

# Understanding Conflict in Eastern Congo (I): The Ruzizi Plain

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## *Executive Summary*

The February 2013 framework agreement signed by the UN, African organisations and eleven regional countries, as well as the deployment of an intervention brigade, represent yet another of many attempts to end the crisis in the Kivus. Conflicts in this region, however, stem mainly from competition between communities for land and economic opportunities and require tailored, grassroots solutions that should go beyond a military response and promote local conflict resolution. Those seeking to secure peace in the Kivus should gain sound knowledge of local dynamics and design strategies to tackle the root causes of violence and improve relations between communities.

The imperative of pursuing local responses to the crisis is illustrated by the long-standing conflict in the Ruzizi plain, located in Uvira territory at the border of South Kivu and Burundi. In a context of impunity and distrust, the assassination on 25 April 2012 of the Ruzizi plain traditional leader, who belongs to the Barundi community, sparked renewed violence between it and a rival community, the Bafuliro. Despite several reconciliation attempts by the central government and the UN Stabilisation Mission in Congo (MONUSCO), tensions persist in 2013.

The Bafuliro and Barundi have fought over land and traditional leadership in the Ruzizi plain since colonial times. Tensions remain high because of socio-economic underdevelopment, the mismanagement of land affairs and poor local governance due to weaknesses in provincial and central administration. Instead of acting as secondary figures, traditional chiefs play a leading role in Congo's politics and administration. Perceived as influential during elections, they are part of political patronage networks and have support in national and provincial institutions.

Despite a decade of efforts to rebuild the Congolese state, the government remains ineffective in rural areas, leaving customary chiefs, whose role is recognised by the constitution but not fully defined, virtually in charge. They use their key position between the state and communities to benefit from any state and international investments and to protect their own interests. This fuels conflict, with intercommunal rivalries playing out in state institutions and among local and national politicians.

In 2012, aware of the hostility between the Bafuliro and Barundi, MONUSCO and local, provincial and national authorities attempted to mediate between the two communities. But although the leaders of both signed in September 2012 a code of conduct, fighting resumed shortly afterwards. The natural death of the Bafuliro traditional chief in December 2012 has led to a lull in violence, but the conflict, although dormant, could easily flare up again.

The failure of mediation shows that local conflicts need local resolution strategies. These include controlling customary powers, setting up impartial and effective institutions to regulate and administer land, reducing armed violence and initiating intercommunal dialogue. Some of these measures will, admittedly, be more difficult to implement than others. But without an understanding of local issues, the peace process initiated by the UN, African Union (AU), Southern African Development Community (SADC), International Conference on the Great Lakes Region (ICGLR) and regional countries risks addressing symptoms rather than causes of conflict in the Kivus. Stabilisation initiatives in eastern Congo have so far been limited to military action against armed groups and top-down state building. This report, the first

in a series that focuses on the local politics of conflicts in eastern Congo, recommends a complementary bottom-up approach aimed at improving intercommunal relations and restoring peace at the local level.

## *Recommendations*

### *To enhance control of customary powers*

#### **To the DRC government and local authorities:**

1. Disseminate the laws on customary powers to the population and customary authorities, and train customary chiefs so they can assume their functions in accordance with the law.

### *To improve land management*

#### **To the DRC government and local authorities:**

2. Develop a land management code for traditional leaders in Uvira territory until more complete land reform that redefines the role of traditional authorities in land management is in place.
3. Provide land management institutions (the local courts and land administration) with human and financial resources; ensure all ethnic groups in Uvira territory are adequately represented in these institutions; and set up a district court in Uvira to bring land justice closer to claimants and speed up procedures.

#### **To the UN and donors:**

4. Establish, under the auspices of UN-Habitat, a land committee in Uvira territory that will identify the sources of land disputes and define a local land dispute resolution strategy.
5. Increase UN presence and coordination in Uvira by deploying staff of the UN Development Programme (UNDP), the UN Food and Agriculture Organization (FAO) and the UN-Habitat who will bring expertise in land dispute resolution and agricultural development to MONUSCO's office in Uvira.

### *To restore dialogue between communities*

#### **To the UN and donors:**

6. Commission a study on the local non-governmental organisations involved in conflict resolution in order to identify impartial local partners and strengthen their capacity to mediate disputes.
7. Commission a study to identify all parties to the conflict in order to organise truly inclusive activities to promote peace and intercommunal dialogue.
8. Disseminate, through the consultative local forum, the agreement signed by the Barundi and Bafuliro leaders, organise intercommunal meetings and promote joint development projects.

*To reduce armed violence*

**To the DRC government and local authorities:**

9. Launch investigations to identify the leaders of the main armed groups, arrest and try them, as well as those responsible for intercommunal clashes, outside South Kivu province.

**To the DRC government, the UN and donors:**

10. Produce a detailed intelligence report about the economic and logistical networks of armed groups that would inform a strategy to cut off their resources. The report should be a joint work of the UN group of experts and the officers of the joint border verification mechanism deployed by the ICGLR.
11. Implement a disarmament, demobilisation and reintegration program (DDR) that prioritises the communities of Uvira territory and the socio-economic reintegration of a majority of former Congolese combatants.
12. Deploy Congolese security forces that are not from South Kivu, increase the number of UN peacekeepers, and ensure both forces prioritise the fight against smuggling.
13. Formalise the mineral trade and use a share of the mining revenues to fund development programs targeting former combatants and the local population.

**Nairobi/Brussels, 23 July 2013**

# Understanding Conflict in Eastern Congo (I): The Ruzizi Plain

## I. Introduction

Meeting in Addis Ababa on 24 February 2013, under the auspices of the United Nations Secretary-General, the DRC, Rwanda, Uganda and the other members of the ICGLR and SADC renewed their commitment to work for peace and stability in the region. This framework agreement for peace, security and cooperation for the Democratic Republic of Congo (DRC) and the region, which also provides for the creation by the UN Security Council of an intervention brigade to neutralise armed groups in the area, opens new prospects for stabilising eastern Congo.<sup>1</sup> This UN initiative is largely a response to the fall of Goma, capital of North Kivu, which was captured by rebels of the 23 March Movement (M23) at the end of 2012.<sup>2</sup>

ICGLR and SADC members reiterated their promise to increase regional economic cooperation, fight impunity and not interfere in the internal affairs of their neighbours. The DRC government renewed its commitment to implement security sector reform, consolidate state authority over its territory, combat the foreign and national armed groups present in the country, make progress with decentralisation, promote institutional reform, increase social services coverage, expand infrastructure and promote national reconciliation and democracy. Finally, recognising MONUSCO's failure to stop Goma falling into the hands of the M23, the UN decided to revise its stabilisation strategy for eastern Congo, appoint a special envoy for the Great Lakes and adopt a more robust peacekeeping policy.<sup>3</sup> However, in order for this new initiative to have a chance of resolving regional problems, it must understand and respond to the local causes of crises.

In this respect, much can be learned from the anatomy of a conflict that developed in South Kivu during 2012. The conflict in the Ruzizi Plain sparked by the assassination of the traditional chief of the Barundi at the beginning of 2012 is symptomatic of a longstanding conflict between two communities and of weaknesses in the Congolese state administration. It showed how conflict in the Kivus is fostered by local, historic and ethnic competition for resources. In this case, competition between the Barundi and the Bafuliro for control of the Ruzizi Plain involves a series of land and economic issues that shape a complex local geostrategy.

Although local and provincial governments and the MONUSCO were aware of the situation, the conflict took them by surprise and revealed the predominance of traditional authorities. The rather unsatisfactory response to this conflict during 2012 showed the need for a sound understanding of local historical, political and economic issues and tailored conflict resolution strategies adapted to each local context.

<sup>1</sup> Resolution 2098, United Nations Security Council, 28 March 2013, paragraph 9, p. 6.

<sup>2</sup> See Crisis Group alert, "DR Congo's Goma: Avoiding a New Regional War", 20 November 2012 and Crisis Group Africa Briefing N°91, *Eastern Congo: Why Stabilisation Failed*, 4 October 2012.

<sup>3</sup> Peace, Security and Cooperation Framework Agreement for the Democratic Republic of Congo and the Region, 24 February 2013, paragraph 5, pp. 2-3.

This report is the first of a series on conflict in eastern Congo and analyses the situation from a local perspective. Not all areas of the Kivus, which have been a grey zone for two decades, are afflicted by violence. Some parts are subject to continuous conflict while others are relatively peaceful. This series of reports will try to understand these local variations because, at a time when the UN is relaunching its peace process and revising its approach to stabilisation in eastern Congo, it is imperative to understand the local roots of conflict and how they are expressed in territorial terms.



## II. Anatomy of a Local Conflict

On 25 April 2012, the Mwami<sup>4</sup> of the Barundi community, Ndabagoye, was assassinated on the eve of his reinstatement by the national authorities to the Ruzizi Plain-*chefferie*.<sup>5</sup> Although the judicial enquiry has not yet been completed, it implicates the militia of another tribe that lives on the plain: the Bafuliro.<sup>6</sup> Four Bafuliro chiefs were arrested,<sup>7</sup> sparking a spiral of violence in the Ruzizi Plain during 2012. The provincial government, the security forces and the UN Mission (MONUSCO) were overtaken by events. In September, the national government imposed a peace agreement on the two communities. However, the end of the violence was more due to the premature death of the Mwami of the Bafuliro community, Ndare Simba, than to government intervention.<sup>8</sup> This intercommunal conflict has therefore not yet been resolved and could easily flare up again.

### A. The Historical Roots of the Conflict

The Ruzizi Plain, which has historically been the starting point for several rebellions,<sup>9</sup> is a border area that has been disputed by two communities since colonial times.<sup>10</sup> The territory is peopled by the Bafuliro and the Barundi, which respectively account for around 80 and 20 per cent of the population.<sup>11</sup> Each community has rewritten recent history in order to legitimise its presence and right to govern.

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<sup>4</sup> Mwami, literally king, is the title given to paramount traditional chiefs. The position is hereditary and is passed on from father to son. Ndabagoye's son, Richard Nkinyuni III, succeeded him at the head of the Ruzizi Plain *chefferie*.

<sup>5</sup> In the DRC, provinces are divided into territories, which are in turn divided into decentralised territorial entities (ETDs) called *secteurs*, *chefferies* and *groupements*. The *chefferies* are administered by traditional (or customary) chiefs and their council. Presently, the chiefs are appointed by the Ministry of the Interior and Traditional Affairs. The Ruzizi Plain is located in the territory of Uvira, in South Kivu province. The *chefferie* covering the plain is divided into five *groupements*, each one administered by a chief. "Constitution de la République démocratique du Congo", Official Gazette, 18 February 2006, article 3; and "Organic Law 08/016 of 7 October 2008 on the composition, organisation and operation of Decentralised Territorial Entities and their relationship with the state and provinces", Official Gazette, 7 October 2008, chapter III, articles 65-92. See map in Appendix B.

