Case Study

Huambo Land Readjustment

Prepared by:

Development Workshop - Angola

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Executive Summary

Development Workshop (DW) is a human settlement NGO that has worked in partnership with the Angolan Government and poor rural and urban communities for more than three decades. After a protracted period of conflict, Angola has been reconstructing its social and physical infrastructure and developing new policies and legislation to address the chronic poverty that the majority of families still live in.

Colonial land legislation had not been effectively reformed since independence and the massive shifts in populations left Angola with chronic settlement problems. With few legal tools, financial and human resources to administer land, urban expansion was uncontrolled and informal land transactions flourished. The authors estimate that less than ten percent of urban land transactions are registered. It is necessary for Angola to look to experiences of other countries and its Southern African neighbours who may have found solutions that may be adaptable to the current Angolan reality. The current paper maps out some of these experiences and discusses their applicability in the Angolan context. The authors proposed that an adaptation of models of “land readjustment” or “land pooling” may be appropriate in the context of Angola’s current urban crisis.

On the completion of a series of land tenure and market studies in several of Angola’s urban centres, DW made a series of policy recommendations to Government and proposed a series of pilot projects in order to demonstrate them in practice and test their viability. The current paper illustrates two case studies of these pilot projects that were implemented in the Province of Huambo. The projects were implemented at a time when important decentralisation reforms were underway through the creation of municipal administrations that were assigned new powers for managing land. The first case study was completed before the reforms, at a time when provincial urban planning officers could be engaged in the pilot projects and the weight of Government could legitimise the land transactions. The second pilot project was implemented after the publication of the “decentralisation reform law”. Municipal administrators had been given the responsibility of managing land for housing but were inexperienced and did not have the authority to take over the financial aspects of the programme.

The first case study demonstrated how the land readjustment model could reduce land-conlicts and by regularising tenure status. It showed how market mechanisms created land value that benefited former occupants, new owner-builders, financial intermediaries and the State. It also demonstrated the crucial role of social mobilisation (by the NGO) and the need for Government buy-in to secure the success of the project.

The second case study however show that by losing the essential ingredient of the financial control and the opportunity to mobilise the land market to “create value” the project did not generate sufficient resources to sustain itself.

While the authors are strong proponents of Angola’s administrative decentralisation programme, they conclude that a major effort must be invested in building the capacities of municipalities in managing land and other responsibilities that they must now assume. Municipalities must also be given the possibility to generate their own financial resources through transaction fees and taxes. Income from the regularisation of land tenure may be one of the ways that municipalities can sustain themselves in the future.

The authors map out a number of recommendations to the Government and to UN Habitat that are drawn from the case studies illustrated in the current monograph.
1 Introduction

This report is the result of an analysis of two land readjustment projects that have been implemented by the Development Workshop, in Huambo, central Angola, in the period from 2006 to 2008. The projects were perceived as successful initiatives for participatory urban planning and have had a certain influence on urban planning practice and policy locally and nationally.

This report argues that despite a rather challenging environment, land readjustment in Angola has the potential to develop into an important tool for urban planning. It shows that, while there is no legal framework for land readjustment and a very limited culture of participation in urban planning processes, growing land markets and strong private sector partners can make land readjustment a viable option for local governments.

The objective of this study is to provide a detailed analysis of the pilot experiences in Huambo, identifying what exactly contributed to the success of the projects and what factors were perceived as obstacles in the process. The report shows that land readjustment as a tool for urban planning has taken different forms in specific countries, this arguably due to the varying political, economic and social context where it developed over the last century. The understanding of the dialectical relationship between context and the forming of a country specific urban planning approach, in this case land readjustment, is therefore fundamental for analysing and understanding how the land readjustment pilot projects in Huambo have developed.

To exemplify this relationship between the broader context and the development of specific land readjustment approaches, this report provides background information on land readjustment, looking at contemporary concepts and the different forms that have developed in many countries all over the world during the last century.

Chapter two provides an overview of the ‘history’ of land readjustment in different countries and provides a basic notion of the concept. It also looks at what contextual factors influence land readjustment schemes and what the key elements of such schemes are.

Chapter three provides background information on Angola in general and Huambo specifically. The focus is on urban development, governance and planning, providing the reader with a better understanding of the context within which the land readjustment projects were implemented.

Chapter four describes and analysis the two land readjustment projects in Huambo, illustrating the process with maps and figures where possible.

Chapter five then identifies key issues that were important for the implementation of the projects in Huambo. International experience, conceptual analysis and contextual information on Angola all contribute to this analysis.

Chapter six provides some final thoughts on the potential of upscaling land readjustment in Angola.

Chapter seven is a final conclusion on potential lessons learned for UN-Habitat based on these Angolan experiences.
2 Concepts and Analytical Approach

2.1 The concept of land readjustment

Land readjustment\(^1\) is a land assembly concept with the general objective to facilitate the development and redevelopment of real estate. Land readjustment has been used to redraw boundaries of rural land in order to make farms more efficient, applied for pooling developed properties in brown field redevelopment schemes and assemble land for new developments in greenfield sites. This report will present two case studies of how land readjustment was used to assemble land for planning new development in greenfield sites, in Huambo, central Angola.

Some of the key premises that underlie land readjustment are following (Doebele 2007: viii):

1. If agricultural land is subdivided into urban plots and provided with a road layout and other basic services, the value of the land increases considerably.
2. Because of this increase of value, part of the land can be used for public purposes, while the original land owner, now owner of a small but serviced plot, continues to have land with equal or higher value.
3. Part of the plots can further be sold to finance infrastructure.

Land readjustment can therefore be defined as (Doebele 1982):

“[…] a process whereby a public authority assembles numerous small parcel of raw land without paying monetary compensation to the owners, services and subdivides the land for urban use, returns most of the resulting building sites to the original owners in proportion to the value of their land contributions, and sells the remaining sites to recover all public costs.”

\(^1\) Other names for land readjustment are:
- Land pooling
- Instigated Property Exchange
- ‘Ajuste Fundiario’ – Property Adjustment (Brazil)
- ‘Reparcelación’ – Re-parcelling (Spain)
- ‘Umlegung’ – Transfer (Germany)
While readjustment schemes differ in details, seven key steps can be identified according to RICS (2007: 3):

|   | Initiation |   | Declaration |   | Plan |   | Measurement |   | Costing |   | Allocation |   | Implementation |
|---|------------|--|--|------------|--|--|------------|--|--|--------|--|------------|--|---------------|
|   | Usually by petition to the local authority from a majority of property-owners in a particular area. Dissenting landowners may be compelled to contribute their land to the project. |   | The boundary limits of the scheme are set under enabling legislation, by a public or private agency. |   | Preparation of a redevelopment scheme, determining future uses and re-planning the road and plot layout. This can identify, for example, buildings for demolition or preservation, street closures, proposed public areas and allocate plots to the development agency to fund infrastructure. |   | Calculation of plot areas before and after readjustment. Plot sizes can be reduced by approximately 20% for roads, and up to 50% for public spaces and facilities. |   | Estimation of future market value of re-adjusted plots, and costs of infrastructure. |   | Fully serviced plots are reallocated back to landowners, usually located as near as possible to the original position. |   | The enabling agency funds infrastructure through the sale of reserve or cost-equivalent plots, normally by auction. |

Land readjustment is not a new concept but has been widely practiced in many countries, especially since the early 20th century.

2.2 Origins and contemporary use of land readjustment

One of the first documented practices of land readjustment took place in the United States in 1791 when George Washington, a former land speculator, used this tool of land assembly to finance and build the new capital in Washington DC. On a base of trust, the owners of farm land transferred titles to Mr. Washington who commissioned an urban plan to be the basis of the new capital. For sites of public buildings, the federal government paid the land owners and half of the remaining lots were returned to the original owners after the completion of the layout (Hong 2011: Annex 3).

In continental Europe, land readjustment approaches for urban development have been experimented with as early as 1859 in Barcelona, Spain (Muñoz & Blanc 2011: Annex 7). The first legislation for land readjustment is generally considered to be Lex Adicke, established by Franz Adickes in 1902, then mayor of Frankfurt am Main in Germany (Home 2002: 2). The legislation aimed towards a more efficient use of farm land by farmers temporarily putting their titles into a pool, farm boundaries being readjusted to create more efficient farms, and then farm land with the new boundaries being distributed to the original owners (Doebele 2007: viii). It was further enshrined in the Prussian Housing Act of 1918, as a direct result of Lex Adicke. The German legislation was also translated into Japanese and adapted in the country's 1919 City Planning Act. For example, land readjustment was applied for rebuilding Tokyo after the great 1926 earthquake and for the rebuilding of several major cities after WWII (Doebele 2007: viii; Schnidman 1982). Land readjustment was taken on by subsequent legislation, such as the ‘Land Readjustment Act’ of 1954, providing guidelines for its use in urban renewal and new town

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2 In the Netherlands, land readjustment was also widely used for readjusting agricultural parcels for greater efficiency (Doebele 2007: viii)
3 Until 2000,
developments, and the 1968 ‘City Planning Law’, which defines land readjustment as one of several urban development mechanisms (Schnidman 1982: 3-4). In Japan, land readjustment developed into one of the most influential town planning tools and until 2000 and some 30% of all urban planning and re-planning in Japan was done through this mechanism (RICS 2007: 4).

Japan introduced land readjustment to Korea during its occupation from 1905 to 1945. It has initially been applied to modernize towns and control rapid urban growth. Until the early 1980s, some 84 percent of all South Korean cities have been using land readjustment as a tool for urban development (Schnidman 1982: 4).

In Thailand, the Japan International Cooperation agency provided academic and technical advice from 1987 to 1989 that resulted in the launching of the first land readjustment schemes in this country. In 2004 Thailand approved a land readjustment law (Government of Thailand 2004) and has now land readjustment schemes in more than 13 cities (Puasakul 2011: 35).

In India, the 1915 Bombay town planning act, while mainly drawing upon the 1909 British Town Planning Act was also influenced by Lex Adicke. It allowed plots to be combined and reconstituted, bringing to the market large areas of land which without cooperative action would form many years remain agricultural land (Home 2002: 2). A first (pilot) scheme was implemented in a small 3 hectare area and within a few years some sixty land readjustment projects were implemented in several Indian cities (Home 2002: 2). Land readjustment is applied in contemporary urban planning in states like Gujarat, where it is defined in planning legislation (Gujarat Town Planning and Development Act of 1976) and continues to play an important role for land assembly (Ballaney 2008).

Land readjustment as a tool for urban development has further been applied in several other Asian countries, such as Taiwan, Australia, Nepal, Bhutan and Indonesia (Schnidman 1982: 5-6; Hong 2011: Annex 3) and considered in others, such as Sri Lanka (Wickramaarachchi 2003).

The World Bank also contributed in spreading land readjustment in Asia. In 1974, the World Bank commissioned a report to compare three major forms of land assembly that promised to help addressing the Bank’s then priority to alleviate urban poverty in the Third World (Doebele 2007). Land readjustment was considered the most efficient of all examined approaches and in an effort to launch the concept to a worldwide audience, a conference on land readjustment was organized in Taiwan, in 1979. The results of the conference were incorporated into a book, ‘Land Readjustment: A Different Approach to Financing Urban Development (1982)’ (Doebele 2007). Many pilot projects were subsequently implemented in several Asian countries (Doebele 2007).

In Europe, land readjustment has become a tool for urban development in several countries. Besides Germany and The Netherlands, Spain is practicing land readjustment (known as ‘Reparcelación), its application regulated through urban planning legislation of 1976 (Muñoz & Blanc 2011: Annex 7).

In France, the Code de l’Urbanisme of 1985, empowered Reallotment and Development Associations and was used by some municipalities to reform unauthorised and fragmented land holdings (RICS 2007: 4).

In the US land readjustment had very limited success. While some states have introduced some enabling legislation, plans were blocked by developers (RICS 2007:4). Completely absent is land readjustment in the UK. One of the possible reasons for this is the culture for property rights and the relatively concentrated ownership of land (RICS 2007: 4).

