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BEYOND STABILISATION:

UNDERSTANDING THE CONFLICT DYNAMICS IN NORTH AND SOUTH KIVU, DEMOCRATIC REPUBLIC OF CONGO

FEBRUARY 2015



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About Tufaidike Wote

The *Tufaidike Wote* project (« working together for everyone's benefit ») is funded by USAID and implemented by a consortium led by CARE International with International Alert and the Food and Agriculture Organisation of the United Nations (FAO). The project seeks to bring a combined response to the problems of poverty and instability in the east of the Democratic Republic of Congo, by strengthening socio-economic stability in 15 communities in the provinces of North and South Kivu. The project's theory of change is that peace and stability are promoted by the creation of spaces, capacities and opportunities for community members to participate in a range of reconciliation and community-driven recovery activities. The project uses a *combined community-driven* approach, which has three pillars: peacebuilding, governance and livelihoods support. The project applies cross-cutting themes on women's participation, conflict sensitivity and good governance.

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ADMINISTRATIVE AND CUSTOMARY ENTITIES IN DRC

Territory (*territoire*): an administrative entity in rural areas that directly depends on a province. Each province is subdivided into territories, for example Kalehe territory or Beni territory. A territory is led by the Territorial Administrator.

Chieftom (or collectivity chieftaincy) (*chefferie*): a customary entity that directly depends on a territory. Each territory is subdivided into several chieftoms (or sectors). The chieftom (*chefferie*) is led by a Mwami or chieftom leader from the royal family. The chieftom is a decentralised territorial entity.

Sector (or collectivity sector): a decentralised territorial entity that directly depends on a territory. Unlike a chieftom, a sector is not led by a customary leader from the royal family but by an appointed leader. Sectors have been established in multi-ethnic areas.

Groupement: a customary entity that directly depends on a chieftom or a sector. The leader of a *groupement* is a customary leader from the royal family.

Village: a customary entity that directly depends on a *groupement*. A *groupement* is comprised of several villages. The village leader is a customary leader.

Sub-village (*capitation*): a customary entity established within a village. The village chiefs are comparable to the leaders of the hills who manage the land and customary royalties on behalf of the village leader.

Office of the local state administration (*poste d'encadrement d'Etat*): an administrative entity that directly depends on a territory and aims to provide administrative supervision to the different customary entities (especially chieftoms).

Mwami: A customary leader at the level of the chieftom – the Mwami is equivalent to the king of the community.

ABBREVIATIONS

ADF-NALU:	Allied Democratic Forces – National Army for the Liberation of Uganda
AFDL:	Alliance of Democratic Forces for the Liberation of Congo (<i>Alliance des force démocratiques pour la libération du Congo</i>) – an insurrectional movement led by Laurent-Désiré Kabila, which overthrew President Mobutu on 17 May 1997, with the military support of neighbouring Rwanda and Uganda
ANR:	National Intelligence Agency (<i>Agence nationale de renseignements</i>)
APC:	Action for Peace and Harmony (<i>Action pour la paix et la concorde</i>)
CDJP:	Justice and Peace Commission of the Catholic Church (<i>Commission diocésaine justice et paix</i>)
CNDP:	National Congress for the Defence of the People (<i>Congrès national pour la défense du peuple</i>) – an armed group established by rebel General Laurent Nkunda following the peace agreements in 2004. The CNDP became part of the Congolese army at the beginning of 2009, after Laurent Nkunda’s arrest in Rwanda.
DGDP:	General Directorate of Public Debt (<i>Direction générale des dettes publiques</i>)
DGM:	Directorate General for Migration (<i>Direction générale de migration</i>)
DRC:	Democratic Republic of Congo
FAO:	Food and Agriculture Organization (UN)
FARDC:	Armed Forces of the Democratic Republic of Congo (<i>Forces armées de la République démocratique du Congo</i>) – Congolese national army
FDLR:	Democratic Forces for the Liberation of Rwanda (<i>Forces démocratiques pour la libération du Rwanda</i>) – armed Rwandan Hutu group active in South and North Kivu. The FDLR includes many of those involved in the genocide of the Tutsis that took place in Rwanda in 1994.
FEC:	Congolese Business Federation (<i>Fédération des entreprises du Congo</i>)
FOPAC:	Congo Federation of Smallholder Farmer Organisations (<i>Fédération des organisations paysannes du Congo</i>)
ICCN:	Congolese Institute for Nature Conservation (<i>Institut congolais de conservation de la nature</i>)
ISSSS:	International Security and Stabilization Support Strategy

Mai-Mai:	A group of armed fighters claiming to be 'native' and defending national integrity against potential 'invaders'. The Mai-Mai opposed the RCD's rebellion between 1998 and 2003.
MONUSCO:	United Nations Organization Stabilization Mission in the DR Congo (<i>Mission de l'Organisation des Nations Unies pour la stabilisation en RD Congo</i>) – the biggest peace-keeping mission in the history of the United Nations, with 20,688 personnel in uniform (including 18,751 soldiers)
M23:	Movement of 23 March (<i>Mouvement du 23 mars</i>) – an armed group established after the CNDP on the grounds that the agreements signed on 23 March 2009 between the Congolese government and the CNDP were not respected. M23 was defeated by the national army in November 2013.
NGO:	Non-governmental organisation
OGP:	Governance and Peace Observatory (<i>Observatoire de gouvernance et paix</i>)
PARECO:	Congolese Resistance Patriots (<i>Patriotes résistants congolais</i>)
PNVi:	Virunga National Park (<i>Parc national des Virunga</i>)
RCD:	Congolese Rally for Democracy (<i>Rassemblement congolais pour la démocratie</i>) – the rebellion that occupied a large part of eastern DRC from 1998 to 2003. The RCD benefited from the support of neighbouring countries, in particular Rwanda and Uganda
RCD-KML:	Congolese Rally for Democracy – Kisangani Movement for Liberation (<i>Rassemblement congolais pour la démocratie – Kisangani Mouvement de libération</i>) – a radical RCD rebellion that occupied the Beni-Butembo area in the northern part of North Kivu province
RPF:	Rwandan Patriotic Front (<i>Front patriotique rwandais</i>)
SOFEPADE:	Women's Solidarity for Peace and Integral Development (<i>Solidarité des femmes pour la paix et le développement intégral</i>)
STAREC:	Stabilization and Reconstruction Plan for Eastern Democratic Republic of the Congo (<i>Programme gouvernemental pour la Stabilisation et la Reconstruction de l'est de la RDC</i>)
SYDIP:	Union for the Development of Farmers' Initiatives (<i>Syndicat pour le développement des initiatives paysannes</i>)
USAID:	United States Agency for International Development

EXECUTIVE SUMMARY

This report analyses 13 large-scale conflicts occurring in four geographic areas in North and South Kivu, in the territories of Beni, Kalehe, Mwenga and Walunga in Democratic Republic of Congo (DRC). The aim of this report is to better understand the local dynamics of the conflicts and their structural causes. In particular, the report seeks to suggest entry points for reflection and intervention, which could strengthen the impact of peacebuilding actions, particularly the new phase of the International Security and Stabilization Support Strategy (ISSSS 2013–2017). These large-scale conflicts are primarily over land and power and often reveal, to a greater or lesser degree, an identity-related dimension depending on whether they are between families, clans or ethnic communities. This analysis is based on the documentation of local conflicts carried out by 15 peace committees that were put in place (or strengthened) in 15 villages as part of the *Tufaidike Wote* project.¹ It is also based on field visits and meetings with members of these committees, civil society representatives and local authorities. The following villages are covered by this analysis:

- Beni territory, North Kivu province: Bingo, Eringeti, Liva, Mavivi;
- Kalehe territory, South Kivu province: Bulenga, Bwisha and Kalungu;
- Mwenga territory, South Kivu province: Bulende and Kabalole;
- Walunga territory, South Kivu province: Kaniola, Lugo, Madaka, Mukama, Muzinzi and Mwirama.

Types of conflicts

The 13 large-scale conflicts analysed in this report were selected from 151 conflicts documented and mediated by the 15 peace committees. The conflicts were selected according to their significance in terms of gravity and scale; each one of these conflicts affects the entire local community. With the exception of Eringeti village in Beni territory, which is still affected by military operations against the Ugandan rebels of the Allied Democratic Forces – National Army for the Liberation of Uganda (ADF-NALU), these conflicts are taking place in stable areas, in terms of the level of security, where no armed groups are present. These conflicts demonstrate the important challenges that remain for peacebuilding and conflict resolution in zones that are already under the control of state authorities. While these conflicts are mainly about economic and land power-related issues, their common thread is a structural problem of governance within the management of Congolese institutions. In fact, if the local, territorial, provincial and national institutions fulfilled their mandates in a responsible, active, transparent and functional manner, the vast majority of these conflicts would quickly be controlled or would never have emerged. The existence and perpetuation of these conflicts highlights the key role of the authorities and the priority nature of governance as a sector of intervention for long-term conflict resolution.

¹ This project is implemented by a consortium led by CARE International, partnering with International Alert and the UN Food and Agriculture Organization (FAO) and supported by the US Agency for International Development (USAID).

These large-scale conflicts affect the entire local community. The most significant of these conflicts set in motion networks of actors from the lowest (villages) to the highest levels of power in Kinshasa and/or in the provinces. For example, in Bingo in Beni territory, there is a large land dispute between several hundred farmers and a big landowner, who is threatening to evict the farmers in order to expand (illegally according to the farmers) his assets from 50 to 500 hectares, notably by resorting to the use of armed men. Another major land conflict has arisen in Bulenga in Kalehe territory between two big landowners over the ownership rights to two plantations, demonstrating how different alliances and interests can be mobilised by two big landowners in order to defend their respective interests. These influences are present from the lowest level (the farmers who cultivate the plantations and the villagers) to the highest level of power in Kinshasa, and they lead to the misappropriation of state institutions to serve personal interests. They also fragment the local community, trapping it in a cycle of violence: in 2013 and 2014, for instance, there were several stabbings among farmers. Another conflict over gold resources in Twangiza in Mwenga territory has set artisanal miners and the entire local community against the Canadian mining company Banro. The miners have accused Banro Corporation of removing the primary source of employment from them and of developing the area without adequately compensating the population for direct losses. The local authorities were also accused of having taken advantage of their intermediary position between the population and Banro to defend their personal interests rather than those of the community.

The majority of these conflicts are over customary power, whether they are conflicts between leaders at different levels of power (primarily between village leaders and a leader of a *groupement* or a chiefdom) or conflicts between two individuals claiming to be legitimate customary leaders of a village or a *groupement*. These conflicts, which tear apart customary power, demonstrate the highly conflicting and ambiguous nature of customary power in the various areas covered by the analysis. Other power struggles set customary leaders against political-administrative institutions. These two types of stakeholders contest the prerogative of power and the advantages pertaining to it. For example, there is a conflict between customary leaders from the outskirts of Beni town who are going to lose their position as leaders due to the extension of the town boundaries. Another serious conflict sets customary leaders and farmers against the Congolese Institute for Nature Conservation (*Institut congolais de conservation de la nature*, ICCN) over the boundaries of Virunga National Park in Beni territory.

Finally, there are two conflicts in Eringeti village in Beni territory with an important identity-related dimension. Firstly, there is a land dispute between the Pygmy population and the Mbuba and Nande farmers. The latter accuse the Pygmies of stealing their crops and land through threatening and even violent behaviour. On the other hand, the Pygmies are trying to adapt to huge disruptions to their nomadic hunter-gatherer way of life. The second conflict stems from a historical dispute between the Nande people from the North (Nande Kaïnama) and the Nande people from the South over political and economic disparities between the two groups.

Structural dynamics

Four types of structural dynamics that are present in all of these conflicts have been identified. These causes are all interlinked, permanently rooted in the history of DRC, and can be summarised by the following words: power, land, identity and insecurity.² Power refers to the type of patrimonial and clientelistic governance

2 This observation incorporates many other analyses, as well as the conclusions from the new ISSSS 2013–2017.

that removes substance from Congolese institutions (at all levels), prevents them from functioning in a clear manner and excludes large segments of the population from decision-making. Land relates to the structural, land-related insecurity faced by the Congolese peasant communities due to the duality between customary and state land legislation and the internal dysfunctionality within land institutions caused by patrimonial governance. Negative, identity-related dynamics continue to complicate numerous conflicts. During a conflict, identities (relating to families, clans or ethnicities, depending on the conflict) become increasingly fixed and conflicting, sometimes due to the direct manipulation of certain stakeholders. Usually, these negative identity-related dynamics mostly refer to a discourse about indigenism, which only recognises the rights of 'natives' (the so-called 'first inhabitants of a region'), stigmatises 'foreigners' (even if they are Congolese) and aims to challenge their social, economic, land-related and political rights. Finally, the background of violence and insecurity, which has been ongoing for 20 years in the East, strengthens and feeds the feelings of fear, hatred and rejection – and, consequently, the sense of identity-related stigmatisation. Resorting to violence is an instrument of political and economic control. It makes local populations feel insecure about access to means of subsistence (fields, mines and so on) and about their physical integrity.

Recommendations

Several recommendations emerge from this analysis. They concern the Congolese authorities, civil society organisations and various social movements, as much as the donors and international agencies. These recommendations are related to the content of the new ISSSS. The most important recommendations are as follows:

1. Make governance and accountability a top priority on the agenda of the Congolese authorities, civil society, donors and international agencies

The majority of conflicts analysed in this report could be solved quickly (or would never have emerged) if the Congolese authorities, at different levels, fulfilled their mandate in an active, responsible and transparent manner. A large proportion of donor funds are spent on projects that do not target (specifically enough) the problem of governance in DRC. At the same time, the patrimonial and clientelistic system of governance that characterises the country seriously reduces the impact and sustainability of projects that seek to benefit the population. Funds should be (re)directed, as a priority, towards long-term programmes that aim to sustainably and structurally transform the Congolese system of governance by encouraging accountability and reciprocity between citizens and the Congolese authorities.

2. Promote the process of *bottom-up* dialogue, which includes the different levels of power and authority (territorial, provincial and if necessary national) as a key strategy for large-scale conflict resolution and promote the process of accountability between the authorities and Congolese citizens

Peacebuilding projects are too often limited to mediation activities undertaken locally by peace groups. Although the role of these committees is essential at a local level, peacebuilding strategies should incorporate different levels of power and authorities who can influence the large-scale conflicts affecting local communities. To achieve this, a process of participatory and *bottom-up* dialogue, starting at the bottom and including different levels of power, should be promoted as the main peacebuilding strategy. Although these processes

are difficult to implement, they form an integral part of the international stabilisation support strategy – in particular the ‘democratic dialogue’ pillar.

3. Ensure that implementation of the new phase of ISSSS grants a central place to local communities and stakeholders in the analysis and definition of priorities, with respect to the principles presented in the strategy’s ‘democratic dialogue’ pillar

The way in which the new phase of ISSSS has been defined presents an important window of opportunity for implementing a process of inclusive, *bottom-up* dialogue, notably in the analysis and definition of strategic priorities for lasting conflict resolution. However, to seize this window of opportunity the strategy must be implemented in a manner that respects the principles of inclusion and participation of community and local stakeholders, which are contained in the ‘democratic dialogue’ pillar of ISSSS.

