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Coming Home

Return and Reintegration in Angola

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Summary

The war is over forever. We are tired, and we have no more interest in war. Without war, our children can live better lives. We are used to a tough life, but if we had a little bit of help, we could get training and life could be better. The government has to meet its obligations. We are waiting for this.

— Lino Z., former UNITA combatant, Chicala Cholohanga, November 30, 2004.

When the Angolan army and UNITA rebel forces signed the Luena Memorandum of Understanding ("MOU") on April 4, 2002, they brought an end to one of the most protracted and brutal wars of the twentieth century, a Cold War proxy battle that outlived the Cold War by more than a decade. The February 2002 death of Jonas Savimbi, the leader of UNITA (*União Nacional para a Independência Total de Angola*, or National Union for the Total Independence of Angola), led to the collapse of UNITA's military forces and the end of thirty years of armed struggle against the governing party, the Movement for the Popular Liberation of Angola (*Movimento Popular de Libertação de Angola*, MPLA). Yet the Luena MOU, the culmination of the Lusaka peace process started in 1994, marked not so much an end but a beginning: the beginning of the difficult process of rebuilding the country's shattered physical and social infrastructure, and reintegrating the millions of people who fled their homes during the war and the thousands of former combatants into a peaceful society.¹ Human Rights Watch analyzed the Lusaka peace process in *Angola Unravels: The Rise and Fall of the Lusaka Peace Process* (1999).

This report, which focuses primarily on the challenges confronting Angolans when they return home, updates Human Rights Watch's prior examination of the return and reintegration process, *Struggling through Peace: Return and Resettlement in Angola* (2003). At the time of that report's publication in August 2003, more than two million of an estimated 3.8 million internally displaced persons (IDPs) had returned to their areas of origin; the rest remained displaced, often in temporary camps or resettlement sites. Approximately 130,000 refugees living in the Democratic Republic of Congo (DRC), Zambia and Namibia had also returned, with 53,000 more remaining in these countries. The majority of these returns were "spontaneous"—refugees returned by their own means and not under an organized repatriation program. The government of Angola, the United Nations High Commissioner for Refugees (UNHCR) and the host countries of the DRC and Zambia signed the tripartite agreements regulating the repatriation process only in March 2003, and no reception centers to assist the returning refugees had been established. In addition, the government had just officially closed the

quartering areas established under the military annex to the Luena MOU for the demobilization of former UNITA combatants and their relatives and dependents (Annex I, "Document relating to the quartering of the UNITA Military Forces").

Since the publication of *Struggling through Peace*, nearly all IDPs and former combatants and their families have returned to their areas of origin or have decided to remain in their host communities. The pace of assisted refugee repatriation has also quickened with the establishment of major reception centers in the provinces of Moxico and Huambo, and smaller centers in Uíge, Zaire, Cunene, Cuando Cubango and Lunda Norte. By the end of 2004, 281,000 refugees had repatriated to Angola, including 94,000 in UNHCR's Voluntary Repatriation Programme. UNHCR expects to complete the voluntary repatriation programme in 2005 with the return of some 53,000 refugees remaining in camps and settlements in DRC, Zambia and Namibia.

With most of the postwar population movement now complete, Angola is at a crossroads. Decisions made today will determine whether the huge population of recently displaced and exiled citizens and former combatants can fully reintegrate into a peacetime society and help build a stable and prosperous country.

Most families have returned to locations with minimal social services, such as health care and education, and few economic opportunities. Few former combatants have received the vocational assistance mandated by the Luena MOU. All returnees face challenges in the agricultural sector—although access to land is widespread, much of that land has lain fallow for years and is difficult to cultivate productively. Female headed-households and women living alone face special problems in accessing and cultivating land. In some parts of the country, particularly Moxico, landmines are so pervasive that people are literally settling on top of minefields. Landmines, destroyed bridges and the devastated road system have left many communities of return almost completely isolated, sometimes accessible only by air, if at all.

Many returnees also lack the basic rights of citizenship, including the right to work, the right to public education and the right to vote in the elections tentatively planned for 2006, because they cannot obtain the requisite identity documents. Police and military officials harass returnees without identity cards, even jailing individuals until they pay a bribe. Some Angolan refugees returning from the DRC without sufficient proof of Angolan citizenship are accused of being illegal Congolese migrants and diamond smugglers and are thus subjected to violence and sexual abuse. UNITA activists have also been attacked in communities where they attempted to open offices or hold political meetings.

In addition to the transition from war to peace, Angola is facing another difficult transition—from the recipient of emergency and humanitarian aid to longer-term development assistance from the international community. This gap creates serious problems for returnees attempting to rebuild their lives. For example, food aid and the distribution of seeds and tools may be cut off before they are able to cultivate their land, or before roads are built to enable them to reach markets. Development projects, however, will be stalled until donors and the international financial institutions are satisfied with the government's level of financial accountability and transparency. Human Rights Watch analyzed the Angolan government's gross mismanagement of its massive oil revenues in a prior report, *Some Transparency, No Accountability: The Use of Oil Revenue in Angola and Its Impact on Human Rights* (2004).

The transitional period has been marked by a decreased international protection monitoring presence. The UN Office for the Coordination of Humanitarian Affairs (OCHA), the lead UN coordinating agency in Angola (now known as OCHA/TCU, or Transitional Coordinating Unit), has drastically scaled down its field presence and monitoring activities. Decreased funding has prompted UNHCR to eliminate staff positions for protection officers and reduce its monitoring of refugee returns, a key component of UNHCR's mandate. At the same time, international NGOs are facing decreased funding and few national NGOs or government agencies have the financial or human resources to take over monitoring and assistance roles.

The government of Angola must meet its obligations under international and domestic law to assist and protect returnees, and the international community must maintain an adequate presence in Angola to ensure that the human rights of returnees and former combatants are respected. The returnee population—indeed, all Angolans—has endured years of instability, violence and deprivation, and those returnees interviewed by Human Rights Watch are cautiously optimistic about the future. Their patience should not be taken for granted—they rightly expect to improve their lives, and unless the government fulfills its commitment to the socioeconomic reintegration of all returnees and former combatants, their patience could turn into frustration, resentment and eventually conflict.

This report is based on an investigation in Angola by Human Rights Watch in November and December 2004. Our researchers interviewed returning refugees, former combatants and resettled internally displaced persons in reception centers and in their villages and towns of return in Moxico and Huambo provinces. The researchers chose to focus on Moxico and Huambo because they are two of the provinces with the highest rate of returns for internally displaced persons and refugees. These two provinces also host some of the highest concentrations of former combatants and other returnees.

associated with UNITA. Human Rights Watch researchers also interviewed concerned UN agencies, donor governments, NGOs and other organizations, including UNHCR, OCHA, the UN Children's Fund (UNICEF), the UN Development Programme (UNDP), the UN Human Rights Office in Angola (part of the UN Office of the High Commissioner for Human Rights), the International Organization for Migration (IOM), the World Food Programme (WFP), the Food and Agriculture Organization (FAO), the United States Embassy in Angola, the Dutch Embassy in Angola, the Swedish Embassy in Angola, the German Embassy in Angola, German Development Cooperation (GTZ), the European Union Delegation to Angola, Norwegian Refugee Council, GOAL, Lutheran World Foundation, Development Workshop, World Vision, Oxfam, Médecins Sans Frontières (MSF)-Belgium, Center for Common Ground, Save the Children-US, Forum for Non-Governmental Organizations in Angola (FONGA), Longa and ADRA-Angola. In addition, Human Rights Watch researchers interviewed local Angolan authorities, including the police and local representatives of the Ministry of Justice and the Ministry of Assistance and Social Reintegration (MINARS), central government officials and UNITA party representatives at the national and provincial levels. Where necessary, the names of persons interviewed are withheld or changed in this report to protect their confidentiality.

Recommendations

To the Government of Angola:

- Guarantee the right to nationality by undertaking the following measures:
 - Guarantee free birth registration and ensure that all adults have access to identity and citizenship documents.
 - Fund mobile teams to conduct birth registration and provide returnees with identity documentation.
 - Do not restrict the right to nationality by imposing unreasonable conditions on obtaining identity documentation, such as requiring return to an individual's place of birth or charging excessive fees.
 - Train local security forces to accept Voluntary Repatriation Forms, ration cards or other official documents as proof of identity and nationality from individuals who have not yet obtained Angolan identity documents.
- Investigate all instances of police and military abuse of returnees and discipline perpetrators appropriately. Investigate attacks on individuals

exercising their right to political expression and prosecute perpetrators. Train security forces to respect the rights of women and prosecute all instances of sexual abuse. Provide rehabilitation services to all survivors of sexual and gender-based violence.

- In cases of political conflict and violence, encourage UNITA officials and local authorities to work together to investigate incidents in efforts such as the UNITA-MPLA joint commission in Huambo.
- Provide the National Institute for Demining with adequate resources to create a viable national demining capacity. Improved operational capacity will enable the expansion of humanitarian demining activities to additional areas. In setting priorities, involve communal and municipal authorities, traditional leaders, women, teachers, community members and local NGOs, who are currently active in mine risk education.
- To ensure greater transparency and accountability, the government should publish a full account of revenues and expenditures in order to determine allocations for social services and for the protection of human rights.
- Government offices responsible for social services and human rights protections should be subject to audits to ensure financial accountability and should be assessed for effectiveness.
- Provide local and provincial administrations with adequate resources and training to take over social services and support programs for returnees, particularly in the health, education and agriculture sectors, when the international community ceases to provide such assistance. To that end, the following measures should be undertaken:
 - Improve financial transparency and accountability standards to guarantee that funds for social spending are allocated and distributed equitably and honestly.
 - Monitor the reintegration process of returnees and track the progress of vulnerable groups (such as female-headed households, the elderly, the disabled and children).
 - Provide community support or social assistance through local authorities, NGOs, churches and other civil society actors to ensure

that these vulnerable groups receive continued support with the withdrawal of the international NGOs currently helping them.

- Accelerate the social and economic reintegration of former combatants by fulfilling national financial commitments and ensuring the capacity of the Institute for the Socio-Professional Reintegration of Ex-Combatants to coordinate, implement and monitor the Angolan Demobilization and Reintegration Program (ADRP). Local administrators and project facilitators should guarantee that women, children and disabled persons are included in reintegration projects, and implement community-based projects to prevent conflict between program beneficiaries and the rest of the community.
- Recognize the documentation of educational and professional credentials obtained by returning refugees abroad, and prevent local administrators from discriminating against skilled returnees who could contribute to the rebuilding of communities.
- Guarantee the proposed Land Law protects the rights of informal and traditional landholders and provides for community consultation in developing land use plans to prevent social conflict between residents and elites who have been and are being given title to large concessions regardless of whether the land is already occupied. Any new land legislation should also be accompanied by judicial reform to give residents recourse in cases of land appropriation, and by a public education campaign on the consequences of the new land law and how people may protect their rights.
- Consult civil society in the development of the Office of the Justice Ombudsman and any future national human rights institution, and guarantee that the Ombudsman has the mission and capacity to protect the human rights of returnees and former combatants.

To the Donor Community:

- Support UNHCR, OCHA/TCU and the UN Human Rights Office in Angola (the local office of the UN Office of the High Commissioner for Human Rights) in developing a human rights monitoring and protection plan to ensure a continued international presence in communities of

return. Increase funding for monitoring and protection activities of UNHCR and its implementing partners.