<sup>6</sup> Crisis Group interviews, members of civil society, members of the Barundi and Bafuliro communities, agents of prosecution service, Uvira, 23, 24 and 25 January 2012.

<sup>7</sup> Conditional release of Bike Rubengera Rusagara and Soko Ben Mayeye, 2082/IH/12, 27 July 2012.

<sup>8</sup> The Mwami Ndare Simba died from a heart attack in Nairobi on 22 December 2012. Following his death, the Bafuliro had to deal with the problem of the succession, as two branches of the late Ndare Simba's family dispute the regency.

<sup>9</sup> In 1963, the Mulele rebellion by the Mai-Mai Simba began in the Ruzizi Plain and the Tutsi peoples of the Ruzizi Plain played an important role during the rebellion by the Rassemblement congolais pour la démocratie (RCD) in 1998.

<sup>10</sup> The border between the DRC and Burundi was demarcated on 14 May 1910, with the River Ruzizi serving as a natural border. The Brussels Protocol signed on 14 May 1910 by the Belgian, German and British governments on the subject of the border from Lake Tanganyika to north of Lake Kivu, Reich-Gefebblatt, Jahrgang 1911, no. 47.

<sup>11</sup> Crisis Group interviews, territory administrator, UN personnel, civil society representatives, Uvira, 19 and 23 January 2013.

## 1. Autochthony and historical mythologies

There is evidence to show that the Barundi were present in the Ruzizi Plain during the first half of the nineteenth century, under the reign of the Burundian king Ntare Rugamba, who established a *chefferie* there at that time.<sup>12</sup> But the Barundi community claims it has been present there since 1750. However, this version is more akin to mythology than history. The Bafuliro claim a presence on the plain since 1902, when a Belgian colonist married a woman from the Barundi community originally from Burundi.<sup>13</sup> The Bafuliro only settled in the plain at the end of the nineteenth century but believe that the area belongs to them on the grounds that they settled in the *Moyens Plateaux* overlooking Uvira in the eighteenth century.<sup>14</sup> These contradictory histories of settlement are informed by the principles of autochthony and land rights.

In 1928, the Belgian colonisers divided Uvira territory into three *chefferies*, along ethnic lines: one each for the Bavira, Bafuliro and Barundi.<sup>15</sup> The Barundi were therefore granted land rights that were traditionally the prerogative of autochthones.<sup>16</sup> The Bafuliro opposed this decision and rebelled in 1929.<sup>17</sup>

After independence, the Bafuliro tried several times to force the Barundi to leave for Burundi: in 1961<sup>18</sup> and between 1963 and 1965, during the Mulele rebellion.<sup>19</sup> Under the leadership of the Mwami Marandura, the Bafuliro launched a campaign of intimidation against the Barundi, known as the “war of the goats”.<sup>20</sup> In addition to their ter-

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<sup>12</sup> Crisis Group interviews, academics, Bujumbura, 14 December 2012. He reigned from about 1800 to 1850. See Emile Mworoha, *Histoire du Burundi: des origines à la fin du XIXème siècle* (Paris, 1987). The Barundi ethnic group is composed of Hutus and Tutsis from Burundi who speak Kirundi. The reigning family of the Barundi of the Ruzizi Plain comes from the Tutsi ethnic group. Crisis Group interviews, Barundi notables, Uvira, 16 January 2013.

<sup>13</sup> Crisis Group interviews, Bafuliro notables, Luberizi, 24 January 2013. The Bafuliro ethnic group came from Maniema and is of Bantu origin. It initially settled in the *Moyens Plateaux* above Uvira. The Bafuliro speak Fuliru. Crisis Group interview, Bafuliro notables, civil society representatives and territory administrator, Uvira and Lemera, 15 and 17 January 2013, “Monographie de la province du Sud-Kivu”, Ministry of Planning, March 2005.

<sup>14</sup> Crisis Group interviews, Bafuliro notables, Lemera, 17 January 2013.

<sup>15</sup> According to local sources, a colonial decree of 1928 created *chefferies* in Uvira. The South Kivu provincial assembly published a link to this legal text online. However, having contacted the assembly and Tervuren Museum in Belgium, Crisis Group was unable to locate this text. See the map in Appendix B.

<sup>16</sup> The creation of autonomous administrative entities in the Kivus for immigrants from Rwanda and Burundi in the colonial period was fiercely opposed by autochthones and exacerbated competition between the ethnic groups. The Ruzizi Plain is not the only example: in 1937, in North Kivu, the changing of the Gishari enclave into an autonomous *chefferie* led by a Tutsi chief in Hunde territory provoked opposition. F. Reyntjens and S. Marysse (dir), *Conflits au Kivu: antécédents et enjeux*, volume 2 (Anvers University, December 1996).

<sup>17</sup> This revolt was put down by the Barundi Mwami, who used firearms supplied by the Belgians. The use of firearms was banned by the Belgian colonialists who exiled the Mwami. Crisis Group interviews, Barundi and Bafuliro notables, Uvira and Lemera, 16 and 17 January 2013.

<sup>18</sup> “SUD-KIVU: un feu couve dans la plaine de la RUZIZI”, Pole Institute, 30 September 2012.

<sup>19</sup> The Mulele rebellion, led by Pierre Mulele and Laurent-Désiré Kabila, followed Mobutu’s coup and the fall of the Kasavubu government. Mulele military operations started on 15 April 1964 in the Ruzizi Plain. For more details, see “The economy of civil war: the case of Democratic Republic of Congo”, Political Economy Research Institute, University of Massachusetts Amherst, Working Papers Series, no. 63, 2003. For more on the Mulele rebellion, see Benoît Verhaegen, *Mulele et la révolte populaire au Kivu* (Paris, 2006).

<sup>20</sup> The Bafuliro attacked Barundi livestock, mainly their goats. Crisis Group interviews, members of the Bafuliro and Barundi communities, Uvira, Lemera and Luberizi, 17, 18 and 24 January 2013.

ritorial claims against the Barundi, the Bafuliro became more radical and joined the Mulele rebellion to protest at their eviction by the central government.<sup>21</sup> The enlistment of the Banyiamulenge and Barundi as auxiliaries of the National Congolese Army in the struggle against the Mulele rebellion only increased tension between the two communities in the plain.<sup>22</sup>

In 1972, the Congolese nationality of what were called non-autochthonous peoples was brought into question and this revived tension between these two ethnic groups. The previous year, a law collectively recognising the Congolese nationality of migrants from Rwanda and Burundi<sup>23</sup> consolidated the Barundi's right to their own *chefferie*. This was opposed by the Bafuliro. The controversial law was repealed on 5 January 1972.<sup>24</sup> In 1981, a new nationality law strengthened the exclusion of communities not present on Congolese territory in 1885.<sup>25</sup> Although there is evidence that the Barundi were present before 1885, they lost their Congolese nationality.

Although the 2006 constitution confirmed the Barundi's Congolese nationality,<sup>26</sup> it did not end the quarrel about who got there first and therefore did not resolve the issue of the Barundi's right to administer the Ruzizi Plain *chefferie*.<sup>27</sup>

## 2. The Barundi lose power

In 1996, the Mwami Ndabagoye, leader of the Barundi community was relieved of his post by Laurent-Désiré Kabila's Alliance des forces démocratiques pour la Libération du Congo-Zaïre (AFDL) and was forced into exile in Uganda. He returned to Congo in 1998 as an officer in the Rassemblement congolais pour la démocratie (RCD). Bafuliro leaders use his participation in the RCD rebellion to contest his legitimacy. They say he and his descendants lost the right to govern the *chefferie* when they joined the RCD and, according to them, betrayed the country to Rwanda.<sup>28</sup> They also accuse him of atrocities against the Bafuliro.<sup>29</sup>

As from 1999, the RCD tried to obtain popular support by rallying traditional chiefs, who were also mobilised and courted by the central government. Uvira's traditional chiefs opted for two completely opposed strategies. Although he was a founding

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Bosco Muchukiwa, *Territoires ethniques et territoires étatiques: pouvoirs locaux et conflits inter-ethniques au Sud Kivu (R.D. Congo)* (Paris, 2006).

<sup>21</sup> Crisis Group interview, representative of the Ruzizi Plain Bafuliro community, Luberizi, 3 February 2013.

<sup>22</sup> Although initially mainly on the side of the Mulele rebellion, the Banyiamulenge turned against them, in particular because the Mulele fighters slaughtered their livestock. For more details, see "Au-delà des groupes armés, Conflits locaux et connexions sous-régionales. L'exemple de Fizi et Uvira (Sud Kivu, RDC)", Life and Peace Institute, 2011, pp. 31-32.

<sup>23</sup> Legislative Order 71/020, *Official Gazette*, 26 March 1971. Previously, the Constitution of 1 August 1964 deprived the populations that had migrated from Rwanda and Burundi between 1930 and 1954 of their Congolese nationality. As from 1971, the Tutsi elites in the Kivus became strongly integrated into the institutions of the Mobutu regime. The director of Mobutu's cabinet, Bisengimana Rwema, was a Tutsi from North Kivu.

<sup>24</sup> Law 72/002, *Official Gazette*, 5 January 1972. This law withdrew Congolese nationality from post-1950 immigrants from Rwanda and Burundi. Article 47 repealed the 1971 Nationality Act.

<sup>25</sup> Law 81/001, *Official Gazette*, 29 June 1981.

<sup>26</sup> Interviewed by Crisis Group, Bafuliro notables emphasised that they recognise that the Ruzizi Plain Barundi are Congolese. Crisis Group interviews, Bafuliro notables, Luberizi, 24 January 2013.

<sup>27</sup> Constitution of the Democratic Republic of Congo, *Official Gazette*, 18 February 2006, article 10, p. 13.

<sup>28</sup> Crisis Group interviews, Bafuliro notables, Uvira and Lemera, 15 and 16 January 2013.

<sup>29</sup> Crisis Group interviews, Bafuliro and Barundi notables, member of UN agencies and members of MONUSCO, Uvira and Lemera, 14-15 January 2013, 4 February 2013.

member of the RCD, the Mwami Ndare played a double game by cultivating close links with the Mai-Mai groups in his *chefferie* and finally joined the Kinshasa-backed Mai-Mai in 2001.<sup>30</sup> The Mai-Mai's capture of Uvira in October 2002 allowed the Mwami Ndare Simba to project the image of a resistance fighter against the RCD.<sup>31</sup> Meanwhile, the Mwami Ndabagoye strengthened his position within the RCD and became a senator during the transition.

