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CONFLICT DYNAMICS AND COMMUNITY RESILIENCE IN MASISI TERRITORY

A case study of Biiri, Kibabi, and Muvunyi Shanga groupements

AUGUST 21, 2019

This publication was produced for review by the United States Agency for International Development. It was prepared by [REDACTED] for Management Systems International (MSI), A Tetra Tech Company.

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IMPLEMENTED BY USAID SOLUTIONS FOR PEACE AND RECOVERY PROJECT
CONTRACT AID-OAA-I-13-00042, TASK ORDER AID-660-TO-16-00004

THE IMPLEMENTING CONSORTIUM

A three-member consortium is implementing the Solutions for Peace and Recovery project:

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ACKNOWLEDGEMENTS

Many people contributed to this report. The authors thank everyone involved, directly or indirectly, in the implementation of the SPR project, especially USAID, for its financial support, without which the project would not have been possible, and the implementing consortium. Sincere thanks also go to the beneficiaries of the SPR project, the partner organizations, and the men and women members of the community-led peace support structures, who dedicated themselves to gathering the preliminary information that is the basis for this report. Gratitude is owed for the technical and moral support and heartfelt collaboration provided, and encouraging wishes go to everyone, that they may continue this noble mission alongside the communities torn apart by violent conflict.

ACRONYMS AND ABBREVIATIONS

AAP	Aide et Action pour la Paix [SPR project partner]
AFDL	Alliance des forces démocratiques pour la libération du Congo-Zaïre [Alliance of Democratic Forces for the Liberation of Congo-Zaïre]
APCLS	Alliance des Patriotes pour un Congo libre et souverain [Alliance of Patriots for a Free and Sovereign Congo]
CNDP	Congrès national pour la défense du peuple [National Congress for the Defense of the People]
CNS	Conférence nationale souveraine [National Sovereign Conference]
DRC	Democratic Republic of the Congo
FAR	Rwandan Armed Forces
FARDC	Forces armées de la République du Congo [Armed Forces of the Democratic Republic of the Congo]
FDLR	Front pour la démocratie et la libération du Rwanda [Democratic Forces for the Liberation of Rwanda]
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilisation Mission in the Democratic Republic of the Congo
NGO	Nongovernmental organization
IDP	Internally displaced person
RCD	Rally for Congolese Democracy [Rassemblement Congolais pour la Démocratie]
SME	Small and Medium-Sized Businesses
PAR	Participatory Action Research
SMB	Société Minière de Bisunzu [Bisunzu Mining Company]
SPR	Solution pour la Paix et le Relèvement [Solutions for Peace and Recovery]
TRIPAIX	Peace Tribunals

EXECUTIVE SUMMARY

For half a century,¹ Masisi territory has been subjected to a deadly cycle of violence that risks becoming commonplace, even inevitable. Indeed, multiform and intractable conflicts, which are unsparing of any vital area of human life, have made it their home. Women are raped, tortured, mutilated, killed, and widowed. Children are made orphans. To survive, some are forced to enroll in armed groups. Young girls are reduced to sex slaves or find themselves with an unwanted pregnancy. Huge costs at the macroeconomic and sector levels are a source of great intra- and intercommunity asymmetry, deplorable living conditions, and mass population movement by citizens seeking security and better lives.

Furthermore, on a number of occasions, on various scales, and at the local and national levels, potential solutions have been proposed. The many actors and rivalries involved, and clashes between multiple armed groups and their allies, however, have made drafting and implementing peace agreements challenging.

A vicious cycle of conflict appears inescapable. At the institutional level, the alliances and misalliances between Congolese political leaders, which are sometimes unstable and contradictory, simply produce fluctuations in peace. Indeed, governance, which is translated through the will of Congolese politicians at all levels, often prioritizes private and self-interest rather than common interest. This is because through politics, those in power find a shortcut to becoming rich off the backs of the general population. Furthermore, the solutions to conflict have always been proposed by a tiny elite who ignore or flout the basic needs and aspirations of the vast majority of the population. In the words of Gandhi, “Everything you do for me without me, you do against me.”

Although at the institutional level, steps toward peace do not look promising, at the local level, numerous peacebuilding initiatives have brought significant results, but because of a lack of support at the institutional level, they often lack impact. According to the observations gathered from the SPR project, to obtain a better result, local actors must be empowered to establish methods and find solutions to the problems and conflicts local communities face.

However, although peacebuilding initiatives must be managed at the local level, they also must be anchored at the national level and benefit from international support. Otherwise they will simply be reduced to a flash in the pan. These initiatives must aim to build the capacity of institutions in the way in which they manage national patrimony, as well as empowering citizens at a grassroots level, in particular ensuring strengthening around the social and economic factors that make communities more resilient to the various conflicts that they face, without resorting to violence. For the SPR project, in its participatory action research (PAR) approach, the art of peace must become a common task and a shared responsibility, requiring the cooperation of numerous actors. Peace must also be inclusive, without discrimination, and involve gender perspectives and the inclusion of other marginalized groups.

¹ In 1963 the so-called *Kanyarwanda* war was triggered in Masisi territory, lasting for more than two years. It saw the Banyarwanda people fighting against the Nande, Hunde and Nyanga peoples.

To do this, it is imperative to work on creating spaces that are open to the participation and initiative of all members of Congolese society, in particular women and other marginalized groups. With this aim, resolution 1325 of the United Nations Security Council (2000) on women in relation to peace and security wholeheartedly recommends

[Taking into consideration] the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; [adopting] measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; [adopting] measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.

The resolution, consequently, “recognizes the urgent need to mainstream a gender perspective into peacekeeping operations.”

The SPR project aims to underpin this dynamic by building the capacities of local actors and leaders in the participatory analysis method. Rather than thinking and deciding on behalf of communities, SPR aims to act as a catalyst for local actors to support communities in identifying their own needs and determining their own priorities, seeking solutions and making decisions. In this sense, our giant with feet of clay will have to be able to address quasi-interminable resurgent conflicts, which raise more questions than focal points in the collective mentality.

INTRODUCTION

SPR PROJECT

The SPR project has the objective of strengthening and increasing social cohesion in eastern DRC, particularly in the city of Bukavu, in Walungu, Kabare, and Kalehe territories in South Kivu province, and in Masisi territory and the city of Goma in North Kivu province. The SPR project's theory of change is based on observation of the persistent dynamic of instability, recurrent local conflict, unhealthy patrimonial governance, and the exclusion of women and other marginalized groups. Therefore, the communities in eastern DRC could avoid further organic and external conflicts, strengthening their social cohesion, if the following outcomes were met:

- If these communities can analyze conflicts, then they could develop strategies that produce results.
- If women and other marginalized groups are taken into consideration in decision-making processes, then their participation would be visible in the results and in the lasting solutions.
- If finding solutions to problems is endogenous and inclusive, a more lasting form of social cohesion would result.

BACKGROUND

Faced with the persistence of conflicts throughout Masisi territory, the SPR project began peacebuilding initiatives in three groupements. For enhanced efficacy and effectiveness, SPR first organized community peacebuilding and development structures in each town and village. Subsequently, it equipped these peace-support structures with robust conflict analysis and conflict sensitivity capacities, in particular in terms of techniques and mechanisms for managing local conflicts.

With this in mind, Aid and Action for Peace (Aide et Action pour la Paix—AAP) developed a range of activities using participatory analysis with a view to identifying, prioritizing and analyzing the conflicts affecting the three groupements of this study, and at the same time to propose, as a well-known local actor in this field, appropriate solution pathways.

For SPR, the next phase is to analyze the different reports on the activities concerning the identification and prioritization of conflicts in the groupements under study; that is to say, the documentation provided by AAP, the SPR project partner. It is in this context that this study was conducted, the aim of which is to produce a summary resulting from a scientific analysis. The solution pathways and recommendations for sustainable peace and greater social cohesion in the three groupements are proposed at the end of the report.

OBJECTIVES

This study has the following overarching objective: to promote peaceful coexistence between the different strata of local communities in the Biiri, Kibabi and Muvunyi Shanga groupements in Masisi territory, and to strengthen and develop inter-community relations in order to contribute to a reduction in conflicts and violence in the abovementioned groupements.

The specific objectives of this study are to:

- Produce a brief summary with a view to large-scale dissemination or publication.
- Identify the types of conflicts and their root causes in the groupements of Biiri, Kibabi and Muvunyi Shanga in Masisi territory
- Propose solution pathways and recommendations for peacebuilding and social cohesion for these groupements.

METHODOLOGY

OVERVIEW OF THE STUDY AREA

General information about Masisi territory

Masisi is a territory in North Kivu province. Known as Little Switzerland, it is fertile and composed predominantly of mountain pasture. The undulating land and lush green hills found in this territory offer stunning scenery, where animals graze peacefully. It has always been appreciated for its mild climate. It is bordered to the north by the territories of Rutshuru and Walikale, to the south by Kalehe territory (South Kivu), to the east by Lake Kivu, the city of Goma and the territories of Nyiragongo and Rutshuru, and to the west by Walikale territory. It is situated at an altitude of 2,000 m, its longitude is (28°30') to the east, latitude (1°3') to the south.²

Masisi territory has a tropical climate with a 10-month wet season (August 15 to June 15) and a short dry season (June 15 to August 15). Its soil is made up mainly of clay, sand and volcanic ash in the central and southern parts of the territory and is sandy in the northeastern part (i.e., in Kilolirwe, Kitshanga and part of Sake). Its terrain is hilly and formed of steppes and oases. The terrain comprises a plain in the northeast on the Kitshanga-Mweso axis and in the southwest on the Bonde-Kinja-Kashebere axis and a plateau in the south, to the east and center of the territory.

Masisi territory is the only territory in the DRC that offers a large amount of pastureland. It is therefore the largest producer of cheese and milk, with annual production of 150,000 kg of cheese and some 8 billion liters³ of milk.

Abandoned industrial plantations of tea, coffee and cinchona are in the territory. The Congolese government could have made the most of this land to stimulate the territory's development, but instead the land has become the predatory hunting grounds of large landowners and the source of fratricidal wars.

Masisi territory is rich in minerals (coltan, tourmaline and cassiterite), which are mined using artisanal techniques, in particular in Rubaya and Ngungu. Last year, several mining sites were discovered—Biholo

² Cellule d'Analyse des Indicateurs de Développement [Development Indicators Analysis Center].

³ Masisi territory 2018 agricultural inspection report.

sites in Osso Banyungu secteur and sites in Muho secteur in the Kibabi groupement. Healthy land use management for minerals could help revive the territory's economy, but this is not on the agenda.

The communities living in Masisi are multiethnic. Six large tribes are found there: the Bahutu (50%), the Batutsi (10%), the Batembo (10%) the Bahunde (20%), the Bakumu (5%) and the Batwa (5%). The Bahutu live in the northern and central parts of the territory; they form the majority of the population and are farmers.

The languages spoken are Kiswahili (56%), Kinyarwanda (15%), Kihunde (20%), Kitembo (2%) and Kinande (2%).

Crop farming, livestock farming, mining and small-scale businesses constitute the main economic activities. A significant part of the population is involved in farming. The population living along the shores of Lake Kivu, in Bweremana, is engaged in artisanal fishing.

An overview of Biiri groupement follows, summarizing its geographic location, terrain, climate and land.

Biiri groupement

Biiri groupement is one of the five groupements that makes up Osso Banyungu sector in Masisi territory.⁴ Its surface area is 19.25 sq km. It is bordered to the north by Bapfuna groupement, to the south by Buabo groupement, to the east by the Muvunyi Matanda and Bashali-Kaembe groupements and to the west by Banyungu groupement. Biiri groupement comprises five localités (small towns): Kalinga, Mulamba, Tunda, Mwendabandu and Kalembere.

Biiri groupement is located in eastern DRC's mountainous region. The altitude varies between 2,000 and 2,800 m. It is the hilliest region in Osso Banyungu sector. The heterogeneity of the terrain creates a variety of microclimates. There is a close relationship between altitude and temperature: below 1,000 m, the average temperature is 22° C to 28° C, in Bukombo in particular, but at 1,500 m, the average temperature is between 19°C and 22°C.

More than 90% of the population in Biiri groupement lives off the land.

Kibabi groupement

Kibabi is one of 19 groupements in Masisi territory and six groupements in the Bahunde collectivité (local authority). It is made up of eight small towns: Lutingita, Kanyenchuki, Nyambisi, Kisongya, Kaloba, Muho, Bukumbirire and Mushwa-Lukopfu. During the first quarter of 2005, the population was estimated at 28,600 inhabitants.⁵ It is bordered to the north by the first Nyamaboko groupement, to the south by Kibabi II groupement, to the east by M/Matanda groupement and to the west by the first Ufamandu groupement.

