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# STRENGTHENING LAND TENURE AND PROPERTY RIGHTS IN ANGOLA

A PROFILE AND PLANNING TOOL FOR WOMEN AND  
OTHER DISADVANTAGED GROUPS IN PILOT AREAS



OCTOBER 2007

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## **DISCLAIMER**

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# ACRONYMS AND ABBREVIATIONS

ADRA	Acção para o Desenvolvimento Rural de Angola
CAAPI2	Coordination for Assistance with Agriculture, Fisheries, Industry and Social Action
DW	Development Workshop
GCSR	Group of Seminaries from Roman Catholic Church
GoA	Government of Angola
IDPs	Internally displaced peoples
MAARD	Modified Acquisition and Assistance Request Document
MINFAMU	Ministry of Family and the Promotion of Women
MPLA	Popular Movement for the Liberation of Angola
NGOs	Nongovernmental organizations
NPA	Norwegian People's Aid
ODGs	Other disadvantaged groups
OMA	Angolan Women's Organization
Promaica	Promacao da Mulher Angolana na Igreja Catolica
RAISE	Rural and Agricultural Incomes with a Sustainable Environment
RDI	Rural Development Institute
SfCG	Search for Common Ground
SIDA	Swedish International Development Cooperation Agency
UN	United Nations
UNITA	National Union for the Total Independence of Angola
USAID	United States Agency for International Development



# PREFACE

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

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

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

## **Program element 7.4: Inclusive Economic Law and Property Rights**

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

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

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

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

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

These objectives will be met through a series of interventions during the current phase that:

- Strengthen land tenure rights in two pilot areas in Huambo Province and formalize a process that can be expanded upon by the Government of Angola (GoA);
- Improve livelihoods and encourage equitable economic growth in the project areas through linking improved land tenure rights with private sector investment opportunities;
- Use the experience gained in implementation to identify constraints in the legal framework (including implementing regulations), particularly for women and other disadvantaged groups, and help shape a realistic timeframe for the formalization process.

The Project interventions comprise five components:

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

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

Two areas have been targeted for piloting the project and both are in Huambo Province. One area is peri-urban (Bom Pastor in Huambo city) and the other is rural (Mombolo village in Ombala Bongo).

This Project combines two sources of USAID-Angola funding: (1) a Modified Acquisition and Assistance Request Document (MAARD) from USAID Angola through Rural and Agricultural Incomes with a Sustainable Environment (RAISE) IQC task order mechanism. The task order is entitled *Lessons Learned: Property Rights and Natural Resources Management Task Order* (Contract No.: PCE-1-00-99-00001-00; Task Order No. 13); and (2) a sub-contract, originally awarded as a grant under the APS for M/OAA/DCHA/DOFDA-06-948, Reconciliation Program Funds. The grant was moved to a sub-contract under (1) above for reasons of efficiency, continuity, and synergy between project partners, components, and funding. The current project is supervised by USAID/EGAT/NRM/land tenure specialist, Dr. G. Myers, in close coordination with the USAID-Angola Mission. The Project ends in May 2008.

# EXECUTIVE SUMMARY

This report was prepared under the Strengthening Land Tenure and Property Rights Project that is currently being implemented by ARD, Rural Development Institute (RDI), and Development Workshop (DW) under the USAID RAISE IQC Task Order, Lessons Learned: Property Rights and Natural Resources Management. The Project seeks to strengthen and protect property rights for the poor through titling of rural and peri-urban land held under informal or traditional ownership, and registration of property rights which may eventually allow those rights to be pledged as collateral and/or equity in enterprise development efforts. Under the “Gender and Other Disadvantaged Groups (ODGs)” component, the project intends to ensure that land rights of female-headed households and other women, as well as the various other disadvantaged groups in the pilot sites are recognized.

Past experience from other parts of the world has shown that without a concerted effort, women and ODGs (which may vary depending upon the location) are often inadvertently left out of land rights formalization processes implemented by governments and donor groups. In Angola, given the high number of women-headed households due to widowhood and separations resulting from the war, there is a potential that many will not benefit from the security to land tenure that the Land Law seeks to provide. The concern remains also for children of widows and separated women, children of women in polygamous relationships, orphans, and demobilized soldiers, including female soldiers. Many of these groups may lack knowledge of their land rights or lose rights due to inadequate representation during the land rights formalization process. As Angola begins land rights formalization, the ARD consortia will ensure that women and significant populations of ODGs are appropriately included in the pilot efforts, both in the rural and peri-urban contexts where the ARD consortium Project is being implemented.

This report documents findings from a field assessment on land access of women and ODGs that was conducted in August–September of 2007. The field assessment involved interviews with women’s groups, men’s groups, traditional leaders (*sobas*), local administrators, representatives from the formal court in the pilot sites for the project, as well as selected governmental and nongovernmental organizations (NGOs) working on land and/or gender-related issues. The many independent sources of information allowed for the opportunity to cross-check the findings. In addition, two similar assessments conducted by other organizations in other parts of Angola provided further means of verifying the findings in some cases, and identifying differences in customary practices between various parts of Angola. Given the short duration of the visit, this document provides a preliminary profile of women’s and ODGs’ access to land. However, as the project proceeds, remaining gaps in information will be filled with assistance from the local project staff. This is particularly the case for ODG given that the precise understanding of who the other significant disadvantaged groups are has yet to be established via a benchmarking survey and analysis that is currently being completed for the pilot sites.

The key findings suggest that in both the rural and peri-urban pilot sites, there are significant differences between the statutory laws and the customary practice regarding women (in particular) and their access to land. Provisions in the statutory laws allow for land access to women that the customary practices do not. For instance, the Angolan Constitution provides for equal rights to property regardless of gender; however, under customary practices women rarely inherit land from their birth families. The community property provisions within the Family Code protect widows and divorcees from losing land rights. In practice, however, divorcees and separated women are almost always expected to return to the birth families. Widows sometimes retain rights to husband’s land as temporary custodians of land and property for her children, and on other occasions the widows may be evicted along with the children. The *sobas* may provide access to land to widows; however, the outcome is not guaranteed in favor of the widows.

Whatever rights are granted to the widows are considered good will of the soba and the in-laws, rather than inherent right of the widows. Children of these women also remain in a precarious position regarding access to land. Land access of a widow's children often depends upon the age of the children (sons) at the time of death of the husband, as well as acceptance of the children by the in-laws. Married women without children (sons in particular), and those in polygynous relationships (childless or with children) are in risky positions of being abandoned with no access to husband's or parental land. It is important to note, however, that important differences remain from family to family on whether widows in particular are able to retain access to husband's land. Some of these differences may be based on criteria such as age of the widow, whether the widow has children, and/or age of the children.

Some differences in customary practice remain between rural and peri-urban areas. When compared with rural areas, women in polygynous relationships in peri-urban areas appear to be in a more vulnerable situation as landholdings are small, and the husband may not provide farm land and/or housing for each "wife."

Knowledge of statutory laws is limited at the local level in rural and peri-urban areas alike, and most women and men (including sobas and local administrators) appear to be unaware of statutory laws protecting women's rights to land and property. Therefore, following customary practices, women do not expect to inherit land, and they rarely pursue a case of non-inheritance or eviction when widowed or divorced.

Among the ODGs, the particularly vulnerable groups in the two pilot sites include the orphans and demobilized soldiers. According to the sobas interviewed, some orphans are encountering problems related to encroachment on land either by members of the extended family, from neighbors, or from people outside of the community. Sobas appear to be able to resolve those problems. Also according to the sobas and the men's groups in Mombolo and Lumandi, demobilized soldiers have been able to return to their lands without any difficulties. Demobilized soldiers and issues of land access need to be further investigated, particularly where girls or women soldiers are involved. Further information from the benchmarking survey will verify the composition of the ODGs and issues related to land access in the two pilot sites.

Based on the gender and ODG profile, this document presents a number of recommendations for improving women and ODG land rights in Angola. These include: (i) legislative and policy reform to remove legal constraints on women and ODG rights to land, (ii) promoting public information and awareness on women and ODGs' constraints and opportunities to land access, (iii) ensuring participation of women and ODG (as appropriate) in the land rights formalization and adjudication processes, and (iv) putting in place monitoring and enforcement systems to ensure that land rights formalization efforts successfully recognize, document, and enforce women's and ODGs' land rights. The specific activities and action plan to be implemented under the Strengthening Land Tenure and Property Rights Project parallel these recommendations and are proposed in a separate action plan provided in Appendix C.

# 1.0 PURPOSE OF THE GENDER AND ODG PROFILE

Past experience from other parts of the world has shown that without a concerted effort, women and other disadvantaged groups (may vary depending upon the location) inadvertently get left out of land rights formalization processes implemented by governments and donor groups. Women's land rights are of special concern in Angola, where most of the agricultural activities are conducted by women and where (in some regions) an estimated 35 percent of households are headed by women.<sup>1</sup> Women's rights to land are precarious and complicated by customary practices that give few rights to women for access and control to land, the practice of polygamy, high rates of divorces and separations, and the limited knowledge of the formal law. As Angola begins large-scale land rights formalization, the ARD consortium seeks to ensure that women and significant populations of ODGs are appropriately included in the pilot efforts, both in the rural and peri-urban contexts, in Angola's Huambo Province where the Project is being implemented.

To this end, in January 2007, an ARD consultant and land lawyer, Renee Giovarelli, conducted desktop research on land issues related to Angolan women. The research provided an overview of women in the context of Angola's post-conflict setting, women's customary rights to land, and women's role in food production with specific reference to the pilot region of Huambo. Between January and April 2007, RDI's land lawyer, Robin Nielson, conducted legal analysis of the Land Law, the Family Code, and the Civil Code.<sup>2</sup> The analysis highlighted specific legal provisions affecting women's rights to land, although the analysis was limited to sections for which English translations were available.

The gender and ODG field visit was conducted in August to September 2007 by ARD's US-based land specialist, Safia Aggarwal, and DW local gender specialist, Janneth Longuenda, in order to:

1. Conduct an assessment of relevant customary laws that impact rights of women and ODGs, and identify issues and concerns with those laws when applied to the land rights formalization process;
2. Develop a site-specific profile of gender and ODGs, identifying issues in land rights recognition/formalization (including concerns with implementation of the law);
3. Develop a gender and ODG action plan that addresses the issues raised in the profile (that is, identify problems preventing fair treatment in land rights recognition/formalization). (See Scope of Work for field assessment in Appendix D).

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<sup>1</sup> USAID. 2005. Land Tenure and Property Rights Assessment for Angola, USAID/Washington, DC.

<sup>2</sup> Nielson, Robin. 2007. Republic of Angola—Strengthening Land Tenure and Property Rights, Land Law and Policy: Overview of Legal Framework, RDI, Seattle.



## 2.0 METHODOLOGY

Prior to the field visits, the two-person team reviewed materials that had been compiled by Giovarelli and Nielson, identified key donors and NGOs working in Angola on women's rights and dispute resolution for further collection of relevant information, and prepared a survey capturing questions to be asked of the women, the sobas (traditional authority),<sup>3</sup> and the judges in the local courts in the pilot areas.

Country visit was conducted by the US gender and land specialist between 29 August and 8 September, 2007. During this time meetings were conducted with donors and NGOs identified prior to the visit (see list of persons and organizations interviewed in Appendix A). Specifically, interviews were conducted in Luanda with Norwegian People's Aid (NPA) and Search for Common Ground (SfCG), working on women's land rights issues and dispute resolution respectively. Interviews were conducted with NGOs in Huambo city working on land-related dispute resolution or on women's issues. These NGOs included the Group of Seminaries from Roman Catholic Church (GCSR), Coordination for Assistance with Agriculture, Fisheries, Industry, and Social Action (CAAPI2), Angolan Women's Organization (OMA), and Promacao da Mulher Angolana na Igreja Catolica (Promaica). Interviews in Huambo city were conducted by the US and local gender expert. An attempt was made to contact other relevant organizations such as the Women's Lawyers Association that works to promote women's rights; Rede Terra working on land rights awareness, including awareness raising of women's rights to land; and Rede da Mulher, which is an informal women's network working on women's issues and one of the largest organizations in the country promoting women's rights. However, a meeting was not possible with these groups in the limited time (see list of key organizations working on women and/or land concerns along with brief description of their activities in Appendix B).

In addition to discussions with donors and NGOs, the US-based expert—assisted by the local gender expert, and a DW researcher, Cezar Katimba—conducted interviews in the two ARD consortium pilot sites, specifically, in the village of Mombolo (215 households) in the Katchiungo Municipality and in the peri-urban site of Bom Pastor in Cacilha Communa (250 households), both in Huambo Province. Specifically, semi-structured interviews were conducted with key informants, including the sobas for the pilot sites, the local administrator of one of the pilot sites, and an assistant to the judge in a formal court near one of the pilot sites (Katchiungo Municipality). Semi-structured interviews were conducted separately with women's and men's groups in the two pilot sites. In Mombolo, nine women and thirteen men attended the women's group and men's group meetings, respectively; in Bom Pastor, three women attended the women's group meeting, while a men's group meeting was not held.<sup>4</sup> Women and men were randomly selected and represented a diversity of ages and household/living situations (women's groups included widowed, divorced, and those in polygamous relationships). In addition to interviews in these pilot sites, the three-person team had the opportunity to visit the village Lumandi in Kilometer 25 Communa in Caala Municipality of Huambo where the local NGO Acção para o Desenvolvimento Rural de Angola (ADRA) is currently working. The team took the opportunity to interview a group of women,

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<sup>3</sup> The sobas have a very important function at the local level. They serve as protectors of the community, serve as spokespersons for the communities, transmit information to the communities, and are keepers of historical knowledge about the community, including information on land transactions. The sobas also play an important role in land administration and in dispute resolution.

