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Land Crisis and Stakeholders' Responses in the Democratic Republic of the Congo

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LAND CRISIS AND STAKEHOLDERS' RESPONSES IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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HIGHLIGHTS

- Land tenure is a source of violence in eastern Democratic Republic of the Congo (DRC), contributing structurally to fragility in social cohesion.
- Despite the commitment of the Congolese government, nonstate actors, and donors to land reform, its implementation has failed to produce positive effects.
- Lack of genuine commitment from the Congolese government to invest in land reform; competition and weak coordination between donors, United Nations (UN) agencies, and local organizations; and an overly technical vision of responses on the ground are the main obstacles.
- Understanding and redefining the role of donors in the responses to the land crisis is crucial both at the pragmatic level of nonstate actors and at the level of the national land reform process.

1. INTRODUCTION

Land tenure in eastern DRC remains a topical issue and is of major concern in both rural and urban areas, as it is increasingly becoming a source of conflict, violence, and fragility of social cohesion, rather than an instrument for development (Jackson 2006; Mathys and Vlassenroot 2016; Mudinga 2017). Both political and social instability are often associated with competition for access to and control over natural resources, power, and identity, which cannot be isolated from land tenure. Recent studies have found that land competition is linked to the emergence of armed conflict (Mudinga 2017; Vlassenroot, Mudinga, and Hoffmann 2016); food insecurity (Cirimwami 2020); control of customary power (Hoffmann, Vlassenroot, and Mudinga 2020); and, more importantly, social fragmentation (Mudinga, Bashizi, and Kilosho Buraye, forthcoming). As a result, while there is unanimity on the uncertainty of people's land rights, there is also a tendency for stakeholders to develop various strategies to maintain their access to and use of land.

Mugangu Matabaro (2008, 385) describes this widespread situation in eastern DRC as a "land crisis," or a form of management structured around conflicting relationships between the normative framework and land competences of stakeholders. Based on studies

conducted on land tenure insecurity in eastern DRC, there are at least seven main forms of land tenure insecurity: 1) insecurity around land legal status; 2) uncertainty around the source of law; 3) uncertainty around the rights themselves; 4) uncertainty around competent bodies; 5) difficult access to land information; 6) overlapping rights and titles on the same land; and 7) institutional conflicts (Bashibirhana 2014). The violence we are witnessing around land issues also echoes what could be called "*la fabrique du diable*" (the devil's own-making): land and cultural identity carry with them what Ntabona (2001) describes as totalitarian ethnocentrism, which tends to consider any other presence as illegitimate. Thus, land insecurity remains one of the issues contributing to the fragility of social cohesion.

One of the reasons that many state and non-state actors, as well as donors, are interested in finding solutions to land tenure problems in eastern DRC is the negative impact caused by land rights insecurity. However, empirical evidence indicates that land tenure problems remain largely unresolved. Why is there seemingly no lasting change, despite all the efforts deployed to address land insecurity? What are the reasons behind current deadlocks? What are donors' priorities and why are the state, non-state actors (NSAs), and civil society organizations slow to respond to the land crisis? This study explores how the Congolese state, NSAs, and donors have responded to the land crisis. The study argues that there is a mix of interconnected obstacles to these responses from the national to the local level. Some of the obstacles include a weak commitment by the Congolese government to effectively engage in land reform. This is due to a lack of state ownership, the extraverted nature and financial support of the reform, and the predominant and predatory role of political-military elites in the ongoing land grab. There is also competition and lack of coordination between the donors, UN agencies, and local organizations that often engage in land reform from an overly technical perspective. In short, it is necessary to examine, understand, and overcome these obstacles in order to make significant progress.

2. UNANIMITY ON LAND CRISIS

There is a major factor in the responses of NSAs in the land sector that explains the current deadlocks: a gap between the unanimity of

the diagnosis and the democratization of responses. Put another way, while NSAs are unanimous on the factors underlying land insecurity, they are struggling to break away from entrenched and routine practices (competition, the drive to get others to endorse their ideas, the claim of each actor that they have the best approach, etc.). Meanwhile, donors are struggling to coordinate their responses. In addition, some political–military and private elites are less interested in land reform that would involve power and resource redistribution. This cocktail of factors explains why responses on the ground are not sustainable. Even so, three forms of unanimity have emerged around the diagnosis of the land insecurity issue: 1) terminological or conceptual unanimity; 2) political unanimity; and 3) technical unanimity.

