



Photo by: ASOP/ Ngweshe Land Service. This photo was taken during land formalization in Ngweshe, Walungu Territory.

Land Formalization by Local NGOs in Eastern Congo: Institutional Pluralism, Depoliticization, and Competition

Joël Baraka Akilimali, Kasper Hoffmann, and An Ansoms

Translated by Elfi Kashori Martial



LAND FORMALIZATION BY LOCAL NGOS IN EASTERN CONGO: INSTITUTIONAL PLURALISM, DEPOLITICIZATION, AND COMPETITION

Joël Baraka Akilimali, Kasper Hoffmann, and An Ansoms¹

Translated by Elfi Kashori Martial

INTRODUCTION

Land formalization projects have grown in number in the postconflict context of eastern Democratic Republic of the Congo (DRC) and in South Kivu in particular. Led by international and local organizations, these projects aim to supplement the efforts of central and local administrative entities, which have been particularly affected by land conflicts after years of political instability. In South Kivu province, land formalization projects are spearheaded by local civil society associations or national and international NGOs and are generally financed by international donors such as the Dutch Development Cooperation, the Swiss Agency for Development and Cooperation (SDC), the World Bank, or the United Nations (in particular the United Nations Human Settlement Programme, or UN-Habitat).

In the domain of land governance, these organizations implement their interventions through the land tenure security framework, which was inaugurated in response to the failure of state centralism in the 1970s–80s and its corollary, the public property regime. Since the 1990s, this land tenure security framework has mobilized public, private, and civil society actors. Their interventions have focused on recognition, registration, and finally certification by cadastral survey of local land rights in southern countries in general, and sub-Saharan Africa in particular (Colin, Le Meur, and Léonard 2010). According to this framework, land tenure security is largely achieved through formalization of land rights. However, across the world, this process has led to mixed and ambiguous results. Its technocratic principles appear to be unrealistic in contexts marked by legal pluralism, ambivalence, contradictions, and competition over public authority (Hodgson and Schroeder 2002; Holden, Deininger, and Ghebru 2007; Peluso 2011; Sjaastad and Cousins 2008; Wainwright and Bryan 2009).

In South Kivu, several local nonstate actors have been involved in land tenure programs over the past decade, including Innovation and Training for Development and Peace (IFDP); Action pour la Paix et la Concorde (APC); Action Sociale et d'Organisation Paysanne (ASOP); a consortium of international organizations including ZOA, the International Rescue Committee (IRC), and Search for

Common Ground (SFCG); Caritas; and UN-Habitat. They work as “intermediary bodies”² in collaboration with local public institutions endowed with legal personality, notably the customary chiefdoms. Their interventions are oriented toward the generalization of land rights, the mapping of plots, and the establishment of mechanisms for the recognition and/or formalization of land rights. In this way, these organizations’ support seems technical on the surface. However, their approaches are diverse, sometimes parallel, and even contradictory. Moreover, they are forced to navigate in a context with multiple land tenure regimes maintained by different actors with diverse political interests. In addition, land-related issues such as access to and control over land are of fundamental importance within the contexts in which they operate. This is why, for example, it is far from a simple technical issue when organizations such as APC, UN-Habitat, and ASOP attempt to formalize land rights by issuing a so-called customary land certificate. Instead, it is an inherently political issue, affecting local political balances in the sense that formal land tenure security and the procedures it imposes in rural areas affect the ownership not only of land but also of territory. The legitimacy of the model of land formalization relates to the structure of power relations embedded in the dominant political order. Therefore, challenges to the formula of formalization can only be understood in relation to this complex context of institutional and normative pluralism.

Multiple regimes of land rights coexist in the DRC and are hardly limited to the formalist approach of NGOs. Moreover, the model of formalization is itself highly diverse, as different actors use different methods. Power relations have a strong impact on processes of land demarcation and certification, not only downstream in the field but also, and above all, upstream, particularly considering that the mechanisms of formalization are given priority over other forms of tenure. This political aspect of land tenure security projects is not new, but it is often restricted to the microterritorial level. However, this level is conditioned by macroterritorial decisions (national legislation, external donors’ conditionalities, etc.). Moreover, there is a general tendency in the definition of several so-called land tenure security projects to confuse land as a material basis for economic

