Titulo de ocupação precária - Existindo ocupação de um espaço municipal a título precário e por acordo ou tolerância da respectiva Câmara Municipal, pode esta fazê-la cessar livremente e a qualquer momento, nos termos do art. 8º do Dec. nº 23.466, de 18 de Janeiro de 1934, que dispõe sobre a obrigação de devolução dos bens do Estado cedidos a título precário, aplicável à ocupação dos bens imóveis dos corpos administrativos pelo Dec. nº 45.133, de 13 de Julho de 1963.
II - A cobrança de uma taxa de ocupação não tem a virtualidade de fazer desaparecer a precariedade da ocupação, e muito menos a de transformar esta numa relação de arrendamento.

Qual é o significado do direito de superfície ?
2- Quais são os destinatários desse direito fundiário ?
3- Onde é que se pode constituir esse direito ?

Direito de Ocupação Precária
ARTIGO ORIGINAL

1. É admissível a constituição , pelo Estado ou pelas autarquias locais , sobre os terrenos rurais e urbanos integrados no seu domínio privado , através de contrato de arrendamento , de um direito de ocupação precária para a construção de instalações não definitivas destinadas , nomeadamente , a apoiar :

a) a construção de edifícios de carácter definitivo ;
b) actividades de prospecção mineira de curta duração ;
c) actividades de investigação científica ;
d) actividades de estudo da natureza e protecção desta ;
e) outras actividades previstas em regulamentos autárquicos .

2. O contrato de arrendamento a que se refere o número anterior fixará a área e a localização do terreno objecto do direito de ocupação precária .

3. É igualmente admissível a constituição , por contrato de arrendamento , do direito de uso e ocupação precária de bens fundiários integrados no domínio público , contando que a natureza deste a permita.

4. A construção de instalações a que se refere o presente artigo fica sujeita ao regime geral das benfeitorias úteis previsto no artigo 1273.º do Código Civil , sendo , em consequência , reconhecidos ao ocupante os seguintes direitos :

a) o direito de levantar as instalações implantadas no terreno , desde que que o possa fazer sem detrimento dele ;

b) quando , para evitar o detrimento do terreno , o ocupante não possa levantar aquelas instalações , receberá do Estado ou das autarquias locais , consoante os casos , uma indemnização calculada segundo as regras do enriquecimento sem causa ;

c) nos casos em que o não levantamento das instalações edificada pelo ocupante cause prejuízo , designadamente de natureza ambiental , ao terreno ocupado , o ocupante deve repor o terreno na situação em que este se encontrava antes da edificação , não tendo neste caos direito a qualquer indemnização .

5. O ocupante paga uma prestação , única ou periódica , em dinheiro , fixada a título de renda no respectivo contrato , sendo o seu montante calculado de harmonia com os critérios estabelecidos por disposição regulamentar do presente diploma , designadamente , com a área e a classificação do terreno e com o prazo pelo qual haja constituído o direito de ocupação precária.

A Nossa Interpretação

O direito de ocupação precária não é um direito que se aplica a qualquer terreno , ou seja , visa fundamentalmente regular as ocupações que acontecem nas áreas próximas as grandes obras ,

projectos de procura de minerais (diamante , ferro , ouro , etc) e estudos de animais , plantas , terrenos , etc .

Este direito que é muito semelhante ao direito de superfície , consiste na possibilidade de , temporariamente , poder-se ocupar pequenos terrenos para apoio as grandes obras ou poder-se desenvolver uma qualquer procura de minerais ou estudos em determinado terreno .

Findo o prazo estabelecido , o titular tem o direito de poder retirar tudo o que colocou no terreno , tendo sempre em atenção que não deve destruir o que encontrou : cortar árvores desnecessariamente ; fazer muitas escavações e não as tapar ; deixar produtos que fazem mal a saúde das pessoas , animais e plantas , etc , se não perde esse direito .

Este direito não é gratuito , ou seja , o seu titular deverá pagar uma taxa ao Estado pela ocupação do terreno.

EXEMPLO :

O B.P.C (Banco de Poupança e Crédito) pretende nestes tempos de paz alargar os seus serviços no interior do país . Decide construir um grande prédio na Caála , no Huambo . Para o efeito , pede a administração dois tipos de terrenos : um onde será construído o prédio do Banco e outro onde vão colocar todas as máquinas e matérias de construção . O terreno onde vão ser colocados as máquinas e os materiais de construção do prédio estará no regime de ocupação precária , pois , o Banco só terá direito de ocupação daquele terreno enquanto estiver a construir o seu prédio e fazer o respectivo pagamento da utilização do terreno ao Estado .

Passado um ano , o prédio do Banco está pronto . A Administração vai verificar se o terreno em que foi colocado a base de apoio para construção do prédio esta limpo e sem estragos . Se verificar que o terreno ficou estragado ou se encontra sujo , deverá exigir que o mesmo seja reparado ou limpo e se não se cumprir com essa ordem , o estado poderá ficar com o material de construção e as máquinas utilizadas .

QUESTÕES CHAVES :

1- Qual é o significado do direito de ocupação precária ?

2- Quando é que se constituem esse direito fundiário ?

3- Quem pode ser titular de um direito de ocupação precária ?

4- Como é que se deve deixar os terrenos sujeitos a ocupação precária ?

Glossário

Vamos procurar explicar o significado de algumas palavras e expressões utilizadas no texto original da Lei de Terras e que são pouco conhecidas .

1- Autarquia Local : é uma organização que representa a população de uma determinada área (município ou aldeia) .

2- dação em cumprimento : é uma forma de cumprimento das obrigações que consiste em dar um objecto diferente do que se recebeu por empréstimo : pede-se emprestado dinheiro por um determinado tempo e em caso de não cumprimento do prazo previsto , entrega-se um terreno em vez do dinheiro emprestado.

3- desafectação : é o acto que consiste em retirar uma parcela de terra do domínio público para o domínio privado do Estado .

4- direito fundiário : direito sobre a terra .

5- direito de uso e fruição : é o direito de utilizar e aproveitar os recursos existentes num determinado terreno (só no solo) .

6- direito de superfície : direito de plantar e construir num terreno alheio por um determinado período de tempo .

7- domínio privado : é a parte das terras pertencentes ao Estado que este pode transmitir ou permitir a constituição dos direitos sobre a terra .

8- domínio público : é a parte da terra pertencente ao Estado em que este não pode transmitir nem permitir a constituição de direitos fundiários (as estradas , as fronteiras , os caminhos de ferros , as florestas protegidas , etc.) .

9- domínio útil consuetudinário : é o nome do direito fundiário estabelecido para reconhecer o direito das comunidades camponesas sobre as terras que ocupam :

10- domínio útil civil : é o nome do direito fundiário estabelecido para atribuir a qualquer cidadão que queira ter um direito fundiário forte na cidade ou no campo.

11- Estado : é a organização que representa todos nós .

12- não prescrição : significa que o direito não se perde , ou seja , o seu titular continua a ter o referido direito .

13- ocupação precária : ocupação de um terreno por um curto período de tempo .

14- oneroso : é tudo o que custa dinheiro .

15- ordenação dominial : é o conjunto de regras estabelecidas pelo dono ou proprietários do terreno que pode contar de um plano territorial .

16- pessoas singulares : são os indivíduos , isto é , as pessoas físicas («de carne e osso »)

17- pessoas colectivas : são as empresas privadas ou do Estado ; o próprio Estado e as O.N.G.S (associações e fundações) , etc .

18- prospecção mineira : é o trabalho de procura de minerais (ouro , diamante , ferro , etc.) nos terrenos .

19- taxa : é um valor em dinheiro que se deve pagar ao Estado pela utilização de determinadas terras : os camponeses que vivem em comunidade não pagam taxas .

20- terrenos urbanos : terrenos das cidades .

21- terrenos rurais : terrenos do campo , das aldeias ou quimbos .

22- título – é o documento que diz que determinado terreno é nosso .

23- usucapião – é o direito de ficar definitivamente (para sempre) com um determinado terreno abandonado , depois da sua ocupação durante um período determinado de tempo (10 anos) . Este direito não se aplica nos terrenos abandonados pelos camponeses por causa da guerra , nem aos terrenos do Estado .