- Continue to fund the World Food Programme's passenger air service to prevent the isolation of inaccessible communities of return. Collaborate with the government in rehabilitating, maintaining and demining roads and bridges to facilitate long-term accessibility to rural areas.
- Continue to fund humanitarian demining efforts, and encourage international mine action agencies to collaborate with the National Inter-Sectoral Commission on Demining and Humanitarian Assistance and improve the capacity of the Angolan National Institute of Demining to carry out demining operations.
- Ensure that reintegration projects for returnees and former combatants, particularly the World Bank Angola Demobilization and Reintegration Program, involve entire communities to prevent resentment and potential conflict over the distribution of assistance and to encourage reconciliation.
- Insist that the government of Angola provide accurate accounts of revenues and expenditures, particularly in regard to funding for social, humanitarian, and human rights projects and programs.
- Require a financial audit and assessment of social, humanitarian, and human rights programs and the government offices that manage them.

To the United Nations Agencies:

- UNHCR, OCHA/TCU and the UN Human Rights Office in Angola should work together to increase their field presence for monitoring and protection activities. To that end, the following activities should be undertaken:
 - UNHCR should ensure that protection and monitoring activities are adequately staffed and funded until there is an alternative international presence to take over such activities.

- The UN Human Rights Office should consider developing a field presence to sustain protection and monitoring when UNHCR and OCHA cease to operate outside Luanda.
 - Work with the government to begin preparations for monitoring the run-up to the elections to prevent an increase in vigilantism and political violence.
 - Develop a monitoring and protection strategy together with civil society and local institutions to build local capacity in these activities.
- The UN Human Rights Office in Angola, OCHA/TCU, UNHCR and their NGO partners should accelerate human rights training for security forces, including the police, military and justice officials, and provide capacity building to government authorities and local NGOs so they can provide human rights training as well.
 - UNHCR should include demining agencies in its coordination efforts with implementing partners to guarantee demining concerns are taken into account in developing resettlement plans, and to have accurate information on the location and severity of mine contamination.

The Responsibility to Protect Returnees

My son lost half his leg in September. The problem is that people are hungry and they go for mangoes. Usually it is the children who go after the mangoes, but my son is twenty. The area was marked as mined but he was recently arrived and so hungry that he ignored the sign.

– Feliza, Luau, November 23, 2004.

Even before the war ended, the government of Angola officially recognized its responsibility to protect the rights of IDPs and returning refugees by adopting a domestic law, the Norms for the Resettlement of Internally Displaced Populations (the Norms) in January 2001, and the implementing regulation (the *Regulamento*) in 2002.¹ In doing so, Angola became the first country in the world to incorporate the United

¹ Council of Ministers Decree No. 1/01, adopted January 5, 2001, and Council of Ministers Decree No. 79/02 (Regulation for the Application of the Norms on the Resettlement of Displaced Populations, or *Regulamento*), adopted December 6, 2002.

Nations Guiding Principles on Internal Displacement into domestic law,² and extended the application of those principles to the treatment of returning refugees. In addition to this legislation, under Article 18 of the Angolan Constitution, "All citizens shall be equal under the law and shall enjoy the same rights and be subject to the same duties, without distinction as to color, race, ethnic group, sex, place of birth, religion, ideology, level of education or economic or social status." Yet despite these domestic laws and Angola's obligations under international law, a culture of impunity at the local level and lingering political tensions and suspicions have made returnees vulnerable to abuse by the authorities and some local communities.

The Voluntary Repatriation Program

The Tripartite Agreements negotiated between the government of Angola, UNHCR and the main countries hosting Angolan refugees (including DRC, Zambia and Namibia) require Angola to provide the minimum conditions necessary for voluntary refugee repatriation, particularly regarding mine clearance and access to land.³ The 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa ("African Refugee Convention"), which was ratified by the Government of Angola in 1982, recognizes the voluntary character of repatriation and provides, in particular, that "the country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations."⁴ In terms of institutional responsibilities, facilitating and promoting voluntary repatriation is a core and statutory function of UNHCR.⁵ By virtue of Article 35 of the 1951 Convention relating to the Status of Refugees and Article VII of the African Refugee Convention, State parties are

² The Guiding Principles on Internal Displacement were adopted in September 1998 by the UN General Assembly. See UN Doc. Doc. E/CN.4/1998/53/Add.2 (1998). Although not legally binding, they provide an authoritative normative framework for the protection of IDPs. The Guiding Principles are a firm reinstatement of existing international human rights law, international humanitarian law and international refugee law relating to the internally displaced. They draw heavily on existing standards and provide additional guidance and explanation when there are gaps. They are intended to provide practical guidance to governments, other competent authorities, the UN and other governmental agencies and NGOs in their work with IDPs. The Guiding Principles are available at http://www.reliefweb.int/ocha_ol/pub/ldp_gp/ldp.html.

³ See, e.g., Agreement on the Establishment of a Tripartite Commission for the Voluntary Repatriation of Angolan Refugees between the Government of the Republic of Angola, the Government of the Republic of Zambia and UNHCR, March 15, 2003. Article 13 (Mine Awareness) of the Tripartite Agreement requires the government of Angola to prioritize routes and areas of destination for returnees in its demining activities, and Article 14 (Access to Land and Recovery of Property) mandates that the government of Angola "use its best endeavors" to ensure that returnees have access to land in accordance with Angolan law, including the Norms.

⁴ Article V, Convention Governing the Specific Aspects of Refugee Problems in Africa (African Refugee Convention), 1001 UNTS 45, entered into force June 20, 1974.

⁵ Statute of the Office of the United Nations High Commissioner for Refugees, GA Resolution 428 (V) of 14 December 1950. See also "Voluntary Repatriation," Global Consultations on International Protection, EC/GC/02/5, April 25, 2002.

required to cooperate with UNHCR in this and other areas. The General Assembly has repeatedly re-affirmed and broadened UNHCR's functions with regard to voluntary repatriation, and has increasingly foreseen an active role for UNHCR in the country of origin.⁶ UNHCR Executive Committee (ExCom)⁷ Conclusions also reaffirm the international principles and contain standards governing the voluntary repatriation process.⁸

The initial Tripartite Agreements reached with the governments of Zambia and DRC recognized that voluntary repatriation constitutes the best durable solution for refugees, as long as refugees are repatriated in conditions of "safety and dignity."⁹ The first question to address in assessing the repatriation process is whether it is voluntary.¹⁰ According to the UNHCR Voluntary Repatriation Handbook, refugees must have accurate information about conditions in their home country to make an informed decision, and must not be subject to "push factors" such as physical, psychological, or material pressure, to leave the country of asylum.¹¹

Using these guidelines, the repatriation of Angolan refugees from DRC and Zambia—the two cases investigated by Human Rights Watch—appears to be voluntary. The large number of spontaneous returns before and during the UNHCR program demonstrates Angolans' strong desire to return home. Long waiting lists for voluntary repatriation

⁶ See in particular General Assembly Resolutions 1672 (XVI) of December 18, 1961; 40/118 of December 13, 1985; and 44/137 of December 15, 1989.

⁷ The Executive Committee of the High Commissioner's Program ("ExCom") is UNHCR's governing body. Since 1975, ExCom has passed a series of Conclusions at its annual meetings. The Conclusions are intended to guide states in their treatment of refugees and asylum seekers and in their interpretation of existing international refugee law. While the Conclusions are not legally binding, they do constitute a body of soft international law and ExCom member states are obliged to abide by them. They are adopted by consensus by the ExCom member states, broadly represent the views of the international community, and carry persuasive authority.

⁸ The most relevant ExCom Conclusions are Conclusion 18 (XXXII) of 1980, Conclusion 40 (XXXVI) of 1985 and Conclusion 101(LV) of 2004. Conclusions 74 (XLV) of 1994 and 85(XLIX) of 1998 are also relevant.

⁹ Agreement on the Establishment of a Tripartite Commission for the Voluntary Repatriation of Angolan Refugees between the Government of the Republic of Angola, the Government of the Republic of Zambia and UNHCR, November 28, 2003. See also Agreement on the Establishment of a Tripartite Commission for the Voluntary Repatriation of Angolan Refugees between the Government of the Republic of Angola, the Government of the Democratic Republic of Congo and UNHCR, December 11, 2002.

¹⁰ The voluntary character of repatriation is affirmed in ExCom Conclusion Conclusion 18 (XXXII) of 1980, Conclusion 40 (XXXVI) of 1985 and Conclusion 101(LV) of 2004. The latter Conclusion "reaffirms the voluntary character of refugee repatriation, which involves the individual making a free and informed choice through, *inter alia*, the availability of complete, accurate and objective information in the country of origin."

¹¹ Section 2.3 (Voluntariness), UNHCR Handbook, Voluntary Repatriation: International Protection (Geneva: March 1996). Although the handbook is not binding international law, it provides a set of guidelines for the activities of UNHCR and governments during repatriation process based on international human rights law, international humanitarian law and international refugee law.

still exist in camps in DRC and Zambia.¹² Human Rights Watch interviewed several returnees in the Luau and Cazombo reception centers in Moxico province who revealed they had been eager to return since the war ended in 2002, despite the difficulties they expected to face.¹³ As Joao N., a father of six returning from DRC, told Human Rights Watch:

UNHCR explained that there would be no food, houses or schools, and they also told us there would be a lot of mines. But even if we don't have houses, we don't have food, we don't have schools, we wanted to return to our country because it's our country.¹⁴

After refugees indicate their intention to participate in the voluntary repatriation program, the International Organization for Migration (IOM) organizes air and land transport for them to reception centers in Angola. The NGOs acting as implementing partners of UNHCR assist both the organized returnees and spontaneous returnees who arrive at the reception centers on their own.¹⁵ Medical NGOs screen returnees, transport those who are seriously ill to local health facilities, and provide HIV/AIDS education. International de-mining organizations provide mine risk education to returnees. Returnees are also meant to receive construction kits for building new homes and agricultural kits with seeds and tools, but the kits are not always complete due to logistical and funding constraints. In Cazombo, for example, UNHCR was unable to distribute seeds with the agricultural kits in September-October 2004.¹⁶ Other returnees complained of receiving incomplete construction kits.

As highlighted above, repatriation must not only be voluntary, but take place in conditions of "safety and dignity," which UNHCR explains as legal safety (such as

¹² Human Rights Watch interview with Paulo Moises, UNHCR field officer, Cazombo, November 24, 2004.

¹³ Human Rights Watch interviews with Joao N., Bernard C., Maria I., Manuel C. and Jose L., recently returned refugees from DRC in Luau reception center, November 22, 2004, and Human Rights Watch interviews with Julio V., Evelina N., Adelino U. and Iremba K., recently returned refugees from Zambia in Cazombo reception center, November 24, 2004.

¹⁴ Human Rights Watch interview with Joao N., Luau reception center, November 22, 2004. A UNHCR field officer in Luau told Human Rights Watch that the government of DRC has allowed some camps with very few remaining refugees to remain open until the 2005 repatriation season begins (in spring 2005, after the end of the rainy season), an indication that DRC is not pressuring Angolan refugees to return home. Human Rights Watch interview with Acacio Juliao, UNHCR Field Officer, Luau, November 22, 2004.

