

**INTERETHNIC CONFLICT AND THE ROLE OF TRADITIONAL  
LEADERS IN THE TRUTH AND RECONCILIATION PROGRAMME  
IN NORTH KIVU, DEMOCRATIC REPUBLIC OF CONGO**

**EMMANUEL TAVULYA-NDANDA TEMBO  
2015069772**

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THE FACULTY OF THE HUMANITIES  
UNIVERSITY OF THE FREE STATE**


**PROMOTOR: DR MAROYI MULUMEODERHWA  
CO-PROMOTOR: DR STEPHANIE CAWOOD**

**30 NOVEMBER 2021**

## DECLARATION

I, Emmanuel Tavulya-Ndanda Tembo (student number 2015069772), declare that the thesis that I herewith submit for the Degree of Doctor of Philosophy with specialisation in Africa Studies at the University of the Free State, is my independent work, and that I have not previously submitted it for a qualification at another institution of higher education.

Name: Emmanuel Tavulya-Ndanda Tembo (Student Number 2015069772)

Signed: 

Date: 23 November 2021

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## **DEDICATION**

To the late *Mwami* Syalandira Anselme and *Mwami* Mutowa Edward, who strove for peace in their respective *goupements* of Luongo (Lubero District) and Kamuronza (Masisi District), I dedicate this work.

## ABSTRACT

This empirical research was built on the failure of military operations, and formal peacebuilding processes sought to curb the interethnic conflicts revolving around the issues of land, citizenship and political power in the North Kivu province, Democratic Republic of Congo (DRC). This study focused on the truth and reconciliation process designed by the Amani Programme in 2008 for the eastern provinces of North Kivu and South Kivu. It probed the role of the traditional leaders in the said programme for the period between 2008 and 2018.

In order to establish its argument, this case study relied on data collected from eleven focus groups and thirty interviews purposively selected. Focus group discussions were conducted among members of CBOs, civil society, field NGOs, church leaders and members of field organisations, while interviews were conducted with traditional/ethnic leaders, church leaders, UN officials, government officials, and members of the civil society. Theoretically, this study used Lederach's Conflict Transformation Theory and peace education. On the one hand, from the transformative viewpoint, the study's findings revealed that peacebuilding processes failed because they did not consider the local context of North Kivu, which endorses the full participation of the grassroots leadership represented by traditional leaders. On the other hand, this study found that informal and formal education for peace is still insufficient in the province.

Clearly, there is a need for change, which is possible if a bottom-up approach is adopted where traditional leaders become the initiators of the reconciliation programme. It is worth noting that traditional leaders have the attribute to manage and distribute land as land question is one of the underlying causes of ethnic conflict in North Kivu. The engagement that restores the *bami* in their status as peacemakers can significantly change communities' attitudes and perceptions. There is a strong need to engage the community in more workshops and meetings for reconciliation at the communal level.

# TABLE OF CONTENTS

## Page number

DECLARATION	i
ACKNOWLEDGEMENTS	ii
DEDICATION	iii
ABSTRACT	iv
TABLE OF CONTENTS	v
LIST OF TABLES	x
LIST OF FIGURES	x
GLOSSARY	xi
ACRONYMS AND ABBREVIATIONS	xiii
<b>PART I INTRODUCTION</b>	<b>1</b>
<b>CHAPTER 1:INTRODUCTION</b>	<b>2</b>
1.1 GENERAL ORIENTATION	2
1.2 BACKGROUND TO THE STUDY	4
1.3 RESEARCH PROBLEM	7
1.4 RESEARCH QUESTIONS	8
1.5 RESEARCH OBJECTIVES AND AIMS	9
1.6 RATIONALE OF THE STUDY	10
1.7 THEORETICAL APPROACH	16
1.8 SCOPE OF THE STUDY	17
1.9 CLARIFICATION OF KEY CONCEPTS	18
1.9.1 Conflict	19
1.9.2 Interethnic conflict	19
1.9.3 Traditional leaders	25
1.9.4 Truth and reconciliation commission/programme	25
1.10 THESIS OUTLINE	28
<b>PART II LITERATURE REVIEW</b>	<b>30</b>
<b>CHAPTER 2:THE POLITICAL CONTEXT - INTERETHNIC CONFLICT AND PEACEBUILDING INITIATIVES IN NORTH KIVU</b>	<b>31</b>
2.1 INTRODUCTION	31
2.2 THE STATUS OF TRADITIONAL LEADERS	32
2.2.1 The legal status of traditional leaders	32
2.2.2 Traditional leaders and land management	33
2.2.3 Challenges in traditional leadership	35

2.3	UNDERLYING CAUSES OF THE NORTH KIVU INTERETHNIC CONFLICT	37
2.3.1	Rwandan immigration and colonial policies	38
2.3.2	Unresolved political issues: Land, identity and power	41
	2.3.2.1 <i>Land tenure</i>	42
	2.3.2.2 <i>Citizenship and power</i>	47
2.3.3	The involvement of traditional leaders in interethnic conflict	55
2.4	TANGENTIAL CAUSES OF CONFLICT	58
2.4.1	The surge of refugees in North Kivu	58
2.4.2	Revolutionary or invasion wars	59
2.4.3	Insecurity along the Rwanda and Ugandan borders	62
2.4.4	Economic agendas	63
2.4.5	Poor governance	67
2.5	PEACE PROCESSES IN NORTH KIVU	68
2.5.1	Military operations	68
2.5.2	Recurrent formal peace processes	75
2.6	PEACEBUILDING FAILURES	77
2.7	SUMMARY	79
<b>CHAPTER 3: THEORETICAL FRAMEWORK</b>		<b>80</b>
3.1	INTRODUCTION	80
3.2	PEACE EDUCATION	82
3.3	CONFLICT TRANSFORMATION THEORY	84
3.3.1	Conflict transformation and local leadership	86
3.3.2	Conflict transformation and reconciliation	91
3.4	TOWARDS A CONTEXTUALISED RECONCILIATION FRAMEWORK (CRF) AS THEORETICAL LENS	95
3.4.1	Genesis of the argument: Criticisms of reconciliation	95
3.4.2	Illustration of the CRF: The Miriki Communal Reconciliation Workshop	102
3.5	TRUTH AND RECONCILIATION PROCESSES	113
3.5.1	Truth and reconciliation around the world	114
3.5.2	Truth and reconciliation in Africa	117
3.5.3	Truth and reconciliation in the DRC	119
3.5.4	Relevance and challenges of TRCs in general	125
3.6	SUMMARY	129
<b>PART III RESEARCH METHODOLOGY</b>		<b>132</b>
<b>CHAPTER 4: RESEARCH METHODOLOGY</b>		<b>133</b>
4.1	INTRODUCTION	133
4.2	RESEARCH DESIGN	134
4.2.1	Qualitative case study research design	134
4.2.2	Study area and sample	139
4.3	DATA COLLECTION	143
4.3.1	Focus groups	143

4.3.2	Individual interviews	147
4.4	DATA ANALYSIS	150
4.5	THE RESEARCH PROCESS	152
4.6	RESEARCH OBJECTIVITY/TRUSTWORTHINESS	154
4.7	ETHICAL CONSIDERATIONS	156
4.8	SUMMARY	159
<b>PART IV DATA ANALYSIS</b>		<b>161</b>
<b>CHAPTER 5: TRADITIONAL LEADERS PEACEBUILDING MECHANISMS BEFORE/OUTSIDE THE CTPR</b>		<b>162</b>
5.1	INTRODUCTION	162
5.2	TRADITIONAL LEADERS AS CUSTODIANS OF LAND AND TRADITION	162
5.3	BLOOD PACT AND INTERETHNIC MARRIAGE	166
5.4	TRADITIONAL COURT	167
5.5	<i>NYUMBA KUMI</i> COMMUNITY POLICING	172
5.6	PROBLEM-SOLVING AND COOPTATION INTO TRADITIONAL POWER STRUCTURES	174
5.7	OBSTACLES TO <i>BAMI'S</i> PEACEBUILDING MECHANISMS	176
5.7.1	Ethnic prejudice and discrimination	176
5.7.2	Poor land management	179
5.7.3	The involvement of <i>Bami</i> in politics	186
5.8	SUMMARY	190
<b>CHAPTER 6: PEACEBUILDING MECHANISMS OF TRADITIONAL LEADERS WITHIN THE CTPR</b>		<b>191</b>
6.1	INTRODUCTION	191
6.2	PARTICIPANT AWARENESS OF THE CTPR PROGRAMME	191
6.3	RECONCILIATION THROUGH PEACE INITIATIVES AFTER THE DEMISE OF THE CTPR	196
6.3.1	STAREC Programme	197
	6.3.1.1 <i>Appraisal of STAREC Programme</i>	201
	6.3.1.2 <i>The involvement of traditional leaders in the STAREC Programme</i>	205
6.3.2	Social dialogue as tool to enhance social cohesion	208
6.3.3	Critiques of social dialogue	211
6.4	SUMMARY	214
<b>CHAPTER 7: THE CONTRIBUTION OF OTHER ACTORS IN THE QUEST FOR INTERETHNIC RECONCILIATION IN NORTH KIVU</b>		<b>216</b>
7.1	INTRODUCTION	216
7.2	INTERNATIONAL COMMUNITY SCHEMES	217
7.2.1	Communicating for peace: Initiatives by Search for Common Ground and <i>La Benevolencija</i>	217

7.2.2	Development for peace: The British International Alert and its joint Development and Livelihood Programme for Reconciliation	219
7.2.3	MONUSCO’S <i>Ilots de Paix</i> (Islands of Peace)	220
7.2.4	USAID/Netherlands, <i>Paillottes de Paix</i> (Shelters of Peace) and Village Peace Committees	221
7.2.5	MONUSCO workshops and ad hoc conferences of peace	224
7.2.6	Appraising the collaboration between international peace initiatives and the <i>Bami</i>	225
7.3	THE APPROACH OF THE PROVINCIAL GOVERNMENT: <i>BARAZA INTERCOMMUNAUTAIRE</i> (INTERCOMMUNITY OMBUDSMAN)	228
7.4	NGOs AND CHURCHES	236
7.4.1	CRONGD-NK: Identifying and de-activating causes of conflict daily	236
7.4.2	NPRC: Noyau de Prévention et de Résolution des Conflits (Nucleus of Conflict Prevention and Resolution)	238
7.4.3	PAL: <i>Programme d’Action Locale</i> (Local Action Programme) and its strategy of <i>buholo</i> (peace)	242
7.4.4	The Catholic Caritas Programme	247
7.4.5	Pole Institute	251
7.5	SUMMMARY	254

## **CHAPTER 8: PERCEPTIONS ON THE *BAMI*’S PARTICIPATION IN THE CTPR AND CHALLENGES FOR THEIR LEADERSHIP 255**

8.1	INTRODUCTION	255
8.2	PEOPLE’S PERCEPTIONS	255
8.2.1	“The <i>bami</i> ’s goodwill and participation is not enough to bring change”	255
8.2.2	Popular support for the <i>bami</i>	258
8.3	<i>BAMI</i> ’S SELF-REFLECTION	261
8.4	CHALLENGES FOR <i>BAMI</i> LEADERSHIP AND PARTICIPATION IN RECONCILIATION PROGRAMMES	263
8.4.1	Illiteracy and deficient education	264
8.4.2	Poverty	266
8.4.3	Widespread insecurity	271
8.4.4	Ambiguities in law and administration	272
8.4.5	Calcification of traditional culture	278
8.4.6	Crisis of illegitimacy	282
8.5	SUMMARY	286

## **PART V CONCLUSION 288**

## **CHAPTER 9: CONCLUSION, FINDINGS AND RECOMMENDATIONS 289**

9.1	INTRODUCTION	289
9.2	RESEARCH FINDINGS: AN OVERVIEW	290
9.2.1	Aim 1: Traditional leaders’ peacebuilding mechanisms before and after the establishment of the CTPR	290

9.2.2	Aim 2: Contributions of other peacebuilding actors towards reconciliation	291
9.2.3	Aim 3: Facilitate an intervention during fieldwork: The Miriki Communal Reconciliation Workshop	292
9.2.4	Aim 4: Areas of collaboration between the <i>bami</i> and other actors in Peacebuilding	293
9.2.5	Aim 5: Perceptions about the <i>bami</i> 's participation in reconciliation programmes	293
9.2.6	Aim 6: Challenges for <i>bami</i> leadership	294
9.3	PARTICIPANT SELF-REFLECTION ON THE RESEARCH PROCESS	294
9.4	STUDY LIMITATIONS AND VALUE	297
9.5	RESEARCH RECOMMENDATIONS	300
9.6	CONCLUSION	300
	<b>REFERENCES</b>	<b>302</b>
	<b>APPENDICES</b>	<b>xvii</b>

## LIST OF TABLES

Table 3.1: Synoptic comparison of the CTPR and Miriki Workshop

Table 4.1: Focus group discussions

Table 4.1: Individual Interviews

Table 4.3: Phases of Research

Table 6.1: Kirumba Engagement Acts

## LIST OF FIGURES

Figure 1.1: Amani reconciliation programme

Figure 2.1: The Coltan value chain

Figure 3.1: The big picture of Conflict Transformation

Figure 3.2: Actors and approaches to peacebuilding

Figure 3.3: Contextualised Reconciliation Framework

Figure 3.4: Peace commitment letter from the Hutu

Figure 3.5: Peace commitment letter from the Nande

Figure 3.6: Endorsement letter from *Mwami* Murandya

Figure 3.1: Sampling map or study area

Figure 5.1: Example of a traditional/village palaver hut

Figure 7.1: *Baraza Intercommunautaire* (Intercommunity ombudsman)

Figure 7.2: NPRC operations

Figure 7.3: PAL dynamics

## GLOSSARY

*Amani*: Kiswahili term for peace

Bahunde, Banyanga, Banande, Batembo, Bakobo, Baofu and Bambute (Pygmies):

Some of the ethnic groups in North Kivu

Banyarwanda: Generic term for populations of Rwandan ancestry, namely, the Hutu and Tutsi

*Baporo*: Local shortened and mispronounced form of Protestants

*Baraza Intercommunautaire*: Intercommunity ombudsman

*Baraza*: Kiswahili for ombudsman

*Bashingatahe*: Traditional leaders in Burundi

*Collectivité*: French for county

*Erihaka*: Kinande verb meaning to pay land rent

*Erikumbira*: Nande verb meaning to work for someone with an expectation of receiving a reward

*Groupement*: French for sub-county

*Impuzamugambi*: Hutu militia which, together with the *Interahamwe*, perpetrated genocide in Rwanda in 1994.

*Induna* (plural *Izinduna*): The assistant chief in charge of conflict resolution in KwaZulu Natal, South Africa.

*Interahamwe*: Rwandan Hutu rebels who took refuge in the DRC after they had perpetrated genocide in Rwanda in 1994

*Karunga*: Kobo and Nande term for oath and lots casting

*Kibebu*: Nande term used in the rite to detect and identify the suspect who perpetrated a crime.

*Kikumi*: Kobo and Ofu concept for the 10% levied from the murderer's property to feed his/her victim's children.

*Kimia*: Lingala term for peace, quietness, calm

*Leo*: Kiswahili term for today

*Magamba*: Traditional rite for reconciliation in Mozambique

*Mai-Mai*: Armed self-defence militias in the eastern Democratic Republic of Congo

*Mazembe* or *Mai-Mai Mazembe*: Name of one of the self-defence militias in North Kivu mainly composed of Nande

*Mufukwo* (plural *bafukwo*): Hunde term for a royal servant

*Muhabwa* (plural *bahabwa*): Hunde term for vassal

*Muhako* or *ngemo*: Nande term designating the rent payable by the vassal to landowners

*Muhimakiri*: Ancestral spirit among the Bahambo in Bwito *collectivité*, Rutshuru District; he is the spirit of abundance, presides over harvests and coronation of the *bami*.

*Mukama* (plural *bakama*): Nande concept for landowner under the authority of the *mwami*.

*Mukonde* (plural *bakonde*): Hunde term for landowner

*Mukuyakuya* (plural *bakuyakuya*): Someone who is not a native

*Musoki* (plural *basoki*): Nande term for vassal

*Mwami* (plural *bami*): Traditional leader in the Kivu; the highest authority over an ethnic group or clan, county and sub-county; supreme judge and overall landowner in his entity

*Njuri Njeke*: Council of Elders in Meru County, Kenya

*Nyatura* or *Mai-Mai Nyatura*: Name of one of the self-defence militias in North Kivu mainly composed of Hutu

*Nyumba Kumi*: Kiswahili term for “ten houses;” it is a community policing strategy or local crime prevention programme at local household level

*Obwenda*: Nande term for poisonous beverage given to the group of the accused. Like the *kibebu* referred to previously, *obwenda* was another test to know who was guilty and who was not. The guilty person could die in the process.

*Pole*: Kiswahili word used to console a bereaved or afflicted person

*Umoja*: Kiswahili term for unity

## ACRONYMS AND ABBREVIATIONS

ADF-NALU	: Alliance Democratic Forces - National Army for the Liberation of Uganda
AFDL	: <i>Alliance des Forces Démocratiques pour la Libération</i>
ANBP	: Afghan's New Beginnings Programme
ANC	: African National Congress
APCLS	: <i>Alliance des Patriotes pour un Congo Libre et Souverain</i>
AU	: African Union
BBC	: British Broadcasting Corporation
CAVR	: <i>Comissão de Acolhimento, Verdade e Reconciliação</i> (de Timor Leste)
CBK	: <i>Communauté Baptiste au Kivu</i>
CBO	: Community-Based Organisation
CCRCC	: <i>Commission Consulative de Résolution des Conflits Coutumiers</i>
CEBK	: <i>Communauté des Eglises Baptistes au Kivu</i>
CIFOR	: Centre for International Forestry Research
CIRAD	: <i>Centre de coopération Internationale en Recherche Agronomique pour le Développement</i>
CIRGL	: <i>Conférences Internationales pour la Région des Grands Lacs</i>
CLPC	: <i>Comités Locaux pour la Paix et la Conciliation</i>
CLPD	: <i>Comités Locaux pour la Paix et le Développement</i>
CNDP	: <i>Congrès National pour la Démocratie et la Paix</i>
CNS	: <i>Conférence Nationale Souveraine</i>
ColTan	: Colombo Tantalite
COMESA	: Common Market for Eastern and Southern Africa
CONADEP	: <i>Comisión Nacional sobre la Desaparición de Personas</i>
CONTRALESA	: Congress of Traditional Leaders in South Africa
CPGL	: <i>Communauté des Pays des Grands Lacs</i>
CRF	: Contextualised Reconciliation Framework
CRONGD-NK	: <i>Conseil Régional des Organisations Non Gouvernementales de Développement au Nord-Kivu</i>
CTPR	: <i>Commission Technique pour la Pacification et la Réconciliation</i>

CTT	: Conflict Transformation Theory
CVR	: <i>Commission Vérité et Réconciliation</i>
CVR	: <i>Comisión de la Verdad y Reconciliación</i>
DDR	: Disarmament, Demobilisation and Reintegration
DDRRR	: Disarmament, Demobilisation, Repatriation, Reintegration, and Resettlement
DFID	: Department for International Development
DSP	: <i>Division Spéciale Présidentielle</i>
EAC	: Eastern Africa Community
FAC	: <i>Forces Acquisées pour le Changement</i>
FALD/K	: <i>Forces Armées pour la Libération Durable du Kongo</i>
FAR	: <i>Forces Armées Rwandaises</i>
FARDC	: <i>Formes Armées de la République Démocratique du Congo</i>
FAZ	: <i>Forces Armées Zaïroises</i>
FDC	: <i>Forces de Défense du Congo</i>
FDLR	: <i>Forces Démocratiques pour la Libération du Rwanda</i>
FDP	: <i>Forces pour la Défense du Peuple</i>
FG	: Focus Group
FIB	: Force Intervention Brigade
GDP	: Gross Domestic Product
HRW	: Human Rights Watch
ICG	: International Crisis Group
ICTR	: International Criminal Tribunal for Rwanda
IDPs	: Internally Displaced Peoples
IGAD	: Inter-Governmental Authority for Development
IJR	: Institute for Justice and Reconciliation
IPNCB	: <i>Institut des Parcs Nationaux au Congo Belge</i>
ISSSS	: International Strategy for Support to Security and Stabilisation
KNCIC	: Kenya National Cohesion and Integration Commission
M23	: <i>Movement of 23 March 2009</i> (Rebel group in eastern DRC)
MAGRIVI	: <i>Mutuelle des Agriculteurs de Virunga</i>
MIB	: <i>Mission d'Immigration des Banyarwanda</i>

MLC	: <i>Mouvement de Libération du Congo</i>
MONUC	: <i>Mission de l'Organisation des Nations Unies au Congo</i>
MONUSCO	: <i>Mission de l'Organisation des Nations Unies pour la Stabilisation du Congo</i>
MRRDC	: <i>Mouvement de Résistance en RDC</i>
NATO	: North Atlantic Treaty Organisation
NGO	: Non-Governmental Organisation
NRC	: Norwegian Refugees Council
NPRC	: <i>Noyau de Prévention et de Résolution des Conflits</i>
OAU	: Organisation of the African Unity
OECD	: Organisation for Economic Co-operation and Development
PAL	: <i>Programme d'Action Locale</i>
PARECO	: <i>Patriotes Résistants Congolais</i>
PLO	: Palestine Liberation Organisation
PNC	: <i>Police Nationale Congolaise</i>
RCD	: <i>Rassemblement Congolais pour la Démocratie</i>
RCD-KML	: <i>Rassemblement Congolais pour la Démocratie-Kisangani Mouvement de Libération</i>
RDC	: Republic Democratic of (the) Congo
RPF	: Rwandan Patriotic Front
SED	: <i>Sozialistische Einheitspartei Deutschlands</i>
SGBV	: Sexual and Gender-Based Violence
SIGAR	: Special Inspector General for Afghanistan Reconstruction
SNPC	: <i>Synergie Nationale pour la Paix et la Concorde</i>
SSR	: Security Sector Reform
STAREC	: Stabilisation and Reconstruction
TJRC	: Truth, Justice and Reconciliation Commission
TRC	: Truth and Reconciliation Commission
UN	: United Nations
UNDP	: United Nations Development Programme
UNICEF	: United Nations International Children's Emergency Fund
UNTAET	: United Nations Transitional Administration in East Timor

UPCDC : *Union des Patriotes Congolais pour la Défense du Congo*  
UPDF : Uganda People's Defence Forces  
URC : Unity and Reconciliation Commission  
US : United States (of America)  
USAID : United States Agency for International Development  
VOA : Voice Of America  
VPC : Village Peace Committee  
WRI : World Resources Institute

## **PART I INTRODUCTION**

**Part I** introduces the research subject and provides the research background and the thesis outline.

**Chapter 1** encompasses the general overview of the study. Section 1.1 presents the general introduction of the study. Section 1.2 introduces the Province of North Kivu, its population, the context of war and interethnic conflicts. At a glance, this section demonstrates how the protracted conflict revolved around land, citizenship and power. Sections 1.3, 1.4 and 1.5 respectively present the research problem, research questions and research objectives/aims. Section 1.6 provides the rationale of the study, with Section 1.7 summarising the theoretical approach and detailing the relevant theories applied in this study. Sections 1.8 and 1.9 are dedicated to the scope of the study and the clarification of the key concepts.

# CHAPTER 1: INTRODUCTION

## 1.1 GENERAL ORIENTATION

The conceptualisation and practice of the truth and reconciliation programme and commission have evolved since the early 1970s. From that time onwards, it has been accepted worldwide as a standard programme to be included in comprehensive peace agreements. The overall objective of truth and reconciliation programmes is the following: to discover, clarify, and formally acknowledge past abuses; respond to the specific needs of the victims; contribute to justice and accountability; outline institutional responsibility and recommend reforms; promote reconciliation; and entice participants into building a better country (Misra, 2008; Sooka, 2010). South Africa established and managed the biggest truth and reconciliation commission and programme (TRC), which was emulated by other African countries such as Rwanda, Burundi, Sierra Leone, and the Democratic Republic of Congo (DRC) (Freeman, 2006; Wachira, 2010; Wiebelhaus-Brahm, 2010). If in South Africa, the TRC was sought to mark the demise of Apartheid and the transition to democracy in 1994, elsewhere in Africa, the context was different as most countries that established truth and reconciliation programmes were emerging from violent armed conflicts.

The DRC has established two truth and reconciliation commissions and programmes: the first, that is, the *Commission Vérité et Réconciliation* (Truth and Reconciliation Commission, CVR) was established in 2004 (Freeman, 2006; Wakenge & Bossaerts, 2006) and the second, the *Commission Technique pour la Pacification et la Réconciliation* (Technical Commission for the Pacification and Reconciliation, CTPR) was instituted in 2008. The latter was established mainly for the eastern provinces of North Kivu and South Kivu to cement peaceful coexistence between local communities that have been in a spiral of interethnic conflicts since the independence of the DRC in 1960. This study focuses on the role of traditional leaders in the CTPR for a period of ten years, from 2008 to 2018, to understand the role that traditional leaders play in the reconciliation processes.

This research is a qualitative case study located in the field of Africa Studies. It emerged from the researcher's concern about the ongoing interethnic conflict in his native North Kivu province. Despite military operations and peace initiatives undertaken by local and international actors, in terms of negotiations, constitutional, policy and legal reforms, and the establishment of a Truth and Reconciliation Commission, the security situation in North Kivu remains volatile. In explaining peacebuilding failures, Autesserre (2007; 2014) identified three major elements at the source of the unrest in the DRC: the causes of violence, the hypocritical behaviour of actors, and inappropriate peacebuilding approaches. She also found that the causes of violence include regional and national causes of local violence, and their combination has made it difficult to reach peace in the DRC. Regional causes refer to Rwanda's and Uganda's continuing involvement in supporting the armed groups. Economic motivations seemed largely to account for Rwanda's and Uganda's interest in the eastern Congo, typically because of its massive mineral deposits. The national causes of local violence stem from the transitional government, characterised mainly by distrust among the representatives of the different strata of the transition institutions. Regarding actors, she found that peace processes failed in the DRC because there was little or no cooperation between the high-ranking diplomats, the UN staff members, the political and military leaders and the local leadership; the role of the latter was often nonexistent. Concerning peace approaches, international and sometimes national actors have been employing conflict resolution standard models that do not consider local dynamics or local context (See also Daley, 2006; Kalyvas, 2003). Therefore, this study proceeds from Autesserre's analysis by drawing attention to the role of the local leadership, local approaches and local context in peacebuilding initiatives.

Theoretically, this study will analyse the role of traditional leaders and make recommendations mainly through the lenses of Lederach's (1997; 2003; 2017) Conflict Transformation Theory (CTT) and peace education. While the CTT endorses the role of grassroots leadership in peacebuilding, peace education aims to help people change their culture of violence into a culture of peace (Ardizzone, 2001). This study also intends to design another approach drawn from the above theories: the Contextual Reconciliation Framework (CRF). Applied to North Kivu, the CRF assumes that the change lies in

considering the context. True reconciliation in North Kivu could be carried out by legitimate traditional leaders at the communal level rather than at the national or provincial macro level through concrete informal peace education programmes, such as workshops and meetings for reconciliation, on the one hand, and formal peace curricula in schools with the collaboration of teachers and other actors.

This empirical study essentially depended on participants' responses provided in focus groups and individual interviews. Other sources of information included the interdisciplinary contributions from history, political science, international relations, ethnography, peace and conflict studies. This research employed a thematic analysis. The themes arose from the questions asked during focus group discussions and individual interviews related to the research aims. The themes identified were the following: Traditional leaders' peacebuilding mechanisms; other actors' contribution towards reconciliation; areas of collaboration between the *bami* and other actors in peacebuilding; people's perceptions about their *bami*'s participation in reconciliation programmes; and the challenges the *bami* face in their leadership. The research will conclude with threefold recommendations: communal, political and educational. Reconciliation should be re-invented and be sought at the communal level and designed by the *bami*. The argument for full involvement of the *bami* includes better outcomes in terms of ownership of the reconciliation process and capacity building of local communities. However, since the interethnic conflict in North Kivu has had national and regional repercussions, this work of the *bami* should be supplemented by political solutions in terms of good governance in the country and more regional security cooperation between the DRC, Rwanda, Burundi and Uganda. Finally, informal and formal peace education programmes should be designed and delivered to the citizenry.

## **1.2 BACKGROUND TO THE STUDY**

The study's background consists of the demographic organisation of the North Kivu population and the ongoing war and interethnic conflict. The population of North Kivu

province is estimated at 8.1 million (2015 Estimates).<sup>1</sup> It is composed of several ethnic groups clustered into two major groups. The first group consists of local Congolese communities who consider themselves autochthons, namely the Banyanga, Bahunde, Banande, Bakumu, Batalinga, Bahavu, Barega, Bapere, Batembo and Bambuti or Pygmies. The latter, specifically the Pygmies, constitute a group of nomadic hunter-gatherers while the rest are sedentary Bantu people. The second group includes Rwandan ancestry, the Tutsi and the Hutu, commonly known as Banyarwanda (Ndaywel, 1997; Palermo, 2007). The Bantus rely on subsistence farming while the Banyarwanda, especially the Tutsi, practice low scale cattle rearing. Among the Bantus, in the instance of Banande, the land was communally owned on a clan basis, and most economic activities were done on a communal basis. However, even though people collectively worked together, each family owned its own gardens (Magezi, Nyakango & Aganatia, 2004). In sum, land is an asset of economic importance, and its control is the foundation of economic activity, including access to natural resources.

Land ownership is one of the main causes of the ongoing interethnic conflict in the province. For these reasons, different ethnic groups, clans, and families are competing/fighting for land claims (Autesserre, 2008; Putzel, 2009). The present conditions in North Kivu province indicate that the province has undergone several forms of conflict, such as the Mulelist rebellion in 1964 (Ndaywel, 1997; Tshimanga Wa Tshibangu, 1976) and the wars of liberation, which successively struck the country in 1996 and 1998 (Prunier, 2009; Reyntjens, 2010; Reyntjens & Marysse, 1996; Turner, 2007).<sup>2</sup> However, the sort of conflict that has pervaded the history of North Kivu since the independence of the DRC in 1960 remains the interethnic conflict principally waged between two major groups, namely the indigenous communities and people of Rwandan ancestry (Ngabu, 1996; Willame, 1997). Scholars indicate that the leading cause of tensions

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<sup>1</sup> Rapports annuels, Division Provinciale de l'intérieur; 2013, 2014 et 2015, Retrieved June 18, 2020 from <https://www.ins-nordkivu.org/generales/statistiques/statistiques-demographie-nordkivu.php>

<sup>2</sup> Pierre Mulele was the Minister of Education in Patrice Lumumba's cabinet in 1960. He is alleged to be the founder of the Mulelist rebellion also called Simba which from 1964 tried to bring about communism in the DRC. The movement was characterised by violent actions, which claimed several lives (Ndaywel, 1997, p. 613; Tshimanga Wa Tshibangu, 1976, pp. 133-135).

is threefold: the issue of Congolese citizenship, power, and land (Autesserre, 2010; Nest, 2006; Reyntjens, 2010; Turner, 2013). According to Turner (2013), ethno-nationalist language has dominated politics in the DRC since the country's independence to the extent that Rwandophones have been marginalised. Thus, North Kivu provides an example of contextualised identities in Africa, as Hudson and Melber (2014) illustrated. They assert that it has become a place of contestations and rejection of *Banyarwanda*'s claims of belonging to that particular space. By way of consequence, these contestations have taken the forms of 'rwandophobia' and ethnic conflicts.

Today, the North Kivu province offers a site of confrontation between different militia groups whose formation and administration are pervaded by ethnic patterns. Such were the M23<sup>3</sup> and its forerunners the *Congrès National pour la Défense du Peuple* (National Congress for People's Defense, CNDP) and *Rassemblement Congolais pour la Démocratie* (Congolese Rally for Democracy, RCD-Goma) founded to protect the Tutsi minorities (Reyntjens 2010; Stearns, 2012). The FDLR (*Forces Démocratiques pour la Libération du Rwanda* – Democratic Forces for the Liberation of Rwanda) and the Nyatura are mainly composed of Rwandan and Congolese Hutu (Radio Okapi, May 1, 2016). On the side of autochthon Hunde, Nyanga and Nande, there are several groups of *Mai-Mai* or armed self-defence groups of all denominations (Autesserre, 2007, p. 429). With the involvement of these belligerent groupings, the ethnic conflict in North Kivu provides ingredients for protracted conflicts in terms of threats to identity (Hicks, 2002), dehumanisation of the other (Shriver, 2002) and victimisation of one group by another (Staub & Pearlman, 2002).

Regarding the resolution of the North Kivu ethnic conflict, initiatives to reach sustainable peace have fallen short. During President Mobutu's epoch, military operations were prioritised. Launched in 1991 mainly in Masisi and Rutshuru (the epicentre of ethnic conflicts), the said operations were halted in 1996 by the so-called first war of liberation

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<sup>3</sup> M23 is an acronym for *Mouvement du 23 mars* [Movement of March 23, 2009]. It was a rebel military group based in eastern areas of the DRC, mainly operating in the Province of North Kivu. The M23 was formed on 4 April 2012 when nearly 300 soldiers turned against the DRC government, citing poor conditions in the army and the government's unwillingness to implement the 23 March 2009 peace deal between the government and the M23's forerunner CNDP ("M23 (militia)," 2013) – see details in the second chapter.

led by Laurent-Désiré Kabila. The period that followed the Second War of Liberation in 1998 was marked by several peacebuilding initiatives, such as negotiations, constitutional, policy and legal reforms and the establishment of a Truth and Reconciliation Commission (ICG, 2001; Mwesiga & Landsberg, 2003; Renton et al., 2009). The latter peace initiative lies at the core of this study. It will be discussed in detail in Section 4.5 as this seeks to understand the role traditional leaders have played in the formal truth and reconciliation processes in North Kivu for the last ten years (2008-2018). Despite this literature, little data or peer-reviewed studies exist on peacebuilding initiatives in the DRC or about traditional leaders. For this reason, the current study relies heavily on unpublished reports from NGOs and media publications, especially from Radio Okapi, a UN-based electronic newspaper. However, the study widely consults secondary sources of information, including books, articles, and media, where available, although they are limited. Nevertheless, these sources provide the historical and political context of North Kivu in which traditional leaders work and explore the root causes of the unrest and various peace initiatives undertaken by other local, national, regional and international actors. It is worth mentioning that the rural land, which is perceived as the source of conflicts in the region, is controlled and allocated by traditional leaders.

### **1.3 RESEARCH PROBLEM**

This is an empirical study about the role of traditional leaders in truth and reconciliation processes drawn from the case of North Kivu province, DRC. Undeniably, the extent of involvement of these local actors in CTPR processes and the extent of their agency is a contributing factor to their failure or success. Whatever the case, traditional leaders' role is a double-edged exercise as it is confronted by numerous normative dilemmas. The background to this case study offers a complex array of ethnic conflicts. According to Estrada-Hollenbeck (2001, p. 71), it is not clear who are victims and who are perpetrators since all parties have committed and perpetrated a set of crimes. Yet, according to Autesserre (2010) and Wakenge and Bossaerts (2006), the norm is that the configuration of any TRC should not incorporate people who committed serious human rights violations as their presence would impede the revelation of the truth about the committed crimes. In this

sense, the contribution to CTPR processes by traditional leaders who actively participated in the conflict (e.g., organised or funded militias) or who stood by as passive onlookers may seem insignificant. This study argues that membership in CTPR processes can be critical and acknowledges the detrimental effect of the perpetrators' involvement in the CTPR programme. However, it also emphasises the positive role traditional leaders can play in peacebuilding programmes, especially since they control land, which is a major site of contestation, and they provide justice through traditional courts.

Theoretically, one may ask the question to know the real value of traditional leaders' mechanisms vis-à-vis the universalised liberal peace models or the question of what can be considered *bami*'s theoretical contribution to the body of peacebuilding approaches. In this regard, this study neither emphasises the discrepancies between traditional methods and liberal peace paradigms nor recommends substituting the latter by the former. By applying a case study method, this research highlights the local context and the attention it deserves while applying peacebuilding mechanisms, hence the Contextualised Reconciliation Framework, which will be generated from the findings of this research. In a nutshell, this study contributes to the body of knowledge by addressing the literature, theoretical and methodological gap over the traditional leaders' role in the truth and reconciliation programme designed to quell the interethnic conflict in North Kivu province. In fact, this is the first empirical study that investigates the role of traditional leaders in the truth and reconciliation in North Kivu.

#### **1.4 RESEARCH QUESTIONS**

This study's primary research question is: what is the role of traditional leaders within the truth and reconciliation processes designed to foster peaceful co-existence between ethnic communities in North Kivu province? The following secondary research questions will support this primary question:

1. What are traditional leaders' peacebuilding mechanisms within the political context of interethnic conflict in North Kivu before and after 2008, the year in which the CTPR was launched? (Chapters 5 and 6)
2. What mechanisms and strategies are put in place by other stakeholders (such as the UN, field NGOs, churches) to address the interethnic conflict in North Kivu province? (Chapters 2, 6 and 7)
3. What are the field and practical actions undertaken by traditional leaders in communal reconciliation? (Chapter 3)
4. To what extent do traditional leaders cooperate with other actors in the formal CTPR programme, and how are they involved in building peace and/or fuelling conflict? Who is doing what? How? Where? (Chapters 5, 6, and 7)
5. What are the people's perceptions of traditional leaders' involvement in the formal CTPR processes? (Chapter 8)
6. What challenges (perceived and factual) do traditional leaders face while participating in the CTPR programme? (Chapter 8)

## **1.5 RESEARCH OBJECTIVES AND AIMS**

Regarding the research questions detailed above, the overall purpose of this study is to add the voices of traditional leaders to the debate on the normative processes of truth and reconciliation intended to transform the interethnic conflict in the North Kivu province. In other words, looking at traditional leaders' role in the African milieu will help appreciate the extent to which they can impact peace processes in general and truth and reconciliation processes in particular. Also, to offer a critical analysis of peacebuilding mechanisms used by traditional leaders before and after the establishment of the CTPR in 2008. The specific aims are:

1. To understand how traditional leaders participated in peacebuilding in the historical and political unstable context of North Kivu province (see Chapters 5 and 6).
2. To assess the contribution of other peacebuilding actors such as the international community, the Congolese government, NGOs, and churches (see Chapters 2, 6, and 7).
3. To facilitate intervention in the field in terms of reconciliation meetings/workshops (see Chapter 3).
4. To determine the areas in which the *bami* collaborate with the mentioned actors in building peace in the province of North Kivu (see Chapters 6 and 7).
5. To consider people's perceptions about their traditional leaders' participation in reconciliation programmes (see Chapter 8).
6. To know the challenges the *bami* encounter in their leadership in general and while interacting with other peacebuilding actors in particular (see Chapter 8).

## **1.6 RATIONALE OF THE STUDY**

This section provides several motives for carrying out this research. These include the following initiatives: Undertake a project that informs and challenges the collective thinking about the protracted interethnic conflict in North Kivu, and advance policy ideas and insights based on the province's uniqueness; contextualise truth and reconciliation processes; add the voices of traditional leaders to the quest for solutions to the interethnic conflict; cover the gaps in the literature on the involvement of traditional leaders in peacebuilding in North Kivu province; and enhance the reconciliation approach so that it may benefit the resolution of ethnic conflicts in North Kivu and other regions in the world, which present the same political, social and cultural features as studied in this research.

The first reason for studying interethnic conflict and its transformation in North Kivu is because North Kivu constitutes an atypical case. Compared to other provinces of the DRC, North Kivu is the epitome of identity contestations. In fact, in the 1960s, clashes broke out between the Baluba of Katanga (Balubakat) and the Baluba of Kasai over power-sharing and control of mining fields in the province of Katanga (Kankonde, 1997). In the recent past, in 2002, the Lendu and Hema in Ituri province fought in a bid to seize control of gold-rich areas (Hendricks & Musavengana, 2010; Renton et al., 2009). Although all of the ingredients of ethnic conflict in the cases mentioned above are found in the North Kivu case, including issues related to the economic agendas of combatants (Jackson 2002; Samset 2002), the major row is the fight between those who consider themselves autochthonous and Rwandophones over land, power, and citizenship (Turner, 2013). The second reason is that, while other parts of the country are relatively peaceful, North Kivu experiences a protracted interethnic conflict, mostly in its territories of Rutshuru and Masisi, where the Rwandophone population is high (Emizet, 2000; Mathieu & Tsongo, 1998).

Therefore, this study intends to draw the attention of local, regional, and international actors to North Kivu and its status as a war-ridden province. Such a volatile situation not only affects the country but also the Great Lakes Region of Africa. The study intends to advance alternative approaches in the quest for lasting peace in the province. Moreover, in its bid to contribute to the resolution of the North Kivu interethnic conflict, this study widens the debate on the current notions of social cohesion, inclusivity, social justice, human rights, and diversity in a changing world. The study also intends to contribute towards policymaking concerning local issues of identity, land and power. In the instance of land, Long (2007, p. 7) stated that “ownership, access to and control of land (and the natural resources associated with them) remain central to peace and policy processes in the DRC.”

In line with the above statement, the second reason for undertaking this study is to analyse one of the peacebuilding tools, namely the renowned truth and reconciliation processes, while considering the particular context of North Kivu. This study is built on Séverine

Autesserre's (2010) argument that reconciliation and truth-seeking measures have to be at the core of peace processes in any society experiencing massive human rights abuses and a serious humanitarian crisis. The conflict context of North Kivu has been characterised by a high toll on North Kivutians' humanitarian, political and economic welfare, which according to Olsson and Heather (2004) and Minani (2008), include deaths, diseases, land and power usurpation, displacement and general destitution of people. As an illustration, a recent report compiled by the UN Office for the Coordination of Humanitarian Affairs (2017, p. 6) revealed that as of 30 September 2017, the DRC recorded a staggering 3.9 million displaced persons, including more than 400,000 newly displaced in the prior three months. With over 1 million displaced persons, North Kivu remains the most affected province, while the three most affected territories are Lubero (about 294,000), Rutshuru (about 285,000) and Beni (about 201,000).

In another report published on the 7<sup>th</sup> December 2017, the above mentioned UN Office for the Coordination of Humanitarian Affairs (2017) indicated that from June to November 2017, almost 526 civilians were killed in the Kivus; 1,087 people were abducted or kidnapped for ransom, and seven incidents of mass rape occurred. Before this period, the war in the DRC, in general, claimed an estimated 5.4 million deaths between 1998 and 2007 (International Rescue Committee, 2007). According to the aforementioned reports, the main causes of displacements and massacres were armed attacks and clashes perpetrated by Congolese armed forces and various local and foreign militias. Other actors involved in the North Kivu include the neighbouring countries: Rwanda, Burundi and Uganda. In several instances, especially in 1998 and 2003, Rwanda and Uganda have played a key role in destabilising the DRC more than any other of its neighbouring countries. According to Reyntjens (2010), the undue interventions of Rwanda and Uganda have claimed 8 million lives, including victims of rape. This particular activism and interference in Congolese internal affairs have engendered mistrust and prejudice in the mind of Congolese people, in short, that nothing good can come from Rwanda (Prunier, 2009). Therefore, given that interethnic conflict in North Kivu has become a transboundary issue with regional implications, this research will develop insights for a broader

reconciliation and regional integration within the Great Lakes Community, comprising the DRC, Rwanda, Uganda, and Burundi.

The third reason for this research resides in the need to expand the literature on the transformation of the North Kivu interethnic crisis. The researcher aims to understand the underexplored research area on traditional leaders and their contribution to peacebuilding in North Kivu. Most research on the conflict in the DRC presents generic perspectives and do not focus on specific provinces, the profound analysis of individual actors or particular clusters at the grassroots level, such as civil society, local leadership and their input into peacebuilding. Various studies conducted in the DRC discuss local actors' contributions, but they are engulfed in the big peacebuilding set pieces at the national level (Autesserre, 2007, 2008, 2010; Emizet, 2000; Hendricks & Musavengana, 2010; Jackson, 2002; Mwesiga & Landsberg, 2003; Ndikumana & Kisangani, 2005; Olsson & Heather, 2004; Prunier, 2009; Renton, Seddon & Zeilig, 2009; Reyntjens, 2010; Samset, 2002; Wrong, 2001; International Crisis Group, 2001).

The lack of research on North Kivu alone can be explained by the fact that the whole country was at war during the period between 1996 and 2008. Prunier (2009), Reyntjens (2010), Stearns (2011) and Turner (2007), respectively, refer to this period as the bloodiest war since the Second World War, Africa's World War and the Great War of Africa. Therefore, the national, regional, and international actors prioritised peacebuilding in the DRC as a whole without paying attention to specific provinces. However, the persistence of war in North Kivu seems to have provided a fresh impetus for recent studies on the province as a separate entity. For instance, Buchanan (2016), Musavuli (2017), and Stearns, through the Congo Research Group's Report (September 2017), have intensively written about the recent massacres in the Beni district. In their analysis, the three authors opine that the Beni horror is a 'tree that hides a forest;' Beni could become the extension of the conflict between the Nande and the Hutu communities, which customarily occurs in the districts of Masisi and Rutshuru. Additionally, Beni could be at the core of the regional geopolitical strategies between Kinshasa and Kigali because, as Musavuli (2017) argues in his book entitled "*Les Massacres de Beni. Kabila, le Rwanda et les faux islamistes*"

[Massacres of Beni: Kabila, Rwanda and the fake Islamists], after the balkanisation of the country, the district would serve as the host territory for migrants from the overpopulated country of Rwanda. The book is a pledge to establish an international penal court for the DRC, a country characterised by the recurrence of human rights abuses.

The most exhaustive tome on the conflict in North Kivu, written by Muke (2016), is the book “*North Kivu: 25 years of pain.*” In his analysis, Muke distinguishes between intraethnic conflict (the conflict within the same ethnic group) and interethnic conflict (the conflict that pits one ethnic group against the other). He claims that for the last 25 years, the history of the North Kivu has been pervasively dominated by the general focus on interethnic conflicts between the *Banyarwanda* and the coalition of other Congolese ethnic groups. He emphasises that there is no interethnic conflict in the province but only economic cleavages around natural resources owing to several alliances formed between former conflicting parties (see Section 2.4.4). Muke and the studies mentioned above unanimously argue that war in the province can be curbed by the equal distribution of natural resources, the arrest and prosecution of criminals, employment of youth, the disarmament, demobilisation and reintegration of ex-combatants (DDR) processes, and the promotion of reconciliation between local communities.

Notwithstanding the proposed mechanisms to resolve conflict in North Kivu, this study observes that in the column of actors who ought to implement those strategies, analysts downplay the role of individual actors or groups of people at local level but place much emphasis on the role of the macro-society. Lederach (1997; 2003) calls this the top-range leadership of high visibility, namely the state, the regional and international communities. Yet, (Sprey, 1995) believes that the investigation of individual cases can facilitate a better understanding of a phenomenon than generic research. As such, this research aligns itself with the inductive method, which aims at producing reliable empirical results before generalisation. In the DRC, therefore, given the fact that there has been numerous conflicts in different provinces, at different epochs and involving different actors (see Chapter 2), a profound study of each case and local actors who experience the conflict first-hand could help to understand the conflict in North Kivu. Unfortunately, to date, the role played by

traditional leaders in truth and reconciliation commissions remains underexplored. There is a lack of empirical research in North Kivu on understanding their role. Thus, this study intends to fill the literature gap by exploring the role of traditional leaders (*bami*) in truth and reconciliation processes. Once again, the reason behind the choice of *bami* is that they exert a great deal of power and influence at the community level and, ipso facto, are in a position to impact the truth and reconciliation processes designed to foster peaceful coexistence between ethnic communities in North Kivu. The researcher organised reconciliation workshops in one of the fields where this study was conducted in an attempt to reduce conflict and foster reconciliation between divided communities. This will be further discussed in Section 3.4.2.

Considering efforts in peacebuilding at local level, two studies are worth mentioning. Koko's (2016) study on the role of civil society in conflict resolution in the DRC demonstrates how the civil society organisations were directly involved in both the peace process and the subsequent transitional dispensation designed to resolve the conflict. It, however, shows how their direct involvement in the management of transitional institutions contributed to the weakening of their members as many of their leaders were either directly recruited into existing political platforms or simply decided to establish their own political organisations and join active politics. Another study conducted by Kighoma (2017) on protestant church missions in the context of war in eastern Congo from 1990 to 2011 describes various channels through which protestant churches contributed to peacebuilding. These include the famous "plantation of village churches" that encouraged people from diverse ethnic groups to come together as brothers and sisters or as sons and daughters of the same God.

Though abiding by the same principle of looking at local actors such as the above authors, the current study mainly focuses on exploring the role of traditional leaders in peacebuilding. Since power and land are at the centre of contestation between Rwandophones and autochthonous communities, traditional leaders are expected to provide significant contributions to peacebuilding in North Kivu province because of their access to power and land. The few studies and NGO reports on traditional leaders' roles

and other local leaders such as the Catholic Church hierarchy in peacebuilding date back to the 1990s. Ngabu (1996) and Willame (1997) recommended reconciliation among ethnic communities but, in their conceptualisation, ignored the role that the *bami* could and should play in the said reconciliation. Mathieu and Tsongo (1998) and Emizet (2000) highlighted the appeals for peace made by traditional leaders, contributing to a sense of relative peace in 1994. Recent sources indicate that traditional leaders have been participating in workshops for peace, including the Goma Conference held in 2008, which led to the establishment of the *Commission Technique pour la Pacification et la Réconciliation* (Technical Commission for Pacification and Reconciliation, CTPR) (Minani, 2008). After the Goma Conference, however, no study has ever explored the role of traditional leaders within the formal CTPR processes. Therefore, by investigating and documenting the *bami*'s efforts in truth and reconciliation processes drawn from the North Kivu case, this study will make a theoretical contribution to the re-conceptualisation of the agency of local actors in peacebuilding contexts.

## **1.7 THEORETICAL APPROACH**

Evidence has proved that interethnic conflict in North Kivu has resisted conventional conflict resolution mechanisms (Section 1.1). For Hendricks and Musavengana (2010), progress in one dimension engenders conflict in another. This study argues that the change in the transformation of the interethnic conflict in North Kivu resides in the bottom-up approach whereby the local context is considered, and local actors play a more significant role in the reconciliation process. This study seeks to build on Lederach's Conflict Transformation Theory (CTT) and peace education to identify new approaches and more empirical insights into local actors' multiple and complex roles in peacebuilding contexts. Lederach (1997; 2003; 2017) identified three types of leadership: top leadership, middle-range leadership and grassroots leadership, where traditional leaders are found. A set of peacebuilding approaches corresponds to each type of leadership. This theory has the merit of acknowledging grassroots leadership's role in peacebuilding and fostering collaboration between the three types of leadership. The second theoretical lens this study will utilise is peace education. The point of intersection between the two theories lies in their views

that education is the key to peace. The CTT recommended that training at the grassroots level to reduce prejudice be part of peacebuilding approaches (Lederach, 1997), while Harris (2010) argued that people come to learn about threats of violence through formal and informal education on peace and the strategies to curb it.

In addition, this study intends to design another approach drawn from the above theories, namely the Contextual Reconciliation Framework (CRF). Similar to the CTT, the CRF highlights the contribution of the local leadership towards peace. As education for peace, the CRF recommends teaching people about conflict and conflict resolution mechanisms to spread throughout the entire North Kivu province. However, this approach is not competing with Lederach's CTT but complements his work through the three principles, which the CRF intends to formalise, namely the principle of dignity and equality of actors in peacebuilding, the principle of propitious context and the principle of flexibility and adaptability of peace/reconciliation processes. In other words, the CFR is inspired by the CTT and peace education; however, it is more adaptable to suit local, cultural, social, political, structural, and economic conflict situations. For instance, in the context of North Kivu and given the traditional leaders' political and cultural position, especially as land custodians, they would be at the front line to educate their own subjects about peace through recurrent reconciliation meetings and workshops.

## **1.8 SCOPE OF THE STUDY**

This study focuses primarily on understanding the traditional leaders' role in the truth and reconciliation programme designed to quell the interethnic conflict in North Kivu province. Thus, the geographical area is limited to North Kivu Province. The research was conducted in five districts: Nyiragongo, Masisi, Walikale, Rutshuru and Lubero, known as epicentres of interethnic conflicts between Rwandophones and indigenous communities specifically, the Bahunde, Banyanga and Banande. The sixth district, Beni, was excluded from the study because, unlike the above five districts, it has no recent record of interethnic conflict.

Secondly, in terms of timeline, two epochs are of paramount importance for understanding the role of traditional leaders in peacebuilding. The most pertinent period runs from 2008 when the Technical Commission for Pacification and Reconciliation (CTPR) was established until 2018, which this study purposively chose to appraise the role the *Bami* played in the CTPR. The other period starts from the independence of the country in 1960 to 2008. This period, especially between 1999 and 2008, was marked by several peace processes to stabilise and reconstruct the country. This period is also crucial to unpack the *Bami*'s peacebuilding initiatives outside the CTPR. While the *Commission Vérité et Réconciliation* (CVR) was established for the whole country of the DRC, the CTPR was designed specifically for the eastern provinces of North Kivu and South Kivu. The *Amani* Programme<sup>4</sup>, which established the CTPR, also addressed other issues such as the disarmament and demobilisation of ex-combatants (DDR), humanitarian endeavours, and socio-economic projects (Minani, 2008, pp. 128-137). These peacebuilding initiatives will help this study to clearly understand the shortcomings to enhance the reconciliation in North Kivu.

Lastly, data collection was mainly done through focus groups, interviews and the researcher's general observation involving 101 participants. Therefore, this study's analysis, findings, and recommendations are limited to the aforementioned participants' perceptions and attitudes.

## 1.9 CLARIFICATION OF KEY CONCEPTS

This section defines key concepts found in the study, especially in its title. These keywords are conflict, interethnic conflict, traditional leaders, and truth and reconciliation commission/programme. The interethnic conflict will be broadly debated to grasp its contours, especially its effects in the North Kivu context.

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<sup>4</sup> *Amani* is a Kiswahili term that means peace. *Amani* Programme was set by the Conference on Peace, Security and Development in the provinces of North Kivu and South Kivu held in Goma, North Kivu (DRC) in January 2008. Due to persistence of insecurity in the aforementioned provinces, the conference aimed at laying foundations for a sustainable peace through specific strategies, such as demobilisation of combatants, humanitarian and socio-economic projects. For more information see Sub-section 3.5.3.

### **1.9.1 Conflict**

Conflict presents a serious and growing challenge to domestic and international security (Maleska, 2010). It is worth mentioning that conflict is a social phenomenon, an inseparable part of social interactions (Azar, 1990; Simmel, 1955; Wilmot & Hocker, 1988). Being natural in society, conflict, therefore, remains a controversial concept because it can be constructive and destructive, positive and negative. On the one hand, Deutsch (1994) and Wilmot and Hocker (1988) argued that there is no human development without conflict. Conflict is exciting and growth-producing. In the same vein, Interpeace (2016) argued that conflict actually leads to positive change in society. For example, the French Revolution that, despite the loss of lives and goods, brought about democracy in France. On the other hand, however, common assumptions hold that conflict is totally negative, synonymous with pure destruction, pain and hopelessness (Bercovitch, 1984; Wilmot & Hocker, 1988). Indeed, conflict is “a struggle in which the aim is to gain objectives and simultaneously neutralise, injure, or eliminate rivals” (Cosser, 1956, p. 8). Whether positive or negative, conflict is admitted to cause or modify the interest of groups or organisations. This study will adopt the definition of Galtung (1990) and Kriesberg (2007), who describe conflict as a situation in which antagonists pursue incompatible goals. In North Kivu province, those involved in interethnic conflicts, namely the Banyarwanda and indigenous communities, have diametrically opposite interests over the issues of land, citizenship and power.

### **1.9.2 Interethnic conflict**

Ethnic conflict, according to Cordell and Wolff (2011, pp. 4-5), is a particular form of the above-defined conflict in which the claim of one party is described in exclusive ethnic terms, and the primary fault line of confrontation is based on ethnic distinctions or discriminations (Horowitz, 2000). Most definitions of ethnic community invoke any group of people characterised by a sense of common sentiments, identity and belonging (Ngũgĩ wa Thiong’o, 1972). This study follows the expansive definition put forward by Taras (2010, p. 1):

*[a]n ethnic group or ethnic community can be defined as a large or small group of people, in either traditional or advanced societies, who are united by a common inherited culture (including language, music, food, dress, customs, and practices), racial similarity, common religion, belief in a common history and ancestry, and that exhibit a strong psychological sentiment of belonging to a group.*

This being said, the notion of ethnic conflict raises several views. There are two main different opinions as to whether ethnicity itself constitutes a ground for conflict or, put simply, whether ethnic conflict exists or not. The first cluster of analysts holds that the characteristics of an ethnic community articulated by Taras do not by themselves constitute grounds for conflict. Thus, there is no interethnic conflict but only political, social, economic, cultural, colonial factors that act as catalysts for ethnic confrontations (Cordell & Wolff, 2011; Mamdani, 2001; Muke, 2016). Cordell and Wolff (2011) referred to the conflict in Northern Ireland, Kosovo, Cyprus, Rwanda, the Democratic Republic of Congo (DRC), Kashmir and Sri Lanka, arguing that ethnicity is not the ultimate source of violent conflict. They contended that ethnic conflicts are not conflicts about ethnicity but rather conflicts between ethnic groups that compete with one another over the resources that they consider essential to establish or preserve conditions conducive to the preservation, expression and development of their individual and group identities.

Concerning the particular situation of the DRC, Mamdani (2001) advanced the argument that ethnic and tribal differences in the country are not grounded in natural ethnic differences but in the particular history of state formation that engendered political greed and grievances. In his recent book titled “North Kivu: 25 years of pain” (2016), Muke also asserted that war in North Kivu is not interethnic at all but only economic involving natural resources. Makanda (2016, p. 24) concluded that “DRC’s mode of ethnic or tribal profiling are socially constructed concepts that are framed by historical, political and economic factors.” Thus, in the understanding of the above analysts, there is no ethnic conflict per se, but only conflicts between groups of people over political, economic, cultural, and religious rights. Consequently, many groups think they have been deprived of the above rights on the ground of ethnicity. The current study investigated the above factors to understand the interethnic conflict in North Kivu.

However, authors such as Ngūgī wa Thiong’o (1972) and Wanjala (cited in Makanda, 2016) agreed on the existence of ethnic conflict. The argument centres around the understanding of the concept of ethnicity, mostly in the African context. First of all, ethnicity evokes positive ideas of identity. According to Ngūgī wa Thiong’o (1972), the terms ‘ethnic’ and ‘tribe’ are synonyms. From an anthropological point of view, they evoke positive and natural images of a society defined by kinship and regional ties. Indeed, as Wanjala (cited in Makanda, 2016, p. 23) puts it, “ethnicity is essential to the identity of the individual; that is an immutable fact of history, region and society.” The positive ethnicity spills over beyond one’s group to involve the growth of other communities; it helps cultivate a sense of nationalism and builds the nation itself. Referring to his country, Thiong’o (1972, p. 23) remarked: “to look from tribe to the wider concept of human association is to be progressive. When this begins to happen, a Kenyan nation will be born. It will be an association, not of tribal entities, but of individuals free to journey to those heights of which they are capable. Nationalism, by breaking some tribal shells, will help” (see also Raditlhalo, 2000, p. 83).

Other examples of positive ethnicity include strong alliances that still exist between tribes/ethnic groups across Africa. For example, the Senufo and Yakuba in Cote-d’Ivoire and the Samo and Mossi in Burkina Faso whereby people signed pacts of non-aggression (Calvet, 1998). The same can be said about the Turi and Lowa in Tanzania (Shelter, 2010) and the Nande and Hunde in the DRC (Lieven, 1971). In most cases, alliances resulted in ethnic intermarriages, which, in turn, fostered peaceful coexistence between in-laws (Mwagiru, 2000). In sum, the current study posits that positive ethnicity does not lead to conflict; it rather promotes social cohesion and generates agreements between communities, or more precisely, a tacit common ground of understanding.

However, invoking the same concepts of ethnicity and tribe can convey a negative idea of conflicts between tribes (Ngugi wa Thiong’o, 1972). For example, since 2007, divisions have affected Kenyan elections along with ethnic and political parties (Kanyinga & Long, 2012; Oculi, 2012). For that reason, the Kenyan National Cohesion and Integration Commission (KNCIC) developed the theme “Positive ethnicity” and called upon

people to participate in capacity building projects that address negative ethnicity through dialogue and reconciliation (KNCIC, 2013, pp. 5; 39). Ethnicity can be termed negative when it becomes the main ground for conflict between two or more ethnic groups.

The DRC as a country and mosaic of ethnic groups – to use the words of de Saint-Moulin and Tshibanda (2011) and Ndaywel (1997) – has also experienced negative ethnicity. The case is illustrated by past and recent former Equateur province conflicts, such as the conflict between the Enyele and Monzaya over fish ponds (Radio Okapi, 4 September 2013) and between Ngbaka and Ngbandi over the acreage of forest (Radio Okapi, 17 February 2015). These are similar cases of protracted conflict debated in this study, namely, the conflict that pits the *Banyarwanda* (Congolese citizen of Rwandan origin) against indigenous communities in North Kivu province.

The debate on whether ethnic conflict exists or not, cannot be declared over. This study agrees with Taras (2010), who asserted that ethnic conflict exists just like any other conflict based on differences between conflicting characteristics, such as race, culture, religion, politics, social class, and gender. In the same vein, this study found Horowitz's (2000) contrast of "ethnicity versus modernism" very incisive. Horowitz demonstrated that ethnicity had been studied in the context of modernisation processes, which can be considered from three different viewpoints. The first is to argue that ethnic conflict, being part of an awkward and outdated traditionalism, will be overtaken or even eradicated by modernism. The second is to consider ethnic conflict so deep-seated that it offers no chance for modernism to bloom. The third point is where neither modernism (in the first case) nor ethnic conflict (second case) is the winner but to view ethnic conflict as part or even a product of the process of modernisation. At the end of his analysis of the sources and types of conflict, Horowitz (2000) concluded that ethnic conflict does exist mostly in traditional antipathies which have resisted even the most powerful of modernism solvents. He found that traditional ethnic antagonisms are sometimes founded on ancient and recent events in that there are nontraditional rivalries between communities who made their first encounter under colonial rule while other ethnic antipathies have been created and exacerbated by colonisers. These ethnic rivalries correspond to Blanton, Mason and Athow's (2001) three

periods of time in which ethnic conflicts can be understood, namely the pre-colonial, the colonial and the post-colonial periods, respectively. In the first case of traditional rivalries, Horowitz (2000, p. 98) provided examples of Sinhalese and Tamil conflicts in Sri Lanka and the protracted conflict between Jews and Palestinians, which involved territorial conquests and religion. In Africa, traditional ethnic conflicts correspond to conflicts that precede the colonial era (e.g., those between the Acholi and Langi, and Baganda and Banyoro in pre-colonial Uganda) (Horowitz, 2000; Ingham, 1975) or the war between the Banyarwanda and Bashi in ancient Kivu in the DRC (Reyntjens, 2010).

If the main reason for waging ethnic confrontations was territorial expansion in the first place, with time, especially during and after colonisation, the agenda for ethnic conflict became more complex. Prunier (1995) traced the source of the problem to the European mindset. This mindset accepts negative ethnicity or tribalism as a colonial construct. It also assumes that the barbarity and irrationality of African people make them live incorrigibly in tribes that are always at war with one another. Therefore, this situation “provided a ready justification for colonial presence in Africa, it also served to sustain the colonial policy of divide and rule” (Makanda, 2016, p. 22; Prunier, 1995). Furthermore, Blanton et al. (2001, p. 473) asserted that one of the most profound legacies of the colonial period had been ethnic antagonism resulting from the imposition of formal territorial boundaries throughout Africa at the Berlin Conference from 15 November 1884 to 26 February 1885. Several authors opine that the colonial regime exacerbated some ethnic conflicts or at least laid the foundations for the post-independence conflicts in some parts of Africa (Prunier, 1995; Stearns, 2011; Turner, 2007; 2013). The case in point is Rwanda and Burundi, where the colonisers favoured the Tutsi, providing them with better education and higher governmental positions and salaries while the Hutu and Twa were politically and economically marginalised (Des Forges, 1994; Sullivan, 2005). Such colonial attitudes will be further discussed in the second chapter in relation to the Belgian colonial rule in the post-independence interethnic conflicts in North Kivu (see Section 2.3.1).

Ethnic conflict can also transmute into history but still fits contemporary conditions, including the current context of North Kivu.<sup>5</sup> Therefore, to understand the conflict between the Banyarwanda and Congolese communities, this study will interchangeably use the concepts “ethnic conflict” and “interethnic conflict”, “traditional leaders”, and “*bami*.” This study embraces Cordell and Wolff’s (2011) definition, as mentioned above, of ethnic conflict as conflicting parties in North Kivu have expressed their dissatisfaction in terms of the management of the concrete issues of land, citizenship and power (see Section 2.3.2).

Regarding eradicating divisions from among societies, primarily in societies where people are divided on the ground of ethnicity, the United Nations and several countries have ratified several mechanisms. These mechanisms include: population transfers, partition or secession, forced integration, assimilation, hegemonic control by a dominant ethnic bloc, federalism, ethnic power-sharing pacts called consociationalism, promoting democracy with fair elections, security, and justice for all regardless of cultural differences (Sullivan, 2005). Lederach (1997) found these strategies somewhat redundant and limited to resolving conflict in divided societies. For him, true reconciliation is the leading solution in the set of ideas and strategies that support sustainable peace. The concept of reconciliation is presented as an alternative to state diplomacy and the central peacebuilding component. This study has been inspired by Lederach’s idea of reconciliation but would like to walk a mile farther by proposing a more contextualised reconciliation that will consider, if not prioritise, local actors (traditional leaders) and local context (land, citizenship and power).

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<sup>5</sup> Horowitz (2000) and Taras (2010) agree on the fact that politics is the leading source of ethnic conflict: be it politics in the traditional setup or in the modern world, it encompasses all the issues groups fight over. Thus, among other sources of ethnic conflicts, Horowitz (2000, pp.141-228) identified the following: 1) Group comparison: it involves the issues of ethnic distribution of colonial opportunities, such as education, employment and land (fertile or infertile); colonial policy and the promotion of group disparity (e.g., between Tutsi and Hutu); colonial views of group virtues and vices and the binomial the *(les) évolués* vs backward ethnic groups; the fear of extinction. 2) Group entitlement: under this title are the struggle for preeminence or the politics of domination, group legitimacy based on ethnic claims; traditional rule or earlier domination; right to succeed the colonial power (e.g., the Baganda favoured by the British thought they are the next of kin of the British protectorate of Uganda); group legitimacy and worth (e.g., the Kikuyu in Kenya and Bemba in Zambia are all advanced groups claiming legitimacy given their number and wealth)...Taras (2010, pp.1-15) summarised Horowitz’s views: according to him, the sources of ethnic conflicts are principally modernisation, nationalism stemming from the medieval time; multiethnic states and democratic instability; and resource competition and ethnic nationalism. Overall, any political issue can make conflict erupt between or within ethnic communities.

### **1.9.3 Traditional leaders**

It is right and just to articulate the concept of traditional leaders to avoid confusion. In his Conflict Transformation Theory, Lederach (1997; 2003) provided three levels of leadership in pyramid form: top leadership, middle-range leadership, and grassroots leadership (see Section 3.3.1). The latter level comprises local leaders, leaders of indigenous NGOs, community developers, local health officials and refugee camp leaders. Traditional leaders alongside church leaders constitute the local leadership in the understanding of Kibwana (1998), Mwangi (2000), and Adan and Pkalya (2006), who also referred to them as community leaders. In order to avoid amalgamation and conflation, this study will not use the concept of local leaders to be more explicit. As considered in the study, traditional leaders are different from church leaders and other leaders at the grassroots level. They are those which the Congolese Constitution in its Article 207 refers to as customary chiefs or customary authority (Assemblée Nationale, 2006). In this study, therefore, the standard name of traditional leaders and the local name of *Bami* shall interchangeably be used to designate those who exert a great deal of power and influence at local level and who, to some extent, are in a position to impact on the truth and reconciliation processes. Although the concept of “traditional leaders” is applied to all leaders from the *collectivité* to the village, the most targeted subjects for this study are the *Bami* at the *groupement* (sub-county) and *collectivité* (county) levels for the indigenous Bantu communities and the ethnic leaders for the Tutsi and Pygmies, who have no specific territorial entity.

### **1.9.4 Truth and reconciliation commission/programme**

According to Freeman (2006), Hayner (2002) and Wiebelhaus-Brahm (2010), truth and reconciliation commissions (TRCs) share the following characteristics: 1) they are temporary bodies usually in operation for six months to two years; 2) they are officially sanctioned, authorised and empowered by the state; 3) their mandate is to investigate abuses and crimes over a period of time; 4) they focus only on violations committed in the sponsoring state; 5) they are victim-centred; and 6) they usually complete their work with

the submission of a report, which receives serious attention from the governmental authorities.

After its creation, the TRC is expected to carry out its mandate or programmes, encompassing five main processes according to the trio of authors cited above. The first process consists of taking statements. It also comprises private meetings and interviews primarily conducted by commission staff with persons wishing to make formal statements to the commission. The second process entails using subpoenas, namely, subpoenas to testify and subpoenas compelling production of documents and other objects that are material and relevant and in the custody or control of a person. The third process involves the exercise of search and seizure powers, mainly achieved through both arrest and search warrants. The fourth process consists of holding victim-centred public hearings, in which members of the relevant community are given the opportunity to put questions to perpetrators who confessed to low-level crimes, for TRCs only lay the foundations for future trials on appalling atrocities and war crimes. The fifth process comprises the publication of findings of individual responsibility in a final report (Freeman, 2006; Hayner, 2002; Wiebelhaus-Brahm, 2010).

As stated in Section 1.1 of this study, the TRC in South Africa designed the above processes that emerged after transitioning to democracy from the apartheid regime in 1994. The TRC, later on, became paradigmatic for other reconciliation processes around the world and in Africa, including the CTPR. However, as described in Chapter 3 (Section 3.5.3) of this study, the CTPR did not adopt all the formalities of the TRC, such as truth-telling and public hearings, among others. According to Autesserre (2010), the programme was marred by corruption and an inadequate selection of animators. Thus, the CTPR failed in its original setup and became diffused, as illustrated in the following diagram:

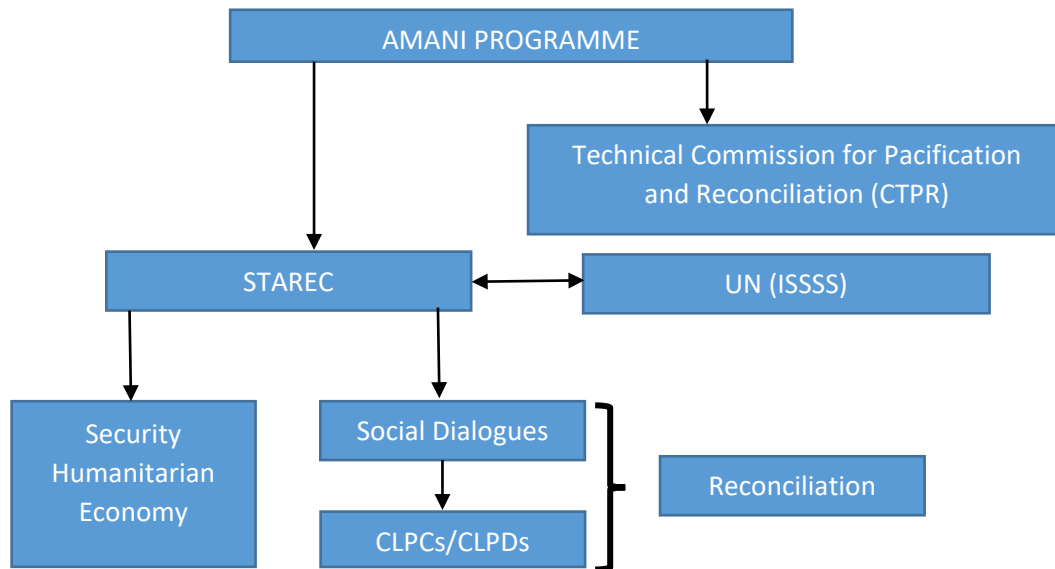


Figure 1.1: Amani reconciliation programme (Cabinet du Président, 2008; Minani, 2008; Bashonga, 2010; CRONGD-NK Field Report 001/19)

Figure 1.1 illustrates the Amani Programme that first established the CTPR, which became unproductive after one year of operation. Subsequently, the same Amani Programme made a substitution for the CTPR with the launching of the STAREC Programme, which continues to operate until today with the support of the United Nations through its International Strategy for Support to Security and Stabilisation (ISSSS). The STAREC has three major components, namely, security, humanitarian and economy, all designed to restore the state sovereignty and bring about reconciliation among the people of North Kivu Province (Bashonga, 2010). Reconciliation would be effected through social dialogues organised either directly by STAREC or by its partners (e.g., field NGOs), and be monitored by the *Comités Locaux pour la Paix et la Conciliation* (Local Committee for Peace and Conciliation, CLPCs) and the *Comités Locaux pour la Paix et le Développement* (Local Committee for Peace and Development, CLPDs) in various entities. This is the (truth) and reconciliation programme this study intends to probe, to see whether traditional leaders played any role in the transformation of the interethnic conflict in North Kivu. In other words, the reconciliation programme for this study comprises the efforts of the CTPR, the STAREC, the social dialogues, and other actors, including NGOs and the UN peacekeeping mission. If the CTPR is the leitmotiv that runs through this study, this does not mean it is more important than other reconciliation schemes. It is highlighted because

it is at the beginning of the study time-frame, 2008, the year in which it (CTPR) was established. In addition, the CTPR represents the formality of the truth and reconciliation programme while the same programme became less formal and diffused with the advent of STAREC and the involvement of other actors. All of the above reconciliation efforts will largely be discussed in Sub-section 3.5.3 and Chapters 6, 7, and 8.

## **1.10 THESIS OUTLINE**

**Chapter 1** provides an overview and introduction of the study. It briefly provides the context and the background of the interethnic conflicts in North Kivu and their causes. It deals with fundamental aspects of the study such as the research problem, research questions and overall objective and specific aims, rationale, the scope of the study and clarification of the keywords. As this chapter serves as a general introduction and background to the study, it introduces the themes developed in the subsequent chapters.

**Chapter 2** reviews the literature on the historical and political context of North Kivu. First, it discusses the primary attributes of traditional leaders in land distribution and the resolution of land disputes. It also presents discussions about the following themes: politics and interethnic conflicts; underlying and tangential causes of different conflicts that took/take place in the province; peacebuilding mechanisms undertaken at all levels from military operations to peace agreements of all categories. The chapter concludes with a discussion about the failure of the above-mentioned peace processes. This study assumes that the fiasco was/is largely due to actors' ignorance of the particular context of North Kivu, which suggests, among others, that the *bami* fully participate(d) in peace processes.

**Chapter 3** presents the theoretical tools and generates a more contextualised reconciliation framework (CRF) for the resolution of interethnic conflicts in North Kivu. The framework is the theoretical contribution of this study. It discusses the choice of Lederach's CTT and peace education as the dual lenses through which the role of traditional leaders in the truth and reconciliation processes are viewed. It also exposes the new approach this study intends to advance to resolve the interethnic conflict in North Kivu, specifically, the Contextual

Reconciliation Framework (CRF). Lastly, the chapter examines several truth and reconciliation commissions (TRCs) and processes around the world and in Africa to demonstrate how context has been fundamental to their success or failure. Also, that the same context could have been considered in the DRC's TRC and North Kivu's CTPR.

