

Workshop Report



Workshop on Gender and Indigenous Women's Rights in the Democratic Republic of Congo Protecting Rights to Land and Forests

Hotel Pacific, Kinshasa, DRC
28–29 December 2017

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Acronyms and abbreviations

CACO	Cadre de Concertation sur le Foncier/Framework for Civil Society Consultation on Land Reform
CCNUCC	United Nations Framework Convention on Climate Change
CEDEF	La Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes/Convention on the Elimination of all Forms of Discrimination Against Women
CFCL	Local Community Forest Concessions
CFLEDD	Coalition des Femmes Leaders pour l'Environnement et le Développement Durable/Coalition of Women Leaders for the Environment and Sustainable Development
CIFOR	Center for International Forestry Research
CONAREF	National Land Reform Commission
CSO	Civil society organization
DFID	Department for International Development
DRC	Democratic Republic of Congo
ER-PIN	Emission Reduction Program Idea Note
FIP	Forest Investment Program
REDD+	Reduction of emissions from deforestation and forest degradation; and the role of conservation, sustainable forest management and increasing forest carbon stocks in developing countries
REFACOF	African Women's Network for Community Management of Forests
R-PP	Readiness Preparation Proposal
SNFC	Community Forestry National Strategy
TRMA	Table Ronde Multi-Acteurs/Multi-Stakeholder Round Table

1 Introduction

1.1 Background and justification

Forest management has been a major concern for governments since 1992, with the aim of better conserving forests to provide livelihoods for local communities and Indigenous peoples. Integral to this is the legal recognition of the rights of local communities and Indigenous peoples to access, manage and, in some cases, collectively own forest resources.

The Center for International Forestry Research (CIFOR) has conducted a global comparative study on forest regime reform to explore how different countries have implemented it. This work was conducted through two projects: the Global Comparative Study on Forest Tenure Reform (GCS-Tenure) and the UK's Department for International Development (DFID) KNOWFOR Project.

The GCS-Tenure project focuses on gender in the context of land reform implementation, while the DFID project supports the dissemination of gender work. The effective participation of women in processes, mechanisms and programs related to sustainable development as well as gender equity in decision-making institutions requires capacity building. The GCS-Tenure Project is currently conducting an assessment of the ongoing implementation of land reform in the Democratic Republic of Congo (DRC).

In order to support and complement the ongoing evaluation, particularly with consideration of gender and land and forest rights of Indigenous women, a workshop was organized in Kinshasa, DRC. This was organized by REFACOF, the African Women's Network for Community Forest Management, in partnership with the Coalition of Women Leaders for the Environment and Sustainable Development (CFLEDD). REFACOF's mission is to "promote women's rights in Africa and influence policies and practices for gender equity in land and forest tenure".

1.2 Workshop objectives

The overall objective of this workshop was to explore the land and forest rights of Indigenous women in the DRC. Specifically:

- Identifying factors that threaten or block Indigenous women's access to land and forests;
- Recommending measures and actions at local, national and international levels to protect the land and forest rights of Indigenous women in the DRC;
- Identifying a coalition of actors who could work together to expand and defend the land and forest rights of Indigenous women in the DRC.

1.3 Main activities of the workshop

The main workshop activities were:

- Technical presentations on the rights of Indigenous women on lands and forests in the DRC, the ongoing reform initiatives in the country, and the REDD+ process and related mechanisms;
- Working groups on issues covered by the presentations;
- Mapping of Indigenous women's organizations and other civil society organizations working on issues related to women's rights, land and forest tenure, REDD+ and climate change in the DRC;
- Designing strategic interventions and next steps;
- Making recommendations and conclusions.

1.4 Methodology

The workshop was highly participatory. Theoretical presentations, working groups, brainstorming sessions, question and answer sessions, and restitution in the plenary sessions were the main techniques employed. Working group discussions provided excellent opportunities for participants to share their experiences and learn from each other.

Cécile Ndjebet, assisted by Iris Flore N. Nken, facilitated the workshop, while Chouchouna Losale moderated. The workshop brought together 26 participants, among them 16 Indigenous women, the CFLEDD support team, the REFACOF facilitation team, resource persons, journalists from the national media and Mr. Kapupu Diwa Mutimanwa, the guest of honor.