The involvement of local communities and Congolese stakeholders when defining the strategic directions of the stabilisation plan (ISSSS and the Stabilization and Reconstruction Plan for Eastern Democratic Republic of the Congo (*Programme gouvernemental pour la Stabilisation et la Reconstruction de l’est de la RDC*, STAREC)) is essential for lasting, structural conflict resolution. The principle of involvement requires international agencies and donors to review their intervention methods and ways of working, as this does not seem to be happening at the moment.

4. Promote long-term programmes to reinforce the inclusiveness of Congolese institutions by structuring and strengthening the social and socio-professional Congolese movements and organisations, in order to better relay the concerns of the population to decision-makers

In a clientelistic and patrimonial system of governance, it is very difficult for the Congolese authorities at different levels to take into account expectations and concerns. It would be beneficial to implement actions that aim to (structurally) strengthen Congolese citizens’ capacity to communicate their concerns and interests to those in power. These actions could include: establishing and strengthening socio-professional trade unions nationwide (primarily a farmers’ union, since more than 75% of the population depends on agriculture); supporting local organisations that are active in good governance; and encouraging an independent, professional press and social movements that organise advocacy campaigns with the authorities to increase their accountability.

INTRODUCTION

Through the analysis of local dynamics of certain conflicts taking place in different villages in North and South Kivu, this report intends to contribute to current reflections on the implementation of the International Security and Stabilization Support Strategy (ISSSS) in eastern Democratic Republic of Congo (DRC). The purpose of this analysis is not to define a new or alternative stabilisation plan, but rather to learn from how local conflict dynamics present themselves in different territories in order to base the implementation of the stabilisation plan on the reality on the ground.

The analysis and observations presented in this report are based on the work carried out by the 15 peace committees put in place (or strengthened) by Alert and its partners as part of the multi-sector project *Tufaidike Wote* (working together for everyone's benefit). The latter project is implemented by a consortium led by CARE International in partnership with International Alert and the UN Food and Agriculture Agency (FAO), and financed by the US Agency for Development (USAID). This report starts at an extremely local level, namely with the 15 villages/communities³ of the Beni, Kalehe, Mwenga and Walungu territories and the many conflicts taking place there. The conclusions drawn from the analysis of these conflicts and the work of the 15 peace committees are compared with the revised stabilisation strategy for 2013–2017 to demonstrate how peace work at a local and community level can contribute to the stabilisation strategy in its entirety.

For two years, within the framework of the 'peacebuilding' segment of the project, 15 peace committees were put in place and/or strengthened for the identification, documentation and mediation of conflicts. The central aim was to create a positive impact on peacebuilding and to reduce tensions in the respective environments. Accompanied by the Congolese organisations Women's Solidarity for Peace and Integral Development (*Solidarité des femmes pour la paix et le développement intégral*, SOFEPADI) (Beni), Action for Peace and Harmony (*Action pour la paix et la concorde*, APC) (Kalehe) and the Justice and Peace Commission of the Catholic Church (*Commission diocésaine justice et paix*, CDJP) (Mwenga and Walungu), the 15 peace committees⁴ identified, documented and mediated 151 conflicts in the four different territories. Although this is a large figure, it does not necessarily represent all of the conflicts taking place in the affected villages.

The majority of the conflicts documented by the peace committees relate to land (74 or almost half) or power (25). Other conflicts concern small social or economic conflicts, or even disputes occurring within families. The distinction made between conflicts concerning land and those over power is rarely clear and separate; land disputes often include issues over governance and power, while power struggles are often connected with stakes in land.

3 In this introduction, the term 'community' refers to groups targeted by the *Tufaidike Wote* project, specifically a group of approximately 4,000 people gathered in or around one village. However, in the rest of our analysis, the term 'community' does not refer to the groups targeted by the project, but to the ethnic or village communities, which correspond to a more tangible, sociological reality.

4 The report uses the general term 'peace committee' even though other names can be used for these committees, depending on the areas and partner Congolese organisations within the project. In Mwenga and Walungu territories (with CDJP), they are called peace committees; in Beni territory (with SOFEPADI), they are known as dialogue committees; and in Kalehe territory (with APC), they are known as a 'dialogue and mediation sub-committee' (sub-CDM – Dialogue and Mediation Committee (*Cadre de Dialogue et de Médiation*)).

These conflicts are extremely varied in nature and scale. Many of them are micro-conflicts between two or more individuals over field boundaries, inheritance, debts, animals straying into fields, disputes between husbands and wives within one household, an abuse of trust, etc. Therefore, the majority of the conflicts documented by the peace committees were limited in terms of their scale and gravity; however, given the large number of conflicts, they still have an impact on the local social fabric.

In addition to these micro-conflicts, there are conflicts driven by major stakes, which tear apart the entire community, or even several communities, and often go beyond the village to the level of a *groupement*, chiefdom or territory, or even at provincial or national level. These large-scale conflicts predominantly relate to the management of power and of land or mineral resources. They can have an identity-related dimension, to a greater or lesser degree, depending on the geographical areas. The large-scale conflicts were also documented by the peace committees, but the committees are not in a position to work on their sustainable resolution. One of the aims of this report is to develop strategic proposals to enable the peaceful resolution of these large-scale conflicts by making use of the documentation and mediation work undertaken by the peace committees.

Therefore, the key question raised by this report is to know what strategies should be put in place to support the committees' work in order to make a real impact on lasting conflict transformation and peacebuilding. How can we go beyond the local level and ensure that the elite at territorial, provincial and national level becomes involved and engaged as part of a real *bottom-up* process? What lessons can be drawn from the analysis of these conflicts in order to inform the implementation of the new stabilisation strategy?

Structure of the report

This report is divided into three parts. The first part describes, in detail, some of the large-scale conflicts that are breaking up entire communities and which the peace committees documented. The second part puts forward a cross-sectional analysis of these large-scale conflicts and identifies their differences, as well as their causes and common structural dynamics. Finally, the third part draws conclusions from this analysis in order to guide the implementation of the stabilisation strategy and to suggest approaches for a long-term, sustainable strategy for the resolution of conflicts that have affected eastern DRC for more than two decades.

Methodology: Scope and limitation of the analysis

This report is the result of documentation compiled by 15 peace committees in 15 villages, in 4 territories. The work was then completed with three weeks of field research at the different sites with members of the peace committees, civil society stakeholders and local authority representatives. It should be noted that, in cases where the conflicts analysed by the peace committees concern individuals, only the initials of the individuals' names have been retained in this report to protect their identity.

Two important observations must be made about the methodology.

The first relates to the geographic area covered by this analysis. The peace committees are located in Beni territory (the villages of Bingo, Eringeti, Liva and Mavivi) in North Kivu and in the territories of Kalehe (the

villages of Bulenga, Bwisha and Kalunga), Mwenga (the villages of Bulende and Kabalole) and Walungu (the villages of Kaniola, Lugo, Madaka, Mukama, Muzinzi and Mwirama) in South Kivu. These geographic areas are not actually representative of North and South Kivu provinces. They are relatively stable areas in terms of security, with the exception of Eringeti in Beni territory, which remains affected by the national army's strong presence as part of military operations against the Allied Democratic Forces – National Army for the Liberation of Uganda (ADF-NALU) rebels. None of the other villages addressed in this analysis was threatened by the presence of armed groups during the field research, even though there were 49 active armed groups in the two provinces in the second half of 2013.⁵

In terms of relations between ethnic communities, the targeted areas are also relatively stable – for example, there are ethnically homogenous zones in Mwenga and Walungu. In Kalehe territory, ethnic relations are more problematic, but even there the villages targeted by Tufaidike Wote are primarily inhabited by the Havu community, with the exception of Kalungu, which is predominantly Hutu. Therefore, it is sometimes necessary to look beyond the targeted villages and to include the whole territory in order to accurately take into consideration the area's background (security, history and ethnicity) and to evaluate how this background influences local conflicts.

The analysis would have been different if it had targeted the territories of Masisi and Rutshuru (North Kivu), where inter-community tensions are high and numerous armed groups remain active; or even Shabunda territory in South Kivu, which is very isolated and threatened by the presence of the Raïa Mutomboki; or Walikale territory, which is rich in minerals and confronted by the Cheka militia; or even the territories of Fizi and Uvira in the southern part of South Kivu. The analysis proposed here is therefore not exhaustive and does not claim to summarise all of the conflicts and troubles that exist in the two provinces of North and South Kivu.

Nevertheless, the areas covered in this report are interesting exactly because they are already relatively stable. In other words, they are areas where state authorities are not hindered or prevented from exercising their mandate due to insecurity or armed groups. The analysis provides a clear observation: even without the presence of armed groups, areas in eastern DRC remain afflicted by conflict, largely due to the type of governance at work in the country, as this report will show. Although they represent a major threat to security, armed groups are far from being the only problem preventing the restoration of peace and stability in eastern DRC.

The second methodological observation concerns the working method used for this report, which is based primarily on documentation conducted by the peace committees. For this analysis, the different reports produced by the peace committees and partner organisations of the project were used extensively. The researcher met 13 of the 15 peace committees and had extensive exchanges about the main conflicts in their respective entities. The researcher further examined the information gathered by the committees from discussions with civil society and local authority representatives. However, the researcher did not meet the different stakeholders involved in the many conflicts analysed in this report. Overall, it is about capitalising

5 A report by the Group for Research and Information on Peace and Security (*Groupe de recherche et d'information sur la paix et la sécurité*, GRIP) refers to 10 main armed groups in North and South Kivu, more than 20 'other' armed groups in North Kivu and 22 others in South Kivu. Three other groups are still active in the two provinces. See G. Berghezan (2013). *Groupes armés actifs en RDC. Situation dans le 'Grand Kivu' au 2ème Semestre 2013*. Brussels: GRIP. Available at <http://www.grip.be/sites/grip.org/files/RAPPORTS/2013/Rapport%202013-11.pdf>

on the work undertaken by the Tufaidike Wote project peace committees rather than providing a detailed presentation of different conflicts, including perspectives from different stakeholders. Thus, the purpose of this analysis is to identify, on a general level, priority issues and the deep-rooted structural and underlying causes of these issues; it does not claim to provide a comprehensive and indisputable account of the different conflicts examined.

I. LARGE-SCALE CONFLICTS

Of the 151 conflicts recorded by the peace committees, 13 stood out as large-scale conflicts, breaking apart entire local communities and sometimes causing violence. The peace committees have identified these conflicts as priorities; however, the conflicts exceed their scope due to their ramifications at higher levels of power.

These large-scale conflicts concern land or power, factors that are often inextricably linked. In this way, all disputes over customary power encompass land-related issues because land management is the primary attribute of customary power in rural areas. Although the primary interest is land, issues of governance and power, related to the dysfunctionality (and manipulation) of customary and state land institutions, are often involved, as well as the management of special interests due to state weakness. Large-scale land conflicts set in motion extended networks of interests. These networks go head to head in games of patronage where the political dimension is clear. Some of these land disputes also show that land is an economic and political resource. The ownership of land confers power by enabling allegiances to be built through the redistribution of land (renting or selling) to certain individuals or farmers. As we will see, the large-scale conflicts described here demonstrate that it is often impossible to distinguish between land and power when analysing these dynamics.

Some of these conflicts also encompass an important identity-related dimension. Conflicts between groups or communities, whether between families, clans, ethnic communities or villages, almost always end up triggering negative identity mechanisms. These include a discourse about rejection, prejudice or stigmatisation of one group by another.

This section presents the main large-scale conflicts identified and documented by the peace committees in the four territories.

1) Beni territory

1a) Bingo: Land dispute over Pole Pondo plantation

The land dispute regarding the Pole Pondo plantation is between hundreds of farming families and a big landowner called Faustin. The landowner was also a former official of the Congolese Rally for Democracy – Kisangani Movement for Liberation (*Rassemblement congolais pour la démocratie – Kisangani Mouvement de libération*, RCD-KML) rebellion and one of the leaders of the Mai-Mai armed group. The families accuse Faustin of seeking to illegally expand the colonial plantation of Pole Pondo, initially from an area of 50 to 500 hectares, as part of a large land speculation operation with a value of approximately US\$500,000. Several hundred farming families risk seeing their fields taken away; this is their main livelihood in a predominantly agricultural economy.

The farmers accuse Faustin of having fabricated false deeds for the colonial Pole Pondo plantation and of having had these documents authorised by the land registrar in order to take ownership of the farmers' fields surrounding the plantation. In 2008, Faustin called armed men to the disputed plantation from the Mai-Mai Rwenzori. According to the farmers, he did this to intimidate them and to drive away those who resisted by force. According to Faustin, it was not done to intimidate anyone but to gather the men in order to disarm and demobilise them as part of the Amani Programme.

According to the farmers, these armed men moved the boundaries of the plantation, extending it to 500 hectares.

The contentious area extends to the villages of Bingo and Mambabwanga. In 2009, on behalf of the wronged farmers, the leader of Mambabwanga village filed a complaint against Faustin at the local court. At the same time, more than 130 farmers signed a protest letter, which they addressed to the Territory Administrator, the land registry and the Provincial Assembly. Following these actions, a territorial delegation was sent to the scene in the presence of all parties. However, Faustin accused the delegation of bias, refused to visit the disputed area, in particular the disputed boundary, and left. The local court's judgment eventually fell in favour of Faustin. The leader of Mambabwanga appealed to the district court. The farmers fear that Faustin's political influence will prevent them from winning the case within the jurisdiction of Beni and want to take the case to Goma or Kinshasa.

So far, Faustin has been coming to the plantation regularly, accompanied by land registry agents and the police, in order to divide the plantation into plots of land. These plots are then sold to private individuals and title deeds are delivered by the land registry. A sales document for one of these plots, obtained by the peace committee, shows a sum of US\$1,200 for one plot measuring one hectare. This land speculation operation and the dispossession of land from small agricultural producers could generate more than US\$500,000 for Faustin, but deprives hundreds of households of their livelihoods.

This conflict demonstrates, above all, the structural land insecurity affecting farmers in rural areas because of the duality between custom and land legislation. It highlights the unequal power relations between big landowners and small farmers as well as the dysfunctionality of the land registry services. In rural areas, small agricultural producers actually depend on customary leaders for access to land. It is the customary leaders who divide and allocate arable land between their 'subjects'. Farmers put themselves in the hands of custom when it comes to accessing land. However, land legislation completely annuls custom by stipulating that an individual who does not have registration certificates for the land is not the owner and can, therefore, be evicted from land that may have been occupied and cultivated for generations. Farmers face cost-prohibitive procedures for obtaining a registration certificate from the land registry services – for instance, it costs more than US\$300 to register a plot. The farmers are therefore condemned to live in a permanent situation of land insecurity, which makes them particularly vulnerable.

