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ANGOLA – URBAN LAND RIGHTS

**FINAL REPORT
TO
INTERNATIONAL DEVELOPMENT RESEARCH CENTRE
Regional Office for Southern Africa**

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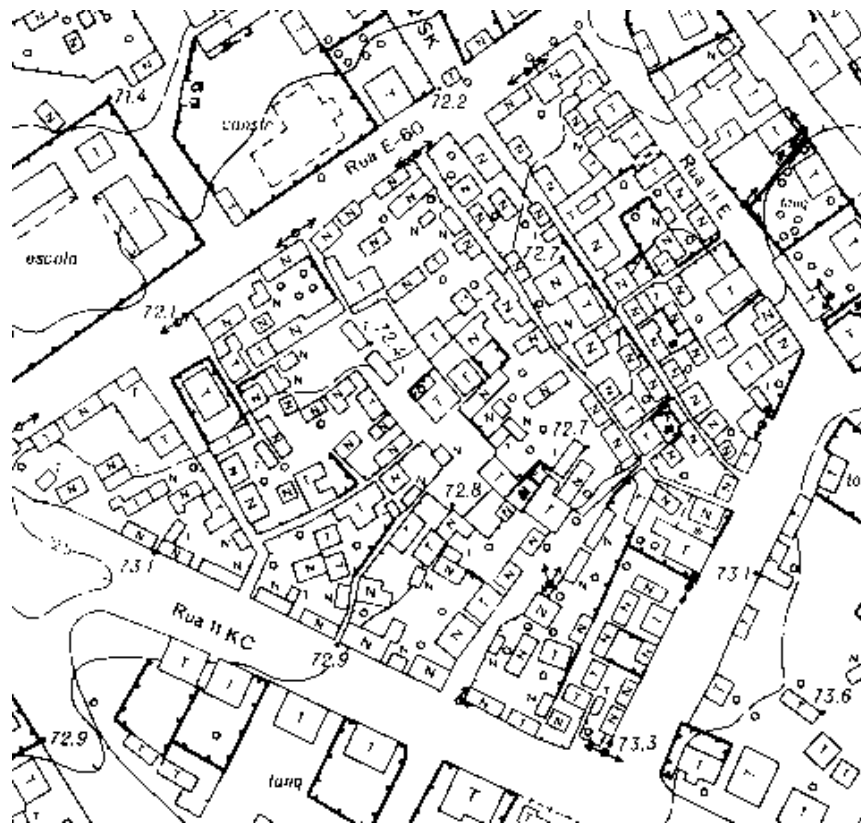


TABLE OF CONTENTS

	PAGE
Table of Contents	2
Acknowledgements	3
PROJECT SUMMARY	4
Luanda's Problem of Urban Land Tenure	4
Luanda's Urban Crisis	5
Institutional Constraints	6
"Governance" Context	7
PART I - EXPERIENCES FROM POST SOCIALIST COUNTRIES	9
1.0 Introduction	10
2.0 INTERNATIONAL EXPERIENCES	10
2.1 Background	10
2.2 Land Reforms and Land Tenure Reforms	11
2.3 Urban Land Tenure Reforms	12
3.0 Chile	13
3.1 Background	13
3.2 Urban Land Issues	14
4.0 Nicaragua	16
4.1 Background	16
4.2 Urban Land Issues	17
5.0 Peru	20
5.1 Background	20
6.0 Tanzania	22
6.1 Historical Background	22
6.2 Land Tenure	22
6.3 Customary and Communal Land Tenure	24
6.4 Urban Land Tenure	24
7.0 Guinea-Bissau	26
8.0 Cape Verde	27
9.0 Mozambique	28
9.1 Background	28
9.2 Land Issue	28
9.3 Brief History of the Land Policy	31
9.4 Urban Land Tenure	31
10.0 Angola	33
11.0 Women's Access to Land	33
12.0 Conclusion	37
PART II - Bibliographic Research	39

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PROJECT SUMMARY:

The present project investigates the current policies, laws and regulations pertaining to the management of urban land in Luanda Angola. The difficulty in obtaining titled (legal) access to land for prospective builder occupiers and the need for thousands of existing residents in informal settlement areas to gain secure tenure for the plots they are now occupying is a major constraint to upgrading Luanda's vast peri-urban settlements (musseques). The Angolan state's recent (1992) liberalisation, reformed previous socialist land laws and now allows for the involvement of the private sector in the acquisition of land. The project will research the evolution of the complex land tenure situation and study the problems of access to and management of land from the points of view of the principal actors (stakeholders). A review of lessons, from several other developing countries, which have experienced a similar transition from socialist to forms of private ownership of property, will be made as they relate to land tenure.

The project divides itself into three parts; a comparative review of international case studies in countries which have undergone major changes in recent years, from collectivist to forms of private sector policies. These cases are reviewed in order to gain insights that may be relevant in the Angolan context. This phase has been completed and a draft report has been included in this current document.

The second phase of the research which is currently underway is a literature and archival review of documents relevant to the Angolan situation. A preliminary report in the form of an annotated bibliography is presented here. The third part is a stakeholder analysis and will form the basis of the next phase of research.

Luanda's Problem of Urban Land Tenure:

The lack of a framework and a policy for managing urban land is one of the key constraints to urban development in post war Angola. The upgrading of Luanda's extensive Musseques and urban growth in general will depend on the release of public, private and domestic (household) investment to improve housing, urban services and infrastructure. Insecurity, manifest in various forms, is the principal deterrent to urban investment. The Urban sector has been stagnant since independence and only came to life for a short period with economic liberalization after the Bicesse agreement in 1991. All investment dried up once more after the return to civil war in late 1992 and only cautiously resumed following the formation of the Government of National Unity in early 1997. The lack of security of land tenure and transparent mechanisms to acquire property is one of the factors that inhibit investment in the urban sector today.

Access to land in Luanda is currently governed by a confusing (often contradictory) set of laws, policies, and procedures. Portuguese colonial (pre-1975) land laws and registration system supplanted African traditional forms of communal land tenure. Nationalisation of land by the state in 1976 through a series of Presidential confiscation decrees attempted to place land once more under the patrimony of the Angolan people. Since 1991 the policy of privatisation of the economy has been introduced but mechanisms are not yet in place to allow individual informal settlers to

secure tenure rights to the property on which they have settled. Within the vacuum produced by the lack of legal structures and public information, large parcels of land for commercial housing development are being distributed. Within the next few years it is anticipated that conflicts will arise between those who have settled informally and those entrepreneurs and official agencies promoting the commercial development of sub-urban property. Mass evictions and lengthy legal disputes will be the likely outcome.

Some interested international observers advocate 'privatisation' as a panacea for Angolan urban land tenure problems. The present project will draw on the lessons from a number of case-study countries which have or are presently undergoing a transition from socialist to market economies. In countries like Mocambique, Tanzania and Ethiopia a variety of land tenure strategies have been tested, reflecting a range of socio-institutional conditions and traditions of collective and public forms of ownership.

Within the context of the present project, Development Workshop is carrying out a research study to clarify the status of land tenure laws today and to identify the directions of evolving policy on land issues. It is DW's intention at a later phase of the project to make information obtained widely available through the distribution of simple manuals and through training community development workers to assist residents in clarifying their land tenure or occupancy status. Of particular interest is women's rights to acquire and inherit land titles.

RESEARCH PROGRAMME

Archival Research:

Very little has been published concerning land issues in Angola since independence in 1975. It will be necessary to consult original documents that exist in the form of government decrees and regulations in the official "Diario da Republica". MPLA party policy papers will also be consulted. Earlier colonial documents related to land issues will be abstracted from the official Portuguese Government gazettes. A considerable amount of information was printed in official Portuguese Government publications that dealt with land occupation (confiscation) and settlement of European colonists which was a major preoccupation of the colonial regime in the last two decades before independence. These documents may be consulted in one of several documentation centres in Luanda (including ADRA, DW, UNICEF and the Min. Planning). The research coordinator will be assisted in this archive research by a research assistant/documentalist based at the DW documentation centre in Luanda. A legal expert will be employed as a consultant as required.

The archival research from original sources (in Portuguese) will be supplemented with other published information written on Angolan history, culture and urban development with the aim of tracing the evolution of policy and practice and laws governing the ownership and use of land.

Key issues that will be addressed in this part of the research can be divided

chronologically and sequentially as follows:

pre-colonial – *customary law*

colonial – *expropriation of African lands*

independence – *socialist land policy & nationalization*

post-socialist phase to present – *liberalization/private sector involvement*

PLANNED OUTPUTS:

1. Narrative Document
2. Annotated Bibliography
3. Documentation collection
4. Comparative Case Study paper on post-socialist land policies with lessons learned for Angola
5. Lessons on how the formal and informal urban sectors interact on land questions

CHRONOLOGY OF THE EVOLUTION OF ANGOLAN LAND RIGHTS

A Historical Perspective

Pre-Colonial Customary Land Ownership

Pre-colonial patterns of access to and use of land varied throughout the Angolan territory due to socio-ecological factors such as local agricultural or pastoral activities, climate, terrain and soil types, influenced by the social evolution and internal dynamic of each community, together helping to determine the relationship between the people and the land.¹

Land was traditionally the property of the clan, therefore the property of the group. The Kongo of northern Angola, for instance, are a matrilineal people, whose sociopolitical structure is segmented. While there is linguistic unity through the broad ethnic group, political power is segmented at the level of clans and during the 18th and 19th centuries loyalties divided as to lineage within the broad ethnic group. Membership in a clan or lineage, as well as all authority, derives from a mythical ancestor, strongly linked with 'place' and associated with features in the environment containing symbolic importance. The myths gave value to the land-patrimony of the groups which could not be taken away from individual members because it could never become the property of one person. The land is the property of the clan, but not their living members alone. Real possession cannot be disassociated from the ancestors who first occupied the land. (Margarido, A.² 1972, p.33). Matriarchal lineage passed from mother to son not only conferred membership in the clan but also guaranteed access to the clan territory of which the ancestors, founders of the first settlements, remained "owners". The transmission of land rights and the line of descent operated from maternal uncle to nephew. (Henderson³, 1990, p.12) The clan was represented and administered by an elder who regulated most social relations and was the arbiter in questions dealing with the distribution of land for family or individual use.

The Umuundu of the central plateau were a relatively homogeneous ethnic group which had developed a settled village based society. Settlements traditionally ranged from ten to fifty households or up to one thousand people, normally related by blood. 'Ownership' of village and its lands was vested in the current elder (sekulu) who was usually a descendant of the founder for whom the village was normally named. The elder, could speak of 'my village' while for everyone else it was "our village".

The settlement patterns of the agro-pastoral peoples (such as the Ambo) of southern

1 Pacheco, Fernando, 1998, 'Sobre a Propriedade Comunitaria da Terra – algumas notas', ADRA, Luanda

2 Margarido, Alfredo, 1972, 'The Tokoist Church and Portuguese Colonialism in Angola' in Protest and Resistance in Angola and Brazil, Chapter 2, ed. Chilcote, Ronald, U. California Press, pp. 33-7 (on pre-colonial customary conception of African land ownership and the social impact of Portuguese occupation)

3 Henderson, Lawrence W, 1990, A Igreja em Angola: um rio com varias correntes, Lisbon: Ed. Alem-Mar.

- 1992, The Church in Angola: a River of Many Currents, Pilgrim Press, Cleveland, Ohio (a history of the Church as it developed in the various ethnic regions of Angola)

Angola tended to be highly decentralized. Individual family units normally occupied their own farmsteads. Clans laid claim to loosely defined districts which could contain hundreds of families each occupying between five to twenty hectares.

The various peoples of pre-colonial Angola demonstrated similar patterns of social unity based on kinship. Although the importance of matrilineal and patrilineal relations differ from group to group and from people to people, in all cases kinship ties were decisive in defining access to land and other socio-economic relations. (Henderson, 1990, pp. 14-9)

The arrival of the Portuguese disrupted all aspects of the traditional society. The slave trade and later forced labour resulted in the loss of members of the family/clan-based social structures therefore undermining the cohesion of social organization whose economic, religious and political interdependency had been complete. The forced expropriation of customary owned lands was a major shock to traditional social structures in that the clans and lineage societies were forced to abandon the lands by which they were bound to their ancestors.

[Resistance to the Portuguese occupation continued through the 19th into the early 20th century in through a series of clan and ethnic based movements drawn from varied but similar cultural traditions and from identical reactions to colonial occupation and their fiscal demands. Portuguese domination inevitably obliged families to abandon their lineage-based economies and to accept a market economy combined with the colonist's confiscation of some of the best lands.] (Margarido, A. 1972 p.36)

19th & 20th Century Portuguese Colonial Land Policy

Settlement Policy Objectives:

(after Bender⁴ pp. 95-96)

The major underlying objective of white settlement policy was to secure Portuguese sovereignty in Angola. (Colonial Act, 1933, Article II, Salazar's Estado Novo⁵)

19th Century Land Laws:

(after Bender pp. 147-9)

Laws of 1838 and 1865 governing land concessions to Europeans allowed "unoccupied" land to be given for white settlement. "Unoccupied" land was interpreted as that land not being farmed at the moment in question and did not

4 Bender, Gerald J., *Angola Under the Portuguese – the Myth and the Reality*, Heinemann, London, 1978

5 Colonial Act, 1933, Article II.

("It is the organic essence of the Portuguese Nation to carry out the function of possessing and colonizing overseas domains and of civilizing the indigenous populations") from Salazar's Estado Novo

Salazar, Antonio de Oliveira, 1939, *Doctrine of Action: Internal and Foreign Policy of the New Portugal, 1928-39*, trans. Robert Edgar Boughton. London: Faber and Faber. (outlining Salazar's conception of his Fascist – Estado Novo)

include those lands lying in fallow as part of traditional shifting agricultural patterns (Santa Rita⁶ 1940, pp. 11-70). These colonial laws ignored traditional customary law, which defined lands which belonged to the community and were not meant for individual ownership. (Mendes⁷ 1969, p. 4).

20th Century Colonial Land Policy

Native Reserves

A decree in 1907 set aside fixed reserves for the exclusive use of Africans. This law provided Europeans with a legal vehicle for taking over choice (central plateau) areas in rural Angola, arguing that Africans should be moved to the humid zones where 'whites showed little desire or capacity to settle' (Ferreira⁸, 1954 pp. 48-50). While the plans put forward under this law, for creating large scale "native reserves", were not implemented, there were numerous forced removals of Africans to make way for white settlers throughout the years up to independence.

From the 1940's, settlement programmes for Africans (as opposed to Europeans) usually implied the grouping together of dispersed African peoples. In reality segregating Africans from whites and reducing the quality and size of African-owned lands. (Childs⁹ 1944, pp. 2-4) [after Bender p. 103].

"Settlement for Africans was nearly synonymous with the loss of their best lands" (Oliveira Santos¹⁰ 1957-8 p. 80) [from Bender p. 104]

6 Santa Rita, Jose Goncalo de, 1940, "O contacto das racas nas colonias, seus efeitos politicos e sociais. Legislacao Portuguesa", in Congresso do Mundo Portugues, vol 15, part 2, pp.11-70. Lisbon: Comissao Executiva dos Centenarios.

(on 19th century laws governing European land concessions, allowing expropriation of African lands while ignoring traditional African patterns of shifting cultivation)

7 Mendes, Afonso, 1969, 'Aspectos relevantes de contra-subversao', paper presented to the Council on Counter-Subversion, 17 January 1969, pp. 4-6

(colonial settlement policy ignored African customary law governing communal use of land)

- 1972, English version of above report published by the Angola Comite in Amsterdam in 1972, and later printed in Rural Africana no.24 Spring 1974, pp.75-88 [Afonso Mendes became a Minister in the short lived Angolan Transitional Government after 1975 after the Alvaro Accords]

8 Ferreira, Vicente, 1954, 'Regioes de povoamento europeu nos planaltos de Angola', Estudos Ultramarinos, vol. 3, part 2, Angola e os seus problemas, Lisbon: Agencia Geral do Ultramar, pp. 35-50 & 87-128

(on preferred European settlement areas in central highlands, avoiding humid zones where whites show little desire or capacity to settle)

9 Childs, Gladwyn Murray, 1944, 'Notes on Civil Administration in Angola: Civilizing Words'.

unpublished paper written 11 September 1944, pp. 2-4

(on expropriation of African land and reversion of many European land concessions back to colonial state due to owners failure to exploit adequately)

- 1949, Umbundu Kinship and Character. London: Oxford University Press, pp. 216-7

10 Santos, Oliveira, 1957-8, 'O problema das terras em Angola', Estudos Ultramarinos 7, pp. 61-81. (on the consequences to Africans of European settlement, and the loss of their best lands)

Land Concessions Revert to State

Many European land concessions originally expropriated from Africans later reverted to the State as a result of the owner's failure to exploit the land by meeting the minimum required percentage of cultivated area. (Childs 1944 pp.2-4 & 1949 pp. 216-7). [Bender p. 105]

The Norton de Matos¹¹ Government (1926) introduced reforms to the land laws, to guarantee Africans five times the amount of land that they actually cultivated in a given year, in order to take into account the traditional shifting cultivation practices. In reality, however, interpretations of the designation "cultivated lands" were often in dispute and the law rarely respected. Consequently, many "legally protected" African lands were granted as concessions to Europeans, contributing to a further decline in African agriculture. Ex-colons, along with other Europeans desirous of these African-held lands, were the main beneficiaries of flagrant misinterpretations of the land laws. (Bender, 1978, p.122)

Between 1900-1950 Portuguese settlement policies turned African / European contact into a largely employee / employer relationship, exploiting the colonial institution of "forced labour" (Marcello Caetano¹² 1946). African agriculture suffered serious setbacks. The combination of low prices paid for agricultural yields, soils depletion by excessive cultivation of cash crops, and increased European confiscation of choice lands, reduced Africans' annual income and obliged many of the men to abandon their lands and look for salaried work in order to sustain their families. a large number of African men from the populous Plano Alto were forced by these economic circumstances or under the "contract labour" laws to work on coffee plantations in Northern Angola. This "Proletarianization" of the African countryside proved beneficial to European planters by providing them with an increased number of cheap labourers. (Bender, 1978, p.126)

1950 – 1961 Settlement Programme

From the beginning of the 20th century the Portuguese Colonial Government debated the best way to promote white settlement. Two policy alternatives presented themselves:

a) 'Directed or Planned Settlement' - direct Government intervention, providing

11 Norton de Matos, Jose Mendes Ribeiro, 1926, A Provincia de Angola, Porto: Edicao de Maranus. - , 1933, 'Como pretendi povoar Angola', Boletim geral de colonias 9 (October), pp. 90-9.

(considered a relatively 'liberal' governor Norton de Matos introduced an number of reforms including the recognition of land areas farmed traditionally by African farmers patterns of shifting cultivation, up to 5 times that occupied at a specific point in time)

12 Caetano, Marcello, 1946, Relacoes das colonias de Angola e Mocambique com os territorias estrangeiros visinhos. Lisbon: Imprensa Nacional.

(on the tendency settlement and forced labour laws of shifting racial relationships into ones of employee/employer)

settlers with free land, housing, financial assistance and agricultural inputs.

b) 'Conditions for Spontaneous Settlement' – Government's role should be to develop Angola's infrastructure in order to produce economic conditions to attract spontaneous white settlement.

The first alternative policy of 'directed or planned' settlement was adopted by successive Portuguese regimes, in various forms and infrastructural development was by and large ignored until the military necessity of combating a guerilla insurgency in the 1960 necessitated the development of a road and communications network.

From the 1950s the Colonial Government launched an ambitious programme to encourage Portuguese "Colonos" to immigrate to Angola, enticed by generous land grants and financial support. Large settlement areas were expropriated from the original African residents in districts including Cela - Cuanza Sul (300,000 hectares) and Matala – Huila (420,000 hectares). Land grants were made to Colono families ranged from farming plots of 5 to 120 hectares and large tracts of communal pastures of up to 1000 hectares per family for grazing cattle. These settlements were created by the removal of thousands of Africans from their traditional lands. The displaced were often moved into areas occupied by other Africans, thereby compounding the negative impact of the settlements. The settlement policy prohibited Africans from being farmers or workers in the white settlement areas. (Reis Ventura¹³, 1955 pp. 343-7)

1961 LAND LAW and After

With the launching of the liberation war in 1961, Colonial policy was forced to rapidly adapt itself in an attempt at appeasement of the African population¹⁴. The legal reforms of September 1961, eliminated forced labour and did away with institutionalized racial discrimination implied by the Assimilado laws. From that date all Africans in Angola were officially considered to be citizens of metropolitan Portugal. An official emphasis on racial integration in the new "colonatos" (settlement schemes) became the policy. An increased and stable European settler presence, however, remained the major purpose of planned settlement programmes. (Bender, 1978, p. 110)

The Decree of 6 September 1961 (no. 43894)¹⁵ theoretically protected African lands

13 Ventura, Reis, 1955, 'O caso de Cela e a colonizacao etnica de Angola', in 1º Congresso dos Economistas Portugueses (Problemas das economias ultramarinas); IV Seccao – colonizacao etnica (Comunicacoes e debates). Lisbon: Instituto Nacional de Estatistica. pp. 343-7

(in an attempt to encourage Portuguese settlers to work newly granted land concessions themselves, rather than exploit African labour, settlement regulations were introduced prohibiting Africans from farming or working in the white Colono settlement areas)

14 Moreira, Adriano, 1961a, pp. 204-21, "Ensaaios" 2nd ed. Lisbon: Edicoes Panorama (regarding post 1961 land rights reforms) [Adriano Moreira was thr Portuguese Overseas Minister between 1960 and 61 and is considered the author of the liberal land reforms of September 1961. Bender notes p. 209 footnote; 'The reforms did not lead to any fundimental change in Portuguese domination, partially because Moreira himself prevented it.']

15 Land Rights Decree of 6 September 1961 no. 43894.

by establishing three classes of land in Angola:

- a) first class land in urban areas and immediate suburbs,
- b) second class – communally-held African lands
- c) third class – any land residually considered as neither first nor second-class and which could therefore be conceded to Europeans.¹⁶

The Law reaffirmed that second-class land must encompass an area five times that presently occupied by a village (in order to take into account patterns of shifting cultivation) and, recognizing the Africans' 'inalienable' rights to this land, the law prohibited their expulsion. (Bender pp. 181-3)

Despite the 1961 reforms, during the period of the independence war, the amount of land conceded to Europeans increased each year while the amount of land held by Africans decreased. Between the years 1968-70 the amount of European-held land in the Huambo District more than doubled (from 249,039 to 526,270 hectares) while the area cultivated by Africans was reduced by more than a third (36.5%). In many cases this displacement of Africans from a settlement area resulted in an actual drop in rural productivity. (Bender, 1978, pp. 130-1)

White farmers strongly objected to the second-class land delimitation, for they knew that if the law was scrupulously applied there would be no third-class lands available for concessions in highly populated regions such as the Plano Alto. Thus, although legally third-class lands could only be determined after first and second-class lands had been, in practice the second-class lands were never delimited, often causing them to be defined as those tracts which did not fall under the categories of first or third-class lands. Neither the white settlers nor the government officials, especially those responsible for land demarcation – the "Direccao dos Servicos Geograficos e Cadastrais" understood, accepted, or respected African land rights.

The Settlers unsuccessfully lobbied the "Council on Counter Subversion"¹⁷ in Luanda in 1968-9 to abolish second-class lands. Failing in this they turned in Lisbon in December 1972, to the Corporative Chamber, who considered a bill which would have revised the 1961 land concession legislation. Consequently the new bill affirmed the Government's concern to protect the white settler population in the colonies but did not mention the protection of the interests of the indigenous peoples. The thrust of the new bill was to change the three categories of land to two – urban and rural – which would have made it easier for Portuguese individuals and entrepreneurs to acquire large areas of land. (U.N. ¹⁸1973, pp. 18-19)

(This law theoretically protected African lands by establishing three classes of land in Angola)
16 Raposo, Louisa Maria Simoes, 1972, "Angola: ocupacao e posse de terras", Prisma, May 1972, pp. 35-43 (regarding post 1961 land rights reforms)

17 Guilmaraes, Francisco de Vasconcelos, 1969, 'Aspectos do regulamento de ocupacao e concessao de terrenos nas provincias ultramarinas com interesse para a contra-subversao', pp.1-8 (paper presented to the Council on Counter-Subversion on the 7th January 1969, regarding post 1961 land rights reforms)

IDOC, 1974, pp. 71-4, Angola: Secret Government Documents on Counter Subversion, translated and edited by Caroline Reuver-Cohen and William Jerman. Rome: IDOC (regarding post 1961 land laws and the lobbying of settlers to remove special status for traditional African rights)

18 U.N. 1965, Document A/6000/Add. 3 (Part 2), Appendix 2, 18 Novembr 1965, pp. 7-35 (regarding post 1961 land rights reforms)

Strategic Resettlement

During the War of Independence, as part of the Portuguese counterinsurgency effort, over one million Africans were forced off their land and moved into large "protected strategic settlements – Aldeamentos". By the early 1970's the resettlement programme had uprooted almost one quarter of Angola's rural population (Sogge¹⁹, 1994, p. 95). Protected settlement areas were located along major roads and in areas which could be easily controlled by the Portuguese security forces. The relocation opened up a considerable amount of African lands for distribution to white settlers and produced an increased supply of African labour for the plantation economy. (Bender, 1978, pp. 136, 159, 166-96)

Patern of Land Ownership at the End of the Colonial Period:

By the end of the colonial period, settlers had laid claim to 41% of all surveyed farm and ranch lands, most of which they never used. With the establishment of forest and game reserves, more land was barred from use by African farmers and pastoralists. Demographic and political pressures meant that Angolan farmers used what limited lands that they retained more intensively, with shorter fallow periods therefore exhausting the soils. (Sogge, 1994, p.94)

On the eve of independence the situation could be characterised as the coexistence between diverse systems of use and ownership of land. The national territory could be divided roughly in half with the sparsely populated east and south (with approximately 10% of the population) operating within a subsistence agricultural economy and customary patterns of land ownership and management. The western half of the country was much more densely populated. The predominant land pattern parcelled into a combination of plantation and private (nuclear family) based holdings²⁰.

Colonial Urban Settlement – Land Occupation

In urban areas Africans were displaced from residential areas in the Musseques of Luanda. Luanda was the settlement area of choice of Portuguese colonos who refused to settle in rural areas as planned by the government. White settlement began to encroach into the African slums (musseques). In Luanda so many whites constructed clandestine houses and businesses in areas inhabited by Africans that at least four musseques disappeared (ie Viuva Leal, Caldeira, Bury and much of Bairro

U.N. 1973, pp. 18-19 (affect of settler lobby to reverse 1961 reforms to remove protection for African traditional ownership)

¹⁹Sogge, David, 1994, 'Angola: Surviving against Rollback and Petrodollars' War and Hunger, ed. Macrae, J. and Zwi, A., Zed Press, London 1994, pp. 92-110. (on survival strategies, an overview from colonial times through to the time of writing)

²⁰ Pacheco, Fernando, 1997, 'A Terra em Angola: Desenha-se Novo Conflicto?' ADRA, Luanda

Operario) ²¹ .

Clandestine houses constructed on land not owned by the constructor, without building permits etc, - numbered in the thousands. They were almost invariably linked into municipal water and sanitation networks after completion and were frequently legalized - if for no other reason than to collect for the services provided and to make them eligible to be taxed. (from Bender p. 223)

The Musseque and Peri-Urban Struggle for Land (Pre-Independence)

Physical and Human Environment²²

The growth of the musseques had an intimate relationship with the expansion of the (colonial) City of Luanda. Actually the "City: and the musseque were born and grew together, resulting in the two influencing each other reciprocally. With impulse resulting in the economic growth of the City there was an increase in rural-to-urban (African) migration and an expansion of the musseques. The corresponding urban expansion of the city resulted in the destruction of dozens or hundreds of musseque hutments (and the occupation of musseque lands). The displaced populations were either incorporated into the existing musseques or settled in new areas at the extremes of the City.. In this manner the musseques were always in constant movement (evolution). The musseque settlement's morphology, years after year, was one of constant renewal and change, driven by the pressure of expansion from the city-centre; an ecological phenomena of successive invasion typical of large urban centres. (Monteiro, p.59 Chapter I)

21 Sources:

Monteiro, Ramiro Ladeiro, A familia nos musseques de Luanda: Fundo de Accao Social no Trabalho em Angola, 1973a, pp. 78-80 and passim
(on displacement of urban Africans from their residences in Luanda's musseques)

- 'From Extended to Residual Family: Aspects of Social Change in the Musseques of Luanda', in Social Change in Angola, pp. 211-33, ed. Franz Wilhelm Heimer, Munich: Weltforum, 1973

Bailey, 1968, pp. 405-7, 'Local and Community Power in Angola, Western Political Quarterly 21', (September 1968) pp. 400-8.
(on displacement of urban Africans from their residences in Luanda's musseques)

- "The Political Process & Interest Groups" in Portuguese Africa A Handbook, pp 146-64, eds David M. Abshire & Michael A. Samuels, New York: Praeger 1969.

Morais, Joao David de, 1972, pp. 40-5, 'Quando o mar bate na areia' NOTICIA no.662, (12 August 1972).

(in depth study - despite heavy censorship - of the impact of clandestine housing among the Axilundo fishermen who lived along the coast just south of Luanda)

22 Monteiro, Ramiro Ladeiro, A FAMILIA NOS MUSSEQUES DE LUANDA, Fundo de Accao Social no Trabalho em Angola, Luanda, 1973

Urban Settlement Morphology

We have noted the expulsion of the musseques from the centre of the city due to the centrifugal force of urban (modern sector) expansion (Monteiro, p. 61). (Due to a boom in profits due to coffee production from the mid 1950s the city of Luanda experienced a major period of growth.)

(The musseques have been successively invaded by modern sector white [settler] housing and commercial construction, building over previous musseque settlements).

In the late 1940s and early 50s their still existed musseques in Ingombotas, Bungo, Maclusso and in the place of Viuva Leal, Ramalho and Braga (which is now known as Bairro de Café). There remained few vestiges of the former hutments in these bairros (by independence). By the end of the 1950s the former musseque of Burty, it's land built over by the extension of the (formal sector) Bairro do Cruzeiro²³. The former musseque lands belonged to the Burity family, probably of Brazilian origin. Also the near by Bairro Operario's "temporary housing" was in the process of disappearing (at the time of Independence). Bairro Operario had become an elite African enclave in the heart of the city [which residents refused any longer to referred to as a 'musseque'].