⁴ Bureau du secrétariat [Office of the Secretariat], Biiri groupement, 2018.

⁵ Source: Kibabi health center, 2005.

The unequal distribution of land in Kibabi groupement is more acute than anywhere else in Masisi territory. Many farms are in conflict. There is high unemployment among young people. Unemployment exposes this category of the population to looting, robberies and the wanton use of arms. The groupement is also affected by a marked use of child labor in the mining plots, as well as the extremely weak participation of women in managing household income.

High population growth across a region with significant rates of inactivity is one of the major concerns of any society. A vast amount of arable land has been turned into pasture. The settlement of Pygmy peoples in this groupement has caused conflicts between landowners and Pygmies. More than one legal case is being heard.

METHODOLOGY

To conduct this study, the results from the workshops on conflict identification and participatory analysis held in Masisi territory by the SPR project and facilitated by AAP and the participatory analyses conducted by the local peace committees were corroborated with information from sources with direct or indirect knowledge of events and the dynamic of conflicts in the study area collected during five days in the field. Information about conflicts came from peace committees, civil society members, SPR partners, peace and development committee members, private and state services, community leaders, and others. Furthermore, by using the Socratic method, implemented through semistructured and/or informal interviews, the research team was able to establish connections between the facts and to extract the overall context of conflicts in this territory.

Because the research required the establishment of links between types of conflict; primary, secondary and tertiary actors; the types of relationships maintained between actors in the conflicts; and, above all, the major causes that must be acted on to bring a definitive end to these conflicts, the study team made use of the systemic and comparative approaches. The former enabled identifying the causal relationships and interconnections between the facts and the contradictory events. The latter helped to identify recurring, ongoing or even current conflicts in two or all of the groupements being studied, as well as cross-checking information.

As regards the tools used, research first required documentation on the conflict analysis reports produced by AAP during the PAR, interviews, semistructured interviews and field visits, which were carried out to collect data from resource persons, partners and beneficiaries of the SPR project, both direct and indirect.

THEORY OF CHANGE

“Man never stops evolving. His conditions of existence change at the same time as he influences them.”⁶ Before talking about the theory of change of the SPR project, change must be addressed in its general meaning. The main origin of the term “change” has a Latin root, *cambiare*, which means “to exchange, to replace one thing with another.” Interaction and exchange are therefore at the heart of change. In the abstract, change designates the passage of something from one state to another: of state A, defined by time X, to state A1 at time X1, whereby A and A1 can represent a human being, a vision of the world, a

⁶ David le Breton, *Interactionnisme Symbolique*, p. 65.

social group or a structural institution that, following “change,” becomes both another thing and yet stays the same. In other words, an individual can change but still remain the same individual. A cultural group, organization or society can change but remain the same group, organization or society.

Theory of change evokes the disappearance of one reality and the emergence of another. The theory of change seeks to follow individuals, with their all their intricate relationships and social schemas, as well as mutual dependencies and societal institutions. In Masisi territory, a change in mentality must take place so that all the protagonists of the wars ravaging this area gain awareness of the extent of the destruction that they are wreaking on their innocent native land. It is time to lay down their arms. It is time that they turned their swords into plowshares. It is also time for the protagonists to start acting for the good of their country in general and their citizens in particular. It is incumbent on them to come together to lead their country in the direction they wish for. It is up to them, as the main actors of the change they are seeking, to develop new approaches and, consequently, adopt new behaviors. It is up to all of them, as a community in their multiethnicity, to come up with new strategies and interventions that can bring them the change they so crave.

Congolese institutions leave much to be desired. Congolese land use management is harmful. Legislative reforms are required urgently. Management of the population pressure coupled with the eradication of poverty must be high on the government’s list of priorities. Economic models need to be reviewed carefully.

In light of the foregoing—a persistent dynamic of instability, recurrent local conflicts, land management governance and the exclusion of women and marginalized groups—communities in eastern DRC will be able to build more resilience against organic and external conflicts by building social cohesion within their communities—if the following changes are made:

- If the communities in Masisi territory are capable of conducting in-depth local conflict analyses, in an inclusive and participatory manner, they will be more resilient against recurrent conflicts and will develop mechanisms that will produce endogenous and more sustainable solutions to conflicts.
- If women and other marginalized groups in Masisi territory are given capacity building in peacebuilding in their respective milieus, they will contribute to the recovery of their communities.
- If the government is present and accountable, if land use management is healthy and equitable, and if resources and services are available and accessible throughout Masisi territory, this will establish the rule of law and will promote mutual confidence between communities dwelling in Masisi territory—the foundation of a more peaceful and just world.

STRUCTURE OF THE RESEARCH

This study on the analysis of conflicts in the Biiri, Kibabi and Muvunyi Shanga groupements in Masisi territory is divided into four chapters, in addition to an introduction and a conclusion. The first chapter takes a defines key concepts and provides an overview of the conflict analysis process. The second chapter presents the results of the participatory conflict analyses in the study area, analyzing the context, the typology of the conflicts, the conflict dynamics, causes, actors and consequences, local conflict transformation capacity and mechanisms, and the place of women and other marginalized groups in the conflict dynamics. The third chapter discusses the results and conflict transformation methods. This chapter features the analysis of the key conflict drivers, the evaluation of the stakeholders’

capacities for conflict transformation analysis and the conflict-related participatory transformation model. The final chapter provides conclusions and recommendations.

SCOPE AND LIMIT OF THE RESEARCH

Research for this study centered on Biiri, Kibabi and Muvunyi Shanga groupements in Masisi territory, which, however, is made up of 19 groupements. Thus, these three groupements cannot provide an exhaustive picture of the reality of the situation in the entire territory.

Conflict analyses are based mainly on the documentation provided by the SPR project's partner organization, AAP. The information gathered was corroborated through discussions with these partners. Meeting with all stakeholders of the many conflicts was not possible because of a lack of time. Nevertheless, the work conducted by the project's partner organizations to identify the conflicts that are ravaging these groupements, as well as their root causes, is convincing and reliable.

Furthermore, this study is not intended to be a complete or definitive work, but rather guidance for future actions aimed at bringing peace to the communities in Masisi territory. This work is also aimed at raising awareness among communities in this territory and appealing to them for a change in mentality and more robust social cohesion.

I. THEORETICAL FRAMEWORK

DEFINITION OF THE KEY CONCEPTS

All scientific work requires a clarification of the concepts, theories and approaches that enable it to build on the knowledge developed. Julien Freund says, “a big step would be made toward scientific rigor if actors precisely defined the notions that they employ and if they remained faithful to these throughout their reports, without surreptitiously introducing other meanings.”⁷ This is considered a requirement for maintaining scientific rigor, although epistemological fundamentals are the key to launching a research project—thus the need to provide an explanation of the theoretical and conceptual perspectives and orientations used in this study.

Before addressing the subject of conflict analysis in troubled Masisi, a definition of the key concepts used in this study provides help for the theoretical framework.

RESILIENCE

Etymologically, “resilience” has the Latin root *resilioire*, which means “to jump backwards”—hence notions such as rebound, withstand and endure. In the figurative sense, the word means “moral strength, the quality of someone who is not discouraged, who won’t be beaten.”⁸ In psychology, resilience means the capacity of an individual to withstand life’s challenges. For Manciaux, “resilience is the capacity of a person or a group of people to develop, to continue to look to the future despite destabilizing events, difficult life conditions and sometimes severe trauma.”⁹

CONFLICT

Bercovitch defines conflict as “a process of interaction between two or more parties that seek to thwart, injure, or destroy their opponent because they perceive they have incompatible interests or goals”.¹⁰ Therefore, conflict is a relationship between two or more parties who have, or believe that they have, incompatible goals, values or interests. Conflict is not necessarily a negative thing.

For Fisher, “Conflicts are a fact of life, they are inevitable and often creative.”¹¹ Generally peacefully resolved, they often lead to an improvement in the situation of the majority or all of the people involved. What is important is the issue of how to manage the conflict. Therefore, any difference in race,

⁷ Freund Julien, *Sociologie d'un conflit*, Paris, PUF, 1983, p. 64.

⁸ Maurois Léila, 1952, p. 469 DS QUEM.DDL, volume 22.

⁹ Manciaux, M., *Resiliencia*, 2001, p. 17.

¹⁰ Bercovitch, Jacob and Fretter, Judith: *Regional Guide to international conflicts and Management from 1945-2003*, CQ Press, 2004, p. 3.

¹¹ Fisher, S., Ludin, J., Williams, Su; Williams, St, Ibrahim, D. and Smith A.R. *Cheminer avec le conflit. Compétences et stratégies pour l'action*. Birmingham: Responding to Conflict, 2002, p. 4.

opinion, gender, culture, religion, language or generation is a source of conflict but does not necessarily result in violence, unless it is manipulated to this end.

Conflict does not equal violence; conflict can take place without violence, but it can become violent if not managed properly. A conflict can become violent when there is a lack of dialogue or one party feels unheard, marginalized, or frustrated by ongoing injustice, or when there is fear that is expressed through violent behavior, attitudes or structures.

CONFLICT SENSITIVITY

Conflict sensitivity concerns the set of interventions conducted in fragile conflict-affected situations with a view to not make the tensions worse, intentionally or unintentionally; it is the principle of “do no harm.” It is everything in the methodological arsenal that tries to reduce the risk of actions contributing to the intensification or prolongation of a violent conflict. Conflict sensitivity contributes to reducing tension by reinforcing the positive and by limiting the negative.

Conflict sensitivity requires sufficient understanding of a conflict to avoid aggravating the divisors or weakening the connectors. In other words, it aims to mitigate the divisive factors and support the connective factors. Studying conflict and attempting to reduce violent conflict potentially have negative consequences as well as positive effects, and researchers and peace advocates should be mindful of this.

PEACE

In general terms, peace is defined as a process that, in the context of stable social structures, manages conflict by involving all the parties, with equality and mutual respect, and that therefore leads to agreements accepted by all parties concerned. According to Julien Freund, “peace is not the abolition of the enemy but a reconciliation with the enemy.”¹²

For Galtung,¹³ there are two types of peace: negative peace, which is the absence of visible violence, and positive peace, which is not only the absence of visible violence but also the absence of violence that is less visible or invisible. Peace does not mean the total absence of all conflict. It means the absence of violence of any form and constructive conflict resolution. Peace exists when the people involved are engaged in nonviolent interaction, managing their conflicts in a positive manner and acting in a respectful way in relation to the legitimate needs and interests of all the people concerned.

Negative peace refers to the absence of visible violence, such as, for example, a ceasefire, but where structural violence or attitudes in this sense continue.

Positive peace takes place when the sources of violent attitudes and structural violence are both resolved. This is a more consolidated form of peace. The condition for positive peace is marked by the

¹² Julien Freund, *Le Nouvel âge, Éléments pour une théorie de la démocratie et de la paix*, Paris, PUF, 1970, p. 224.

¹³ Galtung, J. *Transcendance et transformation des conflits, introduction au métier de médiateur* (translated by Tagou Célestin), Presses des Universités Protestantes d’Afrique Centrale, Yaoundé, 2010, p. 29.

restoration of relations, the creation of social systems that respond to the needs of the whole population and constructive conflict resolution.

SOCIAL COHESION

“Social cohesion” denotes the state of a society, group or organization in which solidarity is robust and social ties are closely bound. This expression was used for the first time in 1893 by the sociologist Émile Durkheim (1858–1917) in his work *De la division du travail social* (The Division of Labor in Society) to describe the normal functioning of a society in which solidarity is manifest between individuals and the collective conscience.¹⁴ Social cohesion denotes the forms of citizen and social participation and shared values, the absence of exclusion, as well as the reduction of inequality and segregation. It is the shared faith that humankind needs to live together.¹⁵

OVERVIEW OF THE CONFLICT ANALYSIS PROCESS

The strategies, programs and projects aimed at resolving a conflict are the result of an analysis of this conflict. This analysis must be supported by rigorous studies conducted by established actors. It must be collective and shared, which is what the SPR project has envisaged through its PAR approach. It is with the aim of correctly formulating the theories of change and identifying the opportunities for change that we must conduct the analysis. All conflict analysis processes seek to identify the possible starting blocks for peaceful conflict resolution and transformation. In order to be effective, conflict analysis must establish clear and unambiguous theories of change. The more mediators understand and are aware of the situations in which they operate, the less likely it is for them to make errors, and the more likely it is that they will offer effective assistance to stakeholders. SPR places much emphasis on this phase of the conflict analysis process, which is in fact the cornerstone of PAR activities.

