

Legal and institutional context

1. Angola was affected by a protracted conflict: the struggle for independence in from 1961 to 1975 and post-independence civil conflict from 1975 until 2002.
2. During this period, much of the population fled from the insecure rural areas to cities like Huambo where the conflict was most intense.
3. Since peace in 2002, significant numbers have returned to Huambo from coastal areas that were relatively safer during the war.
4. During and following the war, peri-urban, informal housing settlements grew rapidly but legal and administrative procedures for managing these areas were not developed.
5. There is an absence of up-to-date municipal land cadastres and a registry of housing and real-estate.



Legal Environment

- Angola has inherited their legal framework from the Portuguese Civil Code which did not easily accommodate itself to African land tenure practice.
- The post independence constitution affirmed the State to be the owner and manager of land.
- Land Laws of 1991 and 2004 affirmed that colonial cadastre as the basis of land titling therefore weakening traditional land claims and removed provisions for 'occupation in good-faith'.
- Titles for urban land are only issued in fully urbanised planned areas but by-laws for the regularisation of peri-urban land have still not been published.



Current Opportunities

- The Angolan Government has adopted an ambitious policy that promotes the construction of one million houses by 2012
- Through this programme the Government aims to eliminate most slum settlements known as Musseques.
- In this process the Government intends to facilitate self-help construction of 685,000 homes
- The Land Law of 2004 reaffirms the authority of the state as the primary manager and owner of all land resources



Increasing Tenure Insecurity for the Poor

- The poor often occupy valuable inner-city urban real-estate.
- Urban Plans involve Forced Removals of the Poor from the Urban Centre and the creation of township-style settlements on the periphery on low-valued land.
- Expropriation of the poor's assets deepens poverty.



Research hypotheses

1. Entry points to investigate current land management practices and the progress of institution-building in this area are the following:
 - that management practices in Huambo were weakened and a low priority given during the years of conflict (1975 – 2002)
 - that local municipal administrations have interest in developing proper procedures as a basis for generating tax revenue based on their new mandate under Law 7-02
 - that confusion of institutional roles and competencies produce a reversion to informal processes;
 - that support from central government has been inadequate.



Project Methodology

The project has several components:

- **A legal study including:**
 - examination and of the existing legislation
 - how legislation is implemented in practice in Huambo
 - why Municipal Administrations do not follow proscribed procedures
- **A household survey on domestic land acquisition.**
- **Scope of how practices might change & be adapted**
- **Evaluation of the support to Municipal Administrations that might be necessary**



Legal Tools

The following are the only legally defined designations of formal tenure that have been codified in the Land Law or Civil Code:

- a) Precarious (temporary) occupation rights
- a) Surface rights
- b) Customary useful domain to rural communities (not yet regulated)
- c) Useful civic domain (not yet regulated)
- d) Private property rights to urban land (applies to properties designated during colonial era)



Administrative Tools in Practice in Huambo

1. **Attestation of Residence** – witnessed by 2 neighbours
2. **Declaration of Bairro Commission** – witnessed by Soba
3. **Declaration of Comuna Administration** – signed by administrator.
4. **Licence of Occupation** (Licencia de Arrematação) – valid for 3 years renewable until Title of Surface Rights is issued.
5. **Licence for allotment** or sub-division - following municipal urban plan
6. **Licence for delimiting** or fencing the site.
7. **Licence for construction** – respecting building codes and local urban by-laws