Most of the musseques received the names of their land owners (Monteiro, p. 62 – 63).²⁴

23 See Ilidio de Amaral p. 29, for illustration of the transformation of this bairro over a 10 year period in the 1950-60's.

24 Musseque Cayate was named after the owner who was descended from an Italian-African family. The Musseque Cayate was almost totally absorbed by Bairro da Caop, and only a small section of hutments remain. The same process occurred for the musseques of Cabeça, Terra Nova, Cassequel and Bananeiras where only a few of the original hutments remained (at Independence). Of the original Musseque of Marcal only a small portion remains as does the neighboring musseque of Cabeça. The owner of the land of Cabeça Musseque was an African family of the same name.

Pedrosa Musseque was named after a European business person who owned the land.

The Musseque of Terra Nova existed as a dense settlement up until 1959, was substituted by a new urban formal sector 'development' with roads and services, which inherited the original name. Only a narrow swath of the old musseque remained (at Independence) having been reserved for future road clearance (still remains in 1998).

The name of Musseque Cassaquel is of Kimbundo origin, but the lands were owned by the Van-Dunem family, granted by the early Colonial Government to a Coronel Van-Dunem who distinguished himself in the wars against the Dutch. The old Musseque Cassequel began to be demolished from 1968, and progressively replaced by 'mass' worker (township-type) housing known in Portuguese as a "bairro popular". (By Independence) only a strip of musseque hutments at the north was left in an area destined for expansion of the bairro.

Musseque das Bananeiras occupied an earlier banana/garden plantation on the bank of Rio Seco, was in turn replaced by the modern luxury residential Bairro Alvalade. Only a few dozen of the original musseque houses remained (at Independence).

The land occupied by Musseque Lixeira was owned by an African family Mangureira. The location later became known as Lixeira when the local Municipal Council transformed the site into a rubbish deposit. The musseque was subsequently built over the rubbish site.

The first owner of the land where the Musseque Mota is now situated was a Portuguese businessman named Mota.

The Musseque Marcal inherited the name of the original African owner Marcal.

The original large scale property owner of the site of Musseque Rangel was Francisco Moreira das Chagas Rangel an Angolan who died in colonial times. The Rangel family home, "Vivenda Rangel", at independence still occupied by sons of the original owner, can be found in the centre of the musseque near "Largo D. Amalia". A parcel of the original Rangel lands was acquired by a European named

In the face of their rapid expansion, some musseques lost their characteristics as distinct geographic units. Empty space that once separated each musseque, quickly became occupied, sometimes by modern sector construction, or by roadways. (In many cases the encirclement of old musseques inhibited their natural growth, and caused their further densification. A characteristic pattern of inner-city musseques, completely encapsulated by the formal city resulted).

POST INDEPENDENCE URBAN DEVELOPMENT:

Luanda's Post Independence Urban Crisis

Following independence peri-urban uncontrolled expansion accelerated in the margins of the city. Due to the ongoing effects of the civil war Luanda continued to expand rapidly in area and density of population concentration. Population estimates of 2,500,000 (1995) and 3,750,000 (1999) are broken down into 25% in the urban area (3,000 ha) and 75% in the peri-urban areas (10,000 ha). The population annual growth rate is projected at 8% to 10%, although there is evidence in some Musseque areas, that growth rates of 15% or more occurred during the years of 1992-93 and then later between December 1998 and July 1999 when an estimated 350,000 to 500,000 war displaced fled the fighting in neighbouring provinces and immigrated to Luanda. Peri-urban communities have almost no infrastructure, and recognisable public services function only in the area of health and education. These minimal services, however, have disintegrated through a combination of neglect and the lack of maintenance.

Government actions to date have not been sufficient in maintaining the existing infrastructure left from colonial times which was designed to meet the needs of 250,000 Portuguese residents. While major infrastructural projects have been planned to extend water and electricity to a greater number of people, little has been implemented and the targeted beneficiaries have normally been those living in formal already urbanised zones of the city. There has to-date been no discernible impact from these planned projects on living conditions in the musseques; in fact the situation has deteriorated with rising population densities as the minimal infrastructure falls into disrepair.

The government's previous policies of centralised state control of resources and investments have been recognised as inadequate. Under both international and domestic political pressure the Government in 1991-92 made a major reorientation toward a liberalisation of policies and a decision to privatise many sectors. The potential privatisation of land however presents a complex problem. Much of Luanda's post independence housing is constructed 'spontaneously' (informally) on land without a clear title and without the benefit of building permission. Complex moral and legal

Cavacas, hence this part of the musseque was also known as Musseque Cavacas.

The name of Musseque Caputo is derived from the Kimbundo, indicating that the land belonged to the Colonial State Government.

The pre-Independence Musseque Adriano Moreira was founded in 1961 at the time of the tenure of the Overseas Minister of the same name and thus chosen by the residents as their "patron". The adjacent formal sector bairro also maintained the same name.

The Musseque Calemba was founded in the 1940s between an important military camp and one of the major drainage channels.

The Musseque Golfe began to be settled from 1968, by families displaced from the development of other musseques, particularly from Musseque Prenda which was undergoing a process of European occupation and the rapid settlement of displaced musseque families. to Golfe.

problems arise when the issue of privatisation of land is considered. Previous private title-holders were often foreigners who gave up any claim to Angolan citizenship when they fled the country at independence. An adoption of the 'market' principal of a private land ownership, could transform the State into the largest owner of private land in the country, and thousands of householders would in turn be transformed into 'squatters' on the lands that they had occupied for years.

Rather than addressing the issue of the individual householder's land claims, the State has identified the opportunity that the new situation presents to partner with major private sector investors (often joint ventures with foreign enterprises) in developing large-scale commercial housing projects. Much of the land in southern Luanda has been destined for this type of mass housing development.

Institutional Constraints:

Administrative reform is considered by most policy makers to be long overdue. A reform process is likely to result not only in the restructuring of local government in a more democratic or a downward-accountable mode but also to deal with the question of the distribution of decision making power to the appropriate levels of local government. Along with decision making power the actual control of resources - financial and technical - must be distributed as well. Introduction of a degree of cost recovery is also a concept under consideration. The introduction of local sources of revenue such as through property taxes or other types of levies can assist in empowering local government structures as long as the central government does not insist that these revenues must all pass through the state treasury as before.

The introduction of property taxes or other forms of local-level income generation can only be done in conjunction with land ownership legislation. A cadastral survey of existing plot divisions and claims to ownership rights is a part of this process. The granting of land tenure rights to residents in the musseques could potentially be the most significant factor in stimulating investment of private household income in housing and environmental improvements. Householders presently are reluctant to invest their family savings in their homes due to lack of security of ownership and the often-stated official view that these zones are illegal or temporary at best.

"Governance" Context

Local government administrative policy has been characterised over the years by the tendency toward strong centralisation at national level. Angola inherited at independence a centrally controlled government structure from the Portuguese colonial power which itself lacked any democratic tradition. The Central Planning development model opted for after independence tended to reinforce this structure.

The Angolan economy, being essentially fuelled from the sale of petroleum on the international market, lends itself to centralised management. There has been no attempt to establish a tax base or to raise public funds locally. Lines of authority therefore quite naturally follow the lines of economic accountability. Financing of social

services and urban infrastructure are all controlled at the national level of government. The central government authorities make appointments to positions in the local administration. Lines of responsibility and decision making therefore follow a top-down command structure.

The fact that local government does not have its own source of income - i.e., there is no basis for local property taxes or other revenue sources and the policy that all public revenues in any case must pass through the state treasury - means that there is little flexibility in planning. Financial resources are available to the provincial government only through the Plan for the provision of urban services. Municipal government essentially controls only enough money to pay their small staff and the Commune level has virtually no resources at their disposal.

The Ministry of Territorial Administration (M.A.T.), created at the time of the 1991-92 reform, has as one of its important mandates the strengthening of civic institutions and the creation of democratic governance structures throughout the country. M.A.T. was instrumental in managing Angola's first multi-party elections in 1992 and presently is charged with the installation of Government authority in territory relinquished by UNITA. The results of this new ministry's work are likely to have a major influence on local government administration and its relationship with other levels of government.

Possibly the most important policy issue affecting urban development is the ownership and control of land. With independence the formal ownership of all land previously held in private hands passed to the state, although rights to use and control of property generally remained with those who occupied it. Governmental decrees were used to confiscate abandoned properties but a formal system of laws has not been put in place to regulate these acquisitions.

Land use policy is assigned to the Ministry for Territorial Administration's "Institute for Territorial Planning" (IPT). IPT is responsible for advising local governments on urban zoning and land-use policies affecting housing, industrial and commercial use of land. The Provincial Governor's technical office controls the actual distribution of plots of land. Lacking up-to-date cadastral surveys and the necessary technical staff to manage the process, the demand for building plots far outweighs the technical offices' capacity to approve, survey and register them. A significant portion of the population accepts forms of informal occupation. Unregistered buying and selling of property is common.

The government and almost all opposition political parties have adopted private ownership of various forms of property as their stated policy. Much legal and technical work needs to be carried out if the new policy is to be applied in some form to land ownership. A number of years of detailed cadastral survey work will still be necessary before any new policy can begin to be implemented.

Urban Management Structure:

Provincial power rests with the Provincial Governor, a political appointment, who is assisted by Vice-Governors for key sectors; technical matters, social affairs and community services. Most of the service-providing ministries and national departments have Delegates and small staffs who work closely with one of the Vice-

Governors in their appropriate spheres. The Provincial Governors' Office of Planning is responsible for coordinating all budgets for provincial and lower level institutions, preparing proposals and channelling them to the central government authority for approval and financing.

Municipal Administrators are appointed as well by central authorities to preside over Luanda's nine Municipalities. An average Municipality has a population of over 200,000 people. Municipal boundaries were drawn, wherever possible, to provide for a mix of land uses and include some urban core, business district, industry as well as musseque residential area.

The Municipal Administrator also has Deputies who are responsible for technical matters and socio-economic affairs. Municipal Delegates represent only a few Ministries providing essential services, i.e., Education, Health, Social Services and Security. The Municipal Commissioner often also takes on the role of Commander of Municipal Security Forces and in the past, Municipal Party (MPLA) coordinator. Party roles have been formally dropped as part of the reform process.

Municipal Government depends on the Provincial level for budgetary approval and indirectly on central authorities for all financing. Municipal Government has few staff or technical resources of their own, apart from a brigade of street cleaners and a small number of office workers.

The Municipality is divided into several Communes. An appointed Commissioner represents government authority at the Commune level, the lowest level of local administration. The Commune Commissioner has only a small office staff and in the urban areas no other sectoral delegates or representatives. The Commune Commissioner often is in charge of security at the local level and until 1991 also held a local Party position.

The Commune is in turn divided into Bairros and or Sectors (normally between two to five Sectors). The Bairro is a designation from the colonial era, and in some comunas co-exists with Sectors. Where Bairros exist, they are usually divided into two or more Sectors. The Sector, containing 10-25,000 people, is an administrative division used for social service planning. The sector should support one health post, and for planning purposes primary school aged children should attend school within the boundaries of their sector. The sector normally has a "President" who is chosen by the residents of the area. The President is a position with no direct government authority beyond the informal status derived from the community. The Sector is further divided into Quarteiroes which often have their own Coordinators who works as an assistant to the Sector Presidents. Quarteiroes have 20-30 households who in theory send family members to the Quarterao Committee and participate in the selection of the Coordinators. In 1997 the Provincial Government of Luanda has attempted to reactivate the structures of community level administration which have been dormant since the years of the "one party state".

RESEARCH PROGRAMME PLAN

INTRODUÇÃO

O presente relatório resulta da pesquisa bibliográfica que decorreu num período de quatro meses, com o objectivo imediato de recolher documentos sobre direito de terra urbana. Na sequência dos contactos que antecederam o trabalho de pesquisa, parecia ser um trabalho fácil, porque, a simples vista, dava entender que se tratava unicamente duma recolha dos documentos já existentes.

Porem, com o desenvolvimento do trabalho nos apercebemos que era muito mais difícil do que projectamos, por um lado, porque nos deparamos com escassez bibliográfica e por outro, a falta de confiança e acesso fácil às diversas fontes: bibliotecas, centros de documentação, pessoas individualmente²⁵.

O objectivo imediato da pesquisa bibliográfica esta enquadrado num projecto mais amplo que visa contribuir para o esclarecimento das questões sobre a evolução de posse de terra urbana em Angola e, de igual maneira, esclarecer o quadro legal existente que determinam a distribuição, posse e uso de terra; o que não seria possível se não desenvolvêssemos primeiramente esta pesquisa de recolha e tratamento de toda a documentação usada nas administrações municipais, Governo Provincial e todos outros actores envolvidos neste processo.

Foi-nos possível através da recolha dos diversos documentos e diplomas legais constatar e compreender qual o rumo e em que situação se encontra a actual política sobre a terra, porque não pesquisamos só leis, decretos e regulamentos vigentes, mas também os que se encontram revogados.

Há uma evolução e maior preocupação em relação aos tempos antigos, em que não se dava o mínimo de atenção a maneira como os cidadãos ocupavam e se apropriavam de determinados terrenos, fazendo uso anárquico.

1. DESENVOLVIMENTO PROGRAMADO DA PESQUISA

A presente programa de acção é parte integrante do projecto sobre direito à posse de terra urbana, para a fase de pesquisa de arquivos.

A proposta fornece uma visão clara e intenção do pesquisador consignado no objectivo do projecto, e um horizonte temporal - metodológico em que decorrerá a pesquisa:

1.1 DEFINIÇÃO

Entre outros objectivos, o presente trabalho visa contribuir para a clarificação

²⁵ Pessoas contactadas para responderem aos questionarios.

das questões sobre a evolução do direito de posse e uso de terra urbana.

Isto é possível se, efectivamente, conseguirmos *reunir, tratar e analisar* toda a documentação que tem sido produzida durante várias épocas em Angola, aqui reside o fundamento desta primeira fase de pesquisa.

Porem, ela abrange também pessoa ligadas a questões de terras nas administrações municipais, ministérios, governo provincial, etc. e cujas opiniões sobre o problema seria um valioso contributo, já que muitos deles intervêm directamente nos procedimentos administrativos que regulam os distribuição, do uso e posse de terra urbana.

Por isso, desenvolvemos entrevistas²⁶ com as várias entidades, nos diversos sectores, sem obtermos respostas positivas na maior parte das vezes.

1.2. DOCUMENTATION RESEARCH:

A pesquisa foi desenvolvida em três fases, num período de seis meses, quando a sua programação inicial previa quatro meses. Isso deveu-se por um lado ao tempo insuficiente de que dispúnhamos, e, por outro lado, a penetração nada fácil nos arquivos de diversas instituições.

- 1.^a - Localização e levantamento das fontes.
- 2.^a - Recolha e tratamento da documentação.
- 3.^a - Análise e estruturação final do material pesquisado.

Na primeira fase identificamos as seguintes fontes:

- Biblioteca e CDI – Adra
- Development Workshop
- CDI – Ordem dos Advogados de Angola
- CDI – Governo Provincial De Luanda
- Arquivo Histórico Nacional
- Junta da Habitação
- Biblioteca do Município do Rangel
- CDI – Ministério da Justiça
- CDI – Tribunal Supremo
- Gab. Doc. do Ministério da Com. Social
- Biblioteca do Paço Episcopal

Na segunda fase, incidimos o nosso trabalho propriamente na recolha e tratamento gradual da documentação, este processo foi contínuo, isto é, desde o princípio ao fim da pesquisa. No final da terceira fase, que acrescentamos no projecto inicial, elaboramos um Questionário que enviamos as fonte identificadas inicialmente e insistimos uma segunda vez sem obtermos resposta.²⁷

Na terceira fase procedemos a análise e estruturação final dos documentos,

²⁶ As entrevistas foram desenvolvidas através do Questionario, v. Anexo 1, acompanhadas da respectiva carta de pedido, v. Anexo 2.

²⁷ O questionario tivemos de enviar nas mesmas entidades por duas vezes, isto porque na primeira fase nao obtivemos resposta, v. Anexo 3.

seleccionando os mais importante para os potenciais e eventuais pesquisadores do Centro de Documentação de DW. Esta fase visou fundamentalmente dar forma metódica nos conteúdos pesquisados e uma criteriosa distinção entre os mais importantes e os históricos²⁸.

Não nos foi possível ter em posse documentos sobre a política partidária que dirige o país, nesta vertente, porque não foi deixados, mesmo através de pedidos de investigação de arquivos susceptíveis de serem pesquisados.

A aquisição dos materiais bibliográficos sempre foram através de empréstimos pagos as Bibliotecas, Imprensa, Instituições cuja condição sempre foi reproduzir e devolver. Por isso, a maior da documentação que temos recolhida e copia dos originais.

1.3. ANÁLISE E AVALIAÇÃO

A análise e essencialmente dedutiva e específica, portanto, tem de ser entendida no âmbito da pesquisa e das constatações a que chegamos como resultados do nosso envolvimento com as autoridades e os beneficiários.

Quando falamos em autoridades falamos daqueles que estão directamente ligados no Governo da Província e, igualmente, dos funcionários das Administrações Municipais que estão envolvidos de maneira directa e indirecta neste processo.

A situação degradante social, política e económico-financeira determina negativamente o desempenho dos serviços administrativos do Estado, donde não escapam os Governos Províncias, bem como as suas administrações municipais, alias, e, no Governo da Província de Luanda e suas administrações onde constatamos que não havia vontade de colaborarem connosco quando começamos a pesquisa, com excepção do Vice-Governador para área Técnica (v. Anexo 4), que de quando em vez nos remetia para os Departamentos onde não nos correspondiam, *ate que revelaram que se tratava de condições de trabalho: não ha dinheiro, o Estado não paga, se quiserem vamos trabalhar juntos e veras que nos aqui vamos rapidamente dar um grande avanço no projecto e todas as questões com ele relacionado, assim como falta de condições de trabalho, v.g. o Gabinete Jurídico não tem o material sobre a legislação de terras organizado e disponibilizado para aqueles que lá acorrerem para possíveis esclarecimentos e consulta sobre as duvidas decorrentes da compreensão dos diplomas legais.*

Numa das Entrevista que tivemos como um dos funcionários do Gabinete Jurídico, na altura Director do Gabinete em exercício, sobre o estado em que se encontra o Governo da Província em relação as questões de terras, disseram-nos que o Governo tem plena razão ao destruir e demolir sem indemnizar ou pelo menos providenciar novos terrenos a maior parte dos utentes de terrenos camarários²⁹, alias a maior parte dos possuidores de habitação em Luanda estão em situação

²⁸ Os documentos importantes sao os que vigoram, aqueles que nos dao uma clara visao sobre os actuais criterios usados na distribuicao, legalizacao, posse e uso das terras urbanas e agrarias, v. Anexo 4, os historicos sao todos aqueles que deixaram de ter vigencia.

²⁹ Designação que se dá aos terrenos que o Governo da Província de Luanda herdou da Câmara Municipal de Luanda

ilegal.

Por conseguinte, até aqui, ainda não foram introduzidas nem estabelecidas mecanismos que permitem os ocupantes individuais informais, que por várias razões, sobretudo as de segurança, devido a guerra, queiram adquirir direitos a posse de terrenos por eles ocupados, o que poderá provocar conflitos constantes entre o Governo da Província e os respectivos utentes, se existem, então não são publicitados.

Por isso, deve-se o mais rapidamente possível fazer-se uma campanha de sensibilização, como a que já está a ser feita pelo Governo da Província, alertando os provincianos ou munícipes de Luanda a não ocuparem, nem construírem sem autorização e em qualquer terreno, mas também, e necessário que se informe os cidadãos sobre os mecanismos legais existentes que permitam a aqueles possuidores de terrenos já a muito em uso, a poderem legalizar como legítimos proprietário e/ou utentes.

Os materiais adquiridos a maior parte deram-nos por emprestado, o qual, procedemos as suas reproduções para o nosso acervo, os restantes foram adquiridos via “corredor”, como é o caso do Governo da Província de Luanda, da Biblioteca Municipal, da Biblioteca Nacional, da Imprensa Nacional, porém outras vezes conseguimos vias institucionais como pode provar uma carta em Anexo.

Torna-se necessário que se faça rapidamente um guião para ajudar a esclarecer os cidadãos nacionais sobre os procedimentos específicos que devem observar na distribuição, uso e aproveitamento de terra urbano para fins de construção de habitação, aliás, deste modo, estar-se-ia a contribuir para a consecução de um direito garantido pela constituição- direito à habitação.

Não é aconselhável que se continue a destruir e demolir residência de cidadão que não têm o mínimo de conhecimento sobre onde ou não construir, até porque, muitos não têm o mínimo de conhecimento do Direito Positivo Vigente, e, procedem, somente, à luz dos critérios consuetudinários. O que sim deve-se fazer é reconhecer a inocência de muitos, obviamente, não de todos, mais pelo menos daqueles que situações alheias às sua vontades, como a guerra, os remeteu para situações dessas.

Portanto, a pesquisa foi satisfatória, os resultados podem ser perfeitamente constatados não só pelo número de documentos que conseguimos, mas sobretudo porque com os documentos disponíveis podermos fazer um estudo aprofundado sobre a evolução e a actual política de distribuição, uso e posse de terra urbana. Os documentos estão divididos por áreas, conforme a divisão da nossa base de dados: bibliografia (livros, artigos, seminários, teses, opiniões e trabalhos de pesquisa), recortes de imprensa (aquilo que diariamente sai na imprensa local sobre as questões de terras, entre as quais destacam-se denúncias sobre as arbitrariedades de ocupação e demolição de terrenos e casas, respectivamente) e diplomas legais (leis, decretos, regulamentos e posturas onde vem expressa as bases que regulam os procedimentos legais para a distribuição, uso, posse, ocupação e legalização de terrenos), v. Anexos 6, 7, 8.

KEY INFORMANT INTERVIEWS:

QUESTIONÁRIO

1. Em que lei se apoia o Governo Central, na actualidade, para a questão de uso e posse de terra.
2. Que regulamentações jurídicas hoje servem de base.
3. Em que situação se encontra o projecto, se existe, de lei de terra.
4. Que fontes documentais, têm norteado a actual política de terra urbana.
5. Que visão constitucional existe em relação ao direito de terra urbana.
6. A quem cabe a distribuição de terras e sua legitimação, poderão os Governos Locais fazê-lo.
7. Quem são os que, no G/P ou nos outros níveis de administração, intervêm na regulamentação e distribuição de terrenos.
8. Que procedimentos administrativos existem em relação ao direito de uso e aproveitamento de terra.
9. Quem tem competências para autorizar ou emitir títulos de propriedade de terra urbana.
10. Quais os problemas mais salientes e a natureza dos conflitos eventuais existentes neste nível.

Plan of Interviews:

INSTITUIÇÕES E ENTIDADES CONTACTADAS

Ministério da Agricultura e Desenvolvimento Rural
Ministério da Administração do Território
Ministério da Justiça
Ministério da Obras Publicas e Urbanismo
Junta da Habitação
Governo da Província de Luanda
Gabinete do Vice para Área Técnica
Gabinete do Vice para Área Comunitária
Gabinete Jurídico
Departamento de Cadastro da Direcção dos Serviços de Planeamento e Gestão Urbana do GPL.
Gabinete do Presidente da Assembleia Nacional
Geodesia e Cadastro do Ministério da Defesa

O U T U B R O

DISTRIBUIÇÃO E MARCAÇÃO DE ENTREVISTAS

DIA 7 / Quinta – Feira : 8/10:00 da manha
DIA 8 / Sexta – Feira : 8/10:00 da manha
Dia 11/Segunda - Feira : 8/10:00 da manha
Dia 13/Quarta-Feira : 8/10:00 da manha
Dia 14/Quinta/Feira :8/10:00 da manha

O U T U B R O

INTRODUÇÃO DE DADOS

DIA 9 / Sábado : 11/12:30 da manha
Dia 11 / Segunda – Feira : 10/12:00 da manha
Dia 12 / Terça – Feira: 10/12:00 da manha
DIA 13 / Quarta – Feira : 10/12:00 da manha

O U T U B R O / N O V E M B R O

RECOLHA DO INQUÉRITO E ENTREVISTAS

Do Período de 25 de Outubro a 6 de Novembro - SEXTA – FEIRA

PART I

**Experience for Angola
from
Post-Socialist Countries**

INTRODUCTION

This paper intends to contribute generally to the solution of land question in Angola and, particularly, to the urban land issue through recent trends in the evolution of urban land tenure and administration in post-socialist developing countries (with the exception of Peru). It focuses specifically on the solutions adopted by previous socialist government in Latin America as well as in Africa. The countries presented are respectively Chile, Nicaragua and Peru in Latin America. On the other side Tanzania, Guinea-Bissau, Cape Verde and Mozambique. The paper draws on information collected from land tenure research projects and a literature review of land tenure reform programs and projects implemented in both continents. The main purpose of this research is that Angola, with its present reconstruction and institutional building efforts, can profit from the experiences of other countries, especially with regard to the institutional organization and efficiency of the land tenure situation. These case studies will be drawn on to suggest in the next future different possible frameworks for the solution of the main institutional paradigm which consists mainly in changing the traditional land tenure systems in Africa so that they will be compatible with the demands of a free market economy or, as the common sense suggests, integrating community-based land tenure systems and national land policy or to come up with an original African vision which should be able to project the past experiences into an acceptable solution for the future and understandable by the international communities.

2.0 INTERNATIONAL EXPERIENCES

2.1 Background

Latin America has seen a series of land reforms - with the intention to redistribute land holdings held by few people, *latifundia* -, and Africa, a series of land tenure reform - with the intention to change the nature of the rights and duties underlying tenure. In both continents most of the reforms have been rooted in political ideologies originated in overseas and, mainly, in previous colonial powers. Practically, this has led to the today's impasse in both continents on the issue of land originated in the lack of "knowledge" and the pretension to follow models unfamiliar to societies with different background. In making recommendations for policy proposals in land reforms, planning and management in rural-urban areas, it is important to place within their societal context. Land reforms as conceived from the 1960s to the 1980s in both continents has produced unsuccessful results for different reasons. To mention, they have failed to address the target population and security of tenure was not provided due to the lack of land titling and land registration. The situation has been worsening due to the rapid urbanization of countries in both continents which takes place in a context of structural adjustment programmes. Policy turmoil and economic hardship make unavailable public resource since the role of the state has been drastically reduced in developing countries. The result is the worsening of already existing and precarious conditions of living conditions for the poor. The rapid social and cultural transformation, the magnitude and overcrowding of spontaneous settlements, the health standard, the uncontrolled land use and environmental degradation are among other dominant features of urban growth in both continents. Liberalization of the economy, land privatization and land markets policies are debated, accepted, rejected or reshaped in both continents.

2.2 Land Reforms and Land Tenure Reforms

Latin America is the continent with the most unequal distribution of land holdings. Here state land reformers have attempted a variety of land reforms. Peru and Chile focused on the transformation of semi-feudal estates (*haciendas*), based on bonded labour, into capitalist estates employing waging labour, land owning family farms. The Nicaragua Sandinistas collectivized all large plantations in favour of cooperatives and state farms, a process now being discussed in favour of land-market approach.

Africa is the continent with the least uneven distribution of holdings still, though the picture is rapidly changing. Until recently, most land tenure reform programs in Africa attempted to replace traditional land tenure systems with national systems through centralized, nationally-based, individual freehold titling and land registration programs. These programs did not recognize the variety of traditional based tenure systems already present in the countries, nor did they recognize the tenure security that community-based tenure systems can provide. In Sub-Saharan countries, tenure reforms have variously attempted by legal means to privatize and individualize land holdings, or alternatively to collectivize it. Africa's tenure reforms have been attempted under both colonial and independent governments, and some lately favored and supported by international financing agencies with unclear or hidden political agendas. In recent years nearly all African governments, trying to reform

tenure, have been attempting to emulate Euro-American freehold models, many with the direct involvement of the World Bank. These programs, and others like them designed and implemented under colonial and national governments since the turn of the century, have nearly always failed to attain their goals. They continue to do so since they have any cultural background in the African societies. Furthermore, most of these programs did not have the required resources that are necessary to carry out true cadastral reform, the administrative capacity to see the process through and upkeep the system after the reforms are in place. In the forefront of planning law, the situation is not satisfactory. Laws are largely “ a colonial inheritance and are not relevant to current realities. In many cases laws are direct copies of laws that have existed in Britain and France in earlier period, and have been adopted without local adaptation or modifications. The laws have generally reinforced the prevailing political order.....” (Wekwete, 1995). Therefore, tenure systems under laws with different denomination are common. In the African landscape denominations of tenure such as “ the *luyret du louer*, the *permits d’habitation*, *certificates of occupancy*, *head lease*, and *quitrent* are some of the contrivances to deny freehold rights to Africans living in the city” (Mabogunje, 1993). In conclusion, on both continents land reforms and land tenure reforms appear usually ended up not improving the distribution of holdings, as planned, but worsening it. In both Africa and Latin America, land holdings are too deeply embedded in other things - kinship, politics, religion - to be treated merely as a form of property or allocation.

