

“The Woman is a Tractor”: Marginalised women’s inadequate access to land in South Kivu | Summary Report



Introduction

"The woman is seen only as a producer or a worker for the family. The whole weight of the family hangs over her, because she works more than the man... the woman is a tractor"

Kiliba woman FGD participant

Women for Women International (WfWI) works with the most marginalised women in conflict-affected countries to help them move from poverty and isolation to self-sufficiency and empowerment with support, resources and knowledge. Since 1993, we have worked with almost 420,000 marginalised women across 8 conflict-affected countries.

The heart of our work is an intensive, year-long programme. This core programme includes modules designed to support key indicators of empowerment and well-being: women earn and save money, improve health and well-being, influence decisions in their homes and communities, and connect to networks for support. Integrating lessons and applying newly acquired income generating skills, women begin a journey to create sustainable changes for themselves, their families, and communities.

In 2004, WfWI began working in DRC and we have since served more than 80,000 women in the area. Operating in both North and South Kivu, the main Country Office is located in Bukavu and sub-offices in Uvira and Goma. The majority of women develop their agribusiness skills, whilst others choose soap-making, brick-making or bread-making as their vocational tracks.

The women we work with in eastern DRC are survivors of a conflict that has raged for two decades and who have borne the brunt of the violence and persistent levels of poverty. At enrolment, on average, WfWI participants in eastern DRC earn \$0.53 a day, are responsible for 5 children, 65% are illiterate and only 33% report having attended primary school.

As a result of our support, we have seen some inspiring and sustainable changes in the lives of our graduates:

- Women's average daily income more than tripled to \$1.87 2 years after graduation, compared to \$0.53 at enrolment;
- Almost all (93%) women graduates report practicing good nutrition 2 years after graduation, compared to only 6% at enrolment;
- All women graduates report being involved in community activities 2 years after graduation compared to only 11% at enrolment;
- 2 years after graduation, 85% of women participants report educating another women on her rights, compared to 3% at enrolment;
- 25% of women graduates report running for a leadership position 2 years after graduation compared to none at enrolment.



While these indicators are promising, we recognise that there is much work to be done to address the structural barriers and challenges confronting women as they strive to earn an income and sustain a life with dignity.

It is here that our focus on land emerges. Land is of critical importance to women's livelihoods yet the structural discrimination and legal challenges women confront when trying to work land more effectively becomes clear when examined through the lens of access to land, rights and ownership.

According to the UNDP, women represent 43% of agricultural workers, but only 20% of land owners globally. UN Women estimates that 19% of women own legal titles to land globally, but only 9% in conflict and post-conflict countries. In the DRC, women are among the principal agricultural producers accounting for as much as 50% of the agricultural sector and 75% of production of the subsistence economy (FAO). They also contribute significantly to the formal and informal forestry sectors. Despite women's crucial role in agriculture, rural development and food security, they are consistently discriminated against both in accessing land and control thereof. Improving women farmer's productivity is not only crucial to support their ability to earn an income and support

themselves and their families financially, but also to provide household food from the harvest.

WfWI-DRC identified that, despite the progress women made as a result of our trainings, access to land remained a significant barrier to women participants and graduates. Noting a gap in the existing evidence base and with the support of the UK Department for International Development, WfWI therefore commissioned research to learn more about how and why access to land is a barrier, including how women have successfully overcome these challenges. Women's access to and ownership of land is a key factor to the long-term success of agriculture on which the DRC is largely economically dependent.

This paper summarises the key findings from the research. It begins with a brief summary of the wider issue of land in eastern DRC (by way of background), before summarising the key findings that highlight the multiple and interconnected challenges that marginalised women face in accessing land effectively. We believe that this research sheds an important light on the reality for women in South Kivu in trying to provide for themselves and their families as well as situating the issue of land access within a much broader spectrum of gender inequality throughout all areas and levels in the DRC.

Methodology

The research was conducted in three sites: Bukavu, Kalehe (Kalehe) and Kiliba (Uvira). Kalehe and Kiliba were chosen due to similarities in issues around land including the shortage of arable land, land grabbing, conflicts over land, returning refugees, and the presence of armed militias. Together, Kalehe and Kiliba display great ethnic diversity. By selecting a site in the north of South Kivu (Kalehe) and one in the south of South Kivu (Kiliba), the findings were intended to be strengthened by comparing the two data sets.