<sup>4</sup> An effort was made to meet with two to three women's groups in each pilot site; however, this was not possible due to a number of constraints, including time, limited availability of transportation, limited availability of staff with skills in the local language (Ovimbundu), Portuguese, and English. In Bom Pastor, a larger group of women was expected, but many were unable to attend the meeting. Also, it would have been helpful to meet with a men's group in Bom Pastor, but this was not possible due to constraints noted above.

as well as a group of men in the village that included the village soba in order to broaden our understanding of customary land rights of women and the presence of ODGs in the region. In Lumandi, eighteen women and nine men attended the women's group meeting and men's group meeting, respectively.

# 3.0 CONTEXTUAL BACKGROUND IN PILOT REGION

As noted in Section 1.0, a desktop study and limited literature review was conducted by Renee Giovarelli in January of 2007. This document is presented in Appendix E. The document provides background information on Angola, and implications and status of women's land rights, including specific reference to the Huambo Province. The section below provides additional contextual information relevant to the assessment as collected from interviews with the donors and NGOs noted above, and verified by additional references (see references provided in notes).

Angola has a population of approximately 12 million, with three main ethnolinguistic groups: the Ovimbundu, the Kimbundu, and Bakongo, forming 37 percent, 25 percent, and 13 percent of the population, respectively.<sup>5</sup> The remaining 25 percent of Angola's population is composed of six other ethnic groups, the mestico (mixed European and African), and the Europeans. Huambo is predominantly home to the Ovimbundu ethnic group, with a fairly homogenous population in Mombolo village and a relatively more mixed population in the peri-urban area of Bom Pastor. The benchmarking survey that was conducted by DW in the pilot sites in August 2007, and data currently being analyzed by the DW team, will provide details on the ethnic diversity in the two pilots.

In Huambo, a large proportion of the population in Huambo is Christian of various denominations, both in the rural and peri-urban pilot sites. Interviews conducted in the pilot sites confirm this, although some religious minorities and those following indigenous beliefs may be present, particularly in the peri-urban area of Bom Pastor.<sup>6</sup> In general churches play an important role in local social life. The pastor and informal and formal church-based organizations provide an important social support for individuals and households.

It is important to note that the 27 years of civil war in Angola, which ended in 2002, were particularly devastating for Huambo Province, which was the stronghold for the political party UNITA (National Union for the Total Independence of Angola). In some cases UNITA established military bases with lands voluntarily vacated by village communities in search of security. Families and communities in the most remote villages in the Province were affected when young men, and sometimes women, were recruited to support the military. Many lives were lost during the extended period of war and many others were displaced. War and poverty significantly contributed to the erosion of the social fabric, putting many families under enormous strain. Many families were divided or family members were killed during the war. Parents and children were separated while seeking shelter from military confrontations or assaults on civilians. The war disrupted the largely agricultural-based economy, and changed customary land use and allocation for cropping and grazing.

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<sup>5</sup> CIA factbook 2007.

<sup>6</sup> According to the CIA factbook, 47 percent of the population follows indigenous beliefs, 38 percent are Roman Catholic, and 15 percent are Protestant in Angola.

In an effort to stabilize the country after the war, the Angolan government encouraged internally displaced peoples (IDPs) and refugees to return to their lands. Many people returned to their original homes and reclaimed land and housing. Interviews in the two pilot sites and the village of Lumandi suggest that most IDPs and refugees returned in 2006 and successfully resettled in their original homes. Some faced problems particularly in Huambo city where houses had been claimed by others, and neither party had possession of land records. GCSR and OMA indicated their assistance to the returnees and associated land and housing conflicts during 2006.

Today, female-headed households form more than a third of the households in Huambo.<sup>7</sup> This is mainly due to loss of men during the war, the high incidence of older men marrying younger women, the high incidence of divorce and separation, and the many de facto female-headed households due to polygynous marriages.<sup>8</sup> Interviews in each of the three sites noted also the presence of a large number of widows, and separated women, even in the relatively remote village of Mombolo. A large number of polygynous households were noted in each of these sites. In addition, each of the pilot sites, as well as the village of Lumandi, indicated presence of disabled and demobilized soldiers, as well as orphans and orphan-headed households in their communities as a result the war. Finally, it is unclear from this limited research whether the Popular Movement for the Liberation of Angola (MPLA) gaining and UNITA losing power in the post-war era had an impact on land rights of supporters of UNITA and other political parties. Specific number of households headed by women and other ODGs, including orphans, the disabled, demobilized soldiers, returnees (IDPs and refugees), and others in these two pilot sites will be provided by the benchmarking survey.

Rural households depend strongly on women's food production and, wherever possible, the marketing of surplus produce. In rural areas, each household may hold approximately 6–7 land parcels; however, average size of the plots remains small.<sup>9</sup> Most households grow subsistence and some commercial crops (various grains and vegetables). Some men and women are employed in towns and urban areas either on a temporary (seasonal) or permanent basis. In peri-urban areas, such as the fairly well established area of



Woman in Bom Pastor informal market selling dry goods.

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Bom Pastor, nearly all women and men engage in various types of informal and formal forms of cash economy which provide a major source of livelihood security. Many women make a living selling food (e.g., vegetables, fruits, or prepared foods) and dry goods (e.g., cooking oil, clothing, and other consumer goods) in the local informal markets, or as vendors selling these goods in nearby cities. Other women hold formal jobs as for instance in local hospitals and schools. Some households even have small farm plots (as in Bom Pastor) where women grow food for subsistence needs, hence complementing other

<sup>7</sup> USAID. 2005. Land Tenure and Property Rights Assessment for Angola, USAID/Washington, DC.

<sup>8</sup> Swedish International Development Cooperation Agency (SIDA). 2000. Towards Gender Equality in Angola, Swedish Embassy, Luanda.

<sup>9</sup> According to the USAID (2005) land tenure assessment, the average subsistence farmer in Huambo cultivates approximately 0.5 hectares of land.

economic activities. The peri-urban communities around Huambo are growing rapidly due to rural-urban migration and as people attempt to find housing closer to the cities.

In both pilot sites, as in the village of Lumandi, women (with assistance from children) are also responsible for farming, collection of firewood, collection of water, and caring for the family. Child rearing remains a significant responsibility for women. The birthrate in Angola is approximately 6.8 children per woman, while child mortality (less than five years) nearly 284 per 1,000 live births.<sup>10</sup>

Female-headed households are in particularly vulnerable position in both sites. In rural areas, male labor migration and engagement in cash economy is placing an increasing amount of household and farming responsibilities on the women (and children).<sup>11</sup> In peri-urban areas, female-headed households may have more livelihood options; however, cost of living is higher and whether divorced, separated, or in polygamous relationships, these women are rarely supported by the men or provided a maintenance fee for the children. This was stated by women in Bom Pastor and Lumandi. Thus, these women are often solely responsible for meeting all livelihood needs of the family.



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Young girls in Mombolo village collecting water for household needs.

Women's participation in the formal political and judicial system is limited, and women hold only 12–16 percent of the positions in decision-making roles;<sup>12</sup> however, according to OMA, numbers of women in these positions have grown in the recent years (see additional reference to this in Giovarelli report, Appendix E). Women are under-represented also in the local decision-making bodies. Less than one percent of positions of traditional authority (Grand Sobas, sobas, and Seculo) are held by women.<sup>13</sup> In Angola the educational level is very low, and women and girls are the least-educated. Statistics provided by SIDA (2000) indicate that 43 percent of adult women (40 percent of men) have never gone to school, and the average schooling among rural adult women is less than one year.<sup>14</sup>

<sup>10</sup> Sources: United Nations Development Programme (UNDP). 2000. "1999 Angolan Human Development Report"; and "Women in the Year 2000," the Ministry of Family and the Promotion of Women (MINFAMU).

<sup>11</sup> There is a possibility that men's absence may (in de facto) place additional powers in the women's hands. Additional information is needed on the changing nature of women's access and decision making powers on use of household cash income, as well as right to make decisions regarding land use.

<sup>12</sup> Swedish International Development Cooperation Agency (SIDA). 2000. Towards Gender Equality in Angola, report, Swedish Embassy, Luanda.

<sup>13</sup> Greenberg, Marcia. 2000. Women in Angola: An Update on Gender-Based Barriers and Opportunities for Democracy and Governance Work, USAID WIDTech, Washington, DC.

<sup>14</sup> Swedish International Development Cooperation Agency (SIDA). 2000. Towards Gender Equality in Angola, Swedish Embassy, Luanda.



# 4.0 OVERVIEW OF LEGAL FRAMEWORK OF LAND RIGHTS

Angola adopted its first post-Independence Land Law in 1992. The law recognized rights of concession holders in the post-Independence period; however, it did not recognize customary rights to land, a predominant form of land tenure in Angola. This resulted in a period of intense land grabbing, as the government granted new concessions for the establishment of large farms and plantations (*fazendas*) and sold state-owned plantations to private commercial farmers (Nielson 2007).

Criticism by the civil society and some government officials for failing to recognize the customary land rights of the people, and the need to create a fair and transparent process for formalizing rural and urban land rights, led to the drafting and passing of a new Land Law in 2004. The new Land Law recognizes customary land rights in rural areas; however, it places ownership and authority over all land and natural resources to the Government of Angola, including the irreversible right to expropriate land. The current Land Law and Regulations (released in early September 2007, but yet to be disseminated to the public) contain clarifying addendums and guidelines that can increase tenure security for a variety of land occupants.

The new Land Law lacks specific reference to women's access or rights to land; however, provisions in the Family and Civil Codes have major implications for women's land rights. The Family Code governs issues relating to the composition of the family, marriage and marital rights, and obligations to children, while the Civil Code contains sections on private obligations and contract rights, commercial law, debtor-creditor relations, property rights, and succession (Nielson 2007). Analysis of specific provisions in Family and Civil Codes that have implications for women's land rights are provided in later sections of this report.

Despite the enactment of formal land laws, most land tenure arrangements in Angola are governed by customary laws. Within community lands, ownership of land is transferred primarily through the family lineage, although customary laws allow landholders to alienate communal land temporarily through a variety of means, including leasing and even sale of lands (Nielson 2007). The *sobas* are responsible for managing the community land, including setting rules regarding communal land and its resources, adjudicating land disputes, and allocating lands to individuals or households who may not have land access. In rural areas, households and individuals access land via inheritance and allocations by the *soba*, while in most peri-urban areas, land access is dependent upon land markets as much as it depends on inheritance. Use of natural resource in rural areas does not appear to coincide with land tenure arrangements, particularly where subsistence use for non-farming-related activities are concerned. As the women of Mombolo noted, within community lands members of the community may collect certain natural resources (such as fuelwood) freely and irrespective of individual land holdings.



# 5.0 CUSTOMARY FAMILY LAW—AN OVERVIEW

Women's land rights are directly related to customary law that dictates distribution of wealth within a family, marriage and divorce, polygamy, and rules of inheritance (Giovarelli 2007, Appendix E). Traditionally, most ethnic groups in Angola have held a matrilineal kinship system where the descent is traced through the maternal line; however, Christian missionaries had a strong influence on the social and cultural norms in Angola even in the rural areas. Today, most areas, and particularly the pilot sites are patriarchal in both political and economic terms. Land inheritance in particular is patrilineal, and few women inherit land from the birth family. This was noted in all of the interviews conducted in the pilot sites and the village of Lumandi. Only one woman interviewed had inherited land from her birth family (in Bom Pastor). As noted in all interviews, both women and men expect that women will gain access to land upon marriage.

Polygyny is common and socially acceptable in rural and peri-urban areas alike. In Mombolo and Lumandi women stated that each "wife" may be provided a separate house and farm plot by the husband. Rarely do the wives live and work together. Even in peri-urban and urban areas if the man owns multiple properties, each "wife" may be provided separate house. In other cases, only the first wife might reside with the man while the others may live separately, away from the man's household in a housing unit of her own, which may or may not be managed by the man. In other cases yet, the other wives and their children may live with the birth family (as was found in Bom Pastor).

According to the women's groups in Mombolo and Lumandi, both men and women work on the same farm plots, and engage in largely the same agricultural activities. Nevertheless, men are more likely to engage in activities that involve the use of small machinery, and clearing and preparation of land. As noted above, collection of natural resources for subsistence (e.g., fuelwood, water) is primarily the responsibility of the women and children.



# 6.0 LEGAL AND CUSTOMARY LAND RIGHTS OF WOMEN

In Angola, formal legal institutions and customary ones often coexist. In relation to women's access to and control of land, formal and customary laws differ significantly. Assessment in the two pilot sites suggest that the gaps between the two legal institutions are making women's access to land and means of livelihood extremely precarious.

## 6.1 MARRIAGE

In Angola, most people have adopted the church marriage form in rural and peri-urban areas. Civil (legal or registered) marriages are contracted in court and are rare occurrence. The Family Code recognizes both registered and de facto (informal) marriages that include customary marriages.<sup>15</sup> In particular, monogamous consensual unions, after three years are recognized as legal marriages.<sup>16</sup> Spouses who have not reached the three-year requirement for common law marriage can make an application in court for a Declaration of Joint Ownership of Property.<sup>17</sup>

The Family Code does not permit polygamy.<sup>18</sup> Also, according to the Family Code, a married couple (registered and de facto) may hold separate or community property.<sup>19</sup> The Family Code requires couples to elect whether to hold property individually within the marriage, or recognize community property. If there is no election, the resumption of community property governs.<sup>20</sup> The spouses have equal, undivided shares of community property. A spouse cannot alienate community property without the consent of the other spouse.<sup>21</sup> If alienated without consent, the action may be annulable upon petition of the spouse who did not give consent or his/her heirs.<sup>22</sup>

In practice, most marriages (approximately 80 percent) are informal in Angola. In the pilot sites, a tradition of bride-price is common, and typically the groom's family provides gifts to the bride's family. The gifts consist of cattle, clothing, and/or food. According to the women interviewed, the bride's family is not typically expected to give dowry to the groom's family, but according to women in the three sites the bride's family may give small gifts to the groom's family, such as clothing for the in-laws.

