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# STRENGTHENING LAND TENURE AND PROPERTY RIGHTS

## FINAL REPORT



**MAY 2008**

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

Prepared for the United States Agency for International Development, USAID Contract Number PCE-I-00-99-00001-00, Strengthening Land Tenure and Property Rights in Angola Project, Task Order 13 Lessons Learned: Property Rights and Natural Resource Management (GLT 2), under the Rural and Agricultural Incomes with a Sustainable Environment (RAISE) Indefinite Quantity Contract.

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## **DISCLAIMER**

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



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# ABBREVIATIONS AND ACRONYMS

ADFP	Agricultural Development and Finance Project
BASIS	Broadening Access and Strengthening Input Market Systems
DW	Development Workshop
FAO	Food and Agriculture Organization (of the United Nations)
GOA	Government of Angola
IQC	Indefinite Quantity Contract
NGO	Nongovernmental Organization
PIA	Public Information and Awareness
RAISE	Rural and Agricultural Incomes with a Sustainable Environment
RDI	Rural Development Institute
USAID	US Agency for International Development



# PREFACE

There is a continuing need to understand and communicate 1) how property rights issues change as economies move through various stages of economic growth, democratization, and in some cases from war to peace, and 2) how these changes require different property rights reform strategies and sequencing to foster further economic growth, sound resource use, and political stability. The lack of secure and negotiable property rights is one of the most critical limiting factors to achieving economic growth and democratic governance throughout the developing world. Insecure or weak property rights have negative impacts on:

- Economic investment and growth;
- Governance and the rule of law;
- Environment and sustainable resource use, including parks and park land, mineral resources, and forestry and water resources; and
- Biodiversity and sustainable resource exploitation.

At the same time, robust and secure rights (along with other economic factors) can promote economic growth, good governance, and sustainable use of land, forests, water, and other natural resources.

USAID is making a strategic commitment to developing a stronger, more robust policy for addressing property rights reform in countries where it operates. “Property rights” refers to the rights that individuals, communities, families, firms, and other corporate/community structures hold in land, pastures, water, forests, minerals, and fisheries. Property rights range from private or semi-private to leasehold, community, group, shareholder, or types of corporate rights. As land is a main factor for economic production in most USAID-presence countries, it is the main focus of this Lessons Learned: Property Rights and Natural Resources Management Task Order under the Rural and Agricultural Incomes with a Sustainable Environment Indefinite Quantity Contract.

The objectives of this task order include:

1. Transferring lessons learned in property rights and natural resource management to date to USAID management, Missions, and partners;
2. Developing curricula and offering courses on land tenure and property rights issues (including best methodologies and sequencing of reform steps) for staff in USAID’s geographical regions and operating units in Washington;
3. Conducting studies on the environmental, economic, or political impacts of land privatization or reform in USAID’s geographical regions;
4. Developing and testing analytical and impact measurement tools for property rights reform in support of programs developed or implemented by USAID; and
5. Providing USAID Missions and operating units with specific evaluation, design, and support of property rights reform activities.

The task order is managed by ARD, Inc., on behalf of USAID. It is a mechanism of the USAID/Economic Growth, Agriculture, and Trade Division/Natural Resources Management/Land Resources Management Team. Its period of performance is August 2004 through May 2008. Dr. Gregory Myers ([gmyers@usaid.gov](mailto:gmyers@usaid.gov)) is the task order’s operating Cognizant Technical Officer.



# EXECUTIVE SUMMARY

This report covers the full period of implementation of the Strengthening Land Tenure and Property Rights in Angola Project. ARD, Inc. worked with Development Workshop Angola (DW) and the Rural Development Institute (RDI) to implement a 15-month project to develop a methodology to assist peri-urban and rural households improve their land tenure security. The project was based in Huambo Province where DW has a long history of providing assistance in land and social service issues. Two pilot sites were selected in the province to test the methodology: one rural community in the eastern part of the province, Mombolo village, and one peri-urban community on the outskirts of Huambo town, Bom Pastor.

The project successfully created a system for land demarcation that began with a sound basis in research. This research included an analysis of the land law in Angola, a conflict resolution and mitigation manual, a research report and action plan to ensure gender integration into all aspects of the project, an analysis of enterprise development opportunities for the pilot communities, and a public information and awareness manual. A draft manual for piloting a land tenure formalization process was created early in the project, and a final manual was drafted based on the lessons learned from project implementation. The project was able to demarcate land holdings for 450 households, including 400 from the peri-urban community and 50 from the rural community. The original project was designed to only demarcate the rural community boundary, but early research revealed that rural household members did not consider their land to be community property, so the project undertook an additional process to demarcate all rural community land as individual.

The Government of Angola (GOA) recently undertook a decentralization activity that has left the power structure of the provinces uncertain. The provincial governments are ceding control to the municipal administration but during this transition period, it has become unclear which government entity has the decision making power over land issues. The effects of this on the Strengthening Land Tenure and Property Rights project were such that no one has been able to submit property rights documents because the relevant government authority has not been identified. DW will continue their involvement in the communities and work with the local government to submit property rights documents as opportunities present themselves.

The GOA has shown little interest in land issues beyond the 2004 Land Law. As no procedures have been put in place following this law to explain which government agency holds the authority to deal with land issues, the provincial and municipal governments are without a clear roadmap for addressing land rights. There are no resources available to the Angolan population to provide guidance on securing rights.

No international or Angolan organization has yet found a successful way to advocate to the government for real change or been able to work with the government to bring about reform in either the rural or urban areas. In Huambo, however, a potential opportunity has developed from the municipal administration, which is facing increasing pressure to provide the population with access to land and services. This administration recently became the lead regional government agency dealing with urban land issues following the government-sponsored decentralization activity. Lacking the skills necessary to provide these services, the municipal government is actively seeking out assistance from local nongovernmental organizations such as DW. People are moving back to Huambo from after being displaced during the civil war or from rural areas looking for opportunities, and the municipal administration is interested in learning new urban planning methods to prevent the current slum expansion from spreading in an unplanned and random fashion.



# INTRODUCTION

The USAID-funded Strengthening Land Tenure and Property Rights in Angola Project was managed by ARD, Inc., with implementation assistance from its partners, Development Workshop (DW) and the Rural Development Institute (RDI). The project continues USAID/Angola's support for land reform and land rights strengthening begun in 2004 as part of its assistance to the Government of Angola (GOA).

The project grew out of the need to strengthen land tenure and property rights in Angola following the passage of the Land Law and Territory Law (August 2004) and the transfer of the Land Law Implementing Regulations to the GOA Cabinet for review and approval (August 2006). These draft Regulations were approved in late August 2007.

The present set of activities and investments support Program Element 7.4 of USAID/Angola's Operational Plan for Economic Growth:

## **7.4 Inclusive Economic Law and Property Rights**

Ensure that poor people, women, and other disadvantaged groups have equal legal rights and protection in economic matters.

### **Program Sub-element 7.4.2: Property Rights for the Poor**

Strengthen and protect property rights of poor households, including titling of urban and rural land held under informal or traditional ownership; and registration of property to allow it to be pledged as collateral.

### **Program Sub-element 7.4.1: Equal Economic Rights for Women and Other Disadvantaged Groups**

Eliminate sources of legal discrimination against women, ethnic and religious minorities, and other disadvantaged groups in economic matters. (It includes de facto as well as de jure discrimination. It includes efforts to ensure equal rights for women in key economic areas such as land ownership and inheritance).