Land Regularisation Diaries

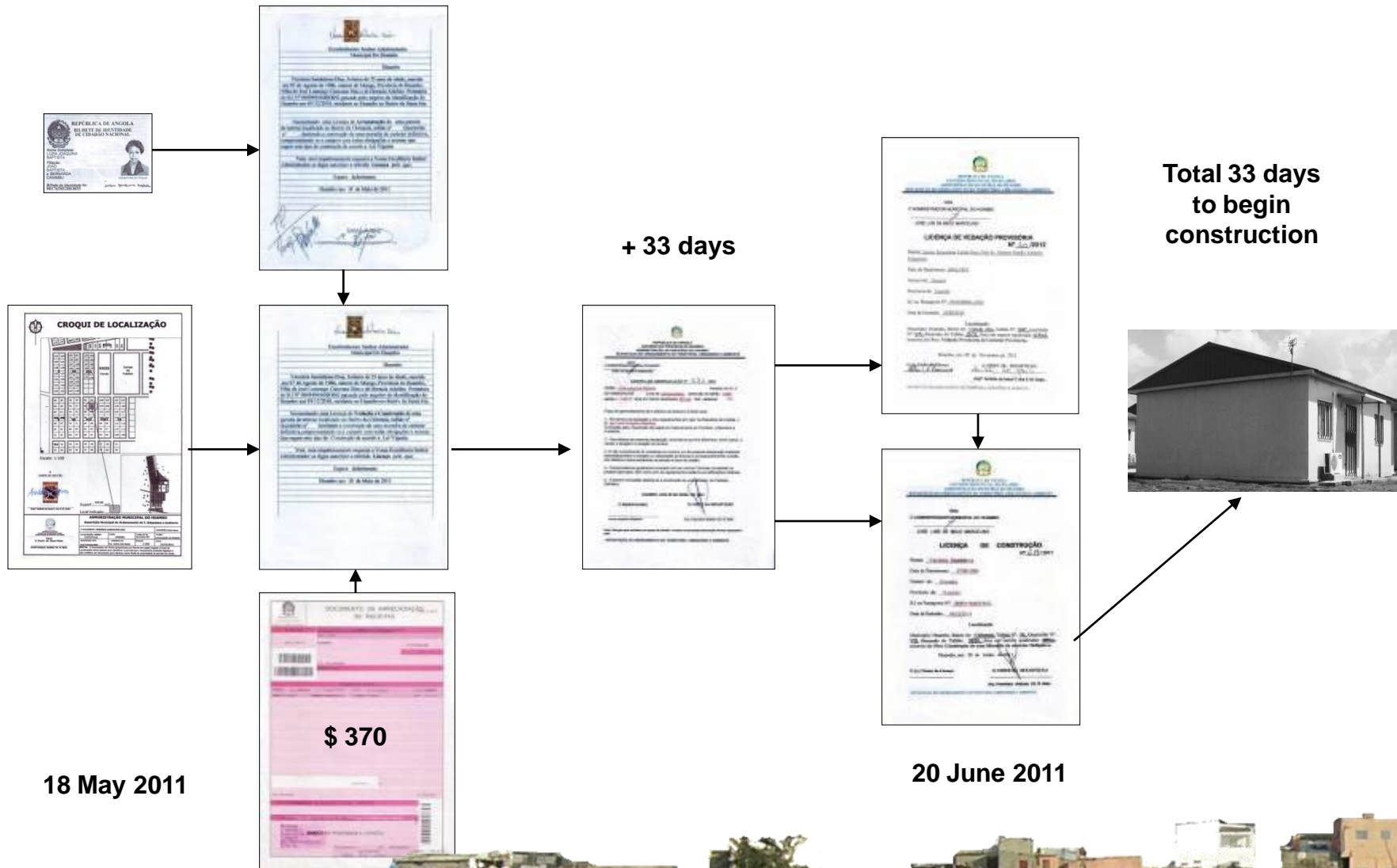
Registering Land for Formal Housing

142	143	161	162	163	164	XXIII Escola	Campo de Futebol.		
140	141	159	160	165	166				
138	139	157	158	167	168				
136	137	155	156	169	170				
134	135	153	154	171	172				
132	133	151	152	173	174				
130	131	149	150						
		147	148						
		145	146						
64	65	78	79	92	93	106	107	121	122
62	63	76	77	90	91	104	105	118	120
60	61	74	75	88	89	102	103	116	117
58	59	72	73	86	87	100	101	114	115
56	57	70	71	84	85	98	99	112	113
54	55	68	69	82	83	96	97	110	111
52	53	66	67	80	81	94	95	108	109
41	42	43	44	45	46	47	48	51	
33	34	35	36	37	38	39	40	50	

