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STRENGTHENING LAND TENURE AND PROPERTY RIGHTS IN ANGOLA

BENCHMARKING SURVEY FOR PILOT SITES



AUGUST 2007

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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.

CONTENTS

- Acronyms and Abbreviations iii**
- Preface v**
- Executive Summary vii**
- 1.0 Introduction 1**
 - 1.1 BACKGROUND 1
 - 1.2 SURVEY OBJECTIVES 1
 - 1.3 SURVEY METHODS..... 2
 - 1.3.1 Questionnaire 2
 - 1.3.2 Sampling..... 2
- 2.0 Data Analysis 3**
 - 2.1 BOM PASTOR 3
 - 2.1.1 Human Resources 3
 - 2.1.2 Housing 3
 - 2.1.3 Economic Resources 4
 - 2.1.4 Physical Resources 4
 - 2.1.5 Socio-cultural Resources 6
 - 2.1.6 Use of Land 6
 - 2.1.7 Land Attitudes..... 7
 - 2.1.8 Land Conflicts..... 9
 - 2.2 MOMBOLO..... 9
 - 2.2.1 Human Resources 9
 - 2.2.2 Housing 10
 - 2.2.3 Economic Resources 10
 - 2.2.4 Physical Resources 10
 - 2.2.5 Socio-cultural Resources 11
 - 2.2.6 Use of Land 11
 - 2.2.7 Land Attitudes..... 13
 - 2.2.8 Land Conflicts..... 13
- 3.0 Observations 14**
 - 3.1 LIVELIHOODS IN THE PROJECT AREA 14
 - 3.2 LAND ACCESS AND TENURE SECURITY 14
 - 3.3 LAND USE AND ATTITUDES..... 14
 - 3.4 GENDER ANALYSIS OF LAND RIGHTS 15
 - 3.5 LAND CONFLICTS 15

4.0 Conclusions	16
4.1 PUBLIC INFORMATION AWARENESS (PIA) STRATEGY	16
4.2 INFORMATION CAMPAIGN FOR GOVERNMENT AND TRADITIONAL LEADERS ...	16
4.3 TRAINING PLAN FOR LAND TENURE FORMALIZATION IMPLEMENTATION TEAMS	16
4.4 GENDER WORKSHOPS WITH GOVERNMENT REPRESENTATIVES AND COMMUNITY LEADERS	17
4.5 DEALING WITH ANY LAND CONFLICTS	17
Appendix A: Benchmarking Survey Tool	19

ACRONYMS AND ABBREVIATIONS

DW	Development Workshop
GoA	Government of Angola
PIA	Public Information Awareness
RAISE	Rural and Agricultural Incomes with a Sustainable Environment (USAID IQC)
RDI	Rural Development Institute
USAID	United States Agency for International Development

PREFACE

This survey was carried out by Development Workshop for the USAID Angola's *Land Tenure Strengthening Project* which is managed by ARD with implementation assistance from its partners, Development Workshop (DW) and the Rural Development Institute (RDI). The project continues USAID-Angola's support to land reform and land rights strengthening begun in 2004 as part of its assistance to the Government of Angola.

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 Government of Angola 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'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 will be met through a series of interventions during the current phase that:

- Strengthen land tenure rights in two pilot areas in Huambo Province 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 disadvantaged groups, and help shape a more realistic timeframe for the formalization process.

The project interventions comprise 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 have been targeted for piloting the project and both are in Huambo Province. One area is peri-urban (Bom Pastor in Huambo City), and the other is rural (Mombolo Village in Ombala Bongo).

This project combines two sources of USAID/Angola funding:

- (1) A MAARD from USAID/Angola through the Rural and Agricultural Incomes with a Sustainable Environment (RAISE) IQC Task Order mechanism. The Task Order is entitled *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. G. Myers, in close coordination with the USAID/Angola Mission. The project expires in May 2008.

EXECUTIVE SUMMARY

The benchmarking survey was conducted by Development Workshop in two pilot sites, one rural and one urban, in Huambo Province of Angola to provide the necessary baseline information to measure the impact of the USAID Land Tenure Strengthening Project. The survey also has provided information for training materials and workshops to be conducted during the project period. The results of the benchmarking survey suggest that:

1. Current understanding or awareness of the peri-urban and rural communities of the legislation that provides the framework for land rights and land regularization is almost non-existent. The population is unaware of their rights.
2. Informal interviews with government representatives that accompanied the interviewing process showed that they also have a very limited understanding of the contemporary, but still evolving, legal framework for land tenure formalization.
3. There is a relatively low level of existing land conflicts, but there is the potential of a steep increase of conflicts in both peri-urban and rural areas due to increasing land pressure.
4. Gender disparities were highly evident in the survey, especially in rural areas where customary practice in many cases contradicts statutory law.

Findings from the benchmarking survey have been incorporated into the implementation phase of the project. The public information and awareness campaign will target information about the land law to both the general population and the government and traditional leadership. Key aspects that will be included are:

- The need to initiate the land regularization process within the next three years.
- The new legislation on de-concentration provides Municipal Administrations with the responsibility to deal with land concession and regularization of all urban land with a surface area of less than 1,000 square meters.

The project will take the initiative to build awareness of land and gender issues in the pilot communities through the public information and awareness campaign, training of the land formalization implementation teams, and workshops with the government and traditional leadership. Emphasis will be based on women's rights to land as provided in Angolan statutory law.

1.0 INTRODUCTION

1.1 BACKGROUND

USAID has maintained its longstanding interest in land tenure issues, including the provision of policy, legal, and regulatory advice on these matters to government, nongovernmental organizations, and donors. Improving land tenure security can reduce the possibility of land disputes and usurpation of land by those without legitimate claims to it. Furthermore, as rights to land become more secure, new opportunities may develop for using land more intensively and taking advantage of productive opportunities. People's equity in land can be tapped through loans and partnerships to develop commercial enterprises both inside and outside of agriculture. Secure tenure to peri-urban property also allows those who have it to borrow money to improve their homes and increase its value or invest to establish or expand a business.

This benchmarking survey was conducted for providing the baseline information necessary for measuring the impact of the Land Tenure Strengthening Project. It should therefore be noted that, while using a social research approach, the main aim of the survey was not to provide an academic analysis of the objective in question, but to identify key issues relevant to the project.

This study was conducted in two Pilot Project Areas: one rural (Mombolo village) and one peri-urban (Bom Pastor, Huambo City), both in Huambo Province, Angola.

1.2 SURVEY OBJECTIVES

The general objective of this survey was to collect qualitative and quantitative data relating to livelihoods and land rights in the selected pilot project areas. The specific objectives were defined as follows:

1. Provide information about the livelihoods of those households within the project areas through the examination of specific indicators.
2. Investigate land use and attitudes about land.
3. Examine land rights and tenure security existing in the pilot project areas.
4. Perform gender analysis of land use decision making in the pilot project areas.
5. Assess current levels and characteristics of land conflicts and their resolution.

These objectives were sought with the aim to provide information that would help tailor the project intervention to the specific local environment.

1.3 SURVEY METHODS

1.3.1 Questionnaire

A questionnaire was developed with the participation of all project stakeholders, including staff from ARD, RDI, and DW. Special focus was placed on identifying gender-related issues.

A field research team of seven received training for one day in the use of the questionnaire. In Bom Pastor, interviewing lasted from August 6-10, 2007 and, in Mombolo, from August 14-17, 2007. Completed questionnaires were submitted to the research supervisor who reviewed every questionnaire to ensure the quality of data collected. After the quality control, the questionnaires were entered into a database for analysis.

1.3.2 Sampling

The project area in Bom Pastor is currently composed of 360 households and almost 50% of this population was interviewed, based on a random sampling approach. A total of 153 individuals were interviewed, including 96 women and 57 men.