activity and land as a territory that structures identity, cultural, and political boundaries. Connecting issues related to territory and land (Baraka Akilimali 2017) would allow for more successful land tenure security programs, particularly in rural areas. This is why, in order to gain a better understanding of trends, it is necessary to adopt “an approach in terms of bundles of rights, authorities and ownership” (Colin, Le Meur, and Léonard 2010, 49). To this end, empirical examples show, for example, that land tenure security projects for the indigenous peoples of South Kivu (largely Batwa populations mixed with other local communities that live in isolated groups on common land with precarious legal security, even at the customary level) are conditioned by access not only to land but also to territory. This is also true of other communities for whom land issues transcend the mere technical dimension. This is what Gillian Mathys and Koen Vlassenroot (2016) point out when they criticize land projects for neglecting to insert land mediation into a broader political picture. These authors argue for a holistic approach to land issues, which requires a new look at political governance rather than a quasitechnical orientation. They emphasize the importance of acknowledging the strong role of territorial contestation around identity (Mathys and Vlassenroot 2016). These positions remind us how much land projects “are indeed at the heart of the negotiations and processes of redefinition surrounding local citizenship categories. They constitute major issues in terms of access and regulation, not only to land resources, but also to other material, political and symbolic resources” (Colin, Le Meur, and Léonard 2010). As a result, local and localized projects, which are disconnected from a broader political vision, can only result in limited, unsustainable land interventions.

However, these holistic readings underestimate the strategic orientation of nonstate actors involved in land tenure projects. Their approaches are more a matter of pragmatic choices than of ignorance of the complexity of political issues. This is also the case in the DRC and in South Kivu in particular. It is important to ask what the real expectations of the local population are regarding land tenure projects. In fact, faced with the lethargy of public authorities, rural populations often do not have other options than to rely on these nonstate actors for support. Even if their pragmatic solutions are rarely sustainable, they do manage to overcome short-term problems. Other authors are interested in nonstate actors promoting land tenure security projects as a peacebuilding intervention in zones where the state is rarely present, insisting on these organizations’ role in peacebuilding and in rebuilding a postconflict state (Van Leeuwen and Van der Haar 2014; Vircoulon and Liégeois 2012). This reading

represents land tenure security projects as a tool for state reform in the DRC (Comité technique Foncier & développement 2017). Another stream of literature on land formalization in South Kivu emphasizes the actual land tenure security innovations that nonstate actors undertake (Mudinga and Nyenyezi 2014). This reading emphasizes how nonstate actors contribute to land conflict mitigation through sociotechnical innovations, such as the introduction of writing into local practices or the revitalization of land mediation with local actors. Some also analyze these sociotechnical innovations from the perspective of societal and ecological transition using a multi-level approach. This interpretation supports the idea that nonstate actors can fill an institutional leadership niche by implementing innovative solutions to land issues in South Kivu in particular and eastern DRC in general (Baraka Akilimali, forthcoming).

Despite this rich body of literature, the record of land tenure interventions has yet to be fully explored. In fact, most of the land formalization projects in eastern DRC have faced immense challenges with regard to their adoption at the local level. They have encountered serious problems in terms of adapting to local land governance issues. In this policy brief, we focus on the difficulties observed in the adoption of land tenure security projects and programs in South Kivu. The brief makes three key arguments. First, it demonstrates that these projects operate in a context of complex power relations where negotiated approaches are required. Indeed, land tenure security projects face a real challenge in reconciling several rights, authorities, and sociological affiliations in eastern DRC. Secondly, this brief will show that land tenure projects implemented with technical solutions end up reproducing the same techniques of the existing central system of the state. Hence, rather than offering increased protection to marginal social groups, they largely benefit local elites. Finally, we argue that these land formalization projects tend to reinforce the status quo without bringing about fundamental equitable reform. By using a technicist discourse, land formalization projects depoliticize, or ignore, these struggles, in the process maintaining historical agrarian inequalities and grievances.

LEGAL PLURALISM AND CONFLICTING STRATEGIES

As we will show, empirical analysis of the implementation of land formalization projects in South Kivu reveals numerous challenges with regard to their adoption at the local level. This is a reflection of an environment marked by a plurality of competing actors and institutions. Overall, these challenges can be summarized in four important points: 1) there is strong competition between local

customary authorities and state authorities over their respective interests, both political and economic, which often predate the implementation of land formalization projects; (2) managing these conflicts is often a challenge that nonstate actors involved at the local level have not yet been able to overcome; (3) this competition between various authorities is maintained by a lack of legal clarity;³ and (4) there is often a lack of consensus in the process of issuing land titles, including among customary authorities. We will analyze specific land tenure security projects to illustrate these challenges. Our analysis is based on our empirical observations carried out in Kalehe, Walungu, and Uvira in South Kivu province. We focus on three organizations that have been actively involved with land formalization: ASOP, the ZOA-IRC-SFCG consortium, and APC. This analysis is coupled with a case study in Kalehe Territory to deepen the analysis.⁴

CUSTOMARY LAND CERTIFICATES IN WALUNGU

The organization ASOP, which works on the Walungu axis, conducted its land census on the basis of customary land rights of 1,465 users (mostly men) out of a total of 2,272 fields and plots inventoried. This census, which included the mapping exercise shown in figure 1, was intended to formalize land rights by issuing so-called *certificats fonciers coutumiers* (customary land certificates)⁵ to local people. However, by the end of 2017, only 32 had been issued to 22 land users, including 2 women.⁶ The cost of obtaining a customary land certificate—even if modest—was not always within the reach of all locals. Furthermore, information about the potential benefits of the certificates was not always sufficiently divulged. Finally, ASOP transferred the project follow-up to its partner, the *service foncier*

