

LWF Policy Brief

1601

Key Messages

The government of Angola needs to put a clear land law implementation program in place with the necessary human, technical and financial resources from national to local level.

The government of Angola could make use of the current land policy reform discussion to move the community land regularization process from the provincial to the municipal level, where it can be closer to the communities.

The government needs to put a local authorization process in place that is based on the free prior and informed consent (FPIC) of the entire village.

The government should put in place special women's empowerment mechanisms, especially at the provincial and municipal level to support women in the villages.



Angola: Community Empowerment for Land Rights

Introduction

In an attempt to resolve long-standing land issues in Angola resulting from the Portuguese colonial legacy and displacements and evictions during the country's civil war, Angola enacted a new land law in December 2004. Among others, the law included the formal possibility to transform customary land rights into legal rights. Nevertheless, more than ten years later, the impact of the law is yet to be seen on the ground. In addition, the recent global phenomenon of increasing interest in agricultural land has complicated the stakes for local communities, whose land remains largely subject to customary laws.¹ In order to support the implementation of the law, the LWF started a pilot project in three municipalities in Moxico Province. This policy brief discusses the immediate impact of this

pilot project and highlights some policy bottlenecks that need to be addressed in order to effectively realize communities' land rights in Angola.

Land tenure in Angola

According to the 2004 land law, "Lei de Terras de Angola," all land belongs to the state. In practice, however, most access to land and natural resources continues to be primarily regulated by the respective customary laws in the different provinces of the country. In order to accommodate the rural communities' right to land, this land law provides the possibility to transform customary land holdings into legal rights. Under this law, men and women are afforded equal



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rights and protection. While women have the right to own land, individually or jointly with their husbands, in practice, various customary land laws discriminate against women. Despite its progressive aspects, the implementation of the new law has encountered several challenges. First, the state institutions that are mandated to implement the law are weak and lack the capacity to implement the law in a transparent and accountable manner.² Second, it is estimated that over 4 million people were internally and externally displaced during the war; this has resulted in competing claims between the IDPs and returnees, and those who had owned the land in the pre-war period. Finally, due to increasing demand for agricultural land, those who claim their land on the basis of customary law are becoming ever more vulnerable to arbitrary evictions perpetrated by state agents or those who are connected to the political elite.

LWF's land rights program in Angola

The LWF has had considerable work experience in Angola. In the 1980s,

at the height of the country's civil war, the LWF was one of the major NGOs providing emergency relief and rehabilitation to war affected communities in the provinces of Lunda Norte, Lunda Sul and Moxico. After the 2002 peace agreement and the return of relative stability, the LWF transitioned its operation from emergency rehabilitation to long-term development programs, with an emphasis on integrated rural development projects.

In 2015, the LWF introduced a new community empowerment project focusing on safeguarding land rights—an important precondition for food security. The project targets three municipalities in Moxico Province, namely Camanongue, Leua and Lumege Camoia. Since it was launched, the project has produced concrete results on the ground in the following areas.

Awareness raising on land rights: In Angola, people in the rural areas, including some government officials, are not aware of their land rights and legal rights to property in general under the formal law. Most Angolans' land, including in urban areas, remains subject to the principles of customary law. Under the LWF land rights program, local

communities are made aware of their property rights under the formal law and encouraged to formalize their land to avoid potential expropriation. Awareness raising training includes building the capacity of local government officials and institutions to effectively address land rights issues. In the villages in which the LWF operates, some communities have already formalized their lands and others are at different stages of the formalization process.

Women's empowerment: Women in Angola, as in many parts of the world, face special challenges with regard to access to, use of and control over land. In rural areas of Angola, where customary laws rule, productive resources such as land are controlled by men, who are seen as the traditional heads of households. Despite notable changes in traditional gender roles as consequence of the civil war, women are still marginalized in terms of access to land under many Angolan customary laws. The gender dimension is an integral pillar of the LWF's land rights project and cross-cutting theme across the entire project activities. Under the program, specific consultations are held to challenge and mitigate discrimi-



N°	Name of the Village	Name of the farmer association	Hectares	Certificate secured	
				Yes	In process
1)	Cataca	Cataca	800	✓	
2)	Chinganga-Moises	Fuji ya Mahundu	533	✓	
3)	Caiembe	Ngolo Ya Ngandu	237	✓	
4)	Liangongo	Canyonga	128	✓	
5)	Muapezo	Kulivashana muapezo	800		✓
6)	Mufupo2	Mwakundundu	346	✓	
7)	Ndongue	Tshilingenu	40		✓
8)	Saissazo	Kulivashana	800		✓
9)	Samaria	Graça, SACs, Samaria	1,169	✓	
10)	Terra Nova	Cazeze	120	✓	

natory practices and belief systems. The results of these consultations are visible in the LWF's operational areas. Out of four farmers' associations visited for this brief, two are headed by women. The local authorities have also reduced the land registration fees for women farmers' associations. In order to bridge the literacy gap—one of the major barriers to the meaningful participation of women—the project includes literacy programs for women.

