



HUAMBO LAND READJUSTMENT

URBAN LEGAL CASE STUDIES

VOLUME 1

UN HABITAT
FOR A BETTER URBAN FUTURE



URBAN LEGAL NETWORK

VOLUME 1:
HUAMBO LAND READJUSTMENT

URBAN LEGAL CASE STUDIES

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UN  **HABITAT**

HUAMBO LAND READJUSTMENT

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CONTENTS

PREFACE

EXECUTIVE SUMMARY 1

CHAPTER 1: INTRODUCTION 3

CHAPTER 2: URBAN DEVELOPMENT AND PLANNING IN ANGOLA AND HUAMBO 5

2.1 PLANNING LEGISLATION AND POLICY IN AFRICA 5

2.1.1 TERRITORIAL PLANNING LAW 3/04 AND REGULATIONS 5

2.1.2 LAND LAW 9/04 AND REGULATION (LEI DE TERRA) 7

2.1.3 LOCAL ADMINISTRATION LEGISLATION 7

2.1.4 THE ONE MILLION HOUSES PROGRAMME 7

2.2 URBAN DEVELOPMENT IN ANGOLA 9

2.2.1 URBAN GROWTH 9

2.2.2 LAND TENURE 10

2.3 AN INTRODUCTION TO HUAMBO 12

2.3.1 HISTORIC DEVELOPMENT OF HUAMBO TOWN 12

2.3.2 URBAN GROWTH & LAND MARKETS 16

2.3.3 URBAN GOVERNANCE IN HUAMBO 18

2.3.4 URBAN PLANNING PRACTICE IN HUAMBO 19

2.4 CONCLUSIONS 22

CHAPTER 3: CASE STUDIES: TWO LAND READJUSTMENT PILOT PROJECTS IN HUAMBO 23

3.1 INTRODUCTION 23

3.2 PHASE I: IMPLEMENTATION OF THE FATIMA LAND READJUSTMENT PROJECT (2006) 25

3.2.1 INTRODUCTION TO THE CASE STUDY 25

3.2.2 PROJECT IMPLEMENTATION 26

3.3	CASE II: IMPLEMENTATION OF THE CAMUSSAMBA LAND READJUSTMENT PROJECT (2007-8)	33
3.3.1	INTRODUCTION TO THE CASE STUDY	33
3.3.2	PROJECT IMPLEMENTATION	34
CHAPTER 4:	CONCLUSIONS: LESSONS LEARNT	39
BIBLIOGRAPHY		49
FIGURES		
FIGURE 2.2.1:	URBAN POPULATION GROWTH IN WAR AND PEACE	9
FIGURE 2.2.2:	POPULATION RETURNS IN DIFFERENT PARTS OF ANGOLA, 2003	11
FIGURE 2.3.1:	PROVINCES OF ANGOLA (HIGHLIGHTING HUAMBO PROVINCE)	14
FIGURE 2.3.2A:	URBAN (BLUE SHADED) AND PERI-URBAN (RED) AREAS OF HUAMBO	15
FIGURE 2.3.2B:	URBAN AND PERI-URBAN AREAS OF HUAMBO	16
FIGURE 2.3.3:	URBAN GROWTH IN HUAMBO	17
FIGURE 2.3.4:	URBAN GROWTH IN HUAMBO BETWEEN 2005 AND 2007	18
FIGURE 2.3.5:	HUAMBO STRUCTURAL PLAN	20
FIGURE 2.3.6:	LAYOUT OF THE FIRST HOUSING RESERVE IN HUAMBO, 5 KM SOUTH OF THE CITY PERIMETER	21
FIGURE 3.1.1:	PROJECT AREAS – OVERVIEW	23
FIGURE 3.1.2:	PROJECT AREAS	24
FIGURE 3.2.2:	AGRICULTURAL PARCELS (YELLOW TRANSPARENT) AND NEW URBAN LAYOUT (IN BACKGROUND)	29
FIGURE 3.2.4:	PERCENTAGE OF ALL LANDOWNERS RECEIVING NUMBER OF PARCELS IN THE REDISTRIBUTION PROCESS	32
FIGURE 3.3.1:	LAND PROVIDED BY CHIANGA (YELLOW), 51 SMALL LANDOWNERS (BLUE) AND NEW LAYOUT IN THE BACKGROUND	35
TABLES		
TABLE 1:	EXAMPLE OF THE DETAILS USED BY ARCVIEW FOR INDIVIDUAL LAND OWNERS	31

PREFACE



A core objective of UN-Habitat's Urban Legislation Unit is to develop and disseminate knowledge and information about urban law, particularly through the mechanism of the Urban Legal Network. This publication is the first in a series of informative papers supported by UN-Habitat's Urban Legislation Unit and the Urban Legal Network, a chapter of the Global Land Tool Network. The aim of the series is to capture and share the experiences and findings from research and projects that can make important contributions to urban law and development knowledge.

This publication focuses on an area of significant interest to UN-Habitat: the potential of land readjustment as a tool to deliver serviced land at scale in developing countries. The potential benefits for urban development of a good land readjustment process and outcome are significant. These benefits include land value sharing as an effective means to distribute costs, enhanced community engagement, and an enhanced capacity for authorities to reshape urban areas to meet current and future demands. These characteristics mean that land readjustment can improve working relationships between landowners, developers and public authorities, including through public-private partnerships. Importantly for UN-Habitat, land readjustment could do this while limiting the growth of informal settlements and addressing key needs of the poor, such as adequate shelter and affordable access to the economic life of urban areas.

The case studies featured here, on land readjustment in Huambo, Angola, provide an opportunity to learn about the potential, and the challenges, of land readjustment in an African city. The cases yield information about managing land readjustment in the absence of formal legislation on land readjustment and in the context of what was, at the time of writing the report, a change in local governance structures following a decree on decentralization. The case studies also give some interesting insights into the possible mechanisms for engaging communities and the conditions necessary to do so effectively.

Thanks to Development Workshop for their efforts on this publication.



Angolan children in Luanda, Angola. © UN-Habitat / J.P. Laffont

EXECUTIVE SUMMARY



After a protracted period of conflict that ended in 2002, Angola has been reconstructing its social and physical infrastructure and developing new policies and legislation to address the chronic poverty in which most people still live. A key part of this process has been the development of improved housing conditions and land rights for low-income households.

Colonial land legislation has not been effectively reformed since independence from Portugal in 1975 and massive shifts in populations have left Angola with chronic informal settlement problems. Because there were few legal tools or 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 in Angola are registered.

This paper maps out some of these experiences. In particular, it explores the role of 'land readjustment' or 'land pooling' models in the Angolan context and how these may be appropriate in the context of the country's current urban crisis.

Development Workshop is a human settlement, non-government organization in Angola that has worked in partnership with the Angolan government and poor rural and urban communities for more than three decades. This organization has more recently been active in assisting major urban development projects such as this one on land readjustment. With the completion of a series of land tenure and market studies in several of Angola's urban centres, Development Workshop made a series of policy recommendations to the national government and proposed a series of pilot projects to test their viability on the ground.

This paper illustrates two case studies that emerged from these pilot projects, which were implemented in the province of Huambo. The projects were implemented at a time when important decentralization reforms were underway with the creation of municipal administrations that were assigned new powers for managing land.

The first case study was completed before the reforms, when provincial urban planning officers could be engaged in the pilot projects and the weight of government could 'legitimize' the land transactions. The second pilot project was implemented after the publication of the 'decentralization 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 demonstrates how the land readjustment model can reduce land-conflicts by regularizing tenure status. It shows how market mechanisms can create land value that benefits, in some cases, the former occupants, new owner-builders, financial intermediaries and the state. It also demonstrates the crucial role of social mobilization (in this case, by the non government organisation 'Development Workshop') and the need for government buy-in to secure the success of the project.

The second case study presents a different outcome. It suggests that by losing the essential ingredient of financial control and missing the opportunity to mobilize the land market to 'create value' the project did not generate sufficient resources to sustain the project or get anywhere close to the 'best case scenario' outcomes. In short, the municipality was ill-equipped to respond to the challenges of land readjustment and did not have the support of important stakeholders such as a non government organisation similar to development workshop.

While the authors are strong proponents of Angola's administrative decentralization programme, they conclude that a major effort must be invested in building the capacities of municipalities to manage land and the other responsibilities that they must now assume. Municipalities must also be given the opportunity to generate their own financial resources through transaction fees and taxes. Income from the regularization of land tenure may be one way that municipalities can sustain themselves in the future and afford to effectively implement land readjustment projects.

The report concludes with a series of recommendations that are based on the case studies.

01 INTRODUCTION

This report is the result of an analysis of two land readjustment projects that were implemented in Huambo, central Angola, between 2006 and 2008.

Land readjustment is the concept of assembling land with the general objective of facilitating the development or redevelopment of land. It has been used, for example, to redraw boundaries of rural land to make farms more efficient, to pool developed properties in brownfield redevelopment schemes, to assemble land for new developments in “greenfield” sites, and to achieve densification in already developed urban areas.

Some of the key premises that underlie land readjustment include:

1. If land is subdivided into efficient plots that are closely linked to a city's communication network and its other basic services, the value of the land increases considerably.
2. Where an increase in value can be gained, a proportion of this value, in the form of a percentage of each plot, can be used for public purposes, while the original landowner, now the owner of a smaller but better connected and serviced plot, continues to have land with a value equal to or higher than the value it had before.
3. Part of the land retained for public purposes can be sold to finance infrastructure.
4. A largely consensual approach to land development or redevelopment places less of a burden on municipal and local authorities and is subject to lower political risk than alternatives such as expropriation.