Terminological or Conceptual Unanimity

Studies on land tenure in eastern DRC have moved from the concept of “land conflicts” to “land insecurity” and now to “land crisis.”¹ The resurgence of land conflicts and their connections to power, identity, and security (Vlassenroot, Mudinga, and Hoffmann 2016) have allowed researchers to look at this phenomenon from more than just a conflict perspective. Thus, this new approach suggests a new way of looking at solutions to the problem. As land crisis is so complex, we need even more complex tools to address it, which requires deep structural changes. This is why NSAs are involved in advocating for the reform of the legal framework governing land tenure in the DRC as one of the sustainable solutions to the present crisis.

Technical Unanimity

Technical unanimity is based on a shared conviction among stakeholders—both state and non-state—around the diagnosis of what causes land insecurity. In July 2012, a national workshop on land tenure consecrated the shift in understanding of the factors at the core of land insecurity among actors involved in the land sector (Ministry of Land Affairs 2013). Indeed, stakeholders attending the workshop, particularly NGOs working on land tenure, agreed that land crisis was based on a combination of at least eight factors: 1) the contrast between legal texts and land management practices, i.e., the dualism of the legal regime relating to land tenure and land practices outside the law; 2) the relationship between access to land, identity, and community claims; 3) the inadequacy of the land tenure system to meet the requirements of economic investment; 4) the mismatch between urban land management and land use planning; 5) the lack of coordination and harmony between ministries involved in land governance; 6) a land administration that is lacking in and seeking

for performance; 7) the weak nexus between land governance and environmental policy; and 8) issues of parity in access to land.

Political Unanimity

Political unanimity is based on an emerging consensus between the Congolese state and NSAs on the need for reform. The state’s commitment to land reform responds to a long-standing demand for change in the land sector, driven by NSA advocacy. In July 2012, the government organized a national land reform workshop and set up a national land reform commission as a technical body to implement the process. The government’s willingness to engage in dialogue with technical and financial partners and civil society was a decisive step forward, confirming the Congolese state’s commitment to finding a lasting solution to land insecurity. This joint view between stakeholders is a real breakthrough in thinking about the creation of a peaceful land tenure system.

Ultimately, this threefold unanimity should be a significant step toward common thinking on actions, strategies, and approaches that can be put in place to remedy the crisis. However, the actual field analysis shows the opposite: agreement on the diagnosis is not accompanied by agreement on the solution.

3. STATE AND NSA RESPONSES

Unanimity on land crisis means that all stakeholders agree on the need to find sustainable solutions. In his 2011 inauguration speech, Joseph Kabila declared that land reform would be a priority of the Congolese government in its efforts to limit land conflicts. Alternative forms of land tenure security have also been put in place by NSAs. On their side, donors are providing significant financial resources to the government’s reform process and to NSAs working on pragmatic solutions.

3.1 LAND REFORM BY THE STATE?

The Congolese state demonstrated its commitment to finding a sustainable solution to land insecurity in the DRC following the 2012 national workshop on land reform. This was proof that NSAs’ demand for institutional renewal in the land sector had been taken into account. A roadmap emerged from this political workshop with the following objectives: 1) to reform the land sector in order to limit or eventually eradicate land conflicts and land-related violence; 2) to better protect land rights of individuals and legal entities, both public and private, with particular attention to vulnerable populations and women; and 3) to stimulate productive investment while ensuring

environmental sustainability. The remaining question is why there has been so little progress in the reform process after its launch eight years ago. The answers to this question lie at two levels: 1) the political context, and 2) the Congolese government.

Political Context

We should note that land reform was born and developed in a context full of political turmoil. This was first triggered by the contestation of the 2011 election results and the subsequent attempts of Joseph Kabila's regime to stay in office. Indeed, the regime's priority was to amend the electoral law, mobilize financial resources to carry out its *glissement* (slippage),² hire opponents, organize national consultations, and suppress anti-*glissement* demonstrations. The issue of land reform had therefore become less of a priority. During the same period (2013–2016), political conciliations led to untimely changes in the Ministry of Land Affairs, which was responsible for coordinating the reform process. This agency experienced eight ministerial changes between 2012 and April 2021,³ each time temporarily interrupting the process; each new team was compelled to first get a handle on things before committing itself. Other sectoral ministries that were supposed to “collaborate by providing recommendations for their specific domain with a view to a coherent and harmonized reform” (Ministry of Land Affairs 2013, 45) have also suffered from the reshuffles. In this turbulent political context, the progress already made was affected. It was necessary to develop new contacts and re-explain the land reform process after each shift in personnel in order to foster ownership by the new government actors.