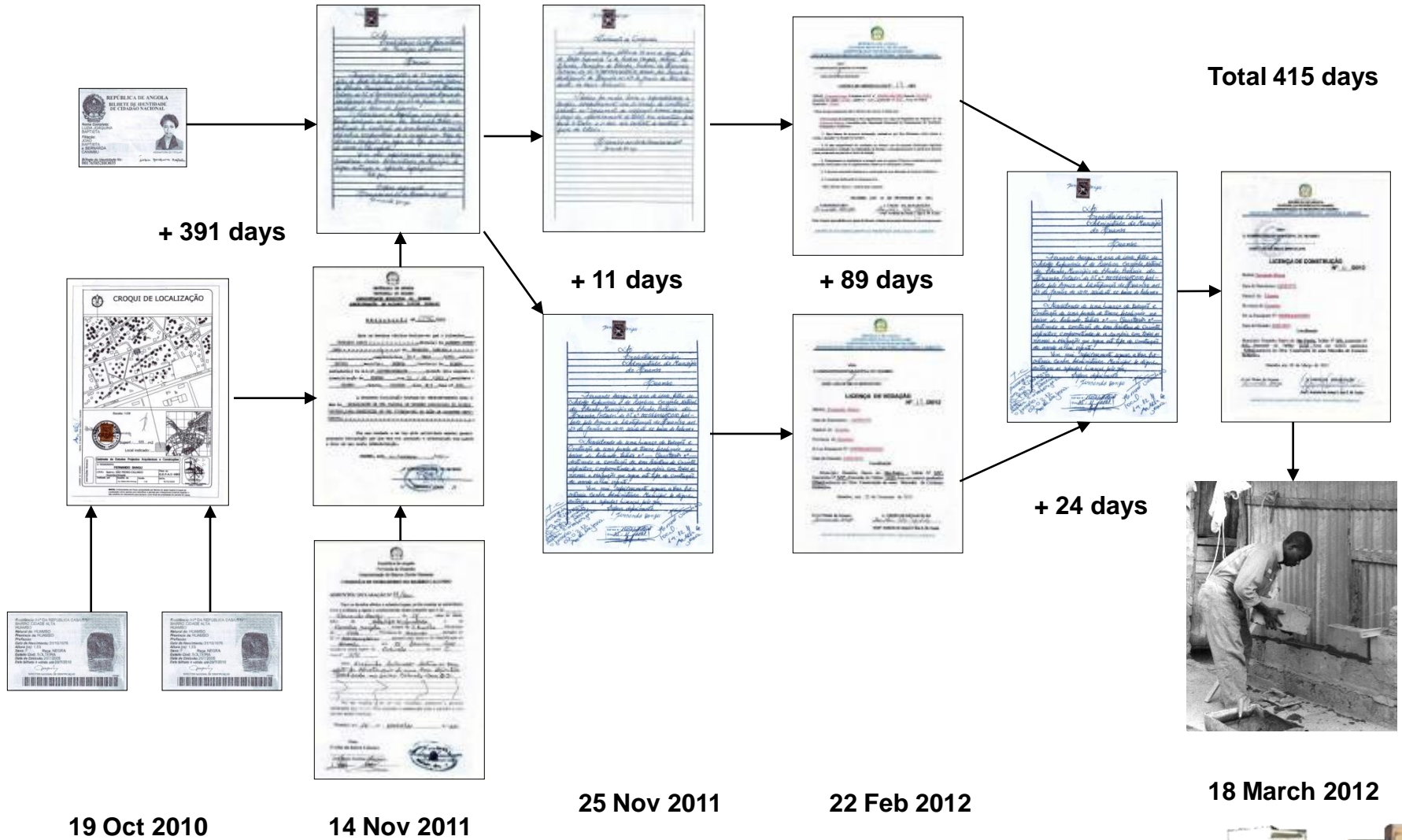
Regularising Informal Land Occupation



Mapping the Bureaucracy