

UN-HABITAT Submission for the Universal Periodic Review

Angola – 34th Session, Oct-Nov 2019

1. Background and Framework

A. Scope of international obligations

Angola has ratified five major international human rights instruments, including ICCPR, ICESCR, CEDAW, CRC and CRPD. The State has accepted individual complaints procedures under ICCPR, CEDAW and CRPD.

B. Constitutional and legislative framework

The Constitution of Angola prescribed the right to property, requisition, and expropriations in article 37. The right to housing is also enshrined in the Constitution, article 85.

Basic Law of Housing Development (Law no. 3/07) “establishes the norms and general principles that should guide the policy of housing development in order to create conditions for the realization of the fundamental right to housing that assists all citizens.” (UN-Habitat & MINOTH, 2016)

Under the Resolution No. 20/09 the Government issues the **National Program of Urbanism and Housing (PNUH)**, Urbanization and housing are priorities in the Development Agenda of the Angolan Government, who pledge to construct one million houses.

The Land Law (Law no. 9/04) establishes the general bases of the legal regime of lands integrated in the original property of the State. It regulates property rights, rural community rights, the natural resources and protection measures, land expropriation, land concession, territorial planning, land classification, and registration procedures.

General Regulation of Land Concession (Decree 58/07) regulates Law 9/04 regarding the granting, recognition, transmission, exercise and extinction of land rights over land.” (UN-Habitat & MINOTH, 2016)

National Policy for the Granting of Land Rights (Presidential Decree 216/11), establishes the bases of the “National Policy for the Concession of Rights over Lands, with the purpose of increasing the use of land.” (UN-Habitat & MINOTH 2016)

Presidential Decree No. 297/18, published on 14 December last year, implements an institutional framework reform, reinforcing the role of the **Housing Development Fund (FFH)** the state's indirect administration body intended to finance urban development, construction and housing management activities, as well as the financial flows arising from these activities. For the effective pursuit of its purpose, the policy for the application of the FFH's resources should be guided by the principles and criteria defined in the PNUH such as, among others, the resolution of the housing shortage situations of low-income families.

2. Achievements, best practices, challenges and constraints – prepared by the country/regional office.

Achievements & Best Practices: Angola has a population of 29 million inhabitants living within an area of 1,246,700 km². The urbanization rate is currently 62.6% with urban populations concentrated in coastal cities and a few urban settlements. Within 33 years, Angola's population grew over 3 times from 8.7 million to 29 million from 1985 to 2017. The rapid urbanization caused urban sprawl where land occupation and housing construction in cities occur without proper planning nor adequate structures, resulting in informal settlements or “musseques” which are a relevant component of Angola's urbanization process.

As mentioned in Article 85, the right to adequate housing is recognized constitutionally and the government is committed to it. Since 2009, the elaboration and implementation of the **National Housing and Urban Development**

Program (PNUH) and Decree-Law No 87/08 on new state land reserves reinforced urban and housing interventions already underway and decisively influenced future ones, with the main motto of "transforming irregular occupants into regularized citizens and integrated into urban society". It has brought many benefits including the promotion of 350,000 housing units that had an impact towards the housing stock in Angola, which improved access to homes for young middle-class Angolans, where prices until 2008 were completely inaccessible. It also had a major impact on rental prices in major cities such as Luanda, with a considerable reduction in prices in 2015 compared to those prevailing until 2010.

On the 31st of October 2018, during the National Urban Forum, the Ministry of Urban Development and Housing officially announced the elaboration of the **National Housing Policy (PNH)** for Angola within the framework of the UNDA Project, with support of UN-Habitat and UNECA. This policy is paramount and timely as the country learns lessons from almost 10 years of the PNHU and reiterates its commitment to the Sustainable Development Goals (SDGs) particularly SDG 11 on sustainable cities. UN-Habitat is now waiting for the formal approval of the ToR for the Technical Assistance.

Challenges: While it is important to acknowledge the success of the PNHU, many challenges remain. Housing remains unaffordable for the vast majority of the population, and the provision of land, infrastructure and alternative finance models are also key challenges for the PNHU. The programme is heavily reliant on public funding, not having been able to engage the private sector and to promote a major mechanism of the programme - self-help construction: which accounted for 68.5% of the total housing units programmed. Many of the built units provided outside of Luanda remain closed as they still lack connection to main infrastructure and basic services. Mostly important, in the long run, the sector lacks the policy framework and a strategic development vision to promote the potential of housing for social and economic prosperity.

The biggest challenges are linked with the **improvement of informal settlements** or, alleviating poverty and health and social problems within these areas. The end of the colonial period was characterized by the creation of new cities for the Portuguese emigrant population. The first General Plans of the most important cities of the former overseas province were drawn up. Although they focused on the planning and urbanization of urban cases in the cities, without taking into account the accelerated growth of the peripheral informal settlements or "musseques".