São os seguintes os direitos fundiários que o Estado pode transmitir ou constituir sobre os terrenos concedíveis integrados no seu domínio privado em beneficio de pessoas singulares ou colectivas:
a) Direito de propriedade;
b) Domínio útil consuetudinário;
c) Domínio útil civil;
d) Direito de superfície;
e) Direito de ocupação precária;

Artigo 35.º
Direito de propriedade privada
1. Ao direito de propriedade aplicam-se, além das disposições especiais contidas no presente
diploma e nos seus regulamentos, o disposto nos artigos 1302.° a 1384.° Código Civil.
2. O Estado pode transmitir a pessoas singulares de nacionalidade angolana, o direito de propriedade sobre terrenos urbanos concedíveis integrados no seu domínio privado.
3. O Estado não pode transmitir a pessoas singulares ou a pessoas colectivas de direito privado o direito de propriedade sobre terrenos rurais integrados quer no seu domínio público,
quer no seu domínio privado.
Artigo 36.º

Direito de propriedade
Sobre terrenos urbanos
1. É admissível a transmissão do direito de propriedade sobre terrenos urbanos integrados no
domínio privado do Estado ou das autarquias locais, contanto que tais terrenos estejam compreendidos no âmbito de um plano de urbanização ou de instrumento legalmente equivalente e haja sido aprovado o respectivo loteamento.
2. O direito, a que se refere o número anterior, pode ser adquirido por contrato, arrematação em hasta pública ou remição do foro enfitêutico, de acordo com processo de transmissão regulado por disposições regulamentares da presente lei.
3. É livre a transmissão do direito de propriedade de terrenos urbanos que já tenham entrado no regime de propriedade privada, devendo, neste caso, observar-se o disposto no n.o 2 do artigo anterior.
4. O exercício dos poderes de uso e de transformação dos terrenos urbanos integrados na propriedade privada de pessoas singulares ou colectivas está, designadamente, sujeito às restrições contidas nos planos urbanísticos e às restrições que derivem do fim urbanístico a que tais terrenos se destinam.
Artigo 37.º
Domínio útil consuetudinário
1. São reconhecidos às famílias que integram as comunidades rurais, a ocupação, a posse e os
direitos de uso e fruição dos terrenos rurais comunitários por elas ocupados e aproveitados de
forma útil e efectiva segundo o costume.
2. O reconhecimento dos direitos, a que se refere o número anterior, é feito em título emitido
pela autoridade competente nos termos das disposições regulamentares deste diploma.
3. Os terrenos rurais comunitários, enquanto integrados no domínio útil consuetudinário, não
podem ser objecto de concessão.

4. Ouvidas as instituições do Poder Tradicional, poderá, porém, ser determinada a desafectação de terrenos rurais comunitários e a sua concessão, sem prejuízo da outorga de outros terrenos aos titulares do domínio útil consuetudinário ou, não sendo esta possível, sem,
prejuízo da compensação adequada que lhes for devida.
5. Só podem ser objecto de desafectação os terrenos rurais comunitários livremente desocupados pelos seus titulares de harmonia com as regras consuetudinárias da ordenação dominial provisória ou, excepcionalmente, nos termos das disposições regulamentares.
6. O exercício do domínio útil consuetudinário é gratuito, estando os (seus titulares isentos do
pagamento de foros ou de prestações de qualquer espécie.
7. O domínio útil consuetudinário não prescreve, mas pode extinguir-se pelo não uso e pela livre desocupação nos termos das normas consuetudinárias.
8. O domínio útil consuetudinário só pode ser hipotecado nos casos previstos no n.o 4 do artigo 63.° para garantir o pagamento de empréstimos bancários.
9. Se as questões relativas ao domínio útil consuetudinário não puderem ser resolvidas pelo direito consuetudinário, serão reguladas pelas normas constantes dos artigos 1491.° a 1523.0
do Código Civil, salvo quanto ao pagamento de foros, considerando-se o Estado como titular
do domínio directo e as famílias como titulares do domínio útil.

Artigo 38.º
Domínio útil civil
1. O domínio útil civil é integrado pelo conjunto de poderes que o artigo 1501. o do Código Civil reconhece ao enfiteuta.
2. Ao domínio útil civil aplicam-se, além das disposições especiais contidas no presente diploma e nos seus regulamentos, o disposto nos artigos 1491.º a 1523.º Código Civil.
3. Os terrenos sobre os quais pede recair o domínio útil civil podem ser rurais ou urbanos.
4. O domínio útil civil pode ser constituído por contrato de' 2. Conceção entre o Estado ou as
autarquias locais e o concessionário.
5. O montante do foro é fixado no respectivo contrato, sendo calculado de harmonia com os critérios estabelecidos por disposição regulamentar do presente diploma, designadamente, com a classificação do terreno e com o grau de desenvolvimento de cada zona ou região.
6. O foro é pago em dinheiro nas Tesourarias das Finanças Públicas no fim de cada ano, contado desde a data da constituição do domínio útil civil.
7. O direito à remição do foro é conferido ao enfiteuta, quando o emprazamento tiver vinte anos de duração, não sendo lícito elevar este prazo.
18
8. O exercício do direito à remição do foro depende da prova, pelo enfiteuta, de que o aproveitamento efectivo dos terrenos, objecto do domínio útil civil, juntamente com outros eventualmente possuídos em propriedade ou enfiteuse, não é inferior a dois terços da superfície total daqueles terrenos.
9. O preço da remição, pago em dinheiro, é igual a dez foros.
10. Exercida a faculdade de remição e abolida a enfiteuse, é aplicável, com as necessárias adaptações, o disposto no artigo 61.°.
11. O domínio útil civil pode ser hipotecado nos termos da alínea b) do n.º 1 do artigo 688.º do Código Civil.
Artigo 39.º
Direito de superfície
1. É admissível a constituição, pelo Estado ou pelas autarquias locais, do direito de superfície
sobre terrenos rurais ou urbanos integrados no seu domínio privado, a favor de pessoas singulares nacionais ou estrangeiras ou de pessoas colectivas com sede principal e efectiva no
País ou no estrangeiro.
2. Ao direito de superfície aplicam-se, além das disposições especiais contidas no presente diploma e nos seus regulamentos, o disposto nos artigos 1524.° a 1542.° do Código Civil.
3. O superficiário paga uma única prestação ou certa prestação anual em dinheiro, fixada a título de preço no respectivo contrato, sendo o seu montante calculado de harmonia com os critérios estabelecidos por disposição regulamentar do presente diploma, designadamente, com a classificação do terreno e com o grau de desenvolvimento de cada circunscrição territorial.
4. O direito de superfície pode ser hipotecado nos termos da alínea c) do n.º 1 do artigo 688.°
do Código Civil.
5. O superfíciário goza do direito de preferência, em último lugar, na venda ou dação em cumprimento do solo.
6. É aplicável ao direito de preferência o disposto nos artigos 416.° a 418.° e 1410.° do Código Civil.
Artigo 40.º
Direito de ocupação precária

1. É admissível a constituição, peio Estado ou pelas autarquias locais, sobre os terrenos rurais
e urbanos integrados no seu domínio privado, através de contrato de arrendamento celebrado
por tempo determinado, de um direito de ocupação precária para a construção de instalações não definitivas destinadas, nomeadamente, a apoiar:
19
a) A construção de edifícios de carácter definitivo;
b) Actividades de prospecção mineira de curta duração;
c) Actividades de investigação científica;
d) Actividades de estudo da natureza e de protecção desta;
e) Outras actividades previstas em regulamentos autárquicos.
2. O contrato de arrendamento a que se refere o número anterior fixará a área e a localização
do terreno objecto do direito de ocupação precária.
3. É igualmente admissível a constituição, por contrato de arrendamento, do direito de uso e ocupação precária de bens fundiários integrados no domínio público, contanto que a natureza
destes a permita.
4. A construção de instalações a que se refere o presente artigo fica sujeita ao regime geral das
benfeitorias úteis previsto no artigo 1273.° Do Código Civil, sendo, em consequência, reconhecidos ocupante os seguintes direitos:
a) O direito de levantar as instalações implantadas no terreno, desde que o possa fazer sem detrimento dele;
b) Quando, para evitar o detrimento do terreno, o ocupante não possa levantar aquelas instalações, receberá do Estado ou das autarquias locais, consoante os casos, uma indemnização calculada segundo as regras do enriquecimento sem causa;
c) Nos casos em que o não levantamento das instalações edificadas pelo ocupante cause prejuízo, designadamente de natureza ambiental, ao terreno ocupado, o ocupante deve repor o terreno na situação em que este se encontrava antes da edificação, não tendo neste caso direito a qualquer indemnização.
5. O ocupante paga uma prestação, única ou periódica, em dinheiro, fixada a título de renda no respectivo contrato, sendo o seu montante calculado de harmonia com os critérios estabelecidos por disposição regulamentar do presente diploma, designadamente, com a área e
a classificação do terreno e com o prazo pelo qual haja sido constituído o 'direito. de ocupação
precária.

Compra e venda

1. A venda de terrenos, para os efeitos do disposto na alínea a) do n.o 1 do artigo 46. O e do n.
O 4 do artigo anterior, é feita por meio de arrematação em hasta pública.
2. Depositado o preço e paga a sisa, se for devida, o Estado ou. A autarquia local passará ao arrematante o correspondente título de arrematação, no qual se identifiquem o terreno, se certifique o pagamento do preço e da sisa e se declare a data da transmissão, que coincidirá com a da arrematação. .
3. O contrato de compra e venda pode ser resolvido pelo Estado ou pelas autarquias locais, se
não forem observados os índices de aproveitamento útil e efectivo. Do terreno durante três anos consecutivos ou seis anos interpolados, qualquer que seja o motivo.