Congolese Government

The Congolese government is partly responsible for delays in the land reform process. This is due to its naive wait-and-see attitude during the process design and its implementation. Two factors, a financial one and a technical-strategic one, explain this attitude. First, even for an issue that involves a national sovereignty matter and is responsible for chronic instability, the government left the funding of the land reform process to external technical and financial partners (TFPs). The Congolese government took refuge in an administrative, political, and quasi-parasitic coordination role. Today, the consequence is obvious: the withdrawal of TFPs, which has had a direct negative impact on the process. For example, the provincial consultation process on the draft of the Land Policy Document is struggling to make progress due to a lack of financial resources⁴. In over a year, only nine of the country's twenty-six provinces were covered. It was

not until November 2020 that funds to cover seven more provinces could be found from the National REDD+ Fund (FONAREDD). Then, on the technical–strategic level, the Congolese government has handed over design and implementation of the process almost entirely to donors. As a result, donors are setting the agenda and the government is just adding to it. For example, experts assigned to the National Commission for Land Reform (CONAREF) with no financial means of their own have been recruited and paid by the United Nations Human Settlement Programme (UN-Habitat), which decides on their terms of reference and work schedule. For the seven years of its existence, CONAREF has been subject to the programmatic decisions of UN-Habitat, which delegates both financial and technical resources at its own pace. The reform process, which should have been completed in four years, is in its eighth year without having the land policy document adopted.

3.2 NSAS' RESPONSES

The twofold question to ask is why agreement on the problem diagnosis has not led to agreement on the solutions, and what factors contribute to a deadlock in NSAs' interventions? One theoretical argument put forward by Baraka Akilimali and his colleagues (forthcoming) is to consider land as a political arena. According to Olivier de Sardan (1995, 174), it is necessary to understand land as a physical or symbolic space within which heterogeneous strategic groups located at different levels of power confront each other, driven by interests (material and symbolic) that may or may not be compatible. Such interests structure stakeholders' actions and behaviors, which are endowed with an uneven distribution of power (Baraka Akilimali, Hoffmann, and Ansoms, forthcoming). Thus, the lack of democratization of land insecurity responses stems from the impossibility of coordination between actors driven by competing interests.

NSAs' responses to land crisis are multiple. Some are involved in decentralized customary-based land tenure security through the promotion of writing in land transactions (Mudinga and Nyenyezi 2014). These responses consist mainly of the issuance of customary land certificates (Kabare and Walungu) or certificates for the occupation and exploitation of customary land (Kalehe). Other NSAs are proceeding with grouped land titling (such as in the Ruzizi Plain) in the spirit of making land ownership into a community process once more. Some NSAs have set up local land mediation structures under different names, while others are attempting to structure and build the capacity of the customary land registry, as

well as engaging in land mapping and social dialogues, to facilitate access to land in private concessions. It is not unusual for an NSA to combine all these approaches depending on its ability to mobilize financial resources.

Clearly, most of these responses are part of a pragmatic logic. However, they seem to have only a limited impact in the face of a complex land sector in which NSAs have little capacity to change the power structure over access to land. It is undeniable that these responses contribute to solving some local land problems and, above all, to reconciling some people. Nevertheless, there is a real gap between a genuine desire to address the land crisis and the logic of stakeholders in the field. This is largely due to the difficulty of coordinating multiple proposed responses to a unanimous diagnosis. However, this has implications beyond the implementing organizations alone; it is also linked to donors.

4. ROLE AND PRIORITIES OF DONORS

Donors are funding large programs in the land sector. These programs, funded with several million US dollars, involve UN agencies, international and national organizations, and NSAs. Most of these programs are implemented in rural areas and are part of stabilization strategies in eastern DRC, which has been ravaged by conflicts over land and identity, as well as armed conflict, sometimes involving local militias (Mudinga 2013; Verweijen and Brabant 2017).

The role of donors in promoting peaceful land tenure is primarily illustrated by the volume of their financial support. This support is often extended over the medium term, concerns a variety of target regions, and covers several priorities with no real coordination. Between 2012–2020, the Swedish International Development Cooperation Agency (Sida) and ZOA funded a US\$1 million customary land tenure security project led by Action pour la Paix et la Concorde (APC) in Kalehe Territory. In 2013–2019, the British Department for International Development (DFID) provided US\$13 million in funding to UN-Habitat for the Participatory Land Planning Project in Ituri, North Kivu, and South Kivu. In 2017, the United States Agency for International Development (USAID) funded the Food Security Project in Kabare (South Kivu), involving APC, Mercy Corps, World Vision, HarvestPlus, and the Université Évangélique en Afrique (UEA), providing US\$35 million for five years (2017–2021). In the Ruzizi Plain (Uvira), the Dutch Ministry of Foreign Affairs has been funding the consortium composed of ZOA, Search for Common Ground (SFCG), and the International Rescue Committee (IRC) as part of the *Maji ya Amani* (water for

peace) project, having provided US\$22 million since 2018. Since June 2020, the Stabilization Coherence Fund (SCF) has provided US\$3 million for the *Ujamaa* project, implemented in Uvira and Itombwe by the ZOA, Programmes de Secours aux Vulnérables et Sinistrés (PSVS), and KUA consortium.