(land service) of Ngweshe customary chiefdom. Despite this, the land formalization process has slowed down and considerably declined. Requests for certificates continue at a very low rate because funding from the SDC has faded.⁷

COLLECTIVE LAND TITLES IN THE RUZIZI PLAIN

The ZOA-IRC-SFCG consortium has been involved in Uvira Territory, mainly in the Ruzizi Plain. The consortium has mainly focused on reconciliation between state and nonstate actors. The project—called the *Maji ya Amani* (water for peace) project—focused on the development of irrigated canals for greater redistribution of water resources to titled land plots. It should be noted that in the context of the Ruzizi Plain, securing land means first and foremost securing water, particularly for irrigation but also for cattle and the population. The ZOA-IRC-SFCG consortium has undertaken a project that creates collective land titles (*titrisation foncière groupée*).⁸ This project has been relatively more successful in some dimensions. In terms of land mediation, for example, the consortium succeeded in reconciling local traditional leaders whose communities were involved in identity-based conflicts. These sometimes-violent conflicts were often perceived in ethnic terms (Bafuliro versus Barundi) but really revolved around access to natural resources.

The fieldwork resulted in the mapping of 3,045 plots (see figure 2 for an example). Of these, 95 had declared conflicts and did not undergo titling, while 219 plots resulted in the production of collective titles by the Conservateur des Titres Immobiliers de l'Etat (Central State Registrar of Estate Titles) after customary authorities had ceded the land. While 43 of the parcels covered by collective land titles were the subject of land conflicts, the involvement of the ZOA-IRC-SFCG consortium led to a partial resolution of these conflicts. However, 12 cases remain unresolved. One of the main reasons for the nonresolution of these conflicts is the fact that some of the co-owners do not live on the land in question (ZOA 2019). At the same time, the model of collective titling—although innovative in that it reinvents the commons from a formalized perspective—has required immense resources in its implementation. The support provided by the mediators was intensive in terms of resources and time. In addition, there is a long-term ownership problem, because it is unclear how these collective land titles will be monitored. Even if stakeholders have agreed to set up a permanent dialogue framework at the level of the province, it has been difficult to establish for two reasons. First, funding in the land sector is ad hoc and does not allow this framework to work optimally. Second, instability in the

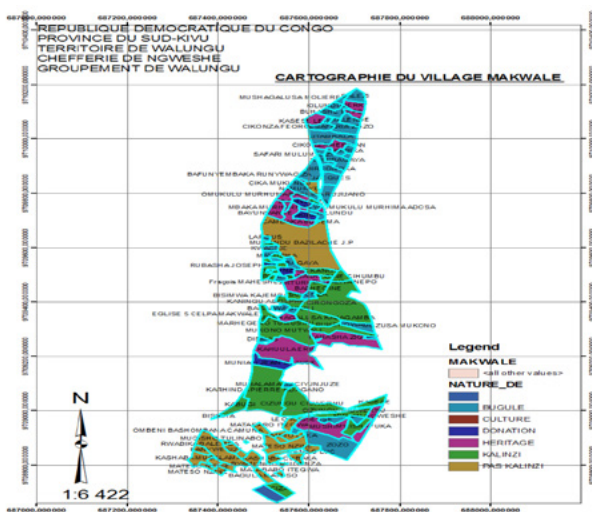


Figure 1. Mapping of Makwale village/Ngweshe chiefdom. Source: ASOP 2017 third quarter report.

