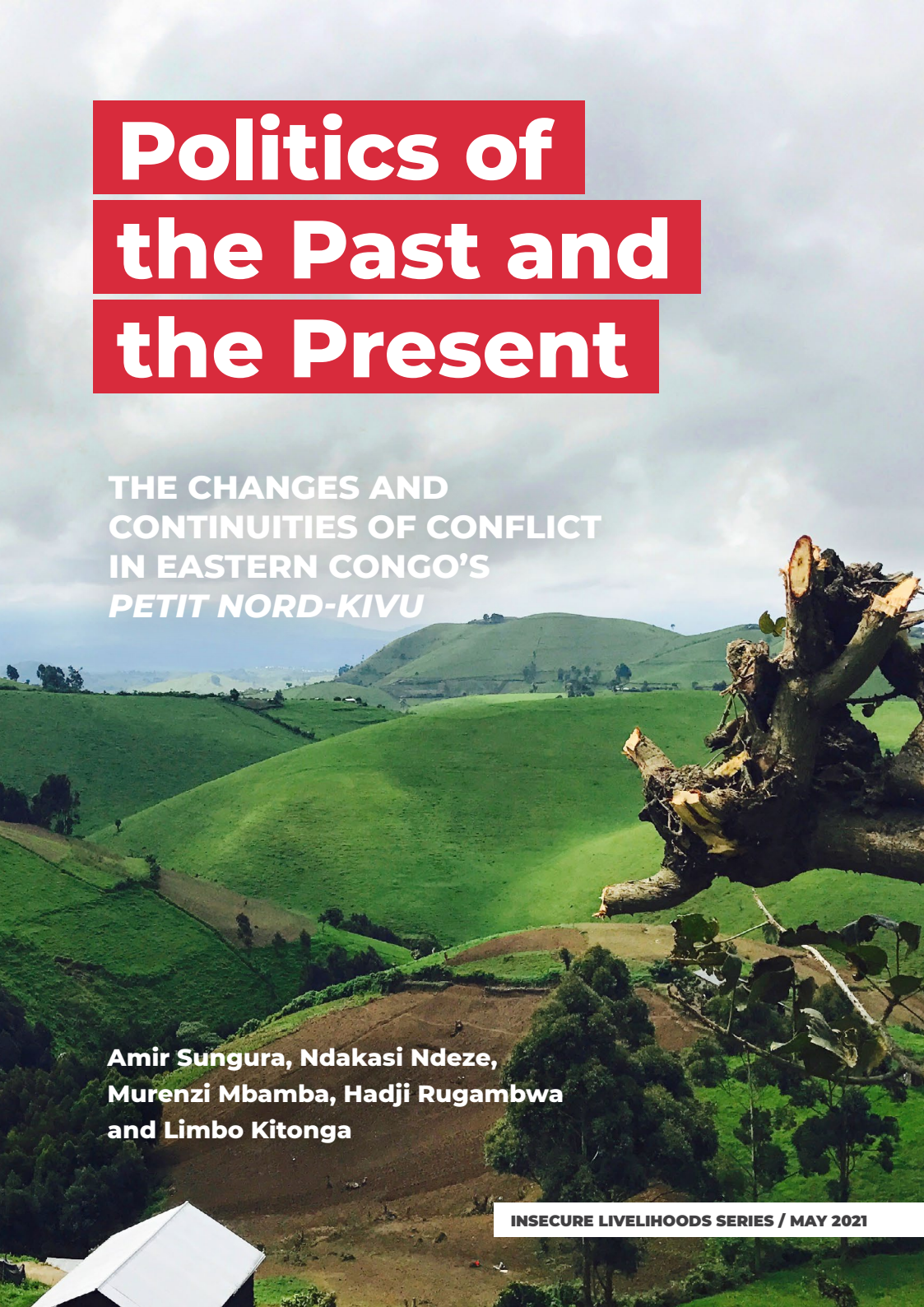
Politics of the Past and the Present

THE CHANGES AND CONTINUITIES OF CONFLICT IN EASTERN CONGO'S *PETIT NORD-KIVU*



Amir Sungura, Ndakasi Ndeze, Murenzi Mbamba, Hadji Rugambwa and Limbo Kitonga

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Executive summary

This study offers a longue durée analysis of the factors underpinning instability in northern Masisi and western Rutshuru, especially around the town of Kitchanga, a geographical pivot of armed politics in the *Petit Nord-Kivu*. As stabilization efforts have failed to address the root causes of conflict, the perpetuation of insecurity continues to complicate efforts towards sustainable peace and development in this area.

While many analyses address either historical events or the ongoing insecurity in this area, this report examines current dynamics through their long-term historical context and continuity. Based on qualitative interviews, digital ethnography, analytical memories, long-term research and discourse analysis, it outlines how conflict over custom, land and political power have framed violence, insecurity and manipulation.

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1 | Introduction

> Dans la pensée des paysans africains, la terre est avant tout un lieu [...] et un lien, un support de relations sociales. (Paul Mathieu)

Situated at the junction of two customary entities, the area surrounding Kitchanga has been a magnet for armed violence in the eastern Congo since the early 1990s. Kitchanga is the major urban centre (Mathys and Buescher 2018) of a wider space covering the chieftaincies of Bashali, in Masisi, and Bwito, in Rutshuru. Since colonial times, this area has known dynamics of violence and dispossession. The resulting tensions over land and identity contributed to northern Masisi and western Rutshuru becoming one of the main epicentres of Congo's smaller and bigger wars. In the last decade, the area thus became an anchor point for UN and other international stabilization efforts to restore state authority. Yet the people of Masisi and Rutshuru regularly criticize these efforts for not sufficiently addressing the historicity and root causes of insecurity.

This study investigates the longue durée and more recent evolution of the area's predicaments by tracing trajectories of land, identity and local politics over the past 150 years, including outside intervention in local governance and customary power. It looks at different waves and modes of political and armed mobilization. Understanding violent politics in this region is crucial to examining the reshaping of land access and ownership, and the problematic continuities of colonial concession and conservation economies. Hence this

study pays specific attention to the imbrication of "regular" and "irregular" security forces and of customary and state authorities with regard to land, conflict, identity and displacement (see also Life and Peace 2014, Cercle de Concertation 2019).

From the angle of land and displacement, the study assesses the impact of external intervention, in particular stabilization and DDR. It also studies the role of belligerents in the context of stabilization, by looking at the risks and opportunities of their action in the negotiation of local politics. Finally, it concludes with an observation of the changing political landscape of North Kivu and outlines strategies to elaborate novel approaches to stabilization in an area where conflict undergoes rapid change that continues to be characterized by vibrant continuities of violence and politics.

Due to the ongoing Covid-19 pandemic, classic fieldwork in the study had to be cancelled. Instead, this study draws from a mixed methodology, using numerous iterations of previous fieldwork by the authors, remote in-depth ethnography through open interviews with key stakeholders, and the compilation of personal analytical memories produced by a team of five researchers. Looking to control for bias and circular information, the study triangulated interviews and analytical memories to weigh the longue durée against current developments.[1]

Owing to the lack of access to archives and the risk of feedback loops between informants and publicly accessible information (oral and written), this study limits itself to analysing how long-standing patterns of contestation are constructed through analytical memories of respondents with their respective positionalities, and does not claim to offer a singularly exclusive and factual assessment of highly contested narratives.[2]

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[1] Consequently, it looks at how these memories are reshaped into historical readings and flow back in to frame the discourse over contemporary conflict dynamics, yet without prejudice to existing archival work, which could not be consulted owing to time.

[2] The authors want to thank the three reviewers as well as Gillian Mathys, who pointed out several factual mistakes in draft versions. Additional detail on the methodological challenges and considerations is given in an annex below.

2 | Trajectories of violence and conflict

Violent and non-violent conflict in the eastern Congo thrive on a multitude of historical legacies that are constantly being invoked, contested and re-interpreted in the context of ongoing insecurity. While a number of generic dynamics prevails, the area around Kitchanga presents a unique set of intersecting trajectories that keep thriving, despite manifold local and international efforts to foster peace.

Today, Kitchanga is the main urban hub and seat of Bashali-Mokoto *groupement*, in the Bashali chieftaincy, North Kivu Province, in the eastern Democratic Republic of the Congo ("Congo"). The town sits at the edges of two territories (Masisi in the west and Rutshuru in the east) and is located approximately 90 km northwest of Goma, the provincial capital. It has a heterogenous population of roughly 100,000. The main pillars of the local subsistence and retail economy are commerce, agriculture and livestock. This section retraces the area's history from 1870 to the present day.

2.1 Before and during the Congo Free State (1870–1908)

While precolonial governance was framed by fluid customary rule, regional competition and ethno-territorial border-making (Mathys 2014, Newbury 2009, Vansina 1990), colonial rule established fixity through ethnic categorization and political manipulation of local elites. In the run-up to the 1885 Berlin Conference, colonial-national borders were negotiated between European rulers.

Afterwards, colonial rule itself "domestically" replicated these practices by decisively interfering into previously fluid dynamics of territory and identity (Hoffmann 2019, Verweijen and Van Bockhaven 2020). More than elsewhere, (post-)colonial migration contributed to shaping the eastern Congo's demography. In the interlacustrine area linking present-day Kivu to neighbouring Rwanda, different forms of mobility fashioned social life. More recent, conflict-induced mobility is but one form of mobility; for a long time before this, belonging had been relational rather than territorially fixed (Mathys 2017).[3]

Like today, conflict in the late 19th century was not limited to one given place: scale always mattered. Regional struggles, colonial presence and the fallout of the continental slave trade got entangled with geographically confined tensions. In some places, this led to violence. For instance, in 1880, clashes involved several kingdoms, as Mwami Buhini of the Nyanga launched assaults in the Bashali area. In 1895, Rwandan King Kigeri IV Rwabugiri attempted to extend his territory into present-day Masisi, Rutshuru and Kalehe. In 1896, the Afro-Arabic slave traders Kabalibali and Lukundula raided along the Osso, Lowa and Mweso Rivers – triggering resistance led by Mwami Mupfunyi, the grandfather of the later Hunde Chief André Kalinda. Later, around 1910, the so-called *abaryoko* and their mystical leader, a Hunde prince called Ngyiko, tried to contest colonial imposition.

Historical works have highlighted how the Rwandan kingdom of the time repeatedly invaded and occupied parts of what today is Rutshuru, Masisi and Kalehe, though this is debated today. While smaller entities indeed paid tribute – governed by proxies and Rwandan representatives – the Rwandan court did not manage to establish lasting territorial control in what is today North and South Kivu and also faced counter-incursions (Des Forges 2011, Nzabandora 2003). Precolonial kingdoms based there resisted and also mounted expansionist projects, and over time different territories were controlled by different rulers. Much of this resonates today, as politicians and opinion leaders muse about the precolonial reach of "their" respective entities and trade claims of legitimacy.

[3] Colonial decrees in 1885 and 1890 aimed at bringing customary entities under colonial administration, and instilled extra-customary taxation practices, even though no Europeans had yet to arrive in the area.

2.2 Pillage and social engineering in the colony (1908–60)

The fixing of colonial borders halted organic shifts in power and control, demarcating the German colony of Ruanda-Urundi from the Congo Free State (later, the Belgian Congo).[4] In 1910, a colonial decree "created" so-called indigenous chieftaincies and sub-chieftaincies, conferring power back to customary authorities – however not without meddling in appointments and hereditary lines, and forcing chiefs into schemes of hybrid taxation (while they had prerogatives to tax the population, this came with obligations to levy taxes for the colonial power). Ruanda-Urundi became a Belgian protectorate in 1922, having been occupied by the Belgians since 1916. This paved the way for more coordinated but no less exploitative and racist colonial rule in the broader region.

Colonial decrees issued on 17 July 1914 (imposing the use of force in land acquisition) and 30 May 1922 (monetizing the land market) influenced the domain of customary power in relation to the sale and acquisition of land.[5] On 6 June 1919, an administrative colonial report from the then-territory of Rutshuru mentions different customary dynasties in what is today Bwito.[6] Yet, while recognizing Bwito as entity, the report provided the foundations of Bwito's annexation to Bwisha's Ndeze dynasty through a decree in 1929 – revoked only in 1970-71 after a decade-long back and forth – putting other chiefs de facto under the authority of Ndeze during a period of 40 years.[7]

Subsequently, Belgian migratory management in the 1920s and 1930s, coinciding with a famine in Rwanda, remodelled flexible patterns of migration and conquest. While colonial border-making was arbitrary by default, the political climate was altered by the fixing of boundaries and identities and a divide-and-rule policy that favoured certain chiefs while undermining others and elevated new chiefs while dismissing existing ones (Mathys 2014).[8] On

[4] These borders, however, were only fixed in 1910-11 (Mathys 2014).
[5] Interview with a customary chief from Masisi, June 2020.
[6] Namely those of Bwito, Murara and Tongo, as well as that of Mukule Mwinda in Bashali, with the Baalihya, Bachiiri and Baerwa clans.
[7] See the colonial decree No. 26 of 11 December 1929.
[8] Colonial authorities also often placed sons of chiefs in leadership, circumventing the practice of appointment amongst peers.

31 May 1934, a colonial decree proclaimed that land belonged to the colonial state and that customary chiefs were to be compensated for it, leading to the establishment of the so-called indigenous *cités* and extra-customary centres.[9]

In the Masisi territory, created 1935, colonial authorities were in need of manpower, mostly to work the large colonial plantation economy, and brought in labour from the Rwandan part of their colonial empire. Based on the establishment of a colonial commission named N°128/T.F.R.1 of 2 November 1938, the colonial administration pushed Mwami Kalinda to sell around 349 km2 for 35,000 francs (i.e. $1 per 40 hectares of land, as noted in the 1939 *acte de cessation*).[10]

Many of the then-Rwandan workers were brought in under the umbrella of the *Comité national du Kivu* (CNKi), which encompassed several colonial enterprises. Next, the colonial administration helped establish the ephemeral chieftaincy of Gishari – now a prime example of an enduring ethno-territorial feud instigated by colonial rule. The Gishari (a phonetic variation of Bashali/Kishali) chieftaincy was created around the locality of Nyamitaba under Chief Bideri, who depended on then-Rwandan King Mutara III Rudahigwa and later on Kigeri V. Gishari. The chieftaincy was comprised of today's Bashali-Kaembe and parts of Bashali-Mokoto and the defunct Biiri *groupement*. Bashali had been recognized as a chieftaincy in colonial documentation in 1919 and as a sub-chieftaincy of the Bahunde in 1930.