¹⁵ The reception centers remain open all year to accommodate spontaneous returnees, but at reduced capacity during the rainy season when the assisted repatriation process is suspended. Human Rights Watch interview with NGO representative working in Moxico, Luanda, November 18, 2004.

¹⁶ Human Rights Watch interview with Paulo Moises, UNHCR Field Officer, Cazombo reception center, November 24, 2004.

amnesties or public assurances of personal safety, non-discrimination and freedom from fear of persecution or punishment upon return), physical security (including protection from armed attacks and mines), and material security (access to land or means of livelihood).¹⁷

Denial of the Right to Citizenship

The right to citizenship is the cornerstone of the legal protection of returning refugees. The *Regulamento* requires the provincial delegation of the Ministry of Justice to conduct birth registration and ensure that national identity cards are issued.¹⁸ This requirement corresponds to Principle 20 of the UN Guiding Principles, which requires authorities to issue new documents or replace those lost in the course of displacement and not impose "unreasonable conditions" to obtain these documents. This principle protects the right to a nationality under customary international law, crystallized in Article 15 of the Universal Declaration of Human Rights, and the right to recognition as a person before the law, codified in the International Covenant on Civil and Political Rights (ICCPR).¹⁹ The Convention on the Rights of the Child also mandates birth registration for children to protect their right to a nationality.²⁰ ExCom Conclusion 101(LV) of 2004 also "notes the importance of ensuring nationality and the provision under national law of the recognition of the civil status first stage of returning refugees and changes thereto..."²¹

Many of the returnees interviewed by Human Rights Watch did not have the identity documents necessary to establish their citizenship, ensure access to such government services as public education, and allow them to work and vote. Under the Norms and *Regulamento*, the Ministry of Justice must conduct birth registration and issue *actas* (proof of birth registration) and *bilhetes de identidade* (identity cards issued to adults) to returnees.²²

¹⁷ For a detailed discussion on these concepts, see UNHCR's Handbook: Voluntary Repatriation: International Protection, section 2.4 and "Voluntary Repatriation," Global Consultations on International Protection, EC/GC/02/5 25 April 2002, section IV.

¹⁸ Article 12 (Identification of Populations), Council of Ministers Decree No. 79/02, December 6, 2002.

¹⁹ Article 16, International Covenant on Civil and Political Rights, opened for signature December 16, 1966, entered into force March 23, 1976.

²⁰ See Article 7, Convention on the Rights of the Child, opened for signature November 20, 1989, entered into force September 20, 1990: "(1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents. (2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless."

²¹ ExCom Conclusion 101(LV) of 2004, paragraphs k and l.

²² Article 12 (Identification of Populations), Council of Ministers Decree No. 79/02, December 6, 2002.

The war destroyed the birth registration system and archives in most of the country, so the Ministry of Justice, with assistance from the United Nations Children's Fund (UNICEF) and NGOs, instituted a free birth registration campaign in 1998.²³ The second campaign, which began in 2001 and was repeatedly extended until the end of 2004, included children in the UNITA family reception areas in the demobilization process. The campaign targeted children under eighteen in their areas of return by registering them in refugee reception centers and sending mobile registration teams to their final destinations.

Free birth registration for children is vital to securing their right to citizenship and identity. In a recent survey by UNICEF and the Angolan National Statistical Institute, most people cited excessive cost as the biggest impediment to registering their children, followed by distance to the civil registry.²⁴ UNICEF is urging the government to make free birth registration permanent, but at the time of this writing, UNICEF plans to limit its support to the registration campaign to children less than five years of age in 2005.²⁵ In addition to funding constraints, the birth registration campaign is also in danger of being strangled by red tape. In Luau, for example, the local Ministry of Justice office ran out of registration books in October 2004; the provincial and national governments have ignored their requests for additional books, meaning that no children who passed through the Luau reception center in October and November 2004 were registered.²⁶

One international official told Human Rights Watch that the national Ministry of Justice is sympathetic to the need for free birth registration, but suspected some local officials might be eager to end the campaign so they can resume charging fees, which could open the door to opportunities for bribery.²⁷ UNITA supporters have raised the possibility of an even more sinister motive for denying free identity cards to adults – a plan to prevent UNITA supporters and former soldiers from voting. According to a UNITA Member

²³ As of 2004, the government estimated that 4.5 million children were unregistered, and the functioning few registration offices experienced low morale due to meager salaries and poor working conditions. See Section IV(A) (Civil Rights and Freedoms: Name and Nationality), Committee on the Rights of the Child, Angola Initial Report (submitted under article 44 of the Convention on the Rights of the Child), August 10, 2004.

²⁴ Section IV(A) (Civil Rights and Freedoms: Name and Nationality), Committee on the Rights of the Child, Angola Initial Report (submitted under article 44 of the Convention on the Rights of the Child), August 10, 2004.

²⁵ Human Rights Watch interview with UNICEF official, Luanda, November 10, 2004.

²⁶ Human Rights Watch interview with Manuel Kaiombo, Ministry of Justice Registration Official, Luau, November 24, 2004.

²⁷ Human Rights Watch interview with international official, Luanda, November 2004. In Mexico, UNHCR overcame local reluctance to continuing the free birth registration campaign by presenting local authorities in Luau with a petition to continue the campaign signed by members of the local Protection Working Group; the local authorities then successfully lobbied the provincial government explaining the need to continue the campaign through the end of 2004. This incident illustrates the vital role of UNHCR in protection activities. Human Rights Watch interview with Acacio Julião, UNHCR Field Officer, Luau, November 24, 2004.

of Parliament, "Nothing prevented the government from going into the countryside to mount a very successful polio vaccination campaign. But when there's a political reason not to visit UNITA areas [as part of a mobile registration campaign], there is not the same enthusiasm."²⁸ Although Human Rights Watch found no evidence to substantiate this claim, the government's excuse that it lacks adequate resources cannot be used to deny the basic human right of citizenship.

Human Rights Watch interviewed a number of adults in Moxico and Huambo who could not afford *cedulas* and *bilhetes de identidade* for themselves, leaving them open to abuse by local authorities. One recently returned refugee from DRC told Human Rights Watch that police had approached him in Luau in 2003 and demanded to see his identity documents, which he had not yet obtained. The police jailed him overnight and released him only after a relative arrived and paid a bribe of 500 *kwanzas*.²⁹ A representative of the International Organization for Migration in Luau said that he and his staff have witnessed the police—who are able to recognize recent returnees from DRC by the way they dress and speak French—harassing people without identity documents.³⁰ The police generally demand a *gasosa* (the term for a soft drink, which has come to mean a bribe). As one police officer told Human Rights Watch casually, "The police are supposed to stop people to check their documents because they need money."³¹

Human Rights Watch has received disturbing reports from NGOs and UN agencies that in some cases, the abuse of returnees has escalated to severe beatings and rape. In the town of Maquela do Zombo in Uíge province, near the border between DRC and Angola, the military has been cracking down on illegal diamond smuggling in what is known as *Operação Brilhante*, a government campaign that brutally expelled approximately 12,000 illegal migrant workers in 2004. Border officials accuse Angolan returnees of being "Congolese." One NGO in Maquela do Zombo has worked with women who were detained at the border, imprisoned, beaten and raped. According to this NGO, in one case a pregnant woman suffered a miscarriage after she was picked up at the border and beaten in a truck on the way to jail in Maquela do Zombo.³²

²⁸ Human Rights Watch interview with Jeka Jamba, UNITA Member of Parliament, Luanda, December 2, 2004.

²⁹ Human Rights Watch interview with Ismail M., Luau, November 22, 2004. The soba of the Capamba area of Luau said that the police had harassed and/or detained many men in his community for not having identity documents. Human Rights Watch interview with Soba Raul Isak, Luau, November 23, 2004.

³⁰ Human Rights Watch interview with Ponteiro Tunguna, IOM Officer in Charge, Luau, November 22, 2004.

³¹ Informal conversation with police officer, Luau, November 24, 2004.

³² Due to the advent of the rainy season, Human Rights Watch was unable to travel to Maquela do Zombo to verify this incident. The NGO cited verified this incident by interviewing the victim when she was released and admitted to the hospital, as well as interviewing the medical staff treating her and the local police commander. Human Rights Watch interview with NGO representative, Luanda, November 16, 2004.

Similar problems have been reported in Malanje province, which also borders DRC and has been part of the *Operação Brilhante* sweep.³³ The abuse of women, however, is not limited to areas targeted in *Operação Brilhante*. One UN official told us that in Lumbala N'Guimbo, the location of a reception center and military base in Moxico, members of the military sexually exploit returnee women,³⁴ although it remains unclear whether the relations constitute prostitution or rape.³⁵ UNHCR has been funding women's associations in Lumbala N'Guimbo since women in the community took it upon themselves to help returnee women find livelihoods outside prostitution, demonstrating the agency's vital role in protecting returnees.

In response to these incidents, UNHCR and some NGOs also have organized human rights training workshops for local government officials, police and soldiers. In a hopeful sign, one NGO admitted to having trouble fulfilling all the training requests coming from the military at the national and provincial level.³⁶ Additionally, government officials have assured UNHCR that they will accept alternative forms of identification, such as the Voluntary Repatriation Form issued by UNHCR and/or WFP rations cards, from returnees who lack the *cedula* or *bilhete de identidade*.³⁷ Yet these assurances and requests for training, though welcome, are not adequate. Military and police commanders must investigate reports of abuse and discipline perpetrators accordingly.

Returnees also complained that the government interferes with their right to work by refusing to recognize educational and professional credentials obtained in countries of asylum. In Moxico, Human Rights Watch interviewed medical professionals trained in DRC who are currently working with international NGOs, but fear the government will not allow them to continue working when the NGOs turn over clinic operations to the Ministry of Health:

I came with my diplomas from DRC but they have no value here. The government never definitively rejects my application for equivalency—they just keep dragging out the process. For the past two years, the Ministry of Justice keeps sending back my application for a *bilhete* for so-

³³ Human Rights Watch interview with Heather Kulp, Country Director, Center for Common Ground, Luanda, November 16, 2004, and Prasant Nalk, Program Operations Manager, Oxfam, Luanda, November 15, 2004.

³⁴ Human Rights Watch interview with Thomas Vargas, UNHCR Protection Officer, Luanda, November 12, 2004.

³⁵ Human Rights Watch interview with Thomas Vargas, UNHCR Protection Office, Luau, November 18, 2004.

³⁶ Human Rights Watch interview with Heather Kulp, Country Director, Center for Common Ground, Luanda, November 16, 2004.

³⁷ Human Rights Watch interview with Thomas Vargas, UNHCR Protection Officer, Luanda, November 12, 2004.

called errors, like poor quality of photos and the wrong type of paper. I even paid the application fee twice. I don't understand—the level of education in this country is so low—couldn't we mobilize other people with our experience to help our country?³⁸

International refugee law requires Angola to provide returnees with non-discriminatory access to processes, where they exist, to recognize the equivalence of primary and secondary education received abroad, as well as the equivalence of academic, professional and vocational diplomas, certificates and degrees achieved abroad.³⁹

Political Tensions and Violence

Overall, there appears to be little tension between former UNITA soldiers, UNITA supporters, and MPLA supporters and soldiers. People are exhausted from thirty years of fighting, and few care about politics enough to risk renewed conflict. Because both sides forcibly conscripted many combatants during the war, they harbor little if any lingering ideological or partisan loyalties and are simply relieved the war is over. Returnees remember how UNITA's defeat in the 1992 elections led to the resumption of war and voiced the understandable concern that the upcoming elections will generate new conflict and violence. They are likewise wary of political activity by UNITA.

