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The Trials and Tribulations of Rede Terra: Negotiating Land Tenure in Angola

Brad Safarik, Cecilia Navarra, Cristina Udelsmann Rodrigues

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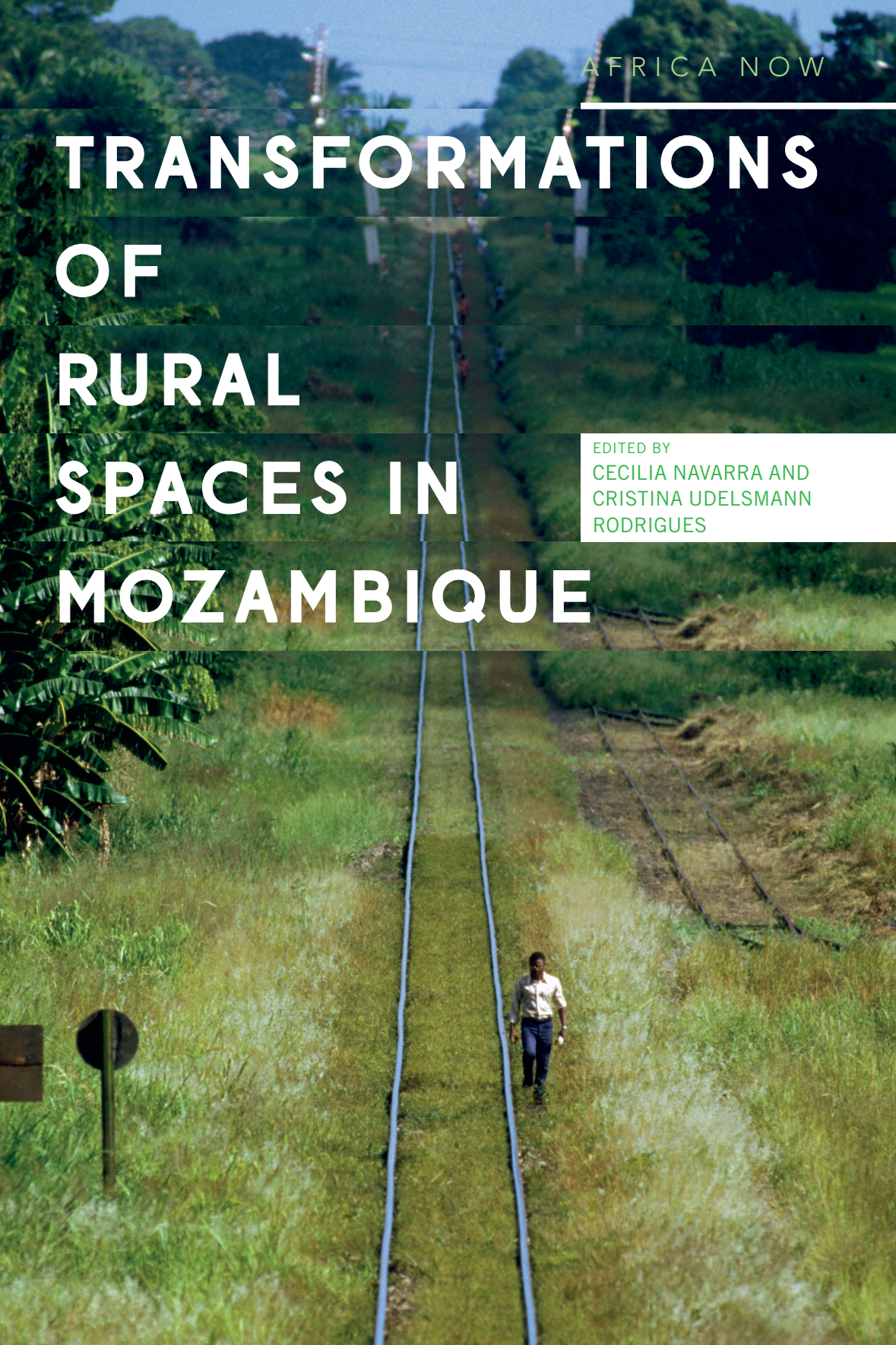


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TRANSFORMATIONS OF RURAL SPACES IN MOZAMBIQUE

EDITED BY
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TRANSFORMATIONS OF RURAL
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TRANSFORMATIONS OF RURAL SPACES IN MOZAMBIQUE

Edited by
Cecilia Navarra and Cristina Udelsmann Rodrigues



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Chapter 2

THE TRIALS AND TRIBULATIONS OF REDE TERRA: NEGOTIATING LAND TENURE IN ANGOLA

Brad Safarik

Rural dependence, production and poverty

While Angola's booming oil sector laid the foundations for an unprecedented peacetime development period, the rural populations, a crucial subset of its population has seen its marginalization grow conspicuously. Decades of underinvestment have left the agricultural sector in chronic underproduction and the rural populations with scarce public or private support to rely upon. This constant socio-economic instability of the rural populations, coupled with the potential for exploitation by outsiders has been identified by the Catholic Church, one of the most respected institutions in modern-day Angola, as being potentially the biggest threats facing the stability of Angolan society (Chatham House, 2005, p. 28). The access and use of land has been a fundamental asset for these communities, who depend directly on subsistence agriculture for their livelihoods.