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[9] This was the spirit of the Decree of 20 July 1925. Royal Decrees of 21 April 1925, 28 July 1936 and 5 February 1932 pertained to Albert National Park. The Decree of 28 October 1942 exemplified the colonial attempts to simplify the role of the heads of communities with regards to individual property rights. The Decrees of 10 and 23 February 1953 stipulated that the registration of occupied land conferred property rights that could only be taken away for reasons of public utility or non-compliance with a termination clause included in the contract. The Decree of 13 October 1959 justified that the land outside the private domain belonged to municipalities.

[10] Some Bahunde interlocutors said that colonial administrators used the absence of Mwami Kalinda (who served a prison sentence in Bukavu) to usurp customary land, and later compensated him with the mentioned sum to ease tensions. Yet historian Gillian Mathys found that Kalinda himself barely took benefit from the payment, investing most of the money in the Bahunde's war efforts.

Located between Kilolirwe and Kitchanga, Gishari became predominantly inhabited by Banyarwanda,[11] as Bahunde moved to surrounding areas. In 1942, Wilfrid Bucyanayandi replaced Bideri and developed a more distant relationship with the Rwandan court, leading to a strong increase in Hutu migration to Gishari. Beginning in 1959, anti-Tutsi pogroms in Rwanda reversed this trend throughout the independence era. Bucyanayandi[12] – infamous for his heavy-handed rule and use of torture – later fell out with the colonial administration and his short-lived chieftaincy was broken up in 1957, with land rights of Banyarwanda relegated. Subsequently, Mwami André Kalinda reasserted most of the power within the 1933 Bahunde chieftaincy boundaries.

The Bwito chieftaincy experienced similar contestation over land. Following the 1929 annexation of Bwito as part of the Bwisha chieftaincy under the newly installed Ndeze dynasty and the 1925 establishment of Virunga National Park (previously Albert National Park), forced displacement pushed numerous families to settle in Bwito. Belgian administrators obliged the then-mwami to leave for Bukavu (Costermansville), and other chiefs were chased away or put in prison.

In 1948, a more formal scheme of forced labour migration known as the *Mission d'immigration des Banyarwanda* (MIB) began. Arriving migrants settled on the hills under the supervision of colonial administrators and agronomists assisted by local agricultural monitors. On each hill, a *notable* was appointed by MIB officials.[13] In 1954, after the separation of Masisi and Walikale territories, Masisi was composed of only one chieftaincy as per a 2 May 1910 general colonial decree. At the district level of North Kivu, the district commissioner was assisted by an assistant in charge of the MIB. Mwami Kalinda (and later his son Albert Shelukoo) headed the Bahunde

[11] This report uses different terms for Kinyarwanda speakers. In the eastern Congo, the notion of Rwandophones is commonly used for Congolese Kinyarwanda speakers. In North Kivu, the word Banyarwanda is also used, although Rwandan nationals are also referred to as (a-)Banyarwanda. Regional identities exist, too, for instance the Banyabwisha in Rutshuru or the Banyamulenge in South Kivu.

[12] It was after his death that the Belgians suppressed this chiefdom and Queen Namulisi took over the whole entity.

[13] Each family was entitled to an "installation kit" consisting of a hoe, a machete, and weekly rations of beans and cassava.

chieftaincy. Mwami Bashali Nyanguba was the sub-chief in Bashali and Wilfrid Bucyanayandi the sub-chief in Gishari, the entity later reconverted into Bashali-Kaembe *groupement* under Kalinda Miteetso Shaberondo.[14]

In 1958, Hunde chiefs issued a call to deny Kinyarwanda speakers citizenship and deport 50% of them to Rwanda. During the first elections in 1959, which were marred by complications in Masisi, Rwandophones were largely denied access to the ballot. Still, leaders such as Habarugira, Rwakabuba and Rwiyereka obtained roles as provincial ministers in the transitional institutions, while Nande and Hunde politicians such as Denis Paluku and Benezeth Muleyi led the provincial administration. At the independence talks, Hutu politician Théodomi Nzamukureka represented Bashali-Mokoto and negotiated citizenship for all Rwandophones who settled on Congolese soil before 1950.

2.3 Independence and the Kanyarwanda war (1960–66)

In the early 1960s tensions increased between Hunde, Nyanga and Nande – who considered themselves autochthonous – and Banyarwanda, culminating in the so-called Kanyarwanda war. Owing to the 1959 migration, the contested status of Banyarwanda (and Tutsi in particular) was to become increasingly a matter of suspicion among non-Rwandophone populations in the Kivus.[15]

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[14] As the MIB was subsiding, a new wave of migration occurred between 1954 and 1959. Newly arriving Banyarwanda negotiated land access with customary authorities through the payment of *mikoro* or joined a colonial plantation as a labour force (Mathys 2014). Conflicts emerged over tribute, as Banyarwanda created their own taxation mechanisms such as *ubuletwa, ubuhake ubugabire, kalinzi*, etc.

[15] Already before independence, many Banyarwanda (Hutu and Tutsi) had lived in Rutshuru and Masisi (Hutu in Kamuronza, Tutsi around Kitchanga) since precolonial times. Many Hutu who are neither refugees nor *transplantés* are familiar with Hunde custom and language. A second group consisted of the *transplantés.* A third group of mostly Tutsi refugees fled pogroms in Rwanda in 1959, most settling in the former Gishari chieftaincy where they joined *transplantés* and indigenous Tutsi. Domestic trans-chieftaincy migration also occurred as people moved in search of land or due to custom-related struggles, or in the case of clerks and nurses for work-related staff rotations. Many have since intermarried but stigmatization of them often happens with little analytical underpinning.

In the 1960 elections, several Hutu and Tutsi Banyarwanda leaders got elected: Marcel Bisukiro became a senator and Joseph Midiburo a national deputy. Cyprien Rwakabuba and Jean Ruyereka became provincial deputies. Later, Bisukiro was a minister in the Lumumba government and Midiburo had a short stint as president of the National Assembly. Rwakabuba and Ruyereka became provincial ministers. In 1961, the North Kivu Provincial Assembly recognized the Bashali chieftaincy as including four *groupements* (Mokoto, Kaembe, Bapfuna, Kamuronza). The chiefs were assisted by Hunde, Hutu and Tutsi notables. At the end of each year, Banyarwanda notables organized tribute for the chiefs, facilitated by a *muthambo* (hill-level mwami representative). This included offering animals such as cows and alcohol such as Kasiksi or Musururu. In 1962, the Bashali-Mokoto *groupement* was formally created and Kiusha selected as its seat. Governance was shared and everyone had active/passive voting rights until 1963. The first sovereign document defining Congolese citizenship, the 1964 Luluabourg Constitution, stated that any individual having ancestry among the communities recognized on Congolese territory before 1908 (the end of the Congo Free State) had Congolese citizenship.

Precolonial residents, *transplantés* and refugees shared broadly the same language. In certain areas, the participation of Tutsi in the Mulelist war (a broader rebellion occurring just before the Kanyarwanda war) contributed to tension and granted them access to military training, exemplified by the cases of the commanders Mudandi and Ngurumbe as well as the *Abagirye* and *Inyenzi* mobilizations (a term later infamously reappropriated by the *génocidaires* in Rwanda). However, many Tutsi Mulelists were discriminated against and some ended up mobilizing in the Kanyarwanda war. The provincial government was firmly in the hands of Nande and Hunde politicians, triggering grievances among the Banyarwanda community in North Kivu, where the 1964–1966 Kanyarwanda war was preceded by the Karuba revolt of Banyarwanda leaders Bitegetsimana, Mvuyekure and Ndiburo, who disobeyed Hunde chiefs in late 1962. This led to mobilization on both sides. While Hunde mobilized around a chief from the Buunda family and operated from today's eastern Walikale, Banyarwanda set up a coalition of MIB descendants and 1959 refugees and put up their stronghold in Mahanga.

Although the newly established Congolese army was able to control the escalation, tensions increased and led to the Kanyarwanda war. While Kinyarwanda speakers were motivated to mobilize by their stigmatization, Hunde suspected the Banyarwanda of operating in the interest of exiled Rwandan King Kigeri V (living in Uganda at that time) and aiming to create their own Hutu entities. In Bashali-Kaembe *groupement*, Banyarwanda and Hunde targeted each other, and the latter looted local archives in a bid to destroy written proof of the pre-1960 presence of Banyarwanda.[16]

It was not until the onset of the Kanyarwanda war that Hutu from Masisi and Rutshuru (of varying arrival dates and citizenship status) formed an alliance. During the war, different legal and historical readings clashed: on the side of the Hutu population, independence was considered the ground zero at which all residents of the newly independent territory, including Hutu, acquired citizenship. Many Hutu feared that Hunde propaganda would lead to their expulsion despite, or because of, their considerable demographic weight. The Hunde in turn suspected both a Hutu occupation as well as a de facto extension of the Rwandan kingdom through the massive presence of Banyarwanda. Lastly, Tutsi were split between those who held radical views – inspiring the *burubeni* militia in Masisi to target Hutu, leading to "fifth column" conspiracies – and those who preferred moderate approaches.

2.4 The rise and decay of Zaire (1966–90)

While the country underwent unprecedented economic development between 1965 and 1973, Masisi experienced a largely peaceful era. However, throughout the 1970s and early 1980s multiple laws "switched on and off" (Jackson 2007) the citizenship of Kinyarwanda speakers, often not disambiguating groups (Banyamulenge in South Kivu, Hutu and Tutsi Banyarwanda in North Kivu and Kalehe) or temporalities (precolonial residents, MIB descendants, refugees, etc.). This section will discuss how, during

[16] Hunde chiefs also put in place a mechanism to recuperate land leased to Banyarwanda, invoking an argument that land unused for a month would go back to the chief. This move was accompanied by the massive appointment of Hunde in local administration.

the Zairean era, land and soil got "ethnicized" in two parallel ways – both in terms of (legal) ownership and as a frame of (political) belonging.

While Mobutu tried to quell tensions, he instrumentalized divisions by favouring Banyarwanda in exchange for political loyalty, and by redistributing plantations during Zaireanization (Callaghy 1984). Yet Mobutu also gave in to demands by "autochthonous" communities to revoke citizenship rights given earlier to Banyarwanda. While the 1966 Bakajika Law decreed all land to belong to the state, and thus expropriated any preceding colonial or customary ownership, the 1972 Citizenship Law granted Banyarwanda full rights, reinvigorating the 1964 Luluabourg Constitution. It specified that persons originating from Ruanda-Urundi before 1 January 1950 and staying on since had Zairean nationality as of 30 June 1960 – making MIB participants and their descendants' citizens. In 1968 Mobutu's Chief of Staff Bisengimana ousted Bashali's customary leadership to the benefit of Mwami Kalinda (who helped Bisengimana buy the Osso plantation). This was when Banyungu became part of the Bahunde. Bapfuna and Kamuronza also became part of the Bahunde chieftaincy. A 1971 modification of the Constitution reconfirmed the spirit of the 1966 Bakajika Law by clarifying that all land belonged to the state. The 1973 Land Law further cut customary prerogatives to land.[17] In 1977, Mobutu decreed that Banyarwanda would reobtain Zairean citizenship – sparking protests at the National Assembly, which interpreted the Constitution as conferring citizenship individually.

Meanwhile in Masisi, poverty drove Hunde leaders to sell land to Banyarwanda in the 1970s. In many cases, Banyarwanda buyers acquired (legally and illegally) property titles. Many rural dwellers lacked access to schooling, and their eviction on the basis of written documents triggered resentment, leading to violence and displacement. The creation and entrenchment of ethnic *mutualités* was in part a response to these dynamics: in 1980 Banyarwanda leaders created the *Mutuelle des agriculteurs de Virunga* (MAGRIVI), a

[17] Law 73-021 of 20 July 1973, later supplemented by Law 80-008 of 18 July 18, 1980. This fuelled anger, as Banyarwanda could easily buy land and stopped paying customary taxes. Chiefs began mobilizing Hunde youths for their tax collection brigades, using the slogan *masomo siyo nyama* ("school is not meat"), resulting in school dropouts that lowered education levels among the Hunde.

mix of socio-political self-help group and agricultural cooperative bidding to federate North Kivu's Hutu population and thus form a sizeable group. The Hunde organized in the long-standing *Bushenge* ("independence", in Kihunde) *Hunde mutualité*, the Nyanga in the *Bunakima*, the Tembo in the *Buuma*, and the Nande in the *Kyaghanda Yira*, while the main Tutsi *mutualités* were *Ubumwe*, AGENOKI and UNAR. *Mutualités* exist widely across Congo and some have roots in the independence struggles of the 1940s and 1950s (Gobbers 2016).

The revised 1981 Nationality Law redressed the prerogatives of roughly 1.5 million Kinyarwanda speakers living in Zaire, illustrating Mobutu's divide-and-rule politics. In its fourth article, it outlined that citizenship would now depend on membership in a community established on Congolese soil at the moment of colonization – with 1 August 1885 as that moment. Mobutu further deprived Banyarwanda from citizenship by mounting a census in which Hutu and Tutsi were not allowed to participate, unmaking previous decrees and edicts.[18] This series of laws stand in contrast to "autochthonous" politics that invoke the inseparability of the living and the ancestors as *sine qua non* to amend customary and land governance. The 1981 law and the census triggered resistance by MAGRIVI and *Ubumwe*, which rejected the option to submit demands for citizenship, encouraged the non-payment of tributes, and argued the majority of Banyarwanda had been living on Zairean/Congolese soil since before independence.[19] Land and soil thus became "ethnic" in two parallel ways – as an arena of competition over (legal) ownership and the meaning of (political) belonging.[20] In February 1982, the *Bushenge Hunde* decided to cancel all marriages of Hunde with Banyarwanda.