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4 Maharashtra is another state in India where land readjustment is common, implemented under the Maharashtra Regional and Town Planning Act, 1966 (Gurumukhi 2003: 4)
In Turkey, land readjustment as an urban development tool has been used since 1864, through the Building and Road Ordinance. It was taken on and developed by a series of further building and planning legislation and is today regulated by Article 18 of Act no. 3194. The approach used in Turkey resembles to some degree the German approach do land readjustment, this being no coincidence, as Turkish planning law in general has been inspired by German legislation (Turk & Turk 2002: 6).

In the Middle East, the mixing of Ottoman land use systems (as for example the 1858 Ottoman Land Code and registration Act) and European ones has led to successful variants of land readjustment (RICS 2007: 5). Land readjustment schemes have been implemented and legislation developed in countries such as Israel, Lebanon and Syria (McAuslan 2008; RICS 2007: 5).

The practice of land readjustment in Latin America and Africa appears to be still at an early stage of development.

2.3 Advantages and limitations

There are different of assembling land for major development, redevelopment and rehabilitation projects. Land readjustment arguably is advantageous over the two common contemporary approaches; compulsory purchase by a public authority (know as eminent domain in the US) and the voluntary exchange approach.

Compulsory purchase enables government to compel private land owners to sell their property (at estimated current market value for example) for developing the land in the public interest, such as the construction of roads, public services or parks. It constitutes an important tool without which the implementation of public infrastructure would be much more difficult and expensive to implement (Hong 2007). However, the concept of 'public interest' is sometimes contested, as for example if compulsory purchase is applied in case of economic development projects that are meant to be in the 'public interest'. As private property is safeguarded in many countries' constitutions, costly lawsuits often evolve to the detriment of property owners and developers (Connellan 2002). Further, the value of just compensation in compulsory purchases is equally contested in many cases, with poorer and less organized communities of land owners often in a weak position to negotiate with the state. In circumstance where property rights are not safeguarded by legislation and practice, governments also assemble land for development without compensation to land owners, silencing land owner dissent by different means, including forced removal.

The voluntary exchange approach is often used by land owners, especially where few owners are involved in the land assembly of smaller sites. It is however more difficult to be applied in bigger schemes where one single opponent can prevent unified control over the assembled area (Connellan 2002).

Land readjustment has several advantages in relation to compulsory purchase and the voluntary approach (Connellan 2002):
1. It actively promotes partnership;
2. Is designed to produce a fair and equitable sharing of profit and risk amongst willing and unwilling owners;
3. Operates within decision-making framework that is speedy, both fair and efficient in its outputs and processes;
4. Addresses issues of value and property rights.

In land readjustment projects there are further no upfront payments needed as in the process of compulsory purchase and it avoids protracted conflicts that are often associated with it. It does
however have an element of coercion in relation to minority dissenters, making land readjustment and option where the voluntary approach would not succeed.

With all its advantages, land readjustment also has some important limitations. It is not a solution for all urban development challenges that involve land assembly. Hong & Needham (2007:xvii) point out that “This technique is not a panacea for all land assembly problems. Its value is as an additional option when preconditions are present”. They further mention that “[...] the need for more than merely an appropriate legal framework within which negotiations between property owners and the land assembler can be conducted and agreements enforced. Organizing a land readjustment project requires the considerations of (Hong & Needham 2007: xvii):

1. Existing public organizations and their reputations
2. Interests represented by different involved parties
3. Trust in the other parties and in public agencies

Equally, Doebele (2007: xiii), one of the best known scholars on land readjustment admits that “The tool of land readjustment is unlikely to have frequent application outside countries where it is not already well established. It requires strong incentives for participation.” And two of the most important incentives are the presence of a robust and rising land market and an atmosphere of good will and trust (Doebele 2007: xiii)

Land readjustment has recently encountered difficulties in some of the countries where it has been practiced for decades. In Japan for example, land owners recently have denied participation in many land readjustment schemes, alleging a violation of their property rights (RICS 2007: 4). And in Israel land readjustment seems to be on a general decline with land owners being reluctant to submit their properties to lengthy bureaucratic processes (RICS 2007: 5). In Turkey, there has also been criticism the way land readjustment schemes are implemented. The main issues pointed out there include the lack of participation of property owners in the process, calculation of redistribution of parcels based on area instead of value, and excessive decision making power to professionals not linked to urban planning (Erdem & Meshur 2009).

Doebele (2007) notes that, in many countries, existing real estate interests considered land readjustment as a radical and even threatening concept. Land readjustment therefore should rather be considered one tool among many others, being useful under certain circumstances that are defined by the set of conditions found on the ground.

2.4 Setting the frame for land readjustment

Approaches to land readjustment are shaped and influenced by different elements that constitute the context where they are taking place. Some of the most important contextual variables are:

1. Legislation
2. The general governance context
3. Land markets

2.4.1 Legislation

Some historic examples of early legislation have been mentioned above, such as Lex Adicke and the 1915 Bombay Town Planning Act.

As an example of how contemporary legislation on land readjustment can be structured, follows a summary of the Articles that cover land readjustment in the German Building Code.
In the German case, legislation therefore covers following aspects:

1. Where and under what circumstances land readjustment schemes can be implemented
2. Defining the decision making power of local authorities, stipulating how decisions are taken and communicated
3. Defining the nature and role of urbanizing agents (private sector, local committees)
4. Defining participation of land owners (rights and obligations), including a compulsory mechanism that allows to override dissenting minorities that oppose land readjustment schemes
5. Registry of occupations and land rights
6. Calculations and processes of redistribution
7. Means of capturing land value increments due to the urbanization process
8. Legalization of new occupations

Legislation in this case clearly intends to cover all major elements of the land readjustment process, setting the frame for each step.

While legislation on land readjustment such as in the German presented above, clearly do have an enabling role, planning legislation in developing countries is often confronted with specific challenges that somehow limits the influence of planning legislation in general.

In Latin America for example it has been observed that in many cases legal frameworks have not kept up with rapid political and economic changes and that significant parts of legal and institutional systems have in practice become obsolete (Azevedo 1998: 260). This decreasing

55 Translation by the authors
6 “In any land readjustment scheme, there are almost always some property owners who refuse to sell their property. If dissenting owners are a minatory, the land readjustment agency will proceed with the proposal and rely on the state to exercise its power to coerce opposing owners into joining the scheme or selling their property” (Hong 2007).
relevance of legal systems led to a prevalence of informal and pragmatic approaches to planning in order to maintain a certain level of control over land use and development. Such informal and pragmatic approaches to planning include legal and non-legal aspects of decision-making, often without a clear boundary between the two (Weber 2007: 33).

While accepting the importance of formal legal frameworks in structuring planning practice and therefore land readjustment, an analysis of national and local planning practice must also understand the functioning and magnitude of informal structures (i.e. clientelistic relationships) that influence decision-making in planning processes and the wider governance context. It seems further important to understand the often dialectic relationship between formal legislation and informal structures, for example looking at how the informal develops in the absence of the formal or how informal practice can undermine statutory participation (Weber 2007: 33). In order to get a better understanding of these complex relationships and decision making processes, the concept of governance provides a useful tool.

2.4.2 Governance

Recent research (Weber 2007: 29-30) points out that governance can be understood as the sphere of relations between government, actors of civil society and the private sector, also referring to the processes of interaction between these (ODPM 2003: 7; Jenkins and Smith 2001). Based on extensive research in cities in the South, Devas (2001: 5-6) argues that:

“It is now widely accepted that governance is much more than the formal institutions of government. Governance includes the whole range of actors within civil society, such as community based or grass-roots organizations, NGOs, trade unions, religious organizations and businesses, both formal and informal, alongside the various branches of government and governmental agencies, both national and local.”

Governance therefore is distinct from government in the way that it includes actors such as from civil society and the private sector. The study of governance also differs from that of government through its focus on the relationships between the different actors, such as between civil society and the state. Examining this relationship, two specific aspects seem especially important: first, what are the conditions for planning and participation that are created through the state, the political structures and organizational variables, (including legal frameworks) and second, what is the capacity of civil society to engage the state (McCarney 1995).

Planning, and in this specific case land readjustment, should be considered a decision-making process within a given governance context, acknowledging the uniqueness such contexts in different places at different times and recognizing the importance of power relations among participants. For an analysis of a planning process, therefore, a detailed understanding of the governance context is argued to be necessary (Weber 2007: 42).
2.4.3 **Land markets**

Without a vibrant land market, there is little incentive for developers and land owners to participate in a land readjustment scheme. According to Doebele, a ‘robust and rising’ land market is one of the two most important preconditions for a land readjustment scheme to succeed. Land markets need to be functional and inclusive in order to maximise the socio-economic benefit for the majority, and not only focus development in urban areas in the formal private sector. To focus urban development and its benefits on a small elite or limited middle-income group at the expense of the much larger lower-income groups of the city will lead to greater social and economic exclusion from development opportunities.

Efficient and equitable land markets are a prerequisite for well-functioning cities. Dysfunctional land markets caused by poor land development and management policies (including poor urban planning, slow provision of infrastructure and services, poor land information systems, cumbersome and slow land transaction procedures, as well as under regulation of private land development) leads to unplanned development of land in the urban periphery. Distortions in the land market often lead to land speculation. Land speculation can drive land prices beyond the productive value of the land, causing a “bubble” land and property market. Land speculation occurs when the demand for land, at the present time or in the near future, outstrips the supply of land. Where prices of land and property are overpriced, financial institutions which lent money to land and property speculators find themselves unable to recover their loans, ending up with bad debts. If land and property markets are not properly regulated, they can contribute considerably to the collapse of capital markets, and cause unemployment in the labour markets.

The environmental costs of land speculation can be high. Rather than develop existing vacant land within a city land investors find it more profitable to develop new land along transport arteries in the periphery, often by converting agricultural land or land earmarked as green areas. This type of ribbon development puts greater pressure on natural resources, particularly water as it increases the amount of leakage. It also increases the costs of disposing urban waste water and solid wastes. Greater commuting distances and time lost are the result of over-extending an inadequate transport infrastructure. Social costs of land speculation are also very high by driving the urban poor out of the formal urban land market, pushing them into squatter settlements, illegal subdivisions and slums. Poor housing and infrastructure conditions not only increase the cost of living but also cause poor health and entrench the cycle of poverty.

Efficient functioning of land markets require efficient and updated land registration systems which clearly indicate legal ownership of land. In situations where untitled land is bought, such as in illegal settlements, prices are much lower than that of land with titles. Therefore land registration adds value to land because the land title can be used as collateral for loans. The security of ownership also stimulates land development. This security has a positive impact on the productivity of the land since it enables the release of major financial resources for investment in the land. Land registration is also important for governments for collecting property taxes. Without knowing who owns the land and what that land is being used for, governments cannot levy property taxes.

Land registration reduces conflicts and disputes which is especially important in post-war countries like Angola.

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8 Ibid
9 Ibid
2.5 Key elements of land readjustment processes

While there is a series of steps that are usually followed in the implementation of a land readjustment process, there are certain key elements within such a process that are being looked at in this chapter. The key elements identified within the context of this report are:

1. The role of the initiating and leading institutions
2. Levels of participation by land owners
3. Calculations for land redistribution

The chapter will show examples of three different countries, Germany, Turkey and India (Gujarat, part of Bombay province until 1960), with the purpose to provide an insight to the diversity of approaches that exist to different elements of land readjustment.

2.5.1 Initiating and leading institutions

Successful urban development and land readjustment needs qualified staff in government agencies and in the relevant private sector. Required are essential skills in town planning, regional planning, architecture, land surveying, land management, land evaluation, law, economy and GIS (Müller-Jökel 2011: Annex 4).

Any institution leading a land readjustment process, therefore needs some level of technical expertise. However, the way how different actors from government and private sector interact and manage land readjustment processes, is influenced by legislation and the governance system in a specific country.

In Germany for example, local government usually initiates the process which is then managed by a ‘Land Readjustment Board’. The board is competent for all administrative decisions in the land readjustment procedure and the land valuations that are part of the process. The board usually consists of:

- 1 lawyer
- 1 land surveyor
- 1 land evaluator
- members of the local parliament

The board is assisted by an administrative office, a service provided by a private company, that prepares decisions taken by the board (Müller-Jökel 2011: Annex 4).

In Turkey, the process is usually initiated and implemented by the Municipality. The Municipality may however subcontract a surveyor-engineer or private surveying office to implement the project.