A closer look at the origin of the funding mobilized reveals that donors are all external, with the Congolese government being practically absent from the financial investments. Donors' support focuses on three main approaches: 1) formalization of land rights; 2) land mediation; and 3) advocacy for state involvement.

Formalization of Land Rights

The formalization of land rights on the part of donors echoes the paradigm of land tenure security, as actors' responses are oriented toward recognition, registration, and certification of local land rights through cadastral survey to benefit the rural population. In short, it is a "systematization of writings in land transactions" (Mudinga and Nyenyezi 2014, 4). Several national and international organizations and UN agencies are involved in various individual and collective land formalization processes with the support of some donors. In Walungu, the Action Sociale et d'Organisation Paysanne (ASOP) grants customary land certificates. In Kabare, Innovation and Training for Development and Peace (IFDP) provides the *fiche parcellaire* (land parcel record) as well as customary land certificates. In Kalehe, APC has paid for and granted householders, including hundreds of women, *attestations pour l'occupation et l'exploitation d'un terrain coutumier* (certificates for the occupation and exploitation of customary land). In North Kivu, South Kivu, and Ituri, UN-Habitat has been involved in mapping land rights. Formalization can also take place collectively. In Uvira, the ZOA-IRC-SFCG consortium has undertaken a grouped land titling project on irrigated perimeters, issuing titles that bring together several beneficiaries at the same time around a sort of collective security.

Although land formalization provides households with a guarantee of land use rights, the approach is limited by the fact that it is too technical, even "mechanical" (Mudinga and Nyenyezi 2014). Indeed, formalization is far from disrupting power relations between elites, customary authorities, and the local population. Moreover, this approach suffers from a lack of ownership by local authorities and public services. In the long term, Baraka Akilimali, Hoffmann, and Ansoms (forthcoming) highlight the fact that maintenance of irrigation works, in particular, could be problematic because of the lack of public service ownership of this project. Finally, formalization overlooks issues of identity and power that underlie the persistence of

recurrent land conflicts in eastern DRC (Huggins 2010; Vlassenroot 2002), so there is a deep gap in the way policy makers, donors, and local actors understand the concept of land security.

Land Mediation

Land mediation often takes place through ad hoc structures set up by local-level entities called local conciliation committees (in North Kivu), peace huts, land tenure focus groups, mixed committees for land dispute settlement, *cadres de dialogue et de médiation* (Mediation and Dialogue Structures, in South Kivu), etc. (Mudinga and Nyenyezi 2014, 9). With funding from the United Nations High Commissioner for Refugees (UNHCR) in March 2009, UN-Habitat launched a land program as part of the return and resettlement of internally displaced persons (IDPs) and refugees in North Kivu and Ituri. This program set up committees of elders working in community land mediation centers. The IFDP created land focus groups in Kabare and Walungu with USAID support. The APC established more than thirty *cadres de dialogue et de médiation* and peace centers in Kalehe and Kabare, supported by UN-Habitat, the Life and Peace Institute (LPI), and Cordaid. LPI and its partners have helped create four Intercommunity Consultation Frameworks (ICFs) in Fizi and Uvira. In Masisi, Action Solidaire pour la Paix (ASP) has created Inter-Farmer Conflict Transformation Frameworks with support from its partner, the International Fund for Agricultural Development (IFAD). While the background to the creation of these structures, as well as their mandates, composition, and outcomes, vary from region to region, broadly speaking, they resolve conflicts around land boundaries or between farmers and herders, such as issues of transhumance.

There is criticism of the land mediation approach, however. The number of structures created by each actor's response evokes a kind of local structures fetishism, as if they must be created even when they are not necessary. Some ad hoc structures do not have strong local roots and are, therefore, perceived as mere subsidiaries of organizations based elsewhere, not belonging to local people but to the organizations that created them and their donors (Mathys and Vlassenroot 2016, 3). Moreover, land mediation is funded by donors only for the project duration. When the project ends, financial mechanisms cease due to lack of financial autonomy (Mudinga and Nyenyezi 2014, 8). In addition, these structures have been unable to provide lasting solutions to land conflicts between elites and the local population. The effectiveness of this approach is much more limited when power imbalances are greater, and particularly when armed groups are involved (Mugangu Matabaro 2019). Finally, new

responses to land conflicts rarely build on the experiences of existing structures, in terms of the approaches, challenges, and methodology used to resolve land-related problems. This raises the question of the extent to which donors are involved in the development of these structures, are aware of criticism of the structures, and take this into account in their future funding decisions.