As from 2004, after a decision by the government in Kinshasa, which wanted to remove former RCD members, the territory administration deprived Mwami Ndabagoye of his traditional powers and appointed a Bafuliro as chief of the Ruzizi Plain *chefferie*. The Bafuliro therefore achieved their historic objective of controlling the Ruzizi Plain and the Barundi were sidelined.

## B. *Conflict Over Resources: Economic and Land Rivalries*

Economic and land rivalries between the Bafuliro and the Barundi in the Ruzizi Plain go back to the colonial period. When the Barundi settled on the plain, the Bafuliro were only using it as a hunting reserve and most of the area was abandoned because of endemic malaria.<sup>32</sup> The Bafuliro still believe that the first Barundi were cattle thieves who crossed the River Ruzizi to escape from King Ntare Rugamba of Burundi.<sup>33</sup> Disputes about the pasture and land occupation rights spread to include other local resources as the area developed.<sup>34</sup> In this region, as elsewhere in Africa, the land is a key indicator of collective identity and an essential source of income.<sup>35</sup>

### 1. *Agricultural development, a source of division*

With the introduction of cash crops during the colonial period, land in the plain became more valuable and its economic importance increased. The Belgian colonisers introduced cotton at the end of the nineteenth century. In 1950, they also planted rice. In 1956, they introduced sugar cane, which developed with the construction of Kiliba sugar refinery, a private investment that covered 6,000 hectares, employed 3,500 workers and was known as the "Uvira Gécamines".<sup>36</sup> The first to benefit from the development of agricultural activities were the Barundi, who lived on the plain, rather

<sup>30</sup> "Le pouvoir traditionnel au Sud-Kivu de 1998-2003: rôle et perspective", *L'Afrique des Grands Lacs, Annuaire 2004-2005* (2005), pp. 209-234.

<sup>31</sup> "Uvira tombe aux mains des Mai-Mai", Agence France-presse, 14 October 2002; "25 morts lors de la prise d'Uvira (nouveau bilan du RCD)", Agence France-presse, 24 October 2002.

<sup>32</sup> Crisis Group interviews, Bafuliro notables, Uvira and Lemera, 18 and 22 January 2013.

<sup>33</sup> Crisis Group interviews, Burundian academic and Bafuliro notables, Bujumbura and Lemera, 18 December 2012 and 18 January 2013.

<sup>34</sup> For more on violent land conflicts in the DRC, see IKV-Pax Christi/Hakina Amani, *Conflits fonciers en Ituri: poids du passé et défis pour l'avenir de la paix*, December 2009; and Florence Liégeois and Thierry Vircoulon, "Violences en brousse: le peacebuilding international face aux conflits fonciers", note by the French Institute of International Relations, Paris, February 2010.

<sup>35</sup> Etienne Le Roy, *Retour au foncier* (Paris, 2002) and Alain Durand-Lasserre and Etienne Le Roy, *La situation foncière en Afrique à l'horizon 2050* (Paris, 2012).

<sup>36</sup> See the map in Appendix B. "L'économie du Sud Kivu 1990-2000: mutations profondes cachées par une panne", *L'Afrique des Grands Lacs, Annuaire 1999-2000* (1999), pp. 163-192. Gécamines was the state-owned copper mining company that was the economic engine of Katanga province and the main contributor to the national budget during the Mobutu regime. In Uvira, the expression "Gécamines d'Uvira" is often used to refer to the Kiliba sugar refinery. Crisis Group interview, member of civil society, Uvira, 27 February 2012.

than the Bafuliro who lived on the plateaux, and this increased the tension between the two communities.

Plundering in 1991 and conflicts in the second half of the 1990s completely disrupted the local economy. The rice-growing development programs were halted and, in 1995, the Kiliba sugar refinery closed down.<sup>37</sup>

As it is the most important source of employment in Uvira, revival of agro-industry regularly figures among promises made by successive governments. The transitional government announced the reopening of the Kiliba sugar refinery in 2004, and again in 2010. It was still in the prime minister's program in 2012.<sup>38</sup>

Hopes of a revival of the refinery were realised in 2011, when the refinery found a buyer.<sup>39</sup> However, the relaunch occurred in a context of land conflicts and blackmail over jobs. After a decade in disuse and no management presence, some local people had occupied the refinery lands and in some cases acquired land titles.<sup>40</sup> Moreover, the population was not pleased that only a small fraction of the former workforce was re-engaged, as the company reportedly did not feel able to employ more people at that stage.<sup>41</sup> The local population did not look on this new employment policy kindly. On 16 April 2013, with the tacit support of the local authorities, young Bafuliro violently opposed the dismissal of an agronomist before forcefully demanding a policy of affirmative action in favour of members of their community.<sup>42</sup>

Land distribution was another cause of tension between the Barundi and the Bafuliro. Since 2005, the communities had clashed over the sale of traditional lands by the *groupement* chiefs, which they believed to be illegal.<sup>43</sup> Following local dissatisfaction over land sales, the minister of the interior and traditional affairs dismissed the Bafuliro chief of the Ruzizi Plain *chefferie* in 2012 and replaced him with his assistant, another Bafuliro.<sup>44</sup>

During 2012, livestock and crop farmers accused each other of illegally occupying land with the support of traditional authorities.<sup>45</sup> Starting in 2004, the government replaced Tutsi chiefs with Bafuliro in the *Moyens Plateaux*. In addition to the collection of traditional taxes at markets, the imposition of Bafuliro chiefs protected by their

<sup>37</sup> "L'économie du Sud Kivu 1990", op. cit.

<sup>38</sup> "Sucrerie de Kiliba: 25.000 Usd du Gouvernement pour le redémarrage", Digital Congo, 31 May 2004. "La Sucrerie de Kiliba en quête de 842.284 \$ pour relancer ses activités", Digital Congo, 21 May 2005. "Vers la remise en état de la Sucrière de Kiliba", Agence de presse congolaise, 29 December 2010. "Voici le Programme du Gouvernement Matata!", La Prospérité, 7 May 2012.

<sup>39</sup> The Sucrerie des Kivu company took over the Kiliba sugar refinery with a view to relaunching production in 2014. See the company's Facebook page, "Sucrerie DU KIVU".

<sup>40</sup> "Sud-Kivu: les agriculteurs accusent la sucrerie du Kivu de spolier leurs terres à Kiliba", Radio Okapi, 3 May 2012; "Kiliba – Sud Kivu: le chemin de croix d'une paysanne veuve", Syfia Grands Lacs, 12 October 2012.

<sup>41</sup> "Sud-Kivu: redémarrage de la sucrerie du Kivu: beaucoup d'espoirs déçus", Syfia Grands Lacs, 28 March 2013.

<sup>42</sup> Young Bafuliro attacked the refinery and demanded that the company reinstate the agronomist, allocate 60 per cent of management posts to Bafuliros and return lands taken by the refinery. For more details, see "Sud Kivu: des jeunes gens réclament des postes à la sucrerie de Kiliba sur fond de violences", Radio Okapi, 16 April 2013.

<sup>43</sup> "Rapport sur la situation sécuritaire en territoire d'Uvira, dans la plaine de la Ruzizi", Arche d'Alliance, 6 November 2005.

<sup>44</sup> Crisis Group interviews, former chief of the Ruzizi Plain *chefferie* and territory administrator, Uvira and Luvungi, 17 January and 6 February 2013.

<sup>45</sup> "Recrudescence des conflits fonciers entre éleveurs et cultivateurs de la plaine de la Ruzizi", Radio Okapi, 14 August 2012.

militia allowed large-scale Bafuliro livestock farmers to occupy pasture land previously occupied by the Banyiamulenge and the Barundi. The problem was exacerbated by the seasonal cross-border movement of livestock towards the *Moyens* and *Hauts Plateaux*. Civil society initiatives to promote intercommunal dialogue to improve relations between crop and livestock farmers failed to resolve the problem.<sup>46</sup> In February 2013, the erection of seasonal migration track signs written in Kifuliro and Kirundi provoked violence from young Bafuliro.

Employment and land occupation are still issues for traditional chiefs. Even though the administrative status of Kiliba as a *cit * allows it to escape control by the Ruzizi Plain *chefferie* and therefore the collection of traditional land taxes, the chiefs still have an important informal role in recruiting personnel and allocating land, which is the economic basis of their legitimacy.<sup>47</sup> Accusations of land grabbing and the illegal distribution of land by the traditional chief of the Ruzizi Plain since 2004 and his failure at the legislative elections in 2011 are the reasons why the government responded to the demands of local people and dismissed him.<sup>48</sup> Meanwhile, the Barundi are taking advantage of the internal conflict within the Bafuliro community to assert their traditional rights and to try and regain control of the *chefferie*.

## 2. Cross-border trade

The Ruzizi Plain is a border area with a high economic value and extensive movement of goods and persons. In addition to the relaunch of agro-industry, cross-border employment is also a source of tension between the two communities.<sup>49</sup> Trade between Burundi and the DRC is mainly informal, employs thousands of people and is worth hundreds of thousands of dollars: 45,000 informal traders have been recorded at only five border crossings between Rwanda, Burundi and the DRC<sup>50</sup> and, according to the World Bank, this trade was worth \$652,000 in 2009.<sup>51</sup>

The prospects for reviving agriculture in the Congolese part of the Ruzizi Plain and in Burundi's Cibitoke province have increased the demand for agricultural workers.<sup>52</sup> The Congolese Barundi who have taken refuge in Burundi have settled in the north-eastern provinces where unemployment is high and they travel to the plain in search of temporary work.<sup>53</sup> According to the Bafuliro community, the Barundi do not provide jobs to Congolese people but to Burundians, that is to say to foreigners.<sup>54</sup>

<sup>46</sup> The main organisations involved in these reconciliation initiatives are the Life and Peace Institute, Pax Christi, Search for Common Ground and the Centre ind pendant de recherche strat gique au Kivu (CIRESKI). There is also an intercommunal framework for dialogue – Cadre de concertation intercommunautaire (CCI).

<sup>47</sup> Crisis Group interviews, Barundi and Bafuliro notables and members of civil society, Uvira and Bukavu, 19 and 23 January 2013.

<sup>48</sup> Crisis Group interviews, Barundi and Bafuliro notables, Luberizi and Uvira, 17 January and 4 February 2013.

<sup>49</sup> Crisis Group interviews, Bafuliro notables, Uvira, Lemera and Luberizi, 18, 22 January and 5 February 2013.

<sup>50</sup> "March  dans l'obscurit : le commerce informel transfrontalier dans la r gion des Grands lacs", International Alert, September 2012, p. 4.

<sup>51</sup> "Faciliter le commerce transfrontalier entre la RDC et ses voisins dans la r gion des Grands Lacs en Afrique: am liorer les conditions des commer ants pauvres", World Bank, June 2011, p. 2.