of Formal Land



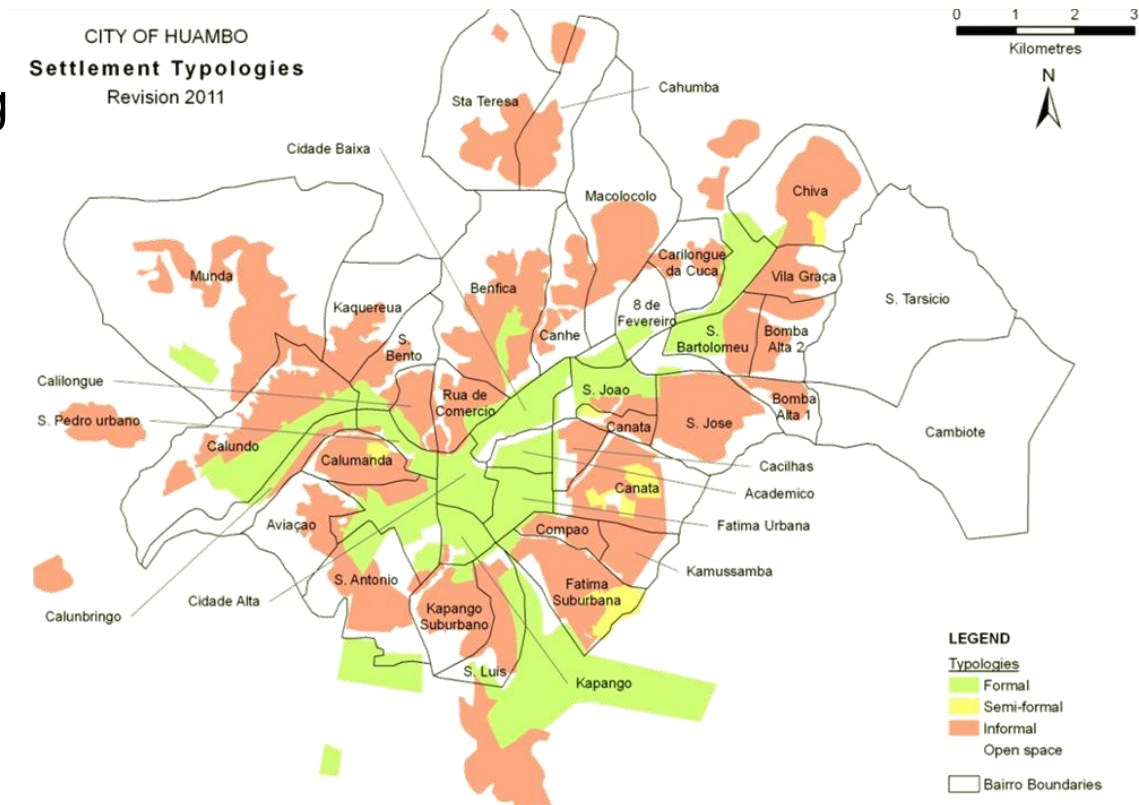
Mapping Legalization of Informal Occupation



