

Sharing the Land

Applying Innovative Approaches to Meet Community Needs for Effective Land Management in the Democratic Republic of the Congo

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BRIEF

Resolving land disputes—including ownership, rights, and tenure—is essential to building peaceful and equitable communities. Local researchers in the Democratic Republic of Congo (DRC), who have experienced land disputes and conflict firsthand, are at the forefront of testing ways to recognize and respond to the inequities that can drive land conflicts. By involving community members in defining solutions for land issues and introducing accessible technology to map and document land tenure, Sharing the Land (STL) is an innovative approach with the potential to resolve and prevent land disputes for communities throughout the DRC and Africa.

Land Ownership and Governance Is a Global Challenge

Effective land governance is a global development challenge. Land rights and ownership are valuable, providing livelihoods and resources while also signifying community identity, history, and culture.¹ Who benefits from land, both for livelihoods and for valuable natural resources, can perpetuate social structures of power and inequality. Politics, discrimination, and poverty all influence who owns and who benefits from land and, in turn, directly shape grievances and conflict.² Population growth and environmental degradation can exacerbate land issues, as communities perceive increased resource scarcity.³

Throughout Africa, the majority of rural lands have not been surveyed or registered and in many countries traditional and formal systems of land ownership may not align.⁴ While disputes over land ownership, use, and natural resources are typically the root of land-related conflict, the lack of effective land institutions and governance to address grievances often lead to, prolong, or exacerbate conflict.⁵ Land conflicts range from small-scale disputes at the community level to large-scale, violent conflict. These types of conflicts and challenges occur in the eastern parts of the DRC, where the lack of a clear land policy has led to a culture of land insecurity and mistrust.⁶ Land-related conflicts are pervasive here, where up to 80 percent of disputes in the courts and tribunals are related to land.⁷

BOX 1

Factors That Contribute to Land Conflict in Eastern Congo⁸

- ✓ Multiple legal frameworks for land ownership, rights, and tenure are present in the DRC, without a single policy or governing authority.
- ✓ Documentation of land rights and approaches to legally resolve grievances vary according to different laws, codes, and governing authorities.
- ✓ The majority of rural lands are administered by traditional authorities, such as chiefs, in customary ways that may or may not align with written government laws.
- ✓ Powerful and elite communities have exploited gaps in the legal structure to control and benefit from greater tracts of land.
- ✓ Demographically dense areas have limited access to arable land for agriculture.
- ✓ Population growth and urbanization put increasing stress on local natural resources.

Sharing the Land Is a Promising Approach to Resolving Land Disputes and Documenting Land Tenure

THE STL APPROACH

Christian Bilingual University of Congo implements STL in partnership with the Center on Conflict and Development (ConDev) at Texas A&M University and other partners (see Acknowledgments). STL is an innovative, community-based, participatory approach to defining and electronically documenting land ownership and rights so they are publicly accessible, and resolving land disputes. The STL approach builds on the Social Tenure Domain Model, a pro-poor, gender-sensitive land information system and participatory approach developed by the Global Land Tools Network (GLTN) specifically to fill in the gaps between legally registered lands and non-registered, informal land users. In each community, land stakeholders and beneficiaries all play a part in defining the solutions for ownership and resolutions for land disputes for their community.

STL applies a “Fit-for-Purpose” (FPP) approach, endorsed by United Nations Human Settlements Programme and GLTN, to respond to each community’s needs for conflict resolution and documentation. This allows flexibility and incremental improvements over time.⁹ The FPP approach works through three interconnected frameworks:

- 1. Spatial framework**, to record the way land is occupied and used.
- 2. Legal framework**, to secure legal rights and tenure to support the spatial framework.
- 3. Institutional framework**, to manage individuals’ and communities’ rights and land/natural resources, while providing inclusive and accessible resources.

STL integrates technology to enhance transparency in both the process and the outcome (Figure 1). The approach fosters ownership over the process and sustainability for the results, leading to a documented reduction in land conflict over time.¹⁰