The two case studies outlined in this report provide insights into implementing land readjustment initiatives in developing countries and into the way in which participatory urban planning was managed. They also highlight how the projects have influenced urban planning practice and policy at both local and national levels. The case studies describe projects that used land readjustment to assemble land for new development on greenfield sites in Huambo. They provide a description of the pilot experiences in Huambo, identifying what contributed to the success of the projects and what factors were perceived as obstacles in the process.

The case studies also demonstrate that an understanding of the dialectical relationship between context and a country's specific urban planning approach, in this case land readjustment, is fundamental to analysing and understanding how the land readjustment pilot projects in Huambo developed.

This report argues that, despite the challenging environment, land readjustment in Angola has the potential to become an important tool for urban planning and, more specifically, urban development and urban upgrading. The report suggests that, while there is no legal framework for land readjustment and only a very limited culture of participation in urban planning processes in Angola, growing land markets, effective non-government organizational support and strong private sector partners can make land readjustment a viable option for local governments.

Part 2 provides background information on Angola in general and Huambo specifically. The focus is on urban development, governance and planning, and provides a better understanding of the context in which the land readjustment projects were implemented.

Part 3 describes and analyses the two land readjustment projects in Huambo, illustrating the process with maps and figures where possible.

Part 4 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.

Part 5 provides some final thoughts on the potential of scaling up land readjustment in Angola.

Part 6 presents a conclusion and a number of recommendations, based on the lessons learned, for future land readjustment processes in Angola and elsewhere.

02 URBAN DEVELOPMENT AND PLANNING IN ANGOLA AND HUAMBO

2.1 PLANNING LEGISLATION AND POLICY IN ANGOLA

Urban planning in Angola is formally regulated by three main sets of post-war legislation:

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.

2.1.1 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) was the first law specifically regulating urban planning in Angola. It 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 and identifies the 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. Urbanization plan
3. Detailed plan
4. Special recuperation or upgrading plan, with a focus on deteriorated land or illegal and occupation.

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

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

Article 43 describes the composition of a participatory body, which is the National Consultative Commission for Territorial Planning and Urbanization (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 body is also to be established at 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 criticised because it promotes a very passive form of participation in which civil society and private sector actors have to initiate the contact.

The planning law envisages six different subordinate regulations (Governo de Angola, 2004a: Article 68). Three of the six regulations have been approved and were published in 2006 and 2007¹:

1. The Regulation of Construction and Building Licences (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 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);
3. The Special Regulation of Territorial Plans: Provincial Plans, Regional Plans, Special Plans and Territorial Plans (Regulamentos Especiais dos Planos Territoriais: Planos Provinciais, Regionais, Especiais e Territoriais).

¹ The elaboration of these regulations did not undergo a public participation process.

Many of the provisions of the planning law and its regulations were not enforced at the time of writing and have limited influence on urban planning practice in Angola.

2.1.2 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 “equivalent” is not defined. 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 provisions of the land law and its regulations were not enforced at the time of writing and have limited influence on urban planning practice in Angola.

2.1.3 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)², 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.

2.1.4 THE ONE MILLION HOUSES PROGRAMME

After the People’s Movement for the Liberation of Angola won the elections in 2008, the President, speaking at the celebrations for World Habitat day in October that year, publicly reiterated the government’s plan and that USD 50 billion would be mobilized to finance it (at USD 50,000 per house).

Angola’s housing commitment was officially referred to in the government programme for 2009-2012: “to build new homes and real estate projects in order to achieve the 1 million houses goal, through state initiatives and public-private partnerships”.³

² Conselhos de Auscultação e Concertação Social.

³ Government of the Republic of Angola (2008). Programa de Governo 2009-2012. p.73.

Institutionally, the Ministry of Urbanism and Housing is the ministry responsible for this project.⁴The National Office for Reconstruction (GRN)⁵ 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 its first phase constructed 20,000 apartment units as well as schools, shops and other services. Also, about half of the state's financial reserves identified throughout the country in 2008 were allocated to the GRN.

Therefore, a working group that was set up in 2008 to formulate an Executive Housing Programme was coordinated by both the Minister of Urbanism and Housing and the head of the GRN.⁶

In March 2009, the National Urbanism and Housing Programme for the period 2009-2012 was approved⁷ and a national commission was installed to implement the programme.⁸ Instead of building 1 million houses through state initiatives and public-private partnerships, the government announced that 685,000 would have to be constructed through "self-help building" (autoconstrução). To facilitate this, the state would offer plots of land at low prices, construction material at accessible prices, different models of houses for construction, as well as infrastructure 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 press conference in January 2011, the Minister for Civil Affairs informed the public of the government's activities and plans with regard to its Housing Programme, but the numbers were different from those provided by public institutions on previous occasions.

He said that in the last months of 2010 the government's efforts had been concentrated on 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. He named the responsible institutions as the Ministry of Urbanism and Construction, the Provincial Government of Luanda, and also the GRN. Further, 200,000 houses were to be built through public-private partnerships, of which 120,000 were to be built by Sonangol

⁴ This ministry has gone through various changes over the last few years. Starting as the Ministry of Urbanism and Environment in 2003, it became the Ministry of Urbanism and Housing in 2008 and a separate Ministry of Environment was created. Currently, after the adoption of a new Constitution in February 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.

⁵ 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 of this office rather than the Ministry of Public Works and the Ministry of Urbanism and Environment.

⁶ Dispatch 27/08 of 4 November.

⁷ Resolution 20/09.

⁸ Dispatch 9/09.

(an Angolan parastatal company) and 80,000 by the private sector. In terms of land, 420,000 plots of urban land with infrastructures would 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.⁹

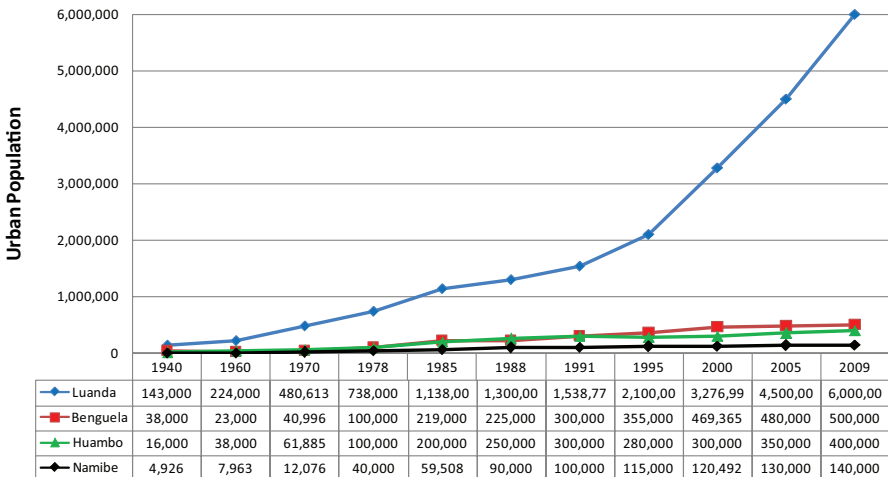
This example of contemporary urban policy and programmes shows that, while numbers are impressive, there is much less happening on the ground. The case study of Huambo will show that in some provinces, in fact very little has been achieved.

2.2 URBAN DEVELOPMENT IN ANGOLA

2.2.1 URBAN GROWTH

The most recent population estimates (Weber, 2007) suggest Angola’s population ranges between 15 and 20 million (United Nations, 2005). Demographic information is usually based on the 1970 census (applying average population growth rates)¹⁰ or, in the case of urban areas, is derived from alternative methods based on aerial and satellite imagery.

Figure 2.2.1: Urban Population Growth in War and Peace. Source: Development Workshop



Source: Development Workshop

⁹ Jornal de Angola, 18 January 2011, and PortalAngop, Programa prevê construção de mais de 144 mil habitações (17 January 2011) Available: http://www.portalangop.co.ao/motix/pt_pt/noticias/politica/2011/0/3/Programa-preve-construcao-mais-144-mil-habitacoes,e3e540f8-3ac6-46d2-b5d4-788c0812e30a.html

¹⁰ Estimated at 6.8 per cent in 2005 (United Nations, 2005).

The unreliability of contemporary demographic statistics does not, however, obscure the extremely rapid urban growth that has occurred since the first census in 1940 (see Figure 2.2.1). Between 1940 and 2000, the population of Luanda, for example, probably multiplied by a factor of more than 50 (Cain, 2007) *Post-War Urban Challenges*. In Huambo and Namibe during the same period, the population probably multiplied by a factor of 24 and in Benguela by a factor of 33.

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 reversed, however, due to a very young population and high fertility rates, cities continued to expand rapidly (Development Workshop and Centre for Environment and Human Settlements, 2005).¹¹

Many of the 4 million internally displaced people either resettled or returned to find their homes destroyed at the end of the war (see Figure 2.2.2). This return resulted in a massive 'demand' as families tried to rebuild. It is estimated that Angola's housing shortfall exceeds 875,000 units and that 65 percent of existing housing lacks basic services such as water and sanitation or the services are in need of major upgrading.