Land registration and certification:

After adopting the 2004 land law, the Angolan government made it mandatory for everybody (rural and urban) to regularize their land before July 2010.³ However, this law failed to provide any guidance on how to initiate this process and did not specify the role of relevant government ministries and local authorities in assisting households and rural communities in the process. As consequence, more than 10 years after the adoption of the law, 90 percent of the land in Angola today remains unregistered.⁴ In addition to awareness raising, the LWF land rights project supports land rights regularization in 39 villages of the three municipalities in Moxico province. These are designed as pilot initiatives to test the regularization process and to encourage the government to implement such a program nationwide. Out of the 39 villages, 10 villages have completed the awareness raising stage and launched the regularization process of their communally owned land; seven of them have already secured their land certificates.

Village Development Committees (VDCs):

Part of the problem with regard to the realization of communities' land rights in Angola are weak government institutions and discriminatory traditional systems at the local level. In some municipalities, there are no clear mechanisms in place to adjudicate land related disputes or, when they exist, they are not known by the beneficiaries for whom they are intended. The VDC is the lead Community Based Organization (CBO), comprised of the traditional leadership (the Sobas), women representatives, youth representatives and other development institutions elected by the community members. It provides a vehicle for local communities to resolve land issues locally and demand accountability at higher government levels when those rights are impinged upon. The LWF land project conducts trainings for the VDCs on various topics (such as human rights in general, land rights, women rights) and provides in kind support for their activities. The LWF also facilitates regular meetings between the VDCs and concerned municipal administrations to forge good governance and accountability at the local level.

Policy implications

Lack of implementation program for land law:

Since its adoption, the Angolan government has not put an implementation program for its land law in place and there is no coherent mechanism (from national to local level) for rural land regularization. In

some municipalities, there is limited knowledge about the land law itself. ***The government of Angola needs to put a clear land law implementation program in place with the necessary human, technical and financial resources from national to local level.***

Administrative and logistical impediments to rural land regularization:

Currently, rural land regularization is a three stage process: village level, municipal level and the provincial level where final land certificates are issued. At each stage, communities have to deal with paper work and pay administrative fees. One of the most difficult barriers repeatedly mentioned by communities is travelling between the village and the provincial capital, which is both expensive and time consuming. The municipal authorities feel that there is nothing they can do to simplify the process since it is a national policy that certificates are issued at provincial level. ***The government of Angola could make use of the current land policy reform discussion to move the community land regularization process from the provincial to the municipal level, where it can be closer to the communities.***

Redefining the role of traditional leadership (Sobas) in land allocation:

Under the current land policy framework, the Sobas are required to approve any land development deal in the community. But among the villages interviewed for this series, in some cases the Sobas have given approval to land development projects without proper consultation with the wider community. In other cases, the Sobas have complained that they were trapped into signing papers without fully understanding the content. ***The government needs to put a local authorization process in place that is based on the free prior and informed consent (FPIC) of the entire village.***

Women's empowerment: The current land policy framework recog-



nizes women as equal partners with men with regard to access to land. However, in practice women are still discriminated against. The problem is not only limited to land. It has to do with women's position in society, in key government institutions and decision-making bodies. If women's access to land is to be realized, it cannot be separated from their wider position in society, particularly participation in public offices at the local to national levels. ***The government should put in place special women's empowerment mechanisms, especially at the provincial and municipal level to support women in the villages.***

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Endnotes

- ¹ USAID. Angola – Property Rights and Resource Governance Profile. Accessible online, www.usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Angola_Profile.pdf
- ² Cain, A. 2003. Angola: Land and Conflicts. In Land and Post-Conflict Peacebuilding, ed. J. Unruh and R. C. Williams. London: Earthscan. Page 197.

- ³ USAID. 2008. Angola-Strengthening Land Tenure and Property Rights. Accessible online at http://pdf.usaid.gov/pdf_docs/Pdaci672.pdf
- ⁴ USAID. Angola – Property Rights and Resource Governance Profile. Accessible online, http://www.usaid-landtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Angola_Profile.pdf