BOX 2

Addressing Land Issues in the DRC Requires a Multi-Pronged Approach

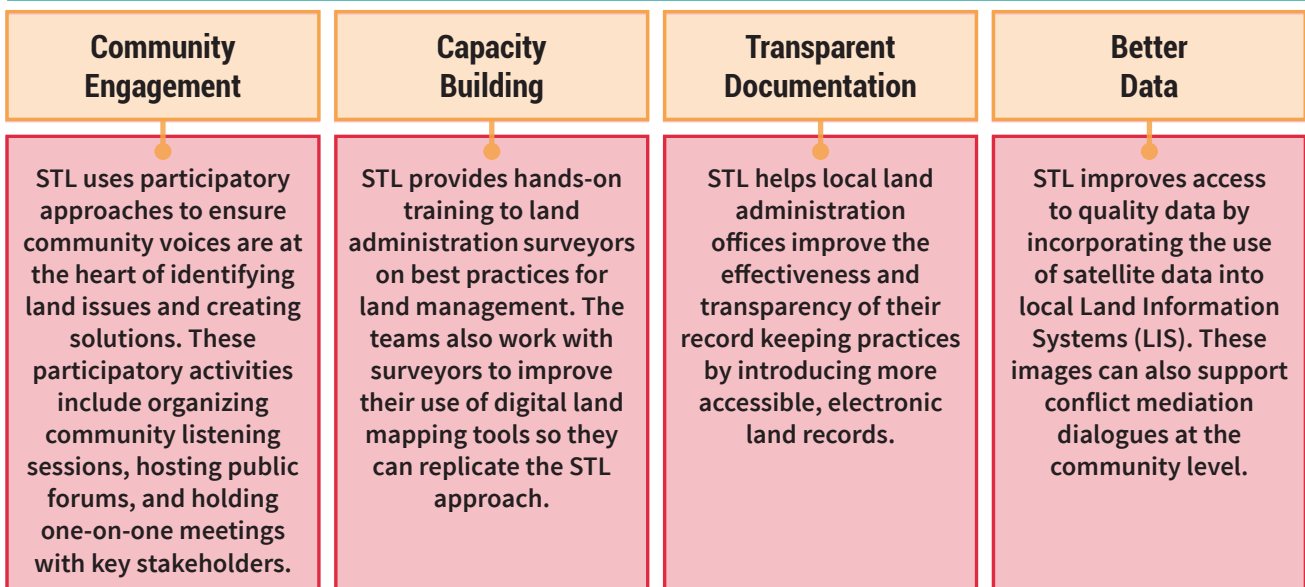
STL’s participatory process is designed to:

- Secure the right to own and benefit from land in both formal and customary ways.
- Develop formal and informal transparent processes for preventing and resolving land conflicts.
- Adopt land information systems to digitally track land rights.
- Promote transparency, accessibility, and stakeholder participation in defining land, assigning rights, resolving conflict, and documenting records.

FIGURE 1

Core Components of the STL Approach

THE STL APPROACH FOSTERS GOOD LAND GOVERNANCE THROUGH:



Approximately 40 percent of land in the Masiani neighborhood of Beni has been the subject of conflict over boundaries, ownership, sale records, seizure, and legal authority between 2014-2015.

Source: STL survey research 2015 in Masiani neighborhood, Mugangu Matabaro, “A Midterm Review of the Support Project to the Land Administration in the Implementation of the LIS: External Evaluation,” 2017.

The STL team works with the community in Masiani to document land tenure with the Minister of Land Affairs.

CASE STUDY

STL in Action: The Case of Beni¹¹

The STL approach has proven successful across different communities and needs in the DRC: urban, peri-urban, rural, and post-conflict. The approach was first successfully applied in Beni, an urban area of North Kivu Province in eastern the DRC.

Working in the Masiani neighborhood of Beni, the STL team began by training land administration surveyors to use geographic information system software to create a digital map of the neighborhood. The map was then validated through a community process with formal and informal stakeholders.

The STL team helped establish a land stewardship committee for Masiani, which included community leaders, technical officers, and land administration staff. This committee worked to provide community leadership to resolve land disputes and ensure community participation in land management and conflict resolution.

After creating and validating the digital map, the STL team enumerated all land parcels with a detailed socio-demographic questionnaire. In partnership with



