



Policy brief

November  
2017

# Unable to stay in place: Women's participation in land tenure and security in the Democratic Republic of Congo



*An armoured personnel carrier on patrol as part of a joint MONUSCO-FARDC operation. © United Nations / Sylvain Liecht.*

## Summary

The multiple security threats facing northeast Democratic Republic of Congo (DRC) are directly affecting land security, the impact of which is felt in unique and acute ways by women and other excluded groups in the area.

It is difficult to overestimate the significance of land in northeast DRC and its social, cultural, political and economic importance. Local communities associate land ownership with being an upstanding member of society and available to “people with good morality”. Community members across the area indicate that those without access to land struggle to participate in social and economic life to the same degree as those who have it, and political power is tied up in land.

Traditional economic and subsistence activities for both men and women in the area are agricultural in nature, relying on freedom of movement and the availability of land for fishing, farming and hunting purposes. Constricted land use has restrained the way of life of community members and their ability to survive. This is particularly so for women who have tenuous access to land and few opportunities to own land – a situation which has worsened due to conflict.

This policy brief examines the region’s current conflict dynamics and their relationship to land, insecurity and the impact on women. It is based on participatory research across Ituri, Bas-Uélé and Haut-Uélé provinces during August 2017.



## Background

The Lord's Resistance Army (LRA) has been operating in Bas-Uélé and Haut-Uélé provinces since 2007.<sup>1</sup> Their attacks on men, women and youth and use of fear tactics affect communities in the area both physically and psychologically. The porous border between DRC and South Sudan and Central African Republic (CAR) has facilitated the movement of criminal activity in and out of Garamba National Park. Trans-national movements of Mbororo cattle herders into the northeast are further eroding the ability for people to remain on their land. The limited reach of the Congolese National Police and the Armed Forces of the Democratic Republic of Congo (FARDC) due to incomplete infrastructure and underdevelopment has hindered responses and security provision. According to one security expert with the United Nations Organisation Stabilisation Mission in DR Congo (MONUSCO) the trajectory of events are "non-linear", the risks to the population being unpredictable and varying in nature.

Land and security issues are tightly linked, with land management systems operating in patriarchal ways that are evolving in the context of insecurity, and which in turn further hinders women's participation. The absence of women's voices on security and land issues at a community level means women's unique experiences are rarely taken into account in solutions to insecurity and land conflicts, and as a result responses fail to benefit from their perspectives, insights and participation.

## Key findings and recommendations

- 1. Responses to insecurity need to address macro- and micro-level conflicts in rural areas to help people remain on their land.** Increasing pressure on land availability is complicated by security dynamics which disproportionately affects rural populations and the ability of women to safely participate in economic activities. Localised disputes also contribute to high levels of migration from rural areas.
- 2. Land management systems need to go beyond traditional gender roles to increase women's meaningful participation in access to and the ownership of land.** Parallel formal and customary land management systems present barriers to women's economic, social and political empowerment.
- 3. Inclusive approaches to security are needed to maximise the effectiveness of protection of civilians and strengthen the role of women.** Increased attention to the insights and knowledge from community-based security structures, especially those featuring women's voices, would improve potential for security in hard to reach areas.

## Methodology

This policy brief examines the current conflict dynamics in northeast Democratic Republic of Congo (DRC) related to land and insecurity and their impact on women. The research has benefitted from the experience and learning of Conciliation Resources and partners working on LRA issues in DRC for over seven years. The research is nested within two years of recent engagement related to strengthening the role of youth and women's participation in peace and security efforts to further strengthen community resilience. Participatory research took place across Ituri, Bas-Uélé and Haut-Uélé provinces during August 2017 in 14 communities in Aru, Faradje, Dungu, Ango and Bondo territories. Research was undertaken by a team of 27 researchers (16 male and 11 female) primarily youth and local civil society staff from Haut-Uélé and Ituri province. Research activities included 76 focus group discussions with 667 participants (331 men and 336 women), and semi-structured interviews with 30 key informants (23 men and 7 women). Findings are also drawn from a May 2017 workshop on gender, reintegration and peacebuilding in northeastern DRC attended by 14 men and 10 women. Overall, the research activities reached 721 people in the area, consisting of 368 men and 353 women. The research team participated in analysis workshops in Dungu and Aru in order to identify key findings. Key informants included local civil society members, customary chiefs, religious leaders, local protection committees, South Sudanese refugees, IDPs, returned Congolese refugees, Congolese security actors, UN staff, MONUSCO staff among various other members of communities visited.

