

# The recognition of the customary land rights: lessons from the Province of Bié in Angola

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# Customary land rights in Angola: brief overview

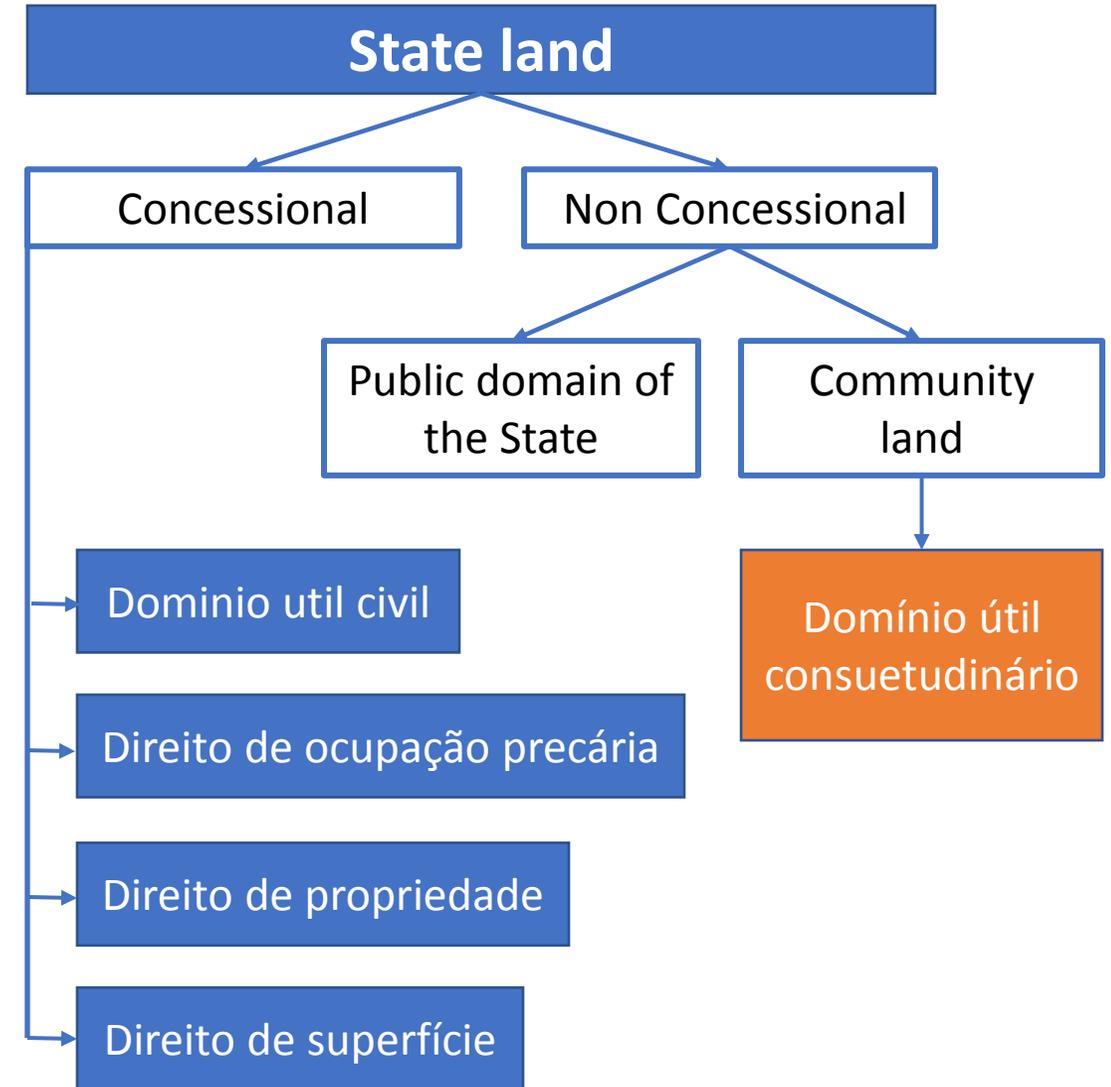
- During colonial times, native populations were not allowed to own land. Occupation was only admitted in reserves, often located in residual areas
- With the independence, lands previously occupied by the colonists were nationalized, and state-owned, big-scale farms took the place of the Portuguese *fazendas*
- At the beginning of the '90s, the State undertook a privatization, which eventually led to the elites' capture of the state-owned farms
- The first national land law, issued in 1992, recognized the legitimacy of the customary tenure of traditional communities

# Customary land rights in Angola: brief overview

In 2004, a new national Land Law was approved

Recognition of customary land rights is confirmed: communities can have their right formally recognized through the title of *Dominio Util Consuetudinario*

However, the 2007's Regulations are dedicated almost exclusively to the concessions



# Bottlenecks for effective recognition of customary land rights

Lack of a clear process for the formalization of the customary land rights

Unclear definition of competencies between the institutions involved in the registration process

Lack of time bounds for the registration process

Inadequate information at community level

Inadequate knowledge of the law and regulation by the government staff

Cost of the legalization process



**2004 - 2015**

223 recognition processes started



28 customary titles issued (12,55%), 5 of them in the Province of Bié

# The EC Land Tenure Project in Angola

The initiative aims to foster the implementation of the VGGT in 10 Sub Saharan African countries