Officials can easily profit from this situation through obtaining title deeds from the land registry services (even if farmers have been cultivating the fields for generations), evicting the farmers and reselling the land to individuals.⁶ In a context of patrimonial and clientelistic governance, money, relations and influence (such

6 Before delivering these title deeds, the land registry agents must complete a public survey to confirm that the land in question is not already owned or disputed. However, these surveys are generally not carried out.

as resorting to armed men) generally allow influential people to succeed, whereas small farmers have only very limited means with which to defend themselves. In some cases, small farmers can find themselves being exploited by officials who seek to defend their own interests, as the report will illustrate later on in the case of the land dispute over the Kageyo and Kagarama plantations in Kalehe territory.

1b) Mavivi community

1b.1) Farmers and customary leaders against ICCN and Virunga Park

This land dispute sets farmers and local customary leaders against the Congolese Institute for Nature Conservation (*Institut congolais de conservation de la nature*, ICCN) over the boundaries of Virunga National Park (*Parc national des Virunga*, PNVi) and the use of the park grounds for agriculture. The conflict – between a public institution and the local population (and customary authorities) – demonstrates the difficulties that state institutions face in imposing their authority on the population and local (customary) authorities. It illustrates the inherent contradiction in the duality between customary institutions and state administration, with each institution defending its own interests. The conflict also reveals the extent to which some state institutions have been weakened by wars and difficulties, and the resistance they face when re-establishing themselves.

The boundaries of the PNVi were first challenged around the time of independence, but there was another turning point with the second Congolese war (1998–2003) and the occupation of Beni territory by the RCD-KML rebellion. Since 2000, the latter allowed farmers to clear certain areas of the park to cultivate them. More than 2,350 hectares of the park were cleared and turned into fields for the benefit of farmers and customary leaders from five *groupements*; the latter received money and goats as customary royalties for the occupancy of the new land.

In 2005, the Congolese government launched military operations against the Ugandan militia ADF-NALU, who were occupying areas of the park, namely in the Rwenzori sector (decentralised territorial entity). The farmers had to leave the areas they occupied in the park, but they had the opportunity to register to receive compensation for the fields they lost. Many of the farmers intended to recover their fields once the military operations were over; however, the ICCN did not allow this. Association des Producteurs Agricoles de Mavivi (APAGRIMA), a cooperative of farmers from Mavivi, filed a complaint against the ICCN to the district court and won the case for a plot of 124 hectares. This decision sparked a new dispute between the members of APAGRIMA, who paid for the trial, and the farmers who inhabited the fields in the 124-hectare area. Following the intervention of customary leaders, the farmers won their case and could return to their fields. However, the members of APAGRIMA remain dissatisfied to this day. Furthermore, other customary leaders and farmers continue to call into question the park's boundaries. These complaints are exploited by local politicians to secure their popularity.

1b.2) Conflict over power between Beni town authority and customary leaders of Beni Mbau sector

As with the conflict surrounding Virunga Park, this conflict demonstrates the resistance of customary leaders when faced with the expansion of Beni town's administrative authority into territories governed, until now, by

customary land rules. It illustrates the failures and conflict caused by the coexistence of two rival systems of power in DRC: the administrative power of the state and customary power.

In 2003, a presidential decree established the town of Beni and set its boundary. The new town boundary encroached on several surrounding villages that were part of the Beni Mbau sector. Conflicts emerged between these villages and the town; customary leaders did not intend to hand over their power to the town. Some villages, such as Mavivi, disappeared altogether in order to be incorporated into the town. The underlying issue was not only the benefits of customary royalties that were at stake for the customary authorities, but also the long-term loss of customary leaders' power in favour of state power. Over time, Beni town will incorporate the entire Beni Mbau sector and its four *groupements*.

While the presidential decree sets the boundary of Beni town, a territorial commission is required to physically establish these new boundaries, but this has not happened to this day. Compensation arrangements were foreseen for the customary leaders (*groupements*, villages, sub-villages) for the loss of their customary royalties and other attributes. However, according to local sources, the budget was misappropriated by the state hierarchy. If the town authorities try to govern unilaterally without considering the views and frustrations of customary leaders, these latent conflicts are likely to become overt and even violent.

This power struggle also encompasses an important land-related dimension. The rural land that was occupied by farmers until now, following customary rule, became urban land, which fell within the jurisdiction of the land registry. The land registry took advantage of this by forcing farmers to divide their land into individual plots and to pay to register it, which is illegal because the procedures for land registration must be voluntary. Once the farmers had registered their land, they refused to keep paying customary royalties, which caused even more conflicts with the customary authorities. Many cases of this type are under investigation at the Prosecutor's Office.

1c) Liva community: Conflicts over customary power in Bambuba Kisiki *groupement*

Many disputes over power divide the local leaders and notables from the Bambuba Kisiki *groupement*. Two of these conflicts were documented by the Liva peace committee. One of the conflicts concerns the contestation by many village and local leaders as well as notables regarding the leadership of the *groupement*. The other conflict, related to the first, concerns a dispute between the leader of the *groupement* and the leader of Liva village regarding the appointment of a local chief for the Liva 2 sub-village. These two conflicts are explained briefly below.

1c.1) Power struggle over control of Bambuba Kisiki *groupement*

The conflict within the Bambuba Kisiki *groupement* has existed since the colonial period, arising between the different Bambuba clans, namely the Mamba, the Ombi and the Bohio. The first two clans accuse the third of having taken advantage of its dealings with colonial rulers to usurp the customary power of the royal family (Mamba) who ruled before. This conflict remained dormant until the death of the *groupement* leader in 2012,

which rekindled debates regarding the succession. The son of the deceased leader was eventually appointed as leader of the *groupement*, but a member of the royal family from the Mamba clan continued to claim that he was the only legitimate leader. Of the nine villages that form the *groupement*, at least four village leaders oppose the current leader of the *groupement*. These disputes prevent customary institutions from running as normal and have a direct impact on customary land management in the area.

In addition, this power conflict includes a strong identity-related dimension, both in terms of clans (within the Mbuba community) as well as inter-community relations between the Mbuba and Nande communities. In fact, the Mamba and Ombi clans accuse the current reigning family (Bohio) of being ‘foreigners’ because, according to the history of settlement in Beni territory, they come from Orientale province. At the same time, the Mambo and Ombi clans blame the current reigning family for having encouraged the settlement in their *groupement* of many Nande farmers, who are now a majority and economically strong. In return, the Nande people generally support the current reigning family. These disputes over customary power overlap with clan and ethnic divisions, which can easily aggravate the situation.

1c.2) The power struggle in Liva 2 sub-village

The conflict over Liva 2 sub-village between the leader of Liva village and the leader of the *groupement* demonstrates the strong overlap between the different levels of power upheld by custom. When the leader of the *groupement* announced the reinstatement of a local chief who had previously been dismissed by the village leader, the latter strongly opposed such a step and blocked the reinstatement. This led to the leader of the *groupement* accusing him of insubordination. The conflict surrounding Liva 2 sub-village reinforces the contestation faced by the *groupement* leader.

Once again, even if conflicts occur within a single ethnic community, customary power issues take on an identity-related dimension and introduce a discourse regarding clans and exclusion – such as the discourse over ‘natives’ versus ‘foreigners’.

The conflicts over customary power in the Bambuba Kisiki *groupement* have a strong impact on governance at a local level and demonstrate the lack of involvement and weakness of higher-level authorities in resolving these types of conflicts. As a result, these conflicts tend to drag on when they could be resolved quickly, increasing the risk of the conflict taking on new proportions and becoming unmanageable or violent.

1d) Eringeti community

In Eringeti village, the large-scale conflicts are over conflicting relations between different ethnic communities who find themselves in competition, or even in opposition, over access to and control of land, and more generally over economic and political resources at a local level. These conflicts are between the Mbuba farmers and the Pygmies, on the one hand, and between the Nande people from the north and the Nande people from the south, on the other hand. In each of these conflicts, the categories ‘native’ and ‘foreigner’ are used in a discourse that is intended to devalue the rights of certain population groups.

1d.1) Conflict (over land) between Pygmies and farmers

This conflict demonstrates how difficult it is for the Pygmy populations to adapt to an environment where their traditional way of life is no longer possible. The adaptation strategies developed by the Pygmies have a negative, sometimes violent, impact on the Mbuba and Nande farmers. This causes conflicts between members of the two communities and reinforces the prejudice to which the Pygmies are subjected by the other communities. The conflict also illustrates how the Pygmies are challenging the customary power of the Mbuba and how the Pygmy community is adopting a discourse about indigenusness, traditionally developed by other communities, in order to establish their customary power. The conflict encompasses a strong identity-related dimension as it is between two communities.

Confronted by the insecurity associated with the presence of the ADF-NALU in the PNVi and the declining game supply, the Pygmies had no choice but to leave the forest of the PNVi and to settle around the village communities. Many conflicts over land have erupted between the Pygmies and the farmers, either because the Pygmies have set up camp in farmers' plots or fields, or because individuals have repossessed and resold land traditionally kept for the Pygmies.

More generally, the Pygmies have turned to a discourse about indigenusness or 'first occupancy', which the customary Mbuba leaders employ to legitimise their customary rights to land. As Jean-Louis Nzweve notes: "[The Pygmies] have undertaken to replicate the basic social structure by appointing their own village chiefs, village leaders and leaders of groupements [...] The Pygmies, not without threat, have also reclaimed land usually managed by customary Mbuba leaders and now receive customary royalties from small-scale Nande farmers."⁷ The Nande farmers have not complained about this development, as the fees charged by the Pygmies are often lower than those demanded by the customary Mbuba leaders.

Beyond this land-related social development, through which the Pygmies are trying to settle while maintaining a livelihood, the Eringeti farmers mainly complain about the aggression shown by the Pygmies recently; the latter are guilty of violent behaviour towards the farmers. In addition, the Pygmies have been accused of stealing the farmers' harvests and selling them at a low price to the wives of soldiers who stay in Eringeti while their husbands are at the front.

1d.2) Latent opposition between Nande people from the south and Nande people from the north

This tension between two clans from the same community demonstrates how negative identity-related dynamics come into play following different experiences of migration, history, politics and economics. These differences are linked to the history of settlement in the territory, the existence of socio-economic inequality often due to clan or ethnic differences and, finally, the reference to either custom or modern law to access land. Although the tension between the Nande people from the south and the Nande people from the north remains latent, members of the Liva peace committee fear that it may one day result in violence.

⁷ J.-L. Nzweve (2009). *La dynamique des conflits fonciers en Territoire de Beni. Analyse de contexte à partir de quatre études de cas*, SOFEPADI.

The first difference that distinguishes between the Nande people from the north (or Nande Kaïnama) and the south relates to when each clan arrived in the Bambuba Kisiki *groupement*. The Nande Kaïnama settled there in the 1920s at the same time as the Bambuba. As a result, the Nande Kaïnama tend to be treated as Mbuba 'natives' and have even had land leaders at the level of sub-villages. The Nande people from the south arrived in the area later on and are often accused of being 'foreigners' by the other communities. They do not have any customary land leaders in the Bambuba Kisiki *groupement*. However, over time, the Nande people from the south have become a majority and therefore play a bigger role and have greater political influence than the other communities. Consequently, the majority of elected representatives come from their community.

The Nande people from the south include many great merchants and landowners. Differences between clans are therefore marked by economic inequality, which reinforces the polarised discourse about 'natives' and 'foreigners'. Stigmatising discourse such as 'the Nande people from the south are stealing our purchasing power' is common among the Nande Kaïnama. Generally, members of the two clans no longer cooperate, as demonstrated for example by members of the other clan boycotting economic and development initiatives. These tensions have been further aggravated by conflicts over customary power within the *groupement*. The Nande people from the south tend to support the leader of the *groupement*, whereas the Nande people from the north and some Mbuba clans prefer to support his rival.

2) Kalehe territory

The background to Kalehe territory is important for understanding the different conflicts at play in the villages of Bulenga, Bwisha and Kalungu. The territory is marked by recurring tensions between ethnic communities over the control of land and power. These tensions originate in the history of settlement in the area and the administrative organisation of the territory inherited from the colonial period.⁸ Tensions have also been significantly heightened by the wars and armed conflicts that have torn apart eastern Congo for 20 years.

Firstly, there are tensions between the Tembo and Havu communities over the distribution of customary and administrative power throughout the territory. These tensions are rooted in the colonial period and resulted in the Tembo community's demand that Bunyakiri territory should become an autonomous entity of Kalehe territory, as the community did not feel it was sufficiently represented in the administrative and customary entities in Kalehe territory. This demand has continued to meet opposition from the Havu community, which benefits from the status quo. During the Congolese Rally for Democracy (*Rassemblement congolais pour la démocratie*, RCD) rebellion from August 1998 to 2003, Bunyakiri territory existed temporarily before it was rescinded by the transitional government. However, it took several years for Bunyakiri territory to be removed because of strong resistance from the Bunyakiri population and notables. The other ongoing territorial and customary dispute between the Tembo and Havu communities is over the boundaries between the *groupements* of Ziralo (Tembo) and Buzi (Havu) and, in particular, over the administrative ownership of five hills rich in minerals. A definitive solution to this conflict has yet to be found. The conflict continues to set the *groupement* leaders against one another and to divide the Havu, Tembo and Hutu communities.

8 For a more detailed contextualisation of the Kalehe territory and its main conflicts over land and power, see Action for Peace and Harmony (2012). *Conflits fonciers et dynamiques de cohabitation en territoire de Kalehe*, carried out in partnership with Life & Peace Institute.

Secondly, tensions exist between the communities who call themselves ‘natives’, namely the Tembo and Havu people, and the communities of Rwandan origin, namely the Hutus and Tutsis, who arrived in northern Kalehe territory after migrations organised by the Belgian colonial power in Rwanda towards eastern Congo. The local integration of Tutsi and Hutu populations in terms of land and custom deteriorated rapidly after Congo’s independence. Governed by customary Havu or Tembo leaders, the Hutu and Tutsi populations made demands for land-related and customary autonomy, but these were poorly received by the Tembo and Havu people. The revision of the nationality law in 1981, which withdrew Zaïroise nationality from many people descended from Rwanda, reinforced the feeling of marginalisation and insecurity among the Rwandophone population. The introduction of multi-party politics and democracy further aggravated the situation in the early 1990s. Local political demands coalesced around exclusivist ethnic claims. Ethnic militias were put in place in North Kivu (in the territories of Masisi and Walikale) and soon reached the northern part of Kalehe territory. The clashes between these militias caused thousands of deaths.

The arrival of Rwandan Hutu refugees (and genocide perpetrators) in eastern Zaire in 1994 and the Congolese wars of the Alliance of Democratic Forces for the Liberation of Congo (*Alliance des forces démocratiques pour la libération du Congo*, AFDL) and RCD further aggravated the violence and reinforced the hatred and dynamics of rejection between local ethnic communities. In particular, the rift between ‘natives’ and ‘Rwandophones’ was exacerbated, the latter being regarded as agents of the RCD rebellion. The various armed groups that proliferated after the 2003 peace agreements are still dealing with some of these ethnic divides, such as the Congolese Resistance Patriots (*Patriotes résistants congolais*, PARECO) (Hutu) and the Raïa Mutomboki (Tembo in the Bunyakiri area). At the time of writing, Havu and Tembo customary leaders and populations continue to accuse the Hutus inhabiting the high plateaux of Kalehe of keeping arms and preventing customary leaders from exercising their authority in these areas – an accusation that the Hutus deny.