According to the Angolan Multiple Indicators and Health Survey (IIMS), in Angola, just 53% of households have access to appropriate drinking water sources, 67% of which are in urban areas and 32% in rural areas, About one third of households (32%) have some type of appropriate, non-shared sanitation facility and the proportion is higher in urban areas (46%) than in rural areas (11%). About half (48%) of households use solid fuel for cooking. Exposure to smoke from solid fuel used for cooking is higher when cooking indoors than in a separate house or outdoors. In Angola, 61% of households cook indoors. Sixty-four percent of households in urban areas and 7% in rural areas have access to electricity. (IIMS, 2017, p.11-14)

Inadequate infrastructure, poor waste management and sewage system puts the people at risk of malaria. There is also an issue of **drought** that risks the livelihood of people due to the lack of accessibility to potable water. Infectious diseases such as **cholera** can also be transmitted easily through contaminated water or food where it is linked to **basic sanitation** facilities and hygiene education. (*Angola Common Country Analysis*, 2018, p.59) About one-third of all households (32%) have some type of appropriate, non-shared sanitary facility and the proportion is higher in urban areas (46%) than in rural areas (11%). On the other hand, 15% of households use shared facilities and are more frequent in urban areas (23% in urban areas and 3% in rural areas). More than half of households have inadequate facilities (53%) and this percentage is almost three times higher in rural than in urban areas. In 38% of households, the place where members usually wash their hands was observed. Approximately two-thirds (64%) of these households had soap and water, which is the ideal way to wash hands. On the other hand, 19% responded that they had no water, soap or other cleaning products. Lack of water, soap and other cleaning products ranges from 5% in households in the fifth quintile to 31% of households in the first quintile (IIMS, 2017, p.15)

Constraints: One of the biggest constraints in the development of housing projects in Angola, especially social housing, has to do with the **irregularity of investment** in the sector over the last five years. Based on the **State General Budget** in 2014 the amount available for Social Housing Programmes was 103,023,959,115.00 AOA. In 2015 suffered a large decrease, to the value of 15,055,499,354.58 AOA and has been fluctuating ever since. Currently, the Social Housing

Program is not appeared in the State Budget 2019 and shows a recent change of priorities in the housing area. The programme is heavily reliant on public funds making it uncompetitive for private developers. Many units provided outside of Luanda remain closed as they still lack connection to main infrastructure and basic services. Mostly important, in the long run, the sector **lacks a policy framework and a strategic development vision** to promote the potential of housing for social and economic prosperity.

Another constraint is also the rise of housing concentration mainly due to the need of housing for the new family nucleus. In 2009 the IBEP revealed that around 78.5% of the Angolan population living in urban areas, lived in houses built with inadequate materials (adobe, cans and others) and one of the factors that contributed to solving this situation, besides the creation of new housing areas, was the creation of the Angolan Urbanism and Housing Programme. With regard to housing, the New Urban Agenda defends the existence of basic services in housing (water, energy, social services) and the preservation of the environment (basic sanitation) both in rural areas (communes, villages, municipalities) and in urban areas (cities, municipal headquarters) (Angola Common Country Analysis 2018,p.35). Informal settlement dwellers are vulnerable not only due to the lack of access to water, sanitation, basic services but also to the risks of disasters from the inadequate housing and infrastructure that surround them.

3. Key national priorities, initiatives and commitments

A. Specific recommendations for follow-up (A/HRC/28/11)

Spain and Bolivia made recommendation in the previous UPR session to encourage Angola to improve the human rights to water, strategic plan for water supply and sanitation particularly for rural communities. In 2018 Angola has implemented "**Water for All**" where the State targets the drinking water supply of the urban population at 100% and the rural population at 80% (but by 2017 the aggregate indicator is only 55%.), and **Rehabilitation and Expansion of Urban Water and Sanitation Systems** which is an Institutional Capacity Building. According to IIMS data Between 2008-2009 and 2015-2016, household access to appropriate drinking water sources increased from 42% to 54% in urban areas.

The State of Palestine recommended Angola to pay special attention to the needs of women in strategies to combat poverty, ensuring that they have easy access to health, education, safe drinking water, basic sanitation and income-generating activities. In this regard, Angola has implemented comprehensive and transversal policy measures, such as **The Municipal Integrated Programme for Local Development and Poverty Reduction (2018-2022)** **The Rural and Periphery Women's Support Programme (PAMURP)** to combat poverty and create the economic basis for its sustainability; **The Microcredit Programme; support for microfinance initiatives; family and rural entrepreneurship; the requalification of rural villages; support for the economic activities of rural women; and capacity building of traditional midwives.**