A qualitative methodology was used to guide data collection with 160 research participants in South Kivu in June 2014. The research involved focus group discussions involving WfWI participants, graduates and men and women not associated with WfWI. It also used 50 in-depth one-to-one interviews with key informants (e.g. farmers, teachers, officials, NGO

personnel, specifically those working on land issues and the promotion of women's rights, customary authorities, religious authorities and community leaders). 10 of the 50 interviews were conducted in Bukavu with key stakeholders including officials from the Congolese provincial ministry of agriculture and civil society groups working on human rights or land issues in South Kivu.

This research was strengthened by desk-based research conducted by New Perimeters into legal protections for women's access to land in eastern DRC, which looked at international, regional and domestic protections and also reviewed other research in the area.

This paper summarises the findings of the research. The full report is available (in English and French) online:

http://www.womenforwomen.org.uk/sites/default/files/WfWI_DRC_Research_Report.pdf (English);

http://www.womenforwomen.org.uk/sites/default/files/WFWI_RDC_recherche_rapport.pdf (French)

Background

The DRC is home to more than 67 million people, 50.3% of whom are women and girls. According to the World Bank, over 70% of the population lives under the national poverty line, the average life expectancy is 50 years and c. 61% of adults are literate. 65% of people in the DRC live in rural areas and the vast majority of farmers are poor and live in rural or semi-rural areas with limited financial autonomy. A tenth of the population is food-insecure. Agriculture supports two-thirds of the DRC's population, with the majority being subsistence farming which means, in reality, that households are dependent on directly working the land for both food and income.

In eastern DRC (the provinces of Orientale, North Kivu, South Kivu, Maniema and Katanga) repeated wars have undermined the foundations of what was already a fragile land governance system. The land issue has become one of the fundamental points of conflict, as well as one of the structural factors of instability. The return of refugees to their home can exacerbate the tensions around land, as the research found in Kalehe where the arrival of Tutsi refugees from Rwanda intensified the conflicts between local communities and facilitated the mobilisation of ethnic armed militia.

The connection between power, identity and land has been exacerbated by factors including the shortage of arable land in areas where there is strong demographic pressure; the overlapping of legal frameworks; the weakness of written land law; increased competition for the control of land between local elites and the resulting concentration of land in the hands of a minority; competition between indigenous and migrant communities; and the expansion of artisanal and small-scale mining.

These connections are particularly relevant for communities in South Kivu where the research found that people relied more on customary law than formal laws. The multitude of overlapping and confusing formal and informal laws has led to a double

customary and statutory land system which means that there is no clear land policy or transparent regulatory mechanism for access to land. This lack of coherence makes rural populations, in particular women, vulnerable as they have little to no access to formal mechanisms for justice.

For Congolese women, land plays a crucial role in providing both income and food security. Rural women are among the principal agricultural producers in the DRC and they also contribute significantly to the formal and informal forestry sectors. Despite women's crucial role in agriculture, rural development and food security, they are consistently discriminated against both in accessing land and control thereof.

Gender inequality in the DRC:

- Women in the DRC face a 1 in 30 lifetime chance of dying in child birth (UN)
- Women's gross national income per capita is 22% less than men (\$390 USD for women, \$499 USD for men). The DRC is ranked number 186/187 countries on the UNDP Human Development Index and ranks 134/147 on the international Gender Development Index.
- According to a USAID 2008 survey, 71% of Congolese women have suffered from spousal or partner abuse at some point in time, whether physical, emotional, or sexual, with levels of 86% in some regions.
- Women make up 60% of illiterate adults in the DRC.
- 9% of Congolese parliamentarians are women.

1. Formal women's land rights protections are inaccessible and ineffective for marginalised women in eastern DRC

The rights of marginalised women, as with all rights, should be formally protected by the DRC government through laws and policies. Whilst some protections do exist, they are either contradicted by other discriminatory laws (such as the *Code de la Famille*) or are ineffective due to poor resourcing and implementation. Ultimately, the laws made in Kinshasa afford virtually no protection for marginalised women in eastern DRC.

The DRC government has made several international commitments that should safeguard women's land rights including ratifying the Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Declaration and Platform for Action which both commit to gender parity for property rights. In addition, the DRC has endorsed three main regional mechanisms that provide similar safeguards: the Additional Protocol to the African Charter on Human and Peoples' Rights on women's rights in Africa (Maputo Protocol); the Solemn Declaration on Gender Equality in Africa; and the Southern African Development Community's Protocol on Gender and Development which requires states to revise and amend laws and policies regulating women's access to production resources and their control thereof, and to put an end to any discrimination against women and girls, including their rights to own and occupy land, by 2015.