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[18] Ordinance 25/552 of 6 November 1959, the Ordinance-law 71-020 of 26 March 1971, and the Law 72-002 of 5 January 1972.

[19] This would only be reversed by the 2006 Constitution, reinstating citizenship rights of anyone living on Congolese soil since 1960.

[20] Later, in other parts of Zaire, Kinyarwanda speakers and other eastern populations were amalgamated via slogans such as *opération botika mboka* ("return to your country"). Non-rwandophone communities in the east expressed their resentment through campaigns termed *bulongo ya baba* ("land of the fathers") and similar concepts aiming at asserting full control over land and politics.

In the 1987 local elections, non-Banyarwanda customary leaders aimed at rallying Banyarwanda votes while at the same time trying to obstruct Hutu and Tutsi candidacies for fear of losing out to a meanwhile reversed demographic situation. Nyanga, Tembo and Hunde leaders provoked disorder during the elections – leading to the annulment of the vote. These developments entrenched mistrust and led to growing resentment on all sides that within a few years led to consistent mobilization. Owing to increasing demographic pressure, the growing cattle economy and nationwide economic collapse, land conflict further intensified in the late 1980s. Wealthier parts of Masisi's population began migrating to Goma while others tried their luck in the emerging artisanal mining sector that emerged from the breakdown of the eastern Congo's large concessions. These dynamics, and farmers' focus on high-revenue cash crops like bananas, contributed to increasing food insecurity but also to the marginalization of women farmers (as banana farming often was a male domain).

2.5 The Masisi war and the arrival of Interahamwe (1990–96)

While all of Zaire experienced a tumultuous dawn of Mobutu's single-party rule in the early 1990s – with riots in Kinshasa, mass inflation and the *Conference nationale souveraine* (CNS) – political tensions mounted in Masisi where demographic pressure, land access and the status of Banyarwanda had eroded state legitimacy and relations between communities. After Hunde chiefs lobbied for the exclusion of Banyarwanda at the CNS – eyeing a monopoly position to speak on behalf of Masisi at the national level – only four Hutus participated. This coincided with Mobutu nominating a wave of non-Banyarwanda to key posts in North Kivu. Meanwhile, ethno-political tensions gradually evolved into civil war in neighbouring Rwanda, where the Uganda-based Rwandan Patriotic Front (RPF) began launching attacks into Rwanda. Many young Tutsis from Masisi and Rutshuru left at the time to join the RPF. In February 1992, the *Bushenge Hunde* issued another call against Banyarwanda.

Regional developments also deepened rifts between Hutu and Tutsi living in Zaire. MAGRIVI and the Tutsi-led UNAR *mutualité* (whose name may be inspired from an erstwhile monarchist political party in Rwanda) engaged

in an aggressive rhetorical battle. During this period, Banyarwanda were increasingly targeted at checkpoints, their identification documents confiscated by Hunde aiming to implement their reading of the 1981 citizenship law. At the CNS in early 1993, Hunde, Tembo and Nyanga delegates (Shomwa Mongera, Biritsene, Kalinda and Tumbula) declared that those Tutsis who had joined the RPF were Rwandans. Neither did Hutu or Tutsi leaders mince their words, sending harsh protest letters to Kinshasa (as recorded in the Matanda monastery archives).

In March 1993, the war began with a series of attacks and massacres of Banyarwanda in Uroba and Langira villages near Ntoto and quickly spread across Masisi and Walikale. Known as the Ntoto war, violent fighting ensued between "ethnic" militia (Bucyalimwe 1997). Led by Mayanga wa Gishuba and David Rugayi – today army generals – Hutu and Tutsi in MAGRIVI created patrols known as *Irondo* and clashed with Hunde, Tembo, Kano and Nande groups mobilizing as *Katuko* and *Batiri*.[21] Led by Akilimali and Kaganga, they engaged in tit-for-tat fighting with Mayanga and Rugayi's units and the *Combattants Gardes Civiles* (GACI) that mobilized around Hutu leaders from Kibabi, Katoyi and Lushebere (including Emmanuel Munyamariba, Zabuloni Munyantware, Robert Seninga and Bigembe Turinkinko).[22] Numerous Hunde fled their lands for urban centres.

During this period, Banyarwanda also established their own local administration, while pillage of cattle and fields became a common currency amongst belligerent forces.[23] After a couple of months marked by tit-for-tat violence, Mobutu deployed 500 FAZ special forces to Masisi, forcing a short-lived ceasefire. Intercommunity dialogues were organized through the notion of *baraza la wazee* ("elders' council"), such as in Mweso and Masisi in February 1994, yet these efforts soon proved futile, as provincial politics complicated local conflict and a looming regional crisis diverted attention from Masisi to Goma. In

[21] Inspired and trained by the Mai-Mai Bangilima, a heteroclite formation of Nande militia, these groups emerged in the Walowa Loanda and Walowa Uroba *groupements* of southeast Walikale.

[22] While these militia were called MAGRIVI and often equated with the *mutualité*, there was no formal link.

[23] Thousands of cattle were killed, stolen or raided by Hutu and so-called autochthonous militias throughout 1993. While these raids targeted a few large-scale Tutsi cattle owners, members of all communities were targeted, and their cows killed and looted.

March 1994, the provincial government decided to reconfirm some chiefs and elites who had been at the vanguard of mobilization, leading to further unrest.

In July 1994, the arrival of refugees, *Interahamwe* and remnants of the *Forces armées rwandaises* (FAR) heralded another shift. While the arriving ex-FAR largely maintained the organizational structure and weaponry within the refugee camps, many arms were also sold cheaply and preferentially to Congolese Hutu operatives, who were considered natural allies. On 7 September 1994, hostilities broke out in Sake when Léonidas Murengezi was killed. Murengezi was interim chief of Nyamitaba at the time, and his death led to intra-Banyarwanda score-settling. Meanwhile, Hunde leaders distributed pamphlets calling for the expulsion of Tutsi and demanding the conflict between Hutu and Tutsi be settled in Rwanda. During that time, Hutu businesspeople rented out buses to fleeing Tutsi – known as *opération café*. Many Tutsi left their land and livestock, selling it or surrendering it to employees. This period also marked a preliminary end to Rwandophone cooperation, as the Rwandan fault lines reappeared in the Masisi conflict. In late 1994, both Hunde and Hutu fought over previously Tutsi-owned cattle and fields as the conflict took an all-against-all logic.[24]

Initially confined around Goma and Bukavu, the mix of fleeing genocidal forces and refugees began moving into the hinterlands as RPF troops entered eastern Zaire in 1995 in response to occasional ex-FAR incursions into Rwandan territory (often facilitated by FAZ troops), and more decisively, in 1996. Zairean and Rwandan Hutu struck occasional alliances, invoking the principle *kila mutu na wake* ("everyone with theirs"), in particular to fight Hunde groups in Masisi and Bwito. On 13 November 1995, FAZ General Eluki organized a meeting in Masisi in which he backed Hunde, Nyanga and Tembo demands for Banyarwanda to leave. While this triggered deportations and killings, it also provoked a stronger involvement of ex-FAR on the sides of local Hutu militia. As a result, many Tutsi (both 1959 refugees as well as others who had been in Masisi and Rutshuru earlier) went into exile, especially

[24] From January 1995 onwards, Hunde militias received support from the Mai-Mai Kasindien, recruiting mostly amongst the Nande, who had established their presence around Kirotshe. Hutu militias reacted by calling on ex-FAR in the Mugunga camps, and Mobutu sent the 312th battalion of the FAZ that amassed questionable fame for joining the looting and selling guns to militias.

into Rwanda, while Hunde settled in urban areas such as Kitchanga, Masisi, Bweremana, leaving much of rural Bashali and Bwito to Congolese and Rwandan Hutus who cemented their authority. Many Hunde chiefs left the royal courts and fled to urban areas too, and few of them have returned since.

2.6 The two Congo wars and their aftermath (1996–2009)

The 1996 arrival of the *Alliance des forces démocratiques pour la libération du Congo-Zaire* (AFDL) added another layer of confrontation to an already tumultuous situation in Masisi and Rutshuru. Tutsi within the AFDL and their RPF allies forcefully dismantled Rwandan camps in Goma, Bukavu and elsewhere, driving both genocidal forces and refugees deeper into Zairean hinterlands. While the AFDL and their allies cleared the camps, Mai-Mai groups – some of which had been involved in the 1993 war – moved towards Goma to join the AFDL's fight against Congolese and Rwandan Hutus, as well as FAZ troops.[25] Score-settling and violent pillages resulted in hundreds of deaths as all belligerents competed over the numerous cattle herds spread across Masisi. In February 1997, the fighting concentrated around Kitchanga, where Mayanga and Rugayi confronted the Rwandan army. The AFDL and the RPF in turn began relying on local intelligence to arrest suspected mobilizers. Within a year, the AFDL took Kinshasa without ever having established full control over Masisi, while embedded RPF forces focused on tracking down ex-FAR and genocidal forces (committing massacres in certain places). By mid-1997, much of Masisi was under control of ex-FAR forces – since renamed the *Armée de Libération du Rwanda* (ALiR) – and Congolese Hutu groups, while Kigali's grip concentrated on Goma, where Léonard Kanyamuhanga was installed as the governor. In August 1998, new Congolese President Laurent-Désiré Kabila broke with his Rwandan sponsors, leading to the creation of the *Rassemblement congolais pour la démocratie* (RCD). On 2 August 1998, General Sylvain Buki formally announced the RCD as a breakaway faction of the AFDL. While the RCD played

[25] While this alliance triggered new Hutu groups and recruitment in Masisi, the AFDL and its allies quickly gained ground, marching towards Kisangani and conquering Zaire bit by bit. As Hutu were targeted by the AFDL, the RPF and their allies, a nascent coalition of ex-FAR and Interahamwe with *Combattants* and GACI, meanwhile called the *Mongols*, targeted Hunde, Tutsi and others.

a leading role in the Second Congo War, it also controlled large parts of Masisi and Rutshuru – chasing ALiR and its successor group FDLR far into Walikale, Lubero and Shabunda.[26] Kabila in turn used the ALiR, Congolese Hutu militias and Mai-Mai groups to weaken the RCD's grip on the Kivu provinces.

As part of a broader push for *Rwandophonie*, rallying both Hutu and Tutsi in networks associated with the RCD administration based in Goma, young leaders created in 1998 the *Association des jeunes pour la paix au Nord-Kivu* (AJPNK), parts of which would morph into the *Tous pour la paix et le développement* (TPD) from 1999 onwards. The AJPNK and the TPD performed a mix of grassroots peacebuilding, repatriation, political mobilization and recruitment. Under the control of the RCD and leaders such as Eugène Serufuli (a Hutu from the Nyanzale area who cofounded the TPD and the RCD), Dunia Bakarani and Léonard Kanyamuhanga, Felix Musanganya, Celestin Vunabandi (Hutu), Alexis Makabuza and Celestin Senkoko (Tutsi), North Kivu's *Petit Nord* area was the main field of action for the TPD.[27]

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[26] As opposed to previous rebellions, the RCD sought not only to win battles and expand its territory, but also to govern by mirroring the state administration with its own institutions. The *chefs de poste d'encadrement administratif* (CPEA), a state office and title, fell in this category, provoking anger of customary authorities. It was replaced by the interim *fonctionnaires délégués* only in 2016. In that sense, the RCD rebel administration had a lasting impact on land governance too – especially in Masisi, Rutshuru and Kalehe where Hunde and other communities continued selling land to Kinyarwanda speakers (often elites close to the RCD) owing to persuasion or outright pressure by the RCD leadership, including Serufuli and others. The RCD actively intervened in land conflict: after having identified state-leased estates with expired contracts or whose occupants were unable to settle their debts, it appropriated and sold them to solvent RCD elites. Around Kitchanga, many *anciens ouvriers* were displaced and became IDPs. Facilitated by local elites such as Erasto Ntibaturana, the RCD named customary administrators, such as Muhima Kapenda (a nephew of Erasto), in 2000 for the Bashali – in violation of the custom whereby the *bakungu* decide appointments. Kapenda was also named CPEA and seized assets of the Bashali family. In 2006, during the CNDP era, Kapenda was killed.

[27] Aiming to form a joint movement of Hutu and Tutsi, the TPD was largely seen as Kigali's effort to prevent Kinyarwanda speakers from rallying the FDLR, and thus contributed to a tenuous but one-sided stability around Goma. While it assumed social and humanitarian tasks on behalf of its members, it also served as vehicle for the recruitment of Banyarwanda into either the RCD or allied "local defence" forces. Moreover, it actively lobbied the RCD administration to replace refractory authorities. Later, the TPD found itself accused in UN reports of providing arms and training to RCD-associated *local défense* (a term often used to differentiate from army-styled militias).

In a bid to reconcile the Banyarwanda, high-profile Hutu were released from RCD prisons, including Robert Seninga, then a leader of the *Mongols*. The recruitment of Hutus through the TPD also opened the door to *Mongols* commanders such as Rugayi, Mayanga and others to join the RCD. During that period, some ex-FAR and ALiR leaders repatriated to Rwanda, such as Paul Rwarakabije. When Kanyamuhanga passed away in 2000, Serufuli became governor and began facilitating the return of Rwandan Hutu to Rwanda and, from August 2002, helped organize the repatriation of Congolese Tutsi. By that time, the TPD had recruited hundreds of Congolese Hutus into the RCD as well, helping Kigali to better secure the border against regular ex-FAR incursions. Alongside Rugayi, Laurent Nkunda was named military commander of the RCD in order to create a balance between Hutu and Tutsi. Nkunda had been politicized early in his youth, with a legend circulating that one of his teachers in secondary school, who was a MAGRIVI member, sent him away from school in the 1980s.