These objectives were met through a series of interventions that:

- Strengthened land tenure rights in two pilot areas in Huambo Province and formalized a process that can be expanded upon by the GOA;
- Improved livelihoods and encouraged equitable economic growth in the project areas by linking improved land tenure rights with private sector investment opportunities; and
- Used the experience gained in implementation to identify constraints in the legal framework (including implementing regulations), particularly for women and disadvantaged groups, and helped shape a more realistic timeframe for the formalization process.

The project interventions comprised five components:

1. **Land Legislation and Policy Development** – Provide advice/suggestions to the GoA for the improvement/development of land laws and regulations on the basis of project activities;

2. **Land Rights Formalization Pilots** – Develop a process by which land rights of poor and disadvantaged groups can be formalized in two areas;
3. **Private Sector Opportunities for Economic Growth** – Facilitate the connection of new land rights holders with increased economic opportunities (e.g., connecting them with investors or investment opportunities);
4. **Gender and Other Disadvantaged Groups: Access to Land** – Develop and implement activities and strategies that support access to land for women and other disadvantaged groups; and
5. **Capture Lessons Learned** – Capture important lessons in strategy and implementation that contribute to expansion of activities and bring more newly acquired rights into economic growth opportunities, particularly in rural areas.

Two areas were targeted for piloting the project, both are in Huambo Province. One area is peri-urban (Bom Pastor in Huambo city), and the other is rural (Mombolo village in the Chiumbo Communa, near Katchiungo.)

This project combines two sources of USAID/Angola funding:

1. A modified acquisition and assistance request document from USAID/Angola through the Rural and Agricultural Incomes with a Sustainable Environment (RAISE) Indefinite Quantity Contract (IQC), under the Lessons Learned: Property Rights and Natural Resources Management task order (Contract No.: PCE-1-00-99-00001-00; Task Order No. 13); and
2. A subcontract originally awarded as a grant under the APS for M/OAA/DCHA/DOFDA-06-948, Reconciliation Program Funds. The grant was moved to a subcontract under #1 above for reasons of efficiency, continuity, and synergy among project partners, components, and funding. The current project is supervised by USAID/EGAT/NRM/Land Tenure Specialist, Dr. Greg Myers, in close coordination with the USAID/Angola Mission. The project expires in May 2008.

This document is the final technical report for Strengthening Land Tenure and Property Rights in Angola Project. **Section 1.0** describes the context of the land tenure situation in Angola, following which the report is organized into two main sections. **Section 2.0** describes the expected results that USAID assigned to this program and the approaches and methodologies that ARD used to achieve those results, and **Section 3.0** describes program implementation and the results achieved in relation to established indicators. **Annexes A and B** include the evaluation against the indicators and the lessons learned report. **Annex C** contains a list of the project deliverables, and **Annex D** presents the project staff and their level of effort.

# I.0 BACKGROUND

The Strengthening Land Tenure and Property Rights in Angola Project has been a small but strategic component of USAID/Angola's development assistance program since ARD and RDI carried out the land tenure assessment there in 2004 under the Broadening Access and Strengthening Input Market Systems (BASIS) IQC.

## I.1 LAND TENURE IN ANGOLA

Land ownership has been problematic since the first Portuguese settlement in Angola. In 1961, the Portuguese population of 6,000 households occupied a land area of 4.5 million hectares and a subsistence population of 1 million Angolan farming households occupied another 4.3 million hectares. After independence in 1975 and a new Constitution, the Angolan government transferred all land ownership to the state. All land use decisions were to be defined by the government and no private land ownership was recognized. In the early 1990s, a new land law was put in place to grant surface rights to large commercial farmers to promote agricultural investment. This reinforced public perception that the government believed only large commercial farms to be viable players in the Angolan agriculture sector's economic growth. This disenfranchised most households in Angola and drove them to participate in informal or unrecognized land markets.

In 2004, the government passed a new land law that redefined land use and rights. It became mandatory for all land occupants to initiate regularization of their land rights before July 2010. If land was not regularized at this time, it would all revert to state control. This law did not provide any guidance on how to initiate this process or any direction to government ministries on how to assist households. It is estimated that over 50% of the Angolan population moved to urban centers during the civil war. This increased urbanization led to more pressure on land resources in an environment where rights to provide any sense of security are lacking. In rural areas, subsistence farming households compete for land with concessions granted by the central government for large commercial farms that may overlap with community boundaries, or even completely encompass a community.

## I.2 PROGRAM FRAMEWORK AND OBJECTIVES

This project supported Element 7.4 of USAID/Angola's Operational Plan for Economic Growth, the objective of which is to ensure that poor people, women, and other disadvantaged groups have equal legal rights and protection. Specifically, USAID seeks to eliminate legal discrimination against women, ethnic and religious minorities, and other disadvantaged groups in economic matters (sub-element 7.4.1). Furthermore, it seeks to strengthen and protect property rights for the poor through titling of urban and rural land held under informal or traditional ownership and through registration of property rights to allow those rights to be pledged as collateral and/or equity (sub-element 7.4.2) in enterprise development efforts.

These objectives were met through a series of interventions that:

- Strengthened land tenure rights in the community of Bom Pastor (peri-urban) and Mombolo (rural) areas in Huambo Province, and formalized a process that can be expanded upon by the GOA; and

- Used the experience gained in implementation to identify constraints in the legal framework (including implementing regulations), particularly for women and disadvantaged groups, to shape a more realistic timeframe for the formalization process.

## 1.3 PROGRAM APPROACH AND METHODOLOGY

### 1.3.1 Principal Strategic Approaches

ARD's overall approach to the Strengthening Land Tenure and Property Rights Project was to engage the GOA at the national and provincial levels through our local nongovernmental organization (NGO) partner, Development Workshop (DW), to test a methodology for a system to formalize land tenure in peri-urban and rural communities.

The methodology was comprised of the following five components:

1. **Land Legislation and Policy Development**—Based on current law, ARD, DW, and RDI assisted the GOA in creating a formalization process that secures formal land rights for traditional and non-traditional occupants (both in terms of the community for the rural areas and individual for the peri-urban area).
2. **Land Rights Formalization Pilots**—Through the implementation of two pilot land tenure formalization activities led by DW, the project built the capacity of municipal and local government administrations to manage the process of simplifying land rights recognition and meet the demand for land rights formalization. The project also involved the pilot area communities, local traditional authorities, and local governments in project activities.
3. **Private Sector Opportunities for Economic Growth**—ARD and DW attempted, but were unsuccessful in, developing a strategy for linking new land rights holders with private sector investment opportunities and enterprise development. The project assessed USAID's Agricultural Development and Finance Project (ADFP) for lessons learned and success stories, with the view of identifying potential synergies and opportunities with the Strengthening Land Tenure and Property Rights Project.
4. **Gender and Other Disadvantaged Groups: Access to Land**—ARD, DW, and RDI developed a gender strategy and action plan for the land rights formalization process to ensure that the rights of women and other disadvantaged groups were properly taken into account. The project examined how activities may affect men and women differently. In particular, this activity focused on formal and traditional land ownership, marriage, inheritance, divorce, polygamy, local governance, dispute resolution mechanisms, gender roles in agriculture, and gender roles in the family.
5. **Capture Lessons Learned**—The project coordinated with provincial and central government institutions to facilitate the incorporation of lessons learned from this project into Angolan land policy, law, and practice. ARD, DW, and RDI also made the lessons from the pilots in both rural and peri-urban areas available to USAID and the GOA to facilitate the possibility of scaling-up project activities.