Also, many couples do not appear to be aware of these provisions in the Family Code and rarely choose form of property upon marriage (this may be different in urban areas). If a husband decides to alienate property, the women do not expect the husband to ask their consent; nevertheless, women interviewed in

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<sup>15</sup> Whether or not church marriages are considered legal under Angolan law needs to be investigated.

<sup>16</sup> Family Code, Art. 113

<sup>17</sup> Needs verification. From Nielson, Robin. 2007. Republic of Angola—Strengthening Land Tenure and Property Rights, Land Law and Policy: Overview of Legal Framework, RDI, Seattle.

<sup>18</sup> Family Code, Art. 25

<sup>19</sup> Family Code, Art. 49

<sup>20</sup> Family Code, Art. 51

<sup>21</sup> Family Code, Art. 56

<sup>22</sup> Family Code, Art. 60

both the rural and peri-urban areas mentioned that they expected their spouses to inform them of the decision.

Polygyny is very common. Since polygyny is not recognized in formal law, men typically have one legal wife and maintain relationships with several other women. In Mombolo (and in Lumandi village) polygyny was noted as common practice, with each wife living on a separate plot on husband's land. All wives live and work separately in order to avoid conflict. With the skewed women to men ratio, and more women in the villages, the women interviewed felt that they did not have a choice but to marry in a polygynous household, even if their might be greater risk of eviction than in a monogamous relationship.

As noted earlier, polygynous relationships in peri-urban areas may be riskier for women than in rural areas because in peri-urban and urban areas the man may own one house and no farm land and hence support only one wife and the associated children. For instance, in Bom Pastor, one woman interviewed who was in a polygynous relationship resided with her birth family and did not receive financial support for the children. Her husband supported only the wife he resided with. In another case, both wives were provided a house by the husband but only one received financial support for raising the children. In cases of polygyny where the wife and kids were residing with the birth family, the women did not expect their children (sons) to inherit property from the husband, but noted that they may inherit land from her elder brothers.

## 6.2 DIVORCE AND DIVISION OF PROPERTY

In case of divorce, the Family Code is vague regarding division of property. According to the Family Code, the court must take into account the life conditions of the spouses, the children, and the causes of the divorce in attribution of family residence.<sup>23</sup> This poses possible challenges to the community property provision in the Family Code, and it is unclear how property purchased jointly by married couples is treated. In addition, the Family Code prescribes that both parents have equal responsibility to support their children, but if children remain with the mother, the father should pay for maintenance for the children. Neglect of material support to the family and abandoning the children is punishable by the Family Code.<sup>24</sup>

Divorce, separations, and abandonment of the wife are not uncommon in rural and peri-urban areas, in part due to the high level of domestic violence in Angola as evidenced from interviews with the various NGOs, as well as interviews in the Katchiungo court.<sup>25</sup> According to DW colleagues, cases of domestic violence are often reported in the local newspaper in Huambo and may involve beatings by the spouse, where the husband or the wife may be the perpetrator. Men seeking divorce in order to acquire a new wife is not uncommon. In Lumandi village, the women noted that many cases of divorce and separations took place because of minor household disputes. The husband's family and soba may intervene, but disputes were not always resolved. Mombolo village was an exception, where the women noted that divorce and separations were rare, and that couples often sought assistance from extended family members, elders, and/or the soba to help resolve intra-household disputes.

The unequivocal view of men and women's groups interviewed in Bom Pastor and Lumandi was that if divorced, separated, or the wife is abandoned/evicted, the woman would not have rights to any of the

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<sup>23</sup> Family Code, Art. 110

<sup>24</sup> Needs verification. From Swedish International Development Cooperation Agency (SIDA). 2000. Towards Gender Equality in Angola, Swedish Embassy, Luanda.

<sup>25</sup> According to the Comerford, high levels of domestic violence are not uncommon in the aftermath of war. Citing several other authors, Comerford attributes the phenomenon to the returning of demobilized soldiers who are poorly equipped to deal with trauma. Comerford, Michael. 2005. *The Peaceful Face of Angola: Biography of a Peace Process (1991-2002)*, John Meinert Printing, Windhoek, Namibia.

husband's family assets. Property is not divided as prescribed under the community property provision, and the woman returns to her birth family where right to land is not guaranteed. Also, men often do not provide maintenance for the children. In Mombolo, no mention was made on how cases of divorce and separations are treated, and how the case would be pursued and property would be divided in the event that the soba were unable to resolve the case.

Men or women may initiate divorce in law and in practice; however, in practice men are more likely to seek divorce, as many women are not economically independent and, therefore, have difficulty leaving their husbands. Regardless of who initiates the divorce or separation, the woman typically returns to the birth family. Divorces and separations are often not well received by the woman's parents and typically her parents will blame her for the problem. In which case, the woman may return to the husband. However, if she remains with the birth family (often the case if the men initiate the divorce), the women felt that their mothers were the only ones who might support them. It is unclear whether or not a woman's family is expected to return bride price upon divorce or separation. This is likely to have a bearing also on whether a woman decides to stay in a situation of domestic violence or seek divorce.

## **6.3 INHERITANCE AND DIVISION OF PROPERTY**

### **6.3.1 Inheritance from Birth Family**

The Angolan constitution and statutory law establish equal rights to property for men and women.

All persons are equal under the law and shall not be discriminated against on the basis of races, color, ethnicity, sex, religion, level of education, economic, and social status.<sup>26</sup> Daughters who do not receive land have the right to challenge the decision by bringing in action under the Civil Code.<sup>27</sup> The succession provisions of Angola's Civil Code appear to allow for testamentary disposition of property in accordance with testator's wishes. Intestate provisions in the Family Code grant property to surviving spouses and children equally.<sup>28</sup> If widowed, the Family Code transmits leasing/renting rights to the surviving spouse.<sup>29</sup>

In practice, however, daughters do not inherit land, except in isolated cases. It is assumed that daughters will gain access to land upon marriage to her husband's land or house. This was noted in rural areas of Mombolo and Lumandi, as well as to the peri-urban area of Bom Pastor. None of the women interviewed expected to inherit land from their birth families, especially those who were successfully married. The girls/women who are unmarried, divorced, separated, or abandoned leave it to the birth family to decide whether they would inherit land or property. As noted in the interviews with the sobas in each of the three sites visited, a widow may pursue claim to a husband's land or land from her birth family, especially if she has children, and will likely settle for any land that is given to her.

### **6.3.2 Widowhood and Inheritance from the In-Laws**

Cases of widowhood are common in rural and peri-urban/urban areas. If widowed, the fate of the woman depends upon the family (as noted by the women's group in Lumandi, OMA, and local administrator of Bom Pastor). Women often lose access to land and are in risk of eviction by the in-laws, particularly in

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<sup>26</sup> The Angolan Constitution, Art. 18.

<sup>27</sup> Information provided by a local Angolan lawyer and requires verification (Nielson 2007).

<sup>28</sup> Family Code, Art. 75

<sup>29</sup> Family Code, Art. 75

rural areas.<sup>30</sup> In many other cases widows are *allowed* to stay on husband's land but as holders in trust for the children; she does not have the right to lease or sell the land. This was noted by a widow living with her children in her husband's house in Bom Pastor. The in-laws could evict this widow from the property, but with the in-laws residing in Benguela that was less of a possibility. The widow noted that in the event her in-laws came to claim the property, she would return to her birth family.

In other cases yet, the widow may decide to leave of her own choosing because of tensions and conflicts with the in-laws not related to land (as observed in two cases in Mombolo). If widow returns to birth family, she may or may not receive a plot to farm from the parents or brothers. Widows may remarry (and this is not uncommon for the relatively younger widows), but as noted in each of the three sites, she will lose any rights to land of previous husband. In general, elderly widows and those with grown children appear to have more secure rights to husband's lands than the younger widows. This is in part due to the stronger community ties of the older widows in the in-laws' village than of the younger widows.

Customary practices regarding children (son's) of the widows varied. Women in each of the site noted that if they were widowed, their sons' inheritance would depend upon the husband's acceptance of the children. Other women in Lumandi village noted that whether or not a widow's sons would inherit land would depend upon the age of the children at the time of husband's death. If the widow leaves to return to the birth family, but has adult sons, they would inherit her husband's land. However, if a widow with young children returns to the birth family, the children will likely not receive land from her in-laws.

Thus, many factors make a widow's and her children's inheritance insecure. These include the age of the widow, whether the widow came from the same village as that of her husband's, whether or not she had children, the age of the children, and acceptance of the children by the in-laws.

In general, and despite some differences in customary practices regarding widows and their children between sites, the sobas appeared to have favorable views regarding widows retaining rights to husband's land. Each of the three sobas interviewed noted that the women should not be evicted from their husband's land if widowed. Women, on the other hand, saw the situation differently in Lumandi and noted that eviction of the widow by the in-laws was not uncommon. If the in-laws attempt to evict the widow, sobas (upon request from the widow) may intervene and help resolve the issue with the in-laws or grant access to another plot of community land to the widow.<sup>31</sup> This was noted by soba of Lumandi. It appears, however, that the widows often receive poor quality lands, and in many cases continue to have problems providing for themselves and the children. This is apparently the case whether a widow remains in the husband's village or returns to the natal family. Both in Mombolo and Lumandi, the sobas noted the issue of low productivity of land as one of the biggest problems in relation to widows. Even the Huambo-based organization CAAPI2 was cognizant of the problem and was providing assistance to women-headed households who had land but were unable to produce much. In Mombolo village, the soba attributed the widow's problem in part to the lack of adequate household labor to work the farm.

### 6.3.3 Childless Women

Childless women are among the most vulnerable of all, particularly in rural areas. If a couple is unable to produce children, the problem is often blamed on the woman. Moreover, multiple births of girls are sufficient reason for a man to seek another wife. If the woman has no children (and sons in particular), her in-laws can dispossess her of her husband's land.

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<sup>30</sup> The practice of levite (marrying brother of the deceased husband), according to the OMA representatives, is a practice common in the Huila region among the Mumuila tribe. This practice is not observed among the Ovimbundu.

<sup>31</sup> More information is needed on widows being granted rights on community lands, and specifically, what parts of the community lands.

# 7.0 WOMEN'S INVOLVEMENT IN LAND MARKETS

Land transactions are not uncommon in rural areas, as noted by the men's group in Mombolo and in Lumandi village, mainly to meet extra cash needs. In particular, land leases by individual landholders are common within community lands or occasionally to outsiders who are well known to the community. As each of the three sobas noted, they are not always invited to serve as witness of these land transactions. Disputes related to leases and unpaid rents are not uncommon in each of the sites, and sobas are typically called upon to resolve disputes related to these land right transfers.

In Bom Pastor many residents have obtained land through purchases. Thus, as might be expected, sale and lease of land is even more common in peri-urban than in rural areas. Transfer of these rights may or may not be limited to members of the Bom Pastor community.<sup>32</sup> According to the soba, disputes related to leases and unpaid rents are also common in Bom Pastor.

Women do not appear to be involved in land market transactions in the rural areas, and certainly not in the pilot village of Mombolo. This is understandable given that most women in rural areas do not have secure land rights independent of their husbands. In rare cases where they do (e.g., widows), they lack the rights to lease or sell property. Interviews with the women's group suggested that they see themselves as temporary custodians of land for the children, and only the male children have the authority to sell or lease land. In the peri-urban area of Bom Pastor, the same sentiment was observed. None of the women interviewed had acquired land through purchase; all plots had been inherited by them and their husbands. However, in Bom Pastor some women may have been able to purchase land of their own (needs verification). More detail is needed on how these women were able to purchase land and the tenure security to it.

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<sup>32</sup> Needs verification.



# 8.0 RURAL INSTITUTIONS AND THEIR IMPACT ON WOMEN'S ACCESS TO LAND AND NATURAL RESOURCES

## 8.1 CUSTOMARY INSTITUTIONS AND FORMAL COURTS

The sobas play an important role in many village level affairs. They serve as protectors of the community, serve as spokespersons for the communities, and transmit information to the communities. The sobas play an important role in land administration, testifying to transactions and enabling access to land for those in need. In that sense, the sobas function as local registrar's of lands and are custodians of knowledge related to land ownership and transactions. Yet, according to the soba in Mombolo and Bom Pastor, some residents may request his presence to serve as witness of a land transaction (lease or sale), while others may not. Where the soba did not serve as witness, he might remain unaware of the transaction unless a dispute arises and the resident seeks the soba's assistance to resolve the dispute.

A critical function performed by the soba is that of conflict resolution and mediation. According to the sobas and men's groups in each of the three sites, most people first attempt to resolve disputes within the family and without the involvement of the soba.<sup>33</sup> If the internal attempts of resolving disputes are unsuccessful, people will bring cases to the soba (land-related and otherwise). Many people prefer sobas as a forum for resolving disputes, as they are perceived to provide the most accessible and lasting solutions. This is particularly the case in rural areas. In peri-urban areas, people also mentioned taking cases of disputes to an NGO or the church.