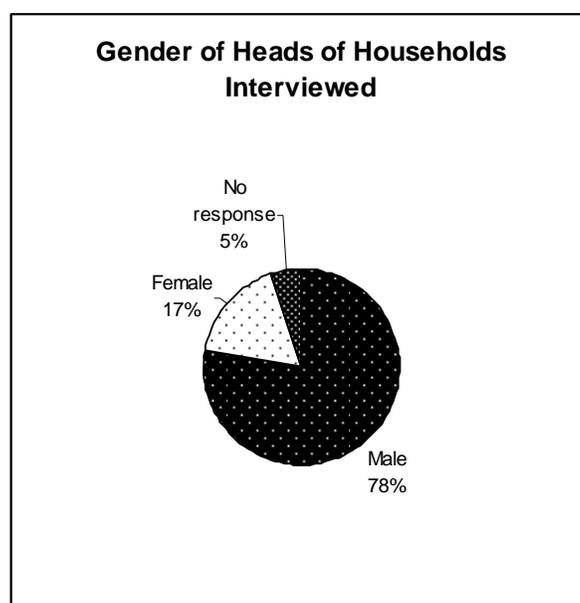
In the village of Mombolo, composed of 215 households, sampling was also done on a random basis and more than 80% of these households were interviewed. In total, 177 individuals were interviewed, including 98 women and 79 men.

2.0 DATA ANALYSIS

2.1 BOM PASTOR

2.1.1 Human Resources

More than three-quarters of all households (78%) are male-headed, with an average household of 6.1 members. An average of 2.3 household members is employed.



The most common method of cohabitation of man and woman is the de facto union (54%). The de facto union is a marriage performed by a church but that is not in the government civil registry. The government recognizes this form of marriage after three years of cohabitation. Single-headed households make up 29% of the community. Almost half of all interviewed described themselves as internally displaced persons, a quarter as former military, and 7% as physically disabled.

2.1.2 Housing

The houses are mostly made of adobe and almost all (99%) use corrugated iron sheets for roofing while floors in most cases are simply compacted earth. In 90% of all cases, the occupant is also the house owner and almost all of them (81%) have built the house themselves.

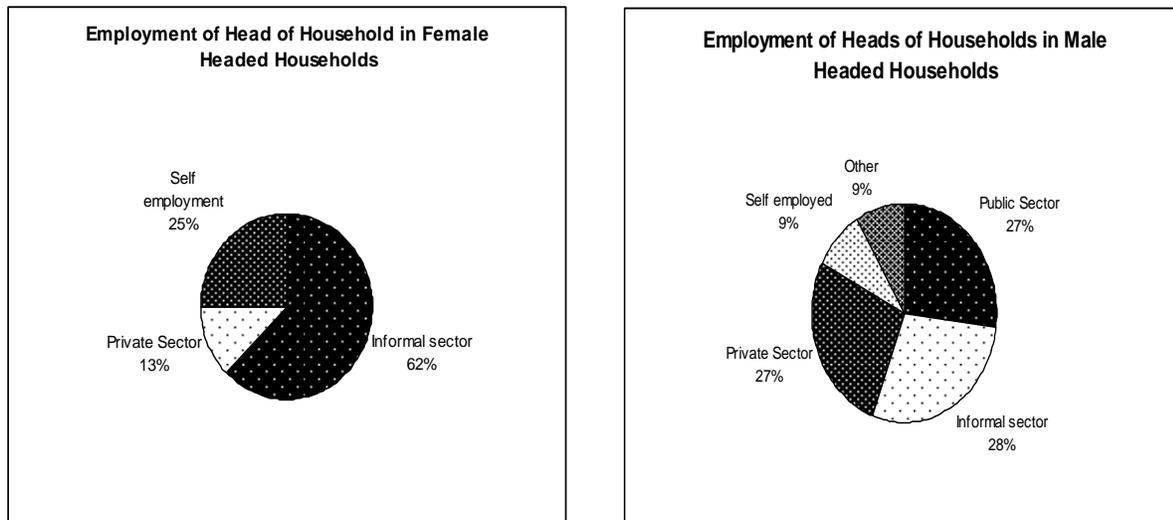
More than half of those interviewed (55%) claim to have documents that support their ownership of the land. Most stated that it was a document issued by the communal administration when they purchased the land. Those in possession of these documents, however, are not registered in the communal

administration. About a quarter (22%) of the households stated that traditional authorities are aware of their land claim and 18% said that witnesses were present during the land purchase.

More than three-quarters of those who have documents say that these are issued in the name of the male head of household. While almost half have some form of documents, relatively few (30%) would know how to regularize their occupancy and how to obtain documents issued by the municipal or provincial government.

2.1.3 Economic Resources

Thirty-nine (39)% of all households have one member with a monetary income and 53% have two, for a total of 92% of households with a monetary income. One-quarter of the households are employed in the public service, one-quarter in the informal sector, one-quarter in the private sector, and a smaller percentage (9%) claim some sort of self-employment. Seventeen of the 25% in the informal sector are engaged in subsistence agriculture. Employment in the public and private sector included jobs such as teachers, military, police, security, domestic workers, students, mechanics, and drivers.



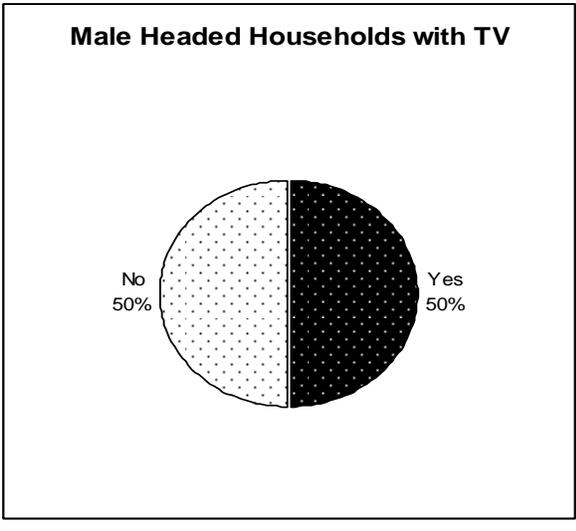
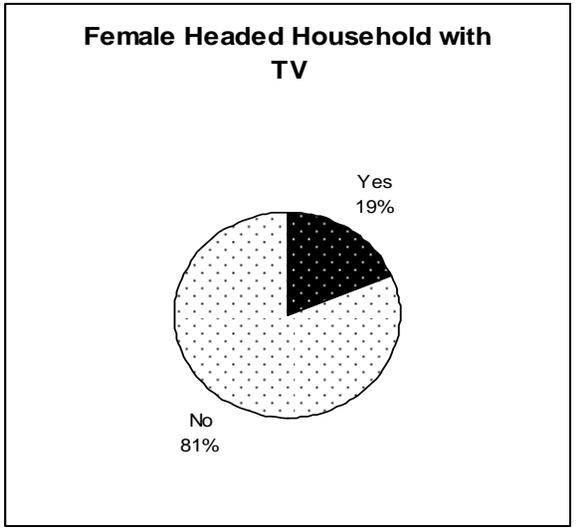
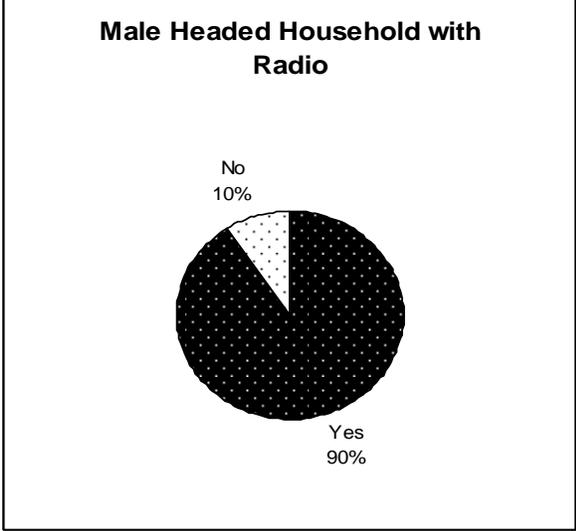
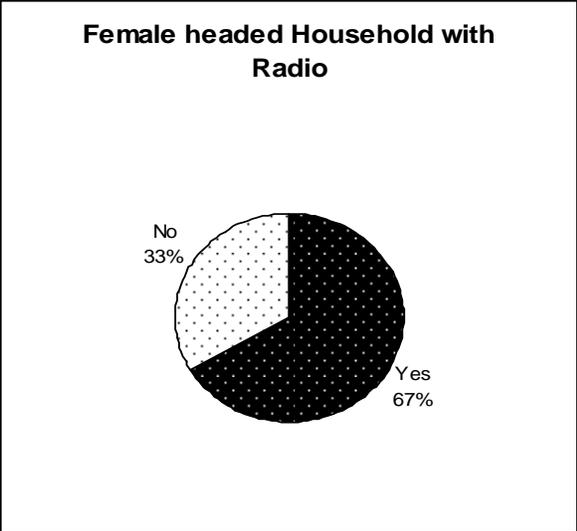
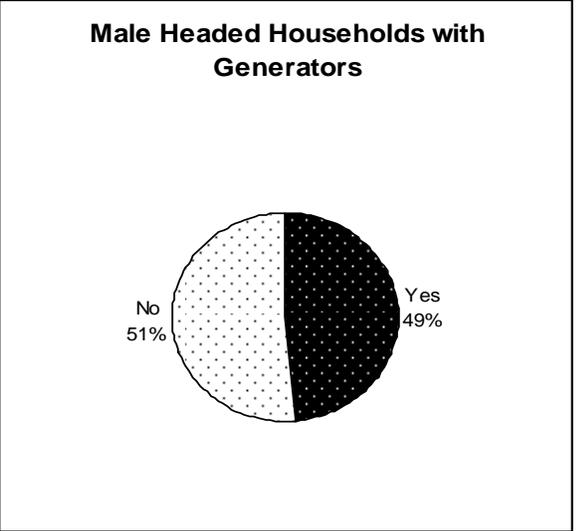
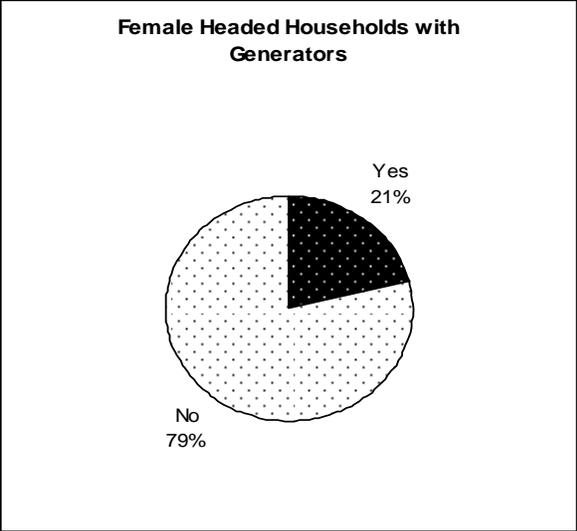
Female-headed households show a greater percentage of informal sector employment, while male-headed households show a greater percentage of public and private sector employment.¹ Also, more than half of the interviewed state that they have some savings, of which most is cash.