4. Resolvido o contrato nos termos do número anterior, o adquirente pode exigir a restituição
23
do preço pago, sem qualquer actualização, mas não tem direito a ser indemnizado das benfeitorias que haja feito, que reverterão para o Estado ou para a autarquia local, consoante os casos.
5. O direito de propriedade, a que se refere a alínea a) do n.o 1 do artigo *34.°*, Só pode ser transmitido pelo adquirente mediante autorização prévia da autoridade concedente e após o decurso de um prazo de cinco anos de aproveitamento útil e efectivo do terreno, contados desde a data da sua concessão ou da data da sua última transmissão.
6. Os terrenos sobre os quais tenham sido constituídos direitos de superfície ou que tenham sido emprazados, e que tenham sido objecto de aproveitamento útil e efectivo durante o prazo
legalmente fixado, podem ser vendidos, com dispensa de hasta pública, aos titulares daqueles
direitos fundiários limitados.
7. É aplicável ao contrato de compra e venda, com as necessárias adaptações, o disposto no artigo seguinte.

Since its independence in 1975, and most notably in the last decade, Angola has struggled to create a legal framework adequate to address the complex issues relating to the country's land. In 2004, the country enacted a new land law[1] that sought to strengthen perceived areas of weakness in prior legislation. The new law delineated and expanded a range of land rights available by concession and recognized some measure of traditional land rights. In 2006, the Government of Angola (GoA)[2] proposed regulations addressing the land concessions portions of the land law, providing some detail on land rights formalization procedures, and expanding its expropriation authority.[3] The regulations await enactment.

Despite these legislative efforts, fundamental gaps and weaknesses in the legal framework governing land persist, diluting the country's ability to use its land resources to support economic growth, alleviate poverty, and enhance the livelihoods of the country's population, including the marginalized.[4] The following are chronic problems:

- Angola lacks a comprehensive written statement of its land policy. As such, the country has no clear foundation of principles to consult in drafting new legislation, coordinating existing legislation, and prioritizing actions at national, provincial, and local levels.

- The country's main land legislation expresses objectives of social and economic development, environmental protection, and sustainable utilization of land, yet the content of the law does not support these objectives to the extent possible, and in some cases itself creates barriers to the achievement of these objectives––including economic development;

- Implementation of the legal framework relies, in large measure, on institutions that have not been developed or lack capacity; and

- The framework fails to identify and address the unique circumstances and needs of the economically and socially marginalized, thereby creating or fostering an environment that can further disadvantage and harm those groups.

2004 Land Law
English Translation
(*Lei da Terras de Angola, Lei 09/04, de 9 de Novembro*)

PREAMBLE
Considering the fact that the land problem in general, and in particular the judicial framework of the land
problem has not yet been the object of the multidisciplinary treatment that it deserves.
Considering that the land problem in its judicial dimension must be treated in integrated form and in
accordance with its multiple uses, to wit:
- support of shelter or habitation for the population residing in the territory, which implies an adequate
urban regime;
- protection of natural riches whose use and exploitation involve law with respect to mining, agriculture,
forests, and territorial organization;
- support for the exercise of economic, agrarian and industrial activities, and the provision of services.
- support in relation to all effects resulting from disorderly or degrading human actions which have
negative impact on the ecological equilibrium and concern environmental law.
Taking into account, on one hand, that current law, especially Law 21-c/92, did not deal with the land
problem in all those dimensions and, on the other hand, that an integrated and multidisciplinary vision
was lacking on the part of the legislator of current Lands Law that could lead to an affirmation according
to which the current Law is an Agrarian Law. The economic, social and urbanistic goals were not taken
into account, and in general, the overlap between the land question and territorial organization.
Agreeing to approve the general bases of the judicial land regimes, as well as the rights that may obtain
on the lands and the general regime of concession and establishment of land rights.
In these terms and under the contents of line b) of article 88 of the Constitutional Law, the National
Assembly approves the following:

CHAPTER I
Provisions and General Principles
Section I
General Provisions
Article 1.
Definitions
With respect to the present law, it is understood by:
a) "Urban agglomerations": territorial zones with urban infra-structures, namely, networks for the supply
of water electricity and basic hygiene, if their expansion is processed according to urban planning or,
lacking it, under urban administrative instruments approved by the relevant authority.
b) "City": the urban agglomeration thus classified by territorial organizational norms, to which

legal administration has been designated, and with the minimum number of inhabitants as
defined by law;
c) "Rural Communities": communities of neighboring or cohabiting families that, in rural areas,
have collective rights to possession, administration, use and fulfillment of the means of community production, namely, of the rural community lands occupied by them and worked in a
useful and effective manner according to the principles of self administration and governance,
whether for their habitation, for the exercise of their activities, or even for the effecting of other
ends recognized by custom and by the present document or its regulations.
d) "Public domain": a set of things that the State or local authorities use to effect their business, using
powers of authority, that is, through the Public Law, including, namely, things destined to the use of all,
things utilized by public services or over which the their authority extends, and things that satisfy the
purposes of a collective public person.
e) "Private domain": a set of things not comprising part of the public domain and which are not State or
local authority property.
f) "Title (*Foral*)": a title approved by Government document, under which the State delimits the
area of integrated lands in the public domain pertaining to the State And by it conceded to local
authorities for autonomous administration;
g) "Land rights": rights that apply to land integrated into the private domain of the State and that
are of which the titleholders are individual persons or collective persons under public or private
law;
h) "Soil": superficial layer of earth over which original state proprietorship obtains, destined for useful
exploitation, rural or urban, by means of diverse types of land rights foreseen in the present law;
i) "Subsoil": layer of earth immediately under the soil.
j) "Land": same as lot.
k) "Lot": a delimited part of the soil, including the subsoil, and constructions existent on it that
do not have economic autonomy, to which corresponds or could correspond its own number in
the respective building matrix in the building registry.
I) "Passageways": lands or rural roads in the public domain of the State or of local authorities, whether in
the private domain of the State or of individuals, are placed under a regime of service as passageways or
integrated into community lands, according to customary right, for Access of cattle to pasture or sources
of water and other utilities tra
(Translator’s note: the text ends mid-word with the fragment “tra”. This might be the beginning of the

word “traditional”, but it’s hard to tell)

Article 2.

Object

The present law establishes the general bases of the judicial regime for lands integrated into property
originating with the State, the land rights over which the general regime of transference, establishment,
exercise, and extinction of these rights may fall.

Article 3.

Area of application

1. The present law applies to those rural and urban lands over which the State establishes some of the
land rights contemplated in it for the benefit of individual persons or collective persons under public or
private right, purposely designated with a view to the execution of purposes oriented toward agricultural
production or animal husbandry, forest, mineral, industrial, commercial, or habitational uses, urban or
rural edification, territorial organization, environmental protection and combat against soil erosion.

2. Excluded from the area of application of this law are lands that cannot be the object of private rights,
such as lands in the public domain or those that, by their nature, are not susceptible to individual appropriation.

Section II

Fundamental Principles

Subsection I

Land Structure

Article 4.

Fundamental Principles

The transfer, establishment and exercise of land laws pertaining to concedable State lands are subject to
the following fundamental principles:

a) principle of original proprietorship of land by the State;
b) principle of the transference of lands integrated into the private domain of the State;
c) principle of useful and effective exploitation of the land;
d) principle of ultimate authority.
e) principle of respect for the land rights of rural communities;
f) principle of natural resource proprietorship by the State;
g) principle of the no reversibility of nationalizations and confiscations.

Article 5.

Property origin

Land constitutes property originating in the State, integrated into its private domain or into its public domain.

Article 6.

Transmissibility

1. Without detriment to the matter dealt with in article 35, the State can transfer or place onus on the
ownership of lands integrated into its private domain.

2. Accords dealing with transfer or onus referred to in the preceding number, which violate norms of
public order, are null and void.

3. The nullification mentioned in the preceding number are evocable in general terms.

4. No rights over lands integrated into the private domain of the State and in the domain of rural communities can be acquired through squattership.

Article 7.
Useful and effective usage
1. The transfer of property rights and the establishment of limited land rights over lands integrated
into the private property of the State can only take place with the objective of guaranteeing their useful and effective usage.
2. The indexes of useful and effective usage of lands will be fixed by means of territorial administrative instruments, clearly taking into account the objective to which the land is destined,
the type of cultivation practiced there and the construction index.
3. The area of the lands to be conceded cannot exceed a third of the surface corresponding to the work capacity of the direct user and his family.
4. Land rights that are acquired, transferred or established under the terms of the present law are extinguished if not utilized or if the useful and effective usage indexes are not observed for three consecutive or six interpolated years, regardless of the reason.
Article 8.
Ultimate Authority
1. Establishment on the integrated private domain lands of the State, of land rights different from those
foreseen in the present law, is not permitted.
2. Accords by which land rights not foreseen in this law are established are null.
3. The nullification foreseen in the preceding number is evocable in general terms.
Article 9.
Rural Communities
1. The State respects and protects the land rights of which rural communities are titleholders, including
those founded in use or custom.
2. Lands belonging to rural communities may be expropriated by public utility or be the object of
requisition by way of just indemnification.
Article 10.
Natural Resources
1. Natural resources are property of the State, integrated with the public domain.
2. State property rights over natural resources are not transferable.
3. Without detriment to the matter dealt with in the previous number, the State may construct, to the
advantage of individual or collective persons, rights to the exploitation of natural resources, under the
terms of the respective legislation.
4. The transfer of property rights or the establishment of limited land rights on lands in the private domain
of the State, or under the provision of the present law, do not imply the acquisition, by accession or other
mode of acquisition, of any right over other natural resources.
Article 11.
Nationalizations and Confiscations
Without detriment to specific legislative provisions regarding reprivatizations, all acquisitions of property
rights by the State by dint of nationalization or of confiscations realized under the terms of the respective
legislation, are considered valid and irreversible.
Article 12.
Expropriation by public utility
1. No one can be deprived, all or in part, of his property rights or of his limited land rights, unless in cases

established in the law.
2. The State and local authorities may expropriate lands if they are to be utilized for a specific purpose of
public utility.
3. The expropriation eliminates land rights established on lands and determines its definitive transfer to
State patrimony or to the local authorities, it being the responsibility of the latter to pay the holder of the
nullified rights a just indemnity.