1. MONUSCO, UNHCR (December 2009). Summary of fact finding missions on alleged human rights violations committed by the Lord's Resistance Army (LRA) in the districts of Haut-Uélé and Bas-Uélé in Orientale province of the Democratic Republic of Congo. Special report, [www2.ohchr.org/SPdocs/Countries/LRAReport\\_December2009\\_E.pdf](http://www2.ohchr.org/SPdocs/Countries/LRAReport_December2009_E.pdf)

## Findings in detail

### 1. The need to address macro- and micro-level security in rural areas

Efforts to improve security in northeast DRC need to focus both on the presence of armed groups and local level disputes in order to increase land security in rural areas and prevent continued displacement. Land insecurity results from both the presence of armed groups and disputes at a community level. Community members indicate they would have increased ability to remain on rural land through: improved security responses to armed groups in remote areas, justice mechanisms promoting dialogue between parties, increased cooperation between agriculturalist and pastoralist groups and the creation and/or reliance on recognised land boundaries.

Among community members who participated in the research, there was widespread consensus that they are witnessing rising levels of insecurity in their communities, particularly in hard-to-reach rural areas and zones surrounding Garamba National Park. In this context, access to and ownership of land is increasingly difficult. The situation affects women disproportionately, as they do not have the financial means to migrate to safer and more expensive populated areas. Local disputes can be violent, prompting displacement and exposing women to increased sexual and gender-based violence, and men to physical violence and homicide. Community members cited cases of arson against entire homesteads. Furthermore, security incidents make it difficult for individuals to remain on their land and particularly limit the amount of available land for women to participate in economic activities. Men have traditionally acted as the head of the household and are expected to provide for their family. Young men face pressure to obtain land ownership before marriage; those who cannot inherit land face high land prices and lack of economic opportunity.

#### Macro-level security dynamics

Push and pull factors have drawn the LRA back recently into northeast DRC. Push factors include increasingly difficult environments for LRA operations in CAR due to armed group activity in the outlying areas of CAR<sup>2</sup> and what the UN has termed ethnic cleansing taking place in South Sudan<sup>3</sup> which makes LRA operations difficult and pushes them from

these areas. A pull factor has been the withdrawal of the African Union Regional Task Force for the elimination of the LRA (AU-RTF) from DRC, which has sent the signal that the area may be an easier one to continue operations. As one of the dominant security threats in the area, the LRA uses fear to terrorise communities and as a force multiplier in their operations.

Besides individuals who have been attacked and abducted, entire communities can face restrictions in their ability to conduct daily activities due to the deeply engrained anxieties of encountering the LRA, who travel primarily in outlying areas. Male youth in the area experience the risk of abduction to serve as porters to ease the movement of armed groups through forested areas, as well as facing recruitment into the LRA. Young women are at risk of sexual slavery in captivity and, upon return to their communities, face social stigma and accusations of disease and witchcraft and have little socio-economic support to begin generating an income source. LRA activity is reported to generally increase in the rainy season from March to December due to increased forest cover which eases their operations and reduces traffic on poorly maintained roads, making it less likely that the FARDC can locate and counter their movements.

The AU-RTF is composed of Congolese, Ugandan, South Sudanese and American troops to confront the LRA in the region. With South Sudanese AU-RTF troops exclusively operating in South Sudan, Congolese AU-RTF troops exclusively operating in DRC, Ugandan AU-RTF troops withdrawing from their operations in South Sudan and CAR and the US withdrawal from the mission as a whole, the AU-RTF has become a “rehatting” exercise where soldiers are responsive to their national command, rather than a true coordination initiative working across borders.<sup>4</sup> US troops were the only foreign military presence permitted on DRC soil in the operation, however multiple individuals including security forces have commented that there is little discernable influence from their engagement: “There is no impact of AFRICOM [US military] here and they did not capture one LRA soldier. Since their departure there has been no change in the work here.” However another security expert commented that “the simple knowledge of their presence was a deterrent even if there are no tangible impacts,” indicating that the withdrawal may be sending a symbolic message that LRA operations will be easier to conduct moving forward.