2.2.2 LAND TENURE¹²

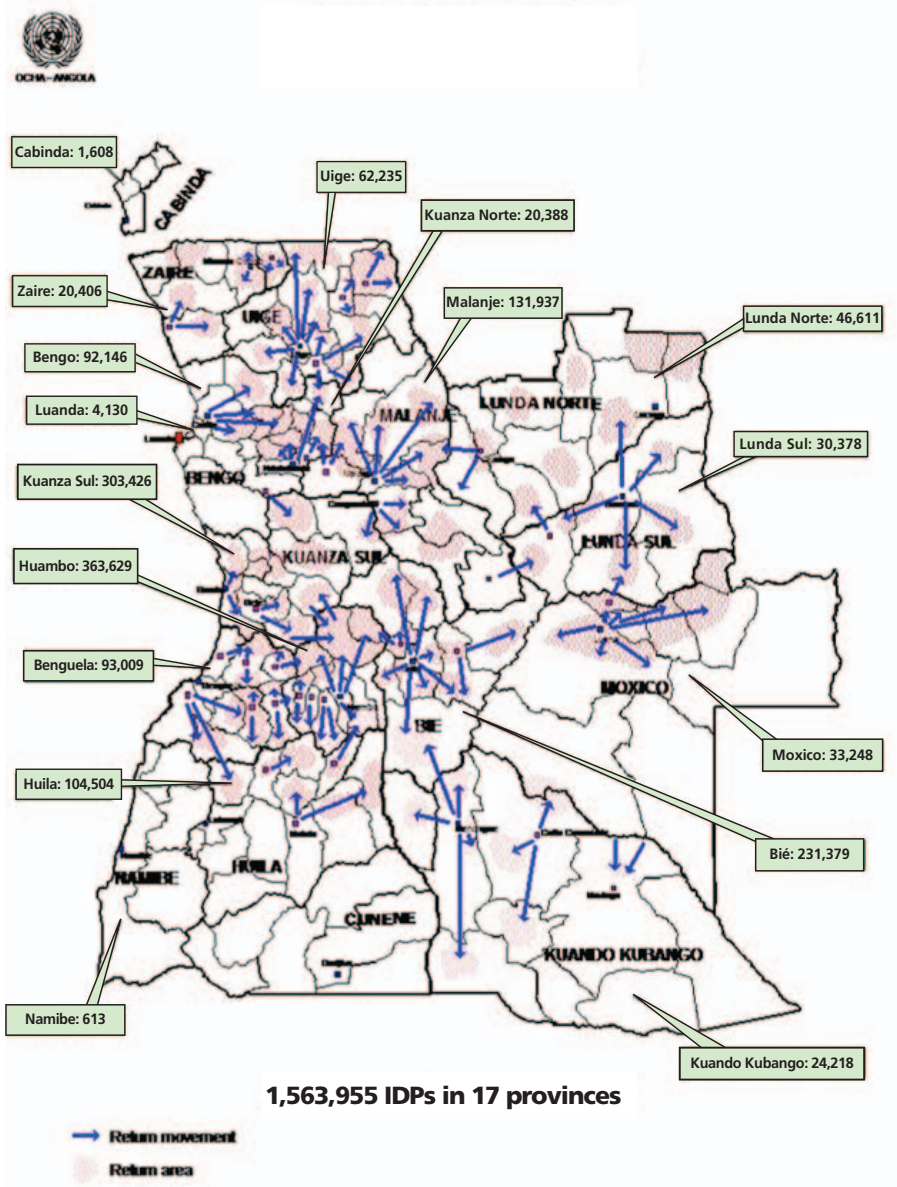
Land has emerged as a critical area of conflict as displaced persons have sought settlement sites in both rural and urban districts. The population of Luanda has grown eight-fold since independence and most of the settlement and housing plot acquisitions have been through the informal land market. Only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

The urban poor are therefore in a position of extreme vulnerability with weak tenure rights over the land that they occupy, and they are at risk of becoming illegal occupants unless the laws 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).

¹¹A more detailed assessment of demographic tendencies and characteristics in Luanda and Huambo will be discussed in parts 6 and 7.

¹²Cain, 2007.

Figure 2.2.2: Population Returns in different parts of Angola, 2003.



Source: UN OCHA

For the urban poor, with no access to banking or savings institutions, getting a housing plot and building a house on it is the only way to accumulate any form of wealth. Thus real estate – particularly housing plots in an urban centres (musseques) such as Sambizanga, Boavista or Rocha Pinto, which are close to places of employment – has a high and increasing value but is becoming completely out of the range of many.

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, poor people often trade easy access to employment for financial gains made by selling their plots that are close to the centre and then migrating to the periphery where land is cheaper.

Once-off profit 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 used to cover a family emergency or 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 their main assets at risk. Mass expropriation of land occupied by poor urban families without adequate 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 lead to conflict 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 group of civil society organizations called the Rede de Terra (the Land Network) was formed to articulate communities’ ideas, concerns and fears around the land issue. The draft law 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 during which informal land occupiers had to register and acquire formal titles.

2.3 AN INTRODUCTION TO HUAMBO

2.3.1 HISTORIC DEVELOPMENT OF HUAMBO TOWN¹³

The province of Huambo lies in the central highlands of Angola (see Figure 2.3.1). It comprises an area of 35,771 km² or approximately 3 per cent of the total surface area of Angola.

From north to south, Huambo extends 260 kilometres, and is 180 kilometres at its widest point from east to west. Huambo city is at 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 who practised agriculture and knew how to work iron at least 1,300 years ago (Neto 2003).¹⁴

For hundreds of years the local economy was based on agriculture, hunting and gathering and farming domesticated animals. From the sixteenth century on, the slave trade penetrated the area, bringing with it the introduction of textiles, brandy and firearms. At this time, there were several kingdoms that governed the region.¹⁵ During the nineteenth 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 nineteenth century, the Portuguese began 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 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 never did become the capital of the country and, until the 1940s it did not have electricity, 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 there were fewer European immigrants than expected and by 1940 the city of Huambo had a mere 16,000 inhabitants (Minua, 2003: 28).

Until the 1950s, the small city of Huambo was little more than a commercial staging post and an administrative centre connected to the railway workshops.

¹³Weber (2007)

¹⁴This site is known as Feti and lies close to the Ngove Dam in Kaala Municipality.

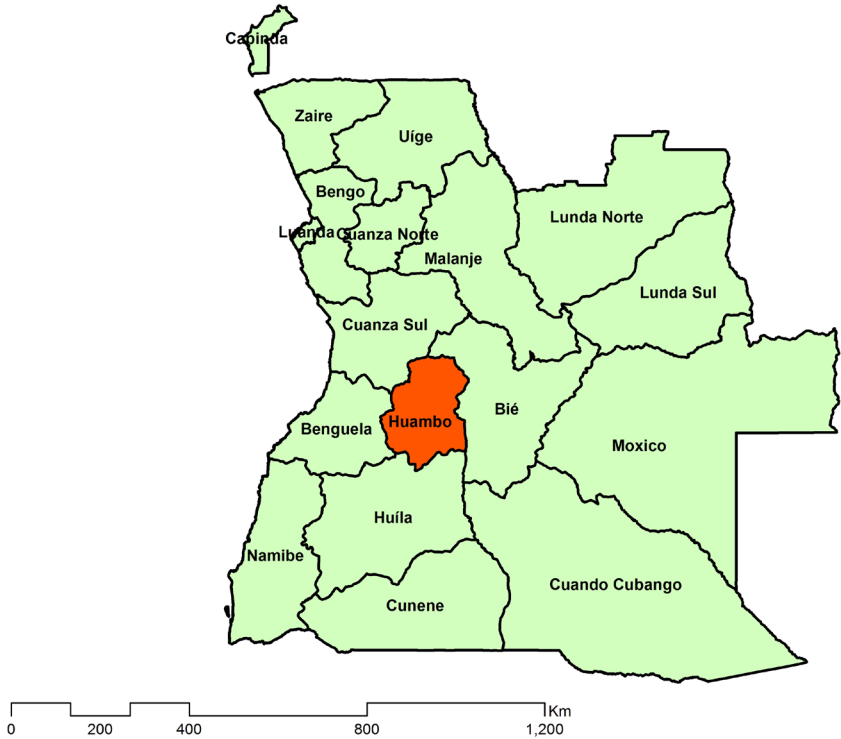
¹⁵ The most well known were the kingdoms of Mbalun-du (Bailundo), Viye (Bié), Wambu (Huambo), Ngalangi (Galangue), Sam-bu (Sambo), Ndulu (Andulo), Cingolo (Quingolo) and Ciyaka (Quiaca) (Neto 2003).

It had 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 population growth and expansion in parallel with the development of an industrial park, and in the 1960s 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 many European immigrants was the pleasant climate in the central highlands, considered to be 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 city of white people, while small housing areas for Africans grew gradually on the 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 housing groups and the inhabitants of these bairros continued to return to rural areas for certain seasons of the year to do agricultural work (Minua, 2003: 17).

Figure 2.3.1: Provinces of Angola (highlighting Huambo Province).