Under national legislation, Article 12 of the DRC Constitution establishes equality of rights for all, irrespective of gender. In Article 14, it is stipulated that the public authorities will ensure the elimination of any form of discrimination against women and will protect women's rights in civil, political, economic, social and cultural areas. These rights also include the rights to private property and to work. Article 14 includes another important provision that guarantees the implementation of male-female parity in institutions. The rights guaranteed by the Constitution are intended to be implemented through a series of specific laws, in particular, the *Code de la Famille* (the Family Code), the *Code Foncier* (Land Code), the *Code du Travail* (Labour Code), the *Code Pénal* (Penal Code) and the *Loi Électorale* (Elections Law).

However, both discriminatory and contradictory provisions against women exist in Congolese legislation. For example, Article 444 of the *Code de la Famille* stipulates that the husband is the head of the family, that he must protect his wife, and that the wife must obey her husband. It further stipulates that a wife must obtain the permission of her husband to buy land or property, to be a party to legal proceedings or to open a bank account.

Whilst the *Code de la Famille* grants the same inheritance rights to children of both genders, and to those born in and out of wedlock or adopted, these provisions are restrictive because they only apply to the children of married women. They do not apply to the children of single mothers or to children from polygamous marriages who do not have any protection.

Furthermore, whilst the Constitution affords parity between men and women for access to private property, it does so 'in pursuant to the law or custom' (Article 34). In practice, this means that the Constitution is secondary to customary law which prevents women from acquiring land through both inheritance and purchasing.

The DRC government has also introduced several policies intended to guarantee women's rights and access to land. The Ministry of Gender, Family and Children is responsible for promoting women's rights and has developed a National Gender Policy, a National Strategy Against Gender-Based Sexual Violence and a National Plan for the Implementation of Resolution 1325. The National Gender Policy highlights women's access to land as one of the main challenges to women's empowerment in rural environments. The Policy is, furthermore, complimented by a strategic plan which advocates for a gender review of legislation. For years, the review and updating of the *Code de la Famille* was among the Ministry's objectives and the bill amending and supplementing the *Code de la Famille* has now been introduced to parliament.

However, women in the study reported that, overall, the Ministry has failed to have a real impact on their lives and they attributed this mainly to a lack of resources being allocated. For example, the gender focal points established in the ministries have neither the appropriate financial resources nor the technical expertise to work effectively. Additionally, in South Kivu, some stakeholders interviewed reported that government policies are drafted using a top-down approach, which limits their enforcement and appropriation at a provincial level.



2. Customary laws and practice prohibit women from accessing land effectively

Customary laws are deferred to by communities in eastern DRC much more so than the formal or national protections. This not only marginalises women farmers from the national protections that do exist but further discriminates against them due to the attitudes and social norms that underpin customary laws. These norms both prohibit women from owning land and the predominant forms of renting land: Kalinzi (a feudal-like system). Women, under these norms, are also silenced from having a voice in decision-making due to gender roles as well as in seeking justice as they are not allowed to speak in front of male-dominated mediation fora.

The research found that few people in the areas studied deferred to the mechanisms that do exist to support formal land legislation and policies. The registration process for land titles, for example, was reported as being too long, too complicated and too expensive. It involves numerous trips to urban centres where the land authority's offices are located and, in most cases, the payment of bribes, on account of corruption. Customary chiefs from Kalehe reported that, in their chiefdoms, only 20% of households have official land titles and, in general, these are large landowners or educated individuals with the means to acquire such titles. The vast majority of poor small-scale farmers only possess mere "bills of sale" that do not secure their rights of ownership.

Customary chiefs have ceased allocating land on a permanent basis. Instead, Kalinzi has become the system of choice with Chiefs selling land to the highest bidder, developing it themselves, or granting temporary contracts to farmers (IFDP *Problématique foncière dans la chefferie de Kabaré ainsi que dans la zone urbano-rurale de Kasha* 2012). Kalinzi is a traditional practice that was, originally, a land royalty that farmers had to pay to local customary chiefs in order to access land. This royalty was paid either in kind (goats or part of the harvest) or in cash according to the surface areas of the land and the quality of the soil. It creates relations of power and dependency, between the customary chief and the recipient, enabling the customary authority to protect its social standing and to keep the farmer in a dominant/dominated relationship (Mugangu Mataboro, S., *La crise foncière à l'Est de la RDC* 2008).

Within the context of reliance on customary law for land rights and access, people also tend to rely on traditional avenues for justice. The research found that women were vulnerable to land conflicts which tended to be interpersonal and non-violent e.g. concerning border disputes, trespassing livestock or thefts of crops. Women reported mainly settling these conflicts through informal mediation mechanisms which are managed by customary chiefs and are generally dominated by men. Due to women's subordinate status within these customs, they cannot appear before the forum alone, because "women do not speak in front of men" (interview, Kiliba) and continue to be dependent on their husband or other male family member to access mediation.