**Chapter 4** outlines the research methods used in the study. It presents the research design selected for this study and explores and describes the research methodology. It also discusses how the study was conducted and justifies the data collection methods used, mainly focus group discussions and individual interviews.

**Chapter 5** is the first of the four chapters discussing the findings according to the main themes, which emerged from the data. Therefore, the chapter explores peacebuilding strategies and mechanisms employed by the *bami* outside the CTPR.

**Chapter 6** discusses the role played by the *bami* within the CTPR programme.

**Chapter 7** presents the contribution of other peacebuilding actors such as the international community, the Congolese government, NGOs, and churches in the quest for intercommunity reconciliation. It also presents the areas in which the *bami* collaborate with the mentioned actors in building peace in the province of North Kivu.

**Chapter 8** explores participants' perceptions about the traditional leaders' participation in the reconciliation programme. It also examines the challenges the *bami* encountered in their leadership in general and while interacting with other peacebuilding actors in particular.

**Chapter 9** summarises the study findings, including the empirical contribution to the research questions, objectives, and field recommendations. It also proposes several implications of the findings with regard to future interventions and further research.

## **PART II LITERATURE REVIEW**

**Part II** comprises Chapters 2 and 3.

**Chapter 2** presents the actors and facts within the historical and political context of North Kivu. The chapter explores traditional leaders' status and role in land distributions and land disputes in the first part. The chapter chronologically reviews the literature on the causes of conflict in North Kivu and peace processes so far developed by national, regional, and international actors to transform conflicts in the province. Among these processes, the establishment of a truth and reconciliation commission will be mentioned.

**Chapter 3** discusses the conceptual and theoretical framework that guides the study. It presents the literature on peace education, Conflict Transformation Theory, truth and reconciliation commissions, and programmes around the world, in Africa and the DRC, taking North Kivu as its archetype to determine the role of context in the setup of these peacebuilding structures and mechanisms. The importance of context will be emphasised by the Contextual Reconciliation Framework designed in this study for the concrete reconciliation in North Kivu.

## **CHAPTER 2: THE POLITICAL CONTEXT FOR INTERETHNIC CONFLICT AND PEACEBUILDING INITIATIVES IN NORTH KIVU**

### **2.1 INTRODUCTION**

In order to understand any form of conflict, Jabs (2010) recommended that it is helpful to have a basic knowledge of the contextual politics epitomised by the participants' living environment, lifestyle, culture, and inter-group conflict patterns. Cawood (2011) also acknowledged the exigency of the socio-political context that is needed to unpack one's behaviour and rhetoric. Indeed, to be mindful of the political patterns that gave rise to ethnic conflict and the strategies adopted by actors for its transformation helps identify the gaps in literature and peacebuilding mechanisms. Particularly in North Kivu, it would be difficult to understand the dynamics around truth and reconciliation processes and interethnic conflicts without some understanding of the province's history. Therefore this chapter is a descriptive piece that provides the political context of North Kivu province along historical and chronological lines. In relation to the cultural, social and political context of North Kivu, this chapter first explains the status of traditional leaders who constitute the subject matter of this research. The chapter also discusses the causes of the conflict on the one hand and, on the other, the failures of official peace processes, including truth and reconciliation programmes. Most of these facts have been assessed by several scholars (Autesserre, 2007; 2010; Braeckman 1994; Mathieu & Tsongo, 1998; Prunier 1995; 2009; Reyntjens, 2010; Stearns, 2012; Turner, 2007). This research intends to highlight what might have been overlooked, especially in the area of peacebuilding failures. These failures are largely due to actors' disregard for the context of North Kivu, which for instance, suggests that local actors, particularly traditional leaders, should play a non-negligible role in peace processes.

## 2.2 THE STATUS OF TRADITIONAL LEADERS

Since the land issue pervades the interethnic conflicts in North Kivu (see Section 2.3.2.1), this study deemed it appropriate to clarify who is considered the ‘legal’ landowner thus entitled to manage it. In the subsequent paragraphs, it will be indicated that the land, in general terms, belongs by law to the state. Still, its larger portion, especially in the rural area, remains subjected to the customary law whose guarantors are traditional leaders. Consequently, land management can either constitute a source of conflict or a tool in the hands of the *bami* to resolve land-related disputes. While this latter point will be largely evaluated in Chapter 5 with participants, this section mainly discusses the legal status of traditional leaders, especially their role in land management.

### 2.2.1 The legal status of traditional leaders

Politically, North Kivu is constituted by villages, clans, and tribes organised under the authority of traditional leaders, commonly known as *bami* in the eastern part of the country. In Article 1 of Law no.15/015 of 25<sup>th</sup> August 2015<sup>6</sup> that fixes the status of customary chiefs (traditional leaders), the *bami* exert their authority on *groupements*, *collectivités* and villages organised based on local customs.<sup>7</sup> These territorial entities are below the modern districts that a state officer governs. Also, towns are governed by mayors appointed by the government. Since colonial times towns were constituted in entities under the label of *centres extra-coutumiers* (extra-customary centres), thus not under the *bami*’s jurisdiction (de Saint Moulin & Tshibanda, 2011; Prunier, 1995).

According to the same Law no.15/015 of 25<sup>th</sup> August 2015, the exercise of the duties of a traditional leader is subordinated to 1) the existence of a recognised territorial entity

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<sup>6</sup> Loi N° 15/015 Du 25 Août 2015 *Fixant le Statut des Chefs Coutumiers* (Law on the status of customary/traditional leaders promulgated on 25<sup>th</sup> August 2015). Retrieved September 19, 2018, from <https://www.leganet.cd/Legislation/Droit%20Public/Administration.ter/Loi%2015.015.2015.html>.

<sup>7</sup> The French terms of *groupement* and *collectivité* are maintained in their original form because it is how they appear in the political division in the Congolese Atlas (de Saint Moulin & Tshibanda, 2011). The two entities can be compared to the sub-county and county, respectively in the neighbouring Uganda where politically districts are subdivided into counties and counties into sub-counties (Sjögren, 2015).

(*collectivités, groupements* or villages); 2) the presence of a population (such as those invoked in Section 1.2); 3) enthronement in accordance with local custom; 4) investiture and recognition by the competent public authorities. However, of all the ethnic groups in North Kivu, the Pygmies and Tutsi have no specific physical territorial entities. Consequently, they have no *mwami* (singular of *bami*) but have only political, ethnic figures who defend their respective interests. The Hutu have only dominion over one *collectivité*, namely Bwisha in Ruthuru district (Mahangaiko, Mulisi, Murairi & Muhima, 1996; Stearns, 2012).

### **2.2.2 Traditional leaders and land management**

In territories under traditional leaders' jurisdiction, their power is irrefutable. It is epitomised by the fact that their political structure is hereditary (Lieven, 1971; Ndaywel, 1997). Moreover, traditional leaders are largely held in high esteem by their subjects. Even today, the latter seems to be more loyal to their traditional leaders than they are to the central government (Ndaywel, 1997, p. 224). Traditional leaders' prestige comes from their authority over land and justice management in their entities. On the issue of land, traditional leaders are regarded as land custodians by the oral customary law and other government dispositions. In the Land Law 73-021 of 20<sup>th</sup> July 1973 on general property regime, land and property regime and security rights regime, Article 388 stipulates: "The land belonging to local communities is the land which these communities inhabit, cultivate or use in any way - individually or collectively - in accordance with local customs and usages."<sup>8</sup> This legal provision is completed by Law no.15/015 invoked above as it emphasises the role of traditional leaders in the management of the community land. Article 10 stipulates: "He [the traditional leader] ensures in accordance with the Law, the protection of land areas that fall under the lands of local communities."

The interpretation of the two legal dispositions could be that traditional leaders have authority over land. This authority derives from their role within the local/ethnic community and each community's claim over their land in the name of ancestral history.

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<sup>8</sup> <https://www.leganet.cd/Legislation/Droit%20des%20biens/Loi.73.02120.07.1973.htm>

In other words, being the head of the local community, the traditional leader is entitled to manage the land on behalf of the community. Therefore, despite the nationalisation of land and the introduction of some formal legislation governing land-use rights that dates back to the colonial rule (Long, 2007), a significant percentage of the land in the DRC (estimated at 97%) remains subject to traditional leaders and customary law (USAID Country Profile, 2010). The *bami* allocate land to people and can claim it back at will. In land tenure types, cases of concessions in perpetuity or standard concessions are quite rare. If available, concessions are only granted, transferable and inherited by Congolese nationals. Most of the land is rented in the rural area where the recipient can develop it and enjoy its fruits, but he/she is under obligation to pay royalties to the *Mwami*/traditional leader (see Sections 5.2 and 5.7.2) on a quarterly or annual basis (Nobirabo, 2008).

The second source of traditional leaders' power derives from their management of justice. It should be noted that people still put more trust in traditional courts (at the *groupement* and *collectivité* levels) than in the state tribunals, mainly in matters concerning land disputes, ownership and control of land (Barume, 2000; Grignon, 2009; Mavunda, 2007; Nobirabo, 2009). The *mwami* is the chief justice in those traditional tribunals, with a Council of Elders assisting in his duties. Therefore both the *mwami* and the elders are the mediators responsible for justice because of their age, experience and wisdom (Magezi, Nyakango & Aganatia, 2004). Besides land dispute settlements, they employ mechanisms such as interethnic marriages, intercultural exchanges, traditional rites, sessions of reconciliation, payment of a fine and future provisions and many other mechanisms and practices (Mwagiru, 2000). According to Adan and Pkalya (2006, p. 10), most traditional societies had a Council of Elders, which was the premier institution charged with managing and resolving conflicts, especially land-related conflicts. They further state that the practice of having a Council of Elders is also found amongst the Turkana, Borana, Somali, Pokot, Marakwet, Maasai and Samburu of Kenya. As for the venue for deliberations by the Council of Elders, they could convene in a house commonly known as a palaver hut (see Section 5.4) or *Kyaghanda* among the Nande/Yira of North Kivu. The *Kyaghanda* served as village elders' parliament, office of the chief and the venue to hear conflict (Magezi et al., 2004, p.78). This practice is found in several African cultures, such as the Maasai of

Kenya, the Fang of Equatorial Guinea or the Mongo and Baluba of the DRC (Van Houtte, 1976, p. 81). In Cameroon, Ndi (2009) acknowledged the existence of traditional councils presided over by the head of the community, which were responsible for keeping peace in pre-colonial times. The palaver hut used to play a big role in such a way that Kibwana (1998) compared it to the modern ombudsman since villagers could convene for meetings and voice their grievances. The practice is still performed in some areas where traditional leaders continue to enjoy their prestige. The traditional courts occupy the first instance at the *groupement* and the second at the *collectivité* (see Section 5.4) (Lieven, 1971).

Moreover, the Congolese Constitution ratifies the economic, social and cultural rights acquired through the good offices of customary law whose guarantors remain the traditional leaders.<sup>9</sup> Thus, Article 34 of the Constitution mentioned above stipulates that “private land ownership is sacrosanct. The state certifies the right to individual or collective ownership acquired in accordance to the law and custom” (Assemblée Nationale, 2006).<sup>10</sup> Besides being custodians of customary law and land, traditional leaders must promote unity and national cohesion per Paragraph 4 of Article 207. In the same vein, in collaboration with traditional leadership, the state should assure and promote peaceful and harmonious coexistence between all ethnic groups and assure protection and promotion of vulnerable groups and minorities in accordance with Article 51 of the Constitution.

### **2.2.3 Challenges in traditional leadership**

In Chapter 8, Section 8.4, the challenges the *bami* face in their leadership will be largely discussed with the study participants; the said challenges are from without and from within. First, colonialism brought about the challenge to the cultural set-up, namely that traditional leadership based on heredity waned in some areas, including North Kivu. As discussed in

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<sup>9</sup> The Congolese Constitution was promulgated in Kinshasa on 18 February 2006 by Joseph Kabila, President of the Democratic Republic of Congo, after a popular referendum conducted between 18 and 19 December 2005. The move led to the abrogation of the transitional constitution of 4 April 2003. The 2006 constitution comprised 229 articles under 8 titles (Assemblée Nationale, 2006).

<sup>10</sup> The original text in French reads: “*La propriété privée est sacrée. L'Etat garantit le droit à la propriété individuelle ou collective, acquis conformément à la loi ou à la coutume.*”

Section 2.3.1 of this chapter, not only did the Belgian colonial policy attempt to weaken the traditional leadership, but it also created chieftaincies or *collectivités* for the Rwandan immigrants (Stearns, 2012; Vlassenroot & Romkema, 2007). Even in the post-colonial era, government authorities in Kabila's regime have been appointing their fellow political party members to rule over traditional *collectivités* and *groupements* (see Section 8.4.6). Other countries in Africa where governments attempted to subdue the traditional leadership include, among others, Zimbabwe (Chigwata, 2016), Rwanda, Uganda and Ethiopia (Abbink, 1997). In Ethiopia, Abbink (1997) found that the consequence of ignoring the traditional hereditary system by appointing leaders outside the chief's line is that the administrative competence and the legitimacy of these appointed chiefs are disputed. Similarly, some traditional leadership in North Kivu experienced a crisis of illegitimacy, yet another source of conflict.

Secondly, by the advent of Belgian colonisation in 1885, the traditional court lost much of its stature. Since then, two legal systems co-existed: the European courts and the indigenous courts, commonly called '*Tribunaux indigènes*.' Traditional leaders presided over these indigenous courts, but they had limited powers and remained under the firm control of the colonial administration (Lieven, 1971). In some countries around Africa, such as Cameroon, colonial rule purely and simply suppressed African structures for conflict resolution (Ndi, 2009). For instance, the latter author described how the colonial courts excluded the traditional courts from hearing any case whatsoever, with the colonial structures even carrying out reconciliation processes at the communal level. In the DRC, there was no suppression of the traditional court. The two overlapping legal systems (civil and traditional) have remained the same since independence in 1960 until today, more often than not engendering confusion. As illustrated in land disputes, traditional leaders could be the customary judges, but this right is denied to them by the public administration. Patrick Félix Abely (Actualité CD online, 9<sup>th</sup> June 2021) reported that many conflicts await a resolution both in civil courts and with customary mediators in the Rutshuru district. Unfortunately, this incongruity between the public law and customary law engendered bloody land conflicts in the whole province of North Kivu. Abely concluded that to prevent land conflicts, the customary court should be returned to traditional leaders to resolve land

tenure issues locally. As previously mentioned, people still prefer customary courts to state tribunals to resolve land disputes because of their expedient and relatively cheap proceedings (Nobirabo, 2009).

Within the traditional leadership itself, the cultural, social and political prestige of traditional leaders has been subject to controversies stemming from the malpractices they were/are engulfed in, such as the traditional judicial system in which corruption and exclusion were the norm. For illustration, Lieven (1971) provided some cases of corruption among Nande leaders, who more often than not used to make judgements that favoured the rich and well-connected. Customarily, the traditional structure itself was not inclusive enough to ever integrate women in decision-making and peacebuilding. According to Magezi et al. (2004), women were discriminated against in many regards, especially in matters concerning marriage and inheritance, whereby widows rarely enjoyed the goods of the deceased husband. These authors further found that in some cases in which traditional tribunals exclusively ruled in favour of the deceased man's family, it brought about misunderstanding and overt violence between in-laws and, on occasion, entire clans. In the same vein, this study assumes that the double-edged attitude of traditional leaders in land disputes and management might have negatively impacted the current interethnic strife in North Kivu. In sum, despite the challenges the *bami* face in their leadership, they enjoy an enviable constitutional status as land custodians. For this, they should be regarded as serious actors in peacebuilding in general and in the truth and reconciliation programmes in particular in the conflict-prone province of North Kivu. The following sections unpack the root causes of conflict in North Kivu.

### **2.3 UNDERLYING CAUSES OF THE NORTH KIVU INTERETHNIC CONFLICT**

In explaining the causes of unrest in the provinces of the eastern Congo in general and North Kivu province in particular, Autesserre (2007) and Ntung (2019) differentiated among local, national, regional and international causes of conflict. Though not departing from their analysis, this study proposed another nomenclature based on its own analysis. It

distinguished between the underlying causes of conflict in the province and tangential causes, no matter how the latter might be seen today as the leading causes of the unrest. In fact, in North Kivu province, several issues overlap; the province has become a place where complex global trends meet local dynamics to the detriment of peace. Therefore, the underlying causes of conflict can be identified as the politics of immigration of Rwandophones, identity and land, and the involvement of traditional leaders in the conflict. This section discusses the facts mentioned above that cause interethnic conflicts in North Kivu.

### **2.3.1 Rwandan immigration and colonial policies**

Scholars agree that tensions in North Kivu have ancient indigenous roots and that ethnic conflicts in the province have existed since the colonial era (Nest, 2006; Renton et al., 2009; Reyntjens, 2010). However, several authors contend that major and documented ethnic conflicts started right after the independence of the DRC in 1960 as a consequence of successive waves of migrants from Rwanda during the Belgian colonial period (Autesserre, 2007; Emizet, 2000; Mathieu & Tsongo, 1998; Prunier, 1995; 2009; Willame, 1997). In other words, the Rwandan immigration and colonial policy to regulate it have transformed Congolese society and can be reckoned as precursors of the interethnic conflict in the eastern Congo (Stearns, 2012).

It is worth noting that Rwanda and Burundi were German colonies. After Germany's defeat during the First World War, Belgium acquired these colonies under a League of Nations Mandated Territory in 1918 (Prunier, 1995; Willame, 1997). Therefore, the immigration of people from Rwanda to the eastern DRC occurred after Belgium had annexed Rwanda and Burundi, which in a way became one of the provinces of the Congo (Authaler & Michels, 2016). According to Prunier (2009), in 1937, the Belgian authorities created the so-called “*Mission d’Immigration des Banyarwanda*” (Immigration Mission of Rwandese – MIB) meant to bring into the Congo a portion of the Rwandan population. The mass immigration of Rwandophones was facilitated through the overpopulation of Rwanda and labour unrest that resulted from anti-colonial resistance in the Congo, impeding Belgian colonial efforts

to economically exploit the Congo fully. Therefore, Belgian colonial administrators saw the recruitment of labour from Rwanda as a solution to this problem. Estimates show that at least 100,000 Rwandese made their way to the Congo through the MIB scheme between 1937-56 to provide labour in farms and mines (Stearns, 2012).

Besides the MIB scheme, historical sources reveal that the migration of *Banyarwanda* to North Kivu predated colonial administration (Turner, 2007, 2013). Indigenous inhabitants also sought Banyarwanda's services as farmers and herders, which explains the presence of Hutu and Tutsi immigrants on Congolese soil prior to the arrival of colonialists. An ethnographic study on immigration conducted in the Congo by Dr Kandt during his sojourn around Mokoto Lakes (present Masisi territory) in 1899 corroborates Banyarwanda's presence in the North. Turner (2007; 2013) narrated the historic encounter between Dr Kandt and the Tutsi in North Kivu as follows:

*[s]everal Watussi visited him. He found them to be 'likeable and simple' but 'not handsome and elegant' as the Tutsi of Burundi and Rwanda because these men had to work. They were not the 'sovereigns of the country' but lived in isolated villages as cattle raisers, alongside the first residents of the region, who were farmers. This was near 'Kischari', i.e. Gishari, where the Rwandophone chefferie would be created in the 1930s. (Turner, 2007, p. 180; Turner, 2013, p. 97)*

The above quote is mute about the origin of the workers, whether they came from Rwanda or Burundi. It is worth mentioning that while the *Banyarwanda* consider their presence in the country prior to the colonial rule as the foundation of their Congolese citizenship, other Congolese communities still challenge this claim. The quote is suggestive about who possessed power at the time as Rwandophones were labourers in entities governed by traditional leaders, the *bami*. Section 2.3.2 encompasses a discussion about both power and citizenship as sources of conflict.

In addition to labour recruitment by Belgian colonial authorities and local inhabitants in colonial and pre-colonial times, additional Banyarwanda came by their own means (Prunier, 2009). Mathieu and Tsongo (1998) described how between 1945 and 1960, a

staggering number of Rwandan citizens (especially Hutu farmers) crossed the border to Kivu for diverse reasons, including to flee from famine and in search of arable lands. These waves of Hutu were followed by Tutsi, who subsequently entered the eastern Congo to flee political upheavals in Rwanda in 1959 (Autesserre, 2008; Turner, 2007). These multiple waves of population movements from Rwanda to the DRC account for the rapid rise in population demographics in North Kivu province for half a century, with Masisi as the most affected district (Mathieu & Tsongo, 1998).

In order to facilitate the above-mentioned Rwandan migrations, the colonial power adopted a controversial policy of “territorialised ethnicity” or “territorialisation of identity” (Stearns, 2012, p. 14). The policy had three main components. Firstly, the policy meant that territories were created along ethnic lines. For the transplanted Rwandans, it became important to have their own chiefdom or *collectivité* created to make them fit into the existing context of chiefdoms in the eastern Congo. In this way, the Belgians established the chiefdom of Gishari in 1944 with its administrative centre in Nyamitaba. The first chief of the new autonomous chiefdom was Buchanayandi, who, though assuming his duties in Congo, was under the authority of *Mwami* Rudahirwa of Rwanda (Mahangaiko et al., 1996).

Secondly, due to the indigenous Hunde’s discontent, Belgians amended their policy of territorialised ethnicity. Consequently, the *Banyarwanda* who lived in Gishari enjoyed some indigenous legitimacy, but those living outside the *collectivité* and those who arrived later did not have the same access to land. Instead, they were dependent on the goodwill of local chiefs for their survival. Furthermore, some years before the independence of the DRC, the colonial rulers suppressed the controversial chiefdom of Gishari due to mounting tensions between the autochthons and migrants. In 1957, Buchanayandi was removed and sent back to Rwanda. As a result, the rights of the Bahunde *collectivité* over Gishari were restored, but the transplanted *Banyarwanda* installed by the Belgians in Gishari, as in other places in Kivu, remained in place under the authority of traditional leaders, the *bami* (Mahangaiko et al., 1996). Thirdly as mentioned in Section 2.2, under the colonial policy of territorialised ethnicity, some ancient chiefdoms were suppressed, while most important

towns of North Kivu became *centres extra-coutumiers* (towns not governed by customary law), notably Goma and Butembo. These centres became *sui generis* (unique, peculiar or special) and ethnic-free entities whose administration depended on the central government (Stearns, 2012).

The colonial policy of territorialised ethnicity allowed the Belgian colonial authorities to manipulate the Congolese populations and local administrative boundaries (Turner, 2013, pp. 97-99). This colonial legacy became the source of subsequent contemporary conflicts revolving around territory, ethnicity, and nationality (Long, 2007, pp. 1-2). The disputes created through this colonial policy resulted from the tension between gratifying the newcomers and the disgruntlement of indigenous communities. Although the *Banyarwanda* situation in North Kivu was generally stable up to 1962, conflict erupted as a result of the increasing influx and presence of Rwandans in the province and amendments to the colonial policy of territorialised ethnicity after the independence of the country in 1960 (Emizet, 2000; Mathieu & Tsongo, 1998; Turner, 2013).

### **2.3.2 Unresolved political issues: Land, identity and power**

The trinomial dynamics of citizenship-power-land pervades ethnic conflicts in the North Kivu province. Chronologically, these conflicts may have originated from the independence of the DRC in 1960. However, one should remember that their foundations were partly laid by colonial rule, as explained above. From that period onwards, the Banyarwanda have been struggling to obliterate the embarrassing foreignness connoted by the name 'Banyarwanda' to acquire Congolese nationality, power, and land (Nest, 2006; Renton et al., 2009; Reyntjens, 2010). In sum, immigrant Hutu and Tutsi inhabitants in the eastern Congo shared a contested citizenship status and consequent insecurity regarding access to land, suffrage and the right to stand for elections (Bøas, 2009, p.27).

### *2.3.2.1 Land tenure*

The first unresolved issue and cause of conflict is land tenure. Although land tenure has pre-existed since the colonial epoch in several traditional setups, this study focuses on the period starting with the colonial era. It identifies four major periods: the colonial period, post-independence, the Mobutu era, and the contemporary period. Each epoch represents a unique set of problems. In considering the colonial period, Hochschild (1998) attributed modern Congolese land ownership and control problems to the creation of the Congo Free State at the Berlin Conference from 1884-1885. This territory was considered 'no man's land' or 'land without master', and, as a result, King Leopold II of Belgium claimed the whole territory as his private property.

Congolese land became a spoil shared between King Leopold II and European private companies, usually Belgian companies (Brausch, 1961). The two decades under King Leopold's rule, between 1885 and 1908, was a period of gross human rights violations marked by the dispossession, killing and enslavement of local inhabitants (Hochschild, 1998). Schuyler (1972, p. 51) described how with the arrival of Europeans, the Congo became a 'gulag labour camp' of shocking brutality where local people were treated as squatters and slaves on their own land and families were held hostage and starved to death if the men failed to produce enough wild rubber. The extreme brutality of colonial authorities saw cases in which children were hanged or had their hands chopped off as punishment for late deliveries while colonialists read a passage from the Bible. The indigenous inhabitants were forced to farm carrier corps and perform obligatory colonial chores (Ndaywel, 1997). The oppression by Leopold and his proxies led to revolts by local people who were violently repressed. When the Baboya Mdudja people rebelled against the atrocities of Leopold's proxies armed with only rudimentary weaponry, they were massacred. The colonial legacy of the DRC came at a high cost, with an estimated loss of 13 million lives, which accounts for nearly half of the entire Congolese population at the end of the nineteenth century. Colonisation became synonymous with depopulation, and its atrocities led to the first genocide of the time. The scope of the decimation of local

populations in the Congo meant that the territory only recovered its original population by 1975 (Ndaywel 1997, p. 305).

Concerning land ownership, the original legislation of 1885 favoured European settlers to the detriment of local populations (Brausch, 1961; Sir Martin, 2001; Van Reybrouck, 2015). The state – meaning Leopold – owned 50% of the shares, while land titles were given to private European companies and only small areas of land were subjected to customary rights. This meant that in the Congo Free State, the law acknowledged the customary rights of the natives to occupy land but reserved the rights to own land for Europeans. As Pottier (2004) points out, European concepts of legal tenure (which were assumed to be universal) became central to the land laws of every African colony, including the Congo. In particular, the colonial authorities assumed that the European concept of proprietary ownership covered the full range of customary land rights.

The official Belgian colonial rule began with several changes to the legislation on land tenure, which further restricted indigenous populations' rights to land, primarily through the creation of protected areas or national animal reserves. This trend started with the promulgation of the Virunga National Park in 1925, followed by the establishment of the National Parks Institute of the Belgian Congo (IPNCB) in 1934 to oversee the growing number of national parks, up to seven by the end of the 1930s (Long, 2007). The legislation strictly prohibited any human activity barring research within park boundaries. The land rights and usufruct of local people were effectively dissolved in these areas, and national parks have been flashpoints for conflict over land ever since their initial creation (Barume, 2000). This happened because by creating protected areas, colonial land legislation completely ignored many communities' hunting and gathering practices, particularly the semi-nomadic Batwa and Bambuti peoples, collectively known as Pygmies. Such protected areas also failed to recognise the customary land tenure systems and rights to common resources (Nobirabo, 2009). By independence in 1960, some five million hectares of land were ceded to European owners, customary land solely included small areas of land around villages, settlements and cultivated fields, while all other land was considered as unoccupied; thus, the property of the state (Mavunda, 2007). According to USAID and

WRI (2001), “the colonial powers of Central Africa (including the DRC) left an unstable and flawed foundation upon which to build a modern State. Economic structures privileged foreign investment and extractive industry, and little were done to build local governance institutions and the capacity of citizens to participate effectively in policymaking” (see also Long, 2007, p. 5).

The post-independence Mobutu era constituted the second period in the history of land tenure in the DRC. In just two decades that followed the independence of the country, land law incurred three amendments. From 1960 to 1966, no major juridical modification was made in the domain of land tenure as the new state of Congo maintained existing colonial land legislation. However, in 1966 the legacy of colonial legislation was swept away by the Bakajika Law. The law asserted state ownership of all land, forest and mineral resources and cancelled any concession or title granted before independence on 30 June 1960 (Long, 2007, p.5).<sup>11</sup> The Bakajika law was reinforced in 1973 with another land law (*Loi Foncière*), which asserted total state ownership of the land.<sup>12</sup> The law was promulgated in waves of ‘Zairianisation’.<sup>13</sup> The movement triggered the confiscation of private lands previously owned by colonialists (Mandjumba, 1989, p. 105). The 1973 land law was

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<sup>11</sup> His full name is: Bakajika Diyi Kamgombe Isaac-Gérard. He was by then a member of parliament and proposed a law that was meant to put some order in the colonial legislation that dispossessed indigenous communities of their best portions of land in favour of colonialists. The full version of the law is: Bakajika Law 1966 : Ordonnance-loi N° 66 / 343, 7th June 1966 *assurant à la république Démocratique du Congo la plénitude de ses droits de propriété sur son domaine et la pleine souveraineté dans la concession des droits fonciers, forestiers et miniers sur toute l’étendu de son territoire* (Law assuring to the DRC full property rights over its domain and complete sovereignty in the concession of land, forest and mining rights over its whole territory) – Translation by Cath Long (2017, p. 5).

<sup>12</sup> The Land Law of 1973 (Loi No 73-021 du 20 juillet 1973 portant régime général des biens, régime foncier et immobilier et régime des sûretés), Article 53 states: “Le sol est la propriété exclusive, inaliénable et imprescriptible de l’Etat” (The land is the exclusive, inalienable and imprescriptible property of the state) – Translation by Cath Long (2017, p. 5).

<sup>13</sup> Zairianisation, also called Zairisation was a politically-oriented movement initiated by President Mobutu Sese Seko in the then Republic of Zaire. It covered the period between 1972 and 1978; it meant the return to the African authenticity of sites’ and people’s names, hence suppressing everything that could echo European influence. For instance, those towns named after European figures were renamed: Léopoldville the capital city became Kinshasa, Elisabethville became Lubumbashi, Stanleyville became Kisangani... Also, names such as Judith, Sylvia, John or Augustine that children used to take at their baptism in the church were changed into their forefathers’ names. In the same waves, President Mobutu ordered that crucifixes and other religious images and statues be removed from classes as the Mobutism (Mobutu’s state tenets) replaced the course of religion in schools (Mandjumba, 1989; Ndaywel, 1997).

amended slightly in 1980 by the Law N° 80-008 of 18 July 1980. The purported objective of the law was to convert the regained pieces of land into income-generating sectors and distribute them to economic actors. Unfortunately, in effect, the control of land remained in the hands of a few people, primarily politicians (Askin, 1990; Wrong, 2001). Generally speaking, land laws promulgated after independence did not resolve the crucial issue of land ownership as they still undermined formal recognition of customary rights. The Centre for International Forestry Research (CIFOR) and the French Agricultural Research Centre for International Development (CIRAD) (as cited by Long, 2007, p. 5) corroborated that “the pattern of ceding large areas of land for private aggrandisement, established in the era of Leopold, appeared to continue with no substantive change throughout the 1970s and early 1980s.”

The last period concerning land rights corresponded to Mobutu’s ouster that extends to the present time characterised by conflicts around natural resources, mainly in the eastern part of the country (Grignon, 2009; Jackson, 2002; Samset, 2002). According to Grignon, ownership, access to, and control of land (and the natural resources associated with them) remain central to peace and policy processes. Unfortunately, the Zairian government has been reluctant to address once and for all the issues of land tenure and to reform the system of recognition of land rights. Expectations for land reform were high during Mobutu’s reign, but entire groups are still marginalised in terms of access to and control of land (Brown, Vabi & Nkwinkwa, 2003; Trefon, 2007). For example, the state seems reluctant to involve women in the issue of access to land, undoubtedly owing to the traditional setup whereby women never own land. Mulumeoderhwa (2018) and Sweetman (2006) invoked the existence of patterns of matrilineal succession and control of land in certain parts of the country (such as among the Bakongo of the south-western provinces). However, this scheme is insignificant and has little impact on the rest of the country. Women themselves seem fatalistic about their right to land. Malele (2007) observed that land rights are not high on women’s agenda in the current context. Their activism within Congolese civil society tends to be around issues of sexual violence. Another aspect of land rights that many African states have grappled with and has been the source of much controversy in the DRC is indigenous peoples. In the DRC, Pygmies, for instance, are considered as the

first inhabitants, but they tend to be marginalised by other communities, as are other groupings (the Banyarwanda in particular) in Congolese society in relation to land management (Barume, 2000; Kenrich & Lewis, 2001; Ndaywel, 1997).

A new Constitution was promulgated in 2006, and hopes were high that it would resolve the land issue, but instead, it reaffirmed state control over land and resources. However, as a small measure of progress, the new Constitution also recognised customary law as one of the means by which land rights can be obtained (Assemblée Nationale, 2006; Article 34). In sum, the legislative and policy framework on land tenure is still being developed (Long, 2007). It might take time to be finalised, for decision-makers would need to balance two contradictory attitudes. On the one hand, communities countrywide have a strong sense of ownership and control of land, and any law that compromises their native rights would meet resistance and contestations (Long, 2007). Note that all land is either used by agricultural communities or hunter-gather communities to meet their livelihood needs. Any attempt to revise this traditional setup has always resulted in local conflicts (Hoare, 2007).

Even though the law is enacted, there is little hope that it will be fully reinforced because of rampant corruption (Long, 2007; Sunman, 2007). This corruption is the source of the confusion that exists in the Congolese legal system. In Section 2.2.3 on challenges in traditional leadership, this study invoked the discrepancy between the *tribunal indigènes* (customary courts) and the public/civil law. To these two, there is another court setup known as *auditorat militaire* (military audioriate or military court),<sup>14</sup> which is supposed to deal with military and police offences (see Section 8.4.4). Each of the three tribunals, including the *auditorat militaire* claims the right to resolve land disputes. Confrontation usually happens between people who orally claim the land of their ancestors and those who claim it while holding the land title delivered by the public administration.

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<sup>14</sup> Source: <http://www.leganet.cd/Legislation/Droit%20Judiciaire/L.023.2002.18.11.2002.htm#LII>, retrieved June 26, 2020.

### *2.3.2.2 Citizenship and power*

For Turner (2013), the two issues of political power (customarily gained through elections) and citizenship have been intertwined. In fact, after independence, elections became a bone of contention between the Hunde and Banyarwanda in North Kivu, first with the September 1962 incident and then again with the 1964-1965 Masisi riots (Emizet, 2000). The first elections triggered interethnic conflict known as the “Kanyarwanda War”, which started in September 1962 when the Banyarwanda attacked the Hunde people in the polling stations at Kibabi. In 1964-1965, the Banyarwanda once again rioted following provincial and legislative elections in Masisi district that gave the majority of seats to the Hunde ethnic group. The reason behind the riots can be linked to the issue of citizenship. Therefore, elections became an opportunity for ethno-nationalist discourses in the politics of North Kivu that tended to constrain the civil and political rights of Rwandophones considered here as foreigners. As a result, only a few legislative seats were allotted to them in the provincial parliament (Mathieu & Tsongo, 1998). Nonetheless, the Banyarwanda, mainly composed of those who came into the country through the MIB scheme and those who fled Rwanda in the wake of the political upheavals of 1959, continued to claim their Congolese citizenship and their rights to fully participate in elections. It is worth mentioning that the Banyarwanda immigrants had outnumbered other local ethnic groups and found the loss of electoral seats unthinkable (Emizet, 2000). The violence culminated in lootings, arson attacks and the killing of civilians perpetrated by armed youths from both sides.

Since 1965, the Banyarwanda have been attempting to create their own parallel power structures in Masisi district, discounting local traditional authorities (Emizet, 2000, Mathieu & Tsongo, 1998). The Hunde and other local ethnic groups accused the Banyarwanda of trying to establish their own kingdom and conspiring with the Mulelist rebellion. In this regard, Turner (2013) stated that in 1964, Rwandan Tutsi exiles established an alliance with the “Simba” rebels fighting in the eastern Congo. In compensation for current and future services rendered, the Simba rebels promised to give the territories of the Babembe, the Bavira (South Kivu) up to Rutshuru (North Kivu), to the Tutsi for cattle rearing. In response, the Hunde obtained the aid of Mobutu’s army to defeat

the Simba-Tutsi coalition. One of the outcomes of this conflict was that in October 1965, the North Kivu provincial assembly adopted a resolution to repatriate all Rwandophones to Rwanda, but the decision has never been implemented (Mathieu & Tsongo, 1998).

Until now, the Congolese citizenship of the Banyarwanda has been precarious and contentious despite some of them being descendants of families that arrived in the DRC before or during colonisation (Autesserre, 2007). Since the eve of the country's independence, the status of Banyarwanda has been a matter of concern. This is illustrated by several amendments and reversals, which their status has undergone amid unpredictable policy changes. Thus, a few months prior to independence in 1960 at the “*Table Ronde*” (round table) negotiations in Brussels, Resolution No.11 stipulated that Rwandans and Burundians who had been in the Congo for more than ten years would have the right to vote (Stearns, 2012). Four years later, in 1964, the law was amended as follows:

*[t]he constitution of Luluabourg only recognised one Congolese citizenship, which was attributed on 30 June 1960 to any person with one ancestor who was or is a member of a tribe or part of a tribe established on the territory of Congo before 15 November 1908. (Stearns, 2012, p. 24)*

Various changes in the legal definition of citizenship took place in the 1970s. On 26 March 1971, under President Mobutu Sese Seko, the Zairian state gave collective citizenship “to all people originally from Rwanda and Burundi who had come to Congo by 30 June 1960” (Stearns, 2012; Young & Turner, 1985). On 5 January 1972, President Mobutu promulgated another law which “conferred Congolese (Zairean) citizenship on the Banyarwanda, especially the natives of Rwanda and Burundi” (Emizet, 2000, p. 166) but adjusted their citizenship by pushing the period of their presence in the country back to 1950 (Stearns, 2012, p.24). Nevertheless, with this new law,

*[t]he Banyarwanda gained some political visibility in the office of President Mobutu following the appointment of Mr Bisengimana Rwema to the position of chief of staff. More specifically, the nationalisation of small and medium-sized firms that occurred in November 1973 helped Banyarwanda to acquire vast areas of land in North Kivu,*

*which they used as pasture in a region in which agriculture provides the livelihood for more than 70 per cent of the people. (Emizet, 2000, p. 166)*

The growing power of the Banyarwanda under President Mobutu was not welcomed by the locals who felt betrayed and sidelined by the government. According to Emizet (2000, p. 166), the Banyarwanda became so omnipresent in government institutions that their influence mostly in the politics of North Kivu engendered grief and grievances among local populations. In addition, local ethnic groups have been exasperated by a historical account purported by some ill-intended Rwandan historians; that the legendary Rwandan King Rwabugiri conquered much of Rutshuru, Masisi and Walikale during an expansionistic conquest. The local communities, namely the Hunde, Twa, Nyanga, Tembo, Kano, and Pere, believed that these historical falsehoods were spread by the Banyarwanda in a bid to justify their citizenship and their right to land (Reyntjens & Marysse, 1996; Reyntjens, 2010; Stearns, 2012).

As contestations mounted against the ubiquity of the Banyarwanda, President Mobutu adopted a ‘divide and rule’ policy to play the ‘ethnic card’ in the Kivu area (Emizet, 2000, p. 167). In 1981, “a new law repealed previous legislation, pushing back to 1885 the year by which an ethnic community had to have been established in the Congo; it also cancelled the collective attribution of citizenship in previous legislation” (Stearns, 2012, p.24). Emizet observed that

*[a]fter the death of Bisengimana, Kivu politicians lobbied in parliament to pass the law of 29 June 1981, which explicitly cancelled the citizenship rights of the Banyarwanda in Kivu, except for the native Banyabwisha of Rutshuru. The law also prevented Congolese of Rwandan extraction from holding any public office. After the 1981 law, Mobutu encouraged anti-Banyarwanda sentiment among local ethnic groups. Mobutu’s attitude was dictated by the political advantage he could reap from the conflict, and he deliberately avoided taking a responsible stance. (Emizet, 2000, p. 167)*

The unresolved issue of citizenship of the Banyarwanda took another turn in the 1990s. After a lull of about 25 years, violent skirmishes between different ethnic groups became more frequent and deadlier due to the political volatility of this period. For example, the 1989 popular census aimed to identify national citizens and prepare them for municipal elections. These elections, including the identification of national citizens, were postponed in the two provinces of North Kivu and South Kivu. For those elections to be effective, there was a need to accurately identify who was Congolese and who was not or simply who had the right to vote. Under the government decision to not enrol or identify as Zairians, the descendants of ‘transplanted people,’ armed Hutu groups attacked the administration offices in Masisi, destroyed registration voting lists, and drove away the team in charge of the identification operation. This attack triggered a confrontation between the republican army and the armed Hutu groups. The skirmish claimed 30 lives, and the identification process failed altogether (Mathieu & Tsongo, 1998). The census destabilised the southern part of North Kivu with no clear alliances as each ethnic group tried to fend for itself. The conflict between the army and Hutu rebels spilt over into confrontations between indigenous Congolese communities and Banyarwanda in Masisi territories such as Rutshuru and Walikale (Ngabu, 1996; Autesserre, 2010). Turner stated that:

*[b]etween 1990 and 1992, there was localised violence in North Kivu associated with the census or identification des nationaux. In Masisi territory, conflict pitted Hunde against Hutu. In Rutshuru, Tutsi were aligned against Hutu in Jomba (Bwisha) and Kihondo (Bwito). In 1993, a full-blown ‘Masisi war’ broke out. It was not limited to Masisi Territory but included the Wanyanga Collectivity in Walikale Territory and Bwito Collectivity in Rutshuru Territory. (Turner, 2007, p. 118)*

This conflict is commonly known as the MAGRIVI war. The acronym stands for *Mutuelle des Agriculteurs de Virunga* (Agricultural Mutual Aid Society of Virunga), formed by the Hutu of North Kivu to defend their interests (Turner, 2007). In the 1980s, almost all major ethnic groups established respective organisations of this kind: *Bushenge* for the Hunde, *Kyaghanda* for the Nande and *Umoja* for both Hutu and Tutsi (Mamdani, 2000).<sup>15</sup> These

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<sup>15</sup> Mamdani provided the following details about Umoja and MAGHRIVI (sic): “UMOJA was created in 1981 as an organisation of all the Congolese Hutu and Tutsi of Goma, Ruchuru and Masisi. UMOJA

ethnic solidarity groups, as well as ethnic-oriented NGOs, formed the basis for mobilisation, patronage and protection (Stearns, 2012). Stearns (2012, p. 27) also indicated that the best organised of all these – in particular MAGRIVI – carried out local development projects in addition to mobilisation and lobbying. However, despite its innocuous title and development projects, MAGRIVI fundamentally was a political-military organisation that ignited the ethnic conflict of the 1990s (Turner, 2007, p. 118). After their mobilisation and lobbying strategies had failed, the Hutu, through MAGRIVI, resorted to the armed approach to promote their right to vote.

The issue of nationality once again became a burning point when, on 24 April 1990, President Mobutu Sese Seko announced the democratisation of the country and allowed multipartyism in view of the 1992 general elections (Mathieu & Tsongo, 1998). The nationality problem was muted during the Mobutu Sese Seko dictatorship, but the move toward multiparty competition after 1990 escalated tensions regarding who could be considered Congolese and who could not (Turner, 2013). Under popular pressure and at the behest of Catholic bishops, President Mobutu officially announced the opening of what would later be called *Conférence Nationale Souveraine* (sovereign national conference, CNS) on 6 March 1991. Msgr Monsengwo, then Archbishop of Kisangani, was elected to act as the chairperson, and on 7 August 1991, the CNS convened in Kinshasa (Prunier, 2001). The conference was supposed to host 2 850 participants representing all the strata of the Congolese population. The aim was to draft a new constitution, which had to pass through a popular referendum (de Saint Moulin, 2001). However, this conference offered autochthonous leaders from North and South Kivu an opportunity to seize the advantage over their Rwandophone rivals by barring them from participation (Turner, 2013). During the preparation and the course of the CNS, the Banyarwanda and the indigenous

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disintegrated in 1988 and was replaced by separate Hutu and Tutsi organisations. It was with the direct financial support of Habyarimana and the political support of Mobutu that the Hutu in Ruchuru built links with the Hutu of Masisi and formed a common Hutu organisation called MAGHRIVI (Mutualités des Agriculture du Vironga) (sic). It was said that part of Mobutu's electoral strategy was to identify indigenous Hutu through MAGHRIVI so as to grant them citizenship. The main message of MAGHRIVI was that there are no indigenous Tutsi in the Congo."

communities of North Kivu clashed over the choice of the North Kivu delegates to the Conference (Mathieu & Tsongo, 1998).

Consequently, peaceful coexistence between autochthons and Rwandophones completely disappeared. The Banyarwanda politicians and the MAGRIVI spearheaded social disobedience and appealed for the boycott of any tax paid by their ethnic members to local authorities. In addition, Hutu leaders proclaimed themselves chiefs in place of Hunde chiefs, who enjoyed national and local legitimacy (Mathieu & Tsongo, 1998). Unfortunately, these Hutu actions became disadvantageous to their livelihood as landlords and chiefs in Masisi territory and Bwito County in Rutshuru stopped providing them with pieces of land. These two opposing attitudes justified the formation of *milices d'auto-défense armées* (armed self-defence militias), established in the area along ethnic lines. These militias paved the way for a noxious ethnic war aimed at ethnic cleansing of one ethnic group by the other (March to September 1993). The expression “*eux ou nous*” (French for “them or us”) became a slogan for militias, thus impacting on ethnic peaceful cohabitation (Mathieu & Tsongo, 1998). On 20 March 1993, hostilities in the province intensified. Groups of Hunde, Nyanga and Tembo youths, organised by local politicians and later known as Wangilima, orchestrated massacres of Hutu people in the market of Ntoto (eastern Walikale Territory) and the neighbouring villages (Boas, 2009, p. 28). Parallel groups organised by the Hutu reacted by attacking the Hunde in Masisi. This conflict led to a six-month civil war supported by both parties.

During the MAGRIVI war, alliances between different factions continued with their usual propensity for suspicion and violence. Thus, the MAGRIVI, with its mobilisation command, managed to politically mobilise all the Hutu from Masisi and Bwito in Rutshuru around one catchphrase: “the Hutu is one and indivisible.” Other ethnic groups, however, including the Hunde, Nyanga, Tembo and Nande, formed an anti-Hutu coalition amid political suspicions and on the basis that the Banyarwanda were arrogating their land (Turner 2007). According to Veney (2005), local Hunde-Nyanga-Tembo groups accused the Banyarwanda of creating a secret hierarchical structure to advance their political and economic interests at the expense of local people. They also claimed that Tutsi immigrants

throughout the Mobutu period marginalised them and jeopardised their land ownership rights.

Moreover, the Tutsi and the Nande's economic skills stirred a sentiment of jealousy in other communities. The latter conspired to drive the former away from the area. In Masisi territory, about 18,000 Tutsi fled to Rwanda by the end of April 1996 (Human Rights Watch, 1996). The Nande also left behind their pieces of land in Bwito *collectivité* (Rutshuru territory) and sought refuge either in Lubero territory, their land of origin or in the cities of Goma and Butembo. The Hunde and Hutu, also farmers, were their main enemies. Therefore, Hutu and Hunde militias coalition swept the Nande away to secure agricultural farms (Bøas, 2009; Turner, 2007). The MAGRIVI war that started in 1991 disintegrated the province and discouraged any peaceful cohabitation between ethnic groups. This war killed more than 14,000 people and forced more than 200,000 people to flee their homes (Mathieu & Tsongo, 1998).

Furthermore, in the opinion of several analysts, such as Autesserre (2007), Ndikumana and Kisangani (2005), the unresolved issue of identity continued to dominate subsequent wars in North Kivu province. For example, Autesserre (2007) opined that the problem of ethnic hatred against Rwandophones was undeniably one of the reasons for the intervention of Rwanda and Uganda during the period of transition (2003-2006) in the DRC. Ndikumana and Kisangani (2005) added Burundi to the list of belligerents. They pinpointed three important identity factors that justified their involvement in the DRC: nationality issues, marginalisation of Tutsi subjects, and the readiness of pro-Tutsi regimes in Rwanda, Burundi and Uganda, respectively. In other words, interethnic tensions escalated when the mentioned regimes could intervene in the DRC at will either with their forces directly or through their support to rebellions on the pretext of protecting Tutsi interests.

The recent and current events were not promising either as far as peaceful cohabitation between ethnic groups was concerned. In March 2016, for instance, people from Kamuronza in Masisi fled their homes after the murder of a Hutu man. According to the *bami* of the district and civil society, members of the Hutu community armed with

machetes blamed the Hunde for this murder. On that fateful day, the rioters burnt down more than six villages in Kamuronza (Radio Okapi, 31 March 2016). In April 2016, other tensions occurred in Nyamilima in Rutshuru district after the assassination of the president of the Hutu community in Binza sub-county. The Nande were suspected of having perpetrated this murder (Radio Okapi, 10 April 2016). Since October 2014, the people of Beni have been victims of the ADF-NALU (Alliance Democratic Forces - National Army for the Liberation of Uganda) continued incursions and killings.<sup>16</sup> Recently, alarmed by these shocking events, the civil society of Beni, Butembo and Lubero addressed a letter to President Joseph Kabila on the massacres of civilians in the province in which they criticised the killing of more than 1000 people and the displacement of innumerable families. The majority of victims were slaughtered and killed by machetes, hoes and axes, while others were shot and killed (Muke, 2016; Musavuli, 2016; 2017; Radio Okapi, 13 May 2016).

The massacres of Beni also raised the question of who could be the perpetrators. The victims of these killings belonged to the Nande ethnic group, but the executioners' identities were contested. While the government persistently accused the ADF-NALU of these killings, the local population maintained that the killers were Rwandophones, accused of attempting to appropriate fertile farmland and implementing the project of balkanisation of the country (Musavuli, 2016; 2017; Radio Okapi, 1 June 2016). Since October 2014, the massacres in Beni territory coincided with the increased migration of the Hutu population from Masisi and Rutshuru to Beni in North Kivu and Boga in Ituri province. Consequently, the governor of North Kivu, Julien Paluku, suspended these Hutu migrations over the whole territory of North Kivu in general and in the Beni district in particular. In a circular note signed on 28 May 2016 in Goma, he motivated his decision by utilising the insecurity which had resulted in cyclical massacres of civilians in the province (Radio Okapi, 29 May

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<sup>16</sup> The ADF (Alliance Democratic Forces) is a Ugandan opposition group operating on both sides of the Uganda-DRC border in the Ruwenzori area. The group resulted from the merger of a Muslim group (Tabliq sect) and another rebel group, the National Army for the Liberation of Uganda (NALU). The merger ADF-NALU chose the Ruwenzori base because the local population (Konjo) were disaffected from the Ugandan government and because the Nande, across the border in DRC, speak the same language. These rebels are guilty of many abuses and atrocities against civilians, such as kidnappings, killings and rape (Turner, 2013, p. 212).

2016). These massacres of the Nande population are currently taking place almost every week in these regions.

### **2.3.3 The involvement of traditional leaders in interethnic conflict**

According to conflict analysts, such as Autesserre (2007) and Reyntjens (2010), traditional leaders have played a double-edged role in conflict resolution in North Kivu. In her research on the DRC's peacebuilding failures, Autesserre (2007) found that violence was fueled by top-down factors (national or regional) and bottom-up agendas. The main instigators were community members and traditional leaders. Their involvement in interethnic conflicts was thus twofold: they were both victims and perpetrators. Estrada-Hollenbeck (2001) asserted that in most ethnic conflicts, there is no clear-cut difference between victims and perpetrators since criminal misconduct is shared by all the parties.

Various reports indicate that traditional leaders and their subjects are victims of kidnapping, assassination, dislodgment and usurpation (Radio Okapi, 24 November 2015). An investigation between 2000 and 2015 revealed that eleven villages have been under the rule of the Hutu FDLR. These Rwandan militias have collected taxes from the local population and resolved conflicts in their tribunals. Five traditional leaders, during this period, were assassinated in the collectivity of Batalinga and Beni territory (Radio Okapi, 14 January 2014). Another traditional leader of Rutshuru territory was recently killed by unknown snipers (Radio Okapi, 1 May 2016). Another case reported by the *bami* of Walikale to the provincial government and the MONUSCO (*Mission de l'Organisation des Nations Unies pour la Stabilisation du Congo* or Mission of the United Nations for the Stabilisation of the Congo)<sup>17</sup> indicated that the Hutu coalition "Nyatura-FDLR" killed two

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<sup>17</sup> The MONUSCO is the acronym for "*Mission de l'Organisation des Nations Unies pour la Stabilisation du Congo*" [Mission of the United Nations for the Stabilisation of the Congo]. At its establishment in 1999, the mission was known as *Mission de l'Organisation des Nations Unies en République démocratique du Congo* (United Nations Mission in the Democratic Republic of Congo, MONUC) and this until 2010 with the view of monitoring peace in the DRC.

Sources: United Nations Security Council *Resolution 1258*, S/RES/1258 (1999), Retrieved August 21, 2021, from [https://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1258](https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1258) (1999); United Nations, Resolution

*bami* and five people with machetes. In the same waves of violence, at least eight houses were burnt down in Bulindu locality and Ihula collectivity, still in Walikale district (Radio Okapi, 1 May 2016).

Moreover, nineteen people, all Nande and family members of one traditional leader were slaughtered in Miriki, a village located in southern Lubero. Also, a staggering 100 houses were destroyed in a spate of fires. The reason behind this Hutu attack could have been to threaten the population to abandon their land as the bereaved traditional leader refused to sell land to the Hutus (Benilubero online, 21 February 2016). Mr Julien Paluku Kahongya, then governor of North Kivu, reported that the Rwandan rebels with malicious intent had established their own administration and appointed chiefs in entities customarily managed by Nande traditional leaders (Radio Okapi, 10 February 2016). This power usurpation sent several traditional authorities and many of their subjects into exile (Autesserre, 2007).

Owing to power usurpation and cases of assassination of their peers, some traditional leaders found themselves involved in one way or another in interethnic conflicts under the guise of self-defence or protecting their communities. Reyntjens (2010) observed that during the MAGRIVI war in the 1990s, traditional leaders used corruption to manipulate the *Forces Armées Zairoises* (Zairian Armed Forces, FAZ) and incited them to fight for the interests of their ethnic groups. Secondly, a plutocratic sentiment had increased in the area whereby traditional leaders, as well as militiamen, used the conflict to enrich themselves. In this regard, a report of Human Rights Watch (July 1996) accused Hunde and Nyanga leaders of looting hundreds of cattle that belonged to the Tutsi community by seeking the services of Wangilima militiamen. Furthermore, in their attempts to repossess the land previously sold to the Tutsi, the *bami* demanded that the victims leave their farms and seek habitation elsewhere. Some traditional leaders' incendiary speeches and utterances in the 1990s worsened the conflict situation (Reyntjens, 2010). For example,

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2348, S/RES/2348 (2017), Retrieved August 21, 2021, from [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2348\(2017\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2348(2017))

Christophe Moto Mupenda, a Rega leader and former governor of North Kivu, stated during a public meeting before a Hunde audience in Masisi that hospitality has its limits, emphasising that it was necessary to strike and strike now against the immigrants, namely the Banyarwanda. One year later, two Goma-based radio stations followed Mupenda's footsteps by fuelling anti-Tutsi feelings, using megaphones to call on residents to chase the Tutsi out of town. Local authorities arrested Tutsi business people without specific charges. In November 1995, General Eluki publicly declared that the Hunde, Nyanga and Batembo have the right to fight for their ancestors' land and drive foreigners out of it (Reyntjens, 2010 p. 18).

According to Autesserre (2007), ethnic tensions were high during the return of leaders to their fiefdoms after the Second War of Liberation in 2003, stating:

*After the war, the return of the traditional authorities to their territories generated a high level of hostility. In the Osso and Bashali collectivities (North Kivu), the Hunde population reportedly sided with the newly returned traditional leader, himself a Hunde, against the Hutu leaders who had seized power during the war. In retaliation, the Hutu leaders committed 'a lot of abuses' against the supporters of their opponents. (Autesserre, 2007, p.430)*

In Masisi territory, Hunde traditional leaders continued to recruit young men to prevent the Tutsi from returning to reclaim grazing land abandoned during the MAGRIVI war of the 1990s (Ngolet, 2011). Other sources show that traditional leaders helped the coalition *Mai-Mai* APCLS-FDLR<sup>18</sup> occupy Pinga town in April 2012 (Radio Okapi, 4 April 2012). However, in May 2014, they seemed indifferent when the *Mai-Mai* Sheka killed people at Bunyampuli, Walikale territory (Radio Okapi, 15 May 2014).

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<sup>18</sup> APCLS is the acronym for *Alliance Populaire pour un Congo Libre et Souverain* (People's Alliance for a Free and Sovereign Congo). For a reminder, militia groups are found along ethnic lines. Hence the APCLS is for the Hunde, the FDLR (Democratic Forces for the Liberation of Rwanda) and the Nyatura are for the Hutus, the Cheka *Mai-Mai* are defending the Nyanga while the M23 are protecting the Tutsis. Source: International Alert. (2014, January 14). *Local voices - Armed militias in Masisi: A case study of the APCLS*. Retrieved October 22, 2020, from <https://www.international-alert.org/media/local-voices-armed-militias-masisi-case-study-apcls>

## 2.4 TANGENTIAL CAUSES OF CONFLICT

In addition to the above-mentioned root causes of interethnic conflicts in North Kivu, other political grounds for conflicts have been identified. These include the influx of Rwandan refugees in the province, revolutionary wars or wars of liberation, insecurity along the Rwandan and Ugandan borders, and economic interests and bad governance that permeate Congolese institutions.

### 2.4.1 The surge of refugees in North Kivu

It is generally agreed that between 1990 and 1994, Rwanda went through a political revolution characterised by the civil war and massive violence in the form of genocide (Autesserre, 2008; Braekman, 1994; Emizet, 2000; Nest, 2006; Prunier, 1995; Reyntjens, 2010). Emizet (2000) and Prunier (1995) reported that the genocide that took place from April to July 1994 claimed between 200,000 and one million lives, of which the majority were Tutsi and moderate Hutu. The revolution culminated in the invasion of Kigali, the Capital of Rwanda, by the Rwandan Patriotic Front (RPF) forces in July 1994. Consequently, more than two million Rwandan refugees (mainly Hutu) entered eastern DRC to escape persecution from the new government led by Tutsis. Among these refugees were some 20,000 to 25,000 soldiers (*ex-Forces Armées Rwandaises/ex-FAR*) and 30,000 to 40,000 Hutu militia (*Interahamwe* and *Impuzamugambi*) who were involved in the genocide in Rwanda (Autesserre, 2010; Emizet, 2000).

The influx of Rwandan refugees had a significant effect on the political situation in the DRC. In this regard, Emizet (2000) reported that the ex-FAR and Hutu militia represented less than 6% of the Hutu refugees, but their presence in refugee camps affected the political situation in the Congo. Their mere presence in the North and South Kivu provinces of the Congo tipped the demographic balance in favour of Congolese of Rwandan origin. Rwandan refugees did not only increase in number in North Kivu, but they also exacerbated the already volatile situation in the province. In November 1994, for instance, new hostilities occurred in Masisi where the Hutu, backed by ex-FAR and *Interahamwe*, attacked Hunde villages and looted Tutsi livestock (Mathieu & Tsongo, 1998). Therefore, the

coalition between the Hutu and Tutsi groups in the eastern Congo collapsed as the local Hutu militia began collaborating with the ex-FAR (Stearns, 2012). Emizet (2000) stated that the *Banyarwanda* (Tutsi and Hutu) had been fighting together against local Hunde and Nyanga groups even when Hutu and the Tutsi were fighting in Rwanda. There was a need for the Tutsi to coalesce with other local communities to fight the new common foe, the Hutu.

Not only did the Hutu kill people and loot their property, but there were also allegations that they intended to establish a 'Hutuland,' an idea that sparked a series of threats to security in both the Congo and Rwanda (Emizet, 2000). On the Congolese side, it was a retaliatory game. When Hutu politicians used refugees to claim nationality rights in North and South Kivu provinces, the Transitional Parliament reacted and adopted on 28 April 1995 the Resolution that stripped the Banyarwanda of their Congolese citizenship. The ex-FAR and Hutu militia then perpetrated a series of massacres of local people and Tutsi. Several hundreds of Tutsi and local people were killed as they fought to protect their belongings against the ex-FAR and Hutu militia. On the other hand, the Rwandan army invaded the eastern DRC and dismantled refugee camps to secure the country's borders. The destruction of these camps was carried out by the Rwandan Patriotic Army (RPA) in November 1996 at the beginning of the war of liberation of the DRC (Mathieu & Tsongo, 1998).

#### **2.4.2 Revolutionary or invasion wars**

The beginning of this rebellion coincided with the desire of Rwanda to dismantle refugee camps built along the borders of the DRC, then Zaire, as Hutu refugees had been viewed as a security threat to Rwanda (Stearns, 2012). According to Mathieu and Tsongo (1998), Prunier (1995) and Verschave (1994), the refugees had enough resources to achieve their goal of reconquering Rwanda, including tons of coffee worth 50 million US dollars that belonged to Mobutu's family and some 17 billion Rwandese Francs and plunder. These assets helped them form enormous armed groups and access financial support to purchase guns. Therefore, the new government of Rwanda saw the need to dismantle these camps,

force these refugees to return to Rwanda or disperse them in the Congolese deep forest. In addition, given Mobutu's readiness to help the Hutu re-conquer Rwanda, it was also decided to oust Mobutu (Minani, 2008, p. 8).

At the launch of the invasion or 'liberation' war, the new Rwandan government supplied arms to groups of Banyamulenge fighters (Renton et al., 2009; Wrong, 2000). In September 1996, armed elements of Banyamulenge backed by Rwanda attacked Mobutu's army and the ex-FAR in South Kivu. On 18 October, the fight intensified around Uvira refugee camps, and then, several anti-Mobutu groups joined the Banyamulenge rebellion to oust Mobutu (Reyntjens, 2009). In October 1996, four movements comprised of Ugandans, Rwandans, Burundians and Kabila's guerrillas announced the formation of the *Alliance des Forces Démocratiques pour la Libération* (Alliance of Democratic Forces for the Liberation of Congo-Zaire, AFDL), and elected Laurent-Désiré Kabila as its spokesperson (Wrong, 2000). This coalition captured Uvira and Bukavu on 18 and 30 October, respectively, creating an exodus of Hutu refugees. In mid-November, the Banyamulenge attacked the refugee camps around Goma, which hosted about 850,000 refugees (Emizet, 2000). With this series of attacks on UN refugee camps, some Rwandan refugees were repatriated, while hundreds of thousands of them fled westwards (Reyntjens, 2010). More than 200,000 refugees were claimed to have been killed by the Rwandan Army and AFDL in 1996-1997 (Emizet, 2000; Turner, 2007).

After the destruction of refugee camps, the AFDL enrolled more Banyamulenge and *Banyarwanda* Tutsi from South and North Kivu, including young people from other communities, to pursue the movement's second goal, namely overthrowing Mobutu's regime. Therefore, the long march to the capital city Kinshasa started (Prunier, 2009). It ended on 17 May 1997 when the AFDL troops entered Kinshasa (Reyntjens, 2010). It is also worth noting that while the AFDL rebels were advancing on Kinshasa, their movement was tacitly recognised by then US President Bill Clinton's administration. Through an address by the US ambassador to the rebels in Goma, the USA acknowledged the rebels as "a very significant military and political power on the scene" (Renton et al., 2009, p. 179).

Nevertheless, despite its international recognition and brief military campaign that led to the ouster of President Mobutu, the AFDL movement was responsible for several human rights violations. A report compiled by a UN team (submitted on 17 April 1998 to the Secretary-General) testified that in their march to Kinshasa, the AFDL forces perpetrated appalling human rights violations, environmental destruction, the massacre of Hutu Rwandan refugees and innocent Congolese civilians, as well as the mistreatment of Zairian soldiers who surrendered (Emizet, 2000). Moreover, Ngolet (2011) indicated that the AFDL coalition soon became unpopular for a number of reasons. On the one hand, the Congolese citizens, including the political opposition to Mobutu's rule, did not appreciate the Rwandan support to the AFDL and their omnipresence in Congolese institutions. On the other, the configuration of the AFDL was subject to caution, for the movement was made up of former arch-enemies, namely the *Mai-Mai* fighters (local militia) and Tutsi troops whose agendas are diametrically opposed (Minani, 2008). By way of illustration, Kabila, the rebel leader and the *Mai-Mai* were harbouring a dream of ousting western imperialism embodied by Mobutu while Rwanda and other allies' agenda soon changed from pursuing the Rwandan *génocidaires* on Congolese soil into an economic quest. Eventually, Laurent Kabila himself described this coalition of freedom fighters as a bloc of adventurers, a broken movement suffering from a crisis of identity and ideals.

Furthermore, the massacres of people, targeted assassinations, robbery, arson attacks, acts of terrorism and vandalism, and sexual and gender-based violence (SGBV) increased in North Kivu province and were allegedly perpetrated by the AFDL predominantly composed of Banyarwanda Tutsi. Since then, the DRC has been termed the rape capital of the world or the world's most dangerous place for women; at least 200,000 women and girls were the victims of SGBV during the last 25 years, with the eastern provinces having the highest rates of violations (Ekeno, 2013; Lewis, 2021). This situation exacerbated the long-standing ethnic conflict and resentment against the Banyarwanda, who were viewed as the destroyers of the Congolese family fabric through the practice of rape (Stearns, 2012, Trenholm, Olsson, & Ahlberg, 2011; Trenholm et al., 2016). The antipathy towards Rwandophones was perceptible within the movement itself. Even before AFDL troops made their triumphant entry into Kinshasa, the Tutsi occupied almost all the top offices of

command due to a lack of power-sharing. In a province where ethnicity is a sensitive issue, an anti-Tutsi sentiment started to manifest after Kabila's inauguration. In this regard, Ngolet (2011, pp. 18-19) observed that the anti-Tutsi sentiment was mainly based on the following indicators: the mono-ethnic (Tutsi) hierarchical composition of the AFDL, the massive Tutsi presence in the popular army and disrespect of traditional leaders by the Tutsi. Consequently, people considered the AFDL victory in eastern Congo as a form of Rwandan colonisation of the Kivus. Therefore, although thousands regarded Kabila as a real alternative to the Mobutu regime in the first months of political change, many became sceptical of this alliance with Rwandese and Ugandans (Renton et al., 2009).

Thus, on 27 July 1998, in an attempt to get rid of his allies (the Rwandan and Ugandan armies that had become a political liability), Kabila asked them to leave the Congo. This inevitably led to a second Congo war of liberation, which officially started in North Kivu on 2 August 1998 with the involvement of at least eight African countries (Minani, 2008). On the one side, there were Kabila's former alliance members who had become his detractors. They included Rwanda, Burundi and Uganda. On the other side, Angola, Zimbabwe and Namibia supplied the troops that protected Kabila's government (Emizet, 2003; Minani, 2008). Other sources added Kenya, Ethiopia, Eritrea, Chad and Sudan to the list of foreign forces that backed either side (Autesserre, 2010; Mulumeoderhwa, 2012; Prunier, 2009). The second Congo war officially ended in June 2003 when a truce was reached at Sun City in South Africa (see Sections 2.5.2 and 3.5.3). Among the clauses, it was decided that foreign troops withdraw from the Congolese territory (Autesserre, 2007). However, despite the official declaration of the end of the war, fighting between various armed factions continued in the eastern Congo, causing a lot of turmoil.

### **2.4.3 Insecurity along the Rwandan and Ugandan borders**

At first glance, Minani (2008) acknowledged that besides Tanzania and Zambia, all states sharing borders with the DRC experienced or still experience conflicts. These conflicts include civil war, interethnic wars, interstate and intrastate wars, liberation wars, conflict of low intensity, insurgency, coups d'état, secession, and aggression. War in the DRC is

perceived as an extension of the ten year-war in Rwanda. The Rwandan Patriotic Forces (RPF) pursued the defeated ex-Rwandan Armed Forces (FAR) and other Hutu militias, which fled to then Zaire after perpetrating genocide in Rwanda. The Tutsi-dominated Rwandan government alleged that the ex-FAR could launch attacks on Rwanda from refugee camps to make Rwanda ungovernable (Emizet, 2000). In the same vein, Autesserre (2007) identified three important incentives as causes of the Rwandan involvement in the Congo during the transition, specifically, the threat posed by the presence of Rwandan Hutu militias, the problem of ethnic hatred against Congolese Rwandophones, and the appeal of the Kivu's mineral resources. With respect to the first incentive, the Rwandan government continued to object to the FDLR's presence in the Congo and its threat to Rwanda. Consequently, according to Autesserre (2007, p. 426), "Kigali threatened several times – notably in November 2004 and in April 2005 – to invade the Congo again should Congolese and international actors fail to solve the FDLR problem."

The ongoing war in the eastern Congo is also perceived as the continuation of the 16 year-war in Uganda between the Ugandan People's Defence Forces (UPDF) and ADF-NALU (Minani, 2008). For that reason, Rwanda and Uganda invaded the DRC to secure their respective borders. In March 2005, the UN Security Council (cited by Autesserre, 2007, p. 426) accused Rwanda and Uganda of carrying out proxy wars by sponsoring armed groups in the DRC. Kigali has even threatened to send its troops into the DRC to drive the *génocidaires*/FDLR away from its borders. However, it has been revealed that Kigali has been using the FDLR's threats as a pretext to pursue Rwanda's true interests, namely, protection of Rwandophone Tutsis and exploitation of the DRC's resources. The latter interest is discussed in the following section.

#### **2.4.4 Economic agendas**

Collier and Hoeffler (2005, p. 625) asserted that "resource-rich countries tend to be poorer and poorer nations are more prone to conflict." To a certain extent, this assumption is accurate as far as the DRC in general and the province of North Kivu, in particular, are concerned. The country possesses vast natural resources such as land, rivers, fauna and

flora, making it incredibly biodiverse (Kamdem et al., 2006). In addition, the DRC is endowed with a variety of rare minerals found across the country. About one-third of all known cobalt deposits in the world, and nearly two-thirds of coltan lie within the DRC's borders.<sup>19</sup> The country also has abundant deposits of copper, cassiterite (tin ore), gold, zinc, uranium, tourmaline, cadmium, industrial and gem diamonds, silver, manganese, germanium, radium, bauxite, iron ore, coal and other precious stones (Gilpin & Downie, 2011, pp. 2-3).

War in North Kivu province, besides being routinely ethnic, has also been linked to its natural resources since the launch of the Kabila-led rebellion. The AFDL troops, throughout the campaign to seize Kinshasa, destroyed national parks, reserves and forests, killed animals, ate animal meat, and sold ivory tusks of elephants, timber, and minerals, especially Coltan (Hart & Mwinyihali, 2000). Coltan is in great demand for the reasons provided on the previous page (see footnote): the production of high-tech devices. The 2002 report of the International Peace Information Service (IPIS) (cited by Meger, 2011, p. 121; see also The United Nations Security Council, 2001, p. 12) explains the coltan trade value chain and demonstrates how European, American and Asian companies support the war economy in the DRC (see diagram below):

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<sup>19</sup> Coltan is an acronym for 'Colombo Tantalite.' It is an extremely heavy and moderately rare metal that belongs to a group internationally known as tantalum. It is also called white gold used for the production of high tech electronic goods of mass consumption, such as mobile phones, laptops and videogame consoles, spatial rockets, PDA, MP3, MP4, cameras, remote controlled weapons, missiles, TVs, etc. It is found in Thailand (5 %), in Brazil (5 %), in Australia (10%) and in the DRC (80%). In the DRC, coltan is found mostly in North-Kivu Province located in the Eastern part of the Country sharing borders with Rwanda and Uganda (Jackson, 2002, p.523). Note that PDA stands for Personal Digital Assistant, a small computer that you can carry with you and MP for Media Player, an electronic device or a computer programme for playing music which has been stored as MP3, 4... files (Wehmeier, McIntosh, Turnbull & Ashby, 1997).

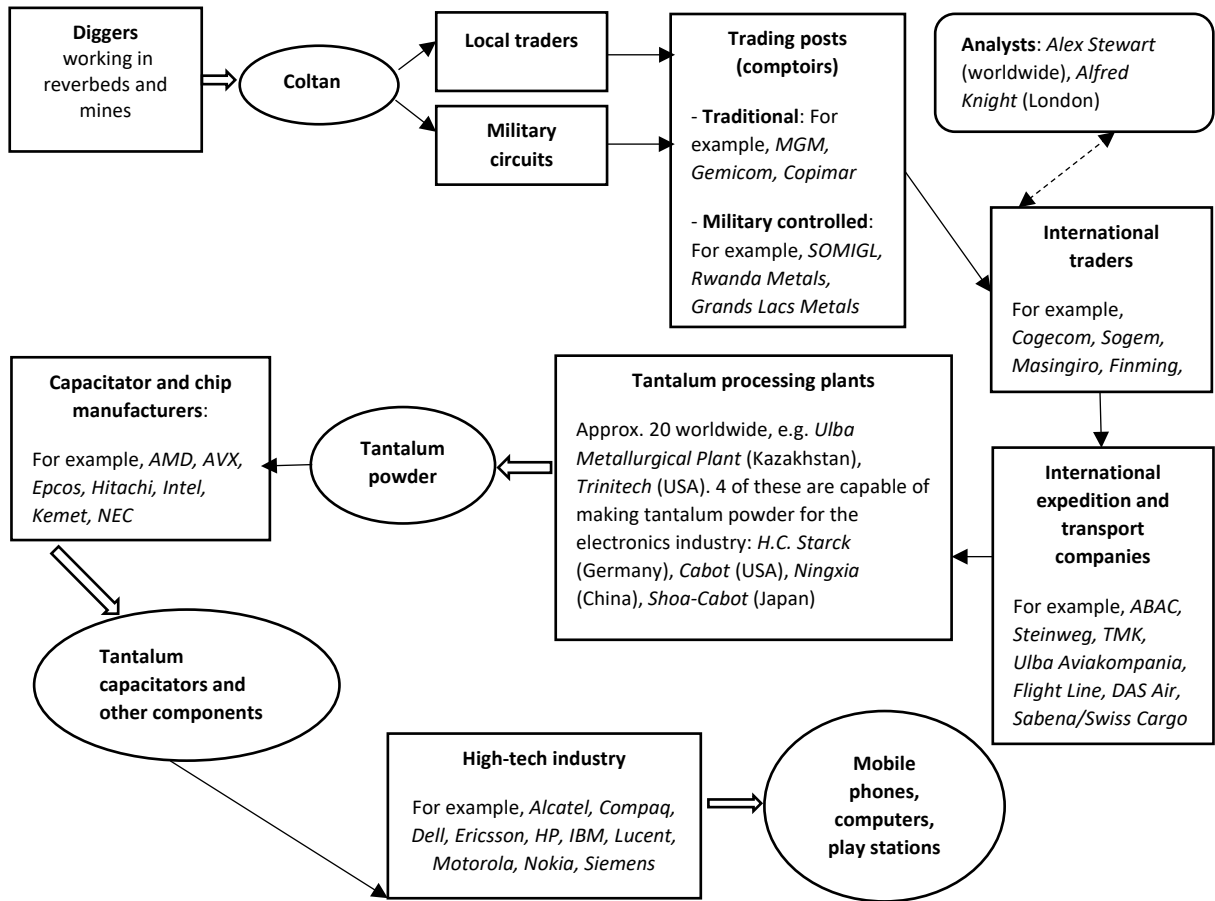


Figure 2.1: The Coltan value chain (Meger, 2011, p. 121)

The above diagram illustrates how coltan is intimately linked to the economy of war, and most of the time, it is traded through the black market, which flourishes during wartime. The black market is enormously lucrative since there is no check and no tariffs at the local level, while the demand for the material is high in developed countries. It is a two-way traffic trade whereby combatants export coltan to import weapons for the continued conflict (Tembo, 2014). Indeed, certain businesses, particularly the military-industrial complex, increase profits in times of war and thus have a clear interest in continued hostility. In North Kivu and South Kivu provinces, Burundi, Rwanda and Uganda reaped dividends from the coltan trade (Abadie, 2011; Meger, 2011). Rwanda has exported coltan, although there were no known deposits of the mineral in Rwanda. Samset described Rwanda's coltan trade as follows:

*[t]he UN Panel estimates Rwanda to have earned a stunning US\$250M from DRC coltan only over the 18 months from 1999-2000 when world market prices reached an all-time pinnacle. In total, the export of all products looted from the DRC grew to a level of 8.4% of total Rwandan exports in 1999 and remained as high as 7.1% in 2000. These enormous values involved in the re-exportation have allowed Rwanda to double its military expenditure and thereby to fasten its grip on occupied areas of eastern Congo. (Samset, 2002, p. 472)*

The current situation is such that Rwanda and Uganda, with the help of international lobbies and local agents, continue to entertain proxy wars in the DRC. They support several parties, which, in turn, operate in mutual rivalry. The mining sector in North Kivu and the eastern Congo, in general, is highly militarised, and this situation prolongs the armed violence (Jackson, 2002; Meger, 2011; Samset, 2000). According to a Global Witness Report (July 2009), in many parts of North Kivu province, armed groups and the Congolese national army control the trade of cassiterite, gold, coltan, wolframite and other minerals. The report further indicated that the unregulated nature of the mining sector in the eastern Congo and lack of the rule of law made it easy for militia groups to plunder and use such practice as a survival strategy. It is reported, for instance, that the *Rassemblement Congolais pour la Démocratie* (RCD-Goma), a Tutsi movement supported by Rwanda and Uganda, taxed the coltan trade, sold mining rights and demanded license fees, non-refundable deposits, various export taxes and a war effort tax (Reyntjens, 2010). The figures showed that between January and October 2000, Coltan exports through *comptoirs* (mineral selling points) controlled by the RCD were estimated at \$6.7 million. There was both in-kind and direct taxation in rebel-controlled territories. For example, the RCD collected a tax of about 8% of the total mineral exports by the *comptoirs* in addition to a \$15,000 annual license fee per *comptoir* (Ndikumana & Kisangani, 2005).