In Gujarat, land readjustment are planned by a special planning authority (the Urban/Area Development Authority - UDA/ADA) and implemented by local authorities that subcontract consultants for specific tasks (Gurumukhi 2003).\(^\text{10}\)

\(^{10}\) Other examples could include Spain where the Municipality controls the process but subcontracts subcontracts a private sector institution for implementation (Muñoz & Blanc 2007). Legislation in Thailand stipulates the creation of a national land readjustment commission, a provincial land readjustment commission, and land readjustment associations for each scheme (Government of Thailand 2004).
2.5.2 Participation of land owners

Land owners participate differently in land readjustment processes, depending on the country.

In Germany, four major steps of land owner participation can be identified ((Müller-Jökel 2011: Annex 4):
1. Early hearing to provide information for everybody involved in the process (Hearing)
2. Identification for individual wishes of the land owners
3. Formal discussions with the individual land owner
4. Public notice of the land readjustment plan and sending of relevant extracts to the landowners

In Turkey, legislation enables authorities to act without land owner participation from the conception until final implementation of a land readjustment process. This contributes to low levels of trust from the local land owners in the process, and problems of equality in terms of final benefits of the process (Erdum & Meshur 2009: 723-724; Turk & Turk 2002: 9).

In Gujarat, land owners are involved from the beginning and individual hearing with each landowner are mandatory at several stages of the process, such as for example when defining betterment charges (see following section) and developing the plan. Overall the process in Gujarat is considered democratic and participatory, with built-in mechanisms for dispute resolution (Ballaney 2008: 33).

2.5.3 Land redistribution and financial calculations

Serviced parcels of land are redistributed to the land owners following certain calculations that can differ, depending on the country but also from case to case.

In very broad terms, the process is following:

All land owners and their original parcels are registered and mapped, and the surface of their land is calculated. After the readjustment process and the implementation of the new layout, some or all of the newly created small parcels are redistributed to the land owners.

Two key elements stand out in this process:
1. How the calculations for redistribution are done
2. How increased land values are captured and who benefits from them

In Germany, following process is the norm: A reallocation mass is created by pooling all land parcels. Land for public space is deducted from this reallocation mass and given to the Municipality or any other agency charged with providing local public infrastructure. However, the construction of the infrastructure is not part of the readjustment process, this being paid by the municipality and paid for through conventional charges. The remaining mass constitutes the redistribution mass and constitutes parcels that are redistributed to the land owners. Under certain circumstances and with consent from property owners, money or property outside the reallocation area can be provided. Also, the land owner who receives a parcel with lesser value than the previous, is entitled to monetary compensation (Supriatna 2011: 21). On the other hand, owners who receive a parcel with higher value, have to pay the difference in cash to the Municipality.
In Turkey, public areas in the project area are divided into two categories. The first category is constituted by roads, squares, parks, car parks, play grounds for children, police stations and religious centers. Land for these public areas must be provided by the land owners who give up 35% of the total of their land. The rest of the land is then distributed to the land owners. The second category is constituted of public areas like schools, hospitals, public services and kindergarten. To have land for these purposes, the government expropriates land from the redistributed parcels (xxxx).

In Gujarat, the financial aspects of the redistribution are calculated as follows:
- First, the value of the original land is calculated. Based on how much land each land owner is likely to lose because of infrastructure, a ‘provisional’ compensation is calculated.
- Second, the value of the new parcels is calculated (taking into account the value added through the implementation of infrastructure).
- Third, the administrative costs of implementing the project are calculated.

Then, following calculation is done:
- Value of original land versus value of new parcel = value increase due to infrastructure
- 50% of the value increase are taken by the government
- 50% of the value increase are given to the land owner
- The 50% of the land owner are compared to the provisional compensation and a net benefit/debt is calculated.

2.6 Lessons drawn form past international experience:

This chapter first provided an overview of the concept of land readjustment and then a brief indication where land readjustment is being practiced today. It became clear that land readjustment is a widely used approach to urban planning, applied in many countries for more than a century, especially in Europe and Asia. In the US, UK, Latin America and Africa in general, the concept seems to have found little acceptance for different reasons.

The chapter then discussed three different aspects that have an important influence on land readjustment in their specific context. These are legislation, governance context and land markets. The discussion argued that enabling legislation is important for successfully implementing land readjustment. It was however pointed out that especially in some developing countries, legislation is often outdated and political decisions are taken in a ad-hoc and informal manner. The concept of governance was introduced to explain how government, private sector and civil society relate to each other in such a context and how decisions are taken. The chapter argued that decision making processes such as urban planning are embedded in the specific governance context where they are taking place. The Huambo case studies presented in this report will exemplify this argument, showing how land readjustment was implemented without any relevant legislation, but by creating project structures that were embedded in the local context.

The discussion then continued by looking at three key elements of a land readjustment process, these being 1) the role of the initiating and leading institutions, 2) Levels of participation by land owners and 3) calculations for land redistribution. By examining these elements by comparing three different countries, it became quite evident that considerable differences exist, the way land readjustment is implemented in different countries. Discussing the details of the process of the calculations for land redistribution, it became also clear that while the concept of readjustment and redistribution is quite straightforward, in practice it becomes rather complex requiring innovation and adaptation.
3 Urban development and planning in Angola & Huambo

3.1 Planning legislation and policy in Angola

Urban planning in Angola is formally regulated by three main sets of post-war legislation, these being:
1. The Territorial Planning Law 3/04 published in 2004
2. The Land Law 9/04 published in 2004
3. The Law on local administrations published in 2007

3.1.1 Territorial Planning Law 3/04 and Regulations

The Territorial Planning Law (Lei do Ordenamento do Território e do Urbanismo - Law 3/04) (Governo de Angola 2004a) is the first law specifically regulating urban planning in Angola. The Territorial Planning Law applies to rural and urban areas, but with a special focus on urban planning. It defines physical plans as the main instrument for territorial management, identifying following categories of plans:
- National and regional physical plans
- Provincial physical plans
- Physical plans
- Municipal plans
- Urban plans

Within the category of urban plans, the law identifies four specific plans (Governo de Angola 2004a: Article 31):
1. Urban Master plans
2. Urbanisation Plan
3. Detailed plan
4. Special recuperation or upgrading plan, with a focus on deteriorated or illegal land occupation

Several articles refer to some, albeit limited, participation in planning processes:

Article 21 sets out rather broad and unspecific principle of participation.

Article 43 describes the composition of a participatory organ which is the National Consultative Commission for Territorial Planning and Urbanisation (Comissão Consultiva Nacional do Ordenamento do Território e do Urbanismo). This commission consists of representatives of relevant ministries, sub-national governments and the National Social Consultation and Liaison Council. The same organ is also to be established on the provincial level.

Article 53 refers to the right of access to information about the content of territorial plans.

Article 57 refers to participatory mechanisms in the absence of Provincial Consultative Commissions. It states that “Until the Provincial Consultative Commissions exist, the evaluation of plans can be undertaken by the participation of citizens and social partners in the province in working debates with the technical institutions presenting the plan to the Provincial Governor.”

Although the law provides some space for participation as identified above, it has been critiqued because it promotes a very passive form of participation where civil society and private sector actors need to initiate the contact (xxxx).
The planning law envisages six different subordinate regulations (Governo de Angola 2004a: Article 68). Three of the six regulations have been approved and published in 2006 and 2007 these being:  

1. The Regulation of Construction and Building Licenses (Regulamento de licenciamento das operações de loteamento, obras de urbanização e obras de construção, Decree 80/06).  
2. The Regulation of Urban Buildings (Regulamento Geral das Edificações Urbanas, Decree 13-07);  
3. The Regulation of Land Allocation (Regulamento geral de concessão de terrenos, Decree 58-07);  

Three key regulations still remaining to be developed and approved are:  

1. The Regulation of Urban Plans and Rural Planning (Regulamento dos Planos Urbanísticos e do Ordenamento Rural);  
2. The Regulation for defining Urban Perimeters and the Concession of City Tax Bases (Regulamento que fixa os Perímetros Urbanos e Concessão de Forais de Cidades);  

Many of the previsions of the planning law and its regulations remain unenforced by the time of writing and have limited influence on urban planning practice in Angola.  

3.1.2 Land Law 9/04 and Regulation (Lei de Terra)  

The new land law makes reference to urban planning in several articles, linking land rights to the existence of urban plans. In its article 15, the law says that land occupation and land rights are regulated through the norms inherent to the instruments of territorial and urban planning. Article 21 provides classifications of urban land, linking this to urban plans or equivalent plans, although it is not defined what is meant by ‘equivalent’. Article 36 says that private property rights can only be acquired on urban land that has been included in an urban plan or another instrument which is legally equivalent, and with the respective plot layout approved. Other forms of land rights mentioned in the law, such as surface rights or ‘precarious’ (provisional occupation) rights, do not refer to urban plans as a prerequisite (Weber 2007).  

As is the case in the Territorial Planning Law, many of the previsions of the land and its regulations remain unenforced by the time of writing and have limited influence on urban planning practice in Angola.  

3.1.3 Local administration legislation  

Angola initiated its process of de-concentration of governance with the publication of the Law nº 02/07 in 2007, which established municipalities as autonomous budgeting units, provided municipal financing and set up local consultative management structures (Municipal Consultative Councils or CACs)\(^\text{12}\), which, in turn, introduced a degree of incipient civil society participation. It is envisioned that the CACs will become the precursors to the democratically-elected Municipal Councils (Autarquias) which will be established after the first Municipal elections that are likely to occur in 2013 or 2014.  

\(^{11}\) The elaboration of these regulations did not undergo a public participation process.  
\(^{12}\) Conselhos de Auscultação e Concertação Social
3.1.4 The One Million Housing Program

After the MPLA won the elections in 2008, the President publicly reiterated the government’s plan during the celebration of World Habitat day, which was held in Luanda in October 2008. According to the President, the government would mobilize US$ 50 billion to finance this plan (at US$ 50,000 per house).

In the government programme for 2009-2012, Angola’s housing commitment was officially referred to in the following manner: ‘[..] to build new homes and real estate projects in order to achieve the 1 million houses goal, through state initiatives and public-private partnerships [..]’.

Institutionally, the Ministry of Urbanism and Housing should be the main entity responsible for the execution of this project. In the meantime, the National Office for Reconstruction (GRN) has also been involved in housing projects, notably in new urban centres. These include the Kilamba Kiaxi project launched in Luanda in 2008 which, in the first phase has constructed 20,000 apartment units as well as schools, shops and other services. Also, about half of the state reserves identified throughout the country in 2008 were allocated to the GRN. Therefore, a Working Group that was set up in 2008 to elaborate an Executive Housing Programme was coordinated both by the Minister of Urbanism and Housing and the head of the GRN.

In March 2009, the National Urbanism and Housing Programme for the period 2009-2012 was approved and a National Commission was installed to implement the programme. Instead of building 1 million houses through state initiatives and public-private partnerships, the government announced that 685,000 would in fact have to be constructed through ‘self-help building’ (autoconstrução). To facilitate self-help building, the state would offer plots of land at low prices, construction material at accessible prices, different models of houses for construction, as well as infrastructures and technical assistance on the ground. Only 115,000 houses would be constructed by the government, while 120,000 would have to be constructed by the private sector and 80,000 by cooperatives.

In a state press conference in January 2011 the State Minister for Civil Affairs informed the public on the government’s activities and plans with regard to its Housing Programme, with number somehow different than provided by public institutions on previous occasions:

He stated that in the last months of 2010 the government’s efforts had been concentrated on taking initiatives to alter the Civil Code, Land Registry Code and Notary Code in order to make the processes regulated by these laws simpler and less formal. He announced that the Housing Programme foresaw the construction of 56 urban areas, 144,037 social houses and 10,000 houses to be built through self-help building. As responsible institutions he named the Ministry of Urbanism and Construction, the Provincial Government of Luanda, but also the GRN. Furthermore, 200,000 houses were to be built through public-private partnerships of which 120,000 were to be built by Sonangol and 80,000 by the private sector. In terms of land,

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14 This Ministry has gone through various changes over the last few years. Starting as the Ministry of Urbanism and Environment in 2003, it was turned into the Ministry of Urbanism and Housing in 2008 while a separate Ministry of Environment was created. Currently, after the adoption of a new constitution in February of 2010, the Ministry of Urbanism and Housing and the Ministry of Public Works have been brought together to form the Ministry of Urbanism and Construction.
15 The GRN is located within the Presidency’s military office and is effectively an extended arm of the Presidency in the post-war reconstruction efforts. Of note for urban affairs in Angola for example, the USD 3 billion credit from the Chinese EximBank, secured in 2005, came under control by this office, rather than the Ministry of Public Works and the Ministry of Urbanism and Environment.
16 Dispatch 27/08 of 4 November
17 Resolution 20/09
18 Dispatch 9/09
420,000 plots of urban land with infrastructures should be provided, of which 100,000 were to be delivered by Sonangol. Lastly, the promotion of social housing for 564,000 families, equivalent to 3.3 million people, was announced.\(^\text{19}\)

This example of contemporary urban policy and programmes shows that, while numbers are impressive, the much less is happening on the ground. The case of Huambo will show that in some provinces in fact very little has been achieved.