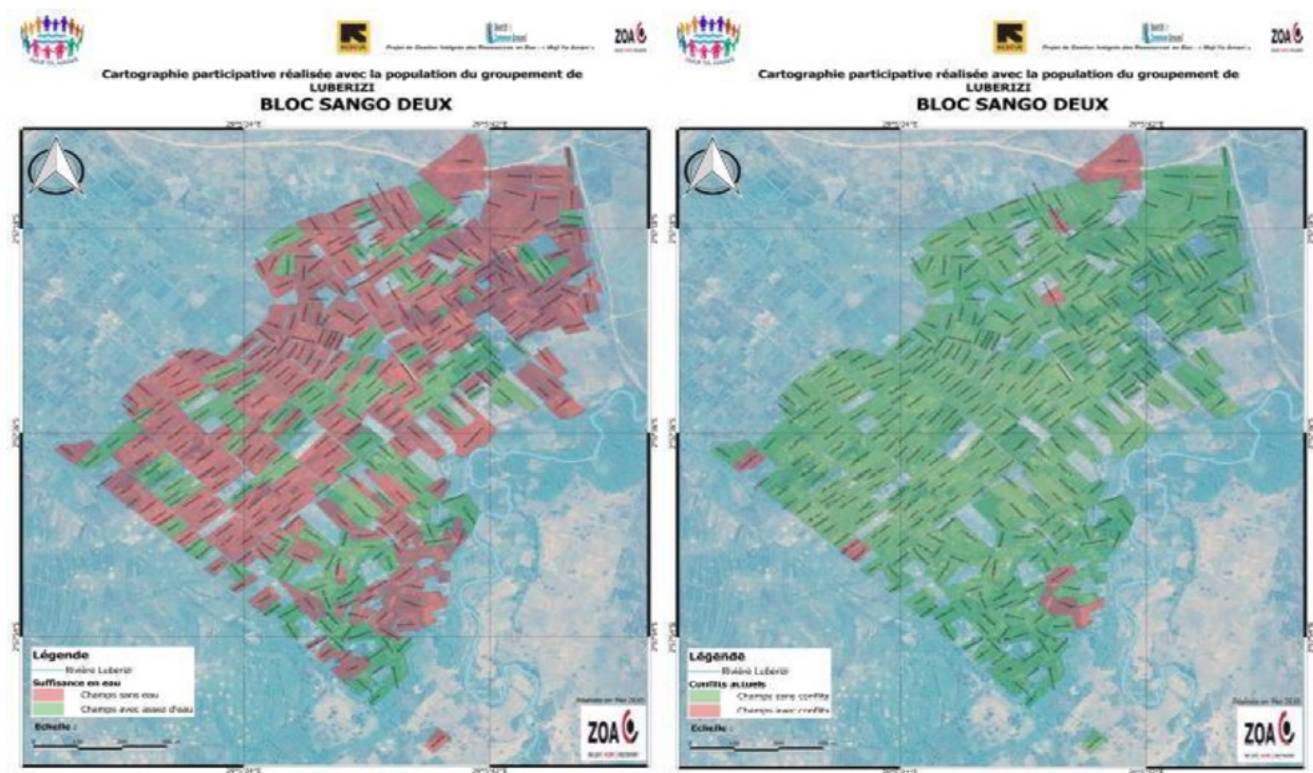


Figure 2. ZOA-IRC-SFCG consortium land mapping in the Ruzizi Plain. Source: ZOA 2019. On the left, the spaces in red are fields without water access and spaces in green are fields with water access. On the right, the spaces in green are land without land conflicts and spaces in red are land with land conflicts. It is interesting to note that the development of a hydraulic irrigation scheme for the lands involved in the collective land titling model has reduced land conflicts. The green areas in transition on the right have benefited from strong development of irrigated boundaries, which was accompanied by a process of collective land titling. This has reduced land grabbing and competition over water resources in this area of the Ruzizi Plain.

ministry in charge of land affairs in the province leads to deadlocks, as political actors often act against the principle of continuity in public services. The reshuffling and transfer of portfolios also weigh down the provincial politico-administrative apparatus, which does not effectively coordinate the various land projects. This is very problematic in the case of the projects implemented by ZOA and its partners in the Ruzizi Plain. Here, investments made by donors, particularly the Dutch Development Cooperation, in the collective land titling process have led to the production of cadastral titles and to the development of irrigated perimeters in the Ruzizi Plain. These collectively owned and titled irrigated borders require considerable resources for maintenance, particularly for canals but also for plots. Even though the co-owners have agreed to a policy of joint management—particularly concerning the upkeep of irrigated borders—the involvement of public authorities is necessary for the long-term sustainability of the project’s achievements. However, financial and technical resources put in place by nonstate actors are not always within reach of local territorial entities, hence the need to support the rebuilding of the Congolese state in general.

ACTION POUR LA PAIX ET LA CONCORDE CUSTOMARY LAND CERTIFICATES IN KALEHE

The Congolese NGO APC runs a project in the chiefdoms of Buhavu and Buloho in Kalehe Territory. The objectives of the project are to

professionalize and equip the customary land registry services, and to ensure that land titles are delivered based on a process of participatory cartography. In order to accomplish these goals, the organization first facilitated an agreement between the two chiefs, who had differing visions about how to do so.⁹

However, during research conducted in May 2019 in collaboration with the APC itself, Akilimali (one of the authors of this brief) discovered that political and institutional conflicts at the local level hindered many of APC’s land formalization initiatives. Despite significant investments in supplies, training, and other forms of support for grassroots organizations, the record in terms of delivery of titles, called *attestations pour l’occupation et l’exploitation d’un terrain coutumier* (certificates for the occupation and exploitation of customary land), was disappointing.¹⁰ Approximately 300 titles have been granted in Buhavu chiefdom. Meanwhile, in Buloho chiefdom, the record was just over 50 deeds.¹¹ These figures are very limited compared to the many plots of land in these chiefdoms, which, according to our own estimates, have at least 50,000 customary landholders. Therefore, this raises questions about the project’s perceived legitimacy and degree of adoption among local stakeholders.