Women are very poorly represented at every level of decision-making in eastern DRC and this lack of participation is particularly felt at a community level. In Kiliba, there are only two women chefs d'avenue (local regional chiefs) and one woman among the fifteen chiefs of groupements in Kalehe. There are no women among the 24 customary chiefs of chiefdoms in South Kivu. The research did find reports of a very limited number of women playing an important role in customary land governance among group and village chiefs. The research further found that women in the areas studied are prohibited from sitting on village councils and the traditional land conflict resolution organisations. This is in contradiction to the DRC National Action Plan on Women, Peace and Security which commits to the involvement of women in all conflict resolution and peace creation processes.

Research conducted by Action pour la Paix et la Concorde (2012) on discriminatory customary practices against women in Kalehe territory also revealed that one of the arguments put forward by certain customary chiefs to justify the exclusion of women, is that they do not know anything about customary law or cultural questions so would consequently not be qualified to participate in debates regarding customary provisions. provisions (Buuma, D., Maliyaseme, S., Bikulongabo, R., Mudinga, E., *Les femmes n'héritent pas ici: Hériter et accéder à la terre: droit des uns, faveur des autres?* 2013).



Photo: Millie Harvey

3. Marginalised women are excluded from making decisions about land, harvest and income and face discrimination in the limited available options to lease land

With the lack of protections afforded by both customary and formal laws, women are only able to access land through limited ways which are usually dependent on a male family member. These mechanisms do nothing to enable women to make real decisions about the land that they work and continue to prevent them from meeting their needs by using the land (and income from harvest) more effectively. Women carry a double burden of being responsible for both fields and households, yet they are silenced around its use and benefitting from the resulting income.

Under customary laws, women are unable to access land through Kalinzi because of its connection between men within households and Chiefs. Instead, the majority of women in South Kivu cultivate land which is obtained by their husbands through Kalinzi. For women who access land in this manner, they are entirely dependent on their husbands who make the majority of the financial decisions around both land and harvest.

The study highlighted that women in the areas studied have relatively significant power of decision over the use of land, in that it is generally they who decide when tending begins, on which type of products to cultivate, the sowing period, the tending and the harvest. However, this power is extremely limited when it comes to the sale of production as men tend to control this aspect. The women farmers who participated in the focus group in Kalehe reported that their husbands decide on the terms of sale, the quantity of products to sell, the sale price and the distribution of income generated from the sale within the household. The most commercially profitable crops, such as cassava, are sold directly by men, who leave the women to sell products of a lower market value, such as beans, peanuts, sweet potato or soya.

The research further found that women, occupying roles as both producers and reproducers, are responsible for cultivation, harvesting and transporting and selling products. Transportation is a particular challenge for women in South Kivu due to the poor conditions of the road and their limited financial means – women are therefore confined to nearby, usually smaller, markets. Women cultivate the fields until the middle of the afternoon, before returning home to set about domestic tasks, which generally occupy them until late in the



evening. Men, on the other hand, tend to work the fields only in the morning and had afternoons for other activities. They tend not to cultivate the land, but perform the 'heavy tasks' such as clearing fields and preparing the soil.

"Most of the time, we have to sell our own products out there [in markets] and we have to eat our own produce"

Kalehe woman FGD participant

The majority of women respondents in Kalehe and Kiliba reported that they also had little say over harvest management within their households and are further expected to use their income to cover basic household needs. Women reported that it is nearly always their income (from the sale of the least financially profitable products) which are primarily allocated to satisfying the basic needs of the family. In Kalehe, women respondents allocate on average 30% of their income to their children's schooling, 37% to food, 13% to medical expenses, 13% to clothes, and 7% to social ceremonies. In Kiliba, women also allocate 30% of their income to school expenses, but only 30% to food, 5% to medical expenses and 15% to clothing and family ceremonies. It should be noted that women in Kiliba allocate 20% of their income to the preparation of the next agricultural campaign so that they can buy inputs and crop protection products and hire a male workforce to complete heavy clearing work and soil preparation.

In Kalehe, women reported that it was rare for men to allocate the financial resources that they obtain from the sale of cassava to family spending. Sometimes husbands use this money to marry another woman, causing conflict within the household.

"What sickens us the most is that, at harvest time, our husbands take ownership of our crops and often use them to meet [only] their own needs. Some men even marry other women using the income from these crops and at the expense of the whole family. They tell women that they did not come with fields at the wedding."