After various peace agreements (in Lusaka in 1999 between the DRC and various other countries, in Pretoria in 2002 between the DRC and Rwanda, and the 2002 Inter-Congolese Dialogue in Sun City), leading to the reunification of the country and the formation of a transitional 1+4 government in Kinshasa, scepticism arose among the Banyarwanda as to their relations with Kinshasa. This created rifts within the TPD and the RCD – triggering the creation of the CNDP (in parallel with the 2004 Bukavu siege led by Jules Mutebusi) and subsequently PARECO.[28] Like the RCD, the CNDP established a fine-grained parallel administration in its area, including appointing clerks and local authorities.[29] While the CNDP assembled mostly Tutsi commanders

[28] The CNDP was a result of fraught army integration and claims of defending Congolese Tutsi against the FDLR and supporting their return and claims to land. Others saw in it the reincarnation of a Rwandan-sponsored Tutsi rebellion, triggering a new Hutu and Mai-Mai mobilization, perpetuating security dilemmas (Stearns 2012). While this was a blow to Rwandophonie, in January 2004, the leaders of the Hutu and Tutsi communities, François Gachaba and Félicien Nzitatira, published a "memorandum of Congolese Rwandophones" in a bid to highlight the shared discrimination both communities had experienced since Congolese independence.

[29] The CNDP even created a justice department led Hunde lawyer Désiré Mwiti to work alongside customary authorities and the intercommunity *baraza* to address land disputes. In one case, the CNDP's justice department presided over a conflict that pit a foreign individual (Merlot) against a local claimant (Rwagati) over 40 hectares of land, deciding in favour of the former but obliging her to grant usufructuary rights to local farmers. A second example concerned 40 hectares acquired under unclear circumstances by Serufuli in Kirongo: the CNDP decided to return the land to local inhabitants – deepening tensions between Serufuli and Nkunda.

and operated around Bwiza and Kilolirwe, PARECO was led by Hutu (Saddam Ringo, Faustin Bavakure, Hassan Mugabo and others), Hunde (Janvier Karairi) and Nande (Kakule Sikuli "Lafontaine") commanders. Owing to its political geography, the Kitchanga area was at the heart of the rivalry between the CNDP and PARECO (Stearns 2013).

2.7 Umoja Wetu, the Kitchanga massacre and M23 (2009–13)

As the CNDP disbanded in 2009 to integrate the national army, PARECO fell apart, with certain troops joining the army and others dispersing around Masisi. With Nkunda arrested by Rwanda, Bosco Ntaganda led CNDP troops back into the FARDC to redeploy in North and South Kivu. Following a failed conference in 2008 (where the short-lived *Projet Amani* to establish a new DDR programme was launched under the supervision of Abbé Malumalu), the 2009 Goma conference brought together over 20 armed groups, most of whom would reintegrate the army. The result was heavy competition for ranked positions, during which ex-CNDP commanders became battalion commanders in and around Masisi and elsewhere.[30] With Nkunda off the balance sheet and Bosco Ntaganda appointed FARDC general, Kinshasa and Kigali organized their military rapprochement through joint operations against the FDLR. Coined *Umoja Wetu*, the operations were a big blow to the FDLR but came with a heavy humanitarian toll.

Until 2012, Kitchanga remained an ex-CNDP stronghold, fostering Tutsi migration back to southern Bwito and Bashali, including in Virunga National Park. While the Hutu of PARECO mostly integrated into the army, the Hunde under Janvier Karairi set up positions in the area of Nyabiondo and Lukweti. Forming the APCLS, they became a main competitor to the ex-CNDP units in Masisi. Kasongo Kalamo – an ex-PARECO commander from Mweso – set up a new Hutu militia, later known as Nyatura, which became an umbrella term for Congolese Hutu militias. Around Kitchanga, the resulting presence of

[30] This led to rancour in the FARDC, the 2010 regimentation process to balance grievances, and, in response to the deployment of Kinyarwanda speaking officers in Shabunda, Kalehe and Walikale, a new wave of mobilization known as Raia Mutomboki.

APCLS, ex-PARECO and ex-CNDP units boosted local insecurity, with regular patrols and incursions from all sides. Civilian populations appealed to their respective protectors (ex-CNDP for Tutsi, and ex-PARECO for Hunde and Hutu), leading to increasing militarization in and around Kitchanga.

Compounded by uncertainty over their fate, several ex-CNDP leaders around Bosco Ntaganda and Sultani Makenga defected in 2021 to create the M23. In November 2012, the M23 took Goma only to retreat again after ten days and consolidate in Rutshuru, before suffering a split between the Ntaganda and the Makenga factions. As the FARDC prepared to fight back against M23, negotiations with the APCLS led to an initial agreement for army integration, and the group stationed several units in Kitchanga – some later being used as a FARDC proxy force against the M23. In these negotiations, Karairi represented a number of other armed groups hostile to the M23, including Nyatura factions and Mai-Mai. During this process, tensions around Kitchanga heightened. In early February 2013, FARDC units from the 812th regiment led by ex-CNDP Colonels François Mudahunga and François Muhire attacked APCLS troops. On 24 February 2013, the APCLS engaged in shooting with a group of armed Hutu combatants near Kahé IDP camp. The next day, amidst an ongoing row between Mudahunga and the APCLS's commander Musa – both Hutu, highlighting the fact that conflict and violence are never purely ethnic – FARDC killed another senior APCLS officer. On 27 February, Mudahunga launched a major raid to displace the APCLS troops in and around Kitchanga. The fighting resulted in the burning of vast parts of the town and the killing of at least 75 civilians.[31]

[31] With Mudahunga and Muhire's regiment alleged to have caused the bulk of casualties, Kinshasa redeployed Muhire to Kasai without engaging in any meaningful military justice. While Muhire later came to fame for being one of the heavy-handed FARDC officers leading the 2017 anti-Kamuina Nsapu operations in Kasai, Mudahunga has mostly kept a low profile since 2013.

2.8 Fragmentation: proxy wars and godfathers (2013–20)

After the defeat of the M23, the landscape of belligerents in the eastern Congo fragmented. Many of the small pro-government militias that helped fight the M23 surrendered in 2013 to join the third national DDR programme, which ultimately failed like its predecessors. In Bashali and Bwito, the number of armed groups and the sequencing of splits and coalitions became particularly volatile (Vogel and Stearns 2018).[32] Along the Kitchanga-Pinga road, dozens of Nyatura militias emerged. Kitchanga mostly remained under FARDC control but the fault lines between belligerents ran deep into the urban centre, with armed groups maintaining a hidden presence through patrols and secret incursions for intelligence and supply reasons. Other groups split and regrouped, often owing to internal divisions over control of certain territories for taxation. Similar dynamics shaped the universe of Mai-Mai, especially in Masisi, Rutshuru, Lubero, Kalehe and Walikale.

Meanwhile, a decentralization process foreseen in the 2006 Constitution began to materialize between 2013 and 2016. While North Kivu was not affected by the recasting of provinces from nine to 26 (the former *Grand Kivu* had been partitioned in 1986), new decentralized *communes rurales* were to be created. Yet, in the absence of local elections, no *bourgmestres* could be installed and then-Governor Julien Kahongya put in place the transitory, contested system of *fonctionnaires délégués* that replaced the *CPEA*.[33] In Bashali and Bwito, this institutional innovation brought to the surface long-standing quarrels over authority, given the unclear repartition of power between *fonctionnaires délégués* and customary chiefs, and the regular meddling of other services, including the army, the ANR and cadastral surveys, that tried to benefit from uncertainty over prerogatives and competencies.

[32] While the FDLR had since 2009's Umoja Wetu moved back into northern Masisi, eastern Walikale and western Rutshuru, the APCLS operated mostly in its Masisi heartlands – in tacit alliance with the Rwandan rebels.

[33] Decree 13/027 of 13 June 2013, conferring the status of "ville" and "commune" to certain urban agglomerations in North Kivu.

In terms of security governance, two developments were important to Bashali and Bwito. The first concerns the structural and enduring weakening of the FDLR, its withdrawal from the vast territories it had long occupied, as well as its split into two groups, the FDLR-FOCA and the CNRD-Ubwiyunge, a faction that broke off in June 2016 led by former FDLR Executive Secretary Wilson Irategeka and comprising all South Kivu-based FDLR as well as parts of the North Kivu units. The second major development was the split of the Sheka Ntabo Ntaberi's previously Walikale-based NDC. Helped by connections with senior army officers, Sheka's former deputy, Guidon Shimiray, established the NDC-Rénové and embarked on an unprecedented campaign of expansion and co-optation of numerous smaller armed groups. Benefitting from significant support from the FARDC, the NDC-Rénové became the lynchpin of the broader military campaign against the FDLR.

It embarked on a territorial grab across vast parts of Walikale, Masisi, Lubero and Rutshuru (including significant parts of Bashali and Bwito since 2019) and absorbed various Mai-Mai outlets and Nyatura groups into its ranks. This included Mazembe factions that had arisen in Lubero in response to the return of the FDLR, a major split-off from the APLCS in Masisi, and hundreds of combatants from surrendered Nyatura groups including that led by Kavumbi, who had taken over as senior commander after Kasongo Kalamo's death. In its campaign, the NDC-Rénové was able to mount an efficient system of taxation and other revenue streams, while its clashes with FDLR and Nyatura CMC led to renewed displacement in Bashali and Bwito (Congo Research Group 2020).

If the original focus of Guidon Shimiray's campaign centred on Walikale and Lubero, Masisi and Rutshuru gradually became the pivot of fighting. After co-opting the former APCLS wing under Mapenzi, clashes between NDC-Rénové and an alliance between the FDLR, the CMC and the remainders of Janvier Karairi's APCLS occurred mainly in Bashali and Bwito. Amidst the confrontation, the FDLR's evergreen military commander, Sylvestre Mudacumura, was killed in September 2019. In January and February 2020, dozens of civilians were killed in Bashali alone.

By June 2020, the NDC-Rénové had become North Kivu's most successful belligerent and built a remarkable organization with efficient command

and control and diverse sources of income. This success was rooted in part in Shimiray's ruthless, smart leadership but also benefitted from supply in arms and ammunition by the FARDC as well as wide-ranging impunity offered to the NDC-Rénové. Yet, shortly afterwards, internal tensions that had simmered around Shimiray for over a year triggered a division. With tacit support from senior army officials, Guidon's co-commanders Gilbert Bwira and Mapenzi Likuhe formed their own branch, fomenting weeks of internecine fighting with a heavy humanitarian toll on civilian populations, most notably along the Kitchanga-Pinga road.

These developments highlight both the persistent insecurity in Bashali and Bwito and the volatility of alliances and splits between armed groups, sometimes controlled remotely by FARDC and political elites. Kitchanga – historically and geographically – is emblematic of the contestation in the area: while the FARDC usually controls the main roundabout of the city, armed groups like the NDC-Rénové, the APCLS, the FDLR or the CMC manage to assert certain control and surveillance in respective neighbourhoods of Kitchanga. All these groups – in addition to political and customary authorities – maintain more or less close ties with key actors at the provincial, national and even regional level, making the Bashali and Bwito chieftaincies a continuing hotspot of multiple interests at multiple scales as recent conflict dynamics in early 2021 highlight.

As the NDC–Rénové collapsed, a new cycle of mobilization, coalition-building and fighting ensued. Nyatura groups and the APCLS reasserted some of their lost influence in Bashali and Bwito but insecurity has been on the rise around Nyabiondo as well. In most of these areas, FARDC control is limited to urban centres and strategic localities although it is not always clear whether and which armed groups operate as army proxies or as independent coalitions. The return of combatants who had demobilized in 2019 and 2020 boosted the ranks of armed groups believed to be defunct, with Nyatura groups that had previously lost out to the NDC–Rénové the main beneficiaries. In early April alone, fighting across northern Masisi displaced thousands.

3 | The interlocking politics of land, custom and identity

> En envisageant de revisiter ses principes de régulation foncière, la RDC n'est ni pionnière ni innovatrice. Elle emboîte seulement le pas de nombreux États du monde qui ont tenté cette expérience. Il est important de rapporter que « l'histoire est jalonnée des réformes foncières ». (Interview, army commander, June 2020)

Many of the root causes of conflict in Bashali and Bwito relate to land and citizenship, in particular those of Hutu and Tutsi communities known collectively as Rwandophones or Banyarwanda (see footnote above). Other communities, most notably the Hunde, claim indigeneity in Bashali and Bwito, which is also contested. In short, nearly all such claims are contested.

Hence any binary reading on identity in the eastern Congo tends to suffer from lack of nuance, political interference, and outside manipulation through colonial and other actors (Sungura et al. 2020a). The imaginary of autochthony implies close links to land ownership and place-bound political or economic rights, including representation. Discourses of citizenship, property and belonging remain powerful – not only in Kitchanga but in other areas such as the Ruzizi Plain, Ituri, or the Hauts Plateaux of South Kivu (Sungura et al. 2020b, Verweijen et al. 2020a, Verweijen et al. 2021).

While these conflicts are not ethnic by definition, ethnicity and nationality often form the arena of mobilization by elites and trigger violence. Ethnicity and nationality reflect a mix of historical and politico-legal questions that create competing repertoires of legitimation and proverbial "courses au pouvoir" (Hoffmann et al. 2020) that foster elite competition at local to national levels,

leading to a "neither peace nor war" scenario which for other parts of the eastern Congo has been described as "la paix des armes" (Bouvy et al. 2020). The politics of land, custom and identity are starkly driven by competing historical readings. Based on the preceding historical analysis, this section seeks to excavate the multiple and contingent readings with regard to land, custom and identity.[34]

3.1 The making of land contestation

One central entry point for understanding contemporary Bashali and Bwito is colonial engineering as a means of reorganizing customary power and forced migration. Colonial agents, however, were erratic, either wilfully and/or owing to a lack of logic and knowledge. During colonial rule, agrarian reform consisted mostly of the introduction of concession economies – notably the CNKi but also numerous private plantations for which the MIB organized recruitment (Fairhead 1992). Functioning also as a land regulation agency, the CNKi facilitated acquisition of large plots for agricultural and mining enterprises. In addition, the MIB was involved in the distribution of smaller lease plots of three to seven hectares to arriving households. The 1966 Bakajika Law reversed some of these policies by ordering unused land back into state hands. Yet the concession approach remained in force, as much of that land was resold to potent entrepreneurs. The 1973 Land Law confirmed that land belonged to the state and introduced a set of procedures for granting concessions. Hence, overall, (post-)colonial rule applied a largely neoliberal system of land governance.