Conflict analysis is useful for clarifying and prioritizing the issues; identifying the effects of a conflict, its deep-rooted causes and the factors that contribute to it, to define appropriate responses; identifying the motivations and incentives of the stakeholders through a clear understanding of their interests, needs and points of view; evaluating the nature of the relationships between stakeholders, in particular their availability and their capacity to negotiate among themselves; identifying the existing information about a conflict, as well as further information needs; evaluating the capacities of institutions and conflict management practices to settle the matter under dispute; establishing a rapport and understanding between the stakeholders; and being able to issue early warnings. It is through such in-depth analysis that the communities targeted in this study have identified and prioritized eight conflicts, which are the focus of the next chapter.

The analysis, however, is as dynamic as the concepts of conflict and peace themselves. It is a process, a reflection of events over time. John Paul Lederach observed, “Instead of seeing peace as static and as an end state, conflict transformation perceives peace as the quality of relationships that are continuously evolving and developing.”¹⁶ Indeed, the analysis of land conflicts in Masisi territory is now confronted by

¹⁴ É. Durkheim, *De la division du travail social*, Paris, PUF, 2007, p. 360.

¹⁵ For a more in-depth analysis of this subject, see the Charles Maske 1987.

¹⁶ John Paul Lederach, *The Little Book on Conflict Transformation*, 2003, p. 28.

a new development—cattle slaughter. “We have already recorded 450 cows slaughtered in different groupements in Masisi, notably in Kibabi, Nyamaboko and Kazinga groupements,” a large livestock farmer in Masisi is reported to have said in the newspaper *Le Congo Libéré* on September 29, 2018. This new and emerging reality must be subject to PAR as soon as possible. Strategies and solutions must be consistent with this new development.

The conflict analysis process must be ongoing, because conflicts are dynamic. It is a challenge that PAR must seek to address on an ongoing basis.

2. RESULTS OF THE PARTICIPATORY CONFLICT ANALYSIS PROCESS

CONTEXT

GEOGRAPHICAL CONTEXT

Masisi territory has significant environmental resources thanks to its high-altitude geographical position. However, what is its strength has also been its weakness. At the heart of its difficulties are its uplands, which reap the benefits of tropical mountains and low temperatures. These conditions are favorable because of the absence of endemic diseases such as malaria and trypanosomiasis, which in turn offers optimal conditions for raising cattle. What is more, the volcanic subsoil has great potential for agricultural fertility and yield. Such ecological conditions have made these uplands attractive, for crop farmers and livestock farmers alike, and have also led to the establishment of large population centers where population density exceeds 167 inhabitants per square km over a relatively confined space. This explains the multiple land conflicts in to this region.

POLITICO-ADMINISTRATIVE CONTEXT

In Masisi, the administration functions correctly, but in certain parts of the territory it comes up against the existence of a parallel administration run by armed groups. Nduma Defense of Congo de Tcheka (NDC), Raia Mutomboki, the APCLS (led by ██████████ on the outskirts of Nyabiondo), Nyatura, the Rwanda Liberation Force (FDLR) and NDIMENDIME exercise parallel administrative power in certain areas. Calm prevails throughout a significant portion of Masisi territory, but certain areas live under the control of these armed groups.

This has many consequences:

- Absence of the government in some areas, where there is no police or military presence.
- Lack of knowledge about the law and weak enforcement of the law by certain political and administrative frameworks and local authorities.
- Interference by authorities at the national, provincial and local levels and by the army (Armed Forces of the Democratic Republic of the Congo, known by its French acronym FARDC) in artisanal mining and the sale of minerals.
- General insecurity.
- Armed violence related to profiteering.
- Law enforcement agencies that create insecurity among the people and compete with each other to get the biggest slice of the pie.
- The sole recourse for survival for many young people being to join armed groups.
- Inhumane detention conditions.
- Extensive areas that are not secure or even governed.

- A growing gap between the declarations by politicians and the reality that people experience.
- The role of a government that does not ensure security for ordinary citizens or provide basic services yet collects and even raises taxes.

SOCIOECONOMIC CONTEXT

Masisi territory is essentially agropastoral. A large portion of its population is dedicated to crop farming and livestock farming. Industrial production of coffee, tea, cinchona and tobacco, once the foundation of the province's economy, is no longer important economically. These production units were abandoned or destroyed after the implementation of "Zairianisation," or authenticity measures, beginning in 1973. Cattle production has since been promoted, to the detriment of crop farming. This is in addition to the interethnic troubles and wars that have paralyzed this area since the early 1990s, when the majority of land conflicts between livestock farmers and crop farmers began.

Masisi also has abundant mineral deposits of cassiterite, coltan and tourmaline, the mining of which remains problematic because it is still largely artisanal and often illegal. The exploitation of natural resources is devoid of any tangible positive for the populations concerned. Instead of offering the general population a vector for development, these mineral deposits are transformed into open tombs.¹⁷

Despite the economic potential offered by the diversity of the territory (mining and farming), it suffers from a multitude of major challenges. Infrastructure is in a state of advanced dilapidation. Drainage and run-off from agricultural production exacerbate poverty and all of its consequences.

In areas where mining sites are located, agriculture suffers from a lack of manpower, which goes to mining. Crop farmers are forced to leave farmland areas occupied by armed groups. Subsistence farming, where it exists, is practiced mainly by women, with rudimentary production methods and techniques (slash and burn, no mechanization, no enhanced seeds), which makes for paltry production.

There are multiple, ever-increasing taxes, and the price of food is exorbitant. The increasing impoverishment of the majority of the population is palpable. Young people have no future and are unemployed and open to violence. War economies of war, with links between armed groups, including the FARDC, and economic transactions generated through arm sales, are observed in this region. Land conflicts remain and are growing in number, while corruption has become institutionalized.

SOCIO-CULTURAL CONTEXT

Cultural and social norms in Masisi territory are characterized by a juxtaposition, or at least a syncretism, between modernism and traditionalism. However, tradition, with all its positives and negatives, still exerts great influence over individuals and families. Its negative impact can be seen immediately in gender mores and succession. Nevertheless, strong solidarity still exists among members of extended families, which encompasses distant relatives.

Congolese society is losing certain cultural values from the abandonment of traditional and customary norms on the one hand and a clash of civilizations on the other hand. Hatred, exclusion and

¹⁷ This is a reference to the image featured on the front page of this report.

discrimination toward numerous groups, particularly women, is chronic. The fragmented civil society is manipulated and corrupt. Mob justice and vengeance in reaction to impunity is the law of the land. Although schools exist, education is a victim of the transitory status of a population fleeing battlefields and of their weak purchasing power, which has been reduced considerably by repeated wars.¹⁸

CONFLICT DYNAMICS

The events that have marked the conflict dynamic in North Kivu generally and in Masisi territory in particular bear reviewing. Two factors have determined the history of this territory. Because it is part of the Great Lakes geopolitical entity, Masisi territory is a stakeholder in a regional system of conflicts. What is more, the abundant natural resources in this territory have attracted the attention of many multinationals and businessmen who are looking to carve out what they can in the uplands of DRC.

1937–1960: TRANSFER OF THE RWANDAN POPULATION TO THE CONGO

The first conflict dynamic can be sketched through the population transfer imposed by the colonizing Belgians' Banyarwanda Immigration Mission, which was followed by spontaneous migration from Rwanda. There were two reasons for this population transfer. First, the development of colonial agricultural holdings in the Congo, which required manpower, pushed the Belgian colonizer to implement the transfer of populations from Rwanda to North Kivu. At that time, Rwanda was becoming overpopulated, according to the Belgian colonizer, and it was a matter of urgency to depopulate it by transferring part of its population to spaces that were still open. And so it was that the hand of fate touched Masisi territory, more specifically the enclave of Gishari in the chefferie of Bashali, where 80,000 Hutu farmers from Rwanda were sent.

In the lands ceded by the indigenous communities at the insistence of colonial authorities the “transplanted” Hutu majority settled. This population of Rwandan origin has grown, particularly following the spontaneous migration of populations fleeing famine. In 1940, the colonizer granted this transplanted population its own chefferie. This colonial act led to the first disputes between the “transplanted” populations of Rwandan descent and the indigenous traditional chiefs for control of the chefferie in the enclave of Gishari.

1960–1965: KANYARWANDA WAR

In addition to Congolese independence, a momentous event that was accompanied by rebellion throughout Congolese territory, the period from 1960 to 1965 was marked in Masisi territory by difficult coexistence between the native people and migrants. This cohabitation led to acute social tension, notably political rivalry within regional political institutions and local land disputes among farmers. These disputes were so violent, often involving killings, that the district of North Kivu was made into an independent province. This transformation gave rise to fights between so-called non-native Banyarwanda politicians and native politicians for control of future provincial assemblies. Legislative and provincial elections were held, and the indigenous parties won by a landslide. With the movement toward autonomy in certain areas, armed conflict broke out in July 1963 between the Banyarwanda

¹⁸ Primary education is not free in Congo; parents must pay entrance fees for their children to attend.

people (Tutsi and Hutu from Masisi and Goma) and other ethnic groups (Nande, Hunde and Nyanga). This became known as the Kanyarwanda War.¹⁹

1972–1981: LAWS ON NATIONALITY AND THE LAND LAW

Two developments, nationality and the land rush, fed tension in Masisi territory between 1972 and 1981. In 1972, prompted by Barthélemy Bisengimana Rwema, a Tutsi Zairean and head of President Mobutu's cabinet, the first Law on Nationality granted Zairean nationality automatically and collectively to Rwandan migrants who had arrived in Kivu before independence. Enacted in 1973 in the framework of Zairianisation, the Law on Nationality accorded the benefits of the land law to the Banyarwanda. This permitted some Banyarwanda to secure their landholdings in Kivu by using new resources and land procedures in opposition to traditional indigenous usage.

The 1973 land act was instrumental in both the despoiling of arable land and the marginalization of agriculture. Zairianisation nationalized property owned by Europeans and redistributed them to Zairean companies and individuals, mainly those connected to the Mobutu regime. During the same period, the Congolese government launched an extensive livestock farming program in North Kivu, which began in 1974 and was supported by international institutions. Eager for the economic prospects for cattle farming, governments, merchants and the wealthy flocked to North Kivu in search of land. This signaled the start of the ordeal that crop-farming populations in Masisi now endure.

FEBRUARY 1992–MARCH 1993: THE FIRST WAR IN MASISI

February 1992 to March 1993 was marked by great upheaval in Masisi territory. Violence—killings, cattle thefts and arson attacks on houses and local registry offices—was rife. Each group, on the basis of ethnicity, formed armed self-defense militia, essentially made up of young men. The first ethnic war in Masisi, brief but bloody, took place between March and September and involved fighting between the indigenous farming communities of Masisi (Hunde, Nyanga and Tembo) and the Banyarwanda. Between 3,000 and 14,000 were killed and 200,000 were displaced.

1994–1996: SECOND ETHNIC WAR IN MASISI AND FIRST WAR IN KIVU AND THE DRC

Between November 1993 and August 1994, there was a lull in the violence, enforced by military intervention from the Special Presidential Division (*Division Spéciale Présidentielle*), but a resurgence in the violence occurred in July 1994 when 1.2 million Hutu refugees arrived in Kivu. The vast refugee camps in eastern DRC, sheltering mainly Rwandan Hutus, served as a base for operations for former *génocidaires*, (those who committed genocide against Rwandan Tutsis), and former Rwandan Armed Forces personnel. These military refugees became known as the Forces Démocratiques de Libération du Rwanda (FDLR—Democratic Forces for the Liberation of Rwanda). The presence of these camps and, in particular the theft of cattle from Tutsi livestock farmers and targeted attacks on certain groups in the camp environs, triggered Masisi's second ethnic war, in November 1994. This war spread to neighboring areas (Rutshuru and Walikale). The violence continued, targeting Tutsis, who had long been integrated in Kivu. Faced with this “security threat” and “manhunt,” in 1996 an armed collective made up of “Banyamulenge rebels” and other forces opposing the Mobutu regime formed the Alliance of

¹⁹ Katuala-Kabala, “Le phénomène de spoliation”, *Analyse sociale* (Kinshasa), vol. 1, no. 5, November 1984, pp. 19-30.