In this part of Kalehe territory, the return of Congolese Tutsi refugees who fled to Rwanda in 1994⁹ remains a problem in terms of land. When they fled, the refugees either abandoned or sold their land for a very low price to members of other communities. Whether the refugees have a right to repossess this land on their return remains a particularly sensitive question and risks causing many violent conflicts if it is not anticipated and addressed correctly by the authorities and the various stakeholders.

2a) Bulenga community: Land conflict between landowners over Kagarama and Kageyo plantations

This land dispute illustrates how different networks of alliances and interests are mobilised by two big landowners in order to defend their own interests. The clientelistic influences at play here are present from the lowest levels (the farmers who cultivate the plantations and the village inhabitants) to the highest levels of power in Kinshasa (the Prime Minister and the Ministry of Finance). These influences help to misappropriate/exploit public institutions for personal interests and deeply divide the local community, which locks itself into a cycle of violence. This conflict is a perfect example of bad land management and the overlap between land and politics.

9 Or who voluntarily rejoined the ranks of the Rwandan Patriotic Front (*Front patriotique rwandais*, RPF) before 1994.

The conflict is between VN,¹⁰ a former official of the RCD and son of a large family from Goma, and SH, a former aid of Mwami Sangara (the *groupement* leader) and a native of Bulenga. According to members of the peace committee, the conflict stems from the duplicate 'selling' of the Kagarama plantation by Mwami Sangara, firstly to SH and then to VN. However, it is not clear if SH received the necessary title deeds from the Mwami to guarantee the ownership of the plantation. SH sought to assert his rights to the land by offering 30 acres of the plantation to the community, as well as selling plots measuring 30 by 20 metres for a low price to local farmers. He also sold 15 hectares (of which 3 were given as a gift) to a provincial MP from Bulenga, in the hope of gaining his support. However, the MP ended up turning against SH to support VN.

In his efforts to obtain irrefutable ownership documents, SH discovered from the General Directorate of Public Debt (*Direction générale des dettes publiques*, DGDP) in Kinshasa that the 25-year leaseholds of several plantations in Bulenga had never been renewed, including the Kageyo plantation, which belongs to, or belonged to, VN. Previous buyers therefore have no ownership rights and these plantations are, once again, in the possession of the Congolese state (see Bakajika land legislation). SH obtained 'reallocation contracts' from the DGDP for some of the plantations, including Kageyo. He gave several families permission to move to the Kageyo plantation and to cultivate the land there. However, the KA family, who had been working as farmhands for the VN family for a long time, were living on another part of the plantation. Due to exploitation by relatives of the two landowners, and fearing that they would be driven from the land they occupied, the various families attacked each other with knives on three occasions in 2013, leaving one dead and several injured. A recent case of pillage and destruction of houses took place on 19 January 2014, when members of the KA family targeted the houses of two 'pro-SH' farmers.

Prior to this, in June 2012, soldiers from M23 who were guarding the plantations for VN assassinated a man in the middle of a meeting in Bulenga, mistaking him for SH.

In April 2014, VN obtained several letters from the Deputy Minister of Finance revoking the land reallocation letters that SH had obtained from the DGDP because of procedural errors. In response to these letters, SH in turn referred to a letter from the Prime Minister, Matata M'ponyo, who forbade national ministers to take actions in the name of the DRC government while awaiting the government reshuffle, which had been announced (but not yet undertaken) by President Joseph Kabila.

A delegation from the provincial government of South Kivu visited the site at the end of May 2014 to learn about the situation, but without putting forward any solution. The members of the delegation confirmed that they would have to wait until the Ministry of Land Affairs could settle the issue from Kinshasa and identify the 'true' owner of the disputed plantations. The case therefore remains on hold.

This conflict demonstrates the dominance of patronage and political influence in the balance of power. On the one hand, the clientelistic networks remove substance from state institutions by misappropriating them for the benefit of special interests. This is the case in the conflict with the DGDP, the Prime Minister's office and the Deputy Minister of Finance, who signed official letters that had suspicious legal grounds because they

10 As explained earlier, initials are used for names of some individuals.

did not respect the procedures for the allocation of land as defined in the land law. On the other hand, this system of networks and alliances has an impact on local populations as well. Some families share the interests of conflicting parties, find themselves exploited because of this and, in turn, lock themselves into a spiral of violence.

As shown, in a context of widespread patronage, acquiring large plots has both economic and political implications, because the redistribution of land creates new alliances and allegiances. By using land, SH could position himself on the local political scene by creating new allegiances and securing popularity by giving and selling land to the community and to farmers. Faced with this rising power, other political stakeholders (the MP) feel that their interests are being threatened and begin to oppose the rise in power of an individual perceived as being a rival, exacerbating the land dispute even more. The dispute may begin over land, but it acquires a political dimension, making it increasingly violent.

2b) Bwisha community: Conflict over customary power for control of Bwisha village

This conflict is between two individuals who both claim to be the leader of Bwisha village. It illustrates once again the weakness and internal dysfunctionality of customary power, which is full of many peculiarities and power games whereby interpersonal relations take precedence over established rules. It also shows the lack of involvement of superior levels of authority in resolving these conflicts as well as the divides between the different levels of authority. In addition, this conflict demonstrates that disputes over customary power often conceal interests in land. Finally, the similarities to power struggles in Beni territory are clear, highlighting that the problem with customary power is not limited to one particular area but is a widespread issue throughout the Kivus and even beyond.

At the end of 2011, HA succeeded his deceased father as leader of Bwisha village. The succession took place at the request of the notables of the village and was supported by the secretary of the *groupement*, who was acting on behalf of the leader of the *groupement*, MS, who lives in Liege, Belgium. Due to other issues, the secretary of the *groupement* was dismissed by MS and replaced by MaS. The secretary of the *groupement* refused to accept his dismissal and kept the seal of the *groupement*. The leader of the chiefdom, Mwami Ntale, who is responsible for the appointment of leaders of *groupements*, did not approve of the secretary's dismissal.

Despite objections to the appointment of MaS, the latter appointed another chief of Bwisha on the grounds that HA lives in Goma, where he teaches at an institute. For land-related interests, some notable families from Bwisha supported the new chief in the hope that they would obtain a 10-hectare plot belonging to the HA family, parts of which are disputed. Influential power was set in motion between those supporting the new chief of Bwisha and the families supporting HA; this led to one of HA's family members losing his position as adviser to a member of the provincial parliament. Death threats were exchanged between some families. There is a real uneasiness settling through the village. The dispute is increasingly dividing the whole community as it spreads, for example, into the churches. HA attends the Catholic church, whereas the new chief of Bwisha is a member of the Christian Assembly, a Protestant church. Stigmatising discourse aimed at each of the conflicting parties is beginning to appear.

Finally, for reasons unrelated to the conflict, the leader of the *groupement*, MS, decided to dismiss his secretary MaS and subsequently wrote a letter reinstating HA. However, the new chief of Bwisha refuses to give up power so the two leaders and the two administrations have been coexisting in the village for some time. A local Security Council meeting is trying to mediate and advise the new chief to give the role of deputy to HA, but to no avail. The situation continues even though the new chief is currently isolated.

3) Walungu territory

3a) Kaniola and Mwirama communities

3a.1) Security problems, Rasta and vigilance committees

The population of Kaniola has been particularly traumatised by the violence and massacres perpetrated by the armed group Rasta. The latter is an ultraviolent armed group made up of around 15 dissidents from the Democratic Forces for the Liberation of Rwanda (*Forces démocratiques pour la libération du Rwanda*, FDLR) alongside some Congolese members; it is guilty of several extremely violent massacres in the Nindja and Kaniola area between 2004 and 2007.¹¹ The violence and anxiety caused by the group was such that the provincial government acceded to the notables' request to distribute arms to young people gathered in vigilance committees. These committees are responsible for warning the Armed Forces of the Democratic Republic of Congo (*Forces armées de la République démocratique du Congo*, FARDC) of any security threats and assisting them in their task of protecting the population. In addition to the arms for the vigilance committees, the provincial government deployed Colonel Albert Kahasha, alias Foka Mike, to dismantle Rasta. He managed to weaken the criminal group and became a hero, enjoying great popularity in the Kaniola *groupement*. He was then deployed to North Kivu as part of the Kimia II operations.¹² While Foka Mike's men and the young people from the vigilance committees cooperated well, this was not the case with the FARDC of the 18th brigade, which was deployed to Kaniola after Foka Mike. The 18th brigade tried to forcefully disarm the vigilance committees, causing clashes between the two forces and resulting in the death of a young member of the vigilance committees. Members of the 18th brigade were redeployed following this incident, while the vigilance committees remained active and armed. These committees still exist today. No cases of atrocities against civilians have been recorded as being perpetrated by these committees. The weapons are guarded by the village leaders, given out to the committee members for their patrol and collected at the end of their patrol. The vigilance committees enjoy strong support from the local population, who see them as an effective tool for protecting the community.

However, the existence of these committees demonstrates the weakness of state authorities and the national army, which, at the population's request, partially outsource the security of the area to civilians and non-state stakeholders. The case is symbolic of security governance in eastern DRC.

11 For more information on the armed group Rasta, see the report from the Peasant Union for Integral Development (*Union paysanne pour le développement intégral*, UPDI) (2009). *Le phénomène Rasta*, in partnership with the Life & Peace Institute.

12 The Kimia II operation aimed to dismantle the FDLR. This operation followed on the heels of the Umoja Wetu operations by the FARDC and the Rwandan army against the same armed group.

3a.2) Conflict over customary power in Kaniola groupement

This conflict is over customary power and, to a large extent, is linked to the presence of vigilance committees (and weapons) in the Kaniola *groupement* and the popularity of Foka Mike in the area. The conflict demonstrates the capacity of popular resistance against a customary leader who is not supported. It also underlines the weakness of local power and the lack of transparency and consideration for the needs of the local population by the chieftdom.

The leader of Ngweshe chieftdom decided to dismiss the leader of the Kaniola *groupement*, the old CH, without giving a reason to justify the dismissal and despite the fact that CH was a leader valued by the population. Nevertheless, the new leader of the *groupement* was appointed. Some months later, following the presence of armed vigilance committees, and after Foka Mike's defection from the national army and his desire to create a new armed group near the Kaniola *groupement*, the leader of the *groupement* began to accuse the young people from Kaniola of creating a militia or of wanting to join Foka Mike's militia, which was particularly popular in the area. The civil society of Kaniola responded to these accusations by writing a letter to Mwami Ngweshe (the leader of the chieftdom of the same name), asking him to bring the *groupement* leader into line. Consequently, the leader of the *groupement* sent a list of 15 notables from Kaniola to the authorities, accusing them of being Foka Mike's accomplices. Seven of these individuals were arrested and taken to the central prison of Bukavu, while one was transferred to the prison of Makala in Kinshasa.

Following the arrests, the population joined forces against the *groupement* leader. The leader felt threatened and left Kaniola to settle in Bukavu. At the time of writing, the leader of the *groupement* only comes to Kaniola occasionally and never stays overnight. Kaniola's civil society has launched a petition for the attention of Mwami Ngweshe, requesting the dismissal of the *groupement* leader but to no avail. More generally, local civil society complains about the lack of transparent management by Mwami Ngweshe and criticises him for failing to acknowledge the demands of the people. The Kaniola *groupement* is not the only entity where the leader of the chieftdom has recently appointed a new leader who is not supported by the people. Of the 16 *groupements* in Ngweshe's chieftdom, the leaders of 7 are heavily opposed by the people and the village leaders. Village leaders continue to seek the opportunity to elect the leaders of *groupements*; however, the leader of the chieftdom does not want to consider it.

3b) Madaka and Muzinzi communities: Problem of land access in Mulamba groupement

The problem of land access illustrates the permanent and structural insecurity faced by farmers from eastern DRC. This is as a result of the duality between land law and custom as competing (and often conflicting) means of accessing and managing land. Faced with cost-prohibitive procedures for obtaining legal title deeds, farmers find themselves prisoners of a customary system that does not guarantee any security of tenure.

In the Mulamba *groupement*, customary leaders have sold large parts of land to individuals, who have turned them into private plantations. These plantations are now out of reach of farmers, apart from leasing fields against an annual payment. Therefore, the majority of the *groupement* now consists of private plots that are often left fallow; members of the peace committee have counted eight plots with an approximate total area

of more than 2,000 hectares. Small producers continue to benefit from customary plots of land, which they cultivate according to a customary contract and against the payment of customary royalties. However, these plots have long been insufficient to meet the needs of the families. Each household is therefore forced to rent a piece of land from big landowners, generally measuring 30 metres by 40 metres for the price of one goat per year payable in advance, as well as one day a week working for the owner. These leases are oral agreements and do not guarantee any long-term security of tenure for small farmers.

This privatised land rental system is set to spread to all farmers in response to high population growth, even though it is not to their advantage. Given the level of land inequality, small producers are calling for the redistribution of land – all the more so because a large proportion of private plots remain fallow and therefore not exploited.

4) *Mwenga territory: Bulende and Kabalole communities*

4a) Conflict between Banro mining company, artisanal miners and the local community

The main conflict that is having a serious impact on the entire village communities of Bulende and Kabalole in Mwenga territory concerns the establishment and exploitation of gold at the Twangiza mining site by the Canadian company Banro. This conflict is particularly complicated, encompassing quite important economic (and therefore political) issues. There are two main elements. Firstly, discontent has arisen due to unsatisfactory compensation for artisanal miners and households that were displaced and deprived of their livelihood. In particular, Banro faces strong opposition from artisanal miners, who feel entitled to continue their artisanal exploitation of Banro's mines. Secondly, the conflict stems directly from power struggles between customary authorities and local elites in relation to new challenges caused by Banro's arrival in the area. While people were expecting the authorities and local elites to defend their interests vis-a-vis Banro, the elites established themselves as the only intermediaries between the community and the mining company and took advantage of this position to advance their own agendas and interests, at the expense of the miners and the community. Eventually, the divergent interests among the various elites led to the creation or strengthening of existing local leadership conflicts.

Ultimately, this conflict concerns the duality between law and custom, and between formal rules (law) and the informal sector (practice). While Banro bases its legitimacy on the law and a contract signed with the Congolese government, the miners put forward their customary legitimacy. The latter have customary contracts with the local customary authorities, as well as with other state services to which they pay taxes and royalties, entitling them to exploit the mines. Although illegal, these customary contracts are standard practice in the artisanal mining sector and are endorsed by the local authorities.