Source: *Regional Centre for Mapping of Resources for Development (RCMRD), Kenya 2013*

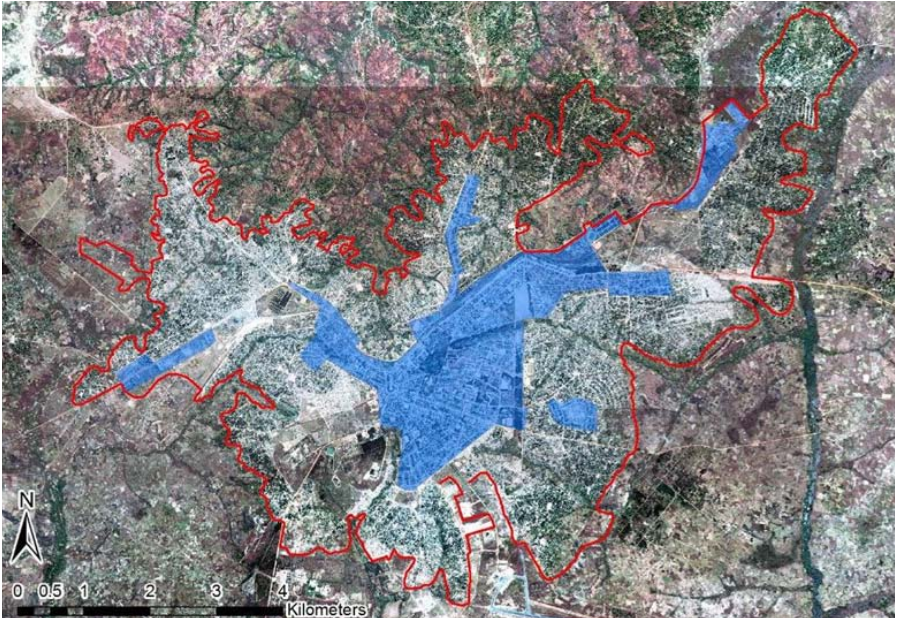
In 1975, the majority of the white population left Huambo, as in Angola in general, due to the start of the civil war, and after a few months of being controlled by the União Nacional para a Independência Total de Angola, the city was conquered and subsequently administered by the Movimento Popular de Libertação de Angola – Partido do Trabalho government until the early 1990s. The actual transformation of the small housing groups to peri-urban bairros dates from the period after 1980 (Minua, 2003: 17). During the early 1980s, the União Nacional para a Independência Total de Angola began occupying areas in the central highlands and this insecurity caused people to gradually move towards the city 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 people 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 who had never left the city and which were therefore not available; and this zone was more secure because it was already inhabited (Minua, 2003: 17).

Most of the extensive human suffering and damage to the city's infrastructure dates back to the war that broke out again after the elections in 1992. In January 1993, the União Nacional para a Independência Total de Angola initiated a sustained attack, using conventional weapons such as long range artillery within the urban perimeter. This urban war - which became known as the "55 Days War" - killed some 10,000 people and destroyed much of the infrastructure (Human Rights Watch, 1994: 89-92). The city suffered continuous damage, mainly from government aerial bombardments, until the Lusaka Protocol was signed in 1994. Again with the subsequent outbreak of war in 1998, Huambo was shelled by UNITA, but compared to the 1992-1994 period, damage and loss of life were 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 that are a legacy of the colonial period (see Figures 2.3.2a and 2.3.2b). Densities in these peri-urban areas vary, and range from consolidated areas, in which plot boundaries are built up with high walls, to dispersed settlements, where agriculture is still common. Many bairros in Huambo feature a variety of peri-urban settlement types, and indeed sometimes a bairro includes urban and peri-urban areas (Development Workshop and the Centre for Environment and Human Settlements, 2003c: 46).

On a positive note, in recent years Huambo has had sustained public sector investment in road construction, health, education and economic development. This has been accompanied by a rapidly developing private sector. In 2002 there were only a handful of formal private sector businesses and today the city is bustling with shops that supply goods for construction, electronics, food and beverages and household supplies.

Figure 2.3.2a: Urban (blue shaded) and peri-urban (red) areas of Huambo



Source: Development Workshop

Figure 2.3.2b: Urban and peri-urban areas of Huambo



Source: Development Workshop

Despite this, the informal economy continues to provide the main source of income for most residents in peri-urban areas. Recent research estimated that more than 17,000 vendors in Huambo's 10 biggest markets and 77 per cent of households rely on small and micro economic activities for their survival (Development Workshop, 2006a: 40).

And in spite of public investment and 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 assessed as being destitute and 57 per cent as very poor (Development Workshop and the Centre for the Environment and Human Settlements, 2005: 117). Access to water, electricity, health and education tends to be low in most peri-urban areas (Development Workshop and the Centre for the Environment and Human Settlements, 2003d: 57). In almost all of Huambo's peri-urban areas there is, for example, no piped water and residents get water from unprotected and protected wells. Also, electricity supplies are non-existent or erratic in most peri-urban areas.

Some levels of social exclusion are also characterized by the lack of documentary evidence of 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 (Development Workshop and the Centre for the Environment and Human Settlements, 2005: 115).

2.3.2 URBAN GROWTH & LAND MARKETS

During the post-Independence war, violence and destitution resulted in a complex flux of migration in and out of the city (Weber, 2007). Overall, the fighting in the central highlands led to an abrupt reduction in the number of people living in that part of the country.



Existing informal housing, pedestrian and access roads in peri-urban Huambo.
© Development Workshop



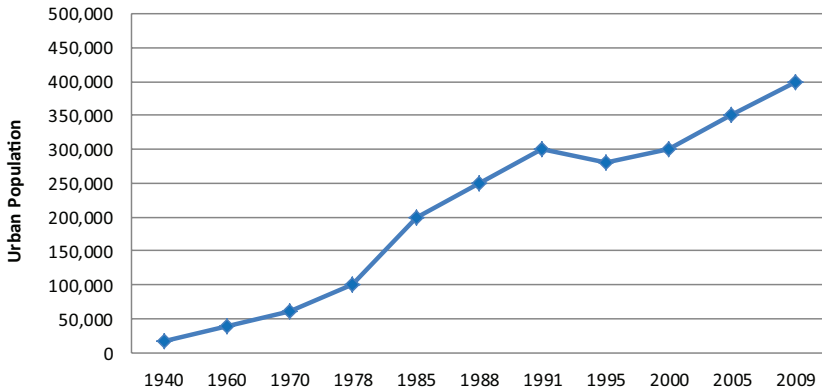
Existing informal housing, pedestrian and access roads in peri-urban Huambo.
© Development Workshop

They fled to the coast, in particular to 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. Estimates at that time suggested there would be continued and high population growth rates for the next two decades, especially in peri-urban areas (see Figure 2.3.3). 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 immigration either from other areas in the city or from other municipalities (Development Workshop and Centre for Environment and Human Settlements, 2005).¹⁶ In 2004, the population of Huambo city was estimated to be 390,000; by 2020 it is expected to be almost 800,000, meaning it would have more than doubled in 20 years (Dar Al-Handasah and Odebrecht, 2003a: 28).

Most urban growth is taking place at the periphery of the city with the expansion and densification of peri-urban areas. Comparing satellite imagery from 2005 with that of 2007 in the southern periphery of Huambo provides a vivid illustration (Figure 2.3.4). The orange-coloured patches are areas that have been developed with housing during this two year period, when the city expanded by approximately 378 hectares. If there is an estimated minimum of 12 parcels per hectare (discounting green areas, infra-structure, roads, etc), this would indicate a growth of more than 4,536 parcels for housing, more than 2,250 per year.

¹⁶The research showed that 72 per cent of those interviewed reported they had 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 (Development Workshop and the Centre for the Environment and Human Settlements 2005: 116).

Figure 2.3.3: Urban Growth in Huambo



Source: *Development Workshop*

2.3.3 URBAN GOVERNANCE IN HUAMBO

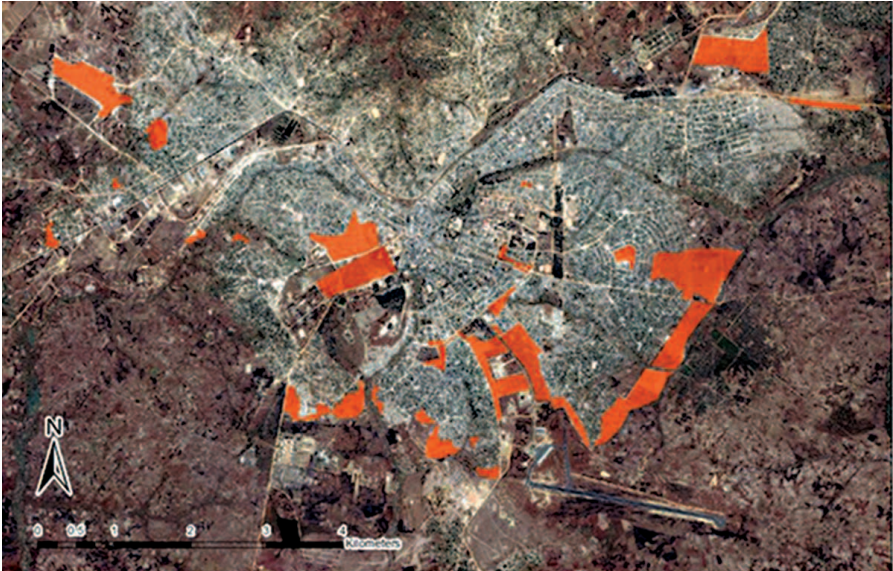
Government, private sector and civil society actors form a governance context in which most major decisions on urban development and planning are taken.

Within government, the vice-governor for technical affairs oversees the preparation and execution of all major urban planning and development projects. He approves major projects and authorizes their execution. The vice-governor is directly supported by the Provincial Director of the Department of Territorial Planning, Urbanism and Environment. 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, and it also negotiates most public-private partnerships for the development of urban plans, the implementation of layouts and the construction of social housing in the housing reserves. It does have its own technical department and is also assisted by the Institute for Territorial Planning and Urban development (INOTU). The Office for Assessments, Planning and Statistics authorizes payments for the implementation of urban development projects; this serves as a control mechanism that ensures the financial aspects of public-private partnerships are legally managed.

Since the coming into force of law 2/07, the municipal administration has been empowered to manage all urban land with an area less than 1,000 m². This means that the municipal administration effectively controls most land for housing as well as the planning, layout, distribution and licensing of such land.¹⁷

¹⁷None of the mentioned government institutions has the mandate (nor the capacity) to create and maintain a city wide land registry and cadastral system. There are currently no clear or updated land cadastres in Huambo. The only existing cadastre is 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 pre-independence Portuguese property ownership.

Figure 2.3.4: Urban growth in Huambo between 2005 and 2007



Source: Development Workshop

All these institutions have a severe lack of skilled staff and technical equipment for a town of approximately 400,000 inhabitants. The capacity to conceive and develop local programmes is very limited, as is the capacity to guide projects being implemented through public-private partnerships.