### 1.3.2 Monitoring, Evaluation, Reporting, and Analysis

A basic monitoring and evaluation system was put in place at project start-up. This system included a baseline survey and a final short survey. The baseline survey was used to collect information from the peri-urban and rural communities on public knowledge of the land law, the prevalence of land conflict in the community, and basic information about household property and coping methods. The baseline survey was analyzed and provided to the USAID Mission.

ARD and USAID/Angola also agreed on a set of indicators after project start-up to evaluate the impact of the project. These indicators included the increase in knowledge in the pilot communities about the land law

and individual rights, and the number of households that had their land demarcated. Information for the first indicator was collected in the short survey at the end of the project and compared to the findings from the baseline survey. The information for the second indicator was collected from the land cadastre database created by DW. The survey information for the indicators is found in Annex A.



## 2.0 PROGRAM DESCRIPTION

This section describes the principal Strengthening Land Tenure and Property Rights in Angola Project technical assistance interventions and activities. It provides a general overview of the program's strategy and changes throughout the life of the project.

### 2.1 PROGRAM IMPLEMENTATION OVERVIEW

The design and implementation of the Strengthening Land Tenure and Property Rights Project were organized under five previously described major programmatic components:

1. **Land Legislation and Policy Development**
2. **Land Rights Formalization Pilots**
3. **Private Sector Opportunities for Economic Growth**
4. **Gender and Other Disadvantaged Groups: Access to Land**
5. **Capture Lessons Learned**

Following a brief overview of the program's geographic coverage, the following sections describe the principal Strengthening Land Tenure and Property Rights Project technical assistance interventions under each program component.

#### 2.1.1 Geographic Focus

The project targeted two pilot communities in Huambo Province in the central highland area of Angola. DW has a long-term presence in the province and has been providing services there in a range of sectors, from wells to school construction. The two pilot communities included the peri-urban area of Bom Pastor in Huambo town and the rural community of Mombolo.

Both communities were selected because DW had previous working relationships with the community leadership. The local administrator of Bom Pastor had worked with DW on a land titling project in another peri-urban area of Huambo town called Bairro Fatima. The administrator approached DW for further assistance for community members who were moving into Bom Pastor and demanding access to land. The project selected Mombolo because DW had previously worked with the community on a school construction project. DW already had a good working relationship with the community, but Mombolo was not evaluated for enterprise opportunities before selection. When completed, the evaluation identified constraints that would severely limit the project's ability to assist the community in finding enterprise opportunities.

#### 2.1.2 Land Legislation and Policy Development

**Legal Analysis and Overview of Land Rights:** At the beginning of the project, RDI provided an in-depth analysis of the current laws affecting access to land in Angola. This included a review of customary law, the Angolan Constitution, the family code, the civil code, and the 2004 Land Law and 2006 Proposed Regulations. The report (available from the Development Experience Clearinghouse) also provided recommendations to the GOA for increasing tenure security, enhancing women's land rights, and clarifying a procedure for securing land rights. One of the major hurdles to overcome in Angola is the lack of procedures put in place following the 2004 Land Law to assist a household in the formalization of land tenure.

An additional opportunity arose during the life of the project to assist the GOA to clarify procedures for securing land rights. The Minister of Urbanism and Environment requested assistance creating by-laws for the provision of services to help households to formalize their land tenure. DW, with assistance from RDI, wrote and reviewed the by-laws. The by-laws are currently being reviewed by the Ministry; if they are approved, NGOs will have additional leverage with which to pressure the Ministry to provide services.

**Research on Land Conflicts:** Following the review of the relevant land law, ARD and DW carried out research on the level of land conflict in the rural and peri-urban communities. A report on land-related conflicts in the two pilot areas and a manual for managing land conflicts in the region were prepared. The results of the research confirmed that the level of land-related conflict in the area is low and that most people would take their disputes to the traditional leader in rural the community or to the local administrator in the peri-urban community.

### 2.1.3 Land Rights Formalization Pilots

**Benchmarking Survey:** At the outset of the project, a benchmarking survey was completed for both the peri-urban and rural communities to gain an understanding of the local knowledge of the land law, the prevalence of land conflict in the community, and basic information about household property and coping methods. This survey was conducted over a two-week period by DW. The results of the survey were compared to the indicators that were created after the project start-up.

**Public Information and Awareness (PIA):** A consultant developed a PIA campaign that included a manual of the relevant information for both the peri-urban and rural communities on the land law, family and civil codes, and the process being developed for formalizing land tenure. The PIA campaign was never fully implemented due to project time constraints in completing demarcation of the households in both communities. The implementation teams provided education during the demarcation process.

**Land Tenure Formalization Process Design, Training, and Implementation:** The land tenure formalization was designed based on the previous experience of DW in peri-urban land tenure formalization and in conjunction with a set of best practices collected by RDI in other countries. This mix of local and international experience was combined into two draft manuals. One manual laid out the process for the peri-urban area and the other, the process for the rural area. These manuals were designed to be tested by the project and updated at closeout for a set of manageable procedures to expand land tenure formalization on a much larger scale in Angola. DW used shortened versions of the manuals in Portuguese to train the implementation teams, which included DW staff and government counterparts.

After training, the implementation teams began the sensitization and demarcation process in both communities. The original project design did not include demarcation of individual plots of land in the rural area but instead only included the demarcation of the community boundary for protection from encroachment of large commercial farms. During the course of the project, the team decided that it would be better to not only test the ability to obtain government recognition of the community boundary but also to demarcate individual plots of land. The demarcation activity took place in both communities. The lessons learned from the demarcation process were included in the revised Draft Operations Manual for Land Rights Formalization in Rural and Peri-Urban Settings.

### 2.1.4 Private Sector Opportunities for Economic Growth

**Assessment of Private Sector Opportunities and Assessment of USAID Projects for Existing Models:** During the course of the project, a consultant provided an analysis of the USAID-funded ADFP project based in Benguela Province. The analysis was undertaken to provide insight into any project successes that could be brought into the Strengthening Land Tenure and Property Rights Project in Huambo. The analysis showed that ADFP project successes could not be copied in Huambo due to limited access to markets for rural farming households because of civil war destruction. Huambo Province infrastructure was severely

affected by the conflict, and market access there has been slower to rebuild than in Benguela Province. The report also showed that most people in the peri-urban pilot community invested money in their homes as a source of wealth-building. Horticultural products were identified as a possible profitable enterprise for the rural pilot community but they also suffered from a lack of infrastructure and input supplies.

For agro-enterprise based on newly formalized land rights to be successful in the Mombolo community, a basic sub-sector analysis needs to be completed to determine some sense of profitability, opportunities, and constraints that are specific for the possible commodities. This was not possible during this project due to the limited time and because DW did not have expertise in providing this kind of analysis.