4a.1) Brief description of the conflict between Banro and the Luhwindja community

Banro arrived in Luhwindja in 2005 against a backdrop of war and conflict between local leaders, in particular between the wife (the Mwamikazi) and the brother (Justin) of Philemon Naluhwindja, the leader of the chiefdom who was assassinated in France in 2000 under unclear circumstances. In its negotiations with the

Congolese government, Banro faced competition from SOMICO, a Congolese company established by Laurent-Désiré Kabila following a legal dispute with Banro over the liquidation of the former mining company SOMINKI. Mwami Philemon was appointed director of SOMICO to ensure that the society was established in Luhwindja.¹³ After Philemon's death, his brother Justin took over the role and became leader of the chiefdom. In the context of regional war, Justin organised the armed groups 'Local Defence', became an ally of the FDLR in the area and gained support from Kinshasa to fight the RCD rebellion. He quickly became popular.

However, when Joseph Kabila settled the conflict between the Congolese government and Banro through a 'gentlemen's agreement', he called on the Mwamikazi to help Banro set up in Luhwindja. In people's eyes, and as a result of the rhetoric encouraged by Justin surrounding this, the Mwamikazi and Banro were perceived as being allies of the RCD, while SOMICO was the company defended by Justin.¹⁴ In 2005, military operations were carried out to evict the FDLR and to dismantle the Local Defence. This allowed Banro and the Mwamikazi to set up in Luhwindja and forced Justin to flee to Kinshasa. Having arrived against a backdrop of war and being perceived as allies of the RCD, Banro and the Mwamikazi were faced with the hostility of the population.

Grievances against Banro became stronger when the company decided to establish itself on its land and evict 10,000 (or more) artisanal miners. These miners had been living off of artisanal gold mining since the beginning of the 1980s. Banro also had to relocate hundreds of families from its site. The miners put up strong resistance, forcing Banro to negotiate with them and to establish a community forum tasked with negotiating compensation and local development projects that Banro, through its foundation, should be implementing for the benefit of the community. However, the community forum was not truly representative of the community. On the contrary, it was taken over by local elites, namely the Mwamikazi and her followers, who, all friends with Banro, took advantage of their position to serve their own interests at the expense of public interest. Against this backdrop, the compensation arrangements established by Banro following discussions with the community forum were considered by the miners, households and the entire community to be largely insufficient given the losses incurred.

The various options available to the miners in no way allowed them to generate an income equivalent to that earned from their former mining activity. Displaced families were relocated in cold, windy environments unsuitable for agriculture and the development of good living conditions. Recently, the Congolese non-governmental organisation (NGO) Governance and Peace Observatory (*Observatoire Gouvernance et Paix*) has identified at least nine relocated households suffering from extreme malnutrition, while many other households have left their new environment to relocate to Bukavu or Luhwindja. For their part, the Mwamikazi and her followers took the opportunity to secure several large subcontracts with Banro within the framework of road construction, freight transportation, construction of company facilities and even socio-economic reintegration projects for miners. Some 850 miners were engaged in the various subcontracts but only temporarily and for a lower salary than they earned as miners. Six to eight months later, when Banro began the mining phase, the majority of the miners were dismissed.

13 See also the article by S. Geenen and K. Claessens (2013). 'Disputed access to the gold sites in Luhwindja, eastern DRC', *The Journal of Modern African Studies*, Vol. 51, No. 1. pp. 85–108.

14 Geenen and Claessens, Op. cit., also refer to the close relations between Banro and the RCD rebellion.

Today, the miners and the population no longer trust Banro. They think that the company tried to deceive them into believing that their living conditions would improve in order to capture the mining sites, even though the quarries are a vital economic resource for the community and local development. People also feel deeply betrayed by the Mwamikazi and the local elites – particularly the members of CODELU, the development committee of Luhwindja, and the urban elite from Luhwindja who have settled in Bukavu. They believe that these elites abused their position as intermediaries between the community and the mining company in order to advance their own interests.

As a result of this discontent, and their inability to find alternative economic activities, between 1,500 and 3,000 miners reinvested in the quarries of Kadomwa situated on the Banro site. In response, Banro tried to evict the miners but without success; the provincial authorities have asked the company to temporarily tolerate their presence. However, the miners adamantly refuse to leave the mines, which they believe belong to them by right because they are the children of the area and they exploit the mines based on agreements with local customary leaders. Accounts by several miners suggest that they are prepared to resist to the point of death rather than leave Kadomwa. Banro considers that it rightfully owns Kadomwa and does not intend to surrender any of its site to the artisanal miners. Handing over the site to the miners would change the value of the gold deposit – a development that the company shareholders could not accept.¹⁵

15 Response by Banro following a roundtable report about mining in Luhwindja, organised by the NGO Governance and Peace Observatory in Bukavu.

II. CROSS-SECTIONAL ANALYSIS: UNDERLYING STRUCTURAL CAUSES OF CONFLICTS

Power, land, identity and insecurity – the foundations of conflict

The description of the 13 large-scale conflicts taking place in certain villages in the territories of Beni, Kalehe, Mwenga and Walungu clearly reveals some differences but also common ground, particularly regarding the causes and dynamics. This section presents a cross-sectional analysis of the underlying, structural causes of the various conflicts. However, it should be borne in mind that the 13 conflicts described previously are extremely localised geographically and are not necessarily representative of all conflicts in eastern DRC. In particular, the presence of armed groups is a problem that is not directly encountered in the conflicts discussed, even though it is a fundamental problem in eastern DRC. This analysis also draws on other academic reports and articles on the same subject,¹⁶ all the more so because the underlying causes of the conflicts presented in this report are largely consistent with the majority of previous analyses.

The underlying structural causes of conflict in eastern DRC, particularly in the 13 conflicts described in the previous section, comprise four key aspects. These are land (structural land-related insecurity), power (patrimonial governance at all levels), identity (dynamics based on ethnic identity) and insecurity (long-term violence, weakness of the national army and the presence of many armed groups). These four structural causes of conflict are deeply interconnected and rooted in Congolese history. This interconnectedness results in a particularly complex situation with conflicting dynamics at different levels, from local to regional and international. The connections between conflict dynamics at different levels (local, provincial, national, regional, international) have complicated the analysis of violent conflicts and their causes considerably and prevented the implementation of an effective peacebuilding strategy.

The following sections will examine these fundamental causes of conflict in eastern DRC.

¹⁶ In particular: C. Huggins (2010). *Land, power and identity. Roots of violent conflict in Eastern DRC*. London: International Alert; J. Stearns (2012). *The background to conflict in North Kivu*, Projet Usalama, Rift Valley Institute; P. Mathieu and J.P. Willame (eds.) (1999). *Conflits et guerre au Kivu et dans la région des grands lacs. Entre tensions locales et escalades régionales*, Cahiers Africains No. 39–40; International Alert (2012). *Ending the deadlock. Towards a new vision of peace in eastern DRC*. London; International Security and Stabilization Support Strategy 2013–2017 (preliminary draft, not published); K. Vlassenroot and T. Raeymakers (eds.) (2004). *Conflict and social transformation in Eastern DR Congo*. Gent: Academia Press.

1) *Power – patrimonial and clientelistic governance*

The first fundamental cause of the 13 conflicts documented refers to the prevailing method of governance in DRC – specifically clientelistic and patrimonial governance methods, which have taken root as the main form of power for many decades. This method of governance produces weak and dysfunctional state institutions, leads to the implementation of tailor-made laws for the ruling and economic elite, and restricts any possible accountability on behalf of the elite for the Congolese people. At the same time, it induces a feeling of mistrust, even defiance, towards the authorities among the people, who become less and less engaged as citizens with the dynamic of accountability.

In DRC, current affairs are managed not by state institutions but by patronage networks, which cross, encompass and transcend the institutions themselves. These networks have a pyramid style of hierarchy, led by the Congolese elite at different levels of power, which meet at the top in Kinshasa. To become more powerful in these networks, the Congolese elite have various resources at their disposal, be they economic or political. These resources are monopolised by individuals who redistribute them within their own network of allies in order to strengthen allegiances, create new ones and climb up the great pyramid constructed by numerous networks. Undoubtedly, money is the primary resource used in these networks. Land is another. Political posts, due to the advantages they provide, are also a key resource for monopolising other resources for personal gains. In this way, the clientelistic method of governance is fed by the state, is reproduced by official post holders in institutions and causes a structural weakening of the state.

Some conflicts covered in this report perfectly illustrate the harmful effects of this type of governance at the level of the local, as well as national, elite. For example, the conflict between the two big landowners SH and VN over the plantations in Kalehe shows how each party tries to forge or mobilise allies within state institutions, whether it is the Minister of Finance or the Prime Minister. This conflict also reveals that alliances are present from top to bottom. Local populations feel partly ‘bought’ by the different protagonists (due to land distribution) and are obliged therefore to remain loyal to one protagonist or another for fear of becoming victims themselves if the other camp wins.

The conflict between Faustin and the hundreds of small farmers in Beni also demonstrates how state services (in this case the land registry) are easily manipulated and corrupted, becoming guilty of illegal practices such as registering disputed land that is still the subject of a trial at the local court. The conflict over gold mining by Banro in Mwenga also shows how the local elite (in this case the Mwamikazi and her followers) take advantage of local issues related to the arrival of the mining company in the area in order to pursue personal agendas and interests and to bypass the expectations and needs of the community.

In the large-scale conflicts discussed above, there are numerous examples of strong links between conflicts, corruption, dysfunctional state services and clientelistic governance. This strong connection between poor governance and conflict highlights the importance of fundamentally transforming the method of governance in DRC if sustainable and lasting peace is to be achieved in eastern DRC. The revised stabilisation strategy strongly emphasises this aspect of governance and the importance of (re)creating social contracts between state authorities and Congolese society as a whole, in order to see the creation of a politically favourable environment for lasting peace in the country. This report highlights, once again, the fundamental importance of governance for sustainable conflict resolution in the East of the country.

Unfortunately, recent political developments at a national level are particularly illustrative of the flaws in the democratisation process, which began with the 2006 elections. The Constitution was revised for the first time in 2011. However, the 2011 elections were not credible or transparent. Today, there are many indications that the Constitution will be revised again for the next elections in 2016–2017 in order to keep the current ruling class in power for five years (or more). The electoral dynamic that should allow the Congolese people to sanction incompetent leaders and to promote political change has, thus far, been insufficient to change the method of governance at different levels of power.

The question that remains is: how can the elite be brought under the control of the population and, consequently, act in a responsible manner, respecting public interest? The answer to this question will be crucial for long-term conflict resolution in DRC.

2) Land crisis – land duality and farmers' insecurity

Small-scale farmers are in an extremely difficult position when it comes to patronage and forced political affiliations. They have only very limited resources, which are of small value within these networks of alliances and allegiances. As a result, farmers are unable to defend their own interests and their most precious possession – land.

For over 40 years (land legislation of 1976), small producers have faced serious land tenure insecurity due to the legal confusion surrounding this matter. Land falls into two normative frameworks based on values, principles and opposing rules – namely, custom and state land legislation. The state land legislation confirms the supremacy of law over custom in relation to land-related issues. While small-scale farmers traditionally secure their land with customary oral contracts, the law annuls custom as a way of accessing land and insists on land registration procedures by the land registry and the issuing of title deeds. The land legislation, drawn up in the political environment before Zairianisation,¹⁷ favours the political and urban economic elite and threatens the small agricultural producers.

As a result of this duality in the land sector, the elite, in conjunction with customary leaders who sell them large areas of land, often at very low prices, have managed to acquire large plots at the expense of small producers. These small producers no longer have the opportunity to access land, other than through monetised land renting, which is now a widespread practice in eastern Congo. In the worst cases, farmers have simply been driven from the land that they have occupied for generations. With the growing population, the customary land available to farmers is becoming too cramped in many areas and, as a result, small producers are forced to lease land from big landowners. In many cases, this dynamic has transformed farmers into agricultural workers and heightened the vulnerability of small agricultural producers.

17 Initiated in 1974 by the Mobutu government, 'Zairianisation' involved nationalising assets and properties belonging to foreigners. This meant expropriating the foreigner's assets to redistribute them to the Zaire officials who were favoured by the regime. Zairianisation greatly contributed to the country's economic collapse.

This process of commercialisation and privatisation of land, occurring at the expense of small farmers, has been discussed and analysed by many Western and Congolese researchers.¹⁸ Even though the land tenure insecurity of small farmers has been highlighted for more than 20 years, it is remarkable that it persists to this day, as revealed in the land disputes analysed in the previous section (e.g. the conflict with Faustin in Beni or the lack of customary land for farmers of the Mulamba *groupement* in Walungu territory). Ultimately, the conflict between artisanal miners and Banro could also be viewed as a special type of land dispute. The persistence of land tenure insecurity among farmers is, primarily, a sign of the structural weakness of the peasant class within the Congolese political scene. Even though farmers represent between 70% and 80% of the population, thus making them the country's primary political force in an election, they are largely unable to make their voices heard and to defend their interests in the arena of power, whether at national or provincial level.

This finding not only points to a problem of land governance or land-related disputes, but also to the problematic governance method of state institutions in general and the lack of inclusiveness of institutions with regard to the population and their expectations. This observation is valid for farmers, as well as for all other socio-professional sectors and all underprivileged social groups, both in rural and urban areas. Finally, the issue of land disputes also raises concerns about the openness of institutions to underprivileged social groups, to their interests and expectations, in a context where these institutions remain instruments of power in the hands of the elite.

3) Identity – manipulated ethnic belonging

Identity is a third key dimension in conflicts in eastern DRC, especially ethnic belonging. Identity categories are not fixed but vary over time, space and according to the issues in question. Identity is a flexible, fluid, multiple category that can become fixed during conflicts. The significance of some affiliations over others varies from one conflict to the next. Even though ethnic identities are particularly salient and often play an important role in conflicts in the East, the 13 conflicts described in this report show that other identities (affiliations with a clan, a village, family, etc.) can also be present in certain conflicts.

Certain conflicts between communities are marked by the issue of ethnic belonging, which shapes the differences and opposition dynamics – as seen, for example, in the conflicts between the Mbuba and the Pygmies. In other instances, identity-related dynamics are formed around clan affiliations and are therefore intra-ethnic – as seen in the case between the Nande people from the south and the Nande people from the north in Beni territory. In other cases, it is the family or the village that is the important factor. In the case of inter-community tensions in Kalehe territory, cross-community identity categories emerged with the use of the term 'natives' (which includes Tembo, Nyanga, Hunde, etc.) and 'Rwandophones' (which includes both Tutsis and Hutus), regardless of whether these categories were empowering or stigmatising. The identity-related dimension is always present in the various conflicts, to a greater or lesser extent. When parties clash over land and/or power, the opposing sides develop significant identity categories that reinforce the dynamics of rejection and opposition. If these identity categories have already been instigated by violent conflicts in

18 One of the first analyses of conflict linked to land tenure insecurity of the small Congolese farming community was carried out by P. Mathieu, P.J. Laurent and J.C. Willame (eds.) (1996). *Démocratie, enjeux fonciers et pratiques locales en Afrique. Conflits, gouvernance et turbulence en Afrique de l'ouest et centrale*, Cahier Africain, No. 23–24.

the past, the development of negative identity-related dynamics (stigmatisation, globalisation to a whole community, etc.) is even stronger and more rapid.