The central role of land tenure and access throughout the country is confirmed by a number of revealing statistics. Agriculture remained the principal economic activity for the majority of the population until 2012, slightly dipping to 46.2 per cent as of 2015 (CEIC, 2015a, p. 294). According to the Ministry of Agriculture, in 2010 family-based agriculture represented 99 per cent of all agriculture in the country, accounting for 94.2 per cent of the total cultivated area (Pacheco, Carvalho and Henriques, 2013, p. 315). Six years later, these numbers have hardly changed, with smallholders accounting for 95 per cent of total production and 92 per cent of land under cultivation (World Bank, 2019, p. 45). Furthermore, poverty has remained entrenched in Angolan society: 36.6 per cent of the total population live in absolute poverty, with an estimated 58.3 per cent of that population being rural and 18.3 per cent of it being urban (CEIC, 2015b, p. 146). These statistics highlight the very sensitive position that agrarian issues hold across Angola today.

A similar dynamic is playing out in Mozambique. Agriculture represents the principal economic activity for 70 per cent of the population, corresponding to

the same amount of population that lives in rural areas (Cammaer, 2016, p. 6; Nhelengethwa, Matchaya and Chilonda, 2014, p. 106). In rural areas, 53 per cent of the population live in poverty, compared to 40.7 per cent in urban areas (World Bank, 2019, p. xiii). Smallholder agriculture using family labour dominates 99 per cent of agricultural production, comprising around 80 per cent of the total workforce (Cammaer, 2016, p. 6). Without a strong oil sector to depend upon, like their Angolan counterparts, agricultural production also plays a more important role in the national economy. The sector contributed 25–30 per cent of the country's gross domestic product (GDP) during the first decade of the 2000s (Nhelengethwa, Matchaya and Chilonda, 2014, p. 106), dipping slightly to an average of 23 per cent over the last five years (World Bank, 2019, p. 3). These figures represent a significant contribution to the overall economy, though the sector is also characterized by erratic annual growth (World Bank, 2019, p. xiii). Nevertheless, the situation in both of these countries demonstrates the central role of agriculture for vast portions of their populations and thus the importance of achieving stable, long-term access to the land worked. It is important, then, to explore how the connection between the revolutionary governments, land use and the peasantry eventually led to national campaigns, led by civil society groups from each country, mobilized around land issues. The case of Angola is expanded upon below.

Marxism–Leninism and the role of the peasantry

After independence,¹ the newly installed transitional government resolved to reverse the depreciation of the rural world and provide it with institutional support to get it back to its colonial-era production levels. This grand vision, however, faded in the face of the many internal and external structural obstacles facing the new nation. While many areas of the country were significantly affected during the war of independence, the fighting 'did not cause substantial damage to the colonial agricultural production, as the battles were fought in areas of little economic importance and never achieved the levels of high intensity in subsequent armed conflicts' (Pain, 2008, p. 183). The agricultural infrastructure was therefore still mostly physically intact, but was severely lacking in the technical know-how to keep the systems running. The Portuguese population that had managed the sector had fled the country en masse upon independence: 'Between 1975 and 1976, in the space of one year, about 300,000 of these settlers left Angola. They too decamped with consumer durables, vehicles, boats, machinery, and equipment, and sabotaged what they could not take with them' (Bhagavan, 1986, p. 7). The agricultural sector was therefore severely affected by the loss of the technical capacity and knowledge jealously guarded by the Portuguese settlers. It was also affected by the collapse of the commercial network that delivered the goods from the fields to the markets. This breakdown in the urban/rural connection was arguably the most significant loss for the rural economy post-independence.