2 Introductory sequence of the workshop

The workshop opened with two keynote addresses, by Ms. Dorothée Lisenga, CFLEDD Coordinator, and Ms. Cécile Ndjebet, REFACOF President.

Ms. Dorothée Lisenga, coordinator of CFLEDD welcomed the participants and congratulated them on their individual efforts. Recalling the challenges faced by Indigenous women, she expressed her gratitude to CIFOR for initiating and supporting the workshop.

Ms. Cécile Ndjebet, president of REFACOF, very briefly explained the background to the workshop. She then outlined the genesis of REFACOF and expressed her gratitude to CIFOR for their technical and financial support, also giving special thanks to CFLEDD for facilitating the organizational aspects of the workshop.

Following this, participants introduced themselves and shared their knowledge, expectations and fears. The agenda, its objectives and expected results were then presented.

Based on the participants' responses, the workshop objectives were presented and explained. The agenda was then shared and validated.

3 Technical presentations and the working groups

Eight richly illustrated technical presentations focusing on particular concerns of participants were delivered. These facilitated free, interactive and enriching exchanges during the various plenary sessions.

- A literature review providing an overview of Indigenous women's rights to land and forests in the DRC was presented by Ms. Iris Flore Ngo Nken, REFACOF Program Officer.
- A scoping study on the rights of women in the four provinces of the DRC: experience of CFLEDD was presented by Ms. Dorothée Lisenga.
- Initiatives and mechanisms related to the ongoing land reform were presented by Ms. Marie Thérèse Okenge of CONAREF.
- REDD+ and related mechanisms were discussed by Mr. Issa Lingbelu, who emphasized Indigenous women land and forest rights.
- The Forest Investment Program and challenges for Indigenous women's tenure rights was presented by Mr. Julien Kabalako.
- The Community Forestry Program as an opportunity to improve Indigenous women rights in the DRC was presented by Mr. Victor Kangela Kingombe.
- The emissions reduction program in Mai-Ndombe was described by Ms. Chouchouna Losale, REFACOF DRC National Chapter Facilitator.
- Why gender matters in forest and land tenure issues was discussed by Ms. Cécile Ndjebet of REFACOF.

3.1 Overview of the rights of Indigenous women to land and forest in the DRC

From her literature review, Ms. Iris Flore Ngo Nken highlighted the following key issues related to the Indigenous women's land and forest rights:

- Indigenous women's tenure rights are not included in national documents, policies and sectoral laws;
- Indigenous women have no access to decision making in forest management and are considered 'primitive';
- Ancestral lands that are part of Indigenous women's cultural identity have been destroyed or appropriated by Bantu people, traditional authorities and local administration representatives;
- Indigenous women and their families have been expelled from their natural environment without prior consultation because of government forest conservation projects, the establishment of private logging and mining companies, and the expansion of slash and burn agriculture;
- There has been failure to comply with free, prior and informed consent, human rights and the rights of Indigenous people;
- Indigenous women have been excluded from the integrated management of forest resources and benefits because of social relations and cultural practices;
- Rapes committed without investigation or prosecution of those responsible;
- Indigenous women have limited access to land, basic social services such as education, health, clean water and decent housing.

The second presentation was by Ms. Dorothée Lisenga on a scoping study carried out by CFLEDD on the Rights of Women in the four provinces of the DRC. She summarized the situation of the rights of the Indigenous women as follows:

- Land and forest management laws in the DRC have little consideration for women's issues in general and customary practices are also highly discriminatory against women in general and Indigenous women in particular;
- There is a high illiteracy rate among rural women in the DRC and very low participation of women in decision-making structures and mechanisms;
- Land management is dominated by customary laws;
- Law enforcement is very weak;
- Political will is growing for gender mainstreaming in policies and development programs in the DRC, evidenced by the ratification of relevant international conventions (Growth and Economic Opportunities for Women - CEDEF - and Convention on the Elimination of All Forms of Discrimination against Women) in 1986;
- The creation of a Ministry of Gender, Family and Children is the government's strategy to advance women issues;
- Despite these commitments by the government at both the international and national levels, women in the DRC continue to be victims of discrimination, with very weak participation in decision making and public policy processes.