Article 13.
Public domain

The State may subject lands covered in the area of application of the present law to the judicial regime of
goods in the public domain, in cases and in terms foreseen in it.

Subsection II
Land Intervention

Article 14.
Objectives

The state intervenes in the administration and in the concession of lands to which the present document
applies, in harmony with the following objectives:
a) adequate organization of territory and the correct formation, organizing and function of urban agglomerations;
b) protection of the environment and economically efficient and sustainable utilization of the lands;
c) priority of public interest and of economic and social development
d) respect of the principles foreseen in the present law.

Article 15.
Territorial organization and
urban planning

The establishment or transfer of land rights over lands and their occupation, use and usufruct is governed
by the norms of the instruments of territorial organization and of urban planning, namely in those
provisions that touch on the objectives contemplated in them.

Article 16.
Environmental protection and land use

1. The occupation, use and usufruct of lands are subject to the norms regarding environmental protection,
namely to those that deal with the protection of the landscape and of the species of flora and fauna, to the
preservation of ecological equilibrium and to the right of citizens to a healthy and unpolluted environment.
2. The occupation, use and usufruct of lands must be exercised in a manner that does not compromise the
regenerative capacity of tillable lands and the maintenance of the respective productive capacity.

Article 17.
Public interest and economic and social development

The establishment and transfer by the State of property rights on the land obey the priority of public
interest and the economic and social development of the Country.

Article 18.
Limits on the exercise of property rights

1. The exercise of property rights on lands by their titleholders is subordinate to the economic and social
purpose that justified their establishment.
2. Material on the abuse of rights as treated in the Civil Code is applicable to the exercise of rights
contemplated in the present law.

CHAPTER II
On Lands and Rights
Section I
On Lands
Article 19.
Land classification

1. Lands are classified as a function of the objectives on which they are established and to which they are
subject under the terms of the law.
2. State lands are classified as conferrable and not conferrable.
3. With regards to its usage by individual or collective persons, conferrable property is classified as urban
land or rural land.
4. It is understood that urban land refers to the rustic building situated in an area delimited by a jurisdiction (foral) or in an area delimited by an urban agglomeration and that is destined to urban
edification.
5. Rural land is that rustic building situated outside the area delimited by a jurisdiction (foral) of the area
of an urban agglomeration and that is designated to purposes of agricultural, animal husbandry, forest and
mining activity.
6. The classification of conferrable property, urban or rural, is made in the general plans of territorial
organization or, in its lack or insufficiency, by decision of relevant authorities under the terms of the
present document.
7. Properties integrated into the State's public domain and community property are unconferrable
properties.

Article 20.
Conferrable properties

1. Conferrable properties are properties of which the State is the original proprietor, if they have not
definitely entered into the private ownership of others.
2. The domain of conferrable properties and the limited land rights established over these are subject to
the judicial regime of the private domain of the State or of local authorities, to the rules appearing in the
present document and to the matters contained in article 1304 of the Civil Code.
3. State land rights do not become obsolete.
4. Without detriment to the content of article 35, the State can transfer the right of property over conferrable lands or confer on them the land rights foreseen in the present law in benefit of individual or
collective persons.
5. The state can also transfer their land rights over lands to be conceded to the local authorities through
the concession of title or of an equivalent legal title.

Article 21.

Urban Lots

1. Urban lots are classified as a function of the urban objective in urbanized lands, construction lots and lots that can be urbanized.
2. Lots for which concrete purpose is defined by urbanistic plans or as such classified by the decision of relevant authorities are urbanized, as long as urbanization infrastructure is implemented in them.
3. Urbanized lots are considered construction lots when they are included by a duly approved operation to divide land into lots, are destined for building construction, and as long as they have been licensed by the relevant local authority.
4. Lots are urbanizable which, in spite of being included in the area defended by title or in the equivalent urban perimeter, have been classified by urbanistic plan or equivalent plan as an urban reserve for expansion.

Article 22.

Rural Lands

1. Rural lands are classified in function of the for purpose which they are destined and of the judicial regime to which they are subject, in rural community lands, agricultural lands, forest lands, installation lands and road lands.
2. Rural community lands are lands occupied by families from the local rural communities for inhabitation, exercising of activity or for other purposes recognized by custom or by the present document and respective regulations.
3. Considered as agricultural lands are lands appropriate for cultivation, designated for the exercise of agriculture and animal husbandry, under the terms of establishment or transfer of land rights of the judicial regime described in the current law.
4. Forest lands are lands which are appropriate for the exercise of forest activity, designated for the rational exploration and utilization of natural or artificial forests, under the terms of the rural organization plan and of the respective special legislation.
5. Installation lands are those destined for the introduction of industrial or agro-industrial mining installations, in the terms of the present law and of the respective legislation applicable to the exercise of mining and oil-producing activities and to industrial parks.
6. Considered as road lands are lands affected by the implantation of land communication lines, of water supply and electricity supply chains, and of pluvial drainage and sewers.

Article 23.

Rural community lands

1. Rural community lands are lands utilized by a rural community according to the customs related to land use, including, depending on the case, the complementary areas for itinerant agriculture, the cattle passageways for cattle access to sources of water and pastures and crossings, subject or not to the regime of service, utilized for accessing water or roads or access paths to urban centers.

2. The delimitation of rural community lands is preceded by auditions with families that integrate
rural communities and with the institutions of traditional power existing in the place of the
situation of those lands.

Article 24.

Agricultural lands

1. Agricultural lands are classified by the relevant entity, through proper regulation, in function of the
type of predominant cultivation, in lands for irrigation, trees and plant cultivation, and dry lands.
2. The type of cultivation, referred to in the previous number, is that which is considered by the relevant
entity as more adequate to the aptitude of the lands, to the conservation of these and to the preservation of
its capacity for regeneration.
3. The transfer and establishment by the State of land rights over conferrable lands and the exploitation of
these depend always on the observance of the criteria stated in the previous number.
4. The state promotes building remodeling operations destined to describe not only the fragmentation but
also the dispersion of rustic buildings belonging to the same titleholder, with the intention for improving
the technical and economic use of the agricultural, wild and animal husbandry exploration.
5. The parceling, that is referred to in the previous number, may imply a joining of lands over those which
already belong to private property or the useful domain of the direct user.

Article 25.

Installation lands

1. Without detriment to that which is determined in the instruments of territory organization, the classification of the lands as installation lands depends on the proximity of these to mines, raw material or
road axis that recommend the implantation of a mining or industrial installation.
2. The classification of a lot as a mining and oil-producing installation lot, falls to the organ that protects
territory organization and the environment, by means of proposal or appearance before the entities that
superintend the respective area.
3. The classification of a lot as an industrial installation lot falls to the organ that protects territory
organization and the environment, by means of proposal or appearance before the entity that protects the
respective area.
4. The organ that protects territory organization and the environment should send copies of the lot
classification dispatches to the registration services, containing the respective documentation.

Article 26.

Road lands

1. Without detriment to the regime established in the Statute of National Roads and in the National Road
Plan, the classification, by the relevant entity, of a lot as a road lot depends on previous consultation to the
organisms that superintend public works areas for supplying water and electricity and to the Provincial

Governments in whose territorial constituency the road network will be integrated.
2. The jurisdiction over the State's private domain road lands on the public domain, when destined for
public roads, falls to the organs which superintend the areas of public works and transportation.
3. That which is determined in number 4 of article 25 is applicable to road lands, with the necessary
adaptations.

Article 27.

Reserved lands

1. Considered as reserved lands or reserves, are those lands excluded from the general occupation regime,
use or fruition by individual persons or collectives, in function of their jurisdiction, total or partial, to the
realization of special objectives that determine their establishment.
2. Without detriment to that which is determined in article 14, number 5, of the Basic Environmental
Law, the establishment of the reserves is of the competency of the government, which in them will be
able to include from the State's public or private domain or from the local authorities, as lands that have
already entered definitively in the private property of others.
3. The reserves can be total or partial.
4. In total reserves no form of occupation or use is permitted, except that which is necessary for its own
conservation or management, bearing in mind the effecting of the objectives of public interest described
in the respective establishment document.
5. The establishment of total reserves aims, among other objectives, to the protection of the environment,
national defense and security, the preservation of monuments of or historic sites and the promotion of
population or repopulation.
6. In partial reserves all forms of occupation or use are permitted which do not contradict the objectives
described in the respective establishment document
7. Partial reserves are comprised of, namely:
a) interior waters, of the territorial sea and the exclusive economic zone;
b) the continental platform;
c) the strip seafront and of island contour, bays and estuaries, measured from the maximum high tide level, maintaining a protection strip for the interior of the territory;
d) the protection strip adjoining nascent waters;
e) the strip of land protection around dams and lagoons;
f) lands occupied by public interest iron lines and respective stations, maintaining a protection strip adjoining each axis of the line;
g) lands occupied by auto-roads, by four lane roads and by electricity, water, telecommunications,
petroleum and gas installations and conductors with an adjoining strip of thirty meters on each side;
h) lands occupied by provincial roads with an adjoining strip of thirty meters and by secondary, municipal roads with a fifteen meter adjoining strip;
i) the strip of land of two kilometers along the land frontier;
j) lands occupied by airports and airfields with an adjoining strip of one hundred meters;
k) the one hundred meter strip of land adjoining military installations and other State defense
and security installations.