Other factors – also linked to land and identity but beyond the specific conundrum between customary manipulation and forced migration – aggravated tensions. The 1925 creation of Albert National Park played an important role

[34] These factors are interlinked, starting with individual and family identity in association with the hill of origin establishing physical and metaphysical belonging. A head of a family is identified by the land he obtains either from the customary chief or the cadastre. Land and people are thus tied, which comes with rights and duties negotiated between an individual, the community and the local authority. The DRC's land law, in its Article 387, states, "[L] and occupied by local communities becomes, from the entry into force of this Law, state land." Articles 388 and 389 state, "[L]ands occupied by the local communities are those which these communities inhabit, cultivate or exploit in any way, individually or collectively and in accordance with local customs and usages." Further specifications are relegated to presidential ordinances, highlighting the legal vacuum of land issues in the DRC.

by accentuating land scarcity and pushing forced "domestic" (i.e. within the Belgian Congo) migration. Later – both under colonial and postcolonial government – the politics of concessions played a similar role in rendering land less accessible to some of the population. The establishment of plantations around Kitchanga not only created friction among rural dwellers but also added a class element to the conflict by favouring first colonial settlers, then indigenous elites. This discrimination formed a basis for contemporary dynamics, in which lower-class populations of all communities (Hunde, Hutu, Tutsi but also Nande, Tembo, Kano, Kumu in wider geographic scope) bear the brunt of violence and displacement while elites are seldom affected – and occasionally collaborate with conflict parties regardless of ethnic background to broker armed security for their estates. At the same time, the Congo's post-independence governments perpetuated the duality of state and customary laws through the unsteady evolution of land and citizenship laws.

Whilst on the surface violence often seems ethnic or related to (often spurious) ethnic proxies such as the cleavage between pastoralists (supposed to be mostly Tutsi, and occasionally Hutu) and farmers (Hunde and Hutus), land remains a key driver.[35] According to Mathieu and Mafikiri (1999), Banyarwanda have occupied much of Masisi's arable land since the late 1980s. However, this does not necessarily support the idea of an "allochthonous land grab". Hutu and Tutsi populations lived in Masisi and Rutshuru before forced colonial migration and contemporary war and displacement. Relations between precolonial kingdoms have been volatile and ranged from intense cultural, linguistic and economic exchange to fierce warfare with mutual incursions, which translated into fluctuating boundaries across the inter-lacustrine region (Mathys 2014). Ethnic explanations therefore are simplistic, if not misleading, given the fluidity of belonging prior to the colonial fixing of identity.[36]

[35] Yet ethnic animosity exists, as the *Umuryango* Congolese Hutu association's calls for recognizing *Igihutu* as a language underpin.

[36] In September 1995, customary chiefs organized their first extraordinary assembly, leading to the 1996 creation of the *Alliance Nationale des Autorités Coutumières au Congo* (ANATC). During the Congo wars, the ANATC had little impact on politics, but their lobbying led to the recognition of chiefs as executive state officers in the 2006 Constitution and other legislation, and also conferred to them the right to seek elected office. The 2006 electoral law introduced the notion of co-optation by which customary chiefs are allowed to fill a number of seats in provincial parliaments. The 2008 decentralization law foresaw the creation of "executive colleges" in each chieftaincy and customary counsellors elected within a chieftaincy.

A recurrent matter of contestation are customary taxes and tributes (*mikoro*, etc.), which are paid to chiefs who lease land. Custom determines that chiefs can cede such land after a certain amount of time, provided that the users manage it properly (*mise-en-valeur*). Many Banyarwanda claim that by paying tributes and taxes they acquire a right to the land for having respected custom, while hard-line customary elites may argue that Banyarwanda cannot own land in Hunde-ruled chieftaincies. In one of Masisi's systems for land lease and use, rights used to be granted to a person as a reward for loyalty and submission to customary chiefs. In this system, social power comes with the separation of rights of use and rights of profit. Land allocation is regulated by the principle of *mutulo*, forming a structural pillar in the local moral economy in which access to land depends on the payment of tribute to the chief. According to Hunde custom, land is owned by the entire community but represented by the *mwami* ("mwami yemika butaka"), who grants land use rights to his subjects, who in exchange pay *mutulo and ngemu*. As tribute is paid, peasants obtain use and access rights over a plot, becoming *banamusinga*, which allows them to sublet against a *kishoke* tribute.

As the historical section above has shown, this system has been modified and changed by colonial and postcolonial politics. Moreover, the question of autochthony remains highly contested, which different groups using different versions of history as respective repertoires of legitimation and belonging (Mathys 2017, Jackson 2007). Finally, interlocutors also highlight generational dynamics of conflict and contestation. Several of our interviewees argued for maintaining cordial relations across communities, specifying that more recent political manipulation, from the 1990s wars onwards, had significantly intensified conflicts, particularly regarding access to land and armed mobilization.

3.2 Legal pluralism and elite bargains

Governance in Bashali and Bwito is framed by a permanent duality of state and customary rule. While this duality impacts land access and tenure, it also has consequences for the management of local power, particularly administration and tax collection. Moreover, it is a prime cause of competition between customary and state authorities, all of whom occasionally turn to

mobilizing ethnic sentiment to settle conflicts (Verweijen and van Bockhaven 2020). Recent decentralization policies reinforced this competition, owing to the unclear and temporary status of *fonctionnaires-délégués*, interim appointees reporting to the provincial government who are often chosen according to ethno-customary considerations. Moreover, elevating a locality to the status of *commune rurale* (i.e. a secondary city without the same prerogatives as an actual city) may not always be in the interest of customary elites. As the emblematic case of Minembwe in South Kivu shows, a change of status can be a threat to existing power structures, given that a *commune rurale* would be led by either an interim political appointee or eventually by an elected *bourgmestre* (Verweijen et al. 2021).[37]

In a broader sense, the legal duality enshrined in subsequent land triggers a forum-shopping (Benda-Beckmann 2013), as stakeholders develop informal, hybrid practices of combining state and customary rules. To illustrate, in many cases, first, a buyer will sign a land lease contract with a customary chief. Secondly, with the chief's agreement, the buyer will begin the administrative procedures for the acquisition of official titles through the cadastral office. Moreover, under Congolese law chiefs are recognized as officers of the judicial police (OPJs), a title conferred to state agents with executive power in their respective institutions, allowing them to arbitrate civil disputes. However, their OPJ powers clash with those of members of other institutions. In recent decades, customary chiefs have also increasingly used their dual role to sell land to buyers who believe that by acquiring state titles and having arrangements with customary chiefs their acquisition is secured. Unlike in the colonial period, when land lease was based on arrangements such as the *kalinzi, muhako, ngemu, kishoke* and others, hybrid transactions are now the norm.

Before the adoption of the 1973 land laws, customary leaders had significant clout in land sale and lease, as well as in arbitrating conflicts. With

[37] Yet, as one interlocutor highlighted, this could be circumvented if all authorities would come together to seek for compromise – as in other parts of the DRC: in the commune of Ndjili (part of larger Kinshasa), for instance, customary chiefs and the *bourgmestre* have found ways to share their authority peacefully, including the respective taxation prerogatives and their role in managing land access.

increasing dualism and hybridity in land access and property, these conflicts have gradually turned into key drivers of violence. Legal frameworks (state and customary) often overlap or contradict each other. Currently, three broad types of land conflicts exist: ethnically driven conflicts, land conflicts resulting from the displacement of farmers by concession-holders, and agropastoral conflicts stoked by tensions often linked to transhumance.[38] Moreover, geographically specific conflicts exist around national parks. At the same time, different potential conflict resolution mechanisms exist. Aside from different types of customary and state courts, mediation and arbitration mechanisms can be invoked. Peacebuilding organizations have also tried to introduce conflict resolution techniques, but these are often criticized by populations given a lack of ownership of the latter, limited duration, and the external financing that guarantees the communities have no control (see below).

As a matter of fact, the bulk of smaller and larger land conflicts in the Bashali chieftaincy relate back to the friction of competing legal and regulatory frameworks. These frameworks involve a variety of dynamics including agrarian sector structuring, rural management, value, rent and pricing dynamics, land distribution, and the social relevance of land more broadly. In addition, the laws in force are not consistently applied, in part because the state administration does not have the necessary reach and clout to impose the law in remote rural areas. Paradoxically, however, the Constitution and specific legislation on customary affairs recognize customary authorities' hybrid status as community sovereigns and state representatives:

> Sur ces terres, la communauté représentée par le chef coutumier exerce un droit éminent. En disant communauté, on voit ici anthropologiquement non seulement les vivants mais aussi les morts, les ancêtres. Ce domaine éminent, réceptacle de vie et lieu de communion entre les ancêtres et les usagers actuels du sol est incessible, inaliénable, imprescriptible et insaisissable. (Mugangu 2008: 391)

[38] However, despite common tropes describing conflicts in the Congo as ethnic war, driven by greed and hatred, most land conflicts happen within families and communities – often due to unclear heritage, plot demarcation disputes, the role of widows, and the validity of documents. As to cattle, in 2018 and 2019, for instance, major cattle killings occurred in various parts of Masisi, which targeted herds of large concession-holders and were likely triggered by overlapping, double titling and land-grabbing.

This persistent duality also impacts (electoral) politics, because customary elites are endowed with additional seats in provincial assemblies.[39] Assuming these seats occasionally creates a customary vacancy or outright conflict, since every chief needs to appoint an interim regent during his parliamentary tenure. Moreover, owing to their own precarious position, customary elites tend to have an interest in maintaining a grip over local politics, including elections of national and provincial deputies of their area. Incumbents and candidates regularly use their clout to further electoral agendas with the help of state security services (e.g. FARDC units) or armed groups. However, occasionally these strategies backfire. During the 2018 electoral campaign, a convoy of MP candidates was ambushed near Mweso by a Nyatura group close to the FDLR, allegedly due to their support for FARDC and NDC-Rénové operations against the Rwandan group.

In Bashali and Bwito, there are a number of cases where provincial authorities or politicians from Goma and Kinshasa engaged in large-scale land-grabbing. One case concerns a plot of 400 hectares acquired by high-level government clerks near Kitchanga, in Rutshuru territory. The land was under military occupation from 1998 to 2005 and abandoned afterwards. Local populations had meanwhile farmed the land until 2015, when the government clerks bought titles through a deal with provincial land authorities and used the land for cattle-herding. The farmers invoked usufructuary rights, provoking tensions. Many similar cases exist.

In the case of Masisi, intracommunity tensions prevented a common agenda among the Hunde, with the result that none of the seven national MPs was a Hunde in the 2011 elections. Due to irregularities, the results had been annulled but nonetheless the winners maintained their seats until 2018. Regardless of widespread ballot fraud, the 2018 elections saw MPs elected from each of Masisi's communities. At the provincial level, there is a consensus that if one office is held by one community, the deputy must be

[39] The 2006 electoral law (article 153) stipulates that during each legislative period provincial assemblies co-opt (i.e. add) certain customary chiefs in a rotating manner. In North Kivu, the currently co-opted chiefs are Lebon Bakungu Bigaruka (Bukumu, Nyiragongo), Nicolas Kalinda Kibanja (Bahunde, Masisi), Saa Mbili Bamukoka (Watalinga, Beni) and Sondoli Shabani Mukosasenge III (Bamate, Lubero).

from another: for more than a decade, the governor has been Nande, the vice-governor Hunde, and the head of the provincial assembly Hutu.

3.3 Trajectories and frictions in customary rule

Colonial engineering and political manipulation have made it nearly impossible to ascertain today's legality of customary power in Bashali and Bwito. While many customary authorities have been killed or forced to flee, others have actively contributed to conflict. Customary leadership is theoretically in the hands of Hunde chiefs, although vacancies and conflicts preclude the running of these entities.[40] These conflicts are a mixture of intra- and inter-community frictions. Consequently, Hunde chiefs are not necessarily seen as illegitimate by Banyarwanda but often judged according to the quality of their rule by populations.[41] This section will briefly sketch the specific trajectories and frictions in customary rule per chieftaincy and its respective *groupements*.

Spanning the western half of Rutshuru territory, the Bwito chieftaincy is made up of seven *groupements* (Mutanda, Kihondo, Bukombo, Bambo, Bishusha, Tongo and Kanyabayonga) and 35 localities. Its main peri-urban centres are Nyanzale, Kibirizi, Bambo and Tongo. To the south it borders the Bashali chieftaincy and to the east it is separated from Rutshuru's other chieftaincy (Bwisha) by Virunga National Park's southern and central sectors.

Bwito's chief, like other *bami*, has a dual customary and state role. In Bwito, there are four royal Hunde families (Bahoo, Banyamichungu, Banyamukoba

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[40] Colonial social engineering impacted the phenomenon of the *mumbo* in Hunde custom. The *mumbo* is the chief's second wife, who is endowed with the power to confer royalty to her offspring. Yet the establishment of extra-customary entities and rules against polygamy removed her social role, leading to multiple succession conflicts. In interviews, several customary leaders even linked the existence of today's Osso and Katoyi sectors (as opposed to chieftaincies) to the *mumbo*'s customary role, and suggested its disappearance increased political power over customary affairs. See also colonial decrees of 9 July 1039, 3 July 1948 and 4 April 1950.

[41] Historically, despite other tensions, certain customary entities, such as Bashali-Mokoto, were known for maintaining good relations between different communities. In part this was due to the presence of Trappist monks at Mokoto monastery. Until a change of congregation in 1993, the monks played a widely harmonizing role in occasional tensions.

and Banyakahindo) who gather to appoint a chief among their ranks. Yet the appointment of the current one, Chief Kalekene Bukavu, was contested by the influential Murairi and Buunda families and he has since fled Bwito. In addition to tensions at the chieftaincy level, vacancies and succession struggles exist in all *groupements* except Tongo, Mutanda and Kanyabayonga.[42] There, the current chiefs, respectively, are Semasaka Murara Bulenda, son of the late Semasaka Mwendabandu, Kambale Mongera Kamoli, grandson of Mwongera Kamoli, and Pandasi Lukira II, grandson of the late Pandasi Milonde.