Kalehe woman FGD participant

"I have a husband who marries almost every year, we got married very young. I work in the fields from clearing through to harvest. I present [to him] my crops and the money from selling them. If I give him the money, he seeks another woman and it confuses us. Here polygamy is the project for men. For them, having many wives is a sign of wealth: 80% of men are polygamous, but even half of the remaining 20% are secretly polygamous"

Kiliba woman FGD participant

The research did find examples of women being able to access land outside of Kalinzi, these alternative mechanisms are: purchase (**Bugura**); inheritance (**Bwimet**) and temporary leasing of land (**Bwassa**).

Bugura: The acquisition of land by women is an extremely rare occurrence, given that neither customary law nor modern law fully facilitate women's access to landed property. Under modern law, through the *Code de la Famille*, a married woman may only buy land if she has obtained the permission of her husband beforehand. If the husband agrees, a "bill of sale" is issued but usually only in the husband's name (not the woman's). Even if a woman can obtain a "bill of sale", these documents are not recognised under customary law which does not operate on a written basis and fundamentally prohibits the purchasing of land by women. Whilst the research found some rare cases of women buying land, these women were from wealthy backgrounds – for marginalised women, buying land is simply not an option. Furthermore, the prohibition of buying land under customary law reflect existing social norms that consider women's land ownership a taboo. Consequently, some women, who have the means to buy land, abstain from doing so for fear of being stigmatised by men and even by other women within their communities.

"Women who try to circumvent customs [customary law] are often called 'women capable' and are frowned upon by their community"

Kiliba woman FGD participant

Bwimet: A small minority of women manage to obtain fields through inheritance. For example, a father may decide to give a plot of land to his daughter. However, customary rules regulate inheritance and afford priority to the male beneficiaries (i.e. women always inherit smaller and less fertile fields). In the areas studied, the size of plots inherited by women varied between 25m x 20m and 25m x 25m. In certain communities, land inherited by women is known as *Engoloka* (a non-productive, poor quality field). For example, in Rukangaga, Kiliba, women cannot inherit the most profitable types of land (such as banana plantations), yielding produce that constitutes the main sources of income. Only men can inherit them and women are only able to inherit fields of cassava and paddy fields. In addition, women who inherit are still denied full control because they are not entitled to sell it on. In most cases, the fields inherited by women do not have land titles and nothing is recorded as transactions are made verbally (albeit in the presence of witnesses). In this context, it is difficult for

women to obtain formal official land titles that would guarantee them real access to the land and control thereof. These are the same restrictions for widows who should have easier access to property as they do not have to go through their deceased husbands in order to obtain permission. Widows can only inherit from their husbands if the marriage was formally registered and, in the areas studied, many marriages are not registered due to the high cost of registration fees.

Bwassa: Under Bwassa, women are able to temporarily lease land. This is particularly common for rural women who are unable to produce enough from their (small) family fields to cover their family's needs. The lease is often exploitative as they are set at the whim of the plantation managers and at high rates, taking advantage of women's lack of options. In general, half a hectare of land is leased at a rate of \$100 USD per annum. In villages like Kabindi and Mulira, \$100 USD can only lease a plot of land measuring 30m x 40m for the year. In Munanira, Kalehe, a field measuring 50m x 25m is leased at \$50 USD, in addition to which, a case of beer (c. \$20 USD) may be required. This means that renting a field costs \$70 USD per annum. In areas where vast areas of land are occupied by concessions and there are a significant number of farmers without land (e.g. in coastal Kalehe and the highlands) these rental costs come with share farming contracts that include two days of 'voluntary work' for the concessionaire. Discussions with women in the focus groups revealed that these costs were far too high for them and landowners do not accept payments by instalment.

The research found that rights awareness raising initiatives by NGOs and churches have correlated with some positive development regarding cases of women being able to buy, sell or inherit land. In the communities studied, educated women were more likely to buy or inherit land. In Kalehe, in particular, women who have been able to buy land are more educated, supported by NGOs and have become community leaders (Interview with a Mwami representative, Kalehe). At a provincial level, in South Kivu, women who had been able to inherit land are more likely to be in more densely populated areas (such as the centre of the *groupement* or close to urban centres) where there is greater infrastructure (e.g. stronger roads) and access to services (e.g. schools). This proximity contributes to the opening up of these groups, placing them in contact with certain forms of modernity that influence their lives.



Photo: Millie Harvey

4. Marginalised women are further disadvantaged by being unable to access required resources for effective farming

For women farmers to be able to earn an adequate and sustainable income and feed their families, they not only require secure and safe access to appropriate land, they also need to be able to access the resources required to maximise production. The research found that women were not always able to meet the required costs to maintain and cultivate the land effectively. The study found that women were therefore only cultivating their fields once, even if their lease was longer and permitted multiple harvests. This resulted in decreased incomes and periods of hunger for them and their families.