8. The authority that has established the reserve can determine the exclusion of one or more lands from its
scope, as long as it is for a justifiable motive.
9. Buildings that don't belong to the state can be included in the reserves by means of expropriation by
public utility or by the establishment of administrative services..
10. When expropriation by public utility or restrictions in the terms of this law takes place, just indemnification is always due to the proprietors and to the titleholders of other affected real rights,
without detriment to the possibility of opting for the subscription of the social capital of the commercial
societies that come to establish themselves for the exploration of activities related to the reserved land.

Section II

Regarding Rights over Lands

Subsection I

State Domains

Article 28.

State Domains

The State and local authorities, by force of the fundamental principles consecrated in articles 4 and 12,
can be titleholders of land rights, in harmony with the following regimes:
a) public domain, being, in this case, namely applicable the norms described in articles 10 number 3, 9
numbers 1, 13 and 29;
b) private domain, being, in this case, namely applicable that which was established in articles 5, 6, 7 numbers
1 and 2, 8, 20 and 25 and in the norms of subsection II of the present section.

Article 29.

The State's Public Domain

1. Integrated in the State's public domain are:
a) the interior waters, the territorial sea, a continental platform, an exclusive economic zone, the adjoining sea depths, including resources alive and not alive which exist in them;
b) the national air space;
c) the mineral resources;
d) the public highways and roads, the bridges and public iron lines;
e) the beaches and coastal seafront, in a strip fixed by title or by Government document, whether
integrated or not in urban perimeters;
f) the territorial zones reserved for the defense of the environment;
g) the territorial zones reserved for the ports and airports;
h) the territorial zones reserved for military defense objectives;
i) the monuments and buildings of national interest, as long as they have been thus classified and have
been integrated into the public domain;
j) other items affected, by law or by administrative act, to the public domain.
2. The goods of the public domain are property of the State and, as such, are inalienable, perpetual, and
not subject to seizure.

Article 30.

Public Domain Exploration Rights

The concession of rights for research, exploration and production of mineral resources and other natural
resources of the public domain is regulated by special legislation applicable to the type of natural resource

in cause.

Article 31.

Classification and unaffectedness

1. The classification or the unaffectedness of public domain goods is, according to each case, declared by
Government document or by a document that approves general plans of territory organization.
2. The classification that is referred to in the previous number counts as a declaration of public utility for
effecting the process of expropriation by public utility.

Article 32.

Sovereign regime of public domain

1. The State can, by Government document or by title, transfer goods integrated in its public domain to
local authorities, with the objective to decentralize management.
2. The regime of the public domain of the State is applicable, with the necessary adaptations, to the public
domain of the local authorities, without detriment to the applicable regulatory provisions.

Article 33.

Reserved lands and rural communities' rights

1. The State ensures the families that make up the rural communities residing in the perimeters of the
reserved lands:
a) the well-timed execution of territory organization policies, with aim toward well being, toward
their economic and social development and to the preservation of the areas in which traditional ways of using the land are adopted;
b) the concession of other lands or, that not being possible, adequate compensation that is due to them, in case of establishment of new reserves that have affected the lands possessed or utilized by them;
c) the right of preference of their members, in equal conditions, in the providing of charges and functions created in the reserved lands;
d) the jurisdiction to expenses, that are seen to promote the well-being of rural communities,
of a certain percentage of taxes charged by the access to parks and by hunting, fishing or
tourist activities developed there.
2. The percentage of the taxes, that are referred to in line d of the previous number, will be fixed in the
General Regulation of Land Concession.

Subsection II

Land Rights

Article 34.

Types and regime

1. The following are the land rights that the State can transfer or establish over the conferrable lands
integrated in the private domain for benefit of individual or collective persons:
a) property rights;
b) useful customary domain;
c) useful civic domain;
d) surface rights;
e) precarious occupation rights;
2. The provisions of the present law and of its regulations are applied to the transfer and the establishment
of the land rights determined in the previous number.

Article 35.
Private property Rights
1. Besides special provisions contained in the present document and in its regulations, that which is
established in articles 1302 to 1384 Civil Code is applied to property rights
2. The State can transfer to individual persons of Angolan nationality, property rights over conferrable
urban lands integrated in its private domain.
3. The state cannot transfer to individual persons or collective persons of private right the property rights
over rural lands integrated either in its public domain or in its private domain.
Article 36.
Property rights over urban lands
1. The transfer of property rights over urban lands integrated in the State's private domain or the local
authority's private domain is admissible as long as such lands are included in the scope of an urbanization
plan or of legally equivalent instrument and the respective land division has been approved.
2. The right that is referred to in the previous number, can be acquired by contract, public auction
or redemption of the title, according to the transfer process regulated by regulatory provisions of
the present law.
3. The transference of property rights for urban lands that have already entered in the private property
regime is allowed, providing, in this case, that what has been established in number two of the previous
article is observed.
4. The exercise of the powers of use and transformation of urban lands integrated in private property of
individual or collective persons is, namely, subject to the restrictions contained in the urbanistic plans and
the restrictions that derive from the urbanistic objective to which such lands are destined.
Article 37.
Useful customary domain
1. Recognized to the families that make up rural communities are, the occupation, the possession and the
rights of use and fruition of rural community lands occupied by them and employed in a useful and
effective way according to custom.
2. The recognition of the rights that are referred to in the previous number, is done in title emitted by the
relevant authority in terms of the regulatory provisions of this document.
3. Rural community lands, while integrated in useful customary domain, cannot be the object of concession.
4. Traditional Power institutions having been heard, the unaffectedness of rural community lands and its
concession can, however, be determined without detriment to the concession of other lands to the
titleholders of the useful customary domain or, that not being possible, without detriment to the adequate
compensation that is due to them.
5. Only rural community lands freely vacated by their titleholders in harmony with the customary laws of

provisional ownership organization or, exceptionally, in terms of the regulatory provisions can be an
object of unaffectedness.
6. The exercise of useful customary domain is free, their titleholders are exempt from the payment of title
fees or installments of any kind.
7. The useful customary domain does not become obsolete, but can be extinguished by lack of use and by
free vacating in the terms of the customary norms.
8. The useful customary domain can only be mortgaged in cases mentioned in number 4 of article 63 in
order to guarantee the payment of bank loans.
9. If questions related to useful customary domain cannot be resolved by direct customs, they will be
regulated by the norms included in articles 1491 to 1523 of the Civil Code, except regarding payment of
title fees, the State being considered as a titleholder of the direct domain and the families as titleholders of
the useful domain.

Article 38.

Useful civil domain

1. The useful civil domain is integrated by the combination of powers that article 1501 of the Civil Code
recognizes to the tenant.
2. Besides special provisions contained in the present document and in its regulations applied to the useful
civil domain, that which is specified in articles 1491 to 1523 of the Civil Code also applies.
3. The lands over which the useful civil domain can regulate can be rural or urban.
4. The useful civil domain can be established by concession contract between the State or the local
authorities and the concessionaire.
5. The amount of the title fee is fixed in the respective contract, being calculated in harmony with the
criteria established by regulatory provision of the present document, namely, with the classification of the
land and with a degree of development of each zone or region.
6. The title fee is paid in cash in the Treasury of Public Finance at the end of each year, counted from the
date of establishment of the useful civil domain.
7. The right to redeem of the title fee is conferred to the tenant, when the period has twenty years of
duration, not being legal to elevate this period.
8. The exercise of the right to redeem the title fee depends on the proof, by the tenant, that the effective
use of the lands, object of the useful civil code, together with other eventually possessed in property or
tenancy, is not inferior to two thirds of the total surface of those lands.
9. The price of redeeming, paid in cash, is equal to ten title fees
10. When the capacity of redeeming is exercised and tenancy has been abolished, that which is established in article 61 is applicable, with the necessary adaptations.
11. The useful civil domain can be mortgaged in the terms of line b of number 1 of article 688 of the Civil
Code.

Article 39.

Surface rights

1. Establishment of surface rights over rural or urban lands integrated in their private domain is admissible by the State or by the local authorities, in favor of individual persons, nationals or foreigners
or of collective persons with effective headquarters in the Country or abroad.
2. Besides special provisions contained in the present document and in its regulations, that which is
determined in articles 1524 to 1542 of the Civil Code is applied to surface rights.
3. The person with surface rights pays only one installment or a certain annual installment in cash, fixed
to title of price in the respective contract, the amount being calculated in harmony with the criteria
established by regulatory provision of the present document, namely, with the classification of the land
and with the degree of development of each territorial outline.
4. The surface right can be mortgaged in the terms of line c of number 1 of article 688 of the Civil Code.
5. The person with surface rights enjoys the right of preference, in last place, in the sale or granting in
compliance of the soil.
6. That which is established in articles 416 to 418 and 1410 of the Civil Code is applicable to the
preference right.