In eastern DRC, after 20 years of armed conflict, the most manipulated and exploited identity category is ethnic identity. In the 13 large-scale conflicts addressed, this affiliation has a varying degree of importance, generally depending on the environment. Consequently, in Beni and Kalehe, the conflict dynamics surrounding ethnic identity are important because they are occurring in a multi-ethnic environment. In Mwenga and Walungu, where there is a more homogenous ethnic environment, identity-related dynamics are less significant. However, as seen, even if a conflict is not between ethnic communities, it can have an important identity-related dimension. This is illustrated, for instance, by the conflict between the Nande people from the south and the Nande people from the north around Eringeti, in Beni territory.

Identity and power are often linked as well. Identity affiliations (mostly ethnic) are easily exploited by political stakeholders and those in conflict in order to pitch one side against another or to mobilise populations behind a motto or special interests. In circumstances where there is pronounced inequality, poverty and widespread insecurity, tugging on 'ethnic roots' is often a successful tactic among idle populations. It enables politicians to mobilise the masses behind simple slogans, by choosing a scapegoat for anything bad, and spares them from establishing political programmes that risk questioning their interests in the medium to long term. Ethnic discourse and clientelistic, patrimonial governance often go hand in hand. However, this logic is not inevitable. During the 2011 elections, for instance, many voters sanctioned politicians, clearly demonstrating that they had had enough of the elite making false promises.

A common feature in many conflicts is the role played by the discourse about 'indigenouness', which is intended to justify certain interests and to delegitimise others. It can be explained by the history of settlement in the region, which resulted from successive waves of migration from the East, particularly from Rwanda, Uganda and Burundi in the case of the Kivus. In this respect, different stakeholders (politicians, social groups from populations who were the so-called 'first' to arrive) have picked up on migration history as a way of refusing rights to those who arrived later. This discourse, which combines migration history with ethnic identities, is inherently political because it seeks to deny the rights (land-related, social, economic, political) of some segments of the population gathered under the stigmatising banner of 'foreigners' – whether 'Rwandophones', Nande people, Nande people from the south or the Mbuba clan who come from the Orientale province and not Beni territory.

This discourse aims to reject those who are not considered 'true' inhabitants of a place and plays an extremely negative role in many conflicts in eastern DRC – including the conflicts documented by the peace committees, especially in Kalehe and Beni. The discourse about indigenouness is also about customary power, which bases its legitimacy on 'the land of the ancestors' and seeks to associate ethnic identity with the right to occupation and management of a given territory.

Identity-related dynamics, which are at work in many conflicts as a stigmatising discourse and method of rejection, emphasise the importance of developing open and inclusive processes for managing ethnic diversity in both political and land-related arenas. The positive management of identities refers back to the key issue of governance.

4) Customary power crisis

Customary power straddles power, land and identity. Firstly, it is the level of power that is closest to citizens living in rural areas. State authority is, in fact, largely exercised by customary leaders within chiefdoms, *groupements* and villages. Nevertheless, customary power is supported by (and sometimes in competition with) the offices of the local state administration and must answer to the territory, or to a level of administrative power that is not customary. This mix between customary power and administrative power emerged in DRC because customary leaders, who primarily derive their power from their ethnic community (belonging to the community's royal family, special relations with the ancestors, etc.), became agents of the state when DRC became independent.¹⁹ The collectivities (chiefdoms and sectors) are also new, decentralised territorial entities that will in principle see their first local elections in 2015. Secondly, customary power is primarily a land-related power. The distribution of land between members of a community is the first characteristic of customary power. Customary leaders decide who has the right to exploit what land and for how long. Finally, customary power is based on an identity, a shared history and descent (real or imaginary) from a common ancestor. Customary leaders derive their power from their privileged relations with the community's ancestors and that is why they are considered to be the guardians of custom. Consequently, the identity-related dimension of customary power is extremely strong. Customary power therefore combines power, land and identity to the extent that they are inseparable.

However, customary power is also a power in crisis. Like all Congolese institutions, it is not spared from the clientelistic method of governance described previously, whereby it is a key platform between the people at the bottom and the superior levels of power. Established for land-related purposes, customary leaders have seen their power gradually diminish following the privatisation of vast swathes of customary land, allowed by the land legislation of 1973. While the privatisation of land reduced the power and influence of customary leaders, it also made them hugely wealthy because they were the ones selling the land. Today, impoverished and without any vacant plots to sell, the customary leaders often sell the same plot of land several times to several people, thus causing land disputes that are often difficult to resolve. Once these conflicts have begun, it is the customary leaders who mediate between the conflicting parties for a fee. When it comes to land, therefore, their role is rather ambiguous, even negative.

As outlined, many large-scale conflicts directly involve customary power. The many conflicts over power among customary leaders show the extent to which this power is conflicting, unstable and dysfunctional. Relationships of customary power seem to be particularly complicated and are deeply engrained in interpersonal, inter-family and inter-clan relations, etc. Each succession is the subject of many conflicts at the heart of royal families. Every time a leader is replaced, be it a local chief or a village or *groupement* leader, there are different opponents and expanded support networks (among families, clans) are set in motion; this ends up dividing the whole community. Due to its highly hierarchical nature, conflicts over customary power are strongly interconnected at different levels of power. A dispute over the appointment of a local chief can have a serious impact on relationships between village leaders and *groupement* leaders for example, such as the conflict over the Liva 2 sub-village between the village leader of Liva and the leader of the Bambuba Kisiki *groupement*.

19 This use of customary leaders was already largely established in the colonial era.

Some conflicts at the heart of customary power date back to the colonial era, to the 1930s. They remained latent during a phase of well-established rule but resurfaced 30 years later during discussions over the succession of a deceased Mwami. While it is the responsibility of the chiefdom or the territory to monitor the numerous customary powers, there is a tendency of passiveness and inertia among senior officials. These power struggles have a serious and permanent impact on social cohesion and no one is taking action.

While customary leaders were traditionally controlled by a council of elders, today customary power has become extremely opaque, especially within chiefdoms, as illustrated by the conflicts and criticisms present in the chiefdoms of Ngweshe or Luhwindja. Chiefs rarely give accounts of the decisions that they have made, even when community representatives expressly request them through letters, memos or petitions.

The very nature of customary power explains this lack of transparency and the disdain for local people's expectations because it is a lifelong, hereditary power. No chief can be dismissed from his post by the grassroots, regardless of how bad, corrupt or tyrannical he might be. In this context, it is difficult to promote dynamics of accountability. In addition, customary leaders (of a chiefdom) often become unpopular among the people following contentious decisions that they fail to correct. This is particularly true in the chiefdoms of Ngweshe and Luhwindja.

Decentralisation and local elections, the latter announced for 2015, are meant to bring about improvements in local governance. However, this report notes that the elections will not challenge the power of chiefs; they will remain leaders for life but will, from now on, have to contend with elected aldermen. In the best possible scenario, the aldermen may manage to channel the Mwami decisions in a manner that ensures that the people's voice will be heard more clearly. However, there is reason to fear that, in most cases, the Bami will continue to act as they see fit and will resist being controlled by aldermen. In any case, it is unlikely that the latter will challenge the Mwami's decisions since aldermen remain the Mwami's subjects.

In terms of identity, customary power also reinforces negative identity-related dynamics between local communities. Based on the exclusive legitimacy of the first occupant, customary power tends to deny all land-related customary rights to individuals and communities who arrived on the same land at another time, even if these communities and individuals have occupied the land for generations. The overlap established by custom between land, power and identity for the 'first inhabitants' of a territory has been powerfully internalised by the local people; it has long been a mantra for some to claim their rights to land or customary positions and to deny the rights of others. These customary principles result in and reinforce rejection between various local communities.

For the various reasons discussed above, customary power requires an in-depth internal reform in order to move towards greater transparency, accountability, openness and inclusiveness. Local power should become a non-exclusive power in the ethnic arena. Decentralisation is the ideal framework within which these reforms should take place. The reforms will not happen automatically. They will cause strong resistance and will require real political will from the authorities, as well as strong involvement from the entire community. Moreover, the conflicting nature of such reforms should not be underestimated in a situation where inter-community tensions are high.

5) *Endemic insecurity*

The violence and endemic insecurity that have been ongoing in eastern Congo for 20 years constitute the last of the four factors exacerbating the conflict dynamics.

Weakness, internal dissent and disorder, all of which characterise the national army, as well as the persistence of armed Congolese groups in the East of the country, are consequences of the Congolese wars. However, they are also an outcome of the clientelistic and patrimonial method of governance that is prevalent in Congolese institutions and society. The wars precipitated the collapse of what remained of the Congolese state, which has not yet been able to fully restore its authority or reconstruct functional institutions. Before and after the wars, the clientelistic and patrimonial method of governance kept and continues to keep institutions in a state of structural weakness. These institutions remain unable to fulfil their mandates. This is an extremely serious and worrying finding because these are institutions that are responsible for protecting the people, such as the army, the police and the justice system. In the East, the weakness of the state and its inability to restore its authority following the wars have enabled many armed groups, often ethnically motivated groups, to maintain and control large areas. This structural weakness of the state is deliberately maintained by those in power so they can continue to exploit it for personal and clientelistic reasons.²⁰ In this respect, the persistence of armed groups, as well as the weakness of the national army, can be seen as the direct result of the patrimonial method of governance that prevails within Congolese institutions.

The Congolese wars and widespread violence have seriously aggravated the dynamics of rejection between ethnic communities. Just like 'warmongers' who exploit ethnicity as a means of mobilising people, some of the elite take advantage of the regionalisation of wars to promote political agendas concerning ethnicity at local and provincial levels. This often aggravates relations between ethnic groups. During the wars, different communities were generally associated with one adversary or another and violence was often targeted along ethnic lines. This remains largely true today in terms of confrontations between armed groups. In this way, insecurity and violence reinforce the dynamics of rejection and stigmatisation between different ethnic communities. Violence continues to be widely used as a strategy for imposing personal political, economic and land-related interests.

20 ISSS 2013-2017.

III. PERSPECTIVES AND CONSIDERATIONS FOR POSITIVE, LASTING CONFLICT TRANSFORMATION

In all of the large-scale conflicts described in this report, whether disputes over power or land, the common fundamental feature is the clientelistic and patrimonial governance that characterises Congolese institutions and society at all levels of power. The conclusion drawn here corresponds with that of the revised stabilisation strategy (ISSSS) for 2013–2017. The key problem in terms of easing and stabilising eastern DRC relates to the development of a new social contract between Congolese institutions and the Congolese people. This requires a new level of accountability from institutions towards citizens and from citizens towards institutions. In particular, the issue of control over the elite and institutions by Congolese citizens is extremely important to ensure that the most vulnerable populations can assert their rights and are no longer victims of the interests of the ruling elite and of malicious officials.

Working towards sustainable peacebuilding in DRC therefore requires a commitment to the implementation of new transparency mechanisms and accountability at all levels of power. This should take place in partnership with civil society (in the broad sense, local associations as well as underprivileged social groups such as students, young people, women, churches, professional associations, etc.) and the authorities. This is highly sensitive, political work because it means challenging powerful interests at the heart of the Congolese elite.

There is no single or easy solution that will radically and sustainably transform the method of governance in DRC. This report proposes some step-by-step approaches, which should have some impact on the structural causes of conflict in eastern DRC.

1) ISSSS 2 – ‘democratic dialogue’ and accountability

The revised stabilisation strategy for 2013–2017 is a huge opportunity for the sustainable and long-term resolution of conflicts in eastern DRC because it gives a central role to local communities and to the process of ‘democratic dialogue’. It is especially important that the different stages of its implementation do not spoil it, remove its originality or, *ultimately*, close the window of opportunity for the process of peace through bottom-up dialogue.

The new stabilisation strategy prioritises democratic dialogue at different levels of power, particularly in local communities and provinces. In this way, it seeks to ensure a radical and sustainable change in the way of governance in DRC and to move towards greater transparency, inclusiveness and accountability. It also

emphasises the importance of the *political* dimension of the stabilisation process, the restoration of peace and the rebuilding of trust in institutions. Finally, it puts local communities at the centre of the process of change by insisting on priority support for local and provincial dialogue initiatives to enable the people to “define a shared vision for long-term peace” and, through this shared vision, to reach “agreements for actions to be taken”.²¹

The new focus of the stabilisation strategy was largely inspired by processes of bottom-up dialogue, partly based on Participatory Action Research, which has been conducted for several years by some international peacebuilding NGOs and their Congolese partners.²² This new focus of the stabilisation strategy is a huge opportunity for peace in the way that it puts local communities at the heart of the orientation and decision-making process for the restoration of lasting peace. By giving people a central place, the process of dialogue should allow a new relationship to be built between the authorities and citizens based on greater listening, openness and accountability.

Although the dialogue process is essential, it is not a panacea. Numerous obstacles and difficulties can arise during its implementation and a positive impact cannot always be guaranteed. In particular, the knowledge of, and the ability to influence, existing power relations is particularly complex and sensitive in this type of process. In the end, it is often the dynamics inherent in the dialogue process that are important, in addition to the concrete and tangible results that may or may not be achieved. For example, if this process caused a *groupement* or a chieftdom to tackle the issue of demobilisation of a certain armed group and the result was not achieved, this does not mean that it did not positively help to strengthen accountability between local authorities and the people. Therefore, the new approach of ISSSS demands that the various international stakeholders, especially the donors, consider their investments, programmes and actions in a completely different manner. Firstly, the priority of the ‘democratic dialogue’ pillar means that it should no longer be the donors and international agencies who choose which programmes to carry out, but rather the people themselves, in dialogue with the authorities and various stakeholders. Secondly, the dialogue process should stop focusing on the results (outputs) and focus instead on monitoring the change (qualitative and difficult to measure) that results from the dialogue process (for example, the quality of relations between populations and authorities).

The new strategy requires big changes to the principles of intervening agencies. These changes are already facing strong resistance from the agencies themselves because they are removing a significant proportion of their prerogatives. Moreover, they require the agencies to adopt intervention principles that are extremely removed from their own institutional culture and to focus heavily on local and provincial conflict dynamics.²³ All of these aspects present significant challenges to UN agencies and international NGOs.

The content of the new stabilisation strategy’s framework note (*note de cadrage*) and the way in which the analyses, intended to inform priority province action plans, are being carried out illustrate that there are

21 ISSSS 2013-2017, p. 27.

22 Such as the Life & Peace Institute, International Alert and Interpeace.

23 See S. Autessere (2010). *The trouble with the Congo. Local violence and the failure of international peacebuilding*. New York: Cambridge University Press.

limits to the degree to which local populations and the dialogue process are at the centre of the definition of priority actions.²⁴ Firstly, local civil society is poorly represented in the various steering committees that have been assigned to coordinate the stabilisation strategy. These committees are comprised of representatives from STAREC (provincial and national authorities), the stabilisation unit of the United Nations Organization Stabilization Mission in the DRC (*Mission des Nations Unies pour la stabilisation en RDC*, MONUSCO) and various international agencies. Local civil society, not to mention the local communities themselves, risk being marginalised from the decision-making bodies working on the stabilisation strategy.