When cases are brought to the sobas, they resolve problems directly with the family involved. Often sobas are able to resolve the cases; however, for the particularly complex problems, some sobas may seek assistance of other sobas in the communa and arrive at a resolution through these joint efforts (as noted by soba of Bom Pastor). If that fails the soba may approach the local administrator; however, in each of the three sites, the sobas, the elderly, and other men agreed unequivocally that nearly all disputes are resolved at the local level without the involvement of the local administrators.

When women were asked where they are likely to go in case of a dispute, their responses varied. In the rural area of Mombolo, the women mentioned the soba or the pastor. In the peri-urban area of Bom Pastor, the women mentioned the church, the birth family, the soba, or a neighbor (in that order). According to the representative in the formal court of Katchiungo, women do occasionally access the formal courts for assistance; however, mainly for cases of domestic violence and never for land-related

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<sup>33</sup> See also study in Bie Province in Angola. Source: Norfolk, Simon et al. 2004. Land and Natural Resource Management System Assessment, Bie Province, Care-International Angola.

issues. OMA also noted being approached by women in relation to domestic violence problems (and never on land).

While there is no cost associated with approaching the soba with a particular case, customarily sobas are offered small gifts (such as traditional beer) for their assistance. This was noted by the women in Bom Pastor. There was no mention of sobas accepting bribes in resolving cases. However, the occurrence of this (acceptance of bribes) and implications for effective dispute resolution should be verified through further assessment. When asked whether there are women's groups that assist women in bringing cases to the soba in the pilot sites, the women interviewed in each site stated that the person experiencing problems should (and do in practice) present the case directly to the soba or pastor.

There appears to be little connection between formal and informal dispute resolution mechanisms and laws, although sobas are often used as witnesses in formal courts and are often called upon to support claims of land ownership by an individual or household where no written land records are available.

## **8.2 TYPES OF DISPUTES RECEIVED BY SOBAS, FORMAL COURTS, AND NGOS**

Discussions with the sobas and NGOs revealed that the most common cases of disputes that they receive are not related to land, rather they were related to domestic violence. This was noted both in the rural and peri-urban areas (based on interviews with OMA, CAAPI2, GCSR, soba of Bom Pastor).

Nevertheless, sobas and NGOs mentioned receiving some cases of disputes related to land, many of these were intra- or inter-family disputes (with other members of the village or peri-urban community). Cases of disputes with outsiders were noted as rare occurrence. Table 8.1 provides a listing of specific land-related issues received by the sobas, the formal court, and the NGOs interviewed.

The interviews suggested that the sobas, the formal court, and NGOs rarely receive cases from women, outside of domestic violence cases or regarding men's unwilling to provide maintenance for children in cases of divorce or separation (e.g., Bom Pastor). The only land-related cases received by the sobas from women in the three sites were widows requesting access to land.<sup>34</sup>

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<sup>34</sup> Disputes in urban areas may be of different nature. It appears from the SIDA report that OMA in Luanda received frequent cases of conflict between husband and wives related to housing, as a woman and her children may be evicted if a man decides to sell or rent the house without consulting her.

**Table 8.1 Nature of Land-Related Disputes in Huambo**

Nature of Dispute	Location					Source of Information
	Bom Pastor	Mombolo	Katchiungo Municipality	Lumandi	Other (Huambo)	
<b>I) Intra-household</b>						
1. One family member selling land without consulting others in family	x		x			Soba; Assistant to the Judge
2. Widows (access to land)		x		x		Soba; Soba
3. Orphans (extended family laying claims to orphan's land)	x			x	x	Soba; Soba; CAAPI2
<b>II) Inter-household</b>						
4. Boundary disputes (between neighbors)	x	x				Soba; Soba
5. Double sale of land	x					Soba
6. Leases (soba not made aware of the lease arrangement, but asked to resolve a dispute regarding non-payment of rent)	x	x		x		Soba; Soba; Soba
7. Sale (disputes originating after sale of land and soba not informed of the sale)	x	x			x	Soba; Soba; CAPPI2
8. Orphans (outsiders taking land of orphans)				x		Soba
9. Owners residing in city (lands taken by others)					x	SfCG
<b>III) Conflicts with outsiders</b>						
10. Returning Portuguese settlers					x	GCSR
11. Outsiders encroaching on community lands (land grabs)				x		Soba
12. Political leaders taking land for fazendas					x	CAPPI2
13. Encroachment on fazendas			x			Assistant to the Judge
<b>IV) Other</b>						
14. Returnees (with no land records); poor quality of land allocations					x	GCSR; SfCG; CAAPI2

Note: Sources of information are listed in order of “x” marks (left to right).

### 8.3 WOMEN’S GROUPS IN PILOT SITES AND IN ANGOLA

Women’s groups appear to be largely absent in the two pilot sites of Mombolo and Bom Pastor. In Mombolo, women mentioned engaging in some household activities in informal groups, such as collection of firewood. In peri-urban area of Bom Pastor, when the women were asked about the existence of informal or formal women’s groups, including local women’s associations or cooperatives, the interviewees denied the existence of any. These women tended to engage in activities relatively independently.

A number of formal civil society groups and NGOs are actively working on women’s issues in Angola, both in the rural and urban areas, and many new organizations working on women’s issues have emerged

in the recent years.<sup>35</sup> One of the strongest is the Rede Mulher, which is a women's network, established in 1999, as a women umbrella organization with nationwide membership of nearly 100 members and cooperating closely with MINFAMU (Ministry of Family and the Promotion of Women), United Nations (UN) agencies, and international NGOs. The NGO works on peace building, addressing and developing appropriate mechanisms for conflict resolution and strengthening women institutional capacities, promoting human rights, and dealing with issues of HIV/AIDS. Angola has associations for women lawyers, women in Parliament, journalists, and police officers; however, the scale of activities of these associations appears to be fairly small. Also, tensions exist between some of these organizations as, for instance, between Rede Mulher, Women in Parliament, and MINFAMU.<sup>36</sup> Finally, a number of other organizations such as ADRA (Acção para o Desenvolvimento Rural de Angola), Development Workshop, and Rede Terra are providing assistance to women and possibly ODGs in legal education, legal aid, and micro-credits schemes as part of their larger activities.

In terms of governmental women's organizations, MPLA's women's wing is the largest and most influential in Angola. The OMA has offices around the nation and has representatives at the most local level down to the village who may assist rural women facing problems. UNITA has also its own women wing but has not been less active compared to OMA. A number of other women's organizations and NGOs are working on the ground in small communities, implementing projects in various sectors. These include church-based women's organizations (e.g., Promaica), as well as community-based organizations. However, these appear to have limited influence outside of the project specific sites. In general, the women's movement appears to be weak and to lack the power to make real political influence.<sup>37</sup>

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<sup>35</sup> Greenberg, Marcia. 2000. Women in Angola: An Update on Gender-Based Barriers and Opportunities for Democracy and Governance Work, USAID WIDTech, Washington, DC.

<sup>36</sup> Greenberg, Marcia. 2000. Women in Angola: An Update on Gender-Based Barriers and Opportunities for Democracy and Governance Work, USAID WIDTech, Washington, DC.

<sup>37</sup> Swedish International Development Cooperation Agency (SIDA). 2000. Towards Gender Equality in Angola, Swedish Embassy, Luanda.

# 9.0 ACCESS TO INFORMATION ABOUT WOMEN'S LAND AND NATURAL RESOURCE RIGHTS

Women appear to receive little information regarding land and natural resource rights. As the women interviewed in the three sites stated, whatever information they do receive is via the soba. Women also appear to have access to the radio, and that is the medium used by OMA for reaching women both in both rural and peri-urban areas.

It is important to note that given the high levels of illiteracy, particularly among women, dissemination of any written materials is not likely to be very effective means of reaching women. According to the 1996 statistics 43.3 percent of the women and 17.5 percent of men in Angola are illiterate.<sup>38</sup> In rural areas, literacy levels of women are expected to be even lower. Girls have always been under-represented in schools, and in many rural areas parents do not hesitate to withdraw girls from school to give them away in marriage.<sup>39</sup> Girls may thus miss opportunities for receiving basic formal education.

In the rural areas, sobas may receive information from different sources. In Lumandi village, the soba mentioned receiving information on land laws from the radio and from the NGO ADRA. In the peri-urban area of Bom Pastor, the soba mentioned the local administrator as a major source of information.

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<sup>38</sup> Greenberg, Marcia. 2000. *Women in Angola: An Update on Gender-Based Barriers and Opportunities for Democracy and Governance Work*, USAID WIDTech, Washington, DC.

<sup>39</sup> Sorvald, Marit, Emilia Dias Fernandes, and Thor Oftedal. 2006. *Review of the Implementation of Women and Gender Equality Aspects in the Norwegian Development Co-operation with Angola: Final Report*, Nordic Consulting Group, Oslo.



# 10.0 THE OTHER DISADVANTAGED GROUPS (ODGs)

This document provides limited analysis of the other disadvantaged groups in the pilot sites mainly due to the missing information on who the ODGs are. Based on preliminary assessment of the pilot sites, the ODGs were identified as orphans, the disabled, demobilized soldiers, and returnees (IDPs and refugees). These categories of ODGs will be confirmed along with any additional groups identified from the benchmarking analysis being completed for the two pilot sites.

Based on the interviews conducted with sobas, men, and women's groups, the most disadvantaged groups in the pilot areas appear to be the demobilized soldiers and orphans. In both the rural and the peri-urban pilot sites, cases related to resettling of refugees/IDPs and returnee cases were resolved over the past year. This was noted independently by the soba of Bom Pastor, the local administrator of Bom Pastor, as well as the soba and men's group in Mombolo. OMA received some cases of land disputes from women returnees in rural areas; those were received last year and such cases are no longer being received. According to the soba and the NGOs, the main problem experienced by the returnees was sale of land or house by a family member. This was noted by the soba of Bom Pastor. In Mombolo, the soba and men's group stated that none of the returnees experienced problems in reclaiming family lands.

The **demobilized soldiers** remain vulnerable not because of inability to access land, but because they may be handicapped and unable to work on the farm. As stated by the men's group in Lumandi village, in some cases, landmines posed a problem in accessing land, and returnees were injured and handicapped while trying to clear their farm plot of explosives. Additional information is needed on issues related to demobilized soldiers—particularly women soldiers—as well as the disabled in rural areas where few opportunities for income generation exist outside of farming.

In Bom Pastor, the soba noted the presence of several **orphan-headed households** in his community, some headed by girls others by boys. According to the soba, he occasionally receives land-related disputes brought to him by orphans (see Table 8.1). In each of the cases, families (e.g., father's brothers) had attempted to claim ownership of the orphans' lands, evicting the orphan in the process. The soba stated that orphan-headed households, whether headed by boys or girls, encountered the same problems. Rarely did they receive cases of outsiders encroaching or making claims to the orphans' lands. In Mombolo village, no cases of orphans or orphan-headed households were mentioned; however, these cases and issues of land access need further investigation. The presence of several orphans (resulting from the war) was noted in Lumandi village. Here the men noted outsiders making claims to orphans' lands, particularly to the unused areas. This was noted as one of the most difficult land-related problems that they encountered in their village. The Huambo-based NGO CAAPI2 also noted cases of family members laying claim on orphans' lands, and noted that orphans are often assisted by women relatives or neighbors.

Finally, it is possible that supporters of UNITA that lost power to the MPLA after the war may have lost land rights. Further information is needed to assess land issues related to this and other politically-marginalized groups.



# 11.0 FORMALIZATION AND DOCUMENTATION OF WOMEN AND ODGs' RIGHTS TO LAND AND NATURAL RESOURCES

To date, the government of Angola has made little effort in formalizing land rights in Angola. Outside of commercial concessions (largely to the elite), and the Food and Agricultural Organization of the United Nations (FAO) demarcation and titling activities, government efforts of land titling, registration, mapping, and cadastre maintenance have been limited.<sup>40</sup> The 2004 Land Law does not identify women or any disadvantaged groups requiring specific attention and, thus, makes no provision to protect land rights of women and other disadvantaged groups in the course of the land rights formalization processes. While the regulations associated with the Land Law may provide some measures for ensuring that land rights of women and other disadvantaged groups are acknowledged and recorded, these regulations are awaiting public release. In the meantime, the recommendations presented in the following section can assist women and other disadvantaged groups gain and/or retain access to land in Angola.

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<sup>40</sup> USAID. 2005. Land Tenure and Property Rights Assessment for Angola, USAID Washington DC



# 12.0 RECOMMENDATIONS FOR IMPROVING LAND RIGHTS OF WOMEN AND ODGs

As the Government of Angola pursues land rights formalization with assistance from donors and NGOs, specific attention will be needed to ensure that women and ODG land rights are recognized and recorded. Based on the profile presented above, the following recommendations should be considered in this and future projects. An action plan for improving women and ODG land rights under the Strengthening Land Tenure and Property Rights Project is presented in Appendix C, and builds off of the recommendations presented below.

**i) Legislative and Policy Reform.** Review and modify laws that limit women and ODG access to and control over land. Ensure that land laws, regulations, and policies consider both formal and customary household patterns and land rights. Specific provisions in the legal framework may include, for instance, requiring of joint registration of customary and statutory household land rights for spouses.