## 3.2 Urban development in Angola

### 3.2.1 Urban growth

Contemporary estimates (Weber 2007) suggest a total population in the country range between 15 and 20 million inhabitants (United Nations 2005). Contemporary demographic statistics are usually estimates on the basis of the 1970 census (applying average population growth rates\(^\text{20}\)) or, in the case of urban areas, derive from the use of alternative methods based on contemporary aerial and satellite imagery.

The unreliability of contemporary demographic statistics does, however, not inhibit one to grasp the magnitude of the extremely rapid urban growth that can be observed since the first census in 1940. Between 1940 and 2000, the population of Luanda for example probably multiplied by a factor of more than fifty (Cain 2007)\(^{\text{Post-War Urban Challenges}}\). In the cases of Huambo and Namibe, the population has probably multiplied by a factor of twenty four during the same period, and in the case of Benguela by a factor of thirty three.

![Urban Population growth in War & Peace](image)

Most urban growth has been unregulated expansion at the periphery of cities, leading to large and still growing informal settlements around an older urban core. With the end of the war in 2002, many decision makers in Angola believed urban growth could be inverted, however, due

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\(^{20}\) Estimated at 6.8 in 2005 (United Nations 2005)
to a very young population and high fertility rates, cities continue to expand rapidly (DW and CEHS 2005).²¹

Many of the 4 million internally displaced people(4) either resettled or returned to find their homes destroyed at the end of the war. This return resulted in a massive "demand" as families tried to rebuild. It is estimated that Angola’s housing shortfall exceeds 875,000 units(5) and that 65 per cent of existing housing lacks basic services such as water and sanitation(6) and is in need of major upgrading.

²¹ A more detailed assessment of demographic tendencies and characteristics in Luanda and Huambo will be discussed below in chapters six and seven.
3.2.2 Land tenure

Land has emerged as a critical point of potential conflict as displaced persons have sought settlement sites in both rural and urban districts alike. The population of Luanda has grown eight-fold since Independence and most of the settlement and housing plot acquisition has been through the informal land market. Only a small percentage of settlers have acquired full legal title to the land that they occupy. However, most have considered themselves free from threat due to the laissez-faire attitude engendered by the inability of the state administration to facilitate land registration. Residual occupancy rights may, however, be revoked by new land legislation published in 2004.

The urban poor are therefore left in a position of extreme vulnerability with weak tenure rights over the land that they occupy, and they risk being turned into illegal occupiers unless the legal regulations are revised. For the first time since Independence, a commercial real-estate market is formalizing itself (an informal market has existed for years). The government has offered major land concessions to commercial developers, many of them international companies, to develop joint venture residential and industrial complexes (mainly in the south of Luanda). For the urban poor, with no access to banking or savings institutions, the acquisition of a housing plot and subsequent construction of a residence is the only means to accumulate any form of wealth. Thus real estate – particularly housing plots in one of the urban centre musseques such as Sambizanga, Boavista or Rocha Pinto that are close to places of employment – has a high and increasing value.

In the process of urban economic development, the demand for residential plots in the centre of the city, combined with the upgrading of services, results in increasing land values. In the natural process of “gentrification” of residential districts, the poor often trade off easy access to employment against financial gains by selling their plots close to the centre and migrating to the periphery where land is cheaper. One off profits can be substantial and tempting for poor families. Therefore, land and housing (particularly in good locations) represent accumulated wealth for the poor that can be utilized to cover a family emergency or can be invested in a child’s education or a business venture.

Lack of legal title guaranteeing security of tenure seriously undermines the well-being of poor families and puts at risk their principal assets. Mass expropriation of land occupied by poor urban families with inadequate financial compensation is becoming a new feature of post-conflict urban development in Angola. Between 2002 and 2006, an estimated 3,000 families (about 20,000 people) were forcibly removed. The alienation of the urban poor from land that they have lived and worked on for many years could produce civic conflict in the years to come unless the government develops policies that recognize existing occupational rights. In June 2002, the government published a draft new land law and invited public debate and contributions from civil society – the first time that public consultation had been introduced into a legislative process. A grouping of civil society organizations called the Rede de Terra (13) (or the Land Network) was formed to facilitate communities’ articulation of ideas, concerns and fears around the land issue. The formulation that eventually became law in 2004 included only a few of civil society’s concerns and recommendations. The law laid out a three-year time frame within which informal land occupiers were required to register and acquire formal titles.

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(11) Cain 2007)
3.3 An Introduction to Huambo

The province of Huambo lies in the central highlands of Angola. It comprises an area of 35,771 km² or approximately 3% of the total surface area of Angola. From north to south, Huambo extends a maximum of 260 kilometres, and 180 kilometres at its widest point from east to west. Huambo city is on an altitude of 1,700 metres above sea level. The ecological conditions of this region have attracted settlers for a long time. An archaeological site in the south of the province provides information about early inhabitants that have practiced agriculture and knew how to work iron, at least 1,300 years ago (Neto 2003). During hundreds of years the local economy was based on agriculture, hunting and gathering and the holding of domestic animals. From the

3.3.1 Historic development of Huambo town

The province of Huambo lies in the central highlands of Angola. It comprises an area of 35,771 km² or approximately 3% of the total surface area of Angola. From north to south, Huambo extends a maximum of 260 kilometres, and 180 kilometres at its widest point from east to west. Huambo city is on an altitude of 1,700 metres above sea level. The ecological conditions of this region have attracted settlers for a long time. An archaeological site in the south of the province provides information about early inhabitants that have practiced agriculture and knew how to work iron, at least 1,300 years ago (Neto 2003). During hundreds of years the local economy was based on agriculture, hunting and gathering and the holding of domestic animals. From the

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24 This site is know as Feti and lies close to the Ngove dam in Kaala municipality.
16th century on, the slave trade started to penetrate the area, bringing with it the introduction of textiles, brandy and fire-arms. At this time, there were several kingdoms that governed the region. During the 19th century, the slave trade was substituted by the trade in ivory, rubber and wax. In the southern half of Angola, the Ovimbundu were the main intermediaries in this trade between the inland and the coast (Neto 2003). Towards the end of the 19th century, the Portuguese started the final conquest of the highlands.

The first military fort was established in 1902 (Neto 2003) and in 1912, governor Norton de Matos inaugurated the City of Huambo which was however still to be built beside the new railway station that marked the arrival of the Benguela Railways (Caminho de Ferro de Benguela – CFB) (Neto 2003). Legislation of 1928 elevated the city of Huambo to the capital of Angola and gave it the name of ‘New Lisbon’ (Nova Lisboa). Luanda officially became the provisional capital, but the city of Huambo in fact never became the capital of the country and until the 1940s it did not have electric light, water or sewers (MINUA 2003: 17). A large area however was reserved for the city to develop and within this the construction of shacks or any other form of temporary housing, that would be contrary to the European character of the city, was prohibited (MINUA 2003: 17). But European in-migration was less than expected and in 1940 the city of Huambo had a mere 16,000 inhabitants (MINUA 2003: 28).

Until the 1950s, the city was little more than a commercial staging post and an administrative centre connected to the railway workshops. The small city of Huambo had, however, a clear colonial form of settlement, with a more rigid social and racial division than the much older cities of Luanda and Benguela (MINUA 2003: 17). During the 1950s and 1960s, the city underwent rapid demographic growth and expansion, in parallel with the development of an industrial park, and in the 1960’s the Institute of Agronomic Investigation and the Agronomy and Veterinary Faculty were created as extensions of the University of Luanda (MINUA 2003: 17). The attraction for the many European immigrants was the pleasant climate of the central highlands, considered less harsh for Europeans, but also the possibilities of development in the southern regions of the country which had excellent agricultural potential. Huambo itself continued to be principally a white city, while small areas of houses of the African population grew gradually at the city periphery, maintaining the social and racial separation. At the time it was still possible to graze animals and practice agriculture in the free spaces between these peripheral house groups and the inhabitants of these bairros continued to return to rural areas in certain seasons of the year to do agricultural work (MINUA 2003: 17).

In 1975, as in Angola in general, the majority of the white population left Huambo and after a few months of being controlled by UNITA, the city was conquered and subsequently administered by the MPLA government until the early 1990s. The true transformation of the small house groups to peri-urban bairros dates from the period after 1980 (MINUA 2003: 17). During the early 1980s UNITA began occupying areas in the central highlands and this insecurity caused a gradual movement towards the city by people from the villages and nearby municipalities. Due to this insecurity, the rural area around the city of Huambo, three to five kilometres from the city centre, became de-populated and that population lived concentrated in the peri-urban areas. The growth of peri-urban zones continued within the previous peri-urban perimeter, principally for two reasons: outside this zone there were fields that belonged to individuals that had never left the city, and which were therefore not available, and the fact that this zone was also more secure since it was already inhabited (MINUA 2003: 17).

Most of the extensive human suffering and infrastructural damage that the city experienced dates to the war that broke out again after the elections in 1992. In January 1993, UNITA initiated the conquest of the city through a sustained attack, using conventional weaponry such as long range artillery within the urban perimeter. This urban war alone - which became known as the ‘55 days war’ - killed some 10,000 people and destroyed much of the urban infrastructure (Human Rights Watch 1994: 89-92). The city then suffered continuous damage until the signing

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25 The most well known were the kingdoms of Mbalundu (Bailundo), Viye (Bié), Wambu (Huambo), Ngalangi (Galangue), Sambu (Sambo), Ndulu (Andulo), Cingolo (Quingolo) and Ciya (Quiaca) (Neto 2003)
of the Lusaka protocol in 1994, mainly through government aerial bombardments. Again with the subsequent outbreak of war in 1998, Huambo was shelled by UNITA’s long range artillery, but compared to the 1992-1994 period, damage was more limited.

Today’s large peri-urban areas consist mostly of adobe built houses with zinc roofs and clusters of old houses with tiled roofs which are a legacy of the colonial time. Densities of these peri-urban areas vary, ranging from consolidated areas where plot boundaries are built up with high walls to disperse settlements where agriculture is still common. Many bairros in Huambo cover a variety of peri-urban settlement types, and indeed sometimes a bairro includes urban and peri-urban areas (DW and CEHS 2003c: 46).

**Figure xx: urban (blue shaded) and peri-urban (red) areas of Huambo**

![Image showing urban and peri-urban areas of Huambo]

**Figure xx: Typical pattern of land use in peri-urban Huambo**
Huambo has experienced sustained public sector investment over the last years, in road construction, health, education and economic development. This investment has been accompanied by a rapidly developing private sector. While in 2002 there were only a handful of formal private sector businesses, the city today is bustling with shops, covering local needs for construction, electronics, food and beverages and household supplies.

However, in parallel to the fast developing private sector, the informal economy continues to provide the main source of income for most residents in peri-urban areas. Recent research estimated more than 17,000 vendors in the ten biggest markets in Huambo and a total 77 per cent of households relying on small and microeconomic activities for their survival (DW 2006a: 40).

And in spite of public investment and a bustling private sector, high levels of poverty continue in peri-urban areas. In recent research in peri-urban areas 33 per cent of respondents were qualitatively assessed as destitute and 57 per cent as very poor (DW and CEHS 2005: 117). Further, access to infrastructure such as water, electricity, health and education tends to be low in most peri-urban areas (DW and CEHS 2003d: 57). In almost all of Huambo’s peri-urban areas, there is for example no piped water, with residents getting water through unprotected and protected water wells. Also, levels of electricity supply are non-existent or erratic in most peri-urban areas.