In particular, there are three resources that women struggled to obtain that would enable more effective farming:

A) Credit:

Credit is an important option for supporting people living in poverty to make ends meet. Generally, however, access to credit in the agricultural sector in South Kivu is low as agri workers are considered too high a risk. In 2009, the percentage of credit granted to the agricultural sector by these institutions in South Kivu, was just 3% with most micro-credit institutions choosing to channel their credit into small businesses (International Alert, *Women as objects of socio-economic exploitation in the dynamic of wars in South Kivu*, 2009). Within this context, women farmers are considered an even higher risk and lack access to the capital or documents required to access credit.

“Access to credit is a problem here. Businesspeople obtain credit... credit is targeted at business, whereas the majority of the population works in agriculture. So you see, access [to credit] is difficult for the majority of people and, consequently, for women.”

Village Chief in Munanira

The women who we work with lack the financial capital to be able to access resources or training and have few options available to them to lend money. To compensate for the lack of credit, rural women often organise themselves into self-help, tontine or mutual assistance groups, under a traditional saving system known as *likirimba*. Other strategies adopted include working together in the fields of each member and organising the communal transport of products at harvest-time, in order to minimise the production costs.

B) Equipment:

The vast majority of women in the study reported having to cultivate land manually with a hoe. The small size of plots (less than one hectare) and the cost of more effective technology

are limiting factors. For example, hiring a tractor to work a field measuring 1 hectare, costs \$50 USD, plus \$40 USD for fuel oil. Female farmers therefore resort to a local male workforce for heavy clearing and weeding work. This workforce is generally used on a daily or one-off basis for specific agricultural tasks costing c. \$2.50 USD per day.

Other equipment such as quality seeds and crop protection products are unobtainable by the women in the study. Many female producers cannot afford quality seeds or cannot access the markets where they are sold and therefore continue to use poor quality seeds sold at low prices on rural markets. In rare cases, some women have access to improved seeds provided by certain development organisations. Soil fertilising products are also expensive (100 kg of fertiliser costs \$100 USD). The lack of crop protection products poses a serious problem due to the numerous diseases that attack plants and which have a disastrous impact on production and, consequently increase levels of economic and food insecurity. According to women in the Rukangaga focus group in Kiliba, cassava chips, which can weigh more than 10 kg, did not grow any bigger than the size of a root.

C) Knowledge:

Agricultural extension and development services are almost non-existent in the areas studied, yet these services are vitally important for the procurement of technical assistance and the extension of agricultural techniques. Some respondents complained about the lack of or inadequacy of agricultural cooperatives and agronomists in their communities. Local NGOs have provided ad hoc agricultural extension training which has enabled, for example, some women in Kalehe to complete training on product storage and seed conservation (training provided by the Alliance for Peace, Education and Development). All of these difficulties affect agricultural productivity and increase food insecurity and the study concluded that many rural households have difficulty having enough food to keep them going throughout the year. Local development associations and women's groups do community support work (e.g. tontines and community agricultural exploitation) but their limited resources mean that they cannot launch large-scale initiatives.

Female rice farmers in the village of Rukangaga (Kiliba) reported having to cover long distances to transport their harvests on their backs, firstly, from the field to the village, where they dry the rice in the sun. The village does not have the equipment to process the dried rice into flour so they then have to hire cycle rickshaws to transport it to a neighbouring village with a mill, located 5 km from Rukangaga. Hiring a cycle rickshaw costs \$3.5 USD. The distance of markets from the production sites and the high tax rates that have to be paid to sell products on the markets in the urban centres force the poorest farmers to sell off their production at a loss on-site, either through intermediaries or by selling it themselves at roadsides.

5. Land reform policy and practice in eastern DRC have lacked gender analysis and impact:

Through a combination of the desk-based literature review and key stakeholder interviews, the research also found that many of the formal (state) and informal (civil society) processes aimed at resolving land issues in eastern DRC were gender-blind (i.e. lacked a gender analysis). For example, the stabilisation and reconstruction strategies for eastern DRC, led by the Congolese government and the United Nations Organisation Stabilisation Mission in the DRC, do not clearly identify the gender dimensions around access to land or pathways for securing women's land rights. Recognition of women's rights is largely limited to the fifth pillar of the stabilisation plan about combatting sexual violence.