Article 40.

Precarious occupation rights

1. Establishment by the State or by the local authorities over rural and urban lands integrated in their
private domain is admissible through lease contract celebrated by determined time, of a precarious
occupation right for the construction of installations not definitely destined, namely, to support:
a) the construction of buildings of definitive character;
b) short duration mining prospect activities;
c) scientific investigation activities;
d) activities for the study of nature and its protection;
e) other activities listed in the regulations of authorities.
2. The lease contract referred to in the previous number will fix the area and location of the land subject
to the precarious occupation right.
3. It is equally admissible to establish, by lease contract, the right of use and precarious occupation of
land goods integrated in the public domain, as long as the nature of these permits it.
4. The construction of installations referred to in the present article is subject to the general regime of the
useful improvements listed in article 1273 of the Civil Code, being, in consequence, recognized the
following rights:
a) the right to raise the installations implanted in the land, as long as it can be done without detriment to it;
b) when, to avoid detriment to the land, the occupant cannot raise those installations, they
will receive from the State or the local authorities, depending on the case, an indemnification
calculated according to the rules of enrichment without cause;
c) in cases in which not raising the installations elevated by the occupant causes damage, namely

of the environment's nature, to the occupied land, the occupant should restore the land to the situation in which it was found before the edification, not having in this case the right to any indemnification.
5. The occupant pays an installment, only one or periodic, in cash, as determined by the respective
contract, its amount being calculated in harmony with the criteria established by regulatory provision of
the present document, namely, with the area and the classification of the land and with the period through
which the precarious occupation right has been established.

CHAPTER III

Concession of land rights

Section I

General provisions

Article 41.

Urban infrastructures

1. The establishment of land rights over urbanizable lands depends on the observance of that which is
determined in the urbanistic plans or in equivalent instruments and on the execution of the corresponding
urbanization works.
2. The recipes that the State or local authorities receive, as compensation of the establishment of land
rights over urbanizable or urbanized lands, can only be applied in the acquisition of property.

Article 42.

Titleholders

Without detriment to that which is determined in article 35, land rights over conferrable lands integrated
in the private domain of the State or local authorities can be acquired:
a) the individual persons, of Angolan nationality;
b) the collective persons of public right with main headquarters in the Country, as long as they have capacity of acquisition of rights over real estate;
c) the collective persons of private right with main headquarters in the Country, namely the institutions that follow the realization of cultural, religious and social solidarity objectives, as long as they have capacity of acquisition of rights over real estate;
d) the public Angolan enterprises and the commercial societies with main headquarters in the Country;
e) the individual persons of foreign nationality and the collective persons with their main headquarters in abroad, without detriment to the restrictions established in the Constitutional Law
and in the present law;
t) the foreign entities of public right that have capacity for acquisition of rights over real estate, recognized in international accords, as long as, in the respective countries, equal treatment to equivalent Angolan entities is given;
g) the collective international persons that, in the terms of the respective statutes, are endowed with capacity for acquisition of rights over real estate.

Article 43.

Area limits

1. The area of the rural lands, object of the concession contract, cannot exceed:
a) in urban areas, two hectares;
b) in suburban areas, five hectares.
2. The area of the rural lands, object of the concession contract, cannot be smaller than two hectares or
greater than ten thousand hectares

3. The counsel of Ministers can, however, authorize the transfer or an establishment of land rights over
rural lands of area greater than the maximum limit indicated in the previous number.

Article 44.

Accumulation of rights

The transfer or the establishment of land rights in favor of an individual or collective person, to whom the
State or local authorities have previously attributed some of the land rights listed in this law, depends on
the proof of useful employment of the conceded lands.

Article 45.

Principle of adequate capacity

1. Singular and collective persons, that require the transfer or establishment of land rights listed in the
present document, need to show proof of their capacity to guarantee the useful and effective employment
of the lands to be conceded.
2. The area of the lands to be conceded to each direct user depends on their capacity to guarantee the
useful and effective employment of the same.
3. Excepted from that which is established in the previous numbers, are projects relating to agriculture,
animal husbandry, or forest use of agricultural or forest lands with an area that does not exceed ten
percent of the minimum surface corresponding to the unit of cultivation fixed for each of the Country's
zones, being that the case, there is no need for proof of adequate capacity
4. The area of unit of cultivation is fixed by regulatory document of the present law in function of the
Country's zones and the type of land.
5. With respect to that which is outlined in the previous number, agricultural lands can be:
a) irrigation lands, tree or plant lands;
b) dry lands.

Article 46.

Judicial concession business

1. The following are the judicial business by which any of the land rights outlined in this law can
be transferred or established:
a) purchase and sale contract;
b) forced acquisition of the direct domain by the tenant, operating that coercive transference through the agreement of the parties or of judicial sale by way of the exercise of the authority right of the title (foro) integrated by judicial decision;
c) establishing title contract for the establishment of the useful civil domain;
d) special concession contract for the establishment of the surface rights;
e) special lease contract for the concession of precarious occupation rights.
2. Applicable to the judicial concession business are the special provisions of the present law and of its
regulations and, secondarily, the provisions of the Civil Code.
3. Without detriment to that which is determined in the previous number, the local authorities, can, by
proper document, discipline the content of the judicial concession business that deal with lands integrated
in their private domain.

Article 47.

Onus of concessions

1. The transfer or establishment of land rights included in the present law can only take place by onerous
title.
2. Exempt from what is stated in the previous number:
a) the establishment of useful domain, that is not established through concession, but by simple recognition;
b) a establishment of land rights included in the present law to benefit persons who show
proof of insufficient funds, within the terms established in regulatory provisions.
3. The title fees or other installments, unique or periodic, are paid in cash or its amount is halved in
accordance to the criteria described in previous articles with respect to each type of land right described in
them.
4. The price of urban lands in the private domain of local authorities is fixed by public tender, which will
have a basic value determined by price indexes fixed by the rules of the market and by the municipal rules
effective in the province or urban center in which those buildings are situated.
5. In the case described in the previous number, the result of the bid is documented, in which the highest
bid of each bidder will be registered, the right being adjudicated to the highest bidder.

Article 48.

Purchase and sale

1. The sale of lands, in accordance to that which is described in line a of number 1 of article 46 or of
number 4 of the previous article, is made by way of public auction.
2. Once the price is deposited and the tax paid, if it is owed, the state or the local authority will give to the
auctioneer the corresponding auction title which identifies the land, certifies the payment of the price and
tax, and declares the date of the transfer which will coincide with that of the auction.
3. The purchase and sale contract can be resolved by the State or by they local authorities, if the indexes
of useful and effective exploitation of the land are not observed during three consecutive years or six
interpolated years, regardless of the reason.
4. When the contract under the terms of the previous number is resolved, the acquirer can demand the
restitution of the price paid, without any actualization, but does not have the right to be indemnified from
the improvements that were made, which will be reverted to the State or to the local authority, according
to each case.
5. The property right referred to in line a of number 1 of article 34, can only be transferred by the acquirer
by previous authorization of the conceding authority and after a period of five years of useful and
effective exploitation of the land, counted from the date of its concession or the date of its last transfer.
6. Lands over which surface rights have been established or that have been contracted, and that have been
the object of useful and effective exploitation during the legally fixed period, can be sold, without public

auction, to the titleholders of those limited land rights.
7. The statements of the following article are applicable, with the necessary adaptations, to the purchase
and sale contract.

Article 49.

Concession

1. The concession contracts mentioned in article 46, number 1, lines c, d, and e, are only valid if they are
celebrated by written document in which are present, besides the essential elements, the rights and duties
of the concessionaires, the applicable sanctions in case of non-compliance of these, and the causes of
extinguishment of land rights.
2. The concession contract celebrated in the terms of the previous article includes the concession title, in
the terms of the regulatory provisions.

Article 50.

Free concessions

The State and local authorities can transfer or establish land rights, to guaranteed title, over lands
integrated in their private domain, for the benefit of:
a) persons who show proof or insufficient financial means and that wish to integrate population projects in less developed areas of the country;
b) recognized public utility institutions, that continue the realization of goals related to social solidarity, culture, religion or sports.

Article 51.

Limits on community lands

1. The delimitation of areas of the rural communities and the definition of good use of community lands,
by the relevant authority, must obey what is described in the corresponding instruments of land organization and in the regulatory provisions of the present law.
2. In accordance to what is described in the previous number, the relevant authority should hear the
administrative authorities, the institutions of Traditional Power, and the affected families of the rural
community.

Article 52.

Limits on urban lands

The limits on urban lands are fixed by titles, by urbanistic plans, and by the land division operations that
have been approved.

Article 53.