**ii) Public Information and Awareness.** It will be important that principles governing women and ODG land rights be integrated into the general training and awareness activities for beneficiaries (men, women, ODGs) in the two pilot sites, the traditional leaders in the pilots, formal dispute resolution bodies, and government officials (local, municipal, provincial, and national) proposed in the land formalization manuals. Any public information and awareness campaign will need to give careful consideration to the timing, location, and medium of disseminating information, as women (in particular) may not attend and/or participate freely in public forums. Also, men and women often access information from different sources. The traditional leaders present an important window of opportunity for recognizing women's (particularly widows') land rights. Specific legal literacy programs may be necessary to promote knowledge and understanding of land rights and obligations of women and ODGs among the various decision-making bodies.

**iii) Formalization and Adjudication of Land Rights.** Ensure effective participation of women and ODG (as appropriate) in all decision-making processes at the local, regional, and national levels by establishing simple and practical registration procedures. Recognize that many women and specific ODGs may be illiterate, may not have the necessary identification required, and have limited financial resources. The process of land rights formalization efforts will need to ensure that joint rights of spouses (formal and de facto) are included in the documentations for all lands and property that are not held specifically by single individuals.

**iv) Monitoring and Enforcement of Rights.** Ultimately, whether land rights formalization efforts successfully recognize women and ODGs' concerns will depend upon monitoring and on the ability to enforce those rights. Where formal laws provide protection for these groups, enforcement mechanisms will need to be strengthened to ensure compliance with the legal provisions.

Land rights formalization efforts will need to ensure that the project staff working with local communities is gender balanced and that the staff understands issues related to women and ODG land rights. The staff will need to make sure that there is meaningful participation of women and ODGs in the land rights formalization process. This will require that women and ODGs are informed of the importance of land rights formalization and the implications of land rights formalization for them. It will mean making sure that a strategy is developed to ensure that women and ODG are informed when each relevant meeting regarding land issues will take place, that the meetings are held at times and in places that are accessible to these groups, and that the implementing body ensures that the interests of these groups are represented. Where possible, specific committees and groups formed for the purpose of land rights formalization should include a certain percentage of women and ODGs to the extent feasible and appropriate.

# 13.0 CONCLUSION

Based on interviews conducted in the pilot sites with women's groups, men's groups, sobas, as well as interviews conducted with relevant NGOs and local administrators, the findings on women's and ODGs' access to land are summarized below. These findings provide an overview of women's and ODGs' access to land in the pilot regions; however, the profile presented here is necessarily incomplete due to the limited time available for field work. While the findings from the rapid gender/ODG assessment will allow the ARD consortium to identify strategies for ensuring that women's and ODGs' land rights are recognized during the pilot registration processes and, where possible, improving their access to land, it is suggested that further efforts be made to fill gaps in information presented here. For instance, further information is needed on statutory laws that pose constraint for women's rights to land, specific ODGs and their access to land, women's and ODGs' access to natural resources, and women and ODG engagement in land markets. Additional site-specific questions and the need for verification of certain findings are identified below.

## 13.1 KEY FINDINGS

### 13.1.1 Statutory Laws

- **The Constitution:** The Angolan constitution and statutory law establish equal rights to property for men and women. All persons are equal under the law and shall not be discriminated against on the basis of races, color, ethnicity, sex, religion, level of education, economic, and social status.
- **The Family Code:** The Family Code requires couples to elect whether to hold property individually within the marriage or recognize community property. If there is no election, the resumption of community property governs. Alienation of community property requires consent from the spouse. If widowed, the Family Code transmits leasing/renting rights to the surviving spouse. The Family Code does not however permit polygamy. Intestate provisions in the Family Code grant property to surviving spouses and children equally.
- **The Civil Code:** Provides for daughters who do not receive land have the right to challenge the decision.

### 13.1.2 Customary Laws

- **Land Rights of Women:** There are no clear customary norms that protect women's land rights. Women's tenure rights are precarious at best in most areas. Significant differences in practice remain from family to family and depend upon the soba's decision; however, most women do not have land tenure security in their own right but only through their husbands or their parents, or are seen as holding land in trust for their children.
- **Inheritance from Birth Family:** Girls and women, married or unmarried, rarely inherit land from birth family. The tradition of male-only inheritance is justified by the fact that women would gain access to land through her husband.

- **Widows:** Tenure security of widows appears highly variable, and respondents provided different responses even within the same village. Also, regarding widows, there were notable differences between the two project sites Mombolo, Bom Pastor, and even between Mombolo and the village of Lumandi. In Mombolo, the overall view was that a widow would be able to remain on a husband's plot unless she was to remarry. Cases of eviction were not mentioned by the men's or the women's groups. In Lumandi, the women's group noted that the widows are often evicted by the husband's family and the widow returns to the birth family. The soba mentioned that such cases of eviction are rare and should not happen. Ultimately, it appeared that eviction of the widow depended upon the decision of the in-laws and varied from family to family. Nevertheless, an elderly widow with children was less likely to be evicted compared to a younger and/or childless widow. In many cases, widows appear to seek assistance of the soba in gaining or retaining land access, and sobas do provide assistance in negotiating with the in-laws or providing access to another plot, but whether the widow will be assisted will depend on the soba and the outcome of the assistance is not guaranteed. Despite the provisions in formal law, whatever rights of access to land are granted to women is considered goodwill rather than because of recognition of the inherent rights of these women. The unequivocal response in each site was that women lose right to deceased husband's land if she remarries, and whether her children will inherit land will depend upon the in-laws acceptance of the children or whether they have reached adulthood. In Bom Pastor the widows clearly noted their role as temporary custodians of property for the children and did not have rights to lease or sale of the property.
- **Divorced:** Divorced or separated women were almost always expected to return to the birth family along with her children. Also in the case of divorce/separation, many men do not follow formal law and fail to provide maintenance for the children.
- **Women in Polygynous Relationships:** Women in polygynous relationships appear to have rights to land via their husbands. Widows are particularly vulnerable in peri-urban and urban contexts where landholdings are limited and the men may not be able to provide a plot or housing for each wife.
- **Childless Women:** Childless women, if widowed, are almost always evicted by the husband and in-laws or expected to return to the birth family. The husband of a childless woman may seek another marriage and may or may not provide maintenance for the wife.
- **Children of Widows, Divorcees, and Those in Polygynous Relationships:** Given the precarious land and property rights of women in general, and widows/divorcees, and those in polygynous relationships in particular, land rights of children of the latter groups of women remain very precarious as well and depend upon the husband's acceptance of the children.
- **Women and Land Disputes:** Where formal laws may protect women, women do not take advantage of them, as women (and men) **lack knowledge of their rights** to land and property. Thus women often do not pursue a case to gain/retain land access. When women do pursue a case (such as land access for widows), the women take the case to the soba. In some instances, the soba may attempt to pursue the case with the in-laws. In other cases, sobas may provide a plot of community land (in rural areas) to the widow. However, whether or not the soba will assist the widow depends upon his willingness to assist, and the final outcome may vary from soba to soba. Lands acquired via the soba frequently appear to be of poor quality and often insufficient for her and her children's livelihood needs.
- **Women in Informal and Formal Decision-Making Positions:** Women hold few decision-making positions in the informal and formal decision-making bodies. This trend is changing; however, low literacy rates of women, particularly in rural areas, may pose a significant barrier to increasing women's role in these positions. Presence of women in positions of decision-making may have a positive influence on enforcement of laws that protect women's rights to land.

- **Other Disadvantaged Groups (ODGs):** Key groups that appear to be disadvantaged in the pilot sites include the orphans and demobilized soldiers. Further information from the benchmarking survey is needed to verify the composition of this group for the two pilot sites. Additional information is needed also on demobilized girls/women soldiers, the disabled/handicapped, as well as supporters of the losing political party UNITA.

## 13.2 KEY RECOMMENDATIONS

Based on the profile presented above, the following recommendations are proposed for improving women and ODG land rights in Angola. Specific activities and action plan to be implemented under the Strengthening Land Tenure and Property Rights Project parallel these recommendations, and are proposed in a separate action plan provided in Appendix C.

- **Legislative and Policy Reform:** Review and modify laws that limit women and ODG access to land and control over land.
- **Public Information and Awareness:** Raise awareness of beneficiaries (men and women), the traditional leaders in the pilots, formal dispute resolution bodies, and government officials (local, municipal, provincial, and national) on women and ODG constraints to land access and opportunities for strengthening their land rights via training, public awareness campaigns, and/or legal literacy programs.
- **Formalization and Adjudication of Land Rights:** Ensure effective participation of women and ODG (as appropriate) in all decision-making processes at the local, regional, and national levels by establishing simple and practical registration procedures. See Appendix C for specific guidelines related to this Project.
- **Monitoring and Enforcement of Rights:** Consider putting in place a monitoring and enforcement system to ensure that land rights formalization efforts successfully recognize and document women's and ODGs' rights, as well as enforce those rights.
- **Further Gender and ODG Assessment Priorities:** While a complete gender and ODG profile may be unnecessary at this stage, specific additional information will be critical for Project implementation. Below are some priorities for collection of additional information:
  1. *Land Transactions by Women.* An assessment is needed on women's land transactions particularly in the peri-urban pilot site. Specifically, more detail is needed on lease, sale, and purchase of land by women, and tenure security to purchased or leased lands. Further information is needed also on the differences between ancestral and purchased land and how these might be treated differently when resolving disputes, whether or not land transactions involve any written documentation, if spouse's signature/consent is required in written documents, and if spousal consent is requested in practice.
  2. *The Changing Role of Women in Household-Level Decision-Making.* While customarily women appear to play a secondary role in decision-making in regard to land use and land transactions, the absence of men (due to rural urban migration or men's increasing engagement in cash economy generally) may place additional decision-making responsibilities in women's hands. Additional information would be helpful regarding any changes in decision-making role of the women, as well as access to and control over household and individual cash income.
  3. *Women's Participation in Local Governance and Dispute Resolution Systems.* Further information will be helpful regarding women's participation in their community (e.g., community meetings), local governance (village councils if any) and dispute resolution systems (as formal or

informal). Additional information is needed also on women leaders, women's associations, and existence of other women's informal and formal groups in these pilot sites.

4. *Women's Engagement in Commercial Activities.* Both in rural and peri-urban areas, women are involved in commercial activities to varying degrees. While women's engagement in informal markets is clear, information is limited on women's access to credit and the ability to use land as collateral.
5. *Sobas.* Sobas play a very significant role at the local level in terms of community members' access to land (for the landless), land administration in general, resolving disputes related to land, as well as being a source of information for the community members. A better understanding of who the sobas are and how they function will be helpful. Specifically, it will be helpful to know how sobas assume their position (via appointment or election), criteria for their selection, how long sobas remain in power, formal or informal payment of their services, relation with local government officials, and any specific role in formalized process of land registration.
6. *Legality of Marriages, Widowhood, and Divorce.* From the information available, it is unclear whether church and customary marriages are legally recognized. This will have implications for where marital property rights may be applied to benefit married individuals. Additional information will be helpful in understanding implications of widowhood, and in particular, sobas granting widows access rights to specific community lands (for example, what parts of the community lands are they given access rights to, what are the nature of those rights). Finally, additional information on implications of divorces and separations will be important, particularly for women who are unable to return to their birth families. In addition, whether or not a woman's family is able to retain bride price in the event of divorce or separation should be further investigated, as this will have bearing on whether woman will choose divorce if in an abusive relationship.
7. *Other Disadvantaged Groups (ODGs).* Little information is available on ODGs, in particular demobilized soldiers (including girls/women), any displaced or returning refugees (particularly women), and their access to and control of land or other critical natural resources. Additional information on these and other groups will be critical to programming ODG specific activities, particularly in the peri-urban site where the community is relatively diverse.

# APPENDICES



# APPENDIX A: LIST OF CONTACTS

Helena Zefarias-Lowe	Norwegian People's AID (NPA)
Jenny Neville	Search for Common Ground (SfCG)
Luis Jimbo	Search for Common Ground (SfCG)
Emiliano	Group of Seminaries from Roman Catholic Church (GCSR)
Sr. Goncalves	Coordination for Assistance with Agriculture, Fisheries, Industry and Social Action (Coordenacao las a Judas Para Agricultura, Pecuria, Pescas, Industria e Accao Social—CAAPI2)
Angelino Catumbela (Soba)	Lumandi village, Kilometer 25 Communa, Caala Municipality
Maria Emilia Nacole	Angolan Women's Organization (OMA)
Filomena Pindali	Promaica (Promacao da Mulher Angolana na Igreja Catolica)
Maria Helena Fernandes	Promaica (Promaica da Mulher Angolana na Igreja Catholica)
Serafina Chamile	Promaica (Promaica da Mulher Angolana na Igreja Catholica) Assistant to the Judge, Katchiungo court, Katchiungo Communa
Celestino Chilala (Soba)	Bom Pastor
Local Administrator	Bom Pastor
Pelagio Koala	Soba of Mombolo



# APPENDIX B: ORGANIZATIONS WORKING ON WOMEN OR LAND RIGHTS IN ANGOLA

Organization		Activities
<b>Donors</b>		
1.	FAO	FAO has worked on community land demarcation since 1999 and is currently implementing projects on demarcation of rural community lands in conjunction with ADRA. USAID has provided funding to FAO in support of these efforts.
2.	Norwegian People's AID (NPA)	NPA supports numerous activities promoting women's participation in electoral education, political mobilization of women via training programs, and promoting legal rights for women, covering thematic issues such as violence and polygamy. NPA supported research on land-related issues, including women's land rights, knowledge of land law among public officials, study on land conflicts and capacity of government authority to manage land conflicts and promoting land rights education.
3.	SIDA	Focuses generally on humanitarian aid, HIV/AIDS, children, gender, and health, with some work in the areas of the environment, human rights, and democracy (specifically, in working with the Ministry of Justice and the Bar Association). Supports the OMA legal aid centers for battered women, and Rede Mulher's literacy programs.
4.	United Nations Human Rights Office (UNHRO)	UNHRO targets women and gender equality. The office has a gender focal point that works actively on gender mainstreaming.
5.	UNICEF	UNICEF is supporting activities addressing women and girls' education needs.
6.	UNIFEM	Supports MINFAMU to advise the Angolan community about gender perspectives, and has helped the ministry work on gender integration, and on establishing gender focal points in other ministries.
7.	UNFPA	UNFPA has supported trainings on gender issues and on Radio Angola in population, development, gender, health, and youth; it works closely with MINFAMU.
8.	USAID	Is supporting the Strengthening Land Tenure and Property Rights Project which involves promoting land rights of women and other disadvantaged groups.