3.2 Initiatives and mechanisms related to ongoing land reform

Ms. Thérèse Okenge described how the land reform process has made very little progress so far. The major constraint is that of very limited financial resources to support the effective participation of civil society organizations, rural women, Indigenous people and local communities in the land reform process.

As a representative of the civil society organizations, Ms. Okenge has succeeded in mobilizing funding from the Central Africa Forest Initiative, the World Bank and the Forest Peoples Programme to organize a national workshop to inform civil society organizations about the land process and highlight constraints to their effective participation.

There is huge need for financial support to guarantee a participatory process and cover the 26 provinces of the country. The land reform process was started in July 2012. Since then, the following mechanisms have been established: (1) CONAREF was created in May 2013 by Decree No.13/016; (2) members of the Technical Unit have been appointed; (3) Steering Committee members, composed of Ministers in charge of Land Affairs, Mining, Hydrocarbons, Agriculture, Regional Planning, etc., have been appointed; (4) a consultant has been recruited to draft the land policy document. Multidisciplinary thematic groups have yet to be recruited to draft the new national land policy and elaborate the new land law.

The participants suggested having technical thematic groups on the rights and interests of rural women, Indigenous people and local communities, and gender mainstreaming.

The key recommendations made for a participatory nationwide process are the following:

- Mobilize civil society organizations to participate in the elaboration of the concessionaire commitments documents or specifications (Cahiers de Charges). This will help to integrate the needs and priorities of Indigenous peoples and local communities into the strategic documents.
- Advocate for the inclusion of technical thematic groups into CONAREF to consider issues related to gender equality, rural and Indigenous women's rights to lands and forests, and other relevant issues.
- Advocate for funding mobilization to ensure that civil society organizations, Indigenous peoples, and rural and Indigenous women from the 26 provinces of the country participate in the land reform process.

The process of land reform is participatory. It is very important to involve civil society and communities in implementation at provincial levels. Civil society organizations (CSOs) need to build the capacity of local communities in leadership, negotiation and advocacy, so they can influence the process.

A training guide on land negotiations will help CSOs to: (1) provide communities with the necessary steps and issues to consider in the land negotiation process; (2) protect the interests of communities so that they can draw the maximum profit at the end of the transfer of their lands for investment; and (3) reduce violations of community rights.

3.3 REDD+ process and related mechanisms

The REDD+ process was presented by Mr. Issa Lingbelu Tiapele and Mr. Julien Kabalako. After reviewing the progress of the process in the DRC, the experts explained that REDD+ has been in its implementation phase since 2016. One of the objectives of REDD+ is to improve the living conditions of local communities and Indigenous peoples through sharing benefits and co-benefits from REDD+, national sector programs and integrated programs at the provincial or sub-national level. The key programs related to REDD+ are the Forest Investment Program, the Emissions Reduction Program and the Community Program.

In regards to the rights of Indigenous women to land and forests, the presenters identified major constraints and highlighted the importance of Indigenous women's participation and engagement in REDD+ and related mechanisms, with concrete suggestions on how to get their needs and interests taken into account.

The three main constraints were:

- Women's rights in the customary laws as well as in the statutory land and forest laws and policies are not taken into account. They appear as generalities without any content.
- The United Nations Framework Convention on Climate Change's minimum requirements are not specified in the REDD+ reference documents. These include the Readiness Preparation Proposal (R-PP), the National Framework Strategy, the Economic Governance Matrix, the Emission Reduction Program Idea Note (ER-PIN), the Project Identification Form (PIF) and the Strategic Environmental Social Assessment (SESA).
- Indigenous women do not benefit from the implementation of the Mai-Ndombe pilot projects.

They recommended that REFACOF should create partnerships to take advantage of the ongoing reforms in the country and initiate the gender-responsive revision of related strategic documents, such as the REDD+ reference documents, the Forestry Code, the Mining Code, Land Law No. 011/2002 of 29 August, the Planning Act, Law N°15/013 of 1 August 2015 on the implementation of the rights of women and parity, Sector and Integrated REDD+ programs, and the Mai-Ndombe Emissions Reduction Program Document.