2. International Crisis Group (28 September 2017). *Avoiding the worst in Central African Republic*, [www.crisisgroup.org/africa/central-africa/central-african-republic/253-avoiding-worst-central-african-republic](http://www.crisisgroup.org/africa/central-africa/central-african-republic/253-avoiding-worst-central-african-republic)
3. UN News (1 December 2016). ‘International community has obligation to prevent “ethnic cleansing” in South Sudan – UN rights experts’, [www.un.org/apps/news/story.asp?NewsID=55693](http://www.un.org/apps/news/story.asp?NewsID=55693)
4. Shepherd, Ben. (May 2015). *In new light: Protection of civilians, the Lord’s Resistance Army and the African Union Regional Task Force*. Conciliation Resources: [www.c-r.org/downloads/InNewLight\\_AURTF%20and%20POC\\_May2015.pdf](http://www.c-r.org/downloads/InNewLight_AURTF%20and%20POC_May2015.pdf)

The protection of civilians has been perceived by some at the community level to be less of a current priority for security actors. One local individual stated that in light of the ongoing security situations in the Kivus and the Kasais “no one is talking about what is happening here”. The porous nature of the border is an additional factor facilitating LRA movement throughout the region, however CAR, DRC and South Sudan all seem to have larger issues at hand than securing the border.

The arrival of Mbororo cattle herders in the region have placed further pressures on land. These groups of armed pastoralists migrating from across the Sahel region are also prevalent in the area, where they seek out land for cattle herding. Due to the Mbororo’s pastoralist land practices in contrast with local agricultural practices, they are commonly referred to as “climate refugees” by Congolese citizens, who have extremely negative perceptions of Mbororo families. Community members participating in agriculturalist practices accuse the Mbororo of seizing land either by forcibly removing farmers from their land or by allowing their cattle to destroy crops and water sources, thus decreasing the land value and forcing farmers to leave. In instances where Mbororo herders have obtained land through purchase or arrangement with state or customary leaders, community members have voiced their desire to “claim territorial sovereignty,” highlighting the connections between land and national identity. The presence of Mbororo has underlined the widespread perception among Congolese citizens that foreigners are on their territory to exploit their resources.

While some communities across Ituri, Bas-Uélé and Haut-Uélé provinces report having good relationships with the FARDC, others report a strained relationship; one which hinders their desire to report security incidents as they are fearful of being accused of perpetrating crimes, a common occurrence in some areas. Furthermore, when survivors of an LRA attack report an abduction to FARDC forces, they are often met with the response that they did not really encounter the LRA but bandits. During August 2017, approximately thirty people were kidnapped for one day in Haut-Uélé province by a group demonstrating many characteristics of the LRA and self-identified as the LRA. When abductees reported the incident to the FARDC they were told that they were simply local bandits.

Women in the area reported being unlikely to approach the FARDC due to “our customs, which do not allow us to have relationships with people like soldiers outside our family.” Women report significant levels of discrimination and harassment from soldiers and are less able to pursue accountability.

In one area of Ituri province there are reports of over 60 roadblocks in operation by the FARDC where payment is requested. In another community women report being asked to pay at roadblocks whereas men are not. These barriers on movement of the population, especially women’s free movement, restrict agricultural production and access to land – communities have to navigate both armed groups and military forces as they seek to use land. There is widespread awareness that FARDC soldiers are paid inconsistently and so communities are left with little option but to supplement this by paying forces directly. Efforts are needed to ensure adequate salary payments reach FARDC and that communities are no longer expected to pay these wages.

Increasingly, insecurity in remote and rural areas has also driven many community members to participate in mining activities, particularly in areas surrounding Garamba National Park which is rich in minerals. While the park is seen as infringing on traditional agricultural land use – further hindering farming, fishing and hunting practices – mining also poses risks for the population due to the need to travel into park-land. It is widely reported by community members that well-armed groups of international poachers operate in the park, a practice that is also reportedly undertaken by LRA who, along with some individuals within the FARDC, have been associated with poaching elephants for ivory. Communities engaged extensively in mining activities also reported more incidents of sexual and gender-based violence, prostitution and early and forced marriage for women than communities relying predominantly on agricultural income sources (see box).