Despite the opportunity presented by the new stabilisation strategy, the way it is implemented will determine whether it maintains its originality and strength. International agencies continue to define and execute their stabilisation programmes largely without considering the expectations and perceptions of local populations. There is a danger that these programmes will be void of sensitive political aspects and implemented in a similar way to conventional programmes in the past, as few international actors are willing to jeopardise their relations with the Congolese authorities. Ultimately, there is a risk that the opportunity to bring about change in the dynamics of accountability between populations and the authorities – the only dynamics that would generate a shift in the method of governance in DRC – will be missed. If this is the case, the revision of the stabilisation strategy would have been in vain.

To avoid these risks, we recommend the following actions. Use:

- The various stakeholders who have promoted and participated in the revision of the stabilisation strategy (Stabilization Support Unit, donors), as well as peacebuilding organisations (Congolese and international) with expertise in participatory dialogue, should hold the agencies to account for the way they are implementing the stabilisation strategy. In particular, they should ensure that the requirements of the 'democratic dialogue' pillar are followed by the various stakeholders. Donors and stakeholders need to push for the establishment of a joint mechanism for verifying the consistency between the programmes outlined by intervening agencies and the various pillars of the new ISSSS.
- The governing structure of the stabilisation plan (the various steering and coordinating committees) must systematically include representatives from civil society and local communities in the areas that have been defined as a priority within the framework of ISSSS.
- In the priority areas, community dialogue must be conducted to ensure the participation of local communities in defining the main guidelines for programmes to be implemented as part of ISSSS and STAREC. These initiatives should draw inspiration from similar programmes already carried out by various international and Congolese organisations. Roadmaps for the stabilisation of local entities should be the main outcome of these local sessions.

24 ISSSS 2013–2017 notes (p. 27) that: "*The Dialogues will enhance people's understanding of the causes of conflict and their dynamics and provide them with the capacities to formulate concerted actions in favour of peace in their community [...] These discussions will provide the ISSSS with in-depth participatory analysis of the conflict environment and the involvement of the communities in the design of programmes*" (underlined by us).

- Donors, authorities and the various intervening agencies must take ownership of these roadmaps, integrate them into the different analyses already carried out and include them as a priority in defining policies and programmes to be implemented as part of ISSSS. These roadmaps should be the starting point for the development of specific indicators (benchmarks) to measure the action and impact of the government and other intervening actors as part of a new compact between donors and the Congolese government.
- Donors must ensure that the new phase of STAREC actually conforms, in terms of strategic policies and the composition of internal structures, to the policies of the new international strategy to support stabilisation efforts.

2) Bottom-up peacebuilding processes

One of the common strategies of peacebuilding organisations working in eastern DRC has been to put in place local peace committees responsible for conducting mediations to resolve conflicts, often over land, which divide individuals and sometimes become more serious within the village. This strategy can also be seen as part of the peace component of the Tufaidike Wote project. It enables many small conflicts to be resolved through the reconciliation of the parties involved. It also prevents conflicting parties from taking legal action, which can be costly, often takes place far away and is rarely satisfactory to both parties. Moreover, it prevents them from making complaints to the police or even customary leaders, a process that often leads to onerous procedures.

Mediation by the peace committees therefore fulfils an important role at a local level. However, the problem is that these peace committees are often bypassed when the conflicts are large scale, for instance as in the case of the 13 conflicts covered in this report. Thus, a key issue is to consider additional strategies to go beyond the local level and to actually involve all parties in large-scale conflicts in a bottom-up process for sustainable resolution, whether those involved are at the level of a *groupement*, territory, province or even in Kinshasa. Several examples of strategies focusing on this do exist and should be capitalised on. They have also been documented by Alert in the past.²⁵

The first example of this strategy is defending the interests and concerns of small farmers in discussions about the new agricultural code, led by the Union for the Development of Farmers' Initiatives (*Syndicat pour le développement des initiatives paysannes*, SYDIP), the Congo Federation of Smallholder Farmer Organisations (*Fédération des organisations paysannes du Congo*, FOPAC) and several other organisations defending the rights of small producers. This advocacy demonstrates that it is possible to relay local issues and concerns at provincial and national levels.

A second positive example is Participatory Action Research (PAR), carried out by the Life & Peace Institute and its partners, and also more recently by Alert. This initiative serves as a foundation for dialogue between parties

²⁵ H. Morvan and J.L. Nzweve (2010). *Small steps towards peace. Inventory and analysis of local peace practices in North and South Kivu*. London: International Alert.

involved in conflicts, based on in-depth analysis conducted by senior researchers with a highly participatory approach. These PAR and dialogue processes begin locally and seek to include local, provincial and sometimes even national elites. They establish a bottom-up approach, which manages, although not without difficulty, to go beyond the local level and to involve agents of change at higher levels of power.

A third example is the meeting and dialogue activities conducted by the Governance and Peace Observatory (*Observatoire de gouvernance et paix*, OGP) in the mining sector. The OGP regularly gathers representatives from artisanal miners, large mining companies (for example Banro), the authorities and other stakeholders in the mining sector to try to resolve various conflicts and problems that exist between these parties in an open, transparent and non-violent manner. The same type of consultations are organised by the Pole Institute in North Kivu and the Haki na Amani network in Ituri district. These three organisations regularly consult one another on the progress and obstacles that they face in implementing these processes.

These different examples are completely rooted in the philosophy of the new stabilisation strategy and should serve as inspiration for the process of democratic dialogue to be implemented between 2013 and 2017, and beyond. These processes of dialogue and advocacy not only help to ease tensions at a local level and to resolve many conflicts and key problems for communities, but also contribute positively to building accountability between communities and authorities. They help to build trust between the people and the authorities, even though these processes can be lengthy and fragile with uncertain results. In addition, such processes can help to build new 'social contracts', as set out in the new stabilisation strategy.

Based on these considerations and positive examples, the following recommendations should be considered.

- NGOs active in the peace sector (including Alert) should capitalise on the documentation of conflicts undertaken by the local peace committees (from the Tufaidike Wote project but also other peace projects using this type of strategy). They should use this information to initiate a process of Participatory Action Research under the guidance of senior researchers. Such an initiative could lead to inclusive bottom-up dialogue, aimed at resolving large-scale conflicts that bypass local communities. For example, the information regarding large-scale conflicts contained in this report should be used to initiate dialogue activities that include the various parties involved in the conflicts, the local and provincial (or even national) authorities and civil society representatives.
- NGOs active in the peace sector should organise a workshop to exchange experiences on peacebuilding strategies implemented by various organisations with a bottom-up perspective and based on inclusive dialogue. A white paper setting out the lessons learnt and establishing guidelines based on these experiences should be shared with STAREC and ISSSS.
- Donors and international agencies should encourage the funding of dialogue projects that offer a bottom-up dimension. They should promote the development of small, local mediation projects that foster bottom-up dialogue targeted at large-scale conflicts.

3) *Inclusive institutions and defending the interests of social groups*

Beyond the process of democratic dialogue and its potential impact on conflicts and relationships between populations, authorities and conflicting parties, additional actions must be undertaken aimed at changing how power operates within a structure. In particular, this report points to the issue of real representation of underprivileged social groups within institutions to ensure that their concerns and interests are systematically taken into consideration when various decisions are being made in powerful circles.

A particularly important issue is the structuring of powerful socio-professional unions nationally, especially a national farmers' union that can defend the interests of small-scale farmers – which is key in a country where more than 75% of the population depends on agriculture. Structuring a farmers' union from the bottom, at the level of smallholders' organisations, up to Kinshasa is a huge challenge, which must be sustained in the long term. Some international organisations have dedicated themselves to this area, but only very few, and the resources invested are still insufficient. A few years ago, FOPAC was established with the intention of becoming the farmers' union of the country. However, much remains to be done if this organisation is to be genuinely viable, strong and capable of adequately defending the interests of small producers.

The agricultural sector is not the only sector in which unions could play a positive role as key stakeholders for the provincial and national authorities by participating in democratic dialogue between certain sectors of society and the Congolese authorities at different levels. One notable example would be a road transport union, whether for lorry drivers who transport goods, taxi drivers or motorcycle taxis. A small traders' union would be just as important because small trade is one of the main activity sectors, supporting numerous households in towns and villages throughout DRC. The small trade sector also includes important cross-border trade between countries of the sub-region. This could be capitalised on to bring countries and populations from the Great Lakes region closer together by focusing on the significant, common advantages of regional economic integration.²⁶

At another level, the Congolese Business Federation (*Fédération des entreprises du Congo*, FEC) also has a particularly important role to play in the transformation of governance in DRC. Many entrepreneurs have an interest in the authorities acting transparently and predictably to secure their investments but, at the same time, they also try to avoid paying too much tax to the authorities. The interests of this strategic group, or at least of those within the group who are not satisfied with the current situation, could be channelled to promote positive change of economic governance.

Based on the above points, the following recommendation should be considered:

- As a matter of priority, the authorities, donors, international agencies and local NGOs working in the economic sector (agriculture, sustainable living, fight against poverty, etc.) should develop a common programme that is planned and coordinated in terms of content, support and capacity building of

26 K. Titeca with C. Kimanuka (2012). *Walking in the dark: Informal cross-border trade in the Great Lakes region*. London: International Alert.

socio-professional unions – from the bottom (local workers' associations) to the centre of provincial and national power. This programme should be developed with a long-term perspective and defined as such on different donors' agendas.

4) Governance – a top priority

In a climate where impunity prevails and institutions of justice remain weak and under restoration, promoting changes in governance and fighting against corruption, abuses of power and other conflicts of interest remain extremely difficult. As the restoration of justice is a long and complicated process, other types of sanction can be encouraged until the justice system is capable of penalising the elites who are guilty of bad management. In this case, the report is referring to symbolic sanctions, largely driven by civil society, which discourage bad practices by condemning them and encourage good practices by praising them.

Similar to the Mo Ibrahim Index of African Governance, which ranks African countries according to their performance and efforts regarding good and bad governance, an annual ranking for decentralised territorial entities (collectivities) within a province could be established as well. This ranking would reward the most transparent, inclusive and accountable communities and penalise the most opaque, exclusive and authoritarian ones. It would be established by national experts in governance according to a series of predefined criteria in partnership with international experts and the Congolese authorities.

The creation of provincial centres for good governance in the country's eastern provinces would be an important step also towards establishing accountability mechanisms and transparency. These centres would permanently monitor and write annual reports detailing the progress and weaknesses of provincial state institutions in terms of governance. The experience of the OGP in South and North Kivu on this subject is an example that should be reinforced and systematised. It is crucial to ensure that the centres monitoring the governance of Congolese authorities are not caught up in the clientelistic, patrimonial system or in political principles that would completely reverse their potential impact. This risk could be managed through local support from neutral, independent experts and the implementation of a neutral, independent evaluation process for these centres.

By condemning acts of violence against civilians, human rights organisations can also help to hold to account defence and security institutions, such as the national army, the police, the National Intelligence Agency (*Agence nationale de renseignements*, ANR) and the Directorate General for Migration (*Direction générale de migration*, DGM). Human rights organisations can push these institutions to foster accountability towards its citizens. In the same sense, the media could play an important role by publishing and broadcasting reports and investigations on cases of abuse, corruption and bad management within institutions. The weakness and lack of impartiality of the Congolese media should be the subject of programmes aimed at making this sector, a key sector for the democracy of a country, more professional. Some programmes like this already exist (for example conducted by the Panos Institute or Info Sud), but they remain too marginal. The radio initiative recently put in place by the Pole Institute seems to be a positive example of moving towards a more professional media and focusing on governance issues.

One last positive example of advocacy aimed at promoting the accountability of institutions is that of Fight for Change (*Lutte pour le changement*, La Lucha). This group comprises young people from Goma who regularly condemn cases of inaction and bad management by provincial authorities regarding development, socio-economic and security plans. The young members of La Lucha regularly organise marches, sit-ins, petitions and memos addressed to the provincial government. At the start of the dry season in May 2014, La Lucha began a campaign called '#GomaVeutDeLeau' ('#GomaNeedsWater'), which condemned the lack of drinking water for the inhabitants of Goma city who are often forced to spend several hours a day looking for water sources where they can fill their containers. Whether it is the lack of water, the catastrophic state of the city's roads or even impunity and security problems, La Lucha regularly challenges the authorities and other stakeholders to stop being passive and to fulfil their role.²⁷ Initiatives such as La Lucha's campaign for better access to water in Goma, which constitutes a citizens' social movement arising directly from the people, represent worthwhile steps for positive change aimed at improving accountability.

In general, the growing demands of local populations for the respect of human rights, security and access to basic social and economic services, such as water, transport, education or healthcare, are the foundations on which the dynamics of positive social change and democratic dialogue established by ISSSS must rest. Civil society and social movements are, in fact, the most important spearheads for promoting positive change towards greater democracy, inclusiveness and accountability. The new approaches that are to be implemented must capitalise on these positive agents for change. This is already the case for many projects involving male and female 'leaders', with the aim being to strengthen their capacity and to get them more involved in the dynamics of change.

The following recommendations can be drawn from these considerations:

- Donors, agencies, international NGOs and representatives of Congolese civil society should prioritise aspects of governance and accountability in all sectors of intervention (whether security, access to basic services, development of infrastructure, etc.). Agencies' work should directly contribute to the empowerment of Congolese institutions at all levels to ensure that they fulfil their mandate in a more proactive and transparent manner. The projects implemented must take advantage of all existing social forces in line with a demand for accountability towards institutions. In order to do this, an evaluation of the agents of change must be systematically carried out as the preliminary stage for any project. Agencies and NGOs should ensure that their actions do not disempower the authorities by stepping on their mandate. In this respect, a 'good governance sensitivity' approach should be developed and integrated into all projects, like the 'conflict-sensitivity' approach.
- Donors, agencies, international NGOs and representatives of Congolese civil society should prioritise partnerships with local agents of change – that is, stakeholders (individuals, movements, organisations) who are directly engaged in the processes of accountability with the authorities. This could include journalists, activists, human rights organisations or less formal social movements that hold the authorities to account on specific issues.

27 See article K. Berwouts (2013). 'La Lucha: Les indignés de Goma', *Afrik Arabia*, 16 December 2013. Available at <http://afrikarabia.com/wordpress/la-lucha-les-indignados-de-goma/> (English version available at <http://africanarguments.org/2014/01/13/la-lucha-gomas-own-brand-of-indignados-by-kris-berwouts/>)

5) *The key role of civil society and social movements*

Establishing accountability mechanisms between the Congolese people and authorities must, firstly, be the result of a shared commitment between these two stakeholders. If organisations and international agencies have a role to play in this process, it is primarily to support and facilitate. This central role should also be carried out by social movements and civil society, as well as by the authorities. A significant segment of peace restoration and stabilisation programmes should be devoted to structuring and strengthening grassroots social movements and Congolese civil society.²⁸ This means that international organisations should prioritise strategies to strengthen the capacity of civil society rather than simply using Congolese NGOs as mere implementers of projects and programmes defined by donors,²⁹ as is still generally the case today.

