World Habitat Award of the Building and Social Housing Foundation (UK) for ‘Promotion of Woodless Construction in Burkina Faso, Mali and Niger’

DW first established a programme in Angola in 1981 at the Government’s request to assist in developing self-help housing policies and programmes. It was for many years the only NGO in the country and has worked continuously through Angola’s protracted humanitarian crises. Even during the emergency, DW has made it a working principle to build up local capacities and wherever possible searched for sustainable solutions. Highlights of DW's work in Angola include:

- Community management of basic services such as water supply and sanitation through a partnership among community user groups, local government, and the utility company. Social mobilisation teams work with the beneficiaries to develop mechanisms that ensure their ongoing active participation in the management and maintenance of new services.
• DW set up in 1989 AngoNet, the first Internet connection in Angola that has promoted the use of Information Communications Technology by Angolan civil society partners for advocacy and distance education.

• Support for peacebuilding starting in 1999, which brought together for the first time all of the major church organisations and national NGOs to advocate for peace.

• Implementing the first microfinance programme in Angola that has loaned US$2million since 2000 to upwards of 6,000 clients in two provinces with a repayment rate (in 2005) of 97%.

• Seminal research on: beneficiary assessment in water and sanitation, communities and reconstruction, household survival and coping mechanisms, land rights, demobilisation and resettlement.

In post-war Angola DW is working on reconstruction with a focus on poverty alleviation livelihood programmes, decentralisation and municipal governance, and supporting the processes of return and resettlement of war-affected communities.

CENTRE FOR ENVIRONMENT AND HUMAN SETTLEMENTS (CEHS), HERIOT-WATT UNIVERSITY, EDINBURGH, SCOTLAND

see: www.sbe.ac.uk/cehs

CEHS is the overseas wing of the School of the Built Environment at Heriot-Watt University. CEHS is one of a limited number of specialised study and research centres among UK higher education institutions that focuses on human settlements issues in the developing and rapidly urbanising world. It offers dedicated routes through postgraduate courses in planning and housing as well as study possibilities for higher research degrees. It has a strong publication focus, undertakes funded research, develops innovative knowledge-provision services and can prepare and implement specialised short courses, all of these attributes represented in this research programme.

The main focus is on policy issues, institutional development, civil society roles and good practice in regional and urban development, environment and shelter in conditions of rapid urbanisation. CEHS is a relatively small and flexible organisation, which works collaboratively with a large number of other individuals, and organisations. In recent years this has included links with international partners in universities and other research institutions in Angola, Brazil, Chile, China, Costa Rica, Mozambique, Pakistan, the Philippines and South Africa. Research activities have also been undertaken with other institutions, including the private sector and local and national governments in the UK and Europe.
Increasingly CEHS is developing mutually beneficial links with organisations within civil society such as NGOs and professional associations (e.g. the Commonwealth Association of Planners).

Recent developments within CEHS include:

- New research into the effect of reform in transitional economies on the urban poor financed by the UK Department for International Development (DFID) Economic and Social Committee for Overseas Research (ESCOR). This included research into urban housing in China (Wang) and urban land market emergence in Mozambique (Jenkins). This latter is currently highlighted in the international development research database ID21 (see: www.id21.org/urban/s3bpj1g1.html.)
- Development of new dedicated postgraduate course pathways in urban and environmental development and international housing development, to run in parallel with UK-focussed postgraduate courses in planning and housing.
- Development of a Internet-based North-South Research Network for UK-based researchers working in human settlements issues in the South (DFID seed funded), and participation in the establishment of the Central American urban research network INVESTIGA, under the auspices of the UN-funded Resource Facility for the Sustainable Development of Human Settlements in Central America — CERCA.