Title (Foral)

1. The government, under the Governor's substantiated proposal of the respective province, can provide
titles to the urban centers, as long as the following conditions are cumulatively verified:
a) the existence of a duly approved general urbanization plan;
b) the existence of official registry of municipalities;
c) the existence of supply networks for water and for providing electric energy, and of basic
sanitation networks.
2. The titles delimit the area of the lands integrated in the public domain of the State and by the State
conceded to the local authorities for autonomous administration.

3. The titles are approved by Government document.

Article 54.

Land division

1. Constituting a land division operation is an action that has by objective or by effect the division of
urbanizable lands in one or more destined lands, immediate or subsequently, to urban edification, in
harmony with what is sated in the urbanization plans, or in its lack or insufficiency, with the decisions of
the relevant authority organs.
2. A lot is understood as the autonomized unit of land resulting from the land division operation.
3. The land division operations of the lands integrated in the private domain of the authority takes place
by initiative of the respective municipal district.
4. In cases not discussed in the previous number, the land division is approved by permit issued by the
local authority, through previous formal petition by the interested parties.

Article 55.

Duration of the concessions

1. The land rights mentioned in the present law are transferred or established:
a) perpetually, in the case of property rights, without detriment to the provision in article 48 regarding the resolution of the purchase and sale contract;
b) perpetually, in the case of customary useful domain without detriment to its extinguishment by
non-use and by being freely vacated under the terms of the customary norms;
c) perpetually, in the case of civil useful domain, without detriment to the right of de redeeming;
d) by period not greater than seventy years, in the case of surface rights;
e) by period not greater than one year, in the case of precarious occupation.
2. In the cases described in lines d and e of the previous number, when the period is over, the contract is
renewed in the succeeding periods, if none of the parties has denounced it during that time and by a
manner agreed upon, or if no cause of extinguishment described in the law has occurred.

Article 56.

Duties of the acquirer

These are the obligations of the acquirer of the land rights:
a) pay in a timely matter the title fees and other installments to which, depending on the case, the
acquirer is obligated;
b) effect the useful and effective exploitation of the conceded land in accordance to the fixed indexes;
d) not apply the land to a use different from that which it is destined for;
e) not violate the rules of territory organization and of the urbanistic plans;
f) utilize the land in order to protect the capacity of regeneration of the same and of the natural resources existing in it;
g) respect the norms of protection of the environment;
h) not exceed the limits imposed in article 1;
i) respect the land rights of the rural communities, namely, the passages that fall over the land;
j) afford to the relevant authorities all the information solicited by them about the useful and effective exploitation of the land;
k) observe that which is described in the present law and in its regulations.

Article 57.
Installments
1. The titleholders of land rights are subject to the payment, according to price or rent, in one single
installment or of a certain annual installment.
2. The annual installment can be progressive or regressive, according to the type and the amount of the
investment that was realized.
3. The installments are paid in cash and are fixed in the respective contract, their amount being calculated
based on the situation and classification of the land, on the area and on what it is destined for.

Article 58.
Concession process
1. The process of concession is initiated with the presentation of the requirement by the interested party
and consists of the phases of provisional demarcation, of appreciation, of approval and definite demarcation.
2. General Regulation of Land Concession will settle the legal regime applicable to the process of
concession.
Article 59.
Concession Title
(Translator's note: this could be something else because there is a typo in the Portuguese which makes it
difficult to understand)
The relevant authority produces a concession title, according to the legally fixed model, in which are
identified the nature of the conceded land, the type of land right transferred or established, the date of the
transfer or establishment, the period of the concession contract, the identification of the conceding
authority, and, if it is the case, the price and tax that have been paid.
Article 60.
Predial cadastral registry
1. The Government will approve the norms that guarantee the harmonization of the acts practiced by the
conceding authority with those which must be practiced by the services of the cadastral and predial
register.
2. Subject to enrollment in the predial register are the legal facts that determine establishment or recognition, acquisition, modification and extinguishment of land rights described in this law.
3. The facts referred to in the previous number only produce effects against others after the date of the
respective register, but, even not registered, they can be invoked among the parties or their heirs.
4. The preserver must refuse the petition of the register if the presenter does not exhibit the respective
concession title and, being that the case, photocopy, authenticated by notary, of the dispatch of previous
authorization of the transfer pronounced by the conceding authority.
5. That which is described in the current law, in its regulations and in the Predial Register Code is applied
to the registration process.

6. The conceding authority should officiously remit certification of the contract, the corresponding
documentation and the requirement of the definitive register to the conservatory of the relevant predial
register, where they will be filed, and the acquirer should pre-pay the respective fees and expenses.
7. The conceding authority should file a copy of the documents relative to the transfer or establishment of
the land rights over conferrable lands, in such a way as to guarantee the reform of any process of
concession that is destroyed or disappears.

Section II

Transfer and extinguishment of land rights

Article 61.

Transfer

1. Without detriment to what is established in previous articles and the restrictions established in them,
land rights are transferred in life and by death.
2. The transfer of land rights by statute among living persons is done by way of declaration of the parties
in the concession title, with recognition done in the presence of the signing of the alienator, and is subject
to register in general terms.
3. If the transfer is for an onerous title, its value must be indicated.
4. Transfer by death is subject to inscription in the concession title, and the signature of the successor
must be recognized in person, after presentation to the notary, for filing, a certificate of proof.
5. Transfer of land rights implies the cessation of the rights and obligations of the respective titleholder in
the view of the State or local authorities.
6. Transfer or rights in life, whether guaranteed or onerous title, can only be realized by its titleholder
under penalty of nullification, via previous authorization from the conceding authority and after a period
of five years of useful and effective exploitation of the land, counted from the date of its concession or the
date of the last transfer.
7. The authority referred to in the previous number expires in the period of one year counted from the date
of notification to the petitioner of the respective dispatch.
8. In the case of transfer of land rights by action among living persons, the notary cannot recognize the
signature of the alienator if the authorization dispatch is not presented for filing.
9. The state enjoys the right of preference and has first place among the legal parties in the case of sale,
granting in compliance or establishing title (foro) of the conceded lands.
10. That which is described in articles 416 to 418 and 1410 of the Civil Code is applicable to the right of
preference described in the previous number.

Article 62.

Alteration of the concession

1. The modifiable or extinguishable facts of the land rights, namely, the result of judicial execution,

fragmentation or parceling of the conceded lands, are subject to inscription in the concession title and in
the predial register.
2. The courts cannot pronounce sentences from which result the transfer of land rights over conceded
lands, without its having been previously authorized by the conceding authority, being, in this case,
applicable with the necessary adaptations, or stated in the previous article.

Article 63.

Incapacity to transfer free concessions

1. Land rights that the State or local authorities have transferred or established, as free title, to benefit
those persons and institutions referred to in lines a and b of article 50 cannot be transferred.
2. The conceding authority can, however, authorize the transfer, as long as it is realized in favor of the
person or institution that meets the requirements enunciated in lines a and b of article 50.

3. Without detriment to the regime of unaffectedness that is referred to in article 37 and without detriment
to customary rights, the titleholder of the customary useful domain cannot transfer the right in life or by
death.
4. The customary useful domain is unseizable, except in cases in which it has been mortgaged to guarantee payment of bank loans acquired by its titleholder with intentions for useful and effective
exploitation of the conceded land.

Article 64.

Causes of extinguishment

Land rights are extinguished, namely:
a) by the end of the period, being established for a certain time, if the concession contract is not
renewed;
b) by non-exercise of by inobservance of the indexes of useful and effective exploitation during three
consecutive years or six interpolated years, regardless of the reason;
c) by using the land for a uses different from that for which it was destined;
d) by exercising land rights in infraction of that which is stated in article 18;
e) by expropriation by public utility;
f) by the disappearance or non-use of the land.

Article 65.

Sanctions

Titleholders of land rights who violate the provisions of the present law, are subject to the application of
sanctions established in the regulatory provisions.

Section III

Competency for concessions

Article 66.

Council of ministers

1. The following falls to the Council of Ministers:
a) authorize the concession of occupation, use and fruition of the territorial waters, of the continental
platform and the exclusive economic zone;

b) authorize the concession of occupation, use and fruition of other land goods integrated in the public
domain of the State;
c) authorize the transfer or establishment of land rights over rural lands larger than ten thousand hectares,
under the terms of number 3 of article 43.
d) authorize the transfer of public domain lands to the State's private domain;
e) authorize the transfer of rights over lands integrated in the public and private domain of the State to
local authorities;
f) authorize the concession of titles to urban centers.
2. The jurisdictions described in lines b, d, e, t, and g of the previous number can be delegated, according to
the type of lands, in the entity charged with superintendency of the official register.
3. Authorization of transfer or establishment of land rights over rural lands larger than one thousand and
equal or smaller than ten thousand hectares, is under the jurisdiction of the entity supervising the official
register, through an appraisal linked to the entity responsible for the respective area.

Article 67.

Central organ for technical land management

The following falls to the Central organ for technical land management:
a) organize and conserve the archive in order to permit the identification of each parcel of land, not only regarding situation, but also regarding legal facts subject to records regarding it;
b) organize and execute technical jobs relating to the demarcation of lands and reserves;
c) organize, execute and maintain updated geometric records;
d) prepare general programming of the Country's cartography, submit respective approval to the relevant authority and maintain it updated;
e) execute the directives contained in territory organization plans, in rural areas.