<sup>52</sup> "Sud-Kivu: acheter au Burundi, faute de pouvoir produire en RD Congo", Syfia Grands Lacs, 23 February 2012.

<sup>53</sup> Crisis Group interviews, UNHCR personnel, Bujumbura, 12 January 2013.

<sup>54</sup> Crisis Group interviews, UN personnel and members of civil society, Uvira, 19 and 20 January 2013.

In addition to cross-border employment, the Ruzizi Plain is the route used for the illegal export of minerals. Some of Uvira's cassiterite mines are located near Lemera and on the *Moyens Plateaux*.<sup>55</sup> According to the UN group of experts, some mines on the *Moyens Plateaux* are under the control of the Forces démocratiques pour la libération du Rwanda (FDLR),<sup>56</sup> while the *chefferie* and the Forces d'autodéfense locales et légitimes (FALL)<sup>57</sup> manage the mines close to Lemera, according to local sources.<sup>58</sup>

According to local civil society, some cassiterite is taken to trading posts in Bukavu and some is illegally sold in Burundi and Rwanda.<sup>59</sup> The smuggling is allegedly controlled by local chiefs and armed groups. The change of the traditional chief to the advantage of the Barundi at the start of 2012 was accompanied by the removal of Bafuliro *groupement* chiefs by the new Barundi Mwami. These changes were seen as a reduction in Bafuliro control of the cross-border trade in mineral and cannabis along the River Ruzizi.<sup>60</sup> Among the *groupement* chiefs removed were individuals with strong links to the armed groups trafficking cannabis and cassiterite.<sup>61</sup>

Far from being a purely symbolic issue, the rehabilitation of a Barundian Mwami had a direct impact on control of illegal trafficking by Bafuliro elites. The violent action taken by young Bafuliro against the Kiliba sugar refinery and the interventions by provincial and national politicians seeking the integration of the Bafuliro militia into the army express a desire by ethnic groups to control local power.

<sup>55</sup> See map in Appendix B. "Letter dated 12 November 2012 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of Congo", Security Council, S/2012/843, 15 November 2012, paragraphs 226-227, pp. 56-57; "Culprits or scapegoats? Revisiting the role of Belgian mineral traders in eastern DRC", International Peace Information Service (IPIS), 13 May 2009; "Mineralogical characterization of cassiterite concentrates from quartz vein and pegmatite mineralization of the Karagwe-Ankole and Kibara Belts, Central Africa", *Geologica Belgica*, 2013, pp. 66-75.

<sup>56</sup> "Letter dated 12 November 2012", *op. cit.*, paragraph 96, p. 30.

<sup>57</sup> The FALL was created by the Mwami Ndare Simba to compensate for the weak deployment of the FARDC in the Bafuliro *chefferie*. For more details, see "Letter dated 29 November 2011 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of Congo", Security Council, S/2011/738, 2 December 2012, paragraphs 252-255, pp. 77-78.

<sup>58</sup> Crisis Group interviews, notables from the Bafuliro *chefferie*, Lemera, 22 January 2013.

<sup>59</sup> According to local civil society organizations, part of the cassiterite production is smuggled. The smugglers use barges and rafts to illegally take shipments of cassiterite across the River Ruzizi without paying taxes. Crisis Group interviews, members of civil society, Uvira, 20 and 21 January 2013.

<sup>60</sup> Crisis Group interview, member of civil society, Uvira, 23 January 2013.

<sup>61</sup> Crisis Group interviews, members of civil society and Ruzizi Plain *chefferie* notables, Uvira and Luvungi, 19 and 29 January 2013.

### III. Local Governance in Crisis

The violence in 2012 was the direct consequence of a crisis in local governance. Since 2011, the Bafuliro community has been very critical of the Mwami Ndare Simba's management of the land.<sup>62</sup> A very unpopular figure in Uvira,<sup>63</sup> President Joseph Kabila counted on the traditional chiefs to ensure his re-election by promising to strengthen their powers.<sup>64</sup> During his visit during the 2011 electoral campaign, the Barundi took advantage of this stance to successfully assert their rights over the Ruzizi Plain *chefferie*.<sup>65</sup> But Kinshasa's decision to reinstate the Mwami Ndabagoye at the head of the *chefferie* at the start of 2012 challenged Bafuliro domination and sparked inter-communal violence less than a year after the elections. This local conflict was another example of the collateral damage caused by the controversial elections of 2011 and highlighted the problems generated by the predominant role of the *chefferies* in the local governance system.

#### A. *The Disputed Hegemony of the Bafuliro*

In addition to the transfer of traditional power in the Ruzizi Plain to the Bafuliro in 2004, the latter controlled the state political administration and the security forces. Since the 2006 elections, they imposed themselves as representatives of Uvira in provincial and national institutions. Out of the five seats in the Uvira constituency for the national assembly in 2006, two were occupied by Bafuliros from Lemera (Justin Bitijula and Justin Bitakwira). After the 2011 elections, the Bafuliro held at least four of the five seats. Justin Bitakwira was re-elected in 2011 along with Dialo Mutula and Espoir Majagira, all from Lemera. The national deputy from the Ruzizi Plain *chefferie* elected in 2011, François Rubota, described himself as a Bafuliro from the plain. Moreover, the Mwami Ndare Simba, in his capacity of traditional chief, was co-opted as a provincial deputy in 2007.<sup>66</sup> The Barundi have no provincial or national representatives, but the president of the South Kivu assembly, Emile Kadudu, and the South Kivu minister of planning and budget, Patrick Somora, are Bafuliro.<sup>67</sup>

In addition, since 2010, the *chefferie* council led by Ndare Simba has created its own security structure, the FALL armed group, mainly formed from demobilised Zab-

<sup>62</sup> "Bukavu: des manifestants réclament le départ d'un chef de groupement à Luvungi", Digital Congo, 14 May 2011.

<sup>63</sup> The results of the 2011 legislative elections confirmed this unpopularity. Joseph Kabila's Parti du peuple pour la reconstruction et la démocratie (PPRD) failed to get representatives elected and Justin Bitakwira, an important figure in the Bafuliro community, was elected deputy for Vital Kamerhe's Union nationale congolaise, which came third in the presidential election. For more details, see Crisis Group Briefing N°80, *Congo: The Electoral Process Seen From the East*, 5 September 2011.

<sup>64</sup> "Kamerhe esseulé: son Mwami renouvelle sa confiance à Kabila", *L'Avenir*, 15 April 2011; "Le Chef de l'Etat s'investit dans la réhabilitation du pouvoir coutumier en RDC tel que prévu par la Constitution", Agence congolaise de presse, 22 October 2011.

<sup>65</sup> Crisis Group interview, Barundi notable, Uvira, 15 January 2013.

<sup>66</sup> 10 per cent of seats in provincial assemblies are allocated to traditional chiefs, who are co-opted by the provincial deputies on the basis of one chief for each territory. Constitution of the Democratic Republic of Congo, 18 February 2006, article 197, p. 63; Law 06/006 of 9 March 2006 on the organisation of the presidential, legislative, provincial, urban, municipal and local elections, articles 153-154, pp. 33-43.

<sup>67</sup> Crisis Group interviews, vice president of the provincial assembly, Bukavu, 26 January 2013 and Bafuliro and Barundi notables, Uvira, 17 January 2013.



uloni Mai-Mai and members of the village self-defence groups.<sup>68</sup> This armed group was created to compensate for the absence of the DRC Armed Forces (FARDC) during their reorganisation into regiments and to protect the Bafuliro from the FDLR in the absence of the FARDC.<sup>69</sup> Ndare Simba reportedly also had links with other armed groups on the plain, particularly with the Fudjo Mai-Mai and the Mouvement congolais pour le changement (MCC).<sup>70</sup> In addition to cooperation with the FARDC against the FDLR and the Forces nationales de libération (FNL), present in two of the five *groupements* of the *chefferie*,<sup>71</sup> local sources say that the FALL was also formed to provide security at the mines controlled by the *chefferie* council.<sup>72</sup>

In order to persuade the population to accept the creation of the FALL, the chief used an anti-Tutsi discourse to rally support from young Bafuliros.<sup>73</sup> However, the FALL quickly became predators rather than protectors of the civilian population by imposing taxes on markets and erecting illegal checkpoints as it followed the pattern of increasing militia control of the economy that was taking hold of the Kivu.<sup>74</sup>

The FALL and other affiliated armed groups also seem to have been used by Ndare Simba as instruments for political violence to ensure his control of the Bafuliro and Ruzizi Plain *chefferies*.<sup>75</sup> The assassination on 24 July 2011 of the Bafuliro *chefferie* administrative secretary, who had opposed Ndare Simba, was attributed to the FALL.<sup>76</sup> Moreover, although the assassins of the Barundi Mwami, Ndabagoye, have not been

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<sup>68</sup> The Zabuloni Mai-Mai (from then on also called the Fudjo Mai-Mai) are currently led by Fudjo Zabuloni, son of General Zabuloni Rubaruba. After opposing the Mobutu regime in the 1960s, Zabuloni Rubaruba joined Laurent-Désiré Kabila's Alliance des forces démocratiques de libération du Zaïre (AFDL) in 1997. During the Second Congo War in the period 1998-2004, Zabuloni commanded the Groupe armé Mai-Mai (GAM), better known as the Zabuloni Mai-Mai, which opposed the DRC in South Kivu. For more details, see Crisis Group Africa Report N°151, *Congo: A Comprehensive Strategy to Disarm the FDLR*, 9 July 2009. In 2009, Zabuloni Rubaruba signed the Goma Accords and integrated into the DRC security forces in 2010. His son, Fudjo Zabuloni, who held the rank of major, took command of elements resistant to integration. According to many local sources, Zabuloni Rubaruba and Fudjo Zabuloni have business links with the FDLR and the Burundian Forces nationales de libération (FNL). Crisis Group interviews, Bafuliro notables, territory administrator and members of civil society, Uvira, 22 and 23 January 2013.

<sup>69</sup> Crisis Group interviews, Bafuliro notables, Lemera, 22 January 2013. For more details, see "Letter dated 29 November 2011", op. cit., paragraph 254, p. 77.

<sup>70</sup> Crisis Group interviews, former Ruzizi Plain traditional chief, members of civil society and UN personnel, Uvira and Luberizi, 20 January and 4 February 2013. The Fudjo Mai-Mai are accused of conducting cross-border trade in cannabis and minerals. Crisis Group interviews, members of civil society, the humanitarian community and MONUSCO, Uvira, 16 January. The MCC is commanded by a former Mai-Mai, Rusagara Bedy, a Bafuliro who joined Laurent Nkunda's Conseil national pour la défense du peuple (CNDP) in 2006. The demands made by these groups, who want to be integrated into the army and the administration, are well-known. General Major Rugasara Bedy, "Cahier des charges de la coalition des congolais pour la libération et des Forces de libération du Congo", 17 December 2012.