2.1.4 Physical Resources

All of the households interviewed have access to water through unprotected wells and there is no access to government-supplied electricity. Some households (42%) have a generator, an almost equal number a TV, but almost all (86%) have a radio. There are, however, some significant differences between female- and male-headed households. In the Angolan context, generators and electronics are often signs of economic resources because they are not available to everyone.

¹ In the cases of two members of the household with monetary income, the questionnaire requested information about the one member who contributes most to the household, and subsequently only this information has been used in this statistical analysis.

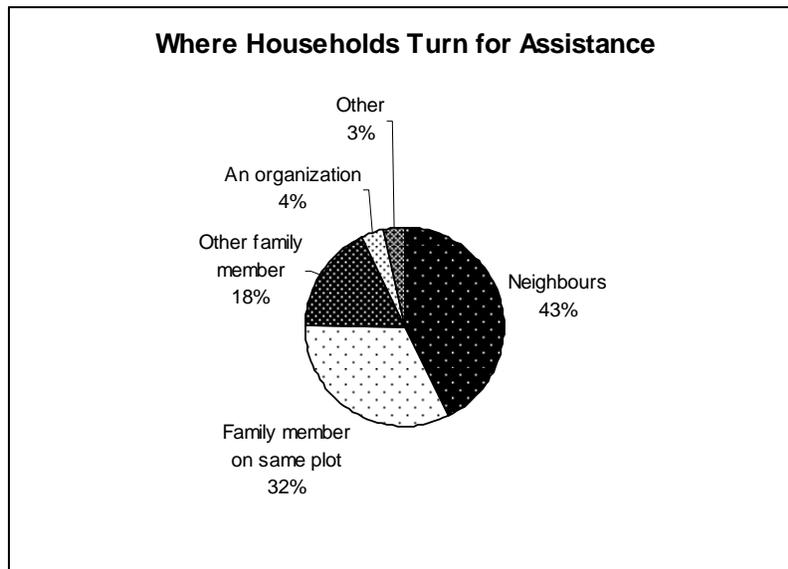
Far fewer female-headed households have a generator (21% compared to 49%), a TV (19% compared to 50%), or a radio (67% compared to 90%).



Slightly more than one-third of the households interviewed (39%) state that they have one or more mobile phones in the household. The houses have an average of 1.8 sleeping rooms.

2.1.5 Socio-cultural Resources

In answering the question to whom the household would turn for resolving (an undefined) problem, almost half of the interviewed (42%) would first ask their neighbors for help, 33% a family member on the same plot, and 18% another family member.

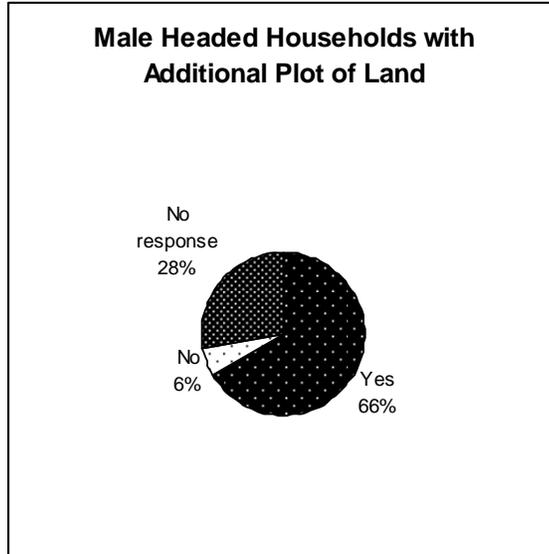
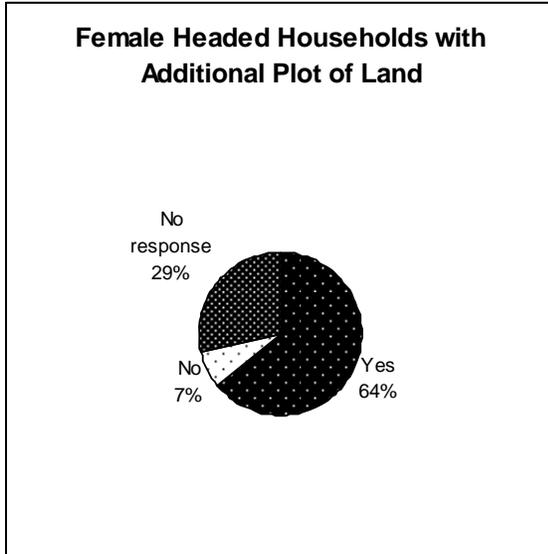


2.1.6 Use of Land

Sixteen (16%) of the households interviewed acquired their land more than four years ago, 61% acquired it between two and four years ago, and 23% within the last year.

Twenty-three (23%) claim to have acquired their land through formal purchase and 35% through informal purchase. Thirteen (13%) of the households have received their land from the government (without specifying how), and 10% have received it through a family transfer. Some of those interviewed (14%) access land either through inheritance (4%) or by renting (10%).