In short, armed groups involved in the Congo war also had an economic agenda (Minani, 2008). Jackson (2002) and Samset (2000) stated that the war in DRC has become ‘economised,’ a ‘self-financing war’ involving the country’s extravagant minerals, which instead of being profitable for the whole country, enriched a few. Sometimes, depending on the economic advantages, alliances are made or broken between rival factions. For

instance, the local militias (the *Mai-Mai*) and the M23 (Tutsi-led rebellion) were once collaborating when they found themselves financed directly or indirectly by Rwanda and Uganda, and other Congolese individuals, accessing weapons from the same dealers and selling coltan to the same *comptoirs* (Jackson, 2002).

In conclusion, despite its rich resources, the DRC remains one of the poorest countries in the world (Hendricks & Musangevana, 2010). The country's natural resource endowment rarely benefits Congolese citizens. Instead, it is a wellspring of conflict and envy from neighbouring nations (Burundi, Rwanda and Uganda) and corrupt individuals within the Congolese government, whose history is permeated by governance malpractices (Abadie, 2011; Tembo, 2014).

#### **2.4.5 Poor governance**

Another cause of conflict in the DRC is poor governance (Minani, 2008; Wrong, 2001). Wrong (2001) asserted that bad governance explains the endemic instability in the African continent and the DRC in particular. She pins the blame on the colonial legacy stemming from the continent's partition at the Berlin Conference in 1885. Consequently, governance born from this partition has become the very foundations of political exclusion and dictatorial and authoritarian regimes. In the DRC, the regime of Mobutu has been described as a kleptocrat, selfish, repressive, brutal, ruthless and greedy. Mobutu built his political longevity on three pillars: violence, cunning and the use of state funds to buy off enemies and corruption (Billerbeck & Tansey, 2019).

Currently, poor governance is illustrated by the government's failure to resolve conflicts around land ownership, impunity, unequal access to natural resources, an asymmetrical distribution of important political and military posts in the administration and broad socio-economic issues related to widespread poverty and the apparent inability of national and regional elite groups to promote a more equitable distribution of wealth (Wrong, 2001). Hendricks and Musavengana (2010) added that most of the government, especially security institutions and the judiciary, were plagued by corruption, poor working conditions, lack

of resources and interference by politicians, as well as a lack of sufficient political will for the far-reaching transformation of the security sector in the DRC. Given the poor governance and the above-discussed quagmire of violence in the country in general and in North Kivu, strategies to resolve the conflict have been envisioned at local and international levels.

## **2.5 PEACE PROCESSES IN NORTH KIVU**

A peace process is commonly defined as the diplomatic and political efforts to negotiate a resolution to a conflict, especially a long-standing conflict (Tonge, 2014). The literature on peace processes in the DRC surveyed shows that not all efforts to bring peace in the DRC were diplomatic and political. Military means have also been used to quell the ethnic conflict in the province of North Kivu. Occasionally, a combination of diplomatic, political and military means is employed concurrently.

### **2.5.1 Military operations**

Military operations started as early as April 1996 in Masisi and Rutshuru territories to quell the MAGRIVI war. In this way, Operation “Kimia” (Lingala term for Peace), was carried out by both the *Forces Armées Zairoises* (Armed Zairian Forces, FAZ) and the *Division Spéciale Présidentielle* (Presidential Special Division, DSP) under the command of General Eluki (Reyntjens, 2010, pp.17-18).<sup>20</sup> However, despite the deployment of government forces in the area, the military campaigns failed to resolve the conflict (Reyntjens, 2010; Mathieu & Tsongo, 1998). Stearns (2012) remarked that these operations only compounded the violence and that in response to the mounting insecurity, the Zairean army, similar to local militias, stand accused of carrying out several atrocities, including the looting of Goma and Butembo in the early 1990s (Turner, 2007; Stearns, 2012).

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<sup>20</sup> Reyntjens (2010, p. 108) described the DSP as an army within the army composed of elite units, which numbered about 7 000, with the majority coming from Mobutu’s Equatorial region. Militarily, the DSP, with another special military division called “Garde Civile” did not follow the military hierarchy; it obeyed orders from president Mobutu and not the general army staff. Financially, the DSP was better off than the average FAZ. The latter was composed of “unpaid, untrained and unequipped officers and soldiers (who) were forced to ‘make ends meet’ by preying on the population; ‘clochardisé’ (turned into tramps) as it was, this army was unsurprisingly neither committed nor professional.”

However, the FAZ were able to carry out significant military operations, such as the so-called “Operation Likonga” (spear operation) in Masisi territory and “Operation Mbata” (slap operation) in northern Rutshuru territory. They were conducted between March and June 1996 to ward off militia groups and restore state authority in Masisi, Rutshuru, Lubero and Walikale (Stearns 2012).

With the unveiling of the second war of liberation by the RCD-Goma in 1998, the DRC experienced another wave of more organised and armed militia groups formed along ethnic lines to further their respective ethnic interests. Thus, the RCD-Goma and its successors, the CNDP and the M23, were founded principally to protect the Tutsi minorities and to ease the return of Tutsi refugees into their ancient but now spoiled farms in Masisi, Rutshuru, Lubero and Masisi districts (Reyntjens, 2010; Stearns, 2012). The FDLR and *Nyatura* were mainly composed of Rwandan and Congolese Hutu, and they sometimes conducted joint operations (Radio Okapi, 1 May 2016). On the side of autochthonous Hunde, Nyanga and Nande, there were several groups of *Mai-Mai* which considered themselves as self-defence armed groups against the Rwandophones and, sometimes, against the republican army (Autesserre, 2007, p. 429). To mention but a few, they included: the *Patriotes Résistants Congolais* (Resistant Congolese Patriots, PARECO), the *Alliance des Patriotes pour un Congo Libre et Souverain* (Alliance of Patriots for a Free and Sovereign Congo, APCLS), *Mai-Mai* Kasindien, *Mai-Mai* Kifuafua, *Mai-Mai* Vurondo, *Mai-Mai* Mongol, *Mai-Mai* Rwenzori and Simba, *Mai-Mai* Lafontaine, *Mai-Mai* Cheka, *Mai-Mai* Raia Mutomboki (Kisangani, 2003; Minani, 2008; Stearns, 2012), and the newfangled group of *Mai-Mai* Mazembe, which was founded in the territory of Lubero and in some parts of Rutshuru and Walikale (Radio Okapi, 27 August 2018). If the Tutsi-led rebellions ended officially in 2013 with the defeat of the M23, most of the aforementioned groups are still fighting in the ongoing conflict in North Kivu.

The following groups did not identify themselves as *Mai-Mai*, and operated in the Beni district. They consisted of the *Union des Patriotes Congolais pour la Défense du Congo* (Congolese Patriots’ Union for the Defense of the Congo, UPCDC) created in 2009; the *Forces Armées pour la Liberation Durable du Kongo* (Armed Force for the Durable

Liberation of Kongo, FALD/K) active since 2009; the *Forces Acquisées pour le Changement* (Dedicated Forces for Change, FAC) since 2010 and *Mouvement de Résistance en RDC* (Resistance Movement in DRC, MRRDC) created in December 2011 (MONUSCO, 2012). In Rutshuru district, another group was founded in September 2012, called *Forces pour la Défense du Peuple* (Forces for People's Defense, FDP), led by Shetani Muhima (Radio Okapi, 18 September 2012). There were other splinter groups and smaller local forces that passed under the international radar (MONUSCO, 2012; Minani, 2008). The civilian population has suffered great hardship and losses in this internecine conflict between the various militia groups. For example, the massacres of 30 Hutu people allegedly carried out by the *Mai-Mai* Mazembe in Luhanga locality, southern Lubero territory (Radio Okapi, 28 November 2016).

With such a mosaic of militia groups, the national army once again warranted military operations in 2007. These operations were carried out with the support of the *Mission de l'Organisation des Nations Unies au Congo* (Mission of the United Nations in the Congo, MONUC), meant to disperse militia groups and restore government authority in places occupied by militias (Radio Okapi, 30 November 2007). In North Kivu, the first target was to defeat Laurent Nkunda and his troops of the CNDP.<sup>21</sup> According to Turner (2013), Nkunda's men, a Tutsi militia supported by Rwanda, invaded Masisi in September 2007 and raided ten secondary schools and four primary schools, kidnapping children. Girls were taken as sex slaves, and boys were used as child soldiers, violating international law. The government responded through President Joseph Kabila's order to disarm Nkunda by force and organised various expeditions in this regard. Conversely, these military interventions were unsuccessful as the FARDC failed to dismantle Laurent Nkunda's CNDP faction and ultimately lost the Rumangabo military camp to the rebels. Nkunda continued to expand the territory under his control, and in November 2007, his troops captured Nyanzale, a town

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<sup>21</sup> Jason Stearns (2012, p.36) mentioned three senior military officers defected from the Congolese Army in August 2003. One of them, General Nkunda, a Tutsi from Rutshuru territory, along with some members of the RCD leadership, created a new synergy called *Synergie Nationale pour la Paix et la Concorde* (SNPC, National Synergy for Peace and Concord). The fear of the unknown was not only the concern of the rebels but also that of their mentor, namely Rwanda and, to some extent, Uganda. According to (Stearns 2012, p.36), "Kigali, driven by an amalgam of economic, security, and political interests, was also afraid of losing a foothold in the Kivus and threw its weight behind these dissenting officers."

situated 100km north of Goma. In the '*petit nord*' (the area around Goma), the conflict between the republican army and Nkunda's troops caused the internal displacement of an estimated 370,000 people since the beginning of 2007. In December of the same year, the government forces in another counter-offensive lost their stronghold in Mushake to the rebels. At this point, the government had no other choice but to call for negotiations. Consequently, in 2008, a peace agreement was signed between the government and Nkunda, which "included an immediate ceasefire, the withdrawal of all rebel forces in North Kivu province, the resettlement of thousands of villagers, and immunity of Nkunda's forces" (Turner, 2013, p. 108; see also Vlassenroot, Mudinga & Musamba, 2020). This study argues that such negotiations could have yielded more productive outcomes if they had involved other stakeholders, including traditional leaders and civil society.

In 2009, another military operation was launched to track the *génocidaire* FDLR. It was a joint operation between the Rwandan and Congolese governments after the DRC allowed Rwandan troops to enter its territory to expel the FDLR in exchange for Rwanda's withdrawal of its allegiance to Nkunda (Turner, 2013). This operation is known under various labels. In January 2009, when it started, it was called "Umoja Wetu" (Our Unity) to mark the unity between the DRC and Rwanda. After some success on the ground in March 2009, it became "Operation Kimia 2 (Peace 2), before it emerged as "Operation Amani Leo" (Peace Today) for the rest of the year (Stearns, 2012).

To some extent, the joint military operation between Rwanda and the DRC was a success. First, an agreement was signed between the government of the DRC and the CNDP sponsored by Rwanda on 23 March 2009. According to Stearns (2012), the agreement, a 16-point blueprint for peace, along with a subsequent deal for other militias, included an amnesty for political prisoners, the integration of armed groups, security sector reform, and a government pledge to promote the return of Tutsi refugees. Although not all points were fulfilled, at least more than 16,000 militiamen were integrated into the national army, including around 5,500 from the CNDP and 4,000 from the PARECO (*Patriotes Résistants*

*Congolais* or Resistant Congolese Patriots).<sup>22</sup> Secondly, the operations were successful in dispersing the FDLR. Between 2009 and 2012, the UN repatriated over 4,500 FDLR combatants to Rwanda. However, the FDLR was not completely defeated, and a good number did not return to Rwanda and are still committing violence, including rape, murder, assault, and looting (Jackson, 2002, p. 521; Nest, Grignon & Emizet, 2006, p. 35).

The year 2012 saw the rise of a new Tutsi movement and the beginning of military operations to counter it. In mid-April 2012, the Congolese army faced a mutiny from within. The latter followed an attempt by Kinshasa to dismantle the ex-CNDP networks in North and South Kivu, and integrate all its fighters into the national army and transfer them into provinces other than the eastern provinces. Subsequently, ex-CNDP members accused the central government of breaking the agreement of 23 March 2009 and not being sufficiently committed to the repatriation of refugees. When Kinshasa launched operations to neutralise undisciplined soldiers in Masisi territory, the latter took refuge in Virunga National Park and the highlands of Uvira and Fizi (South Kivu) (Radio Okapi, 12 December 2015). In this context, military deserters created a new political and military power called the Movement of March 23 (M23) and elected Lieutenant Colonel Vianney Kazarama as its spokesperson (Stearns, 2012).

The purpose of the M23 movement, according to its architects, was to “reinvigorate the implementation” of the peace agreement signed on 23 March 2009 between the Congolese government and the former CNDP rebels (Radio Okapi, 12 December 2015). M23 swiftly occupied all the villages on the Kiwanja-Ishasha axis, along 60 kilometres north-east of Rutshuru territory (North Kivu). Thereafter, they expanded their occupation to Katuiguru, Kisharo, Buramba and Nyamilima and Ishasha.<sup>23</sup> The M23 occupied much of the territories of Rutshuru and Nyiragongo for about 18 months. This is the fourth armed movement to

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<sup>22</sup> PARECO is another militia group mainly composed of Hunde. According to Stearns (2013), their ideology is based on their resistance against the so-called mixage that consecrated the integration of CNDP troops into the republican army. The PARECO claimed that the process was a means of furthering Tutsi regional domination.

<sup>23</sup> Ishasha is the third border post between the DRC and Uganda after Kasindi and Bunagana. This border post generates more than US \$700 000 monthly customs revenues. In July 2012, it passed under the control of the rebels of M23 (Turner, 2013).

occupy Rutshuru between 1996 and 2013 after the AFDL, RCD and CNDP. However, the greatest achievement of M23 was the conquest and control of Goma on 20 November 2012 (Turner, 2013; Radio Okapi, 12 December 2015). The fall of Goma led to a series of peace talks. The M23 demanded and obtained the opening of negotiations with Kinshasa in exchange for their withdrawal. Peace talks started in December in Kampala (Uganda), but the M23 left the negotiation table due to a disagreement over the cease-fire and the refusal of the DRC to grant amnesty and reintegration of all M23 members into its national army.

Meanwhile, the international community pushed for the resumption of peace negotiations in the DRC and the Great Lakes region. This culminated in the signing of a Peace, Security and Cooperation Framework agreement for the DRC and the region on 24 February 2013 in Addis Ababa (Ethiopia) by nine countries that share the natural boundaries with the DRC, and the Republic of South Africa under the auspices of the United Nations. The Addis Ababa agreement called on countries in the region to refrain from supporting any form of armed groups in the DRC but rather seek the return of peace to the eastern DRC beset by domestic and foreign armed groups (Africanbrains.net, 26 February 2013). One of the major drawbacks of these peace negotiations and ultimate agreement was excluding traditional leaders and civil society.

After the failure of peace talks in Kampala between Kinshasa and the M23, and despite the Addis Ababa Peace Accord, war resumed in North Kivu. During a five-day offensive impelled by the Armed Forces of the DRC (FARDC) on 25 October 2013, the M23 conceded defeat by giving up their last strongholds, namely, the hills of Tchanzu and Runyoni in Rutshuru district. The republican counteroffensive was led by a unit commanded by the late Colonel Mamadou Ndala, with the support of the special brigade of the MONUSCO composed of Tanzanian, Malawian and South African soldiers (Radio Okapi, 5 November 2013).<sup>24</sup>

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<sup>24</sup> The MONUSCO is an acronym for “Mission de l’Organisation des Nations Unies pour la Stabilisation du Congo” [Mission of the United Nations for the Stabilization of the Congo]. As for the intervention of Tanzania, Malawi and South Africa, this was effected by UN Security Council that approved the creation of its first-ever offensive combat force under the Resolution 2098 dated 28 March 2013. The mandate consisted in “carrying out targeted operations to ‘neutralize and disarm’ the notorious 23 March Movement (M23), as well as other Congolese rebels and foreign armed groups in strife-riven eastern Democratic Republic of

Despite this victory, Kinshasa remained determined to continue negotiations with the rebels. Both parties met in Nairobi to end the conflict and, in December 2013, signed two documents concluding the peace talks, which started in Kampala in December 2012. One of the declarations signed by the M23 marked the dissolution of the rebel movement; and the other signed by Kinshasa marked the commitment of the DRC to implement the demobilisation, disarmament and reintegration of former rebels and to present to the Congolese Parliament a law on amnesty for M23 members (Radio Okapi, 12 December 2013). After the defeat and disintegration of M23, the special brigade of the MONUSCO and the FARDC pursued their military operations against militias classified as ‘negative forces’, including the Uganda rebels of the ADF-NALU (*Le Potentiel*, 26 December 2013). In December 2013, the late Major General Lucien Bauma Ambamba, the then commander of the 8<sup>th</sup> military region of the FARDC, announced that the Congolese army would soon launch an operation to disarm Ugandan rebels of the ADF-NALU in Beni district (Radio Okapi, 27 December 2013). This operation, in Lingala language, was known as “Sukola 1” (Cleaning 1). It maintained the name until 2016, when it took the Swahili name of “Usalama,” peace (Radio Okapi, 15 May 2016).

Meanwhile, in the territories of Lubero, Rutshuru and Masisi, the FDLR and other militias remained strong and military operations were less successful (Radio Okapi, 31 May 2016). The failure of the republican army could be due to the dispute that arose between the DRC government and the MONUSCO forces in February 2015. The disagreement was over the involvement in the operations of two generals who were accused of grave human rights abuses. Consequently, the DRC government declined all forms of support from the MONUSCO forces in its operations against Rwandan rebels of the FDLR (Radio Okapi, 16 February 2015). Given the misunderstanding between the two partners, some residents fled the area for fear that the FDLR would return. Effectively they triumphantly returned in May 2016 and committed several cases of abuse. For example, villagers were ordered to

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Congo” (Information retrieved from <https://www.un.org/press/en/2013/sc10964.doc.htm> on 19 November 2017).

pay a fee of 1,000 Congolese francs (US \$ 1) per household and were prevented from going to their respective fields (Radio Okapi, 31 May 2016).

### **2.5.2 Recurrent formal peace processes**

The situation in North Kivu deteriorated to create flashpoints caused by a longstanding ethnic conflict with the advent of the liberation war in 1996. Therefore, besides military operations to end the conflict, a series of formal peace processes was undertaken to the extent that several African countries became involved. The peace process began with the negotiations and ended with signing the cease-fire agreement in Lusaka in July 1999. The Lusaka Ceasefire Agreement aimed first to hold a national dialogue and establish UN peacekeeping forces' presence under the label of *Mission des Nations Unies au Congo* (the Mission of the United Nations in the Congo, MONUC). The second aim involved the process of disarmament, demobilisation, repatriation, reintegration, and resettlement (DDRRR) of the armed rebel groups (Autesserre, 2010; International Crisis Group, 2001; Mwesiga & Landsberg, 2003).

The implementation of DDRRR consisted of several phases. The first phase concerned the repatriation of Rwandese, Burundian, Zimbabwean, Angolan and Namibian forces, which were present on Congolese soil. The MONUC and government forces undertook the second phase to eradicate the local militias. The concept of repatriation was replaced by reinsertion, and the acronym changed into the short form of DDR (Disarmament, Demobilisation and Reinsertion of ex-combatants). The DDR programme had been a top priority for the DRC throughout peace negotiations and during the transitional period between 2003 and 2006. With local militias as the target, the programme was first implemented in 2005 in Ituri province, where over ten thousand militiamen had been disarmed. The third phase concerned the programme's extension to other provinces, including North Kivu province (Prunier, 2009; Tembo, 2013).

On 2 April 2003, another agreement was signed by all combatant parties in Sun City, South Africa. With the international community's support, the Sun City Inter-Congolese Dialogue

prompted several resolutions, including the establishment of a transitional national government (Renton et al., 2009). This government came into effect due to power-sharing arrangements between the government, civil society, and rebel groups, especially RCD-Goma and MLC. In this transitional government structure, the DRC would be governed by a president assisted by four vice presidents, known as the famous 1+4 formula settlement, with Joseph Kabila as the head of state (Turner, 2007). The head of the RCD-Goma, Azarias Ruberwa, was named as one of the four vice-presidents, while senior RCD officers secured not only the command of North Kivu and western Kasai military regions but also secured other high-ranking positions. The peace agreement was further cemented by bilateral deals with Rwanda and Uganda, leading to the withdrawal of their troops in 2002 and 2003 (Stearns, 2012). Another outcome of the Sun City Congolese Inter-dialogue was the idea to establish a truth and reconciliation commission (Rogier, 2004; Wakenge & Bossaerts, 2006; Winter, 2012). This commission, known as *Commission Vérité et Réconciliation* (Truth and Reconciliation Commission, CVR), was designed for the entire country and implemented in 2004. However, after ending in total disarray, a more limited body was established: the *Commission Technique pour Pacification et la Réconciliation* (Technical Commission for Pacification and Reconciliation, CTPR). This commission was only designed for the eastern provinces of North Kivu and South Kivu. This will be further discussed in Section 3.5.3.

Furthermore, President Joseph Kabila adopted a new constitution promulgated on 18 February 2006 after a popular referendum. Through these phases, the country started a deep reform of the defence and police sectors. The process culminated in the so-called *brassage* or *mixage* intended to incorporate rebels and local militias into the republican army and police. Moreover, justice and penal sectors were revised to ensure that the fundamental rights of all individuals were guaranteed, that justice was restored, and criminals prosecuted (Hendricks & Musavengana, 2010).

An initiative known as *Conférences Internationales pour la Région des Grands Lacs* (International Conferences for the Great Lakes Region, CIRGL) started in March 2003 to support the idea of regional security cooperation. This cooperation included a series of

conferences attended by several countries, such as Burundi, Uganda, Rwanda, Central African Republic, Congo Republic, Angola, Sudan, Tanzania, Kenya, Zambia, Namibia, Malawi, Botswana, Zimbabwe and Egypt. These conferences were organised in various cities (e.g., Dar-Es-Salaam in 2004 and Nairobi in 2006 and 2007), addressing, inter alia, issues of peace and security, democracy and good governance, economy, development and regional integration, humanitarian, social and environmental issues. These countries signed non-aggression and mutual defence protocols in the Great Lakes Region, with the 2006 conference dedicated to the fight against the illegal exploitation of natural resources. Among other ideas, attendees declared: the importance of natural resources and the permanent sovereignty of states over these resources; the international and regional cooperation in the fight against the illegal exploitation of natural resources; the protection of human rights; the mechanism of certification of natural resources; and sanctions against the smugglers (Minani, 2008; Tembo, 2013; 2014). In short, all the mentioned peace initiatives focused on building the Congolese state, owing to its disintegration from 1998 to 2003, a period marked by the insurgency of various warlords. Once again, this study highlights that all these peace agreements were signed, and conferences were organised without the participation of the grassroots leaders who, together with their populations, find themselves at the coalface of war on a daily basis.

## **2.6 PEACEBUILDING FAILURES**

The military operations and peace talks were perceived as failures as armed groups increased from 40 to 134 between 2008 and 2020, causing the displacement of 800,000 people from North Kivu (Schlein, 2021). The reasons behind the failure are numerous. According to Wrong (2001), poor governance and corruption have impaired peace processes and other government programmes in the DRC. For instance, most soldiers deployed in North Kivu in the 1990s to quell the MAGRIVI war abandoned their positions and rioted as a result of lack of care and livelihoods. Poor governance within the army can also be exemplified by the lack of unitary command in the army whereby the *Forces Armées Zairoises* (Armed Zairian Forces, FAZ) obeyed orders from the minister of defence and republican army commander while the *Division Spéciale Présidentielle* (Presidential

Special Division, DSP) did not depend on the military hierarchy but received orders from President Mobutu himself (Reynjens, 2010; Sterns, 2012; Turner, 2007; see also Section 2.5.1). In the same vein, Hendricks and Musavengana (2010, p. 80) maintained that conflict in the Congo resisted conventional conflict resolution mechanisms because corruption became so rampant that even the security institutions and the judiciary were not spared. Above all, Hendricks and Musavengana highlighted the absence of sufficient political will in the Congolese officials to implement their own peace resolutions. If the above reasons for peacebuilding failures can be considered as internal, other analysts maintained that on the external level, conflict persisted in the DRC because regional and international lobbies still have a hand in the conflict in pursuing their economic agenda around plunder of mineral resources of the country (International Crisis Group (ICG), 2002; Swart & Solomon, 2004).

The analysis of Autesserre (2006; 2007; 2020) took the debate on peacebuilding failures to another level. After corroborating the above allegations of rampant corruption and adding the absence of state authority in rural areas and impunity in the judicial sector, she suggested the binary top-down and bottom-up causes/resolution of conflict. According to her, international actors thought the conflict in the DRC was based on national and regional cleavages (top). Subsequently, they kept mediating between the DRC and its alleged aggressors Rwanda and Uganda; their role at the local level (down) was not perceived (Autesserre, 2006). She further argued that ignorance of local dynamics by international actors could be the reason behind the unrest in the DRC, mostly in its eastern provinces of North Kivu and South Kivu, where instigators were not countries but villagers, traditional leaders, and where the fight was around local issues of land and traditional power. Autesserre (2007) ultimately suggested that peacebuilders should have addressed the local violence for a sustainable peace settlement instead.

This study builds on Autessere's analysis; that neglecting the local context could lead only to incomplete conflict resolution. The context of North Kivu is peculiar in many areas. Firstly, the conflict in the province started as early as 1930. Secondly, the issues at stake are chiefly about land and traditional power, and the type of conflict is interethnic waged

by community leaders and not politicians, although the latter, to some extent, may play a role in the conflict. This study argues that peacebuilding processes have failed due to an under-consideration of the peculiarity of the North Kivu context and the fact that national, regional and international actors ignored the contribution of local actors, in this case, traditional leaders, from the beginning of peace initiatives.

## 2.7 SUMMARY

This chapter mainly discussed the political context in North Kivu and found that it is largely dominated by recurrent interethnic conflicts whose underlying causes remain the issues of land, citizenship, power and, to some extent, participation of traditional leaders in the conflict. Besides the underlying causes of conflict, the chapter has identified other tangential causes: the influx of several Rwandophone refugees into the DRC, insecurity along Rwandan and Ugandan borders, bad governance, and economic agendas of combatants. It has also explored a series of peace initiatives and military operations. These have failed to eradicate the conflict.

The chapter has found that the ongoing insecurity in North Kivu feeds on the failure of peace processes developed to resolve the interethnic conflict. It also found that all the stakeholders are responsible for the failure: the traditional leaders are blamed for fuelling conflict under the guise of self-defence and protecting their respective communities, the politicians for the rampant corruption and lack of political will to protect and change the people's situation, and the international actors for adopting a top-down approach in their mediation that ignored the local conflict context and the peaceful contribution of traditional leaders, the civil society and other actors at the grassroots level. Based on arguments by Autesserre (2006; 2007; 2014) and Wakenke and Bossaerts (2006), this study argues that the political context of North Kivu certainly needed all the mentioned peace processes but more contextualised mechanisms, which empirically imply a bottom-up approach with the involvement of locals. For it would be inconceivable to relegate the *bami* – who administer land and justice at community level – to the rank of observers in a programme such as reconciliation that concerns their subjects in their own territory.

## CHAPTER 3: THEORETICAL FRAMEWORK

### 3.1 INTRODUCTION

This chapter provides the theoretical framework for studying the role of traditional leaders in the truth and reconciliation programme, designed to transform the interethnic conflict in North Kivu. Conflict, in general, has been a general concern for all generations; thus, the panoply of theories advanced to resolve conflicts, including and not limited to conflict management, conflict resolution, liberal and neo-liberal peacebuilding, and conflict transformation (Lund, 1996; Richmond, 2010). Most of these theories, especially liberal peacebuilding, focus on state-building attained through general elections and other democratic processes, such as human rights, development, judiciary, security and economic reform (Brown, Boege & Nolan, 2010; Williams, 2010). Though these theories have contributed to peace around the world, they have been criticised for many drawbacks, especially their one-size-fits-all and top-down approaches that tend to exclude indigenous worldviews (Autesserre, 2014; Walker, 2004). Taking the examples of Afghanistan and Somalia, this study contends that elections alone cannot assure peace, but multiple roles at all levels of the society and a contextual reconciliation can (Kassim, 1995; Lewis, 2010). In the instance of Afghanistan, Najafizada and Rupert (2010) reported how the Taliban planned attacks to disrupt votes intended to promote stability. They did this on the grounds of corruption and vote-rigging on the one hand and because of lack of inclusivity in the whole peace process on the other. The same applies to Somalia, where elections have been conducted several times, but violence is still dividing the country. According to Lewis (2010) and Heinrich (2007), the context and background of Somalia are moulded by Islamic civilisation, which with its exacting laws, has less regard for democratic values.

According to Makanda (2016) and Ramsbotham et al. (2011), the causes of war and problems of sustaining peace are so complex that no single approach can be used to address them. Therefore, this study selected peace education and conflict transformation theory to guide it and promote inclusivity in peace processes at the grassroots level. In addition, this study intends to develop its own approach drawn from the above two theories, the

Contextual Reconciliation Framework (CRF), for the case study at hand. The CRF acknowledges the commendable efforts of peace education and conflict transformation when, for instance, they suggest that training in conflict resolution (Lederach, 1997) or education for peace (Harris, 2010) be promoted. The CRF moves further by bringing in and insisting on the context lever in that education for peace, and any other peace processes should be less standardised but adapted to suit local, cultural, social, political, structural, and economic conflict situations in the region. Therefore, the situation of North Kivu suggests that the interethnic conflict be dealt with by a more contextualised reconciliation programme, the communal reconciliation in which traditional leaders take the lead in initiating and chairing reconciliation workshops.

The chapter is divided into five sections. Section 3.2 deals with peace education. This theory is incorporated to mend the societal fabric of North Kivu torn apart by interethnic conflict; thus, to make communities (Hunde, Tutsi, Hutu, Nyanga, Nande) meet and accept each other. Section 3.3 will discuss the contributions of CTT as the major approach to unpack traditional leaders' role in peacebuilding and the truth and reconciliation processes. In Section 3.4 of this chapter, the Contextualised Reconciliation Framework (CRF) is discussed. The CRF supplements the body of peacebuilding frameworks designed to understand the interethnic conflict in North Kivu, which has resisted renowned peacebuilding mechanisms. In the same section, this study will link the theory to practice to better contextualise the CRF. This will be achieved through the concrete example of reconciliation workshops organised by *Mwami* Paluku Murandya at Miriki village in support of the argument of this study in that communal reconciliation can contribute towards the resolution of the interethnic conflict in North Kivu. In Section 3.5, various truth and reconciliation processes around the world, Africa and in the DRC will be explored to understand how local actors, such as traditional leaders, played their role in those processes and whether or not the context was a determining factor in the outcomes. The same section will discuss the challenges and relevance of truth and reconciliation commissions and programmes.

### 3.2 PEACE EDUCATION

Harris (2010) described peace education as follows:

*Peace education is the process of teaching people about threats of violence and strategies for peace. Peace educators strive to provide insights into how to transform a culture of violence into a peaceful culture. They try to build consensus about what peace strategies can bring maximum benefit to the group. Peace educational activities that attempt to end violence and hostilities can be carried out informally in communities or formally within institutions and places of learning, like schools or colleges. (Harris, 2010, p. 11)*

Peace education aims at fostering a more peaceful culture by teaching people about the havoc of violence and the mechanisms to resolve it (see also Salomon & Cairns, 2011). UNICEF (2017) argues that the learners at the end of their peace education training must become good communicators and mediators in conflict resolution.

In the context of North Kivu, peace education can be useful in training people in matters of ethnic cohabitation, reconciliation, social cohesion and other values that will replace the common threats to identity, dehumanisation of the other and victimisation of one group by another. Formal peace education mechanisms would imply that the prevention of violence and peace values should notably be incorporated into all aspects of the school curriculum at all levels. Whether in primary or secondary schools or universities, they all need a code of behaviour, which should promote a peace culture. Schools need innovative strategies and proactive approaches to teach the students and their teachers how to live in a peaceful environment (Pyana, 2010).

Similar to any other form of education, informal peace education starts in the family (Nyamadzawo, 2020). Similarly, as argued in his study conducted in West Papua (Indonesia), Hermino (2017) asserted that the family shapes education and remains a determinant for its success. Thus, parents are advised to instil peace education in their children from a tender age. The media can carry out the second mode of informal peace

education. The term media encompasses the traditional and modern means of communication, such as stories, myths, proverbs, drama, movies, radio and television programmes, newspapers, music and songs, CDs, DVDs, Internet, and social media (e.g., Facebook, Instagram and WhatsApp) (Cottle, 2006; Hersey, 2020). Other informal bridges for peace are workshops, including conferences, exposure tours and conferences, traditional ceremonial rites, sensitisation schemes and trauma-healing sessions (Pyana, 2010). According to Pyana, through workshops, peace education becomes a cornerstone in creating a culture of peace, promoting governance reform and healing society.

Nonetheless, peace education has faced criticism as it may not reduce violence due to several facts. Firstly, Lahai and Ware (2013) argued that peace education might not yield good results if it does not address economic issues. Knowing that conflict erupts because of lack of jobs, basic needs and economic opportunities (Maiese, 2003), it would be a complete waste of time if the audience cannot see an improvement in their Gross Domestic Product (GDP) through peace education. Secondly, Sellars (2004) unveiled the risk of indoctrination whereby educators portray their communities as the ‘holy ones’ that are compelled to dialogue with other ‘unholy’ communities for the sake of peace. Another risk in peace education could be when it does not consider the context of the milieu where it is being delivered. In this regard, Lahai and Ware (2013, p. 72) advised that peace education (be it formal or informal) should be “framed within the social and cultural beliefs of the society.” This study argues that good governance in the country is key to the success of peace education and that the government must ensure that the citizenry receives the services they need.

As every theory has its strengths and weaknesses, this study recognises the merit of peace education for its contributions. This theory can help disseminate values and skills and change attitudes and perceptions (Zoeppritz, 2016). In addition, when peace education is holistic (mental, emotional, social, cultural, spiritual), it can help people change their culture of violence into a culture of peace (Ardizzone, 2001). The subsequent section discusses the second theoretical lens important for this study, namely Lederach’s Conflict Transformation Theory (CTT).

### 3.3 CONFLICT TRANSFORMATION THEORY

The transformation-oriented discipline of peacebuilding, commonly known as conflict transformation theory, whose main proponent is John Paul Lederach (Lederach, 1997; 2003; Ramsbotham et al., 2011), is another key theoretical component that will guide this study. Lederach proposed a working definition of conflict transformation:

*[c]onflict transformation is to envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships. (Lederach, 2003, p. 14)*

Lederach (2017) argued that the ultimate goal of conflict transformation is to transform relationships to build lasting human relationships. Along with human relationships, transformation also concerns interests, discourses, and the societal/cultural ingredients of violent conflict. Transformation is attained through reconciliation and a series of personal, relational, structural and cultural changes/processes (see also Lederach, 1995; Lederach & Maiese, 2003). The major tenets of Lederach's CTT are namely transformation of human relationships (main objective), reconciliation (process), three-level leadership (actors), the top leadership, the middle-range leadership, and the grassroots leadership (see Figure 3.2 in Section 3.3.1). This study found Lederach's framework extremely appropriate, as it acknowledges the contribution of grassroots leadership and their peacebuilding strategies, including reconciliation.

The above conflict transformation definition has given rise to several views concerning other peacebuilding approaches. In terms of methods and objectives, Miall (2004, p. 3) perceived conflict transformation theory as just one of the various approaches, while Ramsbotham et al. (2011, p. 31) disagreed that it constitutes a separate approach but rather represents a deeper level of conflict resolution. Miall (2004) argued that conflict transformation is a comprehensive approach applied in both acute crisis management and the transformation of all conflict causes. Notter and Diamond (1996, p. 5) compared

conflict resolution and conflict transformation. They found the latter more appropriate as it refers to the process of moving from conflict-habituated systems to peace systems and is therefore focused on systemic change. For Rupesinghe (1995), conflict transformation is a significant step beyond conflict resolution because it is designed to transform relationships among the parties involved, address the root cause of the conflict, and strive for the development and acquisition of peaceful behaviours. The key pillars of Lederach’s model involve changes in the personal, structural, relational and cultural aspects of conflict effected over different time periods (short, mid- and long term) and affecting different system levels at different times (Lederach, 2017). In other words, CTT considers the root causes of conflict, its crisis management and draws lessons from the crisis to prevent a possible relapse. Lederach’s model of conflict transformation is illustrated in Figure 3.1.

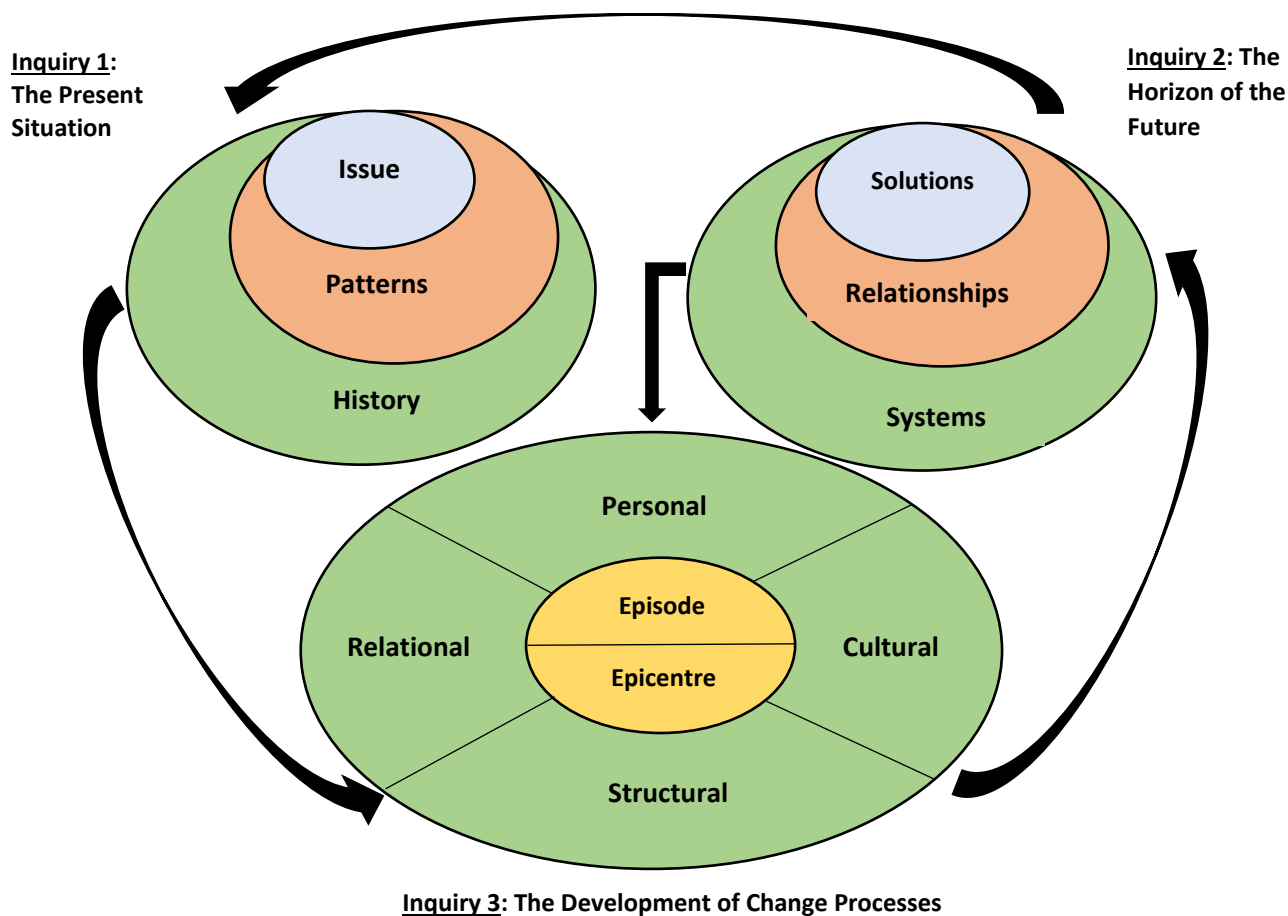


Figure 3.1: The big picture of Conflict Transformation (Lederach, 2003, p. 35; Lederach & Maiese, 2009, p. 8)

According to Lederach, the conflict transformation map helps visualise the development of a strategy to constructively transform conflict. This framework has three components, each representing a point of inquiry in developing a response to conflict: the presenting situation, the horizon of the future, and the development of change processes. The horizon of the future provides the image of what people wish to create in future, to see in place (Lederach & Maiese, 2009, p. 8). At this juncture, Lederach (1997) suggested that evaluation faces the *realities of the context* and promotes desired change in the society, moving from war to peace.

However, the future is not something that, once attained, will never raise issues similar to the present situation. According to Lederach and Maiese (2009, pp. 8-10), transformational change, represented by the arrow on the map, points to the future and is both circular and linear, multiple rather than a single operational solution, dynamic rather than static. The transformational approach's overall aim is to promote short-term solutions and build platforms capable of promoting long-term social change (Lederach, 2017). In order to attain the desired personal, relational, structural and cultural changes, the central argument of this study is to practice reconciliation in context so that the changes effected are appropriate, updated or better re-conceptualised and contextualised to address the interethnic conflict in North Kivu more sensitively and appropriately and to avoid recurrent resistance and contestation.

### **3.3.1 Conflict transformation and local leadership**

Besides its innovative methods and aims, conflict transformation theory differs from liberal and neo-liberal peacebuilding approaches in its shift in focus from international to local actors. Lederach's framework is a bottom-up, integrated and transformative approach that acknowledges the role of local actors such as civil society, local leaders and ordinary people (Jeong, 2010; Paffenholz, 2003; Ramsbotham et al., 2011). Or rather, it appeals for combining all efforts (of leaders and all citizens) into a participatory model for sustainable peace (Diamond & McDonald, 1996; Rupesinghe, 1995). From Lederach, we learn that building a culture of peace is no longer a monopoly of an individual or a group of people;

it is a collective responsibility (Bansikiza, 2004, p. 4). In this regard, Lederach (1997) listed actors, also known as Lederach's pyramid, representing three types of leadership found in society: top leadership, middle-range leadership and grassroots leadership (Lederach, 1997, p. 39). Each level of leadership is assigned a given approach or set of activities. Fundamentally, the role of leaders is to build a system that can bring about lasting peace between groups embroiled in long-term conflict (Jabs, 2010, p. 484). Figure 3.2 illustrates Lederach's pyramid of leadership.

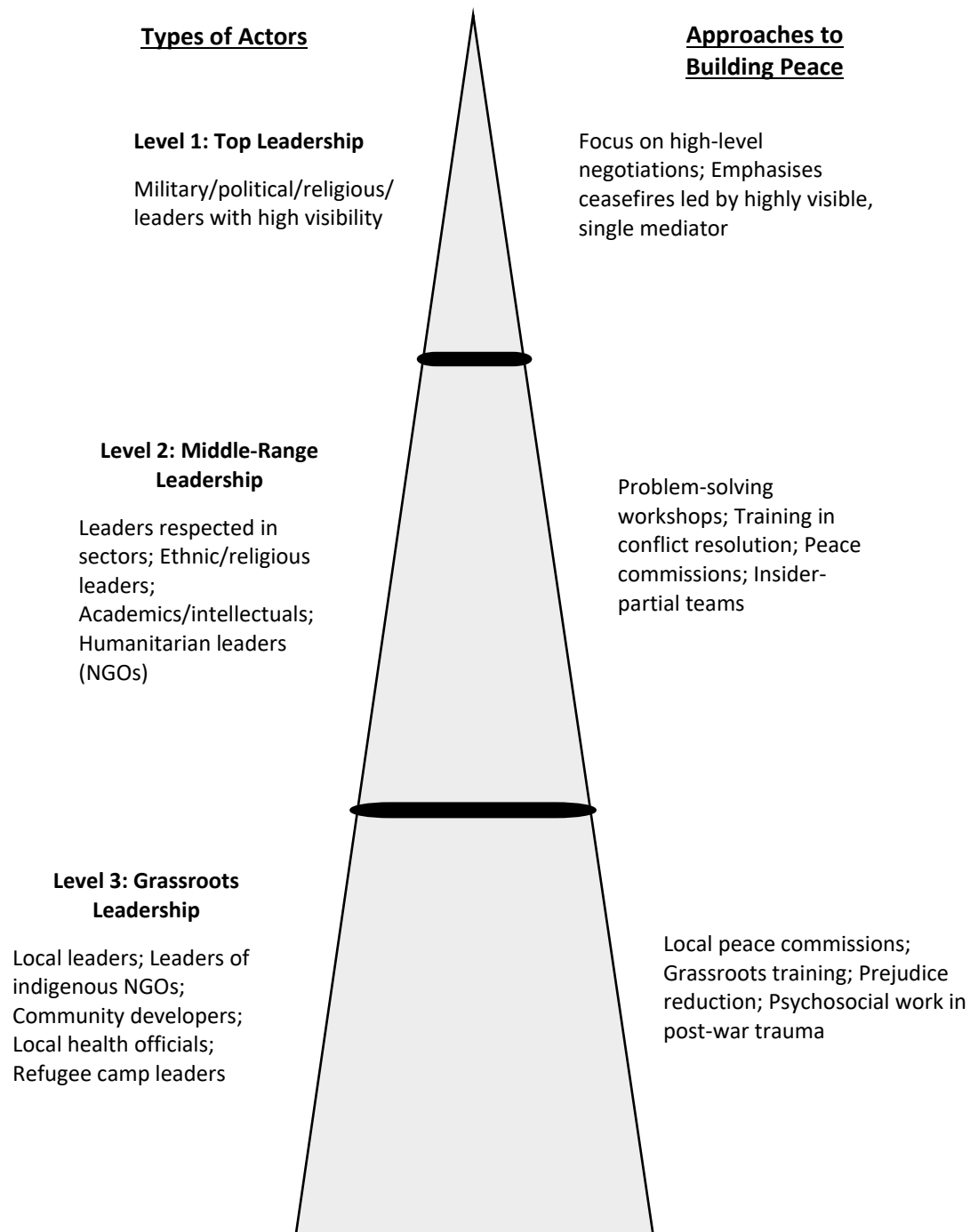


Figure 3.2: Actors and approaches to peacebuilding (Lederach, 1997, p. 39)

As it appears in the pyramid, the top-level leadership comprises political and military leaders and international organisations such as the United Nations. This “top-down” approach, as Lederach termed it, is characterised by actors’ positioning in that they are outside the internal conflict. This peacebuilding approach focuses on achieving a cease-

fire, establishing transitional governments and organising democratic elections. At the level of top leadership, a leader has the opportunity to create the platform and guidance for implementation of the agreements that will end the war (Maiese, 2003, p. 2). In this regard, Jakobsson (as cited in Tladi, 2008, p. 59) provided the example of Northern Ireland. In the aftermath of the 1969 violence, an inclusive negotiation process was initiated, and all major parties, including the British and the Irish Governments, were invited to participate in the negotiations. This process culminated in signing the peace agreement of April 1998, known as the Good Friday Agreement. According to Lederach (1997), this approach was inadequate to resolve conflict in divided societies because leaders at this level are generally locked into positions from which they cannot clearly perceive angles and issues in the conflict, despite having significant and exclusive power and influence.

The middle-range leadership level consists of individuals leading nongovernmental organisations, leaders of ethnic groups or people who, living in the conflict area, enjoy the respect and confidence of people. This middle-range offers what Lederach (1997) termed the “middle-range approach” to peacebuilding. These people can facilitate interaction among conflicting parties and establish infrastructure for achieving sustainable peace through problem-solving workshops, conflict resolution training and peace commissions (Lederach, 1997).

The middle-range leadership level further provides access to the top and grassroots levels, which gives people at this level a special advantage that people at the other levels of leadership lack. Therefore, this range has the greatest potential to bring people together and build peace (Lederach, 2003). This level further allows parties involved in deep-rooted or violent conflict to interact directly with the adversary (Francis, 2002, p. 149). Actors at this level also have a remarkable capacity to influence policymakers' decisions and develop alternatives and generate new options for conflict resolution (Lederach, 2003). However, Maiese (2003, p. 2) highlighted that middle-range leaders are not bound by any political calculations that govern decisions made by top leaders. The major weakness of this leadership level lies in the fact that it does not comprise key people in critical locations or areas of the conflict.

Grassroots leadership, where traditional leaders are positioned, represents the masses or the base of society (i.e., people who daily yearn for basic needs, such as food, water, shelter and safety). These are conflict insiders such as grassroots leaders who witnessed firsthand the deep-rooted hatred and animosity on a daily basis (Lederach, 1997). Grassroots leadership implies a bottom-up approach to peacebuilding. It aims to achieve discussions and agreements to end fighting at local level by bringing together contiguous and interdependent subclans, guided by the elders of each subclan. Grassroots leaders are assigned a wide range of peace initiatives, including local peace commissions or peace constituencies, cultural dialogue programmes (Ramsbotham et al., 2011), grassroots training, prejudice reduction (Lederach, 1997), and reconciliation (Lerche, 2000).

Lederach justified the participation of insiders in the process by the fact that the traditional framework of state diplomacy is not enough and that peacebuilding must be rooted in the experiential and subjective realities shaping people's perspectives and needs (Lederach, 1997, p. 24). Grassroots leadership has the advantage of integrating peace efforts into the broader community as a matter of repairing the interdependent relationships in the daily lives of ordinary people. Leaders at this level also witness the deep-rooted conflict every day, making them more informed about conflict developments and later giving them an easy point of contact with the masses (Maiese, 2003, p. 1). In order to do justice to a truly bottom-up approach to peacebuilding, traditional leaders should make a qualitative leap from being mere conflict witnesses and victims to active peacebuilding actors with real political agency capable of transforming people's lives at the local level (Page, 2002).<sup>25</sup>

The pyramid of actors and approaches generally encourages the coordination of peacebuilding activities. Coordination invokes the idea of clear channels of communication between the three levels of leadership and links between internal and external peacemakers

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<sup>25</sup> According to Ashcroft, Griffiths and Tiffin (1989), agency as a concept dates back to the Modern Times; it is defined as the right or the ability to freely and autonomously perform an action. While Hudson (2016) emphasises the collective rather than the individual pattern of an agency, this study contends that whether acting individually or collectively, actors can form an agency provided that the action they initiated is free from any duress. In this sense, traditional leaders should form an agency whether they acted individually or collectively provided their dependence on other agencies, name them, the state, NGOs and others, is limited and provided that the action they initiated had tangible impact on the local, and national politics.

for efficiency in conflict transformation. For Tladi (2008, p. 3), people within the conflicting parties, the society or region affected, and outsiders with relevant human and material resources all have complementary roles to play in peacebuilding. However, the coordination may be impaired by antagonistic attitudes and a lack of official or organisational backing (Jacobsson, 2000; Maiese, 2003). Even grassroots solutions such as peace commissions are spearheaded by the elite who do not necessarily represent the people or by individuals, volunteers and groups who do not enjoy any organisational or official support (Page, 2002). This study considers, among other things, the necessary ways in which the grassroots level can affirm their commitment to peace and be successfully incorporated into the wider peacemaking efforts. For this to become possible, there is a need to find individuals who are leaders in their communities who represent their people at the grassroots level and who can provide the needed support for building peace. This is important because the lack of support to such key figures can escalate the hostility and obstruction of the intended purpose of peacebuilding and conflict transformation at the community level (Page, 2002).

In the case of North Kivu, the coordination of peace efforts raises the necessity of developing a peace inventory with the objective to know who did or is doing what and at which level of leadership in terms of the ongoing reconciliation processes. This means to assess the progress and performance of actors in conflict and peace processes. In this way, the *bami* at the grassroots leadership level can play multiple intersecting roles, sometimes as peacemakers, sometimes as political agents with political interests and agendas at stake, leading to contestation and further fueling ethnic conflict. The exact nature of these complex intersectional roles of local leaders is important to understand, as it can bring the conflict situation transformation at hand into a different light.

### **3.3.2 Conflict transformation and reconciliation**

According to Crocker, Hampson and Aall (2007), Lederach oriented his conflict transformation towards promoting healing and reconciliation and the improvement of the emotional, perceptual and spiritual aspects of conflict relationships. For Lederach,

relationships are both the basis for the conflict, and its eventual solution and the unique 'place' for rebuilding those relationships is called reconciliation (Jabs, 2010). The concept of reconciliation is presented as an alternative to diplomacy, mediations, negotiations and military interventions. Botman (2004) and Lerche (2000) concluded that mediators realised diplomacy and large-scale peacekeeping are no longer enough; reconciliation should be a key approach to peacebuilding.

In his CTT, Lederach (2002; 2017) mentioned the components of reconciliation: truth, mercy, justice and peace. To use a mathematical metaphor, reconciliation is the point of intersection between the four gears/components intended to restore relationships between conflicting parties. In Lederach's work, truth is associated with "honesty, revelation, clarity, open accountability, and vulnerability." Truth offers the hope that one will have the opportunity to be heard and understood and that one's grievances will be taken seriously. In sum, truth inspires trust, and trust is the window into relationships (Lederach, 2002, p. 196). The second component of reconciliation, justice, suggests images of restitution, repayment, and restoring what was lost. Mercy comprises the third component of reconciliation and is described as compassion, forgiveness, acceptance, and a new start for a brighter and peaceful future (Lederach, 2002, p. 196). The fourth and final component of reconciliation is peace. Similar to mercy, peace looks toward the future. Lederach described peace as "the feeling and prevalence of respect and security that accompanies harmony and unity" (Jabs, 2010, pp. 495-497).

Several authors have explored Lederach's components of reconciliation. For instance, Staub and Pearlman (2002, p. 217) defined truth as the conformity with fact or reality or a verity. Staub and Pearlman further argued that although truth is often complicated, truth-telling heals, liberates and makes it more difficult for the perpetrators to continue to blame the victims. Truth-telling becomes an antidote to amnesia, as it acknowledges the victims and restores their identity as human beings. In contrasting truth with reconciliation, Gibson (2007) emphasised the need to pay attention to their causal relationships. He considered truth or truth-telling the central part of reconciliation and pondered whether truth could reconcile a divided nation. For him, truth is a precondition for reconciliation (see also

Gibson, 2004, p. 212; Borer, 2004). This is also a position shared by Donna Pankhurst (1999, p. 239) as she argued that the truth process is vital in policies of reconciliation.

Furthermore, the importance of truth-telling is not only about uncovering the truth but also acknowledging it to apologise and seek forgiveness (Staub & Pearlman, 2002, pp. 217-218). In his Forgiveness and Reconciliation Framework, Worthington (2002; 2006) considered forgiveness/mercy the most important part of reconciliation processes instead of truth, as Gibson suggested. He defined forgiveness as the emotional replacement of 'hot anger' and fear by positive emotions, such as empathy for the perpetrator, compassion, and agape love. Worthington described his whole framework as an evidence-based method in which forgiveness and reconciliation, though far from being a panacea for all conflicts, become tools for transforming the self and the world, for restoring trust in damaged relationships. In this way, forgiveness and reconciliation approaches can resolve interethnic conflict in North Kivu.

Similarly, Meierhenrich (2008, p. 206) defined reconciliation as "the accommodation of former adversaries through mutually conciliatory means, requiring both forgiveness and mercy." In his forgiveness paradigm, Charles Griswold (2007, 2010) talked of "affirmative reconciliation" as a basic aim of forgiveness. Affirmative reconciliation entails total eradication of resentment and the renewal of any previous ties of affection between conflicting parties, such as friendship. More generally, "affirmative reconciliation can imply a situation in which previously antagonistic partners find a way to rebuild and even flourish together" (Griswold, 2010). In sum, through forgiveness, the victim emerges as a hero over his or her perpetrator (Gobodo-Madikizela, 2003, p. 117). Nonetheless, Madikizela's position is still adversarial as it entails a conflict (albeit a symbolic and emotional one) where there is a winner and loser. If the victim is now the hero and the perpetrator begs for mercy, there is no assurance that the reconciliation is real. The perpetrator may seek forgiveness not from the bottom of his/her heart out of feelings of guilt or regret but just to avoid persecution. Much of the critique of reconciliation as a path to sustainable peace is found in Section 3.4.1 on the genesis of the study argument.

In practical terms, Lederach suggested that truth and mercy, justice and peace should be located at the grassroots level in a community to be a means of reconciliation (Jabs, 2010, p. 484). ‘Community’, according to Kriesberg (2007, p. 2), consists of many different kinds of parties, ranging from persons to groups and nations from antagonistic sides, that may operate at grassroots, middle range, and elite levels and among whom reconciliation is meant to occur. Among other practical expressions of reconciliation, Lederach suggested problem-solving workshops and back-channel processes. Problem-solving workshops intend to develop relationships and provide space where the conflicting parties can meet, openly express their feelings and invite parties to re-conceptualise the conflict to find creative, win-win outcomes (Ramsbotham, 2011, p. 32). The back-channel is a process where peace talks are broadcast or televised. Lederach (1997) believed that this publicity of peace treaties, such as the Norwegian channel about the signing of the Israeli-PLO peace agreement, reduces suspicion and hostility among common people who might feel left out of the process of reconciliation if it was undertaken behind closed doors. Part of back-channel processes are public hearings held by truth and reconciliation commissions. Members of the relevant community are given the opportunity to question perpetrators who ought to tell the truth and confess their low-level crimes (Hayner, 2002).

Notwithstanding these positive problem-solving strategies and back-channel processes under the reconciliation umbrella, there are pending questions that need to be addressed. For instance, if perpetrators can confess their low-level crimes, what about major violations? Where do they feature? The study probed the CTT to know whether there is a yardstick and when that line is crossed, reconciliation becomes no longer possible or at least become much harder. For much of the atrocities in North Kivu indeed are more serious than low-level crimes. The CTT remains silent about these complexities. Also, several points of critique have mounted against truth-telling as an antidote to amnesia, mostly in Memory Studies, where the opposite, namely, the right to forget, is equally important in certain cases. For instance, in the aftermath of the trauma, people may just want to move forward (Guthrey, 2016; Nee & Uvin, 2009; 2010). Part of these issues will be addressed in Section 3.4, while others will be discussed in Section 3.5.4 that raises the challenges that

truth and reconciliation commissions face, especially with regard to public hearings and the contrast between restorative justice and retributive justice.

### **3.4 TOWARDS A CONTEXTUALISED RECONCILIATION FRAMEWORK (CRF) AS THEORETICAL LENS**

#### **3.4.1 Genesis of the argument: Criticisms of reconciliation**

Several scholars agree on the viewpoint that reconciliation is a reorientation toward the centrality of relationships, that reconciliation is the restoration of equilibrium in relations or the restoration of relationships after an oppressive relationship or a destructive conflict (Botman, 2004; Gibson, 2004; Griswold, 2007; Kriesberg, 2001, p. 48; Kriesberg, 2007; Lederach, 2002, p. 195; Lerche, 2000). On the other hand, certain scholars agree that the contours of reconciliation require further exploration for greater understanding (Jabs, 2010; Nee & Uvin, 2009; Page, 2002). This proves that reconciliation as one of the peacebuilding processes remains challenging. For instance, the United Nations Development Programme (2015) report argued that reconciliation might not be as straightforward as it appears in Lederach's framework with the four components of truth, justice, peace, and mercy. The report indicated that the term 'reconciliation' had caused some confusion and misunderstanding.

The theoretical argument of this study is based on the contrast between the two views of reconciliation as it will culminate in the formulation of a new reconciliation framework for studying the case at hand, which is conceptualised as the "Contextualised Reconciliation Framework" (CRF) and constitutes the original theoretical contribution of this study. The framework is not aligned with any one position of reconciliation but rather attempts to provide a more integrated and holistic framework for reconciliation that is context-sensitive and nuanced. Such a responsive framework could inform future implementations of reconciliation processes in the DRC and around the world.

Secondly, depending on allegiance as either victim or perpetrator, the concept of ‘reconciliation’ can be viewed from different, even opposing perspectives. For instance, basing its argument on the Institute for Justice and Reconciliation (IJR)’s South African Reconciliation Barometer, the United Nations Development Programme (UNDP) report provides the example of an annual qualitative perception survey in which people had to give their views about reconciliation outcomes for the last decade. The survey indicated that white citizens who benefited from apartheid do not consider reconciliation necessary to construct a new society. To the statement “reconciliation is impossible if those who were disadvantaged under apartheid continue to be poor,” 28% of white South Africans and 57.7% of black South Africans agreed with the above statement. Thus, for the majority of victims of apartheid, reconciliation ought to focus on the redress of socio-economic injustices (UNDP, 2015, p. 7). In this equation, justice takes precedence over mercy, truth and peace. Similarly, some of the participants in this study found that reconciliation would only be effected if, and only if, the overthrown *bami* had had their authority restored (Traditional leader 7, Lubero, Ihembe, Interview 14; Pimako, Goma, Interview 26). Thus, justice must be done to dress the wounds of the past.

Thirdly, depending on space and time, countries can adopt different approaches to reconciliation. The typical example is that of Rwanda and Burundi and their attitudes vis-à-vis retributive/restorative justice. Rwanda did not avoid retributive justice as such and established the famous *Gacaca* tribunals to punish notorious *génocidaires* under the auspices of Unity and Reconciliation Commission (Mukashema & Mullet, 2010; Rettig, 2008; Scanlon & Motlafi, 2010; Staub & Pearlman, 2002; Tiemessen, 2004). Burundians, on the contrary, were reluctant to engage in truth-telling and punitive justice focused on prosecutions. They preferred silence and community-based dialogues of a conflict resolution nature. In these dialogues, the focus was on acknowledging joint suffering and helping to restore social relations, but without an in-depth engagement with the causes of the war and judgments of culpability (Nee & Uvin, 2009).

Fourthly, depending on the objective one intends to achieve through reconciliation processes, the concept ‘reconciliation’ becomes subject to categorisations. Therefore, the

context of South Africa suggests that reconciliation be socio-economic. Other categories comprise socio-emotional reconciliation (Nadler & Shnabel cited in Mukashema & Mullet, 2010, p. 26), reconciliation-to-forget (Bill Clinton) and reconciliation-to-forgive (Desmond Tutu cited in Rasmussen, 2001, p. 116). Yet, the UNDP provides different perspectives on reconciliation in a concrete context of post-conflict and post-authoritarian societies. Some mediators suggest that reconciliation serves the institutional reform or governments of national unity, while others emphasise the in-depth interpersonal reconciliation. Certain mediators prioritise community healing, as in the case of Rwanda's *Gacaca* tribunal system, which in the name of reconciliation, was able to process more than a million cases related to the 1994 Genocide (UNDP, 2015, p. 7). Similarly, some participants in this study voted for community healing that would be effected through communal reconciliation but not with tribunal proceedings, which they believe are marred by corruption (Shakira, Lubero, Itala, Focus Group 8; Traditional Leader 10, Walikale, Buleusa, Interview 8).

The examples mentioned above illustrate the difficulties encountered when seeking to develop a common understanding of reconciliation. The theoretical argument of this research follows from this acknowledgement of a lack of unitary, rectilinear or uniform understanding of reconciliation processes. The research posits that there is no single reconciliation process but only complex and multifaceted reconciliation(s) informed by the context in which it must play out. In response to this position, this study devised the CRF, a contextualised truth and reconciliation scheme where mediators are context-sensitive and refrain from imposing their views. This research concurs with the views of Lederach and other practitioners that reconciliation should remain the principle and the process of restoring relationships among conflicting parties but disagrees with any pre-conceived and pre-delineated reconciliation, which may be counterproductive in practice.

This study espouses a more flexible, adaptive reconciliation approach that pays special attention to the context and values of each and every actor in peacebuilding, as is illustrated on the CRF diagram below:

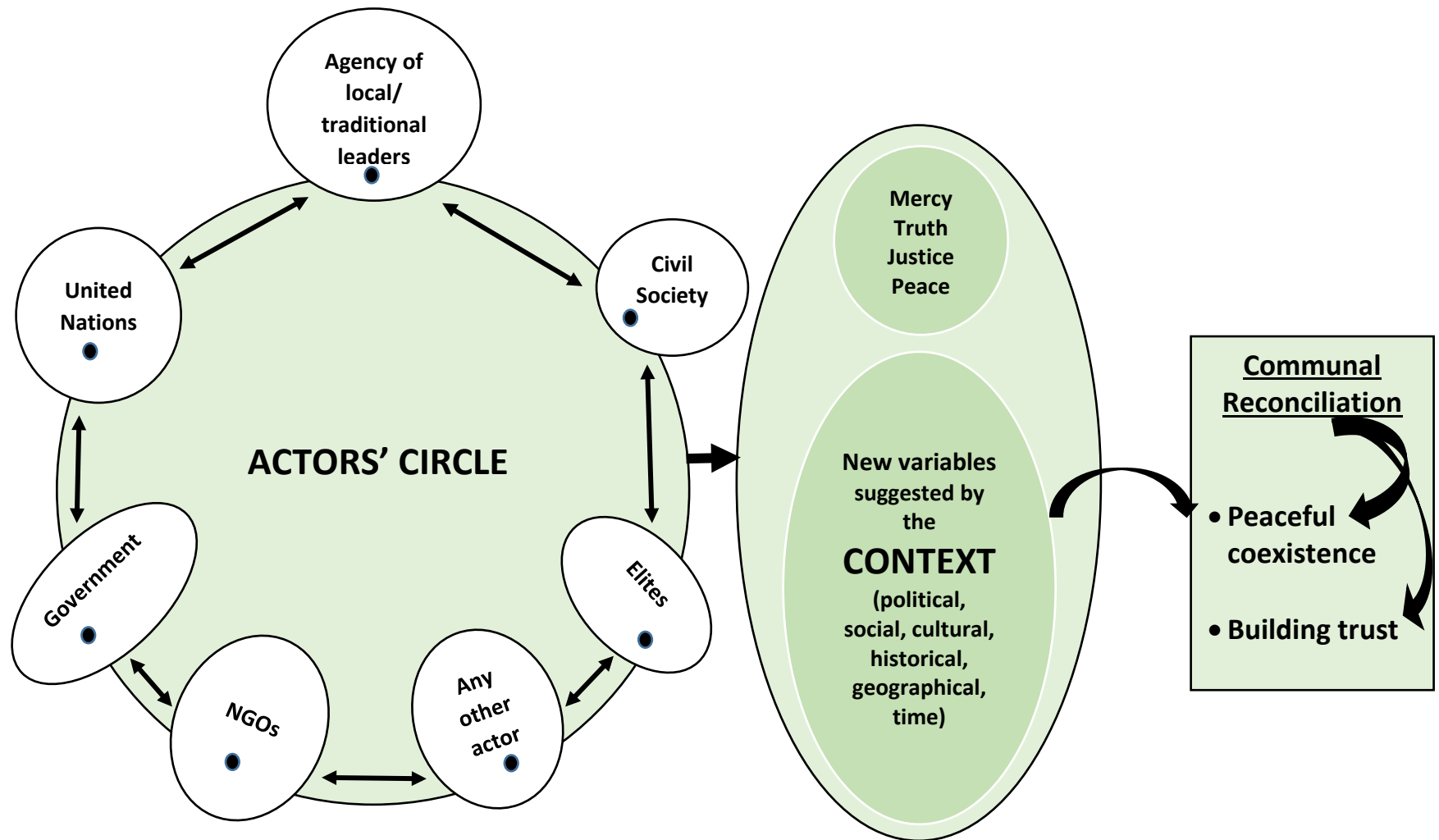


Figure 3.3: The Contextualised Reconciliation Framework (CRF) (Designed by the researcher)

The CRF foregrounds the agency of actors, the processes and the objective of reconciliation. Reconciliation is the ultimate goal that actors pursue and becomes manifested when warring parties coexist peacefully and build mutual trust, precisely the way Lederach suggested in his pyramid of actors and approaches to peacebuilding. The circular model proposed in the CRF is a re-conceptualisation of leadership through the principle of dignity and equality of actors in peacebuilding. Be it at the local or national, regional and international levels, each actor/leader finds a place on the circle and should be appreciated for his/her contribution towards peace. Therefore, in accordance with the principle of equality and dignity of actors, the *bami* find themselves in concert with actors sharing the same right of agency, pursuing the same objective of reconciliation and endowed with the same power. Power should be understood here in the Foucauldian sense, that power is everywhere in social interactions rather than being embodied in a single individual (Foucault, 1982). Indeed power is no longer the state's prerogative, but it is pervasive, dispersed and present even in the smallest institutions (Abrahamsen, 2003) or, as Mushonga (2017, p. 92) stated: “power is rhizomic.” Therefore, in accordance with the principle of actors’ equality and dignity, the CRF postulates that the *bami* have the agency and power to bring about the change needed to transform the interethnic conflict in North Kivu. It is also worth mentioning that the work of reconciliation or peace is participatory. The two-way traffic arrows in the actor’s circle represent the circuit of collaboration that must exist between actors in the quest for peace.

Still, within the rapport between actors/leaders, this study above all concurs with Lederach’s position that peacebuilding should be inclusive (see Figure 3.2). However, more effort is needed towards the role of grassroots leadership in reconciliation efforts. Lederach (2002) reported how in Nicaragua, indigenous leaders became more instrumental than the government in bringing about reconciliation between communities:

*[t]he work of the religious conciliators in Nicaragua, a team of East Coast indigenous and Managua-based leaders, is a good example (of reconciliation bringing about trust). Mostly untold is the story of former paramilitary leaders who*

*quietly set about the process of building direct relationships with their counterparts in the opposing community but who then served as a transformative bridge in cross-community work, even in the brokering of ceasefires and the lifting of revenge killings.* (Lederach, 2002, p. 196)

If that initiative happened in Nicaragua, there are yet other contexts in which the grassroots level is not fully incorporated into wider peacemaking efforts and in which the state plays a bigger role. In this regard, Page (2002, p. 59) provided the example of Northern Ireland, where over the last 30 years, a plethora of non-state actors have attempted to build a grassroots peace process but failed. With the involvement of the British, Irish and the United States governments, Northern Ireland signed a peace agreement in 1998.

Another example in the context of high diplomacy is the 41-day mediation led by Kofi Annan to resolve the Kenyan post-election violence from 2007-2008. According to Lindenmayer and Kaye (2009), the Kenya crisis resulted from election contestations that caused 1,000 deaths and led another 600,000 people into exile. The crisis likely could have escalated and claimed more lives if mediation was not initiated (Musau, 2018). Similar to the Northern Ireland case mentioned above, there were no grassroots leaders who participated in the mediation in Kenya where President Kibaki (a Kikuyu) and the opposition leader, Raila Odinga (a Luo), signed the Agreement on the Principles of Partnership of the Coalition Government (Lindenmayer & Kaye, 2009, p. 22). With the two examples above in mind, the CRF supplements the principle of dignity and equality of actors/leaders with a second one: the principle of propitious context. In short, the political, social, cultural, and geographical context could determine who among the government, the UN, the civil society, the NGOs and local leaders would play which role, where, when and how in the quest for sustainable reconciliation and peace.

In the CRF, Lederach's gears or components of reconciliation (mercy, justice, peace and truth) are also critically considered. First, the tension is perceptible between truth, understood as the revelation and examination of painful past events, and mercy,

understood as the choice to move on and not hold those grievances against another as discovered in the work of Jabs (2010) during her research among the Karimojong of Uganda. There is also a tension between justice, meaning to address grievances with the punishment they deserve, and peace aimed at building a future without vengeance. Jabs (2010) illustrated the complexities and paradoxes of reconciliation in relation to real-world contexts, such as in Karimojong culture, where revenge is an act of honour for oneself and the entire family. She, therefore, recommended another way of adapting the paradoxical concepts of truth and mercy, justice and peace to the situation at hand. Thus, the CRF offers a third principle of flexibility and adaptability of peace/reconciliation processes. Following this principle, this study suggests that the community should not be forced to follow a certain pre-conceived peace design. Rather give them the freedom to develop a system where peace/reconciliation processes are consistently worked out and recalibrated to suit the community context, thus yielding long-term reconciliation between conflicting parties.