<sup>71</sup> Crisis Group interviews, Bafuliro notables and members of civil society, Lemera and Uvira, 22 and 23 January 2013.

<sup>72</sup> Crisis Group interview, Bafuliro notables, Lemera, 17 January 2013.

<sup>73</sup> This discourse was particularly aimed at Tutsi officers in the FARDC. In 2013, the Bafuliro of the Ruzizi Plain *chefferie* used the same discourse against the FARDC soldiers deployed there. "Etude analytique sur la milice FALL", Centre indépendant de recherche et d'étude stratégique au Kivu, July 2012.

<sup>74</sup> Crisis Group interviews, members of civil society and UN personnel, Uvira, 14 January 2012.

<sup>75</sup> For more details, see "Letter dated 29 November 2011", op. cit., paragraph 254, p. 77. Crisis Group interviews, members of civil society and the humanitarian community, Bukavu, 5 and 7 February 2013.

<sup>76</sup> "Etude analytique sur la milice FALL", op. cit., pp. 13-14.

formally identified, several witnesses claimed the MCC was responsible.<sup>77</sup> The inquiry conducted by the local authorities concluded that Bafuliro notables ordered the assassination. Their arrest sparked demonstrations by the Bafuliro on national motorway 5 with the support of members of the MCC and the FALL.<sup>78</sup> In response to this pressure, two Bafuliro notables, including Bike Rusagaka, former chief of the *chefferie*, were conditionally released, which sparked counter-demonstrations by young Barundi.<sup>79</sup>

In Uvira, the Bafuliro are in a dominant position thanks to their contacts in national and provincial institutions, their control of the traditional administration, their influence over the local branch of the employers' federation and their militias. Their close relations with another autochthonous community in the territory – the Babembe – ensure they receive a lot of support within local administrations and from civil society.<sup>80</sup>

However, this dominant position did not prevent the population of the Ruzizi Plain being very critical of Mwami Ndare Simba because of his management of land issues. The Barundi used this crisis of legitimacy when Joseph Kabila visited during the presidential election campaign. As the Bafuliro community was divided and partly won over by the opposition, Joseph Kabila chose to link up with the Barundi community and promised the restoration of its traditional rights in exchange for its political support.<sup>81</sup> But the reinstatement of the Barundi Mwami as part of electoral horse-trading disturbed the balance of power between the communities within the *chefferie*.<sup>82</sup> It also went against the Bafuliro's political, economic, administrative and security hegemony on the plain and led to the conflict in 2012.

## B. *A Dormant and Unresolved Crisis*

After the assassination of the Barundi Mwami in March 2012, his son Floribert Nsambimana Ndabagoye succeeded him, intercommunal violence increased and some Barundi fled to Burundi.<sup>83</sup> Some initiatives were taken to ease tension between the two communities but their failure highlighted the flaws in the conflict resolution mechanisms used. It was only with the death of the Bafuliro Mwami that the crisis quietened down without having been resolved.

<sup>77</sup> Crisis Group interviews, members of civil society, the humanitarian community and UN personnel, Uvira, 19 and 20 January 2013.

<sup>78</sup> Crisis Group interviews, former Ruzizi Plain traditional chief, Ruzizi Plain Bafuliro notable and members of civil society, Uvira and Luberizi, 19 January and 4 February 2013.

<sup>79</sup> "Sud-Kivu: les affrontements entre deux communautés font 5 morts à Mutarule", Radio Okapi, 31 July 2012.

<sup>80</sup> Several provincial officials told Crisis Group that the Bafuliro community put a lot of pressure on officials in Uvira and Bukavu, especially the Mwami Ndare Simba. Crisis Group interviews, provincial officials, Uvira and Bukavu, 21 and 27 January 2013.

<sup>81</sup> Crisis Group interviews, Barundi notables, Uvira, 19 January 2013.

<sup>82</sup> The Bafuliro criticise the new Mwami for forming a council entirely composed of Barundi. The Barundi respond that the council of the previous traditional chief of the Ruzizi Plain was entirely composed of Bafuliro. The Bafuliro say the council has no legitimacy because the language it uses, Kirundi, is not an official DRC language. Crisis Group interviews, Bafuliro and Barundi notables, Uvira, 19 January 2013.

<sup>83</sup> According to the UNHCR in Burundi, 5,700 Barundi individuals from the DRC were registered as new refugees in 2012. Crisis Group interviews, UNHCR members Bujumbura, 7 January 2013.

## 1. Late reactions and a code of good conduct

In 2012, with logistical aid from MONUSCO, the Uvira administrator started talks between the two communities. Since the beginning of the year, the MONUSCO office in Uvira had been warning against the danger of conflict in the plain. Although the Bukavu office paid attention to this warning, it had to wait for the assassination of the Mwami Ndabagoye on 25 April for the Kinshasa office to show concern about the situation.<sup>84</sup> In August, MONUSCO organised intercommunal dialogue without much success.<sup>85</sup> Intervention by the national government's minister of the interior and traditional affairs in September was required before the communities signed an Act of Engagement.<sup>86</sup>

This document is more of a code of good conduct than a peace agreement. The traditional chiefs of the Bafuliro, Bavira and Ruzizi Plain *chefferies* agreed to respect the autonomy of administrative bodies, combat the manipulation of young people, condemn acts of ethnic hegemony, promote peaceful coexistence, respect the traditional division of power in the *chefferie* councils, condemn xenophobia, assist the FARDC in its efforts to disarm armed groups and support the actions of the National Congolese Police Force.<sup>87</sup>

## 2. An Inappropriate Response

However, this code of good conduct did nothing to resolve the quarrel between the Barundi and Bafuliro. The margin for manoeuvre open to local conflict resolution actors was too limited. The Bafuliro's fundamental claim remains a change in the administrative status of the Ruzizi Plain *chefferie* to that of a *secteur*. This demand is motivated by the demographic situation in the *chefferie*.<sup>88</sup> The *secteurs* are local bodies governed by elected chiefs, while the *chefferies* are led by chiefs appointed by the national authorities.<sup>89</sup> However, to agree to this demand would raise a question over the government's decision to rehabilitate the Barundi Mwami, set a dangerous precedent and open a Pandora's box of challenges against local powers in several provinces.<sup>90</sup>

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<sup>84</sup> Interviewed by Crisis Group, MONUSCO officials deplored the lack of response from the country team in Kinshasa, which waited for the minister of the interior to intervene before realising the importance of the crisis. Crisis Group interviews, UN personnel, Uvira, Bukavu and Kinshasa, 17 and 23 January, 25 February 2013.

<sup>85</sup> "Uvira: la MONUSCO soutient le dialogue entre les communautés Bafuliro et Barundi", Echos de la MONUSCO, no. 14, September 2012.

<sup>86</sup> "Le ministre de l'Intérieur Richard Muej fait sceller un pacte de paix entre les Bafuliro et Barundi de la plaine de la Ruzizi au Sud-Kivu", Digital Congo, 1 October 2012.

<sup>87</sup> Act of Engagement signed by notables in response to the situation on the Ruzizi Plain, Uvira, 29 September 2012.

<sup>88</sup> According to estimates, the Bafuliro account for around 80 per cent of the population of the Ruzizi Plain *chefferie*. Crisis Group interviews, territory administrator, Bafuliro and Barundi notables, Uvira, 15 and 17 January 2013.

<sup>89</sup> *Secteurs* are the decentralised administrative units that cover several ethnic groups and are led by an elected traditional chief. A *chefferie* is a homogeneous local body with a dominant ethnic group and is led by a traditional chief appointed according to custom. For more details, see Organic Law 08/016, op. cit., chapter III, paragraph 1.

<sup>90</sup> Protests against the distribution of traditional power are common in the DRC. Crisis Group interviews, Bafuliro and Barundi notables, Uvira territory administrator, members of the South Kivu provincial assembly, members of the Bar and UN personnel, Uvira and Bukavu, 15, 17, 19, 25 January and 5, 7 February 2013.

Moreover, the Act of Engagement signed by the Bafuliro and Barundi traditional chiefs was not recognised by the deposed former traditional authorities and Bafuliro local leaders who do not feel in any way bound by it.<sup>91</sup> It therefore lacks inclusiveness and is the product of a very institutional approach that ignored informal leaders and other influential figures in the community.

In response to this crisis, the MONUSCO released funds for a “quick impact project” with a maximum expenditure of \$5,000. These limited resources allocated by MONUSCO’s headquarters in Kinshasa only allow the civilian affairs component of the UN mission to organise meetings with notables about publicity for the Act of Engagement among their respective communities.<sup>92</sup> The Bafuliro community felt the action taken by the territory administrator favoured the Barundi and successfully lobbied the provincial administration to transfer him.<sup>93</sup> His successor withdrew from trying to resolve the crisis given the Bafuliro’s influence in the institutions.<sup>94</sup>

Consequently, the code of good conduct between the Barundi and the Bafuliro did not end intercommunal violence or resolve the underlying problem. So on 10 October 2012, young Bafuliro looted and burned down the Ruzizi Plain *chefferie* office and blockaded the entrance to the *groupement* office.<sup>95</sup> Kinshasa deployed a unit of the police’s National Intervention Legion (LNI) to separate the two communities, but this did not prevent incidents occurring.<sup>96</sup> On 22 November, the FALL attacked Barundi neighbourhoods in Bwegera on the plain.<sup>97</sup> On 10 December, the army arrested thirteen people, all of them from the Bafuliro community, and charged them with the attempted murder of the Barundi Mwami.<sup>98</sup> On 16 December, after lobbying the provincial government, the Bafuliro community obtained their release.<sup>99</sup> The death of the Bafuliro Mwami Ndare Simba, on 22 December, ended the crisis without resolving the conflict. The erection of signs in the Kirundi language sparked a brief demonstration by young Bafuliro from the plain in January 2013.

Intervention by the local administration, MONUSCO, the provincial government and Kinshasa has not managed to definitively end the violence, which could resume with the slightest incident. The conflict between the Barundi and the Bafuliro to control the traditional administration shows the importance of the latter for Congolese gov-

<sup>91</sup> Crisis Group interviews, Bafuliro notables, Luvungi and Uvira, 17 and 22 January 2013. The Act of Engagement was signed by the Bafuliro and Barundi Mwami but the former Bafuliro traditional authorities and local leaders in the Ruzizi Plain were not involved.

<sup>92</sup> These MONUSCO-funded intercommunal meetings brought together mainly notables and were not successful in publicising the Act of Engagement in all of the Ruzizi Plain and Bafuliro communities.

<sup>93</sup> Crisis Group interview, territory administrator, Uvira, 25 January 2013.

<sup>94</sup> Crisis Group interview, territory administrator, Uvira, 17 January 2013.