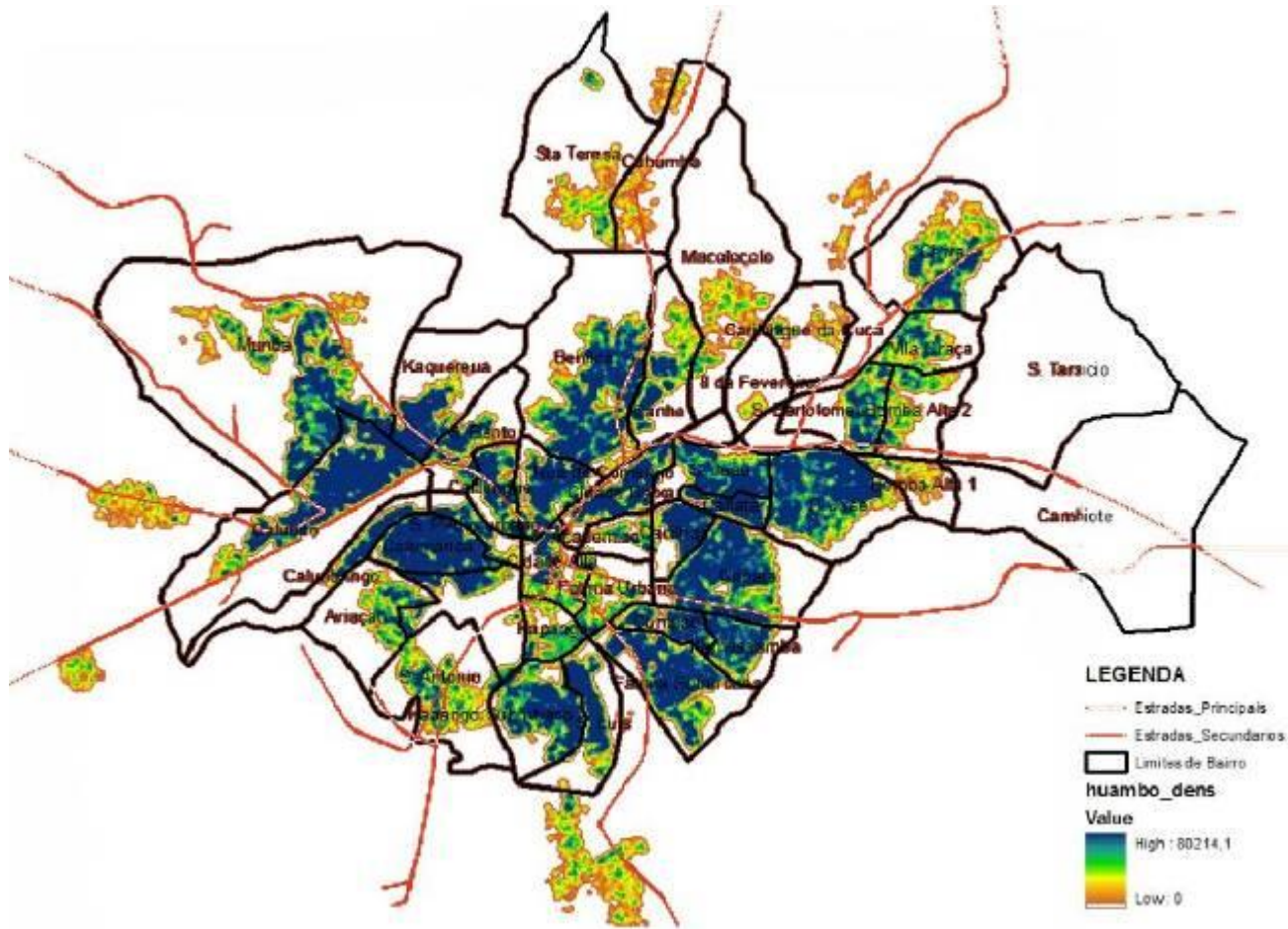
Household land acquisition survey

1. Sampling using a GIS-based settlement typology

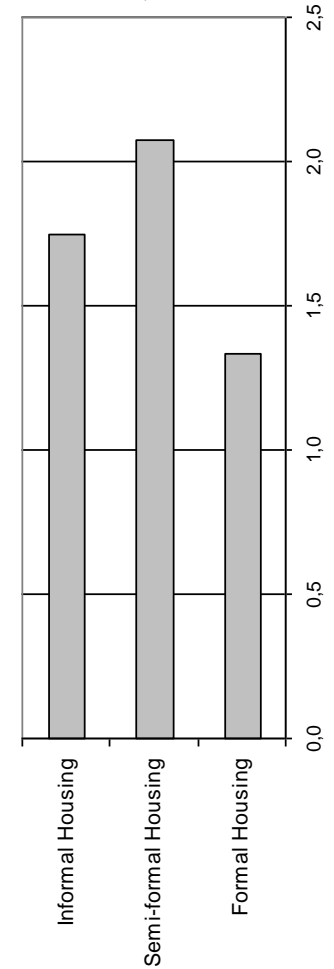
- Formal areas including the old colonial city
- Semi-Formal housing built informally but aligned for future infrastructure;
- Informal settlements or *musseques* where urban infrastructure not planned.