2.3 Urban Land Tenure Reforms

Many of the programmes and policies designed to address urban issues are unexceptionable - and in many cases necessary - their long term success is vitiated by their failure to transform the traditional institutions that are relevant to the lives of most urban residents. In Africa, although the powers of traditional leaders were removed officially after independence in 1960s and in 1970s, the absence of replacement authorities or new legislation from governments has meant that chiefs and headmen have retained effective control over land allocation. The failure to pay serious attention to these institutions urban policy in developing countries has jeopardized development policies pursued from the 1960s (Mabogunje, 1992). During the 1960s, many focused on providing social housing for the low-income group. In this period, the policy in dealing with urban land problem was simply to ensure that developing countries secured land for international financial institutions’ financed projects. Since the 1970s, there were a shift of interest to the need of the urban poor and low income groups toward supplying plots and infrastructure, and to improving living conditions in squatter settlements. This was the period of the sites-and-services and slum upgrading schemes. Up to date, the two dominant institutional forms of shelter provision in both continents are: sites-and-services and squatter upgrading. Many of these project’s basic assumptions are still at the core of project preparation and implementation today. Yet, experiences shows that their consequences are complex and contradictory (examples are provided for the countries in study). Furthermore, some of the present procedures for guiding urban development in these countries are out of date especially in the process of decision making. Even, land tenure policies, as elements in the development process, are not related to the social, economic and political structure of each country. Technical and economic dimensions of land tenure were major concerns for development agencies

and post-colonial governments. For a long time, legal and constitutional issues were not seen as related to development, but this has shifted in recent years. Recently, the focus is to strengthen urban management and local government capacities in dealing effectively with urban growth as well as natural resources management. The solution to this problem lies in the 'governance' that is supposed to manage a country's natural resources. "Individuals and groups belonging to civil society, i.e., the sphere that we do not call the state, have an important role in this exercise too" (Juma C. and Ojwang J. B., 1996:x). Ultimately, having in mind the huge poverty that both continents faces, the urban land market and legal systems are the major challenge facing African and Latin American administrators. Also, integrated urban management with emphasis on urban land policy along with sustainable cities development programmes are recent concern that makes the resolution more imperative than ever before (Mabogunje, 1993).

The evolution of land policies is essentially a political process, rendered increasingly complex by the accelerated pace of urban development. Thus the administrative control of land allocation and access is a key political and economic resource. Nevertheless access to urban land is considered crucial for the provision of affordable housing. The effects of public sector initiatives in land management largely depend on the extent to which governments directly intervene in the operations of the formal and informal land market which are typically responsible for about 80 per cent of land development in urban areas of developing countries. However, as market mechanisms alone are unlikely to deliver sufficient land, public intervention in some form (taxation, legislation, administrative land use control) are needed, to increase efficiency, distribute benefits equitably to low income groups and reduce the negative effects of market forces (UNCHS, 1991). Despite the new policy directions in shelter delivery, i. e., slum-upgrading and site-and-services approaches in various countries, were available, informal processes of land development played and play a crucial role in making land available to low-income and disadvantaged groups, particularly in the face of rapid urbanization in developing countries. A special concern, where the issue of land tenure arises, is the situation of the large number of existing low-income households that occupy residential lots on an illegal or informal basis. In Latin America squatters were given special consideration because their large number made them a political force. It was not realistic that they could be ignored as falling outside the national shelter strategy. Squatters in place (Chile, Peru and Nicaragua) were brought into the mainstream of the housing process through interim land tenure programmes that regularized their position (UNCHS, 1991). Therefore, governments were compelled to undertake in the last decades many programmes in cities of developing countries, which provide basic services, infrastructure and the regularization of tenure in irregular settlements (UNCHS, 1991). In many African cities it has been possible for much spontaneous settlements to take place quite 'legally'. Those wanting to acquire land can often do this through the traditional chiefs who control it everywhere except in the city centers.

3.0 CHILE

3.1 Background

Until the 1930s, most of the population lived in rural areas. Large land holdings (*latifundios*) were a characteristic feature of rural society. The *latifundia* pattern of land ownership originated in the Spanish crown's early colonial practice of giving land grants. By the late eighteenth century, the most important lands of the Central Valley were held in large *haciendas* by families with noble titles. All such titles were abolished with Chile's adoption of a republican form of government after independence. This led to the creation of a market for rural properties and to their division as they were inherited by family members. However, by the mid-twentieth century land transfers and divisions still had not put an end to ownership of large properties (Warriner, 1969).

Between the 1930s and the early 1970s, Chile was a state oriented economy in Latin America. During the governments of presidents Frei (1964-70), who started to introduce land reform policy and Allende (1970-73), who applied it extensively, Chile's landscape basically did away with the large rural properties on prime agricultural lands. After the military took over the government in September 1973, Chile was transformed into a liberalized economy, where market forces were left free to guide most of the economy's decisions. Starting in 1974, the military government began to end agrarian reform by distributing land to establish family farms with individual ownership. In a period of three years 176,000 farmers had been assigned property rights to small farms. About 28 percent of the expropriated land was returned to previous owners, and the rest was auctioned off. The government authority's decree law in 1978 clarified more its policy towards land issue:

- expropriated land was repealed,
- the ceilings on land holdings (the equivalent of eighty based irrigated hectares) were removed,
- the ban on corporate ownership of land was eliminated.

At the end of 1978, all farmland owned publicly had been distributed. Reforms in the legislation that regulated land rentals and land subdivisions in 1980 added flexibility to the rural land markets. It was a radical change without pressures from international financial institutions which witnessed complete privatization, deregulation of the economy and the development of a land market in the countryside which "developed" the agricultural sector (Richards B, 1995).

3.2 Urban Land Issues

Since the 1930s, the majority of Chileans has lived in urban areas. This reflects a demographic trend of migration from rural areas that began early, according to developing world and Latin American standards. The urban population was estimated to be 83 percent of the country's 13 million people in 1990 (UNCHS: Shelter., 1990). The most significant feature of the development of urban centers in Chile has been the imbalance represented by the growth of Santiago, which has far exceeded that of other cities. According to the 1992 census figures, the Metropolitan Region of

Santiago had about 5,170,300 inhabitants, a total equal to about 39 percent of the Chilean population. Santiago's population growth occurred mainly as a result of migration from rural areas and provincial urban centers (Mercado R., 1996).

The large number of people migrating to Santiago led to a severe shortage of housing, especially of affordable housing for low-income people. Since the 1960s, extensive portions of the Santiago area had been occupied by people who built precarious houses on lots that were often used illegally giving to birth a series of spontaneous settlements, called *callampas*. Illegal occupations took a political tone during 1970 and 1973. Between 1969 and 1970, the number of squatter land invasions rose from 21 to 215. By 1971 approximately 275,000 persons in Santiago were living in squatter settlements. Their unique and unusually high level of political mobilization also shaped later interventions for regularization (Mercado R., 1996; Handelman H., 1975).

At the beginning the Frei government instituted the urban renewal corporation in Chile (Corporacion de Majoramiento Urbano, CORMU) which existed until 1974. It had been created along with the Ministry of Housing and Urban Development in 1965. Its activities in land were especially significant during the period 1966-1970. In this period the government have managed to put a stop to large-scale illegal land allotments. This was achieved through the development of site-and-service programme after several futile attempts to achieve this through legalization. The main objective of CORMU was to provide both the public and the private sector with adequate land for urban development, land which was adequately serviced with infrastructure and at reasonable prices. The criteria adopted by CORMU for selecting land to be acquired, both in Santiago and in all other cities, emphasis was placed on the provision of infrastructure services to the area while social costs in terms of time and transport to prospective users were considered of secondary importance. It was mainly the price of land and development costs that mattered. CORMU acquired land either for immediate use or for future urban development and used funds allocated by the Government to purchase land. All land acquired became public land. To minimize compensation on land expropriation, land exchanges were negotiated, and land bonds were issued (UNCHS: Land for Public Purpose: Guidelines, 1985).

During the 1980s, the Programme for Quarter Improvement was instituted and defined "a national intervention strategy for the regularization of spontaneous settlements" (Mercado R., 1996:20). The government has also enacted the necessary legal mechanisms to improve all basic infrastructure and services. Municipal authorities have assumed the authority to provide for the regularization of illegal settlements through the General Law of City Planning and Construction. In the front of shelter strategy Chile is following a policy that meets the needs of its people through increased flows, mainly from the private sector, and through subsidies for the poor. In response of the impact of economic restructuring upon urban poverty, the state responded through the use of increased targeting of subsidies (Richards B., 1995). "This development lasted an average of 15 years before regularization. Although the data is not complete, authorities and researchers agree that the problem of spontaneous settlements is solved. But overcrowding problem is still the main issue" (Mercado R., 1996:20).

The different phases occurred in the solution of urban land issues in the illegal

squatter settlements can be traced in the political scenario of Chile. The political parties of center (Frei, 1964-70) and left (Salvador Allende, 1970-73) “competed fiercely for the vote of ‘marginal’ sectors and came to power with substantial reformist projects - the ‘revolution in liberty’ in the case of Frei, and the ‘Chilean road to socialism’ in the case of Allende “ (Richards B., 1995:516). The Frei administrations’ reforms of the economy were lunched. These included an agrarian reform and a limited liberalization of the external sector. The Agrarian Reform Corporation -CORA - was created to handle the distribution of land with a negative performance at the end of 1960s. While Allendes’ administration implemented in a short-run economic objectives, agrarian reform was intensified by expropriating all large farmers and distributed land to landless farmers. The Allende government kept CORMU and, yet, legalized all land in squatter settlements. The post-socialist government (1973-90) used CORA to end the agrarian reform followed by a period of dramatic economic changes. Liberalization, rural-urban markets and strong government intervention in every sector were followed. In the housing sector, the state involvement continued with the introduction of “the system of means-tested subsidies which formed the basis of the Pinochet approach to social policy” (Richards B., 1995:516). The regime sought to break the method of land invasion familiar in the Latin American landscape and in Chile during the Frei and Allende administrations. One of its main objective was to restore order. Therefore, it ruled that land invasions will not be tolerated. Within this policy, those who occupied low-land value were given title and their settlements upgraded while other who occupied land reputable of great value were removed and rehoused elsewhere. Between 1973 and 1981 the government provided almost 500 thousand land title. All these programmes were subsidized. The upgrading scheme was financed by Inter-American Development Bank - IADB (Richards B., 1995:522). The eradication/relocation of poor families to areas with poor infrastructure was a signal of the power manifestation of the regime to speed up its social policy regardless the provision of housing for the poor.

4.0 NICARAGUA

4.1 Background

Since its colonial times, Nicaragua has suffered from political instability, civil war, poverty, foreign intervention, and natural disasters. Successive governments have been unable to bring political stability or significant economic growth to the country. Land tenure is a major issue as its new democratic government struggles with the social and economic effects of land tenure insecurity. Land tenancy was a critical problem in Nicaragua prior to the Sandinista overthrow of the Somoza regime in 1979. Under the Somoza government, land and wealth were predominantly controlled by a small group of people. The land holding minority acquired much of their land from the country's poor through their power. Consequently, when the Sandinista regime took control, agrarian reform was initiated to redistribute land to Nicaraguans. However, it was poorly administered. The revolutionary government used decrees to implement its policy on land reform, sacrificing legal aspects for political purposes. This has generated the major reason of many conflicting property claims (Thome J. R., 1985).

The Sandinista government enacted the agrarian reform law, beginning with the nationalization of all rural properties owned by the Somoza family or people associated with the Somozas, a total of 2,000 farms representing more than 20 percent of Nicaragua's cultivable land (Library of Congress, 1993a; Massey, 1987) permitting the redistribution of the land to the poor. Farm workers were encouraged to organize under cooperatives on appropriated land. Properties owned by private businesses not involved with Somozas were allowed to continue to exist under new government regulations. However, the administration held the right to nationalize any industry or land that it deemed was underutilized or vital to national interests. The Agrarian Reform Law gave free title to land, mostly in eastern Nicaragua, that was occupied by homesteaders. Farmland that had been bought or expropriated could be turned over to agricultural cooperatives. The farmers who constituted a cooperative were then given title to the land. These agrarian reform titles could be inherited, but the title or any part of the land could not be sold. The process of turning state farms into cooperatives with the transfer of title began slowly. In 1985 it was estimated that 120,000 families were farming lands redistributed by the agrarian reform law, half on state farms and half in cooperatives. In its last months in office, the Sandinista government awarded additional land to their supporters as payment for government service. Nicknamed the Piñata -Law 85 and Law 86, the property giveaway consisted of houses and state-owned property as well as the rights of squatters and tens of thousand of small farmers in their land (Thome J.R., 1985; Library of Congress, 1993b and 1993c).

4.2 Urban Land Issues

In the urban front, Nicaragua inherited from Somoza an enormous housing problem with a continuing explosive physical growth of the capital, Managua. The major element that stands out is the widespread of squatter settlements and areas of self-built housing on land sized for use by the new residents. The land of the existing 420 shanty towns with 84,000 lots was expropriated in 1981, and the ownership transferred to the MINVAH (Ministry of Housing and Human Settlements). Much of the expropriated urban landholding was taken into state hands, but many titles have also been assigned to individual households assigned (Mathey K., 1991 and Ekistics, 1991). Perhaps the most significant policy was that of the establishment of "progressive urbanization" (Mercado R., 1996). This policy was an attempt to respond to the critical housing shortage and to the problems caused by the currently unplanned and spontaneous development. It has involved the 'recognition' by the state of settlements established by illegal land occupations. Many well-established settlements which originated in land occupations in the 1950s and 1960s where thereby legalized by the government. Also new settlements have been established in the 1980s in the context of the social and economic changes underway in Nicaragua in the Sandinistas era (Williams H., 1985 and Vance I., 1987).

The Sandinistas prohibited the sale of deeds for unserviced land in 1979. Despite the laws, the governments' compensation policy produced controversial effects because "compensation has been made in the form of a certificate which can only be exchanged against money after 20 years" (Ekistics, 1991:33) and most land transfers undocumented. The result is that the legality of these decrees and resulting land holdings are the source of many conflicting property claims. Therefore, the

achievement of the Sandinista government for the majority of the population to have free access to land and basic services through the progressive urbanization program, and in rural areas through the agrarian reform to distribute titles to small farmers free of charge (Ekistics, 1991) have created a complex property disputes. They are at the core of Nicaragua's tenure insecurity and land tenure disputes have intensified within the democratic progress (The Carter Center, 1995).

The transformation from the Sandinista to an elected government in 1990 raised hopes of compensation or return of expropriated property which further stressed land tenure security in a sense that new owners were ready to fight instead of giving back 'their' land. The debate has also affected Nicaragua's foreign relations as well as domestic economic and political stability. The new government worked out a compromise with the country's three political forces to establish a three-party rule as required under her reconciliation policy. Party disagreement over how to "remake" the country hindered property claim resolution and enforcement. By 1992, disagreements over this issue brought the process to a halt. The National Assembly stopped functioning as boycotts and obstructionism from the opposition became the norm.

The new administration promised to compensate the large landowners whose land had been taken over by the Sandinista government. It also issued two land decrees: one provided for temporary rental of idle state farmland to those willing to work the land for a year, and another established a commission to adjudicate more than 1,600 claims on land confiscated by the former government. Combined opposition forces forced the administration to ease some of its new policies. The critical issue of land ownership would, in fact, prove to be the most contentious issue confronting the new government. The dominant political issue in Nicaragua during the early years of the new government became the Piñata - the massive transfer and titling of confiscated and expropriated property, including homes, agricultural plots, and businesses, which the Sandinista government conducted during the interim period between the February 1990 election and the new administration inauguration in April 1990. The government's inability to resolve property issues was also blamed for the stagnation and the subsequent deterioration of the nation's economy. Because tenure security is integral to capital investment, economic progress, and political and social stability, Nicaragua's democratization is impaired by its property rights problems (The Carter Center, 1995).

In an effort to improve the socio-economic conditions, the government is in a difficult position by choosing either the Sandinistas' strategy based on relevant decrees, or a traditional format based on the Civil Code. However, problems with the public registry system, poverty, governmental control, and Nicaragua's faulty economy both impede and rely on the resolution of these ideological preferences. Even if the government could decide who should own the land, the condition of the public registry system would frustrate land tenure security. Years of neglect and unregistered property transfers have rendered the registry system a source of conflicting property claims. The land tenure system, which was dysfunctional under Somoza, continued to decay during the Sandinista regime when many land grants were not registered. The social tension surrounding the distribution of land threatens tenure resolution.

Despite the challenges, the Nicaraguan governing parties advanced towards

establishing and enforcing property rights. While most of this progress was accomplished in the National Assembly, world organizations are assisting the government in resolving its land tenure issues. Increasingly successful political negotiations are proof that Nicaragua is overcoming perhaps its greatest obstacle to securing property rights (The Carter Center, 1995). In March 1995, a Honduran delegation traveled to Managua to meet with leaders of the executive branch and the National Assembly to mediate conflicts on constitutional reform. This kind of political advancement is providing a foundation for land law reform.

It was followed by a Conference in 1995 cosponsored by The Carter Center and UNDP to

help to find a resolution of the property problem that has generated political conflict, slowed investment, foreign aid and development. During the Conference elements of consensus emerged "on a number of general principles: including that small beneficiaries of urban and agrarian reforms should be protected, that former owners should be compensated with improved bonds, and that recipients of larger properties should either pay or return those properties" (The Carter Center, 1995).

The consequences of Nicaragua's political progress are specific legal and governmental changes that foster land tenure security. This reform bans government confiscation's while maintaining expropriation powers that require fair compensation. Together, these reforms prevent further property rights abuses. Meanwhile, programs are being developed to protect property rights. To upgrade the nation's cadastre system, the government has developed two significant programs. One program will title inadequately documented land rights while the other program modernizes the country's registries. These programs will improve the necessary documentation for legal protection of property rights. Ownership, particularly of land and housing, in the new Nicaragua, is a matter of human rights, politics and negotiation. While Nicaragua's strides towards democracy have been arduous, its achievements are significant. By improving political consensus, the government has been able to work towards securing property rights. Grass-roots efforts to resolve conflicting property claims are enhancing the resolution of land-tenure problems. These results testify Nicaragua's commitment to settling the challenges that still remain (Bell Clark, 1996).

5.0 PERU

5.1 Background

During the 1950s and 1960s, Peru experienced a period of intense social mobilization. This was manifested first in the intensification of rural-urban migration and then in a series of confrontations between peasants and landowners. The fundamental causes of these confrontations were numerous. Population growth, which had almost doubled nationally between 1900 and 1940 (3.7 million to 7 million), increased rapidly to 13.6 million by 1970. With arable land constant and locked into the system of latifundios, ownership-to-area ratios deteriorated sharply, increasing peasant pressures on the land. Peru's land tenure system remained one of the most unequal in Latin America. Many peasants opted to migrate to the coast, where most of the economic and job growth was occurring. The population of metropolitan Lima, in particular, increased dramatically. While standing at slightly over 500,000 in 1940, it increased threefold to over 1.6 million in 1961 and nearly doubled again by 1981 to more than 4.1 million. The capital became increasingly ringed with irregular settlements called *barriadas* of urban migrants. The basic thrust of the Agrarian Reform Law of 1969 was to open access to new lands and production opportunities, rather than dismantle the traditional latifundio system (Dwyer D. J., 1975).

During the 1960s-1970s many groups of migrants settled on private and public land that was meant for planned urban expansion. In 1978 there were 415 of these settlements in Lima Province, about 219,000 plots on an area of about 8000 hectares (Mercado R., 1996:21). The difficulties encountered in Peru over secure title to property ultimately led to the invasion of public and private lands. Contrary to expectations, however, the process was orderly. "When illegal land occupation led to social and political conflict, the Government issued the Law of Squatter Areas (Law of February 10, 1961 called also 'law of squatter areas'), establishing the conditions for legal recognition of spontaneous settlements and defining them as "land zones of fiscal, municipal, community or private (...) property on which-due to invasion and disregard of legal provisions on property, with or without municipal authorization, on plots distributed without official approval of subdivision plans-groups of buildings of any structure have been built. Under this law, the dwellers were assured of their titles to their plots through a procedure called 'physical and legal guarantee' under the state authority" (Mercado R., 1996: 23).

In 1986, an estimated 320,000 lots were located in *barriadas*, about 50% of which were titled. Between 1978 and 1986, 284 new settlements were built, with about 77,500 plots on about 2000 hectares. A survey in 1981 showed that 22.4% of the population of Lima lived in spontaneous settlements. In 1986 the government passed the Law no. 24513. It provides the framework for legalizing the many squatter settlements known as *pueblos jovenes* and for granting security of tenure. The legal framework has been established the conservation and upgrading of the existing irregular settlements and housing stock. The government has also issued a new Municipal Law in 1984 (Ley Organica de Municipalidades) to decentralize authority to municipalities to enable them better to meet the house needs of their population. Law no. 24513 directs municipalities, state and provincial authorities to approve the subdivision plans of the irregular settlements known as *pueblos jovenes* for

recording in the Real Estate Register or 'Registro Predial', and for issuing property titles. If this should fail, the residents are to initiate the process themselves (UNCHS, 1990-IYSH). Also, the Law gave "Lima Municipality to carry out demonstration projects regularizing existing settlements and promoting new ones. Finally in 1988, new legislative decrees regulated popular mortgages, property registration of squatter areas and credit insurance guaranteed by the popular mortgages" (Mercado R., 1996:22). The decree established a link between formal legal framework integrated and informal standards and their relationships within the sector. All regularized urban and rural plots were registered. Main contents of the decree are the following:

- "The new law recognize proof of property as determined in the informal sector, through criteria of permanence of occupation (electricity bills, census data etc.) and allow for the transmission, transfer and mortgaging of registered plots.
- They create a single body in charge of regularization, whose sole objective is to give titles and register property. The reform has established a decentralized system which is closer to users and ensures coordination with other institutions.
- The new procedures integrate community, rather than individual, plans for setting boundaries; involve the use of private lawyers and engineers rather than public servants for verification purposes, and the community for information gathering and the introduction of a simple but efficient geographical accounting system".

Durand-Lasserve,UMP, 1996:36

Within a short period of time, the program regularized 142,000 plots in the Lima urban area and more than 220,000 plots had been registered through this same procedure country-wide. Regularization carried out through the program had a significant economic impact. It has guaranteed loans of about US\$6.5 million from 1990 to June 1995. Recognition of the efficiency and legal security of the system seems to be confirmed. In fact, 255 of mortgage loans were granted during the first half of 1995 (Durand-Lasserve, 1996). In Lima, the major example is the self-managed urban community of Villa el Salvador. It has progressively developed since 1971 to the extent of 1985. An urban planning has been carried out jointly by the community organization and the Municipality. Considering that the settlement was to accommodate eventually a population of 250,000 people, conflicts have inevitably occurred during the 1980s between the community and central and local government agencies. Obviously, this is a reflection of the fact that the residents' expressed needs and priorities have not always coincided with official plans. But, at the end, the government has recognized its inability to provide all services and reached an agreement with the community as to who should be responsible for the different aspects of development planning and implementation. Although the complexity of the partnership between the government and the community organization in Villa el Salvador has produced some problems, the 'model' has paved the way to the organization of local participation in the planning, management and building of other large informal settlements in Lima. The Villa el Salvador settlement became an independent municipality in 1983. (UNCHS: Roles..., 1990; UNCHS, 1987; Turner B., 1988).

6.0 TANZANIA

6.1 Historical Background

The United Republic of Tanzania is in the eastern part of the African continent and comprises Tanganyika and the islands of Pemba and Zanzibar. The government was based on a one party system as written into the Interim Constitution of 1965³⁰. However, the Constitution permitted for the continuance of the existing TANU party on the mainland (Tanganyika) and the Afro-Shirazi party in Zanzibar. It also provides for an executive and legislature for the United Republic. Land matters are not unionized. In fact the land laws of Zanzibar and Tanganyika have continued to develop along separate lines. Both legislature have been actively decreeing for land matters in a manner drastically different on the same issue. On the land tenure structure the difference in approach to reforms has meant that while the thrust of land reforms in Zanzibar has been confiscation and redistribution of land, in Tanganyika attention has been focused on reforming the existing forms to realize the government policy in a systematic way (Roden W.J., 1971).

All land in Tanzania is public property. In 1963, freeholds were converted into government leaseholds, and in 1968 all land was nationalized. Thus to date, the state bureaucracy is responsible for the overall management of land. Statutorily, with the exception of some cadastral survey works, the state machinery enjoys the monopoly over all the prerequisite land preparation processes. These include designation of tenure rights, planning, surveying, servicing and allocation. In addition, land registration and taxation are also state controlled (Hardoy J. E., 1981).

6.2 Land Tenure

Factors to be considered in any study on land laws and land policy in Tanzania are respectively the following (Roden W.J., 1971):

- The different historical development of the laws of both territories is essential to keep in mind. While the non-traditional system in Tanganyika was and still is the right of occupancy system as supplemented by the pre-1992 English received laws, in Zanzibar the equivalent was the freehold and the general law the Transfer of Property Decree, 1911.
- Muslim communities predominate and form the great majority of the people of Zanzibar. Hence, Muslim law is the law of general application affecting the local population.
- In Tanganyika the African customary law of land tenure regulates transactions and institutions concerning land. Also, another important factor in the traditional land tenure system is the type of crops grown in the different areas. In areas where perennial are grown, common land tenure principles evolve; where land is plentiful and cultivation is for subsistence, there is no change in the indigenous system.

The heterogeneity of the present day land tenure structure is a result of the political history of the country. Important events are:

³⁰ The Constitution has been revised in October, 1984 and a multi-party system was introduced in 1992. By now, seven parties exist in Tanzania including the one of Zanzibar (CIA World Factbook, 1996).

- Establishment in 1891 of German administration.
- The British period During the British period, the land tenure policy was influenced by two major factors. One was the status of Tanzania in international law as, first a Mandate, and then a Trust Territory. The other was the colonial policy to develop the country as a plantation/peasant economy (as opposed to a settler colony). During British period under the Land Ordinance, the Governor was empowered to dispose off land either to a native or a non-native by way of grants of rights of occupancy up to 99 years. In practice, this power was used almost exclusively to alienate land to non-natives since the indigenous population occupied land by virtue of customary law.
- The independence of Tanzania with a government committed to the philosophy of African Socialism. The post-independence period itself is divisible into two important periods: the pre-Arusha Declaration and the post-Arusha Declaration periods.

The post-independence government inherited the conceptual, and the major part of the legal framework on land tenure from the colonial period. Thus, land was declared "Public Land" and vested in the state by the colonial Land Ordinance. To date all lands in Tanzania are public lands vested in the President. Since independence, the Government has not had an explicit land tenure policy except in three areas. These are related to:

- The freehold tenure which finally came to rest in one uniform form of statutory tenure, the right of occupancy system, under the Land Ordinance.
- The semi-feudal tenure. In the period 1965-1968 An Act was passed (the Customary Leasehold Enfranchisement Act, 1968, No. 47). The Act sought to enfranchise all types of customary tenants.
- Land to the Tiller (the Rural Farmlands Acquisition and Regnant Act, 1965-66, No. 8) was to apply to a situation where the landholder himself was not the developer and the land was substantially developed by an occupier who was in some kind of a tenancy relationship with the landholder. The Act covered only pre-1948 grants and it was left to the discretion of the Minister to apply it to particular situations (Roden W.J., 1971).

6.3 Customary and Communal Land Tenure

Land is generally held under customary land tenure. The early traditional society in Tanganyika concerning social organization is based on clans. Land, which is the major means of livelihood and also the main form of property, is collectively owned by the clan. But it is apportioned to family units under the authority of the head of the family. The post-independence government has never had a land tenure policy and a clear position on customary tenure. Traditional distribution of land holding system in many communities in Tanzania is a patriarchal system. In the rural areas for instance before and after independence access to land has been crystallized into customary land rights whereby land is conceptually regarded as indefeasible property. These are of three categories of land, namely:

- Self acquired land: it is a land acquired by any individual through his or her effort.

- Family land: it is a land which has been passed among descendants of a larger family, but not large enough to encompass the clan.
- Clan Land: it is a land that belongs to a clan.

The communal land category was brought under the familyhood policy known in Kiswahili as 'Ujamaa' (Socialism). Familyhood is based on the traditional extended family, namely, mutual respect, joint production and work by all. The ideology of socialism paved the way to villagization by moving people from their land and grouping them together in "Ujamaa" villages where the village government was given full legal powers to decide on all matters concerning the allocation of land within the village. There are basically three types of land tenures in the Ujamaa policy:

- There is the household farm, allocated to each household for purposes of cultivation and building a residential house.
- The second type is the block farm. Each household is allocated a portion of the block farm but the choice of crops and method of cultivation are decided by the village government, although the labour is provided by members of the household and the produce is used by the household.
- The third type is the village farm where all adult people residing in the village are required to work in it.

Finally, the Act introduced a type of land tenure that has created mainly two problems. One is that it has provided only land without making provision on how the property is to be inherited. In many cases the customary rules is applied (Nyerere, J.K. 1974 and 1996).

6.4 Urban Land Tenure

The Land Ordinance (1923) is to define and regulate the tenure of land within the mainland Tanganyika. It primarily governs the administration of alienated lands. Further more it provides for the declaration of public lands, the vesting of control and disposition in the President, the grant of rights of occupancy out of such land and issuance of certificate of occupancy, and conditions and incidents of rights of occupancy. As far as the issue of land titling is concerned, there are different sources of land legitimacy ranging from the deemed right of occupancy, village titles and rights of occupancy to individuals under Section 6 and 12 of the Land Ordinance. To sum up, the Land Ordinance, provides for statutory land grants known as the Rights of Occupancy introduced in 1969 and also recognizes customary land tenures as the Deemed Rights of Occupancy. The 'Right of Occupancy' system is the only legal land tenure everywhere in Tanzania. Every citizen is equally eligible to obtain the right of use for a piece of land, but has no power to sell it. Granted rights are mainly issued in the urban areas and large scale farms whilst deemed rights are predominant in rural peasant communities. The Municipal Law determines the incidents of granted rights, and customary law which largely is patriarchal. determines those of deemed rights (Nuru K., 1990; Roden W.J., 1971).

In consonance with Ujamaa (Socialism) and in recognition of the role land plays in the development process, Tanzania adopted in 1967 a public land ownership policy. Ownership and management of land has henceforth remained in the public domain, at least in theory, despite the economic crisis, especially within the public sector and the subsequent reforms instituted since the mid 1980s. Political and economic

changes have taken place. In 1986, an economic recovery plan was implemented along World Bank/IMF guidelines. In 1992, the multiparty system was introduced and the 1992 Land Act, where as the 1967 Act all the land in Tanzania is owned by the government. So, after 30 years of African Socialism (Ujamaa), the economic liberalization has opened the way for private ownership who can develop it and replaced the traditional land ownership system. Land patterns are changing rapidly in the new economic and political climate. However, the High Court has declared the 1992 Land Act unconstititutional. This came up when two citizen who live in Arusha challenged the law in the High Court arguing that the law violates the Constitution which provides for ownership of property, including land inherited under a traditional system (AIA, 1994). The issue of land is not confined to rural areas or peri-urban areas. The latter, as economic liberalization started in all sectors, has acquired more of “an investment status, and this has started to pressurize smaller farmers, as capital sees increased opportunities for expansion” (Briggs J., 1991).