To some extent, the lack of adoption can be attributed to the process of acquiring an *attestation*. To many people, this process is quite burdensome, which can be discouraging. Moreover, the local

facilitators recruited by APC who are responsible for raising awareness about land titles do not receive systematic support. However, this is partly because APC itself is limited by ad hoc funding. Finally, despite attempts to inform and popularize the land titles, local understandings of land tenure have clashed with APC's concept. As it were, there has been limited trust in these written title deeds as the only proof of land rights, and formalized land titles appear to mainly benefit elites.

Indeed, in 2019, Akilimali participated in four workshops with APC in Kalehe Territory, and several key challenges emerged. The first major challenge is the competition between customary and state authorities. During the workshops, it was revealed that local customary chiefs deliver parallel land deeds. Often the prices of these are higher than those of the land formalization projects. Even though customary chiefs complain that local traditions and practices are declining, they are still powerful actors due to their historical roles as custodians of local traditions and institutions (Hoffmann, Vlassenroot, and Mudinga 2020). However, according to our sources, customary authorities appear to be increasingly marginalized in the land economy. They are therefore trying to maintain a stake in this highly profitable sector.¹² Despite the apparent erosion of customary power in the land sector, however, many people continue to defer to the authority of customary chiefs when it comes to land rights and issues. During participatory research workshops, respondents mentioned that it is important to hand over the *attestation* to the “*bashamuka*”¹³ neighbors in order to prevent outsiders from acquiring land. Nevertheless, this is not sufficient to prevent the conflicts that arise when state authorities and customary authorities issue titles to the same plot.

This situation leads to confusion, as various actors that do not collaborate issue several title deeds to the same plot. These include existing customary title deeds, state title deeds, and the new *attestations*. In the local state courts, called *tribunaux de paix* (peace courts), the title deed of the state administration, the so-called *certificat d'enregistrement* (registration certificate), and *attestations*, issued by customary chiefdoms with support from NGOs, appear to be considered more valid than a regular customary land title.¹⁴ However, some respondents insisted that a provincial edict was necessary to officially validate the *attestation*. This edict has yet to be adopted by the Provincial Assembly of South Kivu. However, even if this provincial edict were to be adopted, there is no guarantee that it would be favorably received by the cadastral services of the central government. The latter are still influenced by centralist understandings of law, even though the 2006 constitution contains options to decentralize land governance. This is clear from previous

experiences in the provinces of North Kivu and Mai-Ndombe, where such edicts have been issued. These edicts clarify the respective legal capacities of state authorities and customary authorities regarding local land governance. Nevertheless, competition between the two persists. In North Kivu, which has had such an edict since 2012,¹⁵ land conflicts continue to occur. This shows that legal texts alone are not enough to ensure land security. The absence of a coherent national policy and heavy migration flows have strong impacts on land tenure security. Consequently, land tenure is inseparable from territorial government.

However, competition between state and customary authorities over land issues does not imply that there is an impenetrable barrier between two entirely different worlds. Current legislation stipulates that, before issuing its land titles, the state's land registry services must base its decisions on an investigation of existing customary land rights. However, this procedure is not always respected. At the same time, customary chiefs regularly call on technical agents from the state's formal land registry for their expertise in technical demarcation of fields and plots.

A second challenge is competition among customary authorities. In Kalehe, for example, certain *groupements* (groupings, lower-level customary entities), such as Kalima and Mubuku, claim cultural, ethnic, and territorial autonomy from the Buhavu chiefdom. These conflicts directly impact land governance, including land formalization initiatives. Customary title deeds issued at the grouping level are not necessarily accepted at the chiefdom level, and vice versa.¹⁶ At the same time, there seems to be a financial dimension that further complicates relations. Formalization projects supported by APC envision the involvement of customary chiefs at the most local level possible (groupings and villages). However, financial compensation has been centralized at the chiefdom level. Although the plan was to retrocede the money back to the grassroots level for the purpose of local development, this has so far not happened. The money collected by the projects to formalize customary land titles has remained in the hands of the customary authorities of Buhavu chiefdom. It must be noted, however, that the overall revenue collected through the project does not represent a great sum.