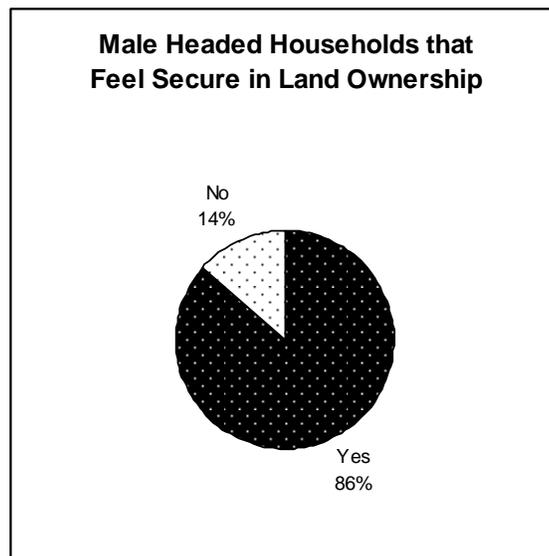
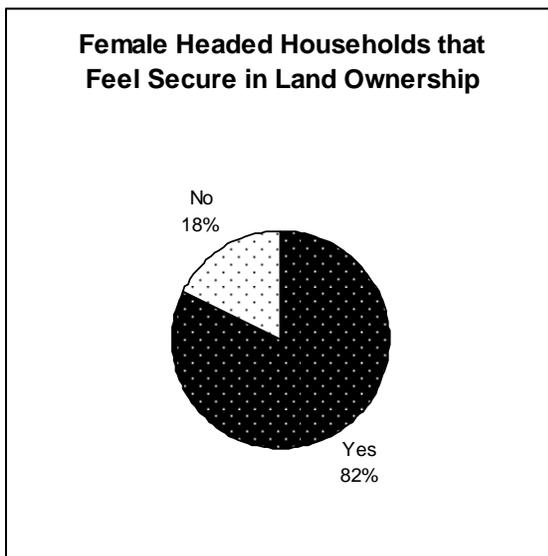
Two-thirds of those interviewed (with only minimal differences between female- and male-headed households) say that they have an additional plot for agricultural use.



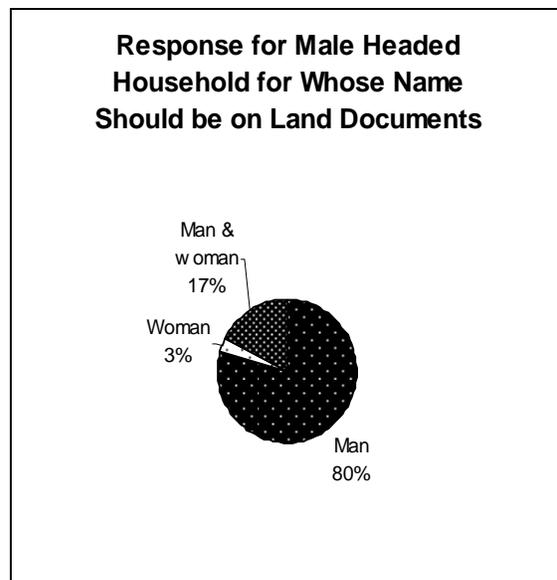
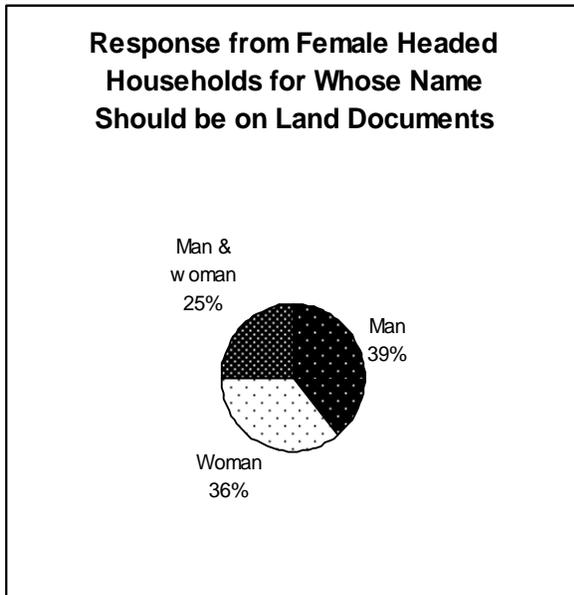
Almost all of them, 60% of the 67% that have a plot, stated that they are the owners of this additional plot. Only 13%, men only, said that they have some form of documentation for this additional plot which was usually received from the local administration. Of the additional plots, there are only two cases of female-headed households and eight cases for the male-headed households who are not the owner of the plot.

2.1.7 Land Attitudes

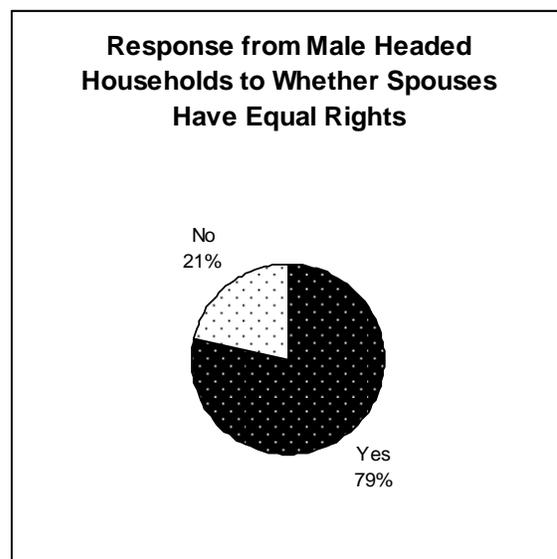
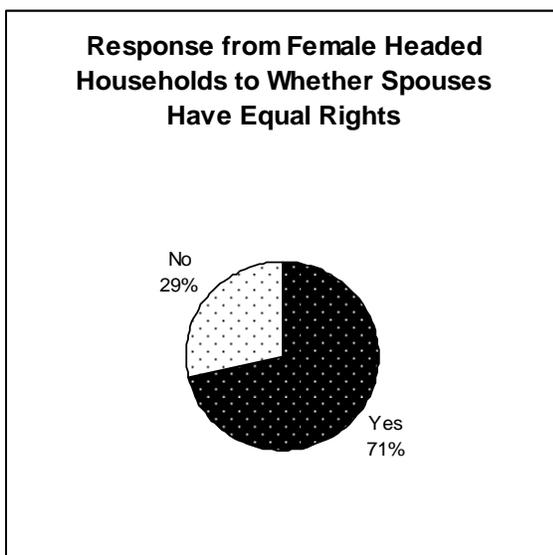
Almost all of the interviewed (85%) say that land is primarily residential. Two-thirds of those with additional plots said that it is for agriculture to support their families while the use for the remaining one-third is unclear. Very few households (14%) have been contacted for selling their land but only 1% admitted that they might actually sell. A few (6%) might rent, but most (89%) said their land and house must be inherited. Almost all (88%) feel secure, but still say that documents would provide more security. The feeling of security is almost equally shared among female- and male-headed households.



Further, three-quarters of the households interviewed state any documents should be in the name of the husband. When subdivided by gender, the responses from female-headed households show significant differences from the male-headed households, with 36% of female-headed households stating that the documents should be in name of the wife, while only 3% of the male-headed households agree.



Seventy-seven (77)% of all respondents say that the spouse has the same rights to land and house and almost all state that either the husband or wife would need the permission of their partner if they want to sell the house. Comparing female-headed and male-headed household responses, the differences are rather small. While 79% of male-headed households say that the spouse has the same right, 71% of the female-headed households agree.



Almost none of the respondents (7%) have heard about the land law.

2.1.8 Land Conflicts

About one-fifth (21%) have experienced conflicts related to their land. Most conflicts (21 of 29 recorded) have been about boundaries, but two cases involved inheritance, three were related to cheating during the purchase and sale process, and two involved the process of land regularization. Five of the cases were between family members, but the rest were between unrelated people.

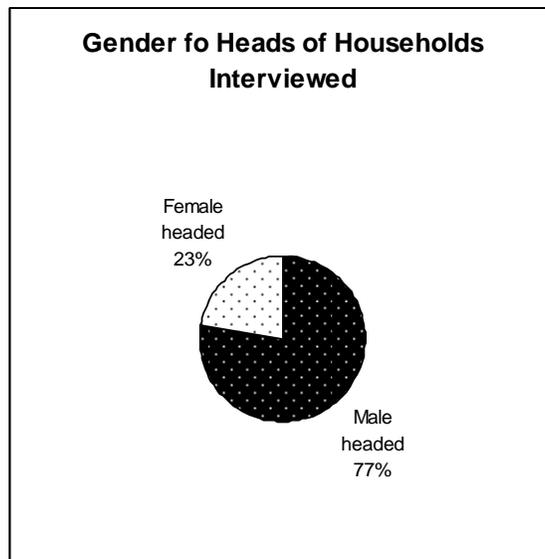
Most of the conflicts, 21 of 29, were resolved, either by neighbors (14), local administration (4), family members (2), or traditional authorities (1). Seventy-five (75)% of the households with cases that were resolved do not expect any conflict in the future. Those remaining 25% who expect some kind of conflict think that it will likely be related to land boundaries or the land regularization process.