NGOs		
1.	Acção para o Desenvolvimento Rural de Angola (ADRA)	ADRA is among the most influential NGOs in Angola with the overall goal to reduce poverty for the rural population and strengthening of civil society. One of ADRA's key activities is to strengthen local authorities and the traditional leaders' capacity in relation to public administration and legislation. Other important activities include civic and electoral education. Gender training is carried out and some projects are specially targeted women such as micro-credit schemes, mobilization of women, electoral education, land law and the rural population's rights to land. A recent study published on access to and use of agricultural land included an analysis of women and gender issues. ADRA works in conjunction with Rede Terra on several of the activities.
2.	Association of Women Lawyers	The Association of Women Lawyers promotes women's rights and works on domestic violence issues.
3.	Coordination for Assistance with Agriculture, Fisheries, Industry, and Social Action (CAAPI2)	With support from Search for Common Ground, worked on a dispute resolution project. Works closely with the NGO Associacao Maos Livres (Association of "Free Hands," an organization of judiciaries and advocates promoting human rights) in pursuing cases of disputes. CAAPI2 is currently waiting for financing for work on land conflicts, including those related to women's access to land.
4.	Development Workshop	Over the past 30 years, have been implementing a diverse set of programs including land rights formalization in peri-urban areas. An extensive micro-credit program is benefiting many, including women's income generation activities.
5.	Group of Seminaries from Roman Catholic Church (GCSR)	With support from Search for Common Ground (SfCG), working with advocates and local administrators on land and housing conflict reconciliation.
6.	Rede Mulher (Women's Network)	An informal women's network created in 1995. Rede Mulher has been involved in activities dealing with violence against women. It has undertaken training of policemen, journalists, and other professions, and organized lobbying to enforce existing legislation. It works to build capacity among women's organizations, perform advocacy work on issues such as violence against women, partner with parliamentary women, support a women's literacy campaign, and disseminate information regarding women and gender. As part of the latter activity, the group has put on radio programs in Luanda, Huila, and Benguela, held monthly meetings in the provinces, and published a newsletter, called "Accao Genero." Its main objective is to act as a facilitator in the exchange of information and experience, to promote training, and to put pressure on parliament and government regarding women's rights and gender equality.
7.	Rede Terra	Rede Terra has conducted research on land disputes. Rede Terra has also conducted research on women's rights and access to land. Related to these findings, Rede Terra is conducting training in land law and issues related to land rights for women in Huambo, Huila, and Melange.
8.	Search for Common Ground	Supports numerous activities related to civil society strengthening, reconciliation, conflict resolution, support to media and youth projects, women peace center and victims of torture project; conflict resolution training, including trainings for sobas. SfCG supported a land conflict assessment in Huila.

<b>Government</b>		
1.	Ministry of Family and the Promotion of Women (MINFAMU)	Objective of MINFAMU is to improve women's situation and gender equality; however, it is severely under budgeted, understaffed, and marginalized within the government structure. It works to promote women's rights and needs in government, civil society, and the private sector, and seeks to build gender awareness.
2.	Angolan Women's Organization (OMA)	OMA has provided legal support for women and families since the beginning of the 1990s (with centers in Luanda, Cabinda, and Benguela); however, it is still working on a small scale, owing to the lack of resources and difficulties to reach out. As part of MPLA, OMA has played a crucial role in the promotion of women's legal and economic rights as these are laid out in the Constitution, and in the family and labor laws. OMA mobilizes women and provides guidance in economic empowerment (including micro-credit), social improvements, education, and literacy; assists with family/marriage problems, polygamy; provides advice on domestic violence issues; defends rights of women. OMA was instrumental in the creation of the State Secretariat for Women's Affairs, which preceded MINFAMU.
3.	Liga Independente das Mulheres (Angolan Women's Independent League—LIMA)	LIMA is UNITA's women's organization, formed as the women's arm of the party. LIMA was active during the elections in 1992, and took an active role in the war.
4.	Association for the Help and Development of Angolan Women and Children (Associação para a Ajuda e Desenvolvimento da Mulher e Criança Angolana – ADEMA)	ADEMA has a more social approach, focusing on rural women's economic development, education, and training.
5.	Parliamentarian Women's Group	The Parliamentarian Women's Group works in partnership with MINFAMU, the Rede Mulher, and other organizations. The Group has a number of projects relating to law reform in the areas of violence against women, violence against children, and HIV/AIDS. They also participate in the African Network of Women Parliamentarians.



# APPENDIX C: ACTION PLAN FOR GENDER AND ODG ACCESS TO LAND

## Purpose and Issues

The objective of Component 4 of Angola Land Tenure Program is to enhance considerations of gender and other disadvantaged groups (ODG) considerations in land law implementation. In particular, Angola's Constitution (1992), Family Code (1989), and the Civil Code (2001) promote equal rights of women and prohibit gender discrimination. The Land Law (2004), on the other hand, allows for customary laws to reign particularly in the management of community lands and makes no specific provisions for women's access or rights to land. Access to land by women is not ensured within the framework of customary rights. Under customary law, women rarely inherit land, and land rights of women and children remain weak. Women frequently lose their access to land if there is a breakdown of the household. Widowhood, abandonment, and polygamy can all cause women to lose their land, leading to increased poverty and conflict. Given the high number of women-headed households due to widowhood and separations resulting from the war, there is a potential that many will not benefit from the security to land tenure that the Land Law seeks to provide. The same case applies for children of widows and separated women, orphans, and demobilized soldiers in particular, who may lack knowledge of their land rights or lose rights due to inadequate representation during the land rights formalization process.

As the ARD consortium implements the pilot land rights formalization in the two pilot areas (rural and peri-urban), the gender/ODG input will be critical. The program will need to ensure that women and ODG rights are acknowledged and their participation is accommodated during the land registration process. For instance, the public awareness campaigns will need to ensure the beneficiaries (men and women), dispute resolution bodies, and government entities are aware of women and ODG land rights; that these groups are active participants in the land rights formalization process; and that disputes related to women and ODG land rights are appropriately resolved. Explicitly recognizing and accounting for gender and ODG at an early stage will prevent any inadvertent bias against these groups.

This action plan identifies the next steps that are envisioned under this gender/ODG component of the Strengthening Land Tenure and Property Rights Project. The activities listed below build off of ARD's preliminary assessment of women's land rights in January and August/September of 2007, which resulted in the gender/ODG profile for the pilot sites.

## Action plan

1. **Revise and Finalize the Preliminary Gender and ODG Strategy/Action plan.** As the benchmarking analysis is completed, ARD will review the analysis of the benchmarking surveys, use the information to refine initial assessment of ODGs, and prioritize specific ODGs (based on numbers) to ensure that the action plan and strategy adequately accommodates them in the land rights formalization process.

**Deliverable: Gender and ODG Strategy/Action Plan Finalized**

Time Schedule: October 15, 2007

Resources and Personnel: ARD land/gender specialist, LOE: 1 day

- 2. Complete Legal Analysis.** Rural Development Institute's (RDI's) Nielson conducted a preliminary analysis of women's land rights based on available English translations of the relevant laws (the Constitution, the Land Law). Some secondary resources were also consulted. A complete analysis is needed of specific provisions in the Civil and Family Code which directly impact the existence and scope of women's land rights, and information received via secondary sources needs to be verified. Better knowledge of the formal laws will allow for accurate information to be disseminated in the public information and awareness campaigns. Given that most of the relevant laws are in Portuguese, consideration will be made on hiring a local gender specialist to work with the ARD land law specialist to identify the relevant laws and provide analysis.

**Deliverable: Completed Legal Analysis**

Time Schedule: October 31, 2007

Resources and Personnel: Angolan woman lawyer (TBD, DW); (ARD legal expert); LOE: 7 and 3 days respectively.

- 3. Review and Provide Comments on the Public Information and Awareness (PIA) Materials.** ARD land/gender specialist will review the PIA materials being developed for communities in the pilot areas and the local authorities, and ensure that the PIA strategy is inclusive of concerns related to women and ODG access to land. The ARD specialist will work with the PIA specialist in developing any additional materials if necessary.

**Deliverable: A Gender/ODG Sensitive Public Information and Awareness Materials**

Time Schedule: October 31, 2007

Resources and Personnel: ARD land/gender specialist, ARD legal specialist; LOE: 2 and 1 days, respectively.

- 4. Complete Analysis of Customary Law.** While the gender and ODG field assessments in August–September provided an important opportunity for collection of critical information on women and ODG land rights defined by customary law, the time was limited and a several critical gaps remain in the information collected. These will include further investigation of ODGs and their access to land. As the Project implementation proceeds, the local gender expert will work with the US-based gender specialists to fill gaps identified in the assessment. These findings will inform the land formalization process in step 5, and also captured in the Land Rights Formalization Manual in step 7 below.

**Deliverable: Completed Analysis of Customary Law and Captured Changes in Gender/ODG Assessment**

Time Schedule: November 15, 2007

Resources and Personnel: Local gender specialist (DW) with guidance from ARD land/gender specialist.

- 5. Implementation of the Gender/ODG Components of the Land Rights Formalization Manuals:** The ARD consortium has completed a final draft of the Land Rights Formalization Manuals for the implementation of the pilots (one each for the rural and peri-urban area). The manuals lay out a process by which the pilots will be implemented. While the manuals outline some procedures for ensuring that women in particular are included in the land formalization process, given the findings from the field, additional steps may be necessary to better ensure women and ODG integration. Per

the Land Rights Formalization Manuals, the specific steps needing gender and ODG inclusion in the land rights formalization process are provided towards the end of the action plan. The local gender specialist will carry out these activities with guidance from US-based gender specialist as necessary.

**Deliverable: See Specific Steps Based on Land Rights Formalization Manual on Following Pages**

Time Schedule: September 30, 2007 through May 15, 2008 (dates will be contingent upon progress of the pilots)

Resources and Personnel: Local gender specialist (DW); LOE: Built in DW work plan

- 6. Monitoring of Pilot Program for Gender/ODG Considerations.** Monitoring of the gender/ODG component of the Project will dovetail closely with the overall Performance and Monitoring Strategy (PMP) for the Project. In particular, ARD and DW land/gender specialists will review the follow-on survey on land rights awareness to be implemented as part of the PMP and build in specific gender/ODG questions on women and ODG awareness of land rights as necessary. The outcomes of the follow-on survey will suggest whether specific improvements on land rights awareness should be made in the land rights formalization process in regard to gender and ODG. The DW gender specialist will collaborate with the US-based land/gender specialist to build in pertinent questions in the follow-on survey and carry on the survey, which may involve meetings with groups of women and ODGs in the pilot sites.

**Deliverable: Monitoring of Pilot Land Registration Program for Gender/ODG Considerations and Follow-on Survey on Land Rights Awareness**

Time Schedule: December 2007 and January 2008 (dates will be contingent upon progress of the pilots)

Resources and Personnel: Local gender specialist (DW) with assistance from ARD land/gender specialist

- 7. Follow-on Visit and Recommendations for Gender/ODG Integration in the Land Rights Formalization Process; Revision of Land Rights Formalization Manuals as Necessary.** Under a separate Task/funds within the *Lessons Learned* Task Order, US-based land/gender specialist will travel to Angola later, during the implementation phase, to assess impact of pilots in terms of gender/ODG integration into the land formalization process, recommend any necessary changes in strategy, and capture lessons learned for incorporation into the Land Rights Formalization Manuals. The manuals will be updated as necessary based on these and other recommendations.

**Deliverable: Follow-on Visit and Recommendations for Changes as Necessary; Capture Lessons Learned and Provide Suggested Revisions for Land Rights Formalization Manual**

Time Schedule: TBD (dates will be contingent upon progress of the pilots)

Resources and Personnel: ARD land/gender specialist with local gender specialist (DW). ARD specialist will be supported under a separate activity.

**Specific Steps Recommended for Gender and ODG Inclusion in Land Rights Formalization Process  
(Please refer to the Land Rights Formalization Manuals for Rural and Peri-Urban Sites)**

**i) Phase II. Engagement of Key Stakeholders—Step 1: Identify Stakeholders.** The Project will need to involve women's groups (village level) and possibly others in the vicinity. Women's groups appeared to be lacking in the two pilot sites, with the exception of the MPLA women's wing OMA. Given the political orientation of OMA, involvement of OMA representatives should be carefully considered. Either representatives of the UNITA women's wing should also be involved to balance the political slant of OMA, or an informal women's groups may be formed in each of the pilots (with suggestions from the soba) who would be engaged regularly through the Project activities.

**ii) Phase II. Engagement of Key Stakeholders—Step 2: Conduct Informational Campaigns for Government and Traditional Leaders.** Among traditional leaders, include local women leaders from the pilot sites. In workshop agenda for government and traditional leaders, include brief discussion on implications for women and ODG (as appropriate) both for individual and community land titling. Information should be provided on how women and ODG may be affected from land formalization, and the need for their participation in later stages of Project. The land dispute identification strategy should involve women's groups (as identified above) to ensure that intra-household disputes involving women are identified.

