

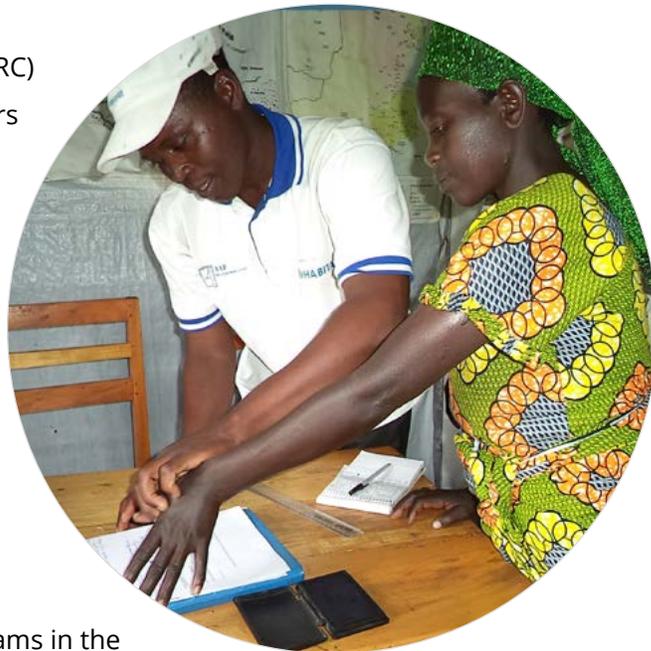


# Land Rights Mediation Takes *Dramatic* Approach

AMERICAN JEWISH WORLD SERVICE SUPPORTS USING THEATER TO FIND BALANCE  
BETWEEN FORMAL AND TRADITIONAL LAWS

**W**omen in the Democratic Republic of Congo (DRC) traditionally don't own land. Women are workers of the land, but the idea of a woman owning a piece of land while her husband, son, or brother are alive is still foreign in many Congolese communities. American Jewish World Service (AJWS), whose mission is to end poverty and promote human rights, has been working with Congolese women to understand and demand their rights and mediate land disputes, using a little creativity and community theater to avoid conflict.

AJWS—an international development organization that funds community-based organizations—has been supporting programs in the DRC since 2002 when it sent disaster relief after the eruption of the Mt. Nyiragongo volcano. Today, it works primarily in the eastern region of the country, which is affected by recurrent upsurges in violence, exacerbated by conflicts over land and mineral resources. After completing its disaster response, AJWS began to focus on the conflict and sought to address the root causes of insecurity and violence, particularly for women and girls. The issue of land ownership, which is a major source of conflict for vulnerable groups including women and indigenous people, became a focal point of its work.



## Key Info

**COUNTRY**

Democratic Republic of Congo

**TARGET POPULATION**

Women

**INTERVENTION AREA**

Land rights

“Land disputes have driven conflict and tension in the DRC, from rebel groups seizing land to display power to families disputing rightful land inheritance,” shares AJWS senior program officer Rosalie Nezien. AJWS realized that conflict-affected communities needed more than an understanding of their rights and the laws. They needed a way to discuss issues and resolve disagreements that avoided clashes. In-country advisors positioned AJWS to identify a grantee partner able to tackle this deep-rooted issue.

AJWS started funding Aide et Action pour la Paix (AAP)—French for “help and action for peace”—in 2009. AAP is a Congolese nonprofit organization working in the eastern North Kivu Province. The organization advocates for equitable access to land, especially for rural, vulnerable groups, and develops peaceful conflict resolution mechanisms to ensure a healthy



## *A Family Debate Over Farm Ownership*

In 2011, three Congolese women inherited a portion of their family farm located in the village of Buhutu in Masisi territory in North Kivu Province. Two daughters and one granddaughter—Faida, Jeanne and Sikujua—were given the land through a written will when their father passed away. Their two male brothers and two male cousins—Timothee, Muhirwa, Kasere and Karafulu—refused to let the women inherit the land on the basis of customary law. They found the will unacceptable and insulting. They tried to threaten and coerce the women to hand over the land and tried to sell it, all to no avail. Timothee filed a complaint in Goma, the capital of North Kivu, asking a court to nullify the will and strip the women of the land.

Faida, Jeanne, and Sikujua were intimidated at the prospect of traveling to Goma to face their brothers and cousins in court. They heard about a Goma-based organization called Dynamique des Femmes Juristes (DFJ). DFJ, an AJWS grantee, provided the women with lawyers, who offered free legal counsel

and accompaniment. The lawyers even visited Faida's village, surveyed the farm land and collected more information through interviews with family members and with community chiefs, who had tried to mediate this issue in the beginning. In addition, between August 2013 and February 2014, DFJ paid for all court fees and the women's transport to Goma to attend each court hearing, which amounted to \$220.

After a very long legal process plagued by ongoing threats and intimidation by unsupportive relatives, Faida, Jeanne, and Sikujua received a favorable judgment on March 23, 2014, recognizing their right to the land per the written will. The court declared the brothers' legal action inadmissible and denied them any right to dispossess the women. This outcome would not have been possible if the women had not found DFJ. The cost and length of legal proceedings alone is often too overwhelming for poor, rural women. DFJ's legal and financial support enabled these women to keep what was rightfully theirs.

environment for future generations. AAP has been present in North Kivu since 2006 and has deeply involved the community in its strategy and interventions.