A third challenge is NGOs' attempts to raise awareness. For example, there are functional problems with means of transportation, communication, and a lack of technical equipment appropriate to modern cadastral requirements. The poor support of partners at the local level seems to indicate a lack of respect for these NGO field actors.¹⁷ In addition, land formalization projects are criticized for not focusing sufficiently on local chiefs whose interests often do not align with these programs. Indeed, customary chiefs accept new

customary land titles only insofar as they can be sources of revenue generation for them. It is rare for customary authorities to accept them as an instrument for social peace, land governance, or territorial organization. Finally, NGOs' sensitization campaigns do not seem to focus on major landowners who are generally key actors in land grabs and who live outside the area targeted by land formalization projects.¹⁸

A fourth challenge is the poor *sustainability* of projects. Once the project is over, the deeds issued can lose their relevance due to the lack of a monitoring body and the absence of an edict to confirm their validity. Nonstate actors have been advocating since 2012 for the adoption of a provincial edict to define the legal roles and capacities in land governance. Their advocacy seems to be based on the vision that such an edict would consecrate the validity of the acts issued by customary entities with the support of nonstate actors, while waiting for general, national-level land reform.

Finally, projects led by NGOs add new institutional dynamics to local political arenas, which are already highly complex and competitive in the realm of land governance. The increasing commodification of land in South Kivu has profoundly modified power relations. As a result, a partial restructuring of institutions and land rights is taking place. It is leading to highly competitive struggles to create new rules. Formalizing land in this context of rapid agrarian change is an immensely complicated task, which inevitably will be drawn into complex political, economic, military, legal, and administrative struggles.

CONCLUSION AND FUTURE PERSPECTIVES

The efforts by local Congolese NGOs carried out over the last decade to advance land tenure security through formalization of land rights do not stand outside of existing social, economic, and political dynamics. On the contrary, they are part of them. To be sure, such projects bring innovative modes of securing land tenure (title deeds, boundaries, registration, etc.) and progressive ideas (land titles for women and immigrants, land development, etc.). However, the low rate of adoption at the local level suggests that new diagnostics and approaches are needed to move past the current impasse. Our analysis raises several issues related to these projects. For instance, these projects are not able to disrupt or overturn historical agrarian inequalities. Instead, they lead to a form of depoliticization of rural agrarian issues insofar as formalization is presented as a panacea to land insecurity. Through participatory approaches and new technical instruments, the formalization of land rights appears to be a genuine

solution to land tenure insecurity. However, in reality it does not protect the local population's land rights to a very high degree.

There are several issues with current land tenure security approaches. Often these processes are exploited by elites, who can afford the deeds and use them in court. Furthermore, the research shows that legal pluralism and competition over the right to issue titles continues to contribute to land tenure insecurity. Moreover, land rights formalization struggle to go beyond an idealized vision of customary land tenure security. The reality is that most local people remain locked in positions of dependency on customary chiefs (Lapayre 2018, 73). As a result, they are complicit in perpetuating popular myths surrounding customary land rights. The idea that rural populations are "customary subjects," i.e., subjects who embody and obey a certain set of stable cultural values and rules, is an illusion. People are more than capable of choosing the most favorable form of land tenure for themselves, provided that they have the means to do it. The projects attempting to formalize customary land rights seek to protect the population from exploitation and expropriation by local elites and the state. Still, the definition and identification of customary land rights require rigorous methodological, political, and theoretical examination. The formalization of these customary rights advances a neoliberal model of property rights in which land is explicitly commodified and bounded. The new projects seeking to improve land tenure security through the formalization of land rights are entrenching this process, which began decades ago, by using techniques of governance specific to the model of a neoliberal state, using intermediary actors to duplicate the same methods of decentralized and formalized control of rural land tenure. This model does not provide sustainable solutions for local land users. This is ultimately the reason for the overall lack of interest in these projects among local populations in South Kivu. Looking forward, it is important that future projects focus on bringing about genuine agrarian reform and on rebuilding public services to ensure sustainability of implemented projects.

ENDNOTES

1 The authors are, respectively, PhD student at the Catholic University of Louvain, Belgium, (barakajoel300@gmail.com); Assistant Professor at University of Copenhagen, Denmark (kh@ifro.ku.dk); and Professor at the Catholic University of Louvain, Belgium, (an.ansoms@uclouvain.be).

2 “Intermediary bodies” refers to civil society organizations in the broadest sense of the term. They represent part of what Etienne Le Roy, Alain Karesenty, and Alain Bertrand (2016) describe as “intermediation logics” in land tenure security. This refers to a new kind of relationship between state institutions and civil society organizations, which relay and negotiate power. This relationship emerged in the 1990s and introduced new actors in the field of land governance. These actors were mainly rural trade unions and NGOs funded by development aid. Depending on the case, these actors can be placed on a spectrum between “brokers” to “counter-powers” (Le Roy, Karesenty, and Bertrand 2016, 219).

3 The legal status of customary land or local community land remains unclear.

4 From May 21 to 26, 2019, Akilimali participated in four successive forums organized with local populations, local authorities, NGOs, and civil society leaders as part of participatory action research (PAR) efforts. The goal of these forums was to identify the factors that constrained the implementation of alternative mechanisms for securing customary land rights.

