***Elizka Relief Foundation’s Report on “A place to live in dignity for all: Make housing affordable”***

**Introduction**

Affordable housing is not very common in the Democratic Republic of the Congo and South Sudan, which are the two African countries this report will focus on. Lack of data was an issue in both countries, which their respective national bodies need to make readily available. Women in both countries, are categorized as a vulnerable group that is at a particular risk of being exposed to housing unaffordability due to the same reason. That reason being customary laws that are centered around the notion of patriarchy, depriving millions of women of adequate housing. And while positive efforts have been made when it comes to drafting national laws on housing affordability, implementation remains to be a significant problem in DRC and South Sudan. After answering the posed questions and analyzing them, a recommendations section will be provided at the very end.

**The Case of DRC**

**General context**

The housing situation in the DRC is worrisome and requires several transformations. Inadequate housing, increasing air pollution, and inadequate infrastructure and services are all effects of the rate of urbanisation. Investment in affordable housing has lagged behind urban growth and with with uncontrolled expansion, unpleasant and ineffective neighbourhoods have been created that are exposed to natural calamities.

The real estate sector in DRC is characterised by a combination of factors that make housing unaffordable to most Congolese people. These include a lack of institutions that specialise in financing real estate, a lack of developers, and an imbalance between urban development and related services. It is also important to note that in the DRC, informal estate agents outnumber legal ones, due to a lack of resources. When it comes to numbers, which are usually very hard to attain, the DRC annually requires 263,039 new homes[[1]](#footnote-1). With Kinshasa, the capital city, losing 143, 092 homes each year[[2]](#footnote-2), a significant deficit exists and will remain to exist if severe transformations in the housing sector are not implemented.

The DRC's housing condition is made worse by the country's greatest challenges, which are the widespread poverty and ongoing exposure to climate change's adversative effects. Following the flooding, families have been unable to preserve and rebuild their homes. To make matters worse, the government remains to lack a climate change strategy[[3]](#footnote-3) which means that existing houses and houses built in the near future will be at risk when the next natural disaster hits the country. Climate resilience strategies are critically needed, especially in a country where informal settlements exist and houses in rural areas are made with unreliable materials. Without such strategies, the poor and vulnerable will be disproportionately affected which will only contribute to the spread of poverty.

**Availability of data and trends on housing affordability**

Data on housing finance is not readily available in the DRC. The Center Bank of Congo, the national institute of statistics and the Congolese ministry of finance do not make their data readily available annually nor online. While data could be collected, it is usually not made public which makes one question whether data collection does indeed take place or not.

It is also very likely that specific groups in the Congolese society would be left out in data collection in relation to housing affordability, especially vulnerable groups such as women and indigenous people who are often deprived of holding any land rights.

When it comes to green housing, data is also missing. So far, there have been no national green building standards nor authorities dedicated to enforce green standards in the construction sector. Moreover, names and website addresses of green housing financial service providers, green microfinance providers, nor green enterprises in the MSME sector, could hardly be found.

**Causes and Consequences of housing unaffordability**

Land and natural resources in the DRC are either explicitly distributed under customary law or remain vested in the state as far as ownership, possession, and control are concerned[[4]](#footnote-4). Due to the frequent manipulation of land allocations by traditional leaders for personal gain or favor, the market for lands and houses is frequently driven up to unaffordable levels[[5]](#footnote-5).

While it is very difficult to lay hands on an accurate number of individuals, households or group who have been rendered homeless in the last ten years or have been evicted due to their non-payment of housing costs, their socio-economic profile is mostly known. The majority of the Congolese population work in low-wage, low-value-added micro- and small-scale informal businesses to support their families. The majority of all employment, 81.5% according to the world Bank and 97.5% according to the Trade Union Confederation of Congo, is in the informal sector, and the remaining percentage is in the formal sector[[6]](#footnote-6). This implies that there are little chances for the average Congolese to be able to purchase a formal home.

The overall underdevelopment of the housing financial sector in the DRC is another factor contributing to home affordability issues. The National Housing Fund and the Congolese Real Estate Agency are the two housing institutions in the nation, however neither are fully active. In addition, there is a significant lack in housing-related subsidies. Building fundamental infrastructure, including roads, bridges, and water and electrical infrastructure, has been the top priority for the current government.

Additionally, the DRC is ranked 144th out of 165 economies by the World Bank in 2020 for "ease of dealing with construction permits"[[7]](#footnote-7). Getting a construction permit involves 13 steps, takes 122 days, and costs about 13.8% of the building's worth[[8]](#footnote-8). This unquestionably has an impact on price as well because the time and money required for these procedures could have been spared and used for the construction itself.