### Forced marriage

One community on the southern border of Garamba National Park reported that there is a history of sexual violence against unmarried women in the community, and they are perceived by community members to be especially vulnerable to such attacks. It was reported that in one recent incident a civilian protection force, tasked with reporting on illegal activity in the community, abducted five unmarried women from their homes in the middle of the night and sold them to various men in the same village for the purposes of marriage without their consent. Within six months of the incident the men visited the women’s families in order to ‘normalise’ the forced marriage. The women who have remained in these marriages are understood to have little ability to speak out against their situation.

## Micro-level security dynamics

Localised disputes related to land issues result in community members fleeing their homes in search of better conditions. Family conflicts often involve land disputes, as inheritance instructions are not respected or land is divided among children in inequitable ways. Many internally displaced persons (IDPs) who return to their land face difficulties in proving ownership when others have lived on their land plots during their absence. Some territorial districts are in conflict with each other in the establishment of territorial boundaries, with certain areas claimed by multiple districts – increasingly an issue in the lead up to national elections. Discrimination also plays out through land disputes, as some women and men are accused of witchcraft and fetishism in order to expel them from the community.

These micro-level security dynamics have implications for access to and use of land, and especially affect women's ability to participate in agricultural work and land ownership, where the possibility exists. For young men and women the unsafe environment impacts their expected roles. The expectations of young men to establish land ownership and participate in agricultural work and young women to marry, have children and undertake agricultural work have become more difficult due to the inaccessibility of land plots through worsening security. The insecurity in outlying areas has prompted migration patterns that community members from Faradje to Bondo territory dub 'a rural exodus'. Many people living in remote areas move to more populated areas to seek security in locations where FARDC has a base.

### Insecurity incited poverty

Migration from rural areas has resulted in rising land prices in populated areas and reduced agricultural production. Due to the need to pay high land prices and access food, women have been known to travel long distances in order to farm available land. One woman described how she been pushed off her land by Mbororo who took it over for cattle herding. Left with little access to land she began travelling to forested areas to produce charcoal as a way to generate an income for herself. Subsequent sightings of armed group activity in the area caused her to feel unsafe so she moved to Dungu. However, she was unable to obtain an income source and faced high land prices exacerbated by the decreasing value of the Congolese Franc (depreciated by one-third in the year to October 2017).



*FARDC soldier rotation. © United Nations / Clara Padovan.*

This trend has resulted in many land-related consequences, particularly for women. Women typically have less access to material wealth so do not have the means to move to safer areas. Women left behind in rural areas face ongoing risks of land degradation and an inability to generate income from agriculture practices. Moreover, the departure of men, who dominate community-based security and leadership structures, compounds the security risks women face in these depopulated areas.

Rural women with few financial resources tend to be more vulnerable to armed group activities due to their inability to be mobile and seek protected areas. Women who face discrimination in their community, such as returnees from the LRA, can be prevented from accessing land for agricultural use, which prevents income generation. Women without access to agricultural income face challenges such as engaging in prostitution in order to secure an income source – a last resort for those with few other options, “prostitution is their survival employment”. In turn prostitution and sexual violence have detrimental effects on women's ability to enter into marriage and access land, as these women are frequently understood to suffer from sexually transmitted diseases and are seen as undesirable partners.



## 2. The need to increase women's meaningful participation in and influence on land management

Mechanisms to support women's participation in land access, ownership and dispute resolution need not only to increase their participation in customary legal structures, but also take into account that local women have been disenfranchised by the confrontation of modern and customary land management systems. Women who participated in the research suggest that their access to and ownership of land could be improved through: reducing the costs of formal land documents; increasing educational efforts on the importance of land documents; improving land mapping to enhance the clarity of plot boundaries; and, providing support for women as active stakeholders with influential roles in customary dispute resolution processes.

Women hold low levels of decision-making power in nearly all aspects of land management due to restricted economic, political and social roles and the poor implementation of gender-sensitive legislation. Traditionally women's roles have been confined to the private sphere, where they have been engaged in agricultural work, child rearing and managing the household. However, this is now changing and women are increasingly active in marketplaces and more public settings. While community meetings remain dominated by men, women do attend and increasingly speak up. Nonetheless, women still face multiple layers of discrimination. Factors such as their rural location, high levels of poverty, being unmarried, being a returnee from the LRA, a survivor of sexual violence or bearing a child during LRA captivity contribute to their marginalisation. For women who experience any number of these challenges, access to social structures – especially land allocation and dispute resolution processes – is especially difficult to obtain.