### 2.1.5 Gender and Other Disadvantaged Groups: Access to Land

**Review of Land and Gender Issues:** Preliminary research was compiled by an international gender expert prior to developing a survey and gender action plan for the project. The research included information on gender differences, the situation for women in post-conflict situations, the effects on women of being internally displaced, food security and agriculture, and women's land rights following the conflict. The consultant's focus on Huambo Province showed that effects of the war on women in the community included increased work loads, less aid, and a large portion of women-headed households.

**Gender Appraisal and Action Plan:** Following the preliminary research on gender issues in Angola, a gender expert provided an in-depth study of local gender and other disadvantaged group issues in both pilot communities, and an action plan to ensure that these issues were included and monitored throughout project implementation. A local gender expert was hired to work with women throughout the demarcation process. This study also included a review of current land and family law legislation and key informant and focus group interviews in order to gain insight into the customary law practices. The report confirmed the conflict between the statutory law and customary law in Huambo and demonstrated that differences between these laws become less contentious in rural areas where more people defer to statutory authorities.

### 2.1.6 Capture Lessons Learned

**Monitoring of Impact and Capturing Results:** ARD and DW continually monitored the Strengthening Land Tenure and Property Rights Project to adjust the targets and improve the implementation based on lessons learned. A set of indicators was agreed upon after project start-up and following the baseline survey. These indicators included the number of applications for land rights prepared and lodged with GOA agencies, and improved awareness of property rights in women and other disadvantaged groups. As indicated by the baseline survey, knowledge of the land law among community members or government officials was almost nonexistent, and the number of households that had their land demarcated prior to the project was zero. A final survey was conducted to capture the level of knowledge following the project, and the results against both indicators are included in Annex A.

**Final Stakeholder Meetings and Workshops:** One stakeholder workshop was held in Huambo town to share experiences, practices, and lessons learned from the project. Attendees included members of the provincial government and municipal administration, as well as community members. Meetings were also held in the pilot communities to discuss the land tenure formalization process and the benefits of participation. A second stakeholder workshop was originally planned for Luanda but was later changed to individual meetings that could target higher level government officials.

**Lessons Learned Review:** At the end of the project, RDI carried out a lessons learned review. This was used to evaluate the implementation process and update the draft manuals for peri-urban and rural land tenure formalization. The final Draft Operations Manual for Land Rights Formalization in Rural and Peri-Urban Settings was distributed to GOA officials and other NGOs to provide an outline for land tenure formalization that could be expanded and updated with lessons captured from new land tenure projects. The final lessons learned report is included in Annex B.

All documents referenced in the final report, and where they can be accessed, are listed in Annex C.

# 3.0 PROGRAM OUTPUTS AND RESULTS

## 3.1 RESEARCH

The Strengthening Land Tenure and Property Rights in Angola Project provided a systematic research component to Development Workshop's land tenure strengthening and urban planning field experience, bringing an element of critical thinking to the land tenure strengthening process. The outputs from this research included reports on the current Angolan legal system for land rights, a method for mitigating and dealing with existing conflict, an action plan for incorporating women's rights into any land tenure strengthening project, evaluation of enterprise opportunities for rural and peri-urban communities in Huambo, and a manual for public information and awareness building. These tools will be critical for any donor or government sponsored project to ensure that all variables necessary for creating an environment for equitable access to land tenure security for Angolans are addressed.

An additional output of the project is a researchable database of land use and distribution patterns in the rural pilot community. This database will allow researchers to investigate how land is accessed by rural community members, which will provide the opportunity for projects to move beyond the community boundary demarcation and into individual land titling.

## 3.2 DEMARCATION AND FORMALIZATION

The primary results of the demarcation and formalization activity were the preparation of 450 property rights documents still waiting to be submitted to the local government, one community boundary title application, two land cadastres, and the preliminary land formalization manual. The project team had hoped to submit the property rights documents to the provincial government for signature but, during the course of the project, the GOA continued its decentralization activity, leaving the Huambo municipal government in a state of uncertainty as to which government entity has the authority to handle land issues. DW will continue to operate in Huambo Province with funding from other sources, and the firm will work with the municipal administration to determine who will have the signing authority for the property rights documents and which government authority will maintain the land cadastres. At the end of the project, DW held productive meetings with the municipal administration that expressed interest in receiving training on property rights and urban upgrading activities.

At project start-up, two manuals for rural and peri-urban land formalization were drafted to provide an outline of the process for land tenure formalization. These draft manuals were created with input from DW, from their previous peri-urban demarcation work, and included best practices from other countries. DW created a short training manual that was used with local staff in the areas of geographic information system equipment, gender sensitivity, survey delivery, and extension services. Based on the outcomes of the project and the lessons learned, the draft manuals were updated and merged into an operations manual that was finalized with inputs from both pilot sites. The resulting manual contains sections on both peri-urban and rural projects and includes a methodology for continuing to provide for individual demarcation and formalization in rural areas.

### 3.3 OPPORTUNITIES FOR EXPANSION

For a project such as this to expand, there must be a much greater buy-in from the GOA. The government has incredible wealth and access to unlimited resources due to off-shore oil production. (Angola produces approximately 1.2 million barrels of oil per day.) The government could provide all of the equipment and pay for any necessary ministry or municipal administration staff training. Before any further donor-assisted projects begin, a memorandum of understanding would need to be signed with the GOA to build in accountability for processing the land documents. Further projects should serve in advisory roles and provide training and assistance for the process. The GOA's decentralization activity has created a situation where the municipal administration is now responsible for formalizing land tenure in their communities even though it lacks the necessary skills. In some areas, such as Huambo Province, the municipal administration is asking for assistance. Community members from peri-urban communities around Huambo are also putting pressure on the municipal administration to provide access to land and services. This pressure has increased the municipal administration's interest in participating in urban upgrading activity, but this has still not translated into providing legalized property rights documents at this time.

The UN Food and Agriculture Organization (FAO) is working on the issue of community titling in rural areas. The method that was developed through the Strengthening Land Tenure and Property Rights Project for individual title applications from rural areas needs to be shared with the FAO. The current method of securing community boundaries may only serve to reinforce the power of traditional leaders who did not currently have much standing in the community. Any future project should engage with the FAO to share lessons and increase the impact of the projects.

The Huambo provincial government and municipal administration have expressed interest in learning how to deal with urban growth, presenting another opportunity for expansion. DW has developed a method for handling expansion areas and slowing the growth of slums that occurs around most urban areas in Angola. This method needs to be researched further to verify that the benefits from the project are reaching the original occupiers of the land. For this to be effective, long term research needs to be done to find out how the land is transacted and who is reaping the benefits.

# ANNEX A: INDICATOR EVALUATION



## A-1 INTRODUCTION

The Strengthening Land Tenure and Property Rights in Angola Project sought to strengthen and protect property rights for the poor through titling of rural and peri-urban land held under informal or traditional ownership, and registration of property rights to allow those rights to be pledged as collateral and/or equity in enterprise development efforts. This project supported Element 7.4 of USAID/Angola's Operational Plan for Economic Growth. More specifically, the project objectives were to:

- Strengthen land tenure rights in Huambo city peri-urban area (Bom Pastor), and a rural area in Huambo Province (Mombolo village), and formalize a process that can be expanded upon by the Government of Angola (GOA);
- Improve livelihoods and encourage equitable economic growth in the project areas through linking improved land tenure rights with private sector investment opportunities; and
- Use the experience gained in implementation to identify constraints in the legal framework (including implementing regulations), particularly for women and other disadvantaged groups including internally displaced persons/refugees, de-mobilized soldiers, disabled, orphans, and/or any others identified in the pilot sites.