Almost two-thirds agree that there are no land-related conflicts in the area, and another 26% say that there are some or a few. Only 1% of the respondents said that there are many conflicts. Again, those who mentioned the existence of conflicts said that most are related to boundaries.

2.2 MOMBOLO

2.2.1 Human Resources

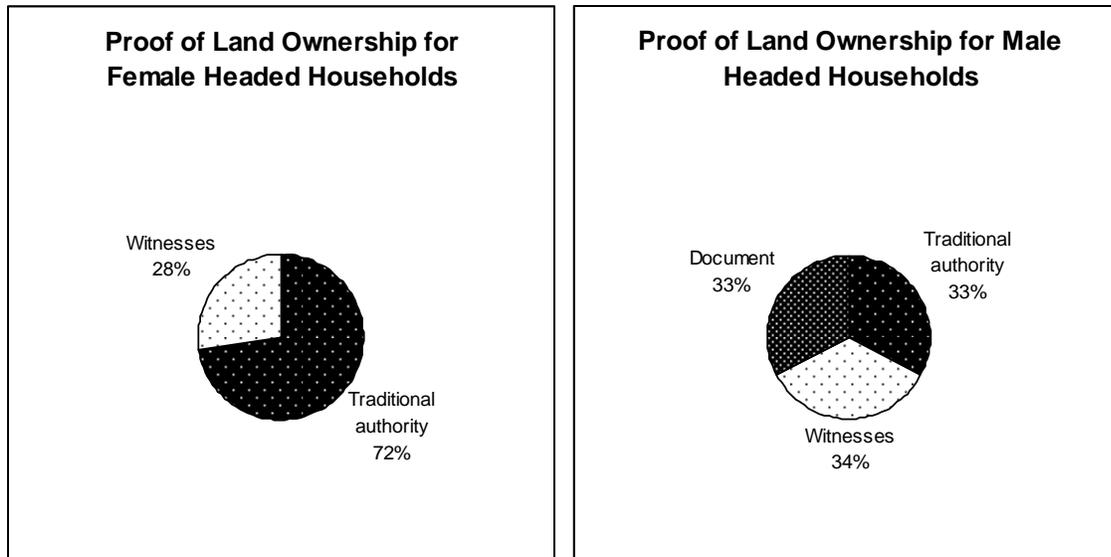
Almost all (96%) of the households interviewed are subsistence farmers, with the exception of a few teachers (2%) and a carpenter. The average number of individuals per family is 4.7, and an average of 2.4 individuals from the household work. Seventy-seven (77)% of the interviewed households are male-headed.



Most of the households interviewed state that they were married in a church but that their marriage was not formally registered with the government. Almost half (47%) consider themselves as internally displaced persons, 15% as ex-military, a considerable percentage (34%) would not classify themselves, and 4% did not answer the question.

2.2.2 Housing

Most houses are made of adobe and a few (12%) of wattle and daub ('pau a pique'). Only a few (15%) use corrugated iron sheets for roofing while most have grass roofs. Basically all of the occupants (99%) are also the owner of the house of which 95% of the households have built by themselves. Most households (78%) would prove their ownership through the local *soba* (traditional leader), and another 21% stated that they had witnesses to their claim. Only 1% of the respondents said that they were in possession of some kind of land ownership document. Eleven (11)% of the respondents said they would know how and where to get documents.

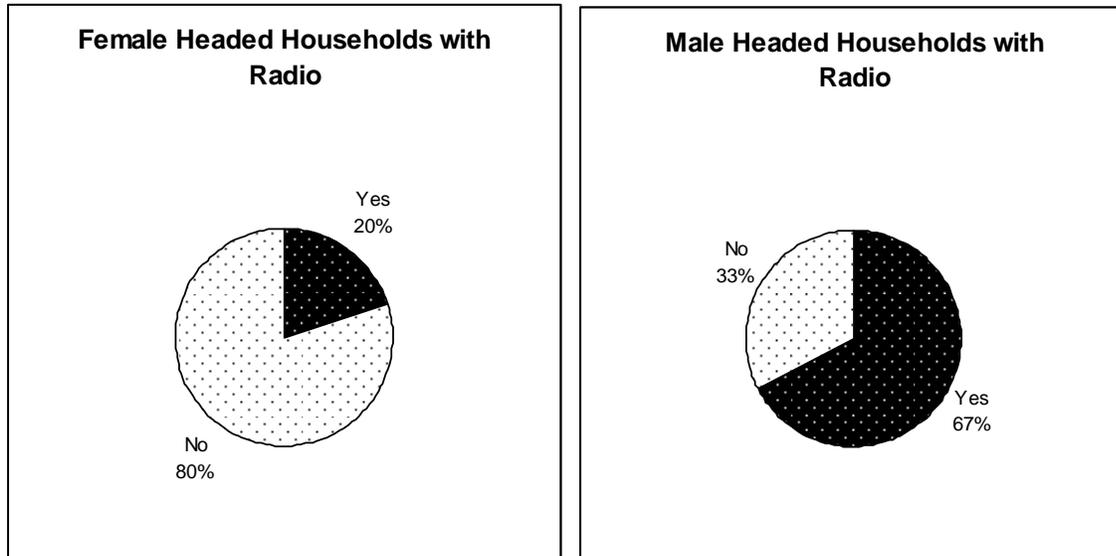


2.2.3 Economic Resources

Twenty-seven (27)% of all households have one member with a monetary income and 62% have two for a total of 89% of households with a monetary income. Most (81%) consider themselves to be self-employed as farmers, while 14% work for someone else. Almost two-thirds (64%) state that they have savings which, unlike in Bom Pastor, is in goods instead of cash (60% out of the 64%).

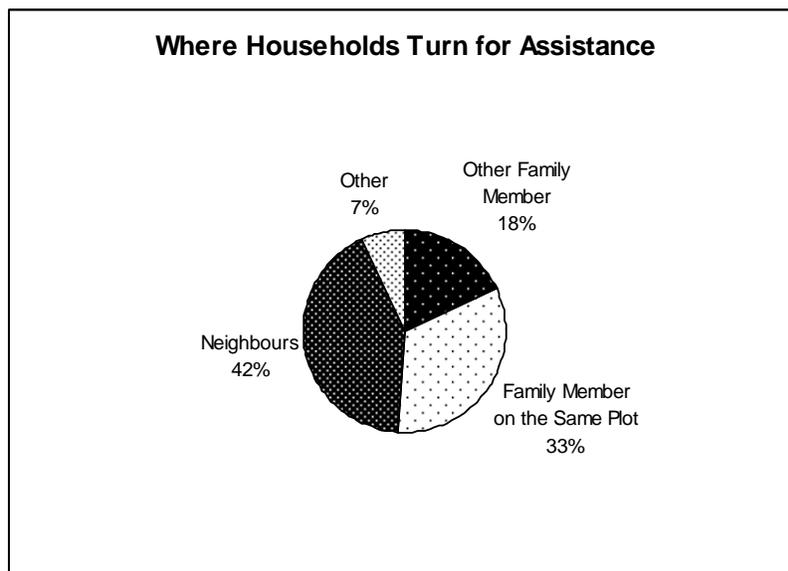
2.2.4 Physical Resources

All of the households interviewed stated that they have access to water through a protected water hole which was installed by DW in 2004. There is no central electricity source and only 2%, only men, have a generator, TV, and a mobile phone. More than half of those interviewed have a radio, with large differences between female- and male-headed households. Two-thirds of all male-headed households have a radio, but only one-fifth of female-headed households have one.



2.2.5 Socio-cultural Resources

For assistance to solve an undefined problem, many interviewed (42%) would turn to a neighbor, while an almost equally high number (33%) would ask family members on the same plot and a smaller number (18%) would ask another family member.



