**BENGUELA DECLARATION**

We, members of Angolan civil society here present, on our own behalf and in the name of the representatives of organizations and individuals who have signed this text, express our extremely worry at the resurgence of forced evictions that already have taken place, or are announced. They constitute a violation of the civil rights to a decent life. It is in this context that we assume a clear position in favour of the respect of the Constitution, of fundamental laws and rights, which is why we declare ourselves firmly against these perpetrated evictions. We demand that the principal institutions of the State responsible guarantee human rights on a universal basis, adopt a just and participatory housing policy, involving the various groups and social classes such that, in other words, is adapted to the reality of the large majority of the families of this country.

According to the General Comment N.º 7 of the UN Committee on Economic, Social and Cultural Rights, one understands “forced expulsions” to mean “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” Moreover, in the same document, the Committee concludes that “forced expulsions are *prima facie* incompatible with the requirements of the Covenant” [International Covenant on Economic, Social and Cultural Rights].

Between 2001 and 2007, local and international organizations documented the forced eviction of more than 30,000 people. A part of them saw their houses demolished without being able to prevent the destruction beforehand. They were even less consulted, and were without legal protection or adequate alternative housing. Many forced evictions were carried out by policemen, members of the armed forces, or private security companies, using excessive force.

Last month, 3,000 houses were demolished in the Municipality of Kilamba Kiaxi, in Luanda (capital of the country), which means the forced expulsion of 3,000 families; that is to say at least 15,000 people. In Lobito, since February 2009, 250 families living in the old marketplace are threatened with evictions. In preparation for the ACN (African Cup of Nations) and tourist projects between Benguela and Lobito (two cities in edge of the sea, 500 km south of Luanda), the local governments have announced future expulsions of whole districts, where thousands of families live. They were not prevented, and no action of consultation is envisaged. Many other cases take place in various provinces not only in the cities, but also in the campaigns where lands are confiscated from local communities who depend on agriculture for their subsistence.

Due to many internal displacements during the [28-year-long civil] war, a weak administrative system and the lack of a housing policy in favour of the poor, among other factors, one estimates that, in Luanda, for example, 75% of the families do not have any official title to their houses and lands. Sometimes, as in the case of some of the families living in the Lobito market, they actually were rehoused there by the municipal administration, but without a document of title ever being given, thus, leaving them vulnerable to new evictions, each time the administration needs the land for other purposes.
The reasons officially given by the government, exchange or room, for these expulsions, range from the rebuilding of the country to the requalification of the districts, as well as expropriations for “public purposes,” the preparation of the ACN or public or private investments. Even if some of these reasons could be regarded as justified and legitimate, international standards, recognized by the Angolan legal system, regulate the conduct of evictions. In all cases, it is unacceptable that the government considers this type of systematic measures to be normal. Authorities are to carry out evictions only as a last resort, and only after having met other conditions, among them are the provision of adequate housing alternatives.

We are equally worried by other factors that make us think that this wave of forced evictions will increase and violate the rights of many more families, if adequate processes are not adopted. We speak of the new Mining Code which, if it is approved as it is currently presented, transforms all the zones containing mining resources, including those intended for civil construction, into restricted zones from which the local populations will have to be displaced. We also think of the application of the Lands Law, with the little that it provides for rural communities and the families systematically to register their lands, must enshrine better legal security of tenure [for them] in the future.

We finally speak about the future large investments in the country, whether for the production of biofuel in Malanje, aluminium at Benguela, silver in Kwanza-Norte, copper with Uige, or uranium in the south of the country. These investments are necessary and can create jobs and growth, but if the State of Angola does not protect the families who live in the zones concerned, the number of evictions and land confiscations without alternatives or compensations will increase in alarming proportions in the coming years. Moreover, economic growth would not be accompanied by social development.

It should be recalled that in its Article 2, the Angolan Constitution in force declares that “the Republic of Angola is a democratic State of law that holds as fundamentals,” among others, “human dignity” and “respect and guarantee for fundamental human rights and freedoms.” Its article 20 affirms that “the State respects and protects the human person and human dignity,” and article 29 affirms that “the family, the basic unit of organization in the society, is object of protection of the State.”

Moreover, article 21 of the same law recognizes that “the constitutional and legal norms relating to the basic rights must be interpreted and integrated in harmony with the Universal Declaration of the Human rights, the African Charter of Human and Peoples' Rights, and other international instruments to which Angola is party.” In fact, Angola ratified the African Charter in 1990, and the International Covenant on Civil and Political Rights, as well as the Covenant on Economic, Social and Cultural Rights in 1992. As a State party, Angola has accepted the obligations to respect, protect and fulfill human rights, including the human right to an adequate housing.

Finally, we wish to recall that, in its November 2008 review of Angola, the Committee of the Rights Economic, Social and Cultural Rights recommended to Angola:

(a) take appropriate measures to ensure that evictions are only used as a last resort, adopt legislation or guidelines strictly defining the circumstances and safeguards under which evictions must take place, in accordance with the Committee's General Comment No. 7 on forced evictions (1997);
(b) investigate all allegations of excessive use of force by police and state officials involved in forced evictions and bring all those responsible to justice;
(c) ensure that every victim of forced evictions is provided with adequate alternative housing or compensation and that he or she has access to an effective remedy;
(d) ensure that any force evictions carried out in the context of the African Cup of Nations, a sport event which will take place in 2010, meet the requirements and guidelines of the General Comment No.7...

In this context, and keeping in mind these concerns for the present and the future of our country:

1. We oppose the systematic resort to forced evictions, demolitions of houses and land confiscations;
2. We appeal to the provincial governments to create commissions in each municipality, with the full participation of civil society and representatives of each district and community, to discuss in advance all the plans for housing construction, evictions and resettlement, and to facilitate effective consultations and negotiations on a case-by-case basis;
3. We demand that rights to information be respected, with participation and legal remedy, all of which are recognized by the Angolan Constitution;
4. We demand that right to an adequate housing for all, which includes the components of legal security of tenure, habitability, access to public services, physical and financial access, location and cultural adequacy, be integrated into the new Constitution of the country;
5. We appeal to the Government to use the right to housing as a basis for policies, programs and budgets related on housing, town planning and regional planning, which systematically must contain a component in favour of the poor, in order to begin reversing the social inequalities in our country;
6. We also appeal to the Government to respect the human right to housing and all the other rights in the decrees that it promulgates, such as in its bilateral and multilateral agreements with other countries;
7. We finally recommend that the UN Rapporteur Special on Adequate Housing officially be invited by the Government of Angola, in order to be able to enter a constructive dialogue with her and to help the Government to respect its obligations to respect, protection and realization of the human right to housing.

Benguela, 20 August 2009