The genealogy of customary power in Bwito is complex and contested, yet there is some agreement over the historical existence of the chieftaincy and its central ruling lineages. A current *chef de groupement* recounted roughly as follows: the first chief of Bwito was Kasindikira who reigned on behalf of Bwito's founding fathers, followed by Mualihya (potentially the son of Kasindikira, meaning "the one who enlarges"), Nyamulaa, Kikandi and Kamoli. Bwito's royal lineage in this era had close ties to the Banyungu chieftaincy in the Masisi area. Nyamulaa (some sources also mention Rutazinga) served as the namesake for the precolonial name of Lake Edward (Ngetsi ya Nyamulaa). Kikandi allegedly reigned in the second half of the 19th century, as Bwito faced repeated incursions by slave traders. Kamoli was chief as colonial authority established a more stable presence in the early 20th century. His son, Hangi Bukavu Nyamulaa, was born in Bukavu (and since then Bwito chiefs have often had "Bukavu" as a byname) and died 1981. He was followed by Kalekene Bukavu Kikandi from 1982 to 1993.[43]

The Bishusha *groupement* is currently under the interim leadership of Yvette Mabuanano, the wife of the late Kivu Mabuanano Bireo, assassinated in January 2017. Kyumba Lukoo Muhindo, Kivu's first interim successor, was also assassinated. The interim regent for their underage children, Yvette is accused by her family-in-law of violating the custom of the chief being male.

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[42] Geographically, this reflects conflict concentrated in the *groupements* bordering or close to the Bashali chieftaincy – Bishusha, Kihondo, Bukombo and Bambo – where the bulk of Bwito's armed groups are based.

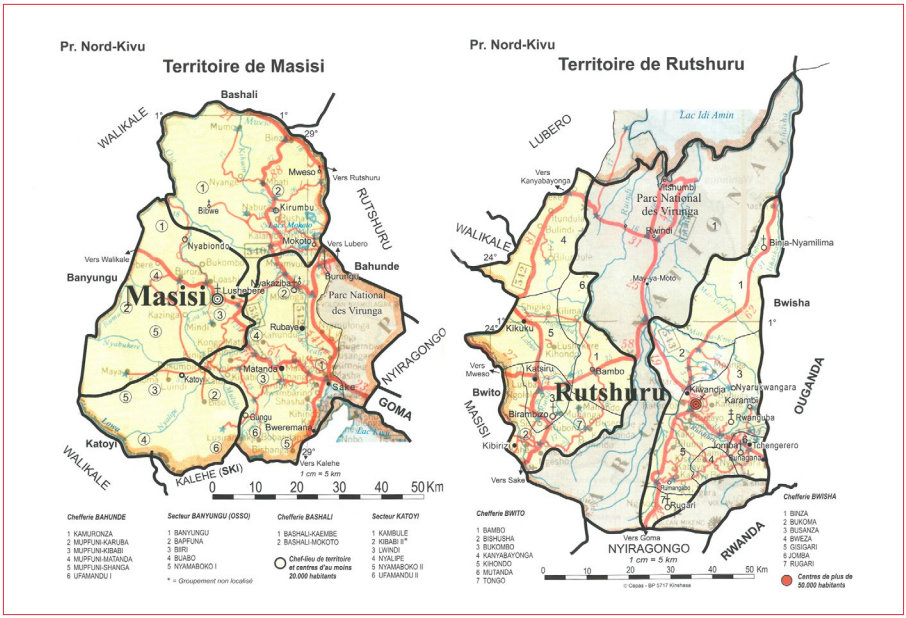
[43] Kalekene conferred the reign to Désiré Shekerabeti Kamoli. Alois Buunda Shamwami intervened when Bwito regained chieftaincy status independent of Bwisha in 1967. In southern Bwito, the Mukule family has a parallel genealogy with Chiefs Kumakuma and Mwinda.

In Kihondo, the current chief is François Ngulu Murairi, a grandson of Petro Murairi Mulashano Petro, but the family of Matungulu Shemusheshi claims power, arguing that Murairi is not a proper heir. In Bukombo, David Héritier Kahombo IV, a son of Adolphe Kabonjo Kahombo, is the current chief but their entire lineage is contested. Finally, Prince Kambere Luanda, grandson of Boniface Luanda Kaboli, rules Bambo. Bambo's customary guardians argue that Prince is not part of the Banyamu dynasty of Luanda Kaboli – who was killed 2012 – since he was born outside of marriage, allegedly to a Hutu mother. The former interim chief of Bwito, Désiré Bukavu Shekerabeti, was killed near Kikuku. Most recently, the interim chief of Kihondo *groupement*, Benoit Kitsa Murairi, died under mysterious circumstances. These events highlight that the violence in Bwito is not just interethnic. Yet, in the absence of investigations, it is difficult to establish responsibilities, but some observers do not hesitate to blame internal competition among rival contenders for the chieftaincy.

The Bashali chieftaincy has two *groupements* (Mokoto and Kaembe). It had four *groupements* (Mokoto, Kaembe, Kamuronza and Bapfuna) between 1961 and 1972. During the Kanyarwanda war, Banyarwanda fought Bahunde in order to assert power over appointments in Bashali-Kaembe, equivalent to the short-lived Gishari chieftaincy. In the 1967 elections, Ezechiel Sebujangwe (the father of current MP Bertin Kirivita) managed to obtain a seat as a Hutu – triggering resentment among Bahunde who claimed that Rwandophones did not have voting rights, even though Sebujangwe had received the mwami's support.[44] Since 1976, Bashali has existed in its current form, with 22 localities in only two *groupements*. Royal history in Bashali features different families.

Three main branches evolved in the descendance of founding King Kashali (who descended from Muwira, a brother to the Banyungu and Bwito kings, and Kabungo): Bapfuna in Kishongya/Loashi, Kaembe in Burungu and Mokoto in Muhanga/Kiusha. Kashali's son was Mulisi Mapfumo whose siblings where Pfuna, Mihigo, Kahindo, Mwongera, Mulisi I (born of Ndibito)

[44] During this period, Bahunde also demanded Banyarwanda to give Rwandophone – not Swahili – names to their children.



Map of Masisi and Rutshuru territories, De Saint Moulin and Kalombo 2011

and Mushuula (born of Muhitira), Nyanguba and Mokoto (eponymous to a lake in the area). Kashali was married to Queen Namulisi. The current Chief Sylvestre Nyanguba was born in 1934 and became a *chef de groupement* in 1954, before becoming Bashali's paramount chief in 1962. Bashali's main centres are Kitchanga, Mweso, Kashuga, Kalembe and Pinga. The current Chief Sylvestre Bashali Nyanguba, like his chefs de *groupement*, is rarely in Bashali. A long-standing conflict pits his family against that of the late Kapenda Muhima, the former RCD-appointed chief.

Bashali-Kaembe is currently governed by *chef de groupement* Willy Indwe IV, himself contested and regularly threatened with violence, and has its seat in Muheto. Several armed groups are based in Bashali-Kaembe, make regular incursions in the area, and claim territorial authority by means of taxation, thus competing with customary power over the regulation of land access. FARDC and PNC deployments are feeble and irregular, partly owing to a lack of infrastructure. The area's ANR agent was killed in 2017. The chief of Bashali-Mokoto, Roger Bashali, is currently in exile, and a Hutu leader called

Erasto Ntibaturana (living in Gisenyi) appears to wield significant local power through his sons who are based in Busumba village and implicated in local armed mobilization.[45]

3.4 Land, subsistence and Virunga National Park

Virunga National Park plays an important yet complicated role in regional land issues. Established 1925 as Albert National Park, Virunga historically faced contestation by neighbouring communities and customary leaders with claims to land inside the demarcations claimed by the park. Over the past 30 years, the park has become a refuge for conflict parties. Often by erecting roadblocks at obligatory passage points, armed groups benefit from charcoal (*makala*) trade out of the park and engage in protection rackets with civilian populations who farm alongside and inside the park. This, and poaching by armed groups and smaller gangs, has motivated the park administration to develop a militarized approach to protect the park. Since around 2010, the park has divided its staff into classic guards performing conservation tasks and so-called "quick reaction forces" trained and equipped to undertake offensive counterinsurgency operations inside and around the limits of the park (Marijnen & Verweijen 2018, Marijnen 2018).

Different types of *makala* charcoal are produced in the area, with fast-growing low-quality woods outside the park and slow-growing woods with high-energy value mostly inside the park. Several routes exist for transporting charcoal to Kitchanga and Tongo and eventually the provincial capital Goma, whose population depends heavily on *makala* for cooking. The Kitchanga supply chain crosses Bishusha *groupement*, whose economy depends on *makala*. There, plantations and concessions put populations between a rock and a hard place: they can neither legally enter the park to the east for subsistence nor the concessions to the west.

[45] Bashali is framed by competition over land, the presence of rapidly emerging, splitting and disappearing militias and manipulation by elites and customary conflicts. In one case, this led to the demolition of Bashali-Mokoto's *groupement* office in Kiusha in 2018. There are regular tensions between farmers and cattle herders and assassinations known as *kabanga*, a type of score-settling.

This provides armed groups with opportunities to frame their struggle in defence of local populations. While the positioning of FARDC units is variable, Virunga units often engage in raids targeting both civilians and combatants entering the park. Occasionally, entire villages have been burnt down for being considered inside or at the border of the park (Verweijen et al. 2020b). These dynamics put a strain on relations between populations and park management and reopened historical contestation over the dispossession of customary land and the lack of clarity in demarcation (many of the initial boundary markers were natural, including trees that have been cut down or died since 1925).[46]

3.5 Concession politics and the *anciens ouvriers*

While countless conflicts exist that involve plantations or concessions – both those with an older colonial trajectory as well as more recent acquisitions and land-grabs – this section briefly describes two examples which illustrate the main lines of contestation. The first relates to the phenomenon of *anciens ouvriers*, i.e. the offspring of former colonial plantation workers. The former SICIA plantation was transformed into grazing areas for cattle, leaving workers and their heirs without access to farmland. Moreover, the arrival of IDPs and refugees intensified competition over farming plots. This led to popular support for armed groups in the area and the creation of small militias, such as the now defunct Nyatura Bohoza led by Apollo, as well as the regrouping of workers themselves.[47]

The second example is the Lueshe niobium mine in Mutanda *groupement* in Bwito. Currently not operational, this mine used to run as a SOMIKIVU concession supported by German and Russian investors from 1983 to 1993, but official production has been interrupted since 1994. During the RCD-Goma (which had absorbed a couple of former SOMIKIVU agents), occasional

[46] On certain occasions, customary leaders have invoked a 2015 law (15/015) that confers to them the rights and duties to protect customary land in order to regulate the park's boundaries and deal with their non-consensual modification in the past.

[47] This underpins the conflict dynamics framed by claims to usufructuary rights not to own but to access the land via lease and similar schemes. Similar scenarios prevail for adjoining plantations and concessions, including JTN, SICIA and others.

exploitation occurred. Former President Laurent-Désiré Kabila had signed a memorandum with an Austrian company called Kraal Metal Congo SA, which fell apart during the wars with SOMIKIVU, with Kraal invoking *force majeure* and complaining about illegal exploitation. Kraal later tried to reopen the mine by establishing relations with the CNDP, while ex-SOMIKIVU agents distanced themselves. This resulting blame game triggered greater mistrust among populations, who considered the mine a major cause for external meddling into the local affairs of Bwito and subsequent cases of violence.[48]

3.6 The role and agency of women

Women's agency is consistently diminished by both local and international actors, who depict them primarily as victims.[49] Numerous interviewees, including women farmers from Bashali and Bwito, stressed that, compared to male farmers, they tend to have more difficulty in acquiring and accessing land or having a say in revenue and heritage questions (DRC family laws do not differentiate gender in customary matters, but then do when it comes to independent contractual rights in marriage).

Given the number of untimely deaths and unwed couples, heritage issues are sensitive in Bashali and Bwito. Moreover, owing to educational disparities,[50] many women face comparative disadvantage when it comes to studying and using procedures, administrative steps and legal provisions in land issues and local politics.

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[48] Local communities complain they were never involved in the process of granting exploration and exploitation rights. Currently, François Nzekuye, a Hutu and national MP for the PPRD, is the administrator of SOMIKIVU. Running a mining consulting outfit, Nzekuye is suspected of using his power to negotiate contracts and access to the mine, to the detriment of local customary power.

[49] While women in Bashali and Bwito are frequent victims of sexual, gender-based and other violence, some women also join armed groups, where they occasionally attain higher ranks and positions. A sizeable number of women work with armed groups as informants and others live as military wives, supporting (either voluntarily or involuntarily) everyday armed group activities.

[50] Limited schooling means are often invoked to give priority to boys over girls.

Similarly, in customary law, women only have secondary rights to land, with male family members as intermediaries (in sale, lease and heritage). Although women often work the land, they seldom own it. On average, our interlocutors estimate that women account for 80% percent of agricultural production. However, women have found ways to actively engage in politics and society.[51]

Women regularly are at the forefront of denouncing violence and campaigning for combatants to return from the forests, and thus defy clichés of victimhood. Despite discrimination against them in economic and customary affairs, women manage to run a large share of small commerce and petty trade, and account for a great number of intermediaries in supply chains (often carrying out demanding tasks as porters, however) as well as regulating customary and state institutions.

3.7 Summary and socio-economic consequences

The changes and continuities in the politics of land, custom and identity are not only drivers of violence and contestation, but also influence livelihoods. It is in this sense that conflict over land, custom and identity also undergird broader socio-economic tension and fuel insecurity, in several ways.

First, conflicts pit landowners, who are endowed with legal titles and operating large plantations or cattle farms, against the peasantry, who are threatened by expulsion or plunder and thus prone to mobilizing. Land acquisitions – both legally and illegally, peacefully and by force – are a source of envy.

Second, occasional clashes between farmers and herders arise from distributional scarcity, as small-holder farmers have little leeway to avoid each other's activities. Adding to that, armed groups further limit safe and accessible spaces. While the provincial government adopted a plan to reassign abandoned plantations and demarcate arable land in 2007, its provisions have not yet materialized.