2.2.6 Use of Land

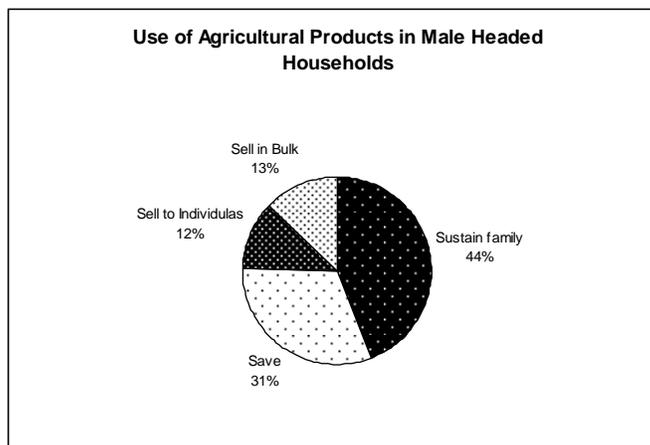
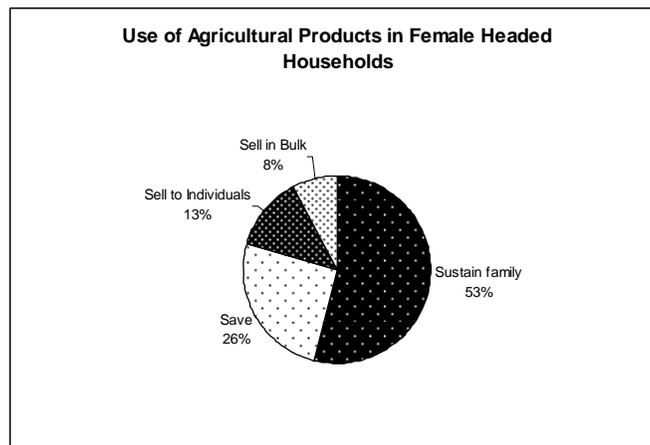
Seventeen (17%) of those interviewed have acquired their land more than 15 years ago, 32% have acquired it 8 to 15 years ago, 26% between 5 and 7 years ago, 17% 2 to 4 years ago, and 8% within the last year.

By far the biggest proportion (56%) received access to their land through inheritance. A smaller number (16%) through informal purchase and an equal number through family transfer. Almost all (99%) have at least one additional plot for agricultural use and almost all (94% of the 99%) are owner of this plot. None of the respondents have any kind of document to prove ownership of their additional plots of land.

When asked whose name should be on land documents, 42% of those interviewed said men, 1% women, and 52% did not answer the question.² When respondents were asked who should inherit land, 66% said the wife and children, 25% children, 2% family of the husband, and 7% family of the wife.

Almost half of the interviewed (46%) see their land mainly for residential use, while almost another half (44%) mentions agriculture as the main use. The additional plot(s) is used for agriculture for 90% of respondents who have them.

The agricultural products that households grow on their plots are used by 47% to sustain their family. Some households sell agricultural goods in the market. Eleven (11)% said that they supply products to individual clients and another 11% to bulk clients. The respondents were not asked to specify who the clients were. Almost one-third (29%) of the households interviewed said that they store agricultural products in reserve. Patterns between female- and male-headed households are similar.



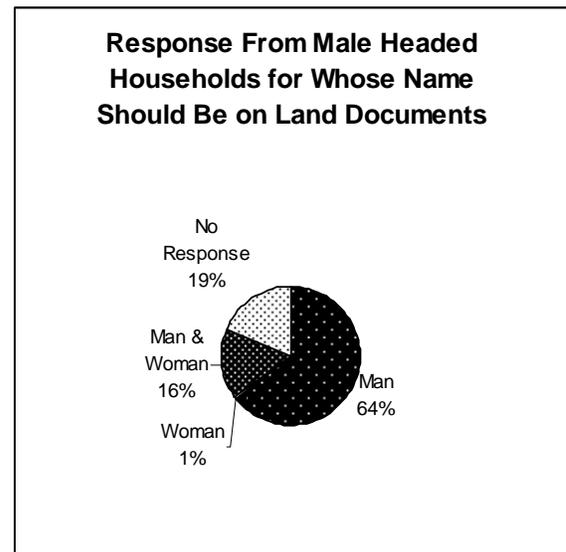
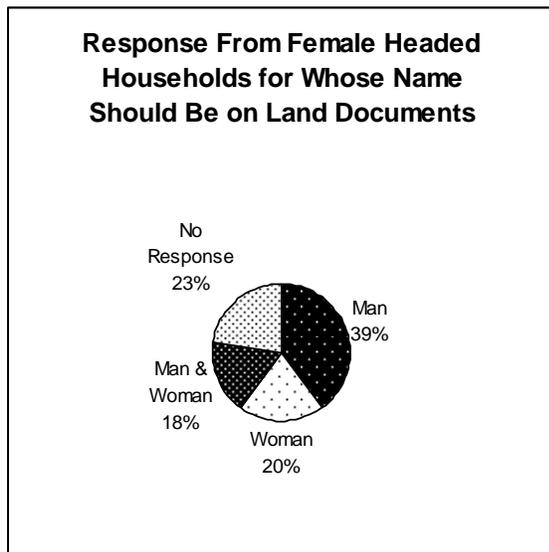
Almost none of those interviewed (3%) have been contacted to sell their land.

² Presumably the question received no response from many who did not feel comfortable talking about documents, perhaps due to previous experiences when they were asked to produce documentation that would prove their land ownership.

2.2.7 Land Attitudes

Most of those interviewed (62%) see a historic value in their land with the land having been inherited through the family for a prolonged period of time. Almost all remaining respondents (37%) mentioned residential value. None would agree to sell the land, very few (2%) to rent it, and almost all (94%) would like for their descendents to inherit their land. While all feel secure on their land, most (91%) still think that land documents would bring more security.

More than half (58%) think that land documents should be issued in the name of the husband, 17% in the name of the husband and wife, 5% in the name of the wife, and 20% did not respond, presumably not feeling comfortable with the question. There are significant differences between respondents from female- and male-headed households. While 20% of female-headed household respondents stated that documents should be issued in the name of the woman, only 1% of male-headed household respondents agreed.



Almost all respondents think that the spouses have equal rights, and all think that both partners must agree before land is sold. Almost none (1%) have heard about the land law.

2.2.8 Land Conflicts

Very few (11%) of the respondents have ever experienced conflicts involving their land. Of 19 cases, 11 were about boundaries, 6 about inheritance, and 2 about cheating in the process of purchase and sale. Most (17 cases) of the conflicts were with people outside the family. About two-thirds of the conflicts (14 cases) were resolved by either traditional authorities (7 cases) or family members (7 cases). Almost none of those interviewed (4%) expect any future conflicts. Those who did expect future conflict thought that it would be about boundaries. Most households interviewed (81%) said that there were no land conflicts in the area and the remaining households (19%) said that there are some or few. Of these 19%, most say that conflicts would be about land boundaries.

3.0 OBSERVATIONS

3.1 LIVELIHOODS IN THE PROJECT AREA

Most of those who occupy the land are also the owners of that land. This means that there is very limited renting of land or housing. This can make the formalization process quicker for the project because, in most cases, the owner of the house will not have to be sought out. Nevertheless, in the pilot project area of Bom Pastor, there are cases of renting (10%) and care must be taken for registering the land owners and not the occupants.

The different livelihoods indicators also showed generally a very high level of poverty with investments in land and housing for many being an important part of their savings. This provides a very strong argument for land regularization, securing land occupation, and therefore assets of the poor.

3.2 LAND ACCESS AND TENURE SECURITY

In Bom Pastor informal purchase is the most common form of access to land, and in Mombolo it is through inheritance. While inheritance in rural areas is based on customary law which is recognized by statutory law, informal purchase and other informal means of receiving land, such as inheritance or family transfers in peri-urban areas, is not protected by current legislation. The baseline survey shows that the way the law stipulates access to land is, in reality, not practiced in peri-urban areas.