Levels of social exclusion are also characterised by the lack of documentary evidence for land tenure. The same research reported that 61 per cent of the respondents had no document at all (not even informal) that would support the right to their land (DW and CEHS 2005: 115).
3.3.2 Urban growth & land markets

During the post-independence war, violence and destitution have resulted in a complex flux of in and out-migration in the city (Weber 2007). Overall, the fighting in the central highlands led to an abrupt reduction of the number of people living in this part of the country. They fled to the coast, in particular to the cities of Luanda, Benguela, Lobito and Lubango (MINUA 2003: 12-13). Others who fled the rural areas and municipal towns settled in Huambo. With the end of the war in 2002, many of these migration patterns reversed with people returning to their places of origin. Contemporary estimates suggest continued and high population growth rates for the next two decades, especially in peri-urban areas. Recent research in several peri-urban areas suggests that the population growth in these areas is due to the high fertility rate as well as in-migration, either from other areas in the city or from other municipalities (DW and CEHS 2005). In 2004 the population of Huambo city was estimated 390,000 in 2004 and predictions for 2020 count with a population of almost 800,000, meaning that the city is expected to more than double within the next twenty years.

Most of the urban growth is taking place at the periphery of the city, by expansion and densification of peri-urban areas. Comparing satellite imagery from 2005 and 2007 in the southern periphery of Huambo provides an illustration (figure xx). The orange colored patches represent areas that have been developed with housing during this two year period during which city expanded by an area totaling approximately 378 hectares. Estimating a minimum of 12 parcels per hectare (discounting green areas, infra-structure, roads etc), this would indicate a growth of more than 4536 parcels for housing, more than 2250 per year.

26 The research counted some 72 per cent of the interviewed reporting to have moved in from elsewhere. Some 36 per cent reported to have moved in from another municipality, and some 24 per cent from another province. In relation to in-migration the research found low levels of actual and intended out-migration, concluding that in-migration will contribute considerably to the future growth of the city (DW and CEHS 2005: 116).

(Dar Al-Handasah and Odebrecht 2003a: 28).

Figure xx: urban growth in Huambo between 2005 and 2007
3.3.3 Urban governance in Huambo

Government, private sector and civil society actors form a governance context within which most major decisions on urban development and planning are taken.

On the government side, the vice-governor for technical affairs oversees the preparation and execution of all major urban planning and development projects. He approves major project and authorizes their execution. The vice-governor is directly supported by the Provincial Director of the Department of Territorial Planning, Urbanism and Environment (DPOTUA). This department is the extended arm of the Ministry of Urbanism and Environment and is responsible for the local implementation of national policy. It controls the implementation of the housing reserves and other national programmes. It further negotiates most public-private partnerships for the development of urban plans, implementation of layouts and construction of social housing in the housing reserves. It does have its own technical department and is further assisted by the Institute for Territorial Planning and Urban development (INOTU). The Office for Assessments, Planning and Statistics (GEPE) is authorizing payments for the implementation of urban development projects, serving as a control mechanisms that financial aspects of public-private partnerships are done within the contemporary legal parameters. Since the coming in force of law 2/07, the Municipal Administration has been endorsed with the management of all urban land with a area less than 1000 square meters. This means that most land for housing is effectively being controlled by the Municipal Administration, including the planning, layout, distribution and licensing of such land. For a town of approximately 400,000 inhabitants, all these institutions have a severe lack of skilled staff and technical equipment. Capacities to conceive and development local programmes are very limited, as is the capacity to accompany projects being implemented through public-private partnerships.

In the private sector, a few international companies, Luanda based and local start-ups have taken a certain role in urban development through public private partnerships, especially with the provincial government. Most companies however are focused on construction of infrastructure and housing, with some having architectural expertise but almost none with urban planning capacities.

Looking at civil society, there is a range of local and national NGOs working in Huambo, all located in the central, formal city. Their interventions include areas such as HIV/AIDS, civic education, human rights and electoral education. In most peri-urban areas, recent research found that there are very few if any local associations. The most important civil society organizations in these areas are the different church denominations that are often implementing social activities as well as spiritual ones. While not exactly in the domain of civil society, traditional authorities still play an important role in the local governance context in peri-urban areas (Weber 2007).

Levels of participation in the local governance context are very low. Bairro administrations tend to regularly meet with those sobas within their administrative limits, but not with any other actors such as church representatives or civil society organizations.  

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27 None of the above mentioned government institutions has the mandate (or would have the capacity) to create and maintain a city wide land registry and cadastral system. There currently no clear also no updated land cadastre in Huambo. The only existing cadastre is the one comprising buildings in the inner city, but this is located in the Provincial Department of the Ministry of Justice, and is also outdated, based primarily on the pre-independence Portuguese property ownership.

28 Interview with Moises Festo, 28/3/07
3.3.4 Urban planning practice in Huambo

(Weber 2007)
The last years of urban development in Huambo are marked by a series of rather inefficient and ineffective urban planning approaches.

There has been one attempt for a city wide structure plan, shortly after the war which was however implemented by a consultancy firm based in Luanda, without any consultation with local authorities in Huambo. While the plan has been produced and circulated, it has never been formally approved and nor shown to influence local urban development.\(^{29}\)

Figure xx: Huambo Structural Plan\(^{30}\)

Several condominium projects were planned, initiated and then mostly abandoned. While some prime urban land continues to be fenced off for this purpose, the condominium housing units built over the last years would not exceed a few dozen.

The most visible urban planning activities have been developed by the Municipal Administration that has assembled, planned and redistributed land in various, mostly peripheral, areas of

\(^{29}\) Shortly after the end of the war in 2002, the international consultancy firm Dar Al-Handasah proposed to the Government the elaboration of structure and master plans of several provincial capitals. This proposal was approved by Council of Ministers shortly thereafter and the Huambo/Kaala structure plan was one of the first plans elaborated.\(^{30}\) The content of the plan is based on a population growth of more than 500,000 people between 2004 and 2025, reaching by then a total population of 893,389 (Dar Al Handasah and Odebrecht 2003a: 14). This population would need a housing stock of around 128,000 dwellings, assuming an average occupancy of 7 persons per dwelling.

Huang. This form of land use planning for self-help housing has provided the one most important supply of legal land in Huambo. Land assembly is mostly done without compensation and redistribution is based on waiting lists at the Municipal Administration, where citizens can lodge their requests for a parcel. Demand tends to be much higher than supply and a serious backlog continues to exist.

Since 2009, the national policy for the planning and development of housing reserves led to the implementation of a rather extensive site at the southern periphery of the town. However, of the approximately 3000 parcels that were planned initially, only half have been demarcated, none distributed for self help housing and only some 50 units of social housing constructed by a private company. In several municipal towns similar plans have been developed, but none implemented to date.

Figure xx: layout of the first housing reserve in Huambo, some 5 kilometers south of the city perimeter

In this scenario of mostly ineffective and ad hoc planning processes, most of the urban expansion is happening through the informal land market without any formal planning. Recent research in peri-urban areas in Huambo pointed out that the most widely reported form of land access is through informal purchase, with almost 50 per cent of respondents having bought their land on the informal market (DW and CEHS 2005: 114). Other observed frequent forms of land access were transfers between relatives and the informal rental market. In some cases local traditional authorities have a certain level of land use control, this meaning that they are consulted or informed about land transactions or even allocate or sell land themselves through the informal market.\(^{31}\) Evidence however suggests that in most cases, land transactions are

\(^{31}\) This has been observed at the western edge of Bairro Fátima where the local traditional leader sold land parcels.
taking place between seller and buyer only (including witnesses to generally verbal agreements) without involvement of any local authority.\textsuperscript{32}

The result of this form of land transaction is an urban expansion without proper access and distribution roads and with a lack of land reserved for health and education infrastructure. Whether certain roads are maintained or green areas preserved for future upgrading then often depends on the foresight and initiative of local residents. Overall, observation based on field visits and satellite imagery suggests that this form of peri-urban development is the contemporary dominant form of peri-urban expansion, providing the bulk of new housing units needed each year.

3.4 Conclusions

This chapter first outlined some of the principal legislation that frames urban planning in Angola, this being the Territorial Planning Law and its Regulations and the Land Law and Regulations. It also showed that contemporary urban policy in Angola is focusing on the creation of new satellite cities through the One Million Housing Programme. While the legislation is extensive and numbers of the One Million Housing Programme impressive, there is little documented evidence to date that would show the impact of the legislation and the programme on urban planning practice.

The chapter then briefly outlined the causes and effects of extremely rapid urban growth in Angola over the last decades. While the war and displacement contributed strongly, internal growth rates and rural-urban migration because of economic factors will continue sustaining the exponential urban growth in Angola. Through rapid urban growth and lack of urban planning, huge peri-urban areas to today exist around all old urban cores in Angola. Poverty levels are very high, provision of infrastructure limited and land tenure precarious, with almost all the population in these areas having no formal land tenure security.

In Huambo most urban growth is taking place at the periphery without any formal planning. While insufficient, there are two recent examples of the planning approach with a potentially positive impact, this being the Municipal Administrations planning and distribution of land for self-help housing and the (yet to materialize) national program of housing reserves.

However, both approaches do not compensate the land owners that loose their agricultural plots in the urbanization process, nor do they provide much needed basic local infrastructure.

It has further been noted that almost none of the urban planning taking place in Huambo, whether successful or not, does reflect the processes and standards as stipulated by the recent planning legislation. The decisions taken for urban planning as described above are taken by local officials through existing channels of communication which are the result of a series of legislation, policy and practice, on a national and provincial level, and not only stipulated by planning laws.

It is therefore argued here that the decision making processes that constitute urban planning (and therefore potentially also land readjustment) are more influenced by the local governance context and less by existing planning legislation. This, as being discussed later in this report, provides both, opportunities and challenges.

The following chapter now shows two case studies of land readjustment in Huambo as an example of effective and efficient participatory urban planning.

\textsuperscript{32} This fact has been stated on several occasions by the soba of Bairro Fátima in the course of the Bairro Fátima Pilot Project (this being discussed in the next section).
4 Case studies: two land readjustment pilot projects in Huambo

4.1 Introduction

From 2006 to 2008, Development Workshop implemented two participatory urban planning projects in Huambo. The first one was implemented in Bairro Fatima (area covered orange in figures xx and xx) and the second one in Bairro Camussamba (area covered blue in figures xx and xx).

Figure xx: Project areas - overview

Each of the projects had two components:

1. **Land registry and titling**, implemented in the peri-urban area with existing housing. The main objective for this component was to create a land registry of the current occupants and to facilitate the land rights regularisation process of the occupants. During several months, the project team demarcated the existing land holdings of all households. For the demarcation the team used print-outs of recent high resolution satellite imagery with the registered plot limits then digitised in the DW office using GIS software. Based on this land registry, the team prepared the land rights documents that were agreed upon by the management group in a previous meeting. These documents, the ’Purchase Licences’ (Licenças de arrematação) are an existing form of intermediary land right document which is used for obtaining the construction licence and surface or property titles. The licences were prepared by DW staff and then submitted to DPUA where they were signed by the Provincial Director and then distributed to the relevant owners. The two land registry areas in figures xx and xx are coloured in light orange and light blue.

2. **Land readjustment**, implemented at the fringe of the peri-urban area, coloured in dark orange and dark blue in figures xx and xx.
This chapter will focus on the land readjustment component only, providing first a detailed account of the Bairro Fatima project and second, of the Bairro Camussamba project.

Figure xx: Project areas

4.2 Phase I: Implementation of the Fátima land readjustment project (2006)

4.2.1 Introduction to the case study

From 2002 to 2005, DW and CHES implemented a comprehensive research programme on peri-urban land in Angola. The research demonstrated the need to urgently address informal peri-urban expansion and property rights in Angola’s urban areas. Research results were published and presented to the different political party caucuses of the Assembly (who were at the time discussing the new land law), the office of the Minister of Urbanism and several other key decision making bodies. A book was also published with the research results and widely circulated in Angola. The research provided the first ever comprehensive source of information on peri-urban land and property issues of Angola’s cities. It was well received by different government stakeholders who sensed the urgent need to try innovative approaches for urban planning and slum prevention.