The Congolese Government has ratified numerous international and women's rights mechanisms and instruments to advance equality of opportunity between women and men, including the Convention on the Elimination of Discrimination Against Women<sup>5</sup> in 1986 and the National Action Plan for the

Implementation of United Nations Security Council Resolution (UNSCR) 1325<sup>6</sup> in 2010. In addition the Government has revised the Land Code<sup>7</sup>, Family Code<sup>8</sup>, the Labour Code<sup>9</sup>, and the Penal Code<sup>10</sup> to include gender sensitive elements, including the criminalisation of sexual and gender-based violence, and freedom for women to own land and pursue disputes in the justice system without a husband's permission. The 2006 Constitution confirms that “the State shall have the duty to ensure the elimination of all forms of discrimination against women and ensure the respect and promotion of their rights”.<sup>11</sup>

However, these legal frameworks have not translated into positive impact on the lives of women. The laws are often not implemented and there is little indication that these laws are known about or implemented in the region. There is little evidence that gender sensitive legislation is applied in rural areas where customary law is more common practice, and where formal state law has limited reach. Funding constraints also limit the application of specific gender sensitive mechanisms. One local-level official pointed out that a specialised police unit specifically designed to respond to the needs of women and children does exist. However, fewer than five people were responsible for delivering this mandate across an entire province and they face funding constraints: “If I had the resources, I could do trainings in different communities. There is a funding shortage, I'm ready to do the trainings, but there is no money for this.”<sup>12</sup>

Implementation of gender sensitive legislation will need to consider how to reach the provinces and how these laws interact with patriarchal customary systems.

Parallel formal and customary land laws limit women's participation in the resolution of land conflicts. Land management in DRC is dominated by the dualism between written formal law and customary laws that is characteristically oral and overseen by traditional male-dominated chieftainship structures. The situation of land conflict management has been aggravated by insecurity as communities struggle to access justice mechanisms in this environment.

5. The United Nations. [1988]. 'Convention on the Elimination of All Forms of Discrimination against Women'. *Treaty Series*, 1249, 13.

6. Ministry of Gender, Family and Child (January 2010). *The Government's Action Plan of The Democratic Republic of Congo for the Purposes of Resolution 1325 of the United Nations Security Council*. [www.peacewomen.org/assets/file/NationalActionPlans/drc\\_nap\\_english\\_2010.pdf](http://www.peacewomen.org/assets/file/NationalActionPlans/drc_nap_english_2010.pdf)

7. Code Foncier, *Ordonnance N° 86-115 du 10 Avril 1986 modifiant le règlement annexe a l'ordonnance N° 79-111 du 09 Mai 1979 modifiant celle N° 74-148 du 02 Juillet 1974 portant mesures d'exécution de la loi N° 73-021 du 20 Juillet 1973 telle que modifiée et complétée a ce jour par la loi N° 80-008 du 18 Juillet 1980*.

8. Code de la Famille, *Loi N° 16/008 de 15 Juillet 2016 modifiant et complétant la Loi N° 87-010 de 1 Aout 1987 portant Code de la Famille*, [www.leganet.cd/Legislation/Code%20de%20la%20famille/Loi.15.07.2016.html](http://www.leganet.cd/Legislation/Code%20de%20la%20famille/Loi.15.07.2016.html)

9. Code du Travail, *Ordonnance N° 015-2002 du 25 Octobre 2002*, [www.droit-afrique.com/upload/doc/rdc/RDC-Code-2002-du-travail.pdf](http://www.droit-afrique.com/upload/doc/rdc/RDC-Code-2002-du-travail.pdf)

10. Code Pénal, *Ordonnance N° 06-018 du 20 Juillet 2006 modifiant et complétant le Décret du 30 Janvier 1940 portant Code Pénal Congolais*, [www.droit-afrique.com/upload/doc/rdc/RDC-Code-1940-penal-modif-2006.pdf](http://www.droit-afrique.com/upload/doc/rdc/RDC-Code-1940-penal-modif-2006.pdf)

11. Constitution de la République Démocratique du Congo, [2011]. *Modifiée par la loi N° 11/002 du 20 Janvier 2011 portant révision de certains articles de la République Démocratique du Congo du 18 Février 2006*, [www.wipo.int/wipolex/en/text.jsp?file\\_id=315718](http://www.wipo.int/wipolex/en/text.jsp?file_id=315718)

12. The respondent elaborated on “trainings” to encompass workshops, with police units and civil society organisations, which have the aim of preventing gender and sexual based violence against women and youth in different parts of the province.