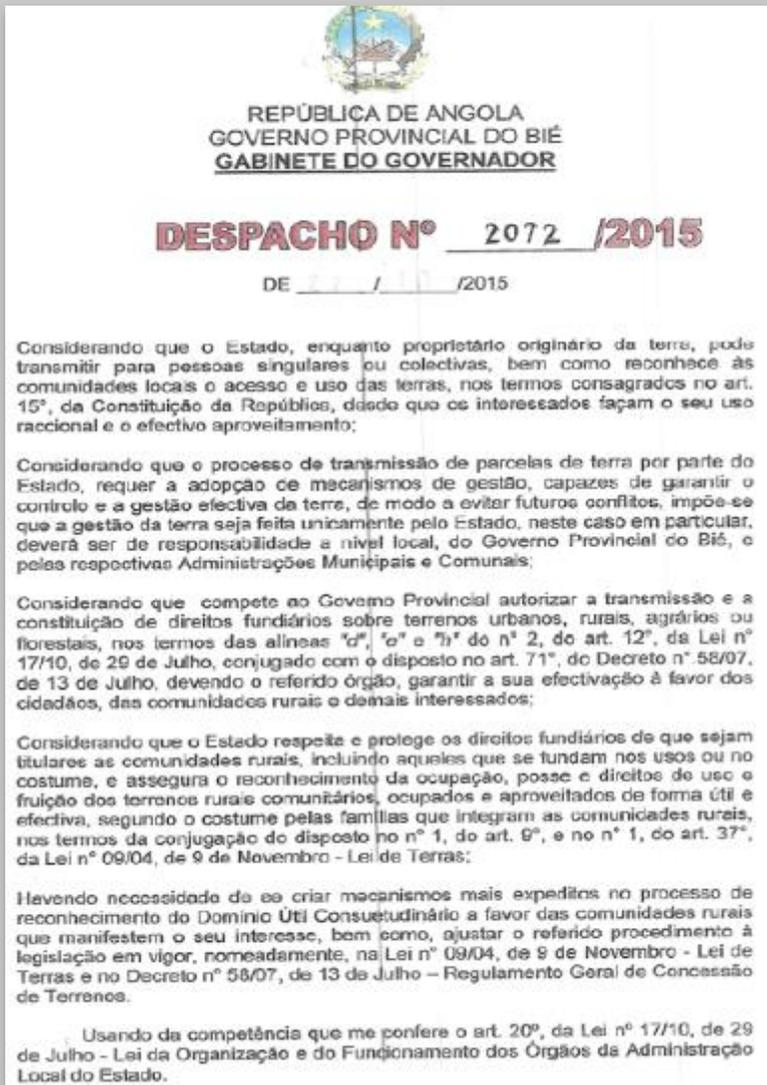
The international NGO World Vision and the local partner Development Workshop are the implementors for Angola

The project has a duration of 3 years (2014-2017), and focuses in the Provinces of Bié, Benguela, and Huambo



The screenshot shows the FAO website interface. At the top left is the FAO logo with the text 'Food and Agriculture Organization of the United Nations' and 'for a world without hunger'. Below this is a search bar and navigation links for 'Site' and 'FAO'. A sidebar on the left contains a menu with items: 'FAO Home', 'FAO-EU partnership home', 'News & multimedia', 'News stories', 'Video', 'Audio', 'Photography', 'In action', 'EU projects', and 'Publications'. The main content area features a blue header 'FAO-EU partnership' and a dark blue banner with the text 'FAO AND EU: UNLOCKING RURAL POTENTIAL' alongside the EU and FAO logos. Below the banner is a breadcrumb trail: 'Home > News & multimedia > News stories'. The main headline reads 'New programme on land governance in ten African countries' with a date of '09/04/2014'. A sub-headline states 'Voluntary guidelines applied for the first time – major success in EU-FAO partnership'. An image of a farmer in a field is shown next to the text: '9 April 2014, Brussels - A new programme worth €33 million to improve land governance and help improve the food and nutrition security of family farmers and vulnerable communities in Sub Saharan Africa, was announced today by the European Union's Development Commissioner, Andris Piebalgs. This will be done, among other things, through the application, at country level, of some Voluntary Guidelines set up by the international community in 2012 to improve land governance.' A paragraph at the bottom explains: 'Roughly 1.2 billion people worldwide live without permanent homes, land access or formal property rights, a reason which is often used for their land to be attributed to large scale land investors. Therefore, land governance issues are strongly linked to key challenges such as food scarcity, water shortages or urban and population growth.'

# The *Despacho* 2072/2015



- All the steps and the list of the necessary documents for the recognition are defined
- Functions and responsibilities of all the authorities involved in the recognition process are clearly separated and defined
- The *Despacho* clarifies the inapplicability, to the recognition process, of some of the norms that regulates the concessions
- All the steps and the authorizations to be granted by the different local government institutions are time-bounded
- Obligation of carrying out a Rural Participatory Delimitation (DRP) in each community undertaking the recognition process

# The *Despacho* 2072/2015

- **Consultation** and **participation** of the communities
- **Transparency** and **accountability** of the institutions involved
- **Effective integration** of customary laws into the State official legal frame



5 titles from 2004 to October 2015



23 titles from  
October 2015  
up to day

# The way forward

## Perspectives

- Scale up the experience
- Training of technical staff to strengthen the enforcement of the *Despacho*
- Sensitization at community level



# How should we plan for and implement sustainable and inclusive land governance?

*Is the recognition of customary land rights a way to enhance land governance?*

The recognition of customary land rights, and the integration of the customary law in the State official legal frame, has a positive effect in the governance of land

1. Protection against external threats
2. Prevention/solution of conflicts
3. Enhance the sense of citizenship of the communities

# How should we plan for and implement sustainable and inclusive land governance?

*Is the recognition of customary land rights a way to enhance land governance?*

However, the recognition of customary land rights is a necessary, but not sufficient condition to assure sustainable and inclusive land governance

1. Address internal inequalities
2. Issue policies for smallholder farmers
3. Foster land rental markets