In order to transform the research findings into practice, DW and CEHS prepared and implemented a training course in participatory urban planning that was held in Luanda for several major urban development stakeholders from central, provincial and local government of Luanda and Huambo. The course was held over the period of two months, including two teaching modules and field work in Huambo and Luanda. The field work in Huambo resulted in the proposal of a participatory urban planning project in a peripheral area of one of Huambo’s informal settlement. The project concept and proposal was jointly prepared by DW staff and
local government participants, with technical assistance from CEHS. First field visits were conducted and a basic topographic survey prepared.

DW was chosen as the leading technical agent, coordinating the implementation of the project. In order to prepare the implementation of the Pilot Project in Huambo, a team of DW staff participated in an intensive training on urban planning and land readjustment at Heriot-Watt University in October 2005 provided by CEHS. A second training for the same staff was then held after the initial phase of the project in March 2006, again at Heriot-Watt University.\textsuperscript{33}

The project effectively started in November 2005 and was completed in January 2007. It was implemented in Bairro Fátima, at the periphery of the informal settlement in a peri-urban area in the southern part of the city, close to the airport (DW 2006b).\textsuperscript{34}

4.2.2 Project implementation

The project initiated with a small grant provided by the British Embassy in Luanda and was implemented according to following steps:

1. Creation of control mechanisms
2. Mobilizing community support
3. Base line study
4. Registry of existing land owners and boundaries
5. Development of a physical plan (readjustment plan)
6. Definition of rights to be attributed in the new plan
7. Implementation of layout
8. Redistribution of parcels to previous land owners and sale of remaining parcels
   Implementation of basic infra-structures
9. Advocacy
10. Impact evaluation

1. Creation of control mechanisms

The first two months of the project were used to get all the main stakeholders involved in the process. Several meetings were held with the Provincial Director of DPUA, the Provincial Director of INOTU, the local Administrator and the traditional leader of Bairro Fátima. Through this process, two different groups were created with the objective to manage and implement the project. The management group included the Provincial Director of DPUA, the Provincial Director of INOTU and two DW staff. The implementation group included two DW staff and an INOTU technician. Especially the management group proved a very important participatory mechanism throughout the whole project and all major decisions were taken through this body.

In the first meetings however, certain reluctance about the new approach was expressed by both directors around the extra workload that may be entailed. Their attitude changed over the following months and as the project started to produce positive results and confidence and interest of the government partners increased considerably. It was acknowledged that the project actually helped to reduce the pressure on the provincial government who was struggling to respond to the high number of requests for land for housing.

During the whole project period, the management group had eight meetings in total. DW staff usually prepared a proposal for the meeting agenda which was discussed and adjusted at the beginning of the meeting, each of which usually lasted between one to two hours.

\textsuperscript{33} CEHS support continued throughout the project.
\textsuperscript{34} All information in this paragraph is taken from the baseline survey that was done at the beginning of the project (DW 2006b).
The local administrator, who was very supportive to the project from the beginning, played another important role. He took part in several community meetings, providing legitimacy to the project and making his contribution in explaining the different aspects of the project. The traditional authority played a similar role as the local administrator, reinforcing the acceptance of the project activities on the community level. There was however no participation of the Municipal Administration, although the office of the Administrator was informed about the project from the beginning and the Municipal Administrator ideally would have been part of the management group.

2. Mobilizing community support

With all stakeholders agreeing on the project approach, the project initiated a community mobilization process in Bairro Fátima explaining the objectives of the project first to the local leaders and then to the population in general.

The process of convincing land owners to participate in the project was extremely time consuming and rather difficult. Dozens of meetings were held and time spent with individuals, explaining over and over again how the project would be implemented and the gains that would result for each participant. Very good communications skills in the local language and a deep understanding of cultural and social habits were important assets of the DW team that was leading this process.

However, initial resistance by land owners was such that on several occasions the DW team also threatened to abandon the project, warning that people risked losing their land without compensation if the government would take over and lead the urbanization process. This, plus the active help of the local administrator finally helped to get all land owners on board.

3. Base line study

A baseline study was implemented, covering the adjacent informal area where, in parallel with the land readjustment, the land registry and regularization component of the project was taking place (zone A in figure xx).

The base line study proved to be useful for the readjustment component as it revealed local governance structures and existing infrastructures. This information was helpful for the community mobilization process and the development of the physical (readjustment) plan.

4. Registry of existing land owners and boundaries

All existing land owners whose land would be affected in the land readjustment process were registered and their land boundaries mapped using a hand held GPS and GIS software in the office. For organizing the land mapping process, a meeting with all land owners was held, their names registered and then organized into groups of ten. With each group of ten a day for mapping was agreed. For mapping the land boundaries it was not necessary for both neighbours of the boundary to be present as people showed very good knowledge of their boundaries and very few cases of overlapping claims took place. For the few cases registered, the land owners of the overlapping claims were called to resolve the issue. The actual mapping
with the GPS was done by DW staff, using the tracking function of the GPS set to register a point every 10 meters. For the purpose of this project, this accuracy was considered sufficient.

A compensation process was developed which foresaw that each land owner would receive plots in the newly urbanised area in accordance with the size of the land he or she lost, as a form of land readjustment. Overall, the size of urban plots to be received by the compensated would not be of the same surface area in terms of square metres, but the project aimed for the compensated owners to receive an area of at least equal value after the basic urban development process. As the land value of plots for urban housing is considerably higher than that for agricultural use, the compensated occupants received land plots of a surface that equaled 35 per cent of the former rural land surface that they occupied.\textsuperscript{35}

The overall distribution key in this case therefore was:

- 30\% of the land was reserved for infrastructure, including roads
- 35\% for redistribution to local land owners
- 35\% for sale with the objective to cover basic infrastructure costs

According to this distribution key, half of all parcels for housing were to be redistributed to the land owners and half to be sold by the project.

5. Development of a physical plan (readjustment plan)

Following the land registry in Zone B, a physical, or readjustment plan was elaborated by DW staff, which was then internally reviewed by two DW architect/planners. The adjusted plan was then presented to the management group where some minor changes were suggested. Subsequently, the plan was discussed in the field with the local administrator who had no additional suggestions. Finally, the plan was presented to a group of local residents. Again, most of the meeting served to explain the plan to the participants who themselves did not produce any suggestions.

\textbf{Figure xx: agricultural parcels (yellow transparent) and new urban layout (in background)}\textsuperscript{36}

\textsuperscript{35} This approach to compensation was elaborated during the two training sessions at Heriot Watt University, under guidance by CEHS.

\textsuperscript{36} Almost all agricultural land had occupiers, but not all of it was actually owned by these. In these cases, people freely admitted that they have only temporarily used the land for agricultural purposes. In other cases, whether occupier nor owner could be found. Therefore, the yellow marked agricultural plots in figure xx do not cover the whole area.
6. **Definition of rights to be attributed in the new plan**

Under the auspices of the Provincial Government the management group provided all land owners of the redistributed parcels (including previous land owners and new residents) with a ‘purchase license’ (licença de arrematação). The ‘purchase licence’ is the first document that is emitted in the process of regularizing a land parcel. The registry and printing of the licenses was done by DW under an agreement with DPUA. DW in the meantime had developed a land registry and cadastral software that facilitated the control of land occupation and emission of the documents. Later, DPUA also subcontracted DW to produce the localization maps that were printed, using standard GIS software.\(^{37}\)

7. **Implementation of layout**

They layout was implemented by the DW project team, marking the new property boundaries with wooden pegs. There was no necessity (nor funds available) to use sophisticated surveying equipment such as a high precision GPS, as the layout was rather simple. Simple measuring techniques were used using only optical instruments and measuring tape. All plots were then numbered according to the layout plan.

8. **Redistribution of parcels to previous land owners and sale of remaining parcels**

Following the demarcation of the first 225 plots, 83 of these were distributed as compensation to the previous occupants of agricultural land, whose land boundaries were mapped in the earlier phase of the project. To determine the number of parcels for each compensated owner, ArcView was used to calculate the surface of the mapped agricultural plots. This number was then introduced into the excel database of the registered owners. The urban plots to be distributed were 15 metres by 25 metres, this being 375 square metres. For example:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Registered land</th>
<th>Surface to be compensated (35%)</th>
<th>Number of parcels to be redistributed (882 m² / 375 m²)</th>
<th>Rounded number of parcels to be redistributed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Francisco Paulo</td>
<td>2520 m²</td>
<td>882 m²</td>
<td>2.35 parcels</td>
<td>2</td>
</tr>
</tbody>
</table>

The rounding of parcel numbers inevitably benefited some and brought prejudice to others, but no other satisfying approach could be identified by the project staff at the time.

The land distribution process in this project was controlled and managed by the DW project staff, who spent several days in the field personally allocating the redistributed plots to each new owner. The number of the plots as stated in the layout plan was written on the wooden pegs that demarcated the plots, facilitating the identification of the plots by their new owners.

\(^{37}\) In practice, the purchase license and localization map proofed sufficient for land owners to build their houses without harassment from municipal and provincial building control agents.
The project then initiated the sale of the remaining 152 plots to individual clients at that were sent to the project office either via DPUA or the local administration. While the distribution key for compensation and sale was 50% each (of all parcels for housing), the actual numbers of parcels were different. This was because not all agricultural land affected by the land readjustment had an owner, as explained above. In those areas were no owner could be identified, the whole of the land could be used for sale.

Through the sale of parcels revenue of almost USD 80,000 was created. These funds were held in a separate project account with two signatories, one of them from the provincial government and one from DW.

Over half of all land owners received one parcel in the redistribution process. 19% received two parcels, 9% 3 parcels, 8% four parcels, 4% 5 parcels and one single owner 6 parcels.

Figure xx: Percentage of all landowners receiving number of parcels in the redistribution process

9. **Implementation of basic infrastructure**

With the funds acquired by the sale of land parcels, several investments were made in the readjusted area:

1. A wooden bridge was constructed over the small river that connects Fátima to the north-eastern part of town
2. Four protected wells with hand pumps were installed to provide a provisional source of drinking water to the resident population
3. Bulldozers were paid to improve the roads within the new residential area

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39 However, in some cases the owners showed up months later and had to be compensated. Some parcels initially earmarked for sale but still in possession of the project were used to compensate these ‘late comers’.
10. Advocacy

Advocacy was considered an important component of the project. The results of the Fátima readjustment project have subsequently been presented in a series of workshops, seminars and training events. Power point presentations have been made in provincial and national events, often in the presence of important decision makers. Several activities resulted from this advocacy:
• First, the then Minister of Urbanism asked DW to produce a regulatory chapter for the land legislation, specifically aimed at managing peri-urban land based on the experiences made by the Fátima project. The final result was well received, examined by the Council of Ministers. The approval momentum slowed after the Minister who sponsored the reforms was substituted.

• Second, the DW team developed a training manual for participatory urban planning which to date has been used in several training courses that DW is offering for Provincial and Municipal staff.

• Third, DW was asked to negotiate and then survey the layout for the first satellite town in Huambo, financed by the Government’s one million housing program.

11. Impact evaluation

The project contributed to creating a socially diverse bairro with a population consisting of different income groups, ranging from the poor to the middle class. The inclusion of the poor has been achieved through the process of compensation through the allocation of developed land parcels rather than monetary compensation. Although some of the compensated are selling part of their plots, most continue with at least one in order for them or a family member to use it for housing. The plot price of USD 500 allowed access to land by young people of the lower middle class that find it very difficult to find appropriate land in the informal market, given the normally higher prices. The risks of future forced relocation in the process of urban expansion with its disruptive economic and social implications have also been reduced through the organized plot layout and preservation of space for the future installation of infrastructure.

At the time of writing Development Workshop is doing a scoping study on the informal land market in Huambo using as research methodology that they developed through a large-scale land market study that they implemented in Luanda in 2011 in partnership with the World Bank and Urban LandMark. The research aims to provide evidence about informal land prices in urban and peri-urban Huambo. Estimates based on personal conversations with local informants however indicate informal land prices in peri-urban areas that range approximately from USD 700 to USD 7000, depending on plot location and plot size. While the project provided a considerable number of new parcels for housing to the local land market, the impact of this on the land market in Huambo generally is very difficult to measure, given the rapid urban expansion of Huambo during this period. Without doubt however, the project changed the land market dynamics in the neighborhoods close to the project sites, giving much more value to land in these previously neglected bairros.