## Shifting power dynamics

Customary chiefs and their hierarchical leadership structures have traditionally governed land access in northeast DRC, however these power structures are operating within an increasingly contested space. Significant amounts of power are connected to land and the amount of people within a chief's area.

Insecurity has drawn power away from lower-level traditional chiefs as entire communities have left their territories for more secure locations, leaving chiefs with no one living in their region. In addition, traditional chiefs have occasionally fled their territory out of safety concerns which complicates the land allocation process in their absence. Upon return, some traditional chiefs have faced questions about their legitimacy.

The introduction of the state administered Land Code in 1973 has also encroached on the governing space of traditional chiefs who are no longer permitted to be the sole authority on land matters; they have shifted instead into a complementary role supporting the state administrated system by providing signatures on land documents. As state governance has expanded in geographical reach, the power of traditional chiefs has been reduced. Women have traditionally been excluded from the governing space concerning land and those seeking participation in these matters now face the challenge of accessing a space that is increasingly contested.

*“Culturally women are not considered in the community, just prepared for marriage and if the parents die the girl is not recognised.”*

Community member, Ituri province

Women access land through both customary and state-administered legal systems, however in the customary land system ‘access’ is differentiated from ‘ownership’. In the customary land system women are unable to own land, as inherited land is almost always given to sons rather than daughters. One community member in Ituri province explained: “Culturally women are not considered in the community, just prepared for marriage and if the parents die the girl is not recognised,” resulting in land access taking place only through the means of a husband but not ownership. There are some instances of women receiving land in a will “but this is not honoured and girls are often chased away by uncles or other people.”

With land transferred through inheritance, primarily to male children, women's access to land-based agriculture is secured through marriage. Women are described as having access to land at the age of marriage in many rural communities. Women who do marry are able to access land through marriage, yet are unable to own land and exercise independent decision making power. Women who do not marry are essentially not considered in this system and face increased barriers to land access.

Land ownership for women in the state-administered legal system is possible due to their ability to buy land. However, in northeastern DRC this happens very little in practice because women tend to have low levels of access to the financial means

to purchase costly property, which requires them to pay additional fees to customary chiefs for signatures in addition to the price of the land plot.

Female returnees from the LRA are especially disadvantaged as they face challenges reintegrating into their communities and have little ability to obtain or access land for economic activities. Facing high levels of social stigma – in the form of mockery from young people, plus accusations of witchcraft and disease – results in humiliation and shame for the survivor and her family. This often presents additional barriers to women's participation in economic and social practices such as accessing land for income generation and entering into marriage as they are perceived as “disrespectful towards men” and dishonourable resulting from

## Customary law and state administered law

The customary land management system is primarily overseen by the male-dominated chieftainship structure and relies on oral methods and testimonies to function. The state-administered land system came into force in 1973 with the introduction of the Land Code which uses formal documentation and essentially confers ownership of land and all underground resources to the state, while customary law recognises the right to land through inheritance from ancestors. Women have had very little influence over land management in the customary system, which is male-dominated and provides land rights primarily to men.



their time in captivity. This positions these women as unlikely to marry and therefore unlikely to gain access to land. For LRA returnees who settle in communities with children born in captivity, they are seen as having brought foreigners back with them, with one community member explaining, “There are higher levels of trauma because the children of our daughters are today from Uganda, we are children of Congolese.” Cycles of intergenerational poverty are further reinforced as these children face discrimination similar to their mothers.

Dispute resolution mechanisms in the customary system limit decision making roles for women. Resolution processes are overseen by a male customary chief who frequently confers with a group of advisors who are almost always male. A woman may sometimes serve as a witness to the process though this is not an advisory role. Women who are engaged in a land dispute face little representation in these systems, which also present additional barriers as they cost money to access. Dispute resolution processes in the state-administered system take place through the legal courts, which also requires financial resources for access and travel since these structures are concentrated in provincial capitals and Kinshasa, leading many women to pursue cases in the customary system. Furthermore, with the lack of knowledge of the state-administered system in rural areas, women are less likely to attempt to pursue formal legal processes.