Political Advocacy

Some donors are funding projects that focus on land governance advocacy. For instance, ASP implemented an advocacy project in Masisi (North Kivu) between 2015–2017 focused on conflict resolution related to people's access to land, including large concessions, which was funded by IFAD. One of the project outcomes was the creation of the *cadre de plaidoyer pour la paix national* (National Peace Advocacy Structures, CPPN) in Kinshasa, whose role is to monitor the implementation of commitments made by local and provincial authorities on land governance. The APC created land investigation and advocacy commissions at the territorial and provincial levels in Kalehe and Kabare.

Some advocacy activities have influenced land governance policies, as their results have made it possible, at least on paper, to regulate some aspects of the land sector that were previously managed in a quasi-informal manner. The governor of North Kivu, Julien Paluku, signed the provincial edict no. 002/2012 of June 28, 2012, on the relationship between customary chiefs, landholders and land users in the management of customary land. After several consultations with civil society actors, Governor Marcellin Chishambo also signed decree no. 19/008/GP/SK in South Kivu in 2015 to regulate cattle transhumance in Fizi and Uvira. A provincial edict introduced by organizations working on land tenure is currently being examined by the South Kivu Provincial Assembly. These steps are the result of these actors' advocacy for the recognition of decentralized mechanisms of land tenure security and mediation in different territories of South Kivu. The involvement of NSAs in land reform processes at the national level is also the result of this political advocacy, donors' support for which is significant.

However, the advocacy approach has some limitations. First, there is a problem of sustainability and effectiveness in the application of the edicts and other institutional innovations (Mudinga and Nyenyezi 2014). For instance, despite the signing of the land edict in North Kivu, land conflicts resulting from competition between customary and state land rights remain at the heart of continued violence and insecurity. Moreover, political advocacy suffers from its inability to reverse power relations between elites (large landowners)

and the local population in disagreements over land rights.

At the national level, advocacy has not yet succeeded in obtaining an increase in the annual national budget allocated to the agropastoral sector (currently 3–5 percent of the national budget) and thus to the reforms that affect it. All of this reinforces the argument that land conflicts are part of a broad range of political governance issues and should be analyzed, understood, and resolved beyond a purely technical viewpoint (Mathys and Vlassenroot 2016).

5. CHALLENGES TO NSAS' RESPONSES

Many authors have been interested in analyzing why both land reform and NSAs' responses have failed to bend the curve of conflict and land insecurity in eastern DRC.

Sustainability and Effectiveness of Responses

Mudinga and Nyenyezi (2014, 192–95) raise three types of limitations related to the sustainability and effectiveness of responses. The first type of limitation is related to responses' providers and includes lack of coordination and financial autonomy, opportunism of actions, and a project approach instead of a process approach. The second type of limitation is related to the beneficiaries of the responses, who do not effectively take ownership of the solutions provided. The third type of limitation concerns the unclear legal and regulatory environment, which is characterized by a dangerous legal pluralism. In a forthcoming research brief, Baraka Akilimali and colleagues review these limitations while highlighting four major challenges: 1) competition between local customary authorities and state authorities over land control and political and economic interests; 2) an unclear legal framework that maintains this competition; 3) a lack of consensus among customary authorities on the actual process of issuing customary land titles; and 4) lack of ownership by local populations who remain dubious about the sustainability of NGO initiatives and their ability to provide real security of their land rights.

Lack of Coordination

Without denying the role of donors and NSAs in land governance, it is worth highlighting the absence of coordination of responses to the land crisis in spite of the threefold unanimity mentioned above. As a national organization coordinator stated, “the search for coordination would be an ideal but it is a utopian idea in our context. Everyone is behind their own interests at all levels: donors, implementing partners and beneficiaries.”⁵