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

In civil society, there is a range of local and national Non Government Organisation's all located in the central, formal city of Huambo. Their interventions are in areas such as HIV/AIDS, civic education, human rights and electoral education. Recent research has found that in most peri-urban areas there are very few if any local associations. The most important civil society organizations in these areas are the different church denominations that have social programmes 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 local governance are very low. Bairro administrations tend to regularly meet with those traditional leaders or ‘sobas’ within their administrative area, but not with others, such as church representatives or civil society organizations.¹⁸

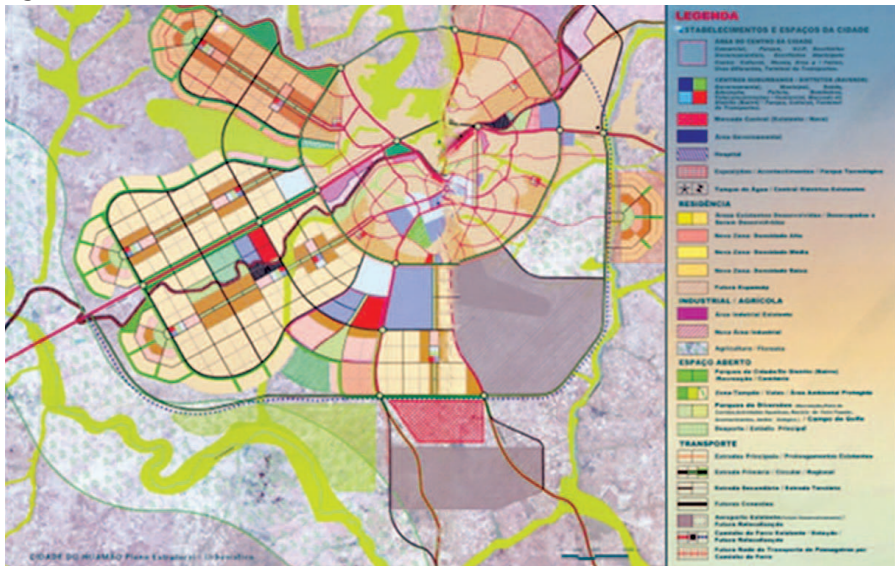
2.3.4 URBAN PLANNING PRACTICE IN HUAMBO

Urban development in recent years in Huambo is marked by a series of inefficient and ineffective urban planning approaches.

There was one attempt at a city-wide structure plan shortly after the war that was implemented by a consultancy firm based in Luanda without any consultation with local authorities in Huambo (Figure 2.3.5). Although the plan was circulated, it was never formally approved and it has not influenced local urban development.¹⁹

Several condominium projects were planned, initiated and then mostly abandoned. While some prime urban land continues to be fenced off for this purpose, less than a few dozen condominium housing units have been built in recent years.

Figure 2.3.5: Huambo Structural Plan²⁰



Source: *Development Workshop*

¹⁸Festo, Moises (2007). Unpublished interview with traditional leaders (sobas) in Huambo on 28 March 2007.

¹⁹Shortly after the end of the war in 2002, the international consultancy firm Dar Al-Handasah proposed the elaboration of structure and master plans of several provincial capitals. This proposal was approved by the Council of Ministers and the Huambo/Kaala structure plan was one of the first plans elaborated. The plan is based on a population growth of more than 500,000 people between 2004 and 2025, to reach 893,389 (Dar Al Handasah and Odebrecht, 2003a: 14). This population would need around 128,000 houses, assuming an average occupancy of 7 people per house.

²⁰Odebrecht, Dar Group and Sondotécnica (2003). Cidade de Huambo – Plano Estrutural das Infra-Estruturas. Huambo: Governo Provincial do Huambo.

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 Huambo. This form of land-use planning for self-help housing has provided the 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 there is a serious backlog of applications.

Since 2009, the national policy for the planning and development of housing reserves led to the creation of an extensive site at the southern periphery of the town (Figure 2.3.6). However, of the approximately 3,000 parcels initially planned, only half have been demarcated; none have been distributed for self-help housing and only 50 units of social housing have been constructed by a private company. Similar plans have been developed in several municipal towns, but none have been implemented to date.

Figure 2.3.6: Layout of the first housing reserve in Huambo, 5 km south of the city perimeter



Source: Development Workshop

In this context of ineffective and ad hoc planning processes, most of the urban expansion happens through the informal land market without any formal planning.

Recent research in peri-urban areas in Huambo reveals 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 (Development Workshop and Centre for Environment and Human Settlements, 2005: 114). Other frequently used 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; they are consulted or informed about land transactions or even allocate or sell land themselves through the informal market.²¹ Evidence suggests, however, that in most cases, land transactions are between seller and buyer only (including witnesses to usually verbal agreements) without the involvement of a local authority.²²

The result of these forms of land transaction is urban expansion without proper access and distribution roads and with no land reserved for health and education infrastructure. Whether certain roads are maintained or green areas are preserved for future upgrading often depends on the foresight and initiative of local residents. Overall, observations based on field visits and satellite imagery suggests that this form of peri-urban development is currently the dominant form of peri-urban expansion, and provides the bulk of new housing units needed each year.

2.4 CONCLUSIONS

This section first outlined some of the principal legislation that frames urban planning in Angola; i.e. the Territorial Planning Law and its Regulations and the Land Law and Regulations. It also showed that contemporary urban policy in Angola is focused on the creation of new satellite cities through the One Million Houses Programme. While the legislation is extensive and the numbers of the One Million Houses Programme are impressive, there is little documented evidence that shows the impact the legislation and the programme have had on urban planning practice.

Part 3 then briefly outlined the causes and effects of extremely rapid urban growth in Angola in recent last decades. While the war and displacement have been strongly felt, internal growth rates and rural-urban migration due to economic factors will continue to drive exponential urban growth in Angola. Rapid urban growth and a lack of urban planning have lead to huge peri-urban areas around old urban cores in Angola. Poverty levels are very high, the provision of infrastructure is limited and land tenure is precarious, with almost all the population in these areas having no formal land tenure security.

In Huambo, most urban growth is at the periphery of the city and without any formal planning.

²¹This was observed at the western edge of bairro Fátima where the local traditional leader sold land parcels.

²²This fact was said on several occasions by the soba of bairro Fátima in the course of the Fátima Pilot Project (discussed in the next section).

Although this is not ideal, there are two planning approaches that could potentially have a positive impact, these are the municipal administrations' planning and distribution of land for self-help housing and the (yet to materialize) national programme of housing reserves.

However, both approaches do not compensate landowners who lose their plots in the urbanization process, and they do not provide much-needed basic local infrastructure.

It was also noted that almost none of the urban planning in Huambo, whether successful or not, reflects the processes and standards stipulated by recent planning legislation. The decisions in urban planning as described above are taken by local officials through existing channels of communication, which are the result 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 is discussed later in this report, provides both opportunities and challenges.

The following section describes two case studies of land readjustment in Huambo that are examples of effective and efficient participatory urban planning.

03

CASE STUDIES: TWO LAND READJUSTMENT PILOT PROJECTS IN HUAMBO

3.1 INTRODUCTION

From 2006 to 2008, Development Workshop implemented two participatory urban planning projects in Huambo. The first was in bairro Fatima (area covered orange in Figures 3.1.1 and 3.1.2) and the second was in bairro Camussamba (area covered blue in Figures 3.1.1 and 3.1.2).

Figure 3.1.1: Project areas - overview



Source: Development Workshop

Each of the projects had two components:

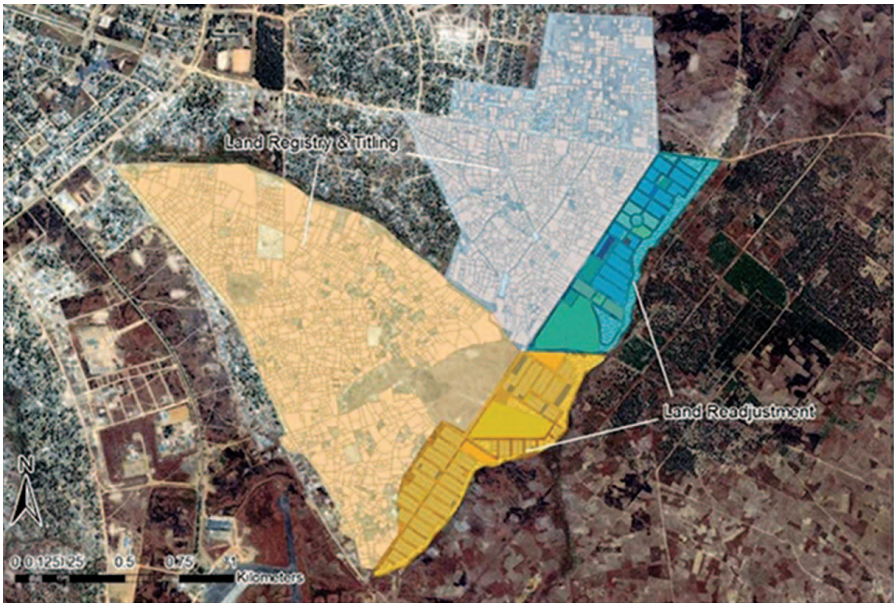
1. **Land registry and titling** implemented in the peri-urban area and for existing housing. The main objective for this component was to create a land registry of the current occupants and to facilitate the land rights regularization process for the occupants.