<sup>95</sup> Crisis Group interviews, members of the humanitarian community and UN personnel, Uvira, 21 January 2013.

<sup>96</sup> On 7 November 2012, the day of the LNI’s arrival, young Bafuliro ambushed Barundi notables who had come to welcome the special police unit. Young Bafuliro and Barundi clashed at Bwegera on 7 November at an awareness-raising meeting organised by the LNI. “Sud-Kivu – Déploiement d’une centaine de policiers pour sécuriser la plaine de Ruzizi”, *Le congolais*, 9 November 2012.

<sup>97</sup> “Rapport sur les incidents dans la plaine de la Ruzizi après signature de l’acte d’engagement”, Communauté Barundi, 10 December 2012.

<sup>98</sup> “Uvira: manifestation de colère contre l’arrestation de 13 jeunes à Mutarule Katekama”, Radio Okapi, 12 December 2012.

<sup>99</sup> “RD CONGO: Des rivalités tribales menacent la paix au Sud-Kivu”, Inter Press Service, 20 December 2012.

ernance and demonstrates that the ethnic conflicts are above all driven by competition for the long-term control of resources.

### C. *The Role of the Chefferies: From Subsidiarity to Substitution*

This unresolved crisis, which is dormant because of the death of the two protagonists,<sup>100</sup> the Mwamis Ndare Simba and Ndabagoye, shows that the provincial and national authorities have only a weak hold on local governance. The primacy of traditional authorities over state administrations and institutions is strengthened by the present government's lack of legitimacy. Lacking public support, it tries to use the traditional chiefs to build a power base, following the example of other African governments.<sup>101</sup> The conflict between the Barundi and the Bafuliro shows the historical dialectic between traditional power and the modern state, a dialectic that makes traditional authorities a substitute for rather than subsidiary to local state administration.

Since the emergence of political institutions in Congo, the state has recognised, institutionalised and understood the traditional authorities as a subsidiary centre of power. While recognising the power of traditional chiefs, the Belgian colonisers tried to weaken them by restricting them to the subsidiary role of filling in the gaps left by colonial law.<sup>102</sup> The policy of independent Congo towards traditional chiefs represents continuity with the colonial period.

The power of traditional chiefs was briefly recognised at independence before being subordinated to central government in 1973, when they were given the status of government officials.<sup>103</sup> Despite Mobutu's attempts to monopolise power, he was unable to dissolve the *chefferies* and so integrated them into the governing party's administrative apparatus.<sup>104</sup> The combination of traditional and modern power to administer

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<sup>100</sup> Someone who knows the area well told Crisis Group that the conflict between the Barundi and the Bafuliro ended in a "draw, one dead leader on each side". Crisis Group interview, civil society activist, Paris, 2 May 2013.

<sup>101</sup> After independence, the new African governments tried to abolish the traditional authorities but the latter showed great resilience, often because of the weakness of the "modern powers". Fifty years later, they are making a comeback, which is reflected in the state's recognition of their increasing political role in many African countries. Claude-Hélène Perrot and François-Xavier Fauvelle-Aymar (dir), *Le retour des rois, les autorités traditionnelles et l'Etat en Afrique contemporaine* (Paris, 2003).

<sup>102</sup> The independent state of Congo recognised the traditional authorities in 1891, but deprived them of their power over the land. Previously, an ordinance of 1886 stated that, in the event of a legal vacuum, custom should prevail, which was the same as recognising the chiefs' judicial power. This ordinance was repealed in 1960. For more details, see "L'administration coloniale belge sur le terrain au Congo (1908-1960) et au Ruanda-Urundi (1925-1962)", *Yearbook of European Administrative History*, no. 18 (2006), pp. 187-210.

<sup>103</sup> Law 73-015 on the territorial and administrative organisation of the Republic, *Official Gazette*, 15 January 1973.

<sup>104</sup> In 1978, the position of traditional chief was made elective and made subject to age restrictions. Although this sought to reduce the chiefs' formal powers, the Mobutu regime contributed to politicising their role through the single party, the Mouvement populaire pour la révolution (MPR), of which the traditional chiefs were members. In 1982, after wanting to undermine traditional authority, the regime sought a new power base by decentralising, rehabilitating traditional chiefs and giving them a formal function in the MPR's popular committees. For more details, see Héritier Mambi Tunga-Bau, *Pouvoir traditionnel et pouvoir d'Etat en République Démocratique du Congo, Esquisse d'une théorie d'hybridation des pouvoirs politiques* (Kinshasa, 2010). Mobutu was not the only African autocrat to try and reduce traditional power: Sekou Touré in Guinea, Modibo Keita in Mali and Kérékou in Bénin also tried without success. See Claude-Hélène Perrot and François-Xavier Fauvelle-Aymar (dir), op. cit.

the country fluctuated in accordance with time. It should be noted that political-military groups and not only the state had to deal with the traditional chiefs.

In 1998, the RCD tried to dispense with the chiefs and allowed its army to commit many atrocities against Mwamis who opposed the central government's power.<sup>105</sup> That helped to radicalise the population against the RCD<sup>106</sup> and finally forced it to resume Mobutu's policy of integrating the Mwamis into its administration in 1999.<sup>107</sup> During the transition (2003-2006), the UN and the government both relied on their support to prepare the elections.<sup>108</sup> In 2005, the role of the chiefs was set out in the Constitution but this reorganisation of local government was only partly implemented.<sup>109</sup> Successive governments failed to organise local elections or pass legislation on the status of the traditional chiefs.<sup>110</sup>

The chiefs took advantage of this legal vacuum to regain the rights taken away by the law on decentralisation. Delays in the reconstruction of the Congolese administration allowed the chiefs to occupy the vacant political space and impose themselves as indispensable intermediaries between the state and the population, moving from subsidiarity to substitution.<sup>111</sup> In practice, the traditional authorities replaced administrations that were either absent or unable to fulfil their role. They filled the vacuum left by the state but also brought with them longstanding ethnic conflicts that were often due to land problems, as shown by the case of the Ruzizi Plain.

Despite the modernising impetus of the 1970s and 1980s, the chiefs continue to play an important role in the land tenure system.<sup>112</sup> Community property rights over public land need defining by a presidential decree that has never seen the light of day. Moreover, the replacement of traditional justice by peace tribunals throughout the country is not yet a reality. Although the chiefs have only a consultative role, traditional authorities play a front-line role in land management: collecting a land tax,

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<sup>105</sup> Zachariah Cherian Mampili, *Rebel Rulers: Insurgent Governance and Civilian Life during War* (New York and London), 11 August 2011.

<sup>106</sup> "L'émergence d'un phénomène résistant au Sud-Kivu (1996-2000)", *L'Afrique des Grands Lacs, Annuaire 1999-2000* (2000), pp. 193-206.

<sup>107</sup> "Le pouvoir traditionnel au Sud-Kivu de 1998-2003", op. cit.; Mampili, op. cit.

<sup>108</sup> "Des chefs coutumiers pour accompagner le processus électoral en RD-Congo", *Congo Vision*, 8 March 2005; "Transition en Rdc: L'autorité traditionnelle donne des pistes de solutions", *L'Avenir*, 18 May 2005; "Le Président Joseph Kabila a présidé une réunion interinstitutionnelle sur les élections", *Digital Congo*, 17 August 2005.

<sup>109</sup> The traditional chiefs are partially integrated into provincial parliamentary institutions by co-optation, and the *chefferies* are considered to be decentralised territorial entities. However, *chefferies* are administered by a collegiate executive power, with traditional descendants confined by law to a representative role. Law 06/006 on the organisation of presidential, legislative, provincial, urban, municipal and local elections, *Official Gazette*, 10 March 2006, paragraphs 152-154, p. 33; and Organic Law 08/016, op. cit., chapter III, articles 65-92.

<sup>110</sup> The draft law on the status of traditional chiefs has often been placed on the agenda but never put to the vote. "Sénat: neuf nouveaux points inscrits au calendrier des travaux de la session", *Le Potentiel*, 4 October 2011; "Un cahier des charges des chefs coutumiers sur la table de Muyej", *Le Phare*, 5 August 2012.

<sup>111</sup> Crisis Group interviews, traditional authorities, member of the Bar, Uvira and Bukavu, 15 and 26 January 2013, 4 February 2013.

<sup>112</sup> The Congolese land regime is regulated by Law 73/021 of 20 July 1973 completed by Law 80/0008 of 18 July 1980, which aimed to reconcile traditional and modern land rights. The 1973 law made the state the inalienable owner of the land and reduced the land rights of the traditional chiefs. Although Congolese legislation has turned community lands into state lands and transferred jurisdiction in disputes over land to modern justice, it nevertheless recognises community rights of occupation and use. Articles 385, 386 and 387 of Law 73/021.

granting land, consultation of chiefs by the land registry administration, resolution of legal disputes over land, etc. The chiefs are therefore both land administrators and arbitrators in land disputes. All these functions still do not have a legal basis but they represent a popular response to the state's absence.<sup>113</sup> Often exceeding their powers, traditional chiefs give land, take it away and sell it as they please, which is the source of many land conflicts throughout the country.<sup>114</sup>

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<sup>113</sup> For more details, see Vincent Kangulumba Mbambi, *La loi du 20 July 1973, Essai d'évaluation* (Louvain-la-Neuve, 2004); "Gouvernance foncière en Afrique centrale", UN Food and Agriculture Organization, February 2008; "Les conflits fonciers en Ituri: de l'imposition à la consolidation de la paix", RCN Justice et Démocratie, September 2009; Vincent Kangulumba Mbambi, Jean-Pierre Lobho Lwa Djugudjugu, Bruno Lapika Dimonfu, "La crise foncière à l'Est de la RDC", *L'Afrique des Grands Lacs, Annuaire 2007-2008* (October 2008), pp. 385-414.

<sup>114</sup> "Kasaï oriental: le gouvernement provincial finance la reconstruction des cases incendiées dans un conflit communautaire", Radio Okapi, 17 April 2012; "Equateur: un conflit foncier oppose deux communautés à Kungu", Radio Okapi, 7 May 2012; "Kasaï occidental: un mort et cinq blessés graves lors d'un conflit foncier à Dibaya", Radio Okapi, 6 December 2012; "Bunia: un mort et quatre blessés suite à un conflit foncier à Mahagi", Radio Okapi, 23 January 2013; "Equateur: recrudescence des conflits fonciers à Mbandaka", Radio Okapi, 21 May 2013.

