The land issue in the context of peacebuilding development or conflict?

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Land is a cross-cutting theme that encompasses many aspects of Angola’s political, economic, cultural and social life, especially in the ambit of reconciliation and reconstruction processes aimed at the consolidation of peace.

The potential for land to cause conflicts was until recently under-appreciated. The country’s urban-based politicians, preoccupied with an oil-based economy, have long been alienated from rural development issues. The end of the war and the debate around a new Land Bill has changed this. Now the land issue is at the centre of national debate, the subject of many broadcasts, and the cause of more contact between the formal world of laws and elites and the real world of most Angolans. This article will focus on the land issue as it affects the country’s rural population, although the urban dimension is equally relevant.

The roots of the problem

Like many other African countries, Angola inherited from its colonial period a ‘dualist’ structure regarding the possession of land, based on two distinct agrarian systems with differing cultural, sociological and economic patterns, geared to differing objectives. They are characterized as ‘family’ and ‘commercial’ agricultures, although in reality the distinctions are far more complex. Family agriculture is not synonymous with subsistence agriculture, and sometimes requires informal hiring of labour; nor does commercial agriculture relate only to very large properties.

The dualist structure derives from the racial and ‘civilizational’ discrimination inherent in the Statute of the Portuguese Natives of the Provinces of Angola, Mozambique, and Guinea (the last version dated 1954) that essentially identified two categories of Angolans: the ‘assimilated’ and the ‘natives’. Angolan socio-political life remains marked by this system even today, despite the various transformations that have occurred since.
Land tenure existed within this legal framework, which recognized the ‘natives’ right to use the land for agriculture and dwelling according to their habits and customs, but did not recognize their ownership rights. Even after the Statute was abolished in 1961 – a direct consequence of the beginning of armed struggle for independence – rural populations continued to be subjected to a discriminatory regime. In the last twelve years of colonialism, Angola underwent remarkable economic growth thanks to an accelerated modernization process, accomplished largely at the expense of Angolan peasants. About one million rural families saw the average land area they occupied reduced from a little more than 9 hectares per family in the mid-1960s to about 4 hectares in 1973, whilst 6,000 commercial farmers had an average of 700 hectares of which only 10 per cent was actually cultivated. It is not surprising, then, that in areas of higher demographic concentration (such as the central highlands), family agriculture degenerated and poverty levels rose, forcing the internal migration of a growing number of men. This had disastrous consequences, and later influenced the civil war scenario.

Despite the significant social mobility that evolved after independence – ensuing from the revolutionary context and a remarkable effort in the field of education – Angolan society did not free itself from this dualism. In fact, successive MPLA governments have opted for policies that privilege the urban centres to the detriment of rural populations, who are subjected to growing social, political and economic exclusion. This had a significant influence on the development of UNITA’s guerrilla war between 1976 and 1991. While independence allowed farmers to reclaim a large part of their lands (with only a portion going to the emerging state-owned companies), the colonizers’ withdrawal led to a decline in the assimilation of the rural domestic economy into the market place – one of the main objectives of colonial policy in its final stages. This rural alienation created conditions where guerrilla fighters could operate relatively freely, even if the population’s support for UNITA’s political message fluctuated.

Privatization in the 1990s

The collapse of the socialist model at the end of the 1980s triggered many changes in MPLA policies and strategies, although these were not always made explicit. The development of a market economy demands a dynamic entrepreneurial class, and in Angola’s case this was to be formed from the military and political elites, who would be the main beneficiaries of a reallocation of state properties. Reallocation implies both privatization and matching the company size to the technical and managerial abilities of its new owners; this latter component was, however, ‘forgotten’.