In addition to CFLEDD, other key actors were identified to ensure REFACOF and their partners are part of all the decision-making mechanisms in relation to forest and land issues. These include: Indigenous peoples and local communities organizations; Working Group of Indigenous Peoples on Land Reform, National Commission for Land Reform (CONAREF), Framework for Civil Society Consultation on Land Reform (CACO), donors and human rights organizations to provide technical and financial support for advocacy with traditional chiefs and members of parliament at provincial and national levels, and key ministries.

Indigenous women are clearly not involved in the REDD+ pilot projects in Mai-Ndombe, part of the Forest Investment Program (FIP). Existing governance tools could be used by Indigenous women to advocate for their access to benefits from these projects. The following key governance tools were identified: the National REDD+ Registry, the National Forest Monitoring System as part of REDD+, the benefit sharing mechanism, the REDD+ Complaint and Grievance Mechanism, REDD+ Social and

Environmental Standards, the National Guidelines on free, prior and informed consent (FPIC) in the context of REDD+, the Stakeholder Consultation Guide for REDD+, the Risk Matrix and Mitigation Measures, and the Communication Plan.

Mr. Victor Kangela Kingombe discussed the Community Forestry Program as an opportunity to improve Indigenous women's rights in the DRC. In 2015, to ensure direct participation of all stakeholders in the program, the government created a participatory mechanism called the "Multi-Stakeholder Round Table; referred to in French as, "Table Ronde Multi-Acteurs (TRMA)". The role of TRMA is to promote dialogue and consultation among actors and to ensure coordination and synergy in the controlled and rational development of the concept of Local Community Forestry Concessions (CFCL) in the DRC.

To influence the process and have their issues taken into account, the presenter recommended that Indigenous women's organizations, as well as other women-led organizations and networks, become part of the TRMA. To take part in this Round Table, rural women in general and Indigenous women in particular, need to be better organized either into platforms or networks.

The formulation of a 5-year (2017–2021) National Strategy on Community Forestry (SNFC) will focus on three main objectives: (1) securing the traditional rights of local communities and Indigenous peoples over lands, forests and forest resources; (2) community-based organization development and integration of community dynamics; (3) institutional development and the promotion of socioeconomic safeguards.

By 2021, the government aims to establish the first CFCL as a result of the pilot initiatives of SNFC.

The presenter strongly advised rural women in general, and Indigenous women in particular, to take advantage of the community forest program to improve their access and secure their rights to land and forests in the DRC. A guide has been developed that defines criteria for the selection of pilot CFCLs. Rural women (local and Indigenous) can apply for the CFCL with technical and financial support of partners. CIFOR and REFACOF can play a good role in this.

3.4 The emissions reduction program in Mai-Ndombe

A 10-minute video on multi-stakeholder conflict management dialogue in the Mai-Ndombe province was presented by Ms. Chouchouna Losale. The video helped participants to see how different stakeholders with conflicting interests come to a negotiated solution through a constructive dialogue for the benefit of all the parties involved.

3.5 Importance of gender in land and forest tenure

This presentation was made by Ms. Cécile Ndjebet who focused on three main points : (1) definition of gender, tenure and some key gender concepts; (2) the importance of gender mainstreaming into programs related to land and forest management; and (3) a short overview of some gender analysis tools.

The following key concepts were defined and explained: gender, sex, gender equality, equity, gender mainstreaming, gender roles, gender analysis, participation, power, stereotypes, needs, strategic interests and tenure. Basic information was shared on gender analysis tools, with a focus on the importance of gender mainstreaming into programs related to land and forest management.

The main messages of the presentation were:

1. Gender should be understood as:
 - issues that focus on women and on the relationship between men and women, their roles, access to and control over resources, division of labor, interests and needs;
 - culturally and socially constructed differences between men and women that varies from place to place and over time.