Democratic Forces for the Liberation of Congo-Zaire (AFDL, Alliance des forces démocratiques pour la libération du Congo-Zaire). This alliance was supported by neighboring Rwanda and Uganda, motivated by various, mostly economic, interests, and led Laurent-Désiré Kabila in May 1997 to take the presidency.

1998–2003: ARMED CONFLICT IN DRC GOES REGIONAL (THE GREAT WAR OF AFRICA)

Seven African countries—Angola, Namibia, Zimbabwe, Chad, Rwanda, Uganda and Burundi—became involved in the control of natural resources in Kivu. This sparked an unprecedented war, one of the bloodiest conflicts in African history. The number of direct and indirect victims of this war is estimated at more than 4 million, out of a total population of 54 million.

2008–2009: THE CNDP WAR

On August 26, 2008, the deposed Congolese General Laurent Nkunda launched an offensive on the city of Goma, plunging the communities of North Kivu into chaos. Leading the CNDP,²⁰ a political and military movement comprised mostly of Rwandan speakers, Nkunda justified the rebellion by the need to protect the Congolese Tutsi, whose security and economic interests, according to him, were under threat. Thus the conflict assumed an ethnic dimension. The seat of this rebellion was established in Masisi territory. Like any armed conflict, the war created thousands of victims, as well as creating divisions between the local communities.

CURRENT CONFLICT DYNAMIC

A fear of living alongside one another continued to develop from the 1960s into the 21st century. Each ethnic group feels threatened by the presence of and perceived prosperity of other ethnic groups. The authorities have not thought to support the different ethnic groups in overcoming the fear of living alongside one another by creating dialogue around the issues that divide them or by promoting truth, justice and freedom. The current situation of insecurity and uncertainty in Masisi territory and in the rest of North Kivu province is the consequence of leaders who exploit divisions and dissatisfaction within and between ethnic groups for selfish political and economic reasons.

TYPOLOGY OF CONFLICTS

The history of Masisi territory is scattered with overlapping conflicts. A cross-cutting analysis of conflicts in Biiri, Kibabi and Muvunyi Shanga groupements shows eight large-scale conflicts, described in the next paragraphs. These conflicts were identified and validated by the communities with the support of Aide et Action pour la Paix (AAP) in 2018, during implementation of component I of the SPR project.

The majority of the conflicts identified are common to the three groupements involved in the study, and the underlying cause in all cases is access to land. Nevertheless, a few conflicts are specific: the conflict related to access to water between the inhabitants of the high plateaus and those living along the shores of Lake Kivu, the conflict between fishermen and sailors in Muvunyi Shanga groupement, the conflict concerning traditional power in Biiri and Muvunyi Shanga groupements, the conflict between the

²⁰ Congrès National pour la Défense du Peuple [National Congress for the Defense of the People]

Pygmies and third parties, which exists only in Biiri and Kibabi groupements, and the conflict over familial abandonment caused by mining activities in Kibabi.

CROP FARMERS AND LIVESTOCK FARMERS

Land conflict in Kibabi groupement is recurrent and a thorn in the side of the local population. It destroys the livelihoods of poor farmers who, instead of increasing their capital through income-generating activities, end up wasting it as a result of interminable legal proceedings, thus creating a perpetual cycle of poverty. By insisting on recovering a small plot of land, a plaintiff may be obliged to sell a larger plot of land to pay the cost of legal proceedings. This conflict has existed since the 1960s when the plantations, which had belonged to the colonies, were ceded to large-scale landowners, who immediately expelled the workers living on the land with their families. This conflict was exacerbated by the regroupement (regrouping) of villages in 1972. Then, when the villages from the regroupement initiative became macrocenters in the 2000s, land conflicts took on a more disturbing dimension.

Today, because population growth is at an all-time high and pressure on the land has increased—migratory movements, the discovery of minerals and, above all, the unrestrained search for large spaces for ranches—land conflicts have become devastating. Previously, land conflicts occurred only between individuals, and a resolution was reached in a more peaceful manner through village sages. Today, violence and the use of firearms supersede other forms of settling land conflicts. With the blessing of certain traditional chiefs and their cronyism-based management of the land, large-scale landowners have despoiled land formerly held by European settlers through the use of odious tactics such as the “double donation” or “double cession,” which is compounded by poor land distribution, in turn leading to severe conflict and land-related incidents (armed groups, young militia and the slaughter of cattle).

TRADITIONAL LAND USAGE FEE

Land conflict related to usage fees is a conflict between, on the one hand, the large-scale landowners, in this case, the traditional Hunde chiefs and sometimes certain Hutus who have been given large expanses of land formerly belonging to the traditional chiefs, and on the other hand, small-scale farmers who use the land and who must pay a usage fee. The usage fee varies depending on the specific case, the chief and the environment. The payment is sometimes a goat and a carafe of local drink, or a full day’s labor in the fields of the landowner. The conflict occurs when the farmer misses the deadline for the payment or cannot pay the fee. This conflict is related to the land and goes back to 1993, to a time of major, bloody clashes in Masisi territory. Indeed, recurrent wars have led to mass population displacement, including traditional chiefs. Such population movements are among the causes of land conflict in Masisi.

This usage fee dynamic, characterized by a double standard, is an aggravating factor in this type of conflict. The measures applied to sanction the unwilling party were unjust and biased, depending on whether they were Hunde, Hutu or Tutsi. If it concerned a small-scale Hutu farmer who could not pay the usage fee to a large-scale Hunde landowner, the wrongdoing was considered very serious, a rebellion against the established power. Conversely, a small-scale Hunde farmer who was not able to pay the usage fee to a large-scale Hutu landowner had a thousand reasons to be excused. The so-called indigenous communities revolted against this partisan power and organized insurrections and acts of civil disobedience against the established power. This politico-military movement, often referred to as “Magrivi,” goes to the heart of the Masisi war and has become an interethnic conflict.

POOR GOVERNANCE

From 1991 to the present, confusion has reigned between the public administration and traditional administrations. Certain community representatives sought to establish themselves as governors at all costs. Parallel governments exist in the so-called red zones where combatants establish their own government, while in other areas, chiefs fight each other and waste their time in interminable disputes. This poor practice in the management of public affairs is detrimental to the quality of economic results and hinders development in villages that are already weakened by armed conflicts.

PYGMIES AND TRADITIONAL CHIEFS

The conflict between Pygmies and three traditional families in Kibabi groupement began in 1994. During the interethnic war while the landowner was displaced by the war, the Pygmies occupied a field that belonged to a landowner in Kaloba in Kibabi groupement. During the same period, the Pygmies reported the despoiling of their land in Muho by two other families. In reality, one of the families had purchased this field, in part from the local population and in part from the Muho Pygmies. According to the family, the Pygmies had encroached on the boundaries of their field, so they took the Pygmies to court, and some of the Pygmies were imprisoned. In effect, the Pygmies were starting to settle, however, because of a lack of a workable mechanism for forest dwellers to change their lifestyle, a land conflict was created. This conflict was exacerbated by certain leaders who wanted to exploit the Pygmies and defraud others of their land.

HARASSMENT AT ILLEGAL CHECKPOINTS

The actors in this conflict are law enforcement agents (FARDC, National Police) and government services (DGM, DGRNK, tourism service), who target the transitory population. This dynamic is present throughout all the three groupements in the study. Nonstate militia create illegal road checkpoints and force people to pay a sum ranging from 200 to 500 Congolese francs or to hand over agricultural produce. The same occurs for people posing as government officials. This practice is at the root of physical, psychological, and economic violence and even killings. These acts of harassment sometimes cause public uprisings and demonstrations as populations seek to express their exasperation. What is most troubling is that the authorities are informed about the problem and yet say and do nothing; indeed, they are often complicit.

INTERETHNIC CONFLICT

The interethnic conflict goes back to the period of mass immigration. The first signs of this conflict can be pinpointed to the period when expatriates began to loosen traditional authority. In the beginning the conflict was latent. It was at the start of the Kanyarwanda War in Masisi that clashes between the different ethnic groups in North Kivu began in earnest. The so-called indigenous ethnic groups (Hunde, Nyanga, Nande and Tembo) targeted the so-called foreign ethnic groups (Hutu and Tutsi). This conflict experienced a significant resurgence in 1993 when in Ntoto, more than 2,000 Hutus were massacred by the Hunde and Nyanga simply because they were Hutu, that is, from a different ethnicity. Since this massacre perpetrated against the Hutus, ethnic conflicts have increased in intensity into the 21st century. Wars have developed around this dynamic, in particular the so-called Liberation of Congo-Zaire War (The First Congo War), in the name of the AFDL and the Rally for Congolese Democracy (RCD, Rassemblement Congolais pour la Démocratie) rebel groups, as well as rebellions by the CNDP

and M23 and many other deadly clashes between inhabitants of the same land. The weakness of the government, or its hands-off management of the conflict, caused thousands of victims and significant material damage, including the destruction of the social fabric.

DRINKING WATER

Since 1982, NGOs have been implementing water distribution projects in the high plateaus of Runyana and Kashenda to supply drinking water to the inhabitants settled on the shores of the lake, in particular those living in Bweremana, Kashenda and Kirotshe. These projects excluded inhabitants of the high plateaus, who are often the victims of waterborne diseases due to the lack of drinking water. This situation has created tension between the inhabitants of the high plateaus and those who live on the shores of Lake Kivu. To demonstrate their discontent and to put an end to this water exclusion, the population of the high plateaus, deprived of water, started to make verbal threats and cut the water pipelines passing through their area.

INHERITANCE

The inheritance conflict is related to both material and nonmaterial inherited goods. In the study areas, this often concerns land (a plot or field). When parents die, sons deprive daughters, their sisters, of their right to inheritance. On the death of the father, daughters are chased from the fields left to them by their father. Furthermore, when the parents die without leaving a will, conflicts arise between the children because some, especially those of the first wife if the father is polygamous, seek to appropriate the entire inheritance. The sidelined parties may resort to legal measures or confrontations. Usually, the family that has the most sons tramples on the rights of the other families and seeks by any means—even force—to impose the solution that suits them. This inheritance conflict is fed by an ignorance of the inheritance law and by the nonapplication of it through the lens of duty. Reactionary customs and habits against women are one of the major causes.

ACTORS, CAUSES AND CONSEQUENCES

To identify the dynamic between the causes and actors in a conflict, as well as the consequences of the conflict, this study connects each type of conflict to its causes and consequences. Certain causes and consequences have been described in the conflict mapping.

LAND

The conflict between crop farmers and livestock farmers is a land-related conflict. The actors in this type of conflict are livestock farmers, crop farmers, and government services, as well as land registry services, local authorities, deputies, economic operators, and senior government officials.

The causes of this conflict are inadequate land use management (the government is absent); the transformation of arable land into pasture; the unequal distribution of resources; the competition between the land act, in this case the Bakajika law enacted by Lieutenant General Joseph-Désiré Mobutu in 1966, and all its consequences, and the custodians of traditional land management practices; the population explosion across an economically stagnant area; the ignorance of land legislation and, above all, the granting of property titles by land registry services and traditional chiefs without enquiry about

the vacancy of land; the ideology of retribution (vengeance) among large-scale livestock farmers, who are mainly Tutsi; and the desire to dominate.

The consequences are immense: discord between crop farmers and livestock farmers, an increase in illiteracy, forced displacement, the slaughter of cattle, the destruction of the environment, the creation of armed groups, arson against houses, hatred and jealousy, the intentional destruction of crops, violence on all sides, unspeakable criminality, outrageous poverty, interminable interethnic conflict, and problematic individuals illegally taking up arms.

POWER

The power conflict alludes to space and the governed. It is a conflict that also relates to the land. The actors are traditional and public authorities, certain politicians, royal families, ignorance, and the fight for power.

Its causes include poor local governance, the weakness of the state authority, the consecration of impunity, self-interest, political posturing, the nonrespect of traditional principles and rules, the passivity of the local population, and finally, absence of government functions, and reactionary customs.

The consequences are socioeconomic instability, weak protection of the civil population, discrimination against women in decision-making, and the illegal exploitation of resources.

ETHNICITY

Ethnicity involves the following actors: certain community leaders, the Hunde, Nyanga, Hutu, Tutsi and Tembo, certain politicians, and the ethnic communities themselves.

The causes of this conflict are poor local governance, jealousy, political manipulation, self-interest, the rarity of land, the scramble for power, community empowerment, nationality, identity and law enforcement.

The consequences of this conflict are the loss of assets, poverty, exclusion, tribal hatred, xenophobia, fear of “the other,” unfair competition, “mutually assured destruction,” division among communities, the destruction of villages, killings, underdevelopment, illiteracy, unemployment and crime.