Interestingly, in the peri-urban area, some two-thirds of the respondents also have agricultural plots. This raises the question whether the project in fact should also promote the regularization of rural plots when working in peri-urban areas, because the agricultural plots of peri-urban inhabitants are probably close to the city with the risk of being lost by the rapidly expanding city. If regularized, the occupants of these plots could at least claim just compensation as stipulated by the law.

3.3 LAND USE AND ATTITUDES

As expected, most of the land value of the occupied plots in peri-urban areas is residential value, while in rural areas more importance is placed on agriculture. Interestingly, almost nobody is willing to sell their land in the peri-urban areas which could be a possible indicator of the scarcity of available land for housing in relatively well located areas such as Bom Pastor. In the case of Mombolo, it is a possible indicator of relatively low land pressure which is supported by the fact that most land is acquired by inheritance and only a small percentage by informal purchase.

Almost none of the interviewed had ever heard of the land law and almost no household has any kind of document that would support their land rights. In spite of this, most people feel very secure. This security is probably linked to the low levels of land conflicts. The lack of knowledge about the land law is a strong reason for the project to inform the public of the key aspects of the law and its recently approved legislation.

3.4 GENDER ANALYSIS OF LAND RIGHTS

The statistical analysis of the question about inheritance provides a rather strong indicator of the relatively weak position of women in terms of land rights. While most interviewed state that the wife and children shall inherit the land, many also said that only children should inherit land with very few respondents mentioning the wives as sole inheritor.

The benchmarking also showed that certain poverty indicators such as the possession of assets like televisions or radios are gender-biased, with women possessing these assets considerably less often than men.

Many of the questions with a separate gender analysis show similar answers between female- and male-headed households. One question that showed a wide disparity was in answer to the question of whose name should be on land documents. While most male-headed household respondents indicated the husband's name, many female-headed households would want to see only the wife's name or both spouses' names on land documents. For the titling process, this issue is extremely important and will need continued analysis from a gender specialist and legal expert to make sure all parties are represented fairly.

3.5 LAND CONFLICTS

The project areas show very few land conflicts. In Bom Pastor, only 21% experienced any kind of conflict and, in Mombolo, only 11%. It was also noted that most conflicts were solved locally, mostly involving neighbors in Bom Pastor or traditional authorities in Mombolo. It is also interesting to note that most conflicts that are mentioned by the respondents are about the boundaries of land parcels. There seem to be few conflicting claims to the same land plots but more difficulty with delineating their boundaries. The potential for conflict in both areas must still be taken seriously. As land values increase or as more people move into the area, the potential for conflict could increase.

4.0 CONCLUSIONS

The conclusions summarize how the results of the benchmarking should be incorporated into some of the key activities of the project.

4.1 PUBLIC INFORMATION AWARENESS (PIA) STRATEGY

The results of the benchmarking survey make it quite clear that the understanding of the contemporary land and planning legislation is almost nonexistent. The public awareness campaign therefore should focus on key aspects of the legislation, this including:

- The need to initiate the land regularization process within the next three years.
- The new legislation on de-concentration provides Municipal Administrations with the responsibility to deal with land concession and regularization of all urban land with a surface area of less than 1,000 square meters.

Further, based on the fact that in the peri-urban areas many have agricultural plots in rural areas, the public information campaign in these areas should include awareness-raising of rural land regularization processes.

4.2 INFORMATION CAMPAIGN FOR GOVERNMENT AND TRADITIONAL LEADERS

Informal conversations that were held with local government representatives and traditional leaders suggest that there is very little knowledge of contemporary legislation, so a key aspect of this project should be to focus part of the public information and awareness campaign towards these stakeholders. An overview of the legislation should be provided and special attention should be given to the promotion of those aspects of contemporary legislation that explicitly mentioned the equality of land and property regardless of gender, such as the community property provisions in the Family Code that protect widows and divorcees.

4.3 TRAINING PLAN FOR LAND TENURE FORMALIZATION IMPLEMENTATION TEAMS

The training plan that has being developed in parallel with the analysis of this benchmarking exercise has taken into account all important findings of the survey.

The training focuses on:

- A better understanding of the contemporary legal context and how it can be used for the advantage of peri-urban and rural land occupants.

- Pointing out the risks of the contemporary legal context, such as the fact that all land occupants must regularize their land tenure status within the next three years.
- Providing background information about urban and rural development and the role of land regularization.

4.4 GENDER WORKSHOPS WITH GOVERNMENT REPRESENTATIVES AND COMMUNITY LEADERS

Along with discussion of the land law and conflict mitigation techniques, gender issues should be emphasized with both government and community leaders. Based on the results of this survey, the workshops should emphasize women's rights to land as provided in Angolan statutory law.

4.5 DEALING WITH ANY LAND CONFLICTS

The benchmarking survey showed that there are few conflicts existing, most being border disputes and most being resolved locally. The pilot projects implemented in Bom Pastor and Mombolo have the opportunity to test regularization procedures that can prevent conflict through demarcation and titling of land.

APPENDIX A: BENCHMARKING SURVEY TOOL

Estudo de base – posse de terra

Observação: esta primeira página é preenchida pelo entrevistador antes de começar a entrevista.

Questionário N.º: Ref _____	Data da Entrevista: (dd/mm/aa) _____
Amostra: Masculino <input type="checkbox"/>	Feminino <input type="checkbox"/>
Ano de nascimento: _____	
Ocupação _____	
Posição do entrevistado dentro da família: _____	
Bairro/Aldeia: _____	Província: _____
Local de entrevista: _____	
Município _____	Comuna _____ Sector _____
Bairro/Regedoria/Ombala: _____	Zona _____
Coordenadas do GPS	Lat: _____
	Long: _____
Entrevistador: _____	

Observações do Entrevistador:

Duração da Entrevista: das _____ às _____

Verificado por (Agente de Pesquisa):

Nome: _____ Data: _____

Informação geral do nível de pobreza e vulnerabilidade

A- Recursos humanos

1. Número de pessoas no agregado familiar: _____

2. Número de pessoas em casa que trabalham: _____

(Nota: este inclui actividades sem rendimentos monetários)

3. Quem é chefe da família?

____ mulher ____ idade ____ escolaridade

____ homem ____ idade ____ escolaridade

4. O chefe da família é:

____ Casado/a

____ Solteiro/a

____ Viúvo/a

a) Característica do chefe de família

____ Deficiente físico

____ Ex-militar

____ Deslocado interno

____ Refugiado retornado

____ Outro

5. Construção da Casa:

- **Muros de:** Pão-a-Pique ﺕ Madeira ﺕ Chapas ﺕ Adobe ﺕ Blocos/Tijolos ﺕ
- **Telhado de:** Capim ﺕ Chapas ﺕ Betão ﺕ Telhas ﺕ Outra ﺕ
- **Chão de:** Terra batida ﺕ Cimento ﺕ Outra ﺕ

6. Casa tem latrina ou casa de banho? Sim ﺕ Não ﺕ

7. Quem é o dono da casa onde vive?

___ Própria

___ Outro. Quem? _____

8. Se a casa é própria:

a. Como a adquiriu?

___ herança

___ comprou

___ ocupou

___ Construiu

___ outro(especificar): _____

b. Como pode comprovar perante uma autoridade a sua situação residencial ?

___ Atravez de documento

___ Comprovacao da autoridade tradicional

___ Outras testemunhas

___ outros

c. Se tem documentos em nome de quem esta?

___ do homem

___ da mulher

___ dos dois

d. Se não tem um documento e algum dia lhe pedirem um documento, está informado sobre onde se dirigir e o que fazer para regularizar a sua situação?