**iii) Phase IV. Creating and Mobilizing Mechanisms of Control—Step 1: Establish Management Group.** Follow suggested steps in gender box in manual. If skilled women are not identified, provide training to selected women and include them in the Management Group orientations and training.

**iv) Phase IV. Creating and Mobilizing Mechanisms of Control—Step 2: Convene Management Group.** Orient the entire Management Group on women/land and ODG/land-related issues, as the one woman (possibly) on the Management Group may not be able to ensure that all critical steps relating to women/ODG inclusion are taken.

**v) Phase IV. Creating and Mobilizing Mechanisms of Control—Step 4: Convene Implementation Group.** Orient the entire implementation group on women/ODG and land issues, otherwise specific activities targeted to women will not be given importance. Follow suggestions in the gender awareness box in manual, consider organizing separate meetings for men and women as appropriate. The implementation group should communicate with any relevant women's groups and organizations (e.g., OMA and others, as noted previously).

**vi) Phase V. Initiation of Community Participation—Step 1: Prepare for Initial Implementation Group Meeting with Community.** Include appropriate women and/or other ODG group representatives as noted above. Meeting place and time should be selected carefully to ensure that it is easily accessible, and that it is gender neutral.

**vii) Phase V. Initiation of Community Participation—Step 2: Conduct Initial Meeting with Community.** Follow guidelines in gender awareness box in manual and include discussion about intra-household disputes in relation to women that may have to be dealt with differently than inter-family disputes. Acknowledge that many women, soba, or judges in local courts may not be aware of the women's statutory rights. Promoting women's awareness of their legal rights will be important, possible in step 1 of Phase V, but also through other means—e.g., via informational meetings with soba, local administrators, and/or judges (when those takes place).

**viii) Phase V. Initiation of Community Participation—Step 3: Facilitate Establishment of the Community Group.** Follow gender recommendations in land formalization manual. Some women may be proposed for their husbands' de facto roles, therefore separate groups of men and women are likely to be more effective in electing the Community Group representatives than a collective process.

**ix) Phase V. Initiation of Community Participation—Step 4: If Indicated, Conduct Baseline Assessment.** Ensure women’s and ODGs’ socio-economic “world” is captured in these assessments based on questions in the benchmarking questionnaire. Review assessment tool and modify as necessary.

**x) Phase V. Initiation of Community Participation—Step 5: Collect, Analyze, and Report Data.** Ensure that the benchmarking survey report is shared with women and ODG stakeholders involved at community and/or NGO levels via mechanisms noted in steps above (informal women’s group and/or appropriate NGOs). Share main findings in a community level women and ODG meeting as appropriate.

**xi) Phase VI. Demarcation of Rural Community Land, Conflict Assessment, and Documentation—Step 1: Advise Community Leaders of Demarcation and Conflict Assessment.** Ensure community leaders include local women leaders and/or local women’s group noted in steps above.

**xii) Phase VI. Demarcation of Rural Community Land, Conflict Assessment, and Documentation—Step 2: If the Process Involves Demarcating Individual Parcels, Advise Community of Demarcation and Conflict Assessment.** Separate meetings with women may be necessary. In addition, some assessment should be made on whether women and ODGs are especially prone to missing the timing for submitting applications, since once that time line is missed, women/ODGs will likely not be able to make the application with the DPADRP and pay the cost themselves. The assessment may be made via the follow-on survey noted in step 6 of the main action plan.



# APPENDIX D: SCOPE OF WORK (SOW)

## EXPATRIATE LAND AND GENDER SPECIALIST

### 1.0 BACKGROUND

Passage of the Land Law and Territory Law (August 2004) and the recent transfer of the Land Law implementing regulations to the Government of Angola Cabinet for review and approval (August 2006), offers important opportunities to promote the formalization of land rights, equitable land access, and actual land tenure security for both individuals and communities at the local level. Land tenure security is important for two primary reasons. First, secure land tenure aims to reduce the number and nature of land disputes arising from tenure uncertainty. Land conflicts too often take land out of production and people away from productive investments in land. Secondly, experience demonstrates that helping people formalize their rights to land also presents opportunities for moving land into productive economic opportunities—the most common being using land as equity in commercial enterprises. In this way formalized land rights and increased tenure security can be aimed at supporting food security, improving land use, and moving land into commercial enterprise opportunities.

Implementing regulations supporting the above new legislation will need to be made operational at the lowest administrative levels, and many administrative and procedural details will need to be resolved. Institutional and administrative capacity will need to be developed at all levels of government. It is hoped that the new regulations will help to clarify an otherwise vague and ambiguous land law. It is also hoped that the regulations will be strong enough to add needed process and transparency to a variety of land administration and land management activities called for by this new legislation.

Under USAID-BASIS and RAISE IQC task orders, ARD (through its sub-contractors the Rural Development Institute's [RDI's] land specialists) have provided a limited but ongoing level of policy, legal, and regulatory advice in support of Rede Terra and MINADER. Over the past seven months, this support has largely been in hiatus as an Agricultural Development and Finance Program (ADFP) grant has been created and awarded. Also, a Reconciliation Program grant, provided through USAID's Conflicts Mitigation and Management (CMM) was being planned with RDI and the Angolan NGO, Development Workshop (DW), to formalize community land holdings as a means of conflict identification, adjudication, resolution, and prevention. USAID, however, with the agreement of ARD, RDI, and DW, has now decided to direct these awards through the RAISE GLT mechanism with ARD as the prime contractor.

The Project now falls under USAID's Operational Plan for Economic Growth which is focused on encouraging private sector-led growth. In particular, Program Element 7.4 states:

#### **Program element 7.4: Inclusive Economic Law and Property Rights**

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

### **7.4.1: Equal Economic Rights for Women and Other Disadvantaged Groups**

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

### **7.4.2: Property Rights for the Poor**

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

## **2.0 ACTIVITIES**

Consistent with the project Work Plan, ARD's expatriate land & gender specialist ("consultant") will undertake the following project activities:

1. The consultant will review land legislation and family law legislation to gain an understanding of what formal law requires. The consultant will review secondary sources related to customary law, to the extent available. Along with the DW gender expert, she will conduct focus groups with women, local traditional leaders, local dispute resolution bodies, and others to understand how this law is being implemented on the ground, and specifically in the pilot regions. Her report will note any specific problems and concerns with the formal law, with how it's being implemented, and with any differences between formal and customary law.
2. The consultant will work with DW project teams (and, in particular, the DW gender expert) in the field to create a gender profile in Pilot Project areas (a peri-urban area and a rural area) along with a profile of other disadvantaged groups—i.e., internally displaced persons, orphans, religious minorities, ethnic minorities, tribal minorities, political minorities, and/or others minorities (**ODGs**).
3. Together with the DW gender expert, develop a "Gender and ODG Plan" for pilot project activities. Specifically, the Action Plan will:
  - Identify specific pilot site *issues* relating to women and ODGs that need to be addressed by land rights formalization teams in processing rights for formalization to ensure that women and ODGs are fairly treated, are represented in the land rights formalization process, and their rights are recognized and formalized.
  - Identify specific pilot site *activities* addressing the *issues* noted above (for example, such activities might include specific tasks or processes to be followed by a mapping/rights formalization team in the course of processing rights).
4. Together with the DW gender expert, communicate to and solicit feedback from the entire DW team, the USAID Mission, and the relevant Angolan Government counterparts on the Gender and ODG Plan.
5. With the DW gender expert, finalize plan taking into account the feedback.

## **3.0 DELIVERABLES**

1. A Report that includes:

- An analysis of relevant formal/customary laws that impact women's land rights and any associated problems and concerns with those laws, as applied to the land rights formalization process;
- A Pilot Project site-specific profile of Gender and ODGs; and
- A Gender and ODG Plan that addresses the issues raised in the profile, identifies who is responsible, and provides a schedule of activity.

#### **4.0 ACTIVITY BUDGET**

The LOE for these activities is a total of **24 days** (5 days of preparation time, including time correspondence with DW's gender specialist); 4 days travel time; up to 10 days of field visit time; 5 days for report preparation, review, and revision).

It is anticipated that the travel to the field will commence on or around 23 July 2007.



# APPENDIX E: DESKTOP RESEARCH ON ANGOLA WOMEN AND LAND ISSUES

**Angola Women and Land Issues**  
**Renée Giovarelli**  
**January 18, 2007**

## **I. Women in Angola**

The situation for women in Angola is difficult, and women are treated differently than men in fundamental and important ways. The war in Angola worsened women's position in many respects because there are fewer men to share the load of caring for families. Women who were raped or forced to marry combatants against their will are vulnerable, especially if they have children. Many were children when they were kidnapped, but are afraid to return to their families for fear of rejection. On the other hand, there were women who gained some intra-household and political power during the war, and many are able to retain their increased power. Furthermore, Angola's customary law allows for women's ownership of land. Although this does not always translate into women actually owning land, there is, importantly, room in the culture for women to own land. A key consideration in any land program will be how to reach women, how to support them in their current situations, and how to further their rights to land and other assets to improve their livelihoods. This paper considers what is known and what further information is needed to do this.

### **A. Gender Differences**

Some of the basic indicators of well-being show that women are in a weaker position than men in Angola, both economically and in terms of their livelihoods. One major factor that affects women and their ability to understand and use rights to land is literacy rates. Approximately 50 percent of men and 70 percent of women are illiterate in Angola. This difference in literacy rates can have an impact on whether women and men should be trained or informed together or separately in any education programs developed for the project. Moreover, often women and men receive information from very different sources because they operate in different spheres (public [men] versus private [women]). In Angola, for decades, churches have been critical sources for education, social services, and information for women. Most women are affiliated with a church, and participate in the church's *sociedade da senhoras* (or women's group) (Greenberg, 1997).

Women are strongly represented in the informal sector, but the share of women in responsible positions is very low (EU, 2003). Formal employment is extremely scarce. One study found that in Angola, employment makes the largest positive contribution to consumption levels, especially in households with working wives. The positive contribution of women's paid labor to household consumption derives from several factors. First, a working wife often has a working husband, while the opposite is not as frequent; secondly, wives often earn more than their husbands; and third, they tend to spend a larger proportion of their earnings on the consumption of basic necessities (González de la Rocha, 2000). Contrary to what

might be expected, overall, households headed by women in Angola are characterized by equal or even higher incomes and consumption levels than their male counterparts. The greater indicators of poverty are the presence of children in the household, its structure and composition, and the age of the household head (male or female) (González de la Rocha, 2000). On the other hand, female-headed households in rural areas have the highest poverty level and the highest food budget share in the country (González de la Rocha, 2000).

Women have some legal rights that are not common in other African countries. The efforts of the Organization of Angolan Women (OMA), created in 1962 as the women's wing of the Popular Movement for the Liberation of Angola (MPLA) led to the introduction of the Family Code and formulation and implementation of a policy to provide free family planning to women. The main features of the Family Code are the recognition of consensual unions as marriage, the protection of children born out of wedlock, and the encouragement of a fair division of tasks and responsibilities within the family. OMA also provided technical assistance to women and encouraged debate and discussion on previously taboo subjects such as customary marriage and abortion (Conciliation Resources).

While OMA is still a strong reference point for the women's movement in Angola, it is no longer the leading group representing the women's agenda. Membership has declined as the organization's continued ties to the MPLA have hurt its ability to attract funding from the international community. Some members decided to create their own NGOs as a means of functioning independently of the party and have been more active and resourceful in responding to women's needs (Conciliation Resources).

Although higher than elsewhere in the continent, the number of women in positions of power and influence remains inadequate. Women are under-represented in all decision-making bodies. Just 34 of 183 parliamentarians and 3 of the government's 27 ministers are women and there are only 2 female Ambassadors, 3 General Consuls, and 3 Deputy Ministers. Women's participation in local government is also limited (Conciliation Resources). Although many women see the creation of the Ministry for Family and Women as a real advance in gaining political space, it can also be perceived as an institution that has helped to separate women's issues from the government's policy agenda. Many would argue that the government leadership does not take the Ministry seriously, allocating it one of the lowest budgets with the immediate consequence of under-staffing and limited capacity (Conciliation Resources).

Roles are distinct in Angola: women remain in the private domain and are not decision-makers. Men operate in the public realm, lead, and make decisions. Angolan women typically cede decision-making power and control to men (Greenberg, 1997). However, during the war, women were engaged in trading and now provide most of the agricultural workforce. Women also process crops such as cassava and maize (IFAD, Rural Poverty in Angola).

War's negative impacts on women have included a substantial increase in female-headed households and polygamy (which Angolan women say leaves them physically and economically vulnerable), a growing population of land-mine-injured women, and widespread reliance upon customary or neo-customary "legal systems" for lack of any effective formal system (Greenberg, 1997).

## **B Women Post-Conflict**

The war and its impacts have increased women's workloads, as they have taken greater responsibility for activities usually performed by men. The long years of conflict have also created situations where women find it difficult to marry and remarry, especially if they have suffered sexual abuse. The shortage of available men also means that marriage is associated with accepting polygamous arrangements, which continue to be a common and socially acceptable practice in Angola. In situations when men had to fight in a different region for a few years, the forming of secondary households was seen as legitimate (Conciliation Resources).

## **Internally Displaced Persons (IDPs)**

For women who are part of intact families, the process of reintegrating may not be more difficult than for men. The UN found that intact families work together when they are returning to their areas of origins. Most families send the male members to construct a shelter while the women remain behind with the children. After the shelters are completed, the men return to stay with the children, while the women go to the sites to prepare land for planting. If the return site is near, family members travel frequently between the two locations, collecting assistance and working or trading at the current residence, while planting and cultivating at the new site (UN, 2002, p25).