INHERITANCE

Inheritance is also related to land. Its actors are on the one hand, the heirs from across all socioeconomic categories concerned with the succession and, on the other hand, legal proceedings as the custodians of the last will and testament. Family members, whether close or distant, are also among the stakeholders in the inheritance conflict.

The causes of this conflict are reactionary customs, polygamy, governance, ignorance of the inheritance law, the absence of a will or evidence of the testator’s or the deceased’s wishes, selfishness, poverty, land and the rarity of resources.

The consequences are a spiral of hatred between families, murder, the marginalization of women, corruption, the loss of the asset through legal proceedings, destruction of the environment, the enrollment of children in armed groups, banditry, jealousy between children and violence.

CONFLICT TRANSFORMATION MECHANISMS

The two types of conflict management in Masisi territory are taking up arms (the violent method) and nonviolence (the peaceful method).

VIOLENT METHODS

As described in the chapter on conflict dynamics, the widespread violence in Masisi and North Kivu in general between 1960 and 1993 was connected to two realities: an unbalanced ethnic demographic and land dispossession of small-scale farmers. So-called indigenous groups found themselves deprived of land to the benefit of so-called foreign groups, who continue to prosper economically and demographically. In other words, “foreign” groups have an unfair advantage over “indigenous” groups. The correlation between these two facts has caused resentment that has manifested itself through clashes and politico-administrative confrontations. Confrontations have led to the radicalization of polarized ethnic groups who, in order to claim a right, resort to force, seeing the elimination of the other as the only way of ensuring their survival. Therefore, a culture of hate and exclusion that is ethnic in nature has become endemic across Masisi territory through fear of what tomorrow will bring, unfair competition, fractured communities, impoverishment and societal anxiety.

Once started, the culture of murderous violence is easily maintained over time and space. In the name of self-defense, armed groups called “community self-defense groups” or “civil guards” have been created, all of them harboring a tribal cachet and a tribalistic ideology. In the name of territorial defense and human safety, these armed groups massacre their fellow man on a daily basis, as a powerless Congolese government has stood by and watched—for decades.

PEACEFUL METHODS

The following initiatives have aimed to implement peaceful conflict transformation in Masisi territory in the past 30 years.

Roundtable Discussions of 1993 and 1994

From October 13 to 16, 1993, an open dialogue workshop was held for civil society organizations from throughout North Kivu. This workshop aimed to organize mediation between the members of nongovernmental and development organizations and the churches from different ethnic faiths. The approach respected ethnic diversity while trying to involve the members of civil society and to analyze the conflict and seek constructive solutions.

The second meeting between the different communities of North Kivu took place between February 13 and 16, 1994. Opposing groups established a dispute settlement procedure based on a memorandum of understanding. Relative calm followed. Some displaced people even returned to their villages, and their socioeconomic activities recovered, although modestly.

Conference on Peace, Security and Development in the Kivus—the Goma Conference

The Conference on Peace, Security and Development in the provinces of North Kivu and South Kivu was held December 27, 2007, to January 5, 2008, called by presidential decree no. 07/075 of December 20, 2007. This conference had the aim of reflecting on and making proposals to the government on the ways and means to lay the groundwork for sustainable peace and comprehensive development in North Kivu and South Kivu. As a result of this conference, an Act of Commitment was finalized between the parties concerned, under the auspices of the international community. An important step had been taken toward peace. The results were palpable throughout Masisi territory, hence the famous *brassage* (mixing, or unification) of the army and the surrender of many young militias from the various tribes.

Admittedly, the application of the Act of Commitment, the result of this conference, has not been easy. Despite progress in the peacebuilding process in North Kivu province, the activism of both national and foreign armed groups persists. The challenge is immense.

Initiatives for Restoring Social and Community Cohesion in Masisi Territory

Between 2013 and 2017, various initiatives were undertaken throughout Masisi territory with a view to developing agricultural value chains to the benefit of marginalized groups, with the aim of empowering these groups. The objective was to create proximity between the communities and strengthen the confidence between members of the populations in the Biiri, Kamuronza and Muvunyi Shanga groupements and in Bashali, in Masisi territory. These community solidarity activities, in particular concerning women from all the tribes in the territory, fall within the scope of resolution 1325 of the United Nations Security Council on the place of women in peacebuilding.

Many other peaceful conflict resolution pathways, chosen at the local, regional and national levels, have contributed and still contribute, in one way or another, to peacebuilding in Masisi territory:

- Pretoria Summit in August 1998.
- Windhoek Summit in January 1999.
- Lusaka Ceasefire Agreements in July 1999.
- Inter-Congolese Dialogue held in Sun City in South Africa between February 25–April 19, 2002.
- All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo endorsed in Sun City on 1 April 2003.

Many others as well have been signed between the different actors in the Congolese crisis.

LOCAL CAPACITY FOR PEACEBUILDING AND CONFLICT TRANSFORMATION

In a context in which civil and criminal judicial structures have been weakened, alternative conflict resolution methods are often recommended to ensure social harmony, promote security and safeguard general interests. These are usually nonjudicial methods, such as negotiation, conciliation, mediation and arbitration. Local conflict resolution initiatives are created to meet the challenges posed by the multiform conflicts, especially conflicts over access to land. Conciliation spaces for individuals or communities have been established. Although judicial authorities have tried to supplant traditional conflict resolution methods, which still survive, although not very successfully, civil society initiatives

borrow principles from the law and traditional customs to come up with alternative ways of rebuilding communities affected by conflict. Civil society therefore continues to build the capacities of communities to address interpersonal conflicts, as well as those that are more complex, for example, dealing with issues of identity, in a context of pacification and stabilization. In the following sections several conflict resolution structures—general principles, functions, expected results and limits—are discussed.

TRADITIONAL CONFLICT RESOLUTION

Conflict resolution comes under the political organization of traditional communities and has a permanent function in these communities. Indeed, the role of conflict management, as well as other functions (governance, judicial and even religious), is concurrently held by the traditional seat of power. Furthermore, the general principle that governs the exercise of power over conflict management (judicial power) is the restoration of social order and safeguarding social relationships, which form the basis of group unity.

When a conflict disturbs the social order, the injured party is free to appeal to the chief (judicial power), who summons the other party with the aim of settling the misunderstanding and restoring rights to each party. The initiative may also be instigated by the chief himself, if he realizes that behavior or acts are occurring that could degenerate into violent conflict.

The process is organized at the chief's court and his advisors are sometimes present. Both the plaintiff and the defendant are aided by their family members. The meeting starts by listening to both versions of the facts, keeping interjections to a minimum.

When the chief and his council of advisors believe that the problems have been outlined, he expressly asks the stakeholders for their willingness to overcome the conflict and to place their trust in the decision that the court will make. If an agreement is obtained, a ruling is decreed. In addition to the council, some members from families whose wisdom has been proven are co-opted and included in a closed hearing to establish the special jury.

During pronouncement of the sentence, at the end of the closed hearing, the chief or his representative first reassures the public of the perspicacity of the council, in view of the facts reported and discussed and of the divine or ancestral inspiration that led to the ruling.

During pronouncement of the sentence, the apportioning of blame is done in a way that avoids the humiliation of the guilty party and the triumphalism of the injured party. Furthermore, the individuals and family groups concerned are reminded of their blood ties, fraternity, the importance of neighborly relations and the safeguarding of harmony, before pronouncement of the final sentence. The damages and interest required of the at-fault party are paid, if applicable, at the same time that the symbolic act of reconciliation is carried out. This practice is similar, *mutatis mutandis*, to the modern parajudicial practice called “restorative justice.”

This traditional conflict resolution method has long remained effective because it is expeditious and has low cost implications. Furthermore, it has enabled traditional society to continue and remain in fraternal cohesion.

POLICE, COURTS AND OTHER LEGAL INSTITUTIONS

There are a range of public institutions that are involved in settling conflicts: criminal investigation officers whose remit is to settle certain ongoing disputes concerning local administration, and criminal investigation officers with a more general remit, who work in the Congolese National Police. Other public services such as the army interfere and meddle in conflict resolution processes, however, without necessarily having the skill. This is the case of officers from the army and intelligence service.

Criminal investigation officers have a duty to report violations and to refer defendants to the public prosecutor, who determines whether there is a case to present to the court. If the disagreement is not criminal in nature, the officer has a duty to facilitate conciliatory actions and to witness the agreements and the payment of damages and interest awarded to the injured party.

In all cases, the work of the police and the courts follows the same logic, which is deciding between the parties and identifying a winner and a loser and bringing penalties against the guilty party. For disputes that do not concern unlawful acts or the payment of damages, Congolese law anticipates preaction or postaction conciliatory procedures that the justice system is supposed to facilitate.

LAND MEDIATION CENTERS

Land mediation centers, also called land conflict reconciliation committees, which operate in certain groupements in Masisi territory, are supported by local partner NGO of the SPR project, AAP, in collaboration with UN-Habitat (United Nations Human Settlement Program). They have the general aim of monitoring the prevention and management of land conflicts. These centers have been created in the context of the international community's desire for refugees to return home. UN-Habitat has been de facto outsourced by the U.N. High Commissioner for Refugees (UNHCR) to lay down the conditions for the peaceful resettlement of these refugees in the host areas, given that return will surely raise issues related to access to land. An uptake in the services provided by land mediation centers and committees has been seen, demonstrating a real need for peace in these communities.

This conflict resolution method is the most appropriate method in the postconflict period because it aims to maintain and reestablish social equilibrium. It also participates in the stabilization and peaceful coexistence of formerly opposed communities and enables the involvement of the parties in seeking the most appropriate solution, as well as being less contentious and less time-consuming.

INTERCOMMUNITY BARZA

Each tribal community has created a cooperative to promote solidarity and the settlement of disputes between village members. This institution is known as barza. In the northern part of Masisi territory, the community barza was created in 2007 by the former head of the CNDP, General [REDACTED] and the mwami (traditional leader) of Bashali chefferie, to prevent an escalation in intercommunity violence. It comprises 10 members, one of whom is a woman. Four members have already received training on conflict resolution from UN-Habitat and three members have received training on the safeguarding of human rights from the International Red Cross Committee. When it is called on to adjudicate a dispute, it carries out a situational analysis, and depending on the severity of the damages or claims, informs the parties with a view to finding an amicable solution.

BARZA LA WAZEE IN GOMA, A GENERAL ACTION INITIATIVE

The barza is represented in a large forum, the seat of which is in the provincial capital of Goma. This authority is called the Goma intercommunity barza, a community-level conflict mediation institution. This barza is, by extension, a space for the development of an awareness of identity and a socio-political understanding of “the other.” This is how this committee is often projected to center stage, when it is compelled to report, for instance, on acts of violence or threats perpetrated against a community. The Goma intercommunity barza is a consultation framework involving the large tribal cooperatives in North Kivu. It was created in the 1990s through a civil society initiative to end the escalating violence in Masisi and the resulting intercommunity distrust that was making the province ungovernable. It is recognized for its role in bringing tribal leaders together and creating a social climate where the risk of interethnic violence is neutralized. This violence was feared in the wake of rebel wars involving the AFDL and the RCD, and in a similarly impactful manner, to building community resilience throughout the bloody conflicts in eastern DRC.

There are now other local conflict prevention, management and resolution structures in Masisi territory that also provide important, effective and free services to communities:

- Local peace and conciliation committees
- Local peace and development committees
- Parish justice and peace commission
- Community dialogue group
- Listening club committees
- Community radio stations
- Intercommunity consultation committees.

Such approaches are particularly appropriate in contexts in which what is important is not so much about determining who is right and who is wrong but instead focusing on safeguarding general interests, local solidarity and social cohesion while preserving everyone’s honor.

GENDER, OTHER MARGINALIZED GROUPS AND CONFLICT DYNAMICS

HEGEMONIC MASCULINITY

Inequality in relationships between men and women is a determining factor for the development of any community and for peace. Reactionary customs and discrimination constitute the primary source of the marginalization of women in Masisi territory. Women continue to be the victims of rape and unimaginable sexual aggressions. To this day, women suffer from collective and repetitive rape, as their loved ones look on powerlessly, day and night. Some women have been kidnapped and held against their will to serve as sex slaves. Women are silenced in meetings as a result of reactionary customs. They are excluded from almost all decision-making processes about their fate because they are not allowed to sit next to men in forums.