The project objectives were met through its five components: 1) Land Legislation and Policy Development; 2) Land Rights Formalization Pilots; 3) Private Sector Opportunities for Economic Growth; 4) Gender and Other Disadvantaged Groups: Access to Land; and 5) Capture Lessons Learned (additional detail may be obtained from the project work plan).

This report provides the results and analysis of the final project survey.

## A-2 SURVEY OBJECTIVE AND METHODS

### A-2.1 Objective

This project end survey was done with the objective of collecting information for a few measurable indicators in order to provide a sense of the project's impact. The indicators for which information was collected in this survey include:

- Indicator 2.1.9: Improved awareness of property rights in women and other disadvantaged groups
- Indicator 2.1.8: Number of applications for land rights prepared and lodged with GOA agencies

### A-2.2 Survey methods

For indicator 2.1.9, a field survey was implemented that covered approximately the same sample size as in the baseline survey of this project. Information for indicator 2.1.8 was obtained from project data.

The field survey used a random sampling approach, covering 158 households in Bom Pastor and 153 households in Mombolo.<sup>1</sup> Seventy-five percent of the interviewees in Bom Pastor and 53% in Mombolo were women.

The four key questions of the questionnaire used for the field survey were:

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<sup>1</sup> In the baseline survey, the sample size was 177 households in Mombolo and 153 households in Bom Pastor.

1. Have you heard about the land law? If yes, what is the importance of this law?
2. Has your land been demarcated?
3. Do you know why your land has been demarcated?
4. What expectations do you have from the demarcation process?

The questionnaire was kept very short, due to the very limited time available. A team of four experienced field researchers was contracted and the questionnaires filled out on April 11 in Bom Pastor and April 14 and 15 in Mombolo. The data was then introduced into a database by Development Workshop (DW) project staff.

None of the DW staff involved in the demarcation process were involved in the field survey; this was intentional in order to avoid any possible bias in the data collection process.

### **A-3 FINDINGS AND ANALYSIS**

#### **Indicator 2.1.9: Improved awareness of property rights in women and other disadvantaged groups**

##### **Responses to question 1: Have you heard about the land law? If yes, what is the importance of this law?**

Fifteen percent in Bom Pastor and 73% in Mombolo answered “Yes.”

Those who answered affirmatively in Bom Pastor mentioned several specific aspects of the law. Most of them recalled that the law claims that land belongs to the state, while others mentioned the fact that the law dictates that occupied land be regularized.

Those who answered affirmatively in Mombolo had more diverse responses. A majority mentioned that according to the law, occupied land must be regularized and that land belongs to the state. Other interviewees gave responses such as “The law states that each citizen has a right to land,” “The land must be used productively,” “Private land is protected by the law,” and “The law helps to control land occupation.”

Overall, land law awareness had increased considerably from the baseline, especially in Mombolo. In the benchmarking survey, only 7% of interviewees in Bom Pastor and 1% in Mombolo had heard of the land law. The results of the final survey in Bom Pastor were rather disappointing, however, given the fact that the demarcation team has worked there for more than three months. This suggests that the public information awareness (PIA) process in Bom Pastor was not sufficient and, in future, similar activities will need to be addressed through more training and daily supervision of the demarcation team in the field.

##### **Responses to question 2: Has your land been demarcated?**

In Bom Pastor, 82% of those interviewed confirmed that their land has been demarcated, as did 98% in Mombolo. In Bom Pastor, not all land has been demarcated, as the project goal was a certain number of demarcations, not full coverage. In Mombolo, while the project also aimed to demarcate a certain number of plots (those of 50 families), the project’s goal was full coverage of all parcels within the community with the aim to create a full picture of land use of the village. (DW intends to take results of this analysis further for future activities that go beyond this current project).

##### **Responses to question 3: Do you know why your land has been demarcated?**

Again, the PIA process seemed to have been more effective in Mombolo than in Bom Pastor. Only 32% of interviewees in Bom Pastor knew why their land has been demarcated while in Mombolo a significant majority interviewed (86%) confirmed that they were aware of reason for the process. Of those who answered affirmatively, most in Bom Pastor explained that the demarcation had been done in order to control

land boundaries or to initiate the regularization process. In Mombolo, almost all answered that the demarcation was done to initiate the regularization process.

#### **Responses to question 4: What expectations do you have from the demarcation process?**

Most respondents in Bom Pastor expressed the hope to receive a document stating their right to the land they occupy, but many said that they have no expectations at all. In Mombolo, almost no one had any expectations, while almost 100% stated that they hoped to receive some form of documentation.

#### **Indicator 2.1.8: Number of applications for land rights prepared and lodged with GOA agencies**

In Bom Pastor, 400 property rights documents are ready for submission, but they have not been lodged with the relevant government agency. The reason for this is because the provincial government of Huambo is undergoing a transition phase linked to the national decentralization process. In the past, applications were signed by the Provincial Department of Urbanism and Environment but this responsibility has now passed to the municipal administration. However, the municipal administration will not yet sign applications because they are still determining the internal procedures for dealing with this issue. The Strengthening Land Tenure and Property Rights Project has held several meetings with the municipal administration on this issue and has submitted a model title application for consideration. The project is now waiting for approval of this application's content and format. Once approved, all 400 pending documents in the created land cadastre will be printed and submitted.

In Mombolo, the project encountered similar difficulties. The administration of Katchiungo Municipality (where Mombolo is located) has not accepted the submission of the 50 individual and one community land title application. Again, the municipality has not yet received clear direction on how to deal with these applications. It should also be mentioned that this experience is shared by the FAO and an Angolan NGO, ADRA, who are working to address similar issues. However, DW has initiated a process of consolidating these experiences with the aim of joint lobbying with these organizations and pressuring the relevant government institutions to be more explicit in the treatment of title applications. For this purpose, two meetings took place with FAO and ADRA representatives in April 2008.

In Mombolo, the project has far exceeded the requested 50 title applications. DW has continued the demarcation process for every household in the community and at this point 150 households have had their land holdings demarcated. These land holdings will be added to the rural land cadastre and property rights documents to be prepared for submission.

## **A-4 CONCLUSIONS**

Given the time constraints and well documented difficulties related to the start-up phase, the Strengthening Land Tenure and Property Rights in Angola Project achieved its overall objectives. While there are some shortcomings (such as the PIA process in Bom Pastor), the project has surpassed expectations in other aspects, such as in the number of individual plots registered in Mombolo. The number of plots registered is not an indicator of success but it is an indicator of the number of people that are now able to defend and transact these new land rights.

Prepared by Development Workshop Huambo

20 April 2008



# ANNEX B: LESSONS LEARNED FROM LAND RIGHTS FORMALIZATION PILOTS

## B-1 INTRODUCTION

This report provides a summary of lessons learned from the land rights formalization pilots conducted in Huambo Province, Angola, in 2007–2008. The report is developed within the USAID project, Strengthening Land Tenure and Property Rights in Angola. The broad objective of the project is to strengthen land tenure security in Angola using a methodology that included four elements:

- Land legislation and policy enhancement;
- Land rights formalization;
- Public information and awareness; and
- Women’s access to and control of land.