## IV. Local Solutions for Local Conflicts

Early identification of the crisis has not allowed the authorities either to prevent it or even to provide an appropriate response because of a top-down approach that suffers from a lack of understanding of the root causes, local issues and the interactions between the different parties. They need to try a new approach and formulate tailored responses that are more in touch with what is going on locally.<sup>115</sup> In order to do this, it is essential to create a legal framework for the exercise of customary powers by traditional authorities, ensure greater impartiality and improve the operation of land management institutions in Uvira, reduce the violence in the plain and seek a sound understanding of local issues as well as of the dynamics that link traditional powers, populations and armed groups. Although local action is needed, the authorities face a lot of difficult challenges.

These actions could be funded by the International Security and Stabilisation Support Strategy (ISSSS) as well as the “Pooled Fund” and should be managed by a special committee for the conflict in the Ruzizi Plain within the ISSSS steering group.<sup>116</sup> One of the ISSSS donors could request that its financial contribution be allocated to resolution of this conflict and could chair the special committee.

### A. *Restrict the Power of Traditional Authorities*

The importance of the Mwamis’ power in electoral periods and within local government indicates the weakness of modern institutions. Since 2006, the government has refused to make progress with decentralisation and the ministry of the interior continues to appoint traditional chiefs. Far from building strong foundations for national and provincial institutions, this has helped to strengthen traditional authorities and reproduce the corrupt practices of traditional chiefs.

While waiting for the adoption of a law on the status of chiefs, the authorities should disseminate and publicise current legislation on the powers of traditional chiefs in local languages in Uvira. This should be accompanied by training sessions for traditional chiefs to ensure they carry out their judicial and administrative functions within the framework of the law.

Although their jurisdiction is subject to the law,<sup>117</sup> abuses of power by traditional chiefs are responsible for a number of land conflicts. The government should therefore draft a code of good conduct on land management for traditional chiefs that would apply throughout Uvira, along the lines of the code in North Kivu.<sup>118</sup> This would clearly be a temporary measure while waiting for national land reform to redefine

<sup>115</sup> For more on the need for a grassroots response to conflicts, see *Réduire la violence armée, permettre le développement*, Organisation for Economic Cooperation and Development (OECD), Paris, 2009.

<sup>116</sup> The remit of the ISSSS, which is financed by international donors, covers eastern Congo and targets five sectors: security; political dialogue; state authority; return, reintegration and community recovery; and sexual violence. This strategy began in 2010 and was revised in 2012. See Crisis Group Briefing, *Eastern Congo: Why Stabilisation Failed*, op. cit. The DRC Pooled Fund is a humanitarian finance mechanism established in 2006 on the initiative of humanitarian donors. See <http://bit.ly/11ZRV1B>.

<sup>117</sup> Organic Law 08/016, op. cit., chapter III, articles 65-92.

<sup>118</sup> In North Kivu, the Forum des Amis de la Terre is a coalition of peasant organisations, farmers, elected representatives, traders, traditional chiefs, etc. that has formulated a code to define the role of traditional chiefs in land issues. Code de bonne conduite des chefs coutumiers en matière de gestion de la terre en province du Nord Kivu, Forum des amis de la terre, 2011.



the role of traditional authorities in land administration. Its effectiveness would depend on whether public opinion is able to provide a counterweight to the powers of the chiefs. If publicised by local associations, the code of good conduct would allow the public to understand the precise limits of the powers of chiefs to administer land.

Local land administration institutions are biased and lack ethnic impartiality. The judicial authorities should ensure that all ethnic groups are adequately represented on the Uvira-based court that has jurisdiction over the Ruzizi Plain. They should also provide it with more staff, instruct it to prioritise land conflicts and provide the resources necessary for it to visit the areas in dispute and conduct court hearings there.<sup>119</sup> In accordance with the new law on the organisation of the judiciary, a higher level court should be established in Uvira in order to reduce delays in appeals over land disputes and bring justice closer to those involved in such cases.<sup>120</sup>

The allocation of land is at the heart of inter-ethnic tensions and public demands. In order to avoid land grabbing based on ethnic criteria and assert the independence of the land administration vis-à-vis traditional chiefs and community pressures, efforts should be made to build its capacities and ensure that the principle of ethnic representativeness applies.

## B. *Understand the Situation Before Taking Action*

There has been no shortage of “peacemakers” in the Ruzizi Plain conflict but they have been ineffective for various reasons, the main one being the lack of knowledge of the local context and local stakes.<sup>121</sup>

### 1. Improve understanding of the local context

It is essential to restore a degree of trust between the Barundi and the Bafuliro, but it is also indispensable to conduct a study of the associations engaged in conflict resolution in the Ruzizi Plain before organising peace and reconciliation fora between the two communities. Such a study would allow support and capacity building programs to be provided to organisations that are sufficiently impartial. They could then be trusted to mediate in the event of renewed conflict, with, of course, support from MONUSCO and the provincial government. It is crucial that impartial and multi-ethnic associations play the main role in local attempts to mediate.

A study is also needed to identify the actors in ethnic conflicts. One cause of the failure of peace initiatives has been the tendency to focus solely on the official representatives of these communities when seeking interlocutors. Peace and intercommunal dialogue initiatives should not only target traditional notables and authorities but also consult lower levels of authority, including influential individuals and informal, local leaders. Intercommunal discussions must be more inclusive.

Moreover, given the importance of land issues in the conflict and while waiting for new legislation to be introduced,<sup>122</sup> the UN Human Settlements Programme (UN

<sup>119</sup> The new law on organisation of the judiciary introduced a collegiate structure to courts of first instance, which previously operated with a single judge. Organic Law 13/011-B of 11 April 2013 on the organisation and competence of judicial jurisdictions, *Official Gazette*, 4 May 2013.

<sup>120</sup> *Ibid*, article 14.

<sup>121</sup> For more on the need for a sound understanding of the context as a requirement for conflict resolution, see *Réduire la violence armée*, op. cit.

<sup>122</sup> UN-Habitat is supporting land reform in the DRC. Implementation of reform is scheduled for the period 2012- 2017. Decree on the creation, organisation and operation of the national land re-

Habitat) should create a land committee in Uvira similar to the one in North Kivu. Composed of land affairs officials, civil society activists and notables, this group should assess the situation in the Ruzizi Plain, identify the sources of land disputes and define a local land dispute resolution strategy. Once the study is completed, conflict resolution initiatives could include deploying land mediators, as in some areas of North and South Kivu where UN-Habitat began a land mediation program in 2011; forming a land commission, as in Ituri; or making the Ruzizi Plain a pilot area for innovative ways of securing land rights.<sup>123</sup>

## 2. Improve coordination

UN agencies must improve coordination by deploying United Nations Development Program (UNDP), Food and Agriculture Organisation (FAO) and UN-Habitat staff to Uvira. They will bring expertise that is lacking locally, participate in the group studying land issues and work on land and community dispute prevention and resolution in close cooperation with MONUSCO's office in Uvira.

## 3. Restore intercommunal dialogue

Resolution of intercommunal conflicts must be based on dialogue, recognition of the grievances on each side and the creation of joint development projects that are advantageous to all parties.<sup>124</sup>

Signature of the Act of Engagement in September 2012 was not enough to restore trust between the Barundi and the Bafuliro communities. Efforts must therefore continue to achieve this objective. In addition to identifying interlocutors, it remains essential to publicise the commitments made by traditional chiefs. Notables and opinion leaders must be accountable to their communities. In order to avoid traditional authorities imposing their own interpretation of the terms of peace initiatives, the act of engagement should be publicised and its implementation should be monitored by community, women's and young people's associations.

The first step must be to launch a dialogue between the communities and this should be followed by at least two others: creation of a permanent forum for dialogue and implementation of projects of joint interest. A permanent forum for dialogue will allow communities to express their grievances and keep a line of communication open between them. Monitoring could be conducted by ad hoc civil society structures, such as the Framework for Intercommunal Dialogue (Cadre de concertation intercommunautaire, CCI),<sup>125</sup> with the support of international partners.

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form commission, prime minister, Kinshasa, 31 May 2013; "La réforme foncière en RDC: Les parties prenantes consultées pour arriver à un large consensus", *L'Observateur*, 14 November 2012; "Les consultations pour la réforme foncière en RDC", *L'Avenir*, 14 November 2012.

<sup>123</sup> For more on the land committees, the Ituri land commission and innovative initiatives on land issues, see Florence Liégeois and Thierry Vircoulon, "Inventer une politique publique dans un Etat failli, le défi de la sécurisation des droits fonciers dans l'Est du Congo", note by the French Institute of International Relations, April 2012. The commission in Ituri is funded by donors through the UN-Habitat.

<sup>124</sup> See, for example, "ACORD Handbook: community social peace and recovery model", Agency for Cooperation and Research in Development, 2009; Louise Diamond, "A Systems Approach to Peacebuilding", 1997; Michelle I. Gawerc, "Peace building: theoretical and concrete perspectives", *Peace and Change*, vol. 31, no. 4 (October 2006).

<sup>125</sup> The CCI was created by local organisations Actions pour le développement et la paix endogène (ADAPAE) and Réseau d'innovation organisationnel (RIO) in June 2010 in Baraka, Bukavu,

In order to consolidate the progress made in promoting dialogue between the communities, intercommunal development programs should be put in place. Agricultural community organisations and associated non-governmental organisations (NGOs) could set up agricultural cooperatives of farmers that would promote the interests of both communities. A study of community organisations should be commissioned to identify the ethnic and political links of local structures and ensure parity between ethnic groups within the cooperatives. The FAO and international organisations in Uvira could provide the technical expertise for the organisation of cooperatives.

### C. *Reduce Violence in the Ruzizi Plain*

The conflict in the Ruzizi Plain reveals the links between traditional chiefs and armed groups. It also shows that the armed groups have local support and political support within provincial and national representative institutions. Investigation is therefore needed to identify who is backing these armed groups. Preparation of the evidence against them and subsequent trials should be transferred out of the province in order to avoid local political interference and ethnic bias in judicial procedures. The same should be done with the trials of anyone responsible for intercommunal clashes.

The struggle between armed groups requires the formulation of an intelligence-based strategy that aims to neutralise their cross-border economic and logistical networks. Officers of the joint border verification mechanism deployed by ICGLR in 2012 and the UN group of experts should produce a detailed intelligence report about these networks to inform a strategy to undermine the economic and logistical structures of the armed groups.<sup>126</sup>

While identifying and pursuing the leaders of armed groups, provision should also be made for the economic reintegration of combatants rather than enlisting them in the FARDC. The MONUSCO and the World Bank should design a disarmament, demobilisation and reintegration (DDR) program adapted to the socio-economic situation in Uvira and aim for the economic and community reintegration of a large majority of combatants. However, disarmament will only have a chance of succeeding if security conditions in the relevant areas are satisfactory. For that to happen, it will be useful to increase the security in Uvira territory by deploying more police officers, soldiers and blue helmets of the MONUSCO.