At least three factors can be identified at the root of this lack of coordination. The first factor is the absence of a common vision in the various responses to the land crisis. Each NSA prefers to withdraw into “its corner” with “its donor” to identify the type of solution to be implemented. This is why we are witnessing a duplication of actions on the same problem, with the same beneficiaries and in the same geographical area. These NSAs are also caught up in the funding game. While they have to present sellable projects to donors, their own livelihoods are also at stake. Second, each actor believes it has a monopoly on the “best” solution. Indeed, the development of a sort of methodological protectionism makes it difficult to coordinate responses to the land crisis. Those who intervene through participatory action research on land conflicts claim to better understand the problem. This is true of those who use land mapping, decentralized customary land tenure security, or bottom-up policy through local mediation committees. Thus, there is a strong tendency for actors to delegitimize approaches implemented by others. Third, competition between stakeholders complicates the possibility of coordination. On the one hand, competition is strategic because it is linked to organizations' survival instinct, as they are generally dependent on external funding for projects to the point that coordination risks exposing some of them to closure. On the other hand, competition is linked to the personality of organization heads seeking to secure their leadership. The relentless search for funding is supposed to strengthen their individual position and that of their organizations.

Competition between NSAs and Donors

A major challenge in coordination is that competition is not only between implementing organizations themselves but also between donors and sometimes between donors and local organizations. Indeed, international organizations and UN agencies compete for space with local actors. Between all these actors, there are donors who are involved in several dynamics, funding and/or even maintaining competition between actors (national actors against each other on the one hand and national against foreign actors on the other). Some actors are now making attempts to bring together their efforts and experiences in a consortium. Power imbalances remain predominant, however. Many national organization leaders complain that donors are entrusting the lead of consortium projects/programs to international organizations instead of local ones, which are more experienced and rooted in the community. There is also the fact that UN agencies are themselves working in the field to implement projects, even when they suffer from a lack of legitimacy and experience on the ground,

thereby demonstrating imposture and a lack of consideration for local organizations. As a result, such responses have often proven to have limited outcomes.

Attitude of Donors

The attitude of donors with respect to land reform in terms of setting priorities, coordinating responses, and funding is detrimental. For several reasons, they are equally responsible for the current ineffectiveness of the reform process as some actors in the Congolese land sector. It is worth recalling that donors have committed to “conduct pilot experiments and replicate the lessons in land reform; provide technical and financial support; coordinate responses among TFPs and; reflect the reform in strategic documents” (Ministry of Land Affairs 2013, 45). However, financially for instance, out of a total estimated budget of \$37,033,700, less than 10 percent has been mobilized by a single partner, Norway, and this fund was under UN-Habitat management. Second, instead of allocating available funds to the reform process, UN-Habitat invested a large portion in its land tenure security and mediation programs in eastern DRC. This allocation of funds to other activities outside the reform process was described by a CONAREF expert as a “*sale coup au processus*” (a dirty blow to the process). In addition, the instrumentalization of the land reform process by UN-Habitat, considering itself to be the main actor, seems to have created frustration among other donors. It seems to us that UN-Habitat’s position overshadowed and rendered invisible the presence and support of other donors, leading to a strategic retreat on the part of many. Finally, donors’ funding of parallel local dynamics is an essential factor in understanding why the reform process has been slow. Indeed, many donors have preferred to direct their funding to civil society organizations, which implement concrete, rapid, and pragmatic initiatives on the ground, particularly in eastern DRC. This is the case of the Netherlands, the Swiss Agency for Development and Cooperation (SCD), USAID, and Belgium, which support customary land tenure security projects, mediation, land mapping, grouped land titling, etc. This dispersal of funds has a negative impact on the progress of the national land reform process.

6. CONCLUSION AND POLITICAL CONSIDERATIONS

Land crisis in eastern DRC fuels violence at the individual and collective levels, resulting from competition for access to and control of natural resources, as well as issues of power and identity. It is the negative effects of this complex crisis that have mobilized the Congolese government, NSAs, and donors to invest in land

reform for nearly a decade in the search for solutions to land-related problems.

The first solution, driven by the government with the support of external donors, was to reform the land sector. Although enthusiasm for this reform, which offered a fairly ambitious roadmap to bring about structural changes to the land crisis, was almost unanimous, the process quickly stalled. This is mainly because of the unhealthy political context in the DRC, combined with the wait-and-see attitude of the Congolese government, which left the process in the hands of donors. This deadlock suggests the urgent need to redefine the roles and type of commitments made by stakeholders involved in land reform at the national level. Strategies need to be defined to make these roles and commitments more operational, rather than simply elaborating them in reform documents.