The U.N. Security Council made this statement about the condition of women in Masisi territory:

...Reiterating deep concern that, despite its repeated condemnation of violence against women and children in situations of armed conflict, including sexual violence in situations of armed conflict, and despite its calls addressed to all parties to armed conflict for the cessation of such

acts with immediate effect, such acts continue to occur, and in some situations have become systematic and widespread, reaching appalling levels of brutality.”²¹

Women are often marginalized economically as well. They have no right to property. In addition, most customs do not recognize women’s right to inheritance. Although different cultures and different social ranks have different customs, women are generally discriminated against in their access to property and land, with few possibilities to assert their rights. Traditionally, in the family hierarchy they do not have the right to inherit land and often do not have the right to register land in their own name either.

Women play a major role in food production and maintaining fragile local economies. The analyses conducted into the situation of men and women involved in farming reveal significant imbalances, not only in the working hours of each gender but also in their access to and control over resources and profits. Despite the prominent role played by women in agricultural production, decisions concerning what will be produced, sold or consumed are made by their husbands. Women also often have little control over the use of income and profits from production.

The discrimination faced by the female population and the lack of legal recourse demonstrate how violence can be seen not only in the provinces affected by conflict and how it is not committed only by armed men but also by civilian males. Early marriage, sexual exploitation (especially in an educational setting), sexual harassment in public spaces and domestic violence in all its forms constitute regular violations of the rights of women and girls.

In Masisi territory, tradition requires that women work mainly in the home and farming and as mothers and wives. Their role is limited to the procreation of children and household chores. Girls are married young and become the property of their husbands.²²

Due to the low rates of literacy among women, they are ignorant of their rights and, as a consequence, play a subordinate role in society.

As regards local governance, not only do women not participate in municipal management in rural areas, but those in charge also do not even take them into consideration. Consequently, awareness-raising actions must be implemented so that women are involved in the management of public affairs and included at the municipal level as governors, mayors, district heads and cell leaders. Governors and decision-makers also should be encouraged to establish a culture of accountability to them.

Because women are usually the first direct victims of armed conflict in communities in the red zones, it is a matter of urgency that they are involved in stabilization and reconstruction activities in Masisi. The DRC government must ensure the participation and representation of women at all levels, including in stabilization activities.

As regards security, it is a matter of urgency that women be included in security meetings. They are more than capable of coming up with practical proposals for peacebuilding. Special measures must be

²¹ Preamble to resolution 1820 (2008) of the UN Security Council, §§8.

²² Cellule provinciale d’appui à la pacification (CPAP) [Provincial Peacebuilding Cell], Masisi territory, consultation report (12-15 and 27-28, May 2008), p. 18.

taken to protect women in rural areas where armed groups still operate, to eradicate, or at least reduce significantly, the rape, torture and kidnapping that they are often subjected to.

In terms of economic recovery, some believe that women operate income-generating activities in the informal sector, based on the loans that they take out occasionally with microfinance institutions. But they often face such high interest rates that they end up by benefiting the creditors instead of taking steps to their own empowerment.

Initiatives that encourage women to overcome their economic emergencies based on their own assets would be more advantageous, without forgetting that it is necessary to guarantee security in the areas in which they operate so that women entrepreneurs are not the target of militia or armed bandits.

PYGMIES

The indigenous Pygmy people, or forest dwellers, who are known locally by different names such as Bambuti, Batwa and Babuluko (Walikale territory), constitute one population stratum in Masisi territory. They are the original inhabitants of the area, and their numbers are estimated at 600,000, or 1% of the Congolese population.

In Masisi territory, as in almost all other areas of the DRC, Pygmies suffer from social marginalization, which is exacerbated by the instability of the land they traditionally occupy. This practice can be seen in the groupements served by the SPR project in Masisi territory. It was confirmed in the typology of severe conflicts identified and prioritized by the participatory analyses.

The forest is the main source of livelihood for the Pygmies. It ensures their survival. They depend heavily on the forest. The saying goes, “Outside the forest, Pygmies are like a fish out of water.” The Pygmies have been recognized for playing a major role in protecting and conserving DRC’s natural resources.

The root cause of the Pygmy’s land instability can be found in the land despoiling and expropriation that they are a victim of, perpetrated by neighboring non-Pygmy groups, as well as the traditional authorities and local government. In theory, the country’s laws guarantee equality to all citizens. But in reality, the indigenous Pygmies face a crucial problem concerning access to land, which is exacerbated by the unregulated exploitation of forests. They also have difficulty in gaining equitable access to basic services such as education, health care, drinking water, and decent housing. The socioeconomic situation of the North Kivu Pygmies excludes Pygmy children from the Congolese education system because their parents cannot afford school fees.²³ Their most basic human rights are not respected, young indigenous Pygmies receive less schooling and a good number of girls do not reach the end of basic primary education.

Despite the existence of forestry and mining laws, the indiscriminate and unregulated exploitation of wood and minerals and the expansion of itinerant farming in forests shrinks the Batwa and Bambuti Pygmies’ natural habitat in Masisi with each passing day and creates elements that exacerbate their marginalization and make their circumstances more fragile.

²³ In Congo, even primary education is limited, and parents must pay teachers’ salaries. See the report on Walungu territory that is part of this report series for more information about the education system in DRC.

The forests are the traditional domain of the indigenous Pygmies, but some of them have been transformed into fully protected areas, such as national parks (the eastern part of Masisi territory) or into nature and community reserves. The Pygmies are not associated with the management of these protected areas that they have long safeguarded, although their lifestyle is known to be respectful of the environment. Revenue from ecotourism and the exploitation of natural resources does not benefit the indigenous Pygmies, while their traditional knowledge and values are exploited for a pittance. They are not consulted about the programs that affect their environment and the areas in which they live. The difficulties experienced by the Pygmies are a lack of education and therefore ignorance of their rights, poverty, acute illiteracy, social marginalization and discrimination, exploitation, not being taken into account in society, expulsion from the forest and deforestation, all of which are evidence of their marginalization. Displaced indigenous Pygmies have not been able to access humanitarian aid despite the extent of their vulnerability, which is exacerbated by the lack of access to the forest, their mother earth and natural habitat, now considered the stronghold of armed groups and a battleground.

Tentative actions have been taken in favor of this long-forgotten section of the population. For example, the workshop organized in Kitshanga in Masisi territory, North Kivu province, on March 29, 2019, by the Congolese NGO FDAPID, advocating against discrimination against indigenous Pygmy women. This workshop had three objectives:

- Identify the causes of discrimination against Pygmy women and girls, with a view to adopting strategies for appropriate solutions.
- Encourage the political, administrative, traditional and police authorities, as well as female leaders, community leaders, basic management and civil society actors to actively discourage discriminatory practices against Pygmy women and girls, at all levels and in all areas and sectors of life.
- Empower the indigenous Pygmy peoples to mitigate the discrimination that oppresses them and hinders their development.

Furthermore, emergency humanitarian aid has been provided to the indigenous Pygmies who are internally displaced and victims of armed conflict in the town of Shasha, in Masisi territory, North Kivu province. This project has achieved the following results:

- Support provided to 590 internally displaced indigenous Pygmy and non-Pygmy households, including food and nonfood provisions and medical assistance.
- Enrollment of 97 malnourished children from families displaced by war at the emergency nutritional and supplementation center and the 70 women accompanying them educated about basic hygiene.

3. CONFLICT TRANSFORMATION RESULTS AND METHODS

CONFLICT DRIVERS

The political, economic, and cultural aspects of conflict in Masisi territory are inextricably linked, but among the many conflicts are four root causes—poor governance, scarcity of land, population growth, and mining. According to well-informed people, the Congolese government at the national and the local levels suffers from serious shortcomings. Indeed, it suffers from a notorious inability to assume its responsibilities, especially the responsibility for managing the national patrimony—its land and substratum—i.e. mineral deposits—and the inhabitants. The government struggles to supervise and control its army and to guarantee the security of its citizens and their assets throughout the national territory. Ethnic, land, and economic rivalries are poorly contained.

WEAK GOVERNANCE

The great scourge in present-day DRC is the opaque manner in which the national patrimony is managed. Poor management practices and the misappropriation of public revenue discourage those who do not see the money that goes to the political and administrative classes translated into public services. Impunity for embezzling public funds creates a climate of suspicion around everything involved with administrative, political, and military powers. In patrimonial management, three factors are causes or triggering factors of conflict.

Weak Economic Policies and Dismal Economic Performance

Successive postcolonial governments have been unable to harness the country's immense economic potential to meet the needs of the Congolese people and transform the country into a real powerhouse of the economic union with the Great Lakes region. Instead, the country's natural resources have been used to finance wars, with disastrous consequences for the country and the entire region.

The poor economic performance is tied directly to the conflict drivers. It has weakened the state's capacity to provide basic public services, guarantee public order at the national scale, or to protect the country's borders. This has created an environment conducive to mobilizing rebellions, by reducing the opportunity cost for impoverished youths to engage in rebellion and by reducing the government's capacity to counter the attacks of armed rebel groups.

Poor Governance and Systemic Institutional Incapacity

The state has not succeeded in carrying out its essential functions, namely, guaranteeing public order and defending the country's interests on the regional and global levels. It has failed to establish and maintain institutions that can manage conflict between ethnic groups. Indeed, it has instituted regulations and laws that place the peaceful coexistence of ethnic groups in jeopardy. The most outrageous example concerns the use of immigration law to transform a section of society (such as Rwandan speakers in Masisi) into stateless communities.

Furthermore, the state has not succeeded in establishing an institutional environment in which economic activity is regulated appropriately. Instead, it has promoted a system eroded by corruption—in fact, kleptocracy—and rent-seeking behavior, which has alienated the population from the state while paving the way for chaotic exploitation of natural resources by national and foreign actors.

Regional and Global Geopolitical Interests

DRC's history is repeating itself. From the mercantilist model of the Belgian King Leopold II during his conquest of the colony; then the Cold War, marked by a deterministic approach to world security, during which DRC served as a base for the fight against communism, the country has reached an era in which these two forces have amalgamated. On the one hand, recent conflicts took place during a period marked by collusion between mercantile interests, public and private, in a country that is rich in resources but institutionally fragile. On the other hand, this period has been characterized globally by the threat of terrorism, while regionally the DRC's relationships are affected by cross-border and national threats. Therefore, the DRC is now, as in the past, in a situation where the management of its own economic destiny and land, as well as its politics, are threatened by global forces outside its control.

SCARCITY OF LAND RESOURCES

The population recognizes the land as an important source of income: “The land helps us to cultivate, and during the harvest, we eat part of it and the rest is sold to enable our parents to put us through school, to feed and clothe us and so we can live.”²⁴ This chapter connects the dots between conflict, the human and animal populations, and the competition for resources in DRC in general and in Masisi territory in particular.

Some conflict analysts underestimate the demography dynamic, but civil wars and popular uprisings are always fueled by the mobilization of a young population. The updating of the electoral list, for example, led in 2018 to blood being spilled in the DRC, demonstrating this point well. In any case, the conflicts in eastern DRC are, in one way or another, linked to the increasing rarity of available land; hence the competition for access to resources—even involving the use of weapons.

BURGEONING YOUTH POPULATION

Today, population growth in the DRC is at the heart of all major contemporary societal issues: growth, education, employment, resources, conflict, migration, and urbanization. The DRC is acutely underdeveloped in this area—the most recent government statistics go back to 1984. Population numbers are unclear. With a population of almost 93 million inhabitants (2018), the DRC has one of the highest fertility rates (6.3) in sub-Saharan Africa, and one of the highest rates of population growth (3.3% per year). The absence of demographic forecasting in DRC presents a serious challenge to the “demographic dividend”. And yet, any responsible government must think development and social harmony and how young people can gain a footing in the economic activity of the country. It is crucial to think about young people and their future and to place them at the heart of the government's top

²⁴ Covadonga Murias Quintana, UN-Habitat, 2013. Testimonial from children in Luhonga, in Masisi territory.

concerns. The African Union summit in July 2017 in Kigali's theme was "Harnessing the demographic dividend through investment in youth."

Insecurity, population growth, and scarcity of resources are interconnected in Masisi territory. The armed conflicts in Masisi territory and the resulting large migratory waves alter the demographics of the groupements significantly and especially the urban centers, to whatever extent they are secure. The government should harness this dynamic and integrate it into national programs.

