



IMPROVING WOMEN'S ACCESS TO LAND IN EASTERN DRC: CHALLENGES AND EMERGING OPPORTUNITIES

LEARNING FROM EMERGING PRACTICES

SECURING LAND AND PROPERTY RIGHTS FOR ALL

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EXECUTIVE SUMMARY

A. TOR & METHODOLOGY


Access to land and natural resources is essential to social and economic development, providing housing, food and livelihood security. In eastern DRC, rural and indigenous populations exist in tenuous tenure security situations, and the reasons for conflicts over land are many and varied, ranging from natural resource exploitation to ethnic conflict to state weakness, just to name a few. Added to this mix is over two decades of armed conflict between a multitude of armed forces, which has caused massive waves of prolonged displacement, severely impacting women and children, many of whom are widows and orphans. However, long before these stressors, customary land practices had systematically discriminated against women, denying them control and security in the land that they work for their husbands and fathers. Despite recent efforts by the Congolese government to address this inequality, women continue to struggle to gain access and control to land, as awareness of rights and state enforcement power remains low.

UN Habitat has been working in the eastern DRC since 2009, and the purpose of this study is to help better understand and integrate gender issues into existing programming, and to guide future activities to improve and support women's access to land in the region. The study seeks to develop a baseline understanding of women's access to land, with particular focus on the barriers under customary and statutory regimes faced by women as daughters, wives, widows, displaced, and how they are coping with these conditions. Although there have been recent legislative efforts to remedy the situation, the gap between legislation and implementation remains large, and there is a need to examine the impediments to improvement. Women

often suffer disproportionately during conflict, and the DRC is no exception; women are symbolic targets in war, they lose their husbands and the little claim to land and security they possess, they are denied the right to go home, and can be stripped of what remaining possessions they have solely because they are women. Gender neutral programs are not enough to overcome the barriers that culture, history and war have created, and there is a need to develop targeted actions that can help rebalance the scales.

Despite these bleak conditions, there are signs of hope, and this study also seeks to understand how women are coping with the resources they have and a determination for change. Women are starting to speak out, and are demanding information and education and the right to claim what is theirs. Their actions are coinciding with increasing recognition by development organizations of the importance of the gender aspect of development and the systematic discrimination that women continue to face. Practitioners are realizing that supporting women's access to land both empowers women and achieves larger developmental goals, because as women become stronger and more self-sufficient, they are using these additional resources to care for their children and families, and improve the future of the country. A final aim of this research was to find these success stories and examine how they can be better supported to spread their message of change and demand for a better and more inclusive future.

Methodology: Information for this report was gathered through a combination of desk study of existing literature and field work, which was conducted between 7-22 May 2014. Due to time constraints, only four areas were targeted to allow a more in-depth examination of the dynamics and practices around women's access to



land, as these areas are representative of many other parts of the provinces. The four sites spanned three provinces: Kitchanga and Masisi Centre in North Kivu, Mahagi in Province Orientale, Ituri, and Minova in South Kivu. Visits to nearby villages were also made where time allowed. Sites were selected that could provide a cross-section of viewpoints on women's access to land, and that had some penetration by UN Habitat and its partners to examine the impact of their activities. The fieldwork included approximately 23 focus group discussions with men, women, youth, civil society, displaced persons in camps, and customary leaders; please note, all names of people whose stories are included in this report have been changed to protect their privacy. An additional 7 interviews were held with targeted UN Habitat partners and government officials.

Where this study references information reported, it is important to understand that this is how the speaker perceived the situation; it was impossible to verify everything that was shared with the study team. Both in recognition of this challenge and to obtain a cross-section of various viewpoints and experiences on women's access to land, discussions were held with people of various education and engagement levels – i.e., persons engaged in civil society activism, those who had participated in awareness raising trainings, people from the community who have not had such exposure and represent more base-level perspectives, etc. Unsurprisingly, there were conflicting accounts from different groups of people, indicating that much closer attention must be paid to actual realities on the ground, and more time spent on examining the impact of laws, policies, and other interventions.

B. SUMMARY OF RECOMMENDATIONS

1. IMPROVING WOMEN'S POSITION IN THE CUSTOMARY SYSTEM

Mediation: Helping women negotiate for better conditions in customary systems. Mediation has been a successful mechanism and space for women to negotiate for better positions regarding access to land in customary settings. Mediators must also ensure that they make specific efforts to talk with women involved with conflicts (which may entail private conversations without male members of the family), and also talk through how the conflict and any possible outcomes will impact the women involved. Where tenure documents are obtained as part of a mediation compromise, mediators must ensure that they are jointly issued, and not simply to the head of household. Particularly in larger, community level conflicts, it is important that mediators not lose sight of the way women experience this conflict, and to use the access provided opportunity to educate the larger audience on women's rights, to speak with the women themselves about their problems, and to work together to improve the situation. Finally, mediating institutions should study the common types of land conflict cases that women experience and develop specific trainings and activities in response. Some examples could be creating support groups for widows to fend off neighbors or family who try to take their land, or groups for daughters to plan and advocate for their inheritance rights.

Linking women and customary leaders: combine efforts of women and customary leaders. With the amount of control and influence that customary leaders have, it is both important and effective to work with them to support women's access to land. Empowering

EXECUTIVE SUMMARY

Continued

women to approach and build links with customary leaders can create positive change for women that overcomes major social obstacles. Evidence suggests that several customary leaders are seeking to improve women's access to land, and more involvement of women themselves in such initiatives can provide a substantial boost to these efforts; i.e., combine the efforts of chiefs and women to promote civil registration of marriage, facilitate a consistent process for women to obtain customary tenure documents. Additionally, outside actors like UN Habitat should develop synergies between their programs with customary leaders and women to create forums where the two parties come together to discuss relevant issues, such as bringing women to meetings of the Committee des Sages.

Facilitating return and access to land for displaced women. Projects that provided access to land for cultivation for women in displacement had noticeably positive effects, and should be continued and replicated. However, significant gaps were observed regarding assistance for displaced women who wanted to return home but were unable to do so, due to obstacles such as male relatives or members in the community claiming their lands, or a lack of knowledge about the status of the space they lived in before displacement. UN Habitat and its partners in the Land Coalition Group span significant geographical ranges and can create networks and referral pathways to obtain and share information about different areas. Additionally,

of customary tenure protection that are available to women, such as testaments or documents like an acte de cession, women interviewed during the study typically had low levels of awareness of these mechanisms, and even those that did know about them were not certain how to access them. Trainings can help raise awareness of their existence, but direct assistance in the form of lawyers, paralegals or other advisors familiar with these processes are also needed to overcome practical obstacles, like gaining access to customary authorities. Other activities could include: facilitating sessions that explain the utility of a written testament; working with families to ensure that in the case of oral testaments, women are included as living witnesses to verify the wishes of the testator; and/or ensuring that parents show children the location and boundaries of land they will inherit.

2. IMPROVE WOMEN'S ABILITY TO ACCESS STATUTORY PROTECTION

Continue awareness raising activities with more focused goals and targeting methods. Workshops, trainings and other awareness and sensitizing activities must continue, but need more emphasis on how those who have been trained can use that knowledge to help others. Combined groups of men, women and youth should be created to speak to all demographics, and to send the message that supporting women's land rights is not for the sole benefit of women, and that

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