The government first started to nationalize the country's resources because of the heavy influence of the Soviet centralized models inspired by the political philosophy of Marxism–Leninism. This process gave overall power to the governing party, which was now in charge of remaking the entire political economy in its image with little, if any, opposition: ‘The motivations for this vast enterprise, which has been compared with the Portuguese “effective occupation”² a century ago, were the party-state’s own, i.e. consolidating its hegemony through territorial occupation, the co-optation of local elites, and the subjection of the majority’ (Oliveira and Taponier, 2013, p. 173). The policy of nationalization had a profound effect on the agricultural sector. Its export system was one of the few areas that had been invested in and considerably developed during the colonial period, with its commercial impact changing the overall landscape of the country’s urbanization. During the colonial days of the nineteenth century, ‘Luanda was one of the most developed cities outside Europe, with many active trading companies exporting palm and peanut oil, wax, timber, ivory, cotton, coffee, cocoa, and many other products’ (World Bank, 2018, p. 1). The growth of the agricultural sector driving the infrastructure boom across the urban landscape would later influence the mindset of Angola’s leaders as they took the reins of their country and sought to drive their own future destiny back to the colonial heights guided by colonial production models. The looming towers of concrete rising above the skyline of Luanda’s bay, today the ultimate symbol of its oil-driven economic prosperity, are in fact building on the foundation previously set by Angola’s colonial agricultural exports.

The government’s strategy for a state-led centralized agricultural system was twofold: (1) nationalize and reactivate the colonial-era farms and (2) organize peasants into associations and cooperatives, all overseen and directed by the government. In a first attempt to transform the disparate actors of the rural economy into organized sections, Agostinho Neto’s transitional government created the Commission on Support and Dynamism of Cooperatives (CADCO)³ in August 1975 to provide official support for the creation of cooperatives. This commission only lasted a matter of months due to mismanagement, but its pioneering work would be the first of many ill-conceived attempts at institution building, with the goal of stimulating cooperative and associative practices among the workers (Morais and Pacheco, 1991, p. 11). The various versions that would follow all shared the same tension between promoting a free participative spirit in organizing rural workers and the colonial legacy of burdensome and invasive checks and controls on these same initiatives.

In 1977, the National Direction of the Organization of Production (DNOP⁴), under the guidance of the Ministry of Agriculture, published the first rough statistics on the level of the organization of cooperatives in twelve of the eighteen provinces, classified into two different grades (see Table 2.1). Grade one was composed of cooperatives or peasant associations based on organizing services and inputs among each other, while grade two was composed of cooperatives that collectively worked farms and plantations abandoned by the European colonizers under a Soviet-inspired *kolkhoze* system (a form of collective farm; Morais and

Table 2.1 Total number of cooperative organizations per province in 1977

| Province | Grade 1 | | Grade 2 | | Total | |
|----------------|------------|---------------|------------|--------------|------------|---------------|
| | Number | Members | Number | Members | Number | Members |
| Benguela | 15 | 1,136 | N/A | N/A | 15 | 1,136 |
| Bié | 13 | 42,115 | 5 | – | 18 | 42,115 |
| Cunene | 9 | 713 | – | – | 9 | 713 |
| Huambo | 52 | 9,860 | 10 | 2,535 | 62 | 12,395 |
| Huíla | 136 | 15,164 | – | – | 136 | 15,164 |
| Kuando Kubango | 12 | 827 | – | – | 12 | 827 |
| Kwanza Sul | 158 | 15,717 | 31 | 2,480 | 189 | 15,197 |
| Lunda Sul | 3 | – | 10 | – | 13 | – |
| Malanje | 43 | 4,385 | 35 | 2,340 | 78 | 6,725 |
| Moxico | 31 | – | 3 | – | 34 | – |
| Uíge | 78 | 9,516 | 15 | 1,858 | 93 | 11,374 |
| Zaire | 9 | 1,500 | – | – | 9 | 1,500 |
| TOTAL | 559 | 58,819 | 109 | 9,213 | 668 | 68,032 |

N/A (not available) means that the province was not included in the study. ‘–’ means that data were unavailable despite the province being included in the study. The provinces of Bengo, Cabinda, Kwanza Norte, Luanda, Lunda Norte and Namibe were part of the study.

Source: data compiled from Morais and Pacheco (1991, p. 13).

Pacheco, 1991, pp. 11–12). The category of ‘peasant associations’ was described as being ‘agglomerations of peasant households making their own production decisions’ (World Bank, 1991, p. 61). Their presumed advantage was having priority in terms of government services and inputs, though they were different from cooperatives in that they did not work or produce collectively.

The latest manifestation of CADCO’s legacy is the Confederação das Associações de Camponeses e Cooperativas Agro-Pecuárias de Angola (UNACA, the Confederation of Associations of Peasants and Livestock Cooperatives of Angola) founded in 1990. Going against the original principles of voluntary association intrinsic to the associative and cooperative movement, in reality this structure represents the rural manifestation of Angola’s various ‘mass organizations’ that appear as spontaneous social organizing but find their origins and direction behind self-interested political actors. UNACA remains the main organization of the cooperative and associative movement and claims to assist 8,662 associations and 2,115 cooperatives, comprising nearly one million members.⁵ Given that UNACA is clearly associated with the Popular Movement for the Liberation of Angola (MPLA), the political party in power since independence, membership is viewed as implicit support for the party and vice versa. Similarly, refusing membership of UNACA could be seen as an implicit rebuke to the MPLA itself.⁶ The suspicions cast on those not willingly aligning themselves with the government appear to survive from the time of the Neto administration.