Another recommendation, given by Germany, suggested for Angola to ensure that its housing policy is drafted and implemented in accordance with international human rights standards, including access to effective remedy and adequate compensation, and that the necessary assistance is provided to all evicted persons. Angola responds with the Continuation of the implementation of the **National Urbanism and Housing Programme** with the main focus on the construction of 35,000 houses, about 200 houses per municipality, as well as the construction of social housing by the State, private enterprises and cooperatives. More than 69,000 plots of land were ceded for self-managed construction in all the municipalities, provinces, currently benefiting 7,000 families directly. Data from the General Census of Population and Housing, indicate that 70% of households live in their own housing, 19% live in rented houses and 10% in other situations. Regarding the re-housing of the populations they have built in risk areas or in the State's land reserves, the Government has made efforts to re-housing them. Therefore, Presidential Decree 117/16 of 30 May on the **Regulation of Re-housing Operations** has been approved and the **Expropriation Law** is being revised to bring it into line with human rights standards and to ensure that it is properly re-housed, in accordance with the National Assembly Resolution on evictions.

According to the **National Development Plan (PDN)** of Angola, the following are some of the pledges of the state:

To promote the development and infrastructure of land reserves by providing plots of land for housing and proximity services, promote productive inclusion of households in poverty to contribute to local economic development (rural and urban), social housing and directed self-construction, through the participation of the public and private sector, cooperatives and individuals, especially those with lower purchasing power, by providing dwellings under special conditions of price and financing, and promote the qualification of provincial capitals with a weak urban structure. The state also pledges to improve the management of the State's housing stock and, develop an innovative model of urban financing and to promote urban development operations within the framework of it, so that the cost of investment is recoverable. To regenerate urban areas that justify priority measures, improve urban hygiene conditions and prevent risks arising from natural phenomena.

(PDN 2018-2022)

B. New recommendations for the State

UN-Habitat highly recommends for the State to elaborate and implement the **National Housing Policy** in order to highlight the importance of Housing in the national level. In addition, the national housing policy will support the national housing profile for indentifying legal and institutional framework that should be considered in the reformulation of the PNUH and clarify the role of all the different actors involved.

In the short term, UN-Habitat advocates for the government to promote a stronger mechanism to enable PNUH's sub-programme of self-help construction.

Finally the State should also improve periodical monitoring of reliable data related to housing rights, to better implement evidence-based policy and programmes revisions. This can be achieved through stronger institutional coordination at all levels of the government as well as the national statistical office.

4. Capacity-building and technical assistance

UN-Habitat Country Office assisted the government in elaborating the National Territorial and Urban Policy. Besides that, Habitat Country Program Document has other programs in pipeline that are intended to contribute to the progressive realization of the right to adequate housing such as the **National Housing Policy (PNH)** that supports the National Housing Directorate of MINOTH, the National Housing Institute (INH) and the Housing Development Fund (FFH) in the elaboration of a National Housing Policy. This is part of the UN-Habitat Global Strategy for Housing (GHS) in order to optimize the impact of the National Housing and Urbanization Program (PNUH) over the new international economic situation in Angola.

In regards to informal settlements or "musseques", the **Participatory Slum Upgrading Program, (PSUP)** intends to develop a Regulation on peri urban land, as part of the Land Law revision process and support to the implementation of PNOTU, Development of the "Manual for Safe Self-Managed Construction" using PSUP minimum standards and to introduce PSUP principles in the Program for the Reduction of Urban Poverty in Luanda (LUPP). In line with the PSUP program is the **Habitat Research Centre on Musseques**, in partnership with academia, that focuses on informal occupations, musseques and the right to adequate housing in Angola.

UN-Habitat also has a program to **disseminate the concept of the right to adequate housing and women's right to land**, involving academia, civil society and government officials, to disseminate and promote research on the subject of the Right to Adequate Housing and Women's Right to Land at the "**Habitat Research Centre on Musseques** " and to promote the translation and dissemination of OHCHR/UN-Habitat's Fact Sheet N. 21/Rev. 1 on "The Rights to Adequate Housing". To promote the legal, institutional and financial framework to allow mortgage loans for housing financing, allowing more active participation of banks and private developers in the National Urbanization and Housing Program, UN-Habitat also has the **National Strategy for Housing Financing**.

Regarding basic sanitation, UN-Habitat have a joint project with UNICEF on the **Promotion of urban and peri-urban resilience through condominial sanitation and waste management**. In this program UN-Habitat will support the strengthening of the urban resilience of the municipality of Luanda through participatory infrastructure and basic service

provision, reduce morbid-mortality rates for children under the age of five (U5) in the Municipality of Viana and include the 3R (reduce, reuse, recycle) approach in the solid waste management culture of Angola,.

UN-Habitat also has the **Initiative for Security of Tenure and Land Readjustment** that aims to develop a Land Tenure and Resettlement Security Project with the aim to formalizing land ownership of periurban inhabitants led by municipal governments taking into account private sector, community organizations and public institutions involved in land issues. This project also aims at creating a National Legal Framework and a National Strategy for Land Readjustment Projects and to raise awareness of land tenure security.