Although these fears of a return to the violent past have left the population largely subdued and tranquil, some communities have demonstrated their suspicions by reacting violently against UNITA party officials attempting to open offices in areas that were devastated during the war. The most notorious incident occurred in Cazombo in July 2004, when a former UNITA general, Moises Cayumbu Jolombo, and his delegation of UNITA officials tried to open a new party office. The townspeople viewed General Jolombo as the officer responsible for destroying the bridge over the Zambeze River during the war, which left Cazombo isolated from the rest of Angola. The UNITA delegation requested a building for a new office from the local administrator, who told them there were no buildings available. The delegation then identified a local UNITA supporter and used her home to show videos of Jonas Savimbi to the public. Early one morning after a video showing, a large group of people gathered in the Chipoya

³⁸ Human Rights Watch interview with C.K., Luau, November 24, 2004. Another medical technician trained in DRC suspects the local administration is preventing him and his colleagues from getting jobs because they fear competition from better-educated returnees: "We are citizens—we have the right to work. I fled the war because I did not want to have anything to do with politics and now that I want to help rebuild the country, I can't. ... The administration will not accept giving jobs to DRC returnees." Human Rights Watch interview with J.K., Luau, November 24, 2004.

³⁹ ExCom Conclusion 101 (LV) of 2004, para. (o).

neighborhood, where the new UNITA "office" was located, and the "*confusão*" (troubles) began:

It was July 17, at around 6:00 a.m. I was inside with my wife and three children when the crowd reached my house. We ran away. The crowd burned my house down—they destroyed everything inside. They were shouting that I was UNITA and that UNITA should not live in Chipoya.⁴⁰

In all, fifty-one houses were destroyed in less than two days. Another victim, a former UNITA combatant, related how one of the *sobas* (traditional leader or village chief) got caught up in the atmosphere of rage:

My house was destroyed. All that remained of it were the walls. The group who burned my house down was getting ready to burn some others when another group stopped them. Some people ran for help to the house of our neighbor Dominga. Four days later, Soba White Kaumba went to Dominga's house and demanded to know how she could give refuge to UNITA people. Her children ran out to get her when they saw the *soba*. The *soba* yelled at her, then he ignited a stick with grass and set her house on fire. The police arrested the *soba* and he went to prison in Luena for three months. He just returned a few days ago. He is still the *soba* of Chipoya, but he is not able to give people land any more—the Paramount Soba of Moxico took that authority away from him. We don't trust this *soba* anymore. A leader wouldn't do such a thing. The people might do such things but the *soba* should not.⁴¹

According to the victims interviewed by Human Rights Watch, the police interviewed some of the victims but did not arrest anyone other than Soba White Kaumba. The provincial authorities promised compensation to the victims but failed to deliver on their promise.⁴² Nonetheless, the victims interviewed by Human Rights Watch felt safe enough to rebuild their homes on nearly the same spots where they were burnt down. Even General Jolombo remained in his home. "We have confidence in the police

⁴⁰ Human Rights Watch interview with Pedro Z., Cazombo (Chipoya), November 2, 2004.

⁴¹ Human Rights Watch interview with Augusto K., Cazombo (Chipoya), November 2, 2004. Nhakutolo Chilombo, the Paramount Soba of Moxico province, said that Soba White was drunk and confirmed that she stripped him of his authority to allocate land. Human Rights Watch interview, Cazombo, November 25, 2004.

⁴² Human Rights Watch interview with international official, Cazombo, November 24, 2004.

because they never did anything wrong to us. The authorities protected me," one victim said.⁴³

The UN investigated the incident and concluded that it was an isolated case of vigilantism directed against the return of General Jolombo.⁴⁴ This explanation may be true in Cazombo, which has remained peaceful since the incident, but does not explain similar cases of violence and vandalism occurring elsewhere in the country, particularly in Huambo and other areas where a large number of former UNITA combatants have returned. The provincial secretary for UNITA in Huambo described what happened to her when she, two UNITA members of parliament and a few other party officials tried to open an office in the village of Galanga (in the commune of Londuimbali) on June 9, 2004:

I met with the administrator of Londuimbali and with MPLA leaders there before we traveled to Galanga to tell them that we planned to visit the villages of Londuimbali. We did not plan to raise the UNITA flag in Galanga because we knew the people would not welcome it—we just wanted to have a conversation with the people. When we arrived in Galanga, a big crowd of maybe one hundred or 150 people arrived and threatened to kill us. We ducked inside the building where we planned to open our office and met with the local *soba*, administrator and clergy from the local church. We all agreed that Angola should have peace—the MPLA chopped up my father with a machete, but if we hold onto these bad memories, we won't make any progress. But when our delegation was left alone in the office, the crowd started throwing rocks and broke some windows. The administrator of Galanga and some police arrived to escort us out. When I left the building, I got hit by a rock on the head and one of the parliamentarians was injured on the jaw and shoulder.⁴⁵

⁴³ Human Rights Watch interview with Augusto K., Cazombo (Chipoya), November 2, 2004.

⁴⁴ Human Rights Watch interview with Philippe Lazzarini, Representative, OCHA/TCU, Luanda, November 10, 2004.

⁴⁵ Human Rights Watch interview with Alda Juliana Paulo Sachiambo, UNITA Provincial Secretary, Huambo city, November 29, 2004.

An Angolan NGO that has been working on conflict resolution in Galanga since this incident told Human Rights Watch that the MPLA secretary there urged former UNITA combatants to join the MPLA to avoid further conflict.⁴⁶

Similar events occurred in two villages in the municipality of Bailundo, Savimbi's refuge in the 1990s, when UNITA attempted to open party offices in July and September 2004.⁴⁷ The incidents follow a similar pattern: a mob of people who are never identified vandalize the UNITA office and sometimes burn down houses. The police interview victims but no one is arrested. UNITA party officials and several former combatants also told Human Rights Watch that some government officials pressure UNITA supporters and former soldiers to join the MPLA to avoid conflict and, if employed by the government, to advance in their careers.⁴⁸

Human Rights Watch found no evidence of government complicity in these violent episodes. But these incidents demonstrate that obstacles to reconciliation and reintegration remain, despite the provisions of the Luena MOU that gave amnesty to actors on both sides for all acts committed during the war.⁴⁹ In Huambo, the MPLA and UNITA have formed a joint commission to investigate these incidents. The local police and government at the provincial and national level should give this commission its full support to stem these incidents now, before the advent of elections in 2006 polarizes society even further.

The government of Angola recently appointed former Justice Minister Paolo Tjipilica as the new Justice Ombudsman, and has been consulting with the UN Human Rights Office on the creation of a national human rights commission. These could be promising developments for the national protection of the human rights. Unfortunately,

⁴⁶ Human Rights Watch interview with Martinho Tchissingui, Director of LONGA, Huambo city, November 29, 2004.

⁴⁷ In September 2004, an angry crowd destroyed six houses in Luvemba. Human Rights Watch interviews with Alda Juliana Paulo Sachiambo, UNITA Provincial Secretary, Huambo city, November 29, 2004, and Manuela Gonzalez, OCHA Field Representative, Huambo city, November 26, 2004. A similar event occurred in Hengue in July 2004. Human Rights Watch interviews with Martinho Tchissingui, Director of LONGA, Huambo city, November 29, 2004, and Manuela Gonzalez, OCHA Field Representative, Huambo city, November 26, 2004.

⁴⁸ Human Rights Watch interviews with Alda Juliana Paulo Sachiambo, UNITA Provincial Secretary, Huambo city, November 29, 2004. Two former UNITA combatants employed at the Ministry of Health in Chicala Cholohanga told Human Rights Watch that their supervisors promised them promotions if they signed an MPLA membership card. Interviews with Joaquim M. and Isac N., Chicala Cholohanga, November 30, 2004.

⁴⁹ In the spring of 2004, UNITA party Leader Isaias Samakuva met with Prime Minister Fernando Da Piedade Dias dos Santos after UNITA lodged official complaints of discrimination against former UNITA soldiers and acts of violence and intimidation against UNITA party activists. During their meeting, the Prime Minister reassured the UNITA leader that such incidents were spontaneous, localized and not part of any countrywide MPLA agenda. OCHA, Humanitarian Situation in Angola, Quarterly Analysis (April-June 2004).

the government failed to ensure the participation of members of Angolan civil society in the selection process for the Justice Ombudsman.⁵⁰ Any future human rights commission needs the support of civil society, a strong mandate and adequate resources to have the credibility and capacity necessary to be effective.

Landmine Danger

One would be hard-pressed to overstate the lethal threat posed by landmines and unexploded ordinance (UXO) in Angola today. At the end of the war, the international de-mining agency HALO Trust estimated that there were at least one million landmines in Angola, of some seventy-six different types manufactured in twenty-two countries.⁵¹ The government estimates there are 80,000 survivors of landmine accidents in Angola.⁵²

Landmines isolate communities from humanitarian assistance because aid organizations are unable to travel on many of the country's roads due to the mine danger, which worsens during the rainy season as the rains expose mines and cause them to shift. People are also unable to farm their land safely. Human Rights Watch researchers personally observed the landmine threat in Luau, where people are literally living in minefields. Children play within meters of areas marked as mined with red flags. One returnee explained a recent mine accident in her family:

My son lost half his leg in September. The problem is that people are hungry and they go for mangoes. Usually it is the children who go after the mangoes, but my son is twenty. The area was marked as mined but he was recently arrived and so hungry that he ignored the sign.⁵³

The international organization Mine Advisory Group (MAG) is the lead de-mining agency in Mexico. UNHCR asked MAG to assess the mine situation in the proposed location for the Luau refugee reception center, but MAG was unable to evaluate the refugees' final destinations before the organized repatriation program began. Consequently, the extent of the mine contamination in Luau only became apparent as people moved to their final destinations in and around Luau and encountered mines.

⁵⁰ IRIN News, "Angola: Appointment of New Justice Ombudsman Sparks Concern," January 26, 2005, available at

http://www.irinnews.org/report.asp?ReportID=45244&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

⁵¹ "HALO Trust in Angola," *Journal of Landmine Action*, issue no. 6.2 (August 2002).

⁵² Presentation by Angola, Standing Committee on Victim Assistance and Socio-Economic Reintegration, Geneva, February 10, 2004.

⁵³ Human Rights Watch interview with Feliza, Luau (Retornado), November 23, 2004.

"We suspected there would be problems, but not to the extent that there are in Luau," the MAG program officer told Human Rights Watch. In addition to manual mine clearance, MAG also conducts about thirty "spot tasks" a month to destroy UXO uncovered in Luau.⁵⁴

As pressure on available land in Luau increases with the return of more refugees, returnees are forced to choose between living on mined land near the Luau town center or moving farther from Luau and losing access to services (including health care and schools) and markets.⁵⁵ Some refugees decide to take the risk of living on or near mined land. At the national level, UN agencies recognized the dilemma facing returnees but expressed dismay that they would knowingly choose to settle in known mined areas.⁵⁶ A UNHCR official explained the conundrum facing the agency, which must respect returnees' right to choose their final destination yet prevent them from settling in unsafe areas: "We can't stop them—all we can do is provide them with the information. It's a very intentional choice."⁵⁷ But the decision to live amongst mines is not so hard to comprehend when the alternative is almost complete isolation. Landmines appear to pose somewhat less of a problem to returnees in the rural areas of Huambo province (possibly because national authorities have prioritized the densely populated central highlands for de-mining activities⁵⁸), although Human Rights Watch researchers observed extensive mined areas running alongside some of the major roads in Huambo.