The Roots of rural suspicion

One of the main reasons that Neto's administration failed to provide significant material or financial support directly to these rural organizations, beyond the difficult socio-economic context, was his mistrust of the structure of the agrarian economy. This mistrust was fomented by the intervention of his Soviet allies, who had come to assist in setting up their centralized agricultural farming models. Neto's apparent support of the spontaneous formation of rural organizations was a central line of disagreement between his Soviet assistants: 'For them, the farming cooperatives provoked suspicion by keeping the commercialization process in the hands of the farmers ... who would become not only an economic, but also a political force' (Conceição, 1999, p. 142). Agostinho Neto later appeared to fully embrace this mistrust of independent rural entrepreneurship.

While initially wanting the farmers to organize themselves, ulterior motives quickly became a political concern. After initially lauding farmers as essential actors in the Angolan nation, Neto later expressed his misgivings of their true intentions, as he was once quoted as saying: 'The farmer has, in himself, a capitalist seed. What is the dream of a farmer? It's to have a big property ... to make lots of money. And his profits increase the costs of the workers that he hires. Farmers are exploiters' (Pain, 2008, p. 190).⁷ However, this clear scorn of capitalism was not a dogmatic position across the political economy. In 1978, he expressly stated that his government was not against private entrepreneurship as such, but that it would only be tolerated in cases where private capital could not 'exercise control over the economy' (Bhagavan, 1986, p. 26). Private capital was welcome as long as the state maintained majority ownership. This position demonstrates the extent to which the new Angolan government was willing to bend its ideology to the realities of the ensuing Civil War in order to ensure the survival of the economic engine, most notably in the oil sector:

Oil production, organized totally outside of the norms of the socialist economy and conducted by transnational firms in isolated enclaves, accounted for close to 90 per cent of export earnings, and these revenues enabled the military to purchase increasing quantities of arms and ammunition. The state virtually abandoned the peasantry and agricultural production, while the cities subsisted as best they could on exports. (Pereira, 1994, p. 10)

An increasing dependence on the oil sector and Neto's questioning of the peasants' motives laid the foundations of the essential abandonment of the peasantry as the agricultural sector received the least amount of public investment despite 80 per cent of the population being dependent on it for their livelihood (Pain, 2008, pp. 189-190). The MPLA quickly became financially dependent on a growing oil sector⁸ and was able to use these resources to construct a political machine that would come to overshadow every other economic sector. A system of clientelist distribution⁹ would serve as the favoured tool to silence critics, placate allies and spread the wealth among the well connected. The urban/rural divide

of the conflict represented a major obstacle to implementing any coherent rural policies as the Civil War led to political forces that further marginalized the rural populations' exclusion politically, socially, economically, institutionally and even symbolically.

Land tenure reform and rural mobilization

The transition to a liberalized economic model meant that the nationalization of the country's resources needed to be modified to allow for enough incentives to attract foreign investment and codify the resource transfers already underway. This period¹⁰ was 'characterized by legal ambiguity', which 'set the precedent for "land grabs"' perpetrated by 'the political elite, members of the armed forces, and businessmen' (Clover, 2010, p. 152). The Land Law of the time, Law 21-C of 28 August 1992, had been created and adopted against the backdrop of Civil War and a lack of technical and historical precedent to rely upon. Land conflicts continued to emerge shortly after its passage as its lack of effectiveness for resolving land disputes became clearer.¹¹

Despite the raging Civil War, by 1999 the Ministry of Agriculture and Rural Development (MINADER) was still able to distribute more than 2 million hectares of land, representing almost half of the land previously conceded to the commercial sector before 1975, though the vast majority of it was left fallow (Pacheco, 2002, III). This land distribution to 'businesspeople' (Pacheco, 2002, III), 'commercial farmers' (Clover, 2005, p. 358), or the 'new Angolan bourgeoisie' (Rede Terra, 2005, p. 6) solidified the colonial land grab of the last decade of Portuguese occupation, wherein '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, while 6,000 commercial farmers had an average of 700 hectares, of which only 10% was actually cultivated' (Pacheco, 2004, p. 45). From 2000 to 2009, the considerable increase in agricultural production was due to increased land use, not higher production efficiencies (Pacheco et al., 2013, p. 316). Nevertheless, large investments have been made in support of this small segment of commercial agriculture.¹²