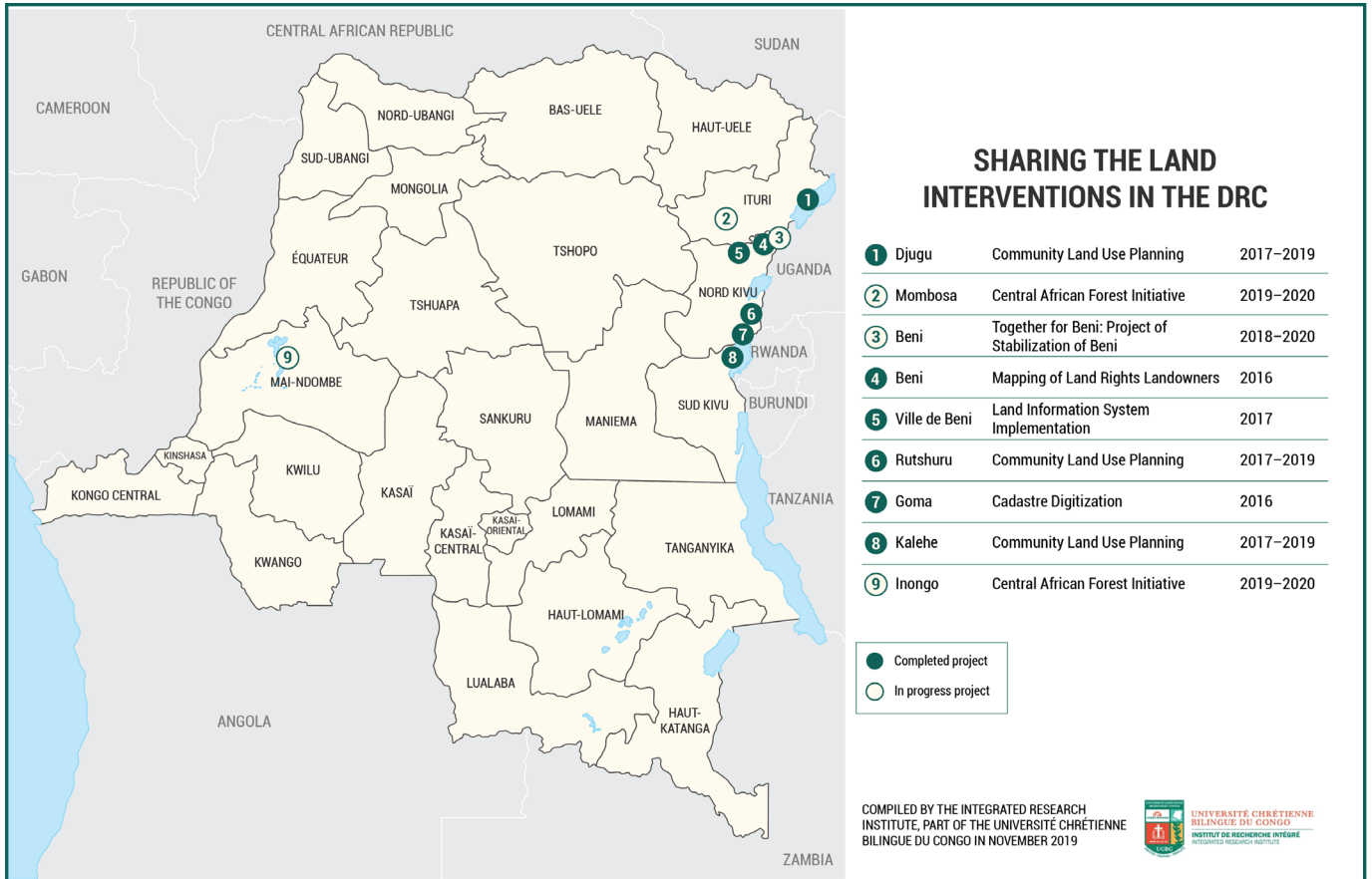
Paper land record keeping systems in Beni makes transparency challenging. STL's move to digitize land records makes them more accessible and secure.



the land stewardship committee, the STL team used the map and enumeration results to identify landholdings, including 79 active land conflicts. The project and committee then held mediation sessions with willing participants to work toward resolution of land disputes.

Throughout the consultations with community leaders and local authorities and the public dialogues on land management issues, STL built community trust in the land administration office. At the same time, STL strengthened the capacity of the office to manage land tenure going forward through training on—and support to use—digital land tools. STL was so successful in Masiani that the Beni land administration office has adopted the approach. Applying the skills developed through the STL intervention, the office is independently digitalizing a fourth sub-neighborhood using their own funds.

Maps produced by STL are publicly available as official land records. You can access them at <https://iriucbc.org/current-projects/sharing-the-land/>



The Saving the Land Approach Offers Pathways for Land Policy Reform in the DRC and Throughout Africa

Without a concerted effort to document land ownership and rights and to peacefully resolve land disputes, land-related conflict will persist in the DRC and throughout Africa. Innovations such as STL provide proven strategies for:

Land Tenure and Security

Rights to own and use or benefit from land in both formal and customary ways can be recognized and secured.

Conflict Mitigation

Proven strategies and tools are applied to prevent and resolve land conflicts through formal and informal transparent processes.

Land Information Systems

Technology creates maps and documents land rights through secure, publicly accessible digital records.

Transparency

Participatory processes and accessible technology build transparency in defining land, assigning rights, resolving conflict, and documenting records.

These approaches alone, however, will not resolve all issues of land ownership, rights, and tenure. The DRC needs a coherent, unified land policy. A comprehensive land policy will provide guidance to document ownership and rights and resolve conflicts, and ensure that these processes are consistent, transparent, and fair. The government of the DRC, and especially the Land Reform Commission and Ministry of Land, can draw on proven approaches from STL to draft a transparent land policy that will reduce land disputes and bring unity to land management throughout the country.

ACKNOWLEDGMENTS



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