Under the Norms, the government is responsible for ensuring that "all resettlement and return sites must be verified as free of mines," and the government must provide mine awareness training and conduct de-mining activities, working with partners and NGOs if necessary.⁵⁹

The government's de-mining efforts to date have been confined to military de-mining operations designed to clear strategic transport arteries, not prepare residential areas for resettlement. For now, the government's role is primarily coordination. The National

⁵⁴ Human Rights Watch interview with Greg Crowther, MAG Program Officer, Luanda, November 17, 2004.

⁵⁵ Human Rights Watch interviews with returnees in Luau, November 22-24; Acacio Julillo, UNHCR Field Officer, Luau, November 22, 2004; and Greg Crowther, MAG Program Officer, Luanda, November 17, 2004. A similar phenomenon has occurred in Lumbala N'Guimbo, the site of another reception center in Mexico that is even more isolated than Luau.

⁵⁶ Human Rights Watch interview with Philippe Lazzarini, OCHA/TCU Representative, Luanda, November 10, 2004.

⁵⁷ Human Rights Watch interview with Thomas Vargas, UNHCR Protection Officer, Luanda, November 12, 2004.

⁵⁸ Human Rights Watch interview with Thomas Vargas, UNHCR Protection Officer, Luanda, November 12, 2004.

⁵⁹ Article 4 (Security of Site), Council of Ministers Decree No. 1/01, January 5, 2001.

Inter-Sectoral Commission on De-mining and Humanitarian Assistance (*Comissão Nacional Intersectorial de Desminagem e Assistência Humanitária às vítimas de minas*, CNIDAH), which reports directly to the Council of Ministers, works to improve collaboration between the international community, the National Institute for De-mining (*Instituto Nacional de Desminagem*, INAD) and other relevant government institutions and ministries. INAD hopes to establish offices in ten of the most mine-affected provinces in the country and assist the Angolan Armed Forces (*Forças Armadas Angolanas*, FAA) in adopting humanitarian mine clearance standards, which are quite different from military standards.⁶⁰ CNIDAH has devised a national mine action plan to prioritize intervention based on the density of the population, number of minefields, number of mine victims, recorded incidents in 2003, and number of vulnerable people, especially those in transit, IDPs or returning refugees.⁶¹ Despite these planning and coordination efforts, however, the government's operational capacity in de-mining remains minimal, and ordinary Angolans continue to rely upon international de-mining agencies when they encounter mines.

According to its Voluntary Repatriation Handbook, UNHCR has the responsibility "from the very outset of repatriation planning, to obtain reliable information on areas seriously affected by the presence of land mines."⁶² The Global Consultations paper on Voluntary Repatriation recognizes that landmines are one of the most prevalent threats to physical safety in repatriation operations and that "de-mining and mine-awareness training programs are therefore essential."⁶³ Given the enormity of Angola's landmine problem, UNHCR cannot be expected to foresee every potentially mined area, but Human Rights Watch is concerned that UNHCR's limited monitoring capability may prevent the agency from getting sufficient information on mined areas as they are identified and sharing that information with returnees before they decide on their final destinations. Human Rights Watch is also concerned that UNHCR does not regularly include de-mining agencies in its coordination meetings with implementing partners, which means the agencies are not fully integrated into the repatriation planning process. At the same time, UNHCR has done very well in ensuring that refugees receive mine

⁶⁰ International Committee to Ban Landmines, *Landmine Monitor Report 2004: Toward a Mine-Free World* (November 18, 2004), available at <http://www.icbl.org/lm/2004/>, and Human Rights Watch interview with Greg Crowther, MAG Program Officer, Luanda, November 17, 2004.

⁶¹ Based on these criteria, CNIDAH has prioritized the provinces according to five levels of urgency, with "1" being the most urgent: Bié (Level 1); Cuando Cubango, Benguela and Malanje (Level 2); Kwanza Sul, Huambo, Moxico and Huila (Level 3); Bengo, Kwanza Norte, Uige, Zaire, Lunda Norte, Cunene and Lunda Sul (Level 4); and Cabinda, Namibe and Luanda (Level 5). See International Committee to Ban Landmines, *Landmine Monitor Report 2004: Toward a Mine-Free World* (November 18, 2004), available at <http://www.icbl.org/lm/2004/>.

⁶² Section 6.5 (Landmines), UNHCR Handbook, "Voluntary Repatriation: International Protection" (Geneva: March 1996).

⁶³ Global Consultations on International Protection, EC/GC/02/5, April 25, 2002.

risk education. All of the refugees interviewed at UNHCR reception centers told Human Rights Watch that they received mine risk education before leaving their country of asylum and also upon arriving at the reception center. De-mining agencies also travel to communities of return to give further mine risk education.

Need for International Protection Monitoring

The dangers posed by mines and incidents of violence against returnees and UNITA supporters illustrate the continued need for international monitoring of the reintegration process in Angola. Historically, OCHA has been active in monitoring protection issues in Angola, but OCHA is currently phasing out its activities and has drastically reduced its monitoring capacity.⁶⁴ OCHA continues to coordinate information sharing for protection purposes at the national level, and is building the capacity of the government's Technical Unit for Coordination of Humanitarian Assistance (*Unidade Técnica de Coordenação da Ajuda Humanitária*, UTCAH) to take over this coordination role.⁶⁵

Despite OCHA's involvement in monitoring and protection activities, UNHCR is the only international organization with the legal mandate to monitor the return and reintegration of refugees.⁶⁶ The Executive Committee of UNHCR elaborated on the organization's mandate to supervise the conditions for voluntary repatriation in the refugees' country of origin:

The High Commissioner should be recognized as having a legitimate concern for the consequences of return... The High Commissioner must be regarded as entitled to insist on his legitimate concern over the outcome of any return that he has assisted. Within the framework of close consultations with the State concerned, he should be given direct and unhindered access to returnees so that *he is in a position to monitor fulfillment of the amnesties, guarantees or assurances on the basis of which the refugees*

⁶⁴ Until recently, OCHA had a field presence in almost every province in the country. Currently, OCHA has three field representatives, each responsible for monitoring a vast section of the country. Manuela Gonzalez, the OCHA field representative for Huambo, Bie, Benguela and Kwaza Sul, told Human Rights Watch, "It's impossible to have an idea of protection issues in four provinces." Human Rights Watch interview, Huambo, November 26, 2004.

⁶⁵ The UN agencies and NGOs share information in human rights and protection working groups at the Luanda level. They also have working groups at the local and provincial level in many of the provinces, including Huambo and Moxico. The UN Human Rights Office in Angola is involved in government capacity building at the national level only, and has no monitoring or protection capacity. Human Rights Watch interviews with Vegard Bye, Chief of Office, UN Human Rights Office in Angola, Luanda, November 12, 2004, and Philippe Lazzarini, Representative, OCHA/TCU, Luanda, November 10, 2004.

⁶⁶ See section on the Voluntary Repatriation Program for a description of UNHCR's mandate.

*have returned. This should be considered as inherent in his mandate.*⁶⁷
(Emphasis added)

Cazombo is a good example of the impact UNHCR can have with an active monitoring and protection policy. In *Struggling Through Peace*, Human Rights Watch reported that border officials were harassing, abusing and extorting spontaneous returnees when they crossed the border from Zambia into Angola. Since the time the report was written, UNHCR in Cazombo has been building a close working relationship with the local FAA commander, holding frequent coordination meetings and providing human rights training for soldiers, including border guards. UNHCR also intervenes on the spot when it receives reports of abuses. UNHCR now reports that when border officials encounter spontaneous returnees crossing into Angola from Zambia, they contact UNHCR and arrange to have the returnees picked up and transported to the Cazombo reception center.⁶⁸

Unfortunately, funding constraints have forced UNHCR to cut its protection staffing. As a UNHCR protection officer in Luanda told Human Rights Watch:

I am very concerned about our ability to monitor returns as we wind down the organized return phase and move into reintegration. If we don't have the money and we've brought back all these people, how are we expected to help them stay?⁶⁹

There is now a single protection officer monitoring returns in all of Moxico and Kuando Kubango—two vast and often inaccessible provinces. The UNHCR field officer in Cazombo lamented the loss of a protection officer who was able to interview returnees and monitor their progress closely.⁷⁰ The UNHCR field officer in Luau echoed his colleague's regret over losing a dedicated protection officer: "Protection is our main thing. You can't be UNHCR without having a protection officer."⁷¹

⁶⁷ UNHCR Executive Committee Conclusion No. 40 (Voluntary Repatriation), October 18, 1995, available at <http://www.unhcr.ch>. This is reiterated in paragraph q of Executive Committee Conclusion 101 (LV) of 2004.

⁶⁸ Human Rights Watch interview with Francis Olabode Olayiwola, UNHCR Field Officer, Cazombo, November 24, 2004.

⁶⁹ Human Rights Watch interview with Thomas Vargas, UNHCR Protection Officer, Luanda, November 12, 2004.

⁷⁰ Human Rights Watch interview with Francis Olabode Olayiwola, UNHCR Field Officer, Cazombo, November 24, 2004.

⁷¹ Human Rights Watch interview with Acacio Julião, UNHCR Field Officer, Luau, November 22, 2004.

In some cases, UNHCR has turned to their implementing partners (NGOs funded directly by UNHCR) for assistance in conducting protection activities. In Uíge and Moxico, for example, the Center for Common Ground (CCG) facilitates conflict management and human rights workshops for security forces and leadership workshops for women. CCG also trains local people, called Social Promoters, in conflict resolution techniques and encourages them to monitor returns and share information on protection problems as they arise.⁷²

Human Rights Watch welcomes these efforts to train Angolans to resolve their own conflicts and open dialogue with government officials, because ultimately, a durable solution rests on citizens having the tools to protect themselves. At the same time, the efforts of NGOs and local citizens are no substitute for active monitoring and intervention by UNHCR in cases of abuse during this delicate transition phase.

UNHCR is also responsible for monitoring the conditions to which refugees are returning. According to UNHCR's Handbook for Repatriation and Reintegration Activities, the agency should ensure that basic needs are met during an initial period of reintegration and beyond, including an assessment of access to health care, education and other public services.⁷³ In Angola, however, UNHCR's resources appear to be focused almost exclusively on organizing and implementing the voluntary repatriation process, with very few resources left over for protection and human rights monitoring, let alone monitoring the material conditions of return.

The Responsibility to Assist Returnees

"I am too old and gnarled to plant. I will try to work the land, but it will be hard."

— Maria I., 54, widow and grandmother, Luau, November 22, 2004.