Looking at NSAs’ responses to the land crisis in a more pragmatic way, three approaches seem to be favored by donors: formalization of land titles, land mediation, and political advocacy. Although these approaches have contributed somewhat to a decrease in individual and collective tensions, it is currently difficult to observe interrelationships between them. In a context of weak political and financial commitment by the Congolese government, donors’ support to NSAs still seems necessary to bring about concrete solutions on the ground. It will be crucial for donors to fund an in-depth study to draw lessons from these responses that can be leveraged in the context of a more structural land reform. Unfortunately, donors’ support has not been accompanied by a high level of coordination of their technical and financial responses on the ground, sometimes causing duplication and competition between development organizations and between donors themselves (Mathys and Vlassenroot 2016, 7). This coordination should be much stronger.

Finally, the current pitfalls related to land reform and limitations of responses on the ground clearly show that responses to the land crisis are as complex as the crisis itself. Drawing on the specificities of the local land tenure context, future solutions will have to transcend the often-criticized, overly technical aspects of current land tenure responses. This requires the sharing of a common vision around structural solutions to land governance problems, involving, in the long term, the Congolese government, donors, and NSAs. Furthermore, an in-depth study on the complex issues behind the slowness of the land reform process is urgently needed. The outcomes of this study are crucial in order to rethink all actors’ mutual commitments.

ENDNOTES

1 We will use the latter concept because it reflects the situation more accurately: crisis of customary land tenure norms, crisis of state laws, crisis of land management, crisis of accountability at all levels, chronic insecurity of land rights, the role of land tenure in identity crises and violence, etc. The concept of land crisis seems to be more holistic to us.

2 The word *glissement* (slippage) in the DRC refers to the unconstitutional maneuvers of President Joseph Kabila to stay in office beyond his term in December 2016.

3 Kinsimba Ngoy (2008–2012), Mbwiga Bila Robert (2012–2015), Bolenge Tengebalea (2015), Booloko Nely (2016), Madimba Kalonji (2016), Kabange Numbi (2016–2017), Lumeya Dhu Maleghi (2017–2019), and Aimé Sakombi Molendo (2019 to present).

4 Provincial consultations with key-stakeholders were conceived by the Land Reform National Commission (CONAREF) as a participatory strategy prior to the adoption of a Land Policy Document at the national level. This document will help the elaboration of the new Congolese land code/law.