Just before the turn of the century, the Food and Agriculture Organization (FAO) was called upon by the Direcção Nacional de Desenvolvimento Rural (DNDR, the National Directorate of Rural Development) in 1999 to provide technical assistance in formulating a new regulatory approach to the myriad land issues affecting the country's urban and rural areas (Carranza and Treacle, 2014, p. 24). In July 2002, after a multi-pronged lobbying campaign led by the Acção para o Desenvolvimento Rural e Ambiente (ADRA), the most prominent national non-governmental organization (NGO) for rural land issues, the Canadian NGO Development Workshop, led by Allan Cain, which specializes in urban and peri-urban land issues, and the FAO, led by Dr Paulo Groppo, a land tenure systems analysis officer, the government announced its intention to host a public consultation period to modify the existing Land Law (21-C/92). Social synergies

and historical convergence led to the foundation of an NGO network that came to be known as Rede Terra, an organization guided in large part by the similar Campanha Terra, which emerged in Mozambique in 1998.

Mozambique leads the way

In order to understand the evolution of Angola's experience in both the government's efforts and the social organization around the issue of land reform, a brief review of the influence of Mozambique's case is needed (see Table 2.2). Importantly, both countries share similar political and legal colonial inheritances, the strong national presence of church organizations across the rural landscape, and decades of Civil War that destroyed their rural economies. In the early 1990s, an ad hoc land commission was set up through the support of the University of Wisconsin Land Tenure Center¹³ and USAID,¹⁴ aimed at addressing the land issues in Mozambique amid the structural readjustment programmes after the end of the war in 1992 and the country's first multi-party elections in October 1994.

The desire for land reform was brought to prominence by three major influences: (1) the support of the Catholic Church through its Caritas mission and the Diocesan Commissions for Justice and Peace; (2) the Christian Council of Mozambique via its Organization for Mutual Aid; and (3) the União Nacional de Camponeses (UNAC, the National Peasants Union) reporting on the land conflicts resulting from the accelerated privatization of state land and the attempted land grabs of cooperatives (Negrão, 2003, pp. 6-7). In addition to Catholicism, there were also active Muslim and African Zionist influences (Negrão, 2003, p. 7). This was significantly different from Angola's experience, as it was almost exclusively

Table 2.2 Comparative timeline on land laws and campaigns (1979–2004)

| Time period | Angola | Mozambique |
|----------------------|--|--|
| 1979 | – | Land Law no. 6 |
| 1992 | Land Law no. 21-C First multi-party elections | End of Civil War |
| October 1994 | – | First multi-party elections |
| 1996 | | National Land Conference – discussion of final draft of Land Law |
| 1997 | – | Land Law no. 19 |
| 13 June 1998 | – | Campanha Terra launched |
| April 2002 | Draft Land Law announced | |
| 26 November 2002 | Rede Terra launched | – |
| August–December 2003 | Consultation with rural communities | – |
| 9 November 2004 | Land Law no. 9 | – |

Source: data compiled from Clover (2005), Groppo et al. (2004), Negrão (1999) and Tanner (2002).

influenced by the Catholic Church – there was no explicit mention of other religions participating in the process.

In order to try to consolidate the different efforts, the government created a new Inter-ministerial Commission in 1995 ‘with a clear multi-sectoral composition’ involving ‘[n]ine separate ministries’¹⁵ and ‘two representatives each working within the Commission’ (Negrão, 2003, p. 16). In order to strengthen the voice of the national population in the debate, a National Committee was formed ‘in order to join forces in the dissemination of information aimed, in particular, at rural families’ (Negrão, 1999, p. 1). This Committee, comprised of nine national NGOs,¹⁶ formed a network later called *Campanha Terra*. It organized a time-specific (six-to-nine month) information campaign after the new land tenure bill (Law no. 19/97) had been promulgated. *Campanha Terra* was officially launched on 13 June 1998 in the village of Marracuene in Maputo province (Negrão, 1999, pp. 3-4), coordinated by José Negrão of the Eduardo Mondlane University. Its formation brought the people directly involved in ‘the legislation process into active collaboration with the NGO sector and continues to sustain an effective dialogue and working partnerships’ (Tanner, 2002, p. 41). While it was active throughout the territory, ‘the Campaign did not consider itself to be a new NGO nor a forum for organizations’ and was decentralized at the provincial and district levels (Negrão, 1999, p. 1). Overall, the Campaign’s mission¹⁷ was to mobilize NGOs, churches, associations and cooperatives so as to disseminate educational campaigns about the new Land Law, promote justice through its proper application, and stimulate dialogue between the traditional and commercial agricultural sectors in the targeted areas (Negrão, 1999, p. 2). Building from this example, *Rede Terra* aimed to construct its own land-based social movement.