Most of the major postwar population movement in Angola is now complete. Except for an estimated 53,000 Angolan refugees living in camps in bordering countries, almost all Angolans displaced during the war appear to have found permanent homes. Since the end of 2004, the government and the UN have determined that there are no longer any Angolans who remain internally displaced, because those who have not returned to their places of origin have chosen to remain in their areas of resettlement permanently,

⁷² Center for Common Ground in Angola, *Proposal to UNHCR: Returnee Protection to Advance National Recovery and Reconstruction in Angola*, October 2004.

⁷³ UNHCR, *Handbook for Repatriation and Reintegration Activities* (Geneva: May 2004), available at <http://www.unhcr.ch>.

often due to greater financial opportunities in urban centers.⁷⁴ Human Rights Watch did not interview anyone whose personal experience contradicted this assessment.

Aside from investigating the voluntary repatriation of refugees, Human Rights Watch focused its investigation on the lives of all returnees—including those who had been internally displaced, refugees and former combatants—when they resettle in their final destinations. These returnees share most of the same problems when they come home, particularly the lack of such basic social services as health care and education, and pervasive unemployment. The country's shattered infrastructure and massive mine contamination have isolated many returnee communities and put pressure on desirable land near towns where social services and non-agricultural jobs are concentrated. Some groups, such as the disabled, elderly and female-headed households, are especially vulnerable to this lack of social assistance. Demobilized soldiers are still waiting for the vocational training promised to them in the Luena MOU.

Food Assistance

Recent cutbacks to food distribution have rendered the reintegration of recent returnees and their transition to productive agricultural cultivation more difficult. The original 2004 plan of the World Food Programme (WFP) for food assistance involved distributing two months' rations at the reception centers and then registering returnees for food aid for two growing seasons when they returned to their final destinations. This assistance was intended to give returnees time to cultivate their land, which generally requires at least two growing seasons (about one year) to produce enough food to feed a family. Reduced international funding to WFP, however, has forced it to cut cereal rations by 50 percent since 2004, limit food assistance to only one growing season and reduce the school feeding program that assists thousands of children when they return to their communities.⁷⁵ In addition, an Angolan law banning the import and use of genetically modified foods has recently come into effect, which has caused the WFP to worry that donor contributions will be reduced even further.⁷⁶

⁷⁴ Philippe Lazzarini, OCHA/TCU, Representative, Luanda, November 10, 2004. Human Rights Watch has determined that approximately 20,000 Angolans remain displaced in Cabinda due to fighting there between separatist forces and the government. For a description of the human rights situation in Cabinda, see Human Rights Watch, *Angola: Between War and Peace in Cabinda* (New York: December 2004).

⁷⁵ According to a recent WFP situation report, "the Protracted Relief and Recovery Operation continues to be severely under-funded. There has been a precipitous drop in contributions from major donors since the start of 2004 compared to previous years. The Project still needs about USD \$77 million to complete through the end of 2005, even with reduced beneficiary levels and a much smaller school-feeding program than had initially been envisaged." WFP-Angola Situation Report No. 20/04, October 2004.

⁷⁶ IRIN News, "Angola: GM food ban comes into effect, sparks WFP concern," January 25, 2005, available at http://www.irinnews.org/report.asp?ReportID=45217&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

To be fair, diminishing demand as well as supply has led the WFP to decrease the number of beneficiaries, thanks to decreased vulnerability and improved food production.⁷⁷ This means that only the people most vulnerable to food insecurity, such as the most recent returnees (who have had the least time to cultivate their land), the elderly, the disabled and female-headed households, are still receiving food assistance, and they consequently bear the brunt of funding cutbacks. In December 2004, the UN Food and Agriculture Organization (FAO) estimated that 717,000 returnees and other vulnerable people still needed food assistance notwithstanding the improved harvests in 2004.⁷⁸

The highest proportion of food-insecure people is located in Huambo, Bié and parts of Huíla provinces in the central highlands, and in Moxico and Cuando Cubango in the southeast. Most of these regions are heavily populated by returnees affiliated with UNITA. In the central highlands, unusually severe rains and winds in 2004 caused extensive crop damage, and 75 percent of the communities in the region reported smaller harvests than in the previous year. In Moxico and Cuando Cubango, remoteness is the main obstacle to food security, and access to these isolated areas becomes considerably more difficult or even impossible during the rainy season, which corresponds to the period of greatest food shortages in Angola. Indeed, 110,000 people—65 percent of them food-insecure—were inaccessible to the humanitarian community during most of the 2004 rainy season.⁷⁹ The central highlands and Moxico are major areas of return for refugees, former IDPs and ex-combatants, who constitute a large proportion of the food-insecure population. Unfortunately, donors are also cutting funds to WFP's air service, which is sometimes the only way to access some isolated communities. Communities without airstrips or roads to larger communities are completely stranded.

Human Rights Watch interviewed a number of representatives from donor countries who revealed their unwillingness or reluctance to continue funding food aid, which they

⁷⁷ The organization's initial assistance target for the latter half of 2004 was 1.49 million people, which was reduced to 1.1 million after a vulnerability assessment showed a decline in the number of food insecure people compared to 2003. World Food Program, Information Note on Angola Protracted Relief and Recovery Operation 10054.2 (Rome: October 11-14, 2004).

⁷⁸ Food and Agriculture Organization, Food Supply Situation and Crop Prospects in Sub-Saharan Africa, No. 3, December 2004.

⁷⁹ World Food Program, Information Note on Angola Protracted Relief and Recovery Operation 10054.2 (Rome: October 11-14, 2004). A humanitarian worker in Lumbala N'Guimbo, the site of a reception center, said she feared the repatriation process was creating an "island" because the town is accessible only by air, which makes aid delivery to the returnees' final destinations very difficult and impossible during the rainy season. Human Rights Watch interview with NGO officer, Luanda, November 18, 2004.

perceive to be unsustainable.⁸⁰ Donors are also frustrated by the government of Angola's inability—or perceived unwillingness⁸¹—to feed its own people despite earning windfall oil revenues in 2004 from rocketing oil prices.⁸² As one donor embassy official told Human Rights Watch, “The days of the free rations off the back of the truck are over.”⁸³

Poor nutrition for returnees today will have long-term repercussions for their prospects for reintegration. The 50 percent cereal rations have caused families who have resettled but not completed at least one agricultural cycle to devote an important part of their time to the immediate search for food instead of preparing for the coming year's harvest, which exposes them to continued food insecurity in the future.⁸⁴ Inadequate nutrition also leaves people more vulnerable to debilitating diseases, such as tuberculosis and HIV/AIDS. In the province of Malanje, for example, the central hospital identified thirty-three new cases of tuberculosis between August and October 2004, which the Ministry of Health associated with the lack of food and HIV/AIDS infections.⁸⁵

Access to Land

For returnees to rural areas, long-term food security depends on access to land for cultivation. The Norms require the government to ensure access to safe and suitable land and work with local communities and NGOs to identify and distribute agricultural land with secure access to the nearest market and sufficient space to construct dwellings.⁸⁶ In reality, returnees acquire land through different methods, depending on location and community traditions. In Moxico province, families generally return to their areas of origin and approach the local *soba* to request a parcel of land.⁸⁷ Because

⁸⁰ Human Rights Watch interview with Nicole Maes, Second Secretary, Dutch Embassy, Luanda, November 12, 2004.

⁸¹ In December 2004, the government of Angola finally agreed to release \$4 million of the \$7 million it had promised to contribute for WFP operations in 2004-2005. IRIN News, “Angola: Government releases \$4 million for food aid operations,” December 17, 2004, available at <http://www.irinnews.org/report.asp?ReportID=44594>.

⁸² One donor representative expressed consternation that a country with Angola's wealth in natural resources was still asking for money to purchase such basic items as seeds and tools. Human Rights Watch interview with donor official, Luanda, November 17, 2004.

⁸³ Human Rights Watch interview with donor embassy official, Luanda, November 19, 2004.

⁸⁴ World Food Program, Information Note on Angola Protracted Relief and Recovery Operation 10054.2 (Rome: October 11-14, 2004).

⁸⁵ WFP-Angola Situation Report No. 20/04, October 2004.

⁸⁶ Article 3 (Identification of Land), Council of Ministers Decree No. 1/01, adopted January 5, 2001. See also Article 14 (Identification and Allocation of Land), Council of Ministers Decree No. 79/02 (Regulation for the Application of the Norms on the Resettlement of Displaced Populations), December 6, 2002.

⁸⁷ Human Rights Watch interviews with recently returned refugees and IDPs, Luau and Cazombo, November 22-25, 2004.

only three percent of the population has documentation of land ownership, rights to land are guaranteed by the oral testimony of witnesses, including the *soba*, who can attest to land rights of particular individuals or families in cases of conflict.⁸⁸ The local administration recognizes the traditional authority of the *soba* to allocate land.⁸⁹

In Huambo, where Human Rights Watch found no community land under the control of the *soba*, returnees rely on their families for access to land.⁹⁰ In many areas of the country, including Huambo, whole villages were abandoned during the war and consequently the entire local population is comprised of people who have recently returned to their places of origin. As a result, most of the people interviewed by Human Rights Watch were able to return to their family's land with minimal or no conflict among neighbors.⁹¹ Many returnees, however, lack sufficient land for farming. The average former combatant, for example, has acquired about 0.7 hectare of land, but most families generally require at least two hectares for subsistence farming.⁹² Adequate and secure land tenure is crucial to the reintegration of former combatants. As a donor government representative involved in the disarmament, demobilization and reintegration (DDR) process told Human Rights Watch, "Unless ex-combatants have the real land title, they won't really be integrated. As soon as they have access to land, they feel included in civil life and society."⁹³ In addition to these challenges, families are able to cultivate only a fraction of the land they occupy because they lack animal traction, such as oxen, to clear overgrown land and work larger areas.⁹⁴

⁸⁸ Development Workshop, *Land and Reintegration of Ex-combatants in Huambo Province in Postwar Angola*, draft research report presented to World Bank Angola Demobilization and Reintegration Project and Foreign Affairs Canada-Human Security Program (Luanda: May 2004).

⁸⁹ Human Rights Watch interview with Nhakatolo Chilombo, Paramount Soba of Moxico province, Cazombo, November 25, 2004.

⁹⁰ Human Rights Watch interviews with recently returned refugees, IDPs and former combatants in Huambo province, November 26-30, 2004; Human Rights Watch interviews with Helder Marcelino, ADRA-Angola (Association for Rural Development and the Environment) and Cupi Baptista, Vozes de Paz (Voices of Peace), Huambo city, November 26, 2004.

⁹¹ Human Rights Watch interview with Helder Marcelino, ADRA (Association for Rural Development and the Environment), Huambo city, November 26, 2004, and Human Rights Watch interview with Allan Cain, Director of Development Workshop, Luanda, November 15, 2004.

⁹² Human Rights Watch interview with Allan Cain, Director of Development Workshop, Luanda, November 15, 2004. A recent survey found that the higher the quantity of land to which ex-combatants have access, the more likely they are to feel reintegrated into civilian life. World Bank Angola Country Office, "Brief Overview – From Soldiers to Citizens: A study of the social, economic and political reintegration of UNITA ex-combatants in post-war Angola," October 11, 2004.

⁹³ Human Rights Watch interview with representative of governmental development agency, Luanda, November 17, 2004.

⁹⁴ Human Rights Watch interviews with recently returned refugees, IDPs and former combatants in Huambo province, November 26-30, 2004; Development Workshop, *Land and Reintegration of Ex-combatants in Huambo Province in Postwar Angola*, draft research report presented to World Bank Angola Demobilization and Reintegration Project and Foreign Affairs Canada-Human Security Program (Luanda: May 2004).