The deficiencies of the public land management especially in regard to allocation, have led to the evolution of informal land markets. The appreciation and recognition of the latent market forces is necessary as entry points for the institution of an effective land management practices. In urban areas, land use changes are controlled by regional urban planning offices. Masterplans guide the growth of major urban centres (Kombe, 1994). However, irregular settlements have appeared around industrial sites and on the edge of towns. Over 70 per cent of Dar es Salaam's population of 2,500,000 lives in irregular settlements with little access to basic services such as clean water, sanitation and infrastructure causing health problems (UNCHS, 1993). The proliferation of irregular settlements in most of urban areas in Tanzania is one of the main feature characterising the ineffectiveness of the current land management policies. The number of irregular settlements has doubled over the past 10 years. In 1980s there were about 25 of them in Dar es Salaam. In 1988 there were 40 and in 1992 the number had increased to about 46. During the 1970s, squatter upgrading programmes including secure tenure for squatters and serviced site scheme have been the main component of Tanzania's urban housing programmes. “Phase I (1974-7) and II (1977-81) of a World Bank funded sites-and services and upgrading project took place in three and five towns respectively. Dar es-Salaam was to form the largest part of the projects with aprovision of 20,332 serviced plots and upgrading benefitting 16,738 houses” (Rakodi C., 1991). Public land ownership and control of land use made these possible without the problems and high costs many public authorities face when trying to provide land for low-income groups (Nuru K., 1990). At the beginning, everyone living in irregular settlements paid rent and property taxes to the land office and urban councils, respectively. Although, land tenure was granted by the Rights of Occupancy introduced in 1969, and considered as the most important in terms of land ownership by squatters, an overwhelming majority did not possess it. Many people are there simply because there are no building lots left (Kaitilla S., 1991). A survey conducted by Kaitilla (1991) in different irregular settlements in Tanzania found that “45 per cent of them were not worried about the status of their homes or illegal occupation of land¹/₄., the most critical issue for many squatters was to secure land for building rather than simply obtaining legal rights to it¹/₄ Hence, lack of formal security of land tenure was not and has not been a major issue to the extent of worrying residents about the rightful use and occupation of land” (Kaitilla S., 1991:226). Practically, this confirms that the way land ownership systems operate in Tanzania is mostly under

the community-based land tenure systems.

7.0 GUINEA-BISSAU

Guinea-Bissau is one of the smallest countries in Africa with an area of 36,125 square kilometers. In September 1974, the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) took over the government from Portugal. Today's rural and urban settlement pattern is the result of large migratory movements imposed by the Portuguese colonizers, particularly in its last and most suffocating phase -the war of Independence (1963-1974). The PAIGC government inherited a state administration which needed to adapt to the exigencies of the new, independent country. This ranged from creating new laws and eliminating old ones. In the field of human settlements these included nationalizing all land. Land nationalization (National Laws no.4 and 5, 1975) in practice did not bring a dramatic change in tenure status. Tribal land ownership in rural areas had been left almost unchanged. In the largest urban centres, the land policy was mostly to affirm the intention of the government to control the country's resources rather than its political or economic value in reallocating land tenure. The Land Law transferred all private land ownership to the state. The state following the mechanisms of traditional allocation system allocates the land to everyone needs or requests it (Davila J., 1990).

In urban areas two types of plots exist. They are allocated upon formal request and payment of an annual ground rent. The distinction between the plots are based on the type of buildings -permanent or precarious- are to be erected. The lease is heritable, although the state can revoke the lease for 'public interest' upon the payment of indemnity. The enforcement of the Land Law is rendered difficult by the lack of cadastral surveys. From 1975 till the change of political direction in 1994, no new laws on land matters have been issued. In 1987, the government started changing its policy on urban development and housing by signing a Social Amenities and Infrastructures Programme (SAIP) with the World Bank. Also, this was a signal of changing policies, laws and regulations. SAIP covered different areas and one of its major objective was to provide assistance to municipalities in the preparation of their overall plans for urban development. This was followed by an urban development activity as a pilot project in the district of Antula Bono in Bissau. Here, the project put in place a system that gave access to land ownership for the urban poor of the settlement and relative basic services (UNCHS, 1993).

Guinea-Bissau has completed a peaceful transition from a one party system to multi-party system in 1994. In 1991, USAID/Guinea-Bissau asked to assist the Government of Guinea-Bissau in the preparation of a new Land Law with the inclusion of a land privatization component. The project is still ongoing (USAID FY, 1997).

8.0 CAPE VERDE

The Cape Verdean system of land ownership has evolved over centuries and is marked by a confusing mixture of rights, involving leases, crop sharing, water allocation, and sale of inheritance, and by a very small but powerful class of outright land owners. In 1974 there were spontaneous land occupations by landless farmers who endorsed the political demands put forward by the PAIGC. Subsequently, all land owned were nationalized in 1975 as in Guinea-Bissau (Basil Davidson, 1986). Cape Verde has suffered from the same urbanization phenomenon as most other Third World countries, particularly Mindelo and Praia. A large number of peasants had moved to these cities rising the urbanization rate from 22 per cent in 1975 to 34 per cent in 1980. The migrants have concentrated in informal settlements without any basic services and infrastructures (Von Schweinichen C., 1990). The settlements spontaneously formed have rapidly become over crowded areas. Nearly 80 per cent of the capital Praia lived in such irregular settlements. In 1979, the government through the assistance of international organizations and UNDP-UNCHS started to redress the problem. A pilot project started in three identified districts with a total of 14,000 population (UNCHS, 1993). At that time the urban population living in urban centres in Cape Verde was estimated 95 per cent of the 326,000 inhabitants. Local authorities granted urban land to households on 40-year leases. In Praia a rational system of plot layout has been adopted and secure tenure issued to residents. There is no a municipal cadastre, but it is planned to be established in the next future (UNCHS:Shelter., 1990). Cape Verde as Guinea-Bissau has moved from one party system to political pluralism in 1991.

9.0 MOZAMBIQUE

9.1 Background

After Independence from Portugal in 1975, the Frelimo Government began a rural policy of collectivization and state-farm agriculture. Renamo (Mozambique National Resistance) opposition forces initiated a destructive 15-year civil war which, together with droughts in the 1980s and early 1990s, ravaged the resource base of rural families. Some 6.5 million people fled to neighbouring countries, or were internally displaced, and the rural economy and infrastructure collapsed. Frelimo abandoned the centrally-planned system in 1989. A new Constitution in 1990 allowed press freedoms and other political parties. The civil war ended in 1992. The first multi-party elections in 1994 gave Frelimo a new democratic mandate, but Renamo won in the centre and north and has over 30 percent of Republic Assembly seats.

Access to land and natural resources for all Mozambicans is an essential element in this wider national programme, and a pre-condition for stimulating the production and productivity of small rural producers. Yet market reforms and peace have produced a dramatic surge in national and foreign private investor interest in land and natural resources, creating a high potential for conflict between different forms of use, and between investors and local people.

9.2 The Land Issue

Several historical processes and events have produced the complex and challenging land

issue which the Government is now addressing (Tanner C., 1997):

- 1920-1975: earlier Portuguese colonial concession policies and intensified pre-Independence colonization which expelled local people from land which they claim today
- 1975: the post-independence declaration that all land belongs to the State
- 1977-1983: post-independence collectivization and large scale state farm enterprises
- 1977-1992: civil war and droughts which caused the displacement of about 6.5 million people, mostly from rural areas
- 1984: recognition of a role for a limited private sector which was granted access mainly to State farm land
- 1987-1995: structural adjustment and the market economy produce new investors interested in land
- 1992-1995: the massive return of refugee and displaced households to rural areas, managed by local or traditional leaders using customary land laws.

Each period has produced patterns of land access which result in competing land claims today. Post-independence governments complicated the situation inherited by the colonial administration by introducing a radical agrarian reform. After Independence, Frelimo declared all land to belong to the Mozambican people through the State. Properties that were belonged to former Portuguese were nationalized, titles formally revoked and returned to the State. Present legal status of these properties as well as the right of the State to allocate them to new private

sector concessions is now questioned. In many areas immediately after the independence local people who had lost land to colonial farms believed they had won back their land rights and reoccupied their land. But the land policy in the agricultural sector through rural collectivization ended these legitimate aspirations.

By the early 1980s, agricultural production had collapsed and state farms and peasants alike ceased to produce. Government responded in 1984 by introducing policies which recognizes private sector firms. The State itself made joint-venture and granted them concessions on state-farm land. Such grants were not recorded. Therefore, land within such areas is now often subject to claims from former concession holders, original local families, and ex-State farm workers. Droughts and the intensification of the civil war in the mid-1980s also created the dramatic displacement of over 6.5 million rural people. Whether refugees or internally displaced, the areas they left behind appeared empty and abandoned and thus technically available. The internally displaced were also allocated small plots in secure areas by local administrators, on land claimed by local people. Thus the situation today is set for widespread land conflicts, especially after the effective peace between Frelimo and Renamo in 1992, as displaced families returned to find their land occupied by a concession, or where displaced households refused to move and return land to local residents (LTC Research Paper, 1994). Also in the peace agreement, the government also agreed that colonial title holders could reclaim their land. This complex situation is producing potentially explosive post-war conflicts between rural people and external interests (international and national), and between investors and socio-economic groups with different rights. The immediate post-war era is remarkable for the way local leaders and customary land access systems efficiently managed this process at no cost to the State, and are still the de- facto most important land management service in Mozambique (LTC Research Paper 119, 1994; Hanlon J., 1996).

The government of Mozambique has given priority to develop a new approach to land issues. It has followed two separate directions:

- creating a series of Commissions since 1992 to address political questions,
- addressing technical issues through permanent public institutions.

In 1992, the government created the Land Commission within the Ministry of Agriculture, to look mainly at the divestiture of state farm land. The growing conflict between new concessions and family farms without formal title soon emerged however as the more serious potential problem. After the election in 1994, the new Government came under donor pressure to deal with the land issue as pre-condition for a new rural and agricultural development programme. This provided an opportunity for a review of land issues. Amongst the first tasks of the Land Commission in 1995 was the preparation of a new Land Policy. On 12 September 1995 the Council of Ministers unanimously approved a new National Land Policy: "to create a modern legal and administrative system which can secure the diverse rights of the Mozambican people over land and other natural resources, while promoting new investment and the sustainable and equitable use of these resources to achieve broader goals of social and economic development" (Tanner C., 1997). More specifically, the Policy includes the following principles:

- restore national agricultural production to a level which can diminish the present dependence upon food aid imports, and then raise production,
- lay out and guarantee the conditions needed by family sector agriculture to develop into a productive form of agriculture,
- stimulate private investment by offering secure land rights,
- guarantee traditional land access rights of rural populations,
- conserve areas of major ecological importance and other high non-agricultural economic potential, as well as all species of flora and fauna
- create an effective land tax system, based in land occupation and use.

There is an urgent need that the government resolves an extremely complex problem such as the land question. The land issue, if not adequately addressed, will constrain development efforts and create future uncertainty for the Mozambicans' society. The governments' capacity to deal with this issue is still extremely weak, and depends by (Tanner C., 1996):

- lack of technical staff in land management issues in the context of a modern market economy,
- still unclear the analyzes of customary land management systems and how these can be integrated into the formal legal and operational land management systems of the new government,
- lack of resources and strategy in the implementation of the new National Land Policy and Land Law,
- a weak institutional situation which requires continuing technical support to ensure its consolidation into an efficient mechanism for land management system.

Under international assistance and projects, specific support would be provided to address key issues, including the integration of customary land systems into the formal legal structure, and the development of appropriate legal Regulations and operational mechanisms to safeguard the land rights of women in both the formal and customary contexts. Land Tenure Center is the main partner in dealing with these different issues on land. From 1991 it is involved and completed different tasks in the land issue from state farm divestiture to the study of the peri-urban green zones around Maputo, from land markets to dispute solution.

9.3 Brief History of the Land Policy

Land registration enacted in 1918 (Decree of 16 March) subdivided the country's land base into three land tenure categories, the third being "reserves" for native Africans. In September 1961 Portugal introduced the enactment of the Statute of Native Agriculture (Decree no.43897). This decree partitioned Mozambique's land base into three tenure categories:

- land for towns and settlements, including peripheral areas
- land reserved for common ownership by Africans, to be utilized in accordance with customary practices;
- all other vacant lands not covered under the above classes.

The decree contained no formal recognition of land rights for indigenous individuals

or families, but allowed Africans to access land under statutory tenure in certain cases (LTC Research Paper 123, 1995). The post-independence land policy is firmly built on "socialist" principles and state ownership is rooted in the 1975 Independence Constitution (Art. 8), states "All land and natural resources in the soil and subsoil belong to all people through the state" and land may be either "state or cooperative property". While the legal framework was decided by 1977, the new Land Law (Lei de Terras) (Law no. 6/79 of 3 July) was not enacted until 1979. The Law, and subsequent Land Regulations enacted in 1987, reconfirmed the principle that all land is owned by the state. According to the law, land cannot be sold, ceded, rented, mortgaged, pawned, or in any privately transferred (art.1), though a subsequent provision permits land improvements to be mortgaged (art.2). Title or lease, which in effect is a lease of use rights from the state, can be held by all single individuals or collectives (of persons) with legal identity (art.4). The state promises to defend that title (art. 5). No fees are to be paid for land use by the state itself, state agencies, or families, but fees are to be paid by private titleholders (art.9). A lease may be perpetual or temporary. In the original statute "temporary" was limited between 5 and 15 years, but a recent law (Law no. 1/86) has amended the previous one. It allows a lease of 50 years. Leaseholds rights are heritable according to the civil law (art.32) (LTC Research Paper 123, 1995).

9.4 Urban Land Tenure

The Constitution and Land Law confer a strong role to the state for the management of land. The state in turn has distributed these powers among the various departments, agencies, and ministries which make up the state apparatus in urban areas. These are respectively the following:

- The Ministry of Construction and Waters (MCW) has responsibilities for granting licences for construction works (General Urban Construction Regulations), authorizing the alienation of land for buildings and rights of occupation, and developing and approving construction plans.
- The National Planning Commission (NPC) with the National Institute of Physical Planning is in charge of elaborating and promoting urban plans and regulating the occupation of municipal land.
- Lease concessions are issued by the provincial government.
- Within urban areas leases are issued by the Executive Council.
- The Executive Council and respective people's assemblies collaborate with the NIPP and superior agencies in elaborating local urban plans.

Although the Land Law assigns the responsibility for governing land use in residential areas to the Executive Council, the Department of Construction and Urbanization which issues concessions in Maputo is in charge of issuing titles for urban property in the periphery of the city, including agricultural land. This dispersion and overlap of responsibilities have created uncertainty in land rights environment (LTC Research Paper 121, 1995). Also, this uncertainty has brought the expansion of urban development adding to 80 per cent of the population that lived in the irregular settlements in the peri-urban areas of Maputo. The civil war of the past fifteen years led to massive migrations into Maputo of people seeking employment, land and security. People occupied previously demarcated parcels and creating a situation of unclear, overlapping and contradictory land rights (Pinsky B., 1985). The demarcation

and registration often took place before independence. As the Portuguese fled the country, Mozambicans moved in. They continued the cultivation on the land or it was subdivided informally between many. Within the peri-urban areas exist areas so called "non-defined" and "provisory zonas verde". All these are occupied without trying to obtain the right to use. These three types of irregular settlements called "zonas verde" are now under study with the contribution of USAID/ LTC.

The new elected Assembly began discussing a bill on land tenure on July 8, 1997. The bill presented by the government is based on a complete revision of the existing law, dating from 1979. The bill reaffirms once again that all property in land vests in the state. However, innovations are present such as that land can be acquired by individuals, by companies and by local communities. In the previous land law, community-based tenure was not recognized since the post-independence legislation nationalized all land. An earlier draft had suggested that in the allocation of land rights, the local communities must be first consulted. The Bill practically enshrines traditional land rights. The Bill uses the term "rural communities" and peasant farmers who comprise the community in conformity with customary systems. The establishment of inalienable right of rural communities to their ancestral lands mean that peasants do not need to acquire a formal title to their land (AIM Reports, 1996 and 1997). The new land policy is controversial in two ways. Land will remain the property of the state, despite pressure for privatisation. There had been strong pressure from donors for land to be privatised and to allow mortgages on broad free-market principles and because mortgages are seen as the easiest form of agricultural credit. Secondly, traditional chiefs will be given responsibility over allocation of plots in many areas. A draft by the Land Commission of revisions to the land law will shortly go out for public comment before the national conference and adoption by parliament (Hanlon, 1997).

10.0 ANGOLA

The path followed by Angola is similar to Mozambique. The civil war, the extent of destruction of all infrastructure and loss of production throughout the country have produced a large scale population displacement, family instability and deterioration of social conditions. Despite a pre-independence commitment similar to that of Frelimo (Mozambique), Angola's MPLA government has undertaken only selective nationalization of land and property. The pressure on dwelling space in Luanda abandoned by Portuguese settlers has led the new government to nationalize all condominium and houses not occupied by owners (Otto G., 1990). In this respect, the situation is comparable to that in Guinea-Bissau, Mozambique and Tanzania. But it is still unclear to what extent recent moves towards liberalization, the political change, the introduction of a multi-party system and the implication of the peace with UNITA will effect the land policy. The development and the land reform pursued by the new regime in Mozambique is followed closely. Certainly, the fresh start of Mozambique in land settlement issues and dispute resolution in the agricultural sector as well as in urban areas together with the experiences of post-socialist countries will lay down, hopefully, a consensus strategy to take off the development that the country desperately needs in every sector. To mention is that international organization as well as non-governmental organizations are present in Angola. In the area of human settlements there are different projects on-going mainly in the rehabilitation of the infrastructure sector and basic services. Development Workshop (DW), an NGO, initiated a series of urban development projects in peri-urban areas of Luanda. The objective was to upgrade physical and environmental conditions and services in the *musseques*. The project evolved between 1992-95 and achieved improvement of the quality of community services, public health, training and implementation capacities to assist community groups (DW, 1992).

11.0 Women's Access to Land

Historically women's access to land was based on status within the family and involved right of use, not ownership. In Africa, custom rather than religious practice excludes women from ownership; property is held in a man's name and passed patrilineally with the group. A widows' right to remain on the land is not secure. In Latin America, discrimination results more from limited status under the law. Land reform, legislative reform and the forces of modernization have had a mixed effect. Statutory reform of customary law is confusing and open to interpretation; when customary, religious or statutory systems coexist, the law least favorable to women is often selected. Traditional or customary systems that might have protected a women's access to land during her lifetime are breaking down under population, economic and environmental pressures. In some cases, women have gained better access to land through land reform. Women's in Thailand, China, Nicaragua and Cuba have helped to overcome existing barriers or to protect women's rights regarding inheritance of land (FAO/SD Dimensions/Women and Population) .

African and Latin American countries have constitutions and established laws that provide for equal rights to men and women. However, the translation of legal principles into statutory law and the administration and the enforcement of laws to redress gender discrimination can be highly problematic. The law may be hampered because of different reasons such as contravening a custom or practice to which society assigns a higher priority than the formal law. The history of the evolution of legal institutions and economic development in both continents demonstrates the importance of legal norms and structures as these effect economic empowerment, particularly that of women. Statistically, women head the agricultural sector in developing world. United Nations data on Sub-Saharan Africa has suggested that 60 to 70 percent of all food production and 50 percent of all animal husbandry is carried out by women. In Latin America, by contrast, the percentage of purely female farm labor was generally well below 10 percent. According to the UNDP Human Development Report the female labour force in Sub-Saharan Africa in 1993 was about 73 million, representing 34 percent of those employed in the formal sector, earning only 10 percent of the income while owning 1 percent of the assets (Table 1, 2 and 3) . These figures clearly indicate the need for increasing women's access to both formal and informal resources (Women in Development Network/WID). Despite efforts deployed towards economic empowerment of women, the majority of the active female population continues to be confined in the micro and small-scale enterprises and the informal sector. In many societies a wide range of laws, and customary practices still prohibit women their integration into the formal sector and in obtaining credit and other resource allocations. Women have more difficulties than men in gaining access to resources such as land, credit and productivity-enhancing inputs and services. Women's limited access to resources are products of a series of inter-related social, economic and cultural factors that force them into a situation which is detrimental to their development and that of society as a whole (FAO/SD Dimensions/Women and Population).

The proportion of women heads of household continues to grow. Land reform programmes, together with the break-up of communal land holdings, have led to the transfer of exclusive land rights to males as heads of households. This ignores both the existence of female-headed households and the rights of married women to a

joint share. National legislation and customary law do not allow them to share land property rights. Traditional land tenure and often private property ownership have an important gender dimension in that in many African societies women are excluded from land ownership (Jacques du Guerny, 1996).

Tab.1: **Percentage of Female and Male Active Population by Sector of Activity(1994)**

	Sub-Saharan Africa		South America		Central America	
	Women	Men	Women	Men	Women	Men
Agriculture	75%	61%	10%	27%	7%	41%
Industry	5%	15%	14%	28%	19%	23%
Services	20%	23%	76%	45%	74%	36%

Tab.2: **Percentage of Women (15> Years) in the Total Active Population(1994)**

	Sub-Saharan Africa		Latin America
Angola	38%	Chile	29%
Cape Verde	32%	Nicaragua	30%
Guinea-Bissau	39%	Peru	24%
Mozambique	47%		
Tanzania	47%		

Tab.3: **Distribution of the Active Population (1994)**

	Sub-Saharan Africa and Latin America					
	Agriculture		Industry		Services	
	Women	Men	Women	Men	Women	Men
Angola	87%	58%	2%	17%	11%	25%
Cape Verde	14%	50%	31%	30%	54%	21%
Guinea-Bissau	91%	72%	2%	6%	6%	7%
Mozambique	97%	68%	1%	16%	2%	15%
Tanzania	89%	73%	2%	10%	9%	17%
Chile	2%	14%	9%	27%	89%	60%
Nicaragua	8%	52%	14%	17%	79%	31%
Peru	26%	36%	9%	22%	65%	42%

Source: International Labour Organization (United Nations)

[Http://www.focusintl.com/statr4a4.htm](http://www.focusintl.com/statr4a4.htm) (WIDNET: Women in Development Network)

In Tanzania, under customary laws, women generally have inferior land rights relative to men, and their access to land is indirect and insecure. Despite, in the Land Ordinance, women have equal access to land as men, but due to their weak economic and social conditions they fail to comply with occupancy conditions. However, it is possible to find few women who hold land in urban areas. Tanzania has experienced major changes in the past two decades. The origins of these changes lie in the economic crisis of the mid-1970s. The ending of the hegemony of the African Socialism policy (Ujamaa) and nationalist ideology also means the restructuring of its social and economic policies that for three decades emphasized the meeting of the basic needs of the people. An important point to note is that the adjustment programmes in the 1980s have acted quickly as a catalyst for the restructuring of the economy and perhaps society. The population's response for all these transformations mainly in social services has been to look for alternative ways in daily life. While the pressure on all members of the household has increased, women have fared worse since they have not been given any respite from their household chores, or food growing activities (AIA, 1994; Messkoub M., 1996).

In Mozambique, the Bill on land presented by the government the term "customary system" doesn't appear. In its place appears the term "rural communities". The first one had been dropped because it was regarded as a way of accepting the discrimination against women practiced under traditional system since Mozambican tradition is heavily male dominated. The majority of Mozambican, particularly women, depend for their livelihood on land which they do not own individually but over which they have rights of use derived from their membership of the local community. The original draft of the Bill stated that, in the event of the death of the title holder, the title would pass to the spouse and descendants. This challenges not only traditional practice (which leaves widows without inheritance rights), but also the country's antique civil code (inherited from colonial rule) which prioritizes the children over the widow. The debate in the Assembly on the land Bill ended in July, 1997 with its acceptance from the Assembly of the Republic (AIM Reports, 1995; 1996; 1997). During the days of one-party rule, women's issues were taken up by the Organization of Mozambican Women (OMM), under the ruling Frelimo party. Today it transformed itself in an NGO with the widest national coverage. There are also about another dozen non-governmental organizations dealing with women's issues. Mozambique has a high percentage of women in Parliament: 61% out of a total of 250 members, or 24.4%. South Africa has 25% and Zimbabwe 12%. The Ministry for the Coordination of Social Welfare has set up a gender department with other ministries and with NGOs.

The whole issue on women's right, inheritance in Sub-Saharan Africa in urban areas is more administrative matter which is highly influenced by attitude and the inherent problem of social relations. There is in principle no discrimination against women but practices and regulations of the various land allocation boards tend to discriminate against women. In the peri-urban areas where customary law and urban land administration overlap, community leaders have overtime embarked on selling farm and residential land to urbanites and business people. Often this land is area which generations have used for the cultivation of crops, and with population growth are also used for residential purposes. Often the land that is being sold is predominantly for women's use. This practice has left hundreds of peri-urban women landless and destitute.

Recent times governments are establishing commissions to reform or to review the laws of their countries and make recommendations for changes in laws that have proven to be inadequate to serve the purpose for which they were enacted, and to recommend new laws. Given the conflict between constitutional rights of equality and existing laws, review and reform are necessary. Some African governments in the situation they are in terms of credibility and trust by their own people are surely not in a position to take affirmative action in the area of land issue especially by guaranteeing women the right to own land that are currently used by them and to have collateral control over such land. Above all in time of liberalization of the economy and removal of controls opportunities are offered to some and disadvantages to others, depending on the asset position of the population, being these physical, financial and human. Clearly these differences opportunities will accentuate the existing disparities at household and group levels. By now, in societies dominated mainly by men, women are the one's who pay the major burden of these waves of changes. International efforts and initiatives have contributed to a greater recognition of women's key participation in rural and other domains of development. However, much remains to be done. Legal issues have been raised in several countries where Women in Development program financed by the World Bank has been undertaken since 1989. Among them Guinea-Bissau and Tanzania. The research suggests that "reorientation process may begin by inquiring how laws (or lack of laws) affect gender-equity in access, control and exploitation of economic resources and opportunities" (The World Bank-Africa Region in Findings, 1994). Additionally, structural adjustment programs were mainly preoccupied with stabilization through restoration of balance and budgetary equilibria. However, they paid insufficient attention to their social implications.

Access to land remains critical in the complex chain that links low-income women and human settlements development. The reluctance of governments to adopt appropriate land policies still deny low-income women their right to land-ownership. Legal, cultural, religious, institutional and economic constraints restrict women's access to land tenure. The land reforms of both rural/agricultural programmes and urban sites-and-services schemes have not addressed the issue of landownership (FAO/SD Dimensions/Women and Population). Governments, traditional institutional leaders, international organizations, financial institutions and non-governmental organizations could work together to formulate policies that awaken grassroots men and women's group on the gender dimensions of land tenure and property rights. Obviously the solution is there, within these countries with their different cultural and social features and from outside. The colonial systems on land policies with the development policies followed afterwards in the 1960s are there to tell us to abstain from imposing solutions unfamiliar to local cultures.

12.0 CONCLUSION

The prevalent forms of land tenure in any area have a profound effect on physical urban patterns and their flexibility in adapting to the pressures of rapid growth. The phenomenon of the recent extraordinary growth of cities and towns in the developing world is familiar. Pressures from population migration and demand for housing and commercial space have created the need for more rapid and efficient urban land allocations. Meeting this challenge requires more effective administration and planning for urban growth, particularly in the procedures and methods used to allocate land for private and public investment (OECD, 1992). Geographic and spatial conditions are interwoven with property rights, governmental rules and regulations, community organizations, and the availability of financial resources. The task of directing and coordinating the wide variety of activities that interact in the process of urban development is inherently difficult. The rapidity of change, social as well as economic, greatly enlarges the institutional problem. The unprecedented urban growth has produced many problems, in particular the proliferation of slums and squatter settlements in which living conditions are deplorable and incomes low and precarious. The great and growing interest of developing countries in the supply, price and allocation of urban land reflects this unprecedented growth of their towns and cities and the severe social and economic problems they face. The use of urban land poses serious problems because the supply of serviced land is limited and subject to many claims. Land problems are inherently complex both in theory and practice, particularly because of the interdependencies of land use, the specificity of locational advantages, transfer costs, social taboos and inhibitions, and many other market imperfections, not least the opportunities land transactions provide for corruption. Local geography, history, social and legal systems, and general economic policies are too diverse in their effect on land to permit easy generalizations even when evidence is available. Land rights, moreover, are deeply embedded in the social and legal structure and are often the source of family and community cohesion (Doebele W., 1983).

Institutions are evolving everywhere. In Eastern Europe, Mozambique, state and collective farms are becoming privatized. Also, privatization is being considered as forming large joint-stock companies whose boundaries remain those of the old state or collective farm. Some African countries are shifting land from communal, traditional ownership to private, individual ownership through community land trusts such in Voi, Kenya (Jaffer M., 1996). The appropriate role of government and local communities in co-managing this kind of 'bottom-up' tenure reform is unclear. As the land market becomes formalized and commercialized and informal arrangements gradually lose efficiency as land supply mechanisms, public authorities must develop the will and capacity to assume an active role and adopt effective measures. In Africa, as urbanization proceeds, whether public authorities assume control over customary lands, government land reserves, and marginal locations or customary land in many parts of Africa, tribes and ethnic communities will retain their customary right to use and administer land and to allocate it according to prevailing social customs is the major issue that developing countries with their international donor partners desperately struggle. As Mabogunje (1992) indicates this is the major paradigm in urban policy faced by African governments, while in Latin America, by contrast, customary land holding are rare. In Latin America, organized land invasion has been widely used by the poor to get land for housing while in Africa permission may be

obtained through customary laws from traditional leaders (McAuslan P., 1985).