[51] Our interlocutors alone cited over 20 women who are reported to be active and vocal members of civil society organizations in Kitchanga and Mweso. Certain civil society organizations are created and led by women, often transcending ethnic lines.

Third, displacement and dispossession contribute to agricultural depletion. Frequent looting and illegal taxation by competing institutions and authorities further reduce community revenues and subsistence capabilities. This leads to a situation whereby the cost of land access (through leases, taxes and other expenses) often goes beyond the revenue farmers can generate from a plot.

Fourth, as a result of widespread insecurity due to armed conflict, armed actors engage in brokering land access and the protection of agricultural activities. In some sort of a self-fulfilling prophecy, clashes initially displace populations or restrain access to farm and grazing land, which in turn is re-established against taxation or tribute by the very same actors that previously made it impossible.

Fifth, the combination of these dynamics has rendered the role of women more difficult. Women often acquire and manage most household expenses and are key pillars of the subsistence economy. They do so by walking long distances to tend to their plots and sell their produce. Women also perform key roles in custom and as custodians of customary order but are more exposed to violence and lack education.

In sum, tensions over custom and identity, inspired by political spin and contradictory legal frameworks, exacerbate these phenomena, or give them an ethnic framing. The resulting politicization of problems complicates practical solutions for both political and technical problems.

4 | War, displacement and dispossession

> Beaucoup de leaders de groupes armés bâtissent leur légitimité en exploitant les contradictions du système agraire à Masisi et Rutshuru. La défense du patrimoine foncier de la communauté est devenue un invariant de leur discours idéologique. C'est ainsi que, le Nord-Kivu est le prototype des sociétés agraires dont l'histoire est tissée des luttes entre les paysans, fermiers, locataires, métayers, colons, non détenteurs de leurs terres et les propriétaires non exploitants tels que les aristocrates, grands latifundiaires, bourgeois, citadins, collectivités laïques ou religieuses, ou l'État ; entre les propriétaires exploitants et 'rentiers', entre les propriétaires résidents et non-résidents, entre propriétaires autochtones et non-autochtones. (Interview, customary chief, June 2020)

If struggles over land and citizenship are among the root causes of instability in Bashali and Bwito, the subsequent incidents of war, displacement and dispossession are consequences, which in turn fuel insecurity. This section discusses some of the dynamics at play, assessing endogenous and exogenous factors that shape the continuities of violence.

4.1 The condition of war in Bashali and Bwito

Analyses of war and insecurity tend to conflate violence and conflict. While violence is often rooted in conflict, the latter is not always violent. Conflicts intersect and revolve around social, political and economic questions, but war and violence are not ubiquitous or permanent over space and time. Warfare in this area is to some extent a response to the multiplicity of regulating institutions that often leads to a deadlock of competing claims and

sets of rules to arbitrate disagreement. Armed mobilization occurs secretly and via specific networks (often but not always relating to ethnicity). Political leaders at local, provincial and national level often play the role of "pompiers-pyromanes". Local security dilemmas and continuities of unsolved conflict trigger cyclical mobilization that is compounded by incomplete efforts to stabilize the region (see below on DDR and stabilization).

Given economic hardship, joining armed groups, or relying on partisan protection, has become a technique to navigate problems and insecurity. Yet violence fluctuates and insecurity is mobile. Often considered zones of daily murders and killings, Bashali and Bwito are much more areas of uncertainty, specific places that can be violent and insecure at times and not at others. War has also put in place a number of overlapping and competing governance dynamics involving public authorities, including armed groups, political and customary leaders and their claims to order-making. A particularly salient example is taxation as a means of generating revenue and establishing control over populations and their mobility. This leads to a democratization of state-like power, the proliferation of protection and extortion rackets, and creative techniques – often called *nyoka nyoka, coop or le système* – of collusion and navigation by both taxers and taxees.

4.2 Refugees, internally displaced and unclear cases

Displacement is a central factor influencing broader contestation over land and citizenship in Bashali and Bwito. Yet it is important to look at different dynamics and understand the temporal, political and economic specificity of displacement (Mathys and Buescher 2019). As this report highlights, there have been intense patterns of migration at different points in history. Respectively, these different waves of migration keep contributing to ongoing friction. Moreover, regular violence in Bashali and Bwito has led to further displacement, often affecting the same people repeatedly.

Questions about refugees and displaced and other migrating populations intersect with conflict over identity and citizenship. While pre-independence migration fed uncertainty between changing laws and political narratives,

more recent displacement has been complicated by a lack of census. As described above, the main waves of migration around Bashali and Bwito were the forced migration before and during the MIB and the arrival of refugees before 1960. These and other precolonial waves remain the object of fierce debate. While it could be argued from a temporal point of view that those who arrived and settled before 1960 are Congolese, this argument rests on *ius solis* logics, while so-called autochthonous communities invoke narrow definitions of *ius sanguinis*, claiming that many Banyarwanda who arrived during colonial times would not qualify for citizenship. Yet that interpretation lacks coherence, since precolonial migration, border-making and shifting zones of control between kingdoms and other entities happened in the absence of fixed national borders.

The arrival of Rwandan refugees and *génocidaires* in 1994 further shook up a fragile equation of citizenship and belonging. While neither the UNHCR nor the Zairean government ever performed a reliable census, the identity of Rwandan citizens living in the eastern Congo has since merged with Congolese Banyarwanda. Around 2015, by introducing biometric technology, the UNHCR aimed at correcting this lacuna. However, without a solid baseline, this experiment was ill-fated. Among its most significant impacts was a contribution to a split within the FDLR in 2016, where refugee politics is a matter of high relevance. Many FDLR members and civilian dependents have acquired Congolese IDs and, given the political majority situation in Rwanda, have little ambition to return en bloc. That in turn remains a no-go scenario for Kigali, which has always excluded political negotiation with successor groups of the genocidal government. Moreover, as with previous waves of migration, even the Rwandans who entered Zaire in 1994 now have adult children who were born and raised in the Congo and have never visited the motherland of their (grand-)parents. Ex-post census exercises that have no complete baseline are unable to properly account for these dynamics.

4.3 Genealogies of reciprocal mobilization

As violent conflict in the eastern Congo will soon enter its third decade, armed mobilization has become cyclical and repetitive. Many observers consider the 1993 Masisi war as a continuation of the *Kanyarwanda* war of the 1960s. Moreover, the 1990s militias (see above) gave way to future mobilization including that of PARECO and different Nyatura, Mai-Mai and Raia Mutomboki groups in the 2000s and later on. Another historical line traces back to the early RPF and the AFDL, which later spawned the RCD with the TPD, the CNDP and the M23. Due to army integration, the FARDC form part of the more recent genealogical evolution of belligerents, having numerous ex-combatants in their ranks. Critics of the Congolese government often lament that in addition to formal and parallel hierarchies within the army and the police, a significant number of soldiers and policemen have multiple loyalties, including to patrons outside the chain of command, communities or customary leaders. In addition, *mutualités* are often accused of supporting or entertaining armed mobilization, especially when armed groups mimic their names (e.g., MAGRIVI, the TPD but also Kyaghanda Yira).[52]

The genealogy of armed mobilization both fragments and converges. At some point, some of the *Mongols* found themselves in the RCD and the TPD but then shifted again to co-create the PARECO alongside Hunde- and Nande-led branches (the later APCLS of Janvier Karairi and the UPCP of Kakule Sikuli Lafontaine). Other wings of the RCD resurfaced as the CNDP under Laurent Nkunda and the M23 under Sultani Makenga and Bosco Ntaganda. While the Hutu branches of PARECO gave way to a multitude

[52] While such ties exist, most *mutualités* distance themselves from actual militias or keep their support informal and hidden. In the context of Bashali and Bwito, the cases of MAGRIVI and the TPD are illustrative of such dynamics. MAGRIVI emerged in the 1980s as a result of Banyarwanda (mostly Hutu) aiming to better organize their claims. In the 1990s, however, the Hutu mobilization known as the *Combattants* and GACI was often popularly referred to as MAGRIVI. While certain recruitment channels were closely linked to the *mutualité*, key MAGRIVI leaders credibly refuted that these militias be mere armed wings of their organization. A similar phenomenon occurred with the TPD. Aimed at fostering "Rwandophonie" and with tacit support by Kigali, the TPD became somewhat the civil society branch of the RCD. Many of the leaders partook both in the TPD and the RCD. While the TPD probably supported recruitment and supply for the RCD – even though some sources refused – it was perhaps more relevant in helping to create a universe of so-called Local Defence Forces that operated as local satellites for the RCD.

of Nyatura factions, some of these are allied with FDLR-FOCA while others oppose it or struck deals with some of its spin-offs. Other groups are militias formed by *anciens ouvriers* with a very local agenda or small village-bound groups (Bohoza, Gatuza, Vutura, etc.). Other ex-PARECO actors such as the APCLS and individuals such as Lafontaine continued collaborating successfully with the FDLR.

In recent years, similar dynamics have been at play. The NDC-Rénové, led by Guidon Shimiray, is an offspring of Sheka's erstwhile NDC, a Walikale-based Nyanga militia. It emerged in 2014 to become one of the most powerful armed groups in the eastern Congo. Not only did it quickly gain ground through a savvy mix of taxation, propaganda and fairly good internal coherence; it also altered the overall militia landscape.[53] It was able to provoke splits in other groups to bolster its own ranks. Lafontaine's Nande Mai-Mai imploded, leading to the emergence of the Mazembe – many of whom were absorbed by the NDC-Rénové. Later, the APCLS split into a wing under Karairi and a rival faction under Mapenzi, who soon after joined the NDC-Rénové, as did certain Nyatura groups. Finally, FARDC units supporting the NDC-Rénové were essentially led by commanders with an RCD or CNDP history, reflecting the heterogeneity of the FARDC. All of this is consistently reinforced by local security dilemmas and political brinkmanship.

4.4 Insecurity as a disruptor of development

The uncertainty arising from both deep-seated conflict over land and citizenship and recurrent armed mobilization favours violent accumulation. While agrarian reform, demographic change and dispossession triggered rural unemployment to the benefit of the concession economy, powerful landowners and customary authorities often saw armed mobilization as a means to foreground their claims. Today, by manipulating competing narratives of autochthony, these stakeholders get involved in recruitment, benefitting

[53] The NDC-Rénové's rise and absorption of many other groups as well as its demise and partition into two factions in mid-2020 were driven strongly by provincial politicians and senior army commanders (Congo Research Group 2020, Sungura et al. 2020b).

from techniques of "Othering" and widespread misery that keeps driving young people into the ranks of armed groups. Moreover, the weakness and perceived partiality of state security services, and the overall militarization of social, political and economic life in Bashali and Bwito, keeps making state institutions parties to the conflicts.[54] Both state security forces and armed groups engage in the illicit taxation of local production and trade. In order to finance their armed struggle, armed groups have in many areas replaced government agencies in the taxation of movements and goods. Bashali and Bwito feature a multitude of roadblocks – dating back to precolonial and colonial strategies of movement control – and different types of tributes and taxes (Cercle de Concertation 2019; Schouten 2019). While this amounts to substantial rents, it has contributed to recession among communities by lowering income from agriculture. Moreover, the volatile situation of alliances, splits and territorial control impacts planning and certainty for local populations. Taxes and roadblocks are variable and changing, and – in many places – communities face overlapping predation by different actors that results in multiple taxation.

Violence in the form of military campaigns and illegal taxation negatively impact development. While it has been convincingly argued that war is not only destruction by default but also a catalyst for social transformation, its immediate effect on sustainable investment in social and economic endeavours is often negative. In Bashali and Bwito, violent taxation makes it extremely difficult for small-scale farmers or traders to generate surpluses to reinvest in more diversified, enhanced local business. Displacement is an aggravating factor, forcing farmers and others to abandon activities and switch to more mobile occupations such as mining or trading, which often come with little local value-added and transformation, limiting the area's potential for developing more resilient economies.

[54] Staffing and salary policies within the army and other security services entrenched these tendencies together with erratic army integration and the use of militias as proxy forces, as the FARDC's sub-contracting to the NDC-Rénové illustrates. These dynamics mirror armed group strategies: the FDLR sub-contract Nyatura groups to which they provide training and skills in exchange for loyalty and outsourcing military operations.

All of this accentuates health and education challenges, leading to scenarios whereby populations are trapped by the necessity of making ends meet and surviving instead of having the space to use their capabilities and talents, or to foster leaps in education for future generations. Finally, armed predation demands that local producers and traders invest time and means in performing the *nyoka-nyoka* and *article 15* of getting around and negotiating compromises with both legal and illegal actors. Those who collect taxes and loot goods in turn often need to provide their superiors with the bulk of the spoils in the shape of *opération retour*, leading to a paradox whereby the predators also get little benefit and thus are forced to continue their predation in order to get by.

5 | DDR and stabilization: tragedy or trail to peace?

International and national efforts to tackle the conundrum of insecurity in Bashali and Bwito have led to a broad array of peacebuilding and development tools including economic reform, political engagement and military solutions. This section looks at two main approaches where international partners played a role – DDR and stabilization. These measures are inscribed in multidimensional agendas bringing together the Congolese government with international donors and the UN peacekeeping mission MONUSCO, such as in the framework of ISSSS and STAREC programming. DDR, however, is most often carried out in national programmes with financing from donors. While UN-led stabilization works with a regional and geographic approach and respective priority zones, DDR has been organized in subsequent programmes with an evolving overall strategy. The main DDR programmes in the Congo have been three successive national programmes (CONADER 2004–07, UEPN-DDR 2009–11 and PNDDR 3 2014–17), specific initiatives (DCR for Ituri, Abbe Malu-Malu's *Programme Amani*, or MONUSCO's recent CVR), and the UN-brokered versions for foreign combatants, called DDRRR. While the last has been fairly successful thanks to the buy-in of concerned governments in the region, particularly Rwanda, national programmes have often been marred by corruption, apolitical strategy and negligence, and smaller initiatives by irrelevance.[55]

[55] Although the three national DDR programmes since 2004 have processed a total of over 100,000 combatants, success has been tenuous, because numerous armed groups continue to exist and emerge, often re-recruiting ex-combatants.