The CRF coheres with Page's argument, which essentially enhances the principles of propitious context and flexibility in applying truth, justice, mercy and peace. According to Page (2002), Lederach considered justice and peace as one set of values, yet they are not necessarily synonymous. Justice and peace can exist in direct opposition to each other. For example, conflict transformation through the process of reconciliation may advocate for the release of human rights abusers who may have little remorse and show no interest in repentance, forgiveness or reconciliation. Furthermore, Page questioned truth (rather truth-telling) as a component of reconciliation and the whole extent of the process, including the truth commission itself. He contended that this tool is based on a neo-Freudian belief that self-confession is a solution; that if we can all admit our guilt, this will make things better through a mutual liberating experience. However, this might confirm or exacerbate the prejudices of each side about the other. In line with this position, Wiebelhaus-Brahm (2010, pp. 15-16) argued for the potential dangers of truth and demonstrated how it had been the cause of much violence, generating resentment and insecurity. In this way, Page (2002) asserted that Spain, for instance, became peaceful not through a truth commission but the transition from dictatorship to democracy

in the late 1970s and the so-called “pact of amnesia.” The pact stemmed from the Treaty of Moncola in 1976, where instead of any side acknowledging guilt, all sides agreed to forget. Today the Spanish case is renowned as one of the most successful post-Second World War peace processes. Below is an illustration of the communal reconciliation in the context of North Kivu Province.

### **3.4.2 Illustration of the CRF: The Miriki Communal Reconciliation Workshop**

In search of transforming the conflict in North Kivu and reconciling communities, the CRF warranted the following methodology to conduct an intervention in the study field: The intervention consisted of 1) reconciliation meetings/workshops; 2) organised at the communal levels; 3) attended by a reduced number of delegates of ethnic communities; 4) whose outcomes are endorsed by the participants through a written and signed statement; 5) evaluated and monitored by a joint ethnic committee, and 6) above all and foremost chaired by legitimate traditional leaders. In this regard, the researcher organised a few workshops chaired by traditional leaders at the communal level in collaboration with the Regional Council of Development NGOs in North Kivu (CRONGD-NK). These took place at Miriki village, Lubero District, in November 2019. The researcher sought the help of CRONGD-NK because it was mentioned several times by participants as one of the field NGOs that have demonstrated their will to build peace in the Province (see Sections 6.3.2 and 7.4.1).

CRONGD-NK particularly has become famous for organising and chairing workshops attended by traditional leaders and other stakeholders on the issue of land. Usually, at the end of these workshops, attendees produced engagement acts or made resolutions on how to coexist or acquire land (See Figure 6.1). Moreover, the choice of the site, that is, Miriki, was deliberate. Located in Southwestern Lubero District, Miriki, the capital of Mulinde locality, had been turned into another epicentre for ethnic confrontation between the Hutu and the Nande. The most memorable incident in Miriki was the killing by the Hutu FDLR

of 18 people, all members of *Mwami* Murandya's family, on the night between 6<sup>th</sup> and 7<sup>th</sup> January 2016 (Radio Okapi, 13 January 2016).<sup>26</sup>

However, the design of the Miriki Workshop as part of this research was different from the common CRONGD-NK's setup. While the latter organises and chairs the meetings, this research preferred that the workshop be organised and chaired by *Mwami* Murandya and his Council of Elders, which followed these parameters. When the researcher and CRONGD-NK approached *Mwami* Murandya, the latter asked to have a short period of time, about one month, so that he may have the time to sensitise his people and the Hutu community that has retreated to Walikale District. We also agreed on some terms, namely that the researcher and CRONGD-NK would take care of the logistical arrangements in terms of lunch and transport for participants while the *mwami* and the elders would prepare the venue and chair the workshop. On 12<sup>th</sup> November 2019, the meeting was convened at Miriki outside *Mwami* Murandya's office. The attendees comprised four Hutu ethnic leaders and nine members of the Bayira group composed of the Nande, Kobo and Ofu clans. In total, 13 people attended the meeting, which focused on reconciliation and customary land law. The one-day workshop ended with a written commitment taken by both sides (Hutu and Nande) to end hostilities and live in peace. Their commitment was endorsed by another letter written by His Majesty *Mwami* Murandya Paluku of Mulinde locality, as shown in the figures below:

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<sup>26</sup> More details are found on <https://www.radiookapi.net/2016/01/13/actualite/societe/nord-kivu-la-population-de-lubero-observe-une-journee-de-priere-en>, Retrieved August 12, 2018.

Miriki le 12/11/2019

Sisi Comunote Hutu tunaomba  
kwanza kwa nihaba ya FOLR tunaomba  
musamaha kwa familia ya Shefu  
paluku Murandya kwa managi ya  
batoto na bandungu yake.

Cha pili tunaama Bahutu  
tunaangana kuheshimu shefu wetu  
Murandya na kulipa muhako kadiri  
ya sheria ya gupema itala.

Cha tatu tunaangana kuishi  
katika umoja na amani na  
bandungu yetu bantante, bakobo na  
baofu.

Kwa nihamba ya bahutu ni  
Sisi

Musemakweli Gahizi

Kalimaze <sup>na</sup> Rodolphe



Figure 3.4: Peace commitment letter from the Hutu

**ENGLISH TRANSLATION OF FIGURE 3.4:**

Miriki, 12<sup>th</sup> November 2019

We, the Hutu Community, seek, first of all, forgiveness on behalf of the FDLR (*Forces Démocratique pour la Libération du Rwanda* / Democratic Forces for the Liberation of Rwanda) from the family of *Mwami* Paluku Murandya for the massacre of his children and family members.

Secondly, we say we, the Hutu, promise to respect our *Mwami* Murandya and to pay land royalties in accordance with the law of Itala *Groupement*.

Thirdly, we promise to live in harmony and peace with our brothers the Nande, Kobo and Ofu.

On behalf of the Hutu, we the undersigned:

MUSEMAKWELI GAHIZI

And

KALIMAZE ADOLPHE

Muiki le 12/11/2019	wajumbe ya Bahutu na
Comunote ya Bayira	Bayira, tunaaranga kukaa
choko hapa Muiki yaani	Katika amani na upendo na
Banande, Bakoko na Baofu	Wandugu wetu Wahutu.
tunapokea maombi ya wa-	Kila mtu afanye kazi yake
ndugu wetu Wahutu wakionbe	bila ubaguzi wowote, tukishika
msamaha kwa mwami wetu	sheria ya kimwami hapa
Muvandya. Tunasema akasanti.	Kuetu Mulinde.
Sisi Bayira hatuna	Ni Sisi:
probleme na mtu. Mbele ya	1) Kambale Musenakweli
mwami wetu na mbale ya	2) Kulu Jérôme
	3) Ombeni Kiza <del>AK</del> Da

Figure 3.5: Peace commitment letter from the Nande

## ENGLISH TRANSLATION OF FIGURE 3.5

Miriki, 12<sup>th</sup> November 2019

We, the Yira community found here at Miriki, that is, the Nande, the Kobo and the Ofu, receive the request of our brothers, the Hutu seeking forgiveness from our *Mwami* Murandya. We say thank you.

We, the Yira, have no problem with anyone. Before our *Mwami* and before the Hutu and Yira delegates, we promise to live in peace and love with our Hutu brothers. Everyone may perform his work without any discrimination as we abide by the customary law of this our Mulinde locality.

We the undersigned:

- 1) KAMBALE MUSEMAKWELI
- 2) KULU JÉRÔME
- 3) OMBENI KIZA

REPUBLIQUE DEMOCRATIQUE DU CONGO  
.....  
LOCALITE MULINDE – GROUPEMENT ITALA  
BUREAU DU CHEF DE LOCALITE  
BARUHA NO. 060/LOC/MUL/2019

MIRIKI, tarehe

12/11/2019

**Wajulishwe hawa wafuatao:**

- Chef wa Groupement Itala pa Kanyatsi
- Chef wa Collectivité Batangi pa Mbingi
- Administrateur wa territoire ya Lubero pa Lubero
- Honorable Gouverneur wa Nord-Kivu pa Goma

Mimi chef Paluku Murandya Gervais, kwa jina la wazee wa Localité Mulinde na kwa jina langu mwenyewe, nimepokea baruha kutoka kwa pande mbili, yaani wandugu wetu Wahutu na Bayira (Banande, Bakobo, Baofu), wote wakihakikisha kwamba wanaacha uadui, mauwaji ya kikabila na kujenga amani hapa kwetu Mulindi na kandokando.

Kwa hiyo kikao hiki ni cha muhimu sana kwa sababu waliokusanyika hapa ni wajumbe waheshimiwa wa pande pili, wakiwemo Wahutu 4 kutoka Kimaka na Murambi na Bayira 9; kwa ujumla wote walikuwa watu 13. Pande zote mbili wameandika baruha na kuweka signatures zao kwamba kweli kweli wanaacha ugomvi wa kikabila na kujenga amani.

Wazee wa Mulinde wamefurahia zaidi sana maagano ya wandugu wetu Wahutu, kusema wataheshimu sheria ya udongo kama ilivyopangwa na mababu zetu: kulipa muhako bila tatizo yoyote. Na sisi tunasema aksanti kwa hiyo. Katika kikao chetu tumetoa maneno ya kuhurumiana na kukaa katika umoja kama ndugu wa baba moja.

Mungu alinde localité yetu ya Mulinde na inchi yetu ya Congo kwa ujumla.



Mimi wenu Paluku Murandya Gervais,

Mwami wa Localité Mulinde.

Figure 3.6: Endorsement letter from Mwami Murandya

**ENGLISH TRANSLATION OF FIGURE 3.6**

DEMOCRATIC REPUBLIC OF CONGO

MULINDE LOCALITY – GROUPEMENT ITALA

OFFICE OF THE LOCALITY *MWAMI*

LETTER No. 060/LOC/MUL/2019

Miriki, 12<sup>th</sup> November 2019

I, *Mwami* Paluku Murandya Gervais, on behalf of the elders of Mulinde locality and my own behalf, I have received letters from both sides, that is, our brothers the Hutu and the Yira (Nande, Kobo and Ofu), all affirming that they put animosity and ethnic cleansing to an end and build peace here in Mulinde and environs.

Therefore this meeting is of paramount importance because those who gathered here are respectful delegates from both sides, including 4 Hutu from Kimaka and Murambi villages and 9 Yira; in total, they were 13. Both sides have written letters and applied their signatures that they truly end ethnic cleavages and build peace.

The elders of Mulinde are happy especially because of the promise of our brothers, the Hutu, to say that they will obey the land law set forth by our ancestors: to pay royalties without any problem. And we say thank you for this. In our meeting, we have expressed words of mutual forgiveness and so to live in harmony as children of the same father.

May God protect our locality of Mulinde and our country Congo in general!

Yours,

.....

PALUKU MURANDYA GERVAIS,  
*MWAMI* OF MULINDE LOCALITY

CC.: *Mwami* of Itala *Groupement* at Kanyatsi  
*Mwami* of Batangi *collectivité* at Mbingi  
Administrator of Lubero District at Lubero  
Honorable the Governor of North Kivu at Goma

The first letter (Figure 3.4) was written by the Hutu leaders. The latter sought forgiveness on behalf of their brothers, the FDLR, for the massacre of *Mwami* Murandya's family members. More importantly, they promised to abide by the law of the land rent (*muhako*) under the customary law of Itala groupment. They also promised to build unity and peace with their brothers, the Nande, in the Mulinde locality. The second letter (Figure 3.5) written by the Bayira or Banande is an expression of satisfaction of seeing the Hutu seek forgiveness. Similarly, like the Hutu, they promised to build peace and mutual love and create a space where each and everyone works diligently in accordance with the culture of Mulinde locality and without discrimination. *Mwami* Murandya produced the last letter (Figure 3.6) on behalf of the elders of the Mulinde locality. The *mwami* first acknowledged receipt of the commitments from both the Hutu and the Nande to end hostilities and build peace in his locality of Mulinde and environs. In a special way, he and the elders of Mulinde appreciate the Hutu commitment to abide by the land law set forth by the ancestors. He finally considered the workshop as an opportunity to forgive one other and learn how to stay together as 'children of one father'. That constituted Phase 1.

Phase 2 of the Miriki Workshop required monitoring. On 17 November 2020, one year after the workshop, the researcher travelled from South Africa to meet CRONGD-NK members and, together with them, went to Mulinde locality to enquire whether the Miriki Workshop yielded any satisfactory results. In this regard, *Mwami* Murandya provided the following answer:

*Peaceful relationships between the Hutu and the Nande have significantly improved, the Hutu farmers are back, and their commodities can be found at the local market; these are charcoals and sorghum. As well, the population of Mulinde that had fled for safety to Kirumba, Kayna, Kanyabayonga, Goma Town, and even Rwanda are also back, with the exception of the Tutsi community who used to rear cattle here. Today I can say Miriki is currently a village of peace. (Mwami Murandya, Miriki, 19 November 2020)*

While the researcher would have liked to have more sessions of this kind, unfortunately, due to the delimitations of the research design (as not being Action Research) and the limited timeframe and resources for fieldwork, similar engagements fell outside the

parameters of the study and could not be feasibly accommodated. Below is a simple comparative table of the CTPR and the Miriki Workshop.

*Table 3.1: Synoptic comparison of the CTPR and Miriki Workshop*

<b>Factor</b>	<b>Technical Commission for Pacification and Reconciliation under Amani Programme (Goma)</b>	<b>Communal reconciliation workshop (Miriki)</b>
Period/Date	15 months from 6 January 2008 till 8 July 2009	One month till 12 November 2019
Frequency	Once	Quarterly meeting since 12 November 2019 between Hutu and Nande leaders
Political Administration	Province	Locality
Venue	Goma capital of North Kivu	Miriki capital of Mulinde locality
Organising body	The government of the DRC and international observers	<i>Mwami</i> Murandya and the elders of Mulinde, in partnership with the researcher and CRONGD-NK
Chairpersons	<ul style="list-style-type: none"> <li>- Rev. Apollinaire Malumalu, president of the National Electoral Commission,</li> <li>- Honourable Vital Kamerhe, speaker of parliament</li> <li>- Denis Kalume, state minister in charge of internal affairs, decentralisation and security</li> </ul>	<i>Mwami</i> Murandya and the elders of Mulinde locality
Number of participants	1500 among which traditional leaders, members of parliament and senators, ministers, members of civil society, representatives of local militias, associations of women, the Congolese federation of entrepreneurs, representatives of faith-based organisations and a remarkable presence of the international community and NGOs	13: 4 Hutu delegates and 9 members of the Yira community (Nande, Kobo, Ofu)
Objectives	To create favourable conditions of peace and	- To put up conditions for reconciliation between the

	reconciliation, to prevent conflict, and to ensure peaceful resolution of conflicts between communities of North Kivu and South Kivu	Nande and the Hutu and to mend the society fabric torn apart by interethnic confrontations between the aforementioned communities - Public awareness of customary land law and mandate to obey it
Commitment	Acts of engagement to build peace and reconciliation	Letters written by the Hutu and the Nande, endorsed by <i>mwami</i> 's letter to build peace, unity and mutual love
Form of documents	Computerised	Handwritten documents except for <i>Mwami</i> 's letter
Third parties	Too many manipulations and interferences of politicians	No interference noted
Funding	Multi-donor programme with at least £24M <sup>27</sup>	680\$ jointly paid by the researcher and CRONGD-NK (Research records)
People's views	<b>Ms Furaha:</b> "The Tutsi was herding cattle here, the Hutu was farming here, and he grows his crops well. They had reserved a place in the market, they used to bring chickens, things like cows, and they could give some to the chiefs. But things went wrong when those politicians became involved, and they fled from here" (Lubero, Itala, Focus Group 7)	<b>One elder:</b> "The Hutu are back to Miriki village and cohabit peacefully with the Nande. Their farm products also can be sold to the local market, like charcoals and sorghum. But the Tutsi community is still absent for fear of the Hutu FDLR" (Miriki, 19 November 2020)
Communal reconciliation (outcome)	Non-existent until 2018	In progress

More details about the CTPR and the Amani Programme under which it was established are provided in Section 3.5.3. However, the few elements supplied in the above synoptic table show how different the two reconciliation programmes are as one is organised at the macro-

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<sup>27</sup> Vallant, Condy, Robert & Tshionza. (2010). Country programme evaluation: Democratic Republic of Congo 2003-2008. Evaluation Report EV704. DFIF [online]. Retrieved June 20, 2017, from <https://www.oecd.org/countries/democraticrepublicofthecongo/45657904.pdf>.

level of the province and the other at the communal level. Though well designed, funded and chaired by prominent people, the former might have failed for several reasons: 1) A large number of participants (1500) invoked the spirit of mass, which in turn engendered a lack of full commitment; 2) Participants in this research revealed that the CTPR ended in disarray because of considerable political manipulations and interferences; 3) Corruption in terms of embezzlement of funds impeded the implementation and monitoring of reconciliation programmes.

In view of the above, this research stands on its argument that in the context of North Kivu, communal reconciliation should not be neglected in the quest for sustainable peace in the province. The empirical example of the Miriki Workshop demonstrates that the size of the workshop or the number of participants does not matter as such, provided they are committed to spreading the message of peace and reconciliation. In addition, the handwritten letters in which all parties made their commitment to peace may seem antiquated but was considered as binding as lofty peace treaties and court affidavits by the Miriki Workshop participants. Above all, the Miriki case, though still impaired by the absence of the Tutsi community, shows that bit by bit, piece by piece, from one locality to another, ethnic reconciliation is possible and can be attained when organised and chaired by legitimate *bami*, and sought without political manipulation. The following sections discuss truth and reconciliation processes to reflect on the importance of context for determining outcomes.

### **3.5 TRUTH AND RECONCILIATION PROCESSES**

This section reflects on truth and reconciliation processes around the world. Cases worldwide are purposively discussed to shed light on reconciliation in context and the legitimate participation of local leaders in truth and reconciliation processes. In other words, the context and involvement of traditional leaders in truth and reconciliation processes are the guiding principles in the debate on reconciliation processes.

### 3.5.1 Truth and reconciliation around the world

Historically, Hayner (2002) traced the origin of truth commissions to the 1970s, citing the 1974 commission of inquiry established by Idi Amin Dada, the former president of Uganda. However, scholars agree that the idea of genuine truth commission emerged in South America in the early 1980s, and since then, it has become a globe-trotting subject (Gerloff, 1996; Muller-Fahrenholz, 1997; Arnaud, 2009; Sooka, 2010). By the time Eric Wielbelhaus-Brahm published his book “Truth commissions and transitional societies” in 2010, the number of truth commissions worldwide was estimated at twenty-nine. A growing consensus had developed around the truth commission as an effective tool in constructing a post-conflict society, which aspires to democracy and greater respect for human rights. Indeed, truth commissions became associated with an alternative form of justice known as restorative justice (Wielbelhaus-Brahm, 2010).

In Argentina, President Raul Alfonsín, who came to power in December 1983, established a civilian commission known as National Commission on Disappearances (CONADEP) (Arnaud, 2009; Wachira, 2010, p. 22). In Chile, two consecutive commissions were established in 1990 by the government of President Patrick Aylwin, namely the National Commission for Truth and Reconciliation and the National Corporation for Reparations and Reconciliation (Loveman & Lira (2007). In El Salvador, the UN established the Truth and Reconciliation Commission in 1991 (Sooka, 2010, pp. 27-29). In Peru, after the fall of the Fujimori regime and the rise of President Toledo, the *Comisión de la Verdad y Reconciliación* (Commission of Truth and Reconciliation, CVR) was established (Misra, 2008). Other Latin American countries, which established truth commissions, include Bolivia, Colombia, Chile, Ecuador, El Salvador, Guatemala, Haiti, Panama, Paraguay, Uruguay, and Brazil (Arnaud, 2009).

In Europe, truth commissions were established after the fall of communism in countries like Poland, the Czech Republic, the Federal Republic of Yugoslavia, and the most recent National Remembrance Institute founded by President Viktor Yushchenko in Ukraine in 2006. Germany also established its Commission of Inquiry for the Assessment of History

and Consequences of the SED Dictatorship in 1992, two years after German reunification.<sup>28</sup> According to Freeman (2006), the German truth commission took three years, from 1992 to 1994, and was created to serve the purpose of a truly unified Germany. The law of 14 May 1992 creating the commission stipulated that the mandate of the German truth commission was to look at the history of human rights violations in former East Germany and the consequences of the SED dictatorship in Germany. After the publication of the findings, many stakeholders felt dissatisfied and proposed that the impact of the SED dictatorship on everyday life be investigated. This led to establishing another commission under the label “Commission of Inquiry on Overcoming the Consequences of the SED Dictatorship in the Process of German Unity”, which lasted from 1995 to 1998 (Arnaud, 2009).

Elsewhere in the world, particularly in Asia, countries that adopted truth and reconciliation commissions include the Philippines, Bangladesh, Nepal, Sri Lanka, South Korea, Fiji Islands, and Timor Leste. In the instance of Timor Leste, the United Nations Transitional Administration in East Timor (UNTAET) established a Commission for Reception, Truth and Reconciliation (CAVR) in early 2002. Its mandate was to investigate the facts and establish the truth about human rights violations committed in East Timor between 1974 and 1999 (Misra, 2008, pp. 143-144).

Noticeably, depending on the context and objectives one intends to achieve, the commissions mentioned above held different appellations and were established by various bodies, the UN and incumbent heads of state, while other commissions were suggested by independent bodies such as Human Rights Watch as happened in the German case (HRW, 1995). The contexts for these various truth and reconciliation commissions also differed. If in Latin America, truth commissions fed on people’s determination to eradicate totalitarian regimes, and replace them with democratic ones, in Germany, the

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<sup>28</sup> SED stands for Sozialistische Einheitspartei Deutschlands (Socialist Unity Party of Germany, often known in its English version as the East German Communist Party. Founded in 1946, SED became the governing Marxist-Leninist political party of the German Democratic Republic until its dissolution after the 1989 revolution (Derbyshire & Derbyshire, 1996).

context was dictated by the need to re-write the history tainted by past human rights violations and to build a truly unified country (Rotberg, 2000, p. 3).

Concerning the grassroots involvement in these commissions, three cases are illustrative. First, the Timorese truth process was developed to include a mixture of hybrid trials and an adaptation of the CAVR to local conflict resolution mechanisms, thus, establishing the Community Reconciliation Process at the community level, but still under the auspices of CAVR. This process allowed perpetrators of lower-level crimes to gain immunity from criminal and civil prosecution by carrying out some form of community service that would benefit the local population (Guthrey, 2016). Misra (2008, pp. 146-147) cited two other cases, which this study finds suggestive. The Argentinean Commission for the investigation into disappearances employed many civilians, whereas, in Peru, the commission comprised various bodies from the political arena to religious leaders. Though these two cases mention civilians and religious leaders and illustrate well the spirit of cooperation that should prevail in such commissions, they are, however, mute about the active participation of local leaders at the ethnic or community level, except for the Nicaraguan case invoked in Section 3.4 about indigenous Managua leaders' contribution to building trust in the country.

From the two cases of Argentina and Peru on one side and Nicaragua on the other, one can infer that the contexts were markedly different. While in the former, the priority was to end dictatorship, as stated above, in the latter, the conflict which necessitated indigenous leaders' intervention was ethnic in nature. In other words, the difference between those truth commissions lies in the fact that in Argentina and Peru, the scope of the commission was broader than the Nicaraguan one. The former was national while the latter concerned only a fringe of the population, but all met the same objective of mending the societal fabric, formerly torn apart by dictatorship and ethnic rivalries, respectively.

### **3.5.2 Truth and reconciliation programmes in Africa**

It is generally agreed upon that South Africa established and managed the biggest and most well-known Truth and Reconciliation Commission (TRC) in Africa and the world in 1994 after the end of apartheid and the transition to democracy (Freeman, 2006; Hayner, 2002; Wiebelhaus-Brahm, 2010). Indeed, South Africa popularised using a TRC (Cole, 2007; Gibson, 2005; Verdoolaege & Kerstens, 2004) to such an extent that its model has become paradigmatic (Boraine, 2010; Shea, 2000; Tinyiko, 1999). The South African TRC model has been praised for its inherently participatory nature and its holding of victim-centred public hearings. These two mechanisms are believed to be at the root of the TRCs' healing potential (Guthrey, 2016).

The South African TRC model inspired other African countries. Chad, Ghana, Liberia, Mauritius, Morocco, Nigeria, Tunisia, Kenya, Rwanda, Burundi, Mozambique, Sierra Leone, Togo, and the DRC are just a few examples of countries that emulated the Rainbow Nation in their quests for peace (Freeman, 2006). The South African acronym of TRC inspired several countries in the labelling of their respective truth commissions: Burundi, Sierra Leone, Mozambique, Liberia, and the DRC (Hirsh, 2010; Wachira, 2010; Rahman, 2010). Others, however, preferred different names. These were suggested by the objectives they intended to achieve and the context in which they were implemented; such is the Truth, Justice and Reconciliation Commission (TJRC) adopted by Kenya and Togo and the Unity and Reconciliation Commission (URC) in Rwanda (Hatzfeld, 2005; Staub & Pearlman, 2002).

The South African model inspired the names of truth commissions, including the processes of several commissions around Africa. Therefore, like the South African TRC, truth commissions established norms for truth-seeking and truth-telling bodies. They warranted public participation, transparency in the selection of the commissioners, and public hearings in which both victims and perpetrators were heard (Sooka, 2010, pp. 33-34). They also overwhelmingly adopted restorative justice as opposed to retributive justice (Graybill & Lanegran, 2004). According to Staub and Pearlman (2002) and Wiebelhaus-Brahm (2010), restorative justice seeks the moral rehabilitation of society. This approach focused on transforming

anger, resentment, and vengeance into community-building, particularly by emphasising reconciliation rather than justice rendered by a tribunal.

However, the contexts in which TRCs were established in Africa differ from one country to another, depending once again on the context and objective each country intended to achieve. Thus, as stated in Section 4.4, post-genocide Rwanda was much more concerned with community healing. For this reason, it adopted retributive justice rendered by the *Gacaca* tribunals against *génocidaires* (Mukashema & Mullet, 2010; Rettig, 2008; Scanlon & Motlafi, 2010; Staub & Pearlman, 2002; Tiemessen, 2004). Additionally, even though Sierra Leone shares similar characteristics with South Africa and many other countries in Africa that were emerging from conflict (Kelsall, 2005; Sooka, 2010), Sierra Leoneans attached relatively little importance to all the formal processes of truth-telling. They seemed more concerned with rebuilding their country than with the fate of individual victims (Hirsh, 2010).

In terms of the role of traditional leadership in peacebuilding in general and TRCs in particular, the social, cultural and political context has been a determining factor. On the one hand, in a political sphere where the administrative competence and the legitimacy of traditional leaders are disputed, the latter become inefficient in peacebuilding matters (Abbink, 1997, p. 317). Such is the case in Rwanda, which abolished traditional authority patterns to implement a decentralisation policy (Ndegwa, 2002). On the other hand, in countries where traditional leaders enjoy political recognition, they have been instrumental in peacebuilding practices at the grassroots level. For instance, in South Africa constitutionally (see Chapter 12, Section 211 of the 1996 Constitution), traditional leaders have dominion over traditional communities, which have their own governance structure based on customary law (Bekker, 2006). Thus, at the community level in the province of KwaZulu Natal, the chief and the Izinduna (those who assist the chief) have the authority to resolve conflicts and make recommendations concerning development. Indeed, the prestige of the Congress of Traditional Leaders in South Africa (CONTRALESA) allowed their delegates to participate actively in the TRC between 1995 and 1998 (Willians, 2010).

In Kenya, chiefs and their elder councils are still responsible for justice and social cohesion in their respective communities (Adan & Pkalya, 2006; Kibwana, 1998; Mwangi, 2000). Since the post-election violence in 2008, the *Njuri Njoke* (Council of Elders in Meru County), has been actively participating in the Kenya National Cohesion and Integration Commission (KNCIC). They are following the concept of “positive ethnicity” to address negative ethnicity projects and to foster capacity-building in community reconciliation and dialogue (KNCIC, 2013). The same applies to Mozambique, where traditional chieftaincy and related institutions have been an important factor in terms of cohesion and cultural identity. Even during the Portuguese colonial rule, traditional leaders regulated relations among the population by managing local situations of conflict that emerged (Meneses, 2006). That is why in the aftermath of the civil war in 1992, traditional leaders participated in the process of reconciliation, which involved both modern and traditional mechanisms of reconciliation. Ethnic and cultural leaders performed the traditional part, as they believed that traditional rituals of healing provide avenues for achieving reconciliation. Such was the healing by *Magamba* spirits of women traumatised by sexual violence (Hirsh, 2010).<sup>29</sup> Schirch (2001, p. 147) affirmed that to some extent, “rituals are special contexts conducive to the symbolic transformation of identity and the reframing of conflict toward sustainable, coexisting relationships.”

These examples show that there is growing recognition of the role and expertise of local leadership in a more formal conflict transformation process due to the crucial need to consider *local factors and actors* in peace processes (Mwangi, 2000; Tonge, 2014). The focus will now move from the international context of truth and reconciliation to the context of the research at hand (i.e., truth and reconciliation in the DRC).

### **3.5.3 Truth and reconciliation in the DRC**

Truth and reconciliation were not a goal in resolving the Congolese crisis at the beginning of peace processes; as stated in Section 2.5.2, the focus was on state-building. Hudson (2013)

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<sup>29</sup> The *Magamba* ritual is performed through works of art made from disassembled weapons: the pieces of weapons are arranged in such a way that they form a trunk and branches as a metaphor for renewal and hope. The art is sympathetically called the “Tree of Life” (Hirsh, 2010, p.208).

argued that state-building is one of the best peacebuilding mechanisms, although the focus on state-building sometimes overshadows reconciliation initiatives necessary among people who experience war/conflict on a daily basis. At Sun City in 2002-2003, the truth and reconciliation programme was invoked for the first time as combatants convened for another round of peace talks. This section is dedicated to two reconciliation commissions: the *Commission Vérité et Réconciliation* (Truth and Reconciliation Commission, CVR) established at Sun City and the *Commission Technique pour la Pacification et la Réconciliation* (Technical Commission for the Pacification and Reconciliation, CTPR) as one of the outcomes of the Amani Conference held in Goma in 2008. While the former was designed for the entire country of the DRC, the latter was meant for the eastern provinces of North Kivu and South Kivu.

The Sun City peace talks, known as the Inter-Congolese Dialogue (Koko, 2016; Rogier, 2004; Winter, 2012), was chaired by Sir Ketumile Masire, former president of Botswana and witnessed by His Excellency Thabo Mbeki, Chairman of the African Union and former president of South Africa and His Excellency Moustapha Niasse as Special Envoy of the UN Secretary-General on the Inter-Congolese Dialogue. The participants comprised delegates of the Government of the DRC, the Rwandan-backed RCD-Goma, the Ugandan-backed MLC (*Movement de Libération du Congo* [Liberation Movement of Congo]), the RDC-KML, the main organisations and parties of the political opposition as well as representatives of the *forces vives* (civil society) of the Country, and the *Mai-Mai* (Rogier, 2004). After nineteen months of discussions, the participants reached an Accord, which they duly signed on 2 April 2003. They agreed to end the war and form a transitional national government (Renton et al., 2009). The Sun City deal also included a promise of presidential and parliamentary elections in 2005. However, these elections were postponed several times until 2006, allegedly due to several logistical problems (Raeymaekers, 2014, p. 122).

Most importantly, the Sun City Accord provided a Truth and Reconciliation Commission (TRC) framework. The participants agreed to establish the commission under the 33<sup>rd</sup> Resolution No: DIC/COR/04. They promised to abide by the principles of national reconciliation and a new political order as the basis for rebuilding a Democratic Republic of Congo where people are united, reconciled and free from tribalism, regionalism, ethnicism

and all forms of hatred. The participants also resolved that a Transitional Legislative Assembly should adopt a law to determine the organisation, operation and jurisdiction of the Commission, as well as the means of appointing its members. The law also set out the procedural rules and applicable sanctions (Rogier, 2004).

Accordingly, the Transitional Legislative Assembly passed law N°/04/018 on the organisation, mandate and governance of the truth and reconciliation commission under Article 151 of the Transitional Constitution. The law was promulgated on 30 July 2004 by the then President Joseph Kabila and defined the establishment of the commission, its attributions and management.<sup>30</sup> The commission became known under its French name as *Commission Vérité et Réconciliation* (Truth and Reconciliation Commission, CVR). In terms of management structure, the commission was composed of national and provincial offices. The former constituted the plenary of the CVR and was constituted by 21 commissioners, of which eight worked in the National Office in Kinshasa, and 13 presided over the provinces. Each provincial office was run by seven members that liaised with the national office (Freeman, 2006, p. 324; Wakenge & Bossaerts, 2006, p. 1).

The mandate or the programme of the CVR designed at Sun City and adopted by the transitional legislative assembly was a twofold one. First, it was aimed at truth-seeking or to establish the truth on crimes and human rights violations committed between independence (1960) and the end of the transitional government (2006). It was also aimed at identifying victims and perpetrators, individually and collectively. Secondly, it was to foster reconciliation, re-establish national unity by acknowledging the facts, asking and receiving a pardon, providing reparation and rehabilitation for victims, and prosecuting the offenders in a criminal court (Autesserre, 2010; Winter, 2012). This mandate was to be carried out within a period of two years reckoned from the day on which President Joseph Kabila promulgated the law on the CVR, that is, 30 July 2004 till the end of the transitional government sanctioned by the general elections in 2006 (Freeman, 2006; Wakenge & Bossaerts, 2006). Unfortunately, the CVR was deemed a total failure. The reasons behind its failing as well as those of the CTPR are discussed in more detail in the next section.

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<sup>30</sup> Read more at <http://www.leganet.cd/Legislation/DroitPenal/Loi01.18.30.07.2004.CVR.htm>

The idea of a new TRC resurfaced in 2008 during the Conference on Peace, Security and Development in North Kivu and South Kivu and the *Amani* (Kiswahili for peace) Programme held in North Kivu. The conference was an initiative undertaken by local and national personalities due to the persistent insecurity, armed clashes and massive human rights violations in the two provinces. It started on 6 January 2008 and was co-chaired by Rev. Apollinaire Malumalu, former president of the National Electoral Commission, their Honourable Vital Kamerhe and Denis Kalume, respectively speaker of parliament and state minister in charge of internal affairs, decentralisation and security (Minani, 2008).

Throughout its 15-month duration, the conference hosted more than 1,500 participants, among which were traditional leaders. Other attendees included members of parliament and senators, ministers, members of civil society, representatives of local militias, associations of women, the Congolese federation of entrepreneurs, representatives of faith-based organisations and a remarkable presence of the international community and NGOs (Minani, 2008, pp. 120-121). On behalf of traditional leaders, two dignitaries signed the Act of Engagement, namely *Mwami* Kabare Rugemaninzi II Nabushi for South Kivu and *Mwami* Alexandre Muhindo Mukosasenge for North Kivu (Cabinet du Président de la République, Acte d'Engagement, 2008, p. 10).

Several objectives were assigned to this conference, all delineated in the Presidential Act 07/075 of 20 December 2007. The overall objective was to ponder and give suggestions to the government about mechanisms and strategies of laying the foundation for sustainable peace and integral development in the provinces of North and South Kivu. Fifteen other specific objectives were also defined in the Act. For instance: the conference had to suggest appropriate mechanisms for the disarmament of local and foreign armed groups; dispel fears, reciprocal mistrust, suspicion, frustration and anger that have rendered coexistence quasi-impossible; put in place a committee for monitoring the resolutions and recommendations of the conference; mobilise all human resources of the provinces of North and South Kivu and involve them in peaceful coexistence, reconstruction and sustainable development; and lay the foundation for true reconciliation between the citizens of North and South Kivu (Minani, 2008, pp. 121-123).

Finally, the conference passed Resolution 009 in January 2008, which established the *Amani* Programme. The programme's principal objective was to establish conditions for security, pacification, and reconstruction of the provinces of North and South Kivu by ensuring the implementation of the resolutions and recommendations of the Goma Conference, including its rules of engagement. The *Amani* programme addressed several components: the question of armed groups, humanitarian and social questions, reconstruction, development, pacification, and reconciliation (Minani, 2008, pp. 128-137). The latter element of the *Amani* Programme is of paramount importance for this study. It led to the establishment of the *Commission Technique pour la Pacification et la Réconciliation* (Technical Commission for the Pacification and Reconciliation, CTPR). Article 13 of the Act of Engagement stipulates that the chief mission of the commission is to create favourable conditions of peace and reconciliation, prevent conflict, and ensure peaceful resolution of conflicts between communities of North Kivu and South Kivu (Cabinet du Président de la République, Acte d'Engagement, 2008). Establishing this commission should be considered as one of the positive results of the Goma Conference.

Concerning the commission membership, the Decree n° 08/025 of 20 March 2008 signed by President Joseph Kabila and his Prime Minister Antoine Kizenga nominated Mr Kibiswa Naupess and Mr Clovis Munihire as the commission coordinator and permanent secretary. Other members of the commission were representatives of the Congolese government, different militias from territories of North Kivu, traditional leaders, civil society and faith-based organisations. These parties, respectively, signed an agreement on establishing the truth and reconciliation programme at the end of the Goma conference on 23 January 2008 (Cabinet du Président de la République, Acte d'Engagement, pp. 28-29; Minani, 2008).

The first national truth commission, namely the CVR, is generally perceived by analysts as a failure. Wakenge and Bossaerts (2006) pin the blame on insufficient funds (US\$ 1 699 347 only), poor coordination, and sidelining of provincial and local members who were merely invited as spectators at workshops conducted in their own fields. What most importantly damaged the whole picture of the CVR, according to Wakenge and Bossaerts, is that the commission deliberately omitted truth-seeking and truth-telling, which remains constitutive

of truth commission processes as it was once in the South African TRC. The CVR wished to adopt the South African TRC model and its five stages: preliminary meetings and interviews; the use of subpoenas; the power of search and seizure; public hearings; and publication of findings in a final report. Unfortunately, these stages were never successfully implemented because of corruption and context discrepancies (Wakenge & Bossaerts, 2006).

Another reason behind the failure of the CVR, according to Austesserre (2010), was that the commission recruited some criminal perpetrators as committee members, who logically could not support any judicial case filed against them. Subsequently, the commission ended without investigating a single human rights violation case and without publishing any satisfactory findings. Another flaw lies in the CVR's weak leadership and lack of public consultation on its aim, structure, design and membership. Freeman (2006, p. 12) pronounced the verdict and declared that the "TRC in the DRC could not be characterised as a truth commission," since it lacked a crucial characteristic of truth commissions, namely that "commissions are empowered by the state to investigate a pattern of abuses over a period of time" (Hayner, 2002, p. 14). The CVR was authorised to investigate violations committed between 1960 and 2006, not at its inception in 2004, but only towards its end when the country's formal political transition was scheduled to conclude in 2006 (Freeman, 2006).

This study agrees with Wakenge and Bossaerts (2006), especially when they consider sidelining locals and inviting them only as spectators as one of the reasons behind the CVR failure. Therefore, it argues that the commission members' imprudent recruitment is not only one of the reasons behind the CVR's unpopularity, but coupled with inattention to context is the main reason. On the one hand, most members at the national level had no clue to the underlying causes of ethnic conflict in a province like North Kivu, nor were they willing to liaise closely with people at the grassroots. In sum, traditional leaders did not play any role in the CVR, yet earlier in the 1990s, they had been instrumental in securing peace during the MAGRIVI conflict. Emizet (2000) stated that by early 1994, local chiefs were able to stop violence and bring peace in their entities without the government's help through local peace calls and communal reconciliation. Mathieu and Tsongo (1998) corroborated the commendable work done by the civil society and traditional chiefs' delegates of the various

ethnic groups in different workshops, which led to an agreement for peaceful coexistence. This agreement allowed populations to return to their respective villages until 1996, when, unfortunately, the liberation war became a major setback for peace in the region. On the other hand, although appreciating the South African TRC processes, this study objects to the ‘copy and paste’ exercise; the two contexts (the South African and the Congolese) are quite different.

Nonetheless, the CTPR born from the Amani Programme is inspired by the South African TRC model. It is reckoned as the last major peace initiative believed to transform the interethnic conflict in North Kivu. This study deemed it necessary to reserve its appraisal to Chapter 6, to probe with research participants whether traditional leaders played any role in the CTPR. However, it should be acknowledged at this point that, like its forerunner, the CVR, the CTPR has not yielded the expected results. Therefore, through its Amani Programme, the Congolese government still launched the STAREC programme in 2009 (see Sections 1.9.4 and 6.3.1) to foster security, humanitarian and socio-development programmes in the context of North Kivu. The STAREC, in partnership with other actors, especially field NGOs, organised and are still organising the so-called social dialogues to promote a certain ‘communal’ reconciliation (see Section 6.3.2).

#### **3.5.4 Relevance and challenges of TRCs in general**

The importance of the context and local actors in TRCs can also be assessed through its relevance and challenges. Worldwide, truth commissions from their very existence have generated mixed reflections regarding their proceedings as well as outcomes (Wiebelhaus-Brahm, 2010). Freeman (2006), Hayner (2002) and Wachira (2010), for instance, connected their relevance to their basic aims. TRCs aim to 1) discover, clarify, and formally acknowledge past abuses; 2) respond to the specific needs of the victims; 3) contribute to justice and accountability; 4) outline institutional responsibility and recommend reforms; 5) promote reconciliation, and 6) entice participants into building a better country. In light of this, Misra (2008) and Sooka (2010) predicted that TRCs would remain in high demand as they are established to promote the rights of victims, the right to have the truth known and acknowledged and the right to reparations. Those norms also express the necessity of

institutional reform to strengthen the rule of law and democracy and the need to foster reconciliation and restore human dignity. In practice, Gibson (2007, p. 257) provided the example of South Africa. The TRC contributed to the democratisation of the nation; it employed truth to urge the government and the people of South Africa to develop a human rights culture and focus on economic justice. Indeed, the TRC made sustainable peace and political stability possible (Boraine, 2010, p. 150). Still, for Sooka (2010), post-conflict countries such as Sierra Leone, Liberia, Nicaragua and Timor Leste could not have achieved probable peace if they were reluctant to establish TRCs that spearheaded reconciliation between victims and criminal perpetrators. In short, TRCs offer an opportunity to think about the past, what has gone wrong, who has suffered as a result, who is responsible, and how to move on and build a better society (Wachira, 2010).

Moreover, TRCs have gained fame in their comparison with courts of justice to the point of being considered as the second-best option to trials by Human Rights policy-makers (Wiebelhaus-Brahm, 2010). First, there are cases where TRCs have been established simultaneously with trials. In the case of Mozambique, not all perpetrators were produced before the court of justice but integrated into the community through the traditional reconciliation process (*Magamba* rite) and the mediation of the Community of Saint'Egidio (see Section 3.5.2) (Hirsh, 2010). In other instances, only the TRCs could operate, especially where it became politically impossible to put perpetrators on trial. This applies to the Congolese CVR, which was established during the period the country was run by a transitional government made of former warlords and potential candidates for prosecution. In this regard, however, Wiebelhaus-Brahm (2010) does not suggest that the TRCs should replace the courts of justice, which remain necessary to adjudicate war crimes and gross rights violations. For him, TRCs are established and fostered to lay the foundations for future prosecutions. In reference to the TRC-Tribunal, Wiebelhaus-Brahm (2010) indicated that TRCs have lured foreign governments and funders for their low costs compared to prosecutions. And this study supplements that in terms of duration, as TRCs seem shorter and are therefore more expedient than trials. The typical example where the two elements of cost and duration are mentioned is the comparison between the International Criminal Tribunal for Rwanda (ICTR) and the South African TRC. The former started in December 1994 in the aftermath of the Rwandan genocide

and ended in December 2015, that is 21 years of operation; it cost a staggering USD 2bn for 5 800 days of proceedings, 93 people indicted, 61 sentences, 14 acquittals and participation of more than 3 000 witnesses (Leithead, 2015). The latter, namely, the TRC, having started in December 1995, its original mandate ended in 1998, with its annual budget being USD 18M (Amnesty International, 2009; Boraine, 2000).

However, TRCs face challenges in the areas of power, process, and recruitment of members. Concerning power, Wiebelhaus-Brahm (2010) indicated that TRCs enjoy a simulacrum of independence, for they are officially sanctioned, authorised, or empowered by the state. At the same time, he emphasised the inability of a TRC to judge massive human rights violations, prosecute individuals, or grant amnesty. In sum, TRCs do not own the outcomes of the processes, and this ambiguity casts doubt on their efficiency in providing desirable benefits to victims or being responsive to the needs or wants of people themselves (Guthrey, 2016; Lundy & McGovern, 2008). Taking the example of South Africa, Mamdani (2002) and Kashyap (2009) indicated that the failure of the TRC to investigate gross human rights violations such as forced removal of people from their native land and ill-treatment of farmworkers has engendered the persistence of apartheid victims' resentment. For Mamdani (2001), TRCs are not a universal remedy for all conflicts.

Concerning TRC processes, this study draws attention to public hearings in which victims and perpetrators meet and tell the truth about the crimes committed. Several scholars posit that truth commissions are potentially dangerous to both the perpetrator and the victim when commissions unearth dangerous truths (Guthrey, 2016; Villa-Vicencio, 2010; Wiebelhaus-Brahm, 2010). The revelation of truth could become a cause of violence and acts of vengeance against the perpetrator. In this regard, Wiebelhaus-Brahm remarked that:

*Truth commissions are potentially dangerous. After all, 'truth' has historically been the cause of much violence. Transitional justice mechanisms such as truth commissions may generate resentment and insecurity. For victims, the lack of punishment for perpetrators may seem a travesty and vigilante justice might seem an attractive antidote. For perpetrators, truth commission proceedings may threaten their reputations and social*

*position, to say nothing of potentially subjecting them to future prosecution. (Wiebelhaus-Brahm, 2010, pp. 15-16)*

Guthrey (2016), while contrasting local norms and truth-telling within truth commissions of the Solomon Islands and Timor Leste, found that telling the truth in public can contribute to the re-victimisation of the victim, contrary to the common belief that truth heals both the victim and the perpetrator. In both contexts, she perceived an incompatibility between socio-cultural values and the work of truth commissions of the two countries mentioned above. For example, local norms have it that sexual violence issues should not be aired in front of other people. The victims (women in most cases) are socially ostracised after speaking publicly about experiencing rape or other forms of sexual violence. Victims, therefore, wish to stay silent or just forget about what happened to them in the past.

When it comes to trauma, Rousseau and Drapeau (1998, p. 465) indicated that “culture provides the tools for grieving. Culture, which is involved in the reparative process, may be equally involved in determining how, and how intensely, trauma is relived.” The case of Burundi bears relevance here. Burundians preferred silence and community-based dialogues to truth-telling and public hearings. This dialogue, they believed, could better lead to genuine interpersonal reconciliation and forgiveness (Nee & Uvin, 2009; 2010). The horror of truth could probably explain the sparing use of public hearings throughout the history of TRCs, even after the idea had become the norm suggested by the South African TRC. According to Hayner (2002), the practice was common among commonwealth states such as Ghana and Sierra Leone; Non-commonwealth countries also adopted it (e.g., Peru, Timor-Leste, Morocco and Paraguay). The German and South African truth commissions held public hearings as part of their respective processes. By contrast, Ecuador’s and Panama’s truth commissions did not involve public hearings, probably because they were created with reference to previous Latin American truth commissions in Argentina, Bolivia, and Uruguay.

By nature, TRCs are synonymous with restorative justice (Graybill & Lanegran, 2004). Wachira (2010) stated that not all are comfortable with this attribute as views differ in the debate on binomial justice-reconciliation or restorative justice versus retributive justice. The

proponents of reconciliation naturally choose restorative justice, which aims to repair the damage and rebuild a relationship between the victim and the perpetrator. They argued that punishing the offender does not benefit the victim (Van der Merwe, 2003), believing that restorative justice, being a victim-centred approach, tries at the same time to heal the traumas and empower both the victims and the perpetrators (Cane, 2000). The detractors of reconciliation and restorative justice posited that failure to punish to promote peace and reconciliation could promote impunity and cause bitterness among victims and even revenge attacks (Wachira, 2010, p. 15).

Furthermore, TRCs tend to be donor-driven; thus, they may be a symptom of the top-down approach of many transitional justice strategies (Lundy & McGovern, 2008, p. 275). Consequently, donors may dictate the modus operandi of TRCs and proceed to the recruitment of the members without any consideration of the people concerned. The lack of involvement of locals in TRCs may reduce the degree of ownership by the beneficiaries. This allegation can be illustrated in the CVR case in the DRC, whereby weak leadership and lack of public consultation on the aim, structure, design and membership are thought to be the source of its failure (Autesserre, 2010, Wakenge & Bossaerts, 2006). In Burundi, the people founded their own institution somewhat parallel to the TRC, the so-called “traditional mediation institution of *Bashingantahe*” (local chiefs). This institution remained a reference point in the dialogue between Burundians. Only the *Bashingantahe* were able to organise the dialogue, not the commission for truth and reconciliation (Nee & Uvin, 2009). Decisively, the discussion on the relevance and challenges of TRCs has shown dissimilarities in TRC setups around the world based on their different contexts and the recruitment of their members.

### **3.6 SUMMARY**

This chapter discussed peace education and Lederach’s Conflict Transformation Theory (CTT) as the lens through which this study unpacks the role of traditional leaders in reconciliation processes in North Kivu. Formal and informal education are needed to instill in North Kivutians the notions of peaceful coexistence and transform the culture of violence

into a culture of peace. Particularly, the CTT revealed its relevance in resolving conflicts, mostly in societies divided along ethnic affiliations. In substance, Lederach (1997; 2003; 2017) argued that only reconciliation (process) carried out by an inclusive leadership (actors) can restore relationships (objective) among conflicting parties. What makes Lederach's approach so significant is that it continues to inspire other TRCs and research, including this study on traditional leaders' role in truth and reconciliation processes in North Kivu province as put forward by the Contextual Reconciliation Framework (CRF) in this chapter.

Despite the relevance of CTT for this research, the approach warrants critical engagement with its notion of reconciliation and its four components (truth, mercy, peace and justice), which has faced challenges in TRCs at state and community levels. Not all TRC processes are commensurated with this fourfold conception of reconciliation, and while some adopt it as is, others reject various components for the sake of peace. As such, Lederach's CTT has inspired the development of a novel, context-sensitive approach to this research: the Contextualised Reconciliation Framework. The proposed framework provides a new roadmap for a better understanding of reconciliation processes. This framework rejects any pre-conceived reconciliation process and calls for a responsive approach that is adaptable and flexible facilitating reconciliation processes that consider the cultural, social, historical, geographical and political norms of the context in which it will be carried out. With this in mind, the study provided the example of the Miriki Workshop held and chaired by *Mwami* Paluku Murandya on 12 November 2019. This workshop gathered antagonists who demonstrated that communal reconciliation could bring about peace where a larger programme at the provincial or national level had failed.

The broader context of reconciliation processes around the world was described and supported by examples of various TRCs. The review of these bodies showed an obvious difference between their respective mandates dictated by the context in which they were established and clearly illustrated the importance of context for the success of reconciliation processes. After weighing up the advantages and disadvantages of establishing TRC processes, this study posits that the latter remain crucial, mostly in societies torn apart by large racial and ethnic divides. Supporting Weiss (1989, p. 369), the researcher argues that if the TRC processes did

not exist, they would have to be invented. The TRC may be in perpetual crisis, but it is in demand and needs to be improved. In this way, this study proposes the CRF as one such supplement to Lederach's contribution by making context a precondition for more efficient TRC processes. For instance, the study area of North Kivu province offers the context of interethnic conflicts and to transform these conflicts, there is a need to look at the political issues of land, citizenship and power and to critically assess the role traditional leaders play in reconciliation processes. Developing a novel framework in terms of the CRF to study this particular case required devising an appropriate and responsive methodology, as discussed in Chapter 4.

## **PART III RESEARCH METHODOLOGY**

**Part III** comprises only Chapter 4.

**Chapter 4** presents the research methodology applied in this research. The chapter discusses the research design, the case study approach, the study area and sampling, the data collection procedures (i.e., focus group discussions and individual interviews), thematic data analysis, research timeline, the issues of objectivity and trustworthiness, and the ethics statement.

## **CHAPTER 4: RESEARCH METHODOLOGY**

### **4.1 INTRODUCTION**

This chapter encompasses a discussion about the research design and data collection methods used in this study. It explores and describes the research methodology. It also discusses how the study was conducted, justifying the choice of data collection methods used. According to Mouton (1996; 2001), a research design is a presentation or plan of how the researcher plans to execute the research problem that has been formulated. The formulation of the research problem determines the structure and particular logic of a research design. For Kumar (2011), a research design, indeed any scientific research, is similar to undertaking a journey where knowing the road is crucial. If regular journey signposts guide the traveller, research methodology remains the path to finding answers to research questions. In other words, research methodology, by definition, encompasses procedures and models which help researchers best achieve their research objectives (Creswell, 1998; Kombo & Tromp, 2006). Owing to the variety of academic disciplines, research questions and objectives, it can be inferred that there is no single but a panoply of research methodologies. Festinger and Katz (1966) and Kumar (2011) argue that though research paradigms may vary in their contents and substance, their broad approach to enquiry and their basic logic is the same in all fields of scientific research. Just as the journey metaphor suggests that all roads lead to Rome, research methods pursue the same goal: the scientific ‘truth’ and only differ depending upon the subject matter.

This study employed a qualitative case study research design, which focused on understanding and describing the problem. Qualitative research provided an avenue to understand the role played by traditional leaders in truth and reconciliation commissions within the study context of North Kivu province. A qualitative case study design allowed the researcher to secure in-depth data from focus groups and individual interviews.

## **4.2 RESEARCH DESIGN**

Research design is a plan, logical structure and strategy of investigation. The research design enables researchers to answer their research questions and problem (Creswell, 2013; Kumar, 2011; Thyer, 1993) accurately. According to Kumar (2011, p. 95), a research design must lead to “valid and reliable results” by following a logical structure described in the research design of a proposed inquiry (Yin, 2003). Therefore, when designing research, Vaishnavi and Kuechler (2015, p. 25) advise that one should ask the question: “given this research question (or theory), what type of evidence is needed to answer the question (or test the theory) in a convincing way?” In other words, there is an important nexus between the research design and research questions in such a way that the structure and particular logic of a research design is usually determined by the formulation of the research problem or the research questions (Mouton, 1996).

Research design explains the different methods and procedures used in collecting and analysing data from participants in any study. The specific research design employed in this research is a qualitative case study research design to explore the role of the traditional leaders in truth and reconciliation processes within the context of interethnic conflict in North Kivu. In this study, the singular bounded unit or case refers to a particular geographical area, North Kivu, with unique geopolitical characteristics, as explained in Chapter 2.

### **4.2.1 Qualitative case study research design**

Depending on data collection, analysis, presentation, and interpretation, the researcher chooses quantitative, qualitative or mixed methods approaches (Denzin & Lincoln, 2005). Quantitative research perceives social phenomena as having an objective and scientific mind-independent reality, presented in numerical values and then subjected to statistical analysis (Cassel & Symon, 1994; Creswell, 2005). In contrast, qualitative research generates non-numerical data. It focuses on gathering mainly verbal data and meaning rather than measurements. Data are then analysed verbatim in textual form and interpreted towards an in-depth understanding of the phenomenon under study (Cassel & Symon, 1994; Kumar, 2011, p. 19; Sykes & Collins, 1998). When data are accumulated by different methods but bearing

the same issue, the process is known as mixed methods research, multi-method approach, or triangulation (Babbie & Mouton, 2001; Gillham, 2000). Multiple methods rely on the assumption that they are more accurate in capturing and fixing a social empirical phenomenon (Brannen, 1992, Jick, 1979; Kelle, 2001). Determining which method to use or which is better than the other has been a debate for quite some time. Orodho (2009) argues that each of the three approaches (quantitative, qualitative and mixed) has strengths and weaknesses. The choice of methodology varies depending on the topic the researcher wants to discuss or the kind of answers one wants to get.

In order to answer the questions and meet the objectives of this study, qualitative research and the use of a case study strategy seemed more appropriate. Qualitative research techniques deal with descriptive issues, such as behaviour and perceptions, and follow inductive reasoning (Mugenda & Mugenda, 2003). This means that general findings are induced from the specific empirical data. In the case of this research, it means drawing general conclusions from the participants' perceptions of the role of the *bami* in the truth and reconciliation processes in North Kivu. Therefore, this study employed a qualitative approach. Cassell and Symon (1994) remark that the qualitative approach puts:

*[a] focus on interpretation rather than quantification; an emphasis on subjectivity rather than objectivity; flexibility in the process of conducting research; an orientation towards process rather than outcome; a concern with context – regarding behaviour and situation as inextricably linked in forming experience; and finally, an explicit recognition of the impact of the research process on the research situation. (Cassell & Symon, 1994, p. 7)*

Quantitative research perceives social phenomena as having an objective and scientific reality, expressed in numerical values, subjected to statistical analysis. Qualitative research, however, involves an interpretive, naturalistic approach to its subject matter, attempting to make sense of or interpret phenomena in terms of their meaning. According to Denzin and Lincoln (2000, p. 8), the “word *qualitative* implies an emphasis on the qualities of entities and on processes and meanings that are not experimentally examined or measured (if measured at all) in terms of quantity, amount, intensity, or frequency people bring to them” (Babbie & Mouton, 2001; Creswell, 2003; Denzin & Lincoln, 2000). The qualitative approach emphasises subjectivity

rather than objectivity; thus, it is flexible and adaptable. The subjectivity of qualitative research derives from the “constructivist philosophy that assumes reality as multilayered, interactive, and a shared social experience interpreted by individuals. It is concerned with understanding the social phenomena from the participant’s perspective” (McMillan & Schumacher, 2001, p. 396). This means that qualitative methods allow for the “detailed analysis of change, for qualitative techniques emerge from phenomenological and interpretive paradigms, with the emphasis being on constructivist approaches where there is no clear-cut objectivity or reality” (Cassel & Symon, 1994, pp. 2-5). Moreover, the qualitative approach shows context-sensitivity, commensurate with the theoretical lens, focusing on context (McMillan & Schumacher 2001, p. 396). Babbie and Mouton (2001) refer to the qualitative study of human behaviour in its natural settings or context through the eyes of the actors themselves, naturalistic research. In this way, the main focus in qualitative research is “to understand, explain, explore, discover and clarify situations, feelings, perceptions, attitudes, values, beliefs and experiences of a group of people” (Kumar, 2011, p. 104) but within a particular context (Sarantakos, 2005).

Case study research is one of the more common strategies in qualitative inquiry (Kumar, 2011, p.10; Stake, 2000, p. 435; Silverman, 2005). Kumar (2010) describes case studies as an amalgam of oral history, group interviews, participant observation, holistic research, community discussion forums and reflective journal logs. Gilbert (2008) argues that though case studies are prevalent in quantitative research, it is dominantly a qualitative study research design. As for its definition, Yin (2003) provides the following detailed definition:

*[a] case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomena and context are not clearly evident. The case study inquiry copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result, relies on multiple sources of evidence, with data needing to converge in a triangulating fashion, and as another result benefits from the prior development of theoretical propositions to guide data collection and analysis. (Yin, 2003, pp. 13-14; see also Kohlbacher, 2006, p. 6)*

Owing to the above definition, Hartley (1994; 2004, p. 323) states that a case study approach is characterised by several commendable principles. First, a case study is a detailed empirical investigation of social phenomena. A detailed investigation means the study focuses on extensive exploration and in-depth understanding of a case (Kumar, 2011, p. 123). Secondly, a case study, such as the qualitative approach in general, is particularly context-oriented. According to Babbie and Mouton (2007, p. 277), contextualisation is one of the main advantages of case studies as it allows the applicability of theory and a thorough exploration of the aspects in a specific context (see also Gilbert, 2008; Kumar, 2011; Van Rooyen, 2017). Thirdly, Cassell and Symon (1994) judge qualitative methods to be very appropriate to research questions focusing on organisations, institutions or groups of people with the aim of understanding both individual and group experiences and behaviour (see also Babbie & Mouton, 2006; Kohlbacher, 2006). Therefore, the organisation or institution the researcher selects becomes the basis of an “in-depth exploration of the aspect(s) that you want to find out about” (Gilbert, 2008, p. 36).

Nevertheless, Yin (2003, pp. 10-11) notes that there has been traditional criticism against the case study strategy, mainly from a positivist perspective, that views a case study as a less desirable form of inquiry. The criticism revolves around three major pivots: case study research design explores instead of confirms and quantifies; it cannot make any generalisations beyond the studied cases; and it is so intrinsically subjective that it contravenes the objective understanding of the social world (Kumar, 2011; Ratner, 2002; Van Rooyen, 2017). In this study, the researcher approached the problem from an interpretivist or phenomenological perspective. This is naturalistic research and, subjectivity is the best way to study this highly contextual phenomenon. Therefore, this research cannot generalise the findings but aims to understand the phenomenon under study in the unique North Kivu context in as much detail as possible.<sup>31</sup> Generalisation of the research findings on the role of traditional leaders in the process of reconciliation in North Kivu could be difficult to attain even within

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<sup>31</sup> I make reference to Denzin and Lincoln’s (2000, p.13) generic definition of qualitative research: “[q]ualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible. These practices transform the world. They turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self.”

the DRC because the case is atypical of other provinces where in some communities there is no distinctive traditional leader in whom power is vested (the case of Pygmies) or where the sort of ethnic conflict is different from the North Kivu case (the case of the Enyele and Boyanza invoked in the first chapter, Section 1.6). Burns (1997, p. 365) posits that a single case mainly provides insight into the events and situations prevalent in a group or community from where the case has been drawn.

After careful deliberation, the case study research design was chosen for several reasons. Firstly, this research adheres to Creswell's (1998) definition of a case study. It explores a bounded system or a case over time through detailed, in-depth data collection involving multiple sources of information, rich in context. This understanding allows for the generation of rich data for thick description through triangulation of primary sources (focus groups and individual interviews). Secondly, the focus of the study is on the institution of the traditional leadership in the North Kivu province bearing in mind that case study research design is highly appropriate to research organisations and institutions. Thirdly, Burns (1997, p. 365) advises researchers to use case study research design when exploring an area where little is known or the researcher aims to build a holistic understanding of the situation. Using a case study research design allowed this researcher to understand the role of traditional leaders in truth and reconciliation processes in relation to the complex interethnic conflict in North Kivu and understand and value how the role of traditional leaders may help to bring peaceful coexistence between various communities in the province. Finally, the case study research design proved appropriate to answer the research questions and strengthen the theoretical framework, namely the Contextualised Reconciliation Framework.<sup>32</sup>

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<sup>32</sup> Here the research aligns itself with the views of Hartley (1994, p.227, 2004, p.332) and Yin (2003, p.2). The duo state that "case studies seem to be the preferred strategy when 'how' or 'why' questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context." With regard to theory, still the two authors along with Eisenhard (1989) recommend case studies as the latter "have an important function in generating hypotheses and building theory."

#### 4.2.2 Study area and sample

The study area for this research is North Kivu province in the DRC, geographically located in the eastern part of the DRC. This province borders the Republics of Rwanda and Uganda in the East, the province of Maniema to the West, the province of South Kivu to the South, and the provinces of Ituri and Province Orientale to the North (see Figure 4.1). North Kivu covers an area of 59 483 km<sup>2</sup> and its capital is Goma. The province comprises six districts, namely Nyiragongo, Masisi, Walikale, Rutshuru, Lubero, and Beni, which in turn are subdivided into *collectivités* and *groupements* and towns (de Saint Moulin & Tshibanda, 2011; Stearns, 2012). While districts and towns are respectively administered by territorial chiefs and mayors appointed by the central government, the *collectivités* and *groupements*, as stated in Chapter 1, fall under the dominion of traditional leaders (de Saint Moulin & Tshibanda, 2011; Lieven, 1971; Ndaywel, 1997).

The quality of any study depends on the sampling. According to Kumar (2011), sampling is the process of selecting a few participants from a larger population under the condition that the selected participants can provide unknown information about the population they represent and that the said population will accept the research outcomes. Therefore, the sampling criterion must be rigorous. Cohen, Manion and Morrison (2000) urge researchers to choose a well-considered sampling criterion so that their study sample is proportionate with the research objectives. In other words, the choice of a sample is not casual but strategic (Kumar, 2011). Participants should not be selected randomly but only based on the criterion of providing enough information about the case under study. This accounts for the reason why in a case study research design, researchers conventionally use non-probability sampling, for example, purposive, judgemental, expert, accidental, snowball or information-oriented sampling techniques (Burns, 1997, p. 365). In purposive sampling, the selected participants must be “information-rich” (Creswell, 2013), which means they are deliberately chosen due to the qualities they possess (Tongco, 2007) or because they met the set requirements (Babbie & Mouton, 1998; Mouton, 2012). Consequently, in purposive sampling, some units in the population are more likely to be selected than others based on their ability to provide accurate information (Bryman, 2012). In qualitative research, researchers do not have a predetermined

sample size in mind. Their judgement guides them as to who is likely to provide people with the ‘best’ information, and sampling is generally done until data saturation is reached (Kumar, 2011, p. 193).

Given the qualitative nature of this research, there was no predetermined sample size as the study employed purposive non-probability sampling. The research sample, the segment of the population selected for research, within the research parameters comprised 101 respondents aged between 18 and 70, of which 71 participated in focus group discussions, and 30 participated in individual interviews. Focus groups involved a mixture of CBOs, civil society, field NGOs, church leaders and members of field organisations (see Table 4.1). As for interviewees, they comprised traditional/ethnic leaders, church leaders, UN officials, government officials, members of the civil society, and Professor Kä-mana, the Director of Pole Institute (see Table 4.2). Even though 101 participants cannot represent all the views of North Kivutians, the selected participants provided ample information on the role of traditional leaders in the truth and reconciliation processes within the North Kivu province in the DRC, and they indeed contributed to data saturation. The subsequent map (Figure 4.1) shows the area where research participants hailed from.

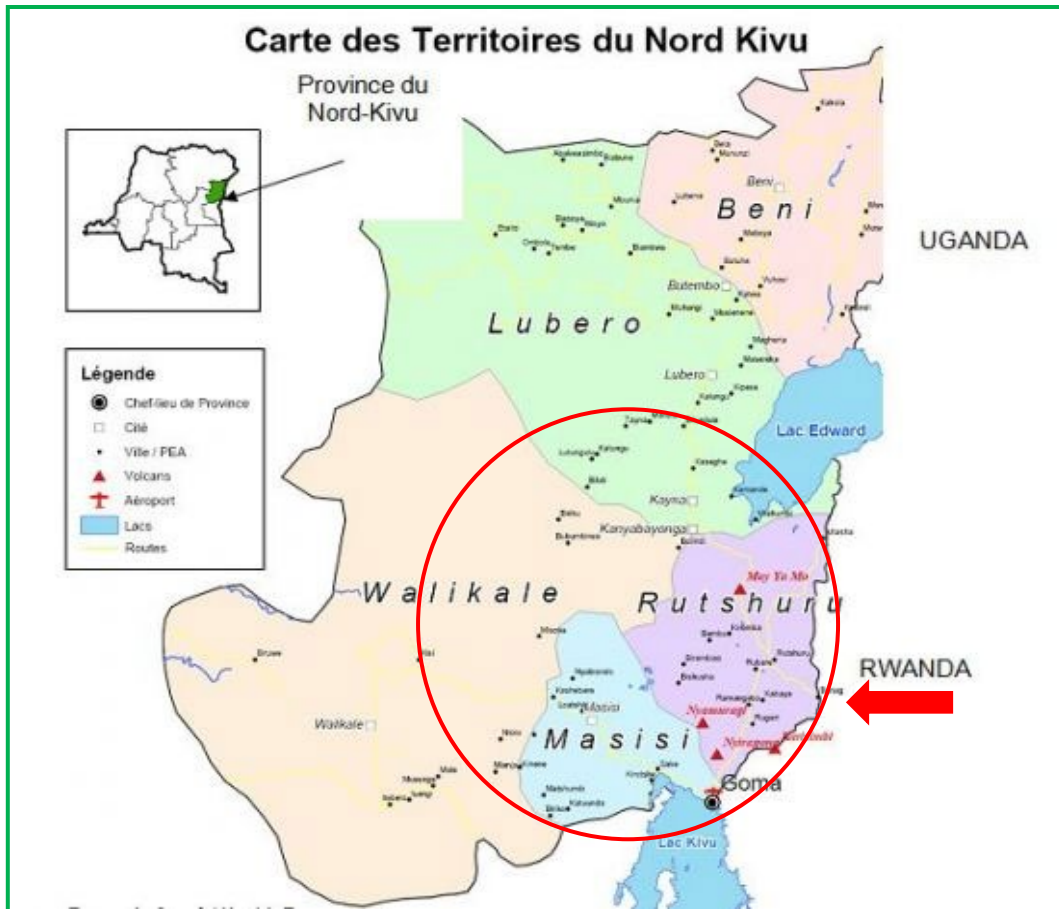


Figure 4.1: Sampling map or study area<sup>33</sup>

As is evident from Figure 4.1, most respondents were recruited from the districts where populations from Rwanda are higher (within the red circle). The red arrow symbolises the influx of Rwandan populations into the encircled districts and took place at different times (see Sections 2.3.1 and 2.4.1). These districts are more prone to interethnic conflicts and have bigger Rwandan populations. As a result, the sampling for this research targeted the districts of Masisi, Nyiragongo and Rutshuru in their entirety and the districts of Lubero and Walikale only partially. Most of the participants were interviewed or participated in focus group discussions and individual interviews in their entities of origin, except for six traditional and ethnic leaders. Five were interviewed in Goma Town, where they took refuge from rampant insecurity in their localities. The sixth leader from Oosso-Banyungu in Masisi District was

<sup>33</sup> Source: <http://provincenordkivu.org/administration.html>; Autesserre, 2007, p. 435

approached while in exile in Kampala, Uganda. Goma was an important study site. Besides being the favourite town of refuge for traditional leaders fleeing from persecution, it is 1) the capital of North Kivu and headquarters of national, provincial and UN institutions, 2) plays host to several field NGOs, 3) and has incorporated some parts of Nyiragongo district. Therefore some individual interviews and focus group discussions were conducted in Goma Town.

A research team conducted the above data collection procedures, namely focus group discussions and interviews. The research team consisted of the primary researcher and two research assistants. Given the geographical size of the study area, insecurity and poor road network, the researcher needed research assistants to cover areas he could not easily reach. Research assistants were recruited based on their experience in conducting interviews and focus groups and familiarity with working in conflict-ridden areas in accordance with the instructions of Goodhand (2000). Even though the researcher sought the services of assistants, this research solely reflects the views of participants. Prior to the commencement of the research, the primary researcher briefed the research assistants about what the research entails and together, they discussed the appropriate data collection techniques paying specific attention to focus group moderation, individual interviewing techniques, audio-recording, transcription and translation of participant responses, and the practical matters of accommodation, subsistence, travelling and security. Secondly, the researcher frequently consulted the research assistants at the end of every session to evaluate focus groups and interviews. The researcher was keen on instructing his assistants not to deviate from the topic and research questions, and at the end of the fieldwork, he made a thorough appraisal of the assistants' work. Data collection started in the district of Nyiragongo and Goma Town, followed by Masisi and Rutshuru, and then moved on to the districts of Lubero and Walikale. In general, data collection was done to the satisfaction of the primary researcher.

The researcher conducted most of the fieldwork, that is, all 30 individual interviews and five out of 11 eleven focus group discussions, respectively, in Munigi (Nyiragongo), Kamuronza (Masisi), Bahambo (Rutshuru), Itala and Ihembe (Lubero). It means the research assistants each conducted three focus groups discussions.

### **4.3 DATA COLLECTION**

Qualitative research entails complex procedures to obtain data from the field, called information or evidence sources (Yin, 2003). Sources of evidence depend on the research design (Kumar, 2011, p. 151). For example, while the wording, order and format of processes are standardised in quantitative research, qualitative methods are characterised by flexibility and freedom of structure and order. Flexibility implies recourse to a variety of methods, as in the application of case study research design. The unique strength of case study research is its ability to deal with a wide range of evidence, such as documents, archival records, individual interviews, direct observation, participant observation, physical artefacts, focus groups, and group interviews (Creswell, 2012; Gerson & Horowitz, 2002; Kumar, 2011; Sampson, 1998; Yin, 2003). In this research, data collection involved collecting data from participants, comprising focus group discussions and individual interviews.

#### **4.3.1 Focus groups**

Focus group discussions are of paramount importance in collecting qualitative data for various reasons. Focus group discussions may generate greater amounts of qualitative data than individual interviews because they involve more participants (Parker & Tritter, 2006). In addition, since focus groups are conducted in natural surroundings, they allow the researcher to study naturalistic conversations about the topic at hand (Morgan & Krueger, 1993). Based on the observation of this researcher, in focus group discussions, contradictory statements can be filtered until the right information is obtained and information gaps can be filled by those who are cognizant of more facts. Indeed, focus groups are perfect for examining participants' experiences, opinions, wishes and interests (Barbour, 1999). Kumar (2011, p. 124) states: “[f]ocus groups are a form of strategy in qualitative research in which attitudes, opinions or perceptions towards an issue, product, service or programme are explored through a free and open discussion between members of a group and the researcher.”

However, focus group interviewing also has weaknesses to overcome. The first disadvantage is that in the event where focus groups are not well moderated, the discussion may reflect the

opinion of the dominant group or the most influential individual person (Kumar, 2011). To mitigate this risk, the researcher invigilated the group discussions and ensured all participants had equal opportunity to speak, especially women who were outnumbered by men and acted more reserved in front of male participants, which can be the case in many traditional African societies. The other disadvantage of conducting a focus group discussion lies in its setup. Where focus groups are conducted in public areas, it may prohibit the disclosure of confidences or sensitive information, which may be crucial to the study at hand (Fontana & Frey, 1994). Despite these drawbacks, focus group interviewing remains very useful for exploring diverse opinions on different issues within a group context, and it provides an insight into group dynamics (Kumar, 2011, p. 124). Focus group discussions can be an important means to supplement individual interviews when in the course of interactions, ideas and arguments are generated by more than one participant (Fontana & Frey, 1994). The method is particularly helpful for enabling participants to share their opinions and construct concepts in their own frame of reference. For a focus group to be successful, Fontana and Frey (1994, pp. 364-365) recommend that it be small and include individuals from different fields or “walks of life” if the subject matter of the study permits it (Babbie, 2011; Babbie & Mouton, 2001).

Most scholars suggest that the focus group should be the element of analysis in focus group studies. In line with this, the sample size should refer to the number of groups and not the total number of participants in a study. However, there is an intrinsic relationship between these two aspects of a sample size. Thus, several studies imply that if the number of participants in a study is small, it is possible to increase the number of groups by reducing the size of the groups (Morgan, 1997). Guidance on group size is common and seldom goes beyond a minimum of four and a maximum of 12 participants per group (Bender & Ewbank, 1994; Kitzinger, 1995; Krueger & Casey, 2009; Stewart, Shamdasani, & Rook, 2007). Here, it is interesting to note that Fern's experimental study indicated that more information is obtained by conducting two groups of four participants than one group of eight participants (Fern, 1982). The current research broadly followed convention, although, in one instance, Focus Group 1 (field experts) consisted of three members, and Focus Group 7 comprised five ethnic groups; attendance reached 13 members. Bender and Ewbank (1994) opine that smaller

groups can provide satisfactory information while larger groups allow participation of more people, subsequently lifting suspicious marginalisation and exclusions, especially in developing countries, like the DRC. Table 4.1 illustrates the distribution of group discussions across districts, *collectivités* and *groupements* in North Kivu.