Nowadays, economic liberalization, privatization schemes and the application of structural adjustment measures have led Latin American and African countries to revise their land reform policies and to consider land markets with its positive and negative features as a future strategy for their agricultural sector and urban land policy. This trend have raised many questions especially for the landless people and small farmers. Although different hypothesis on how land market systems should function are developed, it is unclear their real characteristics and dynamics. In many Third World countries, the legal and illegal question has been inherited from the colonial powers. Someone may prefer to call the "illegal" as "informal", but, in order to address this problem, land tenure researchers should consider traditional land tenure systems within a national cadastres structure and tray to find a solution about the uncertainty as policies that should be used to integrate both systems (Payne G., 1997). In addition, because indigenous customary usage are continually evolving, their administration may permit the reinterpretation of tradition in order to effectively manage change (Doebele W., 1987)

13 REFERENCES:

Africa Infirmation Afrique (AIA), 1996, Tanzania: Tough Times 34 Years After Independence. Resource Type: WWW, January 3.

_____ 1994 Tanzania: Land Grabbing. Resource Type: WWW, Jan. 4.

_____ 1996 Mozambique: Women Speak Out. Resource Type: WWW, March 27.

AIM Communications Service-Mozambique News Agency- Issue No. 108 1997 Land Privatization. Resource Type: WWW, 22nd April.

_____ Issue No.114 1997 Land Bill Debated. Resource Type: WWW, July 17th.

_____ Issue No.115 1997 Controversial Land Bill Accepted. Resource Type: WWW, August 1st.

_____ Issue No.86 1996 Land Policy Debated. Resource Type: WWW, Jun 14th.

_____ Issue No.94 1996 Land Tenure. Resource Type: WWW, October 3rd.

Basil Davidson, 1986, 'Practice and Theory: Guinea Bissau and Cape Verde.' In: *Africa: Problems in the Transition to Socialism* by Barry Munslow. London: Zed Books.

Bell Clark, Karen , 1996, *Land Tenure: Keys to Securing Nicaragua's Land Tenure Rights*. University of Florida Center for Latin American Studies, Florida, USA.

Boucher S., Francisco A., Rose L. and Roth M., 1995, *Legal Uncertainty and Land Disputes in the Peri-Urban Areas of Mozambique: Land Markets in Transition*. LTC Research Paper, no. 121. Madison: Land Tenure Center, University of Wisconsin.

Briggs John, 1991, The Per-Urban Zone of Dar es-Salaam, Tanzania: Recent Trends and Changes in Agricultural Land Use. *Transactions of the Institute of British Geographers*, Vol. 16 No. 3, pp. 319-331

The Carter Center, 1995, Nicaragua Property Disputes Projects: Report from the Conference on Nicaraguan Property Issues, July 4-5, 1995. Resource Type: WWW.

CIA, 1966, CIA World Factbook 1966 - Tanzania Page. Resource Type: WWW.

Davila Julio, 1990, "Guinea-Bissau". In Housing Policies in the Socialist Third World by Mathey Kosta. London: Mansell Publishing Ltd.

Development Workshop, 1992, Sambizanga: Community Sanitation and Upgrading Project. Project Proposal. Luanda, Angola.

Durand-Lasserve Alain, 1996, Regularization and Integration of Irregular Settlements: Lessons from Experience, Urban Management Programme, UMP Working Paper Series No. 6. UNDP/UNCHS/World Bank. Nairobi, Kenya.

Dwyer D. J., 1975, People and Housing in Third World Cities: Perspective on the Problem of Spontaneous Settlements. London: Longman.

FAO - *SD Sustainable Dimensions/ Women and Population/ Special: 'Gender and Natutal Resources'*. Resource Type:WWW.

_____ 'Gender, Policy and Planning'. Resource Type: WWW.

_____ 'Gender and Agricultural Support Systems'. Resource Type:WWW.

Geoffrey Payne, 1997, Urban Land Tenure and Property Rights in Developing Countries: A Review. London: Intermediate Technology Publications.

Handelman Howard, 1975, The Political Mobilization of Urban Settlements: Santiago's Recent Experience and Its Implications for Urban Research in *Latin American Research Review*, Vol. 10, No.2.

Hanlon Joseph, 1996, Peace Without Profit: How the IMF Blocks Rebuilding in Mozambique. London: Heinemann.

Hanlon Joseph, 1997, "Land Reformers Seek Traditional Remedy". In *Gemini News Service*. Resource Type: WWW.

Hardoy J. E. and Satterthwaite David, 1981, Shelter: Need and Response. London: John Wiley & Sons, Ltd.

Jackson W. M. Kombe, 1994, The Demise of Public Urban Land Management and the Emergence of Informal Land Markets in Tanzania: A Case of Dar es-Salaam City. *Habitat International* 18 (No. 1) pp. 23-43.

Jacques du Guerny and Daphine Topouzis, 1996, Gender, Land and Fertility - Womens' Access to Land and Security of Tenure. FAO. Resource Type: WWW.

Jaffer Murtaza, 1996, The Tanzania-Bondeni Community Land Trusts, Voi, Kenya: A Case Study. Mexico: Habitat International Coalition.

Jenkins Paul, 1990, "Mozambique". In Housing Policies in the Socialist Third World by Mathey Kosta. London: Mansell Publishing Ltd.

Juma Calestous and J. B. Ojwang, 1996, In Land We Trust: Environment, Private Property and Constitutional Change. Nairobi, Kenya: Initiatives Publishers.

K. H. Wekwete, 1995, Planning Law in Sub-Saharan Africa - A Focus on the Experiences in Southern and Eastern Africa. *Habitat International* 19 (No. 1) pp. 13-28.

Kaitilla S., 1991, "The Upgrading of Squatter Settlements in Tanzania-The Role of Security of Land Tenure and the Provision of Amenities in Housing Improvement in *Journal of Asian and African Studies*, Vol. 26, Iss 3-4, pp. 220-236.

Library of Congress, 1993a, *The Sandinista Years 1979-90: Consolidation of the Revolution 1979-80*. Resource Type: WWW, December.

_____, 1993b, *The Issue of Land Ownership*. Resource Type: WWW, Dec.

_____, 1993c, *Dispute over Property Rights*. Resource Type: WWW, Dec.

Mabogunje Akin L., 1993, *Managing Urban Growth in Sub-Saharan Africa*. Resource Type: WWW, November 7.

Mabogunje Akin L., 1992, *A New Paradigm for Urban Development*. Washington, D. C.: The International Bank for Reconstruction and Development/ The World Bank.

Massey Doreen, 1987, *Nicaragua*, Philadelphia: Open University Press.

Mathey Kosta, 1990, "Nicaragua". In *Housing Policies in the Socialist Third World* by Mathey Kosta. London: Mansell Publishing Ltd.

Mathey K., 1991, "Housing Policies in Nicaragua" in *Ekistics-The Problem and Science of Human Settlements*, Vol. 58, Iss. 336-, pp. 28-41, 1991

McAuslan Patrick, 1985, *Urban Land and Shelter for The Poor*. London: Earthscan

Mercado Rodolfo and Uzin Ricardo, 1996, *Regularization of Spontaneous Settlements*, Building Issues, Habitat II, Vol.8, No.2. LCHS, Lund, Sweden.

Messkoub Mahmood, 1996, *The Social Impact of Adjustment in Tanzania in the 1980s: Economic Crisis and Household Survival Strategies*. *Internet Journal of African Studies*, IJAS, No.1. Resource Type: WWW.

Meyers Gregory, 1994, *Competitive Rights, Competitive Claims: Land Access in Post-War Mozambique*. LTC Research Paper. Madison: Land Tenure Center, University of Wisconsin.

Meyers G. W., Eliseu J., and Nhachungue E., 1994, *Security, Conflict, and Reintegration in Mozambique: Case Studies of Land Access in the Post-War Period*. Madison: Land Tenure Center, University of Wisconsin. LTC Research Paper No. 119.

Nuru Karin, 1990, "Tanzania". In *Housing Policies in the Socialist Third World* by Mathey Kosta. London: Mansell Publishing Ltd.

Nyerere J. K., 1966, *Freedom and Unity/Uhuru na Umoja*, Dar Es-Salam, Tanzania: Oxford University Press.

Nyerere J. K., 1974, *Socialism and Rural Development in: Ujamaa Essays on Socialism*, Dar es Salaam: Oxford University Press.

Organization for Economic Cooperation and Development, 1992, *Urban Land Markets: Policies for the 1990s*. Paris: OECD Publications.

Otto Greger, "Angola ". In *Housing Policies in the Socialist Third World* by Mathey Kosta. London: Mansell Publishing Ltd.

Pinsky Barry, 1985, "Territorial Dilemmas: Changing Urban Life". In *A Difficult Road: The Transition to Socialism in Mozambique*, edited by John S. Saul, pp. 286-287. New York: Monthly Review Press.

Rakodi Carole, 1991, 'Developing Institutional Capacity for Meeting the Housing Needs of the Urban Poor.' In: *Shelter, Settlements, Policy and the Poor* by Reinhard Skinner. London: Intermediate Technology Publications.

Richards Ben, 1995, *Poverty and Housing in Chile: the Development of a Neo-Liberal Welfare State*. *Habitat International* 19 (No. 4) pp. 515-527.

Roden William James, 1971, Land Tenure and Policy in Tanzania. Toronto: University of Toronto Press.

Roth M., Boucher S. and Francisco A., 1995, Land Markets, Employment, and Resource Use in the Peri-Urban Green Zones of Maputo, Mozambique. LTC Research Paper, no. 123. Madison: Land Tenure Center, University of Wisconsin.

Tanner Christopher, 1996, The Land Question in Mozambique (Part 1): Elements for Discussion. Land Tenure Service (SDAA), FAO Rural Development Division, Rome, Italy. Resource Type: WWW

Tanner Christopher and Groppo Paolo, 1997, The Land Question in Mozambique (Part II): Donor Assistance and Present Status of the Problem. Land Tenure Service (SDAA), FAO Rural Development Division, Rome, Italy. Resource Type: WWW

Thome Joseph R. and Kaimowitz David, 1985, "Agrarian Reform" . In Nicaragua: the First Five Years by Walker Thomas W., New York: Praeger Publishers.

Turner Bertha, 1988, Building Community: A Third World Case Book. London: Building Community Books.

United Nations Centre for Human Settlements, 1995, Urban Land Management, Regularization Policies and Local Development in Africa and the Arab States: Land Management Series No. 14. Nairobi, Kenya.

United Nations Centre for Human Settlements, 1993, UNCHS (Habitat) in Sub-Saharan Africa. Nairobi, Kenya.

United Nations Centre for Human Settlements, 1991, Global Strategy for Shelter to the Year 2000: Subregional Seminars to Support National Action. Nairobi, Kenya.

United Nations Centre for Human Settlements, 1990, Shelter: From Projects to National Strategies. International Year of Shelter for the Homeless. Nairobi, Kenya.

United Nations Centre for Human Settlements, 1990, Roles, Responsibilities and Capabilities for the Management of Human Settlements: Recent Trends and Future Prospects. Nairobi, Kenya.

United Nations Centre for Human Settlements, 1987, Global Report on Human Settlements 1986. New York: Oxford University Press.

United Nations Centre for Human Settlements, 1985, Land for Public Purpose: Guidelines. Nairobi, Kenya.

United States for International Development Agency, Fiscal Year 1997 Development Fund for Africa, USAID, 1997. Resource Type: WWW.

Vance Irene, 1987, "The Community as Evaluators: Experience with Community Participation in Self-Build Projects in Managua, Nicaragua". In Shelter, Upgrading for the Urban Poor by Skinner R. J., Taylor J. L. and Wegelin E. A. (eds). Manila: Island Publishing House, Inc

Von Schweinichen Christina, 1990, "Cape Verde". In Housing Policies in the Socialist Third World by Mathey Kosta. London: Mansell Publishing Ltd.

Warriner Doreen, 1969, Land Reform in Principle and Practice, Oxford: Clarendon Press.

WIDNET -Women in Development Network, 'Statistics - Africa' and 'Statistics - Latin America and Caribbean'. Resource Type: WWW.

Williams Harvey, 1985, "Housing Policy". In Nicaragua: The First Five Years by Walker Thomas W (eds). New York: Praeger Publishers.

William A. Doebele, 1983, 'Concepts of Land Tenure'. In: Urban Land Policy: Issues and Opportunities by Harold B. Dunkerley. Published for the World Bank: Oxford U. Press.

William A. Doebele, 1987, The Evolution of Concepts of Urban Land Tenure in Developing Countries. *Habitat International* 11 (No. 1) pp. 7-22.

The World Bank - Africa Region, 1994, Women, Legal Reform and Development in Sub-Saharan Africa. Resource Type: WWW, July.

PART II

**Archival Research
Annotated Bibliography**

BIBLIOGRAPHY:

1. Africa Information Afrique (AIA). 1994. "Tanzania: Land Grabbing." Resource Type: WWW. January 4.
2. _____. 1996. "Mozambique: Women Speak Out." Resource Type: WWW. March 27.
3. _____. 1996. "Tanzania: Tough Times 34 Years After Independence." Resource Type: WWW. January 3.
4. AIM Communications Service - Mozambique News Agency - Issue No. 108. 1997. "Land Privatization." Resource Type: WWW. 22nd April.
5. AIM Communications Service - Mozambique News Agency - Issue No. 114. 1997. "Land Bill Debated." Resource Type: WWW. July 17th.
6. AIM Communications Service - Mozambique News Agency - Issue No. 115. 1997. "Controversial Land Bill Accepted." Resource Type: WWW. August 1st.
7. AIM Communications Service - Mozambique News Agency - Issue No. 86. 1996. "Land Policy Debated." Resource Type: WWW. June 14th.
8. AIM Communications Service - Mozambique News Agency - Issue No. 94. 1996. "Land Tenure." Resource Type: WWW. October 3rd.
9. Basil Davidson. 1986. *'Practice and Theory: Guinea Bissau and Cape Verde.'* In: *Africa: Problems in the Transition to Socialism by Barry Munslow*. London: Zed Books. In recent years several African countries have proclaimed their intention to break radically with prevailing neo-colonial patterns, including such ostensible alternatives as African Socialism. This book offers a succession of profound analyses of the strategies former liberation movements have pursued once in power, and the obstacle they have encountered in their attempted transitions to Socialism (from the Author)
10. Bell Clark Karen. 1996. "Land Tenure: Keys to Securing Nicaragua's Land Tenure Rights." Resource Type: WWW. University of Florida, Centre for Latin American Studies, Florida.
11. Boucher S., Francisco A., Rose L. and Roth M. January, 1995. *Legal Uncertainty and Land Disputes in the Peri-Urban Areas of Mozambique: Land Markets in Transition*. Madison: Land Tenure Centre, University of Wisconsin. The purpose of this paper is to identify dispute causes and processes of dispute resolution. The paper also gives a brief outline of the legal and administrative framework for the land tenure system in Mozambique.
12. Briggs John. 1991. "The Peri-Urban Zone of Dar es-Salaam, Tanzania: Recent Trends and Changes in Agricultural Land Use." *Transactions of the Institute of British Geographers* Vol. 16(No. 3):pp. 319-31. This paper discusses changing land use patterns around the city of Dar es Salaam in Tanzania, and interprets

this change in the broader context of the changing political economy in Tanzania during the 1980s. It is suggested that agricultural expansion in the early 1980s in Dar es Salaam's peri-urban zone was essentially adopted as a survival strategy, as urban incomes and living standards were squeezed (from the Author).

13. The Carter Centre. 1995. "Nicaragua Property Disputes Projects: Report from the Conference on Nicaraguan Property Issues, July 4-5, 1995." Resource Type: WWW. The Carter Centre.
14. CIA. 1966. "CIA World Fact book 1966 - Tanzania Page." Resource Type: WWW.
15. Davila Julio. 1990. "Guinea-Bissau." In: *Housing Policies in the Socialist Third World by Mathey Kosta*. London: Mansell Publishing Ltd. Socialist principles would seem to provide a more favourable conditions for overcoming problems of overcrowding, lack of urban services or substandard housing than are to be found in market economies. However, there is little evidence that, in practice, real improvements have been achieved on a large in the socialist Third World. With recent political upheavals in Eastern Europe and the fundamental questioning of socialist concepts, the situation of socialist Third World appears even more precarious. Today it is clear that these countries will be unable to pursue present policies without radical reform. The reports collected in this book from different contributors provide a useful resource in comparing and evaluating alternative shelter strategies, as well as achievements and failures. Different countries case are presented. Among them Nicaragua, Tanzania, Angola, Mozambique, Guinea-Bissau and Cape Verde.
16. Development Workshop - DW. January 1992. *Sambizanga: Community Sanitation and Upgrading Project, Project Proposal*. Luanda, Angola. The report describes the project Sambizanga. It is part of DW's ongoing musseque upgrading work which began in 1986 with an emergency study on the problems on basic urban sanitation and led to a series of bairro improvement initiatives in Sambizanga Municipality.
17. Durrand-Lasserve Alain. 1996. *Regularization and Integration of Irregular Settlements: Lessons from Experience*. Nairobi, Kenya: UNDP/UNCHS/World Bank. A large number of projects providing infrastructure services and regularizing of land tenure in irregular settlements have been undertaking in developing countries over the last decade. The present study is an overall review and considers regularization practices and policies and the integration of irregular settlements.
18. Dwyer D. J. 1975. *People and Housing in Third World Cities: Perspective on the Problem of Spontaneous Settlements*. London: Longman. A general perspective on the problems of spontaneous settlements is represented through case studies pointing out the overall trend of world urban growth. Highrise responses (Caracas, Hong Kong) and self help housing possibilities are outlined. Future trends and technological development. As regards the provision of urban housing, the revolution in planning approaches which is necessary is likely to be surely limited in its success in the absence of

recognition of the necessity for fundamental changes in attitudes towards urban land rights, since it is simply not realistic to argue that the millions of people currently occupying spontaneous settlements in Third World cities are in illegal possession of land and should be expelled from it.

19. FAO/ SD Dimensions/ Women and Population/. "Gender, Policy and Planning." Resources Type: WWW.
20. _____. "Gender and Agricultural Support Systems." Resources Type: WWW.
21. _____. "Gender and Natural Resources." Resources Type: WWW.
22. Geoffrey Payne. 1997. *Urban Land Tenure and Property Rights in Developing Countries: A Review*. London: Intermediate Technology Publications. This review surveys the extensive international literature on urban land tenure. It proposes a typology which includes statutory customary and unauthorized tenure systems, as a basis for assessing existing problems and formulating appropriate policies. It concludes with recommendations for improving tenure security which maximize benefits to the poor and minimize market distortion (from the author).
23. Handelman Howard. 1975. "The Political Mobilization of Urban Settlements: Santiago's Recent Experience and Its Implications for Urban Research." *Latin American Research Review* 10(No. 2):pp. 35-66. The author discusses prevailing viewpoint of most research on cityward migrants and their political attitudes and behaviour especially in squatter settlements within a single nation arguing that this may have considerably different levels of internal solidarity and, hence, for political organization.
24. Hanlon Joseph. 1996. *Peace Without Profit: How the IMF Blocks Rebuilding in Mozambique*. London: Heinemann. Postwar reconstruction is slow; the economic crisis continues. Peasants returned to the countryside, workers went back to their factories. Mozambique has followed the IMF/World Bank prescription of structural adjustment: free market and deflation, deregulation and demand reduction. Wages, credit, and government spending have been cut. Mozambique is one of the first African countries where postwar reconstruction has taken place in the context of structural adjustment. What are the lessons for Somalia, Liberia, Rwanda, Zaire, Sudan and Angola? The Author explains the donor case and presents his own suggestions for finding the way forward (from the Publisher).
25. _____. 1997. "Land Reformers Seek Traditional Remedy." Resource Type: WWW. Gemini News Services.
26. Hardoy J. and Satterthwaite David. 1981. *Shelter: Need and Response*. London: John Wiley & Sons Ltd. This book summarizes housing, land and settlements policies in seventeen Third World nations and compares and contrasts their effectiveness. Firstly, it seeks to provide a broad international picture on the current state of settlements picture. Secondly, it aims to outline

and assess government efforts to tackle such pressing problems as: poor and generally deteriorating housing conditions; urban agglomerations growing with no effective public control; rising construction and management costs, urban housing markets inhibited by inflated land prices. Arab nations: Egypt, Iraq, Jordan, Sudan and Tunisia. Latin America: Brazil, Bolivia, Colombia and Mexico. Africa: Kenya, Nigeria, Tanzania.

27. Jackson W. M. Kombe. 1994. "The Demise of Public Urban Land Management and the Emergence of Informal Land Markets in Tanzania: A Case of Dar es-Salaam City." *Habitat International* 18(No. 1):pp. 23-43. In consonance with Ujamaa and in recognition of the role land plays in the development process, Tanzania adopted in 1967 a public land ownership policy. The article examines public management practices in Dar es-Salaam with the conclusion at the end that the deficiencies of the public land management especially in regard to allocation have led to the evolution of informal land markets. Four case studies are presented with different kinds of informal practices.
28. Jacques du Guerny and Daphine Topouzis. 1996. "Gender, Land and Fertility - Womens' Access to Land and Security of Tenure." Resources Type: WWW.
29. Jaffer Murtaza. 1996. *The Tanzania-Bondeni Community Land Trust, Voi, Kenya: A Case Study*. Mexico: Habitat International Coalition. The land question has been a social issue in both colonial and post-colonial Kenya. With increasing urbanization and slums or squatter settlements in urban areas the urgent need to address the question of human settlements has been felt for several years now. Several experiments of upgrading and site-and-services have been attempted. Most of them have produced limited results. This report addresses a CLT (Communal Land Trust) and it is the first of its kind in Kenya. The Government is encouraged to reconsider its land tenure policy in the light of this experiment.
30. Jenkins Paul. 1990. "Mozambique." *In Housing Policies in the Socialist Third World by Mathey Kosta*. London: Mansell Publishing Ltd. Socialist principles would seem to provide a more favourable conditions for overcoming problems of overcrowding, lack of urban services or substandard housing than are to be found in market economies. However, there is little evidence that, in practice, real improvements have been achieved on a large in the socialist Third World. With recent political upheavals in Eastern Europe and the fundamental questioning of socialist concepts, the situation of socialist Third World appears even more precarious. Today it is clear that these countries will be unable to pursue present policies without radical reform. The reports collected in this book provide a useful resource in comparing and evaluating alternative shelter strategies, as well as achievements and failures. Different countries case are presented. Among them Nicaragua, Tanzania, Angola, Mozambique, Guinea-Bissau and Cape Verde.
31. Juma Calestous and Ojwang J. B. 1996. *In Land We Trust: Environment, Private Property and Constitutional Change*. Nairobi, Kenya / London, UK: Initiatives Publishers / Zed Books. This book discusses the linkages between land tenure and natural resources management in Kenya. Policy options that

are relevant for Kenya and other countries, including industrialized countries, are presented. Legal and constitutional issues are the focus of the discussions.

32. K. H. Wekwete. 1995. "Planning Law in Sub-Saharan Africa - A Focus on the Experiences in Southern and Eastern Africa." *Habitat International* 19(No. 1):pp. 13-28. This paper is a review of planning law experiences in Sub-Saharan Africa, with a specific focus on Southern and Eastern Africa. It reviews the colonial inheritance and how it has been transformed in the post-colonial period. It highlights the need for planning laws to be relevant to current community needs and the need to empower those who use it. Law should not be seen as a hindrance but as a guide to social action (from the Author).
33. Kaitilla S. 1991. "The Upgrading of Squatter Settlements in Tanzania: The Role of Security of Land Tenure and the Provision of Amenities in Housing Improvement." *Journal of Asian and African Studies* 26(3-4):pp. 220-36. In the last decade, many Third World governments have adopted as a policy the upgrading of squatter settlements in their countries. One major assumption underlying this policy was that by doing so squatter residents would be motivated to improve their houses. However, recent in depth-studies in Tanzanian upgraded settlements indicate that the process of upgrading squatter settlements did not necessarily lead to increased motivation amongst the individuals to improve their houses (Kaitilla, p.220).
34. Library of Congress. 1993a. "The Sandinista Years 1979-90: Consolidation of the Revolution 1979-80." Resource Type: WWW. December.
35. _____. 1993b. "The Issue of Land Ownership." Resource Type: WWW. December.
36. _____. 1993c. "Dispute Over Property Rights." Resource Type: WWW. December.
37. Mabogunje Akin L. 1992. *A New Paradigm for Urban Development*. Washington DC: IBRD-The World Bank. The standard urban development paradigm recognizes the emerging dominance of capitalism in developing countries, but it assumes away the need to promote and nurture indigenous capitalist institutions. Current urban policies seek to strengthen institutions that deliver infrastructure services rather than those that enable producers and government administrators to be more productively entrepreneurial. The new urban paradigm proposed here is based on a process of "institutional radicalization" that would change the rules, the enforcement characteristics, and the behavioural norms of the institutions that provide the context for economic growth (Mabogunje, p.191)
38. _____. 1993. "Managing Urban Growth in Sub-Saharan Africa." Resource Type: WWW. November 7.
39. Massey Doreen. 1987. *Nicaragua*. Philadelphia: Open University Press. The book discusses urban and regional issues of Nicaragua. It is structured in seven chapters. In the first three chapters, the reader is given a clear

introduction to the historical background of the 1979 revolutionary break. Subsequent chapters focus more centrally on Managua, both in terms of urban reform and the problems raised by spontaneous settlements. A final chapter is added, on the more recently introduced changes in agrarian and urban policy.

40. Mathey Kosta. 1990. *"Nicaragua." In Housing Policies in the Socialist Third World by Mathey Kosta.* London: Mansell Publishing Ltd. Socialist principles would seem to provide a more favourable conditions for overcoming problems of overcrowding, lack of urban services or substandard housing than are to be found in market economies. However, there is little evidence that, in practice, real improvements have been achieved on a large in the socialist Third World. With recent political upheavals in Eastern Europe and the fundamental questioning of socialist concepts, the situation of socialist Third World appears even more precarious. Today it is clear that these countries will be unable to pursue present policies without radical reform. The reports collected in this book provide a useful resource in comparing and evaluating alternative shelter strategies, as well as achievements and failures. Different countries case are presented. Among them Nicaragua, Tanzania, Angola, Mozambique, Guinea-Bissau and Cape Verde.
41. _____. 1991. "Housing Policies in Nicaragua." *Ekistics-The Problem and Science of Human Settlements* 58(Iss. 336-):pp. 28-41. The housing policy of the Sandinista government are outlined. The housing policy implemented contrasts favourably with the conditions typical in other Latin American or Third World countries. The author points out that 90 per cent of all state housing investment directly favours the low-income groups. A remarkable achievement for the majority of the population is the free access to land and basic services, as provided within the Urbanizaciones Progresivas program in urban areas. In rural areas the Agrarian Reform represents a similar approach since land titles are also distributed to small farmers.
42. Mayers Gregory. 1994. *Competitive Rights, Competitive Claims: Land Access in Post-War Mozambique.* Madison: University of Wisconsin. The complex struggles for land in Mozambique before and after its civil war are examined, as well as how these dynamics may undermine the country's fragile peace process. A case of land access and competition in two locations of Gaza Province is studied. The case also shows how the war and colonial and post-independence policies have generated different claimants. Resolving these land conflicts will be a major task for the government.
43. McAulsan Patrick. 1985. *Urban Land and Shelter for the Poor.* London: Earthscan. In developing countries, the true city builders are the poor. Their illegal, largely self-built houses are the largest source of new city housing. In most large Third World cities poor people live in illegally developed settlements, with little or no basic services and infrastructure. The root cause of illegal settlements is an urban land market which, through prices or government decisions, does not allocate land to the poor for housing.
44. Mercado Rodolfo and Uzin Ricardo. 1996. "Regularization of Spontaneous

- Settlements." *Building Issues, Habitat II* 8(No.2):pp. 4-21. This study was commissioned by Sida (Swedish Int'l Developmet Agency). It is based on case studies done in Bolivia, Chile and Peru during 1995. Spontaneous settlements, community mobilization and lesson learned in regulating process are presented.
45. Messkoub Mahmood. 1996. "The Social Impact of Adjustment in Tanzania i the 1980s: Economic Crisis and Household Survival Strategies.." *Internet Journal of African Studies* No.1 (April).
 46. Myers G. W., Eliseu J., and Nhachungue E. August, 1994. *Security, Conflict, and Reintegration in Mozambique: Case Studies of Land Access in the Post-War Period*. Madison: Land Tenure Centre, University of Wisconsin. A brief summary of Mozambique in 1992 is outlined. The different aspects of land tenure systems, the difficulties faced by the government in the land administration and distribution when tens of thousands of people are coming back home from neighbourhood countries (Tanzania, Zimbabwe, Kenya, etc.) are described in the case studies of Chokwe and Chibuto Districts (Gaza Province); Nhamatanda District (Sofala Province); Manica District (Manica Province) and Angonia District (Tete Province).
 47. Nuru Karin. 1990. "*Tanzania*." In *Housing Policies in the Socialist Third World by Mathey Kosta*. London: Mansell Publishing Ltd. Socialist principles would seem to provide a more favourable conditions for overcoming problems of overcrowding, lack of urban services or substandard housing than are to be found in market economies. However, there is little evidence that, in practice, real improvements have been achieved on a large in the socialist Third World. With recent political upheavals in Eastern Europe and the fundamental questioning of socialist concepts, the situation of socialist Third World appears even more precarious. Today it is clear that these countries will be unable to pursue present policies without radical reform. The reports collected in this book provide a useful resource in comparing and evaluating alternative shelter strategies, as well as achievements and failures. Different countries case are presented. Among them Nicaragua, Tanzania, Angola, Mozambique, Guinea-Bissau and Cape Verde.
 48. Nyerere J. K. 1966. *Freedom and Unity/ Uhuru Na Umoja*. Dar es-Salaam, Tanzania: Oxford University Press. The book is a collection of the ideas of Nyerere in the sphere of public domain. Argument considered important at that time in the African continent are exposed.
 49. _____. 1971. *Socialism and Rural Development in: Ujamaa Essays on Socialism*. Dar es-Salaam, Tanzania: Oxford University Press. This book outlines the philosophy of Nyerere of the guiding principles of Ujamaa and the differences between the African socialism and the East socialism and the capitalism of the West.
 50. Organization for Economic Cooperation and Development. 1992. *Urban Land Markets: Policies for the 1990s*. Paris: OECD Publications. The book examines the policies and programmes relating to the operation of urban land

markets currently deployed in OECD countries. It is based upon national reports prepared by twelve OCED countries to provide detailed examples of practical innovations in urban land policy in a range of different contexts.