*“Now documents are necessary for land but women are not informed about this, and don’t have money for this. For unmarried women, when Dungu grows in size this will be a problem for women without documents.”*

Female community members, Dungu

Within the state administered system, formal land documentation is exceptionally important in settings where it is often the only proof of ownership. However the barriers to accessing land documents are significant, costing USD 700–1,000, far beyond the reach of many Congolese. Female community members in Dungu remarked: “Now documents are necessary for land but women are not informed about this, and women don’t have money for this. For unmarried women, when Dungu grows in size this will be a problem for women without documents. Sometimes the documents are just written by hand. Roads will be built and they will take land for the new roads, leaving women with nowhere to stay. The [low] level of education affects the awareness of land documents and how to get them. Many women don’t know the constitution and the government can come to take the land by force.”



Customary dispute resolution process. © Albert Atama



Insecurity hampers the functioning of both customary and state administered land systems due to high levels of population movements and displacement, further constraining women's limited access to these systems. Critical land documents are frequently lost in instances of leaving home or entire communities uprooting leaving individuals with little recourse to return to their land plots at a later date should they be occupied in their absence. Reliance on oral testimonies of neighbours is common within the customary system, though this is also compromised through the movements of individuals or entire communities facing insecurity risks. Oral histories are disrupted when neighbours who once would have verified that individuals lived on specific land plots are no longer present to do so. In addition, these testimonies are sometimes unreliable in the context of disputes.

Achieving the meaningful participation of women in customary land management will require collaboration with customary chiefs and supporting women's advocacy groups in order to promote the representation of women in influential roles and give women equal rights as men to land. The Land Code removed the land allocation power of traditional chiefs though in practice this still exists, and to a higher degree in rural areas where state-administered legal mechanisms are less

present. Increasing women's participation in land access, management and ownership practices is a core part of supporting the social, political and economic role of women in northeast DRC, particularly rural women, in order to further progress towards UNSCR 1325.

### 3. The need for inclusive approaches to security

The development of security strategies in northeastern DRC needs inclusive approaches to consider how local level knowledge can contribute more effectively to the protection of civilians and security issues which affect men and women in unique ways. Security actors including MONUSCO and FARDC, are largely confined to main towns in a military response that fails to secure the protection of civilians in remote areas. These forces face distinct challenges in northeast DRC and are unable to secure large sections of territory. Reaching rural areas will require developing new strategies that have increased geographic reach, and most importantly, incorporate existing knowledge bases from a diverse range of groups. Community-level security structures, such as local protection committees and women's forums, represent potential knowledge bases that are underutilised by security forces.



*Women's group participants are trained in various activities, including sewing and as tailors. © Tom Bradley*

Presently, FARDC encourages community groups to report security incidents in order to coordinate an immediate response to sightings and outbreaks of violence. While these immediate responses are important, they do not result in strategic efforts to exploit the weaknesses of armed groups, restrict their operations or prevent attacks. Community members in rural areas witnessing delayed and low levels of national and international forces presence in their villages report, “the absence of MONUSCO and the ineffectiveness of FARDC increases insecurity here”, and feel concerned about “the poor munitions and equipment used by FARDC” which is inadequate for the task of securing the area when actions are limited to chasing after the LRA when sightings are reported.

While local civil society actors report that FARDC struggles with inadequate numbers of troops in responding to the LRA, they also report that the FARDC is the primary security force relied upon across the northeast in response to the LRA, as MONUSCO has very little reach to these outlying areas and the AU-RTF is no longer present. One inhabitant in Haut-Uélé province asked the question, “why does MONUSCO, who has good leadership in the territory, not want to base their forces here to find armed groups like they do in North and South Kivu?”

MONUSCO currently collects information on security incidents from local protection committees via non-governmental organisations (NGOs), primarily to cross-check information and determine where to send particular cases for management. However the information from community-based security structures is used in a very limited sense to confirm security incidents, but does not yet consider the vast range of expertise available and how this can be drawn upon for prevention and protection measures.