Table 4.1: Focus group discussions

Location/District		Categories of respondents	No. of participants in focus groups	Total
<i>Collectivité</i>	<i>Groupement</i>			
<b>1. Nyiragongo</b>				
	Munigi	Field NGO experts (Focus Group 1)	3	3
<b>2. Masisi</b>				
	Kamuronza	CBOs, civil society, field NGOs and church leaders (Focus Group 2)	8	8
	Macha	CBOs, civil society, field NGOs and church leaders (Focus Group 3)	4	4
Bashali		CBOs, civil society, field NGOs and church leaders (Focus Group 4)	6	6
<b>3. Rutshuru</b>				
	Bahambo	CBOs, civil society, field NGOs and church leaders (Focus Group 5)	4	4
Bwito		Members of the NPRC (Focus Group 6) <sup>34</sup>	9	9
<b>4. Lubero</b>				
	Itala	CBOs, civil society, field NGOs and church leaders (Focus Group 7)	13	13
		Members of PAL (Focus Group 8) <sup>35</sup>	5	5
	Tama	CBOs, civil society, field NGOs and church leaders (Focus Group 9)	9	9

<sup>34</sup> NPRC standards for *Noyau de Prévention et de Résolution des Conflits* (Nucleus of conflict prevention and resolution). For ample information, see Section 7.4.2.

<sup>35</sup> PAL is the acronym for *Programme d'Action Locale* (Local Action Programme). See Section 7.4.3.

	Ihembe	CBOs, civil society, field NGOs and church leaders (Focus Group 10)	4	4
<b>5. Walikale</b>				
	Buleusa	CBOs, civil society, field NGOs and church leaders (Focus Group 11)	6	6
<b>Total</b>				<b>71</b>

Table 4.1 shows that eleven focus group discussions were conducted across the province of North Kivu between July 2019 and January 2021. The researcher devised all the categories to collect more information about people’s perceptions on traditional leaders’ peacebuilding mechanisms and participation in reconciliation programmes and their collaboration with other actors, mostly NGOs, in the work of reconciliation between ethnic communities in North Kivu.

Focus group proceedings followed a general process. Participants were informed about the topic and the aims of the study, after which written consent forms were duly signed. The researcher played the role of guiding the discussions. Common probing techniques were employed to obtain more information. Participants could freely express their views, which were recorded with full participant consent and transcribed. The transcription of focus group proceedings was challenging, especially when multiple participants tried to speak simultaneously, which proved hard to make out. Participants also tended to stray when they used the focus groups as platforms to air their grievances against the DRC government. To minimise such discussion detours, the decision was taken to elect a group spokesperson as an additional discussion moderator. Thus, both the group spokesperson and the researcher invigilated the discussion, steering the conversation back to the topic at hand and ending the discussion within the time frame of 90 to 120 minutes. All the discussions, the second focus group held in Kamuronza *groupement* and consisting of CBOs, civil society, field NGOs and church leaders, was especially productive and provided an excellent store of rich data about the interethnic conflict and the role of *bami* in reconciliation programmes.

### 4.3.2 Individual interviews

Individual interviews are important tools for data collection in qualitative research. There are several definitions and types of interviews. According to Monette, Duane, Sullivan and DeJong (1986), an interview entails interaction between the researcher and respondents using questions and answers to generate satisfactory information on the case under study. Burns (1997) recommends that an interview be a verbal interchange, preferably face-to-face, though the telephone and other means of social communication may be used. The advantage of conducting individual face-to-face interviews is that the researcher in person comes to understand his/her informants' life context expressed in their own words without seeking an intermediary's services (Taylor & Bogdan, 1998). Therefore, individual interviews – even focus group discussions – help build interpersonal rapport between the interviewer and the interviewee. It provides a more intimate space where sensitive issues, confidentialities, experiences, and meanings can be shared. In other words, the interviewer seeks to build a relationship, creates sympathy, privacy, and intimacy, as another way to collect data (Morgan, 1993).

Concerning the types of interviews, Babbie (2011), Kumar (2011) and Mason (2002) identify four different kinds, namely structured, semi-structured, unstructured and in-depth interviews. For instance, on the one hand, unstructured interviews are prevalent in qualitative research where asking questions is very flexible, allowing the interviewee to think about and freely formulate his/her answers. Mason (2002) corroborates this idea when he states that for the individual interview to generate accurate information, it should be conversational, flexible, fluid, and adaptable to various situations. On the other hand, in structured interviews, these questions' wording, order, and format are predetermined, rigid, and standardised. The use of methods based on structured interviews customarily pertains to quantitative research. During interviews, the researcher has the freedom to decide which format, questions and wording should be adopted.

In this study, the researcher conducted direct, face-to-face, semi-structured and unstructured interviews. In other words, there was no structured questionnaire as such, but an interview

guide comprising open-ended questions which included all the important aspects the researcher wanted to discuss with participants in relation to the research questions. It provided flexibility to follow up on interesting points of discussion brought up by participants during the interviewing process in accordance with Kumar's (2011) recommendations. The researcher frequently asked sub-questions to extract more information; he encouraged participants to narrate their stories and views with ease in an informal environment. Prior to the research, the semi-structured interview guide, initially composed in English, was translated into French and Kiswahili, the dominant languages spoken by the majority of the study participants. The interview guide helped direct the flow of the conversation and provided flexibility and efficiency in the interviewing process. In addition, the interview guide helped the researcher and participant to stay on track without digressing. The timeframe for interviews ranged between 45 and 60 minutes. Table 4.2 provides the breakdown of participants in interviews and their distribution across the districts, *groupements* and *collectivités* in North Kivu province.

Table 4.2: Individual interviews

Location/District		Categories of respondents	No. of participants in individual interviews	Total
<i>Collectivité</i>	<i>Groupement</i>			
<b>1. Nyiragongo</b>				
	Kibumba	Church leaders (Interview 1)	1	1
<b>2. Masisi</b>				
	Kamuronza	Traditional leaders (Interview 2)	1	1
	Malehe	Traditional leaders (Interview 3)	1	1
	Murambi	Traditional leaders (Interview 4)	1	1
<b>3. Rutshuru</b>				
	Bahambo	Traditional leaders (Interview 5)	1	1
	Binza	Church leaders (Interview 6)	1	1
<b>4. Lubero</b>				
	Itala	Traditional leaders (Interview 7)	1	1
	“	Church leaders (Interview 8)	1	1

	“	Civil society (Interview 9)	1	1
	Tama	Traditional leaders (Interview 10)	1	1
	“	Church leaders (Interview 11)	1	1
	“	Civil society (Interview 12)	1	1
	“	Field NGO (Interview 13)	1	1
	Ihembe	Traditional leaders (Interview 14)	1	1
<b>5. Walikale</b>				
	Ikobo	Traditional leaders (Interview 15)	1	1
	“	Civil society (Interview 16)	1	1
<b>6. Goma</b>				
Bashali (Masisi)		Traditional leaders (Interview 17)	1	1
Buleusa (Walikale)		Traditional leaders (Interview 18)	1	1
Bwito (Rutshuru)		Traditional leaders (Interview 19)	1	1
CCRCC <sup>36</sup>		Traditional leaders (Interview 20)	1	1
		Ethnic leader (Interview 21)	1	1
		UN officials (Interviews 22 and 23)	2	2
		Government officials (Interviews 24 and 25)	2	2
		Civil society (Interviews 26, 27 and 28)	3	3
Pole Institute		Prof Kā-mana (Interview 29)	1	1
<b>7. Kampala</b>				
	Osso-Banyungu (Masisi)	Traditional leaders (Interview 30)	1	1
<b>Total</b>				<b>30</b>

Table 4.2 shows the composition of the sample, which comprised 30 participants. Due to leadership disputes, no traditional leader was recruited from Nyiragongo district and its two main chieftaincies of Kibumba and Bukumu.<sup>37</sup> In addition, due to the persistent insecurity

<sup>36</sup> CCRCC stands for “*Commission Consultative de Résolution des Conflits Coutumiers*” (Consultative Commission for the Resolution of Customary Conflicts).

<sup>37</sup> For more insights about the crisis in the traditional leadership that arose in the district of Nyiragongo, consult the following sources: <https://www.radiookapi.net/2019/06/10/actualite/societe/nord-kivu-un-conflit-de-pouvoir-coutumier-divise-la-population-de> Retrieved on 4th August 2019; <https://www.radiookapi.net/2020/09/09/actualite/societe/nord-kivu-conflit-la-tete-de-la-chefferie-de-bukumu-le-gouvernement> Retrieved on 11th October 2020 and

caused by several militia groups culminating in a confrontation between the Hutu and the Nande, no traditional leader in the *collectivité* of Bwisha and the *groupement* of Binza was interviewed. Therefore, to cover the gap of information concerning traditional leaders' peacebuilding mechanisms in the aforementioned entities, the researcher relied on the input of church leaders and field NGOs. Bwisha and Binza represent just one side of the Rutshuru district. Consequently, this research drew more attention to the *collectivité* of Bwito, another ethnic conflict epicentre located in the western part of Rutshuru.

The *bami* constituted the bulk (46.6%) of those who participated in the research through interviews. The majority of the *bami* were interviewed in their respective entities. Only a few were interviewed in Goma Town, including the chairperson of traditional leaders in the province of North Kivu and the director of the CCRCC. The other three had taken refuge in town due to insecurity in their collectivités of Bashali, Buleusa and Bwito. One *mwami* fled to Kampala and was interviewed there. Crossing the country's borders for safety demonstrates how serious and insecure the environment in which traditional leaders and their subjects live is. During the interview process, the researcher recorded the interview with the permission of all participants and then transcribed the audio verbatim to provide an accurate account of the interview. The researcher then proceeded to translate the transcripts from Swahili and French to English.

#### **4.4 DATA ANALYSIS**

Data analysis aims to bring order and meaning to collected information or, as Creswell (2009) puts it, to make sense out of text and image data. This research applied narrative and thematic analysis to analyse the empirical data. Braun and Clarke (2001, p. 79) define thematic analysis as “a method for identifying, analysing and reporting patterns (themes) within data. It minimally organises and describes your data set in (rich) detail”. Thematic analysis is criticised for its lack of clear and precise guidelines on the one hand and celebrated for its flexibility and ability to designate patterns on the other (Antaki, Billig, Edwards & Potter,

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<https://www.radiookapi.net/2020/10/20/actualite/securite/persistence-du-conflit-du-pouvoir-coutumier-nyragongo-la-societe> Retrieved on 28th October 2020.

2002; Boyatzis, 1998; Roulston, 2001; Braun and Clarke, 2001). Thematic analysis is not based on a pre-existing theory. Instead, it is an inductive, realist or contextualist method that scrutinises experiences, meanings, and the real context in which participants live (Braun & Clarke, 2001). In thematic analysis, the researcher prioritises the content of a text (i.e., the ‘what’ rather than the ‘how’, the ‘told’ rather than the ‘telling’) to find common themes across research participants as they narrate and respond to interview questions (Makanda, 2016). Apart from the thematic analysis approach that the study applied, it considered some activities and reports from the NGOs that operate in peacebuilding and the field study of this research, as discussed in Chapter 8, to get a clear understanding and support the findings.

Therefore, in this study, the researcher employed a thematic and narrative data analysis. Responses from individual interviews and focus group discussions were analysed in the form of a text, which is the most common method in qualitative studies (Kumar, 2011). The following themes emerged from the data (focus groups and individual interviews):

- Traditional leaders’ peacebuilding mechanisms before and after 2018;
- The contribution of other peacebuilding actors such as the international community, the DRC government, NGOs and churches;
- The areas in which the *bami* collaborate with the mentioned actors in building peace in the province of North Kivu;
- People’s perceptions about their traditional leaders’ participation in reconciliation programme;
- The challenges the *bami* encounter in their leadership in general and while interacting with other peacebuilding actors in particular.

In order to reflect the views of the research participants, the use of verbatim quotes allowed the participants to ‘speak on their own behalf’. Verbatim transcription is key to qualitative data collection's validity, reliability, and veracity (Halcomb & Davidson, 2006; Mushonga, 2017). In addition, the quotes are classified into common clusters or merged into common responses to highlight specific responses that emerged and identify those that are similar, different or complementary.

Participant identities were protected through pseudonyms and codes following the principles of confidentiality and anonymity, linking each quote to a pseudonym or code. The coding consisted of three major parts. The first part identified the district, followed by the *groupement/collectivité* in which the research was conducted and the source of data (interview/focus group). The latter is followed by a cardinal number (1,2,3,...). For example, Masisi, Kamuronza, Interview 4 or Lubero, Miriki, Focus Group 5; it should be noted that there were 11 focus group discussions (see Table 4.1) and 30 interviews (see Table 4.2). For interviews and focus group discussions conducted in Goma Town, the capital of North Kivu, the code consisted of two parts, Goma and the interview or focus group. To identify the traditional leaders within individual interviews, the compound “Traditional leader” is followed by a cardinal number (e.g., traditional leader 1, traditional leader 2...)

#### 4.5 THE RESEARCH PROCESS

This section presents the stages and respective tasks of the research process as outlined in Table 4.3.

*Table 4.3: Phases of Research*

RESEARCH PHASES	PERIOD	TASKS
<b>PHASE ONE</b> Preparation and planning	2016	Selection of study area based on the researcher’s interest in the role of traditional leaders in the truth and reconciliation programme  Includes the following: <ul style="list-style-type: none"> <li>- The tentative thesis title and structure</li> <li>- First draft of the thesis proposal</li> <li>- First chapters of the thesis: consisted of the preliminaries and the literature review, respectively</li> </ul>

	2017	<p>Activities:</p> <ul style="list-style-type: none"> <li>- The final draft of the proposal</li> <li>- The completion of the first draft of the first three chapters of the thesis</li> <li>- Oral defence of proposal at the Centre for Gender and Africa Studies</li> <li>- Thesis title registration completed</li> <li>- Application for ethical clearance</li> <li>- First draft of Chapter Four on research methodology</li> </ul>
	2018	<ul style="list-style-type: none"> <li>- Refining of first four chapters of the thesis</li> <li>- Amendments to ethical clearance application per committee feedback</li> <li>- 21 November 2018, obtained the Ethical Clearance Letter from the University of the Free State, South Africa</li> </ul>
	Jan.- April 2019	<p>Development of semi-structured interview framework to be translated into Kiswahili and French</p> <p>Funding application for data collection</p>
<b>PHASE TWO</b> Data collection: focus groups and individual interviews (in the districts of Nyiragongo, Rutshuru and Masisi)	August-October 2019	<p>Activities:</p> <ul style="list-style-type: none"> <li>- Seeking written informed consent from the Governor of North Kivu province to conduct research in his territory</li> <li>- Training of research assistants on focus group moderation, individual interviewing techniques</li> <li>- Data collection exercise: travel, accommodation and subsistence were required</li> <li>- All focus group discussions and individual interviews were audio-taped</li> <li>- At the end of every focus group discussion and individual interview, all research assistants were debriefed to obtain feedback</li> <li>- Transcription and translation of data done by the primary researcher</li> </ul>
Data collection: focus groups and individual interviews (in the districts of Walikale and Lubero)	November 2019- January 2020	<ul style="list-style-type: none"> <li>- Data collection exercise: travel, accommodation and subsistence were required</li> <li>- All focus group discussions and individual interviews were audio-taped</li> <li>- At the end of every focus group and individual interview, all research assistants were debriefed to obtain feedback</li> <li>- Transcription and translation of data from interviews done by the primary researcher</li> </ul>
<b>PHASE THREE</b> Data analysis and presentation	February 2020-June 2021	<p>Analysis of data collected from focus groups and individual interviews by using narrative and thematic analysis. A) Traditional leaders' peacebuilding mechanisms before and after 2018; B) The contribution of other peacebuilding actors such as the international community, the Congolese government, NGOs and churches; C) The areas in which the <i>bami</i> collaborate with the mentioned actors in building peace in the province of</p>

		North Kivu; D) People’s perceptions about their traditional leaders’ participation in reconciliation programme; and E) The challenges the <i>bami</i> encounter in their leadership in general and while interacting with other peacebuilding actors in particular.
<b>PHASE FOUR</b> Refinement of the thesis, proofreading and language editing	June-October 2021	<ul style="list-style-type: none"> <li>- Last moderators’ amendments of the thesis</li> <li>- Thorough proofreading by professionals</li> <li>- External readers’ assessment</li> <li>- Printing of the first draft of the thesis</li> <li>- Obtaining <i>Nihil obstat</i> from moderators</li> </ul>
<b>END</b>	November 2021	Submission of the thesis

#### 4.6 RESEARCH OBJECTIVITY/TRUSTWORTHINESS

Rigour in research has been the concern of researchers, mostly positivists (Ali & Hamidah, 2011; Morse, Barrett, Mayan, Olson & Spiers, 2002; Guba & Lincoln, 1994). Morse et al. (2002) assert that “without rigour, research is worthless, becomes fiction, and loses its utility;” that “a great deal of attention should be applied to reliability and validity in all research methods.” In sum, positivists argue that if research does not satisfy certain criteria, it is neither valid nor trustworthy (Guba & Lincoln, 1994). These criteria include: “internal validity, the degree to which the results can be attributed to treatment; external validity, the generalisability of the results; reliability, the extent to which the findings can be replicated; objectivity, the extent to which the findings are free from bias” (Ali & Hamidah, 2011, p. 30). Conventionally in social sciences research, rigour was expressed by using statistics, leading to the perception that reliability and validity were concepts pertaining to the quantitative paradigm and not pertinent to qualitative inquiry (Altheide & Johnson, 1998; Kirk & Miller, 1985).

In view of the positivist perspective above, any research void of statistical measurement, including qualitative inquiry, also becomes void of any scientific rigour. Qualitative research, for instance, would not be reliable because its findings cannot be generalised. They are rather partial, nor can it be valid because it relies much on subjective interpretation of the researcher but not on the criterion of objectivity only fulfilled when the results are consistent with the data collected (Merriam, 2009; Ulin, Robinson, Tolley & McNeill, 2002). Yet quantitative inquiry has its own drawbacks, for it cannot render the whole truth of events. Earlier research

conducted by Cattell (1964) demonstrates how limited quantitative research can be. In his argument, he first asserts that reliability implies stability, consistency and predictability of scores across time, which quantitative research cannot attain. Cattell (1964, p. 10) further argues that seamless replicability is impossible even in quantitative inquiry, for it conveys a sampling error pertaining to the peculiarity of each occasion, test and set of people (Cattell, 1964, p. 11). Whetherell et al. (2001) supplement Cattell's criticisms, also arguing that quantitative reliability or generalisation becomes trapped by its own principles. By pursuing the same results across occasions and with different people, reliability in quantitative research renders participants' answers useless because the latter are pre-structured to conform to definitions that have been deductively imposed by the research design.

This qualitative research has made it clear that political, structural, social, economic or cultural contexts differ from one place to another, resist any pre-conceived and deductive paradigms, and exclude any generalisation. Therefore, in this research, objectivity and trustworthiness were obtained through Lincoln and Guba's (2000) four alternative constructs to determine qualitative research's rigour: credibility, dependability, transferability, and confirmability. Credibility and confirmability require the researcher to reflect on participants' actual responses (Makanda, 2016). In this study, both criteria were attained through the verbatim presentation of participants' narratives about the role of traditional leaders in peacebuilding in general and their role in the truth and reconciliation in particular. Dependability or trustworthiness was realised through keeping and maintaining a clear account of the data analysis process, especially by keeping to the themes generated by the data. Transferability refers to whether the findings of the study can be applied, transferable or extrapolated to other contexts (Goodman & Carry (2004). This study answers in the affirmative and wishes that its findings be transferable to other contexts elsewhere in Africa where traditional leaders exert a great deal of power and influence, but not through a 'copy and paste' exercise due to context variability. This study cannot attain the degree of generalisability because of contextual differences and because the study was only conducted in one province of the DRC. However, the findings contribute to the paucity of knowledge available on the role of local leaders in contextual peacebuilding. Finally, this study espouses the views of Kvale (1994) that objectivity is a shared criterion between intersubjective (quantitative) research and subjective

(qualitative) research since the information obtained can be checked, controlled, is free of personal bias and prejudice, neutral, factual and confirmable. In this sense, this study claims some objectivity for having used the interviews and focus group discussions and letting participants ‘speak for themselves, constituting rich and valid qualitative data.

#### **4.7 ETHICAL CONSIDERATIONS**

Etymologically, ethics derives from the Greek term *ethos*, meaning manner, character, nature or morality. The concept conveys the idea of correct, right, and honest principles of conduct (“Ethos,” 1987). Therefore, Kumar (2011) advises researchers to be aware of the ethical issues before, during and after the research as all professions abide by a code of values, needs and expectations. All research must abide by the standards of research ethics, and this research on the role of traditional leaders in the truth and reconciliation processes was no exception. This research was conducted in the conflict-prone province of North Kivu in the DRC, which required careful consideration of research ethics. According to Campbell (2017), the importance of studies undertaken in conflict environments is that they can uncover the untold realities of individuals, groups, and organisations, whether victims or perpetrators. Indeed, such studies help understand the lived experiences of security and insecurity and how these experiences vary across gender, ethnicity, socioeconomic status, and religion (Sjoberg, 2016). However, several challenges and risks must be minimised in such research. Conducting research in a volatile situation holds the possibility of compounding the trauma and rendering the political environment more polarised (Bell, 2001). When armed actors are present, the local population tends to live under constant surveillance, making research in this context risky (Thomson, 2013). During field research, surveillance risk was palpable in the districts of Masisi, Rutshuru and Southern Lubero with the presence of Nyatura, FDLR, Mazembe, Nduma Defence and APCLS militiamen. In individual interviews, the risk was insignificant but remained high in group discussions. In order to minimise the risk in focus groups, a ‘double check’ approach was taken. On the one hand, ahead of the visit, the researcher could instruct the contact person not to recruit militiamen, ex-combatants or any person acquainted with armed groups. On the other hand, before the discussions started, the introduction of participants was mandatory to know who the person is and what is his/her occupation.

The research team maintained confidentiality and protected the anonymity of participants. Participants were informed about the purpose of the study; they were made aware that participation was not compulsory and that they could withdraw at any time from the study should they feel uncomfortable with the discussions during the focus group and individual interviews. Given the risks above, the researcher adopted the ethical strategies and approaches inspired by the Belmont Report (as cited by Ryan et al., 1979). The Report outlines three main principles and guidelines for research on human subjects: respect for persons, beneficence, and justice. Respect for persons requires the researcher to acknowledge the autonomy and freedom of the research participant. This is protected through informed consent (Ryan et al., 1979). Practically, this means the researcher involves groups and individuals who eagerly and voluntarily consent to participate in the research. Therefore, in this study, participants were informed about the research beforehand and requested to sign the consent form agreeing to participate voluntarily and indicating whether they consented to be recorded. This principle of respect for persons helped mitigate some expectations regarding incentives (in cash or in-kind) for participation in the research.

The second ethical principle, namely beneficence or non-maleficence (Bertram & Christiansen, 2015), requires the researcher to protect research subjects from harm, which can be psychological, physical, legal, social, and economic (Ryan et al., 1979). The study did not seek the participation of victims of rape/SGBV, child soldiers, orphans, and widows made such by interethnic conflicts in North Kivu. The principle of beneficence also requires particular sensitivity to the culture of the potential participants (Sieber, 1993, p. 19). In this regard, this researcher acknowledges that in the southern Lubero district, some traditional leaders declined individual interviews and preferred focus group discussions where both the *mwami* and the Council of Elders could participate. Their culture suggests that a *mwami* never answers questions from outside in the absence of his Council of Elders. Their opinion was considered, and those who adamantly refused individual interviews were heard along with their Councils. For the sake of beneficence, discretion and confidentiality were maintained during and after the research period. Confidentiality was ensured by using pseudonyms and codes in such a way that participants remained anonymous. The principle of justice requires that vulnerable subjects be protected through fair procedures and outcomes in the selection of

research subjects (Ryan et al., 1979). In light of the principle of justice, the selection of participants in the province of North Kivu was not based on discriminative grounds of gender, social status or level of literacy but on their ability to provide accurate information.

Other important ethical measures taken into account include the security of the researchers (Gallaher, 2009), their physical and emotional health (Mazurana & Gale, 2013) and access to research participants. With regard to security in North Kivu, the research team relied on UN peacekeeping forces and observer expeditions across the province and adapted research schedules accordingly. Fair access to participants can be challenging as researchers may be viewed as spies, or the nature of groups may make access difficult (O'Reilly, 2007). In North Kivu, armed militiamen are the most dangerous group to get access to. In order to know how they deal with traditional leaders, one must conduct covert research or live among them in their natural setting. However, given this research, both solutions are unethical. Therefore, in this study, the researcher did not talk directly to militiamen but rather involved members of organisations that deal with ex-combatants. This research also relied on the expertise of researchers who are experienced and familiar with working in areas of conflict in accordance with the work of Goodhand (2000). According to Warikandwa, Nhemachena and Mpofu (2017), all the above ethical measures aim to prevent victimisation of the participants and not exacerbate their suffering but rather to contribute towards addressing their legitimate concerns over the protracted ethnic conflicts in North Kivu. Lastly, it is an ethical obligation to inform and share the research findings with the study participants (Wood, 2006). Therefore, after finalising the PhD, the researcher, with the support of a local Non-Governmental Organisation and the research team's involvement, will organise workshops/training sessions for peace education, using the CRF and the approach of conflict transformation and reconciliation between conflict communities. This will constitute part of the researcher's postdoctoral fellowship. These training sessions will be organised in the study areas except Kampala, where there was only one participant. The research findings will also be disseminated in a book or articles in academic journals or book chapters in edited volumes. It may be difficult for participants who reside in a remote area to access the Internet and a written published paper.

Bearing in mind the sensitive nature of this research, the researcher complied with institutional regulations with regard to research ethics. This involved the following process:

1. Applying for ethical clearance from the appropriate committee. On 21 November 2018, ethical clearance was granted with protocol reference number UFS-HSD2018/1150.
2. Translating consent forms and instruments into local languages, French and Kiswahili. The ethical application and consent form contained information such as voluntary participation in the research, the purpose and impact of the research, the nature, benefits and risks of taking part in the research. Participants were assured of their anonymity and privacy, safe storage and ultimate destruction of data in accordance with the ethical principle of confidentiality. The sharing of the findings with participants was guaranteed in future workshops that will be organised in the research areas.
3. Because of logistical challenges, the primary researcher recruited two assistant researchers who were cognizant of the ethical exigencies of working in a sensitive and volatile environment such as North Kivu province. The primary researcher duly briefed and trained assistant researchers ahead of fieldwork and held debriefing sessions after fieldwork.

Overall, during data collection, participants showed a willingness to participate in the research, and a climate of collaboration prevailed between the researchers and participants to the satisfaction of the main researcher.

#### **4.8 SUMMARY**

This chapter discussed the research methodology, particularly the research design, sampling, data collection procedures, data analysis, and presentation. The qualitative case study research design chosen in this study centres on multiple sources of data, primary sources of information

through individual interviews and focus group discussions. These data collection methods enhanced the validity and credibility of the research to help understand the involvement of the *bami* in the truth and reconciliation processes in the particular research context of North Kivu. The chapter further justified purposive sampling by recruiting different ‘walks’ (categories) of people who are cognizant of the *bami*’s role in the truth and reconciliation processes. Primary data collection involved individual interviews or focus group discussions. The chapter also detailed data analysis and presentation. Finally, the chapter discusses this research's ethical considerations, including the ethical values of confidentiality, benevolence, and justice, which were maintained during and after the field research.

## PART IV DATA ANALYSIS

**Part IV** presents the findings from fieldwork. This part comprises Chapters 5, 6, 7, and 8.

The data are drawn largely from focus group discussions and individual interviews conducted in Goma Town and the selected districts of Masisi, Nyiragongo, Rutshuru, Lubero and Walikale. This section explores traditional leaders' roles outside and within the normative processes of truth and reconciliation. It also helps understand whether reconciliation in the context proposed by this study rather than standardised reconciliation can definitely contribute to the transformation of the interethnic conflict in the North Kivu province.

Chapter 5 and 6 explore peacebuilding strategies and mechanisms employed by the traditional leaders or *bami*, taking the establishment in 2008 of the *Commission Technique pour la Pacification et la Réconciliation* (Technical Commission for Pacification and Reconciliation, CTPR) as the borderline. **Chapter 5** focuses on the *bami*'s peacebuilding mechanisms outside/before the CTPR, while **Chapter 6** discusses their contributions within the CTPR. **Chapter 7** presents the contribution of other peacebuilding actors (the international community, the Congolese government, NGOs and churches) and the extent to which they collaborate with the *bami* in building peace in the province of North Kivu. **Chapter 8** probes into people's perceptions on traditional leaders' participation in reconciliation programmes and the challenges that the *bami* face in general and that they encounter when interacting with other peacebuilding actors, in particular.

## **CHAPTER 5: TRADITIONAL LEADERS' PEACEBUILDING MECHANISMS BEFORE/OUTSIDE THE CTPR**

### **5.1 INTRODUCTION**

This chapter addresses this study's first objective to understand how traditional leaders generally participate in building peace in the historical and political conflict-ridden context of North Kivu province. The corresponding research question to this objective is, "what are traditional leaders' peacebuilding mechanisms in North Kivu interethnic conflict before/outside the establishment of the CTPR in 2008"? The elements delineated in this section incorporate the orientations towards the resolution of interethnic conflicts that started since the independence of the DRC in 1960 but supplemented from the field. The study provides a mixture of cultural and formal peacebuilding mechanisms employed by traditional leaders.

### **5.2 TRADITIONAL LEADERS AS CUSTODIANS OF LAND AND TRADITION**

According to the Organic Law<sup>38</sup> No. 10/011 of 18 May 2010, establishing the territorial subdivisions within the provinces, traditional leaders ensure the sustainability of customs and the proper functioning of their jurisdictions. As such, they exercise the following specific missions: (1) Ensure cohesion, solidarity and social justice in their jurisdictions, (2) Safeguard and ensure respect for traditional moral values, cultural heritage, ancestral remains, including sacred customary sites and places, (3) Ensure, under the Law, the protection of land areas that fall under the lands of local communities.

Land, in North Kivu, is viewed as the underlying cause of conflict (see Section 2.3.2.1) and the source from where traditional leaders' power emanates (Chapter 2, Section 2.2.2). Thus, traditional leaders are positioned as the uncontested players to regulate land allocations and disputes and, consequently, safeguard peace. Traditional leaders' authority is recognised

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<sup>38</sup> Loi N° 15/015 Du 25 Août 2015 *Fixant le Statut des Chefs Coutumiers* (Law on the status of customary/traditional leaders promulgated on 25<sup>th</sup> August 2015). Retrieved on 19 September 2018 from <https://www.leganet.cd/Legislation/Droit%20Public/Administration.ter/Loi%2015.015.2015.html>.

because they have power over land, its allocation, transfer, and retraction. Muke (2016) argues that there is no *mwami* without land and explains why the *bami* is bound to take care of the land assigned to them. One of the local NGO participants explained this issue as follows:

*One of the responsibilities of the mwami was to prevent people from waging war and shedding blood, lest they defile the land allocated to them. In case of overt conflict in the customs of the Nande and Hunde, a mwami cannot eat in a place where the blood has been shed and houses have been torched. They must first give offerings to clean that land. That is the tradition. The mwami doesn't have to eat in that place, for the land should remain a pure space devoid of any harm (Misisa, Rutshuru, Bwito, Focus Group 6).*

Land is strongly linked to power and purity, as this statement describes. Some participants indicated that the primary role of traditional leaders is to safeguard peace and maintain the purity of the land. As custodians of the land, traditional leaders should not eat where blood has been shed because that space is considered impure. The statement above emphasises the importance of how and where traditional leaders may eat. Abstaining from food becomes significant in the tradition of the Hunde people. In response to further probing on this issue, one traditional leader elaborated as follows and linked fasting, refusing to take food, to penance for failing to end a conflict:

*Fasting was actually a self-meted punishment for being unable to end the conflict; because the bami were responsible for waging and ending a conflict (Traditional leader 7, Lubero, Ihembe, Interview 14).*

Though the *mwami*'s fasting seems atypical of the series of customary peacebuilding mechanisms, this study finds that fasting could potentially deter potential troublemakers. Within the customary context of North Kivu, by linking conflict to fasting by the *mwami*, local subjects who care about their traditional leaders strongly believe that war should be avoided to safeguard the health of the *mwami*. They may otherwise have to fast to the point of starvation in the event of incessant violent conflict. The feeding of traditional leaders within a particular space is significant for their subjects and is linked to expectations around traditional authority, power and land. Land is viewed as the source of ethnic collective identity

and the economic source of the community members' survival. Within this context, land-based activities such as farming used to be the main source of income for most community members placing a premium on access to arable land (see Section 1.2). During the commission of this research, it became evident that farming has been severely negatively affected by recurrent conflicts in the province, which are becoming increasingly pervasive. Thus, the ongoing wars in the region have meant that previously important customary practices such as the *bami* fasting for peace are no longer tenable as it may lead to starvation.

The source of power for local traditional leaders is derived from the fact that they are viewed as custodians of the land. As such, they still employ various land management frameworks to control the land. Most respondents indicated that the *bami* used a twofold land management approach. In this approach, land is not for sale but is distributed so that each inhabitant has a place to stay and farm. One of the members of a local organisation explained it as follows:

*We consider the bami as the custodians of the custom/culture. They are the ones who take care of the land. In our area here, no one is allowed to sell the land if the mwami has not signed yet, and it is true if I remember well, our land is never on sale. The mwami allocates you the land in terms of rent; you settle there, you can build your house and live. The land was not for sale because the mwami was to see to it that people have where to stay and where to cultivate (Senzo, Nyiragongo, Munigi, Focus Group 1).*

This statement implies that traditional leaders are responsible for improving the livelihood of their subjects. The last sentence demonstrates the importance of traditional leaders to practice inclusive land distribution. This customary practice of land distribution also provides traditional leaders with the means to curb homelessness and idleness among their subjects which may safeguard them from a life of crime often attributed to poverty. Unfortunately, the volatility in North Kivu and the subsequent calcification of customary practices that traditionally enhance societal stability has meant that the youth are vulnerable to exploitation by local militias (Chapter 2). Traditionally, providing land was one of the pre-emptive measures to reduce the occurrence of conflict and crime. These practices align with Michelle Maiese's (2003) 'Theory of Unmet Human Needs' in which she argues that many conflicts are caused by the lack of provision of fundamental human needs. These include basic needs

such as food, water, and shelter, not considering more complex needs for safety, security, self-esteem, and personal fulfilment.

The justification for traditional leaders' custodianship over land is not only political but also spiritual. In this belief, the *bami* are entitled to manage the land on behalf of God the Creator. In some instances, the purported God-given customary custodianship is interpreted by the *bami* as a form of ownership, an uncontested right to the land. One of the traditional leaders articulated it as follows:

*...In matter of land, we are the owners, we have settled here, we can neither hide this truth, change nor add, no (Traditional Leader 7, Lubero, Ihembe, Interview 14).*

However, the view by the *bami* that their rights to control the land is universally accepted is not accurate as some participants strongly disagree with the belief of attributing traditional leaders the sole right to manage and allocate the land. Some participants, while agreeing on the divine gift of land, strongly contested the claims made by *bami* of uncontested ownership over land during focus groups as illustrated by the testimony below:

*Land is a God-given commodity, which in principle was not for sale but could rather serve the basic needs of the humankind, and that nobody, not even the mwami, should claim it as his personal property (Paul, Rutshuru, Bwito, Focus Group 6).*

The first part suggests that the traditional leaders perceive the land in their territory as personal property. Therefore, their control over land hinges on their understanding of customary custodianship, which evidently is not universally accepted. In Rugege's (2016) understanding, traditional African leaders are generally regarded as the custodians of the land and other natural resources in their respective chieftaincies in many contexts. Thus, they play a key role in the overall management of communal lands in terms of acquisition and alienation for residential and farming purposes. This also holds true for the *bami* in North Kivu. As custodians of the land, no decision can be taken regarding land without the *bami*'s consent. While the nature of the *bami*'s custodianship over land may be contested, in this context, the

*mwami* remains the key player in land allocations and disputes and, therefore, an important local resource for conflict resolution (Chapter 2).

### **5.3 BLOOD PACT AND INTERETHNIC MARRIAGE**

As highlighted by the testimonies below, most participants during individual interviews generally agreed that the blood pact and interethnic marriage are important peacebuilding mechanisms to strengthen inter-community social cohabitation and relationships. These mechanisms were employed and encouraged by the *bami*, as indicated in Chapter 2, Section 2.2.2.

*There have always been mechanisms for the peaceful conflict resolution that aimed at peacebuilding initiatives because conflicts have always existed. These mechanisms... sometimes take into account certain cultural values. Traditionally, peaceful conflict resolution frameworks have sometimes gone through blood pacts, have also gone through marriages between communities that are in conflict to try to further cement ties (Pimako, Goma, Interview 26).*

*Those mechanisms employed by traditional leaders are, among others: reconciliation between ethnic groups through the channel of dialogue and sensitisation towards interethnic marriages and peaceful cohabitation between ethnic groups (Buhendwa, Goma, Interview 28).*

Regarding the traditional blood pacts invoked by Pimako above, Waswandi (2019) observed that among the Hunde, Nyanga and Nande the practice was primarily to cement relationships between the two individuals who entered the blood covenant. The ceremony consisted of both individuals making an incision on their arms with a razor. Each individual would suck the blood seeping from the cut of the other individual while swearing an oath of fidelity. The implications of this blood pact are numerous and may include, inter alia, inter-marriages between the parties' families and ethnic communities. The blood pact is viewed as a symbol of peace between two extended families, and this would mean that under the blood pact, family

members had limited freedom to choose partners outside the alliance. In this way, the entire clan could find itself bound by the pact entered into by two individuals.

The statements above describe how people from different ethnic groups may reinforce their friendship or make peace. The *bami* also used the same approach to consolidate peace with rival ethnic groups by marrying women from those groups. For instance, Lieven (1976) recalled the deadly battles between *Mwami* Migheri and *Mwami* Nzanu over the boundaries of their respective *groupements* of Bukenye and Ngulo, in Baswagha *collectivité*, Lubero district. The hostilities only ended when Nzanu married Migheri's daughter and signed a peace agreement in the 1970s. As part of the dowry, *Mwami* Nzanu ceded extensive acres of land to his former enemy but who had become his father-in-law and ally. Adan and Pkalya (2006) corroborated the practice of interethnic marriages in Africa. They maintained that intermarriages had been long used as peacebuilding mechanisms across several African cultures. The peacebuilding value of this practice centres on the assumption that in-laws are not supposed to clash.

Currently, the few intercommunity marriages taking place in Rutshuru, Nyiragongo, Masisi, Walikale, Southern Lubero, and Goma Town do not stem from the *bami*'s initiatives; rather they happen to cement the bonds between communities. Waswandi (2019) emphasised that interethnic marriages, for instance, helped to maintain peace and social cohesion in the *collectivités* of Bwito and Bwisha during the period between the Kanyarwanda war (1962-64) and the MAGRIVI war (1990-96) referred to in Sub-section 2.3.2.2. In the mentioned *collectivités*, interethnic marriages are frequent between rwandophones, mostly the Hutu and Hunde and Nande.

#### **5.4 TRADITIONAL COURT**

Traditional leaders use their prerogative, which the Congolese constitution through Articles 10 and 26 on the status of traditional leaders grant them, to resolve conflicts and land disputes in their jurisdictions. They accomplish this mission through traditional courts, which takes

place in the palaver hut, as referred to in Chapter 2. Figure 5.1 illustrates a traditional palaver hut and court in session.



Figure 5.1: Example of a traditional/village palaver hut<sup>39</sup>

As stated in Chapter 2, the palaver hut is the *Mwami*'s office and tribunal (Magezi et al., 2004). However, people could gather under a tree or sit in a banana plantation if the congregation is too vast. The importance of the palaver hut as space for mediation by the *bami* is explained as follows:

*Peacebuilding mechanisms initiated by traditional leaders in the political context of North Kivu Province before and after 2008 included recourse to palaver as a privileged technique of negotiation and mediation. The rhetoric "Let us sit down and talk" frequently used in the context of social tension by traditional leaders laconically summarises this method of palaver, which is a form of customary tribunal (Tsongo, Goma, Interview 27).*

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<sup>39</sup> Courtesy photo taken by the researcher at Miriki village, Lubero district (DRC) on 20 August 2019.

*In the pre-colonial Congo, there was no other tribunal besides traditional palavers organised around traditional leaders (Traditional leader 7, Lubero, Ihembe, Interview 14).*

These quotes are instructive since they are evocative of the period during which the palaver proceedings or indigenous tribunals were part of the legal system. They imply that in pre- and post-colonial DRC, traditional leaders enjoy a margin of power which enable them to lead and mediate in conflicts. This is also applicable to the Zimbabwean context. Chigwata (2016, p. 70) remarked that in his native Zimbabwe, “the institution of traditional leadership was the sole governance structure with legitimacy to govern derived from tradition and culture.”

Most customary laws are oral in nature, distinguishing them from the modern justice system. The oral nature of such customary laws means this type of knowledge is intangible and resides in the memory of people. This means customary laws are vulnerable to forgetting or erosion as the knowledge custodians pass on. Therefore, it is crucial to write the oral customary laws and promulgate them through ad hoc and scheduled meetings organised by traditional leaders or field NGOs. Most traditional leaders feel quite strongly about the codification of customary land laws, as illustrated below:

*The first strategy is the respect of customary law because we have the book. It stipulates that “if you abide by the laws written in that book, they (Rwandese) should come individually, not in groups. They may approach the landowner. They should also abide by the royalty payments. It is only under these conditions that they may come.” We even had some engagement with them. We met them twice at Rutshuru and Kirumba. Today, we are waiting for those acts of engagement. We also said that in case the government is effectively installed in these areas; it should also help us, for instance, to teach people land laws particularly how people can acquire or lose land. We really emphasise on this matter, in our collectivité, so that people may learn how to live in peace with everyone (Traditional leader 6, Lubero, Tama, Interview 10).*

*Traditional leaders often organise meetings in which different people from different communities attend to quell hatred from people so that they may obey the constitution. This stipulates that if you wish to acquire land, you should follow this rent model. We*

*found that it (rental engagement) is one of the conflict resolutions. It means that if they agree to rent or pay the land royalties, it will promote peace, and nobody will chase one another anymore. There is a group called CRONGD-NK (Conseil Régional des Organisations Non Gouvernementales de Développement au Nord-Kivu [Regional Consortium of Non-Governmental Organisations of Development in North Kivu]). This group sometimes organises meetings... We want to emphasise here that we don't wish the conflict to continue: anyone who wants to acquire land should be helped. They should give a piece of land to the land seeker, then the latter rents it. There won't be any problem in this case. The land should not be the source of conflict... (Traditional leader 5, Lubero, Itala, Interview 7).*

Most respondents refer to the 'book', which is a draft of customary laws in the process of formalisation to be recognised by the Congolese government. The bill of customary laws, once promulgated, will serve as support or tool to traditional court proceedings, which up till now are grounded on oral jurisprudence. In the same 'book', traditional leaders insist on rent effected by royalty payments to the landowner. Traditional leaders clearly emphasise the importance of respecting engagement to avoid conflict, as most conflicts in the region result from land issues (see Chapter 2, Section 2.3.2). They are also concerned over the absence of government authorities in some areas under militia control (see Chapter 2). The *bami* believe that when the government reasserts control over these areas, they must train people in customary land acquisition to alleviate conflicts resulting from this issue. Article 48 of the Batangi Land Law (2018) talks of “*erikumbira*” or “*erihaka*”, which are Kinande<sup>40</sup> terms. *Erikumbira*<sup>41</sup> consists of a token in which the land beneficiary provides payments to the landowner, as explained in the following quote:

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<sup>40</sup> The language largely spoken in Lubero District.

<sup>41</sup> According to Ngessimo and Kavutirwaki (2011), the concept “*erikumbira*” means to work for someone with a view of receiving a reward in terms of money, goats, cloths or even the person's daughter for marriage. In the same vein, the concept is used in the Batangi Land Law in reference to the goat, cow, crops given by the farmer to the landowner in order to continue tilling and inhabiting the provided piece of land. The verb “*erihaka*” is rather equivocal. It refers to the fact of being pregnant particularly for animals. It also means the act of applying paint, mud or feaces on something. *Erihaka* is synonymous with *erikumbira*. The term *omuhako* is the rent payable by the farmer to the landowner or *mukama*. While *erikumbira* is largely employed in southern Lubero, precisely in the *collectivités* of Batangi and Bamate, *erihaka* is the preferred term for rent in Baswagha and Bashu *collectités*.

*According to the law of the Batangi, land can be taken from you if you spend 5 years without paying royalties, you can lose it, and it goes back to the landowner. But if you continue paying royalties, it is yours, and you can pass it up to your grandchildren. It requires to pay a goat for royalties as you agreed. The government requested us to write an agreement to acknowledge that the person paid his/her royalties. It even gave us a template where we should be writing when someone pays a goat for royalties. You should provide him a paper or a notebook. And that goat should not be given along the road; it should be paid in the presence of your family (Traditional leader 6, Lubero, Tama, Interview 10).*

Article 44 of the Batangi Land Law (Collectivité des Batangi, 2018) describes three categories of people who should receive royalty payments, but only the *mwami* remains the undisputed landowner (see Section 5.2). The *mwami* distributes land to lower traditional chiefs called *Bakama*, who distribute it to vassals who distribute it to farmers. Therefore, paying royalties takes the reverse direction (i.e., the farmers pay the vassals, the vassals pay the *bakama*, and the *bakama* pay the *mwami*). Most traditional leaders believe that payment should be documented through the provision of a receipt in the presence of the recipient's family to avoid fraud and safeguard against the non-acknowledgement of the receipt of royalty payment.

To gain a more in-depth understanding of the customary law of *Erikumbira* or paying royalties, the researcher asked participants whether there is any provision that will guarantee them the rights of owning the land after paying royalty fees for a given period of time? The majority of participants responded "No". One of the Lubero focus group participants clarified it as follows: "You may pay rent for years and years, hundred years but the land will never be yours." This corroborates the premise that land is not for sale in most *collectivités* and *groupements* of North Kivu. The *bami* believe that peace may be enhanced in their entities by formalising the customary land law into a formal rent system subject to the official documentation. This system should then be promulgated through several workshops. Unfortunately, the proposal to codify the customary law remains an unequal instrument, as only the *collectivité* of Batangi, in southern Lubero, out of all the *collectivités* and *groupements* where the study was conducted, possesses an advanced draft of the prospective

codified customary law. It is also the only *collectivité* that has managed to use the rent payment templates provided by the provincial government to its different *groupements*.

## 5.5 NYUMBA KUMI COMMUNITY POLICING

Besides the land management strategies and the legal system's organisation, traditional leaders also use *Nyumba Kumi* community policing. *Nyumba Kumi* is Swahili meaning 'ten houses'. One pastor, interviewed in Nyiragongo district, described this process as follows:

*Sometimes the mwami in our entity calls for security meetings and invites us...What traditional leaders usually do, they have the habit of putting community leaders, organisation and church leaders together in order to talk and organise the Nyumba Kumi [ten houses] strategy. Actually to look for the solution to the problem of insecurity. We organise meetings, we even sometimes invite the army and the police officers, we talk about many things, mostly those related to security. Traditional leaders never miss the point to remind the army and the police of their mission to assure the security of the population (Church leader 1, Nyiragongo, Kibumba, Interview 1).*

According to Ndonu, Muthama and Muigua (2019, p. 63), the *Nyumba Kumi* initiative originated from Tanzania and was principally borrowed from the Tanzanian *Ujamaa* philosophy and policy of former Tanzanian president Mwalimu Nyerere. In Tanzania, the concept conveys the idea of social connectedness and equal representation of members. In Kenya, it was introduced to curb criminality and terrorism in the aftermath of the Westgate terror attack in 2013.<sup>42</sup> It is a strategy of anchoring community policing at the household level as informed by the African Ubuntu philosophy of social connectedness reflected in the saying, 'I am because we are and because we are so I am'. The *Nyumba Kumi* initiative is guided by the principle of equal representation of members. This, however, is not the case on the ground as the *Nyumba Kumi* is perceived to mostly involve the elder members of the community. The

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<sup>42</sup> Westgate Shopping Mall (Westgate in short) is an upscale shopping mall located in the Westlands division of Nairobi, Kenya. Opened in 2007, the mall was attacked and partly destroyed by allegedly four masked gunmen on 21 September 2013. According to Okari (22 September 2014), "the attack was the worst attack on Kenyan soil since the 1998 US embassy bombing by al-Qaeda, leaving 67 people dead and more than 200 wounded."

youth, accused of engaging in criminal activities, do not seem to engage in *Nyumba Kumi* activities, nor are they included in matters of community security.

Most participants testified that under the leadership of traditional leaders, *Nyumba Kumi* meetings are organised to discuss issues pertaining to the area's security. Murray (as cited by Leting, 2017, p. 32) supports this idea and considers the *Nyumba Kumi* as a neighbourhood watch community policing strategy or a local crime prevention programme at local household level. In North Kivu, the strategy has become so popular that nearly all the districts use it.

The *Nyumba Kumi* strategy, as explained by Church Leader 1 above, entails meetings with the *groupement* or *collectivité* stakeholders, namely church leaders, heads of community or traditional leaders in districts such as Masisi and Rutshuru, including community-based organisations. *Nyumba Kumi* aims not only to curb criminality in villages but also to reduce ethnic prejudice, for there is a tendency to incriminate the whole community for a crime committed by one of its members. The significance of *Nyumba Kumi* to enhance security and mitigate conflict in communities is expressed by various participants:

*Here in Bwito, in all the villages you see around, there are several Nyumba Kumi. The first objective of this practice is to know and help each other. Secondly, the community members elect their coordinators to whom they report to in case they get visitors in their homes or in case of anything, mostly in relation to security. Therefore, we instituted the Nyumba kumi to discourage delinquency of young people, so if we know who is who or who is the visitor who came in. Then, we are able to identify the wrongdoer. In Bwito collectivity, we have three main ethnic groups: the Nande, the Hutu and the Hunde; there are also some Tutsi. We observed that if a member of one of these ethnic groups commits crime. For instance, if one Munande kill a Hutu, the members of the latter complain that: "the Nande are killing us." In the Nyumba kumi gatherings, we tell people to never condemn the whole community for the crime committed by one of its members (Traditional leader 11, Rutshuru, Bwito, Interview 19).*

*This initiative of Nyumba Kumi is used in hot zones of conflicts. When you go on the ground, you find initiatives of this kind...There is high probability of open hostilities*

*between communities...The conflict can be between individuals A and B, but at a certain level, it involves the whole community if one community thinks that its member has not been treated well in the search for solutions to this problem. That means the entire community will get involved in this conflict to protect one of their own (Baraka, Goma, Interview 22).*

Most participants perceived the *Nyumba Kumi* as an initiative that helps curb conflict, particularly in conflict-ridden territories. They demonstrated how the *Nyumba Kumi* initiative, which started as a means to curb criminality, has become a framework that reduces ethnic chauvinism and prejudice. In other words, the *Nyumba Kumi* is a new tool in the hands of traditional leaders, and it lies in the nexus between security reinforcement and conflict resolution.

## **5.6 PROBLEM-SOLVING AND COOPTATION INTO TRADITIONAL POWER STRUCTURES**

In relation to the practices of problem-solving and cooptation, one of the participants described what the former *Mwami* of Kamuronza in Masisi District did in the 1960s and his successors during the deadliest ethnic confrontation of the 1990s to curb ethnic discrimination:

*Before 1960s, here in Kamuronza groupement, conflict was not so much. The ethnic discrimination was not so rampant because of the strategy of former Mwami Mutowa Eduard. When the Kanyarwanda war broke and reached Bashali, Mwami Mutowa went and planted the flag there and ordered that nobody should cross the boundaries of his territory. Thus, those who were fighting did not cross the borders. Since 1993, the interethnic war entered here. At the beginning our groupement chief called for a meeting attended to by all communities, he told them that war is not good, but unfortunately they could not understand it. That is why the conflict entered here. Then the chief kept quiet because there was already war here. People grouped in Sake town. Thereafter, war de-escalated, the chief then decided to visit each and every family to sensitise the citizens that mutual killing is not necessary. Today the three communities are somewhat co-existing the way it used to be. There is no major ethnic conflict at the moment because of the many meetings are organised. And also because of the programme of putting communities leaders as heads of several villages without discrimination. For example, if*

*the chief is Hunde, they put the Hutu as committee members or secretaries... (Murairi, Masisi, Kamuronza, Focus Group 2).*

The above quote highlights the initiatives undertaken by *Mwami* Mutowa Eduard and his successors in the Kamuronza *groupement*. These include: i) orders to constrain combatants to not cross into their entities; ii) problem-solving gatherings attended to by all communities; iii) door-to-door sensitisation of the population, and; iv) cooptation. According to Emizet (2000) and Mathieu and Tsongo (1998), peace initiatives by the *bami* coincided with the MAGRIVI war that struck the territories of Rutshuru and Masisi and partly Walikale and Lubero. November 1993 to August 1994 was marked by the efforts to reconstruct peaceful coexistence between ethnic groups in Bashali Collectivity (Masisi) and Bwito (Rutshuru), which undoubtedly constituted the epicentre of the clashes and violence.

Emizet (2000) stated that by early 1994, local chiefs were able to stop violence and bring peace in the area through community sensitisation. Mathieu and Tsongo (1998) also acknowledged the commendable work done by the civil society and traditional chiefs' delegates of the various ethnic groups in different workshops, which led to an agreement for peaceful coexistence. This agreement allowed populations to return to their respective villages. Other peacebuilding initiatives carried out single-handedly by the *bami* have been reported by Radio Okapi, an UN-based online media. For instance, the *bami* of Batangi collectivity, Lubero territory, held a meeting on 27 March 2011. The question of insecurity was high on their agenda. They realised that insecurity, caused by armed groups, has paralysed farm, school, and health care activities. It has doubled the number of internal displaced peoples (IDPs). Regularly, traditional leaders are the first people who often alert the provincial government and the military units whenever insecurity occurs (Radio Okapi, 28 March 2011). Some traditional leaders have initiated a DDR programme of their own. One report, for instance, described how on 13 October 2014, fifty militias of Raïa Mutomboki surrendered their weapons in the presence of traditional leaders at Miassa, Walikale district, North Kivu province (Radio Okapi, 18 January 2015).

It also demonstrates another means of building peace among communities: cooptation into traditional power structures. Ethnic groups in the Kamuronza *groupement* in Masisi District

have reached mutually acceptable terms of reference for inclusion into local authority structures. In this agreement, the *mwami* should be native, but his cabinet may accommodate members from other communities found in the *groupement* as secretaries or counsellors. It can be argued that this cooptation into the administration of the *groupement* came about through a process of internal politics managed by traditional leaders to enhance inclusivity of all the different ethnic members who reside in their jurisdictions to achieve a sense of belonging.

## **5.7 OBSTACLES TO *BAMI'S* PEACEBUILDING MECHANISMS**

Despite the good intentions of traditional leaders, their strategies to build a cohesive society suffer several setbacks. From participant testimonies, the obstacles to peacebuilding have been identified as the following, listed here in order of precedence: Ethnic prejudice and discrimination, poor land management, and the bami's involvement in politics.

### **5.7.1 Ethnic prejudice and discrimination**

The major stumbling block to reaching social cohesion in North Kivu mentioned by participants is discrimination against other ethnic communities, particularly the Tutsi and Hutu, as illustrated below:

*Interethnic prejudice does exist. Because when you meet somebody, he verbally abuses you and codify you according to your ethnic group: "you stupid Hutu." The intention behind those words angers you. It does exist (Birere, Masisi, Kamuronza, Focus Group 2).*

*It is even visible at roadblocks. I may be travelling along with a Hunde, Tutsi, Hutu; we are heading to the same place, and are talking in a friendly manner. As we try to cross the roadblock, I will be given free passage while they retain both the Hutu and the Tutsi. It shows that ethnic conflict starts from everywhere...I think we are one, but now why do they retain me, and he is released? (Jeanine, Masisi, Kamuronza, Focus Group 2).*

*Sometimes, it is the Hutu who is given the free crossing, you the Hunde, although you are the native, you are blocked there. Then you ask yourself, “that one is not a native, why should I a native be blocked, why? You believe he is more valued than you” (Amina, Masisi, Kamuronza, Focus Group 2).*

These quotes indicate that ethnic prejudice and discrimination are still commonplace. In villages, on roads, in governmental offices and other layers of society, people are discriminated against based on their ethnicity. Participants indicated that they often experience prejudice, particularly when moving from one area to another where militias or soldiers limit their freedom of movement. The wounds inflicted by the conflict are so deep that when they meet militias or soldiers who originate from another ethnic group at a roadblock, the chances of being denied passage increase. They also report that some people are categorised according to the name of their ethnicity. As explained in participant testimony, when people of different ethnicities quarrel, they may resort to ethnic stereotyping and name-calling. This type of ethnic chauvinism is centred on the native-foreigner binary, which is still at the root of ethnic discrimination in the area and still affects people’s minds and sense of belonging. Ethnic prejudice remains deeply embedded in North Kivu, even in areas less prone to conflicts such as Walikale and Lubero. Even though Rwandophones and other ethnicities may cohabit in those areas, they look at each other as potential enemies. Many participants try to make sense of the root cause of this form of ethnic discrimination, as is evident in the quotes below:

*We were taught during our childhood that a Rwandophone, a Tutsi or Hutu, is not necessarily your brother. So, you are wary when you interact with them (Pengeza, Lubero, Itala, Interview 9).*

*We used to take their girls for marriage, but since 1994 intermarriage cases have become rare out of the belief that Rwandophones would eventually pass through their daughters to kill us and take our land (Kamabu, Lubero, Tama, Interview 12).*

*We are not comfortable when people consider us as refugees, yet I don't know much about Rwanda; I was born and grew up here, but still, people look at me and say 'look at that Rwandese, a Mukuyakuya'<sup>43</sup> (Nsegiyumva, Walikale, Buleusa, Focus Group 11).*

According to Stewart (2008), the division between the Bantu and Rwandophones is persistent in North Kivu. Whether migrants of the 20th century or refugees of the years after the independence of the DRC or even those possessing Congolese citizenship, the Tutsi are considered foreigners by other communities. The Hutu are also viewed as foreigners, labelled as *Magrivists* and discriminated against (see Sections 2.3.2; 2.5.1 and 2.5.2). Most people, including the *bami*, view the *Banyarwanda* (Congolese Hutu and Tutsi) as foreigners. Such attitudes are clearly articulated in the perception of one of the traditional leaders:

*We have 450 dialects; out of 450, you then come today in a bid to introduce the Kinyarwanda. You who have learned theories, laws, have you ever introduced it in among the 450? They have not entered yet. If the book that inserted it is found, it would help us a lot (Traditional leader 5, Lubero, Itala, Interview 7).*

In discussing Congolese dialects above, the traditional leader may be referring to the time of the Berlin Conference in 1885 when the African continent was partitioned into countries controlled by European colonial powers. For instance, when listing the languages spoken in the DRC, Kinyarwanda was not listed on the cartography of dialects and languages of the then Belgian Congo (Misser & Cross, 2010). Based on this, Traditional Leader 5 seem to strongly disagree that Kinyarwanda should now be included as one of the 450 dialects since Rwandophones (Congolese originated from Rwanda) were either absent or had little presence in the Belgian Congo. Most traditional leaders deny charges of tribalism and that they are the cause for the enduring ethnic bias, as articulated in the testimony of Traditional Leader 5 below. In return, they blame Rwandophones for the ethnic conflict.

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<sup>43</sup> *Mukuyakuya* derives from the Congolese Swahili verb *kukuya*, to come. With the repetition of the verb root '*kuya*,' the term would literally means to come-come. Therefore, the concept refers to someone who is not a native regardless of their origin: in the first place, the concept is applied to black foreigners who are not Congolese citizens; it is equivalent to the term "*Kwerekwere*" in South Africa. It is also used to designate other Congolese, the allochtons who do not have their origin in a given place; thus, anybody who is not a Nande in the Nandeland is a *Mukuyakuya*... Astonishingly, Europeans and Asians are not concerned by this jargon.

*In the matter of tribalism, we are not concerned because if we were tribalists, the five Hutu would not be there. They are here unharmed; they are even going to the forest to cut their charcoal and bring it here. There is no problem. But it is the mistakes of those Hutu which drove them out of here. The person who knows that he committed a crime here is the one who is afraid to come back. He says: "how shall I go back there?" However, the person who does not reproach himself for committing it, he is allowed to come back; there is no problem (Traditional leader 5, Lubero, Itala, Interview 7).*

This quote demonstrates how the population that live in the conflict zone are deeply divided. The 'us and them mentality' seems prevalent in the community. Subsequently, it results in communities blaming each other for wrongdoing, implying that speaking about reconciliation in the province may be difficult to achieve, especially when members from one ethnic group consider the members of other ethnic groups as a threat to peace in the region.

### **5.7.2 Poor land management**

As has been established and thoroughly discussed, land is at the centre of conflicts in the North Kivu province. Thus, its management can undermine the peaceful coexistence of people in this region. Some traditional leaders have failed in their peacebuilding strategies, particularly when their behaviour and land management become sources of conflict. Contrary to the cultural and traditional practice of not selling land, traditional leaders have a growing lucrative tendency to sell off ancestral land multiple times to different people. Most participants, across our study areas, acknowledged that people are affected by such a practice:

*There are traditional leaders who are in conflict with their workers, perhaps because of the famine. He may sometimes sell the land two or three times to two or three vassals. He creates in the meantime a problem among these vassals who start fighting among themselves and say: "it is I who bought," the other responds: "no, I bought it too..." Then each has a little piece of paper that justifies it. It becomes difficult to reconcile them. At this level, traditional leaders sometimes are instigators of conflict (Kinahwa, Lubero, Tama, Interview 13)*

*As you are dealing with a land dispute, you realise that the traditional leader is implicated. He is actually the causal agent of that conflict...How does he become the causal agent? For illustration, suppose this piece of land belonged to me; in order to have right over it, the mwami should provide me with a document to confirm it. Now he confirms that it is mine and also confirms that it belongs to another person. We are confused when we appear there in court (Jadot, Masisi, Kamuronza, Focus Group 2).*

Numerous participants accused traditional leaders of fraudulently selling the same plot of land to more than one person. The implication here is that the double-dealing of traditional leaders becomes the driving force for conflict in a community. Some well-intentioned traditional leaders may guarantee peace and social cohesion to their people, while other traditional leaders become instigators of conflict because of problematic land distribution practices. Such conflict between members of the same ethnic group is usually manageable through traditional conflict resolutions or state tribunals. Participants also reported that the *mwami* might sometimes sell the land while knowing that his community will never accept the land being sold to a member from an antagonistic ethnic group. In this case, deals are made privately between the *mwami* and buyer without the knowledge of his own community and Council of Elders. This is yet another source of conflict generated between members from different ethnic groups.

Land disputes between community members of the same ethnic group may be resolved relatively easily in traditional court or state tribunal. However, in the case of complainants from opposing ethnic groups and communities, the conflict may spill over to the broader communities to the point of involving militia groups. Participants also reported instances where *bami* would sell hundreds of acres of land to politicians and local government leaders out of fear in a reverse form of neopatrimonialism. This may cause numerous community members to be deprived of their livelihoods and homes. In such cases, the frustrated and dispossessed people create their own armed group to re-conquer their ancestral land, as explained in the testimonies below:

*It becomes a problem when this person buys, and another one comes and buys the same land. If one of the buyers is rich, then the frustrated man hires militias. They go for*

*traditional ritual. Thus, the Mai-Mai PARECO, Nyatura and everybody look for means to take the land back because his grandfather was buried there, and this means a lot to them. Your grandfather, great grandfather are buried here, now these people want us to vacate the hill because they have discovered gold or they want to make a farm for someone. Then, they defile the graves of your ancestors. It is not acceptable to people of this area; they prefer fighting; hence the beginning of conflicts. The Mwami is an accomplice in all this. He keeps saying, "okay, the issues will be sorted." The case will be taken to Goma High court, yet in the Congo, the one who is right never wins the case. So, they see that waging war is better; while people are dying, the rich one keeps pouring money. Thereafter when the mwami appears in his entity, nobody wants to listen to him because he has become part of the problem and not the solution (Senzo, Nyiragongo, Munigi, Focus Group 1).*

*In the village, like Kingi and elsewhere, people have fled because Kabila's wife is bringing in her brothers. I myself went to witness this. I found an estate being guarded by the president special military division...The president is taking care of his cows rather than of Congolese people. The mwami is an accomplice because he got involved in that power where he found himself with no possibility of saying, "No, we cannot put on sale the land that feeds 1000 people for the benefit of only one person." They have failed in that area, and this should be considered as the beginning of militia groups. Those people who feel frustrated create militias, not only in Kivu but also elsewhere, such as in Ituri, where Morgan has been fighting the government which took land, saying "here we establish a forest reserve" (Zunguluka, Nyiragongo, Munigi, Focus Group 1).*

*Assuming that he [mwami] sold someone's field from another ethnic group, he could have provoked a conflict...We are in this area, for example, where you will see that when the Rwandese came, it was the bakama who gave them land without informing the community members. They often do not say: "I have just sold that hill, no, but they always signed papers with these people. And then after he [the person] has signed, he tells himself that I am now the owner of this hill, this concession. And after that, another mukama will tell people: "you see that Munyarwanda there, he has usurped your land, kill him [laughs]."...So, there are some bakama who have contributed to such conflicts (Paulin, Rutshuru, Bwito, Focus Group 10).*

Most participants agree that when traditional leaders mismanage land distribution, it may lead to disputes exploited by militia groups and ultimately violent conflict. In addition, poor land management undermines traditional leaders' image, which means people no longer view them as problem-solvers, but rather as the instigators of problems. Some participants implicated traditional leaders in falsifying land title records, which may negatively affect peaceful coexistence among people and cause conflicts. One of the local NGO participants illustrated this:

*We can affirm that in Masisi District and especially in this groupement of Kamuronza, there are many cases of land disputes. Conflicts are prevalent on these small hills that surround us...Even the mwami is no longer visiting his own entity. He remotely manages it from far because of problems...For instance, there is this issue: in the golden book, they delete the name of the first land occupant. They put the name of another person, and the land is simply lost that way like the one located at Lutimbala, there at the rock [all say yes, yes]. So, they falsified it at the level of the chieftaincy. After the death of Mwami Kalinda, one of his two sons, Ndandu took power, and after him, Nicolas took over. The elder is Ndandu; he testified that "this farm belongs to Walikale's family." After that, in the same public audience, Nicolas said, "it does not belong to Walikale, but it belongs to Kanyama" ...they found out that he [the traditional leader] made these falsifications. Today people are killing each other because of that issue (Harelimana, Masisi, Kamuronza, Focus Group 2).*

Participants clearly doubt the integrity of some traditional leaders concerning land management and dispute resolution. In this way, the sale of land traditionally not meant for selling contributes to both an escalation of conflict in the province and the waning of traditional leaders' prestige. One of the Hutu leaders cynically described the corruption of traditional leaders as follows:

*These [bami] are stupid people. Those chiefs like eating meat too much. They come, they reach Masisi, they [buyers] give him [mwami] his share. They [buyers] say: 'I give you cows and goats.' Finished! He replies: 'take it (land), my dear' (Ethnic leader 13, Masisi, Bashali, Interview 21).*

Corrupt traditional leaders do not inspire trust in their community, particularly about conflict resolution. One of the local NGO focus group members from Nyiragongo articulated: “*the current bami find it hard to help in conflict resolution because they are involved in the business of land sale.*” The sale of land is a bone of contention between traditional leaders and their communities. When the researcher attempted to probe traditional leaders for further information on land sales and the conflict it generates, they denied these allegations and attributed the accusations to the disloyalty and stubbornness of their subjects.

*Regarding the point that the bami are selling land, in our area, which should never be sold. A disloyal vassal is the one who changes the terms. He says that he bought that hill, and nobody should be found on it; it belongs to him. In our area, we put a farm on rent. Then the tenant should pay one goat every year. The renting period contract is often five years. If you don't pay, the landowner has the right to rent it to other people. Therefore, when you sue somebody, you do it in a wrong way just to stain his name. This conflict has escalated because of newcomers' bad demeanour. They claim their debts from the vassals who brought them. The most stubborn vassals are the Hutu. When they came from Rwanda, they claimed that they are Hutu. And others called themselves as people from Masisi. They then established a place, which they called “Itutu” yet in our area there is no hill holding the name “Itutu.” It has never existed, but they come, and some named themselves “NyaMuke,” others “Kanyamugonte,” names that are found nowhere. Thereafter they occupy the whole hill claiming that it is theirs and is the place where they were born. If you dare ask where he was born, since he comes with power, heads of cattle and money. He, therefore, kicks you out so that you may flee out of fear of death, and you leave the land to him (Traditional leader 6, Lubero, Tama, Interview 10).*

In the quote above, stubbornness or disloyalty refers to cases where subjects refuse to pay the monthly or yearly royalties for a period of five consecutive years as stipulated in the land law for the *Collectivité* of Batangi. Therefore, if a person fails to fulfil his/her obligations to pay royalties, the *mwami* has the right to end the contract and rent the farm to another subject. Stubbornness also refers to using force by someone who, in addition to his/her refusal to pay royalties, threatens to kill the landowner – the *mwami* in question – in case the latter becomes unwilling to deliver land possession into perpetuity. In this way, confusion regarding

customary land distribution may lead to conflict between individuals, possibly escalating into an ethnic struggle between opposing groups where each party calls upon his/her ethnic compatriots to fight on his/her side (see Chapter 3). Participants also claimed that most of the Hutu population living in the study areas came from Rwanda who later claimed ownership over land by giving themselves abstract names not traditionally found in the area to obscure their origins. It warrants mention that most of the local population in these areas of study are named after the area they populate. This may be why the Hutu also wanted to name themselves after the name related to an area or hill.

Claims of the Hutu's non-compliance with traditional regulation on royalties contrast Rwandan land law and the traditional land law in eastern Congo. The Rwandan Law No. 03/2013/OL of 16/06/2013 on land tenure stipulates that all land in Rwanda belongs to public entities (i.e., the state, the cities and the districts). While public land is reserved for public use or environmental protection, private land can be allocated to natural or legal persons by its public owners (state, cities and district). It then becomes "individual land" and is leased through a lease contract and against an annual lease fee payment. The lessee obtains an ownership certificate (Emphyteutic Lease Contract and Certificate or Full Ownership Title) (The Government of Rwanda, Resettlement Policy Framework, 2015).<sup>44</sup> The full ownership title mentioned in the above Rwandan land tenure law is the main point of the debate on land management in *groupements* and *collectivités* in North Kivu. While in Rwanda, an individual can privately own land by paying an annual lease fee, in rural North Kivu, ownership in perpetuity is never granted by the *bami*, notwithstanding the payment of royalties. Yet the *bami* note that the Hutu and the Tutsi, who have been in the country before 1996, paid royalties as do other indigenous communities. One *mwami* explained the practice as follows:

*Here they [Rwandese] used to rent some farms; for example, Kamanzi rented a farm in Walikale, people are giving him royalties. He is a Tutsi, but he rented them. He obeyed the Yira law. Another land is located at Buleusa; it is owned by the grandson of Nyanzwenge, another Tutsi who also rented it. He paid almost 25 cows for it. He was*

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<sup>44</sup> [http://www.reg.rw/fileadmin/user\\_upload/43\\_RPFEUCLREG.pdf](http://www.reg.rw/fileadmin/user_upload/43_RPFEUCLREG.pdf). Retrieved April 2, 2020

*given a document that states that you rent the land, but they did not sell it to you (Traditional leader 10, Walikale, Buleusa, Interview 18).*

The noncompliance to following land requirements, according to traditional leaders, started in 1994. This year marks the influx of additional Hutu populations from Rwanda to the DRC (see Chapter 2), resulting in Rwandan land tenure in the region. Most participants believe that the Hutu, especially the armed wing of the FDLR, instilled insubordination in their fellow Congolese Hutu who previously fell under the authority of local traditional leaders. Thus, they cultivated the idea to create their own independent territory:

*Later on, we saw them (Hutu) also clutching guns along with FDLR. Wherever they went, they settled in one agglomeration that they turned into an independent locality from the central government with their local leaders, chiefs and heads of villages, their own school, in short, they formed their own government there at Kyuto (Traditional leader 6, Lubero, Tama, Interview 10).*

According to the same *mwami*, the Hutu's attempt to establish independent entities triggered the conflict between the FDLR or Hutu and the Mazembe:

*The Mazembe's village was destroyed, then people from Kyuto took refuge in Rutshuru district until today. The group called Mazembe organised themselves into self-defence movement to protect Banande's interests. Then war was fought between the two groups [Mazembe and FDLR]. It is after elections that the conflict intensified. There was a fight at Kanune between Mazembe and FDLR; after the fight, we found on the dead bodies some electoral cards of people from Kyuto. Two cards of people identified as people from Kyuto, a locality that is not far from here. That is why the Mazembe wrote a letter saying that "within 48 hours you (Hutu) should vacate because you keep denying that you are not FDLR, yet you belong to the same group with the FDLR." The time they wrote that letter, they all left the upland in 48 hours to date. In short, that is the conflict between the Hutu and Banande (Traditional leader 6, Lubero, Tama, Interview 10).*

The above quote shows how interethnic conflicts are far from being eradicated from the districts where people of Rwandan ancestry are present. The locality mentioned above, namely

Kyuto has become synonymous with ethnic clashes. According to participants in Focus Group 6, its location has been labelled “Triangle de la mort” (triangle of death). It is made up of bordering entities of Rutshuru, Lubero and Walikale districts. Moreover, the presence of two rival groups (the FDLR for the Hutu and *Mai-Mai* Mazembe for the Nande) corroborates Reyntjens’ (2010) and Autesserre’s (2007) observations described in Section 2.5.1: ethnicity continues to pervade the formation and administration of militia groups, which fight for the interests of their respective ethnic groups. While the Hutu wish to establish a separate and independent entity, the Nande and other native communities have been adamantly opposed to losing their ancestral land. In this case, all the parties are locked in a stalemate with very little room for reconciliation.