Rede Terra: The birth of Angola’s first land network

Amid all of these major changes, at the turn of the twenty-first century the country found itself at the cusp of a historic moment: the first officially sanctioned ‘dialogue’ between the MPLA-led government and civil society over a pressing legislative issue: a reform of the Land Law. The unique environment was set up, ‘... by the new multi-party “freedom” and “democratic” legislative framework, fuelling the emerging Angolan civil society organisations, which were able to grow throughout the nineties and voice growing criticism of the government despite the severe constraints imposed by the regime’ (Chabal and Vidal, 2007, p. 204). The multiple pressures on the government appear to have created the opportunity to further open this space of civic political discourse by bringing the public, private and donor spheres together around the negotiating table.

This unprecedented civic dialogue can be explained by the desire of the government to present itself, as much to the international community as to its national audience, as a legitimate actor by demonstrating that it was responsive to its people’s needs and was looking to take on its role as a positive force for national

unity. The country's precarious financial situation¹⁸ after the Civil War meant that 'Angola's leaders were well aware that they could not put the country back together without major foreign input and repeatedly called for a donors' conference to help them mobilize financial resources' (Oliveira, 2015, p. 54). This recognition of the importance of foreign aid and assistance prompted a significant number of these democratic overtures, but the participatory spaces provided by party officials remained closely guarded.

The demonstration of this desire was opening up a highly controlled democratic space, with land policies at the heart of the process. The public debate was initially fixed by the MPLA for a period of three months, but was later indefinitely extended after lobbying by various NGOs and the FAO, which had agreed to participate in the public consultation campaign for the new law. This time extension represented a first major victory for civil society participation in public policy formulation by considerably opening up the opportunities for dialogue between the government and its citizens. Otherwise, the whole exercise would have been little more than a symbolic gesture to the international community and the few participants of the activist civil society who wanted to have their voices heard.

After securing more time, different NGOs began to put together their own ideas, mostly revolving around strengthening the defence of agrarian rights, land access and use, and the protection of customary rights. The informal discussions eventually led to a consortium that became Rede Terra on 26 November 2002 at the Tivoli Hotel in Luanda, with twelve national and international NGOs in the initial group (see Table 2.3). Rede Terra declared its intention to officially begin its national campaign of public consultations, for an initial period of nine months, in January 2003.

The Rede Terra network was dominated by international NGOs, which comprised 66 per cent (eight out of the total twelve). This demonstrates the heavy influence that Western organizations had in founding the umbrella organization and in securing foreign financing for its work. The network was supported by three main donors, all coming from Western sources: Oxfam Novib (UK), Oikos Intermón (Spain/Portugal) and World Learning (USA). This Western funding of the organization and the heavy influence of Western NGOs supporting democratic initiatives and human rights would turn out to be very significant in the network's relationship with the government, as described later in this chapter. The initial coordination was led by ADRA engineer Manuel António da Silva Neto. As a network, the group decided on a list of five main activities in the preparations for the new Land Law (see Table 2.4).

One of the most influential activities the group undertook was the creation of a pamphlet used by its activists during their initial ground campaign to educate the local populations about the planned proposals being considered by the government. They simultaneously documented the needs and desires of the rural communities themselves to bring their voices to the debate for potential changes to the draft Land Law. The pamphlet was translated into five national languages¹⁹ to reach a maximum audience, and the activists were present in ten of the total of eighteen provinces in the country (Neto, n.d., p. 2). The provinces active in

Table 2.3 Founding members of Rede Terra

| Name of organization | Origin | Main activities |
|---|--|---|
| Agência de Cooperação e Pesquisa para o Desenvolvimento (ACORD) | UK | Human rights, food security, rural development |
| Ação para o Desenvolvimento Rural e Ambiente (ADRA) | Angola | Rural development, social justice, democracy, organization of civil society |
| Norwegian People's Aid (APN) | Norway | Post-conflict reconstruction, humanitarian help, human rights and democracy |
| Caritas de Angola | Angola | Post-conflict reconstruction, institutional capacity building, literacy and vocational training, and agricultural development |
| Centro Cultural Mosaiko | Angola | Contribute to establishment of culture and education of human rights |
| Development Workshop (DW) | Canada (first international NGO, 1981) | Policy and programme development for human settlements and housing, support for civil society |
| Oxfam Intermón | Spain | Support for social inclusion and human rights, gender justice, creating sustainable food systems and poverty reduction |
| Centro Nacional de Aconselhamento (CNA) | Angola | Democracy, human rights, community support |
| National Democratic Institute (NDI) | USA | Citizen participation, democratic governance, gender equality, youth political participation |
| Oikos | Portugal | Social mobilization and participation, democracy, transparency and development |
| Netherlands Development Organization (SNV) | Netherlands | Food security, gender equality, sustainable agricultural practices |
| World Learning (WL) | USA | Government accountability, education, women empowerment, poverty eradication |

Source: information compiled by the author.