5.1 Recycling rebels and circular return

"Recycling rebels" and the "circular return" of combatants (Vogel and Musamba 2016; Vlassenroot et al. 2020) are two complementary dynamics complicating DDR. "Recycling rebels" is a phenomenon driven by the sabotaging of DDR programmes, leading to the re-recruitment of demobilized combatants into either existing or new armed groups or under opaque conditions into the national army. While wholesale integration of rebel groups has been at a halt since 2010, smaller contingents of combatants are still regularly integrated on a fast-track basis and end up under discretionary command of key army figures. This has contributed to a long-term failure of DDR programmes, with observers often considering them a masquerade without results:

> Plutôt que de résorber la problématique armée, cependant il créa des effets de recyclage de rebelles. [...] En vue des facteurs soulignés ci-dessus, le DDR n'offrait pas une contrepartie avantageuse individuellement ou collectivement aux groupes armés et, sur le terrain. Le processus de formation, centré sur la réinsertion socio-économique du combattant, ne tenait pas compte des barrières et/ou des droits d'accès imposés aux acteurs dans certains champs et aux individus qui veulent y entrer. (Interview, armed group leader, June 2020)

An aggravating factor facilitating the re-recruitment of combatants is the lack of *prise-en-charge* of combatants both during initial phases of *pre-cantonment* as well as later in the framework of reintegration or professional or military training. Combatants often lack guidance and supervision in transit camps. Often, demobilization is actively undermined by strategic political considerations. In the case of Bashali and Bwito, this has occurred, for example, with the NDC-Rénové, a key FARDC ally, which has benefitted from a guided and active recycling of several surrendered armed groups whose combatants were channelled back into the ranks of the NDC-Rénové.

A second consequence of misguided DDR is the lack of emphasis on local politics and the sociology of armed mobilization. The idea of "circular return" (Vlassenroot et al. 2020) emphasizes the need to understand how combatants straddle multiple social spaces, including that of armed mobilization but also family, customary and other spheres of social relations. The concept highlights individual choices and reflections of combatants as they

organize their lives in and outside armed groups. Local security dilemmas and place-specific dynamics of violence and insecurity play an important role in combatants' collective and individual choices. Armed struggle not being the one and only vocation in their lives, they base decisions of joining and leaving armed groups on strategic reasoning over respective consequences, including the following dynamics:

> Toute opération de désarmement par la force dans le temps faisait des victimes indirectes dans la mesure où les différents groupes étaient installés dans les zones habitées par des citoyens congolais et utilisaient notamment leurs femmes et leurs enfants, comme des boucliers humains. Par ailleurs, la réinsertion ne tient compte ni des relations entre les combattants et la société d'accueil (souvent leur milieu d'origine), ni des raisons initiales et locales pour la mobilisation armée. Conscients de leur activisme associé aux problèmes ci-haut évoqués, d'autres groupes armés diversifient les stratégies de refus d'adhésion au processus alors que d'autres combattants se sont rendus au processus après des affrontements. (Interview, community leader, June 2020)

Repeated DDR initiatives have contributed to circular return dynamics. While it is known among combatants that DDR programmes represent short-term opportunity through the provision of kits, and occasional longer-term chances of lucrative recruitment into the army (which can in turn theoretically benefit the community in case of redeployment back home), combatants are as much aware of the pitfalls arising from weak reintegration policies, manipulation through the army and the risk of being sent for away from their families and communities. Combatants therefore develop tactics of navigating between mobilization and demobilization, between combatant and civilian life.

5.2 (Un-)informed intervention?

> Malgré le besoin d'un programme local de construction de la paix, la MONUSCO n'a pas beaucoup innové la stabilisation. Par exemple, en 2014, l'Unité d'Appui à la Stabilisation auprès de la MONUSCO a refusé de contracter les organisations locales pour l'analyse de contexte des zones prioritaires de stabilisation en leur préférant les organismes internationaux. [...] le gouvernement et la MONUSCO se complaisent maintenant dans une sensibilisation vague à la cohabitation pacifique, donnant ainsi l'impression que les communautés ethniques victimes des groupes armés sont elles-mêmes les bourreaux. (Interview, politician, June 2020)

This critique highlights the challenges of stabilization. Kitchanga is a prime example. It has been the first "priority zone" jointly identified by ISSSS and STAREC since 2014 and remained one ever since. Interviewees from different backgrounds agreed that the results of stabilization are negligible as compared to the means invested, calling ISSSS rather the "noise" of stakeholders who believe they can "save Kitchanga". This lack of success relates to the set of interwoven and multiscale conflict dynamics embodied by 150 years of contestation, displacement and violence. Another reason is that stabilization occurs alongside continuous destabilization, whether rooted in contentious geopolitics, violent exploitation or the supply of arms and ammunition. Like DDR, stabilization is meant to support post-conflict reconstruction but is insufficiently equipped to work during conflict. Another challenge is the widespread mistrust of communities and perceptions of partiality on the sides of interveners. This section introduces a couple of key projects led in the framework of ISSSS/STAREC by either MONUSCO's stabilization support unit or associated partner organizations.

The first is *Njia za Makubaliano*. In two phases this programme focused on democratic dialogue, one of the ISSSS's pillars, and infrastructure rehabilitation to facilitate the political process. *Njia za Makubaliano* was executed by a consortium comprised of International Alert, the Pole Institute and two partner organizations from the Kitchanga area. With a budget of some $2 million, it dedicated the bulk of its efforts to generating long-term changes in managing land access and conflicts, through cooperatives, the reinvigoration of customary power (in particular the return of the mwami of Kikuku) and the support of cash-crop farming to increase productivity and revenue of communities. In supporting local structures, the programme seeks to create communal ownership in conflict transformation. It also involved cash-for-work initiatives – such as the rehabilitation of chieftaincy building in Bwito and the construction of a new Kirima-Bambu road. However, critics noted that this project inadvertently offered opportunities to large-scale landowners that may have implicitly bolstered their leverage, as opposed to projects like FARM (see below).

A second key ISSSS programme is *Pamoja kwa amani na maendeleo*, implemented by a consortium of UN entities and local organizations in Bashali and Bwito. This programme focused on land conflict, gender issues and reduction of violence and was implemented under the supervision of the national

ministries of planning and land governance and other line ministries. The programme sought, in a consensual manner, to find solutions to local conflicts with effective involvement and local participation. It developed strategies for the establishment of an institutional framework conducive to good governance and sustainable development. Other examples include STEP, a programme linking peacebuilding with environmental governance. In two phases (phase one sine 2014 and phase two coming up) it adheres to the ISSSS pillar on return, reintegration and socio-economic recovery, through the creation of the CLPC (permanent local conciliation committees) and *Pamoja inawezekana* project, led by the CISPE consortium under IOM with Cordaid and VNG International.

A common denominator of these different programmes is their strategic alignment with different ISSSS pillars and the overall STAREC strategy. However, certain examples highlight how tenuous the stabilization agenda is, how it is perceived as partial, useless or outright negative intervention (see Sungura et al. 2020a), accentuating mistrust and conflict by uninformed approaches. One example is the FARM project led by Mercy Corps in a bid to support subsistence and foster peace and stability around land conflict in Bwito and Bashali, with a focus on reducing armed group impact and lessening tensions between small-scale farmers and large concessions.

FARM was successful in securing land titles for thousands of farmers, introducing collectivized land titles, and in some cases convincing landholders to cede land to farmers. Yet several interlocutors highlighted that FARM led to tensions, because the project was perceived by local populations as favouring large-scale landowners and contributing to armed mobilization in the target areas. It remains unclear to what extent difficult framework conditions, such as the rise of the NDC-Rénové and its war against FDLR and CMC, or misguided programming with a lack of context sensitivity, were at the root of failures. This fuels more general criticism. Both community representatives and local elites tend to complain about external stabilization actors due to a lack of inclusivity, leading to a loss of institutional memory and the repetition of mistakes.[56]

[56] Examples include recommendations given during different ISSSS round tables where local experts suggested fostering consensus-driven solutions to customary conflict within and beyond ethnic groups and a stronger push to (re)build the notion and practice of chiefly authority as a guardian of custom and land governance, not a politicized actor in conflict over it.

5.3 Political capture of peacebuilding

Ultimately, stabilization is a technical approach to political problems. This challenge is shared with DDR. Apolitical interventions in conflict areas have multiple repercussions that can render efforts futile at best or counterproductive at worst. The *longue durée* of tensions around Kitchanga is an example where risks are particularly high. Even experienced researchers, analysts and humanitarian workers both from the Congo and abroad struggle with the multiple interlacing factors of conflict and the numerous competing narratives of respective stakeholders – each of whom can make perfect sense from a given perspective and appear valid in their grievances and concerns, but still remain contradictory. Stabilization efforts, hence, are highly susceptible to different forms of capture.

Social research has formed various concepts to describe elite capture and manipulation of peace efforts, including "strategies of extraversion" (Bayart 2000) and "politics of the mirror" (Chabal and Daloz 1999). These ideas hint at the idea that foreign aid is a resource in itself, and hence elites have an interest in continual aid provision which does not endanger other political objectives.

Moreover, Congolese state institutions face significant challenges in terms of clientelism, leading to both corruption and embezzlement as well as a lack of neutrality in managing conflict. Yet state agencies are part and parcel of DDR and stabilization programmes, often as key implementing partners of international donors, UN agencies and NGOs. The same is true for conservation, as the Virunga National Park example highlights.

Trends in peacebuilding and stabilization theory also contributed to unintended consequences. If such projects used to focus almost exclusively on restoring state authority, this is now just one pillar in the current ISSSS strategy. Instead, bottom-up initiatives and the reckoning with non-state actors such as customary authorities has found entry into the stabilization doctrine. Yet, again, purely bottom-up approaches to conflict analysis and resolution underestimate the multiscale nature of conflict and multiple spoiler effects arising therefrom.

However, looking at Bashali and Bwito, interlocutors stressed that customary power is often one central point of contestation – whether in conflict playing out in or in between communities (Verweijen and van Bockhaven 2020; Hoffmann et al. 2020). Projects which reinforce or re-establish customary authority are therefore at risk of being perceived as partial and can run counter to any "do no harm" methodology by further aggravating tensions. While ISSSS support for the Mwami Bukavu in Bwito was informed by an understanding of his being legitimate, this does not necessarily reflect unison views across the Bwito chieftaincy as a whole.

Finally, in part as a result of the multiple endogenous and exogenous factors that shape peacebuilding and stabilization programmes, the picture in Bashali and Bwito is mixed after years of ISSSS activities. While phase one focussed on more technical-infrastructural intervention, phase two aimed at more political-sensitive activities. Yet it is probably still too early at this stage for a longer-term evaluation that compares the two phases.

6 | Conclusion

Since the early 1990s, North Kivu's cycles of wars have combined multiple local conflicts with broader confrontations in Central Africa. Thirty years later, the area remains a sanctuary for an increasingly fragmented range of belligerents. With struggles over land, identity and political power, Bashali and Bwito form an epicentre of contestation where a multitude of historical legacies are repeatedly invoked, contested and reinterpreted in the context of ongoing insecurity.

For over 150 years, the area has been an arena for ruptures and continuities over questions of citizenship – switched on and off repeatedly – and competition in the form of "courses de pouvoir" (Hoffmann et al. 2020). These fault lines are rooted in (post)colonial trajectories of manipulation, dispossession and displacement and amplified by the personalization of power and poor governance. Having elaborated on these questions, this report makes several conclusions:

First, land tenure and access, as well as associated inequalities and uncertainties, remain a fundamental cause of violence. Demographic change and regional shocks amplify these problems. Legal and political plurality have driven armed mobilization and aggravated the perils of subsistence and the management of tensions among populations, elites and landowners.

Second, conflict in Bashali and Bwito is particularly volatile. Belligerents, many of whom are sensitive to local political shifts, population-based dynamics and competition among elites, often emerge, split, coalesce or transform. This

makes armed violence in the area intractable and poses challenges to local and external stakeholders to understand the entire set of drivers of armed mobilization.

Third, violence and insecurity are somewhat "peri-ethnic". It is not ethnic by default, but often mobilized along ethnic lines. This is not particular to Bashali and Bwito but reconfirms that identity is a prime repertoire for political manipulation and armed mobilization. Moreover, a significant number of conflicts occurs *within* ethnic communities, often relating to struggles over customary power and succession – and are sometimes triggered by political dynamics.

Fourth, ethnicity still matters because it is heavily entwined with the contestation over citizenship – a defining factor in matters of land access and property, as well as claims to recognition and struggle over the (re)definition of history. This causes political accountability to be privatized and confined to specific groups – cultivating a tendency of "Othering".

Fifth, the *longue durée* of misguided colonial rule, both nationally and at the chieftaincy level, complicated genuine peacebuilding and stabilization. It instead created continuities of contestation. Armed groups and other socio-political forces contributed to this by imposing their own competing systems of governance. Foreign humanitarian action and peacebuilding contributed to violence by displacing accountability and reordering the negotiation of social contracts and risk to reproduce (post)colonial patterns of interfering in customary governance, if not carefully thought through.

Sixth, local security dilemmas and a lack of sustainable and inclusive DDR and SSR contributed to lengthy and interwoven genealogies of armed mobilization. Moreover, the fluctuating but historical presence of foreign conflict parties is an additional trigger, motivating popular self-defence and complicating conflict between local populations and their respective armed groups.

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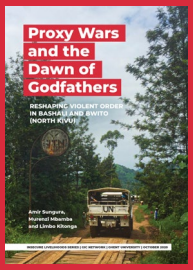

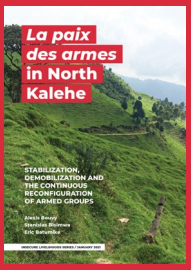

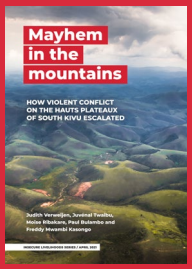

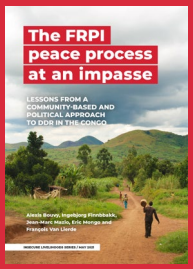

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