51. Otto Greger. 1990. "Angola." *In Housing Policies in the Socialist Third World by Mathey Kosta*. London: Mansell Publishing Ltd. Socialist principles would seem to provide a more favourable conditions for overcoming problems of overcrowding, lack of urban services or substandard housing than are to be found in market economies. However, there is little evidence that, in practice, real improvements have been achieved on a large in the socialist Third World. With recent political upheavals in Eastern Europe and the fundamental questioning of socialist concepts, the situation of socialist Third World appears even more precarious. Today it is clear that these countries will be unable to pursue present policies without radical reform. The reports collected in this book provide a useful resource in comparing and evaluating alternative shelter strategies, as well as achievements and failures. Different countries case are presented. Among them Nicaragua, Tanzania, Angola, Mozambique, Guinea-Bissau and Cape Verde.
52. Pinsky Barry. 1985. "Territorial Dilemmas: Changing Urban Life." *In A Difficult Road: The Transition to Socialism in Mozambique, Edited by John S. Saul, Pp. 286-287*. New York: Monthly Review Press. The transition to Socialism in Mozambique is discussed. The author of the paper describes the urban situation at that time. The rapid growth in the 1960s and early 1970s produced enormous speculative profits for the landowners with the involvement sometimes of officials. This led to speculation. Expanding urban development added to the misery of the 75 to 80 percent of the population that lived in the shantytowns surrounding the cement cities. The effects of land nationalization, the hope of the poor, the right to own a house or a land for this purpose. The infrastructure and services in these settlements, the living conditions are described.
53. Rakodi Carole. 1991. 'Developing Institutional Capacity for Meeting the Housing Needs of the Urban Poor.' *In: Shelter, Settlements, Policy and the Poor by Reinhard Skinner*. London: Intermediate Technology Publications. Human Settlement planning involves a multi-disciplinary approach incorporating not only technical questions of housing but also problems of services, health, management and economics. Planning needs cross boundaries often too rigidly defined by traditional approaches and to interweave technical, social and economic project components (by the Author).
54. Richards Ben. 1995. "Poverty and Housing in Chile: The Development of a Neo-Liberal Welfare State." *Habitat International* 19(No. 4):pp. 515-27. This paper considers poverty alleviation measures in Chile under the military regime of General Pinochet (1973-1989). It explores the political and economic context within which decisions were made and the impact of economic restructuring upon urban poverty in the country. It argues that the state responded to rising poverty through the use of increased targeting of subsidies. While this was successful in terms of directing resources to the

poor, it also led to a situation of increased social and residential segregation within the city and did not provide any means of social mobility for the poor, as official ideology had implied. The paper then considers a specific sector -that of housing - and explores the development of a substantial subsidy system for low-income and middle-income groups (from the author).

55. Roden William James. 1971. *Land Tenure and Policy in Tanzania*. Toronto: University of Toronto Press. The book discusses the law and policies in Tanzania, essentially, up to the end of March, 1970. The author examines the land tenure structure of Tanzania in all its complexities. Rules and principles are discussed in their historical context and political environment.
56. Roth M., Boucher S., and Francisco A. October, 1995. *Land Markets, Employment and Resource Use in the Peri-Urban Green Zones of Maputo, Mozambique*. Madison: Land Tenure Centre. University of Wisconsin. Maputo's green zones were officially created in 1980 with the aim of absorbing unemployed urban residents, increasing food security, and preserving the ecology of low-lying areas. Today, poverty and squatter settlements pervade the zones, and prospects for development are poor due to insecure property rights. The paper also analyses economic and political factor affecting land prices.
57. Tanner Christopher. 1996. "The Land Question in Mozambique (Part I): Elements for Discussion." Resource Type: WWW. Rome, Italy.
58. _____. 1997. "The Land Question in Mozambique (Part II): Donor Assistance and Present Status of the Problem.." Resource Type: WWW. Rome, Italy.
59. Thome Joseph R. and Kaimowitz David. 1985. "Agrarian Reform." In *Nicaragua: The First Five Years by Walker Thomas W*. New York: Praeger Publishers. The book is designed to give a comprehensive examination of the Nicaraguan Revolution through its fifth anniversary in July 1984. Different topics by different scholars with different background and interests are discussed. Here is exposed the Agrarian Reform carried by the Sandinista government. The achievement of its goal during its five years in terms of the standard of living of much of the rural poor as their access to land and services are described.
60. Turner Bertha. 1988. *Building Community: A Third World Case Book*. London: Building Community Books. This book describes major breakthroughs in housing being made by the poor in developing countries. It addresses questions on how poor people build so much with so little, success and lessons learned from such experiences. The book covers 20 cases in a wide range of geographic, social and economic conditions. The projects selected show different ways in which environmental improvements serve as vehicles for social and economic development.
61. UMP/UNCHS/The World Bank. 1995. *Urban Land Management, Regularization Policies and Local Development in Africa and the Arab States*.

- Nairobi, Kenya: UMP/UNCHS/The World Bank. Land regularization policies and urban land management is the subject of a seminar that took place in Abidjan from 21 to 24 March 1995 . The result of the seminar is the subject of the report. It analyses research carried out in 21 Africa and Arab States and addresses recommendations addressed to different actors involved in land management for changes at the policy level as well as in the implementation of these policies.
62. United Nations Centre for Human Settlements -UNCHS. 1985. *Land for Public Purpose: Guidelines*. Nairobi, Kenya: UNCHS. A comprehensive guidelines on land for public purposes. It is based on a review of land acquisition methods in a number of developing countries and areas. Experiences and techniques are synthesized in order to produce a set of general guidelines on legislation and implementation of land acquisition programmes.
63. _____. 1987. *Global Report on Human Settlements 1986*. New York: Oxford Press University. This report documents global human settlements conditions and trends. It is a valuable source of information on the global and regional conditions of settlements, which would be of value to individual countries and international agencies in shaping their policies and programmes.
64. _____. 1990. *Roles, Responsibilities and Capabilities for the Management of Human Settlements: Recent Trends and Future Prospects*. Nairobi, Kenya: UNCHS. This paper identifies recent policy and institutional innovations in the management of human settlements, in line with the enabling strategy adopted by the Commission on Human Settlements at its tenth session and the principles of the Global Strategy for Shelter to the Year 2000.
65. _____. 1990. *Shelter: From Projects to National Strategies. International Year of Shelter for the Homeless*. Nairobi, Kenya.: UNCHS. This report gives a special attention of the International Year of Shelter for the Homeless as well as objectives and programmes in their different phases. Projects underway in Third World countries for the poor are outlined.
66. _____. 1991. *Global Strategy for Shelter to the Year 2000: Subregional Seminars to Support National Action*. Nairobi, Kenya.: UNCHS. In order to assist national governments in strengthening national initiatives, UNCHS (Habitat) organized a series of seminar on the formulation and implementation of national shelter strategies. These seminars considered the experiences and roles for partnership between governments, the private sector and NGOs.
67. _____. 1993. *UNCHS (Habitat) in Sub-Saharan Africa*. Nairobi, Kenya: UNCHS. Human settlements issues in Africa are closely linked to various factors such as increasing population, decreasing per capita income, rapid urbanization and an unfavourable world economic order. This book presents not widely activities realized under the Urban Management Programme in different Sub-Saharan Africa.
68. United States for International Development Agency - USAID. Fiscal Year

1997. "Guinea-Bissau." Resource Type: WWW.
69. Vance Irene. 1987. *"The Community as Evaluators: Experience with Community Participation in Self-Build Projects in Managua."* In *Upgrading for the Urban Poor* by Skinner R. J. , Taylor J. L. and Wegelin E. A. (Eds). Manila: Island Publishing House, Inc. This chapter describes the role of community participation in the development of a collective self-build housing project carried out by the residents of San Judas, a low-income barrio in Managua, Nicaragua, between 1980 and 1982. This consolidation of popular participation in social and economic planning was reflected in the programs implemented in the first years of revolutionary transformation. Also San Judas was one of the first upgrading schemes involving collective community action: the residents mobilized themselves around the issue of housing improvements.
70. von Schweinichen Christina. 1990. *"Cape Verde."* In *Housing Policies in the Socialist Third World* by Mathey Kosta. London: Mansell Publishing Ltd. Socialist principles would seem to provide a more favourable conditions for overcoming problems of overcrowding, lack of urban services or substandard housing than are to be found in market economies. However, there is little evidence that, in practice, real improvements have been achieved on a large in the socialist Third World. With recent political upheavals in Eastern Europe and the fundamental questioning of socialist concepts, the situation of socialist Third World appears even more precarious. Today it is clear that these countries will be unable to pursue present policies without radical reform. The reports collected in this book provide a useful resource in comparing and evaluating alternative shelter strategies, as well as achievements and failures. Different countries case are presented. Among them Nicaragua, Tanzania, Angola, Mozambique, Guinea-Bissau and Cape Verde.
71. Warriner Doreen. 1969. *Land Reform in Principle and Practice*. Oxford: Caledon Press. The author discusses land issue by distinguishing its major aspects: political, economic and ideological. The book continues with a series of reforms in these aspects in several countries, mainly in 1964-5.
72. WIDNET- Women in Development Network. 1996. "Statistics - Africa ; Statistics - Latin America and Caribbean." Resource Type: WWW.
73. Williams Harvey. 1985. *"Housing Policy."* In *Nicaragua: The First Five Years* by Walker Thomas W. (Eds). New York: Praeger Publishers. Throughout the Third World, rapid demographic growth and urbanization have put considerable constrain on the economic and political organizations responsible for the provision of basic necessities. The pattern was evident in Nicaragua under the Somoza regime. The housing situation in Nicaragua had been a concern for many years before the Revolution. Within the social area it announced a four point program for housing that included urban reform, national planning, a program for rural housing, and an emergency program for marginal urban neighbourhoods. These points are well explained in the report.
74. William A. Doebele. 1983. *'Concepts of Urban Land Tenure.'* In: *Urban Land*

Policy: Issues and Opportunities by Harold B. Dunkerly. Oxford: Oxford University Press. In this paper Doebele describes in detail different types of land tenure and compare them in their strength as well as in their weakness. Policies and objectives are outlined and the need in urban land reform given the magnitude of urban problems.

75. _____. 1987. "The Evolution of Concepts of Urban Land Tenure in Developing Countries." *Habitat International* 11(No. 1):pp. 7-22. The problem of adequate land for the urban poor in developing countries is bleaker today than it was 25 years ago, and almost surely will become more bleak in the future. In spite of some two and half decades of efforts by governments and international agencies, and enormous investments of money and administrative energy, no nation has kept pace with the problem (Doebele, p.7)
76. The World Bank - Africa Region. 1994. "Women, Legal Reform and Development in Sub-Saharan Africa." Resource Type: WWW. July.

Angolan Press Articles

1. Eduardo Lopez Moreno/VIDA & CULTURA. Os Bairros de Luanda. VIDA & CULTURA - Suplemento do Jornal de Angola 1997 01 de Junho de 1997. Faz uma analise sobre os efeitos da estrutura urbana degradada nas relacoes sociais e as transformacoes dinamicas que os bairros sugerem na socializacao e discriminacao social.
2. Jornal de Angola. Terrenos para Construcão de Escolas na Samba. JORNAL DE ANGOLA 1999 28 Junho de 1999. Refere que a administração municipal da Samba esta disponível para ceder talhoes de terrenos para a construçao de escolas.
3. Moradores de "Regedoria" ao relento/ANGOLENSE. ANGOLENSE 1999;Ano II n. 56 (19 -26 de Junho de 1999). Sobre o conflito da demolicao de residencias de moradores do bairro de "Regedoria".
4. Pascoal Mukuna/FOLHA 8. Teixeira Duarte Prometeu Indemnizar : Destruicoes na Ilha do Cabo. FOLHA 8 1999 19 de Maio de 1999. A Construtora Portuguesa Teixeira Duate prometeu indemnizar os danos causados pelo incidente na Ilha do Cabo, em que destruiu casa, blocos, barcos, chatas, redes, chapas de zinco, etc.
5. AGORA. 09 Outubro 1999. "Anibal Rocha: Dezenas de Residencias." Anibal Rocha. *Agora*. Dezenas de residenciais foram destruidas na periferia de luanda, por ordem do Governo Provincial. No Golfe varias familias ficaram ao relento e perderam seus bens.
6. AGORA. 09 Outubro 1999. *Pra Semana*. Governo de Luanda. factos. Luanda: Agora. O Governo de Luanda prosseguira a demolicao de obras e residenciais em areas nao autorizadas e advertira que serao movidos processos crimes.
7. ANGOLENSE. 19 -26 Junho 1999. "Moradores de "Regedoria" Ao Relento." *ANGOLENSE* Ano II n. 56. Os moradores do bairro "Regedoria" no municipio de Viana foram postos ao relento, na sequencia da demolicao das suas residencias.
8. COROADO, Herculano /FOLHA, 8. 1999. "Pronto para o Banho Num Agitado Rio de Sangue Que Pode Surgir. A Revolta Dos Pastores." *FOLHA 8*, 06 OUTUBRO 1999. Pastores de Gado enfrentam um dilema entre a sobrevivencia erebeliao armada, quando as suas terras sagradas pelo direitos consuetudinario, para pastos sao violadas, usurpadas e invadidas por poderosos fazendeiros.
9. ESTRELA, Armando /JORNAL, DE ANGOLA. 1999. "A TERRA DO GADO:Piramide Invertida Nas Terras Do Futuro." *JORNAL DE ANGOLA*, 03 Novembro 1999, I, II, III, IV,V,VI,VII,VIII. Conflito de terra, entre os pastores na Huila (Tunda dos Gambos) e o rico fazendeiro Fernando Borges.

10. FATIMA, Elma de, /O INDEPENDENTE. 1999. "Guerras Viscerais por Obtencao de Terras: Em Luanda." *O INDEPENDENTE*, 19 Junho 1999. Sobre os conflitos emergentes na luta pela obtencao de terrenos no municipio de Kilamba Kiaxe, em virtude dos negocios que fazem com as terras alheias, expropriadas ilegalmente revendidas.
11. FIALHO, Filomeno /COMERCIO, ACTUALIDADE. 1999. "Demolição de Casas de Populares." *Comercio Actualidade* n. 204. Sobre a demolição de casas de cidadãos sem recurso e alternativas, como imperativo da imposição da Lei.
12. FREITAS, Antonio /AGORA. 1999. "Aos Nossos Musseques.. Havemos de Voltar." *Agora*, 30 Outubro 1999, 02,03. Sobre a alternativa que muitos cidadãos hoje encontram: alugar as suas vivendas e apartamentos na cidade em detrimento de alugueis baratos e subsistencia na periferia da cidade.
13. JORNAL DE ANGOLA. 1999. "Desestimular a Ocupação Ilegal de Terrenos." *JORNAL DE ANGOLA*, 07 Outubro 1999. É frequente ver-se em Luanda, construções em locais menos apropriados sem estruturas adequadas. Alguns cidadãos mesmo sabendo que essas areas estao reservadas ou ocupadas, passam por cima das leis e erguem as suas residenciais.
14. JORNAL DE ANGOLA. 1999. "GPL Põe Ordem Na Construção." *Jornal de Angola*, 07 Outubro 1999. O Governo da Província de Luanda vai doravante proceder a demolicoes sistematicas de obras e residenciais em areas nao autorizadas. Serao, igualmente movidos processos crimes por desobediencia, contra os cidadaos que insistirem em construir sem autorizacao.
15. JORNAL DE ANGOLA. 1999. "Terrenos para Construcao de Escolas Na Samba." *JORNAL DE ANGOLA*, 28 Junho 1999. A administracao municipal disponibiliza-se a conceder talhoes de terrenos para construcao de escola, em virtude de escassos estabelecimentos escolares.
16. JORNAL DE ANGOLA/1999. 1999. "Fina Derruba Residências Na Comuna Do Ngola Kiluanje." *Jornal de Angola*, 09 Novembro 1999, 8. A empresa Fina Petroleos demoliu 19 residências no bairro Sao Pedro da Barra, municipio do Sambizanga, sob desconhecimento do Administrador comunal.
17. JORNAL NOTICIAS. 1997. "ASSOCIACOES CAMPONESAS DIZEM QUE O GOVERNO ESTA A TOLERAR: Negocio de Terra e Sugere-Se a Adopcao de Um Regulamento." *JORNAL NOTICIAS*, 02 Junho 1997. A Organizacao de Camponeses filiadas na Associacao Rural de Ajuda Mutua de Mocambique, consideram que o Governo de Mocambique esta a ser bastante tolerante com relacao a ocorrencia sistematica de violações a actual legislacao sobre o uso e aproveitamento da terra.
18. MARIA, Pombal /FOLHA, 8. 1998. "Administrador Manda Partir Casas: Comuna Do Benfica." *FOLHA* 8, 08 Setembro 1998. O administrador da Comuna do Benfica e acusado de ter ordenado a demolicoes arbitrias a residencias, exigindo o pagamento de dinheiro aos que nao quiserem.

19. MORENO, Eduardo Lopez, /VIDA & CULTURA. 1 Junho 1997. "Os Bairro de Luanda." *JORNAL DE ANGOLA*, 1 Junho 1997. Sobre a estrutura visível dos bairros de Luanda e sua desestruturação actual, e consequentemente as transformações das relações sociais
20. MUKUNA, Pascoal /FOLHA, 8. 1999. "Teixeira Duarte Prometeu Indemnizar: Destruições Na Ilha Do Cabo." *FOLHA 8*, 19 Maio 1999. Sobre a indemnização que a Teixeira Duarte, construtora portuguesa, prometeu fazer as destruições na Ilha do Cabo
21. PEGADO, Alberto /JORNAL, DE ANGOLA. 1999. "UCLLA Analisa Desenvolvimento Urbano, Economico e Social Em Luanda." *JORNAL DE ANGOLA*, 09 Novembro 1999, 9. Luanda acolhe o seminário da Uniao das Cidades Capitais Luso-Afro-Americo-Asiatico.
22. QUINQUINO, Edgar /, Folha 8. 1999. "Demolicoes de Casas: COMECOU A GUERRA." *Folha 8*, 02 Outubro 1999. Ocupações anárquicas provoca mais de mil pessoas ao relento, espancamentos a homens e mulheres, detenções e morte de uma criança provocados pela polícia e pelos demolidores
23. SALVADOR, Raimundo /JORNAL, DE ANGOLA. 1998. "Luanda - Sul Sai Do Papel: Primeiro Projecto Urbanistico Apos a Independencia." *JORNAL DE ANGOLA*, 21 Janeiro 1998, 3. O primeiro projecto urbanístico implementado em Angola, apos a independencia, sai do papel: Luanda - Sul.
24. SALVADOR, Raimundo /JORNAL, DE ANGOLA. 1998. "Luanda - Sul Sai Do Papel: Primeiro Projecto Urbanistico Apos a Independencia." *JORNAL DE ANGOLA*, 21 Janeiro 1998, 3. Faz uma abordagem sobre o começo do primeiro projecto urbanístico implementado em Angola, apos a independencia: Luanda - Sul.
25. SALVADOR, Raimundo /JORNAL, DE ANGOLA. 1998. "Os Avancos de Luanda - Sul: Responsaveis Ligados Ao Projecto Confirmam." *JORNAL DE ANGOLA*, 19 Janeiro 1998, 3. Quando o Projecto Luanda - Sul comecou haviam muitas duvidas sobre a sua real viabilidade e concretização, agora ja esta em avanco os projectos de urbanização.
26. SALVADOR, Raimundo /JORNAL, DE ANGOLA. 1999. "Urbanização Caminha para o Sul: Infraestruturas Novas Em Luanda." *Jornal de Angola*, 04 Novembro 1999, 2. O projecto Luanda-Sul 'e cada dia mais concretizavel, estão ja erguidas varias casas e infraestruturas basicas, como esgotos, estação de tratamento de agua, linhas de fornecimento

LEGAL DOCUMENTS AND GOVERNMENT LEGISLATION:

1. Governo da Republica Portuguesa. Lei no. 2030 de 22 de Junho de 1948 (sobre o direito de superficie de terrenos)
2. Governo da Republica Portuguesa. Ministerio do Ultramar. 1961. *Decreto n. 43 894. Sobre a regula da ocupacao e concessao de terrenos do Estado Portugues na Provinciais Ultramarinas - de terrenos nas Provincias Ultramarinas*. Boletim Oficial de Angola n. 37, de 13 de Setembro de 1961. Angola. Assegura o melhor aproveitamento dos terrenos em harmonia com a adaptacao dos mesmos e garante as populacoes os direitos aos terrenos por elas ocupados e explorados com habitacoes e culturas. Pretende tambem reduzir a demora no andamento dos processos, proveniente de litigios causados por sobreposicoes. Da-se aos Governos Provinciais Ultramarinos a faculdade de determinar a execucao das demarcacoes.
3. Diploma Legislativo no. 3289 de Julho de 1962 (sobre a ocupacao e concessao de terrenos para fins agrarios)
4. Governo da Republica Portuguesa, 1967, Decreto-Lei no. 47344 de 1 de Junho 1967, CODICO CIVIL, Titulo V, Artigos 1524 – 1535, sobre o Direito de Superficie de terrenos.
5. Assembleia Nacional de Republica Portuguesa. Lei n. 6/73 de 1 de Agosto de 1973 (Lei de Terras do Ultramar – Diario do Governo no. 189, serie de 1973). Imprensa Nacional de Angola de 1973. Angola: Boletim Oficial, 1973. lei de terras do ultramar.
6. Lei Constitucional da Republica Popular de Angola, 10 de Novembro 1975, Artigo 95, (As leis e os regulamentos em vigor na Republica Popular de Angola sao aplicaveis enquanto nao forem alterados ou revogados, e desde que nao contrariem a letra e o espirito da presente Lei).
7. Conselho de Revolucao. 1980. *Lei n. 3/80*. Divisao da Provincia de Luanda em duas Provincias. DR n. 99, I Serie. Luanda, Angola: Imprensa Nacional. Divide a Provincia de Luanda em duas Provincias: Luanda e Bengo como o objectivo de melhorar a direccao unitaria da capital, estabelecer uma ligacao directa das suas instituicoes com o Governo, melhorar as condicoes habitacionais, da sanidade e higiene e aumentar a seguranca e vigilancia em todos os dominios.
8. Conselho de Ministros. 1980. *Decreto n. 187/80*. Sobre a Divisao Administrativa da Provincia de Luanda. DR n. 270, I Serie. Luanda, Angola: Imprensa Nacional. A necessidade de adoptar medidas tendentes a aperfeicoar a Administracao Estatal da Capital do Pais levou a divisao da Provincia em Municipios e zonas, constituindo-se assim em 9 municipios.
9. Decreto no. 14/82, de 24 de Marco de 1982 – artigo 2 (sobre os prazos previstos no execucao do decreto sobre a ocupacao ilegal de imoveis)

10. Assembleia Permanente da Assembleia do Povo. 1987. *Lei n. 10/87. Sobre as Transgressoes Administrativas*. DR n. 77, I Serie. Luanda, Angola: Imprensa Nacional. Previne todos os comportamentos humanos que perturbem a organizacao, gestao e ordenação da sociedade. Preve aplicacao de multas aos casos de construçao ou ampliacao de edificações urbanas ou tambem poderao ser demolidas as obras.
11. Lei no. 18/88 de 31 de Dezembro de 1988 – artigo 77 (sobre a ocupacao ilegal de imoveis)
12. Uniao Nacional de Associacoes de Camponeses. 1988. *Projecto de Lei de Terras*.
13. Resolucao no. 13/89, de 22 de Setembro de 1989, do Conselho de Ministros (sobre a ocupacao ilegal de imoveis urbanos e rusticos)
14. Assembleia do Povo. 1991. Lei n. 19/91. *Sobre a Venda do Patrimonio Habitacional do Estado*. DR. n. 22, I Serie. Luanda, Angola: Imprensa Nacional. A maioria dos imoveis constitui patrimonio estatal e o Estado nao tem suficiente recursos para gerir, manter e conservar os imoveis, por isso, a venda desse patrimonio responde de redimensionamento do parque imobiliario do Estado.
15. Conselho de Ministros. 1992. Decreto n. 6/92. *Litigios, sobre a ocupacao ilegal de imoveis urbanos e rusticos*. Diario da Republica de Angola n. , de 24 de Janeiro de 1992. Luanda, Angola: Imprensa Nacional. Sobre os litigios de ocupacao ilegal de predios: ocupacoes sem contrato de arrendamento, pagamento da renda, conservacao dos predios, desalojamento. Decide-se que os litigios voltam a ser conhecidos e resolvidos, em primeira instancia, pelas Salas do Tribunal Civel e Administracões Populares Provinciais.
16. Comissao Permanente da Assembleia do Povo. 1992. . Lei n. 21-C/92. DR n. 34 de 28 de Agosto. Angola: Diario da Republica, 1992. *Sobre a concessao de titularidade do uso e aproveitamento da terra*. Diario da Republica de Angola n. 34, de 28 de Agosto de 1992. Luanda, Angola: Imprensa Nacional. A presente Lei regula a materia referente a concessao dos terrenos pertencentes ao Estado. Estabelece as condicoes basicas para a concessao de titularidade, uso e aproveitamento de terra destinados ao desenvolvimento da actividade agricola, pecuaria e silvicultura com base no direito de uso e aproveitamento da terra destinada para fins agrarios por pessoas singulares e colectivas.
17. Conselho de Minitros. 1992. *Decreto n. 46 - A/92*. Sobre o Direito de os Governos Provinciais poderem constituir o direitos de superficie sobre terrenos de que sejam proprietarios a favor de pessoas singulares ou colectivas. Diario da Republica de Angola n. , de 09 de Setembro de 1992. Luanda, Angola: Imprensa Nacional. Determina que os Governos Provinciais podem, no dominio da gestao urbana, constituir o direito de superficie sobre terrenos de que sejam proprietarios, a favor de pessoas singulares e

colectivas

18. Mlinisterio das Financas e Secretaria de Estado da Habitacao. 1992. *Decreto Executivo Conjunto n. 30/92*. Valor das rendas para fins nao habitacionais. DR n. 23, I Serie. Luanda, Angola: Imprensa Nacional. Considerando que o valor das rendas dos predios urbanos para fins nao habitacionais se encontra desactualizado da actual realidade socio-economica e que grande parte destes predios sao utilizados para o exercicio de actividades com fins lucrativos fixa um valor das rendas ajustado para os mesmos.
19. Conselho de Ministros. 1993. Decreto 37/93 de 17 de Dezembro (sobre a ocupacao do solo urbano da Provincia de Luanda)
20. Conselho de Ministros. 1994. *Resolucao n. 30/94*. Ocupacao desordenada. Diario da Republica n. 50/94, 10, Novembro de 1994. Luanda, Angola: Imprensa Nacional. Considerando que a ocupacao desordenada do solo urbano da Provincia de Luanda inviabiliza um desenvolvimento urbano da cidade o Governo inicia programa capaz de inverter a ocupacao ilegal e desordenada de terrenos, nomeadamente no programa Luanda Sul.
21. Conselho de Ministros. 1995. *Decreto n. 13/95. Expropriacao para fins urbanisticos, parcelas de terreno...* Diario da Republica I Serie n. 19, de 12 de Maio de 1995. Luanda, Angola: Imprensa Nacional. Declara de utilidade publica urgentissima a expropriacao para fins urbanisticos, das parcelas de terreno particulares compreendidas no perimetro do Programa Piloto Luanda Sul, para prevenir a ocupacao desordenada dos terrenos.
22. Ministerio da Economia e Financas e Secretaria de Estado da Habitacao. 1995. *Decreto Executivo Conjunto n. 23/95*. Renda mensal, predios urbanos. DR n. 23, I Serie. Luanda, Angola: Imprensa Nacional. Determina as modalidades de calculo da renda mensal dos predios urbanos para habitacao, cujo pagamento se processa em moeda nacional e fixa as novas modalidades para captacao de novas receitas para o Orcamento Geral do Estado.
23. Conselho de Ministros. 1996. *Decreto n. 9/96*. Sobre o confisco de terrenos. Diario da Republica de Angola n. 14, de 5 de Abril de 1996. Luanda, Angola: Imprensa Nacional. Estabelece o confisco de bens cujos titulares tenham abandonado o pais e delega poderes ao Ministros da Administracao do Territorio e da Justica, incumbindo aos Governos Provinciais a responsabilidade de instrucao de todos os processos de confisco e submetelos a consideracão dos Ministros.
24. Governo da Provincia de Luanda. 1996. *Postura n. 1/96*. Regime Juridico da Concessao de Terrenos na Provincia de Luanda. DR n. 28, III Serie. Luanda, Angola: Imprensa Nacional. Regula a concessao de terrenos na Provincia de Luanda. Ela sera feita em regime de Direito de Superficie, quaisquer que sejam a localizacao, natureza e fins das edificacões a realizar, mediante hasta publica, tendo em conta as necessidades de urbanizacão.

25. Conselho de Ministros. Resolucao n. 30/94. DR n. 50 de 10 de Novembro. Angola: Diario da Republica, 1994. Sobre a ocupacao desordenada e melhoramento das condicoes urbanas, nomeadamente o Programa Piloto Luanda Sul.
26. Conselho de Ministros. Decreto 13/95. DR n. 19 de 12 de Maio. Angola: Diario da Republica, 1995. Declara de utilidade publica urgentissima a expropriacao para fins urbanisticos, das parcelas de terreno particulares compreendidas no perimetro do Programa Piloto Luanda - Sul.
27. Conselho de Ministros. Decreto 32/95. DR n. de 8 de Dezembro. Angola: Diario da Republica, 1995. Aprova o regulamento da lei sobre a concessao da titularidade, do uso e aproveitamento da terra.
28. Conselho de Ministros. Decreto 9/96. DR n. 14 de 5 de Abril de 1996. Angola: Diario da Republica, 1996. Estabelece para o confisco de bens cujos titulares tenham abandonado o Pais, um formalismo que colide com a celeridade com que devem ser tratados os casos de confisco.