Driven to push the bounds of creativity, engagement, and impact in its approach, AAP introduced theater as a tool for conflict mediation. The organization coaches selected community members to reenact interpersonal conflicts and issues they have witnessed locally. The organization then invites the wider community to watch neighbors and family members act out particular disputes. After viewing theatrical renditions of ongoing issues, AAP staff facilitate discussions about what happened and how it could be solved.

***“There are a lot of minerals being extracted from the DRC, but the benefit of those minerals is not going to the people and they don’t have a say on how those resources are being managed.”*** —Rosalie Nezien, American Jewish World Service

At the same time, other selected community members are educated about land rights and laws with a particular focus on women’s and indigenous peoples’ rights. These trained community members, referred to as paralegals, become key spokespeople during community debates following the theatrical renditions. “You have this vibrant mixture of adults and youth who collaborate to creatively recreate a situation,” Rosalie says, “who then speak out to find solutions alongside their peers and elders. The goal is for conversations, and any emerging resolutions, to be thoughtful, transparent and community-driven.”

AAP has been able to resolve many land conflicts using this methodology. In doing so, poor families can avoid the costly court system in North Kivu’s capital, Goma. Rosalie says that often, land disputes happen simply due to lack of knowledge and awareness. “A widowed woman is likely to have her land taken by in-laws or other family members. But when the larger community is aware that this is neither just nor legal, and they support the woman, it is easier to look for a peaceful solution.”



AAP specifically involves young people both in the theatrical renditions and land rights educational components, with the aim of reducing the number of disputes in future generations.

Understanding laws and rights is still only half the battle. Despite the existence of laws that protect the rights of women and other vulnerable groups, these are not always upheld in the face of traditional land tenure. The Congolese constitution grants land ownership to women, yet both formal and customary laws discriminate against them. Under formal law, a woman needs her husband's permission to purchase land; under customary law, women cannot purchase, inherit or sell land.

Rosalie explains how customary law often carries more weight than constitutional law in the DRC. "Being able to resolve an issue with the entire community is much more important than having a legal document that entitles you to a piece of land. A community member can go to a court and obtain a title, but if the wider community does not accept it, that will lead to problems and conflict." AAP tries to resolve disputes within community systems and family hierarchies before leaning on the formal legal system, which is exactly the strategy that AJWS recognized as important to addressing the root causes of the land rights issues.

AJWS consciously seeks common ground and shared goals with grantees, rather than forcing a donor-imposed agenda. It partners with grantees for an average of five years and aims for change that extends beyond just a local community. "When there

## *American Jewish World Service's Approach to Funding*

- AJWS funds two areas of intervention in the DRC: natural resource rights and civil and political rights. Under civil and political rights, AJWS focuses on access to justice for survivors of sexual and gender-based violence; promoting women's political rights and elevating women into decision-making positions; and protecting human rights defenders. Within the natural resource rights issue area, AJWS focuses on transparency and accountability within extractive industries (mining); rights for artisanal miners; and land rights for women and indigenous people.
- AJWS offers six types of grants, ranging from unrestricted general operating support grants to restricted project-specific grants. It also offers crisis grants to support time-sensitive needs during disasters or other unexpected events, such as coverage of operational costs or salaries.
- AJWS encourages the use of multi-year grants for strategic partners that are closely aligned with its programmatic objectives in a country and/or thematic area, when these have demonstrated a commitment to establishing transparent and accountable organizational systems and governance. In other cases, like supporting time-limited projects, AJWS provides single-year grants.



is a big issue—like land rights—that is not going to be solved overnight, we tend partner for the long haul,” Rosalie says. “We look at an organization, its outcomes and goals, and if these align with AJWS’s vision, we believe in flexible funding that enables grantees’ strategic nimbleness and creativity in working toward those goals.”

AJWS has been supporting AAP for seven years. In addition to supporting project activities, AJWS worked with AAP to streamline operations and build capacity. AJWS helped strengthen AAP’s financial management and oversight and improve safety and security measures—including conducting risk assessments and prioritizing staff care. The flexible support allowed AAP to focus on its beneficiaries and find creative solutions to protect the rights of those who are most marginalized.

***“We have to get more women into places where decisions are made; where, if things are changed, we will see the difference in how women are treated.”*** —Rosalie Nezien, American Jewish World Service

Years of working in land tenure and land rights have reinforced for AAP and AJWS that women are often marginalized in their own communities. “With deeper analysis, we ended up seeing that it is the way women are perceived within their families and communities,” Rosalie says. “If they are not seen as an equal to their brothers, uncles or others, then it seems normal to abuse them, and it is normal for them not to own land. That is why our strategy in the DRC involves working in land rights alongside civil and political rights. We need to empower women to know their rights so they can stand up against all types of violations.”

## Promoting and protecting women's rights and land requires creative solutions in conflict areas.

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