The situation in the mining industry is key to the economy used by armed groups and the local chiefs who support them. Consequently, a reduction in violence also depends on formalising operations in the mining industry. A dialogue should be established between chiefs and those involved in mining to persuade them of the advantages of formalising their activity and excluding militias from the trade in minerals. The creation of a certified mineral supply chain would mean guaranteed sales, while a share of revenue from some mines could be used to fund *chefferie*-administered development programs targeting former combatants and the local population.

The mining area close to the plain could be used for a pilot project to formalise the industry, involving the creation of artisanal mining zones and mining cooperatives, validation of mines, opening of official trading posts in Uvira and an export certifica-

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Minembwe and Uvira. This civil society body brings together dignitaries of all ethnic groups to promote intercommunal dialogue and prevent intercommunal conflicts. In 2011, the CCI had 68 delegates. For more details, see "Au-delà des groupes armés", op. cit., p. 149.

<sup>126</sup> See Crisis Group Africa Briefing N°93, *Eastern Congo: The ADF-NALU's Lost Rebellion*, 19 December 2012.

tion system.<sup>127</sup> At the same time, improvements in security should include upgrading anti-smuggling operations along the River Ruzizi and effective deployment of the mines police.

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<sup>127</sup> Since the Dodd-Frank Act was passed and the OECD promoted due diligence, the industry has tried to make its mineral supply chain transparent and free of interference by armed groups and the security services. This requires production sites to respect certain standards and mineral shipments are subject to administrative supervision until exported. There is a pilot project of this type in Nya-bibwe in South Kivu. For more on these initiatives, see “Conflict minerals in the DRC”, Crisis Group website (<http://bit.ly/13IPnZC>) 6 February 2012; and “The formalisation of artisanal mining in the Democratic Republic of Congo and Rwanda”, IPIS, December 2012. The required standards cover security: the presence of the Service d’assistance et d’encadrement du small-scale mining (SAESSCAM) and the mines police, the absence of direct or indirect control of the area by Congolese or foreign armed groups; non-exploitation of the site by governmental forces. Social standards include no employment of children under the age of fifteen or pregnant women. The sites are divided into three categories: red sites do not meet any of the standards; yellow sites meet security standards but not social standards; green sites meet all standards. Only green sites can be legally worked. For more details, see ministerial order 0058 cab.min/mines/01/2012 of 29 February 2012 establishing procedures for the qualification and validation of gold and tin mines in the provinces of Katanga, Maniéma, North Kivu, South Kivu and Province orientale.

## **V. Conclusion**

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The efforts made at Addis Ababa to agree on a regional and international resolution of the recurring crises in eastern Congo should not ignore the local roots of conflict in this region. Otherwise, attempts to resolve the crisis will again fail to consider the real problems and have only a superficial impact. A general strategy to resolve the problems in eastern Congo must include tailored responses to local conflicts, a course of action still too often ignored by actors involved in conflict resolution.

However, in the DRC, local governance is no less problematic than national governance. It is largely unfinished business and subject to sometimes violent and often tense intercommunal relations dominated by local elites with diverging interests. The result is that ethnic groups continue to employ violence to regulate local relations, while the national government and the UN focus on other national and regional concerns.

**Nairobi/Brussels, 23 July 2013**

## Appendix A: Map of the Democratic Republic of Congo





## Appendix B: Map of the Ruzizi Plain



**Bafuliro : Chefferie**

■ ■ ■ ■ ■ Chefferie borders

➔ Smuggling routes



Artisanal mining sites



Sugarcane industry

Based on a UNDP map and modified to show the chefferies and some economic data.

Sources: Crisis Group observations, Geographical information system – UNDP.

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## Appendix C: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 150 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Undersecretary of State and Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 34 locations: Abuja, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Bujumbura, Cairo, Dakar, Damascus, Dubai, Gaza, Guatemala City, Islamabad, Istanbul, Jakarta, Jerusalem, Johannesburg, Kabul, Kathmandu, London, Moscow, Nairobi, New York, Pristina, Rabat, Sanaa, Sarajevo, Seoul, Tbilisi, Tripoli, Tunis and Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala and Venezuela.

Crisis Group receives financial support from a wide range of governments, institutional foundations, and private sources. The following governmental departments and agencies have provided funding in 2013: Australian Agency for International Development, Austrian Development Agency, Belgian Ministry of Foreign Affairs, Canadian International Development Agency, Canadian International Development Research Centre, Royal Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Union Instrument for Stability, Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, Irish Aid, Principality of Liechtenstein, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry of Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Kingdom Department for International Development, U.S. Agency for International Development.

The following institutional and private foundations have provided funding in recent years: Adessium Foundation, Carnegie Corporation of New York, The Charitable Foundation, The Elders, William and Flora Hewlett Foundation, Humanity United, John D. and Catherine T. MacArthur Foundation, Oak Foundation, Open Society Foundations, Open Society Initiative for West Africa, Ploughshares Fund, Radcliffe Foundation, Rockefeller Brothers Fund, Stanley Foundation, Tearfund, and Tinker Foundation.

**July 2013**



## Appendix D: Reports and Briefings on Africa since 2010

### Central Africa

*CAR: Keeping the Dialogue Alive*, Africa Briefing N°69, 12 January 2010 (also available in French).

*Burundi: Ensuring Credible Elections*, Africa Report N°155, 12 February 2010 (also available in French).

*Libya/Chad: Beyond Political Influence*, Africa Briefing N°71, 23 March 2010 (only available in French and Arabic).

*Congo: A Stalled Democratic Agenda*, Africa Briefing N°73, 8 April 2010 (also available in French).

*Chad: Beyond Superficial Stability*, Africa Report N°162, 17 August 2010 (only available in French).

*Congo: No Stability in Kivu Despite a Rap-prochement with Rwanda*, Africa Report N°165, 16 November 2010 (also available in French).

*Dangerous Little Stones: Diamonds in the Central African Republic*, Africa Report N°167, 16 December 2010 (also available in French).

*Burundi: From Electoral Boycott to Political Impasse*, Africa Report N°169, 7 February 2011 (also available in French).

*Chad's North West: The Next High-risk Area?*, Africa Briefing N°78, 17 February 2011 (only available in French).

*Congo: The Electoral Dilemma*, Africa Report N°175, 5 May 2011 (also available in French).

*Congo: The Electoral Process Seen from the East*, Africa Briefing N°80, 5 September 2011 (also available in French).

*Africa without Qaddafi: The Case of Chad*, Africa Report N°180, 21 October 2011 (also available in French).

*Implementing Peace and Security Architecture (I): Central Africa*, Africa Report N°181, 7 November 2011 (also available in French).

*The Lord's Resistance Army: End Game?*, Africa Report N°182, 17 November 2011.

*Burundi: A Deepening Corruption Crisis*, Africa Report N°185, 21 March 2012 (also available in French).

*Black Gold in the Congo: Threat to Stability or Development Opportunity?*, Africa Report N°188, 11 July 2012 (also available in French).

*Eastern Congo: Why Stabilisation Failed*, Africa Briefing N°91, 4 October 2012 (also available in French).

*Burundi: Bye-bye Arusha?* Africa Report N°192, 25 October 2012 (only available in French).

*The Gulf of Guinea: The New Danger Zone*, Africa Report N°195, 12 December 2012 (also available in French).

*Eastern Congo: The ADF-Nalu's Lost Rebellion*, Africa Briefing N°93, 19 December 2012 (also available in French).

*Central African Republic: Priorities of the Transition*, Africa Report N°203, 11 June 2013 (also available in French).

### Horn of Africa

*Rigged Elections in Darfur and the Consequences of a Probable NCP Victory in Sudan*, Africa Briefing N°72, 30 March 2010.

*LRA: A Regional Strategy Beyond Killing Kony*, Africa Report N°157, 28 April 2010 (also available in French).

*Sudan: Regional Perspectives on the Prospect of Southern Independence*, Africa Report N°159, 6 May 2010.

*Somalia's Divided Islamists*, Africa Briefing N°74, 18 May 2010 (also available in Somali).

*Sudan: Defining the North-South Border*, Africa Briefing N°75, 2 September 2010.

*Eritrea: The Siege State*, Africa Report N°163, 21 September 2010.

*Negotiating Sudan's North-South Future*, Africa Briefing N°76, 23 November 2010.

*Somalia: The Transitional Government on Life Support*, Africa Report N°170, 21 February 2011.

*Politics and Transition in the New South Sudan*, Africa Briefing N°172, 4 April 2011.

*Divisions in Sudan's Ruling Party and the Threat to the Country's Stability*, Africa Report N°174, 4 May 2011.

*South Sudan: Compounding Instability in Unity State*, Africa Report N°179, 17 October 2011 (also available in Chinese).

*Kenya: Impact of the ICC Proceedings*, Africa Briefing N°84, 9 January 2012.

*Kenyan Somali Islamist Radicalisation*, Africa Briefing N°85, 25 January 2012.

*The Kenyan Military Intervention in Somalia*, Africa Report N°184, 15 February 2012.

*Somalia: An Opportunity that Should Not Be Missed*, Africa Briefing N°87, 22 February 2012.

*China's New Courtship in South Sudan*, Africa Report N°186, 4 April 2012 (also available in Chinese).

*Uganda: No Resolution to Growing Tensions*, Africa Report N°187, 5 April 2012.

*Ethiopia After Meles*, Africa Briefing N°89, 22 August 2012.

*Assessing Turkey's Role in Somalia*, Africa Briefing N°92, 8 October 2012.

*Sudan: Major Reform or More War*, Africa Report N°194, 29 November 2012 (also available in Arabic).

*Kenya's 2013 Elections*, Africa Report N°197, 17 January 2013.

*Sudan's Spreading Conflict (I): War in South Kordofan*, Africa Report N°198, 14 February 2013.

*Eritrea: Scenarios for Future Transition*, Africa Report N°200, 28 March 2013.

*Kenya After the Elections*, Africa Briefing N°94, 15 May 2013.

*Sudan's Spreading Conflict (II): War in Blue Nile*, Africa Report N°204, 18 June 2013.

### **Southern Africa**

*Zimbabwe: Political and Security Challenges to the Transition*, Africa Briefing N°70, 3 March 2010.

*Madagascar: Ending the Crisis*, Africa Report N°156, 18 March 2010 (only available in French).

*Madagascar: Crisis Heating Up?*, Africa Report N°166, 18 November 2010.

*Zimbabwe: The Road to Reform or Another Dead End*, Africa Report N°173, 27 April 2011.

*Resistance and Denial: Zimbabwe's Stalled Reform Agenda*, Africa Briefing N°82, 16 November 2011.

*Zimbabwe's Sanctions Standoff*, Africa Briefing N°86, 6 February 2012 (also available in Chinese).

*Implementing Peace and Security Architecture (II): Southern Africa*, Africa Report N°191, 15 October 2012.

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