5 The “customary land certificate” is a land tenure security title issued by the land services of the Ngweshe chiefdom. It is a decentralized form of land governance, which goes against the dominant model of centralized land control exercised through the issuing of registration certificates. The customary land certificate is issued locally after signature by the customary chief. The issuing of the title is preceded by a field mission conducted by a team that includes experts from both the NGO ASOP (at the beginning of the project) and the chiefdom, as well as local witnesses mandated by the village chief. It appears that the establishment of this certificate is based on the principle of subsidiarity. The investigation begins at the village level, passing through the intermediate level of the *groupement* (grouping), until it finally reaches the level of the chiefdom, which validates the process by signing the customary land certificate.

6 Data taken from ASOP’s 2017 third quarter report.

7 Interview with the head of Ngweshe’s land tenure service, Walungu, April 2019.

8 Collective land titling is an innovation introduced locally by the consortium of NGOs ZOA-SFCG-IRC. The process leads to the establishment of a collective land title. Its main characteristic is that it groups land plots from several landholders (on average ten landholders per collective title) into a single registration certificate. This technique is based on the idea that collective land titles reduce financial costs through the pooling of resources and risks. Furthermore, it is believed to facilitate cooperation between users in zones marked by conflict. Additionally, it is intended to protect small-scale landholders from land grabbing by elites, since it is difficult to appropriate land with several owners. Another particularity is that the title is issued by the central government’s cadastral services, which according to Congolese land law is the only authentic proof of land rights. In this sense it differs from the customary land certificate issued through the ASOP or APC, which can be legally challenged due to its ambiguous legal status.

9 APC, *Rapport Narratif final du projet de consolidation du processus de sécurisation des terres coutumières par la prévention et la transformation des conflits fonciers en territoire de Kalebe*, 2016.

10 Originally, titles issued by the APC were called “certificates for the occupation and exploitation of customary land.” However, from 2019 onward the term customary land certificate has been generalized by local organizations most involved in the area, as this term is provided for in the draft edict pending adoption by the South Kivu Provincial Assembly on decentralized customary-based land security.

11 Interview with APC program manager, Minova, May 22, 2019.

12 Focus group interview with civil society members in Buzi grouping, Minova, May 21, 2019.

13 Interview with members of the council of Mbinga-Sud grouping, Ihusi, May 25, 2019.

14 Focus group interview with civil society members in Mbuzi grouping, May 21, 2019.

15 Edict no. 002/2012 of June 28, 2012, on the relationship between customary chiefs, land chiefs, and land users regarding the management of customary land in North Kivu province.