**Laws, policies and practices aiming to ensure housing affordability**

Early indications of a new social compact between the government and its people have been seen in the DRC. Additionally, a land reform initiative has been started, supported by a number of stakeholders. This initiative includes the drafting of legislation on institutions that support housing subsidies. In order to improve the issuance and security of title deeds, the DRC has also launched the "e-Foncier" initiative to digitally change the management of the national land register[[9]](#footnote-9). This will then lead to developing more houses, which will substantially boost housing development.

A policy worth mentioning is the National Land Policy which was approved by the Council of Ministers on April 15, 2022[[10]](#footnote-10). It is anticipated that the new policy would result in significant advancements in a number of areas. It will make subsequent property transactions and the acknowledgement of the security of customary lands' tenure easier in both urban and rural locations[[11]](#footnote-11). It will also improve the recognition of land rights of marginalized groups, particularly women and indigenous people, who are often denied access to property rights to land due to patriarchal norms and customary rights[[12]](#footnote-12).

Resolving conflicts that usually happen between these marginalized groups and the government over land, would also mean that there will be more land to build houses on thus increasing the supply of houses and hopefully bringing their prices down and making them more affordable to the public.

**The Case of South Sudan**

**Data and trends on housing affordability**

In the majority of South Sudanese institutions, there is a substantial information gap. Financial data is provided by the Ministry of Finance and Economic Planning and the Bank of South Sudan, however most of it is sporadic and out-of-date. Financial, survey, and census statistics have been published by the National Bureau of Statistics, but the majority of the links are broken. And lastly, it is quite challenging to obtain direct access to verified information from government agencies and institutions.

Regarding groups that are at particular risk of being exposed to housing affordability, like DRC, the women make up the biggest group. When it comes to rights to housing, land, and property (HLP), South Sudanese women continue to be largely marginalized[[13]](#footnote-13). Due to the traditional patriarchal system, women hardly ever get to use their land rights, which they receive through marriage and other male relatives[[14]](#footnote-14). They are deprived of the chance to make a meaningful contribution to economic progress due to ambiguous regulations and poor implementation, which also makes their chances of being able to afford housing weak[[15]](#footnote-15). Women may find it easier to define and defend their HLP rights if the land tenure system is digitalized, which would also help in having reliable data readily available.

**Causes and consequences of housing unaffordability**

The South Sudanese real estate market has a number of structural and administrative flaws that make homes unaffordable. The first is that lengthy approval procedures and administrative fees raise building costs, which are ultimately passed on to customers. Private developments must remit 8.5% of their project costs to acquire building permits within 131 days[[16]](#footnote-16). Investors must wait 48 days and pay an additional 14.6% of the property's value to register the property[[17]](#footnote-17). Investment is thus discouraged by cumbersome procedures. Investors must confirm land ownership by a survey engineer with the Ministry of Housing, Physical Planning, and Environment as one of the primary requirements[[18]](#footnote-18). Although this process is free, it takes at least a week to finish[[19]](#footnote-19). These kinds of obstacles account for why South Sudan is listed as one of the six most difficult nations in which to conduct business, including investing in the housing sector[[20]](#footnote-20).

Land ownership in South Sudan remains complicated. Three different forms of land are recognised by the Land Act of 2009: community, private, and public. Public land is owned by the government on behalf of the people, private land is primarily registered by people in metropolitan or urban areas, and community land is owned by various groups according to customary laws[[21]](#footnote-21). The distinction between public and communal land is the key point of disagreement. Every piece of land in the country is inhabited by communities. Applying the broad definition of community land implies that, aside from privately owned plots and sections owned by the government, almost all of the land in South Sudan is community-owned[[22]](#footnote-22). Such uncertainties obstruct the purchase and development of land.

The Land Act gave the government the authority to distribute community land for construction and investment projects[[23]](#footnote-23). To clear property for development, people are frequently violently evicted from their homes due to weak law enforcement[[24]](#footnote-24). As a result, conflict arises, and communities have occasionally reacted violently to halt demolition work. This then causes projects in the private sector to be delayed as costs and losses skyrocket.

**National law relating to affordable housing**

Like DRC, women in Sudan suffer from systemic discrimination due to patriarchy. The Transitional Constitution and the Land Act of 2009 explicitly encouraged women's housing, land, and property rights in order to advance women's rights. These include assuming property ownership from husbands who have passed away along with other legitimate heirs[[25]](#footnote-25). According to Article 28 of the constitution, every citizen has an equal right to own property that is compliant with the law[[26]](#footnote-26).

However, a patriarchal cultural system with rigid land ownership and inheritance structures means that women still face insurmountable barriers to owning property. When judges have concerns about success, marriage, inheritance, and family ties, customary law is frequently used to resolve lawsuits[[27]](#footnote-27). Enforcing property rights is difficult, even when they are upheld in court. Additionally, the legal system lacks the resources to uphold court orders and challenge landowners who are accused of stealing from farmers by heavily armed military officers.