ARCHIVED DOCUMENTS IN LUANDA:

1. Angolan National Peasants Union (UNACA). DRAFT LAND LAW, 1990.
2. Assembleia da Republica de Mocambique. 1996. "Anteprojecto Da Lei de Terras - Versao Preliminar," edited by Republica de Mocambique. Mocambique, 17 de Janeiro. Mantendo o principio de que a terra e propriedade do Estado, nao podendo ser vendida ou por qualquer outra forma alienada, nem hipotecada ou penhorada, esta lei garante que a superficie da terra possa ser ocupada, habitada e utilizada mediante concessao de titulos de uso e aproveitamento.
3. Assembleia da Republica Popular de Mocambique. "Regulamento Da Lei de Terras." Mocambique. Documento tecnico aprovado nos termos da lei de terras que regula a distribuicao, uso e aproveitamento.
4. Assembleia Nacional - Republica de Angola. 1995. "Projecto - Lei Sobre a Concessao de Titularidade Do Uso e Aproveitamento Da Terra," edited by Assembleia Nacional. Luanda - Angola, 29 de Abril. Regulamenta as modalidades de ocupacao e concessao de terrenos pertencentes ao Estado. Fomenta e disciplina o desenvolvimento agrario, assegura o melhor aproveitamento de terrenos.
5. BARRAS, Francois. 1996. "Relationships Between Squatters and Land In Urban Sub-Saharan Africa." Some Comments about the situation from a lawyer's perspective. March of 1996?
6. Benoit Allanic and Jacus Pienaar. 1998. "Development in a Transitional Tenure System - Observations From a Survey of Settlements in the ODI/MORETELE Districts of North-West Province," edited by University of Pretoria. Pretoria: Centre for Land Development, Housing and Construction.
7. BRUCE, John W. 1986. "Land Tenure Issue in Project Design and Strategies for Agricultural Development in Sub-Saharan Africa," edited by Land Tenure Center. Madison: University of Wisconsin.
8. Comunidade dos Paises de Lingua Portuguesa. 1998. "Acesso e Uso Da Terra." Workshop Sobre o Acesso e Uso Da Terra. Luanda, 08 - 10 de Setembro. A pressao sobre o uso da terra, tendente a afecta-la a utilizacoes cada vez mais variadas, e hoje uma realidade premente e em muitos casos prenuncio de conflitos latentes, quer ao nivel de paises desenvolvidos, quer dos paises do terceiro mundo.
9. Comunidade dos Paises de Lingua Portuguesa. 1998. "Proposta de Plataforma de Cooperacao No Sector Da Agricultura." Workshop Sobre o Acesso e Uso Da Terra. Luanda, 08 - 10 de Setembro. A terra enquanto factor base da producao agricola e um recurso limitado e nao renovavel, nem sempre as politicas e praticas da terra procuram estabelecer o necessario equilibrio que deve existir entre a necessidade de maximizacao da producao

duravel visando a satisfacao das necessidades da geracao presente e das geracoes vindouras, com o imperativo da preservacao dos ecossistemas e do patrimonio genetico.

10. Conselho de Ministros. 1995. "Regulamento Da Lei n. 21-C/92, Sobre a Concessao de Titularidade Do Uso e Aproveitamento Da Terra," edited by Governo de Angola. Luanda: Imprensa Nacional. Neste diploma encaram-se a demarcacao provisoria oficial em zonas a definir e o talhonamento para a concessao em processo simplificado. Define tambem, as condicoes basicas para a concessao de titularidade do uso e aproveitamento da terra para fins agrarios, por pessoas singulares e colectivas.
11. Conselho de Ministros. 1995. "Prjecto Sobre o Regulamento de Concessao de Titularidade, Uso e Aproveitamento Da Terra." Luanda - Angola, 1995. Define e regulamenta as condicoes basicas para o uso e aproveitamento da terra para fins agrarios.
12. Conselho de Ministros - Republica de Angola. 1995. "Regulamento Da Lei Sobre a Concessao de Titularidade Do Uso e Aproveitamento Da Terra," edited by Conselho de Ministros. Luanda - Angola, 29 de Abril. Proceda a aprovacao de normas regulamentares que se revelam indispensaveis para a devida implementacao da legislacao sobre o regime de uso e aproveitamento da terra, que regem a ocupacao, preservacao e conservacao das terras.
13. CRUY, Eng. Osvaldo. 1998. "As Diferentes Afectacoes Da Terra: Fins Urbanos, Agrarios, Mineiros e Outros," edited by Workshop sobre o Acesso e Uso da Terra. Workshop Sobre o Acesso e Uso Da Terra. Luanda, Angola, Outubro de 1998. A gestao racional dos recursos naturais afigura-se essencial e estrategico em qualquer sociedade. A terra comporta diferentes afectacoes: fins urbanos, agrarios, mineiros e outros.
14. DAHL, Thomas. 1998. "Spoiler Problems in Cambodia and Angola." 24 of November.
15. Deutsche Gesellschaft fur Technische Zusammenarbeit (GTZ) GmbH. Land Tenure in Development Cooperation Guiding Principles. Eschborn, 1998.
16. DEVELOPMENT WORKSHOP. Luanda - Urban Land Rights Development Workshop, editor. . Angola, 1999. Sobre o projecto da Lei de Terra Urbana
17. DOS SANTOS, Daniel. 1989. "The Second Economy in Angola: Esquema and Candonga" pp 157 – 174.
18. European Parliamentarians For (Southern) Africa – AWEPA / David Sogge. Challenges to Civil Initiatives Amidst Angola's Precarious Peace. Angola, 1996.
19. FAO/Ministry of Agriculture and Rural Development (MINADER). Angola: Agricultural Recovery and Development Options Review. In: Report on Land and Natural Resource and Management. ROMA and LUANDA 1996.

20. GARVEY, Jennifer A. 1998. "The Nature Os Rights in Land Under Moyambique's Reform Lan Law." Mozambique, January of 1998.
21. GERRARD, Jacqueline /, Angolan National Peasant's Union. 1990. "Draft Land Law of Angolan National Peasants'Union." Luanda - Angola, July of 1990.
22. Gesellschaft fur Technische Zusammenarbeit. 1998? "Direito e Posse de Terra : Um Guia de Orientacao." 1998?
23. Governo da Provincia de Luanda. 1993. "Regime Jurido Da Concessao de Terrenos Da Provincia de Luanda - POSTURA 1/94," edited by Governo da Provincia de Luanda. Luanda - Angola, Outubro 1993. Postura que regula a concessao de terrenos na Provincia de Luanda. A concessao de terrenos, propriedade do Governo da Provincia de Luanda, sera feita em regime de direito de superficie, quaisquer que sejam a localizacao, natureza e fins das edificacoes a realizar e tipo de construcao adoptado.
24. Governo da Provincia de Luanda. varios. "Diversas Posturas Sobre Direito de Terra." In *Diversas Posturas*. Luanda: Governo da Provincia de Luanda. Documentos tecnicos do Governo da Provincia de Luanda que regulamenta toda a actividade relativa a concessao, permissao, alienacao de terras. Tambem sobre a ocupacao de talhoes de terrenos nos bairros populares municipais.
25. Governo da Provincia de Luanda. 1997. "Contrato de Promessa de Constituicao de Superficie Entre o GPL, EDURD e COOPERATIVA BELO HORIZONTE," edited by Governo da Provincia de Luanda. Luanda, Angola. Decorre deste contrato que para o Desenvolvimento Urbano autofinanciado a constituicao da EDURB que, fica com a responsabilidade da urbanizacao e implatacao de infraestruturas urbanas basicas e, com responsabilidade da comercializacao de parcelas de terreno.
26. Governo da Provincia de Luanda e DAR AL-HANDASAH. 1997. "Uso Do Solo Urbano e Plano de Gestao Do Crescimento." Relatorio Final. In *Plano de Gestao Do Crescimento Urbano*, edited by DAR AL-HANDASAH. Luanda, Julho. O Plano de Uso do Solo e de Gestao do Crescimento Urbano de Luanda e o Estudo de Melhoramento dos Acessos e Drenagem Pluvial do Musseque Piloto e um estudo aprofundado que fornece um plano de Gestao aplicavel em Luanda e realizavel com recursos humanos e financeiros disponiveis; elabora uma estrategia de orientacao para o desenvolvimento da area metropolitana; define um enquadramento institucional para a execucao do plano; define uma estrategia de desenvolvimento dos recursos humanos;
27. JENSON, Scott Kloeck. 1997. "Locating the Community: Local Communities and the Administration of Land and Other Natural Resources in Mozambique," edited by Land Tenure Center Project. Maputo: Faculdade de Letras de Maputo.

28. JUNIOR, Manuel Garcia. 1998. "Acesso e Uso Da Terra." Contribuicao para os Trabalhos de Preparacao do Workshop da CPLP, edited by Ministerio da Agricultura e Desenvolvimento Rural. Luanda - Angola, Outubro de 1998. Sobre o Cadastro Geometrico de Propriedade, é um conjunto de operacoes administrativas, tecnicas e de campo que visam definir uma propriedade de terras, quer no meio rural, quer no meio urbano, com ocupante conhecido ou nao, sobre a qual podem constituir direitos a favor de uma entidade singular, colectiva ou de direito publico.
29. KEPE, Thembela. 1998. "The Problem of Defining "Community": Challenges for The Land Reform Programme in Rural South Africa." Programme for Land and Agrarian Studies, edited by University of the Western Cape. Cape Town: University of Cape Town.
30. KIGULA, Jonh. 1993. "Land Disputes in Uganda: An Overview of the Types of Land Disputes And the Dispute Settlement Fora," edited by Makerere Institute of Social Research. Makerere, Moarch of 1993.
31. KLOECK, Scott - Jenson/LAND TENURE CENTER PROJECT. Locating the Community: Local communities and the administration of land and other natural resources in MozambiqueLand Tenure Center Project, editor. . Maputo - Mozambique, 1997.
32. MENEZES, Aires Bruzaca, de. 1998. "Regime de Concessao de Terra - O Caso de Sao - Tome." Workshop Sobre Acesso e Uso Da Terra. Luanda - Angola, Outubro de 1998. Embora na legislacao, estejam contempladas outras modalidades de concessao, tais como venda, o aforamento e o direito de superficie. Em S.Tome e Principe a modalidade privilegiada é a concessao atraves de contratos de usufruto para as pequenas empresas familiares e os contratos de arrendamento para as medias e grandes empresas.
33. Mulheres de Nampula - Campanha. 1996. "As Mulheres Camponesas de Nampula e a Lei de Terra." propostas de Revisao da Lei de Terra a Comissao Nacional de Terras. Nampula, Abril de 1996. Estas propostas visam: Refletir sobre a relacao entre a mulher e a terra na cultura Makua, conhecer a partir da experiencia das camponesas, o que esta acontecer neste momento no que respeita ao problema da terra em Nampula e a maneira como as mulheres estao a ser afectadas, Apresentar o anteprojecto da lei de terras, colher propostas.
34. MUNKNER, Hans-H. 1995. "Syntesis of Current State and Trends in Land Tenure, Land Policy and Law in Africa," edited by University of Marburg/Germany. Germany: Relevance of Land Tenure Development fo Developing Countries.
35. MUNHNER, Hans H. / Deutsche Gesellschaft fur Tchnische Zusammenarbeit (GTZ) GmbH 1998. Synthesis of Current State and Trends in Land Tenure, Land Policy and Land Law in AfricaUniversity of Marburg, editor. . Germany, 1995

36. MYERS, Gregory W. 1993. "Land Tenure Security and State Farm Divestiture in Mozambique: Case Studies in Nhamatanda, Manica, and Montepuez Districts." January of 1993.
37. MYERS, Gregory W., PhD. 1993. "Reintegration, Land Access and Tenure Security in Mozambique," edited by Land Tenure Center. Madison: University of Wisconsin.
38. NEGRAO, Jose. 1996. "Alternativas para o Sector Familiar - Nova a Politica de Terras e Ao Anteprojecto Da Lei de Terras," edited by Nucleo de Estudos de Terra. Mocambique: Universidade Eduardo Mondlane. O modelo de titularidade avancado pela Politica Nacional de Terras e pelo anteprojecto da Lei de Terras contem quatro elementos considerados como positivos apra o sector familiar, em comparacao com a legislacao em vigor nos outros paises da SADC: terra para todos, terra gratuita para os pobres, terra com valor e terra em producao.
39. Observatoire du Sahara et du Sahel. Le Foncier et la Gestion des Ressources Naturelles dans les Zones arides et Semi - Arides D'Afrique du Nord. Observatoire du Sahara et du Sahel, 1996.
40. PACHECO, Fernando. 1998. "Sobre a Propriedade Comunitaria Da Terra." Workshop Sobre o Acesso e Uso Da Terra. Luanda, Outubro de 1998. O acesso a terra constitui factor essencial da organizacao da actividade agricola e da estruturacao da sociedade rural, dai a importancia da compreensao da representacao social da terra, ã essa representacao social que designa uma forma de pensamento social que permite as relacoes do homem com a terra.
41. PACHECO. 1997. "A Terra Em Angola: Desenha-Se Um Novo Conflito?" edited by Accao para o Desenvolvimento Rural e Ambiente. Luanda - Angola, Junho de 1997. Este trabalho procura apresentar um panorama da problematica da terra nos ultimos anos do poder colonial e no pos-independencia, dar a conhecer as formas de representacao social da terra predominantes em Angola e a sua evolucao, e questionar as praticas actuais de gestao de terras como fonte de novos conflitos.
42. PEDROSO, Maria Manuela, Avelino. 1997. "Acesso e Uso Da Terra," edited by Workshop sobre Acesso e Uso da Terra. Workshop Sobre Acesso e Uso Da Terra. Luanda - Angola, Outubro de 1997. A grande mudanca das sociedades actuais e a conscienciliacao das consequencias nefastas deste deste comportamento sobre a terra, decorrente da obigatoriedade de protecao e salvaguarda dos seus recursos naturais, proclamados como patrimonio comum da humanidade.
43. PEREIRA, Anthony W. 1994. "The Neglected Tragedy, the Return to War in Angola, 1992-3," edited by The Journal of Modern African Studies. Cambridge University Press.
44. Secretariado Tecnico. 1996. "Debate Do Anteprojecto de Revisao Da Lei de Terras." Relatorio. Conferencia Nacional de Terras. Maputo, 5 - 7 de Junho. A

constituicao de Republica de Mocambique mantem o direito do Estado a propriedade da terra, no entanto, introduz algumas alteraçoes no regime constituicional de 1975: o Estado encoraja os camponeses e trabalhadores individuais a organizarem-se em formas colectivas de producao, cujo desenvolvimento apoia e orienta, O Estado incentiva e apoia a producao do sector familiar .

45. TAPSCOTT, Chris. 1994. "Land Reform in Namibia Why not?" South Africa: University of Namibia.
46. WEST, Harry G., and MYERS. 1992. "Local - Level Political Legitimacy and Security of Land Tenure in Mozambique," edited by Land Tenure Center. Madison: University of Wisconsin - Madison.
47. WHEELER, Douglas L., and PELISSIER. ? "Angola: Land, Peoples and Kingdoms."

HISTORICAL REFERENCES:

Margarido, Alfredo, 1972, 'The Tokoist Church and Portuguese Colonialism in Angola' in *Protest and Resistance in Angola and Brazil*, Chapter 2, ed. Chilcote, Ronald, U. California Press, pp. 33-7

(on pre-colonial customary conception of African land ownership and the social impact of Portuguese occupation)

Henderson, Lawrence W, 1990, *A Igreja em Angola: um rio com varias correntes*, Lisbon: Ed. Alem-Mar.

- 1992, *The Church in Angola: a River of Many Currents*, Pilgrim Press, Cleveland, Ohio

(a history of the Church as it developed in the various ethnic regions of Angola)

Colonial Act, 1933, Article II.

("It is the organic essence of the Portuguese Nation to carry out the function of possessing and colonizing overseas domains and of civilizing the indigenous populations") from Salazar's Estado Novo

Salazar, Antonio de Oliveira, 1939, *Doctrine of Action: Internal and Foreign Policy of the New Portugal, 1928-39*, trans. Robert Edgar Broughton. London: Faber and Faber. (outlining Salazar's conception of his Fascist – Estado Novo)

Ferreira, Vicente, 1954, 'Regioes de povoamento europeu nos planaltos de Angola', *Estudos Ultramarinos*, vol. 3, part 2, *Angola e os seus problemas*, Lisbon: Agencia Geral do Ultramar, pp. 35-50 & 87-128

(on preferred European settlement areas in central highlands, avoiding humid zones where whites show little desire or capacity to settle)

Childs, Gladwyn Murray, 1944, 'Notes on Civil Administration in Angola: Civilizing Words'. unpublished paper written 11 September 1944, pp. 2-4

(on expropriation of African land and reversion of many European land concessions back to colonial state due to owners failure to exploit adequately)

- 1949, *Umbundu Kinship and Character*. London: Oxford University Press, pp. 216-7

Santos, Oliveira, 1957-8, 'O problema das terras em Angola', *Estudos Ultramarinos* 7, pp. 61-81.

(on the consequences to Africans of European settlement, and the loss of their best lands)

Santa Rita, Jose Goncalo de, 1940, "O contacto das racas nas colonias, seus efeitos politicos e sociais. Legislacao Portuguesa", in *Congresso do Mundo Portugues*, vol 15, part 2, pp.11-70. Lisbon: Comissao Executiva dos Centenarios. (on 19th century laws governing European land concessions, allowing expropriation of African lands while ignoring traditional African patterns of shifting cultivation)

Caetano, Marcello, 1946, *Relacoes das colonias de Angola e Mocambique com os*

territorias estrangeiros vizinhos. Lisbon: Imprensa Nacional.
(on the tendency settlement and forced labour laws of shifting racial relationships into ones of employee/employer)

Ventura, Reis, 1955, 'O caso de Cela e a colonizacao etnica de Angola', in 1^o Congresso dos Economistas Portugueses (Problemas das economias ultramarinas); IV Seccao – colonizacao etnica (Comunicacoes e debates). Lisbon: Instituto Nacional de Estatistica. pp. 343-7

(in an attempt to encourage Portuguese settlers to work newly granted land concessions themselves, rather than exploit African labour, settlement regulations were introduced prohibiting Africans from farming or working in the white Colono settlement areas)

Norton de Matos, Jose Mendes Ribeiro, 1926, A Provincia de Angola, Porto: Edicao de Maranus.

- , 1933, 'Como pretendi povoar Angola', Boletim geral de colonias 9 (October), pp. 90-9.

(considered a relatively 'liberal' governor Norton de Matos introduced a number of reforms including the recognition of land areas farmed traditionally by African farmers patterns of shifting cultivation, up to 5 times that occupied at a specific point in time)

Guilmaraes, Francisco de Vasconcelos, 1969, 'Aspectos do regulamento de ocupacao e concessao de terrenos nas provincias ultramarinas com interesse para a contra-subversao', pp.1-8 (paper presented to the Council on Counter-Subversion on the 7th January 1969, regarding post 1961 land rights reforms)

Moreira, Adriano, 1961a, pp. 204-21, "Ensaio" 2nd ed. Lisbon: Edicoes Panorama (regarding post 1961 land rights reforms) [Adriano Moreira was the Portuguese Overseas Minister between 1960 and 61 and is considered the author of the liberal land reforms of September 1961. Bender notes p. 209 footnote; 'The reforms did not lead to any fundamental change in Portuguese domination, partially because Moreira himself prevented it.']

U.N. 1965, Document A/6000/Add. 3 (Part 2), Appendix 2, 18 Novembr 1965, pp. 7-35 (regarding post 1961 land rights reforms)

U.N. 1973, pp. 18-19 (affect of settler lobby to reverse 1961 reforms to remove protection for African traditional ownership)

Raposo, Louisa Maria Simoes, 1972, "Angola: ocupacao e posse de terras", Prisma, May 1972, pp. 35-43 (regarding post 1961 land rights reforms)

IDOC, 1974, pp. 71-4, Angola: Secret Government Documents on Counter Subversion, translated and edited by Caroline Reuver-Cohen and William Jerman. Rome: IDOC (regarding post 1961 land laws and the lobbying of settlers to remove special status for traditional African rights)

Mendes, Afonso, 1969, 'Aspectos relevantes de contra-subversao', paper presented to the Council on Counter-Subversion, 17 January 1969, pp. 4-6

(colonial settlement policy ignored African customary law governing communal use of land)

- 1972, English version of above report published by the Angola Comite in Amsterdam in 1972, and later printed in Rural Africana no.24 Spring 1974, pp.75-88 [Afonso Mendes became a Minister in the short lived Angolan Transitional Government after 1975 after the Alvaro Accords]

Land Rights Decree of 6 September 1961 no. 43894.

(This law theoretically protected African lands by establishing three classes of land in Angola)

Sogge, David, 1994, 'Angola: Surviving against Rollback and Petrodollars' War and Hunger, ed. Macrae, J. and Zwi, A., Zed Press, London 1994, pp. 92-110.

(on survival strategies, an overview from colonial times through to the time of writing)

Monteiro, Ramiro Ladeiro, A familia nos musseques de Luanda: Fundo de Accao Social no Trabalho em Angola, 1973a, pp. 78-80 and passim

(on displacement of urban Africans from their residences in Luanda's musseques)

- 'From Extended to Residual Family: Aspects of Social Change in the Musseques of Luanda', in Social Change in Angola, pp. 211-33, ed. Franz Wilhelm Heimer, Munich: Weltforum, 1973

Bailey, 1968, pp. 405-7, 'Local and Community Power in Angola, Western Political Quarterly 21', (September 1968) pp. 400-8.

(on displacement of urban Africans from their residences in Luanda's musseques)

- "The Political Process & Interest Groups" in Portuguese Africa A Handbook, pp 146-64, eds David M. Abshire & Michael A. Samuels, New York: Praeger 1969.

Morais, Joao David de, 1972, pp. 40-5, 'Quando o mar bate na areia' NOTICIA no.662, (12 August 1972).

(in depth study - despite heavy censorship - of the impact of clandestine housing among the Axiluando fishermen who lived along the coast just south of Luanda)

Monteiro, Ramiro Ladeiro. A FAMILIA NOS MUSSEQUES DE LUANDA, Fundo de Accao Social no Trabalho em Angola , Luanda, 1973

KEY INFORMANT INTERVIEWS

1. **Fernando Pacheco – Entrevista - Luanda, 17 de Junho de 1999
SOBRE - DIREITO DE POSSE DE TERRA URBANA (RESPOSTAS AO
QUESTIONARIO DA DW)**
2. **Margret Beckwith and Ruth Hadley IEIA Missionaries in Luanda and
Sao Paulo. 17 January 1998 ON TRADITIONAL LAND RIGHTS**
3. **Interview with the Advocate Graciano Provincial of Government Luanda,
Juridical Office 03/04/00**
4. **ENTREVISTA COM O ARQUITECTO FILIPE ROSÁRIO, 03 de Abril de
2000**
5. **ENTREVISTA COM O ARQUITECTO JORGE Marco 2000 Governo
Provincial de Luanda Direcção de Planeamento e Gestão Urbana**

SOBRE - DIREITO DE POSSE DE TERRA URBANA (RESPOSTAS AO QUESTIONARIO DA DW)

Fernando Pacheco – Entrevista - Luanda, 17 de Junho de 1999

1. Na Lei 21 -C/42 de 28 de Agosto, sobre a Concessão de Titularidade do Uso e Aproveitamento da Terra. Em Angola ainda não ha uma verdadeira lei de terras em geral c da terra urbana em particular.
2. A situação é bastante confusa. Existe o Regulamento da Lei sobre a Concessão da Titularidade do Uso e Aproveitamento da Terra, aprovado pelo Conselho de Ministros pelo Decreto 32/95, publicado n.º D.R. nº 49, I série, de 8/12/95. Relativamente à parte urbana, que parece ser o que interessa neste caso, ha conhecimento que na província de Luanda Os títulos de concessão são cedidos na base da Postura 1/96 sobre “Regime Jurídico da Concessão de terrenos na Província de Luanda”, publicado no Diário de Republica. III Serie nº 28 Não se sabe o que se passa nas outras províncias. Não temos conhecimento sobre outra Legislação especifica para a terra urbana.
3. Ha conhecimento de que o Conselho de Ministros teria orientado a criação de um Grupo de Trabalho para rever toda a legislação jurídica, mas não se sabe qual o ponto de situação actual.
4. Respondido no ponto 2.
5. O poder está concentrado a nível do Governo da Província. As Administrações Municipais e Comunaes apenas tratará dos aspectos burocráticos e dos pareceres. E certos COS são ouvidas as charadas autoridades “tradicionais”.
6. Ver ponto 5.
7. A pergunta não está clara. Em Luanda os pedidos podem dar entrada nas Administrações Municipais através de um requerimento que fica registado no Departamento de Cadastro da Direcção dos Serviços de Planeamento e Gestão Urbana do Governo da Província. Não está claro qual o poder da Administração. Talvez a conselhos municipais possam esclarecer.
8. Ao Governador da Província.
9. Normalmente restringe-se a um parecer na base da consulta as populações a fim de se saber se o terreno está efectivamente vago, caso a concessão pretendida não vai prejudicar os interesses das populações.
10. Não temos mais conhecimentos sobre o que se passa nas áreas rurais e em áreas rurais de fins agrarios. No entanto, pode dizer-se que os problemas gerais mais salientes são:
 - A questão da propriedade, pois a lei apenas confere o direito de uso e não o de

PO5S(~

- A questão do usucapião, pois a id não esclarece o eiu *fazer* com aqueles casos em que ha uso de facto durante muitos anos, ainda que nao sob a aiçada da lei;
- Os direitos adquiridos no tempo colonial, quando a legislacao permita o direito (IC posse.

hstes aspctos tern provocado muita Contwvrsia Clii relaça() aos interesses dos iivcstidorcs privados.

II .A actual Lei Constitucional lirnita—se a definir que “Iodos us recursos naturais existcntcs no solo e no subsolo... são propriedade do Estado, que determinará as condições do seu aproveitamento e utilização”.

ON TRADITIONAL LAND RIGHTS

Conversation with Margret Beckwith and Ruth Hadley IEIA Missionaries in Luanda and Sauromo. 17 January 1998

Re: Traditional land folding. (Chokwe ethnic groups of the Lunda Region of Northe East)

Control of land is in the hands of the "soba" who allocates the use of both agricultural land and land in settlements. While land allocation and control is vested in the soba, the ownership rights are drawn from the clan's ancestors who are buried on the land and who used the land in the past. Ownership is drawn from the past occupation and use.

A differentiated relationship exists between the use of the land, its surface and what was placed or planted on the land. A woman sold a plot of land that was used by the buyer to build a house. The woman had previously planted fruit trees on the land and maintained the right to continue to harvest the fruit.

Similarly; in a rural area of the Lundas, a man returned to an area, for many years abandoned by his family, and assumed the right to harvest a coffee tree that his father had planted several decades ago.

Case of Recent Conflict over Land Allocation – Saurimo (Lunda Sul Province)

In Saurimo there exists a parallel formal (government appointed) and traditional (soba – clan based) authority. Recent (1997) peri-urban plot distributions have been made in parallel by both the official and the traditional authorities, in many cases allocating the same plot to different people. Protracted legal arguments resulted. It is unclear how these conflicts were mediated, whether through the courts or if a high level administrative decision was taken. In this case the decision was made in favour of the traditional authorities. While it is unclear whether a permanent institutionalized structure has now been established to incorporate traditional authorities in the administration of land evidently the local government authorities in Saurimo have decided to consult traditional leaders in the future on the allocation of land.

Luanda

Many people initially build their houses on squatted land or land purchased informally where registered title deeds are not issued. In many cases local government inspectors "fiscalizadores" or the civil police appear and post a fine "multa" for illegal construction, use or occupation of the land. Householders normally pay this fine willingly, and receive a receipt for the payment of the multa. Householders consider the receipt for the payment of the multa to be equivalent to a deed permitting occupancy of the plot of land. For large numbers of people the multa receipt is the only official document that they hold indicating their occupation of the land where they are living. The sense of security of tenure that the payment of multa offers is enhanced by the fact that the local authorities also do not normally impose subsequent fines on the occupier after the first multa is paid.

**Interview with the Advocate Graciano
Provincial of Government Luanda, Juridical Office**

03/04/00

What is the current legislation regarding land?

What exists as a law is Law 21c/ 92 August 28th. This law was regulated with the decree numbered 32/95, December 8th and it established two scenarios: land destined for agrarian use and land destined for non-agrarian use (such as habitation, commerce, industrial exploration & the establishment of social activities). It also establishes a time limit for concession and for exploration. Then came regulations that established a sort of title which is approved by the agricultural department, in which all the details and specifications are contained. This is the regime that was officially adopted regarding the concession of land for various ends.

Before the creation of these two qualifications (of land), one such scenario had already been established in the colonial period. In Luanda's case we have adopted two forms of land concessions, this is because Luanda is a city that was never planned for, and continued growing spontaneously, always with an urbanized nucleus that expanded on a daily, monthly or yearly basis. These expanding zones were already occupied with huts, but the colonial government authorized the natives of the time to occupy the expanding urban zones and its peripheral suburbs with huts to which a tax was respectively assigned. These were called **precarious concessions** so that each individual could build his/her hut. However, as soon as urbanization reached these areas the huts were destroyed and automatically the natives would occupy more distant zones. This process went on until approximately 1962, at which point the colonial government began creating the so-called **populational neighborhoods** – urbanized zones with minimal infrastructures in which the concession land for habitation use was established through leasing. The individual would establish a rental contract with the Municipal Hall and then paid what was called a **Foral** – an annual rent, at which point he/she would erect a house. But even these *populational neighborhoods* were reached by this modern expansionism eventually; when the big buildings reached these areas they would be demolished. However, with the evolution of times, the Portuguese switched from land concessions through leasing to concession via the so-called **right of surface**, in which the following occurred: during the first scenario of the land concessions through leasing, the owners had difficulty registering at the conservatory, which only kept registrations at a fiscal level due to taxation purposes. These homes were built according to specifications supplied by the ex-Municipal Hall, in other word, the individual built his/her house under orientation of a worker of the Municipality, who followed the construction from the laying of the foundations up to a certain point where it became a mere technical fiscalization.

And so it switched from this form of leasing to next. Through *right of surface*, these populations began to have a right with more guarantees, because the law in itself is subject registration. The individual may receive it directly from the conservatory and mortgage this right, in order to obtain credit from banks to build his/her house, paying back the sum in annual installments.