Through the development and implementation of two pilots in Huambo Province, the project planned to test land rights formalization processes in rural and peri-urban areas, assist in raising public awareness of land issues, and protect and promote land rights of women and other disadvantaged groups. The pilots were designed to provide experience that would (1) create the basis for a model set of land rights formalization procedures that could be used throughout Angola to strengthen land tenure and property rights for the population; and (2) inform advocacy efforts relating to Angola’s legislation, including the development of a land rights formalization process that recognizes incremental rights and dispute resolution mechanisms and institutions to support and enforce land rights.

The project was directed by ARD, Inc. and implemented by Development Workshop Angola (DW), with technical assistance from ARD and the Rural Development Institute (RDI).

The lessons learned are grouped into three categories, as outlined below:

### B-1 Project Management

1. Coordinating Project Components
2. Reviewing and Adjusting Pilot Procedures
3. Communicating

### B-2. Pilot Design

4. Using Community Information to Inform Pilot Design
5. Targeting Women and Other Disadvantaged Groups
6. Integrating Elements of Land Rights Formalization Process

7. Identifying Land Rights

### **B-3. Pilot Implementation**

8. Advising and Collaborating with Traditional Authorities

9. Partnering with the Government

10. Promoting Project Principles

11. Focusing on Women's Land Rights

12. Prioritizing Community Sensitization

13. Ensuring Technical Expertise

14. Partnering with Local Leaders

15. Leaving Sufficient Time

## **B-2 METHODOLOGY**

The lessons learned are derived from the experience of the partners and participants on the project from its commencement in January 2007 to its anticipated conclusion in May 2008.

## **B-3 DISCUSSION**

### **B-3.1 Project Management**

- 1. Coordinating Project Components.** Even in a relatively short project with limited components, component coordination is essential to obtaining the best results possible and realizing the project objectives. A variety of circumstances combined to inhibit effective component coordination at some stages of the project, and some gaps occurred in project implementation. As an example, delays in the engagement of specialists and the development of the public information awareness (PIA) strategy, and lack of coordination among specialists limited opportunities for the PIA strategy to include targeted information developed under the legal and gender components. The strategy was not integrated into the pilot land rights formalization processes and could not inform development of a community sensitization plan for the pilot areas in advance of the demarcation.
- 2. Reviewing and Adjusting Pilot Procedures.** The project benefited from a review of the land rights formalization process and results emerging from the two pilot areas prior to the end of the Project. The review created an opportunity to examine the pilot processes with relation to the procedures developed for piloting, identify gaps, and make effective adjustments.
- 3. Communicating.** The need for defined and effective communication practices among partners and consultants throughout a project is critical to the coordination of the diverse components of a land rights formalization project and achievement of objectives. Challenges to communications on the project included language differences. Angola's official, business, and commonly used language is Portuguese. DW, the local nongovernmental organization (NGO) implementing the pilots, is distinguished by the number of its staff that have English language skills, but only a handful of its staff and very few government officials speak, read, and understand English. The lack of a common language limited the pool of local professionals who could work directly with the international consultants on the project, often forcing a trade-off between expertise in an area and English language skills. The language difference also limited the effectiveness of the consultants who did not know Portuguese and the usefulness of their communications and work products, unless provision for translation was made.

## B-3.2 Pilot Design

4. **Using Community Information to Inform Pilot Design.** The project used a benchmarking survey to collect information regarding the pilot communities in advance of the formalization of land rights. The information was useful to provide a general sense of the number and composition of households, length of time on the community, livelihood strategies, income sources, landholdings, and other assets held by households in the pilot areas. The most useful questions in the benchmarking survey were those that yielded specific answers, such as the sex of the head of household and the number of years in possession of the land. Less useful were the more abstract inquires, such as whether residents felt secure on their land and gender equality. Such issues are often better approached through questions on actions and behaviors that are potential indications of security or insecurity, and equality or inequality, and that will potentially yield data to be compared to results in a future survey.

In addition to the information obtained through the benchmarking survey, DW's staff was familiar with the local leadership, demographics, and community issues in the two pilot areas as the NGO had previously engaged in land rights formalization in the vicinity of the peri-urban pilot and had implemented social welfare projects in the rural pilot community. This practical knowledge, combined with the results of the benchmarking survey, provided a more comprehensive view of the communities than either source of information provided alone.

5. **Targeting Women and Other Disadvantaged Groups.** The benchmarking survey included some questions focused on women and other disadvantaged groups, such as identification of the head of household and household assets, which provided an overview of the community. The survey could have usefully collected more information regarding women's status and circumstances with additional narrowly tailored questions, such as questions directed toward identifying the number of adult women living with their in-laws or natal families, number of widows and divorced or separated women, the number of individuals (women and men) in polygamous relationships, the land inherited by women (amount, location, use), the land obtained by women through sources other than inheritance (amount, location, use, and source such as marriage, purchase, lease, use mortgage), and identification of any jointly held landholdings and the source of such land. This type of detailed information can assist land rights formalization projects to identify women's living circumstances and the nature of women's landholdings in the communities, which could in turn inform the development of project objectives for protecting and improving women's rights to land.

Surveys are generally less useful for collecting opinions and attitudes on gender issues, such as whether women had equal rights and whose name (man or woman) should be on a land document. Such questions are broadly framed, limiting the usefulness of responses. In addition, addressing such issues through a survey may risk solidifying attitudes on issues of women's land rights in advance of community sensitization. While there are usually budget and time constraints, a substantial amount of useful information can be gathered through a combination of a survey and interviews with 10 to 20 women and men from diverse circumstances in pilot communities. The information collected can provide a good foundation for developing the objectives of the gender component in pilot land rights formalization processes.

6. **Integrating Elements of Land Rights Formalization Process.** One of the components of the land rights formalization process was a land dispute resolution procedure. This component provided a systematic method for resolving existing land disputes during the land rights formalization process. As designed, the component included community sensitization on conflicts over land and introduced a progressive system of addressing disputes that began with traditional conciliatory methods and advanced to and through formal adjudicative processes until the matter was resolved.

The effectiveness of this component in land dispute prevention can potentially be increased by expanding its scope to include the initial step for land rights formalization: identification of all possible interests in a parcel of land. This step provides the foundation for competing claims of land rights and thus the basis for any subsequent dispute or conflict, so it should logically be included in a land dispute

resolution procedure. Including land rights identification as a step in land dispute resolution (in addition to training local leaders and providing community sensitization) expands the scope of the process to include an initial focus on dispute prevention.

The enlargement of the design of the land dispute component to include identification of land rights will also likely increase the numbers of potential land conflicts identified and resolved, thereby increasing tenure security for all parties. Throughout the pilots, local leaders and residents reported very few (if any) conflicts over land, and those conflicts identified were limited to boundary disputes. However, household interviews conducted in the pilot areas in March 2008 after the demarcation was complete revealed numerous questions within households regarding the identification of plot ownership. For example, a man registered two adjacent plots in his name during the initial demarcation. When questioned about his decision during the evaluation of the demarcation process, the man admitted that he had given the adjacent plot and house to his niece for her residence and he had given the far section of his plot to a brother to use for cultivation—prior agreements that family members confirmed. An expanded concept of land dispute prevention and resolution will support procedures designed to identify all land interests and proceed with the demarcation and registration only when any competing interests are resolved to the satisfaction of all parties.