2. Gender equality is achieved when women and men enjoy the same rights and opportunities across all sectors of society, including economic participation and decision making, and when the different behaviors, aspirations and needs of women and men are equally valued and favored.
3. Gender seeks:
 - the participation of men and women in development;
 - the equitable distribution of development benefits between men and women;
 - the recognition and consideration of the specificities of men and women;
 - the elimination of inequalities;
 - a sustainable, equitable and participatory development.
4. The two fundamental gender principles are Equality and Equity.
5. Tenure is a:
 - set of rights, a package of rights, a “bundle of rights”¹;
 - hierarchical bundle of rights ranging from ‘weak rights’ to ‘strong rights’: access rights, withdrawal rights, management rights, exclusion rights and alienation rights;
6. Tenure rights involves the set of rights associated with ownership; also called property rights or ownership rights. With ownership, the owner has the right:
 - to benefit from the property in a timeless manner; a property rights do not have an expiry date;
 - to sell it or transfer it to another person if he/she wants;
 - to decide who has or does not have access to his/her property.
7. It is important to mainstream gender into programs related to land and forest management because:
 - Women are the main users of forests;
 - They are the key players in food security and nutrition;
 - They represent at least 70% of the agricultural labor force;
 - They are the main users of non-timber forest products;
 - They contribute in a very significant way to the fight against the negative effects of climate change;
 - Women make a strong contribution to poverty reduction;
 - Forest protection requires the active participation of women as if they are deprived of land tenure rights, they will be less willing to change existing livelihoods or share traditional knowledge;
 - Women’s livelihood activities and their specific knowledge of the forests could add value to community forestry activities such as monitoring, soil management, and forest restoration work.
8. To mainstream gender into programs and projects means taking into account the following key elements:
 - full and effective participation of all actors including rural and Indigenous women in all three phases of the programs and projects;
 - the presence of rural and Indigenous women during the consultation of communities;
 - respect of gender equity in decision-making structures and bodies.

3.6 Group work

Participants were divided into three working groups. The groups discussed the issues raised in the presentations. Following the discussions, each group shared in plenary the perspectives of Indigenous women on gender, major threats, constraints and challenges related to their rights on forest and land in the DRC, and suggested opportunities that can help address those challenges and actions to be taken (see Annex 6).

1 Rights and Resources Initiative. 2014. What Future for Reform? Progress and slowdown in forest tenure reform since 2002. Washington DC: Rights and Resources Initiative.

4 Mapping of Indigenous and other civil society organizations at local and national levels

A brainstorming exercise was organized and participants identified some country-based Indigenous women’s organizations and networks, as well as other CSOs involved in issues related to women rights, land and forest tenure, REDD+, climate change and capacity building. The participants recognized that the workshop offered an opportunity for initial identification of the organizations. They suggested mapping and assessing in detail the country-based and regional CSOs and networks involved in promoting secure rights to land and forests for Indigenous and rural women in the DRC.

4.1 Designing strategic interventions for next steps

Based on the identified opportunities, participants brainstormed key actions to be considered for next steps:

1. Gender Analysis of all strategic documents related to natural resource management in the DRC;
2. Strengthening the technical, organizational and institutional capacity of Indigenous women; a concept note can be elaborated with a clear methodology, and the necessary activities and steps. REFACOF was asked to support the elaboration of concept notes on capacity building on gender, land tenure, climate change, leadership and negotiation skills;
3. Mainstreaming Indigenous women’s perspective in all the ongoing reforms in the DRC;
4. Advocacy for the rights of Indigenous women to land and forest with traditional chiefs, and members of the provincial and national parliament;
5. Mapping of Indigenous women’s rights;
6. Enhancing linkages with relevant government agencies particularly the National Land Reform Commission (CONAREF), Community Forestry National Strategy (SNFC), Multi-Stakeholder Round Table (TRMA), REDD+ National Steering Committee and the FIP coordinating body, etc.;
7. Capacity development of Indigenous women’s organizations and networks on gender, tenure, climate change, leadership and negotiation;
8. Elaboration and implementation of a communication strategy to document and inform the general public on the status of Indigenous women’s rights in the DRC;
9. Promotion of traditional knowledge of Indigenous women, new technologies for biological agriculture, agroforestry, transformation of non-forest products and agricultural products and development of alternative sources of renewable energy;
10. Mobilization of funding to support local initiatives and Indigenous women’s projects.

A roadmap for 2018 activities was elaborated as presented in the table below.