**Recommendations**

1. There is no doubt that a multi-stakeholder approach involving the government, private sector, and civil society is needed to address the housing challenge in the DRC and South Sudan and ensure that housing is affordable and accessible to all.
2. The government should encourage community participation in the housing sector to ensure that housing solutions are responsive to local needs and priorities. This can involve working with community-based organizations and engaging with local communities to understand their housing challenges and preferences through regular round-tables which involve marginalized groups such as women and indigenous people.
3. Similarly, a revision of the national laws related to housing affordability should take place with the attendance of different stakeholders. Participation should be representative to ensure that those whose right to land is usually denied, have a voice. They should also be involved in implementation talks with legal aid provided to them, for free, so they can fully understand their rights and obligations.
4. Facilitating access to housing finance through implementing supportive policies and regulations is another recommendation. Such policies and regulations may include tax incentives, subsidies, and land allocation schemes. This can help to reduce the cost of housing construction and improve access to affordable housing for low-income households. The government should also ensure that there is sufficient land available for housing construction and that the process of land allocation is transparent and fair.
5. The government can also collaborate with civil society, particularly, women-led organizations, in order to empower women and increase their capacity to challenge discrimination and pursue their land, housing and property rights through organizing regular workshops. Marginalized and rural areas should be especially focused on.
6. Collaboration with civil society could also be utilized in order to collect reliable and disaggregated data. Lack of general data on housing and financing housing is a chronic issue in both countries that, if solved, will consequently speed up the process of identifying the problematic factors and countering them. It is understandable that governments may not possess the needed resources to conduct such surveys and so civil society organizations can serve as crucial partners for the government in such cases.
7. A final recommendation focuses on strengthening the capacities of housing sector institutions such as housing agencies and regulatory bodies. This is especially important to enable them to effectively carry out their functions and could include providing training technical assistance to staff and improving the institutional and legal framework for the sector.

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2. Anonymous. “Democratic Republic of the Congo: Analysis of the Housing Construction Value Chain.” Habitat for Humanity, September 2018, <https://bit.ly/40S36Zt>. [↑](#footnote-ref-2)
3. World Bank Staff. “Country Partnership Framework for the Democratic Republic of Congo for the Period FY22-26.” World Bank, January 24, 2022, <https://bit.ly/3LlcWwZ>. [↑](#footnote-ref-3)
4. De Satge. “Democratic Republic of the Congo – Context and Land Governance.” Land Portal, (n.d.), <https://bit.ly/3ngAzyR>. [↑](#footnote-ref-4)
5. Claessens, Klara, et al. “Competition over soil and subsoil: Land Grabbing by Local Elites in Eastern DRC.” 2014. [↑](#footnote-ref-5)
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7. World Bank. “Doing Business 2020: Comparing Business Regulation in 190 Economies.” World Bank, 2020, <https://bit.ly/41RBBQS>. [↑](#footnote-ref-7)
8. Ibid. [↑](#footnote-ref-8)
9. Ministère du Numérique. « e-Proseed : Le Ministre du Numérique prête à accompagner le projet « e-Froncier » et apporte son expertise. Ministre du Numérique, 3 août 2022, <https://bit.ly/3Vg4fJ9>. [↑](#footnote-ref-9)
10. Anonymous. “DR Congo adopts national land policy.” GLTN, (n.d.), <https://bit.ly/3VfFGMp>. [↑](#footnote-ref-10)
11. Ibid. [↑](#footnote-ref-11)
12. Ibid. [↑](#footnote-ref-12)
13. Deng, David. “Between a Rock and a Hard Place: Land Rights and Displacement in Juba, South Sudan.” South Sudan Law Society, February 2016, <https://bit.ly/3LHDRET>. [↑](#footnote-ref-13)
14. Ibid. [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)
16. World Bank. “Doing Business 2020: Comparing Business Regulation in 190 Economies.” World Bank, 2020, <https://bit.ly/41RBBQS>. [↑](#footnote-ref-16)
17. Ibid. [↑](#footnote-ref-17)
18. Ibid. [↑](#footnote-ref-18)
19. Ibid. [↑](#footnote-ref-19)
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21. Deng, David. “Between a Rock and a Hard Place: Land Rights and Displacement in Juba, South Sudan.” South Sudan Law Society, February 2016, <https://bit.ly/3LHDRET>. [↑](#footnote-ref-21)
22. Ibid. [↑](#footnote-ref-22)
23. World Bank. “Land Governance in South Sudan: Policies for Peace and Development.” World Bank, May 2014, <https://bit.ly/40PchJV>. [↑](#footnote-ref-23)
24. Ibid. [↑](#footnote-ref-24)
25. IGAD. “South Sudan – Land Governance Country Profile.” IGAD, (n.d.), <https://bit.ly/41QxHHU>. [↑](#footnote-ref-25)
26. Ibid. [↑](#footnote-ref-26)
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