Although disputes among families are rare, Huambo province has been the site of clashes between would-be commercial operators and local communities. The predominant form of officially recognized land ownership in the central highlands, known as the “breadbasket of Angola,” is based on the colonial-era concession system, comprised largely of *fazendas* (large agricultural estates or plantations). Because nearly all returnees lack formal title to the land they occupy, the rise of former and new *fazendas* threatens to displace people who have been cultivating this land since the war.⁹⁵ In a small village on the outskirts of Caála, for example, the local authorities permitted a Brazilian coffee producer to take over several thousand hectares for cultivation, without consulting the local community. When the company arrived in March 2004, it demarcated an area encroaching upon land occupied by local residents. A group of local men confronted the Brazilians with arms and machetes, but a local NGO, ADRA-Angola, intervened to mediate the dispute, and the local farmers’ association took the case to court with the help of Mãos Livres, an Angolan legal assistance NGO. The coffee producer has abandoned its plans in the village while the case goes through the court system.⁹⁶

The virtual absence of any provincial justice system, however, makes recourse to the courts difficult for most communities. There is a risk that similar land conflicts could increase if the government passes a new land bill, currently under consideration by the National Assembly. The proposed Land Law would give the government authority to appropriate land from families and individuals who do not have formal title—in other words, the vast majority of Angolans, including almost all returnees. The law would give Angolans one year to regularize their papers and acquire official title to the land they occupy, an unrealistic timetable in a country with a shattered legal system, no accurate or updated land registry and poor access to information among rural citizens.⁹⁷ The lack of safe roads and public transport makes it difficult for impoverished farmers to travel to provincial centers to lodge their land claims.

Unless the new law includes provisions to protect the rights of informal and traditional landholders—or at least guarantee community consultation in developing land use plans—social conflict could occur between residents and elites, such as military officers

⁹⁵ Human Rights Watch interview with Allan Cain, Director of Development Workshop, Luanda, November 15, 2004, and Development Workshop, *Land and Reintegration of Ex-combatants in Huambo Province in Postwar Angola*, draft research report presented to World Bank Angola Demobilization and Reintegration Project and Foreign Affairs Canada-Human Security Program (Luanda: May 2004).

⁹⁶ Human Rights Watch interview with Helder Marcelino, ADRA (Association for Rural Development and the Environment), Huambo city, November 26, 2004, and Development Workshop Update, “The new land law—will it protect rural communities?” (Luanda: May-July 2004).

⁹⁷ IRIN, “Angola: Parliament to Vote on Crucial Land Bill,” August 9, 2004.

and government officials, who are given title to large concessions regardless of whether the land is already occupied. New land legislation should also be accompanied by institutional changes to give residents recourse in cases of land appropriation, and by a public education campaign to inform citizens of the consequences of the new land law and to teach them how to protect their rights.⁹⁸

Special Needs of Vulnerable Groups

In Article 2 of the Norms, the government of Angola tasked its provincial administrations with “giving particular attention to the most vulnerable (widows, children, elderly, disabled) that may require special assistance.” In addition, ExCom Conclusion 101 (LV) of 2004 recommends that “in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees—including women, children, older people and other persons with special concerns—in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process.”⁹⁹ Yet Human Rights Watch found no evidence of any government assistance to these vulnerable persons when they reach their final destinations. Instead, they rely upon the support of their families and neighbors in communities where resources are already stretched thin, and on international NGOs that are in the process of closing their operations in many areas of return.

Female-headed households and women living alone face special problems in accessing and cultivating land. Although Human Rights Watch interviewed women heads of family who cultivated their own land,¹⁰⁰ in some communities, tradition does not allow women to own land, despite the fact that Angolan law permits it. Unless women have enough children to help them farm, subsistence agriculture without substantial inputs, including fertilizer and oxen, is nearly impossible.¹⁰¹ One widow who recently returned from DRC with her young grandson after his mother died of AIDS felt anxious about

⁹⁸ Development Workshop, *Terra Firme* (research report) (Luanda: October 2003).

⁹⁹ ExCom Conclusion 101 (LV) of 2004, para. (p).

¹⁰⁰ Human Rights Watch interview with Angela T., Caála municipality, Huambo province, November 27, 2004. Angela T., forty-four, returned to her village in 2001 after three years of internal displacement. Three of her eight children assist her in farming the family's two hectares, which were very difficult to clear after having lain fallow for three years. World Vision provided her fertilizer through a micro-credit program, which significantly improved her crop yield. “The food goes up and down, but it's generally enough. It would be more stable if we had more fertilizer,” she told Human Rights Watch.

¹⁰¹ Development Workshop, *Land and Reintegration of Ex-combatants in Huambo Province in Postwar Angola*, draft research report presented to World Bank Angola Demobilization and Reintegration Project and Foreign Affairs Canada-Human Security Program (Luanda: May 2004).

her ability to feed herself and the boy. "I am too old and gnarled to plant," she told Human Rights Watch. "I will try to work the land, but it will be hard."¹⁰²

Another elderly widow told Human Rights Watch that she relies upon the *soba* of her village for food and assistance. She returned from DRC to Luau in October 2004, hoping to reunite with her family. "I expected to meet my family here when I returned, and I thought they would take care of me—I didn't know that they had all died," she said. The *soba* offered her land to cultivate, but because of the distance and the lack of anyone to help her farm it, she relies on food assistance provided by the *soba*, who encourages members of the community to share extra food with her and other "vulnerables," as they are known.

Some international NGOs help the elderly, disabled and female-headed households construct houses when they return home, and provide micro-credit and other forms of agricultural support. The NGOs register these individuals when they arrive in the reception centers and help to arrange for de-mining if necessary. But their assistance is not permanent, and there is no social safety net to catch their beneficiaries when they leave. In November and December 2004, for example, Save the Children-US closed its operations in Cazombo and Luau. One Save the Children representative told Human Rights Watch, "I don't think anyone will keep helping the vulnerable people when we leave. But these people will survive somehow."¹⁰³

The government's responsibility to assist is not limited to vulnerable groups. The *Regulamento* gives the government detailed responsibilities for providing social assistance and rehabilitating infrastructure. For example, the provincial administration must build or rehabilitate health posts for any resettlement sites with a population of more than 5,000, or provide mobile medical assistance for locations with smaller populations. The government must provide returnees with access to potable water, with at least one water pump for every 600 people, and also rehabilitate schools and guarantee that children are able to attend schools without paying fees or being required to purchase uniforms.¹⁰⁴ Moreover, the Norms and *Regulamento* mandate continuous monitoring and reassessment of the return process, with a focus on such indicators as the birth registration database and the issuance of identification cards; the functioning of health, education, and water

¹⁰² Human Rights Watch interview with Maria I., 54, Luau reception center, November 22, 2004.

¹⁰³ Human Rights Watch interview with Domingo Luis Antonio, Operating Officer, Save the Children-US, Luau, November 24, 2004. In 2004, Save the Children registered more than 5,000 individuals for assistance at the Luau Reception Center, and 2,550 in 2003.

¹⁰⁴ Article 16 (Rehabilitation of Infrastructure), Article 17 (Water and Sanitation) and Article 18 (Social Assistance), Council of Ministers Decree No. 79/02, December 6, 2002.

and sanitation services; the identification and allocation of agricultural land; and food assistance.¹⁰⁵

Reintegration of Former UNITA Combatants

The Luena MOU anticipated the disarmament, demobilization and reintegration (DDR) of 50,000 UNITA troops,¹⁰⁶ although the actual scope of the demobilization far surpassed initial estimates—approximately 100,000 UNITA troops and more than 280,000 dependents eventually passed through the quartering areas.¹⁰⁷ The government also agreed to demobilize 33,000 FAA troops, a process that has yet to be completed. In the Luena MOU, the government committed itself to reintegrating former UNITA combatants into civilian life:

The Government ... with UNITA participation and with the assistance of the international community, shall proceed with the reintegration of the demobilized personnel into civil society, within a program of vocational reintegration. The vocational reinsertion of the demobilized personnel of the ex-UNITA military forces includes ... the professional training of the personnel of the ex-UNITA military forces, to prepare them for the national labor market, through a program of special and urgent social reintegration.¹⁰⁸

More than two years later, this critical phase of the reintegration process has only just begun on a large scale, in the form of the World Bank-financed Angolan Demobilization

¹⁰⁵ Article 2 (Competences of Provincial Governments), Council of Ministers Decree No. 1/01, January 5, 2001, and Article 20 (Assessment), Council of Ministers Decree No. 79/02, December 6, 2002.

¹⁰⁶ Annex I (Document Relating to the Quartering of UNITA Military Forces), Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues Under the Lusaka Protocol, Luena, April 4, 2002.

¹⁰⁷ National Commission for the Social and Productive Reintegration of the Demobilized and Displaced (*Comissão Nacional para a Reintegração Social e Produtiva dos Desmobilizados e Deslocados*, CNRSPDD) and Institute for the Socio-Professional Reintegration of Ex-Combatants (*Instituto de Reintegração Sócio-Profissional dos Ex-Militares*, IRSEM), *Implementation Manual of the General Demobilization and Reintegration Program* (Luanda: January 2004). For a discussion of the difficulties encountered in the quartering process, see *Struggling Through Peace: Return and Resettlement in Angola*, pp. 21-26 (New York: Human Rights Watch, August 2003).

¹⁰⁸ Chapter II(E) (Demobilization of the personnel of the UNITA military forces and the extinction of the UNITA military forces), Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues Under the Lusaka Protocol, Luena, April 4, 2002. In the Luena MOU, the government of Angola agreed to provide demobilized soldiers with demobilization and identity cards, five months' salary, \$100 for travel expenses and resettlement kits. Human Rights Watch found that government compliance with these obligations varied widely. Some resettled former soldiers reported received all of these benefits, some received none, and others received only partial benefits. Human Rights Watch interviews with former soldiers in Huambo province, November 27-30, 2004.

and Reintegration Program (ADRP), which is part of the Multi-Country Demobilization and Reintegration Program (MDRP) in effect since 2002. The World Bank is funding the ADRP to the tune of U.S. \$33 million and the government of Angola administers the program through the Institute for the Socio-Professional Reintegration of Ex-Combatants (*Instituto de Reintegração Sócio-Profissional dos Ex-Militares*, IRSEM). According to government figures, approximately 25,000 former UNITA combatants were involved in IRSEM-ADRP projects by the end of 2004, and an additional 10,000 were expected to participate by March 2005.¹⁰⁹ These projects include agricultural support, community works projects, vocational training and the promotion of income-generating activities.¹¹⁰ Yet IRSEM's capacity at the national, local and provincial levels is still limited. The United Nations Development Programme has provided technical assistance to IRSEM, which is also accepting bids from potential partner organizations in the implementation of the ADRP.¹¹¹

The majority of former soldiers interviewed by Human Rights Watch had not received any form of vocational training or agricultural assistance beyond the seeds and tools distributed in the quartering areas in 2002.¹¹² One group of former UNITA combatants in Chicala Cholohanga (also known as Vila Nova), still devastated from street-to-street fighting in the final stages of the war, explained the frustration they felt in trying to start new lives as civilians. They reported that of the approximately 3,000 former soldiers living in Chicala Cholohanga, more than half had not received any assistance – not even the five months' salary and \$100 reintegration allowance they should have received in the quartering area, let alone vocational training:¹¹³

When we were in the quartering area, we were led to believe that conditions would be different, that we would receive professional

¹⁰⁹ Human Rights Watch interview with Jose Pinotes, Advisor to IRSEM, Luanda, November 19, 2004. The Food and Agriculture Organization (FAO) also distributed approximately 45,000 seed kits in 2004, and UNDP has provided capacity-building to IRSEM and implemented a few economic reintegration projects. Human Rights Watch interviews with representatives of FAO and UNDP, Luanda, November 5, 2004.