- 7. Identifying Land Rights.** A variety of land rights are recognized by Angola's customary and formal law. During the design phase and in consultation with the appropriate local leaders and government officials, project staff planning a land rights formalization process should (1) identify the type of land rights held by the community, including communal and individual rights, as appropriate; and (2) determine the rights that the project will seek for landholders through the formalization process.

Angola's formal land law includes several categories of landholdings based on the type of land, land use, local planning, and other factors. In addition, the land law and regulations may permit other incremental land interests to be formalized. However, project planners should be aware that some land rights sought may not be harmonious. For example, under the land law, rural communities can obtain recognition of rural community land. The recognition protects residents from efforts by third parties to claim community land by prohibiting concessions within the boundary. However, this protection also potentially restricts individual members of the community from obtaining rights to their individual parcels. Under such circumstances, the project staff will need to work with communities to develop a strategy to prioritize the land rights that will be sought.

### **B-3.3 Pilot Implementation**

- 8. Advising and Collaborating with Traditional Authorities.** Time spent advising local traditional authorities and working with them to identify land rights, boundaries, and potential land disputes is well placed. Prior to demarcating the land held by the rural pilot community, DW's staff met with the sobas for the pilot village and adjacent villages, and obtained the consent of all for the boundary identification process. The meetings provided an opportunity to discuss the rights available to rural communities under the land law and any potential disputes over the community boundary and demarcation process. As a result of the meetings, the sobas gave their full support for the project, actively participated in the demarcation, and resolved questions among themselves; the demarcation of community land was accomplished within a day.
- 9. Partnering with the Government.** The formalization of land rights requires the GOA to exercise its authority to grant land concessions and issue documentation evidencing the land rights. Officials at the central, provincial, and municipal levels may be supportive of the process in theory, but were reluctant to issue documentation of land rights, especially where their authority is ambiguous and there is no precedent for the land rights formalization process under the current land law and regulations. In many cases, officials continue to be unfamiliar with the law and regulations and the offices responsible for creating and maintaining land records do not have the capacity to do so. At the time that the project commenced, the land regulations had not been enacted and the decree regarding

decentralization of government functions was pending, which added additional ambiguity to the situation. DW maintained communications with government contacts during the project but was unable to obtain any agreement regarding the formal recognition of land rights and issuance and retention.

- 10. Promoting Project Principles.** Land rights formalization projects require the identification of existing land rights (usually held under customary law) and provide a mechanism for the recognition of those rights (or some restricted, expanded, or refined version of those rights) under formal law. As such, the formalization process operates in the space between the systems of customary law and formal law and usually must provide principles to guide decision-making in that space to ensure that the rights formalized reflect customary law to the extent possible and appropriate while also meeting the standards of formal law.

For example, in the pilot areas land held by married couples (registered or common law) is presumed to be held jointly under both customary law and formal law. Accordingly, the principles adopted by the project required demarcation teams to identify land held by married couples as jointly held, absent trustworthy and relevant information to the contrary. The project also adopted a principle designed to address the gender inequity in land ownership by requiring that all adult women receive some land rights in the formalization process.

In order to be effective, the principles adopted by the project must be adopted with the support of the relevant government officials and local leaders. Community members must be sensitized on the relevant issues and laws (such as marital property rights, joint versus individual rights, inheritance, polygamy, partition of land, land concessions) and if they have options regarding their land rights, those options must be explained and understood by the community members prior to the demarcation.

- 11. Focusing on Women's Land Rights.** Land rights formalization projects have the potential to protect and improve the land rights of women. Because they have less political, social, and economic power and their land rights may be less evident, women are in danger of losing land rights during formalization processes, increasing their vulnerability and perpetuating the cycle of inequality and poverty. The project included participation of gender experts at local and international levels, which helped raise the awareness of women's land rights. Gender experts participated in the design of the project and collected data on women's land rights from both communities. The project's operations manuals were drafted to include specific activities at every stage designed to identify women's issues with relation to land holdings, protect existing land rights, and where possible improve the rights of women.

The project had difficulty engaging a local gender expert, resulting in delays and some lack of integration of the gender activities into the pilot procedures. The problems in timing and lack of coordination resulted in inadequate community sensitization on gender issues in advance of the demarcation and misunderstandings that resulted in identification of land owners that did not reflect the customary law, formal law, or often the desires of the community. The impact was immediate: most women interviewed in the peri-urban area who were identified as joint owners of parcels did not understand the nature of their rights or what their rights would be in the event of divorce or death of their husbands. In the rural area, many of the residents misunderstood the process of identifying land interests and initially identified most of their land as individually owned by the heads of households, a group that is predominantly male. However, once community sensitization occurred and the demarcation team received training on the land rights of women, the objective of protecting and improving the land rights of women in the pilot communities could be met.

- 12. Prioritizing Community Sensitization.** The value of community sensitization was evident in DW's initial (pre-project) land rights formalization work with the peri-urban community of Bairro Fatima. DW's staff reported having spent weeks meeting with local leaders and residents, describing the project, answering questions, and addressing concerns. The staff met with small groups and individuals and did not proceed with the demarcation of land until they believed all residents understood the

purpose of the project, project components, and project schedule. Throughout the project, the staff continued to communicate with the community and the staff attributed much of the success of the project in large measure to these communications.

Various circumstances combined to prevent DW's staff from prioritizing the desired level of community sensitization regarding individual plot demarcation in the two pilot areas of the project. As a result, the residents of the peri-urban and rural areas were unfamiliar with the process for identifying land rights, the options for joint and individual land rights, and the legal effect of the choice, inheritance rights, or marital property rights in advance of or at the time of demarcation. Many residents interviewed after the demarcation were confused and anxious about the purpose of the project and concerned about who would be identified as the landowner on government records.

The residents' reactions evidence the importance of time spent with the community in advance of the demarcation of land. Land rights formalization projects need to obtain information about the community (including specifics about women and other disadvantaged groups), prepare a plan for sensitization that is tailored to the nature of the community, include gender specialists in planning and executing the plan, set a schedule, and draft agendas for groups and individual meetings.<sup>2</sup> Sufficient time for this work should be included in the schedule for land rights formalization projects.

13. **Ensuring Technical Expertise.** In most environments, formalization of land rights requires demarcation of land (often in the absence of anything but aerial photographs or satellite imagery), digitalization of collected information, creation of maps, and preparation of land registries. DW's staff brought a high degree of existing expertise in these areas to the project, and the project experienced no difficulties in these processes.<sup>3</sup>
14. **Partnering with Local Leaders.** Local leaders—both traditional and official—play key roles in the identification and enforcement of land rights and in the resolution of land disputes. As such, local leaders are a critical resource and necessary partner in the ability of land rights formalization processes to bridge the gap between customary and formal laws and encourage social change. If residents receive land rights cognizable under formal law but local leaders are not familiar with the principles that attach (such as transparency in processes and gender equity), much of the value of the formal rights will be lost. Projects need to develop relationships with local leaders early in the land rights formalization process, beginning with the selection of sites where local leaders are open to the objectives of the project. These individuals can provide project staff with essential information about relevant customary law and practices in the community to serve as the foundation for the rights formalization strategy. The project staff can in turn provide them with information regarding the formal laws and work together with the leaders to establish appropriate and realistic principles to guide the project. Working together, the project staff and local leaders can develop a land dispute prevention and resolution procedure that is based, to the extent appropriate, on existing community practices while also integrating principles of formal law and allowing for advancement of disputes to formal institutions.
15. **Leaving Sufficient Time.** Land rights formalization projects require time. Project staff must identify appropriate areas for potential projects, meet with and gain the trust of local leaders and all levels of government officials, assess capacity of government institutions and prospective partners, and reach agreements regarding project objectives—all before final decisions are made regarding locations for formalization work. Once the project staff selects the communities, they must collect and analyze information about the community, develop and implement a strategy for community sensitization, and work with local leaders on the pilot design. Only after this groundwork is completed can the technical demarcation process begin. Almost all of the previous lessons learned include this lesson: if these initial

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<sup>2</sup> Other suggestions for holding meetings are set forth in detail in the Draft Operations Manual: Land Rights Formalization in Rural and Peri-Urban Settings of Angola, a document on file with the project.