Over several months, the project team demarcated the existing land areas of all households using prints of recent high-resolution satellite imagery. The registered plot limits were then digitized in the Development Workshop office using GIS software. Based on this land registry, the team prepared the land rights documents that had been agreed on by the management group. These documents, the “Purchase Licences” (Licenças de arrematação), are an existing form of intermediate land rights document that is used to obtain a construction licence and surface or property titles. The licences were prepared by Development Workshop staff and submitted to Huambo Provincial Department of Urbanism and Environment (DPUA) where they were signed by the Provincial Director and then distributed to the relevant owners. The two land registry areas in Figures 2.3.5 and 2.3.6 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 3.1.1 and 3.1.2.

This part of the report will focus on the land readjustment component only, providing first a detailed account of the bairro Fatima project and then of the bairro Camussamba project.

Figure 3.1.2: Project areas



Source: Development Workshop

3.2 PHASE I: IMPLEMENTATION OF THE FÁTIMA LAND READJUSTMENT PROJECT (2006)

3.2.1 INTRODUCTION TO THE CASE STUDY

From 2002 to 2005, Development Workshop and the Centre for Environment and Human Settlements 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. The 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 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 in 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.



Staking out new plot divisions in Huambo. © Development Workshop

To transform the research findings into practice, Development Workshop and the Centre for Environment and Human Settlements prepared and implemented a training course in Luanda on participatory urban planning.

It was held over a period of two months and included two teaching modules and field work in Huambo and Luanda. Those attending were several major urban development stakeholders from central, provincial and local government of Luanda and Huambo. 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 settlements. The project concept and proposal was jointly prepared by Development Workshop staff and local government participants, with technical assistance from the Centre for Environment and Human Settlements. Initial field visits were conducted and a basic topographic survey prepared.

Development Workshop was chosen to be the leading technical agent to coordinate the pilot project; to prepare for this, a team of Development Workshop staff received intensive training on urban planning and land readjustment at Heriot-Watt University in Edinburgh, Scotland, in October 2005 provided by the Centre for Environment and Human Settlements. The same team had further training after the initial phase of the project in March 2006, again at Heriot-Watt University.²³

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 (Development Workshop, 2006b).²⁴

3.2.2 PROJECT IMPLEMENTATION

The British Embassy in Luanda provided a small grant at the start of the project.

The project was implemented with the following steps:

1. Control mechanisms were created
2. Community support was mobilized
3. A base line study was done
4. A registry of existing landowners and boundaries was created
5. A physical plan (readjustment plan) was developed
6. Rights to be attributed in the new plan were defined
7. Layout was implemented
8. Parcels were redistributed to previous landowners and remaining parcels were sold; basic infrastructure was implemented
9. Advocacy
10. Impact evaluation was completed

²³This fact was said on several occasions by the soba of bairro Fátima in the course of the Fátima Pilot Project (discussed in the next section).

²⁴All information in this paragraph is taken from the baseline survey that was done at the beginning of the project (Development Workshop, 2006b).

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 the Huambo Provincial Department of Urbanism and Environment, the Provincial Director of the Institute for Territorial Planning and Urban development (INOTU), the local administrator and the traditional leader of bairro Fátima. Two groups were created to manage and



Staking out new plot divisions in Huambo. © Development Workshop

implement the project. The management group included the Provincial Director of the Huambo Provincial Department of Urbanism and Environment, the Provincial Director of the Institute for Territorial Planning and Urban development and two Development Workshop staff. The implementation group included two Development Workshop staff and an Institute for Territorial Planning and Urban development technician. The management group in particular proved to be a very important participatory mechanism throughout the project and all major decisions were taken through this body.

In the initial meetings both directors expressed some reluctance about the new approach and the possible extra workload. However, their attitude changed over the following months as the project started to produce positive results and the government's confidence and interest increased considerably. It was acknowledged that the project helped to reduce the pressure on the provincial government which was struggling to respond to the high number of requests for land for housing.



Negotiations between stakeholders on plot boundaries. © Development Workshop

The management group had eight meetings during the project period, each of which usually lasted between one and two hours, Development Workshop staff usually prepared a proposal for the meeting agenda which was discussed and adjusted at the beginning of the meeting.

The local administrator, who was very supportive of the project from the beginning, played another important role. He took part in several community meetings, providing legitimacy to the project and explained the different aspects of the project. The traditional authority played a similar role to the local administrator, reinforcing acceptance of the project activities at community level. There was, however, no participation by the municipal administration, although the office of the administrator was informed about the project from the beginning and the municipal administrator ideally should have been part of the management group.

2. Mobilizing community support

With all stakeholders agreeing on the project approach, a community mobilization process was started in bairro Fátima to explain the objectives of the project first to local leaders and then to the population in general.

The process of convincing landowners to participate in the project was extremely time consuming and difficult. Dozens of meetings were held and a lot of time was spent with individuals, explaining again and again how the project would be implemented and how each participant would benefit from it.

Very good communications skills in the local language and a deep understanding of cultural and social habits were important assets of the Development Workshop team that led this process.

However, initial resistance by landowners was such that the Development Workshop team threatened to abandon the project several times, and people were warned that they risked losing their land without compensation if the government took control and led the urbanization process. This threat, plus the active help of the local administrator, finally helped to get all landowners on board.

3. Baseline study

A baseline study was implemented in the adjacent informal area where, in parallel with the land readjustment, the land registry and regularization component of the project was taking place (Figure 3.2.2 below).

The baseline study revealed local governance structures and existing infrastructure. This information was helpful for the community mobilization process and the development of the physical (readjustment) plan.

4. Registry of existing landowners and boundaries

All landowners whose land would be affected in the readjustment process were registered and their land boundaries were mapped using a hand-held global positioning system and GIS software in the office. To organize the land mapping process, a meeting with all landowners was held, their names were registered and they were put into groups of ten people. A day for mapping was agreed with each group. It was not necessary for neighbours on both sides of a boundary to be present to map the land boundaries because people had good knowledge of their boundaries and there were very few cases of overlapping claims. Landowners of the few overlapping claims were called to resolve the issue. The mapping with the GPS was done by Development Workshop staff with the tracking function of the GPS set to register a point every ten metres.



Local resident demarcating the land she occupies using a GPS.
© Development Workshop

This was considered to be accurate enough for the project.

A compensation process was developed which anticipated each landowner receiving a plot in the newly urbanized area relative to the size of the land he or she lost, as a form of land readjustment. Overall, the urban plots to be received by those compensated would not have the same surface area, but the project aimed to compensate owners with an area of at least equal monetary value after the basic urban development process. Because 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.²⁵

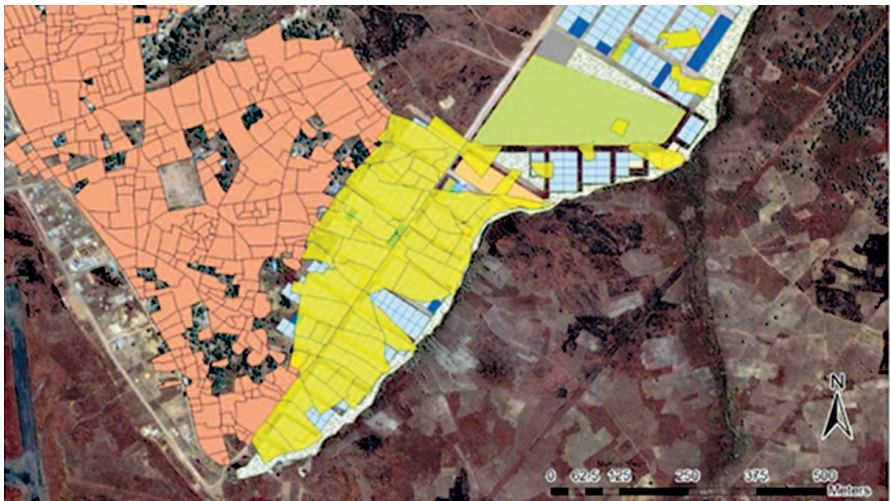
The overall distribution key in this case therefore was:

- 30 per cent of the land was reserved for infrastructure, including roads,
- 35 per cent for redistribution to local landowners, and
- 35 per cent for sale with the objective of covering basic infra-structure costs.

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

5. Development of a physical plan (readjustment plan)

Figure 3.2.2: Agricultural parcels (yellow transparent) and new urban layout (in background)²⁶



Source: *Development Workshop*

²⁵This approach to compensation was used during the two training sessions at Heriot Watt University, under the Centre for Environment and Human Settlements guidance.

²⁶Almost all agricultural land was occupied, but not all of it was actually owned by the people on it. In some cases, people freely admitted that they had only used the land temporarily for agricultural purposes. In other cases, neither occupier nor owner could be found. Therefore, the yellow marked agricultural plots in Figure 11 do not cover the whole area.

Following the land registry in Zone B, a physical, or readjustment plan was developed by Development Workshop staff, which was then internally reviewed by two Development Workshop architect/planners. The adjusted plan was presented to the management group where some minor changes were suggested and then it 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 did not have any suggestions.

6. Definition of rights to be attributed in the new plan

Under the auspices of the provincial government the management group provided all landowners of the redistributed parcels (including previous landowners and new residents) with a “purchase license” (licença de arrematação). This licence is the first document given out in the process of regularizing a land parcel. The registry and printing of the licenses was done by Development Workshop under an agreement with the Huambo Provincial Department of Urbanism and Environment. Development Workshop in the meantime had developed a land registry and cadastral software that helped to control the land occupation and the awarding of documents. Later, the Huambo Provincial Department of Urbanism and Environment also subcontracted Development Workshop to produce the localization maps that were printed using standard GIS software.²⁷

7. Implementation of layout

They layout was implemented by the Development Workshop project team who marked 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, because the layout was simple. Basic measuring techniques were used with only optical instruments and measuring tape. All plots were then numbered according to the layout plan.