___ Sim. Onde e como? _____

___ Não. Já tentou informar-se? ___ Não

___ Sim. Onde? Que se
passou? _____

9. Se o chefe de família quiser vender a casa, precisa do acordo do companheiro/a ou de outra pessoa do agregado familiar? (apenas no caso se a casa for própria)

_____ Sim _____ Não

9.1 Se a resposta a 9 for não, o que acontece se por acaso fizer o negócio sem avisar o companheiro/a?

_____ Não há consequências

_____ Tem de desfazer o negócio se o outro assim o exigir

_____ Haverá uma zanga familiar, mas não terá de desfazer o negócio

_____ Outro. Especificar _____

B- Recursos económicos

10. Número de pessoas em casa com algum rendimento monetário: _____

(de sector formal ou informal)

11. O que mais ganha na família, que trabalho faz?

_____ Trabalhador (na agricultura por conta própria)

_____ Trabalhador na agricultura (em lavra/fazenda de uma outra pessoa)

_____ Função Pública

_____ Sector Privado

_____ Sector Informal

_____ outros especificar _____

12. Com o seu trabalho consegue ter poupanças

___ Sim

___ Não

13. Que tipo de poupança faz?

___ dinheiro

___ bens (animais, produtos, terrenos...)

14. Rendimentos

___ Não temos rendimento

___ O rendimento não é suficiente para sustentar o nosso lar (em termos de comida, roupa, educação e saúde)

___ É suficiente para sustentar o lar

___ É mais que suficiente para sustentar o lar

C- Recursos físicos

15. De onde vem a sua água para uso doméstico?
casa

ف Canalizada em

- ف Chafariz comunitário ligado à rede de água
- ف Fontenário comercial privado
- ف Poço/Cacimba no quintal
- ف Tanque no quintal alimentado pelo cisterna
- ف Cacimba da casa do vizinho
- ف Cacimba comunitária tradicional (não protegida)
- ف Cacimba comunitária com bomba protegida
- ف Água superficial – rio ou lago

16. A casa onde vive tem:

a) energia da rede eléctrica?

___ Sim

___ Não

b) Gerador eléctrico

___ sim ___ nao

c) **Rádio**
____ sim ____ nao

d) **Televisor**
____ Sim ____ Nao o

e) **Número de quartos** _____

17. **Quantas pessoas que vivem no seu agregado familiar possuem telefone celular?** _____

D- Recursos sócio-culturais

18. **Se tiver dificuldades na vida a quem iria dirigir-se em primeira instância? (índice apenas uma categoria)**

____ Família dentro do Bairro/aldeia

____ Família fora do Bairro/aldeia

____ Vizinhos

____ Organização (igreja, ongs, organizacao comunitária, líderes tradicionais...)

____ Outro: Especificar: _____

E- Acesso à terra

19. **Há quanto tempo está neste terreno?** _____

20. **A vossa família é a primeira ocupante deste terreno?** ____ Sim

____ Não

21. **Como conseguiu o talhão/terreno?**

Ocupação de terra vazia

Compra _____ formal ____ informal

Renda _____ formal ____ informal

Herança _____ formal ____ informal

Cedência entre família _____ formal ____ informal

Cedência do estado _____ formal ____ informal

Cedencia do soba _____ formal ____ informal

Outra Cedência _____ formal _____ informal

Outra (especificar: _____)

22. Quem é o dono do terreno que cultiva?

___ Próprio

___ Outro. Quem? _____ Paga alguma remuneração ao dono do terreno?

___ Não _____ Sim

23. Tem algum documento relativo ao terreno que cultivas?

___ Não

___ Sim. Que tipo de documento?

Documentação oficial/formal:

da província / da administração local / da comuna / da comissão de moradores / do soba /

Documentação não oficial/informal:

Compra e venda / testemunhas / recibo de renda / outros
(especificar: _____)

a) Se sim, O documento está em nome de quem?

___ do homem

___ da mulher

___ dos dois

24. Normalmente (tendo em conta o que sabe da situação dos seus vizinhos) em nome de quem costuma vir o documento?

___ do homem

___ da mulher

___ dos dois

25. Quem acha que deve herdar a terra quando o marido falece?

___ A mulher

___ A mulher e os filhos

___ Os filhos

___ Os familiares do marido

___ Outro. Quem? _____

26. Aqui quem costuma herdar a terra quando o marido falece?

- A mulher
 A mulher e os filhos
 Os filhos
 Os familiares do marido
 Outro. Quem? _____

F- Uso de terra

27. O seu terreno serve para que fins?

- Apenas residência – não tem outro aproveitamento
 Negócio (não agricultura) Especifica: _____
 Negócio (agricultura) Especifica: _____
 Negócio (agricultura e outro) Especifica: _____
 Arrendamento
Outros Especifica

28. Se tiver mais que uma parcela de terra (não de residência): para que fim o utiliza?

- Não temos outro terreno
 Negócio (não agricultura) Especifica: _____
 Negócio (agricultura) Especifica: _____
 Negócio (agricultura e outro) Especifica: _____
 Arrendamento
 Outros Especifica:

29. O que faz com os produtos do seu terreno?

- Não temos produtos do nosso terreno
 Vendo a clientes individuais (por exemplo no Mercado, na Estrada, em frente da casa)
 Vendo a uma pessoa que depois vende a outros

___ Sustento da familia
___ Reserva (semente, comida, imprevistos...)

30. Alguma vez foi contactado para vender, ceder ou arrendar o seu talhão?

___ Não
___ Sim ___ Vender ___ Arrendar ___ Ceder

G- Atitudes sobre a terra

31. Importância do terreno para a família

___ Habitacional
___ Rendimento
___ Comercial
___ Historica

32. Que planos futuros tem para o seu terreno?

Venda: ___ sim ___ não
Renda: ___ sim ___ não
Permanencia ___ sim ___ nao
Herança para os filhos: ___ sim ___ não

33. Sente-se suguro na utilizacao do terreno?

___ Sim
___ Não. Porquê? _____

34. Acha que um documento traz mais segurança na posse do seu terreno?

___ Sim. Porquê? _____

___ Não Porquê? _____

35. Em nome de quem acha que deve vir o documento?

_____ do homem

_____ da mulher

_____ dos dois

Justificar a resposta

36. Já ouviu falar da lei de terra

Sim _____ Não

a) Se sim o que achas

37. Acha que a esposa / o esposo têm o mesmo direito a terra?

_____ Sim

_____ Não

_____ Não sei

38. Se o esposo quiser vender o terreno, precisa de autorização da esposa?

_____ Sim

_____ Não. O que acontece se por acaso fizer o negócio sem autorização da esposa?

_____ Não há consequências

_____ Tem de desfazer o negócio se o outro assim o exigir

_____ Haverá uma zanga familiar, mas não terá de desfazer o negócio

_____ Outro. Especificar _____

39. Se a esposa quiser vender o terreno, precisa de autorização do esposo?

_____ Sim

_____ Não. O que acontece se por acaso fizer o negócio sem autorização do esposo?

_____ Não há consequências

_____ Tem de desfazer o negócio se o outro assim o exigir

_____ Haverá uma zanga familiar, mas não terá de desfazer o negócio

____ Outro. Especificar _____

H- Conflitos de terras

40. Você tem vivido/tido algum conflito em relação ao seu talhão/terreno?

____ Sim

____ Não

41. Natureza do conflito

____ Limites do talhão/terreno

____ Legalização do talhão

____ Herança

____ Incumprimento do negócio pelo qual adquiriu o talhão pela outra parte

____ Outras razões. Quais? _____

42. Com quem vive/viveu esse conflito?

____ Com pessoas da família que alegaram um direito sobre o seu talhão/terreno

____ Com outras pessoas, não da sua família que alegaram um direito sobre o seu talhão/terreno

____ Com organizações que alegaram um direito sobre o seu talhão/terreno

____ Outros. Quem? _____

43. O conflito foi resolvido?

____ sim

____ não

44. Se sim, como e por quem foi resolvido?

____ membros da família (que moram no talhão/terreno)

____ membros da família (que não moram no talhão/terreno)

____ vizinhos

____ outros na vizinhança

- a administração local
- o governo provincial
- a policia
- o tribunal
- pelas autoridades tradicionais

Contar resumidamente o que se passou _____

45. Prevê surgir algum conflito sobre o seu terreno no futuro próximo?

- Não
- Sim. De que tipo?
 - Limites do talhão/terreno
 - Legalização do talhão
 - Herança
 - Incumprimento do negócio pelo qual adquiriu o talhão pela outra parte
 - Outras razões. Especificar: _____

46. Há muitos conflitos de terras na sua área?

- Não há
- Poucos
- Alguns
- Muitos

Se sim, quais são os mais frequentes?

- Limites do talhão/terreno
- Legalização do talhão
- Herança
- Incumprimento do negócio pelo qual adquiriu o talhão pela outra parte
- Outras razões. Especificar: _____

47. Quer adicionar qualquer outra informação?

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