Table 2.4 Main activities of Rede Terra

- I. Develop actions to share information about the government's proposal for a new Land Law and its reorganization of territory.
- II. Promote civil debate around the Land Law proposal and land issues affecting rural and peri-urban communities.
- III. Collect citizens' contributions and recommendations in order to create a global document that reflects the range of opinions in civil society, in advance of the Land Law.
- IV. Organize social advocacy and other activities that directly or indirectly relate to land issues or the defence of citizen's rights.
- V. After the passage of the new Land Law, establish advocacy networks to ensure that rural communities negatively affected by the changes receive proper compensation.

Source: translated from Neto (n.d., p. 2).

the campaign were Bengo, Bié, Huambo, Huíla, Kuanza-Sul, Luanda, Malange, Namiba, Uíge and Zaire.

After the end of the ground campaigns were finished, the local information gathered by the Rede Terra representatives was shared with the local officials and sent on to the headquarters in Luanda. During this campaign, Rede Terra became a vehicle for directly educating the rural populations about their rights and the current legislation, while also communicating the needs and desires of these affected communities directly to the public officials who would be deciding on the final form of the Land Law. This type of democratic exercise, bringing the citizens' voices directly to the legislators, was the first in Angola. The final report, entitled 'Position of Rede Terra, relative to the Land Law project of 28 of November of 2003', was relayed to the president of the National Assembly (Neto, n.d., p. 2). While the MPLA accepted the work of Rede Terra and at least nominally worked in tandem with it, in the end the dialogue was limited to only a few specially designated local contacts.²⁰

In the final version of the Land Law, Rede Terra claimed as its own victories – the modification of certain articles of the law, such as the inclusion of proper compensation for the expropriation of land (though it lacked mechanisms to measure and enforce it), in the time required for the legalization of land titles (one to three years), and the introduction of a chapter dedicated to managing land conflicts. Another victory was the inclusion of provisions that both recognized and protected customary rights. The customary issues had been at the forefront of the concerns of Rede Terra, and their recognition was clear evidence, now written into law, of the positive measures achieved during these unprecedented discussions. However, they were sufficiently diluted to create significant ambiguities and were not legally operational, thus negating in part this supposed success.

The final Land Law (no. 9 of 9 November 2004) decreed that all land officially registered as 'communal' cannot be taken over by the state, except in cases where the public interest demands it (Foley, 2007, p. 11). This represented an important advance in rural customary protections, although the public interest clause left room for ambiguities and therefore its potential misuse. However, a last-minute revision added by the Dos Santos administration included 'the legal possibility of land appropriation for "private utility" motives – rather than just for public interest, as before' (Clover, 2005, p. 360). This provision allows for rural land to 'be requisitioned with payment of compensation', though a clear framework for establishing just compensation has not been established (USAID, 2007, p. 25). The accumulation of these ambiguities built into the 2004 Land Law is a central mechanism in creating the conditions for illegal and ambiguous land occupations. Ultimately, its 'effect was to weaken, not strengthen, property rights for the poor. [...] Weaker and less secure tenure also limited political empowerment. Simultaneously, the position of the authorities has been strengthened' (Clover, 2005, p. 360). A major goal of Rede Terra had been to reduce the ambiguities present in the law through the introduction of clear procedures and enforcement mechanisms, but the newest Land Law leaves much to interpretation, with rural communities still vulnerable to potential predatory practices.

Challenges: Stifling civil society

If access to government officials has always been a fundamental obstacle for civil society and the NGOs working in the country, the democratic deficit of Angola and its young civil society represented just as much of a challenge to community organizers. The authoritarian governing model, coupled with the enduring colonial legacy of the Portuguese, left the Angolan society with a mainly vertical system of governance. Amid the ongoing Civil War in the foreground, the expansion of oil production and the massive profits that came with it added another layer of verticality between the political elites and the population as a whole that ‘inhibited the appearance of an alternative social logic based upon notions of citizenship or class (where people place themselves horizontally in relation to the state) and therefore hampered the emergence of civil society as understood in the West’ (Chabal and Vidal, 2007, p. 203). Civil society found itself stalled²¹ in its quest for growth and development. In a 2008 monitoring report by Oxfam Novib, a major donor of the initiative, it was noted that:

Some of those interviewed, after having had time to reflect, made it clear that they had a firm conviction that after the whole process of consulting/involving civil society at the national level [...] while civil society was able to apply pressure, “in the end, the process ended up significantly manipulated and was no more than a well-set-up propaganda operation (...) providing social legitimacy to decisions that had already been taken at the higher levels”. (CCPE, 2008, p. 197)

The government’s reluctance to open up to Rede Terra is therefore not surprising given that it was fully financed by Western donors and 66 per cent of the overall organization was composed of Western NGOs. In May 2006, shortly after the passage of the Land Law, the MPLA government began implementing a new decree (no. 84 of 2002) designed to severely limit the freedoms of NGOs working within Angola and to regulate their activities through a burdensome system of constant surveillance. The intention was ‘to reduce the independence of NGOs, and to keep NGOs’ interventions restricted to humanitarian and emergency approaches only’ (Amundsen and Abreu, 2006, p. 7). Given that Rede Terra’s proposed mandate went far beyond humanitarian work, the organization would have been a prime target for the new decree’s ambitions to bring to heel any NGOs working outside of the MPLA’s accepted areas of influence. These suspicions went well beyond Angola’s leadership, representing a trend across the continent.

Table 2.5 reveals a wider trend of anti-NGO sentiment even though many of these governments rely upon the aid and assistance of non-state actors to provide basic services to their respective populations. In Angola, Executive Decree no. 74 of 2015 attempted to increase the control of NGOs using new mechanisms, specifically putting burdens on the foreign financing of activities. In 2016, Rede Terra went to court and won alongside the *Ordem dos Advogados de Angola* (the Angolan Bar Association) and the NGOs SOS Habitat and the

Table 2.5 African countries with anti-NGO policies or legislation (2004 to May 2019)

| Enacted measures restricting activities (12) | With pending or impending measures (6) | Measures abandoned, rejected by legislature or invalidated by the courts (6) |
|--|--|--|
| Algeria, Burundi, Egypt, Ethiopia, Rwanda, Sierra Leone, South Sudan, Sudan, Tanzania, Tunisia, Uganda, Zambia | Egypt, Malawi, Mozambique, Rwanda, Sudan, Zambia | Angola, Congo-Brazzaville, Kenya, Malawi, Nigeria, Zimbabwe |

Source: data compiled from Musila (2019, p. 3).

Centro Nacional de Aconselhamento (CNA, the National Counselling Centre) by arguing that the government's Decree no. 74 of 2015 was unconstitutional. The Constitutional Court upheld their argument on 5 July 2017, declaring that such decrees must come from the parliament and not the presidency, thereby imposing a significant check on the president's seeming omnipotence (USAID, 2007, p. 2). For Mozambique, the still-pending legislation strengthens the Law of Associations of 1991, under which NGOs currently operate, with a number of amendments to the law drafted in 2009 but never enacted (Musila, 2019, p. 16). The country is a restrictive environment for NGO operations, with multiple NGO leaders harassed, abducted or killed between 2010 and 2017 (Musila, 2019, p. 20). The effectiveness of these land networks must be considered within the restrictive spaces they were operating in.

Conclusion: Diverging interests in rural Angola

Despite decades of declarations of economic diversification and support for the agricultural sector, little has changed. In a rare public moment of introspection, President José Eduardo dos Santos admitted as much during his end-of-year speech on 15 December 2015: 'We spoke a lot about diversifying the economy, we did very little. Even so, it's better to start late than never' (CEIC, 2015a, p. 193). Nevertheless, this legacy of inaction appears set to continue to neglect the production potential of the peasantry in favour of an underdeveloped commercial sector, as evidenced in the 2017-2018 budget proposal for the Ministry of Agriculture (MINAGRI). The document showed an across-the-board cut to nearly every programme supporting smallholder agricultural production, with the money saved funnelled instead into a 'Programme for commercial agricultural development' (UNICEF and ADRA, 2018, p. 15). Concentrating these resources into a limited commercial sector allows the political elite to remain in total control of the segmented economic diversification taking place. This strategy's logical end would be to undermine the development capacity of the rural populations in order to maintain control. Political and military elite interests run counter to those supported by the activities of Rede Terra, which largely explains why the Land Law ultimately weakened property rights.

However, public involvement in legislative matters in Angola is a rare occurrence. Developing democratic norms is a long-term process that occurs in fits and starts and even regresses. The opening up of the Land Law debate to the public could have had significant effects on democratic participation in the country, and these are only now beginning to appear. The election of João Lourenço in September 2017 represented a change in the office of the presidency, though the MPLA remains in power, with the same dynamics that continue to motivate the party to maintain its hold on power. Discussions have restarted on updating the current Land Law once again, to conform to current social and market conditions (Angop, 27 March 2019). Whether another process of social mobilization will accompany this process remains to be seen.

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