Demography & Overcrowding

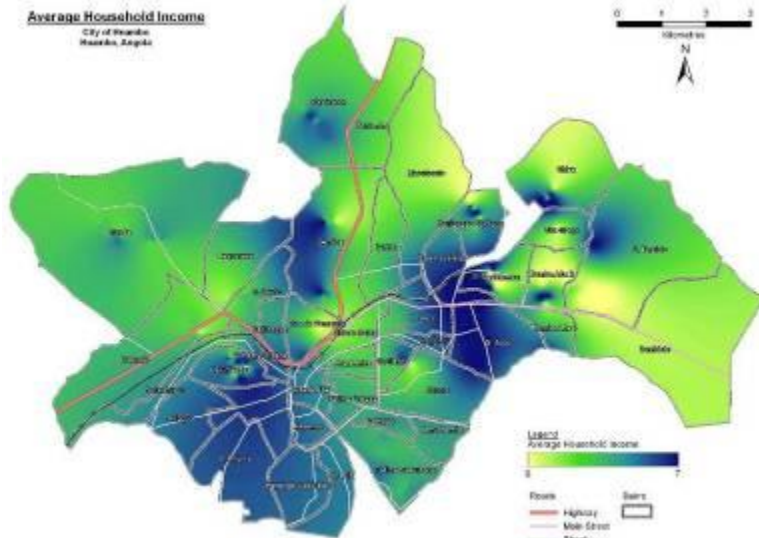


Persons per Room



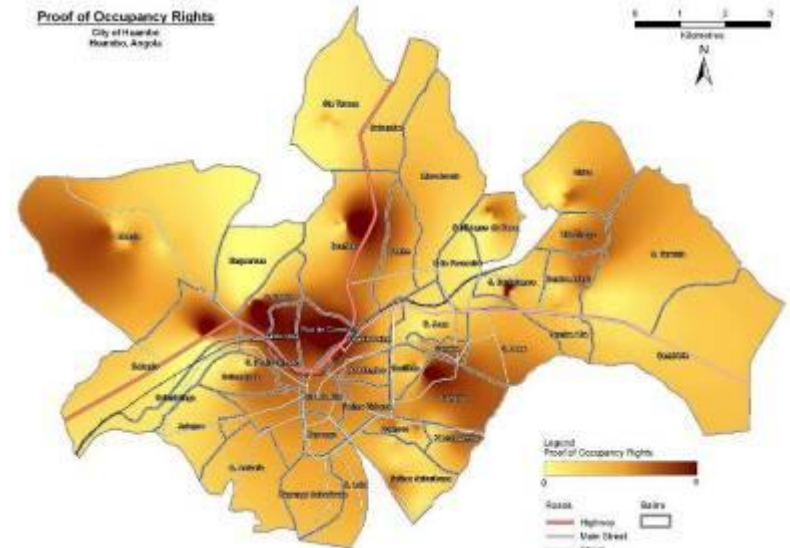
Characterization of Settlements

Average Household Income



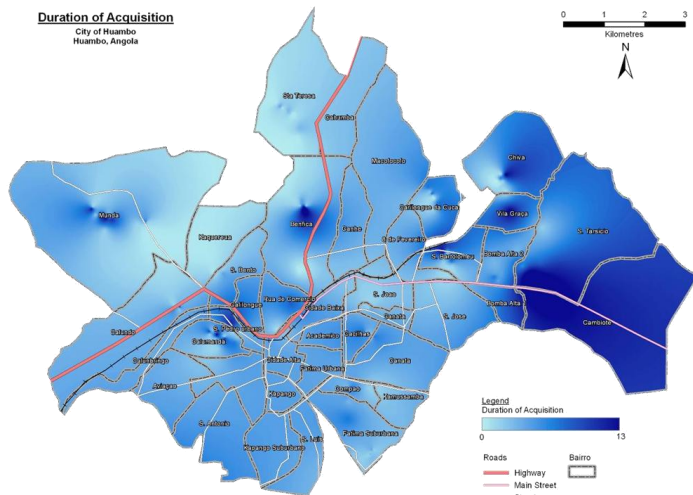
Average Household Income

Proof of Occupancy Rights



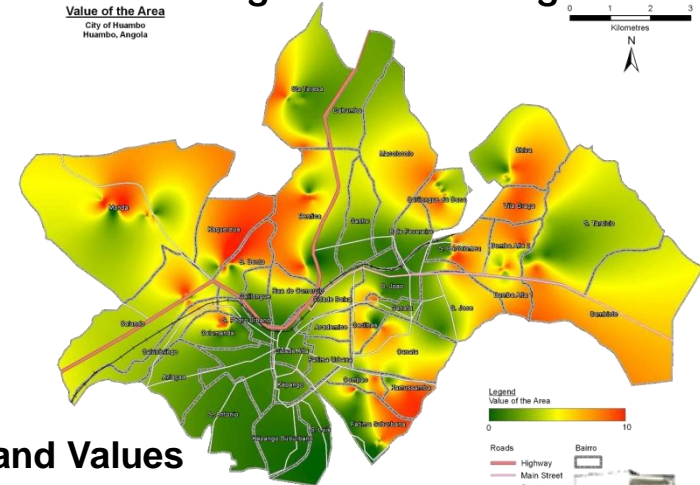
Strength of Tenure Rights

Duration of Acquisition



Length of Residency

Value of the Area



Land Values



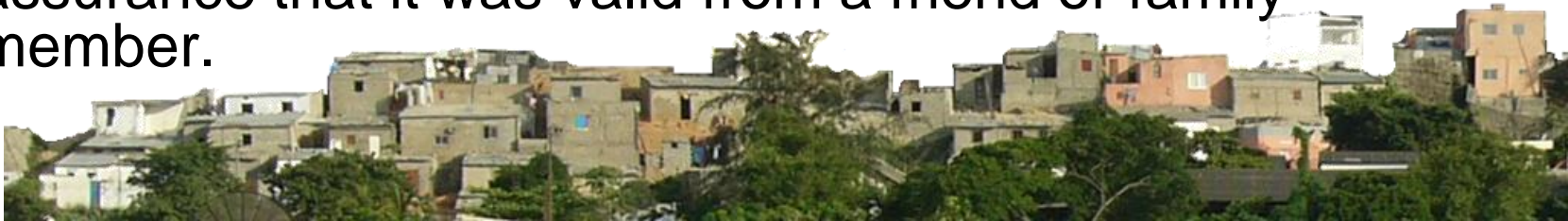
Documentation & Tenure Claims

- In formal housing areas 30% of occupants have no proof of access in 70% have a written purchase contract, but none with legal titles.
- In semi-formal areas 51% have no proof of access, 5% only have a verbal agreement, 37% have a written contract and 7% have a licence de arremetação. This is the only housing type where this document is found.
- In informal housing areas, 45% have no proof of access, 7% have a verbal agreement, 13% have a verbal agreement with witnesses, 3% have a verbal agreement witnessed by officials and 31% have a written contract.



Claims to legitimacy of occupation

- 29% of cases claim that the Soba or bairro coordinator gave permission.
- 5% of respondents say that they had permission from the Municipal Government or a Municipal Government official
- 5% of cases in informal housing areas say that the land was empty at the time of occupying.
- 13% of cases feel their occupation is valid in because they have a document.
- 21% of occupants in informal housing areas feel their occupation is valid because the owner gave them permission to stay.
- 24% of occupants in informal housing areas feel their occupation is valid because they received an assurance that it was valid from a friend or family member.



Conclusions on Tenure Security