16 Focus group interview with civil society members in Buzi grouping, May 22, 2019.

17 Focus group interview with civil society members in Mbinga-Sud grouping, Ihuzi, May 25, 2019.

18 Focus group interview with civil society members in Buzi grouping, May 22, 2019.

REFERENCES

- Baraka Akilimali, Joël. 2017. "Territoire et foncier en Afrique contemporaine: de la marchandisation des droits fonciers vers la rédéfinition des dynamiques territoriales à Idjwi." Master's Thesis, Catholic University of Louvain.
- Baraka Akilimali, Joël. Forthcoming. "Transition foncière et mutations sociohistoriques en Afrique subsaharienne: Leçons critiques d'innovations territorialisées des structures agraires dans l'Est de la RD Congo." In *L'État habitant: Promouvoir la transition sociale et écologique à travers l'innovation sociale*, edited by Olivier De Schutter and Tom Dedeurwaerdere. Paris: Desclée De Brouwer.
- Colin, Jean-Philippe, Pierre-Yves Le Meur, and Eric Léonard, eds. 2010. *Les politiques d'enregistrement des droits fonciers. Du cadre légal aux pratiques locales*. Paris: Karthala.
- Comité technique Foncier & développement. 2017. *La formalisation des droits sur la terre: bilan des expériences et des réflexions*. Regards sur le foncier, no. 2. Paris: Agence française de Développement.
- Hodgson Dorothy, and Richard Schroeder. 2002. "Dilemmas of Counter-Mapping Community Resources in Tanzania." *Development and Change* 33, no. 1 (January): 79–100. <https://doi.org/10.1111/1467-7660.00241>.
- Hoffmann, Kasper, Koen Vlassenroot, and Emery Mudinga. 2020. "Courses 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>.
- Holden, Stein, Klaus Deininger, and Hosaena Hagos Ghebru. 2007. "Impact of Land Certification on Land Rental Market Participation in Tigray Region, Northern Ethiopia." Paper presented at the Nordic Development Economics Conference, Copenhagen, June 18-19. <http://dx.doi.org/10.2139/ssrn.1019996>.
- Lapeyre, Fred. 2018. "La grande colère des faits. Quelles perspectives de déterritorialisation-reterritorialisation des acteurs de l'économie informelle?" In *Le développement revisité, 60 ans d'études du développement*, edited by Isabel Yépez del Castillo, Sophie Charlier, Andrea Lemaître, Emmanuelle Piccoli, and Étienne Verhaegen, p.67-95s. Louvain-la-Neuve, Netherlands: Presses Universitaires de Louvain.
- Lavigne Delville, Philippe. 2010. "Tenure Security, Formalization of Rights, Land Regulation Institutions and Investments: For a Broader Conceptual Framework." *Land Tenure Journal* 1: 5–34. <http://empres-i.fao.org/nr/land-tenure-journal/index.php/LTJ/article/viewArticle/7>.
- Le Roy, Etienne, Alain Karesenty, and Alain Bertrand. 2016. *La sécurisation foncière en Afrique. Pour une gestion viable des ressources renouvelables*. Paris: Karthala.
- Mathys, Gillian, and Koen Vlassenroot. 2016. "Pas juste une question de terres': litiges et conflits fonciers dans l'est du Congo." Rift Valley Institute, PSRB Briefing 14 (October). <https://www.refworld.org/docid/5832c0714.html>.
- 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, p. 159-179, Paris: L'Harmattan.
- Peluso, Nancy Lee. 2011. "Whose Woods are These? Counter-Mapping Forest Territories in Kalimantan, Indonesia." In *The Map Reader: Theories of Mapping Practice and Cartographic Representation*, edited by Martin Dodge, Rob Kitchin, and Chris Perkins, 422–29. Oxford, UK: John Wiley & Sons Ltd.
- Sjaastad, Espen, and Ben Cousins. 2008. "Formalisation of Land Rights in the South: An Overview." *Land Use Policy* 26, no. 1: 1–9. <https://doi.org/10.1016/j.landusepol.2008.05.004>.
- Van Leeuwen, Mathijs, and Gemma van der Haar. 2014. *La gouvernance foncière comme moyen de renforcement de l'Etat au niveau local dans l'Est de la RDC*. Leiden, Netherlands: IS Academy.
- Vircoulon, Thierry, and Florence Liégeois. 2012. *Inventer une politique publique dans un État failli: Le défi de la sécurisation des droits fonciers dans l'Est du Congo*. Paris: Institut français des relations internationales. <https://www.ifri.org/fr/publications/notes-de-lifri/inventer-une-politique-publique-un-etat-failli-defi-de-securisation>.
- Wainwright, Joel, and Joe Bryan. 2009. "Cartography, Territory, Property: Postcolonial Reflections on Indigenous Counter-Mapping in Nicaragua and Belize." *Cultural Geographies* 16, no. 2: 153–78. <https://doi.org/10.1177/1474474008101515>.

Wily, Liz Alden. 2012. “La tenure foncière coutumière dans un monde moderne. Les droits aux ressources en crise: état des lieux de la tenure foncière en Afrique.” In *Dossier sur l’État des Lieux de la Tenure Coutumière en Afrique*, 1–16. Washington, DC: Rights and Resources Initiative.

ZOA. 2019. “Sécurisation foncière des terres rurales. Titrisation groupée comme modèle de sécurisation foncière des terres rurales en RDC: cas du périmètre irrigué de Luberizi (Plaine de la Ruzizi).” Paper presented at the Conférence internationale sur les Conflits fonciers à l’Est de la RDC, Centre Amani, June 17–21.

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.

This article is a joint output of the following research projects: “PRD Land Rush – Une recherche-action sur les conflits fonciers liés à l’accaparement des ressources naturelles dans la province du Sud-Kivu en RDC : Renforcement des capacités et plaidoyer politique” funded by the Académie de Recherche et d’Enseignement Supérieur (ARES) at the Catholic University of Louvain; the Conflict Research Programme, led by the London School of Economics and Political Science and funded by UK Aid of the UK government (GB- 1-204428); and the “State Formation through the Local Production of Property and Citizenship” project (Ares [2015]2785650 – ERC-2014-AdG – 662770-Local State), led by the Department of Food and Resource Economics at the University of Copenhagen.

We are grateful to Professor Emery Mudinga, Professor Aymar Nyenyezi Bisoka, Professor Christian Lund, and the reviewers for their valuable comments on earlier drafts. In addition, we would like to thank the following organizations for their collaboration during the research: Action pour la Paix et la Concorde (APC); Action Sociale et d’Organisation Paysanne (ASOP); ZOA, especially the ZOA-IRC-SFCG consortium through the *Maji ya Amani* project; the Institut Supérieur de Développement Rural de Bukavu (ISDR) ; the Service Foncier de la Chefferie de Ngweshe in Walungu Territory; and the Service Foncier de la Chefferie de Buhavu in Kalehe Territory.

— With funding by —