In the case of the state farms, the absence of an up-to-date land register (the 1975 register is still used) determined that assets would be privatized according to their prior situation and dimensions, even if the land was granted only in terms of rights of use. Half of the
total area that constituted the commercial sector during the colonial period had already been distributed to new large landowners by the end of 1999. As the Portuguese had only been able to exploit about 10 per cent of the area at their disposal, and with the new Angolan businessmen still in a very unstable position, it is easy to see how the vast majority of the land granted remains unproductive. This is compounded by the fact that, because of the war, the new ‘owners’ have only very recently taken over ‘their’ properties, which have remained occupied in many cases by the nearby population or by former workers.

This privatization of companies took place before and after the first post-independence Land Bill was passed in 1992. This law has positive aspects concerning the safeguard of rural communities’ interests, but still retains the ‘dualism’ without providing tools to overcome it. It leaves the conflict between customary laws and formal land tenure unresolved, with the result that, on one hand, community rights are again being ignored (the first ever legal recognition of community land tenure occurred only in 2001, in Tchicala, Huila) and on the other hand, that certain citizen’s rights – such as women’s rights to land inheritance – continue to be overshadowed by the aforementioned customary rights.

Moreover, implementation of this legislation was disorganized and lacked transparency, with various consequences: (i) communal lands, which are intended for rural populations (sort of communal ‘reservations’) continue to await demarcation, making rural families very vulnerable; (ii) title holders are basically MPLA leaders, current and former government members, high-ranking state officials and members of the armed forces and businessmen – in short, all social groups with access to the ruling or developing elite (or at least those who know their way around the relevant institutions), leaving out the disadvantaged and uninformed population and further reinforcing their exclusion; (iii) the land that is granted is usually unproductive, but the titles are not withheld as required by law; (iv) although still embryonic, a land market is developing, which may lead to the impoverishment and growing vulnerability of families; (v) signs of social conflict are emerging due to conflicting interests between the commercial and family sectors; (vi) displaced persons are returning to their areas of origin due to fear of having their lands occupied; (vii) concern is growing among families with land titles, given what they represent in terms of security, as well as gradual understanding of the supremacy of formal land tenure over customary rights.

New land conflicts

There are worrying signs in provinces such as Kwanza Sul, Huambo, Huíla, Kunene, and even in the outskirts of Luanda that conflicts will grow and intensify following the end of the war and the lack of adequate legal and others means for land distribution. Two cases from the late 1990s demonstrate the sort of conflicts that have arisen in the last few years and that may be expected in the future:

In Gambos, in the province of Huila, there had been a rush to former demarcations by new entrepreneurs. Pastoral populations reacted negatively to this movement, as they believed that new farmers made it difficult to access certain water sources and pastures. The authorities of Huíla province revealed that many of these farmers held more land area than was registered or than they needed. The subsequent reorganization allowed the communities to recover more than 5,000 hectares for their collective use. This case was partly settled in a negotiated manner, but elsewhere in Gambos there are similar situations where there is more radicalism on both sides.

Kenguela Norte, in the outskirts of Luanda, is another example. After land cultivated by a Portuguese company was abandoned in 1975, few people remained in this dry area. Although the land was nationalized, the state did not assume effective ownership. Gradually the war drove people there from the interior, and at the same time individuals from the private sector started settling to raise cattle. The new entrepreneurs had not referred to the land register, and local residents considered themselves the legitimate ‘owners’ for historical reasons. Local authorities were granting land allocations to the entrepreneurs or displaced people independently of the register and, in establishing the lot limits, entrepreneurs had not consulted traditional authorities. Different users were exploiting the land in incompatible ways – peasants growing cassava and raising small cattle, entrepreneurs raising oxen and sometimes goats, which intrude upon the peasant uses. The Ministry for Agriculture and Rural Development dealt with the case, with support from the UN’s Food and Agriculture Organization. Their proposed solution combined the demarcation of the communities’ plots, whereby cohabitation and land rights were established, with compensation whereby the communities surrendered land in exchange for assistance in community development projects.