ONE WORLD ACTION (OWA), LONDON, UNITED KINGDOM

see: www.oneworldaction.org

OWA's 5 year Strategic Plan for 2000-2005 defines the organisation's purpose as influencing the policy and practice of decision-makers North and South on the centrality of gender-just, participatory democratic political systems and practices to decrease poverty. Contributing to this purpose, One World Action's Programmes work supports partners who are involved in innovative work in capacity building, citizenship, local democracy strengthening and service provision. The experiences of our partners such as Development Workshop (DW) are fed into One World Action's Policy Programme and brought to a wide audience. Opportunities are created for partners to contribute to debates with policy-makers and relevant officials in their own countries, their regions and in Europe. One World Action works to disseminate experiences and lessons learned through the production of case studies and briefing papers and bring partners together to share experiences through seminars, conferences and the production of an email bulletin.
In Angola, OWA and DW have worked together in partnership since 1989. OWA has worked with Department for International Development (DFID) funds supporting some of DW’s programmes since the Angola Development Fund was initiated in 1995. More recently OWA/DW have been partners in the Luanda Urban Poverty Programme (LUPP). This work has focussed on two programmes the Sustainable Community Services Programme (SCSP) and the Sustainable Livelihoods Programme (SLP). The experiences of the SCSP and the SLP have been documented and disseminated outside Angola through written reports and briefings, participation in debates and conferences, networking, media contacts, and face-to-face communication. Relevant experience is also brought from elsewhere to DW’s LUPP programmes staff and facilitates contacts between them and agencies and organisations outside Angola. OWA produced a short film on the SCSP, which was shown at the World Water Forum in The Hague in March 2000, and has been distributed widely. A case study “Building Civil Society — Starting with the Basics” has been distributed to key stakeholders and relevant practitioners and agencies. The feedback received has been very positive and demonstrated that there is a keen interest in the issues and documentation of this type. In addition, a seminar was organised by the Policy and Information Officer “Turning on the Taps: Luanda, Angola — Lessons in Basic Service Delivery and Local Democracy,” held in May 2001. Furthermore a seminar on “Women’s Empowerment or the Feminisation of Debt? — Towards a New Agenda in African Microfinance” was held in London on March 21st and 22nd 2002.
TERRA is a publication by Development Workshop (Angola) DW is an NGO working to improve the living conditions for the disadvantaged by empowering communities and organisations to address development problems and opportunities. Its work focuses on: shelter, water supply and sanitation, peacebuilding, governance, microfinance, small enterprise, and disaster mitigation. and The Centre for Environment & Human Settlements CEHS is an international centre based in the UK, providing teaching, training, research and other knowledge-based services & resources in the fields of environment and human settlements for the developing and rapidly urbanising world. with support from One World Action (UK), OWA is working for a world free from poverty and oppression in which strong democracies safeguard the rights of all people. OWA provides money, expertise and practical help to organisations committed to strengthening the democratic process and improving people's lives in poor and developing countries. the Department for International Development DFID is leading the British Government's fight against world poverty. and Novib (OXFAM Netherlands). Novib is a Dutch NGO, working with a rights based approach. To Novib, poverty is in fact the same as a lack of rights.
In 27 years of civil war, millions of Angolans fled the countryside for the relative safety of the big cities and their crowded shantytowns. With their meager resources, they built dwellings on land obtained by mostly informal mechanisms, often with little security of tenure.

Based on pioneering research on urban land access in Angola by the NGO, Development Workshop, and the UK-based Centre for Environment & Human Settlements, this book argues that the so-called “anarchic” land development in Angola’s cities presents a unique opportunity to develop new approaches to post-war urban land management. The recommendations on policy and practice are grounded in Angola’s reality. Drawing on field research and recent international experience in urban land management, the themes discussed include: growth and settlement patterns in peri-urban areas, formal and informal mechanisms to access land, cultural values and perceptions about land, institutional capacity for urban land management, decision-makers’ attitudes and perceptions about urban development, and land policy and legislation in Angola.

Equally important this book documents the use of action research as an advocacy tool in the drafting of the 2004 Land Law and in the associated public consultation process. The latter was the first-ever such process with broad popular participation in Angola. While the book focuses on urban land issues, these need to be seen in a wider context of changing governance in Angola, and indeed in the Sub-Saharan Africa region.