- There is a market in land and plots of land in Huambo city and the scale of this appears to be increasing.
- Many of the transactions go unrecorded in informal housing areas though in other areas they are usually recorded with sales and purchase documents.
- The transactions are perceived as secure by an overwhelming majority of actors,
- few transfers can be backed up by legally-defensible documents.
- Even where the State has been involved in land and house distribution, it is arguable whether the documentation is complete and legally defensible.
- Many of the middle class and elite also not have full legal titles to the land and housing they occupy.



Recommendations

1. **Recognize the right of occupation in ‘good faith’** , the majority of urban residents purchased or acquired their land through some other legitimate mechanism and most have documents or testimonials to prove it.
2. **Legalize the principle of incremental tenure**, essential aspects are:
 - **Intermediate** between full land rights and basic recognition of occupation
 - **Evolutive** through manifestations of these rights to the full rights;
 - **Defined**– with respect to issues of transferability, compensation and limitations



Recommendations

- 3. Right to information into effective practice** , the obligation exists for the government and its partners to publicly disclose their plans, interventions, land concessions and urban upgrading programs.
- 4. Learning through pilot projects** , establish the mechanisms for gradual evolution of occupation rights to titles.
- 5. Build municipal land information systems (cadastres)** map, survey and register with information on each land parcel having a unique identifier . Land information systems should be developed incrementally and can in the future provide information for land taxes or transferres.
- 6. Secure the land rights of women**