### **5.7.3 The involvement of *Bami* in politics**

Although the mandate of traditional leaders can be associated with other political mandates, their participation in political careers affects their primary missions. According to the Constitution of the DRC, Article 207 stipulates that any traditional leader wishing to exercise an elective public office must submit to an election. They must promote national unity and cohesion. However, most participants believe that the hereditary mandate of traditional leaders clashes with the political mandate and obligations exercised outside their entities, which may lead traditional leaders with additional political careers to neglect their primary obligations as *bami*:

*As we speak now, the government has enrolled the bami in the government, it means they are now receiving salaries; the bami have started being co-opted like MPs. After they have become MPs, they become automatically politicians instead of being custom custodians. Currently, the mwami is there together with the president; he receives money. Hence the whole land becomes the president’s property. I personally think that instead of contributing to the resolution of conflicts, they have become perpetrators, people who participate in fuelling ethnic conflicts, land conflicts because they are no longer protecting people and culture, custom and tradition that put their interest on land (Zunguluka, Nyiragongo, Munigi, Focus Group 1).*

*The bami's power has been weakened by the government of Kabila, the former president. His government has reduced the power of traditional leaders by taking them to the parliament and in a bid to manage this North Kivu by nominating people over localities, towns, rural municipalities with the intention of reducing bami's power. You know that the bami live on land royalties; in my opinion, if this power is reduced, they will run after money. Being in such conditions, they will automatically be pocketed by politicians. They will have nothing to reproach politicians (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

One of the traditional leaders who had no other mandate in government institutions during the time of data collection for this study explained the complexities of fulfilling these disparate roles as follows:

*Actually, we are perplexed about that (bami's enrolment in government institutions). It could be better for them to delegate their genuine children selected according to the customs. Even there, those should not be the ones to send, because they go there just to look for something to eat. They are now in Goma and Kinshasa in the instance of Mwami Kalinda and Mwami Bamukoka Saambili<sup>45</sup> (Traditional leader 7, Lubero, Ihembe, Interview 14).*

Some participants, including the *bami* themselves, believe that the traditional leaders' participation in other careers can affect their primary missions, which are as follows: to ensure cohesion, solidarity and social justice in their jurisdiction; safeguard and ensure respect for traditional moral values, cultural heritage, ancestral remains, including sacred customary sites and places; and ensure, in accordance with the Law, the protection of land areas that fall under the lands of local communities. Thus, they find themselves involved in other missions that do not benefit their people because of ambition and greed. Therefore, the *bami* share some culpability in the continued conflict over land, especially where land lacks its proper custodian when the *mwami* in question pursues an alternate political career, and the land effectively

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<sup>45</sup> The two *bami* cited in the quote, namely *Mwami Kalinda* (Masisi, Bahunde) and *Mwami Saambili Bamukoka* (Beni, Batalinge) are both members of the provincial parliament of North Kivu. Moreover, *Mwami Bamukoka* was the director of the provincial "Commission Consultative de Résolution des Conflits Coutumiers" (Consultative Commission for the Resolution of Customary Conflicts - CCRCC) on the time of field work.

becomes a ‘no man’s land’ vulnerable to conflict between those who would attempt to appropriate the land. In short, participants insinuated that there is a deep incompatibility in fulfilling the prerogatives of being *mwami* and politician at the same time.

Another implication of co-optation of the *bami* into politics is that by becoming a Member of Parliament or any type of politician, the *mwami* gives up his independence. According to the participants, politicians have the intention to weaken traditional power when they propose political placement to the *bami*. This research found that this tendency to co-opt *bami* into political structures dates back to the colonial period when many *bami* were dispossessed of their traditional power and land (Hochschild, 1998; see also Sub-section 2.3.2.1). Through this co-optation, the *bami* become accountable to the President who provided them with salaries or, as Kukumana stated, ‘pocketed by politicians’. This is in contrast to the cultural role of the *bami*, that of being a sovereign in their own territories just as the president is for the whole country.

The researcher also wanted to understand the implications for the traditional leaders abandoning royal courts for alternate political careers and probed this matter further with participants. One participant articulated the conflict of interest of *bami* pursuing political roles elsewhere as follows:

*Since the time traditional leaders joined politics, they have become inaudible. Of course, he [mwami] cannot open his mouth while eating lest he loses everything. As for you who are under crossfire at home, does he care if you die? He does not care [all yes] (Bauma, Masisi, Kamuronza, Focus Group 2).*

Clearly, questions can be raised about the *bami*’s political neutrality and their reputation as people’s advocates, especially in instances where their allegiance has shifted from their people to the President of the country. From his experience in Zimbabwean politics, Chigwata (2016, p. 89) remarked that chiefs appointed as Senators spend their time in the Senate, deliberate as any other elected member; thus, they become less involved in their traditional duties. The same is likely true in the DRC, as it is nearly impossible to serve multiple constituencies simultaneously when they are physically located far apart. When the *bami* align themselves

with a given political party, they become politicians compromising their political neutrality. This is in contrast to Article 25 of Law no.15/015 of 25 August 2015<sup>46</sup> on the status of traditional leaders: “The customary chief is apolitical. He does not take part in any activity directed against the public authorities. Under penalty of disciplinary sanctions, he may attend, as an observer, the activities of political parties organised in his jurisdiction.” In terms of the constitution, as explained in Section 2.2.1, the *bami* are promoters of unity, social cohesion and peaceful co-existence between ethnic groups (*Assemblée Nationale*, 2006, Articles 51 & 207). In short, a *mwami* becomes incapable of uniting his people when he is fully involved in politics, where he has to take sides based on political allegiance and patronage. The politics of co-optation or some *bami* becoming members of parliament and other state institutions means that traditional leaders are effectively integrated into central government. According to Hendricks and Musavengana (2010), they have been accused of a lack of political will to end the conflict to the extent of sponsoring armed groups.

However, one of the participants exonerated the *bami* from all blame and argued that they became easy prey for co-optation out of poverty:

*When we grew up, the bami were very rich, and nobody could compete with the mwami in terms of money [everybody say yes]. The bami started becoming poor when cards changed...Before, a mwami could not sell land. A mwami at the end of the year in the instance of Kamuronza was earning at least 200 goats. It means every year, he could open a depot of beer or even a farm for his goats...The time they lack resources, they become businessmen, and corrupt. They could say: “for my children to go to school, what shall I do? There is need to get money.” They are now involved in our careers and have become politicians (Birere, Masisi, Kamuronza, Focus Group 2).*

The impoverishment of traditional leaders is further discussed in Chapter 8, Section 8.4. The mentioned section will unpack the challenges they generally face in their leadership while participating in the reconciliation programme in more detail. Suffice to say at this point that

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<sup>46</sup> Loi N° 15/015 Du 25 Août 2015 *Fixant le Statut des Chefs Coutumiers* (Law on the status of customary/traditional leaders promulgated on 25<sup>th</sup> August 2015). Retrieved on 19 September 2018 from <https://www.leganet.cd/Legislation/Droit%20Public/Administration.ter/Loi%2015.015.2015.html>.

poverty seemingly steered the *bami* into the business of selling land, corruption, and ambiguous politics to the detriment of their reputation and peace.

## 5.8 SUMMARY

Most participants acknowledged that traditional leaders, by their status as land custodians and community leaders, employed cultural mechanisms in the past to resolve conflict. In common conflicts at the individual level and within their respective communities, they employed fasting to protest against conflict in their chieftaincies. They also employed blood pacts to cement interethnic relationships through intermarriages. In the case of interethnic conflicts, intermarriages were sought to make peace between in-laws, while the palaver hut became the traditional problem-solving set-up to resolve the conflict between individuals. More formal mechanisms were put in place by traditional leaders and could be used concomitantly with cultural mechanisms, including equitable land management to resolve land disputes and traditional courts for any type of conflict and transgression. As interethnic conflicts pervaded the province, some *bami*, in the instance of Masisi, adopted the system of co-optation of other ethnic members into traditional power as secretaries or members of the Council of Elders. Recently, the *bami* has come to employ *Nyumba Kumi* Community Policing to curb criminality and reduce ethnic chauvinism.

However, there is a general condemnation of the perceived mismanagement of land distribution by some traditional leaders. Traditionally, it was forbidden to sell the land in the *groupement*. Unfortunately, such practices have been abandoned as many *bami* sell the land, and, in some cases, vast tracts of land are sold to wealthy politicians and moguls. Subsequently, local people are deprived of access to land and a means to earn a livelihood. Participants also strongly condemn the entry of the *bami* into formal politics through co-optation into government institutions. When the *bami* undermine their traditional values by selling land and acting in bad faith, the quest for peace in North Kivu is seriously impeded. Their status as leaders is also tarnished, further compromising the role of traditional authority. The next chapter will focus on the *bami*'s peacebuilding contribution within the reconciliation initiatives as set out in the Amani Programme in 2008.

## **CHAPTER 6: PEACEBUILDING MECHANISMS OF TRADITIONAL LEADERS WITHIN THE CTPR**

### **6.1 INTRODUCTION**

This chapter and the previous chapter deals with the first objective, as specified in Chapter 1. It seeks to understand the contribution of traditional leaders towards reconciliation within the CTPR in the province of North Kivu. The corresponding research question for this aim is: What are the peacebuilding mechanisms of traditional leaders applied in the North Kivu interethnic conflict after 2008? In contrast with Chapter 5 that dealt with the *bami*'s peacebuilding mechanisms outside or before the CTPR, Chapter 6 discusses their contribution within the CTPR. The chapter is divided into three sections. First, the researcher aims to establish whether North Kivu inhabitants were cognizant of the CTPR programme in their province. The researcher asked participants whether they knew of the CTPR commission and understood its contributions, its areas of success and failure. Participants' awareness may help understand how and whether stakeholders in the region appropriate the CTPR resolutions into their own frame of reference. The second section probes the peace initiatives aimed at reconciliation after the CTPR underwent transformation. These initiatives include the STAREC (Stabilisation and Reconstruction) Programme and the so-called social dialogues. The third section includes both the STAREC and social dialogues and seeks to determine the extent to which traditional leaders participated in them.

### **6.2 PARTICIPANT AWARENESS OF THE CTPR PROGRAMME**

In general, most participants agreed that they had limited knowledge of the CTPR processes, as illustrated below:

*Frankly, I don't have too much knowledge of this committee except the decentralisation of this committee at the CLPC level [Comité Local de Paix et de Conciliation (Local Committee for Peace and Conciliation)], at the grassroots level. Because I worked a lot more in the field. So at the macro level, at the provincial level, I don't know enough about*

*the actions that this committee has been able to carry out, except decentralisation at the grassroots level through the CLPCs, which nevertheless did some work, though it [CLPC] was not well equipped. If there is not an international organisation, a United Nations agency that gives it the means to be able to work, it becomes a commission only by name. The government did not provide the necessary means for the commissions to be able to work. It was a voluntary work, and you know when people work on a voluntary basis, if they have their own activities, they will give up the voluntary work for their activities. This is the greatest weakness (Baraka, Goma, Interview 22).*

*We heard it on radio, but these people [the government] do things without telling us. We don't see them. In that commission, there was a plan to bring back the refugees, they never returned. They created something in every community so that people may be meeting. They then went up here, they rented a place full of reeds (bushy), put money, they ate it all and disappeared. It was a way of justifying that we got the place, and that was all; that was the end. They did it in one month (Jadot, Masisi, Kamuronza, Focus Group 2).*

*That is what destroys Congo. They came out after proposing resolutions, but nothing was really done. Everything remains on paper, but there is nothing that happens in the field ...The moderators brought even their tools so that talks may be viewed on TV. Tools were available, but for what outcome? There was silence, and that was the end of the story. That commission, if you asked people around, nobody will be able to tell you where it is now. Maybe you should ask Kinshasa where the office is supposed to operate from...Therefore, the CTPR no longer exists (Zunguluka, Nyiragongo, Munigi, Focus Group 1).*

The *Comité Local de Paix et de Conciliation* (Local Committee for Peace and Conciliation, CLPC) was mentioned in Interview 22. This commission, along with the *Comité Local de Paix et de Développement* (Local Committee for Peace and Development, CLPD), will be discussed in great detail in Section 7.2.3. At this point, both committees, contrary to the participant in Interview 23's argument, were established not by the CTPR but by its successor, the STAREC (Stabilisation and Reconstruction) programme (see Section 6.3.1). This

participant is, however, right when he states that the mentioned committees are aimed at reconciliation and social cohesion at the communal level.

The above statements demonstrate that most participants who are cognizant of the existence of the CTPR are those participants from Goma Town, the districts of Masisi and Nyiragongo. This implies that participants, who particularly reside in Goma, were likely to better understand the CTPR processes than those from the areas (Lubero and Walikale) located further afield as Goma is home to the provincial institutions and where most activities of the Amani Conference took place. Participants from Masisi and Nyiragongo have also shown a great understanding of the processes, as these districts are neighbouring Goma.

The majority of the participants had distinct knowledge of the Amani Programme, which established the CTPR, chaired by Rev. Malumalu and Honourable Kamerhe, who worked in tandem for the programme's success. On the other hand, a few participants from the *groupements* and *collectivités* in Rutshuru, Lubero and Walikale, were aware of the existence of the CTPR programme. The group of participants who, in some way, were aware of the CTPR programme in the districts mentioned above was composed of a few *bami* and members of local non-governmental organisations. In short, though acknowledged by few, the CTPR existed under the umbrella of the Amani Programme. Most participants also reported that the government's monitoring mechanism and support for the CTPR were inadequate. However, it seems that even when a traditional leader is part of the commission, no framework is put in place to inform other traditional leaders about how their contributions may contribute to the commission. This was echoed by one of the traditional leaders who argued:

*We heard of the establishment of that commission and the nomination of the late Mwami Mukosasenge as our representative, but he has never briefed us about it and told which role we chiefs should play in that commission (Traditional Leader 7, Lubero, Ihembe, Interview 14).*

Regarding CTPR assignments, only one action is ascribed to the commission, specifically, the renting of a field, which some participants referred to in the previous quotes as “a place full

of reeds” (bush) in Kamuronza *Groupement*, Masisi district. This place was chosen for the community social development activities and social cohesion in the area of the CTPR programme. One of the traditional leaders asserted:

*We heard of it (CTPR), and some people became members of that Amani Programme in Goma, but at our level as citizens, we have benefited nothing because after they paid the programme participants, it ended there. Even the farm that they hired for the Amani programme belonging to Kamanzi produced nothing. We actually heard that the elders have hired Kamanzi’s farm so that people may perform several activities in it, but after deforestation, it ended there; the farm became a big bush only good for cows, but no project was implemented there. Up to now, Munihire is our brother; we know him, those who chaired the commission until now; we don’t know whether or not it worked in the whole district of Masisi<sup>47</sup> (Traditional leader 2, Masisi, Malehe, Interview 3).*

The objective pursued by the CTPR programme at different sites in North Kivu was to enhance social cohesion among people from different ethnic groups. One traditional leader describes it as follows:

*When they started, they used to call upon people to work together. For if you want peace to prevail, you must invite people without discriminating them to work together so that they may know one another and in case there is something wrong, he may not do it because they have known each other and they have become closer. In 2008, they created that group here; they even went to work at Mugunga. Before we consolidated that programme, the M23 came, and the situation deteriorated up to now (Traditional leader 3, Masisi, Murambi, Interview 4).*

The above two quotes suggest that from the beginning, the CTPR diverted from its original programme modelled on the archetypal South African TRC and prioritised community development programmes, including agricultural projects. Kamanzi’s farm and Mugunga that some participants refer to are experimental fields, which could produce seeds for farmers and

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<sup>47</sup> Clovis Munihire and Kibiswa Naupess respectively mentioned by Traditional 5 leader and Kukumana respectively became the CTPR coordinator and permanent secretary (see also Section 3.5.2).

where people could come to learn agrarian and animal husbandry skills. Other joint development schemes included the construction of fountains for drinking water, rehabilitation of bridges on rural road networks, construction of schools and health units (Government of the DRC, 2008). Unfortunately, these programmes were aborted at their very inception. Participants in this study cast doubt on the effectiveness of the CTPR, which they consider to be a total failure. One of the local NGO members described the failure of the CTPR as follows:

*The 2008 Peace, Security and Development Conference in Goma ended with a peace agreement between the various parties to the conflict in North and South Kivu. And the DRC government did not solve the problems in this part of the country due to lack of political will and lack of sincerity in discussions. The implementation of the Technical Commission for Pacification and Reconciliation has never been effective, and, in my opinion, this commission can be described as stillborn (Tsongo, Goma, Interview 27).*

Concerning the reasons behind the failure of the CTPR as it appears in the above quote, most participants feel that the Congolese government failed to provide appropriate and sufficient means to the commission in the period that followed its establishment. There was also insufficient coverage of the commission and its programme and a lack of political will to implement its resolutions. In addition, corruption has become endemic to the majority of Congolese institutions, which may have hindered the development of the CTPR also. For Autesserre (2007), corruption along with bias and inefficiency are so widespread that the Congolese authorities, the justice, political and security sectors have lost all credibility among the Congolese people. Another reason for the failure of the CTPR, according to one of the traditional leaders interviewed in North Kivu, should be sought in the political and security turmoil brought about by the Tutsi-led rebellion of the M23. According to Muke (2016), the evident result of this insurrection was that most provincial institutions came to a standstill as the governor and his cabinet was obliged to operate from Beni town in November and December 2013.

In the final analysis, the CTPR failed in its overall mission of bringing about reconciliation and social cohesion among communities in North Kivu. Modelled on the South African TRC, the CTPR did not progress beyond the first stage, interviewing people. As a reminder, the

TRC adopted five phases: preliminary meetings and interviews; the use of subpoenas; the power of search and seizure; public hearings; and publication of findings in a final report (Freeman, 2006; Hayner, 2002). Therefore, by considering the South African TRC as paradigmatic and formal, the CTPR lost its formality and became less formal and more diffuse in the subsequent and present periods.

### **6.3 RECONCILIATION THROUGH PEACE INITIATIVES AFTER THE DEMISE OF THE CTPR**

The idea of reconciling the communities in North Kivu did not completely end with the termination of the CTPR in its original form and is still exploited by various peace initiatives in the province of North Kivu. As one former member of the commission and current top provincial government official revealed:

*That commission was the CTPR. Yes, I can say it does not exist anymore...There was no durable solution because right after a short period of time, one foreign community intended to balkanise our country. And it had multiplied attacks, that's it, armed groups spread...It was first the RCD Goma that metamorphosed and took another name, the CNDP, then rebounded under the label of M23. Therefore, when it failed, it was the whole Amani programme that failed. There is need to think about another plan B. I mean the CTPR that was established by the Amani Programme did not yield much fruits, durable fruits (Buhendwa, Goma, Interview 28).*

On the one hand, some participants corroborated one of the reasons behind the failure of the CTPR, namely the armed insurrection waged by the CNDP and the M23 consecutively. On the other hand, in the previous Section 6.2, participants mentioned the decentralisation of the CTPR into CLPCs that were aimed at reconciliation and social cohesion at the grassroots level. This should be understood as one of the several Plan B's referred to in the quote above. Therefore, the peace initiatives that replaced the CTPR include the Stabilisation and Reconstruction (STAREC) programme and the widespread social dialogues. Thus, this study also needs to consider the development of the STAREC Programme and the social dialogues to determine whether traditional leaders played any role in these programmes.

### 6.3.1 STAREC Programme

This study deemed it necessary to present the theoretical understanding of the STAREC programme before its appraisal by participants regarding its implementation in North Kivu. First of all, the idea of stabilisation and reconstruction are not new concepts. According to several researchers, stabilisation emerged in recent years, and related activities have expanded to fragile settings such as Mali, Mexico, Afghanistan, and Iraq (Muggah, 2014; Zyck & Muggah, 2015; Kapstein, 2017). According to Zyck et al. (2015), the quintessence of stabilisation has been rooted in the belief that peace and stability can be best achieved by tracking structural sources of conflict through the promotion of responsive institutions, human rights, the rule of law, accountable security services and broad-social and economic development. As Gervais (2018) stated: “Stabilisation requires pooling together a range of military, development, diplomatic and humanitarian resources and actions.” The OECD (2006) recommended that stabilisation be integrated, comprehensive enough or a whole-of-government approach to achieve peace in the country.<sup>48</sup> In this regard, Collinson, Elhawary and Muggah (2010) indicated that some states had developed multi-agency bureaucratic units, funding mechanisms, and integrated civilian and military response capabilities, among other stabilisation strategies.

Also, stabilisation is often paired with reconstruction (Gervais, 2018). The difference between the two concepts lies in the intent. While stabilisation activities address short-term priorities and focus on the contested or recently secured areas, reconstruction means long-term development. A Special Inspector General for Afghanistan Reconstruction (SIGAR), cited by Rotmann and Steinacker (2013), provides the example of school construction:

*[a] development programme might build a school because education triggers a process that leads to greater long-term prosperity and development – educated children are more likely to grow up to be healthier and more qualified to administer government, succeed*

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<sup>48</sup> According to the OECD’s definition, stabilisation as a whole-of-government approach is “one where a government actively uses formal and/or informal networks across the different agencies within that government to coordinate the design and implementation of the range of interventions that the government’s agencies will be making in order to increase the effectiveness of those interventions in achieving the desired objectives”. “Whole of Government Approaches to Fragile States,” OECD, 2006, p.14.

*in business, and help grow the economy. In contrast, a stabilisation programme might build a school to trigger a process that leads to improved security. The school would demonstrate the government is working on behalf of the community, the local population would come to prefer government services over the return of insurgents, and insurgents would lose control over territory (they previously held) (Rotmann & Steinacker, 2013, p. 5).*

There is a slight degree of difference between the terminology in both concepts (i.e., stabilisation and reconstruction). The current study concurs with Gervais (2018), who argued that both stabilisation and reconstruction convey the idea of development and security, which are mutually reinforcing. Stabilisation efforts have striven to promote legitimate political authority in conflict-affected countries by using a range of integrated civilian and military instruments to reduce violence, provide people with basic livelihoods, and prepare for longer-term recovery.

In the DRC, specifically in North Kivu Province, the STAREC Programme was launched in 2009, one year after the end of the Amani Conference. It was established and presented to the public by President Kabila on 20 August 2009, but it was officially effected through the Presidential Decree n°09/051 of 29 June 2010, nearly one year after its launch (Bashonga, 2010). Therefore, the STAREC stems from the Amani programme. It was designed to provide an answer to the concerns of the populations living in territories struck by armed conflicts, namely, the whole eastern part of the DRC from Ituri to Katanga provinces (Radio Okapi, 21 August 2009). It seems the Amani Programme became obsolete even before its implementation for two reasons. Firstly, its operational spectrum was narrow as it was limited to the provinces of North Kivu and South Kivu. Yet, the whole eastern part of the country, including Ituri province, had become volatile. Secondly, the mechanisms and strategies, including the CTPR, laid down by the Amani Programme thereafter suggested the government overlooked several issues, such as poverty, unemployment and refugees, to name a few.

Therefore, the STAREC was established to fill the geographical gap by covering the whole eastern part of the country and setting priorities concerning the issues mentioned above. The main goal of the STAREC was to restore state authority in the eastern region that is prone to

conflicts while its components were mainly threefold and consisted of security, humanitarian endeavours and the economy (Seay, 2010). The security component aimed to tackle the issues of insecurity through the deployment of the police and the army, the construction of barracks, administrative infrastructure, the rehabilitation and construction of prisons. Humanitarian works essentially concerned the reinsertion of displaced people. The need was to facilitate the return of all the displaced people and nearly 200,000 Congolese refugees scattered in various camps in Rwanda, Burundi, Uganda and Tanzania into their entities. Since the question of refugees remained politically sensitive in terms of notions of citizenship, the programme also worked towards inter-communal reconciliation and good governance. Concerning the economy, it is said that stakeholders and international sponsors agreed on the fact that it was necessary and urgent to establish programmes of economic recovery and to create jobs for the returnees (Bashonga, 2010).

According to Bashonga (2010), the STAREC Programme started slowly due to a lack of resources. There was a need to mobilise substantial funds to implement the programme. The United Nations, through its development arm, the UNDP, became the first contributor. Speaking during one of his administration council meetings, the then president of STAREC, late Rev. Apollinaire Malumalu, expressed his appreciation for the contribution of 20 million USD from the UN towards the consolidation of peace in eastern Congo (Radio Okapi, 7 November 2009).

The UN did not only provide financial support to the STAREC, but it also helped the latter in designing a clear strategy for the pacification of eastern DRC. Most of the UN-led endeavours in their partnership with STAREC are described in the five-year report (2013-2017) titled “*Stratégie Internationale de Soutien à la Sécurité et la Stabilisation pour l’Est de la RDC en appui au programme gouvernemental de stabilisation et de reconstruction des zones sortant des conflits armés* (International Strategy for Support to Security and Stabilisation for Eastern Congo in support to the governmental programme of stabilisation and reconstruction of areas emerging from armed conflicts – ISSSS). The ISSSS had five pillars aligned with the aforementioned three components of the STAREC: democratic dialogue; security; restoration

of state sovereignty; return, reintegration and socio-economic improvement; and fight against sexual violence.

Briefly, the pillar “democratic dialogue” is the foundation of the restoration of democratic practices in which communities at the local level should identify the grievances and the solutions to peacefully transform conflicts. Using the same pillar, the government should endorse the outcomes of the dialogues and ensure that the solutions are implemented as political support is needed to resolve local problems. Security chiefly consists of supporting the dialogue between the army and civilians to generate mutual confidence. It also encourages the dialogue between the army and the police and between the two armed forces and park and forest rangers. The third pillar rests upon the restoration of state authority that could pass and be guaranteed through financial decentralisation, training and deployment of public civil servants, non-discriminatory legal acts, and participation of local authorities in the consultation and conception of projects. The objective pursued by this pillar is that the populations living in the targeted territories will favourably perceive the presence of the state and its agents whose presence is accompanied by the reduction of insecurity and the better delivery of services in such a way that the populations will have no need to resort to parallel strategies for the protection and pursuance of their interests. The pillar “return, reintegration and socio-economic improvement” generally refers to the restoration of state sovereignty perceived through the lens of development. For instance, there was a need to rehabilitate rural roads to facilitate the opening and supply of markets along with the new road network. The last pillar, “fight against sexual violence”, first entails identifying harmful malpractices, namely corrupt public institutions and misogynistic and patriarchal norms and cultural patterns. Therefore, this pillar envisaged the special training of the police and the judiciary system on how to deal with issues related to sexual violence and to engage in the fight against corruption, nepotism, and the generalised impunity that has perpetuated gender violence and abuses (UN-ISSSS, 2017). It is important to appraise the activities of the STAREC Programme to determine how it is viewed by participants in terms of its overall implementation and the nature of traditional leaders’ involvement.

### 6.3.1.1 Appraisal of the STAREC Programme

Concerning the first component of STAREC, namely, security implying the construction of state infrastructure and restoration of state authority in villages, the answer of one *mwami* was insightful:

*They [STAREC] bought a farm for them [refugees], but they did not provide seeds, hoes, etc. What will they do with the farm? So, they were fooling us. They give you something that is not profitable for you. They build offices for us, but there is no chair and other tools. We are here every day, but they only come on Tuesday and Friday. Many people come to listen to these conflict managers, but we don't have papers on which to write agreements. I am personally a member of that office...those people [STAREC] were much concerned with building houses, building houses here and there but less with our security. The bami lack peace in their entities. When the STAREC programme came to tell us that it will reinstate the state authority in villages and that everyone will remain in his/her village, we chiefs did not have that chance; many of us are now in exile (Traditional leader 2, Masisi, Malehe, Interview 3).*

The first part of the above quote shows that although some traditional leaders are unsatisfied with the work done in the field, they acknowledge the existence of infrastructure, courtesy of the STAREC Programme, such as construction or rehabilitation of *groupement* and *collectivité* offices and purchasing of pieces of land for the refugees. In its Report 004/2017, the STAREC believed that its partnership with the United Nations' ISSSS was able to build and rehabilitate prisons (e.g., Munzenze in Goma and Kangbaya in Beni), barracks (e.g., Rumangabo), and many traditional leaders' offices in the province of North Kivu. The success of STAREC is also viewed through the reinforcement of judiciary structures and the installation of peace tribunals (Radio Okapi, 7 November 2009). In the second part of his quote, Traditional Leader 2 implied that the STAREC Programme of construction and rehabilitation of infrastructure could have been concurrently implemented to enhance people's security, including the security of the *bami*. During fieldwork, five (5) traditional leaders had taken refuge in Goma while the sixth was exiled to Kampala. These participants were interviewed in their places of refuge.

The STAREC Report, under the component of security, also recommends politicians to go to the field and induce militia groups to cease conflict and embark on a DDR programme as confirmed by one participant below:

*So, they sent every politician to Kinshasa. If you have been sent by your constituency, you are asked to approach the rebel leader so that he may stop the fight. Each politician was sent to his people. The Hunde was sent to Nyabiondo to look for Janvier...That is how they were dispatched because those programmes did not attain the level of doing stabilisation in entities (Bauma, Masisi, Kamuronza, Focus Group 2).*

Despite the mediation conducted in the province by politicians, results in terms of security remain meagre. Thus, violence continues to affect civilians who are killed and left without protection from the government. For several years now, people in North Kivu have been killed on a daily basis because of violence caused by the militia, whether through shootings or decapitations. Some politicians and officials of the government army are sometimes accused of supporting the militia groups that they are required to fight:

*...conflict has become a business, and that is why those politicians are behind insecurity and interethnic conflicts (Sikujua, Rutshuru, Bwito, Focus Group 6).*

*the programme (STAREC) in place is so complex that, unless God intervenes, it may not succeed (Jeanine, Masisi, Kamuronza, Focus Group 2).*

The management of refugee camps and internally displaced people remain poor. Refugees may abandon the camps at will, the numbers of refugees in camps are poorly controlled, and the distribution of food parcels sometimes takes place some distance away from the camps, as illustrated in the testimonies below:

*STAREC was working in the project of return of refugees, but it did nothing. After that, people were shot at Mugunga so that they may return to their home villages. I think they could have helped them return in normal manner. It was because of the refugees that Rwanda brought here; it was not our people who were found here. It was noted that no*

*single refugee of whom we know returned here. They failed in their mission of returning the refugees. As for refugees, you sensitise him/her; he/she voluntarily returns after being informed that there is peace. When things didn't work, they used weapons and shot them at night in Mugunga camp. They were dispersed and fled (Furaha, Masisi, Kamuronza, Focus Group 2).*

*When the few returned, usually the person who returns, receives stuff for three months until he/she can harvest his/her field. But it is as if they received once...Concerning the reception of stuff still, you can be here at Sake, but you will be given at Matanda or Rushoro. You will pay for transport to Rushoro, that is 18km away, but the stuff are not even enough (Birere, Masisi, Kamuronza, Focus Group 2).*

*The Hutu who came back here after spending 17 years away. After those years, they came recently still looking for farms. They were hosted in a camp; we registered them there. But day after day, we realised that their number was increasing. They said: "We wish to go to the upland." We told them: "You wish to go to the upland while we the owners of the upland and mountains are not there; what are you looking for?" One day, we woke up and found that they left the camp unbeknownst to us. The camp was left empty. The direction they took also remained a mystery (Traditional leader 6, Lubero, Tama, Interview 10).*

The districts that were emptied of their populations include Masisi, Rutshuru (Bwito *collectivité*) and Southern Lubero. Although all the communities, as discussed in Chapter 2, Section 2.3.2, fled for safety, Rwandophones constitute the bulk of refugees who went to neighbouring Rwanda, Burundi, Tanzania and Uganda. These are the very refugees who were eligible for repatriation under the auspices of the STAREC. Unfortunately, this is where the STAREC failed altogether. Firstly, only a small group of refugees came back to the country. They were hosted in Mugunga Camp, about 20km west of Goma Town. Thus, the majority of refugees are still living outside the country. Secondly, the government, probably to show the international community that it is working towards the reintegration of refugees into their former entities, used force to dislodge them from the Mugunga camp. To compound the refugee crisis further, the allocation and distribution of refugee aid were poorly organised.

Lastly, the host communities were concerned about the identity of some returnees. Some participants indicated that “*no single refugee of whom we know returned here.*” They also realised that the number of refugees was increasing after the census was conducted in a camp near Luofu village in Lubero district. Participants were astonished by the refugees’ plan to move ‘upland’ as well as their sudden disappearance. Ultimately, the STAREC humanitarian component that entailed the return of displaced persons can also be considered a failure.

The third component of the STAREC programme, which developed better in the fourth pillar of the ISSSS strategy, concerned the socio-economic improvement and creation of jobs in the areas affected by war. In the area of employment/unemployment, one of the participants mentioned:

*Here there is lack of employment. If you take a walk through this village, you will encounter a girl child of 12 years breastfeeding another child while shedding tears. She has failed to cope in life. She does not know what to do, it means we have several challenges here. We have breastfeeding girls who are suffering; our children have no employment. You find a little girl like this is already involved in prostitution, meaningless pregnancies whose author is unknown. It is her father who takes care of her and the child (Claudine, Lubero, Tama, Focus Group 9).*

One participant revealed how high levels of unemployment affect the community in conflict-struck entities: girls as young as twelve are sometimes victims of prostitution or sexual violence perpetrated against them, where they are impregnated by people unknown to them. Thus, they are compelled to raise the child alone with the assistance of their family. Young girls may find themselves involved in prostitution because of a lack of financial support and education. According to Nest et al. (2006), Muke (2016) and the United Nations Security Council (2001), the war in Eastern Congo has led to the closure of schools and sent children on various harmful trajectories. Boys sometimes join militia groups or engage in mineral exploitation while girls are lured into prostitution. School dropout rates are immense, leading to widespread illiteracy in conflict-prone districts, which further trap the youth in a cycle of poverty. The twelve-year-old girl mentioned above should be in school instead of being

trapped in a never-ending cycle of exploitation caused by the continued conflict and insecurity in these areas.

A lack of transparency and accountability seemed to have affected STAREC's operation capacity in North Kivu as the finances allocated to community development projects have often been mismanaged. One participant remarked:

*Are they willing to tackle the development of the country? Do they have that will? Do they have the vision? Each day they are building houses [their private houses]. With what? We heard that STAREC received millions of dollars. It is by the blood of the citizens because when funds become available like these, they share everything. They tell each other: "My dear, in this arrangement it is just to sign". The funds go back to where they came from. After having received his share, for instance, if for Kamuronza it was 50,000\$, after he will have received his 10,000, the 40,000 go to the higher authorities...(Harelimana, Masisi, Kamuronza, Focus Group 2).*

The above quote illustrates the financial malpractice that has become commonplace in government projects. The workers employed by the STAREC are accused of building houses for themselves instead of promoting development and creating jobs. Another accusation entails people at various authority levels from the national to the local level of receiving their share according to their respective ranks. As will be demonstrated in Section 6.3.3, even traditional leaders are implicated in corruption. Ultimately, STAREC's efforts in creating jobs and development did not meet people's expectations.

#### *6.3.1.2 The involvement of traditional leaders in the STAREC Programme*

Since the STAREC is viewed as the logical successor of the CTPR, this study was interested in the extent to which the *bami* participated in the scheme. The implementation of the STAREC Programme is described by one of the participants as follows:

*At STAREC level, they set up the 'Comités Locaux pour la Paix et la Conciliation' (Local Peace and Conciliation Committees - CLPCs). The CLPC was set up by the Amani*

*conference to enhance social cohesion at micro level; that is to say, we put this in the groupings. These committees are placed in the 'groupements', but the priorities were the hottest groupements since there is a high probability that the communities will confront each other because of small conflicts (i.e., conflicts over land boundaries, occupation of fields and others, conflict of customary power between this, and so on). So, they established the CLPC. They also established the 'Comités Locaux pour de Paix et de Développement' (Local Committees for Peace and Development, CLPD). This was composed by members of different communities, people who clashed during the war. When you talk about 2008, already at that time, it was possible that the communities could clash. Now all these people who were community leaders and who used to organise the communities to confront each other have been transformed into peacemakers, ambassadors of peace, mediators, and they have come together to be able to provide specific answers to the problems of land disputes, or community disputes or customary power disputes (Baraka, Goma, Interview 22).*

Most participants appreciate the establishment of peace and development committees in different *groupements* at the local level. The committees referred to as CLPCs and CLPDs are considered the representatives of the STAREC general office found at the provincial level in Goma. They believe that these committees have helped bring about peace in various entities and helped decrease disputes around land and customary power. Another positive pattern of peace and development committees is that the members come from all walks of society, including traditional and community leaders. Participants also mentioned that the latter used to organise their communities for mutual confrontation, which corroborates the allegations that the *bami* and community leaders actively spread violence in the province. Today, thanks to the CLPCs and CLPDs, these former combatants have been transformed into peace ambassadors and mediators. Despite positive outcomes, some participants are critical of the seemingly unilateral creation of local committees (CLPC and CLPD) without proper grassroots consultation, as well as the potential for corruption and bias as described below:

*They (STAREC) have also formed development committees in every entity. They started at the provincial level, not from down. That's the big problem! Again they start from up; they move from the province. They come down at the district level. They move from the district to the collectivité, from the collectivité to the groupement. And from the*

*groupement to localities; it has become a business among brothers, cousins, aunts... You wake up just to be told 'there is a CLPD in place, so and so, of the locality, groupement...' When were they established? There is need to create another strategy (Murairi, Masisi, Kamuronza, Focus Group 2).*

*Look even at that STAREC, which came for monitoring at the groupement offices. They organised elections in such a way that every community is represented in the committee, but there was only corruption...the chief holds the chair alone. So, those who come to work realise that the whole committee is made of chief's people...You just realise that those whom he has introduced in the thing are his people. If there is a training programme, it is his people who are sent. Yet, the elected ones are those who represent their respective communities, but they are not participating in activities (Jeanine, Masisi, Kamuronza, Focus Group 2).*

According to the quotes above, participants acknowledge the establishment of CLPDs in several entities at the grassroots level. However, they disagree with the conceptual structural approach and recruitment of the STAREC's members and question the perceived loopholes of the STAREC programme. For example, participants question STAREC's agenda in its top-down approach starting from the provincial level to the *groupement* in the recruitment of its members, which meant that the majority of people who should benefit from it are not assisted and remain unaware of the STAREC Programme. According to Bashonga (2010), most of the STAREC activities remained unknown for a good period of time by local populations and even provincial authorities as committees managing the funds were mainly composed of state actors and technical and financial partners in each and every STAREC operational zone. Consequently, local observers considered the programme as the primary preserve of international partners. Two participants reported on the perceived nepotistic nature of recruitment of the few STAREC personnel at the local level. They were selected from among the relatives and friends of well-connected people. Even the few *bami* who became members of the CLPCs or happened to chair a committee formed part of networks of patronage.

This demonstrates how corruption has become endemic in the country and how traditional leaders' participation in corruption has affected the success of the STAREC Programme. This

study argues that the top-down approach coupled with nepotism has had a detrimental effect on the programme's success. In Section 3.1, the researcher citing the seminal work of Lederach (2017) and Autesserre (2014), argues against using the top-down liberal peacebuilding approaches. Concerning the interethnic conflict in eastern Congo, particularly in North Kivu, the liberal peace model has been counterproductive in tackling the real causes and resolution of conflicts. Bashonga (2010) concluded by stating that the circumstances in which STAREC was designed and managed impaired the ownership of the programme by local beneficiaries, especially traditional leaders and their subjects. The programme was marred by corruption and nepotism to the point that the local inhabitants were demotivated to participate in it.

### **6.3.2 Social dialogue as a tool to enhance social cohesion**

Social dialogue is organised at the micro-level and is viewed as a tool to enhance reconciliation and social cohesion among interethnic communities. Most participants demonstrated awareness of social dialogue as a tool towards inculcating social cohesion, as illustrated below:

*There is in North Kivu what is called social dialogue organised by the STAREC and other field NGOs; they organised it in Beni, Oicha, Lubero, even in Miriki, Kanyabayonga, in many territories with the participation of several bami...In fact, they drew it from that conference [Amani] (Mwenda, Lubero, Itala, Focus Group 7).*

*My colleague has provided the example of CRONGD-NK; this group sometimes organises meetings, they call us, and we agree upon some engagement acts like those we made in one meeting at Kirumba (Traditional leader 5, Lubero, Itala, Interview 7).*

*The STAREC commission was established after Amani Programme in every groupement where traditional leaders are found. They built a house; that house served to host the permanent committee for conflict resolution. That committee was made up of all communities' representatives and met when the conflict arose between the Tutsi and Hunde...Every community was represented by its leaders. So, they tried to tackle the matters (Jadot, Masisi, Kamuronza, Focus Group 2).*

Most participants view the social dialogue as an instrument that may enhance peace and reconciliation among divided communities. The attendees' mission at such meetings is required to reconcile the divided parties. It is worth noting that the attendees or participants to these dialogues are recruited among the legislative, executive and judiciary powers, the public administration, the private sector, the civil society and traditional leaders (Radio Okapi, 6 October 2016). The design and the mandate of social dialogue are found in the STAREC-ISSSS communal reconciliation strategy. In its introductory note, the UN-ISSSS (2017) asserts that the reconciliation has been re-oriented to support the democratic social dialogue between communities, which should find solutions in relation to peaceful transformation of conflicts that are often linked to citizenship, land and political and economic power. The social dialogue would support non-violent initiatives mainly designed to quell tensions and enhance social cohesion. Note that this social dialogue is aligned with the third component of the STAREC, which, as stated above, concerns the return of refugees and encourages intercommunity reconciliation ahead and after the refugees' return.

After the implementation of the STAREC Programme, several social dialogues have been convened in North Kivu. Although all the dialogues may pursue the same and general objective for reconciliation and pacification of troubled territories, each dialogue has its specific aim depending on the context. For instance, the social dialogue held in Masisi in December 2018, as some participants have referred to, was a mediation bid between two rival factions of the *Forces de Défense du Congo* (Defense Forces of the Congo - FDC), led by Bahati and Loanda respectively. This mediation conducted by both the provincial committee for pacification and the Bushenge Hunde allowed the inhabitants of Nyamaboko I and II to return to their respective villages (Radio Okapi, 14 December 2018). In 2019, the MONUSCO and STAREC facilitated a social dialogue at Pinga in Walikale district. This social dialogue was meant to sensitise the two communities of Hunde and Nyanga to dissociate them from armed groups to live together peacefully. Several attendees, some of whom were the district administrators of Masisi and Walikale, and the *bami* of Wanyanga and Bashali *collectivités*, attended this dialogue (Radio Okapi, 22 July 2019). Also significant is the social dialogue, organised by CRONGD-NK, held at Kirumba between 11 and 12 October 2017 for the

*collectivités* of Tama and Itala, southern Lubero District.<sup>49</sup> This dialogue aimed to tackle the sensitive issue of land as it appears in the Acts of Engagement (see Table 6.1).

Table 6.1: Kirumba Engagement Acts (CRONGD-NK, Field Report 001/19<sup>50</sup>)

<b>A. <u>Acts of Engagement</u></b>
1) All stakeholders agree to apply in good faith and popularise the customary principles governing customary lands in their respective administrative entities, namely Tama and Itala;
2) All stakeholders agree to the payment of the customary fee ( <i>muhako</i> and <i>ngemo</i> ) to their real beneficiary ( <i>mukama</i> , <i>musoki</i> ) on the due date, and according to the terms agreed upon;
3) The lease contract remains the rule in the allocation of customary land in Tama and Itala <i>groupements</i> . Indeed, it must be individual and not sought as community;
4) Since the power of the traditional authority is intimately linked to customary land, the stakeholders insistently urge customary guardians to properly fulfil their role of appointing traditional authorities while respecting the reigning line; the same is true for the restoration of the true <i>Bakama</i> and <i>Basoki</i> , which must be done by the traditional authority concerned in accordance with the reigning line;
5) To avoid orality in the allocation of customary lands, the <i>Bakama</i> undertake to keep up to date their registers for the registration of <i>Basoki</i> and the collection of customary fees;
6) Before referring to administrative proceedings any dispute related to customary lands, the parties agree to first exhaust the customary procedure in this matter;
7) While pleading for the strengthening of order services (FARDC and PNC), the stakeholders undertake to collaborate with these services for the good security of people and their property;
8) For questions related to the illegal sale of customary lands, the parties undertake to observe the provisions catered for in customary tenure principles, which prohibit the parties from selling customary lands;

<sup>49</sup> CRONGD-NK stands for *Conseil Régional des Organisations Non Gouvernementales de Développement au Nord-Kivu* (Regional Consortium of Non-Governmental Organisations of Development in North Kivu, CRONGD-NK)

<sup>50</sup> Several local terms and abbreviations appear in this figure. Here is their significance:

- The local concepts are drawn from the Yira/Nande vernacular, the largely spoken dialect in Kirumba, southern Lubero district where the above described dialogue took place. Therefore, the concepts *muhako* and *ngemo* are synonymous and they mean the rent payable by the vassal (*musoki*, plural *basoki*) to the landowner (*mukama*, plural *bakama*). The *muhako/ngemo* is usually given in kind in terms of a goat, cow, crops given by the farmer to the landowner in order to continue tilling and inhabiting the provided piece of land. The *mwami* (plural *bami*) is the overall traditional leader who also receives his share of *muhako* from different *bakama* (Ngessimo & Kavutirwaki, 2011).
- FARDC stands for *Forces Armées de la République Démocratique du Congo* (Armed Forces of the Democratic Republic of Congo) while PNC stands for *Police Nationale Congolaise* (National Congolese Police).

- 9) In the event that the buyer has the purchase documents, the stakeholders agree to either deduct the amount from the customary fee or reimburse the due amount.

**B. Recommendations**

- 1) That the *bami* identify and propose the real land chiefs to the administrative authorities for restoration;
- 2) That the *Bakama* and the *Basoki* henceforth deliver documents containing the limits and the size of the allocated land;
- 3) That the *bami* enforce customary principles;
- 4) That the *bami* set up a commission to identify cases related to land disputes;
- 5) That the CRONGD-NK initiates another broader dialogue in the future days involving all the *Bakama* and *Basoki*.

Table 6.1 corroborates that traditional leaders have been attending social dialogues with other stakeholders, including the security forces, namely the army (FARDC) and the police (PNC). The main objective of the dialogue mentioned above was to sensitise the communities of southern Lubero, mainly composed of Nande and Hutu, so that they may engage with the issues of customary land and set an effective mechanism to transform such issues positively. At the end of the dialogue, traditional leaders and other participants agreed on Acts of Engagement and provided recommendations, as described in the table.

### **6.3.3 Critiques of social dialogue**

Even though the above Acts of Engagement and recommendations have no legal force at this time and are not evenly implemented, this study finds them useful in the sense that they pave the way for a future codified customary law for land management. Another positive aspect of social dialogue is the involvement of community representatives, particularly the traditional leaders. The *bami* play a crucial role in social dialogues as they are willing partners in such workshops where Acts of Engagement can be agreed on.

However, there are several problems related to the implantation of social dialogues. Participants enumerate them in this order: Lack of proper representation, lack of monitoring and restitution after the dialogue, and manipulation and interference by politicians. Concerning the first issue, one of the participants shared the following point of critique:

*STAREC is found at the provincial level. When it came to the groupement, yes, it involved communities, but it failed because the personnel in power is after personal interests. When they come to the work for reconciliation, they invite only few in their social dialogues (Kanyamayaga, Rutshuru, Bwito, Focus Group 6).*

Many participants believe that the number of people who are invited to attend social dialogues is not adequate. In Rutshuru and Masisi, where ethnicity is a sensitive issue, unequal community representation becomes another matter of concern. The less represented community may feel discriminated against on an ethnic basis. Participants also feel that the STAREC's leadership has failed as they privilege their own personal interests over and above the community's. This behaviour raises the spectre of corruption and nepotism in the STAREC programme, from the provincial to the local levels (see Sections 6.3.2 and 6.3.3). Certainly, the STAREC personnel who organise social dialogues and are accused of purposely limiting the number of participants to pocket more money from the programme are actively hindering peace, which may lay the foundation for future conflict.

The STAREC programme, including establishing CLPCs and CLPDs at the local level, is further stalled by a lack of appropriate monitoring and restitution of the dialogue outcomes. Monitoring and restitution or the popularisation or implementation of the outcomes of social dialogues point to the same problem: a lack of adequate communication with the communities it is meant to serve. The majority of research participants in this study mentioned the lack of proper communication, monitoring and implementation of the dialogue outcomes as a major stumbling block to the effectiveness of STAREC's mission and objectives. For example:

*Although the STAREC established the CLPC in this area, it has never come back to check how it is working. As we have just said, the CLPC was established by STAREC, but they never give us papers and chairs. They do not even come to visit us. Thus, we are there working on things that we don't know the contours. It is a problem at the level of traditional leaders (Traditional leader 2, Masisi, Malehe, Interview 3).*

*Yes, it's true that we heard about it [STAREC] when it started in Goma. However, the results on the field are not visible. And if there were participants in its social dialogues, we have no idea whether or not they have communicated the outcome that they reached in those dialogues to popularise it (Kasali, Lubero, Itala, Focus Group 7).*

*They thought the organisation of dialogues can lead to something, but it does not often solve the problems. However, few people on the ground know the achievements of this conference (Mwenda, Lubero, Itala, Focus Group 7).*

Most participants felt that the main deficits impeding the successful operation of the STAREC in North Kivu are lack of adequate communication, monitoring and implementation. Participation in social dialogue on its own is not enough to guarantee success, but it must be accompanied by adequate monitoring of the implementation of the outcomes. The researcher observed that the social dialogue outcomes exemplified by the recommendations mentioned above as set out in the Acts of Engagement had had little impact on the common citizen's life. Despite organising dialogues in different areas, some participants are still sceptical of their power to transform conflict in the region. They feel that there is no change as people are struggling under the same arbitrary customary land law. Daily, they also experience violence as a result of interethnic conflicts. This was also the case in the interethnic conflict in Sidaamaland in Ethiopia, where peace agreements between the Ethiopian government and communities have proven counterproductive (Wansamo, 2009). The lack of political will to implement the outcomes of various problem-solving workshops means that violence continues unabated or may even escalate in the face of little real-world action. Wansamo (2009) designates monitoring and implementation as key aspects of ethnic reconciliation, indeed of any conflict resolution.

The third challenge for social dialogues is external influences that negatively affect their outcome. Most participants viewed the manipulation and interference of politicians in the implementation and outcome of social dialogues as a key challenge for its successful outcome:

*There is a problem because those who sponsor these conflicts are the same who propose that we should have a social dialogue. So while people are participating in this dialogue,*

*you find the person who is in Kinshasa or elsewhere telling people: “Do not accept this,...resist the change, do not give up on that.” So you find people who attend by proxy...So we co-opt people to come to the dialogue, but they do not know why they are actually invited in this story. Others go there just to make money, and they are limited there (Mwenda, Lubero, Itala, Focus Group 7).*

Research participants revealed that despite the articulated goal of some political leaders to achieve a peaceful resolution to the conflict, others seem to be supporting the warlords, further fuelling the conflict. They also noticed that dialogue participants seemingly have no power at all. Therefore, the implementation and outcome of social dialogues can be manipulated by extraneous factors and agents and may even depend on the will of certain politicians who only seek to serve their own selfish interests. Even traditional leaders are sometimes powerless and cannot resist extraneous interference as they may be unpaid for many months and therefore reliant on these same politicians for survival. Consequently, they are more likely to serve the will of their sponsors than that of the local stakeholders.

From the discussion above, it is evident that while social dialogues may lead to positive change, such as the disarmament of selected warlords and return of IDPs to their villages, they have far to go before effecting the expected reconciliation in the province of North Kivu. As highlighted by research participants, the perceived failures of social dialogues in terms of corruption, extraneous political interference and manipulation, lack of communication, monitoring, and implementation of dialogue outcomes, negatively affect the potential for positive change. Meanwhile, interethnic conflicts continue claiming the lives of ordinary civilians despite the recommendation of the Acts of Engagement as agreed to in social dialogues.

#### **6.4 SUMMARY**

The *bami* did not fully accomplish their role as community leaders and mediators within the CTPR. This study is particularly concerned with the reasons why the *bami* have been rendered powerless within the current reconciliation process, while in the past they were renowned for peace initiatives linked to customary land management, organisation of traditional courts, ad

hoc problem-solving meetings, *nyumba kumi* community policing, and community sensitisation. Thus far, this research revealed a lack of consultation with the *bami* regarding the STAREC agenda that is being implemented in their respective entities. In other words, there is no mutual collaboration between the *bami* and the STAREC actors. Based on the testimonies of research participants, this study has identified the top-down approach employed by international and national actors in the process of reconciliation in North Kivu as a major impediment to STAREC's success. This is because the top-down model of engagement, the specific context of the province and its internal dynamics are not taken seriously with little chance of eradicating the conflict and enhancing social cohesion directly linked to its local dynamics.

## CHAPTER 7: THE CONTRIBUTION OF OTHER ACTORS IN THE QUEST FOR INTERETHNIC RECONCILIATION IN NORTH KIVU

### 7.1 INTRODUCTION

This chapter addresses the second and third objectives, as stated in Chapter 1. The second objective seeks to appraise the contribution of other peacebuilding actors such as the international community, the Congolese government, NGOs, and churches in the quest for interethnic reconciliation. This appraisal is necessary to fully understand and situate the role of the *bami* in the proper context as the inter-relations among all these different actors are relational and mutually delimiting. The corresponding question is: *What are the mechanisms and strategies put in place by other stakeholders (such as the UN, field NGOs, churches...) to address the interethnic conflict in North Kivu province?* Concerning the third objective, this chapter intends to determine the areas in which the *bami* collaborate with the mentioned actors in building peace in the province of North Kivu. The corresponding question is: *To what extent do traditional leaders cooperate with other actors in the formal CTPR Programme, and how are they involved in building peace and/or fuelling conflict? Who is doing what? How? Where?*

Chapter 6 discussed other actors identified as the central Congolese government and their UN partners through their STAREC programme. Chapter 7 continues the discussion by exploring another group of actors. The chapter will first look at the international roleplayers, after which the focus will shift towards the local actors, such as the provincial government, field NGOs and churches. As a reminder, the actors discussed in this chapter belong to the middle-range leadership in Lederach's Conflict Transformation Theory (CTT). However, in the Contextual Reconciliation Framework (CRF) devised for this study, these actors form part of the wider actor sphere. Nonetheless, whether on Lederach's pyramidal model of actors or in the actor sphere, attention should be drawn to the need for sound collaboration between various actors for a holistic peacebuilding framework.

## 7.2 INTERNATIONAL COMMUNITY SCHEMES

There are some controversies around the concept of ‘international community’. According to some scholars, ‘international community’ refers to the existence of a common point of view on a disputed issue such as human rights (Byers & Nolte, 2003). For others, it refers practically to the United States and their allies, in short, the West (Jacques, 2006). This study simply understands ‘international community’ as the West (America, Europe and Australia), including Asia. In addition, under the label ‘international community,’ this study includes NGOs of high visibility such as the Community of Sant’Egidio, which offered arbitration and mediation services to the Mozambican conflict in the 1990s (Meneses, 2006; Schirch, 2001). According to Abazi (2004), the international community has been intervening in conflict situations worldwide, such as in Yugoslavia, Timor Leste, Sierra Leone, Rwanda, and the DRC, to mention a few. Their involvement mainly includes military and financial support (Mngomezulu & Fayayo, 2019). Others carry out humanitarian missions, and others, such as the community of Sant’Egidion, as mentioned above, have assumed conflict resolution as their singular duty (Gastrow, 1995). In North Kivu, among other organisations, this study acknowledges the presence and efforts of the MONUSCO, Search for Common Ground, La Benevolencija, World Relief, and Alert International.

### 7.2.1 Communicating for peace: Initiatives by Search for Common Ground and La Benevolencija

The organisations mentioned above have been using communication tools such as dramas and radio messages to promote ethnic reconciliation. One participant reported:

*About organisations in North Kivu, there was enough. We can start with these called “Search for Common Ground,” “Lokole,” they try to talk to people about ethnicity, but they demand money for their plays and games...You will hear statements like “oh I will not marry that one, he/she is not of my community, oh I marry this one though she/he is not a member of my community or they are fighting over this particular issue, this belongs to us, the other belongs to them...” Lokole Centre is financially supported by Search for Common Ground, an American organisation; it has been here in Goma but based in the*

*United States, Washington; it has also branches in Bukavu, Uvira...So for them, they use that system of theatres. Another organisation by the name of "La Benevolencija," they too were playing theatre on radios to send a message to people that we are one, there is no ethnicity, we are one person (Senzo, Nyiragongo, Munigi, Focus Group 1).*

Most participants from Goma Town acknowledged the efforts of the US-based group Search for Common Ground in community reconciliation. Through the Lokole Centre, which the group has been supporting financially, it organises live theatre, dramas to which people from different ethnic groups are invited to address ethnic prejudice in North Kivu. These live dramas are supplemented by other interventions that take place on local FM radio stations sponsored by the organisation La Benevolencija. It is still too early to judge the outcomes of dramas and media messages on peace and reconciliation. These media seem to be concentrated in Goma Town with a limited range in the troubled districts of Masisi, Rutshuru, Walikale, and southern Lubero. Nevertheless, the participants appreciated the initiative.

Plays or dramas and games have been used throughout the ages to convey a message to society because they should be aware of what is trending in various sectors of life (e.g., health, security, politics, weather, marriage, and education) (Waswandi, 2019). In the history of peacebuilding, drama workshops, seminars, storytelling have all been used to promote reconciliation, anti-racism and anti-sectarianism, human rights and gender equality in countries such as Northern Ireland (Moynihan, 2011; 2012), South Asia (Premaratna, 2019), South Africa (Chinyowa, 2008; Mtukwa, 2015), Rwanda (Breed, 2008), and Kenya (Amollo, 2008). For Tendai Mtukwa (2015), participatory art-based methods offer practical, inclusive, and inexpensive alternatives and informal methods for post-conflict peacebuilding and reconciliation within grassroots communities. In Rwanda, for instance, La Radio Benevolencija played a key role in reducing ethnic chauvinism and promoting reconciliation in post-genocidal Rwanda through dedicated radio drama. One of the many programmes offered was a "Romeo and Juliet story of a forbidden love between members of two conflicting tribes" (Kogen & Price, 2014). In South Africa, Chinyowa (2013, p. 96) confirmed drama as a bona fide conflict mediation strategy as it has helped students engage with lingering racial and ethnic prejudice. Another example comes from Kenya, where live theatre has been

inspiring conflict transformation in Kakuma Refugee Camp. Amollo (2008) found that refugees carry their own ethnic baggage with which they must come to terms. Through theatre productions, refugees can understand their common situation at the camp, including the political turmoil that sent them into exile and the attitudes they should adopt upon their return to their respective countries.

### **7.2.2 Development for peace: The British International Alert and its joint Development and Livelihood Programmes for Reconciliation**

Another peacebuilding mechanism used by international organisations is the joint Programme for Peace, Development and Reconciliation, in which ethnic communities in a given insecure entity are invited to participate. One participant described this type of initiative as follows:

*The British International Alert is another NGO found here. It has its own strategies of working with people to implement projects together, such as gravity water in the village, all communities were invited to participate. There are many organisations in the field but the impact is negligible; they try their best, but they can't reach many places, like those struck by violence. They only visit peaceful areas as they fear to go deeper inside in conflict areas (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

This participant's testimony aligns with the definition of peace according to International Alert: "peace is when people are able to resolve their conflicts without violence and can work together to improve the quality of their lives" (International Alert, Annual Report 2017). In the same report, International Alert provided at least forty (40) themes it is currently working on, including economic development and livelihoods. Along the lines of this particular theme, the organisation initiates projects such as building water supply systems, road construction, and community farming in North Kivu. They do this with the hope that when different ethnic groups work together to improve their social life, they will realise that they have the same needs and that only joint efforts can help address them. The initiative recalls what the CTPR once undertook at its very inception, that is, the hiring of Kamanzi's farm as a demonstration field for seed production and animal rearing (see Section 6.2) and the STAREC economic component, meant for economic recovery and job creation (see Section 6.3.1).

Unfortunately, the impact of joint development programmes is limited because achievements are scarce and unevenly distributed. The researcher personally visited one fountain at Mushake in Masisi district that was built with the initiative of World Vision. Deeper inside Walikale, Lubero and Masisi, no further joint projects were reported by participants. According to participants, one of the reasons behind the scarcity of those joint projects lies in the rampant insecurity. Pimako, a field organisation member, confided that they fear to venture into remote localities because most of them have been turned into havens for the militia, and there are reports of kidnapping when venturing into those areas (Goma, Interview 26).

While the few projects in existence have brought relief to the inhabitants of the immediate area, some projects have become sources of conflict because of contestations related to their management—the community market of Mirgangi in Bwito *collectivité*, Rutshuru district, a case in point. Built by International Alert with the participation of Hutu, Hunde, Tutsi and Nande communities, the Hunde have been accusing the Nande and Hutu communities of mismanagement while the Tutsi are disgruntled for being excluded from the management committee (Habimana, Rutshuru, Bwito, Focus Group 7).

### **7.2.3 MONUSCO's *Ilots de Paix* (Islands of Peace)**

Another peace initiative undertaken by the International Community through the peacekeeping mission is the so-called *Ilots de Paix* or Islands of Peace. Participants remarked:

*The United Nations had its own programme of the Ilots de paix (Islands of peace), brought about by the successor of William Swing, the UN representative; he is also gone, Alan Dos, no Kobler. Martin Kobler came with the Ilots de paix, and the programme had a lot of money for establishing the Ilots de paix where violence has been perpetrated, mostly in eastern Congo. We the citizens thought that the programme was meant to warn the nations that have been fuelling conflict in Congo. He said his programme will work with state institutions; it is the contribution from the UN, so it ought to be under the government, “we wish to reestablish the state sovereignty everywhere. In case they*

*destroyed district infrastructures, we shall rebuild them, so they went to Rutshuru and built the office of the district administrator, a beautiful one indeed, they put up solar panels, they built Police barracks, they called it “to reestablish the state sovereignty.” For them, that is one way of bringing about peace (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

According to this participant, the *Ilots de Paix* was the initiative of the UN, and the concept designates ancient volatile areas where the MONUSCO intervened to restore peace. Once peace is restored in those areas, they become islands of peace compared to islands of conflict or entities where security is still needed. Therefore, the islands of peace could serve as an example that other entities could emulate through the ‘oil stain effect.’ This initiative echoes the first component of STAREC, specifically, that security can be achieved by restoring the state sovereignty, the deployment of the police and army and the construction/rehabilitation of public offices in districts, barracks and prisons (see Section 6.3.1). In short, an island of peace is theoretically characterised by security and state sovereignty and empirically by the construction/renovation of public infrastructure.

#### **7.2.4 USAID/Netherlands, *Pailottes de Paix* (Shelters of Peace) and Village Peace Committees**

During the focus group discussions, the researcher tried to explore the concept of *Pailotte de Paix* with participants to determine what this concept meant for them. Participants associated *Pailotte de Paix* with the resolution of smaller, local level conflicts that is symbolised by a gazebo or small hut where discussions take place as described below:

*There is also “World Relief,” it had its own programmes of community dialogue, it organised Pailottes de Paix (peace shelters). We at the World Relief created VPC (Village Peace Committees) in villages, that is, peace committees to resolve conflicts “the chicken ate the neighbour’s beans” should you fight or take that chicken and slaughter it...after that the owner of the chicken gets angry and says “since you ate my chicken, we should also slaughter his/her cat that ate my vegetables we are going to eat it the same way you ate my chicken. Why can’t you watch over it...?” Those low scale conflicts were left to Pailottes de Paix. Pailottes de Paix became the strategy of Heal Africa; World*

*Relief was establishing VPC, village peace committees (Senzo, Nyiragongo, Munigi, Focus Group 1).*

*The place, the gazebo of peace where people's disputes are resolved (Amina, Masisi, Kamuronza, Focus Group 2).*

*It is a small house, a hut that has members who meet regularly; they are twenty-four (24) and divided into four (4) commissions (Jeanine, Masisi, Kamuronza, Focus Group 2).*

*Their elections are conducted in this manner: they consider social layers, they invite ten (10) people from each; out of those ten people, they elect one (1) person who represents his peers in the Paillotte. The project has two phases: the 2010 project supported by USAID contributed in the building of one Paillotte in Karuba groupement and two here at Sake. In the 2013 project supported by the Netherlands, they extended it in all the localities within Kamuronza groupement, but they did not involve other localities in Karuba.<sup>51</sup> After they were done with Kamuronza, they initiated another project for the whole district of Masisi. In the whole district, the objective was to support people so that they may get land titles from the ministry (Murairi, Masisi, Kamuronza, Focus Group 2).*

The initiative of the *Paillotte de Paix* or Shelter of Peace above described by participants seems to have been inspired by the traditional palaver hut where most disputes were settled by both the village chief and the Council of Elders (see Section 5.4). Similarly, one Provincial Government Report reads: “We thought by building neutral shelters on the model of the traditional palaver hut, communities could eventually convene there in order to settle conflicts that divide them at village, locality and even *collectivité* level” (Gouvernement Provincial du Nord-Kivu, 2012).<sup>52</sup> This initiative has double merit as it aims to resolve low scale conflicts between and within communities, such as petty theft. It also activates the cultural protocol of the palaver hut that has become extinct in several areas, as stated in the report mentioned

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<sup>51</sup> Karuba is a locality in Kamuronza groupement, Masisi district, North Kivu; its population is mainly made of the Tutsi community.

<sup>52</sup> The original text reads: “*nous avons pensé qu'en construisant des paillottes neutres au modèle de la véranda traditionnelle, les communautés pourraient éventuellement s'y rendre pour régler les conflits qui les divisent au niveau du village, de la localité et même de la chefferie.*”

above. The difference between an *Ilot de Paix* and a *Paillotte de Paix* is that the former refers to a territory, which can be a village, a *groupement*, a *collectivité* or even the whole district while the latter is basically a house, small in size in which a mediation committee resolves community conflicts called the “Village Peace Committee” (VPC). The main difference between the traditional palaver hut and the *Paillotte de Paix* is that while in the former, the *mwami* was the undisputable chair, in the latter, it is the VPC that mediates between the conflicting parties. In other words, the *mwami* may or may not be a member of the VPC, and his role is usually limited to the provision of the land where the *Paillotte* is built.

Participants seemed to be unsure as to the provenance of the *Paillotte de Paix* initiative. While Senzo attributes the initiative to World Relief and subsequently to Heal Africa, Tulika invokes USAID and the Netherlands. The researcher observed that several local and international organisations are involved in peace and humanitarian programmes in North Kivu to the extent that participants are confused about who initiated what and where. These organisations are running overlapping programmes and, more often than not, these programmes are concentrated in the same areas for the same people. Goma, the capital of North Kivu, is also where numerous similar organisations are domiciled whose members contribute to the town's growth through their economic activity. Paraphrasing Herodotus, who called Egypt the gift of the Nile, the researcher also observed that Goma had become the gift of NGOs. Just as Egypt depends heavily on the resources from the River Nile, so too is Goma dependent on the resources of NGOs. With Goma as the headquarters, the implication is that NGO programmes are carried out mainly in the districts surrounding Goma, namely Masisi, Nyiragongo, and, to some extent Rutshuru. In Lubero and Walikale, only small towns benefit from the programmes, but the further away you progress from Goma, the less those programmes are found. In areas where such NGO-driven programmes are found, it is common to find memberships to two or more peace and development committees. For instance, one of the participants from Focus Group 2 introduced himself as a member of CLPC, VPC and counsellor in the local Caritas group.

### 7.2.5 MONUSCO workshops and ad hoc conferences of peace

Another initiative of the UN revolves around the organisation of workshops and ad hoc meetings. Participants demonstrated a mixed reception of these initiatives as illustrated below:

*MONUSCO only organises workshops, public sensitisations; they do other things related to peace, but their impact on the field (all intervene: nothing), no impact on the ground. Except that if the support is provided in this project, maybe there would be some impact because the so-called “Muhabwa” and the “Mukonde”<sup>53</sup> can now reach a ground of understanding; the former takes the courage to visit the latter in order to see whether they can agree on the amount of money, be it 100\$ or 200\$, and from there be liberated and be able to join the project and get the contract; let me talk to him so that I may get the registration certificate (Furaha, Masisi, Kamuronza, Focus Group 2).*

*There was the UN Habitat, it came and tried to meet all the communities; the Hutu came, but the Nande were absent; they (Nande) gave the reason that they would like to look first at the matter, to see whether these people (UN Habitat) did not come to support those who wish to take our farms by force (Kamabu, Lubero, Tama, Interview 12).*

*There has always been some who have programmes (e.g., UN), there is a UN Habitat programme that tries to solve the land problem, we saw it mostly in Nyiragongo where they were securing the land (Kimuha, Lubero, Itala, Focus Group 7).*

The participants acknowledge the UN’s efforts to address the issue of land through its branch of UN Habitat. The strategy consists of public sensitisation and workshops attended by communities in the area who live in mutual rivalry, while other seminars target the youth who remain easy prey for militia groups (Kanyuri, 2018; Sebudandi, 2019; Sibayirwandeke, 2019). All these international peace initiatives aim to resolve conflict in general and ethnic reconciliation in particular in the province of North Kivu, but each in its own capacity.

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<sup>53</sup> The *Muhabwa* and *Mukonde* are Hunde terms that mean the recipient or the vassal who received land and the landowner respectively. According to Traditional leader 14 (Masisi, Oso-Banyungu, Kampala, Interview 30), *muhabwa* is the substantive for the verb “*kuha*” (to give), and *kuhabwa* (to be given, to receive). Hence the saying “*Bafuko bahabwa na bakonde*,” which can be translated as “the royal servants receive (land) from royal princes”.

### 7.2.6 Appraising the collaboration between international peace initiatives and the *Bami*

The burning question to answer after considering the international peace initiatives discussed in Section 7.2 above is whether and to what extent such workshops, *Paillottes* or *Ilots de Paix* help with peacebuilding in North Kivu. Based on participant testimony, as illustrated in Section 7.2., people seem to be sceptical of the ability of such peace initiatives to bring about real change. One positive outcome of the UN sensitisation work has been to facilitate the meeting of *muhabwa* (vassal) and *mukonde* (landowner), who at one point were considered rivals, but through such interventions have found common ground towards mutual understanding. The pessimism towards international peace initiatives can be attributed to the fact that the impact of these interventions are not yet seen or felt at the grassroots level, as illustrated below:

*They (International actors) thought that peace lacked in these areas because of the total absence of the state authority: there is no police...now, let us take it back there. We should also build prisons. That was their opinion. Little did they know that people down here are not understanding each other. It is not houses, those lamps, or what, but that is the strategy of Kobler “we shall build the house of the administrator of Masisi, Walikale, Rutshuru where emergencies are, where the M23 made razzias, we build military barracks, this one of Rumangabo, we monitor the elections in an attempt to reestablish state sovereignty.” Perhaps this strategy will help. The UN money we were told, should go to the state institutions. When that money goes to the government institutions, that is, customary and locality chiefs, district administrators, it has not touched the real problem; it does not resolve the conflict. People will only see the vehicles, motorcycles, which the UN has given to administrators, but these means of transport are not going to resolve the conflicts. It becomes a problem to hear that billions and billions of money have been spent by the UN, yet the latter failed to reconcile people and the people just observes them. That is why you still wonder why in the eastern Congo, things are stuck. What is the reason for the UN presence there? Because the UN did not involve local leaders and people at the local level (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

*Another thing was established the so-called VPC (Village Peace Committee). If you go here at Munigi, before you reach the roadblock, you will find a beautiful house, which*

*they built in that village of Munigi. They say: “We are establishing Baraza, you should always meet in places like these ones’. Today they have become goats’ pasture (frenetic laughter) (Senzo, Nyiragongo, Munigi, Focus Group 1).*

*When the MONUSCO was still MONUC, we saw its relevance, but since the time they changed it into MONUSCO it is as if they don’t care about bringing us peace because anyone who could call, be he/she a civilian, so or so has called, they ask the local chief about the situation: “Can you confirm what we have just heard?” Right after confirmation, they come with their cars and help to restore peace (Somo, Rutshuru, Bwito, Focus Group 6).*

*MONUSCO, I would even be tempted to say that it could be among the institutions that wish war to last because for them, it’s money, for them, they have monthly salaries, and if today it ends, this means cutting the source of money. So, I honestly think it doesn’t help us much in the province (Shamavu, Goma, Interview 24).*

The participants raised points of critique against international peace initiatives, ranging from inadequate strategies to their ineffectiveness. International actors intended to re-establish state sovereignty in conflict-ridden areas, and while the objective is praiseworthy, the means are debatable. Instead of investing in people’s reconciliation, they attempted to meet this objective by constructing and rehabilitating infrastructure without any local assistance. One participant argued that people on the ground needed more than houses (offices, prisons and barracks) or roads; they needed peace and reconciliation at the communal level. The major deficit of international peace initiatives can be attributed to the continued failure of international actors to consider the local context in implementing these interventions adequately. International peace initiatives still seem to follow the tenets of liberal peacebuilding even though it is clearly not fit for purpose in the context of North Kivu.

The researcher argues that peace processes in North Kivu are slow due to the lack of full involvement of local people and their *bami*. For instance, when the conception and management of a *Paillette de Paix* (see Section 7.2.4) are in the hands of the Village Peace Committee (VPC) and not the resident *Mwami*, the latter may be excluded from dispute

proceedings. This is not corresponding with the local context and the significance of the *bami* in local authority patterns. In the context of North Kivu, the *mwami* remains the traditional leader and the judge in his entity. By circumventing the locally accepted authority patterns, international actors may be setting their initiatives up for failure as local inhabitants likely will not take ownership of peace programmes. This is clearly illustrated by Senzo, who described how the ‘house’ built at Munigi, Nyiragongo district, as a meeting place, had effectively been abandoned to become goats’ pasture, and no one seems to care because the ‘house’ belongs to the UN and not the community.

Özerdem (2002; 2009) argues that local ownership is crucial for successful peace processes. Providing the example of the reintegration of ex-combatants in Afghanistan, he considers the process a failure because of excessive politicking, inadequate local ownership and lack of sustainability. He further notes that the Afghan’s New Beginnings Programme (ANBP) was criticised for its poor planning and implementation mechanism, which hardly left any room for the Afghan government and local populations to take an active role in the process of reintegration. This illustrates how important local buy-in is for peace initiatives to be effective and how dependent that is on involving local people as decision-making agents in the process and not merely recipients thereof.

In North Kivu, another point of confusion is the change in the UN peacekeeping mission in the province. Participants are confused about why the MONUSCO is not intervening in villages to quell tensions as its forerunner, the MONUC, used to do when they were technically authorised to do so. Under the United Nations Security Council, Resolution 2098 of 28 March 2013, the United Nations Force Intervention Brigade (FIB), composed of troops from South Africa, Tanzania and Malawi and being part of the MONUSCO, is authorised to use force to neutralise and disarm Congolese militiamen and foreign armed groups.<sup>54</sup> The joint military operations between the FIB and the FARDC helped overcome the M23 in 2013 (see Section 2.5.1). Given the 2013 victory and the presence of peacekeeping troops, some participants question why peace is not yet attained in North Kivu. Section 2.4.4 provides a discussion about how the war in the DRC is a lucrative business and the economic agendas of combatants. Thus,

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<sup>54</sup> <https://www.un.org/press/en/2013/sc10964.doc.htm>, Retrieved 24 July, 2016.

in this business of war for those who benefit economically from the conflict, peace initiatives would run counter to their economic interests. The failure of peacebuilding may therefore carry economic incentives. In sum, international actors failed in their mechanisms (construction and rehabilitation of infrastructures across districts) and their goal (restoration of state sovereignty). The researcher argues that in this context, it would have made sense to prioritise the reconciliation of populations at the grassroots level with their full cooperation followed by state sovereignty and development endeavours.

