

SOCIAL FORUM HABITAT III 2016



HOUSING RIGHT

Since 2005, the right to housing is in the DRC in Article 48 of the Constitution:

The right to adequate housing, the right of access to drinking water and electricity are guaranteed. The law establishes the procedures for the exercise of these rights.

LAND RIGHTS

The ownership of land is, in the best case, reliability relative. In Kinshasa, for example, the proportion of housing plots fitted with title proper form is 30%. The land titles could still be contested, and individual property is never fully guaranteed. It is therefore understandable that 70% of the judgments rendered by the courts of the DRC deal with land disputes.

Since the Land Act in July 1973, however, the soil is the exclusive property and inalienable state. He initiated all subdivisions and only distributes perpetual concessions for national and foreign temporary. Private ownership is exerted on the frame. In practice, the distribution system leaders earth is the only one that works.

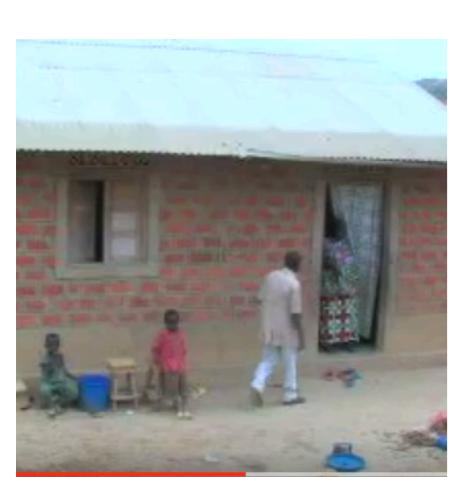
Source : "[Document de programme-pays 2008-2009](#) ; République Démocratique du Congo", UN Habitat.

LAND GRABBING

In recent years, we find that the acquisition of large-scale land is increasing rapidly. Indeed, the new DRC reconstruction policy pushes to open to the world and so, therefore, also to foreign investments on the ground.



Confédération Nationale des Producteurs agricoles du Congo



Both pictures :
Habitat for Humanity
They help people to self-construct their home with a «Tontine» system. People has to pay 10\$ during 10 years to become owners

Currently, many companies and their subsidiaries, as well as private investors settle for use in various industries: mining, timber harvesting or agroalimentaire⁴ are the most popular. If these foreign investments bring more to the economy – by the transfer of capital allocated in the projects, job creation, etc-, the main goal is undeniably in capitalist perspective, the increase profits and maximizing profits.

On the one hand, land legislative framework of the DRC, defined by a series of successive pieces of legislation, including the most critical are those of 1966, 1971, 1973 and 1980 does not seem the most appropriate to protect the interests of local population. These texts were indeed 'said the increasingly prominent state ownership on land, while ensuring security of land rights sold to persons (natural or legal) form of concessions more or less lasting or even perpetual.' As we see, this unclear legislation on procedures for allocation and land acquisition, leaves the door open to all kinds of violations of public and individual interests.

Secondly, concerning the referendum, the case of the management of arable land by the Congolese state is a good illustration of the fact that the expectations or needs of Congolese farmers are rarely part of the agreements between the state and investors. Indeed, the arable land, very popular, are assigned to foreign companies or private investors and wealthy, even though they are in fact often been exploited by local people who live. In the selling, the Congolese state violates some of the fundamental rights of rural people: the right to control the land they are owners and the right to food.

China is one of the biggest investors in the DRC, as part of an area of bi-lateral cooperation in place.

Source : Etienne Tchamulubanda, Commission Justice et Paix belge francophone asbl, [« Accaparement des terres en RDCongo et la protection des droits des collectivités locales »](#), 2011, pp 4.



Evictions – quantitatively :

Since 2014 until today, 11,000 families were evicted and 75,000 are still threatened with expulsion. The state has confiscated 113,000 hectares of land that he gave to agribusiness

Evictions – causes of the problem :

A Congolese citizen deceived the peasants of a village: they said that the government wanted to install a farming village on their land (BUKANGALONZO sector), with the participation of farmers. Small landholders then signed documents authorizing the village. A year later, farmers have understood that it was to build an agro-industrial park (agribusiness). Despite their opposition (some even received money), the park was inaugurated in 2014.

Evictions – consequences :

The people have lost their homes, their lands, their fields, their markets, their pissicoles ponds, their schools and graveyards. Children can not study anymore and survival of the family is very difficult.

Source : Confédération paysane du Congo
www.copacopr.org

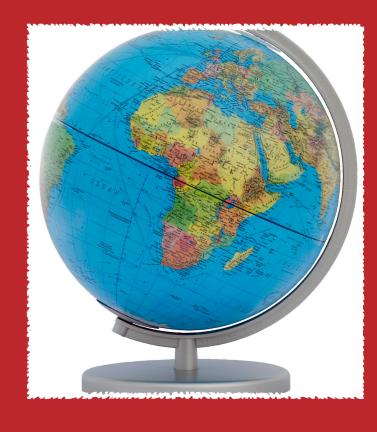


«Stop Land Grabbing»
Photo : GRAIN

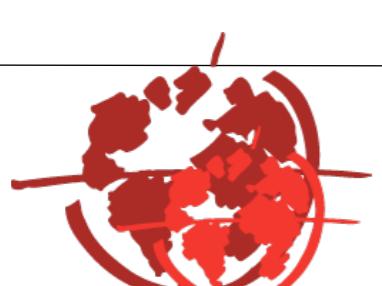
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EUROPEAN ACTION COALITION
FOR THE RIGHT TO HOUSING AND TO THE CITY