5 Interview with a national organization coordinator, Goma, 2016.

REFERENCES

- Ansoms, An, Klara Claessens, and Emery Mudinga. 2012. "L'accapement des terres par les élites en territoire de Kalehe, RDC." *L'Afrique des Grands Lacs: Annuaire 2011–2012*, edited by Filip Reyntjens, Stef Vandeginste, and Marijke Verpoorten, 205–26. Paris: L'Harmattan.
- Ansoms, An, and Thea Hillhorst, eds. 2013. *Losing Your Land. Dispossession in the Great Lakes*. New York: James Currey.
- Baraka Akilimali, Joël, Kasper Hoffmann, and An Ansoms. Forthcoming. "Land Formalization by Local NGOs in Eastern Congo: Institutional Pluralism, Depoliticization, and Competition." SSRIC Congo Research Brief 7.
- Bashibirhana, Déogratias. 2014. "Insécurité foncière, droits et détenteurs à sécuriser." Paper presented at the Coopération Suisse: Rencontres foncières 2014, Bujumbura, Burundi, June 3–5, 100–13.
- Cirimwami, Jean-Pierre. 2020. "Stratégie de production agricole résiliente face aux changements climatiques pour un développement de l'agrobusiness familial." PhD diss., Université d'Antananarivo.
- Hoffmann, Kasper, Koen Vlassenroot, and Emery Mudinga. 2020. "'Course au pouvoir': The Struggle over Customary Capital in the Eastern Democratic Republic of Congo." *Journal of Eastern African Studies* 14, no. 1: 125–44. <https://doi.org/10.1080/17531055.2019.1711321>.
- Huggins, Chris. 2010. *Terre, pouvoir et identité. Les causes profondes des conflits violents à l'Est de la République Démocratique du Congo*. London: International Alert. <https://www.international-alert.org/publications/terre-pouvoir-et-identit%C3%A9>.
- Jackson, Stephen. 2006. "Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R. Congo." *African Studies Review* 49, no. 2 (September): 95–124. <https://doi.org/10.1353/arw.2006.0107>.
- Mathys, Gillian, and Koen Vlassenroot. 2016. "'It's Not All about the Land': Land Disputes and Conflict in the Eastern Congo." Rift Valley Institute, PSRB Briefing 14 (September).
- Ministry of Land Affairs. 2013. *Réforme foncière: Document de Programmation*. Kinshasa: Government of the Democratic Republic of the Congo. http://www.conaref-rdc.org/wp-content/uploads/2018/12/rdc-reforme-fonciere-document-de-programmation_vfinal-2013.pdf.
- Mudinga, Emery. 2013. "Conflits fonciers à l'est de la RDC: au-delà des confrontations entre rwandophones et autochtones." In *L'Afrique des Grands Lacs: Annuaire 2012–2013*, edited by Filip Reyntjens, Stef Vandeginste, and Marijke Verpoorten, 195–218. Paris: L'Harmattan.
- Mudinga, Emery. 2017. "La création des espaces ingouvernables dans les luttes foncières. Analyse de la résistance paysanne à l'accapement des terres au Sud Kivu." PhD diss., Université Catholique de Louvain.
- Mudinga, Emery, Anuarite Bashizi, and Janvier Kilosho Buraye. Forthcoming. "Modernisation minière, fragmentation sociale et création des anormaux en RDC Congo." Council for the Development of Social Science Research in Africa.
- Mudinga, Emery, and Aymar Nyenyezi Bisoka. 2014. "Innovations institutionnelles des acteurs non étatiques face à la crise foncière en RDC: légitimité, cohérence et durabilité." In *L'Afrique des Grands Lacs: Annuaire 2013–2014*, edited by Filip Reyntjens, Stef Vandeginste, and Marijke Verpoorten, 1–21. Paris: L'Harmattan.
- Mugangu Matabaro, Séverin. 2008. "La crise foncière à l'Est de la RDC." In *L'Afrique des Grands Lacs: Annuaire 2007–2008*, edited by Stefaan Marysse, Filip Reyntjens, and Stef Vandeginste, 385–414. Paris: L'Harmattan.
- Mugangu Matabaro, Séverin. 2019. "Bilan des problématiques foncières à l'est de la RDC." Paper presented at the Conférence sur les conflits fonciers à l'est de la RDC, Bukavu, DRC, June 17–20, 2019.
- Ntabona, Adrien. 2001. "Approches axiologiques du problème de paix dans la région des Grands Lacs." *Au cœur de l'Afrique: Pour une paix durable au Burundi*, numéro special: 3–18.
- Olivier de Sardan, Jean-Pierre. 1995. *Anthropologie et développement: Essai en socio-anthropologie du changement social*. Paris: Karthala.
- Van Leeuwen, Mathijs, and Gemma Van Der Haar. 2016. "Theorizing the Land–Violent Conflict Nexus." *World Development* 78 (February): 94–104. <https://doi.org/10.1016/j.worlddev.2015.10.011>.
- Verweijen, Judith, and Justine Brabant. 2017. "Cows and Guns. Cattle-Related Conflict and Armed Violence in Fizi and Itombwe, Eastern DR Congo." *The Journal of Modern African Studies* 55, no. 1 (March): 1–27. <https://doi.org/10.1017/S0022278X16000823>.

Vlassenroot, Koen. 2002. "Citizenship, Identity Formation and Conflict in South Kivu: The Case of the Banyamulenge." *Review of African Political Economy* 29, no. 93/94: 499–516. <https://doi.org/10.1080/03056240208704635>.

Vlassenroot, Koen, Emery Mudinga, and Kasper Hoffmann. 2016. *Negotiating Public Authority: Armed Rebellion and Military Fragmentation in the Territories of Walikale and Kalehe*. London: Rift Valley Institute.

Vlassenroot, Koen, and Judith Verweijen. 2017. "Democratic Republic of Congo: The Democratization of Militarized Politics." In *Africa's Insurgents: Navigating an Evolving Landscape*, edited by Morten Bøås and Kevin C. Dunn, 99–118. Boulder, CO: Lynne Rienner.

ACKNOWLEDGMENTS

The Congo Research Briefs are a joint publication of the Conflict Research Group (CRG) at Ghent University, the Social Science Research Council (SSRC), the Study Group on Conflicts and Human Security (GEC-SH) at the Centre de recherches universitaires du Kivu (CERUKI), and the Governance-in-Conflict Network (GiC). These briefs provide concise and timely summaries of ongoing research on the DRC that is being undertaken by CRG, SSRC, GEC-SH, GiC, and their partners.

We would like to thank Kasper Hoffmann and the reviewers for their very helpful comments on earlier drafts. We also thank Action pour la Paix et la Concorde (APC) and the Securing Tenure Sustainable Peace (SecTenSusPeace) project of the Transformations to Sustainability (T2S) Program of ISDR-Bukavu for their collaboration in the production of the data analyzed here.

This research note is part of the publications produced by the Conflict Research Program implemented by the London School of Economics (LSE) in collaboration with Ghent University.

— With funding by —