Table 1. Operational Roadmap 2018

Actions	Responsible	Timing
Finalization and validation of the workshop report	CFLEDD & REFACOF	January 15, 2018
Submission of the report to CIFOR	CFLEDD & REFACOF	January 31, 2018
Sharing the report with all participants and resource persons	CFLEDD & REFACOF	February 15, 2018

continue to next page

Table 1. Continued

Actions	Responsible	Timing
Elaboration of three concept notes on capacity development on gender, linkages with relevant government agencies and communication strategy	CFLEDD, CONAREF & REFACOF	March 15, 2018
Submission of the concept notes to CIFOR, funding agencies and other relevant development partners	CFLEDD & REFACOF	May 2018
Elaboration and signature of a Memorandum of Understanding with the communications team that covered the present workshop	CFLEDD & REFACOF	June–July 2018
Funding mobilized for at least two projects and signing of the funding protocol	CFLEDD & REFACOF	August–September 2018
Launching of the two funded projects	CFLEDD & REFACOF	November–December 2018

Note: Only the first three actions were completed. The others will be done if funding is obtained.

5 Recommendations and conclusion

5.1 Recommendations

The participants agreed on the following recommendations for their future work:

For Indigenous women and their organizations

- Improve organizational and institutional capacities for effective networking.
- Take ownership of management documents on land, forests, REDD+ and climate change to better influence their content and validation.
- Initiate advocacy and income-generating projects to improve women's rights and economic status, for a greater influence on the ongoing reform processes in Mai-Ndombe.

For civil society organizations

- Get actively involved in the development of the private sector commitments (Cahiers de Charges) for an effective follow-up of CONAREF.
- Commit to promoting community forestry and the evaluation of REDD+ governance indicators to engage Indigenous women in ongoing pilot programs and projects in Mai-Ndombe.
- Support the capacity building of Indigenous women in gender, leadership, negotiation techniques, REDD+, climate change and other related mechanisms.
- Support the creation of community forests by Indigenous women and local communities as a strategy to secure their land and forests.
- Take opportunity of ongoing reforms to drive advocacy and lobby decision-makers.

For CIFOR

- Support the capacity development for Indigenous and rural women for their effective engagement in the ongoing reform processes in the DRC.
- Support the advocacy initiatives to be undertaken by the CSO networks with traditional chiefs and members of the provincial and national parliament in the DRC.
- Develop the capacity of Indigenous women on gender for their effective participation in the implementation of REDD+ programs at the Mai-Ndombe pilot site.
- Support the creation of an Indigenous women's community forest in Mai-Ndombe as a strategy for securing their lands and forest resources.
- Support the creation of a local radio in Mai-Ndombe that will inform the public about the threats and constraints that Indigenous women face in implementing pilot REDD+ programs and projects.
- Support the implementation of the 2018 roadmap developed during this workshop.

5.2 Conclusion

The workshop, "Gender and Rights of Indigenous Women in the DRC: Protecting Indigenous Women's Rights to Land and Forests in the Democratic Republic of Congo" was successfully completed.

The planned agenda was entirely covered. The participation was of very high quality; a roadmap was developed and recommendations were made for three actor groups: CIFOR, as a development partner, CSOs (REFACOF, CFLEDD and others) and Indigenous women. The participants thanked CIFOR for initiating this workshop.

They congratulated CIFOR, REFACOF and CFLEDD for the quality of the workshop process, relevance of the topics and usefulness of the documents presented. The participants recommended that CIFOR, REFACOF and CFLEDD seek funding for the implementation of the 2018 roadmap and work hard toward building the capacities of the Indigenous women.

In her closing remarks, Ms. Dorothée Lisenga thanked all the participants and the resource persons for their time, ideas, the very good quality of the presentations and their commitment during the workshop. She gave special thanks to CIFOR for the great opportunity for Indigenous women to gather together and talk about their specific issues, and interest in supporting Indigenous women's rights in the DRC. She also thanked REFACOF and CFLEDD for facilitating the workshop. As the national coordinator of CFLEDD, Ms. Lisenga committed herself to personally follow the implementation of the roadmap developed during the workshop.

The workshop ended with closing remarks from Ms. Cécile Ndjebet and Ms. Dorothée Lisenga.