Local NGOs are the most active and innovative stakeholders in land issue interventions, both in South and North Kivu where land problems are acute. These interventions include mediation and reconciliation and activities generally fall under three categories:

A) Land governance:

Organisations such as Innovation et Formation pour le Développement et la Paix (IFDP) and Action Sociale et d'Organisation Paysanne (ASOP) are attempting to develop a decentralised land management model based on customary rules where customary chiefs issue "Customary Land Titles" (interviews with IFDP and ASOP). Another organisation, Action Pour La Promotion et la Défense des Personnes Défavorisées (APRODEPED), has proposed setting up customary land registers (Virculon, T., Liégeois, F., *Inventer une politique publique dans un Etat failli* 2012). There are similar initiatives in North Kivu, where the organisation Aide et Action pour la Paix (AAP) has called for the adoption of "rural land maps",

which is also a simplified land registry system. On the other hand, the Forum des Amis de la Terre (FAT) has devised a code of good conduct on land issues for customary chiefs (Virculon & Liégeois, 2012).

Interventions that seek to change customary land management systems have also had limited impact as customary chiefs have been known to undermine such programmes for fear that they will erode their power. Likewise, certain programmes of this type have led to the multiplication of land conflicts in some of the pilot areas, in particular, among members of the same family or between neighbours (Vlassenroot, K., *Dealing with land issues in conflict in eastern DRC*, 2013). It is also unclear to what extent these projects have considered women's needs and gender issues.

Although only concerned with South Kivu, the research did find that the Syndicat de Défense des Intérêts Paysans (SYDIP), in North Kivu, has had some success in efforts to formalise, codify and record land customs in writing. This codification, has allowed SYDIP to draft a contract for the exploitation of customary land and a code of good conduct for traditional chiefs on land management in North Kivu (Virculon & Liégeois, 2012). This code, which has been examined at a Provincial Assembly level, clearly stipulates the gender equality principle regarding access to land, resources and their control within a customary context:

"Any customary chief must refrain from and prohibit any discriminatory measures that prevent women from accessing natural resources and in particular land. He must therefore take steps to incentivise women's access to land."

(Article 22)



Photo: Millie Harvey

B) Political and legislative advocacy:

These interventions are focused on reforming legislations (such as the *Code Foncier*) as well as the raising awareness.

“...we don't know about these things, we [only] hear about them”
Kalehe, woman FGD participant

Awareness of legislation is very limited in the areas studied. In Kalehe, for example, only women who had had a minimum level of educations were aware of the Constitution and some other laws but were unfamiliar with their content. The *Code de la Famille* was reported as being better known than the Constitution (Focus group interview, Kalehe). Importantly, the research found that women were also unfamiliar with the content of customary law although they were, of course, well aware of the discriminatory traditional practices against them.

The impact of initiatives to reform both formal and informal land regulation have been limited. Few changes have been achieved in spite consistent, long-term efforts by women's rights organisations and the Congolese Ministry of Gender to reform discriminatory legislation against women (particularly the *Code de la Famille*) and the harmonisation of the different legal texts. Marking a significant step forward, the Congolese government introduced a bill to amend and modify the *Code de la Famille* in March 2014 which would, inter alia, abolish the marital permission Article. Whilst this bill has the potential to significantly change women's status within households, it is unlikely that the review would effectively challenge men's status as heads of the family. It would also fail to challenge the discriminatory customary norms that prevail over formal legislation in eastern DRC.

Several local NGOs have sought to increase efforts around women's rights through training, information and public awareness raising programmes. In Kiliba, for example, the Centre de Développement Intégré de l'Enfant Rural (CEDIER) disseminates information on women's land rights, the importance of registering marriages at the registry office, and divorce-related property distribution. Action pour la Paix et la Concorde (APC) and the Association des Femmes des Médias (AFEM) also offer training programmes and are actively involved in an advocacy programme for women's rights. The impact of these programmes are limited. In part, this is due to limited resources and reach but the study also indicated that there is a gap between awareness raising and achieving change that must be addressed:

“The evolution of women's land rights has not been remarkable here, no matter how much effort associations put into raising awareness about human rights.”
‘K.M.’, coordinator of a farmers' union association, Kiliba

C) Wider efforts to address discriminatory traditional practices:

APC, for example, has placed women's representation and participation as a foundation for local peace committees they have helped to establish. Several mediation and conciliation sessions conducted by the CMDs in Kalehe have been chaired by women or have seen women actively participate in them (Buuma et al 2013). Other local NGOs[‡] have been advocating for more equal representation of women in decision-making fora at every level as well as reforms of the *Code de la Famille* and the harmonisation of different legal texts concerning women's rights.