However, there are two major issues that affect women IDPs. First, many IDPs (both men and women) lack personal documents. Identity documents allow them to establish their names, familial status, age, nationality, place of origin, or other identifying features. Women and girls without identification are particularly vulnerable to assaults, including sexual violence, by policemen and soldiers located in road control posts when on their way to and from isolated agricultural areas or when collecting water (HRW, 2003 in Norwegian Refugee Council, 2004)

The second major issue affecting female IDPs is that the demobilization and reintegration program excluded “wives” and abducted girls from guaranteed direct assistance. Abducted women face the dilemma of choosing whether to go back to their home villages and join their families or stay with the husbands they were forced to marry. The dilemma is especially acute because of the possibility that they will be rejected in their home communities. Having been perceived as participants in a struggle that caused death and suffering, they face an uncertain reception. If they choose to leave, they must be concerned with caring for their children as single mothers and whether their home communities will refuse to welcome them back. If they try to leave and are unable to make it, they and their children may be in danger of abuse from their husbands (Norwegian Refugee Council, 2004).

The demobilization and reintegration program, jointly planned by the World Bank and the Government of Angola, limited assistance to 100,000 UNITA and 33,000 government soldiers and excluded “wives” and abducted girls from guaranteed direct assistance. The proposed assistance package, which included a generous supply kit, US\$100 and, most importantly, six months of literacy, vocational training opportunities, and access to micro-credit and employment was targeted to male ex-combatants. Excluding women from educational and economic opportunities violated recommendations of the World Bank, which explicitly acknowledges that girls under 18 years of age who have been subject to forcible recruitment, including as cooks, porters, and “wives,” should be considered child soldiers. To grant them access to assistance exclusively through the partners they were forced to marry is encouraging them to stay in a situation that many have expressed a desire to leave; indeed, they have a right to do so. The current DRP's focus on male ex-combatants not only excludes women who stay with their partners from direct assistance, but also excludes those women who have the courage to leave their partners, resulting in an extremely vulnerable situation for these single mothers (Refugee International, 2003, in Norwegian Refugee Council, 2004).

Another group of IDP's that is very vulnerable are child IDPs. According to Government figures, approximately 100,000 children are separated from their families countrywide, 60 percent of whom have been registered by the Family Localization and Reunification Program of the Ministry of Social Affairs. Since the inception of the strategy, a total of 6,682 separated children, including the majority who were living in the gathering areas, have been registered. (UN OCHA, 2003 in Norwegian Refugee Council, 2004). Sixty percent of the population of Angola is under the age of 18 (IFAD, Rural Poverty in Angola).

### **C. Women and Land Rights**

Women's land rights are directly related to customary law that dictates distribution of wealth within a family, marriage and divorce, polygamy, and rules of inheritance. Angola has at least nine major ethno-linguistic groups, most of which are matrilineal (Greenberg, 1997). Traditionally, descent groups in Angola are matrilineal; that is, they include all persons descended from a common female ancestor through females, although the individuals holding authority are, with rare exceptions, males. In some cases, junior males inherit from (or succeed to a position held by) older brothers; in others, males inherit from their mother's brother. Patrilineal descent groups, whose members are descended from a male ancestor through males, apparently have occurred in only a few groups in Angola and have been reported only in conjunction with matrilineal groups, a comparatively rare phenomenon referred to as a double descent system (Library of Congress).

Matrilineal societies tend to be more open to women having rights to land because there is some customary precedent for this even when men have ultimate control. It is unclear from the limited research available what the present-day customs and attitudes are toward women's inheritance rights. However, a recent report that studied villages in Kwanza Sul found that "apart from areas set aside as government reserve or private property, ownership is mainly by inheritance. Inheritance is governed by traditional practice, which provides almost exclusive inheritance rights to men. There are no clear customary norms that protect women's land rights. When a man dies, his relatives have rights to land" (Filipe, 2005). The study found that in every village there were some widows with children left without any land. There used to be a "family safety norm" in which a widow could either marry a brother of the deceased husband or go home to her village of origin (Filipe, 2005, p. 30).

The survey found that 47 percent of the widows did not go back to their home village upon the death of their husbands. But only 23 percent were found using the land left by the deceased husband and 5.8 percent were cultivating land provided by the traditional authorities (soba) (Filipe, 2005, p. 31).

The sobas reported that they help widows with land. Almost all widows said that they preferred to stay in their husband's village because they had community ties there. All women in the survey had gone to their husband's home after marriage. The sobas do withdraw use rights if the women re-marry (Filipe, 2005, p. 31).

The power granted to the soba may undermine the rights of women. While the law grants equal hereditary rights to men and women, local customs vary. In many communities, a deceased husband's property is seen as belonging to his brothers and nephews. Second, the juridical personality of the communal land is not clear. If it is assigned as individual property to the soba, some fear he may be subject to manipulation, or he himself being tempted to manipulate these powers. Third, there are risks of marginalization of other social groups. With the return of refugees, IDPs, ex-combatants and other members of the rebel forces, community compositions are changing. For those returning to their community of origin, disputes over land will normally be resolved by the soba, who represents the community memory. In other cases, often ex-combatants and abductees do not return to their community of origin but to other communities. Some are too far away, others are inhibited by the stigma or trauma the war has inflicted upon them. Community structures are based on a composition of families. Unless they have family members in their new community, they tend to have difficulties being integrated. Fourth, the institutional setup for the formalization of land rights remains to be specified. Fifth, community ownership is not a concept shared by all provinces and even all communities within provinces (World Bank, 2006).

## **II. Agriculture and Food Security**

At the height of the colonial period, there were 300,000 colonial families who occupied 4.5 million hectares of land while 4.3 million traditional families occupied 4.5 million hectares of land (Clover). Subsistence farming remains the main livelihood strategy for a majority of rural Angolans.

Approximately 85 percent of rural populations support themselves on subsistence agriculture. More than three quarters of Angola's population lives on less than one dollar a day and most of these live in rural areas (Clover). Even as early as the 1930s, where there was well-defined agricultural production, individual or family parcels were the norm and not communal land ownership (Clover).

Both women and men tend to be involved, with women frequently doing more of the cultivation, helped by children, while men are more involved in the clearing and preparation of land. However, small-scale farming faces significant difficulties in most areas, such as the lack of inputs—which for the most vulnerable includes labor—as well as difficult access to markets. In almost all cases, farmers are only cultivating a small part of their potential land and yields are low. Perhaps one of the most important assets to the rural poor is access to land, which has been put increasingly under pressure since the war as IDPs, demobilized soldiers, and other returnees are entering the market for land (World Bank, 2006).

The return to productivity in rural areas is proving difficult and slow. Large areas remain uncultivable because of the presence of landmines. Functioning infrastructure in rural areas is limited, and there are few incentives for people to return to farming. After the war, from 2003 to 2004, only 2.9 million ha of the available agricultural land was cultivated. Agriculture's contribution to gross domestic product (GDP)—including forestry and fisheries—has been about eight percent. Yet two-thirds of the population still depends on agriculture for food, income, and employment (IFAD, Rural Poverty).

### **III Huambo Province**

Women's access to land, as stated above, is very dependent on customs. In Angola, customs vary depending on the tribe. In the Central Plains area, Huambo Province, where the pilot projects will be located, the land inheritance system is matrilineal (Bruce, 1998). The Ovimbundu are, by far, the largest ethno-linguistic group in Angola. They represent 35 to 40 percent of Angola's population and dominate the areas with the highest population density in the country—the central plateau provinces of Benguela, Bie and Huambo (Malaquias).

#### **Land Tenure and Customs**

Before the twentieth century, neither matrilineage nor patrilineage dominated Ovimbundu society. Economic matters, such as property rights, were matrilineal, while political authority was passed through the patrilineage. The lineage system declined in the twentieth century, as more and more Europeans settled on the highly arable plateau. Land shortage and commercialization loosened the control of the Ovimbundu over their primary resource: land (Library of Congress).

The development of cash-crop agriculture and changes in land tenure, in combination with inadequate soils and Ovimbundu agricultural techniques, led to soil depletion and the need by nuclear families for increasingly extensive holdings. The individual family, detached from the traditional community, tended to become the crucial unit. Where either Protestants or Roman Catholics were sufficiently numerous, the church and school rather than the descent group became the focus of social and sometimes of political life. In at least one study of a section of the Ovimbundu, it was found that each entity defined as a village consisted almost exclusively of either Protestants or Roman Catholics (Library of Congress).

A substantial number of Ovimbundu migrated to other regions as wage workers. Consequently, women and children were left without male heads of household for long periods of time.

In 1967, the colonial authorities gathered the people into large villages to control them better and, in theory at least, to provide better social and economic services. The Ovimbundu, accustomed to dispersed settlement, strongly resented the practice, and feared that the Europeans would take over their land. By 1970 compulsory resettlement had been abolished in part of Ovimbundu territory and reduced elsewhere. Then the Portuguese instituted a rural advisory service and encouraged the formation of what they called agricultural clubs. These units were based on common interest, although traces of kin connections

sometimes affected their operation, as did the relations between ordinary Ovimbundu and local rulers (Library of Congress).

Largely dependent on agriculture, Ovimbundu village life was seriously disrupted by the UNITA insurgency, and large numbers of Ovimbundu were forced to flee. As UNITA gained control over a growing area in southeast Angola, however, the organization tried to preserve the integrity of Ovimbundu lifestyle and customs. UNITA established a series of military bases throughout the southeast that served as administrative centers for the surrounding regions. Under Ovimbundu leadership, the bases provided educational, social, economic, and health services to the population, operating much like the village system on the central plateau (Library of Congress).

### **Food Security**

A survey done in Huambo in 2005 indicated that 36 percent of households were female-headed; elderly and child-headed were 5 percent and 2 percent. About 67 percent of household members had been displaced; 47 percent returned in 2002/2003; 6.3 percent in 2005. Ninety four percent of the population of Huambo depend on agriculture, including 22 percent who have livestock other than poultry and 4 percent who depend on fishing alone (World Food Program, 2006).

The main sources of income were sales of agricultural commodities, livestock sales, wage labor, and sales of local beverages, wood and charcoal, with 80 percent of their expenditure going to food. About 87 percent of households consumed cereals and 76 percent consumed tubers; other foodstuffs reported included pulses (55 percent), meat (12 percent), and dairy products (2 percent) (World Food Program, 2006).

Wasting was noted as being “very high.” For children under the age of five, chronic malnutrition and underweight was “critical” while acute malnutrition was “serious.” Coping mechanisms were reported to include “dietary adjustment,” food aid (44 percent received food aid), and employment. About 13 percent of households engaged in sale of goods and 18 percent were trading in natural resources including wood and charcoal. Households headed by women were found to be “wealthier.” Market infrastructure and road conditions were poor. Only 6 percent of communities surveyed had markets (World Food Program, 2006).

Huambo Province is one of the least food-secure provinces in Angola. The World Food Program predicts that households will face food shortages from September to March. However, households with animal traction will have some food until January, but these represent a small percentage of the total in this province. In Huambo, 185,400 people were estimated to be severely food insecure; 162,200 moderately insecure—most of any province (World Food Program, 2006).

## **IV Summary of Conclusions**

- Angolan tribes, especially the Ovimbundu, are primarily matrilineal but patrilocal.
- IDP women received less assistance than men following the war.
- Women’s workload has increased since the war.
- There are large numbers of women-headed households (36 percent in Huambo Province).
- Women-headed households do not appear to be poorer than male-headed households.
- Food security is still a major issue in Huambo Province.
- It appears that women have some legal rights to land and specifically to inherit land.

## **V. A Preliminary List of Questions**

### **Information/Education**

- What are the sources of information for women? For men?
- Who do women in the village turn to if they need assistance?

### **Legal Rights/Customary Rights**

- What legal rights do women have to land? Is there compulsory co-ownership for married couples? What constitutes marriage?
- What is the process for formalization of marriage? What is required to count consensual union as marriage?
- Are marriages generally formalized? Why or why not?
- What rights are mandatory for people who live in consensual union? How is consensual union defined?
- What does the law say about polygamy?
- What happens to the property of the family if a man takes a second wife? Does he usually provide the second wife with land?
- What legal rights do daughters have to inherit from their parents?
- What legal rights do wives have to inherit from their spouses?
- What does the law say about polygamy and inheritance?
- What are the exceptions to these rights?
- What rights do children of subsequent wives have to the property of their father?
- Do they have a custom of levite (women marrying brothers' in-law)?
- What customary rights to land do widows have? Are there use rights? If so, what are the limits to the use rights?
- Is land still considered tribal land or ancestral land?
- Can women within a marriage purchase land? (Do they have the actual right—not the legal right)
- What happens with land within marriages? Do women have their own plots? Do men and women make decisions together? How much power do women have within marriage?
- Do women always go to their husband's family's home after marriage?

### **Community Structure**

- What role does the Soba play in terms of distribution of land?
- What is women's relationship with the Soba in the villages where the project will be implemented?
- Are there any specific people women turn to for assistance?

## VI. Possible Contacts

1. Della McMillan (Angolan lawyer and vice president of the association of Angolan women lawyers).
2. NGO: Branca Neto do Espirito Santo
3. NGO: Search for Common Ground in Angola
4. Angolan Women's Organization (OMA) and any break-off organizations
5. Angolan Women's League
6. Promaica
7. Angolan Women Police Association (AWPA)

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