4.3 Case II: Implementation of the Camussamba land readjustment project (2007-8)

4.3.1 Introduction to the case study

Following the completion of the Fátima project in early 2007, the local administrator asked DW to implement a similar project in the adjacent area, called Camussamba. The project initiated in January 2007 with a grant of the European Commission.
The same overall project approach was used as in the previous project, initiating a process of registry and mapping of the developed, informal area and implementing a readjustment scheme at the periphery of the peri-urban area. Again, this paper will focus exclusively on the readjustment part of the project.

4.3.2 Project implementation

1. **Creation of control mechanisms**

The management group of the Sassonde project was reactivated for this land readjustment project, with the same people involved from the local government institutions. The Municipal Administration did again not participate in the management group, albeit having been invited to do so. The project did try to also reactivate the implementation group, however without success and subsequently all the field work was implemented by DW staff in collaboration with the local administrator.

2. **Mobilizing community support**

As in the Sassonde project, the community mobilization process initiated through meetings with the local leaders and then with the population in general. During these meetings, the project team became aware a big part of the project area (approximately 80%) was occupied by the Institute for Agricultural Research in Huambo, locally known as Chianga. To convince the owners of the remaining smaller plots to participate with the project was again a very difficult process, but at this stage it looked like the team again convinced all of the affected owners.

Negotiations with Chianga proofed to be a long and difficult process. More than a year passed by trying to get to an agreement with the Institute. There seemed to be no clear decision making authority within the Institute making the process even more complicated. Only in April 2008 Chianga informed the management committee that it was willing to pool the land for the readjustment project in return of 40 parcels of redistributed land. As the redistribution plan produced 196 parcels (see below), the project expected to have a big pool of land available for sale and reinvestment into infrastructure.

3. **Baseline study**

The baseline study that was implemented followed the approach used in Sassonde, identifying all major existing infra-structures and services, as well as information about demography, social structures, leadership structures and economic activities.

4. **Registry of existing land owners and boundaries**

The boundaries of the existing land owners were then mapped, a process that proved faster and simpler than in the Sassonde project because the big one single land of Chianga occupied most of the project area.

5. **Development of a physical plan (readjustment plan)**

Again a readjustment plan was developed by the project team and in participation of the management group. Chianga was not involved in the development of the plan, as getting hold of their staff and decision makers proofed very time consuming.
6. Definition of rights to be attributed in the new plan

Purchase licenses and localization maps for all parcels were produced by DW, using cadastral software that was developed towards the end of the Sassonde project.

7. Implementation of layout

As in Sassonde, the layout was implemented using simple but accurate measuring techniques. This time however the wooden pegs were substituted by concrete marks. This was done because in Sassonde many of the wooden pegs were removed by local residents or kids, to be used as firewood or serving other purposes. Missing pegs required the project technicians to repeat the measurements in many places, an extremely time-consuming activity.

It was therefore decided to use the pegs simply for initial demarcation, but then substitute them with concrete marks that were very difficult to remove. Also the numbering proved to be much easier on the concrete marks than on the wooden pegs.

A bulldozer was then contracted to open the major roads, and that's when some of the owners of small agricultural plots refused to continue with their participation in the project. The project team tried to convince them otherwise, but a few owners were simply not willing to do so and project area of the small land owners had to be abandoned.
8. Redistribution of parcels to previous land owners and sale of remaining parcels

Beside the 40 parcels that were distributed to the staff of Chianga, there were therefore no other land owners to be compensated, making this phase of the project much faster than it was the case in Sassonde.

However, even the distribution of these 40 parcels was not done by the project team, as it similarly did in Sassonde, but by the municipal administration that through recently approved legislation.

New legislation on decentralization in 2007 took local land management authority out of the hands of Provincial Governments and transferred it to the Municipal Administration. This had a fundamental influence on how the distribution process of the readjusted land was managed. The Municipal Administrations were comparatively weak and inexperienced in managing their new responsibilities. The management committee, now lacking the authority of the Provincial Government, could no longer control the distribution and sale of the parcels, nor could it create a development fund similar to the one in Fátima. The whole distribution process was exclusively managed by the Municipal Administration who had acquired the authority to do so under the new legislation. It distributed the parcels for free to individuals who were on the Administrations waiting list, having applied for land for housing.

This distribution in this case was done during a one day event where staff from the Administration called people registered in the waiting list to acquire land for housing. These people were then assigned parcels in the field and registered accordingly.

9. Implementation of basic infrastructure

Without a mechanism for cost-recovery there were no funds to invest in basic infrastructure. The management committee adapted their strategy as best they could. Of example, roads were opened by bull-dozers and in the absence of a fund to pay for it, the owner of the bull dozer were compensated with 2 parcels in the readjusted area. A part from that however, no infrastructure were implemented in the area to date.

10. Advocacy

Advocacy activities initiated during the Sassonde project were continued on a provincial and national level. The provincial government of Huambo began to consider DW as a partner in urban development projects, understanding that these land readjustment projects were the most successful urban layouts that were implemented in Huambo during that period of time.

Figure xx: Land provided by Chianga (yellow), 51 small land owners (blue) and new layout in the background

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40 The Decentralisation Law nº 02/07 gave Municipalities the management responsibility over land plots under 1,000 square meters.
The project in Camussamba could generally be considered being less successful than its predecessor in Sassonde. Especially following aspects turned the activities in Camussamba more difficult:

- In Sassonde, the managed group acted as a ‘de facto’ urbanizing agent, controlling the process from the beginning to the end. This allowed the creation of a development fund and implementation of some initial infrastructures. In Camussamba, the Municipal Administration took over as a managing agent, as soon as the new layout was demarcated. Those receiving plots in the new layout did not have to pay any contribution and now development fund could be created. As a result, there is not basic infrastructure existing in this area to the time of writing of this report.

- While being a difficult and long negotiation process, all land owners in Sassonde could be convinced to participate. This was not the case in Camussamba, where a few land owners refused to participate, effectively blocking the land readjustment process for the 51 registered land owners. Being at the very periphery of the new layout, the undoubtedly benefitted of rising land prizes local observation suggests that they have sold parts of their parcels.

- In Sassonde, all land owners hold relatively small parcels. In Camussamba, Chianga was the major land owner occupying over 80% of the project area. The 40 parcels for redistribution were given to staff of Chianga free of charge.
Legislation, governance and land markets can be identified as three important contextual variables that shape land readjustment schemes. The key conclusion was that land readjustment, just like any other urban planning, is a decision making process embedded and to be interpreted within a very specific context. Weak regulation, administrative capacity as well as the informal nature of Angola’s land markets directly effects on the urban environment and the quality of life of cities like Huambo. Efficient and equitable land markets are a prerequisite to well-functioning cities. However, Angolan cities suffer from land market distortions caused by poor land development and management policies including the slow provision of infrastructure and services, poor land information systems, cumbersome and slow land transaction procedures. All urban dwellers need secure access to land on which to live and be productive. However, how this is realised is never simple and depends on complex social relationships and their interactions with the land markets. There are significant numbers of people who are so impoverished that direct access to land is crucial to their survival. For poor families, their housing, and the land they occupy, often represents their accumulated savings and assets, acquired over a lifetime or often over several generations. There is a complex overlap between poverty and access to land. Urban poverty is linked to people's access to land and basic services. Land is an “active ingredient” in the economic strategies of poor people (Nunan and Devas 2004, p.169).  

The lessons from the Huambo case studies demonstrate that informality-formality can co-exist. The State should formulate policies and laws that incorporate elements of common practice into the formal system -- retaining the basic principles of the formal but tempering them with the previously informal practices. The practice of readjustment and the incorporation into formal planning processes is a way of regularizing informal land transactions. Through policies and laws that promote a more equitable society, policy makers have the responsibility to legitimize such practices that benefit the poor and marginalised segments of the population.

Informality will, for some time, continue to be a feature of Angola’s land markets, hence the ‘boundaries’ between the formal and informal systems need to be understood. In Huambo, most land is held, and transactions take place, outside of the officially-recognised system of land management and property ownership. Land readjustment is one method for bringing informal land into a regularized market environment.

In order to function well, land markets require a broader definition of property rights and the means for the regularization of transactions (for example, by public notaries). The roles of brokers and other agents or intermediaries who are still largely absent in cities like Huambo need to be involved in both formal and informal transactions and they need to be professionalized. Documentation and acceptable procedures to verify occupancy and term of residency need to be formalised. Important next steps are to focus on recognizing the right of occupation in “good faith”, and applying the principle of incremental tenure. These two recommendations will have the largest impact on achieving regularization of the informal occupation at any meaningful scale.

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There needs to be recognition of the *de facto* rights of occupation of urban land, with appropriate simple procedures to adjudicate this. Otherwise, the majority of urban residents who, in good faith, purchased or acquired their land through some other legitimate mechanism will be excluded, and the law will be largely seen as illegitimate. The legal basis, regulation and administrative application of this, however, need to also be the basis for avoidance of continuing speculation in land occupation (whether by "formal" or "informal" means).

Any land law and management mechanism which does not incorporate occupation rights in some form or other will lead to a situation of increased conflict over urban land access in general and will undermine the current local (albeit largely informal) procedures by which urban land conflicts are resolved. To minimise this potential situation, simple rules and procedures for operating at the local level, and widespread dissemination of these is necessary.

Practically, recognition of the right of occupation in good faith will need to address the question of a cut off date for eligibility. Typically fear in government is fairly widespread that recognizing the right of occupation may send a signal that encourages more rural to urban migration. Both of these issues will need to be addressed in taking this recommendation into more practical application.

The proofs acceptable for demonstrating occupation in good faith need to be defined. Land occupation in good faith may be validated by documentary or testimonial evidence that can be accepted under a revised legal framework. It is recommended that the most common forms of proofs of ownership that families currently use be incorporated into new legal practice. The most common documentation held by occupants are deeds of sale and declarations of transfer of property. Documents witnessed by local, comuna and municipal administrations and recognised traditional authorities also are commonly considered to be legitimate proofs of occupation. The process of granting legal tenure should also be linked with the building of a land information system or cadastre which involves the geographic mapping of occupations together with recording and archiving of the legal documentary proofs.

The current land legislation will need to be revised in order to accommodate the principal of occupation in good faith. Bye-laws and regulations of the law will need to define the above mentioned proofs that can be used to validate this occupation and the procedures that will be used to register these claims. Once these rights of occupation are defined legally, mechanisms will also need to be established to adjudicate conflicting claims. The strengthening of municipal courts in order for them to deal with local land-claims will also be essential.

The Huambo land readjustment case studies presented here demonstrate that de-facto recognition of the good-faith occupation rights of existing land "owners-occupiers" is fundamental to the functioning of an inclusive land market. The recognition of occupants’ rights allows them to benefit economically, along with all of the other actors in the market at the time of legalization and regularization of tenure.

Integral to the introduction of “land readjustment” practice is principal of “incremental” scalable or upgradeable land rights into formal regulations\(^\text{42}\). This is an approach towards integrating the prevalent informal markets into official systems. Although the Angolan government’s policy to facilitate and simplify land titling is welcomed, the enormous backlog of requests and the limited administrative capacity of designated institutions such as municipalities make the task daunting. By removing long-term occupation as a basis for tenure, recent land legislation has reduced the opportunities for individuals to acquire legal titles. We recommend that an intermediate solution should be found to provide tenure security for those who are likely to wait for a considerable period of time before they can receive a full title.

An incremental approach should permit the distinction between land rights and land titles, with the gradual progression from rights to titles, using intermediate forms of land management mechanisms. This gradual approach should also permit the provision of improved urban services and general urban upgrading.

While improved urban land management is of potential benefit to all, the issue of how and who can benefit from urban development and urban land management needs political guidance expressed in urban policy. As such, urban policy needs to take into account informal practice and should aim to integrate this with formal development. The current situation and the potential resources available for this process, however, require the development of a gradual approach to urban policy development and implementation -- gradual development through “learning by doing” and gradual implementation which permits maximising individual investment starting from a relatively poor socio-economic base.

The process of development of urban policy should be seen as iterative – based on reality as much as possible, oriented to the maximum benefit, and open to on-going revision based on feedback. Similar to legislation (which it should guide), policy is only as effective as its implementability and needs to be revised in the light of practice.