8. Redistribution of parcels to previous landowners and sale of remaining parcels

Following the demarcation of the first 225 plots, 83 of them 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, ArcView²⁸ was used to calculate the surface of the mapped agricultural plots.

²⁷In practice, the purchase license and localization map proved to be sufficient for landowners to build their houses without harassment from municipal and provincial building control agents.

²⁸ArcView is a GIS software solution that allows you to visualize, manage and analyse your GIS data.

This number was then captured in a spreadsheet program (Microsoft's Excel) to create a database of registered owners. The urban plots to be distributed were 15 metres by 25 metres, this being 375 m². For example Table 1 below outlines the details used for individual landowners.

The rounding of parcel numbers inevitably benefited some and prejudiced others, but no other practical approach could be identified by the project staff.

The land distribution process in this project was controlled and managed by the Development Workshop project staff, who spent several days in the field personally allocating the redistributed plots to each new owner. The number of the plots as they were specified in the layout plan was written on the wooden pegs that demarcated the plots, which helped new owners to identify their plots.

Table 1: Example of the details used by ArcView for individual land owners

Owner	Registered land	Surface to be compensated (35%)	Number of parcels to be redistributed (882 m ² / 375 m ²)	Rounded number of parcels to be redistributed
Francisco Paulo	2,520 m ²	882 m ²	2.35 parcels	2

Source: Development Workshop

The project then began the sale of the remaining 152 plots to individual clients who were sent to the project office either via the Huambo Provincial Department of Urbanism and Environment or the local administration.

While the distribution key for compensation and sale was 50 per cent each (of all parcels for housing), the actual numbers of parcels was different.



Preparing road clearances. © Development Workshop

This was because not all agricultural land affected by the land readjustment had an owner, as explained above. In those areas where no owner could be identified, all of the land could be sold.²⁹

The sale of parcels generated revenue of almost USD 80,000. These funds were held in a separate project account with two signatories, one of them from the provincial government and one from Development Workshop.

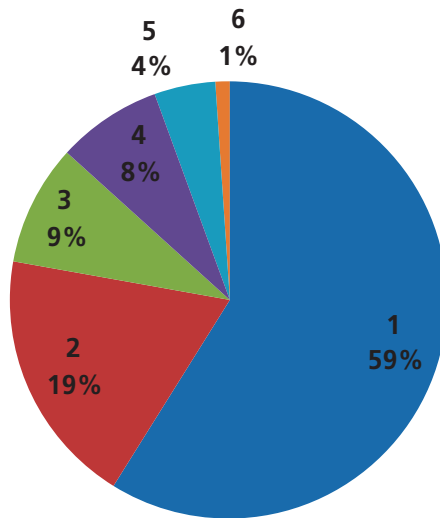
Over half of all landowners received one parcel in the redistribution process; 19 per cent received two parcels; 9 per cent 3 parcels; 8 per cent 4 parcels; 4 per cent 5 parcels; and one owner received 6 parcels(see Figure 3.2.4 below).

9. Implementation of basic infrastructure

With the funds from 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 temporary source of drinking water.
3. Bulldozers were hired to improve the roads within the new residential area.

Figure 3.2.4: Percentage of all landowners receiving number of parcels in the redistribution process



Source: Development Workshop

²⁹There were some cases where 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 'latecomers'.

3.2.3 ADVOCACY

Advocacy was considered to be 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. PowerPoint presentations have been made at provincial and national events, often in the presence of important decision-makers. Several activities resulted from this advocacy:

- The then Minister of Urbanism asked Development Workshop to produce a regulatory chapter for the land legislation, specifically aimed at managing peri-urban land and based on the experiences of the Fátima project. The final result was well received, examined by the Council of Ministers. The momentum, however, slowed after the minister who sponsored the reforms was changed.
- The Development Workshop team developed a training manual for participatory urban planning, which, to date, has been used in several training courses. Development Workshop has offered to provincial and municipal staff.
- Development Workshop was asked to negotiate and then survey the layout for the first satellite town in Huambo, financed by the government's One Million Houses Programme.

10. Impact evaluation

The project helped to create a socially diverse bairro with a population of different income groups, ranging from poor to middle class. The inclusion of poor people was achieved with a compensation process that featured the allocation of developed land parcels



Preparing road clearances. © Development Workshop

rather than money. Although some of the compensated people are selling part of their plots, most have continued with at least one plot to use for housing either by themselves or a family member. The plot price of USD 500 allowed for access to land by young, lower middle class people who usually find it very difficult to find appropriate land in the informal market because of the high prices. The risks of future urban expansion and forced relocation with its disruptive economic and social implications have also been reduced through the organized plot layout and preservation of space for infrastructure.

At the time of writing, Development Workshop was doing a scoping study on the informal land market in Huambo using the research methodology they developed through a large-scale land market study in Luanda in 2011, in partnership with the World Bank and Urban LandMark. The research aimed to gather evidence about informal land prices in urban and peri-urban Huambo. Estimates based on personal conversations with local informants, however, indicated informal land prices in peri-urban areas ranged from USD 700 to USD 7,000, depending on plot location and size. While the project provided a considerable number of new parcels for housing to the local land market, the impact of this on market in Huambo generally was 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 neighbourhoods close to the project sites, making land in these previously neglected bairros much more valuable.

3.3 CASE II: IMPLEMENTATION OF THE CAMUSSAMBA LAND READJUSTMENT PROJECT (2007-8)

3.3.1 INTRODUCTION TO THE CASE STUDY

Following the completion of the Fátima project in early 2007, the local administrator asked Development Workshop to implement a similar project in the adjacent area, called Camussamba. The project began in January 2007 with a grant from the European Commission.

The same overall project approach was used as in the Fátima project, beginning with a registry process, 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.

3.3.2 PROJECT IMPLEMENTATION

1. Creation of control mechanisms

The management group of the Fatima project was reactivated for this project, with the same people involved from the local government institutions.

The municipal administration again did not participate in the management group, despite being invited to do so. The project team also tried to reactivate the implementation group from Fatima but without success and all the field work was implemented by Development Workshop staff in collaboration with the local administrator.

2. Mobilizing community support

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

Negotiations with Chianga were long and difficult and it took more than a year to get an agreement with the institute. There appeared to be no clear decision-making authority in the institute making the process even more complicated.

It was only in April 2008 that Chianga informed the management committee that it was willing to pool the land for the readjustment project in return for 40 parcels of redistributed land. Because the redistribution plan produced 196 parcels (see below), the project expected to have a large pool of land available for sale and reinvestment into infrastructure.

3. Baseline study

The baseline study followed the approach used in Fatima and identified all major existing infrastructures and services; it also collected information on demographics, social structures, leadership structures and economic activities.



Official occupation licences distributed to new landholders.
© Development Workshop

4. Registry of existing landowners and boundaries

The boundaries of the existing land plots were then mapped, a process that was quicker and simpler than in the Fatima project because Chianga's single, large plot took up most of the project area (see Figure 3.3.1 below).

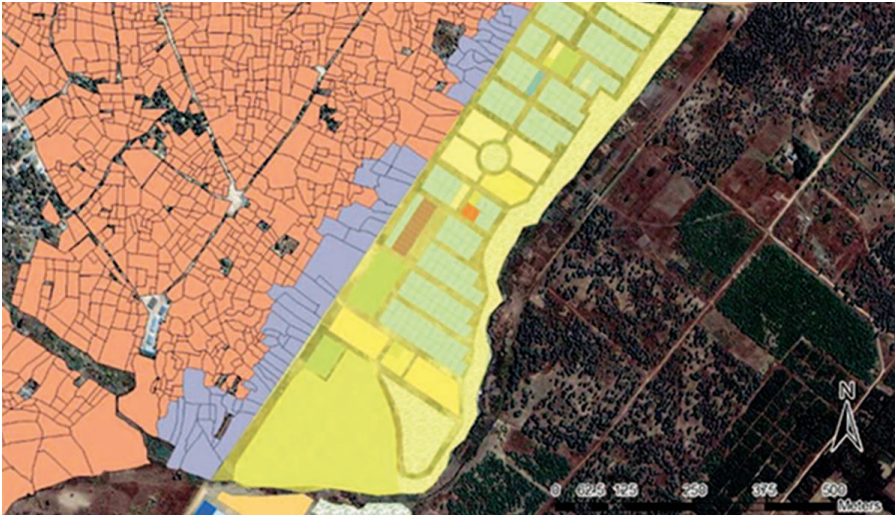
5. Development of a physical plan (readjustment plan)

Again a readjustment plan was developed by the project team with the participation of the management group. Chianga was not involved in the development of the plan because it was too time consuming to contact their staff and decision-makers.

6. Definition of rights to be attributed in the new plan

Purchase licences and localization maps for all parcels were produced by Development Workshop using cadastral software that was developed towards the end of the Fatima project.

Figure 3.3.1: Land provided by Chianga (yellow), 51 small landowners (blue) and new layout in the background



Source: Development Workshop

7. Implementation of layout

As in Fatima, the layout was implemented using simple but accurate measuring techniques. This time, however, the wooden pegs were used initially and then substituted with concrete marks because in Fatima many of the wooden pegs were removed by residents and used as fire wood or other purposes.

Missing pegs meant that measurements had to be retaken in many places, which was extremely time consuming. Concrete marks were difficult to remove. Also the system of numbering was much easier on concrete marks than on the wooden pegs.

A bulldozer was then hired to open up the major roads. It was at this point that some owners of small agricultural plots refused to continue with their participation in the project. The project team could not convince them otherwise and a small area of landowners had to be abandoned.

8. Redistribution of parcels to previous landowners and sale of remaining parcels

Besides the 40 parcels that were distributed to the staff of Chianga, there were no other landowners to be compensated, making this phase of the project much faster than in Fatima.