Securing Tenure Rights in Huambo

- The current Municipal Administration in Huambo has demonstrated a willingness to innovate in the practice of land management and use their administrative authority to deal with some of the shortcomings of Angola's land legislation.
- The Municipality has welcomed Development Workshop's partnership in confronting the backlog of decades of accumulated land management problems.
- Engaged DW to help set up the first municipal cadastre
- Training in Open Title an open-source land tenure mapping and recording tool built on the Social Tenure Domain Model

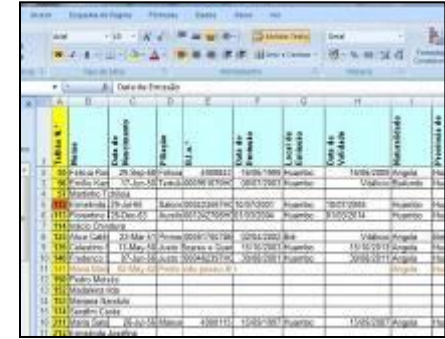


Cadastral Building with OpenTitle

The components of the cadastral are; mapping, deliniation of parcel, registering, licencing & archiving.

A. Mapping

- a) Satellite images
- b) Topografical maps



Parcela n.º	Nome	Area de Construção	Area de Terreno	Area de Utiliz. Útil	Area de Utiliz. Total	Valor	Proprietário
100	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
101	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
102	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
103	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
104	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
105	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
106	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
107	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
108	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
109	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado
110	Alameda da Paz	25,0000	100,0000	100,0000	100,0000	10000000	Estado

B. Deliniating parcels

C. Registering

D. Licencing

E. Arquiving



Digital Cadastre with GIS

Geographical Information Systems

Monitoring Wells

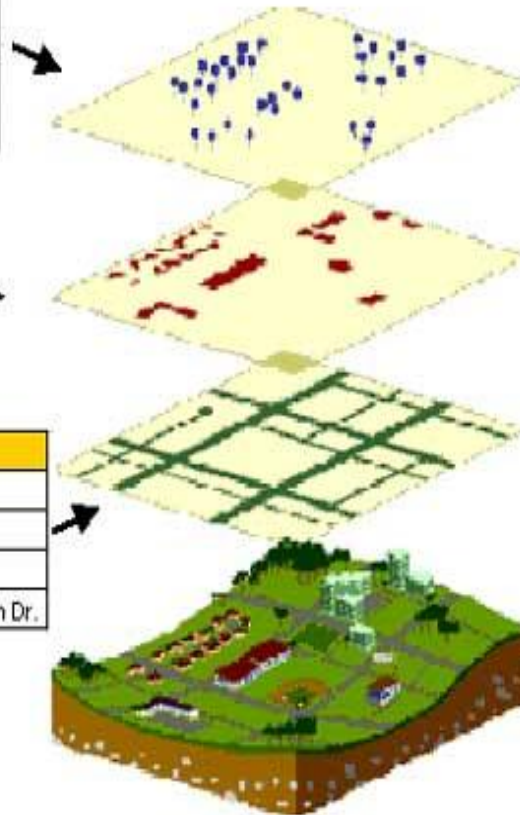
Well ID	Date Sampled	Concentration
C-6A	5/8/94	300
C-8A	5/8/94	20
C-13A	5/8/94	120
C-17A	5/8/94	560

Industries

Facility	Address
Acme	3029 Convington Dr.
Fox	742 West Lake St.
TPC	90 Aspen Dr.

Population

Family Name	Occupants	Address
Blake	6	79 Circuit St
Hernandez	2	148 Plain St.
Joy	4	18 Webster St.
Smith	5	4321 Tecumseh Dr.



Piloting Land Readjustment in Huambo

Land Pooling or readjustment provides a market mechanism to regularize informal settlements, providing sustainable infrastructure and access to services while at the same time strengthening the rights of tenure and protection of assets of the poor. DW has piloted two land readjustment pilot projects with the Municipal Administration of Huambo.



An aerial photograph of a densely packed urban neighborhood. The majority of the image is a grayscale, high-angle view of a grid of streets and numerous small, rectangular buildings. The streets are dark and form a complex network. In the bottom portion of the image, there is a cluster of more colorful buildings, including some with orange and yellow facades, and some green trees. The overall scene suggests a large, established urban area with a distinct section of more varied architecture.

Obrigado