This is currently not the case because the measures to accompany populations in exodus, let alone the resulting youth, are not perceptible. This is why conflicts at the local level between the village communities and the large-scale landowners and livestock farmers around arable land tend to escalate and multiply. The challenges for access to land and natural resources are intrinsically linked to demographic growth and its consequences, both social and environmental. The clientelist management of population growth by the responsible ministry leads to serious problems. Therefore, in order to better identify the cornerstone of activism of armed groups in Masisi today, it is necessary to immediately think about the demographic-resources-patrimonial management triptych. Séverine Autessere sums it up well: "Poverty is taking root in the provinces of DRC and in North Kivu. Poverty has, in turn, created a lack of opportunity that encourages a significant part of the population and, above all, young men, to join the militia. This is an opportunity for social mobility."²⁵

The actors of peace should ask themselves why it is mainly young men who are involved in these bellicose activities. Numerous analyses, such as that by Franck van Ackeret Koen Vlassenroot, qualify this massive presence of young men in these conflict enterprises as a "socio-psychological response to the idleness of a portion of the Congolese youth"²⁶ and attribute it to the lack of socioeconomic prospects available to them. Due to a lack of livelihoods and alternatives, young people join large armed groups or find themselves in the mining profession where even an unqualified laborer can "find their way around" and earn enough to make a living. In a report on poverty in the DRC, Global Witness underlines that armed groups are "integrally linked to natural resources ... as they were employed as methods by which to gain control either over resource-rich areas or over the ability to exploit them."²⁷

Ultimately, the Congolese government, at all levels, needs to grasp the fact that the runaway population growth is a reality and a matter of urgency. It is up to the Congolese state to induce strong economic capacity to respond to the expectations of a young population that is growing exponentially; said youth expects to benefit in the short to midterm from a demographic dividend in terms of education, health, training and professional guidance. The Congolese state must now draw an unforgettable lesson from demography. Societies which once placed a value on welcoming foreigners, today reject them when their number threatens their control of the land. It is up to the Congolese state to manage this pressure

²⁵ Séverine Autessere, Local violence, National Peace? Postwar "settlement" in the eastern D. R. Congo (2003-2006) in *African Studies Review*, volume 49, number 3. December 2006, p. 13.

²⁶ Franck van Acker Koen Vlassenroot, "Les Mai-Mai et les fonctions de la violence milicienne dans l'est du Congo", *Politique Africaine*, 2001, p. 103.

²⁷ Global Witness: La paix sous tension, dangereux et illicite commerce de la cassitérite dans l'est de la RDC [Under-Mining Peace: Tin - The Explosive Trade in Cassiterite in Eastern DRC], June 2005, p. 10.

on land, which is at the origin of the training of militia who are constantly forming and reforming in defense of the land, and thus contributes to insecurity on Congolese soil.

MINES: OPEN TOMBS

“Death in the artisanal mines has become an all too frequent phenomenon, and compensation [for the death] is rare,” said a 32-year-old widow from Bagira in South Kivu, whose husband was killed in an accident in the Rubaya mines in Masisi territory.

Janvier Murairi, a human rights researcher and director of the Association for the Development of Smallholder Initiatives (*Association pour le Développement des Initiatives Paysannes*), a group that monitors the management of natural resources, described life in the mines: “Chaos prevails and corruption is rife. When a miner dies, the owner of the mine is not accountable to anyone”.

Dunia Tibère, program director at the Governance and Peace Ombudsman (*Observatoire Gouvernance et Paix*), whose job is to promote the sustainable management of natural resources for the benefit of communities affected by artisanal mining, reported to Global Press Journal, “The death of miners is often caused by landslides, lack of oxygen, asphyxiation, or the machines breaking down.”

Miners described the conditions to researchers. Deploring the lack of safety in the mines, a 25-year-old miner described the hellish experience of working in the mines.

Our safety is way down the list of priorities of those in charge of supervising the excavation of the mine shafts, and we are continually exposed to the threat of death; we are considered already dead because when someone enters a mine shaft, no one can expect to see him again.

A 33-year-old miner said:

The mines are a dangerous threat to life, especially when the rain comes. During the wet season, landslides occur and we get trapped inside the mines, causing deaths due to suffocation. Only the lucky ones get out. The majority of our mining colleagues have dug pits without even knowing if they are digging their own grave. They have perished in the bowels of the mine and their bodies are never recovered.

Loss of human life occurs every day at the mining sites, and conflicts between the owners of mining plots and miners are palpable. Trigger-happy military groups hired to protect mineral deposits purchased or confiscated by businesses (such as the Bisunzu Mining Company [*Société Minière de Bisunzu*]) in collusion with government officials call the shots. Rather than serving as a vector of development for the local communities, the mineral deposits are transformed into conflict minerals and the mines themselves into open graves, as the facts demonstrate:

- After a landslide on May 19, 2013, in Koyi-Rubaya, in the town of Bitonga, Masisi territory, that buried about 100 small-scale miners, ██████████, former civil society spokesperson in North Kivu, said, “We are informed that the number of victims is more than 100 people. But we realize at the same time, the thwarted efforts to retrieve these bodies, and this is why we are calling on the

provincial and central governments to act swiftly, because later on we could not identify the bodies and it will be difficult to bury them with respect and dignity.”²⁸

- On July 19, 2014, a scuffle between the mining police and miners resulted in seven deaths and dozens wounded by gunshot at the Rubaya site.
- On September 19, 2017, after heavy rainfall, the embankments erected by the miners collapsed, causing flooding in the center of Bihambwe. In total, 102 people were swept away by the water. Only 97 bodies were recovered and buried.
- On October 8, 2018, between 6:30 and 7 p.m., 15 people were savagely beaten near the Rubaya mining site in Kasura village.
- On June 3, 2019, at 6:20 a.m., three young people coming to work, including 18-year-old ██████████ ██████████, resident of Mushaki, were shot multiple times by the Bisunzu Mining Company militia hired to guard site PE4731.

The mines have become open graves.

The mountains, damaged by coltan mining, pose a great danger for the miners, who continue to be buried by landslides, because of a lack of specialist services to teach them how to build underground passages correctly.

In addition to such sudden deaths, the mines are often the source of slow or lingering death. Promiscuity is rife, and the sex trade, with all its consequences, including early pregnancy, abortion, and sexually transmitted diseases such as HIV, creates many victims. Drug use and the excessive consumption of alcohol, which are widespread at mining sites, also bring some an untimely death.

Although the consequences of exposure to the radioactivity of the minerals mined in Masisi territory are difficult to prove, many cases of congenital deformities, such as spina bifida and harelip, and other effects of radiation, have been recorded in areas formerly involved in this type of activity.

According to well-informed people interviewed, many present-day cases of frenzied land grab are due to deposit reserves in Masisi. This is explained by the fact that the subsoil in Masisi has abundant “x” or “y” type of mineral. Many sites have been discovered—Muho, Nyabihire, and Bihula in Kibabi groupement and the Biholo site in Oosso Banyungu sector, which, moreover, on April 9, 2019, was the scene of clashes between government forces (FARDC) and Nyatura de Kambuzi in coalition with ██████████’s APCLS.

Every time that the government grants a mining permit, it must be not only protect the mining companies and it must also address the problems facing the small-scale miners and the conflicts that arise in this work. The weakness of the state is again glaring. The state must share responsibility for the consequences suffered because of mining by the small-scale independent miners and the local populations.

²⁸ Omar Kavota, statement reported by OKAPI radio on May 19, 2013.

LAND-HUNGRY CATTLE

This study also found that cattle farming exacerbates conflicts in Masisi territory. Cattle require large expanses of land and have become a major competitor to humans. Currently, in Masisi territory alone, 135 farms occupying 15,337.8 hectares have been officially recognized. The total surface area of Masisi is 4,734 square km, and its population 793,167 inhabitants.

In the 1980s, Masisi territory was cited as an example of self-development. Fresh produce, cheese, and meat were transported by plane to Kinshasa, DRC's capital and largest city. The increase in population density and intensification of the competition for arable land and pasture have degenerated into bloody conflict. This transition is described below.

Colonial Land Management System

During the colonial era, land management was among the greatest priorities of the colony in Kivu. In 1928, the Kivu National Committee (Comité National du Kivu) was created and given the power to manage the land corresponding to the former Kivu. During a prospecting project, this committee established “colonial blocks,” which were essentially land that was deemed suitable for crop and livestock farming, and which could be sold or rented to European colonial candidates. Étienne Landais describes it thus: “the crop-livestock combination model is based on the joint intensification of crop and livestock farming in agricultural farming as a whole.”²⁹

In the colonial economy, cattle farming was marginal because the Belgian colonial administration gave higher priority to the exportation of crops and to the protection of indigenous lands.

In African agricultural farms or “indigenous farms” for example, cattle management was assured in a very rigorous manner. The number of cattle that was authorized depended on plots of land being left fallow at the end of each cultivation cycle. This colonial agropastoral policy contributed hugely to encouraging social cohesion within communities until 1960. Land conflicts concerned the destruction of harvests that only mediation between the families could settle, without compensation.

Zairianisation and the Systemic Dispossession of Land Rights from Farmers

From 1973, land management entered a phase of systematic dispossession of small-scale farmers and then their outright exclusion from production. Radical changes in agriculture took place. Large expanses of land formerly reserved for crop and industrial cultures were reduced significantly to the benefit of large ranches. In certain areas, crops have almost disappeared. This is the case for Masisi in particular, where only the Lever Plantation in Zaire–Zaire Tea Management–Mweso, now known as ITN, has continued to maintain plantations, albeit with difficulty. The Théki-Nyabyondo plantation shut down after having resisted structural and conjunctural crises. The AFDL's war destroyed all that, until that point, had made Théki a center of spatial polarization in Osso *collectivité*. Crop farming has since fallen into gradual decline.

²⁹ Landais, E., and Lhoste, P., L'association agriculture-élevage en Afrique intertropicale : un mythe techniciste confronté aux réalités de terrain, Cahiers des Sciences Humaines, vol. 26, no. 1-2, 1990, p. 219.

This is the period referred to as Kivu's cattle boom, which is at the origin of conflicts that have, to the present, brought crop-farming communities to their knees in Masisi and in North Kivu in general. Following the Zairianisation and land law measures, politicians, governors, traders and the wealthy from throughout the DRC descended on North Kivu, in particular Masisi, in search of rural land for raising cattle. Those responsible for the Ministry of Agriculture were too hasty. They proceeded to reclassify all Masisi's forestry reserves to the sole benefit of livestock farmers. The tide had turned and the politico-administrative authority took the side of the livestock cooperators over the small-scale farmers, who were the first victims of cattle farming. At the origin of the conflicts between large-scale livestock farmers and the small-scale crop farmers are the traditional and politico-administrative authorities of these areas, which have often contributed to distorting the vacant land surveys. The farms have been so overindulged and favored that they have ended up having a huge influence, becoming centers of spatial polarization. This simply means that cattle farming has become a source of decision-making power. Therefore, cattle farming is considered: "a fact of the political elite, bureaucrats and merchants, occupying an ever-increasing space while small-scale crop farming is increasingly fragmented due to marked population growth."³⁰

STAKEHOLDERS' CAPACITY TO TRANSFORM CONFLICTS

As already emphasized in this study, conflict is intrinsic to humans. But how to manage conflict and to prevent it from escalating? The answer is frameworks to monitor their development. In multiethnic societies, such as in Masisi, dialogue and mediation frameworks must bring together representatives from all tribes in the area. To settle civil matters, stakeholders use local conflict settlement practices, traditional as well as modern.

POWER AND TRADITIONAL MECHANISMS

During a crisis, public authorities turn to tradition—that is, the traditional chiefs and local powers—to restore public order and social harmony. In 1997, the AFDL issued a ruling concerning the creation of a peace commission in North Kivu and South Kivu. This commission comprised 32 members, including traditional chiefs, the heads of tribal cooperatives, civil society representatives, religious leaders, the politico-administrative authorities and central government representatives. The commission is tasked with identifying the causes of the interethnic clashes in North Kivu and South Kivu and to create a new spirit of collaboration between public authorities and local communities.³¹

FAMILY ELDERS AND COMMUNITY LEADERS

When a conflict occurs, it is the clan elders, or a committee of sages, who manage disputes under a tree or in another place that is considered suitable for discussion. Most of the time, this discussion takes place at the head of the clan's "court." At the end of a successful mediation process, an agape feast is prepared as a sign of the pardon requested and is offered among the parties in conflict. At the same time, an agreement is signed certifying that the dispute has been resolved by the traditional cultural mechanism. There is also the possibility to refer to other conflict management bodies. There are still

³⁰ Mugangu Matabaros, *La crise foncière à l'est de la RDC, L'Afrique des Grands Lacs, Annuaire 2007-2008*, p. 30.