Full land tenure security is defined to exist when an individual perceives that he/she has rights to a piece of land on a continuous basis, free from imposition or interference from outside sources, as well as the ability to reap the benefits of labour and capital invested in that land, either in use or upon transfer to another holder (Barry 1999, p.19). However, it is not possible to move from the current situation in Angola to one of full formal urban land management – even for the minority – in a short time. The weak institutional capacity of the Angolan state and Municipal administrations like those found in Huambo will require an intermediate and incremental approach to land management.

In Angola the Lei de Terras does not recognise scalable or incremental tenure rights as a policy, but the law does not prohibit it either. The range of existing land tenure options permitted by the Land Law can be adapted to an incremental approach. Article 34 stipulates that the state can grant:
(a) precarious (temporary) occupation rights
(b) surface rights
(c) useful customary domain to rural communities
(d) useful civic domain, and
(e) private property rights to urban land

The law does not, however, articulate a relationship between these rights and does not specify the conditions by which one can transform one form of tenure into another. A specific addenda or regulation of the existing law that maps out the principles and scaling mechanisms for incremental rights should be developed.

The essential aspects of a regulation on incremental land rights are that they are:
• **Intermediate** between full land rights such as freehold or surface rights to land on one hand, and on the other, legally unrecognized rights or the basic property rights enshrined in the Civil Code
• **Evolutive** in that they permit the possibility – given certain circumstances – to evolve through manifestations of these rights to the full rights;
• **Defined** to permit the clarification of what these rights entail, as opposed to the generality of full rights or basic property rights – with respect to such issues as transferability, compensation and limitations

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The principles underpinning incremental land rights should include:
- the acceptance of regularization of land occupation where possible, with the re-ordering, upgrading and requalifying of the nature of the land use taking into consideration the value of the land
- the principle that land has to be valorised by the state, even where there is no formal land market, through taxation instruments which are based on actual land transaction costs – or as close to these as possible
- the basis of the actual land instruments, to be the subject of detailed regulation, should draw on actual practices in peri-urban areas as much as possible, representing customs and legitimacy

It is recommended that the existing list of land tenure options be expanded to include the principle of an intermediate level of occupancy, possibly entitled a “Provisional Land Certificate”, which would:
- be invoked in peri-urban areas where regularization is planned/underway
- be transferable through a registered transfer process (e.g., notarized sale)
- have to be taken up within a defined period to be validated (e.g., 3 to 5 years), with renewable status if upgrading is delayed for recognized reasons
- establish rights to compensation of property built prior to its application and any improvements authorized thereafter, as well as the land value or equivalent
- be allocated by the local municipality on the basis of a regularization process or a new plot demarcation process
- carry a more onerous initial and annual land tax (to cover regularization process)
- permit the individual to request full individual surface title through individual topographic demarcation

The Huambo case studies presented in this monograph introduced the “licença de arrematação” which was a temporary document validated by local administration which gave the new occupier a specified period of time to secure a full land title. The “licença de arrematação” introduces the principal of the “Provisional Land Certificate” into practice in Huambo with the aim of demonstrating its viability for eventual scale up to a national level.

6 Assessing the impact of the Huambo land adjustment projects

The case studies presented are Angola’s first ever experience of land readjustment. For all participants involved in the process, the Fátima project was perceived as successful.

It showed that through the creation of local structures such as a management group, land readjustment can be implemented in the absence of a specific legal framework. It highlighted the importance of a technically capable leading partner, in this case DW. And while the mobilization of the community and land owners was extremely difficult and time consuming, the projects nevertheless managed to convince most land owners to participate in the process. The creation of an ‘infrastructure fund’ was another valuable lesson, however unfortunately not applied in the second project.

The Camussamba Case Study however illustrated several important issues. While decentralization of decision making on land management is laudable, administrative decision making is not sufficient if fiscal authority is not also decentralized. The devolution of land – administration responsibilities was not accompanied by appropriate training and the building of capacity for local authorities to take over this complex set of land management responsibilities. The issuing of land titles is an activity that historically and in most countries is open to rent-
seeking practices if not strictly regulated and open to public scrutiny. The issuing of free titles is a particularly high-risk activity. ‘Municipalisation’ in Angola has been promoted as a policy for improving financial efficiency and the down-loading of resource mobilization to local levels with the aim of building financially sustainable municipal services and infrastructure. Land regularization and subsequent titling is an effective way of generating income for these services if the state is able to recover a portion of the increased value created by registering land by charging a fee. The mapping of that land is the first step of creating a ‘cadastre’ which can eventually form the basis of a tax system which can provide Municipalities with a sustainable income stream to maintain basic services and infrastructure.

The Camussamba project was launched shortly after the publication of the new decentralization law. The project was constrained by the fact that the Municipal Administration failed to take up opportunities that the new law had opened. Later developments in Huambo, however, have demonstrated that the local administration has learned from both past successes and failures. A newly appointed Administrator of Huambo commissioned DW to help build what will become Angola’s first post-war municipal cadastre using participatory mapping techniques. The project is currently underway at the time of writing.

It is hoped that this chapter showed some of the real challenges these two projects faced and how they were overcome, or could have been overcome. Valuable lessons have been learned that are being employed when preparing new, similar projects. It is hoped that the innovative work being done in collaboration with municipal and provincial authorities and the local communities in Huambo will provide good practice lessons for Angolan planners, administrators and public policy makers.

7 Lessons from the Angolan Case Studies for UN-Habitat

7.1 The role of the private sector amongst weak government and civil society institutions

While the management group had an important role in terms of taking decisions during the implementation of the project, participation of government institutions in terms of implementing activities has been weak. Similar observations can be made in other planning processes in Huambo, as mentioned earlier. Underlying this weak participation is a lack of skilled staff and proper equipment in most institutions and in some cases a lack of clearly defined responsibilities.

Equally, there are no civil society or professional associations in Huambo with a focus on urban planning. As observed in both pilot projects, civil society participation was limited.

In this context, the successful implementation of the project (from a technical point of few) depended almost exclusively on the technical capacity of the leading agency, in this case DW, with the responsibility to implement all steps of the project drawing on its own personnel and resources.

The case studies therefore demonstrate to importance of having an experienced and professional programme implementation partner with strong local community experience and good relationships of trust with local government entities. This could be an NGO, academic or local private sector institution able to, at times, take on the role of mediator between stakeholders.
7.2 Implementing land readjustment without a specific legal framework

The case studies showed that it is possible to do land readjustment in the absence of enabling legislation. In the case of Huambo, the creation of a management group constituted of key decision makers in terms of land use planning proved to be an efficient mechanism. This management group guided the project through the maze of formal and informal local governance. It basically managed the political side of the project, allowing the leading agency to concentrate on the technical aspects.

In the case of Huambo, three main factors helped for the management group to effectively engage in their tasks:

1. **Training**: All members of the management group participated in the participatory planning training workshop prior to project begin and were engaged in the conception of the projects. Throughout the project, they were regularly briefed by DW on technical aspects.

2. **Financial participation**: All members of the management group received a monthly subsidy.

3. **The management group** at all stages felt as the owner of the process, meaning that the members of the management group could present the case studies as an effort of their departments, this contributing to their reputation and professional standing among the local government structures.

7.3 Financial set ups

In the pilot projects, the calculations for redistribution and capturing of land value increments was not based on any land value study, but on an estimate. 30% of the pooled land were used for infrastructure and of the remaining 70%, half were redistributed to land owners and half sold, with funds reinvested into basic infrastructure.

One important factor contributing to the relatively successful completion of the pilot projects was without doubt the vibrant land market that facilitated the immediate sale of the land parcels for the creation of the infrastructure fund.

The Fund for infrastructure was jointly managed by the leading agency and one member of the management group. It proved that such arrangements can be made without a legal or institutional framework for this purpose.

The fact that urban development projects can be self-financing is probably one of the most powerful arguments that resulted from the pilot projects, especially in approaching different government institution. Given budget constraints of many municipal administrations, this provides a valid and interesting approach to address urban expansion.

7.4 Land owner participation

In the absence of legislation that would compel minority dissenters to pool their land, the leading agency had to rely solely on persuasion. In the first case study in Fátima this approach worked well, it the second case study in Camussamba many land owners could not be convinced to participate.
The two case studies showed that implementing land readjustment based on voluntary participation only, is extremely time consuming and might fail in certain instance. In the case of evolving legislation a mechanism for compelling minority dissenters could be justified. International experience discussed earlier in this report showed several examples how this could be done, without risking abuse by local authorities and developers.

However, to agree on the land pooling aspect of the process is only one aspect of participation. Land owners should preferably be involved in all subsequent steps of the land readjustment.

In the context of generally low levels of trust, trust can be created through a community mobilization approach that is transparent and invests time in communicating the land readjustment approach through meetings and personal contacts. Having all local leaders on the side of the project is a first step, and a lot of time must be invested in explaining the project approach to land owners that have different social backgrounds, often finding it difficult to understand such an alien approach and highly suspicious of anything related to their land.

The participatory approach further helped to avoid conflicts as they are observed in areas where government let development projects assemble land without compensation. This is arguable one of the most important aspects of the pilot projects.

8 Conclusions and Challenges:

The monograph provides an overview of the concept of land readjustment; where and how it has been applied in the past and in contemporary urban planning. It became clear that land readjustment is a widely used approach to urban planning, applied in many countries for more than a century.

The role of the initiating and leading institutions, levels of participation by land owners and calculations for land redistribution were discussed as the three main elements that define a land readjustment process. These elements were discussed by comparing three different countries and showing that considerable differences exist the way land readjustment is implemented in different countries. Examining some of the details of calculating land values, distribution and other financial aspects, it became clear that while the concept of readjustment and redistribution is quite straightforward, in practice it becomes rather complex and complicated.

Chapter three provided a brief overview on urban planning legislation, policy and programmes. It then pointed out some key characteristics of extremely rapid urban growth that has drastically changed urban centres over the last decades, creating huge peri-urban areas where a majority of the population live under precarious conditions. The case of Huambo showed that this town was no exception, being constituted of huge peri-urban areas that are growing rapidly almost without any planning intervention.

An overview of recent planning approaches in Huambo showed their inadequateness to address these challenges. It further pointed out that urban planning in general does reflect the processes and standards as stipulated by the recent planning legislation. The decisions taken for urban planning as described above are taken by local officials through existing channels of communication, that are the result of a series of legislation and policy, national and provincial, and not only stipulated by planning laws.
The focus of the monograph is an account of two land readjustment projects in Huambo. For being the first ever experience of land readjustment for all participants involved in the process, the Fátima project was perceived as rather successful.

It showed that through the creation of local structures such as a management group, land readjustment can be implemented in the absence of a specific legal framework. It highlighted the importance of a technically capable leading partner, in this case DW. And while the mobilization of the community and land owners was extremely difficult and time consuming, the projects nevertheless managed to convince most land owners to participate in the process. The creation of an ‘infrastructure fund’ was another valuable lesson, however unfortunately not applied in the second project.

Chapter five suggested four key issues of special importance in the analysis of the land readjustment projects that took place in the context of Huambo. The key issues were:

1. The role of the private sector among weak government and civil society institutions
2. Implementing land readjustment without a specific legal framework
3. Financial set ups
4. Land owner participation

Following the above analysis, this report concludes that land readjustment can be upscaled in Angola, under two main preconditions:

1. The availability of a technically capable leading agency
2. A vibrant local peri-urban land market.

The case studies showed that if these preconditions are met, most other challenges can be overcome some or the other way.

Having said this, it must be recognized that Angola provides a very difficult environment for land readjustment, mainly for following reasons:

1. Often confusing institutional framework and informality in local governance structures
2. Low levels of trust between land owners, private sector and government institutions
3. Little land use planning capacity of local government institutions
4. Lack of enabling legislation

It is argued that especially the last two challenges can be partially addressed, therefore suggesting a twofold strategy:

1. In the medium and long term, it seems important to initiate advocacy for the development of enabling legislation that would provide a frame for land readjustment. Such advocacy will arguably be more influential, when sustained be results from successful private projects. Therefore the second part of the strategy:
2. To continue implementing pilot projects similar as those described in this report. Following the experiences made in Huambo, further training events should be organized with the specific aim for those to result in land readjustment projects. A special effort should also be made to include land readjustment in the training curriculum of the National Training Institute for Local Administrators.
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