<sup>3</sup> Details of the processes are set forth in Appendix C of the Draft Operations Manual.

steps are rushed or neglected, the project objectives will be compromised. In contrast, if sufficient time is available and well used, project objectives can be achieved.

## **B-4 CONCLUSION**

Well-designed land rights formalization projects have numerous elements designed to ensure that the process (1) recognizes customary law and community practices; (2) focuses the land rights of women and other disadvantaged groups; (3) creates collaborative relationships with local leaders and government officials; (4) sensitizes the community regarding identification and determination of land rights and the project objectives and process; (5) designs a process for recognition of appropriate land rights under formal law; (6) ensures that appropriate procedures are used for mapping, demarcation, and registration of land; (7) provides a system for the prevention and resolution of land disputes; and (8) has a secure, public accepted authority for the management and care of these land rights.

Because they include such diverse elements, land rights formalization projects require diverse skills to design and implement. The demarcation, data entry, mapping, and registry work form a core element of the process and require technical expertise and attention to detail. The management of the overall operation requires the ability to integrate the project components so that the pieces can inform each other throughout the project. Legal analysis requires working knowledge of the applicable customary and formal law.

Robin Nielsen

Staff Attorney, Rural Development Institute

April 28, 2008



# ANNEX C: PROJECT DELIVERABLES

## **Land Law and Policy: Overview of Legal Framework**

*Produced May 2007 and available from the Development Experience Clearinghouse*

This report provides an analysis of the Angolan Constitution, civil code, and family code and how they affect land tenure in Angola. It also provides a review of the 2004 Land Law and highlights areas of opportunity for land tenure projects including clarifying land access, increasing land tenure security, enhancing women's land rights, and evaluating legislative provisions.

## **Managing Land-Related Disputes in the Land Rights Formalization Process**

*Produced June 2007 and available from the Development Experience Clearinghouse*

The project incorporated a dispute resolution and mitigation component that was created from research in the pilot communities and community interviews. This manual includes a step-by-step method that was found to be appropriate for Huambo Province to mitigate or resolve disputes. The level of disputes in Huambo for both rural and peri-urban communities was low and generally occurred over land borders.

## **Strategy for Linking Improvements in Land Tenure with Enterprise Development in the Huambo Region**

*Produced August 2007 and available from the Development Experience Clearinghouse*

The project carried out a review of lessons learned from other USAID economic growth projects and an analysis of enterprise development opportunities for the two pilot communities. This report revealed that enterprise opportunities in Huambo were minimal due to a lack of infrastructure and that most people in the peri-urban pilot community invested money in their homes as a source of wealth building. Horticultural products were identified as a possible profitable enterprise for the rural pilot community but they also suffered from a lack of infrastructure and input supplies.

## **A Profile and Planning Tool for Women and Other Disadvantaged Groups in Pilot Areas**

*Produced October 2007 and available from the Development Experience Clearinghouse*

A strong emphasis was placed on gender throughout this project. An analysis of gender issues and other disadvantaged groups in both the rural and peri-urban communities was carried out, and this report provides insight into how communities treat property rights and gender issues. It also includes recommendations for ensuring that women and other disadvantaged groups are included in any land tenure security project.

## **Draft Executive Decree for Peri-Urban Land Regulations for the Minister of Urbanism and Environment**

*Produced December 2007 and available from ARD, the Rural Development Institute, and Development Workshop*

During project implementation, the Minister of Urbanism and Environment requested assistance with drafting an executive decree to follow the 2004 Land Law that would provide the ministerial procedures for securing land rights in urban and peri-urban communities of Angola. The procedures being utilized for the pilot projects were included in the draft decree. This draft was produced with assistance from an international land lawyer and is currently being circulated for approval within the Angolan government.

## **Public Information and Awareness Manual**

(Title in Portuguese: *Direito a Terra e Resolução de Conflitos na Terra Urbana e Rural na Província de Huambo*)

*Produced February 2008 and available from the Development Experience Clearinghouse*

A public information and awareness manual was produced for the project to build awareness of government officials and communities of the 2004 Land Law and the rights it provides. The benchmarking survey showed that neither the local government or community members were aware of the new law. This manual was produced for implementation teams to use for community meetings and includes summaries of the relevant laws and procedures for securing property rights and illustrations to assist communities with low literacy.

## **Angola Benchmarking Survey for Pilot Sites**

*Produced February 2008 and available from the Development Experience Clearinghouse*

A benchmarking survey was carried out for both pilot communities to be able to measure the impact of the project. The survey explored the sense of security of land holders, their knowledge of the land law, and the breakdown of these issues along gender lines.

## **Strengthening Land Tenure and Property Rights in Angola: Lessons Learned from Land Rights Formalization Pilots**

*Produced May 2008 and included in this final report; also available from the Development Experience Clearinghouse*

An international consultant spent the final three weeks of the project investigating the lessons learned and produced a report to capture the challenges and best procedures for implementing a land tenure security project in Angola. This report highlighted the need for community interaction to make sure that all involved parties understand the benefits associated with secure land tenure and why they are participating before a project begins.

## **Draft Operations Manual: Land Rights Formalization in Rural and Peri-Urban Settings in Angola**

*Produced May 2008 and available from the Development Experience Clearinghouse*

This manual provides procedures for assisting rural and peri-urban communities with securing property rights. The manual was produced from individual draft manuals for rural and peri-urban communities that were created before project implementation, which included best practices from other countries, to be tested in the pilot communities. The manual was updated at the end of the project to combine both settings and lessons learned from the Angolan context. This manual provides guidance for Huambo Province and should be tested in other regions of Angola and continually updated.

# ANNEX D: PROJECT STAFF LEVEL OF EFFORT AND AREAS OF SPECIALIZATION

CONSULTANT/STAFF	POSITION	LEVEL OF EFFORT (DAYS)
<b>ARD</b>		
Todd Flower	Senior Technical Advisor	79.00
Kevin McLaughlin/Roxana Blanco	Project Manager	34.00
Safia Aggarwal	Gender Specialist	30.00
Nigel Thomson	Senior Technical Advisor/Attorney	84.50
<b>RDI</b>		
Renee Giovarelli	Gender Expert	14.00
Robin Nielsen	RDI Attorney	120.25
Debbie Espinosa	RDI Attorney	3.50
Dave Bledsoe	RDI Senior Attorney	20.00
<b>International Consultants</b>		
Jeff Dorsey	Enterprise Development Specialist	21.00
Hilde Kusche-Uebber	PIA specialist	28.00





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