### **7.3 THE APPROACH OF THE PROVINCIAL GOVERNMENT: *BARAZA INTERCOMMUNAUTAIRE* (INTERCOMMUNITY OMBUDSMAN)**

The *Baraza Intercommunautaire* is one of the formal peacebuilding mechanisms and strategies the provincial government and other stakeholders put in place. One participant identified some of the peace initiatives as:

*The management of the conflict by the State (sometimes by the use of military violence); the resolution of this conflict by direct and indirect negotiations; mediation by certain NGOs and religious actors; an attempt to transform the conflict by establishing the Baraza Intercommunautaire (Tsongo, Goma, Interview 27).*

This participant summarised the peace processes initiated by the government of the DRC and its partners (see Chapter 2, Section 2.5). These included military operations and political and diplomatic peace processes in terms of DDR and the truth and reconciliation programmes for the whole country. However, this statement also mentioned the establishment of the *Baraza Intercommunautaire*, an initiative particular to North Kivu province. Participants generally described the *Baraza Intercommunautaire* as an interethnic meeting forum or intercommunity ombudsman. Here they discuss and mitigate issues that may lead to interethnic disputes. For example:

*Intercommunity Baraza has an office there at Ihusi. It was created in 1990-1992. The problem started in Goma when people were divided along ethnic lines when governors were coming from other places. Before Mobutu used to appoint governors from outside*

*their provinces, here we used to have governors from the Equateur Province, they were many here, and others were going into other places. Then from 1991-93, native governors started ruling the province, and many became frustrated. Thereafter the intercommunity Baraza came, it is composed of members from different tribes found in North Kivu – if I am not mistaken -, and it said we have nine (9) tribes in the province of North Kivu: the Hutu, Tutsi, Kumu, Yira/Nande, Shi, Kusu, Kanu/Rega, Nyanga and Hunde. Then the Baraza took representatives from each tribe so that they may help in conflict resolution. And there are those who worked for the growth of the Baraza, such as late governor Kanyamuhanga Gafundi who became governor when they entered with the AFDL; he was acquainted with conflicts, and he had this to say: “let us first talk these matters in the intercommunity Baraza.” ...Therefore, the Baraza ought to have branches in quarters, districts (Senzo, Nyiragongo, Munigi, Focus Group 1).*

*The intercommunity Baraza is a structure which was established in order to make the leaders of ethnic communities meet. These leaders were given the mission to discuss issues that are susceptible to cause disputes between various ethnic groups. In this manner, they contribute to the consolidation of peace, privilege cohesion and solidarity between ethnic groups that live in the Province (Pimako, Goma, Interview 26).*

*All the presidents of the communities are members of Baraza. So, I do participate from time to time in intercommunity Baraza meetings. The intercommunity Baraza was initiated by the province; it was the province that said, “we would like to put together all the presidents of the communities so that we can start to reflect together on peace.” That was the great vision of the intercommunity Baraza, which was presided by the lawyer Fataki at first, and then there was a certain Kubuya, and currently, there is a certain Bauma (Shamavu, Goma, Interview 24).*

The above quotes explain the provenance of this inter-community ombudsman, tracing the existence of the Intercommunity Baraza back to the 1990s, the period during which the MAGRIVI war tore apart the province of North Kivu (see Chapter 2, Section 2.3.2). Therefore, there is a link between the establishment of the Baraza and the MAGRIVI war, which had ethnic configurations. Based on participant testimony, provincial authorities led by one former governor, Kanyamuhanga Gafundi, took the initiative of creating a space where ethnic leaders

could meet for the sake of peace. Thus, the intercommunity Baraza was established to build peace and cohesion among the various North Kivu communities.

One of the strengths of the Baraza is that it became an advisory body to the governor and even for the president during election time or when appointing public civil servants. Participants positively remarked:

*The Baraza really helped. During the formation of the provincial cabinet, the Baraza suggested the governor, that ministers should not come from one tribe, “let all tribes work together.” The bami and others were to be endorsed by the Baraza. The Baraza was an advisory body to the governor and the president of the republic; the Baraza could say: “given this issue, mwami so and so, this place or that one, we advise you president to do this...” Most of the time their advice was taken into consideration (Senzo, Nyiragongo, Munigi, Focus Group 1).*

Some participants acknowledged the strength of the intercommunity *Baraza*, stating that it provides a space for dialogue between communities, even if it cannot resolve the conflict entirely:

*It must also be said that the strength of this institution [Baraza] is that it gathers together all the tribes. And that still allows us, as I told you, we may not end or not alleviate the conflict, but the fact of talking to each other is already a step forward. And that’s what Baraza does. Normally during the time of governor Kahongya, he wanted that the Baraza make fieldwork or peace awareness. Unfortunately, with the political context, they don’t do much anymore, but the institution still exists (Pimako, Goma, Interview 26).*

*The Baraza makes a great effort to sensitise the communities and mediate between conflicting parties to make peace in accordance with the goals of North Kivu’s governors.*



Picture 1: Baraza office delegates



Picture 2: Ethnic leaders in the field



Picture 3: Baraza mediation setup

Figure 7.1: Baraza Intercommunautaire (Intercommunity ombudsman); pictures availed by the Baraza to the researcher on 6 August 2019 in Goma Tow (DRC)

In practical terms, the *Baraza* has held several mediation workshops in various districts to bring about reconciliation among ethnic communities, as illustrated in Figure 7.1 above.<sup>55</sup> Other initiatives include: the *Baraza* accompanied Governor Kahongya to Miriki village, Lubero district, to quell the dispute mentioned in Section 2.3.3. This incident refers to the conflict between militia factions that claimed several lives, including eighteen of Mwami

<sup>55</sup> Courtesy photos from the Head Office of the *Baraza Intercommunautaire* in Goma Town (Field Report 06/2019).

Murandya's family members. According to an eyewitness account, the *Baraza* resolved the conflict:

*The Baraza Intercommunautaire is the union of all the communities in North Kivu. They (Baraza) help because on the day when the Nduma were fighting against the Mai-Mai, they (Baraza) went as far as Kaghumo. The Baraza came all the way from Goma; it included 1 Hutu, 1 Nyanga, 1 Nande, 1 Hunde; I mean all the 11 communities found in North Kivu were represented. They selected one person from each community. The Nyanga should talk to the Banyanga who are fighting. In the end, they helped us, reason why we breathe some peace for the last three days; otherwise, the Nduma could have killed us. The other young men, the Mazembe and Nduma, as they were fighting, they (Baraza) said that because the Mazembe have expressed the idea of joining military formation, the so-called brassage, they remained there, and the government is waiting to take them for training (Traditional leader 5, Lubero, Itala, Interview 7).*

Clearly, the unique assignment of the *Baraza* was to resolve the conflict that occurred in Miriki village. The *Baraza* delegates, to the appreciation of the local populations, went farther than expected, as far as Kaghumo village situated 25 km from where one faction of militiamen was encamped, as they intended to meet with them to negotiate a cease-fire between all the combatants of this conflict. Despite the good intentions and value of the *Baraza*, the institution has experienced several setbacks. During focus group discussions, some participants highlighted two interrelated challenges that the *Baraza* faced in its endeavours, notably intense competition with other, wealthier organisations in the field and financial dependency.

*In 1994-5, the Baraza was working hard to help refugees after the Rwandan genocide. It was working, but its actions were somewhat overshadowed by NGOs. Another problem lies in its financial support, which was coming from the province, the office of the governor is the one to suggest the vote of the budget to equip the office; he is the one to say, "give them this vehicle..." But today, the budget of the governor's office is not enough to even cater for the Baraza. That is the problem. The MONUSCO does the same to the civil affairs; they take them (Baraza) to Bunyatenge, Miriki giving them daily allowance. Actually, the experience shows that for the last 20 years, humanitarian NGOs have been working with daily allowance schemes, which is a bad habit. You hear then*

*people groaning, “they left my name on the list” (frenetic laughter); they start working for the daily allowance, not for the real problem because the daily allowance is a loaded envelope (laughter), they are accommodated, taken into helicopter. I thought this too may be among the weaknesses, but they indeed try (all: yes) to resolve the conflict despite the fact that they discuss too much their daily allowance. It is not too much money, but the daily allowance makes it that only 1 or 2 people could go, yet to resolve a community conflict, at least the presence of 10 people is needed, all the communities should be represented so that they may express their grievances to each other as an intercommunity Baraza. But only one corruptible person would go and thereafter come with a twisted report (all: yes) (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

*The Baraza has problems because of lack of its own income. For instance, the governor sent them to Kitshanga when violence erupted: they were deployed, they reached and did the job. But since they don't have their own means, they depend on politicians. The latter may say they don't have money in case they consider that they have no interests. The office of the governor has no fuel to give them. The MONUSCO started to take them by helicopter; it sought their services when the Hutu and Nande were fighting at Kibirizi. They really killed each other... they took them (Baraza), for they master conflicts and have suitable solutions, but they are not utilised enough, they are not given means to allow them perform better work (Senzo, Nyiragongo, Munigi, Focus Group 1).*

These quotes clearly demonstrate the competition between field organisations and the *Baraza*. All pursue the same objective, namely building peace and ethnic reconciliation but follow different methods to reach people. While the *Baraza* goes to the field without money and does not pay people for their participation, the MONUSCO and other organisations provide money to participants who attend meetings and workshops. One participant criticised this daily allowance scheme because its consequences do not serve the purpose of peace. Firstly, since the *Baraza* has nothing to offer in terms of monetary gains, people are not motivated to attend their workshops. Yet, the *Baraza* is well-designed to eradicate ethnic prejudice and enhance reconciliation and cohesion. Secondly, it seems that the *Baraza* also benefits from the daily allowance scheme when MONUSCO seeks their services. The donor may not be in a position to fund both the *Baraza* delegates and workshop attendants. Then selection becomes

mandatory, potentially leading to competition and conflict to see who may benefit and who may not. For the *Baraza* delegates to set foot in a conflict area, the delegation must comprise eleven (11) representatives of the ethnic groups found in the province. The goal in this regard is that when one community airs its grievances or, as one participant stated, the ‘naked truth,’ other communities, through their representatives, should know the true nature of the grievance. But in case only two or three *Baraza* members appear in a given area, the non-represented communities might feel isolated and sidelined. Additionally, the financial dependency of the *Baraza* on the MONUSCO and sometimes on politicians engenders distorted reports aligned to the will of the funder, which may very well be contrary to the needs of communities. The *Baraza*, while very valuable as a forum for interethnic engagement, is perceived to suffer from the same ills of corruption and lack of accountability seen in formal and informal entities in the DRC, as explained below:

*There is another scenario, the Baraza had 100 cows, it remains with 10 only, but there is no accountability. Those other cows were mismanaged by the Baraza; they do not know where they disappeared. So, conflict starts from within (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

In addition to financial dependency and corruption, the intercommunity *Baraza* has faced a methodological problem since its inception. The establishment of the *Baraza* as a place where communities can meet and air their grievances followed a top-down approach. The institution started and functioned at the provincial level without lower branches in *collectivités* and *groupements*. One member of a local organisation provided his perspectives on this issue:

*I was in their office last week, I asked them the question: “you form here an intercommunity Baraza. Does this community have branches?” They said that they want to establish them in various groupements, as the intercommunity Baraza must start from the village (all: yes), it raises from the village to the locality, groupement, collectivité...You realise that in villages, like Mushake each community has its own president, and there was another community that wants to show that “we are stronger” (Bauma, Masisi, Kamuronza, Focus Group 2).*

From the testimonies, one can surmise that people are more reluctant to accept programmes imposed on them using a top-down approach. They prefer their participation in the programme to start at their village level so that the selected members can participate in the programmes in which they are the primary beneficiaries. The intercommunity *Baraza* and all the preceding programmes, namely CTPR, STAREC, and CLPCs, have all failed due to a lack of ownership produced when there is no active and full participation of people at the local level. As indicated earlier, even though the *Baraza* provides a valuable forum for interethnic engagement, successful dispute resolution is not a guarantee, as explained below:

*Another problem comes in when they resolve conflicts: suppose one member is declared the loser, other members of that community would say, “they disrespect us because we are Tembo...” The Baraza fails to resolve the conflict because people have already taken stand (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

*If some conflicts persist, if some are not resolved, it is certainly because it is not easy to correctly satisfy various interests, which some communities are targeting. Let us note that every time we think we have found some responses to these given conflicts, other grievances are brought on the negotiation table (Shamavu, Goma, Interview 24).*

The above quotes show that interethnic conflicts in North Kivu have reached the form of what Deutsch (1994) calls vicious spirals and cognitive rigidity, as parties rigidly lock themselves into narrow positions. Deutsch (1994) offered an overview of the factors that influence conflicts toward destructive outcomes: the excessive involvement of personalities in a conflict; the nature of the issues involved (i.e., issues perceived in win-lose or zero-sum terms); and cultural differences with its series of prejudices and stereotypes. This study already explained how the involvement of politicians and *bami* might fuel interethnic conflicts. For example, to the extent of funding rebellions (see Sections 2.3.2 and 2.3.3). Also, the recurrent issues of citizenship, traditional power and land are major points of conflict vis-à-vis Rwandan communities (Section 2.3.2). In Chapter 5 (Section 5.7.1), this study unpacked ethnic prejudice and stereotypes, which may render *bami*'s peacebuilding work unproductive. On similar faultlines of ethnic prejudice and rigidity, the intercommunity *Baraza* falters despite its commendable intent to reconcile ethnic communities in the North Kivu province.

## 7.4 NGOs AND CHURCHES

Besides the efforts of the provincial government through its intercommunity *Baraza* to bring about peace and reconciliation in the province, several field organisations and churches are also active in consolidating peace in the communities. This section focuses on local organisations funded by international bodies.

### 7.4.1 CRONGD-NK: Identifying and de-activating causes of conflict daily

CRONGD-NK (*Conseil Régional des Organisations Non Gouvernementales de Développement au Nord-Kivu* (Regional Consortium of Non-Governmental Organisations of Development in North Kivu, CRONGD-NK) is a field organisation and member of the group of international and congolese human rights and aid organisations. Along with its peers, CRONGD-NK spearheads ethnic reconciliation and advocates for the end of sexual violence in the eastern Congo. Indeed field organisations are urging the international actors to focus on human rights and ensure that action is taken to protect civilians at high risk, especially women and girls, under the threat of sexual violence (HRW, 21 April 2008). Concerning this NGO's peacebuilding efforts, participants provided the following information:

*There are many NGOs for human rights which come here. I see CRONGD-NK. There are more village leaders at our level here in Lubero District, they took village leaders, and they are training them for the consolidation of peace in our region here. They organise workshops here at Luofu, Rutshuru, they even go to Kisangani to see how other Congolese, ethnic groups of Kisangani, of Bukavu, of Bunia, succeeded to reconcile at a certain time after such problems as those we are experiencing here. Sometimes when they come, they consult religious leaders. They also consult traditional leaders. And together, we look for strategies to attain peace (Church leader 4, Lubero, Tama, Interview 11).*

*There are NGOs that are dealing with conflict resolution. Churches also came in with announcements, sensitisations; we have Save the Children, Centre Lokolé... Those people were sensitising and fostering dialogue among us. There is another NGO stronger than the others, that is CRONGD-NK, whose headquarters are found in Goma: it has committees in several entities. It does not only deal with ethnic conflicts, but it also deals*

*with all kinds of conflict because we even have conflict over land among ourselves. Therefore, they sensitise us and teach us what to do; we have come to understand with time (Kamabu, Lubero, Tama, Interview 12).*

According to participants, the CRONGD-NK is active in training and sensitising the local leadership and the population on consolidating peace and reconciliation among ethnic groups in North Kivu. CRONGD-NK is involved in a project entitled, *Projet d'identification et désamorçage des sources des conflits au quotidien* (identification and de-activation of causes of conflicts on a daily basis). For this purpose, it organises workshops and social dialogues, and in the end, the members produce a report on the engagements of stakeholders. For example, from 12 to 18 August 2019, they organised a workshop on conflict and observation of social tensions in Rutshuru and South Lubero (CRONGD-NK, Report 004/19). They also re-installed peace clubs in Rutshuru and South Lubero in May 2019 (CRONGD-NK, Report 002/19) and organised an interterritorial forum on the movement of populations in Rutshuru and South Lubero on 14 and 15 June 2019 (CRONGD-NK, Report 003/19). Furthermore, they were responsible for the social dialogue on customary land management held between 11 and 12 October 2017, as mentioned in Section 6.3.2 for the *collectivités* of Tama and Itala, southern Lubero District (CRONGD-NK, Report 001/19).

Some participants expressed their appreciation for the intervention of CRONGD-NK in three major areas. First of all, the organisation has been keen on consulting the local leadership, religious and traditional leaders, inviting the local population to join efforts and seek strategies for sustainable peace. Secondly, though CRONGD-NK's headquarters are found in Goma, it has installed local committees in several villages and towns. This study observed the ubiquity of the organisation. Even though the above quotes were drawn from the district of Lubero and groupement of Tama, the majority of participants in other districts of Masisi, Rutshuru, Nyiragongo and Walikale mentioned it in their interviews and focus groups. Thirdly, the spectrum of conflicts targeted by the organisation is large. Thus, the CRONGD-NK deals with ethnic and land-related conflicts, as well as small and large scale conflicts, because it understands that conflict pervades 'our society'. By doing so, the organisation is faithful to its project of identifying and de-activating causes of conflicts daily. In its operations, the

organisation adheres to the theory of conflict as a social phenomenon that starts at a certain point, which then spills over. Managing it at its incipient phase can bring great and positive results (Wilmot & Hocker, 1988; Azar, 1990).

Unfortunately, similar to the rigidity of some ethnic groups that rendered the peacebuilding by the *bami* and *Baraza* sometimes unproductive, the same is true for CRONGD-NK and other NGOs. Due to the instability endemic to the context of North Kivu, many local communities such as the Nande, Hunde, Nyanga, Rega, and Tembo refuse to attend workshops as they suspect peacebuilding organisations harbour hidden agendas, favouring Rwandophone inhabitants to the detriment of the local Congolese.

#### **7.4.2 NPRC: *Noyau de Prévention et de Résolution des Conflits* (Nucleus of Conflict Prevention and Resolution)**

Another local organisation found in the field is the NPRC. The organisation is described by one of its members in the following terms:

*I am a member within this Conflict Prevention and Resolution Committee here at Kanyabayonga. We straddle Bitongi locality and Kanyabayonga municipality, reason why we serve all the people within the municipality and the groupement in conflict resolution or doing mediation, to listen to people. It is from 15/9/2017 in the general assembly, which gathered all the ethnic groups that are found in Kanyabayonga town. In that assembly, we represented various communities, and after representing these communities, elections were conducted and then this Conflict Prevention and Resolution Committee was established. And inside the words “committee” and “prevention”, there is prevention and inside “resolution”, there is to resolve. It is our work in this committee, and since the time we established this committee, it has yielded some fruits, for we started it in the time of divisions, people had been divided, but when we as communities sat down, each side came with its leaders, we have worked, and we continue to work, and it is bearing fruits and reports are available about its successes (Sikujua, Rutshuru, Bwito, Focus Group 6).*

The stated presentation of the NPRC organisation is informative in various areas and provides the following: the year in which the organisation was established, that is, 2017; the area of operation; the objectives and activities of the organisation in conflict prevention and resolution; and the positive results so far obtained. The operations of the NPRC is reflected in Figure 7.2.

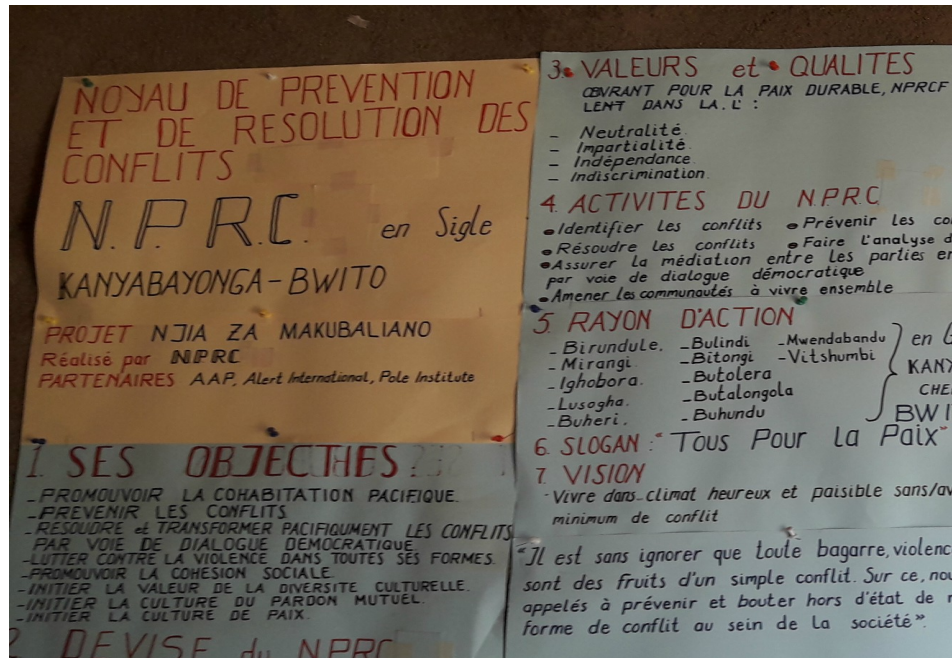


Figure 7.2: NPRC Operations (Picture taken by the researcher in NPRC Office at Kanyabayonga, Bwito Collectivité (DRC) on 23 August 2019)

The activities of CRONGD-NK are spread over the whole province of North Kivu. However, the activities of the NPCR are limited to the single *groupement* of Bwito, Rutshuru district, and operates from its headquarters located in Kanyabayonga town. In scope, the NPRC epitomises community-based organisations (CBOs) founded for a particular group of people to provide local responses to local problems in supplement to those provided by national and international actors. These problems range from insecurity to livelihoods through human rights, including women’s rights. Secondly, the NPRC claims to be inclusive with regard to ethnic groups. As mentioned, the general assembly which endorsed the foundation of the NPRC was composed of representatives of communities found in Bwito *collectivité*. At the time of the field research in August 2019, the steering committee was composed of nine (9) people. Four were men and five women representing the Nande, Hunde, Hutu, Tutsi, Kobo-

Kumbule and Nyanga communities. The chart also lists nondiscrimination among the organisation's values and qualities; the others included neutrality, impartiality and independence. Thirdly, conflict resolution is the main activity of the organisation. Other activities and objectives provided on the organisational chart include fostering peaceful co-existence, resolving and transforming conflicts of all types, promoting social cohesion, and assuring mediation through democratic dialogue.

The NPRC highlights the impact of conflicts between armed groups who claim to defend the interests of their respective ethnic groups on ethnically mixed families in particular. One participant remarked:

*There was a time of war; women became victims: one Hutu lady was married to a Nande and were about to divorce because of war. There is another couple at Butalongola. She is a witness along with the commission, they went there where at least five families reunited, but they want to divorce. There is a lady by the name of Justine who recently was almost penalised, she is a Hutu who was married to a Hunde, but we went there to listen to them. We told them that we shall not start from outside while one of you has a problem. We started as a group of 23 people, but we were compelled to add 7 more because of the women who were traumatised by the conflict. That is why we form a group of 30 people within the committee to plead the cause of women so that they too may have a say because the children who have joined militia groups to cause insecurity were born of women. Besides, women are being traumatised because they are deprived of their rights. That move awakened us to show that women too have an enviable place in the work of mediation, for if the situation is blocked, we send the wife to reach a ground of understanding with her husband, or she goes to listen to her son so that we may all be in the same way of building peace for our own benefit and the benefit of all who are in exile so that they may return in peace (Mwendakulala, Rutshuru, Bwito, Focus Group 6).*

Mixed marriages across ethnic groups are commonplace in the district of Rutshuru in general and in Bwito *collectivité* in particular. Conflict may arise in families when spouses and children take sides with rival armed groups, leading to violence in the home and divorce. Based on the findings of this study, such instances of familial conflict stands in contrast to the premise that interethnic marriages may still be viewed as traditional peacebuilding

mechanisms between ethnic groups. As noted in Chapter 5, Section 5.3, traditional leaders encouraged blood pacts and interethnic marriages to make peace between in-laws, but unless monitored and checked daily, an interethnic union can become another source of conflict when ethnic prejudice persists in households.

Therefore, the NPRC became concerned and involved itself in the rescue of couples heading for divorce. Thus, the mediation work of the NPRC was extended from the public sphere to the private sphere to include mediation in the home environment and interpersonal relationships as well. The mediation work carried out by the NPRC in the private domain, while meant to save marriages, was also aimed at defending women's and children's rights. For example, the NPRC involved more women to form the 30-member committee to address issues of concern for women. The organisation believed in the power of women to dissuade their sons and daughters from joining armed groups and to encourage them to resume their education. Olsson and Fors (2004) observed that conflict is the major cause of high school dropout rates, depriving many children of their right to education in eastern Congo.

In addition to ethnically mixed families, the NPRC also mediated between armed groups for sustainable peace in the *collectivité* of Bwito. One participant talks of the positive results of their mediation:

*I am a member of this committee (the 30-member committee). We have a lot of work within this committee. Since the time we were elected at the round table, this road section that feeds Kikuku and Kanyabayonga was blocked. We went to meet two rival militia groups that were blocking the road. So one of the benefits we have out of the work we are doing is that currently, the road is free; even by foot, you will reach safely<sup>56</sup> (Sylvia, Rutshuru, Bwito, Focus Group 6).*

Safety on some roads was inadequate. However, through the intervention of the 30-member committee with militia groups, the road became usable. Notable positive outcomes of the mediation work of the NPRC include stable, peaceful families and the restoration of personal

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<sup>56</sup> Kikuku is the capital of Bwito *collectivité*, Rutshuru district while Kanyabayonga straddles the two districts of Rutshuru and Lubero. The distance between the two towns is 55kms.

freedoms such as freedom of movement. Despite the gains made, the results are still insufficient as Bwito remains one of the epicentres of interethnic conflicts in North Kivu, where a mere skirmish can lead to a large-scale confrontation between ethnic communities. The financial dependency of the NPRC on its partners such as Alert International is a point of concern, and fears abound that the crucial mediation work of the organisation may cede due to financial constraints. Bercovitch (2003) and Mitchell (2003) remind us that mediation is a triadic peace process (two conflict parties and the mediator) in which adversaries need conciliation. They further state that it requires continuity; thus, the valuable efforts of the NPRC will remain in high demand in the volatile Bwito area.

#### **7.4.3 PAL: *Programme d'Action Locale* (Local Action Programme) and its strategy of *Buholo* (peace)**

Another community-based organisation found in North Kivu is the *Programme d'Action Locale* largely supported by the United Nations Development Programme (UNDP). Compared to the two previous organisations, PAL stands between CRONGD-NK and NPRC in their area of operations. While the CRONGD-NK covers the entire province of North Kivu and the NPRC is limited to Bwito *collectivité* in Rutshuru, PAL's area of operation includes the districts of Lubero, Rutshuru and Walikale, as explained by one of its members:

*PAL is a local organisation located in Kanyabayonga, Lubero territory but its radius in North Kivu covers the three territories of Lubero, Rutshuru and Walikale. Our preferred areas are food security, the environment and also the transformation of agricultural products and gender (Pendakwabo, Lubero, Itala, Focus Group 8).*

The participant highlighted the area of operations and the scope of their action. PAL focused predominantly on agriculture and gender by empowering women in the areas of agriculture, education and income-generating projects and by fighting for their rights to access land and justice. However, with time, their scope has been broadened to incorporate conflict resolution when the organisation realised that food security and peace are indelibly linked, as suggested below:

*The two approaches of food and peace are so linked because we cannot carry out agricultural activities where there is insecurity, we first need peace, and it is only after we can carry out agricultural activities, and those who make peace must harvest the fruits of agriculture to survive. So these are two concepts that are related (Shakira, Lubero, Itala, Focus Group 8).*

*In fact, we were victims of this (insecurity) because we had to reduce the radius simply because we could not access other places like Bwito, and many of the beneficiaries have already moved; we see them either here or in Kitsombiro. Even our beneficiaries, our activities, you will see they (militiamen) looted: we give goats, rabbits, guinea pigs, harvests...Often these wars occur when it is time for harvest between November-December or May-June, it is often these times, often times of harvest. The people give up everything; the animals are looted, so it affects our action considerably (Shekina, Lubero, Itala, Focus Group 8).*

Insecurity hampers the agricultural activities of farmers who become vulnerable when they find it difficult to access their farms due to safety concerns. The few who manage to plant a harvest and rear animals cannot enjoy the fruits of their efforts in the event of insecurity. According to Tasi and Waswandi (2020), insecurity, inadequate rural markets, and inappropriate agrarian methods inherently lead to poverty in districts such as Lubero. The quotes also suggest poor governance as referred to in Section 2.4.5 which is illustrated by the government's failure to resolve conflicts and tackle issues of unemployment and equal distribution of resources. Another point of concern, as suggested by the participants above, is political manipulation as an additional source of conflict in North Kivu.

Consequently, while PAL was initially concerned with livelihoods and the loss of animals and crops due to conflict, its scope of operations expanded to include conflict resolution by establishing what is known as *Buholo* commissions<sup>57</sup> that are currently in operation to enhance peacebuilding and security for farmers. Various participants describe *Buholo* commissions in the following terms:

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<sup>57</sup> *Buholo* is a Nande and Hunde term for peace (“Obuholo” in Nguessimo & Kavutirwaki, 2011).

*NGOs offer frameworks for consultation between the parties on prevention, conflict resolution through consultation workshops and accompanying certain victims. For example, at the PAL, we created “Buholo” commissions; it was just to equip some actors (Amini, Lubero, Itala, Focus Group 8).*

*We had to continue... since after the workshop, whenever there was a problem, people could move and meet in Kaseghe, if the conflict is in Miriki, we will meet at Miriki, and so on. So this commission is mobile (Pendakwabo, Lubero, Itala, Focus Group 8).*

By integrating conflict resolution through the establishment of *Buholo* (peace) commissions, PAL adapted its action plan to suit the context of North Kivu. It joined the club of fellow CBOs found in the province to have joined the pool of peacemakers. This study found that the context of conflict provided a fascinating insight into the organisation’s dynamics. The subsequent figure shows how PAL has become one of the leading local peace organisations in North Kivu from a predominantly agrarian organisation through the empowerment of women.



Figure 7.3: PAL dynamics (Picture taken by the researcher in PAL Office at Kanyabayonga, Itala Groupement on 23 August 2019)

The first picture presents the fundamental goal of PAL: to promote agriculture and empower woman in food production. The second picture demonstrates how PAL has begun to invest in defending women's social, political, economic, and cultural rights in accordance with the country's constitution after realising that the woman they empower is exposed to abuse and rape.<sup>58</sup> The third picture provides a series of actions that a woman can follow after rape, such as reporting to the police and lodging the case in the courts of justice. This process may culminate in the conviction and imprisonment of the perpetrator. The figure also suggests two other important things: women can enter the legal profession through education to become judges on rape cases and even be elevated to the rank of chief magistrate. These depictions carry the powerful message that women and men are equal in power, dignity and ability and should be treated as such. PAL advocates that men and women become partners in the cause for peacebuilding towards democracy and to incorporate women in initiatives to drive societal change (Navarro & Homel, 2016).

With regard to collaboration between the organisation and traditional leadership, some participants offered interesting insights, namely that of *bami*'s membership in *buholo* committees and their willingness to provide land to PAL:

*These committees (Buholo Committees) are composed of local leaders, authorities, bami; there was even a Catholic priest from Kabasha parish, a Kaseke village chief, a PAL unit*

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<sup>58</sup> Article 14 of the Constitution stipulates:

*“Les pouvoirs publics veillent à l'élimination de toute forme de discrimination à l'égard de la femme et assurent la protection et la promotion de ses droits. Ils prennent, dans tous les domaines, notamment dans les domaines civil, politique, économique, social et culturel, toutes les mesures appropriées pour assurer le total épanouissement et la pleine participation de la femme au développement de la nation. Ils prennent des mesures pour lutter contre toute forme de violences faites à la femme dans la vie publique et dans la vie privée. La femme a droit à une représentation équitable au sein des institutions nationales, provinciales et locales. L'Etat garantit la mise en oeuvre de la parité homme-femme dans lesdites institutions. La loi fixe les modalités d'application de ces droits” (Assemblée Nationale, 2006).*

English translation by the researcher: “The public authorities ensure the elimination of all forms of discrimination against women and ensure the protection and promotion of her rights. They take, in all fields, particularly in the civil, political, economic, social and cultural fields, all appropriate measures to ensure the total fulfillment and full participation of the women in the development of the nation. They take measures to fight against all forms of violence against the women in the public and private sector. The women has the right to equitable representation in national, provincial and local institutions. The State guarantees the implementation of gender equity in the said institutions. The law establishes the modalities of application of these rights.”

*and other Miriki locality chiefs, some landowners, women too...(Shekina, Lubero, Itala, Focus Group 8).*

*In the conflict resolution, there are topics such as in the field of agriculture because the Bakama who give fields to farmers are partners with whom we always collaborate. We had this facility because the local leaders also have their land. We in our department there had no problem. Many cases were solved. At PAL, we called a consultant who came to train on the spot so that people could act on their own (Pendakwabo, Lubero, Itala, Focus Group 8).*

According to the quotes above, the collaboration between the *bami* and PAL exists through two different protocols, in that the *bami* are members of the *Buholo* committees established to monitor peace and reconciliation in the areas covered by the organisation, and that they are willing to provide land to the organisation for its various activities. On the issue of land, these quotes confirm the traditional land distribution and management regimes where the *bami* or their subalterns, the *bakama*, have the authority to manage land on behalf of their respective communities, as discussed in Chapter 2. The *bami*'s willingness to participate in peace activities and committees is demonstrated here as members of *Buholo* committees. This is in addition to their voluntary participation in social dialogues, as shown in Section 6.3.2, and being members of Village Peace Committees organised by local and international organisations (see Section 7.2.4.).

#### **7.4.4 The Catholic Caritas Programme**

Similar to the rest of the country, North Kivu is home to several church denominations. However, in terms of peacebuilding, participants unanimously acknowledged the contribution of the Catholic Commission of Justice and Peace, which functions under Caritas.

*Apart from the Catholic Church, the contribution of other religious confessions is still minimal. We cannot affirm that they are doing this or that; it is nowhere to be seen. I dare to say churches have kept quiet. And perhaps for us who were doing analysis of conflicts, churches are part of the problem: for you find this church belongs to this community, the*

*other to that community, all the leaders come from that particular community... Maybe it is the reason why churches have nothing to tell the people. People have no confidence in them because they have not shown any good example in talking to people about peace. Maybe it is the reason why they have closed their mouths. But some other churches are opening their mouths. Even the civil society is talking, telling people... (Murairi, Masisi, Kamuronza, Focus Group 2).*

*There were also some churches: the Catholic Church with its Caritas programme of Justice and Peace. Only the Catholic Church is doing something; it tries its best with its commission of Justice and Peace of Goma Diocese. The Baporo (Protestants) had disparate programmes: the CEBC has its own, the CBK its own...<sup>59</sup> (Senzo, Nyiragongo, Munigi, Focus Group 1).*

Participants reported that churches in the North Kivu province have been slow to address the interethnic conflict. Indeed, they are viewed as contributing to the underlying causes of the conflict. For instance, some churches are characterised by ethnic identities (e.g., Hutu, Nande and Hunde). According to one participant, those churches with some form of peace agenda lack unitary coordination. It appears that compared to the Catholic Commission for Peace and Justice, other churches' peace strategies are less well defined and scarce in the field. This research was interested in the kind of contributions a church or church-based programme such as the Catholic Caritas Programme can offer towards peacebuilding in North Kivu.

The concept, Caritas, derives from the Latin word meaning 'love' and 'compassion'. From its humble beginnings in 1897 in Germany, Caritas has grown to become one of the world's largest humanitarian agencies. Its current headquarters are found in Rome under the name Caritas Internationalis but have branches worldwide at national and diocesan levels. Generally, "Caritas promotes integral human development so that people in the worst-off and most disadvantaged communities are free to flourish and live in peace and dignity. We work

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<sup>59</sup> CEBC stands for *Communauté des Eglises Baptistes au Congo* (Community of Baptist Churches in the Congo) while CBK stands for *Communauté Baptiste au Kivu* (Baptist Community in Kivu). These two along with other church denominations are branches of what is known in the Province of North Kivu as the Protestant Church. The concept "Baporo" is a local shortened and mispronounced form of Protestant.

to ensure that our natural environment is managed responsibly and sustainably in the interests of the entire human family” (Caritas Internationalis, 2010).

The province of North Kivu is covered by two subsidiaries of Caritas, namely Caritas Goma and Caritas Butembo-Beni. Caritas Goma operates within Rutshuru, Nyiragongo, Masisi and Walikale districts, while Caritas Butembo-Beni operates in Beni and Lubero districts. Their work in the particularly volatile situation of North Kivu is not different from the general objective of Caritas Internationalis. Still, it is adapted to suit the context of the area, as was illustrated in one of the organisational field reports:

*As the Church’s arm to facilitate social services and development, Caritas has the mandate to foster social and economic development activities in the Diocese with particular emphasis on the poor, the disadvantaged and marginalised. Jesus Christ came to bring Good news to all God’s children, including the poor and the downtrodden of society (Field Report 020/19).*

Caritas is an integrated structure that encompasses four main departments: social services and development, humanitarian aid, health department, and the justice and peace commission. The responsibility of resolving conflict and disputes is not only the duty of traditional leaders and state judiciary tribunals but also the duty of humanitarian organisations and churches. This is evident from the testimonies below:

*I can really speak comfortably of Caritas action through Justice and Peace within the framework of formal peacebuilding strategies. You know that the church is at the service of the promotion of peace, human rights, peaceful resolution of conflicts...The Justice and Peace Commission is a technical organ of the Church precisely to embark on this path. Within Caritas through Justice and Peace, our strategy is the organisation of Justice and Peace. The parish committees which are considered to be closer, built in the midst of communities and which really play the role of welcoming framework, conflict analysis, etc. We train people into the culture of peace, peaceful conflict resolution so that ultimately people can live together, and above all, we teach them how to peacefully resolve their own conflicts. The conflict being of several orders, we, for example, we have*

*that one moment, the land conflict became the most important conflict which finally overwhelmed the justice and peace animators who are there to deal with any category of conflicts, conflicts of all kinds, debts ... Well, we wanted the land conflict to be dealt with separately. This is how we have also set up committees in the parishes, which are called "local committees for the peaceful resolution of land disputes." And this is a strategy that works in all the parishes: we have 26 justice and peace committees, also 26 committees for the peaceful resolution of land disputes and which do an immense job and which are also even recognised by the political and administrative authorities. So the advantage is that these committees are known, open because though it is an initiative of the Catholic Church, the structure welcomes everyone (Pimako, Goma, Interview 26).*

*Lastly, churches, high catechists, the Catholic commission Justice and Peace are following issues up so as to see how people can live peacefully (Traditional leader 6, Lubero, Tama, Interview 10).*

Through its Commission of Justice and Peace, Caritas is at the forefront of peacebuilding in North Kivu. Actually, of those organisations that have peace in their agenda, Caritas seems to have met people's expectations in this regard. The researcher also observed that Justice and Peace Committees organised at the Catholic parish level have become more trusted in matters of land and disputes than the *Ilots de Paix* and *Paillottes de Paix* discussed in Sections 7.2.3 and 7.2.4. Indeed, Justice and Peace Committees are viewed as free from endemic corruption and discrimination. For this reason, they have become more trusted than any other comparable justice system in North Kivu. One of the participants explained it as follows:

*It (peace committee) is also a formal strategy where people come instead of going to court knowing very well how our justice system works. We have to tell the truth, there is corruption in court, and it [the court] is slow...People who seek justice are often poor. The justice attribution requires money; thus, if you don't have money you can't normally take your case to court. So, these peaceful resolution frameworks are put to people's services, but at the same time, these frameworks often work with the method of mediation where people are put together, speak, give their positions, they express themselves. They finally say, "what's best for both of us so that we come up with a solution that works for everyone?" (Pimako, Goma, Interview 26).*

Some participants view the Justice and Peace Committees as an arena where people can air their grievances and have their disputes over land and other issues resolved. Clearly, with its 26 peace committees at the parish level, the Justice and Peace Commission under Caritas Goma has become an experiential peacebuilding school. Here, people are taught to develop a culture of peace and learn to express their grievances towards peaceful dispute resolution freely. For this purpose, the commission organises workshops at the parish level or diocesan level attended by people from all walks of life. In this framework, people are given the opportunity to air their grievances and, under the mediation of the commission, put an end to their disputes peacefully. It is further stated that peacebuilding requires both humanitarian and development programmes:

*At Caritas, we do not dissociate humanitarian and development services from peace. All actually serve the same purpose of peace. We know that the new name of peace is development. Reason why we are building roads, bridges and provide farmers with seeds out of belief that people fight because of hunger. If they have enough to eat and where to sell their field products, they would not think about war (Pimako, Goma, Interview 26).*

The work done by Caritas suggests that the Congolese government has failed in its sovereign responsibility to ensure that development, education and other services are available to their citizenry. Today, because of the perceived widespread corruption and poor governance referred to in Section 2.4.5, roads, hospitals, schools, including universities are severely under-resourced and under-developed. Thus, churches, organisations and individuals strive to overcome the development gap left by the state. The quote above aligns with Maiese's (2003) theory of Unmet Human Needs that states that people fight due to the scarcity of basic human needs such as food, security, water and shelter.

#### **7.4.5 Pole Institute**

The Pole Institute is an organisation involved in the quest for peace in North Kivu. According to its procedural book, the idea of erecting an intercultural institute for peace in the Great Lakes Region was formulated by a group of 22 people who met in Bonn (Germany) in 1997. These are considered the founders of the Pole Institute. Thus, during the time the country was

besieged by the war of liberation led by Laurent-Désiré Kabila, they were concerned about the weakness of Congolese civil society and its way of handling new political upheavals. Among other things, they found that the civil society was not well equipped to tackle the country's rampant insecurity; instead of being innovative on the ground, civil society was misled by politicians whose interests contradicted those of the population.<sup>60</sup>

Therefore, the institute has sought to provide civil society with renewed momentum. After the meeting of Bonn, other consultations were organised in Goma, Bukavu and Kinshasa (DRC) to explore the best strategies civil society could use to develop an intervention/action plan for peace in the conflict-ridden Kivu. According to Prof. Kä-mana, the director of Pole Institute, the action plan was dictated by the institutional identity. 'Pole' is a Kiswahili concept used to console grieving people by offering 'energy' to the bereaved so that they may ease their pain and was chosen to convey the meaning and essence of the institute since its inception. The director explained the identity of the institute as follows:

*In its organisation, Pole does not function like other local NGOs. It operates like teaching institutes that are confined in massive buildings and which deliver academic certificates. Given the political turmoil and conflict that continue to challenge the social cohesion in the DRC, Pole Institute acts as a think-tank, research and training centre for good governance and conflict management in the Great Lakes Region. As well it is an intercultural hub of sharing ideas and experience. It is a hub whose goal is to foster peaceful coexistence between the populations of the Great Lakes Region. More precisely, the institute runs a modern library open to the public, conducts field researches, organises workshops with community leaders, politicians, students and the youth in general. It also owns a radio FM 91.4 (Prof Kä-mana, Goma, Interview 29).*

The Pole Institute is spearheading an intellectual and academic strategy to address the conflict in the DRC and the whole Great Lakes Region. In order to materialise this strategy, the Institute organises workshops, manages a modern library and an FM radio whose chief purpose is to

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<sup>60</sup> More information about Pole Institute is found on <http://www.pole-institute.org/page/qui-sommes-nous>, Retrieved on March 20, 2020.

convey a message of peace and reconciliation. The audience of this multi-faceted academic strategy is composed of community leaders, particularly the youth from Rwanda, Burundi, the DRC and Uganda, even Tanzania. The initiative of the Pole Institute echoes what has been said in Section 7.2.1 about media messages on ethnic reconciliation delivered by peer organisations, specifically Search for Common Ground and *La Benevolencija*. NGOs have found that the media constitute a useful tool for peace education.

Among the many endeavours of the Institute is the well-known 2001 field study conducted in Walikale district. The institute (cited by Jackson, 2002) observed that Walikale Centre, for instance, experienced food insecurity because people had abandoned agriculture for the mining sector. They did so either for economic purposes, as minerals are higher earners compared to farm products, or because of insecurity. By that time (the early 2000s), the Pole Institute became one of the few organisations that raised the alarm on what was taking place in that vast district of Walikale, namely that the insecurity, once caused by cleavages between the community of Wanyanga and Rwandophones, had evolved to being driven by mineral exploitation. Based on the same study, Nest et al. (2006) concluded that insecurity in the eastern DRC had a devastating effect on rural agricultural communities, which habitually depend on selling crops or subsistence production.

One participant criticised the Pole Institute for their perceived lack of a clear plan of intervention.

*We have another thing we call Pole Institute: they have many books, a lot of money, they also run several radio programmes to reconcile people. When you ask them, “what is your contribution? – oh, we are the youth of the Great Lakes Region.” That is their strategy: they invite young people from Burundi, Rwanda and Congo. They talk, talk a lot, and you find that it is not worth a contribution (Senzo, Nyiragongo, Munigi, Focus Group 1).*

This study finds the initiatives of the Pole Institute and the other sister organisations, as discussed in this chapter, working towards reconciliation and peace in North Kivu, to be highly

commendable despite critiques such as those highlighted throughout this chapter. By taking the points of critique from various participants collectively, it is evident that there is a general dissatisfaction about the lack of real-world change in spite of the numerous international, provincial, NGO, and church-led peace initiatives.

## 7.5 SUMMARY

This chapter has been dedicated to the contributions of actors other than traditional leaders towards peace and reconciliation in North Kivu. These included the international community, the provincial government and several selected local organisations. This chapter discussed the efforts of the organisations in North Kivu to enhance peace and reconciliation. The peace strategies put in place by these organisations included dramas and radio messages, the creation of *Ilots de Paix* (Islands of Peace) and the *Paillottes de Paix* (Shelters of Peace).

The analysis showed that all peace mechanisms put in place by the above organisations are commendable, except when they overlap and compete with each other. In many instances, they are designed for the same people with no clear-cut difference between their respective agendas, leading to confusion about which organisation is doing what exactly. The failure of many of the organisations' interventions may be due to the ignorance of the context of North Kivu, where the role of local populations, especially the *bami*, in the successful implementation of peacebuilding programmes, should not be underestimated. The typical example of this failure is the proceedings in the Paillotte de Paix that are done by the Village Peace Committee instead of being conducted by the mwami, the resident customary judge and leader. This study postulates that conflict persists in the province and may never cede should the context of the interethnic conflict and the *bami*'s contribution to conflict resolution continue to be ignored. In the next chapter, the focus will shift to perceptions on the *bami*'s participation in the CTPR and the challenges the *bami* face in trying to fulfil multiple duties.

## CHAPTER 8: PERCEPTIONS ON THE *BAMI*'S PARTICIPATION IN THE CTPR AND CHALLENGES FOR THEIR LEADERSHIP

### 8.1 INTRODUCTION

This chapter addresses the fourth and fifth objectives of the study. Therefore, in relation to the fourth objective, this chapter considers people's perceptions about the participation of their traditional leaders in reconciliation programmes. The corresponding question is: *What are the people's perceptions of traditional leaders' involvement in the formal CTPR processes?* Though the question is principally oriented to analyse people's views on the matter, it was also fitting to include the perceptions of the *bami* themselves to achieve conceptual rigour and balance. In response to the fifth objective, this chapter explores the challenges the *bami* encounter in their leadership in general and while interacting with other peacebuilding actors in particular. The corresponding question for this aim is: *What challenges (perceived and factual) do traditional leaders face while participating in the CTPR programme?*

### 8.2 PEOPLE'S PERCEPTIONS

Participants' perceptions of the *bami*'s participation in the reconciliation programme seem to follow two themes: acknowledging the willingness of the traditional leaders to participate in the peacebuilding process and qualifying their support for the *bami* based on the alleged misconduct (corruption and disrespecting customs) of some.

#### 8.2.1 "The *bami*'s goodwill and participation is not enough to bring change"

While the willingness of the *bami* to participate in the Local Committee for Peace and Reconciliation (CLPCs) was lauded by participants, many felt that it was not sufficient to broker material changes as illustrated below:

*They (bami) were not fully involved (in the CTPR process), but they could have worked. These bami Kabare and Mukosasenge are the oldest bami in this area; they master bwami's custom well, they are older than the rest. It is not like my friend of Rutshuru,*

*Mwami Francis; he is young, young people of his generation are ignorant of many things. But Kabare and Mukosasenge are of an older generation, that is why they were nominated there because they have got experience of land disputes. If your rise today and say, "this was our locality, but they took it from us," only those were knowledgeable, but they were not given the power to do it. Actually, they could have helped, but they didn't work. That commission did not work at all (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

*Traditional leaders cannot participate in a non-operational structure (Tsongo, Goma, Interview 27).*

*The bami demonstrated their will. We saw them being involved enough in mediations, the conciliations initiated by the CLPCs. They are members of this organisation. They worked much particularly in places where these commissions are established, like in Sake here. The UNHCR even built a building for the CLPCS so that it could start to resolve conflicts there. The bami showed their willingness and got involved in this work. What did not work is not at their level because there are conflicts, for example, conflicts of concessions, large concessions, and the big concessions belong to the big politicians. The bami, here a group leader, what is he going to do in front of a great politician, a minister, a great deputy? He has no power over these people, which means that there are conflicts that they themselves are unable to resolve. It requires actors of another level and of another influence, of the institutions, to be able to provide answers (Baraka, Goma, Interview 22).*

Most participants acknowledged the involvement of *Mwami Kabare* and *Mwami Mukosasenge* as the representatives of the *bami* from South Kivu and North Kivu in the CTPR programme during its existence. This commission, however, became inoperative soon after its establishment. One participant highlighted the level of disfunction when he indicated: “*Traditional leaders cannot participate in a non-operational structure*”, meaning that it is impossible to participate in a commission that is not operational. Participants also raised their concerns about the land issue as an escalating source of conflict. They indicated a clear preference for the participation of more mature, experienced *bami* such as Kabare and Mukosasenge, who have experience in resolving land disputes. Participants further indicated that the input of more experienced *bami* would have been constructive in the resolution of land disputes, but also the CTPR proceedings. They believe that younger traditional leaders may

struggle to resolve land disputes because they lack experience and knowledge of the exact parameters of borders and territories, especially as certain territories have no clear demarcated borders. In such cases, the traditional custodians of knowledge on the exact location of borders between territories are the *bami*. More importantly, most participants appreciated the *bami*'s willingness to participate in reconciliation programmes. One of the participants, for instance, has seen the *bami* very active in establishing and running the CLPCs, which the STAREC spearheaded after the demise of the CTPR. He exonerated the *bami* from all responsibility for the ongoing conflict and blamed the politicians accused of land appropriation and denigrating the *bami*.

Traditional leaders were often invited to attend seminars on land conflict management at Lubero town (Radio Okapi, 4 April 2011). Radio Okapi also reported on a series of activities undertaken by the UN, civil society and field NGOs in the domain of reconciliation at the provincial level. Traditional leaders, together with civil society members, delegates from armed groups, and religious leaders, were invited to participate in social dialogue to restore peace in Beni territory organised by the governor of North Kivu province (Radio Okapi, 16 March 2013). The previous year, traditional leaders participated in the March for Hope, Peace and Reconciliation in North Kivu organised by the Catholic Episcopal Conference of Congo (Radio Okapi, 19 September 2012).

However, the event that captured the most media attention was the meeting for reconciliation between ethnic groups from Kitshanga, Masisi district, organised by a local organisation known as *Programme de Reconstruction de la Paix et Développement* [Programme for Peace Reconstruction and Development]. The seminar held on 15 August 2014 acknowledged the participation of Hunde, Tutsi and Hutu delegations. These delegations decided to promote peaceful co-existence. The Hunde was invited to welcome the Tutsis and the Hutus as true Congolese. Equally, the Hutus and Tutsis were called upon to acknowledge the customary authority of *Mwami* Bashali in the county of Bashali Mukoto. In addition, community leaders urged the militias of Nyatura, APCLS and ex-M23 representing respectively the Hutus, Hunde and Tutsis, to disarm and engage in peaceful cohabitation. Finally, the three communities

formed a community ombudsman under the label of *Baraza Intercommunautaire de Kitshanga* (Intercommunity Baraza of Kitshanga) (Radio Okapi, 16 August 2014).

In the Great Lakes sub-region, the researcher came across the programme entitled *Paix au-delà des frontières* (Peace beyond Frontiers) that focuses on the participation of traditional leaders, the *bami*, in peacebuilding programmes. The programme is financed by the Netherlands, coordinated by Oxfam, and executed by a consortium of thirteen national and international organisations that focus on transforming conflicts and promoting good governance. The programme launched in Kinshasa after a three-year consultation of civil society, religious and traditional leaders, and other peacemakers on problems that threaten peace in the Great Lakes sub-region. According to the participants, including traditional leaders from Burundi, Rwanda and the eastern DRC, conflicts in the region are rooted in security, economic and social challenges, as well as in the management of land. The forum drew a roadmap for peace in the region and expressed their desire to obtain the engagement of stakeholders from the three countries in the implementation of the document among communities at the grassroots level (Radio Okapi, 24 May 2016).

### **8.2.2 Popular support for the *bami***

Traditional leaders continue to receive support from their subjects. Across the board, participants believed that the *bami* should be involved in all reconciliation and peace initiatives, as illustrated below:

*Each and every traditional leader receives support from his subjects. They intervene in the sensitisation of their people (Kabasha, Rutshuru, Bwito, Interview 19).*

*Normally, the *bami* should be the most interested in all that is pacification because the people who suffer are their subjects; the lands that are in disarray today are their own lands. So, I would suggest that in each programme *Amani*, each programme for pacification, each awareness for pacification, the *bami* be associated. So that they should be present, then their subjects can say “*mwami wetu iko pale*” (our chief is there), “*mwami wetu njo ule*” (there is our chief). So when the subjects see their *mwami*, they*

*would say to themselves, “so we too can participate in the search for peace” (Buhendwa, Goma, Interview 28).*

According to some participants, the *bami* should have a vested interest in peace as the spread of violence in their territories affects their people and their governance. Indeed, all parties, the *bami* and their subjects, are equally concerned that peace should prevail in their entities. In addition, the relationship between the *bami* and their subjects is built on reciprocal trust. When the *bami* are openly involved in peacebuilding programmes, it inspires confidence among their people in the *bami* as their representatives and the authenticity of the peacebuilding initiative. It also aids the *bami* to secure support from their base. It is evident that participants want to see their traditional leaders participate in peace commissions and that the *bami*'s involvement in peace processes is a precondition for the involvement of their subjects.

In order to explore the relationship between the *bami* and their subjects, the researcher asked participants whether they feel that the bonds between the *bami* and their subjects are still strong and whether they think people continue to support and pay loyalty to their *bami*? One participant reported the complexities of maintaining traditional authority in an area after a large influx of refugees from neighbouring countries who do not follow the same customary authority lines.

*Yes, yes, the circuit is still running well. But now, among our brothers who have arrived from the other side (Rwandese), there are some who are against customary power, and that is the problem. You cannot live on land that has no mwami; that land is cursed (he says it emphatically as he hits the table and amid frenetic laughter) (Buhendwa, Goma, Interview 7).*

The participant described land without a *mwami* as cursed, while refugees to the area may prefer to have no traditional authority. Such divergent cultural values may serve as another source of conflict between local inhabitants and migrants. For locals, there is no land without *mwami* and no *mwami* without land (see Section 5.2), and they condemn any attempt to undermine traditional authority. At the same time, Rwandophones conversely are said to view traditional authority and customary land law as the major stumbling blocks to resolving the

problems of North Kivu. From the testimonies of some local participants, it is evident that while the institution of traditional leadership is still respected, trust in traditional leaders is not unassailable and may be waning.

*On the one hand, we have trust in traditional leaders but not 100%. For if we lose trust in them, the country might have another picture. On the other hand, chiefs have lost their former prestige, they used to resolve issues, and this was done in two ways: when they decide to resolve a conflict, if the discussion becomes hot, they used to take what they call 'oath.' The ancient chiefs, a typical traditional leader, a real mwami respects culture. When he makes an oath, and this had an effect because they used to tell us that in case the mwami says that we must pray for the rainfall, it will rain and end the period of droughts. But today, few bami can perform it, because many of them are bami, yes, but they did not pass through the whole process. Secondly, the custom is waning as it has become something that you can buy (Kamabu, Lubero, Tama, Interview 12).*

*When the NGO comes from Goma to intervene here at Sake. Before it gets to a given entity, it passes through the groupement, it presents its mission order to the chief. Before the signing of the document, a problem arises of "where is my share?" After he (the chief) has received his share, you enter into the field. If you were to build a clinic with coloured sheets, he suggests you put those silver ones. There is no follow-up because they started with him. So the chain of control is not followed up, except USAID that tries to do evaluation, others evaluators only call upon people, but they never descend into the field (Murairi, Masisi, Kamuronza, Focus Group 2).*

One participant nostalgically referred to the "ancient chiefs" who were "real" *bami* and bemoaned their current loss of prestige and power. Furthermore, he links the potency of the ancient *bami* to their respect for culture and customs, which includes the custom of making an oath in traditional court or performing rainmaking rituals. Lieven (1971, pp. 126; 129), in his ethnological research among the *Banande* of North Kivu, documented the peacemaking potency of rivals swearing an oath before the *mwami* in his palaver hut. Lieven (1971) also described *kibebu*, the fire test, which required heating a piece of metal in a fire until it exhibited a red glow. The test required the conflicting parties to take the hot metal in hand

where the innocent parties would come to no harm, while the culpable parties would burn, thereby revealing their guilt. During this research, the researcher came across another customary test for determining guilt used by the Banande, namely *obwenda*, ‘the test of the poisonous beverage’, the operation of which is self-evident. Traditional practices such as these were aimed at, and still are in certain instances, identifying the guilty party in a dispute.

Most participants frequently invoked the rites, cultural patterns, and character of the ancient *bami*, which increased the renown of these traditional leaders among their subjects. Despite participants having a high regard for the office of the *bami*, the trust in contemporary *bami* and their capacity to participate in reconciliation programmes and resolve conflicts is waning due to their perceived double-dealing in land management and support for armed groups (see Section 5.7.2). However, generally speaking, people are still aligned behind their traditional leaders. The testimony of one of the participants succinctly sums up the general fear for the trajectory of the country and North Kivu should all confidence be lost in traditional leadership. In a context fraught with interethnic conflicts, such as North Kivu, the *bami* personify the identity for a community or tribe. Should the role and status of the *bami* become further diminished, any attempts at peacebuilding may become increasingly impossible.

### **8.3 BAMIS SELF-REFLECTION**

The *bami* participants were also probed about their own perceptions on the participation of the *bami* in reconciliation programmes as a counterpoint to the perceptions of ordinary participants. Their self-reflection revealed an awareness of their diminished political clout in peacebuilding and the futility of their efforts to date.

*People have no say about us. But most of our fellow traditional leaders have been rejected by politicians; they are here at Sake because of lack of peace in their entities (Traditional leader 2, Masisi, Malehe, Interview 3).*

*When we are doing sensitisation and make populations meet through mediation, there are some people who wonder how *bami* can unite them. There are some others who don't*

*present themselves at the call of the mwami; the person just does not want to listen to the mwami (Traditional leader 3, Masisi, Murambi, Interview 4).*

*The time the Amani Conference was convened in Goma, people were informed, and citizens were well informed that leaders, our representatives are going so that they may talk about projects, peace, and reconciliation. People had hope and waited. At the end of the conference, there are some who were bold enough, like the bami. They went back to their subjects and told them, “we have met, we promised that peace will come, justice will come, reconciliation will come and development.” Citizens had hope, they even clapped their hands, but today we feel pity and shame so much because none of those things they told the citizens has ever been implemented. The result is that people are still fleeing, people are killed day after day, and nothing has improved. And up till now, as I am talking to you, let us pray God that he may help us because you will see even these traditional leaders start having problems in front of their subjects, people will withdraw their trust in them. They participate in conferences, they say things will improve but no improvement, and at this time there are some traditional leaders who are appearing as if they cannot keep their words, corrupt people, and there is no hope, people has lost any hope even in church leaders (Participant sheds tears, the interruption of the interview for 18 minutes) (Traditional leader 14, Masisi, Osso-Banyungu, Kampala, Interview 30).*

*I find that traditional leaders had no power to do anything with people who...It was at a high level; it was politics of a higher level because people only wanted to balkanise the country; that was their understanding. ...I think they wanted to attain their goal: if someone could come up with other mechanisms, they wished these mechanisms be in the line of balkanisation. Therefore there was no way to collaborate (Traditional leader 8, Walikale, Ikobo, Goma, Interview 15).*

The above responses revealed the perceived growing ambivalence of ordinary people towards their traditional leaders, which echoes the testimony of ordinary citizens. In relation to the CTPR, the *bami* participants recounted the high levels of hope among the ordinary citizenry when they saw their *bami* participate in the Amani programme and how eager they were to reveal the conference's outcomes. Unfortunately, the expected promises have never materialised, and the conflict continued. This has caused ordinary citizens to lose hope and

trust in all forms of governance, including central government and traditional leadership. Despite these disappointments and challenges, it is evident that ordinary people still see an important role in traditional leadership and are not ready to abandon their *bami*.

Traditional leaders also reflected on the challenges they experienced in their sensitisation and mediation work and testified to their struggles in convincing their people of the merits of peace and unity and how to achieve it. They also feel disempowerment, particularly as they cannot guarantee service delivery or peace on their own authority. For example, one traditional leader emotionally declared, “...*today we feel pity and shame so much because none of those things they told the citizens has ever been implemented.*” Therefore, the failure to materialise the outcomes of peace conferences has tarnished the status of traditional leaders in their own entities. According to Wrong (2001), the future of peace and other programmes in the DRC are uncertain because of poor governance and corruption at all levels. Consequently, corruption has also permeated the ranks of traditional leadership, which is compromising people’s trust in the *bami*, and even in church leaders. It is not surprising that traditional leaders exonerate the *bami* from blame for failing to implement the Amani Conference resolutions and prefer to blame government and politicians for harbouring hidden agendas and attempts to balkanise the country. In reality, the situation is complex, as traditional leaders cannot implement the conference resolutions on their own as they operate at the grassroots level and sometimes outside of formal structures (e.g., government). At the same time, it would also be difficult to successfully implement conference resolutions without the involvement of the *bami*. Otherwise, peacebuilding would conform to the top-down mode of operations associated with liberal peacebuilding, which would not guarantee a lasting change in this particular context, as argued in this thesis.

#### **8.4 CHALLENGES FOR *BAMI* LEADERSHIP AND PARTICIPATION IN RECONCILIATION PROGRAMMES**

This section addresses the question, “*What challenges do traditional leaders face while participating in the reconciliation programme?*” From the participants’ testimonies, a clear link can be drawn between the challenges the *bami* experienced in discharging their office in

general and their involvement in the reconciliation programme. In other words, the problems the *bami* experienced in their daily sphere of operations impacted peace processes in the province of North Kivu. This issue is unpacked in detail according to the following themes that emerged from focus groups and individual interviews: Illiteracy and deficient education, poverty, widespread insecurity, calcification of traditional culture, insecurity and throne illegitimacy crisis.

#### **8.4.1 Illiteracy and deficient education**

Participants identified illiteracy and deficient education as primary impediments to efficient traditional leadership. High levels of illiteracy and lack of formal education make it difficult for *bami* to fulfil their roles, as explained below:

*Our traditional leaders are few who can read and write (all participants 'uhuuuuuum' to concur); it is a problem for them. They can even do a whole month in a workshop without even writing somewhere, so you will understand that it will be difficult for them to go back and report to the people exactly what they learned from the workshop (all participants 'uhuuuuuum' to concur) (Shakira, Lubero, Itala, Focus Group 8).*

According to Mwangi (2000), illiteracy is not uncommon among traditional leaders in African contexts. Prior to independence, the cultural belief that adopting European or western lifestyles and forms of education would weaken the traditional authority and render it obsolete was widespread, which led to the rejection of education, Christian names, westernised clothing and food.

One of the consequences of deficient education, as argued above, is that traditional leaders cannot focus and accurately deliver the outcomes of the many workshops they have been invited to attend to their respective communities. Furthermore, during such workshops, some *bami* may remain passive due to language barriers, especially if the workshop was conducted in French or any other language than Kiswahili or other local vernaculars. The work of reconciliation is performed at different levels, including workshops in the field. Due to a lack

of education, the *bami* are deprived of engaging with other actors' contributions made available in workshops.

In addition to the issue of illiteracy, some participants highlighted that traditional leaders might be ignorant of certain realities or lack strategic vision because of deficient education:

*Even they (bami) are ignorant of the country law. Someone is chief, but he doesn't know what is going on, he talks talks, but he remains ignorant. He is a customary chief. He was put there, just inheriting from his father...Recently we have been with a friend in class; instead of finishing the academic year and defending his thing (participants' frenetic laughter), he dropped because his father had proposed him to replace him as his successor, as Mwami. He stopped his education because of the throne. Today he is blocked; even his throne is not firm yet. He then saw us coming from graduation ceremony, he said, "my dear I could not finish my studies this year" – "you are now involved in trivial things, finish first what is essential, after school you will still find the throne waiting for you" (Jadot, Masisi, Kamuronza, Focus Group 2).*

*In addition, you may hear something like, "all that hill is our property." It is a traditional chief, but he doesn't see, he is blinded, but he will tell you that the whole hill is their property, yet they are not harvesting cassava leaves or potatoes from it. Is that so that the hill belongs to them? What does the hill benefit him? Then you persuade him, instead of saying, I have 100ha, have 2 and give the rest away; should they give you 10, 10, 10 goats, you have liberated yourself from them. You will no longer be on their necks, you will manage well your 2ha, and from those 10, 10 you might buy another 2ha aside. If you give him some advice, you tell him, "do you know that the land law stipulates that the land belongs to the state and that the state cannot fight against anybody?" He replies, "listen, the land is ours, my dear. It belongs to us. Thus, you are in the presence of a chief, a leader, but you realise that he himself is ignorant, his education level is too low, he is completely blind that he cannot see where he is heading to. There is no vision (Amina, Masisi, Kamauronza, Focus Group 2).*

A lack of education means that *bami* are ignorant of important administrative and legal processes in the country. This impacts their sphere of operations, such as land tenure, and their

ability to faithfully discharge their duties is severely compromised, exacerbating conflict at local level. Allegations of a lack of strategic vision are also problematic when the *bami* are satisfied with their own status and privilege and do not actively try to improve the lives of their people.

In the choice between birthright and education, some participants prefer the latter and feel that those in the line of succession for traditional leadership should prioritise formal education to meet the demands of the position under contemporary contexts, which includes formal peace and reconciliation processes. In short, an educated *mwami* is better than an illiterate one. Others added the following recommendations for the *bami*: 1) They should realise that they are the custodians of the land and not sole owners, which means land must be fairly distributed among their people to make a living; 2) They should till the remaining portion of land to make it productive like any other peasant is expected to do; 3) They should use royalties wisely (e.g., goats) to gain more land and generate more income. The *bami* would loosen the yoke by being productive themselves, which they customarily impose on their vassals. Indeed, income-generating activities would also alleviate poverty in which several traditional leaders these days are trapped in as will be discussed in the next section. Finally, 4) the *bami* should improve their education to become better equipped in administrative and legal frameworks and processes to enhance their leadership to serve their people better.

#### **8.4.2 Poverty**

Poverty and a lack of resources is yet another challenge faced by the *bami*. Participants, including traditional leaders, drew clear links between the destitution of *bami* and their ability to effectively function as traditional leaders (see the testimonies below).

*Generally, the traditional leaders are certainly poor...you will understand somewhere that when we have to invite them to Goma, when we take someone from Kasugho or Kagheri who never boarded a vehicle, when we have to take him from Kagheri to Goma, that's where he will be lodged: 1) he has never been possibly accommodated in a hotel, it will be new for him; 2) the diet which will imposed to him is new; 3) we are going to*

*deceive him with a fashionable clothing; and 4) most of the time in the hall the language of communication is French (Shekina, Lubero, Itala, Focus Group 10)*

*There is no means of transport, only walking by foot. Look at the time you called me; I was receiving someone from Bushenge, he came also to seek information. My office is located in Mosque quarters, but to reach there, I need to walk. From here to Malepo, my locality is 14km: suppose there is a problem, I have to look for the means to reach there. In case I do not get it, that's all. Even for the communication, we are the only ones who provide for it (Traditional leader 2, Masisi, Malehe, Interview 3).*

*The bami are in trouble...our forefathers used to make the difference between the European administration and our indigenous one. Therefore their value will slowly by slowly go waning: they have no access to resources, they too start depending on allocations from Kinshasa (i.e., from the central government and the state) is slowly weakening them, the number of their subjects is going down, the size of the land they used to rent is also shrinking with the strengthening of the decentralisation system. This is a big challenge the bami are facing today. This is the reason why their voice is no longer heard (Senzo, Nyiragongo, Munigi, Focus Group 1).*

According to the participants, the indigence of the *bami* can be attributed to the ongoing conflict in their entities and a lack of remuneration from the government. As already established, in areas suffering under continued conflict, agricultural activities suffer, which severely affects the ability of ordinary citizens to support themselves and earn an income. This means that land royalties cannot be paid and that the *bami* cannot rely on their customary income to survive and fulfil their duties. In the absence of government financial support, the *bami* have no resources at their disposal for transport, housing, food or clothing, or communication devices. So, not only do they struggle to survive in a personal capacity, in such circumstances, there is little hope of effectively discharging their duties as traditional leadership. The under-resourcing of traditional leadership was very evident during the commission of this research, as this researcher observed that the offices of the *bami* are rundown. However, some traditional leaders argued that the *bami* should not have brick and mortar offices but that their culture demands them to operate from traditional huts (Traditional

leader 11, Bwito, Interview 19). The lack of resources, in particular transport, also means that traditional leaders cannot effectively participate in reconciliation programmes and the resolution of land disputes, which often requires them to travel from their home to a central location or where the locus of the conflict may be. Without a means of transport, the *mwami* of a certain locality cannot hear cases from remote areas as he cannot travel to that location. In addition, the road network is in a poor state, which makes access to remote regions extremely hard, even with adequate transport.

The current poverty of traditional leaders stands in stark contrast to life before the wars that devastated the eastern DRC. Most participants remarked on how the *bami* was previously renowned for their wealth.

*We said that the government is weak. Is not that so? When we grew up, the bami was very rich, and nobody could compete with the mwami in terms of money (all: actually yes before). The bami started becoming poor when cards changed in relation to interethnic conflicts. Before mwami could not sell land. A mwami at the end of the year in the instance of Kamuronza was earning at least 200 goats. It means every year he could open a depot of beer or even farm for his goats. Then came the interethnic conflict that destroyed those vision. The population and the bami started lacking resources. The time they lack resources, they become businessmen and corrupt: "for my children to go to school, what shall I do? There is need to get money." He also enters into our system, we who are not bami (Birere, Masisi, Kamuronza, Focus Group 2).*

*Before traditional leaders were extremely rich, they possessed land, and there were enough royalties paid by vassals. When the Belgians came, even though they took a large portion of our land, they were paying us salaries. They even built houses for us and for our police. Today, my brother, we are living like rats in earthen holes. Who could imagine that a chief would become a beggar? The current regime wants to dispose us, to kill us. What do they want? It is to suppress our authority (Traditional leader 7, Lubero, Ihembe, Interview 14).*

*We are in want because the war has taken everything because Mwami use to run well-to-do families. The Whites came here when wealth was under mwami's hands. Today the*

*bami are just a block of fools. In case you visit his compound looking for the mwami, he has no educated child. Even the land is at stake because traditional chiefs have lost their strength (Traditional leader 5, Lubero, Itala, Interview 7).*

Based on these accounts, the researcher views the bewilderment expressed by participants over the poverty of the *bami* as representative of the overwhelming despair of their own destitution caused by the insecurity. In this sense, the status of the *bami* is a kind of barometer for the rest of the communities in this area. If the *bami* is wealthy, then it follows the ordinary citizenry is doing well and vice versa. Participants wistfully recall a time when the wealth was accumulated under the *bami*'s authority. In the accounts above, the destitution of the *bami* is also directly linked to their diminished status and power, and blame is apportioned to successive regimes from colonial times to postcolonial administrations of more recent times (like the Mobutu administration) that actively tried to suppress traditional authority for their own political agendas. According to Ndaywel (1997), colonial authorities and successive post-independence governments in the DRC considered traditional leadership as their competition for power and authority, which required their suppression to shore up the political power of central government similar to what happened in the Rwandan context (see Section 2.3.1).

The traditional leaders report that they live in abject poverty (poor conditions), cannot afford to send their children to school, and have to resort to begging to survive. Among the participants, there were also reports of politicians whose political machinations led to the interethnic conflicts that caused the *bami* and their subjects to lose their property. Also, the diminished status of the *bami* coincides with ordinary citizens who no longer pledge subservient loyalty to the *bami*. They prefer not to pay rent or royalties for the reasons unpacked in Section 5.7.2, further exacerbating the destitution of the *bami* as they can no longer rely on their principal source of income. In some instances, ordinary citizens have become wealthier than the *bami*, as is the case with some militia members, which may further destabilise traditional authority as they sponsor disruptive militias.

As a result and in an attempt to alleviate poverty, some traditional leaders resort to unorthodox means of survival, including corruption and land sales. The testimonies of the participants below illustrate some of these ‘unorthodox’ measures:

*We talk about poverty but in another way. We say a given NGO may come from Goma to meet the chief. Before you start, he will tell you, “where is my share first?” The one who ate chicken cannot ask for mouse meat; it means it is poverty. But to say that he produces two documents for two different persons but for the same piece of land. The chief’s goal is to receive money from both sides in order to increase his income. He is poor (Harelimana, Masisi, Kamuronza, Focus Group 2).*

*The challenges are huge since the bami are in poverty...when he has nothing, he sells his land. Sometimes it can provoke another land dispute. They are plunged into a kind of misery (Shakira, Lubero, Itala, Focus Group 10).*

*Sometimes they (bami) are bad managers. These traditional chiefs (e.g. Kalivolo of Kagheri), when the ICCN [Institut Congolais pour la Conservation de la Nature or Congolese Institute for the Conservation of the Nature] went down there, he sold a full hill for a consistent sum. Being aware that he is not the direct owner, instead of calling the Bakama, who are landlords, he kept quiet. Then the Muzungu came to tell them, “I already paid, I will dislodge you, ransack your fields.” Today he has been kicked out. He found himself in Lubero as a tenant without a house while he had been entrusted with a macro-sum. It’s bad management (Shekina, Lubero, Itala, Focus Group 8).*

Essentially, based on the above, some *bami* resort to eliciting bribes from field NGOs, selling land, indulging in corruption and ambiguous politics (see Sections 5.7.2 and 5.7.3) as a source of income, but in the process, their reputations are damaged, and the status of traditional leadership further diminished. Today, several *bami* find themselves incapable of convening a simple meeting for reconciliation, as people perceive them as corrupt. While the government, politicians and insecurity may have left the *bami* without resources, they have to carry the responsibility for their own well-being and at the same time bear the blame for their own diminished status when they engage in unorthodox behaviour instead of initiating their own productive income-generating projects on available land.