Capacity building is an area of intervention in itself, but it is not a panacea. In DRC, previous initiatives aimed at better structuring, organising and strengthening of civil society did not necessarily bring about the expected change; civil society remains weak and politicised. However, the lack of impact of these initiatives must not devalue these approaches, but rather it should emphasise the importance of engaging in a serious reflection and evaluation of Congolese civil society, its role and the most effective strategies for strengthening its capacity.

Many NGOs and international agencies maintain that they carry out capacity building, even though it entails training and ad hoc workshops that are mostly conducted outside of a coherent, sustainable and long-term strategy. NGOs and international agencies rarely develop a real partnership with Congolese NGOs in order to strengthen their capacity in a sustainable manner – in other words, a partnership that goes beyond the simple execution of a temporary project. Similarly, given how the humanitarian system works, the majority of Congolese NGOs act as mere recipients of international aid and rarely bother to develop their own strategic and planned priorities.³⁰ This results in a weak, ‘donor-driven’ civil society, which is barely able to position itself as a leading force for change. International agencies should be far more aware of this situation, which is an adverse effect of their own principles of intervention. They should develop innovative strategies based on lessons learnt from previous capacity-building programmes, as well as provide the means of strengthening civil society representatives in a way that is sustainable, tailored (to each organisation), holistic (for all of civil society in the broad sense) and coordinated (with each international agency playing a specific role in a comprehensive plan to strengthen civil society).

In this respect, the following recommendations should be considered:

- Donors, agencies and international NGOs should develop an innovative, long-term strategy to strengthen Congolese civil society. This strategy should be based on a participatory evaluation of the structural weaknesses of civil society stakeholders and the limitations of previous capacity-building programmes targeting Congolese civil society organisations.

28 The ‘civil society’ referred to here does not mean the ‘coordination offices’ of civil society that exist in DRC but should be understood in the much larger sense, encompassing local organisations (including the ‘coordination offices’) as well as associations for women, students, young people, churches and other grassroots social movements.

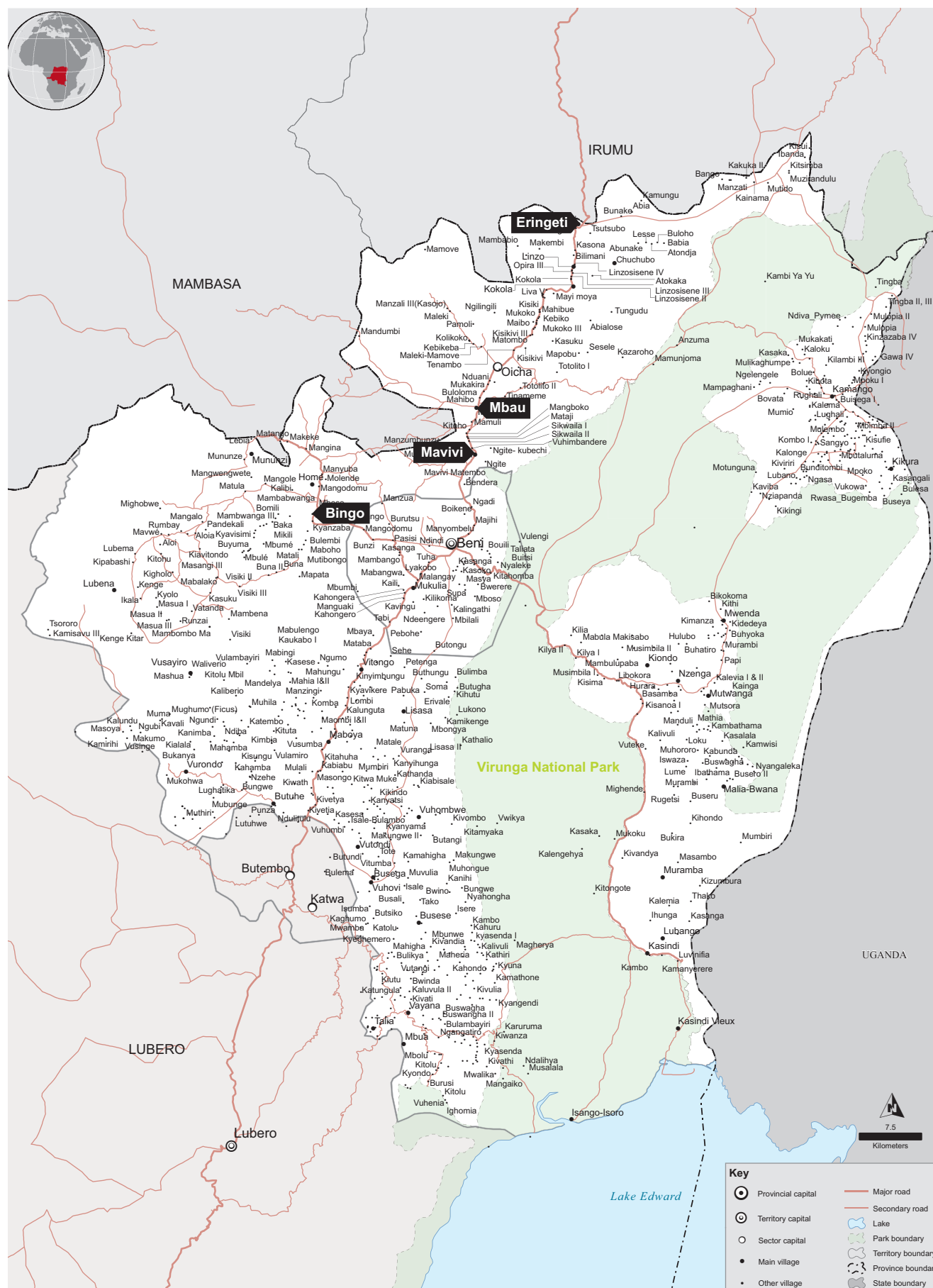
29 The same observation also applies to international NGOs.

30 The same observation can generally apply to NGOs and international agencies with regard to donors. .

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- The stakeholders of Congolese civil society should avoid increasing the sectors of intervention as part of an opportunistic strategy for capturing donors. Instead, they should specialise and become more professional in the long term in a specific sector of intervention. Stakeholders should develop strategic programmes over three to five years and seek to obtain funding from donors rather than responding to tenders from donors.
 - The stakeholders of Congolese civil society (and particularly the coordinators of Congolese NGOs) should organise, every three years, civil society sessions that will help to set strategic, shared, coordinated targets among organisations and develop a roadmap for civil society's medium-term strategic priorities. They should share this roadmap with the authorities and donors, establishing a dialogue with them about the content of these priorities and the strategies that will enable them to be achieved. Among these priorities and strategies, a central role should be given to the problem of good governance and the accountability of the authorities.

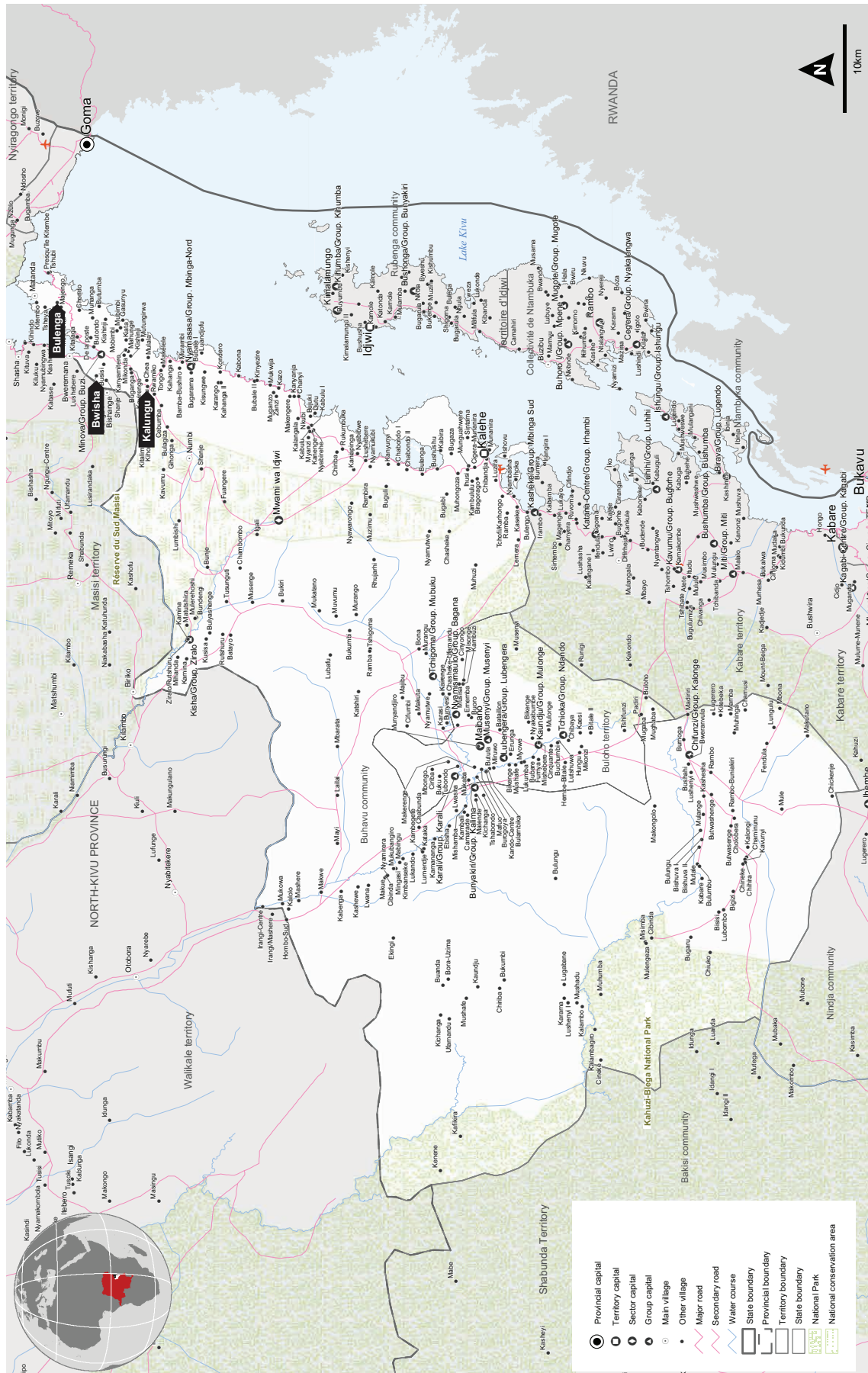
Location of the Tufaidike Wote peace committees

DR Congo - North-Kivu: Beni Territory: Administrative map



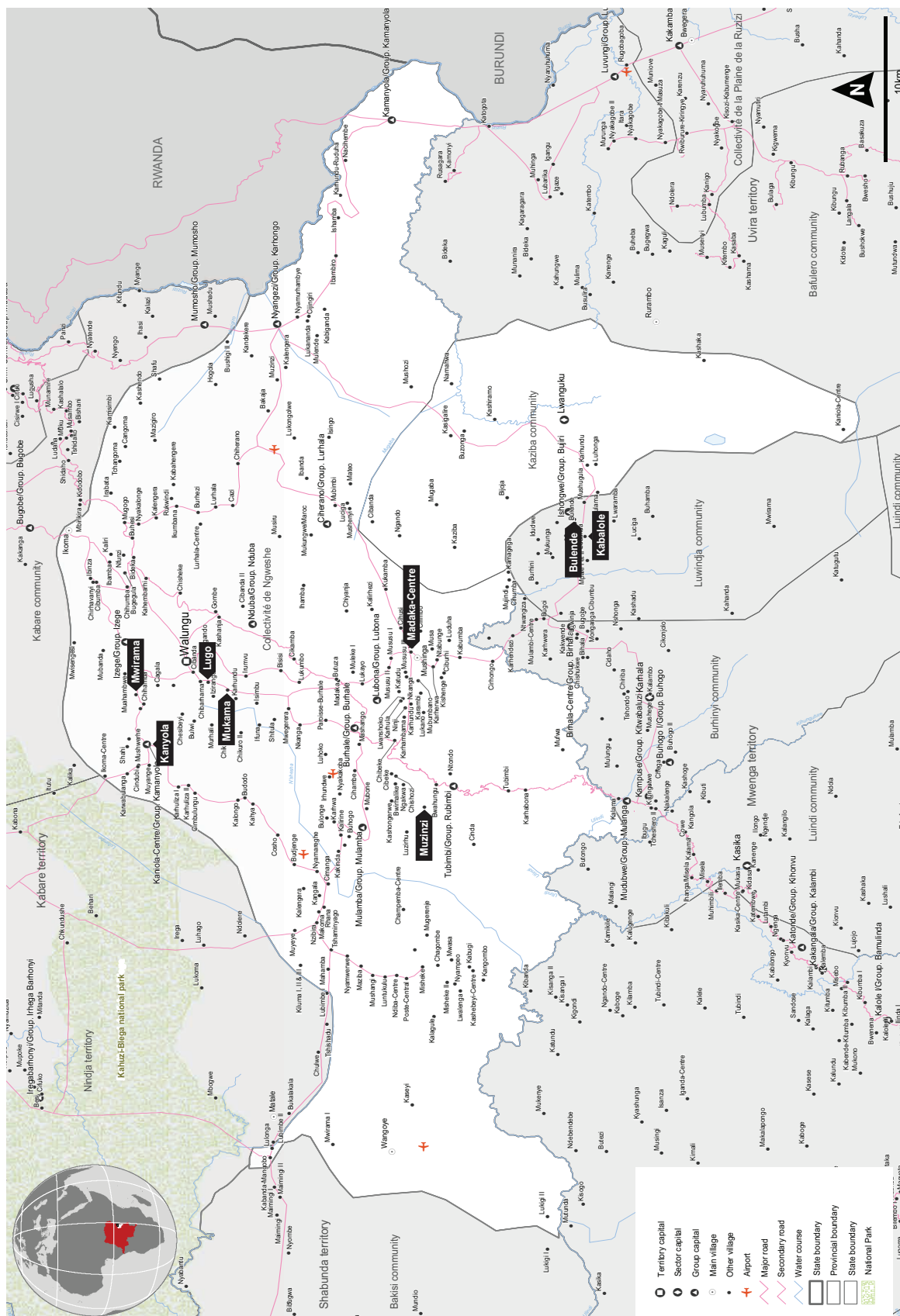
Map courtesy of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

DR Congo - South Kivu - Kalehe Territory: Administrative map



Map courtesy of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

DR Congo - South Kivu - Walungu Territory: Administrative map



Map courtesy of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

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