Article 68.

Provincial governments

1. The following falls to Provincial Governments, relative to the lands integrated within their territory's
boundaries:
a) authorize the transfer or establishment of land rights over lands which are rural, agricultural, or
forest, of an area equal to or smaller than one thousand hectares;

b) authorize the transfer or establishment of land rights over urban lands, in accordance with the urbanistic plans and with approved land division;
c) celebrate lease contracts through which precarious occupation rights are established for the
State's public and private domain lands, under the terms to be defined by regulation;
d) submit transfer proposals of public domain lands to the state's private domain to the Council of
Ministers;
e) submit proposals for concession of titles to urban centers, which fulfill legal requirements, to the Council of Ministers;
t) administer the State's public and private land domain;
g) supervise compliance of that which is stated in the present law and in its regulations.
2. The capacities of Municipal and communal administrators are described in regulation

CHAPTER IV

Procedural dispositions

Section I

Nullification action
Article 69.
Declaration of nullification
The decisions of the conceding authority contrary to the law are null.
Article 70.
Active legitimacy
1. Without detriment to that which is stated in article 286 of the Civil Code, the nullification action can be
effected:
a) by associations of representing environmental protection agencies, within the scope described in the respective legislation;
b) by associations of legally established economic interests, acting within the scope of its attributes.
c) by rural communities, to defend their collective rights.
2. The entities referred to in the previous number act responsibly in their own name, though they may act
in favor of a collective right of persons who may be affected by the nullified decisions.
3. The judicial personhood and capacity of rural communities is recognized.

Article 71.
Passive legitimacy
1. The action referred to in the previous article may be effected against the conceding authority that has pronounced the decision contrary to the law or its regulations.
2. The conceding authority is represented by the Public Ministry.
Article 72.
Relevant tribunal
1. Nullification action falls to the Provincial Tribunal Civil and Administrative Hall of the place in which
the conceding authority has its headquarters
2. Individual or collective foreign persons should, at the moment of the establishment of land rights in the
litigation referring to it, expressly declare that they are subject to the jurisdiction of the national tribunals.
Article 73.
Format of the process
1. Nullification action follows the terms of the summary legal declaration and is exempted from preparations and costs
2. The action referred to in the previous number always admits recourse for the Civil and Administrative
Chamber of the Supreme Tribunal, independent of the value of the cause.
3. The interposed appeal of the sentence that decrees nullification does not suspend the execution of the
same.
Article 74.
Nature of the process
The processes to which the present section refers, as well as those independent to it, do not have an urgent
character, without detriment to acts relative to adjudication of property, of a limited land right or of the
possessions and its notification to the interested having to be practiced even during judicial holidays.
Article 75.
Communication of judicial decisions via registry

The tribunals should forward, within the thirty day period from the beginning of the judgment, to the
respective Conservatory of Predial Registry, a copy of the decision that decrees the extinguishment of any
of the land rights described in this law or that have decreed the nullification or voiding of a registry or of
its cancellation.

Article 76.

Scope of this section

The norms of the present section apply, with necessary adaptations, to the remaining nullities described in
this document or in its regulations.

Section II

Mediation and conciliation

Article 77.

Mediation and conciliation attempt

1. The litigations relative to land rights are compulsorily submitted to an attempt at mediation and
conciliation before the legal proposal of the action in the relevant tribunal.
2. Excepted from that which is stated in the previous number the nullification action, to which the
previous section refers, that can be immediately proposed by the interested party in the relevant Provincial
Tribunal Civil and Administrative Hall.

Article 78.

Organ for mediation and conciliation and procedure administration

1. The composition of the organ for mediation and conciliation and procedure administration described in
this section will be settled in the General Regulation of Land Concession.
2. The procedure for mediation and conciliation should obey the principles of impartiality, celerity and
gratuitousness.
3. When the litigation pertains to individual interests, homogeneous or collective, the entities referred to
in article 70, number 1, can take the initiative of the procedure for mediation and conciliation and
participate in it, as principals or accessories.
4. The mediation organ can attempt conciliation or propose to the parties the solution that seems most
appropriate.
5. The mediation’s resulting accord will be registered and have the nature of extrajudicial transaction.

Section III

Arbitration

Article 79.

Resolution of litigation

Without detriment to that which is stated in the previous sections, the eventual litigations that can emerge
over the transfer or establishment of land rights must be submitted to arbitration.

Article 80.

Arbitration tribunal and designation of arbiters

1. The arbitration tribunal will be comprised of three members, two being nominated by each of the

parties, and the third, which will perform the functions of president-arbiter, chosen by common accord by
the arbiters that the parties have designated.
2. The arbitration tribunal is considered established on the date on which the third arbiter accepts

nomination and communicates this to the parties.
3. The arbitration tribunal will function in the headquarters of the Provincial Government to which the
lands or of most of their extension belong, and will utilize the Portuguese language.
4. The arbitration tribunal will judge in accordance with Angolan law.
5. The decisions of the arbitration tribunal must be pronounced during a period of a maximum of six
months after the date of its establishment.
6. An arbitration decision will establish those who must bear the costs of the arbitration and in what
proportion

Article 81.

Applicable norms

The arbitration regulates itself by the present document and, on that which is not in opposition with this,
by the general regime of voluntary arbitration in accordance with Law number 16/03, of the 25th of July.

Section IV

Community justice

Article 82.

Litigations in the interior of rural communities

1. Those litigations relative to collective rights of possessions, of management, of use and fruition, and of
common useful domain of rural community lands will be decided in the interior of rural communities, in
harmony with the respective community's effective customs.
2. If one of the parties does not agree with the resolution of the litigation under the terms stated in the
previous number, the same will be decided by the tribunals, being applicable, in this case, that which is
stated in section II of the present chapter.

CHAPTER V

Final and transitory provisions

Article 83.

Transitory situations

1. The surface rights established under Law number 21-C/92 and 28 of August, of its Regulation of
Concessions approved by Decree number 32/95 of the 8th of December, and 46-A/92, 9th of September,
and of the remaining local or special regulations, are subject to the regime of surface rights stated in the
present law.
2. To the land rights established under the terms of the effective legislation before the appearance in force
of the documents referred to in the previous number, the regime of surface rights stated in the present law
are applied, as long as:
a) the lands under jurisdiction of those rights have not been nationalized or confiscated;

b) the respective titleholders have proceeded to the respective regularization under the terms and

periods stated in Law il 21C/92 of August, and in number 2 of article 66 of the Regulation of Concessions approved by Decree number 32/95, 8th of December, and 46/92, 9th of September.
3. Under the terms of the corresponding legislation, the lands to which the previous number refers will be
confiscated if the situation of unjustifiable abandonment or non-regularization persists.
4. Relative to concession processes are found to be pending, the petitioners should, by the period of one
year counted from the publication of the applicable general or special regulation, alter the concession
petition, in harmony with the provisions in the present law, namely in what applies to the types of land
rights described in it.
5. While local authorities are not established, their attributions and capacities will be exercised by the
State's local organs.

Article 84.

Occupation titles

1. Without detriment to that which is stated in article 6 numbers 5 and 6, individual and collective persons
that occupy lands belonging to the States or the local authorities without a title, must, within a period of
three years counting from the publication of applicable general or special regulation require a concession
title.
2. The non-observance of that which is stated in the previous number implies no acquisition of any land
right by the occupant, by virtue of inexistence of title.
3. The state and local authorities can use against the occupant the means conceded to the possessor in
articles 1276 and following of the Civil Code.
4. In the cases referred to in the previous numbers, the furnishing of a concession title depends on the
fulfillment of requirements stated in the present law, in its regulations, in urbanistic plans, or in its lack or
insufficiency, in the instruments of urbanistic administration approved by the relevant authority.

Article 85.

Regulation

The Government will approve the General Regulation of Land Concessions, in a period of six months
counting from the date of present law's entrance in force.

Article 86.

Alterations to the Civil Code

Articles 1524 and 1525, number 2 of the Civil Code have the following composition:

Article 1524.

Notion

Surface rights consist of the capacity to construct or maintain, perpetually or temporarily, a project in
buildings owned by others, or on it to make or maintain plantations. "

Article 1525.

Object

1. [...]

2. Surface rights may have the object of construction or maintenance of a building project on soil
belonging to others."

Article 87.

Revocatory Norm

All legislation that contradicts that which is stated in the present law and in its respective regulations,
namely Law number 21-C/92, of 28th of August, and the Regulation of Concessions approved by decree
number 32/95, 8th of December and 46/92, 9th of September, is revoked.

Article 88.

Entrance in force

The present law enters in force ninety days from the date of its publication.

THE PRESIDENT OF THE NATIONAL ASSEMBLY
ROBERTO ANTÓNIO VICTOR FRANCISCO DE ALMEIDA
Proclaimed on ..... of .....of 2004
To publish
THE PRESIDENT OF THE REPUBLIC
JOSÉ EDUARDO DOS SANTOS

Reference – **Strengthening land tenure and property rights in Angola - Land law and policy:**
Overview of legal framework , Robin Nielsen , USAID, ARD Inc, Rural Development Institute, Development Workshop , 31 May 2007