However, even the distribution of these forty parcels was not done by the project team, as it had done in Fatima, but by the municipal administration through recently approved legislation.

New legislation on decentralization in 2007 took the management authority of local land out of the hands of provincial governments and transferred it to the municipal administration.³⁰ This fundamentally influenced how the distribution of 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 that had acquired the authority to do so under the new legislation. It distributed the parcels for free to individuals who were on the administration's waiting list for land and housing.

This distribution was done during a one day event where staff from the administration called people on the waiting list. These people were then assigned parcels in the field and it was 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. For example, roads were opened by bulldozers without the funds to pay for it so the owner of the bulldozer was paid with two parcels in the readjusted area.

³⁰The Decentralization Law No 02/07 gave municipalities the responsibility to manage plots under 1,000 m².

Apart from that, however, there has been not further infrastructure in the area to date.

10. Advocacy

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

The project in Camussamba was generally less successful than its predecessor in Fatima and the following aspects especially made it more difficult:

- In Fatima, the managed group acted as a de facto urbanizing agent, controlling the process from the beginning to the end. This allowed for the creation of a development fund and implementation of some initial infra structures. 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 no development fund could be created. As a result, there was no basic infrastructure in this area to the time of writing of this report.
- While being a difficult and long negotiation process, all landowners in Fatima were convinced to participate. This was not the case in Camussamba, where a few landowners opted out, effectively blocking the land readjustment process for the 51 registered landowners. Being at the very periphery of the new layout, they undoubtedly benefited from increased land prices and observations suggest they have sold parts of their parcels.
- In Fatima, all landowners held relatively small parcels. In Camussamba, Chianga was the major landowner and occupied more than 80 per cent of the project area. The 40 parcels for redistribution were given to staff of Chianga free of charge and not, in fact, to the previous residents.

04 CONCLUSION: LESSONS LEARNT

This report provides insights into how land readjustment plays out in one developing country context. The Fátima project was the first ever experience of land readjustment for the institutions and non-government organization involved in the process and was perceived as a general success. The report suggests that with the creation of appropriate governance structures, such as a management group, land readjustment can be implemented when there is no specific legal framework to do so. It highlights the importance of technical assistance and formal processes to engage the community. While the mobilization of the community and landowners was extremely difficult and time consuming, the project nevertheless managed to convince most landowners to participate. Finally, the creation of an “infrastructure fund” was another valuable lesson but, unfortunately, was not a component of the second project.

The second case study (the Camussamba case study) highlighted some of the problems that land readjustment can encounter when other related governance frameworks are not in place. For example, the case study suggested that, while decentralization of decision-making on land management is laudable in Angola, administrative decision-making is not sufficient if fiscal authority is not also decentralized. In addition, the devolution of land and administrative responsibilities needs to be 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 is, in most countries, historically open to rent-seeking practices if it is not strictly regulated and open to public scrutiny; in this case study, devolution could not prevent this occurring.

Following the above analysis of the case studies, however, this report concludes that land readjustment can be scaled-up in Angola, with two main preconditions:

1. Appropriate governance structures.
2. Adequate community involvement.

The case studies showed that if these preconditions are met, most other challenges can be overcome in some way. It has to be acknowledged that Angola is a very difficult environment for land readjustment for the following reasons:

1. The challenges associated with the broader institutional frameworks and local governance structures.
2. The low levels of trust between landowners, the private sector and government institutions.
3. The fragmented and limited land-use planning capacity of local government.
4. Limited enabling legislation.

The last two challenges in particular can be partially addressed, and a twofold strategy is suggested:

1. In the medium and long-term, it seems important to advocate for the development of enabling legislation that would provide a frame for land readjustment. Such advocacy will arguably be more influential when sustained by results from successful projects. This leads to the second part of the strategy.
2. To continue implementing pilot projects similar to those described in this report. Following the experiences in Huambo, further training events should be organized with the specific aim of them resulting 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.

A number of valuable broader lessons have also been learned from these case studies that are useful for other urban developing contexts. Some of the specific lessons that this report identifies relate to the following four topics:

- Governance and legislative frameworks,
- Land owner participation,
- Financial set ups, and
- Land.

Each of these four areas is discussed in more detail below.

Governance and legislative frameworks:

While the management group in this project had an important role in making decisions during the implementation of the project, the participation of government institutions in implementing activities was 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 specific 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 view) depended almost exclusively on the technical capacity of the leading agency with the responsibility to implement all steps of the project drawing on its own personnel and resources.

The case studies therefore demonstrate the 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 a non-government organisation, academic or local private sector institution able to, at times, take on the role of mediator between stakeholders.

The Camussamba case study illustrates several important issues in relation to governance in particular. 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 or the building of local authorities' capacity to take over this complex set of land management responsibilities.

Furthermore, 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 provided. 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 has commissioned what will become Angola's first post-war municipal cadastre using participatory mapping techniques. The project is underway at the time of writing this report.

The creation of a management group made up of key decision makers (in terms of land use planning) proved to be an efficient mechanism to overcome the governance and coordination weaknesses. This management group guided the project through the maze of formal and informal local governance issues. 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 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 the project beginning and were engaged in the conception of the projects.
- 2. Financial participation:** All members of the management group received a monthly subsidy which assisted with their capacity to participate.

3. Ownership of the process: The management group had a strong sense of ownership at all stages of the process. Members presented the case studies on behalf of their departments, which contributed to their reputation and professional standing among the local government structures. This, in turn, increased their individual motivation and commitment to the project.

Finally, the process of urban policy development 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 the way legislation is implemented needs to be revised in the light of current practice and future goals in Angola.

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 and within future urban planning approaches and projects.

Landowner participation

In the absence of legislation that would compel minority dissenters to pool their land, the leading agency had to rely solely on communication and persuasion to secure land owner participation. In the first case study (Fátima) this approach worked well. In the second case study (Camussamba), however, 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 instances. In the urban contexts of developing countries where legislation is evolving, a mechanism for compelling minority dissenters could be justified.

To agree on the land pooling aspect of the process, however, is only one aspect of participation. Land owners should preferably be involved in all subsequent steps of the land readjustment. Where levels of trust are generally low, it can be built 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 given to explain the project approach to land owners who have different social backgrounds and may find it difficult to understand such an alien approach or are highly suspicious of anything related to their land.

In the first case study, the participatory approach further helped to avoid conflicts in areas where government allowed development projects to assemble land without compensating anyone. This is arguably one of the most important aspects of the pilot projects.

Financial set ups

In the pilot projects, the calculations for redistribution and capture of land value increments were not based on any land value study, but on an estimate. Of the pooled land, 30 per cent was used for infrastructure and of the remaining 70 per cent, half was redistributed to landowners and half was sold, with the 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. While the fund was not used in the second project, in the first case study 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. Given the budget constraints many municipal administrations have, the capacity of projects to be self-financing provides a valid and interesting approach to address urban expansion.

Land

The issuing of land titles is an activity that is, in most countries, historically open to rent-seeking practices if it is not strictly regulated and open to public scrutiny. The issuing of free titles is a particularly high-risk activity. “Municipalization” in Angola has been promoted as a policy for improving financial efficiency and the decentralization 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; this could provide municipalities with a sustainable income stream to maintain basic services and infrastructure.

There also needs to be recognition of the de facto rights of occupation of urban land, however, 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 largely be seen as illegitimate. The legal basis, regulation and administrative application of this, however, also need to be the basis for avoiding continuing speculation in land occupation (whether by “formal” or “informal” means).

Documentation and acceptable procedures to verify occupancy and term of residency need to be formalized. 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.

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.

Land readjustment is one method for bringing informal land into a regularized market environment, but in the case of Angola it must be acknowledged that most land transactions take part in the "informal sector" and thus future land readjustment projects must grapple with the nature of informal land markets.

Finally, in relation to land, the current land legislation will need to be revised in order to accommodate the principal of occupation in good faith. By-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 principles underpinning incremental land rights could include for example:

- (a) The acceptance of regularization of land occupation where possible, with the re-ordering, upgrading and re-qualifying of the nature of the land use taking into consideration the value of the land;
- (b) 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; and
- (c) 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:

- (a) Be invoked in peri-urban areas where regularization is planned/underway;
- (b) Be transferable through a registered transfer process (e.g. notarized sale),
- (c) 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;

- (d) Establish rights to compensation of property built prior to its application and any improvements authorized thereafter, as well as the land value or equivalent;
- (e) Be allocated by the local municipality on the basis of a regularization process or a new plot demarcation process;
- (f) Carry a more onerous initial and annual land tax (to cover regularization ~ process); and
- (g) Permit the individual to request full individual surface title through individual topographic demarcation.

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URBAN LEGAL NETWORK (ULN)

The Urban Legal Network aims to become a leading global Network that promotes the exchange of urban legal knowledge in the field of urban development. ULN will be a global focal point for:

- Urban legal knowledge and idea exchange,
- Urban legislation best practice and tools, and,
- Urban legal partnerships and experts in the urban legislation field.

The Network is based on the belief that good urban legal knowledge and robust urban legislation are fundamental for developing innovative, inclusive and productive cities. Importantly, good urban legislation is vital for improving the lives of everyday people within cities and is thus fundamental to urban planning and development initiatives.

If decision makers, planners, organizations and citizens in cities have access to this knowledge in one spot, they can use and adapt this information to strengthen their specific urban contexts.

ULN is hosted by GLTN but reflects UN-Habitat's new mandate to enhance the role of urban legal knowledge and practice in the process of solving urban issues and building better urban futures. ULN will therefore be an ongoing project to improve knowledge and resources and partnerships in the urban legal field.

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