³¹ Bosco Muchukiwa, "La Barza : enjeux et résolutions des conflits et compromis social au Sud-Kivu" in *Les droits de l'homme dans la région des Grands Lacs*, Éditions Academia-Bruylant, Brussels, 2003, pp. 311-324.

numerous other charity structures that are able to transform conflicts in a satisfactory manner, for example the local peace and conciliation committees, parish justice and peace committees, and local conciliation committees.

PARTICIPATORY CONFLICT TRANSFORMATION MODEL

Despite the unfortunate events they are experiencing, Masisi communities are not doing nothing. Efforts to implement conflict transformation at the local level are deployed with a view to a return to peace. Action is taken to stem the varied and interminable tension.

In Biiri groupement, for example, local conflict resolution mechanisms aim to resolve the land conflict between livestock farmers and crop farmers that are moving at a snail's pace.

Certain large-scale landowners have given over part of their ranch to crop farmers for a per-hectare price. This initiative was taken by the Lushebere farm, which ceded 80 hectares for rent at \$135 per hectare and per growing season. This solution was adopted after numerous months of altercation with the farm's local population, due to cases of cattle theft and slaughter. Since this mechanism has been a success, other farms have tried the same thing. For example, a landowner in Katale sold his entire 120-hectare farm at \$1,000 per hectare, on condition that the new buyer was a crop farmer and that he had the intention of practicing only crop farming on the land. In Luhonga, less than 8 km from Sake, another landowner ceded 13 hectares of his farm to local inhabitants to serve as space for dwellings and other rural activities. This gesture brought an end to growing tension that had turned into acts of pillage of cattle. May the list of transformations continue to grow.

These acts are a testament to a civic spirit of peace of the highest order. It has paved the way to a new understanding between the wealthy bourgeoisie and the impoverished rural masses.

Another example of the local capacity to transform conflicts is the interaction between the internally displaced populations and their host families. Despite the situations of vulnerability, the communities are rethinking their quick and effective response strategies in the face of multiform humanitarian crises during population movements due to armed clashes. Many families who fled combat to avoid armed groups and front lines have lost everything and depend on humanitarian aid or the generosity of already depleted host communities to survive. The sharing and generosity of the host families to these displaced persons is testament to the self-sacrificing actions that peace-loving communities are capable of.

SOLIDARITY, A BASTION OF COMMUNITY RESILIENCE

To understand and analyze the concept of resilience in Masisi, one finds solidarity and family relations between internally displaced persons and their hosts. In the face of chronic population displacement, solidarity—even to the distribution of assets and income between family members—ensures, to a certain extent, social and economic security for all members of displaced families. This is invaluable for community resilience in the face of social discord caused by armed conflict.

The number of internally displaced people continues to grow in Masisi territory because of the activities of armed groups and military counterattacks. Not only is the Congolese government weak in terms of sustainable solutions to prolonged displacements, but it also does not have any law on displaced persons. Over time, the efforts of traditional mechanisms for managing displaced persons (the

humanitarian community) was diminished or seemed to be overwhelmed by the requests and needs of these people. Difficulty in reaching the areas to which the internally displaced people are confined is also difficult, even impossible, for humanitarian intervention. As a result, at the local level, hopes of survival remain invested in social cohesion and the relationships that are built between the displaced families and their host communities, who play a key role in developing and strengthening resilience at the individual and community levels.

Indeed, the recurrent wars and resulting chronic population displacements take a heavy toll on the social structure and dynamic, especially the family unit. Separation from other family members, the risk of which grows with each displacement, is only the tip of the iceberg. In a less visible manner, displacement changes the distribution of roles among family members, undermining family cohesion and challenging the traditional status of men and women in a marriage. Faced with these changes, ranging from a lack of intimacy to a shortage of resources, family members grow apart, mutual respect deteriorates and the risk of domestic violence increases. Children begin to lose their reference points and become distant from their parents. A role reversal can also occur between children and adults, whereby the children become independent much earlier. The breakdown of the family unit has repercussions on the mental health of family members. The more frequently displacement occurs and the longer displacement lasts, the worse these problems get. With no family, friends or neighbors to rely on, displaced people have more difficulty in overcoming the obstacles they face, as well as addressing the challenges that lie ahead. Solidarity in all its forms, including between strangers, has become a bastion or a mechanism to face the trials and tribulations of rebuilding one's life during a period of exile.

Access to resources through consolidated personal relationships not only has an impact on the family dynamic of displaced persons, but it is also and, above all, crucial for their wellbeing and resilience. By having access to land thanks to their host families or host population, displaced persons can again put their agricultural knowledge to good use for the benefit of their families. As well as access to land, displaced persons sometimes receive a loan from their host families, which also helps them to replace lost capital and to continue their tertiary activities.

Furthermore, displaced populations are given guidance about day-to-day activities such as transport (for small-scale merchants), or agricultural work available in a third party's field. The main sources of income for most of the population are precarious because they are connected to periodic activities or depend on access to land and the agricultural calendar: the sale of harvests, the transport of goods to local markets or working the fields.

Finally, the economic interaction between displaced families and host communities plays an important role in improving the quality of life of internally displaced people, and even their self-sufficiency. All the more so because in Masisi territory, the perception of displaced persons in camps is more negative than that of displaced families staying with host families.

4. PERSPECTIVES AND RECOMMENDATIONS

NATIONAL, PROVINCIAL AND LOCAL GOVERNMENTS

Given the absence of good governance in Masisi territory, inequality in basic social services, the absence of distributive justice, the lack of social cohesion, and the prevalence of insecurity, in particular related to the armed groups that are significant security threats for the local civilian populations and for the populations having been repatriated to and resettled in their areas of origin after fleeing violence, the following actions are recommended for governments in the subject area:

- Limit development of the climate of distrust among communities that is prevalent throughout Masisi territory, and promote an environment that encourages and facilitates peaceful coexistence to contribute to sustainable peace in the communities.
- Promote dialogue between the community strata to establish a climate of peace, social cohesion and harmonious coexistence throughout the territory.
- Initiate inclusive community activities on peace education, conflict sensitivity and conflict transformation through community dialogue, the media and capacity building among the local community support structures that participate in the positive transformation of conflicts, so as to contribute to the reintegration of refugees and displaced persons in their resettlement areas.
- Mobilize young people from different ethnic communities to peaceful cohabitation and peacebuilding and support them through intercommunity projects.
- Strengthen the territorial system for gathering population statistics and intensify awareness-raising and educational actions around reducing gender inequality.
- Improve security throughout the territory and intensify peacebuilding practices and true democracy.
- Control population growth and reenergize civil state services.
- Improve government financing and the local economy for enhanced efficacy of public policies.
- Create decent employment by strengthening the reconstruction and rehabilitation dynamic concerning basic socioeconomic infrastructures, notably in rural areas, and by reintroducing crop farming.

SOCIAL DIALOGUE: RETURNING HOME

Everyone is a victim and everyone would like revenge. And yet, everyone is guilty. We're happy at home. We're comfortable at home. Returning home is like striking gold. But what if the cost is seeing things from each other's point of view, being able to look the other person in the eye, drying their tears and rewriting history through the lens of ethical values? Only dialogue, this initial step toward tolerance, can open us up to the other and allow us to embrace our differences. Dialogue is a source of the harmony that wars strip away from multiethnic communities. Only through dialogue can the communities of Masisi reopen the doors of sociability that fate had closed. Dialogue will promote the potential of human beings who, by sharing with one another, can then develop and demonstrate their creativity and enrich their skills. It is thanks to dialogue that relationships with "the other" become a

part of oneself and a presence that becomes synergistic. Dialogue promotes a culture, environment and political atmosphere that respect human dignity and ensure its full potential.

Dialogue is the door to reconciliation, the genesis of all civic trust. It is this centrifugal energy that moves towards peace. Recognizing that all people aspire to peace is to create a future that enables human beings to join forces in building an inclusive society on the basis of human dignity, mutual respect and social justice. Reconciliation enables a context to be created in which humankind can learn to live harmoniously.

JURISDICTIONS

The government must make justice a convincing reality, with the help and support of the international community. This involves improving the civil courts and police services, so that they are able to carry out inquiries correctly and prosecute human rights violations, particularly sexual violence and crimes against children. This also means improving the judicial and police systems, and for higher priority to be given to reducing sexual violence, providing victim and witness support and protection, and providing sufficient financial and material aid. Finally, the police, prosecutors and judges must receive training that enables them to fulfil their roles in a fully independent manner.

While tension is inevitable, government institutions at the local level must be able to enforce the law, and to do so fairly. To do this, the legitimacy of the existing mechanisms must be strengthened, or mechanisms must be established, for confidence in the law enforcement mechanisms to be earned. Legal assistance for the indigenous Pygmy people, the victims of rights violations, such as gender-based violations, is also needed.

To regenerate a society such as the DRC, which is so affected by bloody fratricidal wars, and especially in Masisi, home to ravaged multiethnic communities, a positive synergistic approach between peace actors and legal practitioners will be most effective.

5. CONCLUSIONS AND PATHWAYS TO SOLUTIONS

Although defiant attitudes are difficult to overcome, in spite of years of conflict and insecurity, so many innocent victims and so much destroyed land, it is not, however, impossible to hope that—bolstered by the willingness of the most affected stakeholders, communities and peace actors—one day soon a mechanism will be established to initiate cooperation on the organization of a devastated Masisi territory, for the benefit of local communities.

It is also conceivable to hope that the resources that have been misappropriated by the fraudulent economy, especially those from the mining sector, are channeled to productive employment, and that a fraction of the resources allocated for the deterrence and defense of the populations by the international community (more than \$12 billion for 22,000 people by MONUSCO alone) will be allocated to peacebuilding programs and projects. The faster results happen, the lower the risk of conflict resuming.

And yet, the mistake would be to believe in quick and easy solutions to postconflict reconstruction. Indeed, the time required for reconstruction is a decade. As is also the case in a transformational scenario, there will always be resistance. After so many years of discord and insecurity, so many innocent victims and so much destroyed land, attitudes of defiance are hard to overcome.

Locally, those who have benefited from the absence of regulation, the militarization of economic activity and income opportunities will seek to frustrate regulatory efforts, or even to fight them by force. Others, who are certainly greater in number, from coltan miners to local civil servants, traders and exporters who have been limited to accommodating the deregulated system, will find, one hopes, greater interest in reform.

Two solution pathways for the recovery of the Masisi population are: (1) a responsible government with a healthy approach to patrimonial management and (2) rational land use management, land being the lifeblood of all communities in Masisi. To meet this challenge, a few mechanisms must be implemented.

The government must identify and list all large-scale landowners and landholders in Masisi and create a space for dialogue between the latter and the farming masses around the conflicts that divide them and find a common understanding. This is the win-win principle.

The government must look at the land titles improperly acquired and identify all disputed land through land registry services in collaboration with other local administrative services, in order to enforce the law in an impartial manner. According to information received by the Masisi territorial administrator, on April 9, 2019, there were 65 disputed plots of land in Masisi territory, of which 42 in Bahunde chefferie and 23 in Bashali chefferie.

Public domains are, by their legal definition “inalienable and imprescriptible.” It is therefore important to identify and recover all private government land in Masisi territory, as well as the plantations and farms invaded by third parties: the farms of Kimoka in Sake, Korole and Kikole in Muhanga, Tambi in Kahira,

the 190-hectare Mbuhi farm in Mweso occupied by Jardins théicoles de Ngeri [Tea Gardens of Ngeri], as well as the abandoned plantations and those not developed since the colonial era, which no individual has property rights over, and place them in the hands of the government for the benefit of the entire population in Masisi.

The Congolese government, in this case the Masisi territorial government, must find, in a reasonable time frame, a solution for the camps of internally displaced people in the groupements of Biiri (the Katale camp, the largest with 5,930 people, and the camps in Lushebere and Biiri) and Kibabi (the Kasenyi camp, and the Kibabi and Buporo centers). Many observers have made a connection between the presence of these camps and the recent cattle slaughter in these areas. According to a report of the International Organization for Migration and the UNHCR issued March 25, 2018, Masisi territory was home to 60,115 internally displaced persons from 14,748 households.

Agrarian reform in Masisi territory is also necessary and urgent. Not only must new laws be instituted addressing land issues, but Congolese citizens must be made aware of these laws, as well as combating impunity and corruption in their application.

Local authorities must give credence to the existing community-led peace support structures and recognize their ability to settle conflicts, and build their capacity through training and financial support.

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