¹¹⁰ World Bank, *Angola Demobilization and Reintegration Program – Technical Annex*, March 7, 2003.

¹¹¹ Human Rights Watch interview with UNDP official, Luanda, November 5, 2004.

¹¹² According to UNITA estimates, only 500 of approximately 24,000 former combatants in Huambo province are receiving vocational training. Human Rights Watch interview with Aida Juliana Paulo Sachiamba, UNITA Provincial Secretary, Huambo city, November 29, 2004. Although Human Rights Watch's interviews with former combatants were focused on Huambo and Moxico provinces, international agencies expressed concern that ex-combatants in urban areas were also being neglected. Human Rights Watch interviews with UNDP and FAO, Luanda, November 5, 2004.

¹¹³ Human Rights Watch interview with group of former UNITA combatants, Chicala Cholohanga, Huambo province, November 30, 2004.

training. But actually, the government has not lived up to its promises.¹¹⁴

Another former UNITA soldier described his hopes for the future:

During the war, many of us lost our ability to go to school. We would like academic training. We are farmers and would like to work on the land, but we lack the right conditions – we need a plow, fertilizer, and oxen. We could also become carpenters, masons, electricians and painters, even drivers. We just want to take care of our families and give our children a better life.¹¹⁵

In addition to creating this sense of frustration among former soldiers, delays in the implementation of the ADRP may have increased the risk of conflict between former combatants and their neighbors. Selectively assisting former combatants may foster resentment among people who feel unfairly “left out” of the program. Former combatants must also cling to their military identities to be entitled to benefits, further hindering their social and psychological reintegration. The World Bank acknowledged these risks in planning the ADRP, and is emphasizing community-based programs to enable former combatants to work with their neighbors on projects benefiting the entire community, such as the construction of schools, health posts, small roads, bridges and water supply and sanitation systems.¹¹⁶ As well as assisting the ex-combatants, the World Bank has stated that it hopes such projects will promote reconciliation. Angola, of course, is a place where hopes have been too often dashed. The World Bank, IRSEM and its partner organization must be vigilant to potential conflicts, including the risk of political manipulation of aid to ex-UNITA soldiers and associates, by ensuring adequate monitoring of ADRP implementation.

¹¹⁴ Human Rights Watch interview with Lino Z., Chicala Chohohanga, Huambo province, November 30, 2004.

¹¹⁵ Human Rights Watch interview with Antonio C., Chicala Chohohanga, Huambo province, November 30, 2004. In October 2004, the World Bank sent a delegation to Angola to study the progress being made in implementing the ADRP. The head of the delegation, Sean Bradley, acknowledged that much work remained to be done, but emphasized the logistical difficulties of working in postwar Angola: “In a war-torn country or in a post-conflict setting, you do not just snap your fingers and have assistance programs, vocational training, agricultural support or micro-credit up and going in regions that were until recently inaccessible.” IRIN News, “Angola: More needs to be done for reintegration of former soldiers,” October 29, 2004.

¹¹⁶ World Bank, *Angola Demobilization and Reintegration Program – Technical Annex*, para. 21, 91, 92, March 7, 2003 (“Economic reintegration assistance should seek to link ex-combatants with broader, community-based economic recovery and rehabilitation efforts, and should seek to avoid actions that would be perceived as privileging ex-combatants in comparison with other war-affected populations.”)

In *Struggling Through Peace: Return and Resettlement in Angola*, Human Rights Watch expressed concern that the DDR process excluded women, including the wives and widows of former UNITA combatants, women abandoned by UNITA combatants, and women and girls abducted during the war and forced to join UNITA forces as "wives," porters or in other support functions.¹¹⁷ These women are still suffering the social and psychological effects of the war. One government official told Human Rights Watch of his fear of stigmatizing underage ex-combatants and women and girls who were exploited during the war. He described plans to work with child protection NGOs to provide trauma counseling and life skills training to rehabilitate and reintegrate women and girls who were raped and sexually abused during the war.¹¹⁸

Human Rights Watch also reported on the exclusion of underage ex-combatants during the demobilization process in *Forgotten Fighters: Child Soldiers in Angola* (2003). The ADRP attempts to address these problems by mandating that each reintegration project include a "social component" to assist women, children and the disabled, either directly or through community-based projects. In Caála, for example, the ADRP is funding a business training and micro-finance project for 400 widows and female ex-combatants.¹¹⁹

The World Bank and IRSEM plan to work with a number of NGOs, including Christian Children's Fund, Save the Children-UK and church groups, in assisting these vulnerable groups in the reintegration of former underage combatants by providing family tracing and reunification services, trauma counseling and psychosocial care, educational and recreational activities, and vocational training for children over 15 years of age.¹²⁰ UNICEF also has played a leading role in family tracing and reunification efforts since the Luena MOU, which established tracing centers in UNITA quartering areas. Because the ADRP is still in its initial stages, Human Rights Watch was unable to observe the activities targeting women, children and the disabled, but welcomes the acknowledgment of the need to include them in the reintegration process. Now the government and international community must guarantee that the recognition of these challenges translates into action.

¹¹⁷ See *Struggling Through Peace: Return and Resettlement in Angola*, pp. 23-25 (New York: Human Rights Watch, August 2003).

¹¹⁸ Human Rights Watch interview with high-ranking government official, Luanda, November 18, 2004.

¹¹⁹ Human Rights Watch interview with Jose Pinotes, Advisor to IRSEM, Luanda, November 19, 2004.

¹²⁰ World Bank, *Angola Demobilization and Reintegration Program – Technical Annex*, para. 112, March 7, 2003.

Transition from Emergency to Development Assistance

Angola is facing a challenge common to postwar societies—the transition from emergency and humanitarian aid to longer-term development assistance from the international community. OCHA has been designated the Transitional Coordination Unit and coordinates with UNDP in an effort to avoid an abrupt and premature cut-off of humanitarian assistance, as well as build the capacity of national institutions to coordinate assistance activities.

International donors, however, have yet to develop a mechanism to ensure a smooth transition period. The European Community Humanitarian Office (ECHO), for example, will soon close its office in Angola and has cut most of its humanitarian funding, which generally goes to food assistance, health care and other immediate needs. But Angola continues to suffer a “structural emergency” regarding infrastructure and social services.¹²¹ Even with adequate financial resources—which have not been forthcoming from the government—the human resources are not yet in place to guarantee adequate health care, education and other services.

The government’s financial practices only exacerbate this problem by delaying the advent of development and reconstruction funding, which is generally required on a greater scale than humanitarian aid. Donors are understandably reluctant to finance large infrastructure and long-term development projects for a government that is already earning massive oil revenues with notoriously poor standards of accountability and transparency.¹²² They fear development projects will become slush funds for government and financial elites. In interviews with Human Rights Watch, several donors and NGOs cited the example of other African countries, which devote a larger portion of their national income to social spending despite possessing far fewer resources and even more external debt.

One of the first steps in formulating a long-term development strategy is adopting a Poverty Reduction Strategy Paper (PRSP), which the World Bank must approve before making loans available for development activities.¹²³ In a heartening show of public

¹²¹ Human Rights Watch interview with Philippe Lazzarini, Representative, OCHA/TCU, Luanda, November 10, 2004.

¹²² For a comprehensive analysis of the Angolan government’s gross mismanagement of oil revenues and poor record of social spending, see *Some Transparency, No Accountability: The Use of Oil Revenue in Angola and Its Impact on Human Rights* (New York: Human Rights Watch, January 2004).

¹²³ The 2004 Consolidated Appeal for Transition was the last UN funding appeal to address humanitarian needs. The UN agencies have drafted a UN Development Assistance Framework and a humanitarian strategy for 2005, but these are planning documents intended to set priorities and suggest responses, not seek international funds.

participation, local NGOs held workshops in several provinces to draft recommendations for the PRSP. The government, unfortunately, ignored their efforts and submitted a PRSP without the input of civil society. The World Bank's Board of Directors has not yet approved the PRSP.¹²⁴

President Dos Santos recently rejected the International Monetary Fund's demands for progress in macroeconomic stability, transparency and monitoring of public expenditures. In a speech to the MPLA, the president accused the IMF of placing unreasonable conditions on holding a donors' conference and vowed that Angola would rely on other sources of cash—including "bilateral cooperation and national and foreign private investment"—to fund national reconstruction.¹²⁵ Indeed, the Angolan government is already using a \$2 billion oil-backed credit line from China to fund high-profile public works projects.¹²⁶ Critics fear that this loan and similar forms of bilateral assistance tied to Angola's oil resources will enable the government to escape scrutiny and much-needed economic reforms, resulting in continued corruption and the grossly inadequate allocation of resources to sustainable social spending.¹²⁷ Unless the government provides more funds to meet its responsibilities in the reintegration process, returnees and their fellow citizens will be caught in the emergency-to-development gap and see their standard of living deteriorate as international humanitarian assistance dries up.

Conclusion

This is a period of great hope in Angola. As they cross the border into Angola, bumping along ruined roads in crowded trucks, refugees often sing songs of celebration, thrilled to finally be coming home. Men who have known nothing but years—even decades—of combat are content to be tilling the land and learning new trades. Families accustomed to fleeing violence and deprivation are eager to put down roots and look forward to sending their children off to school, not war.

The government of Angola and international community should not let this moment pass. By meeting its obligations to assist and protect returnees, the government will give

¹²⁴ Human Rights Watch interview with representative of the Forum for Non-Governmental Organizations in Angola (FONGA), Luanda, November 13, 2004.

¹²⁵ IRIN News, "Angola: Deciding to go it alone," February 18, 2005, available at http://www.irinnews.org/report.asp?ReportID=45652&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

¹²⁶ IRIN News, "Angola: Oil-backed loan will finance recovery projects," February 21, 2005, available at http://www.irinnews.org/report.asp?ReportID=45688&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

¹²⁷ IRIN News, "Angola: Oil-backed loan will finance recovery projects," February 21, 2005, available at http://www.irinnews.org/report.asp?ReportID=45688&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

this huge segment of the population an opportunity to rebuild their lives and lay the foundation for a peaceful and stable Angola. The international community must continue to press the government to spend its revenues for the benefit of its citizens, and maintain an adequate presence in Angola to ensure that the human rights of returnees are respected. It must also prevent Angolans from falling into the "emergency-to-development gap."

As the anticipated 2006 elections approach, Angola cannot afford to let some four million returnees sink from hope to despair. Failure to reintegrate former IDPs, returning refugees and ex-combatants will create resentment and grievance that could flare into crime and conflict within communities. The government has recognized its responsibilities to returnees by passing the Norms before the war even ended. Now is the time to fulfill those responsibilities.

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