Local protection committees operate as part of various networks coordinated by NGOs and function by communicating to a central coordinating office, which compiles and broadcasts security updates to participating communities across the area. The expertise of these committees include knowledge of localised movement patterns and behaviour of armed groups in rural areas as they consistently monitor changes in their communities. As NGO project funding cycles come to a close the work of these protection committees is at risk of breaking down over time. Women’s forums have in-depth knowledge of the impact of insecurity on women and advocate for justice and security-sector changes in their communities. Women advocates also represent women who have lost their land, have had children abducted and have sought justice for women.

## Challenges in accessing justice

In Haut-Uélé province a woman who returned from captivity with the LRA refused to meet with a member of the FARDC to share information with him. The woman was subsequently shot by the FARDC member who was frustrated with her reluctance to meet with him. The local women’s forum learned of the shooting and took the case to local FARDC leadership advocating on the woman’s behalf. FARDC leadership had the offender transferred to another area and re-purposed the salary of the offender to pay for the woman’s medical treatment. The women’s forum is credited by civil society and community members as having achieved justice for the survivor.

Community-level security actors, such as local protection committees and women’s forums, are often overlooked by national and international forces and there is little indication that the valuable knowledge they possess plays a role in the development of security strategies. Women’s forums have the potential to incorporate the experiences of women into protection work and civil society actors report that their previous advocacy work has resulted in FARDC and customary chiefs valuing these organisations more. MONUSCO’s organisational streamlining also presents the option to reconsider key relationships, roles and approaches to security. In particular, the potential exists to transform traditional gender norms by further elevating the social position of women as knowledge holders who are capable of making a valuable contribution to security.

Inclusive approaches between security forces and local-level peacebuilders are needed in order to develop new security strategies that meet the needs of the communities most affected by armed groups concentrated in rural areas. An inclusive approach recognises that the complexity of security in northeast DRC requires innovation and learning. There is a need to move beyond technical responses, easy-to-implement solutions and an assumption the issue can be solved by one or a few particular authorities, to a security response that is better suited to a regularly changing challenge and involves the work of multiple groups over time.

Incorporating community-based security actors in civilian protection responses represents a way to include the knowledge base of those most affected by insecurity, particularly the perspectives of women who face unique security risks. These voices are currently underutilised in countering security challenges in the region and provide a valuable source of in-depth contextual expertise and insight.



## Acknowledgements and disclaimer

This policy brief was written by Kerri Leeper for Conciliation Resources with guidance and support from Kennedy Tumutegereize, Teresa Dumasy, Sophia Close, Nyeko Caesar Poblicks, Lisa Heinzl and David Elliot with input from Edith Natukunda Togboa, Chantal Faïda and Stany Ntuka.

It was produced by Conciliation Resources in partnership with Solidarité et Assistance Intégrale aux Personnes Démunies (SAIPED), Commission Diocésaine de Justice, Paix et Réconciliation (CDJPR) and Réseau de Organisations Féminines des Uélés (ROFU).

This publication has been produced with generous financial support from Folke Bernadotte Academy, the Foreign and Commonwealth Office, and the European Union. The contents of this publication are the sole responsibility of Conciliation Resources and can under no circumstances be regarded as reflecting the position of Folke Bernadotte Academy, the Foreign and Commonwealth Office, or European Union.

Folke Bernadotte Academy has supported a project over the past two years in northeastern DRC focused on the capacity building of grassroots women to participate in issues of peace and security in their communities in support of further implementation of United Nations Security Council Resolution 1325.



**HM Government**

The Foreign and Commonwealth Office is currently supporting community

resilience and dialogue efforts to reinforce local capacities for peace in northeastern DRC.



The European Union is currently supporting efforts to strengthen the involvement of youth in conflict prevention and community strengthening in northeastern DRC.

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**Conciliation Resources** is an independent international organisation working with people in conflict to prevent violence, resolve conflicts and promote peaceful societies. We believe that building sustainable peace takes time. We provide practical support to help people affected by violent conflict achieve lasting peace. We draw on our shared experiences to improve peacebuilding policies and practice worldwide.

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Cover photo: Woman participating in land dispute resolution process in Ituri province. © Albert Atama

Layout: [www.revangeldesigns.co.uk](http://www.revangeldesigns.co.uk)