After the construction of the house is finished it can be registered at conservatory where the previous registration in the individual's name had been made. There was only the one condition: if, eventually, one wished to sell one's house the Municipal Hall would have to be informed and asked if it wanted preferential treatment in the sale, if not then it would be sold to the highest bidder. However, as independence approached the Portuguese decided to sell the occupied parcels of land with houses which already had contracts under the *right of surface*, therefore approving the so-called "**Postural 95**" (95th Posture) which allowed those people covered by the right to acquire the land on which their houses stood, ending the restrictions of said right. In short, they began with the *precarious constructions* through the

so-called huts, evolving later into the *populational neighborhoods* via leasing which, in turn, evolved into the *right of surface* and ending the process by finally selling the lands in full property.

After independence matters became erratic, everything belonged to the State, the issue of property was almost never discussed because property was communal, and as to what concerned planning and the orderly growth of the city there was almost no policy, and people began occupying areas without any urban orientation; “musseques” (ghettos) made of concrete cement began to emerge, ones that with the proper orientation might have had another result. This disorderly growth of the “musseques” created a big problem, which is the problem of someone of occupying a parcel of land in these areas to obtain legalization. It’s a non-urbanized zone so the individual will probably obtain it, but considering that someday afterwards a plan to urbanize is developed, how can this be resolved? This is the problem. So it was agreed at administrative levels that it was necessary to recall the *precarious title*.

These titles are merely precarious, because there’s no real care by the Provincial Government to verify if the land which the title is being granted is State-owned land or privately-owned land. This is a concrete situation in particular, because in order for the government to grant a title of concession implies that the government was or least planned to become the owner of said land. This was and still is being done until this by very day the by government – conceding *precarious titles* so people can occupy land, but when the situation is concerning property the issue is still dubious and confused, because in terms of archives the situation is not good; the files are almost all destroyed and those that are not, are at times, of difficult accessibility. Even so in 1992, we also presented a proposal to the Central Government which was to allow the Provincial Government during that stage of transition the opportunity to switch from precarious concessions the *right of surface*, which would force the system (Provincial Government) verify the ownership of the land which the right would cover.

We would verify the property and if it were not in the State’s name, we would proceed to acquire and regulate it accordingly, then we would concede the documentation to the citizen whom in turn should take it to the Conservatory and register this right over the land, upon which he can build and register under his/her name. Regarding abandoned land, the Provincial Government had the initiative to confiscate those parcels in order to manage them under safer guidelines.

Regarding those people who have parcels of land and wish to legalize it and others who might want a parcel of land themselves, we have two initial solutions for this scenario:

1) It’s necessary to know if the zone in which the individual owns land is urbanized or not. If not, the most the government can do is concede a *precarious title*, but it’s not the Provincial Government’s policy to allow people who have already built and own houses (through transgression) to move, unless the government can find an alternative spot; this is, indeed, a fact that houses that are already inhabited to date have not been demolished. But there’s another phenomenon in progress, a form of informal real-estate. For instance, a fellow goes to the “musseque” of Cazenga and builds 3 or 4 houses. He then goes to the neighborhood of Maianga and builds a number of other houses (eg. 2 houses). This same fellow later moves to the Kilamba Kiaxi neighborhood where he rents a house while profiting from his/her other houses. Therefore, only the precarious authorizations would allow the government control over the constructions that are being made, but legalization in terms of origin would go through verification if the zone is urbanized, or the parcel of land fulfills the requirements in these areas and the construction that follows is suitable, in light of the space the area contains.

2) Now, regarding people who might want land, they may choose between one of two options: there were some difficulties but the government discussed and created 4 areas of

urban development: one is found in the neighborhood of Cacucaco, another in Viana, and the remaining two in Kilamba Kiashi and Samba. These are the great initiatives for development, keeping in mind, of course, that demand is great and the government is in no condition to build infrastructures in these areas, what is done are roads and the attempt to provide a certain amount of order to the constructions through the implementation of the “**Codigo Civil**” (Civil Code), giving some space to see if people will build, but following a certain order and when resources permit it, provide water, electricity and other social services to these areas. It’s obvious that the government’s adopted policy does not solve the problem, because the Government of Luanda, for example, needs to see the problem of populational exodus to the country’s capital city as a national problem. What we desire is that the provinces should create conditions in the peripheries of their cities through the creation of poles of agricultural development, which would allow people to establish themselves jointly with, and equally as important, peripheries in a radius of 100 to 150 km of the city of Luanda, areas of economic development that began to emerge. For, if at a distance of 100 km of the city there’s a ranch that needs to be worked, then people would want to go there and to other places where there’s work to be done. However, if no private investments are made to the peripheries of the city of Luanda, at the recommended distance, then the Provincial Government alone won’t be able to solve the problem.

This is not a law, people build because their habitational problems are unresolved and it’s the government’s responsibility to ensure that they have houses. The citizen only builds because the government is unable to deliver on its obligations and role. Things are now, from a social and ethical point of view, extremely shocking. Matters are not regulated.

If one’s house is destroyed, as regards the **right of property**, there’s the so-called Institute of Possession which is regulated and the government has to respect. The individual that inhabits a certain space for a year and a day has to be respected as to his/her possession, and if the government has to destroy the person’s house eventually, this must be preceded by an agreement by the government and the citizen. This is regulated in the Civil Code. There may not be many guarantees but the government can only expel this person from one place if it offers an alternative one. Which leads to another phenomenon: if people realize that a certain area is subjected to urban development then everyone builds huts overnight. In such cases or types of occupation, which is seen as a direct affront to the State, we have no other choice, we must leave.

In colonial times, individuals involved in such situations were immediately arrested, this is found in the **Rules of Edification** (article 150) which I believe is still in use, and establishes very harsh measures.

“**Postura 1/96**” (Position 1/96) doesn’t solve a problem that follows the land problem. The idea was that it would, but it did not. Even those with titles for agricultural areas can’t register their right at the conservatory. We, the Provincial Government, for habitational and industrial ends decided to resort to a law that comes from colonial times, because we don’t agree with the current one which is “**Law 2030**”, enforced in Angola by the legal document N. 19, 242 BO Series 1 N.27 of July 4th 1962. Therefore this legal document enforced two articles of this *Law 2030* regarding the *right of surface*.

After independence this law regarding the *right of surface* almost went into disuse. So that in 1992 the Central Government allowed the Provincial Government (of Luanda) to grant the right upon land which it owned, and in obedience to this decree the Provincial Government elaborated a Posture regulating this right, once it’s been conceded in Luanda. The idea was that matters of habitation would be attended to in at so-called “state public sales”, afterwards anyone could candidate themselves for concessions. But via state public sales what would happen is that a great part of the citizens wouldn’t have access to the necessary space they would need to build their habitations.

And so we began to differentiate between highly valued areas and areas where any and all citizens which had the resources could build his/her house. And so we keep both regimes: for the leasing regime we'll resort to the *right of surface* because it imposes a sufficiently high value, and for cases involving citizens with no resources, the so-called *populational neighborhoods* continued to be applied under a *precarious title*, but by converting this regime into the *right of surface*, through the payment of an almost symbolical amount (between USD 5 to 10 per m²), which can be paid within 25 years. The proceedings are as follows: the individual types a letter to the Municipal Administrator requesting an amount of land, or one already has the land and wishes to legalize it, in which case the individual gathers a sketch of the location of the area and then one types a requisition to the Governor and the Tax Offices. There are 3 documents. The file enters the administration which elaborates a sort of official letter and sends it to urban management. There research is done at a geometric and juridical level, in terms of archives. And if it's understood that the land is in condition to be conceded, a title with the signature of the Governor is emitted and handed to over to the citizen after the payment of a certain tax, which goes to the finance department. After obtaining the title one has 6 months to present a project for construction, and if at the end of this time a project is not shown the land will automatically revert to the ownership of the Provincial Government. After receiving the title the area of urban management supplies what we call "plans of weight", to determine the volume (number and types of floors, etc) of the construction one must make on the land one was granted. And in the verse of the *precarious title* itself the conditions of concession are mentioned: one must present a project within 6 months and make use of the land within 2 years, or it will revert to state-ownership.

In such cases if it's an urbanized area the land is subject to taxes, and every year that passes without making use of the land leads to the increase of taxes, plus, it's also subject to the burden of higher value, because as the years go by so too does value increase, and land gains value over time we impose a condition which could lead to expropriation.

These concepts can be clarified in the Civil Code, Juridical Dictionary.

The system of *populational neighborhoods* remotes to 1930, and the *right of surface* from 1962. There is the possibility to update the archives, but this implies lots of work and resources. We have the geometric and juridical archives; the first contains everything that concerns the occupation of a certain parcel of land and the second has to do with the rights regarding parcels and their owners. So normally a consultation is made in both areas and there is a letter where this is registered.

Now, regarding the government's position concerning the use of land, treaties do exist transferring possession but not transferring property. We can only consider this if the one selling the article is in fact the original owner, in which case we'll have no other alternative than to recognize the sale.

In the event of conflicts what sort of proceedings should be followed in order to solve the problem*** In 1994 the "**Lei de Impugnar**" (Law of Rejection) of the administrative acts was approved, it's the law numbered 2/94 if I'm not mistaken, which allows the citizen the right to complaint if he/she feels unjustly treated by the administration, in which case the government has up to 60 days to reply but if it doesn't then the complaint is regarded as undefined, at which point the citizen must make use of the right to resort to the hierarchic superior, and if this one does not solve the matter the citizen will have to appeal through the normal channels. If the unjust act was a consequence of the Governor's decision then the citizen must address the supreme court directly to nullify said decision. However, we have preferred to dialogue with people and in some cases where we believe that a settlement can be reached, if it concerns two citizens who have files regarding the same parcel of land, we give preference to the one already on the land and we proceed to grant another parcel for the

other; if the latter is not satisfied then we have no choice but to appeal to the courts and await a verdict.

Does the Government recognize those citizens that inhabit or make use of certain lands that was left to them by ancestors? Is there a recognition of customary rights regarding land?

It has been our philosophy - at least during my management as director of the juridical office and every time we are solicited to argue such matters – to grant the *right of property* of the supposed area if a person has been occupying it for at least a year and a day. And if eventually the government wishes to occupy this land, it must first reach some kind of agreement with that person because he/she still retains the right to appeal to the courts to submit a judicial motion to retain possession, meaning that if anyone should threaten that person to leave the land without any legal documents, then the person can demand to the courts to ensure that he/she be left alone because he/she had possession for more than the required time.

This is how things have to be looked upon: you have the land fenced off, let's suppose in a zone that is urbanized, in which case someone would have petitioned for the land asking to legalize it, in which case our teams would head to the spot and tell you, the occupying entity, that you have X amount of time to actually give some real improvements in terms of usefulness to the area. If the land is effectively yours then a time limit is given to improve on it, and if naught is done within the time limit then the land will then fall under the general regime.

What the government does first is give people who have already occupied the lands for many years the opportunity to use it constructively, and in the event of them being unable to do this the following will occur: the government can arrange for the occupying party to transfer possession to another individual who wishes to legalize it through the Provincial Government, so that this new individual can occupy the land without any conflict with the old occupants, even if there is a document proving that the old occupant owns the land; especially if the administration passes a declaration of some sort. What we want is a piece of paper to file in our archives.

Is there a need for a new law regarding the issue of land?

It's my belief that there has not been given sufficient importance to the land issue in our country, and I also believe that once our country comes to know true peace the next source of conflict will be due to land. For instance, I'm from the province of Kwanza Norte and much land was left to me by my grandparents, which was left to them by their ancestors, but we have no legal documents. It's the same for those who make a living by cutting wood from the forests in the interior of the country; each tree counts and it is private property. They come and cut it down. Therefore, it's a subject that I believe deserves a specific legislation and, maybe, we should consider looking to other countries which are similar to our own and see how they dealt with their problem, for example: Kenya, Ghana, Ivory Coast and Gabon.

Normally, here these things do not happen because the State controls everything, but in other countries the construction of a road, for example, sometimes implies the destruction of privately-owned houses, which calls forth the so-called **Expropriation of a Public Entity**: a decree is emitted, a given area is expropriated and following this act a group of technicians is formed to evaluate the exact worth of the expropriated land, and the report done by these experts is submitted to the judge for approval. And, likewise, the people from whom the land was expropriated must inform the judge if they agree with the report. If not they too may hire or form a group of technicians to study and submit their own conclusions as to what they believe the land to be worth, and hand it over to the judge who in turn will calculate a sort of

“average” which he will concede as the final value. Only after a compensation is guaranteed to those expropriated can the State begin constructions. There’s a law that says that in the province of Luanda no-one may begin constructions without the authorization of the Provincial Government; transgressors are subject to a fine, plus, the demolition of the illegal construction. The government prefers to turn a “blind eye” on this reality and negotiate with private individuals so as to not create to much of a fuss; individuals receiving compensations government itself might not even have to one.

So, to construct on provincial soil one needs authorization or else what is built will be demolished. What has to be considered is the hierarchy of interests. Normally when the government wishes to build something, we dispatch social workers that go to the areas that are covered, and they speak to the opposite party involved and they agree on the method or type of compensation to be made: either through the concession of another parcel of land in another area to repay their loss, or through a financial compensation. Normally this type of project already covers the resettling component, but because the “public interest” is greater, in some cases, some private individuals rights are sacrificed.

ENTREVISTA COM O ARQUITECTO FILIPE ROSÁRIO

03 de Abril de 2000

Quais devem ser os procedimentos, relativamente aos diferentes casos de terras? Isto é, cidadãos que pretendem construir pela primeira vez e aqueles que já tendo um terreno ou habitação pretendam legalizar.

Normalmente o interessado, nesses casos, formula o seu pedido de autorização para ambos casos. O governo para evitar que haja ocupações anárquicas não autorizadas demoli construção não concluída para evitar que atinja o estado que não é permitido esta acção.

Como está definido a casa do tipo definitivo, a diferença entre o definitivo e o provisório

Na legalização não entra muito a qualidade o tipo de casa, simplesmente o que está feito como construção.

Será que há um documento que estabelece que quando a casa já estiver construída o recurso não deve ser a demolição, mas sim a legalização?

Parece que há instruções para esse efeito. E desde a era colonial se processa dessa forma. Portanto o aspecto da legalização já vem do passado, porque se virmo *a cidade de Luanda quase que toda ela não foi planificada de raiz, a parte urbanizada vinha posterior, um processo de reestruturação, de requalificação que se fazia nas construções anárquicas ou espontânea.*

Quando se destroem as casas ou partes quais são os mecanismos de compensação?

A única coisa quando se parte uma casa nestas situações, a pessoa pode ser indenizada, ou seja, dá-se-lhe uma porção de terreno e com o direito de superfície. Mas no caso de se partir parte do quintal nem sempre pode haver qualquer compensação. Situações deste tipo, poderão acontecer em muitas partes da cidade para se infra-estruturar muitas partes da cidade.

Quanto as condições de estruturação, esse é o processo que em principio está-se a retomar e tem avançado. Pensa-se estabelecer um programa mais profundo. Podia começar com este tipo de informação com aspecto concretos do processo e aspectos técnicos de como fazer as coisas. E esta informação na altura devia ser acompanhada com acções concretas e praticas no terreno; em que localmente nas administrações o cidadão iria encontrar a documentação.

Quanto a documentação, qual é o procedimento?

Não há coisas novas, o procedimento é o que existe, eventualmente, tendo em conta a demanda poderá haver livros e procedimentos para encurtar o processo burocrático. O procedimento normal é o seguinte: *o cidadão faz um requerimento que é dirigido ao administrador municipal e ao governador provincial, solicitando o terreno. E então dá entrada na administração municipal ou no governo provincial. De principio o processo entra no Expediente Geral e depois é classificado e vai na área técnica, direcção dos serviços de planeamento de gestão urbana*

Mas há procedimento que hoje estão sendo levados a cabo no caso da Samba, uma área que foi loteada a bem pouco tempo, em que havendo já na área algumas ocupações, o procedimento é um pouco aligeirado. Para os que já têm ocupações trata-se de adequar a ocupação ao plano desenhado, para os outros faz-se a solicitação e imediatamente começam já a trabalhar; enquanto que quando uma pessoa solicita sem ter um espaço indicado, ele tem que esperar onde é que o governo vai lhe indicar.

O requerimento tem um certo tempo. Mas o maior problema da demora é que não ha disponibilidade de espaços urbanizados para dar quem solicita, o que se faz, buscam-se espaços para quem solicita e faz-se pequenos arranjos. E isso é o maior problema.

Hoje a intenção é diversificar a oferta com urbanizações precárias e massificá-las. Porque o governo não tem possibilidade de infra-estruturar os espaços, o mínimo é abrir as ruas. Enquanto

não haver espaços urbanizados em termos de plano, eles através da indicação que o município diz que quero o município tal, então eles vão procurar neste município se encontram algum espaço disponível em que eles depois fazem um pequeno arranjo na área em que poderá se receber o terreno. Agora isso ficaria facilitado se houvesse muitos planos, recebendo isso portanto ele comprando receberia a numeração do lote e era simplesmente criar o processo e fazer o croquis de localização e com a indicação do número do lote.

Quem emite o título é o governo provincial sob proposta da administração, através da Direcção de Serviços de Planeamento e Gestão Urbana. E quem assina é o governador.

Normalmente, faz-se o requerimento dirigido ao governador *juntamente vai o requerimento do bairro fiscal, onde se declara que o município não tem qualquer outra propriedade.* Depois de autorizado o município paga as respectivas taxas.

O gabinete técnico e a Direcção dos Serviços de Planeamento e Gestão Urbana fazem a mesma coisa, a diferença está na dimensão e capacidade de uma e outra. O cidadão pode pedir um terreno fora do seu bairro.

Uma pessoa que está a ocupar um terreno apenas faz um requerimento para legalizar a ocupação conexamente com um croquis de localização.

Quem compra um terreno legalizado faz o mesmo procedimento? Se quem vendeu tem documentação legal o procedimento recorre da condição de desanexação. E isso só é válido se tem documentação legal, porque há uns que vendem sem documento e neste caso quem compra tem que legalizar o terreno.

Se o processo demora e o terreno é entregue a outra pessoa? Como protestar e a quem protestar? Se há litígio são os serviços de planeamento e gestão urbana em coordenação com o gabinete jurídico quem tem de procurar alternativa e propor à pessoa que solicitou.

O ideal hoje é fazer o levantamento de todas as solicitações que existem e implantá-las numa área.

As novas casas que estão a ser construídas, no caso de Luanda Sul. Aqui todo o espaço já tem um plano. O critério de acesso, a pessoa dá entrada do requerimento e paga os valores não como título normal, mas com uma série de contribuições para a própria urbanização.

ENTREVISTA COM O ARQUITECTO JORGE Marco 2000
Governo Provincial de Luanda
Direcção de Planeamento e Gestão Urbana

A **Direcção de Planeamento e Gestão Urbana** está compartimentada em três departamentos: *departamento de cadastro, departamento de gestão urbana e de departamento de planeamento urbano*, que funcionam em conjunto. O Departamento de Cadastro zela pelas questões de terras, e gestão urbana pelas questões de edificações e pela questão do uso do solo urbano.

No que respeita a movimentação de dossiers dos cidadãos que de acordo com a Constituição têm direito à habitação ou pelo menos ao espaço edificável, temos vários casos: os cidadãos que ocupam há muito tempo o terreno, os cidadãos que por razões várias afluem à cidade, com perspectiva de resolução dos seus problemas e temos também os cidadãos que afluem por motivos da instabilidade no país.

No entanto, o GPL não diferencia o tratamento, pois não seria muito bom. Conhecemos o problema, tomamos cautelas e oferecemos ao cidadão a oportunidade para construir e, se depois qualquer dia se vai embora deixando bens aqui, aqueles que com ele coabitaram poderão solicitar a transferência de direitos sobre a concessão.

Quanto ao cidadão que requer uma área no espaço urbanizado, a concessão obedece aos planos parciais de urbanização já existentes, cuja alteração só poderá ser feita em Conselho Técnico.

Sempre que haja solicitação no casco o cadastro diz-nos que o espaço é de A ou B, dá-nos um croquis oficial da localização e só depois é que se remete para o director que solicitará à gestão urbana a informação sobre a vocação do espaço. De acordo com o arranjo parcial do quarteirão no contexto da cidade, anexa-se à este arranjo a memória descritiva.

Acontece que o casco urbano está saturado, em termos de propriedade, e as bolsas que existem estão todas ocupadas. Hoje existem pessoas a construir nos terraços com outras vocações. Com medidas preventivas a Direcção dos Serviços de Fiscalização procedem as demolições.

Verificando-se um grande afluxo de pessoas do interior para a cidade, na periferia, num número elevado, nós não conseguimos, e dada a inexistência de meios, optou-se por planos rápidos de ordenamento. Nós nem estamos a fazer urbanização. Estamos a criar loteamentos ainda que módicos para realojamentos.

Nós temos situações de desordenamento e hoje já começamos a aperceber que é gravíssimo, porque provocam outros problemas à comunidade: problemas de saúde pública, banditismo, etc, etc.

Agora, em termos legais, por lei aqueles terrenos que não são de direito pleno, são do Estado. Normalmente utilizamos uma premissa que ainda consideramos como óptima, não demolimos musseques, procuramos sim ordená-los, acontece que esse ordenamento torna-se difícil por insuficiência de meios, mas vamos juridicamente regularizar algumas situações nos bairros em que existe um traçado viário normal como o Palanca, onde há arruamentos visíveis, abertos, e também o caso de Viana Caop. Neste momento, o esforço será o manter esses arruamentos para depois quando houver condições criarem-se estradas. Não interessa o traçado da área periférica, mas o importante é a possibilidade de reabilitá-lo, permitindo que haja circulação sem grande atropelos.

Outros problemas são de âmbito técnico e interno. É fácil se aperceber que uma cidade de seis milhões de habitantes pouco poderá fazer com seis arquitectos. Estamos numa situação *sui generis*, porque não existe uma Câmara.

Também pode dizer-se que uma das grandes preocupações, neste momento, em que não há os meios, é termos que ser ágeis, desdobrarmos-nos rapidamente e conversarmos com pessoas singulares ou colectivas para adquirir pequenos equipamentos e ordenar as terras disponíveis.

Antes não era permitido sequer em Luanda construção definitiva desordenada; era permitido apenas à construção precária, ou seja, casas de pau-a-pique ou casas de madeira e isso era controlado.

Há uma experiência que provavelmente será feita no bairro operário, isto porque é ordenado, tem arruamentos e se pretende uma certa qualificação urbana que altera a imagem e a qualidade do meio de vida e de ambiente.

Por exemplo por ano, quantos processos são aprovados pela direcção?
Nós mensalmente recebemos na ordem de 150 solicitações. A nossa resposta depende muito da organização espacial do momento, na base de projectos rápidos.

O facto de o residente ter um processo no Governo Provincial, dá uma certa protecção à pessoa? Sim. Porque obterá sempre uma resposta oficial na base da qual se reconhece a preocupação.

Quais são os procedimentos técnicos ou administrativos para alguém que quer começar a construir e adquirir um terreno? Há um processo inicial que é dirigido, em requerimento em primeira instância à administração comunal ou municipal e outro dirigido ao Governador Provincial, como entidade máxima. Depois elaboram-se pareceres desde o comunal ao municipal. Na secretaria recebe-se um talão e 8 dias depois já se sabe para onde você foi encaminhado.

Primeiro vai ao cadastro para saber quem o proprietário do terreno, depois por razões de edificação vai à gestão urbana. Porém, isto não nos dá muita segurança porque as vezes até o proprietário está aqui, ou então deixou herdeiros, e assim por questões de segurança nós publicamos um aviso no Jornal de Angola durante trinta dias, findo os quais damos o tratamento conveniente.

Só depois da informação da carácter jurídico e geométrico emitida pelo Departamento de Cadastro a petição vai para o departamento de gestão urbana, à secção de arquitectura, é respondido anexando-se uma fotocopia do estudo previsto e enviado ao DSPGU.

Qual é a sua base para tomar esta decisão, qual é o plano de base?

Luanda no tempo colonial não tinha um plano director, mas sim planos espaciais de urbanização, e foi com base nestes planos de urbanização, que foram construídos os novos edifícios, quer dizer que este plano de urbanização contém as massas previstas com todos os serviços de apoio e equipamentos e foi assim que começaram a surgir os edifícios dentro dos regulamentos previstos neste plano.

Este crescimento foi tão rápido foi de 61 a 74, pode-se afirmar que Luanda foi a cidade que mais cresceu no mundo neste tempo, ainda hoje é visível que há edifícios que têm as paredes cegas que esperam o adosso de outros edifícios. Qualquer alteração tem que ser uma proposta, e é anexa a este mesmo estudo de arquivo.

Para as zonas periféricas acontece que a velocidade de ocupação é muito grande e se não

tivermos acautelados não conseguiremos fazer nada, mas para isto são necessários os meios de fiscalização.

Nós já tivemos projectos para funcionar para resolver estas situações que não foram aplicados por razões várias. E entre fazer um projecto e não fazer temos que ir para uma condição prática, porque pagar um projecto e não aplicar é quase um perigo. E já tivemos tentações destas. Portanto, temos que ir para uma solução prática para impedir o cidadão de construir anarquicamente, tem que haver um grupo no terreno a trabalhar, a viabilizar o terreno para enquadrá-lo.

O Governador para emitir um título, ele precisa do parecer de quem? Do parecer da Direcção Técnica. Porque, embora seja ele o responsável pela província, em primeira instância pede responsabilidade às áreas que lhe fizeram chegar o dossier para o deferimento. Mas acima de tudo quem confirma que está operativo é a Direcção de Planeamento e Gestão Urbana, porque se não estiver conforme, nem sequer pode enviar ao governador, a menos que o governador peça uma informação.

Mas quando o documento está técnica e juridicamente trabalhado sobe ao governador com anuência do director de serviços de planeamento e vai a informação dizendo que esta em condições de ser aprovado, licenciado e deferido.

Quais os constrangimentos normais que acontecem, sobretudo nos procedimentos técnicos aqui? Não temos. Temos os procedimentos que nos levam a rejeição deontológica das coisas, a rejeição de atropelos deontológicos da nossa profissão.

Nós dentro da nossa profissão, o que não está previsto conforme os procedimentos técnicos, não aprovamos. Não queremos fazer com que o governo incorra em erros sistemáticos, porque também no meio de tudo isto não se estará a proteger o cidadão.

O munícipe reclama, mas é preciso que ele encare o indeferimento nos moldes técnicos normais e socialmente previstos. Queremos evitar situações do género do Rocha Pinto

Luanda utiliza duas modalidades de concessões de terrenos, mas a tendência é no futuro aperfeiçoar uma delas. Utiliza a modalidade provisória neste momento está em experiência piloto o direito de superfície e já esta quase que consolidado. A modalidade provisória confere ao cidadão tranquilidade, porque vai passar a definitiva.

Depois de deferido o título pelo Governador implica o projecto e a construção. O direito de superfície é uma concessão que se faz por um período determinado, normalmente 60 anos. É quase como uma compra temporária. Este prazo de 60 anos é dado porque prevê o investimento, a amortização e rentabilização e depois disto, ou seja, findo o prazo existe o direito de preferência.

Em qualquer parte do mundo não se constrói a partir do próprio bolso, normalmente faz-se recursos a créditos bancários. E interessa que seja assim, a concessão do direito de superfície, porque Governo tem sempre disponibilidade de prevenção de espaço, quando termina o direito de superfície.

Normalmente um processo completo em condições, quanto tempo leva para ser aprovado pelo governador? Demora cerca de 60 dias.

Se o cadastro indica que há um problema no processo, o que acontece?
O cadastro faz o ofício de resposta que imediatamente pode ser assinado pelo chefe de departamento de cadastro, assim como pode também ser assinado pelo próprio director de serviço. Suponhamos que fez um recurso a um terreno que já foi concedido a outra pessoa, o

chefe de cadastro dá logo a informação a dizer que não é possível, porque está concedido. Mas o cidadão reclama e faz recurso, então o chefe de cadastro junta os antecedentes e encaminha ao director que tem competência para indeferir, dizendo que tem ocupação, quer dizer, ele não atesta indeferimento o que compete ao Governador, mas diz que não é viável a situação porque foi concedido por Sua Excelência o Senhor Governador com despacho X à outro cidadãos ou que tem proprietário ou ainda que não é possível por razões técnicas.

A direcção de serviços pode propor a mudança de terreno ou a cedência de um outro terreno no caso de litígios? Sim, mas, já consentida pelo governador, porque a primeira proposta vai o governador e depois qualquer iniciativa neste domínio tem que estar avalizada pelo governador, porque é ele que responde em ultima instância por qualquer anomalia que possa surgir. Então pode se fazer isso, mas sempre na base negocial, isto é, conversando com os cidadãos mostrando-lhes as possibilidades de melhoria do sítio, isto legalmente pode fazer-se. Agora noutras condições só por promulgação de um decreto do conselho de ministro, se for o caso para expropriar, isto porque implica procedimentos jurídicos de outros níveis. A expropriação implica automaticamente indemnizações.

Temos terrenos para distribuição em Cacucaco, Benfica, A intenção, pelo menos na Samba, é atingir os 3 (três) mil lotes.

Financial Report

as of

31 March 2000

FINANCIAL REPORT - Until 31 March 2000

DESCRIPTION	BUDGET USD	EXPENDATURE	VARIATION
Research Coordinator 5 months (part time)	\$ 7,500.00	\$ 4,500.00	\$ 3,000.00
Research Assistants (2) for 6 weeks each	\$ 3,000.00	\$ 4,000.00	(\$ 1,000.00)
Consultant (legal)	\$ 500.00	0.00	\$ 500.00
Documentation procurement	\$ 500.00	\$ 425.00	\$ 75.00
Printing	\$ 500.00	\$ 475.00	\$ 25.00
Communications	\$ 250.00	\$ 215.00	\$ 35.00
Research costs	\$ 250.00	\$ 145.00	\$ 105.00
Report preparation, secretarial & translation	\$ 1,500.00	0.00	0.00
Overhead Costs (13%)	\$ 1,820.00	\$ 1,820.00	0.00
TOTAL:	\$ 15,820.00	\$ 11,580.00	\$ 4,240.00
IDRC Contribution:		\$ 12,658.27	\$ 3,161.73