### 8.4.3 Widespread insecurity

Most focus group discussions and interviews conducted in this study invoked the problem of insecurity, which has become commonplace in the province of North Kivu, as reflected in the testimonies below:

*Traditional leaders lack peace in their entities. When the STAREC programme came to tell us that it will reinstate the state authority in villages and that everyone will remain in his village, we chiefs did not have that chance. Today we chiefs have no help at all in the programme of conflict resolution in favour of our subjects. We are not paid first of all, and we lack security (Traditional leader 3, Masisi, Murambi, Interview 4).*

*Another challenge the bami are facing is that of insecurity, I think. In case there is an armed group that is against the government, it knows from the outset that this mwami works with the government; when they come to attack a village, they have first to look for the mwami. This is the reason why most of them have deserted the entities they are managing. He prefers staying in town where there is some peace. He sometimes go there just to resolve a problem that has arisen. He does it quickly and return to town. Or in case the president is making a visit to the entity, then he goes there to meet him. He is no longer close to the population. He may not know what problems the population is going through because he is far from them (Senzo, Nyiragongo, Munigi, Focus Group 1).*

*Some chiefs are managing their entities remotely because of interethnic conflicts. The chief is also attacked exactly like his peaceful subjects. You hear armed groups saying, “no, no, these people have contented us a lot, they are the ones to rule over us always, why? Chiefs come from them. Why only them? Thus, the mwami manages remotely: for instance, the mwami of Bashali is in Goma or Kinshasa, the mwami of Bapfunda also is in Goma or Kinshasa. Today traditional leaders have been assassinated. This is another big problem. You realise that politics are behind their deaths. Politicians say, “If they (bami) are far away, they may not open their mouths in this entity; if they are far away, they may not rule anymore.” It is another big problem traditional leaders are experiencing (Birere, Masisi, Kamuronza, Focus Group 2).*

The participants' perceptions cited above corroborate the background (Section 1.2) and context of this study (Chapter 2) that unpacked the widespread conflicts experienced in this area, the various parties involved, its causes, and the peacebuilding failures and consequences. The statement above “... *they are the ones to rule over us always, why? Chiefs come from them. Why only them?*” is suggestive of the perception of combatants in the conflict, specifically people of Rwandan ancestry, who are resentful over traditional authority and the fact that it is reserved for autochthonous citizens which is a cause of conflict in North Kivu (see Section 1.9.3) (Autesserre, 2010; Nest, 2006; Reyntjens, 2010; Turner, 2013).

The perceptions of traditional leaders recall the main goal of the STAREC, namely to restore state authority in conflict-ridden districts (see Section 6.3.1) and highlight its failure to restore security in the *bami*'s entities. The failure to restore security has meant that both traditional leaders and ordinary citizens have been killed as a result. Those who managed to survive are currently in exile, far from their chiefdoms, which they have to try to govern remotely. As a reminder, out of 14 *bami* who were interviewed, four participated while being refugees outside of their entities. Trying to rule remotely is problematic as the *bami* lose contact with their subjects and no longer know what their people need or desire. Being far removed from their territory and people make efficient governance improbable for most *bami* in exile and likely damages the status and impact of traditional leadership.

#### **8.4.4 Ambiguities in law and administration**

The ambiguity and confusion created by overlapping legal systems in the DRC (see Chapter 2, Section 2.2.3, Chapter 5, Section 5.4) challenge traditional leadership. The formal and customary legal systems are overlapping systems that directly resulted from colonial administration that created the dichotomy between European tribunals and indigenous palaver huts. These ambiguities are attributed to the provenance of each system and the different values underpinning them. The inherent contradictions of such competing legal systems are clearly articulated by the participants below:

*There is problem of the duality of the law since, in land matters, the bami have a law, but at the level of the government, this one does not recognise it. They say that the land is in the state's hands. So there is confusion here too. So when things go wrong, when the problem leaves the Bakama for state tribunals, it becomes something else: corruption begins, justice in the Congo is a problem. It is even better when the problem is solved at the Bakama's level than to resort to justice in the Congo. It is even better (Shakira, Lubero, Itala, Focus Group 8).*

*The mwami may try to meet with those people (in conflict) in a bid to talk to them. The time he tries to reconcile people, the one who thinks he has been wronged, he may not accept the ruling which the chief has made. If he has relatives at the district, province levels, he calls the province. You realise that the issue that was sorted out at the customary level, the governor gets involved in; either he calls or he sends it to the district. They start dealing with it at the district level, yet it was over; the ruling was even made. You realise that after 2, 3 years, the issue arises at another level: "come here and bring along that chief who made the ruling; he did it wrongly." The chief and all the people to whom he rendered the verdict go there. When the chief finds that things become tougher and tougher about only one issue, other issues that may arise, he will keep quiet, remembering the other issue which he treated but which ended up somewhere. So you also find that problem in the field (Zunguluka, Nyiragongo, Munigi, Focus Group 1).*

*All the cases are lodged in the appeal court, and the majority of them (judges) are against the bami because they are corrupt, and they know the bami will tell the truth. The bami know the grandfather of this one bought a piece of land from so, he might have bought it from the Mwami's father or Mwami's mother or Queen's father, they know. When the case arrives at the appeal court, this finds that foreigners, government officials are foreigners who came and found the natives here; bami's children are not enrolled in the government offices. So, there is no one who can address the challenges the bami are facing, no one (Traditional leader 10, Walikale, Buleusa, Interview 18).*

*The government has been adjudging cases which pertain to traditional leaders, cases which are not theirs. If you visit the Auditorat in town here,<sup>61</sup> you realise that even the*

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<sup>61</sup> The full name of Auditorat is *auditorat militaire* or military tribunal. Set to rule military and police cases, this kind of tribunal

*Auditorat adjudges cases that are reserved to customary chiefs, like land cases. The Auditorat that deals with soldiers is the one adjudging civilian's cases. Do they really succeed in their ruling? Soldiers are now the ones handling land cases, you go there, and because you have no money, they intimidate you, but your opponent had already given money (laughter). Then after they will have eaten the money of the thieves who took the case to the Auditorat, after they have sucked your property, they say the case should be taken back to the customs, let the customs adjudge your case. Sometimes cases are sent back to the customs (Traditional leader 7, Lubero, Ihembe, Interview 14).*

*The ancient palaver huts have been destroyed in the instance of the customary tribunal. In case you have a case here, you must go to Masisi, where the appeal court is. You send an inhabitant of Sake at 64km; when shall he reach there? (Traditional leader 3, Masisi, Murambi, Interview 4).*

Great confusion is caused by the overlapping and incommensurate legal systems of the DRC. Participants prefer the traditional court to state jurisdiction and would like to see the DRC legal system be redefined and reconfigured to eradicate the confusion and render the various justice units more efficient. Here, the proposal is that land disputes and petty crimes at the village and community levels should fall under the jurisdiction of traditional leaders as the custodians of customary law and land. At the same time, higher courts such as the Appeals Court should deal with crimes of greater magnitude.

Another layer of ambiguity is created by the *Auditorat* as indicated by Traditional leader 7. The full name of this body is *auditorat militaire* or military court. In accordance with Law N° 023/2002 of November 18, 2002, in the military judicial code, Article 76, the material mandate/competency of military courts is defined as follows: “The military courts hear, on the territory of the Republic, military offences punishable in the application of the provisions of the Military Penal Code.”<sup>62</sup> The confusion here pertains to the jurisdiction of the *auditorat*

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<sup>62</sup> The original text read: “*Les juridictions militaires connaissent, sur le territoire de la République, des infractions d'ordre militaire punies en application des dispositions du Code Pénal Militaire*” (Translation by the researcher).

Source: <http://www.leganet.cd/Legislation/Droit%20Judiciaire/L.023.2002.18.11.2002.htm#LII>, retrieved on 26 June 2020.

*militaire*. Based on the definition of the scope of operations for military courts above, *auditorat militaires* seem to be flouting their own mandates by hearing civilian cases. Thus, military courts become another embodiment of corruption that permeates Congolese institutions. Traditional leader 7 describes the *auditorat militaire* as exploitative, intent not to bring justice to the people, but to ‘suck the property of the poor’. When it finds itself unable to make a ruling in land disputes, such cases are sent back to the *bami* for resolution. The confusion and ambiguities in the Congolese legal system are so profound that there is no clear-cut evidence to know which tribunal is competent and which is not. This confusion has made it difficult for the *bami* to deliver justice in their respective entities to the extent that the *bami* themselves are taken to court to contest their customary rulings. Consequently, some *bami* prefer to remain uninvolved in new land disputes that may arise for fear of being sued in courts of justice.

The testimonies of traditional leaders revealed a perception of the presence of foreigners in state tribunals, which they would like to be curbed. Furthermore, they believe that tribunal positions should be reserved for *bami*’s sons, who they consider cognizant of customary matters. They also expressed their concerns over traditional tribunals or palaver huts that might have stopped functioning. Therefore, they emphasise that instead of sending people far away to seek justice, justice should be rendered locally in customary tribunals that are geographically closer to people than district or provincial courts are.

Another ambiguity leading to confusion pertains to the territorial and administrative organisation of the DRC or subdivision of entities, which is perceived to be made to the detriment of the *bami*’s authority and welfare. One participant shared his concerns over this matter:

*Traditional leaders have experienced several hardships, mostly in the way decentralisation is carried out. Decentralisation was not a ministry in the transitional government, today it is full ministry, yet it used to be under the ministry of internal affairs. The minister of internal affairs is in charge of the country matters, and decentralisation is under him, but they made it as a separate ministry and was given to Ruberwa, who is imposing his will there. Therefore within this decentralisation, you hear that the bami are*

*working as government administrators, there are the so-called decentralised entities, yet entities cannot be decentralised. The typical example is in Rutshuru, where you find the office of the district administrator is contiguous to the office of the collectivité. Then when they want to change it into municipality, and establish Rutshuru managers when they drew the map - for it is the first mandatory thing to do - now where does Rutshuru town start and where does it end? They made a very good map that goes up to Mwami Ndeze Rugabo II's stadium so as to leave the Mwami's residence and office there, and the collectivité remained. So the collectivité will remain there, but just next is the stadium. Will the stadium belong to town or? The rest will be incorporated in Rutshuru town; the district should relocate and find some place at Rubare where the former coffee factory was built; it is there that the district administrator will build his office. As for the mwami, he will remain there because the tombs of his ancestors are there. They did all this in order to create peace. Then when decentralisation comes, people say, "if we join this local administration with the municipality, urban institutions, we can also have jobs." Therefore it is reducing the power of traditional leadership as they are taking away the entities that formerly depended on the chieftaincy, chief's taxes have been drastically reduced. He, therefore, becomes decentralised. He will never again have access to those taxes, royalties which formerly were paid by that village now are given to the municipality; it is an urban area where many people are (Kukumana, Nyiragongo, Munigi, Focus Group 1).*

The decentralisation or devolution is codified in Law n° 08/016 of 07 October 2008 on the composition, organisation and mandate of decentralised territorial entities and their liaison with the state and provinces. Chapter II of the Law is dedicated to the municipality, and in Section 1, Article 46, the law stipulates:

*Under the terms of this law, the term "municipality" is understood as: 1) any capital of the territory; 2) any subdivision of the city or any agglomeration with a population of at least 20,000 inhabitants to which a decree of the Prime Minister has conferred the status of municipality. This decree is taken on the proposal of the Minister of the Republic having internal affairs in his attributions, after the assent of the Provincial Assembly. The municipality is subdivided into districts and/or incorporated groups. However, the chief*

*towns of sector or chieftdom cannot be set up as municipalities*<sup>63</sup> (Assemblée Nationale, 2008).

According to Article 46, the work of instituting municipalities is devolved to the Minister of Internal Affairs. However, contrary to this stipulation, the government established the Ministry of Decentralisation in 2011, which currently deals with territorial subdivisions, under the authority of Mr Ruberwa Manywa (at the time of fieldwork). This constitutes a major dysfunction in the state administrative system. In addition, the boundaries between the three decentralised entities, namely, the district, the municipality and the chieftaincy, as well as the sharing of taxes and other payments, are blurred. This adds an additional challenge to the authority and security of traditional leaders when their territories can be reconfigured and reduced through the establishment of municipalities and when they can no longer rely on the royalties or taxes of the portion of citizens who now fall under the jurisdiction of the new municipality. In addition to the example of Rutshuru municipality, the researcher personally observed the same challenge in the *groupements* of Kamuronza (Masisi district) and Bahambo (Rutshuru district) with the establishment of the municipalities of Sake and Kanyabayonga.

The ambiguity between the official and customary legal and administration systems in the DRC and North Kivu results from a clash between the government and traditional leadership in their contest for power. Unfortunately, in this contest for power, the *bami* lose ground despite their legendary willingness to resolve conflicts. Some participants observed the following:

*Recently I saw the Mwami of Groupement Itala. He was roving all the localities to resolve some problems, mostly those related to land, always land disputes. Issues like this a*

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<sup>63</sup> The original text reads: *Aux termes de la présente loi, il faut entendre par commune: 1) tout chef-lieu de territoire; 2) toute subdivision de la ville ou toute agglomération ayant une population d'au moins 20.000 habitants à laquelle un décret du Premier ministre aura conféré le statut de commune. Ce décret est pris sur proposition du Ministre de la République ayant les affaires intérieures dans ses attributions, après avis conforme de l'Assemblée provinciale. La commune est subdivisée en quartiers et/ou en groupements incorporés. Toutefois, les chefs-lieux de secteur ou de chefferie ne peuvent être érigés en commune* (Translation by the researcher).

Source: <https://www.leganet.cd/Legislation/Droit%20Public/Administration.ter/L.08.16.17.10.2008.htm>;  
Retrieved June 26 2020.

*family is in conflict against the other... To whom does the hill really belong? So he tries to resolve those problems (Shakira, Lubero, Itala, Focus Group 8).*

*What I also see, they (bami) have no power in conflict resolution. Above them, there is another force, because having actors of these conflicts, there are politicians who are above. There are armed groups, some soldiers who have powers, if he wants to move to act, above him there is another... So, they, they are limited in the exercise of their customary power over (Shekina, Lubero, Itala, Focus Group 8).*

These quotes illustrate that the willingness of the *bami* to engage in dispute resolution is not sufficient on its own to ensure reconciliation and peace. If the political will of other stakeholders in peacebuilding, such as government, politicians, warlords and other actors, is lacking or illusory, the collaboration will falter to the detriment of peace.

#### **8.4.5 Calcification of traditional culture**

The authority of traditional leaders is suppressed in the political system and the clash between custom and modernity in the quest for supremacy. Thus, modernisation has impacted traditional culture and rituals to the extent that these traditional values are progressively being lost. The testimonies of the participants below illustrate how the calcification of traditional cultural values has occurred:

*We chiefs have challenges when we try to offer sacrifices for our lands. Yes, I go back a bit. I beg your pardon. So two things were brought here to colonise us: the church and the state. The two things, therefore, terminated the strength of the Yira (laughter). Those are the ones that put to an end the strength of the Yira; they let us down. Today we look at them as things that have weakened us. They have terminated our strength. Therefore we lost many things in that move. When you try to perform our Yira ceremonies...they are all lost. Today you can't tell what the rainmaker used to do so that rain may fall. In matter of peace, our ancestors used to see to it that peace prevails in case people have wronged each other. In this entity, in case you kill someone, you ought to pay what is called "kikumi" (tenth of the murder's property) to feed the children on behalf of the deceased. The crime was repaired that way. But they (government) say if you kill*

*someone, you should be taken to the high court, 100 years in prison, and you pay a certain amount of money as reparation. We, therefore, obeyed the laws of the Belgians. That is the reason why I said we who have remained as chiefs, they have terminated our strength, and we behave as if we have no time when it is matter of performing our regular duties (Traditional leader 5, Lubero, Itala, Interview 7).*

*The Bakama system it's really a big challenge since, in the face of modernism, they stayed a little behind because they know they inherit everything. So there is no effort for the survival in today's world since before he could have 5 to 10 women. The today situation to educate all his children, and you will see that the Bakama do not grow. They are waiting for goats, a sort of picking there. So for the moment, it's a system that seems to be not adapting to the requirements of care, schooling ... Today, they are also obliged to do economically profitable activities and not wait for goats, things that we collected elsewhere and brought to him. It's a big challenge for them (Shakira, Lubero, Itala, Focus Group 8).*

*In land disputes, those who were in possession of the so-called 'karunga' (oath and lots casting), after they had said we have issues with this one, for instance, but the issues are not resolved. They used to say, "since issues have no solution, since we the elders have not reached any solution yet, let us go for 'karunga' straightaway. So people could go for 'karunga' and the 'karungaman' will find the one who is right and the one who is wrong. Then they said, "no, no, no, that is witchcraft." Where did he practice witchcraft? He won't die, he will do nothing, but the time they find the wrongdoer, the latter directly leaves the meeting. The group was harsh on him; people could gather in the palaver hut saying, you have been found guilty. Then the elders could adjudicate the case. You may pay a chicken, the other provides cassava flour, and you eat the meal of reconciliation. But today because of looking for wealth, they say you go to high courts, go I don't know where and where... therefore our children are penalised, all of that penalises us: our children are not going to school as we are busy taking land cases to high courts, law courts, here and there, you go as far as Butembo. After they will have squeezed you like an orange fruit, and you have nothing anymore, "go back to the village to talk your matters over." The karunga, on the contrary, would have cleared the case already (All: yes, and the dispute is over) (Traditional leader 5, Lubero, Itala, Interview 7).*

*As you are coming back to us, we elders, we say thank you because you are in a bid to restore our lost heritage, maybe, to take us back to our tradition. Therefore we, the traditional leaders, shall have a say because traditional leaders have been rendered dumb, please. They have dismissed us. They say, “you are backward. You should join politics because it is better than your ancestors’ land; will you eat your land?” Let me tell you: none of us bami from Lubero District, none joined their politics (Traditional leader 7, Lubero, Ihembe, Interview 14).*

Most traditional leaders perceive modernisation as a system aimed at suppressing their authority. This makes the *bami* feel quite nostalgic about their ancient prestige and accounts for their vociferous condemnation of the ravages of modernism, epitomised by both the church and the state. These institutions have wrought changes in the traditional fabric or “terminated the strength of the Yira”, as articulated by Traditional leader 5 above. Out of all the traditional leaders who responded to the question about the challenges they face in their leadership, only the *bami* from Lubero district from the Nande/Yira ethnic grouping listed the loss of their traditional culture due to modern pressures as a particular challenge. The Yira *bami*’s concern for their traditional cultural values corroborates the 1971 ethnographic study on the Banande by Lieven. He found the Banande *bami* more attached to their ancestral land than their peers in Rutshuru and Masisi and offers this attachment as the reason why they eschewed active political roles in the country (then Zaire). For the *bami* from Lubero, it was unthinkable to desert the lands of their ancestors to join politics. Those who accepted political cooptation as members of the provincial government came from Batalinge, Beni district and Bahunde, and Masisi district respectively, namely *Mwami* Saambili Bamukoka for Batalinge and *Mwami* Kalinda for Bahunde (Traditional leader 7 in Section 5.7.3).

According to participants, the source of the *bami*’s customary power resides in their authority to preside over traditional sacrifices, traditional rituals such as rainmaking and in their ability to resolve disputes. This study was particularly interested in customary conflict resolution through traditional courts undertaken by the *bami* and their respective Council of Elders as recommended by Traditional leaders 5 and 7 above. In these proceedings, the elders would gather around the *mwami* to ascertain the nature and cause of a crime and to determine who

among the conflicting parties is guilty through the practice of *karunga* (oath or lots casting)<sup>64</sup> should no one plead guilty. The goal would be to determine the fine payable by the guilty to the offended party, for instance, when *kikumi*<sup>65</sup> is given to the children of a murder victim. To conclude the customary conflict resolution process, the rival parties must share a conciliatory meal. This is in line with Galtung's (2001) definition of conflict resolution and its aim to heal the trauma of both the perpetrator and victim and to put to an end to bad relations (see also Lieven, 1971, pp. 100-101). The aspects mentioned in the customary approach to conflict resolution is commensurate with the elements raised by Mwagiru (2001) in his analysis of conflicts in Africa and recommendations to complement the work of the conflict practitioner, namely determining the type and characteristics of the conflict, its causes, the actors involved in the conflict, the duration of the conflict, responses to the conflict, appropriate management mechanisms, types of desired outcomes, the institutions involved in conflict management and post-conflict structures.<sup>66</sup>

This research concurs with Mwagiru (2000), who found the Council of Elders a valuable resource for conflict resolution at the local level and argued for its preservation and renewed use in the conflict management of contemporary conflicts in African contexts. He posited that

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<sup>64</sup> Lieven (1971, pp. 126; 129) in his ethnological research on the Bayira/Banande of Lubero reports three main ways, which the Council of Elders in the village used to determine who among the complainant and respondent was innocent and who was not. The *Karunga* was a twofold exercise: it consisted of taking oath by both the complainant and respondent, that they will tell the whole truth followed, on the one hand. On the other lots were cast by the elders to see who was actually right. The other two are *Obwenda* or the test of poisonous beverage and the *Kibebu*. The latter consisted in a piece of metal previously exposed onto fire until it became red of temperature. The test was to pass it on the arm of the accused: in case he/she was innocent, there would be no harm, but in case he/she was found culpable, definitely he/she would fill the burning pain. Once again the aim of this practice was just to let the truth hatch out.

<sup>65</sup> Traditional leader 5 provided the explanation of *Kikumi* as follows: the word *kikumi* comes from the Kiswahili word *Kumi*, ten. *Kikumi* therefore refers to the 10% which a murderer ought to pay out of his/her property to the children of the slain parent. In practice, it can be less or more than 10% because the amount of money or goods in kind payable to the children is determined by the Council of Elders. It is upon the elders to say it is enough or not.

<sup>66</sup> See also Chomé (2009): his conflict analysis and resolution is introduced by interrogative adverbs when (time), where (place), who (people and institutions), what (matter) and how (mechanisms). By asking **when?** you would like to know when the crime was committed or when the conflict arose. The question also refers to the duration of conflict resolution. **Where?** Refers to the venue where the case will be heard. Moreover, by asking the question, you would like to know where the conflict arose. **Who?** is the query concerning the conflicting parties or actors, whether primary, secondary or third parties in the conflict. However, the question refers most to the institutions involved in conflict resolution. **What?** suggests the nature of the conflict: murder, theft or land dispute. **How?** is about conflict resolution mechanisms; they include: reconciliation and refund or fine payment.

at the clan or tribe level, the elders acting as mediators were playing the same role that multilateral institutions like the OAU, IGAD or UN are playing in modern societies (Mwagiru, 2000 pp.155; 159). According to participants and the elders who participated in this research, at least one of the advantages of the proceedings of the Council of Elders is that they are more expedient than the modern courts in terms of duration, venue, and outcomes and are therefore more context-sensitive.

While arguing for the value of a traditional structure such as the Council of Elders to be revived and applied in conflict management today, this study does not condone the blind and uncritical romanticisation of customs. This is in line with one of the participant's testimonies, who considered some cultural arrangements, such as customary inheritance practices and the dependence on royalties, as outdated. Since this traditional system "seems to be not adapting to the requirements of care and schooling," it was advised that the *bami* reconsider their views on modernism and invest more in children's education, engage in productive economic activities, and exchange polygamy for monogamy. In sum, the traditional and cultural fabric will not be destroyed by adopting sensible modern practices in line with contemporary contexts. It may even strengthen and reinvigorate valuable traditional values and practices but adapted for modern times. In this way, the intersecting of diverse cultural systems, such as traditionalism and modernity, may be used to positively change society.

#### **8.4.6 Crisis of illegitimacy**

Another challenge for the *bami* in their leadership can be attributed to the crisis of illegitimacy. The crisis of illegitimacy refers to instances where the line of succession or land ownership is contested, leading to violent conflict.

*Yes, the owners and our Yira traditional power will never come from Goma or Kinshasa or Lubero. Only our ancestors know how traditional kingdoms are managed. It is Muhimakiri. If somebody tells you that he receives his kingship from Situka or from so, no. Muhimakiri is the one who sends the messenger to select the crowners from a given place; only those ones will crown the mwami. But if you say I received my kingship from Mukosasende or Ndeze of Rutshuru, or from the district, no (laughter). As for us, we are*

*enthroned in accordance with our ancestors' rules, our supreme ancestor God the Creator. Who? - Muhimakiri (Kulu, Rutshuru, Bahambo, Focus Group 5).*

*There are some fake chieftaincies; those who are in Goma are the ones claiming that they are chiefs. They are the usurpers of our positions. They eat it all, but the government of the white people knew; they used to pay salaries to the bami. Then ask who among the chiefs is on payroll? Fake chieftaincies are the ones that embezzle the salary of all chieftaincies. Yet in ancient time when the white people came, the bami were on payroll (Kambasu, Lubero, Ihembe, Focus Group 10).*

*The big challenge is the government. The state is the challenge in this country; the issue that blocks us to take care of our country is the government. Why? Someone can go to Kinshasa, be invested and work, but he cannot perform these cultural things. The challenge we have when we try to reconcile communities comes from there. Here is a vassal who has been here for a long period of time, he educated his son, the latter becomes a member of parliament or minister, he knows quite well that his father is a vassal, but obstinately write: "I hail from Kabasha, I am a chief and that hill belongs to us..." When they come, then we testify that his father is a vassal; he is not the chief landowner. And conflict arises (Kamala, Rutshuru, Bahambo, Focus Group 5).*

*...because after he has rented, rented, rented, he sees that you have become poor, he tells you now I take you to Goma to the Auditorat, when you are caned twice or you sleep in prison, you yield. That land has been lost (Shamamba, Lubero, Ihembe, Focus Group 10).*

Some participants described the crisis of illegitimacy in terms of claims to authority, while others framed it in terms of land ownership. The crisis of illegitimacy in terms of the line of succession or claims of authority affects the districts of Rutshuru, Nyiragongo and Masisi, as reflected in the alert broadcast in Nyiragongo below:

*The office of the collectivité Bukumu in Nyiragongo district, North Kivu province, functions with two parallel stamps due to lack of legitimate chief. Mr Murairi Bahati Paul uses the stamp recognised by the Congolese government, and Mr Bienvenu, the collectivité secretary, utilises also another counterfeit stamp. We advise the population*

*to be vigilant mostly during the phase of acquisition of plot documents otherwise, you run the same risk as Turunga, Buhene, etc. in the days to come*<sup>67</sup> (Radio Okapi, 12 August 2019).

Indeed, as explained in Section 4.3.2, due to the crisis of illegitimacy in terms of competing claims to the line of succession, no traditional leader from the above two entities participated in this study. Lubero district has thus far been spared from similar crises of illegitimacy. The ‘fake chiefs’ (in Lubero district) were those officials at the provincial and national levels that claimed the title of *mwami* without receiving an ancestral blessing from *Muhimakiri*<sup>68</sup> to deliberately embezzle potential government allowances as promised to them in Law N° 15/015 of 25 August 2015 on the status of traditional leaders promulgated by President Kabila Kabange in Kinshasa on 31 August 2015.<sup>69</sup>

The crisis of illegitimacy is reflected in a clash between the customary designation and coronation of a *mwami* and the fact that a *mwami* must also be recognised by the government. In the law mentioned above, three things are stipulated and need more consideration. Firstly, the motives must be considered behind the legal definition of the structures that designate traditional leaders in the following statement: [the law is intent] “to reserving only the structures recognised by custom the right and the power to designate the traditional leader.” Secondly, Article 1, Paragraph 3 is about the traditional leader. It stipulates that a “traditional leader is any person designated in accordance with the local custom, recognised by public powers and assigned to lead a customary entity”. Thirdly, Article 2, Paragraph 4 deals with

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<sup>67</sup> Turunga and Buhene are two new suburbs of Goma Town. Being highly populated, they are also famous for hosting people who fled their native land in Rutshuru, Masisi, Walikale and Lubero and sought solace in Goma. They are also renowned for disputes over the acquisition and ownership of plots leading to several cases of murder.

<sup>68</sup> *Muhimakiri* is one of the many ancestral spirits and is believed to preside over harvests, hence, he is venerated as the spirit of abundance. *Muhimakiri* also presides over coronation of traditional leaders, which implies the selection of the genuine heir to the *mwami*'s throne and selection of the crowners (*Mwami* Kasindikira Charles, 22/08/2019).

<sup>69</sup> Article 19: The customary chief has right to decent remuneration, to monies of representation and others due to animators of territorial entities.

Article 20: the customary chief should also benefit from the following advantages:

1. Monies on the occasion on official ceremonies or during his installation by the public administration;
2. Health care and funerals monies for him, his partner and children under his care;
3. In case of death outside his jurisdiction, transfer of his body to the seige of his entity by public powers.

the investiture of a traditional leader, which “encompasses customary ceremonies and rites performed in accordance with the local custom after the designation of the new chief in view of his inauguration”.<sup>70</sup> In other words, the structures that designate traditional leaders, the selection of the traditional leaders as well as the investiture ceremonies are meant to be determined by custom. Still, the installed *mwami* must officially be recognised by the government. This implies that the government can confirm (or reject) the selection and installation of *bami*. The process of designating and investing *bami* has been subject to exploitation as there have been past attempts by corrupt government officials to install *bami* in a top-down approach contrary to cultural custom for financial gain. In this way, an illegitimate *mwami* will be culturally inept, and this will be evident by his inability to perform cultural rites. Illegitimate *bami*, therefore, may further contribute to the weakening of traditional authority.

For one participant, the government poses the greatest risk to the authority of traditional leaders, especially when they circumvent custom to appoint illegitimate *bami*. Kabila was known to appoint chiefs solely on the criterion that they abide by his political views. Another threat to traditional authority is the militia groups as stated in Section 2.3.3, who also try to usurp traditional authority, leading to conflict between the militia and the legitimate *bami* (Autesserre, 2007). In addition, conflict may also arise due to internal contestations within and between clans as to who should be the next designated *mwami* in the line of succession. For instance, due to the conflict between clans over the legitimate heir to the chiefdom in the *collectivité* of Baswagha in Lubero district, they have been ruled for more than three decades by a regent.

With regard to illegitimacy in terms of land ownership, participants mainly blame three groups of people for the failure of traditional authority, namely the rich vassals who, after a certain period of paying rent, claim the land as theirs; manipulative and corrupt politicians; and above

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<sup>70</sup> Find all these laws and others about the status of traditional leaders on <http://droitcongolais.be/Legislation/Droit%20Public/Administration.ter/Loi%2015.015.2015.html>, Retrieved 11 November 2020.

all the government that condone the interference of the military court (*auditorat militaire*) in civilian land disputes.

## 8.5 SUMMARY

This chapter addressed the fourth and fifth objectives to explore various perceptions on the *bami*'s participation in the CTPR reconciliation programme and understand the challenges they face in participating in the CTPR programme. In relation to the fourth objective, most participants were hopeful that their *bami*'s participation in the reconciliation programme might contribute to meaningful change and cited instances where the *bami* showed a willingness to participate and work towards peacebuilding in their entities and to provide land for the construction of *Paillettes de Paix* and the activities of various NGOs. The *bami* who clearly demonstrate a commitment to peacebuilding enjoys the support of their subjects. However, to some extent, the support of their people is predicated on the *bami*'s ability to preserve their culture, reject subversive militia activities, embark on equitable land management, and work for the implementation of conferences resolutions.

Concerning the fifth objective, participants agreed that, more often than not, the *bami* are powerless to bring about material changes on their own due to the challenges they face in their leadership and despite their willingness to participate in reconciliation programmes. The challenges to their leadership as cited by participants included illiteracy and deficient education, poverty, insecurity, ambiguities in law and administration, the calcification of traditional culture, and the crisis of illegitimacy in terms of illegitimate claims to the line of succession and ownership over land. Participants explained how traditional leaders had been negatively affected by their lack of education, government meddling, and the ongoing wars in North Kivu, which contributed to their current state of impoverishment with dire consequences for effective traditional governance and ultimately also peacebuilding.

In order to enhance the authority of the *bami* and their participation in peacebuilding and reconciliation, the participants recommended the following: To reform the legal system, including the codification of customary land management law, and teach respect for traditional

leadership. In terms of the legal system, participants suggested: 1) The jurisdiction of courts should be well defined and respected; 2) Judges at all levels should be competent and knowledgeable; 3) For effective service delivery to their constituents, courts should be closer to the people. With regards to customary or traditional leadership, one *mwami* concluded: “They (the government) should re-instate us in our customary authority so that we may help in the resolution of ethnic conflict that has escalated in our entities” (Traditional leader 2, Masisi, Malehe, Interview 3). This *mwami*’s appeal demonstrates the eagerness of the *bami* to participate in peacebuilding initiatives provided their diminished authority be restored.

## **PART V CONCLUSION**

**Part V** discusses the general conclusion and recommendations of the study. It comprises Chapter 9 that concludes the study with reference to the specific aims presented in Chapter 1. It also discusses the study's limitations and the participants' perceptions about their participation in the research.

## CHAPTER 9: CONCLUSION AND RECOMMENDATIONS

### 9.1 INTRODUCTION

This study was conducted to critically analyse the role traditional leaders (*Bami*) play in truth and reconciliation programmes designed to resolve the interethnic conflict in North Kivu province, DRC. The overall objective of the research was to add the voices of the *bami* to the normative peace processes that will help North Kivutians reconcile and reach a sustainable peace. This chapter discusses the general conclusions of the study with reference to the key objectives. It provides some recommendations regarding peace in North Kivu in general and the contribution of traditional leaders towards the transformation of interethnic conflicts in particular. The specified aims of the study are summarised as follows:

1. To understand how traditional leaders participated in peacebuilding in the historical and political unstable context of North Kivu province (see Chapters 5 and 6).
2. To assess the contribution of other peacebuilding actors such as the international community, the Congolese government, NGOs, and churches (see Chapters 2, 6, and 7).
3. To facilitate intervention in the field in terms of reconciliation meetings/workshops (see Chapter 3).
4. To determine the areas in which the *bami* collaborate with the mentioned actors in building peace in the province of North Kivu (see Chapters 6 and 7).
5. To consider people's perceptions about their traditional leaders' participation in reconciliation programmes (see Chapter 8).
6. To know the challenges that the *bami* encounter in their leadership in general and while interacting with other peacebuilding actors (see Chapter 8).

## 9.2 RESEARCH FINDINGS: AN OVERVIEW

### 9.2.1 Aim 1: Traditional leaders' peacebuilding mechanisms before and after the establishment of the CTPR

Based on participant testimonies, this research found that even before and outside the CTPR, traditional leaders, by virtue of their status as land custodians and community leaders, employed cultural mechanisms to resolve conflict such as blood pacts and intermarriages to cement interethnic relationships and problem-solving. In addition to cultural mechanisms, traditional leaders also used more formal mechanisms such as land management to resolve land disputes and traditional courts for land-related disputes and crime. Concerning interethnic conflicts, the *bami* adopted the system of cooptation of other ethnic members onto traditional power structures as secretaries or members of the Council of Elders. In order to curb criminality and reduce ethnic chauvinism, the *bami* also made use of *Nyumba Kumi* Community Policing.

However, participants also revealed several obstacles to the *bami*'s peace and reconciliation initiatives. On the one hand, participants disapproved of the mismanagement of land by some *bami*, epitomised by the sale of land in contradiction with cultural norms whereby land is for rent and not for sale. This issue hinges on the contradiction between viewing the *bami* as owners or custodians of ancestral land. Some *bami* view themselves not as custodians of the land but as owners to dispose of the land as they choose. Still, this viewpoint is not necessarily shared by ordinary citizens and may cause discontent and conflict within a certain entity. Participants also strongly disagreed with the cooptation of *bami* into government institutions as invariably they move to large centres and become absentee *bami*. Fulfilling dual roles and neglecting their duties as *bami* may negatively affect reconciliation initiatives in the province. The involvement of some *bami* in party politics and political corruption has also contributed to a weakening of traditional leadership and a loss of respect among ordinary citizens for traditional authority. Aside from the diminished traditional authority, participants identified government meddling, political corruption in general and the sidelining of *bami* in peace and

reconciliation initiatives as causes for the ongoing interethnic conflict in North Kivu and the reason why peace processes have been met with limited success.

Participants unanimously agreed that the *bami* did not fully play their role as community leaders and mediators within the broader reconciliation programme that extends from the CTPR to social dialogues through the STAREC (Stabilisation and Reconstruction) Programme. In the CTPR itself, their role was limited to the nomination of their peers, namely *Mwami* Kabare Rugemaninzi II Nabushi and *Mwami* Alexandre Muhindo Mukosasenge. In the STAREC programme, traditional leaders were not consulted with regard to the implementation of the STAREC agenda. They were turned into simple observers or spectators to what was happening in their own territory. It is only in social dialogues aimed at fostering ethnic reconciliation at the communal level that the *bami* became more productive. Therefore, the *bami* actively participated in signing the acts of engagement for reconciliation and better land management. The study found that though social dialogues provided a platform for communal reconciliation, they did not differ greatly from the initial CTPR in terms of one key issue. In both cases (CTPR and social dialogues), the *bami* were not the initiators but attendees. In a nutshell, the *bami* seem more effective when they work within their customary setup than when they are involved in structures with which they are less familiar.

### **9.2.2 Aim 2: Contributions of other peacebuilding actors towards reconciliation**

Most participants identified the following additional peacebuilding actors: The international community, the provincial government, and several local and church organisations. Peace strategies put in place by international organisations included dramas and radio messages, the creation of *Ilots de Paix* (Islands of Peace) and the *Paillottes de Paix* (Shelters of Peace). These strategies aimed to restore peace in the province through the restoration of state authority for the *Ilots de Paix* and the establishment of Village Peace Committees to run and monitor the *Paillottes de Paix*. The most active organ towards community reconciliation at the provincial level is the *Baraza Intercommunautaire* (Intercommunity Ombudsman). Other organisations mentioned by participants included CRONGD-NK (*Conseil Régional des Organisations Non Gouvernementales de Développement au Nord-Kivu* or Regional

Consortium of Non-Governmental Organisations of Development in North Kivu), NPRC (*Noyau de Prévention et de Résolution Des Conflits* or Nucleus of conflict prevention and resolution), PAL (*Programme d'Action Locale* or Local Action Programme), the Catholic Caritas Programme and Pole Institute. Despite their respective agendas, these organisations share the concern to enhance peace and reconciliation in the province of North Kivu. While the former four organisations prioritise field action, Pole Institute informs peacebuilding from an academic point of view through a series of training workshops aimed at civil society in conflict resolution.

### **9.2.3 Aim 3: Facilitate an intervention during fieldwork: The Miriki Communal Reconciliation Workshop**

This study found that participants complained that peace talks and reintegration programmes usually occurred in the upper layer of government and ignored the local leaders who might, if consulted, have alternative methods of transforming this conflict. The findings also showed that the *bami* played a limited role in reconciliation and other peace programmes, such as the STAREC. As epitomised by the Miriki Workshop (Section 3.4.2), the few communal reconciliation programmes have demonstrated what such initiatives can do locally. This study, therefore, posits that if ethnic reconciliation and general peace have not yet been attained in North Kivu, it is due to inconsistent peacebuilding approaches and due to the lack of open and honest collaboration between peace actors with the full involvement of the *bami* at the grassroots level in accordance with Lederach's CTT and the Contextualised Reconciliation Framework (CRF) devised specifically for this research.

Concerning the mechanisms or approaches to peacebuilding, this study argues that these should be flexible and adaptable to suit the context of North Kivu at the discretion of the programme initiators. The Miriki Reconciliation Workshop of 12 November 2020 demonstrates that small gatherings make change possible at the community level. Compared to the Amani Programme attended by 1 500 participants, the Miriki Workshop involved only 13 Hutu and Nande delegates. The researcher perceived a noticeable change in people's attitudes when they all valued the initiative and promised to abide by the agreed-upon

resolutions without resorting to violence. What is noteworthy is that this engagement was not an initiative of renowned field actors, such as MONUSCO, *Baraza intercommunautaire* and the usual NGOs. Instead, it was a small community workshop devised as part of this research. On his second field visit in November 2020, the researcher observed that no conflict had re-occurred between the Hutu and Nande in the Itala *groupement*. Also, Hutu commodities, namely charcoal and sorghum, were back at the Miriki village market, which was unthinkable in the previous ten years. Therefore, according to this study, the *bami* may not deal with gross human rights violations but should be at the forefront to organise sessions for reconciliation to heal the traumas of both victims and perpetrators brought about by interethnic conflict.

#### **9.2.4 Aim 4: Areas of collaboration between the *bami* and other actors in peacebuilding**

Participants generally appreciated all peace mechanisms put in place by the provincial government, international and local organisations. They only disapproved that their strategies sometimes overlap, creating confusion as they are designed for the same people but with little clear-cut difference between their respective agendas. From participant testimonies, it became evident that sometimes participants in workshops or other peacebuilding and reconciliation initiatives were not aware of whose initiatives they were participating in. The question of “who is doing what, how and where” did not find an accurate answer in this study because of the plethora of overlapping initiatives in North Kivu. According to the *bami*, the main problem of these field organisations and other actors resides in their approach whereby the *bami* do not fully participate in the implementation of programmes. In the CTPR and the subsequent STAREC, they feel that they have been relegated to spectators in peacebuilding in their own territories.

#### **9.2.5 Aim 5: Perceptions about the *bami*'s participation in reconciliation programmes**

Most participants were hopeful that their *bami*'s participation in the reconciliation programme, starting from the nomination of their peers in the CTPR, may lead to meaningful change in North Kivu towards reconciliation and peacebuilding. In the successive reconciliation programmes, the *bami* showed a great willingness to participate and work

towards peacebuilding in their entities (e.g., by providing pieces of land for the construction of *Pailottes de Paix* and various activities by field organisation). The *bami* who participated in peacebuilding enjoyed the support of their subjects to the extent that the participation of ordinary citizens in reconciliation and peacebuilding initiatives were predicated on the *bami*'s involvement in reconciliation/peace processes. The study found that people's loyalty to their *bami* remains assured provided that the *bami* are corruption-free, defend their culture, reject subversive militia activities and embark on equitable land management.

### **9.2.6 Aim 6: Challenges for *bami* leadership**

Participants highlighted numerous challenges faced by *bami* in their leadership and despite their willingness to participate in reconciliation programmes. These challenges include illiteracy and deficient education, poverty, insecurity, ambiguities in law and administration, calcification of traditional culture, and the crisis of illegitimacy. On the one hand, the *bami* bear some responsibility with regard to their own impoverishment, illiteracy and lack of security in their entities. Even the *bami* participants accepted that since they possess land, they should be as economically productive and stable as their subjects instead of depending on an unreliable royalty scheme. On the other hand, there are challenges imposed on them from external sources, such as the government and individual politicians who manipulate peace processes and interfere in customary issues. The majority of the *bami* revealed that the government has been trying to weaken, even to suppress their traditional leadership since the colonial period. Ultimately, participants suggested that the customary authority and legitimacy of the *bami* should be completely restored and that it is only under this condition that the *bami* would be more effective in peacebuilding.

## **9.3 PARTICIPANT SELF-REFLECTION ON THE RESEARCH PROCESS**

At the end of each focus group discussion and interview, the researcher asked participants what it meant for them to be part of the study. It should be noted that this question was not intended as a research question but rather as a means to debrief research participants. Participants' responses to this question demonstrated a change in attitudes and perceptions.

The overwhelming majority of participants viewed their participation in the research process as a positive and productive experience:

*The work you are doing is worthy, don't be tired... before you reach your objective...It is not yours, but it is for the whole world. Before, our ancestors worked well without many shortcomings, for they understood each other. And how does mutual understanding arise? Whenever they found a mistake, they used to sit down; they deliberate upon it, exactly the way you came, now see we are gathered here to talk about interethnic conflict in North Kivu. These days there is no meeting among us people's leaders, and it is a problem (Traditional leader 7, Lubero, Ihembe, Interview 14).*

*I am happy to be part of the study you are conducting. I was in my farm when they called me that there is someone who needs me urgently. At the beginning, I was angry because it was my day off from the office, but when I started listening to you, I changed my attitude. Here at Malehe and Masisi, interethnic conflict is common, and we are looking for solutions, that is why I changed my attitude, I am happy that your research will contribute to solution of this curse called war between communities (Traditional leader 2, Masisi, Malehe, Interview 3).*

*I have participated in many, so many field researches like yours at home (Osso-Banyungu), even here in Kampala, where I took refuge. Your research is unique because by exploring the role of bami in peace in North Kivu, you remind us about our responsibility and advocate our authority at the same time. However, I have a problem with you researchers: after finishing your research, you disappear, we can't hear from you anymore. Let me advise you: please come back and work with us to restore our authority and our image, otherwise, the government wants to suppress us (Traditional leader 14, Kampala, Interview 30).*

From these testimonies, it is evident the *bami* were generally enthusiastic about participating in the research because they were reminded of their responsibility and ability to find appropriate solutions to the ongoing interethnic conflict in North Kivu. In a notable change of heart, when Traditional leader 2 understood that this research revolved around the role of the *bami* in seeking solutions, his attitude changed from displeasure to joy. This corroborates the willingness of the *bami* to participate in peace processes mentioned by participants in Section

8.2.2. The *bami* participants also indicated that the focus group became an opportunity to meet as was customary during earlier times. For the *bami*, the focus group became a communal meeting space where they could find joint solutions, and since these kinds of meetings are scarce, they were reminded of its value. After expressing his concern about government attempts to suppress their traditional leadership, Traditional Leader 14 invited the researcher to work closely with the *bami* at the grassroots level in order to help them restore their authority.

Ordinary participants also expressed their appreciation for the research process, as is reflected in the testimonies below:

*I personally appreciate this group discussion. I Murairi am a Hunde, but I have learned that it is possible to meet again with my Hutu brother. We laugh together with my sister, who is a Tutsi. I have learned a lot. Usually, we meet as members of the same community to see what we must do to counter the move of the other communities. I wish this type of discussions be regular so that we can also discuss development of our groupement of Kamuronza (Murairi, Masisi, Kamuronza, Focus Group 2).*

*I usually hate the bami because I know them as corrupt, good at selling land for their own benefit. But from this group discussion, I have learned from others that some bami actually are doing their best to restore peace in our entity of Itala. I am really impressed (Shekina, Lubero, Itala, Focus Group 8).*

*I have been working with the UN in the field for the last ten years. This interview has opened my mind in the sense that in the field, sometimes we behave arrogantly, there is little space we give to the bami in our programmes. Now I know that they should be treated as our first partners in the field. As for your research, I wish you implement your recommendations because the solutions to the interethnic conflict should be more practical than academic, I think (Baraka, Goma, Interview 22).*

In a way, focus groups enabled members of different communities to meet and discuss their joint experiences as ‘brothers’ and ‘sisters’. Through such joint discussions, they realised that they could deliberate on issues that concern the whole entity, such as development matters,

instead of arranging community gatherings to initiate conflict with other communities. Ordinary citizens also demonstrated a change of attitude in their assessment of the *bami* as corrupt or irrelevant. The focus group discussions and the interviews helped participants reflect on the misconceptions over and the value of traditional leadership for conflict resolution in general and reconciliation and peacebuilding in particular. They realised that not all traditional leaders are corrupt and that there are many actively striving to contribute to peacebuilding in their respective entities. As a result, they should be considered as field partners by those who have peace in their agenda. This means that even though some *bami* may have been implicated in corruption over the years and their individual actions can and should be rejected, the institution of traditional leadership can still be valued and productively used towards peacebuilding. Finally, similar to the *bami*, other participants supported the researcher and his future plans to work for communal reconciliation in which the *bami* should play a starring role.

#### **9.4 STUDY LIMITATIONS AND VALUE**

The research experienced several limitations. The first was related to the discrepancy between the researcher's schedule and that of the UN, NGOs and government officials during data collection. With patience and time, the researcher managed to interview the UN and some government officials but failed to approach the targeted members of the provincial parliament. The second limitation was linked to a suspicion that the researcher, like an auditor, came to assess the implementation of the truth and reconciliation programme. Consequently, one of the former directors of the CTPR adamantly refused to participate in the research. To overcome these limitations, the researcher relied on the in-depth interviews administered to the field experts and focus groups that constituted the bulk of the target population.

The third limitation pertains to the language and translation issues. Although the research instruments were translated from English to French and Kiswahili (languages spoken by the majority of North Kivu people) before collecting data, some participants were unable to express themselves in these two languages. They preferred to express themselves in their respective vernaculars, namely Kinande, Kihunde, Kinyanga and Kinyarwanda. The

researcher (could only speak a few of these languages, namely Kinande, French and Kiswahili) and had to hire a translator, which added an additional financial burden to the self-funded research. However, before commencing the fieldwork, the researcher translated the questionnaire guide into French and Kiswahili. During the interviews and focus group discussions, he extended the interviews to allow people to grasp the meaning of each question. The above language challenges did not affect the quality of the data collected in this study, which is evident from the rich data presented.

The fourth limitation or challenge was brought about by insecurity and leadership disputes in some research areas. Due to leadership disputes, for security reasons, the study did not conduct interviews with traditional leaders in the Nyiragongo district and its two main chieftaincies of Kibumba and Bukumu.<sup>71</sup> Additionally, due to the persistent insecurity caused by several militia groups culminating in a confrontation between the Hutu and the Nande, no traditional leader in the *collectivité* of Bwisha and the *groupement* of Binza was interviewed, also due to security concerns. Therefore, to cover the gap of information concerning traditional leaders' peacebuilding mechanisms in the entities above, the researcher relied on the input by church leaders and field NGOs. Bwisha and Binza represented just one side of the Rutshuru district. Consequently, this research drew more attention to the *collectivité* of Bwito, another ethnic conflict epicentre located in the western part of Rutshuru.

Finally, the study faced a twofold academic challenge. On the one hand, little data or peer-reviewed studies exist on peacebuilding initiatives in North Kivu province, especially in relation to traditional leaders. To mitigate this concern, the researcher triangulated his sources of information by using secondary sources. Therefore, the current study relied on unpublished reports of NGOs and media publications, especially Radio Okapi, a UN-based electronic newspaper. The study widely consulted secondary sources of information, including books

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<sup>71</sup> For more insights about the crisis in the traditional leadership that arose in the district of Nyiragongo, consult the following sources: <https://www.radiookapi.net/2019/06/10/actualite/societe/nord-kivu-un-conflit-de-pouvoir-coutumier-divise-la-population-de> Retrieved on 4th August 2019; <https://www.radiookapi.net/2020/09/09/actualite/societe/nord-kivu-conflit-la-tete-de-la-chefferie-de-bukumu-le-gouvernement> Retrieved on 11 October 2020 and <https://www.radiookapi.net/2020/10/20/actualite/securite/persistance-du-conflit-du-pouvoir-coutumier-nyiragongo-la-societe> Retrieved on 28 October 2020.

and articles, to describe the historical and political context of North Kivu in which traditional leaders work and explore the root causes of the conflict and various peace initiatives undertaken by other local, national, regional and international actors. In addition, to address the challenge of paucity in the literature about the *bami*'s peacebuilding mechanisms, the researcher carefully sought to overcome these gaps in the literature by collecting primary data from participants as reflected in Chapters 5, 6, 7 and 8.

Despite the challenges mentioned above and the limitations, the researcher is confident that they did not substantively undermine the research objectivity and trustworthiness. The ultimate goal of this research is not to generalise the findings indiscriminately to other provinces in the DRC. It is to understand the context of peacebuilding in North Kivu and the role of the *bami* in as much detail as possible. However, some of the findings, especially the Contextualised Reconciliation Framework (CRF) as devised for this research, could be productively extrapolated to other contexts in the DRC to understand the dynamics of peacebuilding in those contexts. Overall, the study's objective to explore the interethnic conflict and the role of the *bami* in truth and reconciliation in North Kivu was reached, and a comprehensive account was constructed through focus group discussions, interviews, and triangulated data. Throughout the research process, the researcher tried to remain neutral and analyse the data without any prejudice. However, it is necessary to disclose that the researcher has come to view the *bami* with great affection and respect.

Ultimately, in its bid to explore the North Kivu interethnic conflict driven by the dynamics of identity, land and political power and how this conflict may be resolved by involving traditional leadership, this study is valuable because it broadens the debate on the current notions of social cohesion, inclusivity, social justice, human rights, diversity and citizenship in a changing world, but with specific reference to North Kivu where the context often has been omitted from peace and reconciliation initiatives with predictable results. Also, because the interethnic conflict in North Kivu has become a transboundary issue with regional implications, future research will need to develop insights for broader application to similar contexts elsewhere in Africa where traditional leaders exert a great deal of power and influence.

## 9.5 RESEARCH RECOMMENDATIONS

Owing to the findings and the need to transform the interethnic conflict in North Kivu province, this study recommends the following:

1. Interethnic conflict is transformable.
2. There is a need to re-invent the reconciliation programme for the province of North Kivu.
3. The context is of paramount importance in the said programme.
4. The context suggests that the *bami* should be the initiators, not the observers anymore.
5. The *bami* should resolve the crisis of illegitimacy on various thrones.
6. In order to be more efficient, the *bami* should constitute a full political agency.
7. There is a need for a frank collaboration between peacebuilders in North Kivu.

The premise “interethnic conflict is transformable” is the starting point in the discourse upon communal reconciliation. In other words, interethnic conflict is manageable only if there is a re-invention of the reconciliation programme or initiation of a new programme that will consider the context of North Kivu and that will be run by traditional leaders with the collaboration of other peacebuilders.

## 9.6 CONCLUSION

In one of his writings, Chigwata (2016), while reflecting on the role of traditional leaders in his native Zimbabwe, asked himself whether they are still relevant or not. He answered in the affirmative, advancing why traditional leaders play a significant role in the administration, judiciary and development. Therefore, he recommended that the government liaise with them to ensure development, democracy, and peace. This research also aimed to add traditional leaders' voices on the normative processes of reconciliation designed to quell the interethnic conflict in North Kivu Province (DRC). Given their relevance as heads of communities, mostly in the rural area, as custodians of culture and land, their role cannot be ignored in the quest for peace in the Province. By doing so, this study does not consider the role of the *bami*

in the reconciliation process as a panacea. Nor does it pretend that the greater involvement of the *bami* will bring about prompt and material resolution of the interethnic conflict in North Kivu. Lederach (2017) stated that peace is a process, and it sometimes needs time and energy to be attained. As a result, this study argues for a holistic peace approach, where the input of other actors (national, regional and international) is required and integrated to foster good governance, security cooperation and education for peace. The study has demonstrated how a deeper participatory, integrative, interactive and transformative approach that considers the local context, actors, and strategies can bring about ethnic coexistence in the province of North Kivu. Finally, the study has provided grounds for further discussions and analyses of the benefits of incorporating traditional leadership in normative peacebuilding in both North Kivu province and the development of peace education.

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## APPENDICES

### APPENDIX A: ETHICS CLEARANCE LETTER



Faculty of the Humanities

21-Nov-2018

Dear Mr Tembo

**Ethics Clearance: Interethnic Conflict and the Role of Traditional Leaders in the Truth and Reconciliation Programme in North Kivu, Democratic Republic of Congo**

**Principal Investigator: Mr Emmanuel Tembo**

**Department: Centre for Africa Studies Department (Bloemfontein Campus)**

#### **APPLICATION APPROVED**

With reference to your application for ethical clearance with the Faculty of the Humanities. I am pleased to inform you on behalf of the Research Ethics Committee of the faculty that you have been granted ethical clearance for your research.

Your ethical clearance number, to be used in all correspondence is: **UFS-HSD2018/1150**

**This ethical clearance number is valid for research conducted from 21-Nov-2018 to 21-Nov-2021.** Should you require more time to complete this research, please apply for an extension.

We request that any changes that may take place during the course of your research project be submitted to the ethics office to ensure we are kept up to date with your progress and any ethical implications that may arise.

Thank you for submitting this proposal for ethical clearance and we wish you every success with your research.

Yours Sincerely

**Dr. Asta Rau**  
Chair: Research Ethics Committee  
Faculty of the Humanities

Dekanskantoor: Fakulteit Geesteswetenskappe  
Office of the Dean: Faculty of the Humanities  
T: +27(0)51 401 2240, E: humanities@ufs.ac.za  
Flippiegroenwood Building / Gebou, FGG106  
205 Nelson Mandela Drive/Rylaan | Park West/Parkwes, Bloemfontein 9301 | South Africa/Suid-Afrika  
P.O. Box/Posbus 339 | Bloemfontein 9300 | South Africa/Suid-Afrika | www.ufs.ac.za



## APPENDIX B: LETTER TO THE GOVERNOR OF NORTH KIVU



**Emmanuel Tavulya-Ndanda Tembo**  
University of the Free State  
Centre for Gender and Africa Studies  
P.O. Box 339  
Bloemfontein 9300  
**SOUTH AFRICA**

Bloemfontein, le 26 Juillet 2019

**Objet:** Demande de permission pour  
mener des recherches au Nord-Kivu

A l'Honorable Monsieur Nzanzu Kasivita Carly,  
Gouverneur de la Province du Nord-Kivu

Bien à vous Honorable,

Je m'appelle Emmanuel Tavulya-Ndanda Tembo. Par la présente, je vous informe que je suis étudiant à *The University of the Free State* de Bloemfontein en Afrique du Sud. Je suis en pleine rédaction de ma thèse de doctorat qui nécessite une descente physique sur terrain. La thèse en question est intitulée : « *Interethnic Conflict and the Role of Traditional Leaders in the Truth and Reconciliation Programme in North Kivu, Democratic Republic of Congo* » (Conflit Inter-ethnique et Rôle des Chefs Traditionnels dans le Programme Vérité et Réconciliation au Nord-Kivu, République Démocratique du Congo).

Aussi vous demandé-je de bien vouloir m'accorder la permission de mener mes investigations dans votre entité qu'est la province du Nord-Kivu et plus précisément dans les territoires cibles de Nyiragongo, Masisi, Rutshuru, Walikale et Lubero. Ensuite, puissiez-vous me recommander auprès des participants dans l'enquête. Ces personnes sont respectueusement : les chefs traditionnels, certains membres de votre gouvernement provincial, les représentants de la société civile, des organisations religieuses, des organisations qui s'occupent des ex-combattants et de quelques officiels onusiens. Au total 80 personnes participeront à l'exercice de la récolte des données. En même temps que la thèse revêt un caractère évaluatif et critique des mécanismes mis en œuvre par les chefs traditionnels pour résoudre le conflit inter-ethnique au Nord-Kivu, elle se veut être plus un plaidoyer pour la reconnaissance de l'expertise des chefs traditionnels en matière de réconciliation, en partant du cas et contexte particuliers du Nord-Kivu.

Tout en vous promettant respect, discrétion et confidentialité dans le traitement du sujet, je vous prie, très cher Honorable, de croire en mes souhaits les meilleurs pour la transformation des conflits inter-ethniques au sein de votre province du Nord-Kivu.

Cordialement vôtre,

Emmanuel

**Emmanuel Tavulyandanda Tembo**  
University of the Free State  
Centre for Gender and Africa Studies  
P.O. BOX 339  
Bloemfontein 9300  
**SOUTH AFRICA**

26<sup>th</sup> July 2019

To Honourable Nzanzu Kasivita Carly,  
Governor of the Province of North Kivu

Dear Honourable,

**RE : Seeking permission to collect data in North Kivu**

My name is Emmanuel Tavulyandanda Tembo. I hereby inform you that I am a student at The University of the Free State in Bloemfontein, South Africa. I am currently writing my PhD dissertation, which requires the collection of data from the field. The said dissertation is entitled: « Interethnic Conflict and the Role of Traditional Leaders in the Truth and Reconciliation Programme in North Kivu, Democratic Republic of Congo ».

I, therefore, seek your permission to conduct my field research in North Kivu province, more precisely in the targeted territories of Nyiragongo, Masisi, Rutshuru, Walikale and Lubero. In addition, would you recommend me to these research selected respondents, namely: the traditional leaders, some members of your provincial staff, representatives of the civil society, faith-based organisations, organisations dealing with ex-combatants and UN officials. In fact, a total of 80 men and women will participate in the study. Being an evaluative and critical work of conflict resolution mechanisms employed by traditional leaders, the study also intends to add the voices of traditional leaders to the debate on the normative processes of reconciliation from the particular case and context of North Kivu.

While pledging respect, discretion and confidentiality in the treatment of the subject, I beg you, dear Honourable, to believe in my best wishes for the transformation of interethnic conflicts in your province of North Kivu.

Cordially yours,

.....

**Emmanuel Tembo**

# APPENDIX C: LETTER OF CONSENT FROM THE GOVERNOR OF NORTH KIVU

## REPUBLIQUE DEMOCRATIQUE DU CONGO

GOVERNEMENT PROVINCIAL DU NORD-KIVU



CABINET DU GOUVERNEUR  
DE PROVINCE

*Le Gouverneur*

Goma, le 16 AUG 2019

N°01/656/CAB/GP-NK/2019

**TRANSMIS** copie pour information à:

- Madame la Vice-Gouverneure de la Province du Nord-Kivu ;
- Monsieur le Ministre Provincial de l'Administration du Territoire, Ordre Public, Affaires Coutumières et Reconstruction ;
- Monsieur le Ministre Provincial de l'Education, Jeunesse, Genre et Enfant a.i. ;
- Monsieur le Chef de la Division Provinciale de l'Intérieur du Nord-Kivu ;  
(TOUS) à **GOMA**.
- Monsieur l'Administrateur du Territoire de Nyiragongo à **KIBUMBA**.
- Monsieur l'Administrateur du Territoire de Masisi à **MASISI**.
- Monsieur l'Administrateur du Territoire de Rutshuru à **RUTSHURU**.
- Monsieur l'Administrateur du Territoire de Walikale à **WALIKALE**.
- Monsieur l'Administrateur du Territoire de Lubero à **LUBERO**.

**OBJET:**

Demande de permission pour mener des recherches au Nord-Kivu.

-----  
Accusé de réception.

A Monsieur Emmanuel TAVULYANDANDA TEMBO  
C/° University of the Free State Centre for Gender  
and Africa Studies  
**P.O. Box Bloemfontein 9300 AFRIQUE DU SUD**

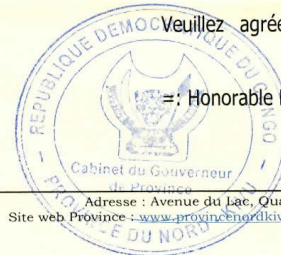
Monsieur,

J'accuse réception de votre lettre sans numéro du 20 juillet 2019 relative à l'objet en marge et vous encourage dans vos recherches doctorales à University of the Free State Centre for Gender and Africa Studies of South Africa « UFS » en sigle.

Y faisant suite, je vous accorde l'autorisation sollicitée et demande aux Chefs d'Entités ciblées pour vos recherches et qui me lisent en copie, de vous faciliter l'accès afin de vous permettre de récolter les données relatives à votre travail.

-----  
Veuillez agréer, Monsieur, l'expression de mes sentiments patriotiques.

==: Honorable NZANZU KASIVITA Carly :=



-----  
Adresse : Avenue du Lac, Quartier Himbi, Commune de Goma/GOMA/RDC  
Site web Province : [www.provincenordkivu.cd](http://www.provincenordkivu.cd) e-mail : [secretariat.cab.gp.nk@gmail.com](mailto:secretariat.cab.gp.nk@gmail.com)

REPUBLIC DEMOCRATIC OF CONGO  
PROVINCIAL GOVERNMENT OF NORTH KIVU  
CABINET OF THE GOUVERNOR OF THE  
PROVINCE  
THE GOVERNOR  
GOMA

Ref.: No. 01/656/CAB/GP-NK/2019

Date: August 18, 2019

To Mr. Emmanuel Tavulyandanda Tembo  
Cf. University of the Free State – Centre for Gender and Africa Studies  
P.O. Box Bloemfontein 9300  
South Africa

Sir,

**RE: Request for permission to conduct research in North Kivu: acknowledgement of receipt**

I acknowledge receipt of your letter without protocol number of 20<sup>th</sup> July 2019 related to the purpose in the margins and encourage you in your doctoral research at the University of the Free State, Centre for Gender and Africa Studies in South Africa (UFS).

In reply to your letter, I grant you the requested permission and ask the authorities of the targeted entities for your research and who are here copied to facilitate your access in order to allow you to collect data related to your work.

Please accept, sir, the expression of my patriotic regards.

.....  
Honorable Nzanzu Kasivita Carly

CC.:

- Mme the vice-governor of the Province of North Kivu
- Mr. the provincial minister of territory administration, public order, customary affairs and reconstruction;
- Mr. the provincial minister of education, youth, gender and child, *a.i*;
- Mr. the chief of the provincial division of internal affairs of North Kivu: all in Goma;
- Mr. the administrator of the District of Nyiragongo at Kibumba;
- Mr. the administrator of the District of Masisi at Masisi;
- Mr. the administrator of the District of Rutshuru at Rutshuru;
- Mr. the administrator of the District of Walikale at Walikale;
- Mr. the administrator of the District of Lubero at Lubero

## APPENDIX D: LETTER OF CONSENT FROM CRONGD-NK



CONSEIL REGIONAL DES ONGD DU NORD KIVU  
« CRONGD/ NK »  
Email : [crongdnordkivu@gmail.com](mailto:crongdnordkivu@gmail.com) Tél : +243998666569,  
+243 897386021  
Adresse : V/Goma, C/Goma, Q/Mapendo, Av Karisimbi N°12



Kirumba, 19 août 2019

N°/Réf 02./CRONGD/NK/SUP/LUB/2019

**Objet:** Votre demande d'interview et de rencontre avec des chefs Traditionnels

Emmanuel Tavulyandanda Tembo  
University of the Free State  
Centre for Gender and Africa Studies  
P.O. Box 339  
Bloemfontein 9300  
**SOUTH AFRICA**

Bien cher Emmanuel,

C'est avec plaisir que CRONGD-NK a reçu votre demande de mener vos recherches dans son bureau sis à Kirumba, en territoire de Lubero. Dans votre lettre, vous avez aussi demandé que CRONGD-NK puisse contacter certains chefs coutumiers pour l'organisation d'un séminaire sur la réconciliation communale. Après avoir vu le titre de votre thèse, nous nous sommes réjouis du fait que vos recherches sont en parfait accord avec les objectifs de notre organisation, à savoir, la recherche de la paix et de la réconciliation entre les communautés du Nord-Kivu.

Ainsi donc nous vous donnons rendez-vous le 21 août 2019 à 14h dans nos bureaux de Kirumba: nous avons instruit un de nos membres de répondre à votre interview. Quant au séminaire sur la réconciliation communale avec les chefs traditionnels, nous avons pensé que Miriki, chef-lieu de la localité de Mulinde, serait mieux indiqué. En effet, il y a peu Mulinde était le lieu d'affrontements entre plusieurs milices et puis Mwami Paluku Murandya, après avoir perdu 18 membres de sa famille en 2016 est devenu le symbole du pardon et de la réconciliation. Nous le contacterons et vous ferons suite dans un proche avenir.

Soyez le bienvenu!



Pour CRONGD-NK,  
**MATHE MUHINDO KAKWIRA,**  
Superviseur de terrain

**CONSEIL REGIONAL DES ONGD DU NORD-KIVU**  
**CRONGD/NK**  
**Email: crongdnordkivu@gmail.com**  
**Tel: +243998666569; +243897386021**  
**Adress: V/Goma, C/Goma, Q/Mapendo, Av. Karisimbi No.12**  
**Ref.: 02./CRONGD/NK/SUP/LUB/2019**

Kirumba August 19, 2019

Emmanuel Tavulya-Ndanda Tembo  
University of the Free State  
Centre for Gender and Africa Studies  
P.O. Box 339  
Bloemfontein 9300  
**SOUTH AFRICA**

Dear Emmanuel

**RE: Your interview request and meeting with traditional leaders**

Dear Emmanuel,

It is with pleasure that CRONGD-NK received your request to carry out your research in its office located in Kirumba, in Lubero territory. In your letter, you also requested that CRONGD-NK contact certain traditional leaders for the organisation of a seminar on communal reconciliation. After seeing the title of your thesis, we were delighted that your research is in perfect harmony with the objectives of our organisation, namely, the search for peace and reconciliation between the communities of North Kivu.

So we invite you to meet on August 21, 2019 at 2 p.m. in our Kirumba office: we have instructed one of our members to respond to your interview. As for the seminar on communal reconciliation with traditional chiefs, we thought that Miriki, capital of Mulinde locality, would be better suited. Indeed, not long ago, Mulinde was the site of clashes between several militias, and then *Mwami* Paluku Murandya, after losing 18 members of his family in 2016, has become a symbol of forgiveness and reconciliation. We will contact him and follow up with you in the near future.

You are welcome!

.....  
MATHE MUHINDO KAKWIRA,  
Field supervisor - CRONGD-NK

## APPENDIX E: DECLARATION OF EDITING

### LANGUAGE PRACTITIONER: Anneke Denobili

BA Communication Science (Corporate and Marketing Communications)\*  
BA Honours Communication Science (Corporate and Marketing Communications)\*  
\* Cum Laude

17A Innes Avenue  
Waverley, Bloemfontein

Tel: 084 244 8961  
[annekedenobili@gmail.com](mailto:annekedenobili@gmail.com)

November 2021

#### DECLARATION

I, Anneke Denobili, hereby declare that I did the language editing of the thesis of Emmanuel Tavulya-Ndanda Tembo (student number: 2015069772) titled INTERETHNIC CONFLICT AND THE ROLE OF TRADITIONAL LEADERS IN THE TRUTH AND RECONCILIATION PROGRAMME IN NORTH KIVU, DEMOCRATIC REPUBLIC OF CONGO. The thesis to be submitted in fulfilment of the requirements for the degree of Doctor of Philosophy in Conflict Resolution and Peace Studies (Centre for Gender and Africa Studies, University of the Free State). All the suggested changes, including the implementation thereof, were left to the discretion of the student.

#### **Please note:**

The language editing excludes reference editing/checking and technical formatting. The editor will not be held accountable for any later additions or changes to the document that the editor did not edit, nor if the student rejects/ignores any of the changes, suggestions or queries, which he/she is free to do. It remains the student's responsibility to ensure that the similarity index is according to the University's regulations. The editor can also not be held responsible for errors in the content of the document or whether or not the student passes or fails. It is the student's responsibility to review the edited document before submitting it for evaluation.

Sincerely



*SATI Registration #: 1003466*

## APPENDIX F: FOCUS GROUP AND INDIVIDUAL INTERVIEW QUESTIONS



**Research title:** “Interethnic conflict and the role of traditional leaders in the truth and reconciliation programme in North Kivu Province, Democratic Republic of Congo”

**By Emmanuel Tavulya-Ndanda Tembo (Stud. No. 2015069772)**

1. a) What are the principal parties in the interethnic conflict in North Kivu Province?  
b) According to you, what are the underlying causes of interethnic conflicts in North Kivu Province?
2. What are traditional leaders’ peacebuilding mechanisms within the political context of interethnic conflict in North Kivu before and after 2008?
3. What are the mechanisms and strategies put in place by other stakeholders (such as the UN, NGOs, churches...) to address the interethnic conflict in North Kivu province?
4. How and why this conflict has not been properly addressed by traditional and formal liberal peacebuilding processes, and through military interventions?
5. In 2008, again as part of peacebuilding, a conference on peace, security and development was organized for the two provinces of North and South Kivu. This “Amani Programme conference founded the Technical Commission for Pacification and Reconciliation (CTPR) whose objective was to create favorable conditions for peace and reconciliation, to prevent conflict and to ensure the peaceful resolution of conflicts between communities. What do you know about this commission, its attributions, its areas of success and failure?
6. What are your perceptions of traditional leaders’ involvement in the formal CTPR processes?
7. To what extent do traditional leaders cooperate with other actors in the formal CTPR programme? Who is doing what? How? Where?
8. What challenges (perceived and factual) do traditional leaders face while participating in the CTPR programme?

**MWONGOZO WA MAJADILIANO YA VIKUNDI NA MAHOJIANO**  
**(KISWAHILI)**

**KICHWA CHA UTAFITI:** “Mgogoro ya Ukabila na Wajibu wa Viongozi wa Jadi katika Mpango wa Haki na Maridhiano mkoani Kivu Kaskazini, Jamhuri ya Kidemokrasi ya Kongo”

**Unafanywa na Emmanuel Tavulya-Ndanda Tembo (Stud. No. 2015069772)**

1. a) Je! Ni pande kuu gani na ngapi zinazohusika katika vita vya ukabila Mkoani mwa Kivu Kaskazini?  
  
b) Kwa maoni yenu, ni sababu gani za msingi za migogoro ya ukabila katika Mkoa wa Kivu Kaskazini?
2. Ni mbinu gani wanazotumia viongozi wa jadi (*Bami*) ndani ya mazingira ya kisiasa ya vita vya ukabila kwa lengo la kudumisha amani mkoani Kivu Kaskazini kabla na baada ya 2008?
3. Ni mifumo na mikakati gani yaliyowekwa na wadau wengine (kama vile Umoja wa Mataifa, mashirika yasiyo ya kiserikali, makanisa ...) kwa kukabiliana na vita vya ukabila mkoani Kivu Kaskazini?
4. Namna gani na kwa nini mgogoro huu haujawahi kushughulikiwa ipasavyo na taratibu za jadi na za kitaalam za kujenga amani, na kupitia hatua za kijeshi?
5. Mwaka 2008, tena kama sehemu ya kujenga amani, mkutano wa amani, usalama na maendeleo uliandaliwa kwa ajili ya mikoa miwili ya Kivu Kaskazini na Kusini. Mkutano huu ujulikanao kama “Programme Amani” ulianzisha Tume ya kiufundi ya Usalama na Maridhiano (*Commission Technique pour la Pacification et la Réconciliation, CTPR*) ambayo ilikuwa na lengo la kuunda mazingira mazuri ya amani na maridhiano, kuzuia migogoro na kuhakikisha ufumbuzi wa amani wa migogoro kati ya makabila. Unajua nini kuhusu tume hii, majukumu yake, mafanikio na kushindwa kwake?
6. Watu wanafikiria nini juu ya viongozi wa jadi kujihusisha na mipango rasmi ya *CTPR*?
7. Ni kwa kiasi gani viongozi wa jadi wanashirikiana na wadau wengine katika mipango rasmi yanayotekelezwa na *CTPR*? Nani anafanya nini? Kwa namna gani? Wapi?
8. Ni changamoto gani (dhaniwa na halisi) viongozi wa jadi wanakabiliwa nazo wanaposhiriki katika mpango wa *CTPR*?

**GUIDE D'ENTRETIEN EN GROUPE DE DISCUSSION ET ENTREVUES**  
**(FRANCAIS)**

**Titre du projet de recherche** : “Conflit Interethnique et Rôle des Chefs Traditionnels dans le Programme Vérité et Réconciliation au Nord-Kivu, République Démocratique du Congo”

**Par Emmanuel Tavulya-Ndanda Tembo (Stud. No. 2015069772)**

1. a) Quelles sont les principales parties impliquées dans le conflit interethnique dans la Province du Nord-Kivu?  
  
b) Selon vous, quelles sont les causes sous-jacentes des conflits interethniques dans la province du Nord-Kivu?
2. Quels sont les mécanismes de consolidation de la paix initiés par les chefs traditionnels dans le contexte politique du conflit interethnique au Nord-Kivu avant et après 2008?
3. a) Quels sont les mécanismes et stratégies formels de consolidation de la paix mis en place par d'autres parties prenantes (e.g. les Nations Unies, ONGs, Confessions religieuses...) pour résoudre le conflit interethnique dans la province du Nord-Kivu?
4. Comment et pourquoi ce conflit n'a pas encore été correctement résolu par les processus traditionnels et libéraux/formels de consolidation de la paix, et par des interventions militaires?
5. En 2008, toujours dans le cadre de la consolidation de la paix, une conférence sur la paix, la sécurité et le développement fut organisée en faveur des deux provinces du Nord et du Sud Kivu. Cette conférence dite “Programme Amani” fonda la *Commission Technique pour la Pacification et la Réconciliation* (CTPR) dont l'objectif fut de créer des conditions favorables de paix et de réconciliation, de prévenir le conflit and d'assurer la résolution pacifique des conflits entre communautés. Que savez-vous de cette commission, ses attributions ou programmes, ses domaines de succès et d'échec?
6. Quelles sont vos perceptions à propos de la participation des chefs traditionnels aux processus formels de la CTPR?
7. Dans quelle mesure les chefs traditionnels coopèrent-ils avec d'autres acteurs du programme formel de la CTPR? Qui fait quoi? Comment? Où?
8. À quels défis (perçus et factuels) les leaders traditionnels sont-ils confrontés lorsqu'ils participent au programme de la CTPR?