Much of the land under some form of cultivation before the war was abandoned. It is unlikely that the abandoned land in the family sector (recognized in colonial and later legislation, but without a registry) will become the cause of a wide-scale conflict, unless poor peasants develop a greater capacity for self-organization. It is more likely that modern producers who abandoned land will come into conflict with peasants or new ‘owners’ who are occupying or using
the land. Another form of latent conflict exists in attempts by new ‘owners’ to remove peasants from the lands that they have been granted. Without adequate processes for land identification and demarcation, some of the new ‘owners’ may resort to the use of force.

A new Land Bill
The process of approving a new draft Land Bill began in 2002. The draft aims to address some of the gaps in the previous legislation, but it does not resolve the issues identified here and may even create new problems. Some critics say it is designed to make it easier for the relatively well-off to secure urban property rights, but does little to address land held informally.

However, public debate of the draft bill has at least resulted in the land issue being at the heart of national debate (limited in practice to urban centres) and led to more widespread broadcasting on a subject that was practically unknown to the public in general and even to authorities and opinion makers. It has stimulated greater contact between the real world where life takes place — often the informal world of the excluded — with the formal world of the laws and elites. It has led to greater clarity on central issues including (i) the right claimed by communities to titles that grant them ownership rights (and not only rights of use) of the land they consider ancestrally theirs; (ii) the rights of these same communities to recover land taken unlawfully during the colonial period; and (iii) the recognition of the importance of land ownership as a legitimate ambition and necessity for those who intend to dedicate themselves to agriculture and its modernization, which must include regulations such as area delimitation, its effective utilization, and the introduction of heavy fines to those who do not cultivate. In short, the debate has resulted in the more effective exercise of their citizenship for a large part of the population.

Contribution to a strategy of peace and development
Angola is undergoing a process of change in which the consolidation of peace, national reconciliation and the construction of democracy are central elements. It is therefore crucial to defend those who have been victims of injustice for many decades and ensure that they have access to land titles, whether communal or individual; this should apply to women irrespective of their status (married, widowed or single). For this reason, there must be guarantees that land will not be usurped by an absent and inept entrepreneurial elite with no means of exploiting it, while facilitating access to land for those who can work it effectively as well as live from it and on it. This on its own requires a huge effort on the part of the state institutions and civil society.

History has shown that it is not enough to declare that the law respects habits and customs as well as recognizing customary rights, because that does not offer security to poor farm workers. What matters is that customary practices are incorporated into formal laws, and that citizens, without being subjected to any kind of discrimination, have access to institutions in order to validate their rights. That will allow the development of a modern land policy, in which land use will not be based on sociological differentiation between the family and commercial sectors, but on the size of a property. To paraphrase Mozambican José Negrão, the definition of land ownership will not determine the advancement of the development process, but it is the process itself that will demand more complex ways of defining land ownership.

It is wrong to think that the rehabilitation and modernization of Angolan agriculture can be achieved solely on the back of the commercial sector. It does not have the technical, financial or managerial skills required, and its references are colonial companies, the majority of which had production levels and profit margins little different to the family sector. However, it is also wrong to think that the family sector is (or was) purely concerned with subsistence. In fact, statistics show that there were few agricultural products produced in larger volume by the commercial sector than by the family sector. In short, it is naïve to imagine that the commercial sector will benefit from substantial medium-term external investment, because the political climate, costs and legislative, bureaucratic, and infrastructural shortcomings discourage investment in Angola for the time being. There must be recognition that, in the present conditions, the family sector in Angola can guarantee more jobs in the short and medium term than the commercial one.

For all these reasons the solution to the rural question must go beyond competition between the two sectors and use them both as a base for development that is simultaneously locally-rooted and modernizing. The best option for capital investment (national or foreign) will be the establishment of partnerships in which poor rural families contribute land and labour, and investors contribute capital, technical expertise and market knowledge. This would be a good strategy for dealing with the problem of ‘dualism’.

Angola is experiencing a crucial period of its history. A policy of inclusive agrarian reform could enable participative and sustainable democratic development. However, if Angola chooses a model that excludes the 80 per cent of the rural population who are living in poverty, fresh ingredients for new conflicts are potentially emerging.