International NGOs are also active in supporting communities to challenge or change discriminatory social norms. In Kalehe, for example, the International Emergency and Development Aid (IEDA) runs several public awareness campaigns. Action Aid carried out research in North and South Kivu on women's access to land and its control in 2007, and has since been working with local organisations on these matters. The Agency for Cooperation and Research in Development (ACORD) concentrates on issues related to livelihoods, subsistence farming, food security and women's rights, particularly in the province of Bandundu.



Photo: Millie Harvey

[‡] At a provincial level in South Kivu, these organisations include Comité National Femme et Développement (CONAFED), Cause Commune, Cadre Permanent de Concertation de la Femme Congolaise (CAFCCO), Réseau des Femmes Africaines Ministres et Parlementaires de la République Démocratique du Congo (REFAMP/RDC), and Caucus des Femmes Congolaises Pour la Paix.

Recommendations

The key findings are all underpinned by pervasive discriminatory social norms that prevent women from being heard and enjoying their fundamental rights, including land rights. Ensuring women's free and equal access to land is, therefore, a crucial component of the wider struggle for gender equality in eastern DRC. In the rural communities studied, women continue to be perceived within their reproductive roles who give birth and are in charge of the financial, physical and moral welfare of the family. Their significant work in the agricultural sector is generally considered as an extension of their reproductive tasks and not as a productive, full-time job.

Based on the key findings from the research, Women for Women International makes the following recommendations:

- 1. An immediate and sustainable cessation of conflict in eastern DRC:** This research has not focused on the causes or drivers of the conflict but it is clear that many of the challenges faced by women in South Kivu are directly related to the ongoing conflict that has prevented recovery and development of infrastructures and services. The burdens caused by insecurity, conflict and poverty are overwhelmingly borne by women. WfWI calls on the DRC government, international and regional partners to ensure a sustainable peace with human rights, particularly women's rights.
- 2. The DRC government must make progress in effectively implementing women's rights protections:** Laws should be reviewed and discriminatory aspects removed. They should be effectively disseminated and supporting mechanisms should be adequately resourced. This will require support from the DRC's international partners and NGOs (local and international) to ensure that women are aware of their rights and that state officials and local leaders have the capacity to implement them effectively. Furthermore, a gender review of legislation is urgently needed to identify discriminatory or gaps in legislation. A stronger, more effective legal framework is not only an obligation of the DRC government but also a crucial first step in achieving progress in women's rights in the DRC.
- 3. Discriminatory norms and attitudes must be addressed:** Whilst rights education is an important element in improving women's ownership and access to land, it will always have a limited impact unless women can enjoy their rights in an enabling environment. Such an environment requires addressing discriminatory norms and attitudes (including customary laws). Since 2005 WfWI DRC has been running a men's engagement programme which seeks to train existing male leaders as gender equality champions in their communities by training other men on women's rights and gender equality. Challenging norms is a necessary step to breaking down the discriminatory attitudes that prevent women from freely and equally enjoying their rights. This requires working with all members of communities, including community leaders, and supporting communities to address inequality issues openly, as well as supporting local women's organisation who are at the forefront of this change.
- 4. Greater support for marginalised women to access adequate land and resources:** As a short-term step, WfWI encourages NGOs and development agencies working on related issues in eastern DRC to focus on supporting marginalised women who access land through existing measures. Support, for example, should be given to women accessing land through their husband (via *kalinzi*) or *bwassa* to ensure that their decisions are implemented and are protected from exploitation by land owners until a more sustainable solution is attained. Such support should be done to improve women's access to credit that would enable them to buy better equipment as well as increased trainings for marginalised women about how to exploit land more effectively. This should be done in coordination with more long-term efforts around legal and attitudinal changes.
- 5. Further research:** This study was limited to two communities in South Kivu and more research is required to fill the gap on gender analysis of land issues throughout eastern DRC and nationally, including exploration into what works to secure sustainable and effective access to land for women farmers and the family they support.

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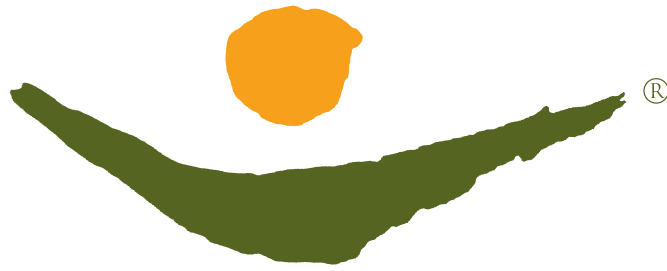
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T: +44 (0)20 7922 7765 E: supportuk@womenforwomen.org W: womenforwomen.org.uk

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