

## **Land, Citizenship, and Conflict in the Kivus**

An issue briefing on land tenure and citizenship as conflict drivers in the Kivu provinces of the DR Congo



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By

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Armed conflict, corruption, food insecurity and political instability have been entrenched for decades in the provinces of North Kivu and South Kivu (the Kivus) of the eastern region of the Democratic Republic of Congo (DRC). This catastrophically impacts human security. In 2010 alone the consequences of the main military operation against just one of the Kivus' many militias included the murders of 1,000 civilians, the rapes of 7,000 women and girls, the razing 6,000 homes and the displacement of 900,000 people (Congo Advocacy Coalition, 2009).

Many attempts have been made to explain what factors are the most influential triggers and drivers of conflict in this region. Explanations include a range of economic and political issues ranging from military and economic interference from Western powers and the countries that border the DRC, the weak Congolese state, the historical relationships between ethnic groups (and their history of antagonism) and the presence of lucrative and 'lootable' natural resources like diamonds, gold, cobalt, cassiterite, and coltan (VLASSENROOT & HUGGINS, 2005).

Less attention has been paid to roles that agricultural or pastoral land has played in the conflict dynamic. However, a body of scholarship asserts that the conflicts in the Kivus are 'by and large an agrarian wars,' rooted in the linked issues of land rights and citizenship (Bøås, 2008; C. Huggins, Kamungi, Kariuki, & Musahara, 2004; International Crisis Group, 2009; VLASSENROOT & HUGGINS, 2005). This scholarship further asserts that a forty years old "Nationality Question," the "cynical manipulation" of the (lacking) nationality of a group of peoples known collectively as the 'Banyarwandas' (or

Rwandophones), who are peoples of Rwandan/Burundese heritage that are members of the Hutu and Tutsi ethnic groups and live mostly along the country's eastern border in the Kivus, 'without doubt' triggered two international wars in the region and continually perpetuates most of the local level conflict seen in there today (Bøås, 2008; Bøås, 2009; Jackson, 2006; Jackson, 2007).

This paper will draw from this literature to argue that the main drivers of conflict in the Kivus are the intertwined and historically rooted issues of citizenship and land access and tenure rights (land rights). First this paper will provide an overview of conflict in the Kivus. Then it will explain why citizenship and land rights are the main drivers of conflict in the Kivus. To do so, it will explain how specific physical and social structures define certain aspects of space in the Kivus and how this predisposes these areas to conflict. Finally, it will show how these structures are used by ruling elites to accrue personal gain and how some of the commonly named conflict drivers in the Kivus are actually subordinate components to the overarching regime of land rights and citizenship issues – the chief conflict drivers In the Kivus.

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### *Overview of Conflict in the Kivus*

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#### *Colonial Rule and Independence*

Conflict in the Kivus can be traced back to the oppressive Belgian colonial regime that undermined social stability and economic order through policies of forced migration and prejudiced land law (C. Huggins, 2004). In 1960, the DRC gained independence and elected its first president, Patrice Lumumba. Two years later Lumumba was assassinated and a military coup installed Mobutu Sese Seko, who went on to rule the DRC for nearly 32 years through a dictatorship.

*Mobutu's Rule*

In his search to consolidate his power, Mobutu exacerbated state weaknesses through the use of divide and conquer tactics. These included a ruinous economic policy that constitutionally endorsed corruption (Wrong, 2000) and '*geopolitique*' (the politics of geography) through the political instrumentalization of land allocation amongst ethnic groups and formalized oppressive local ethnic governance structures to provoke violent conflict (Jackson, 2007; VLASSENROOT & HUGGINS, 2005). Additionally, Mobutu attempted to destabilize his neighbours by granting refuge to rebel groups from Angola, Uganda and Rwanda (Dunn, 2004).

*The Rwandan Genocide*

These tactics earned Mobutu many enemies and ultimately resulted in him being deposed from office. The events that set this in motion began in 1994, when the army that was in power in Rwanda at the time (ex-Far) allied itself with extremist-Rwandan Hutu militias (Interahamwe) and carried out genocide, killing 800,000 Tutsi, moderate Hutu and Twa. The genocide was ended four months later by the Tutsi-led Rwandan Patriotic Front's (RPF) military campaign that deposed the genocidal leadership. This resulted in a mass exodus of over 1 million Hutu refugees that fled from Rwanda to eastern Zaire (which was renamed the DRC in 1997). For two years, Mobutu granted refuge to the refugees and the armed ex-Far and Interahamwe that were dispersed amongst them.

*The First Congo War*

This provoked the formation of a coalition aimed at deposing Mobutu and making Zaire safe for its neighbours (Izzi & Kurz, 2009). In 1996, the Rwandan government staged and supported a rebellion in the Kivus that was nominally led Laurent Désiré

Kabila under the banner of the *Alliance des Forces Démocratiques de Libération du Congo* (AFDL) (Izzi & Kurz, 2009). This rebellion grew as more of Mobutu's enemies joined in and became an international coalition composed of the AFDL and the governments of Angola, Rwanda and Uganda. Within a year, the 'first Congo war' (as it became known) drove most of the refugees back into Rwanda, deposed Mobutu and installed Kabila as president (J. F. Clark, 2004).

*The Second Congo War 'Africa's World War'*

In 1998 war broke out again when Kabila, in an effort to gain political support from his national constituency that largely viewed him as a Rwandan and Ugandan puppet, ordered the Rwandan and Ugandan armies to leave the DRC and incited violence and racism against Tutsis (Dunn, 2004). Conflict and violence again rapidly escalated and became known as 'Africa's World War' as the Burundian, Rwandan and Ugandan armies, as well as the rebel groups that they supported, attempted to overthrow Kabila, who was in turn supported by Angola, Chad, Namibia, Zimbabwe and possibly Sudan.

A ceasefire was signed in 1999 between the major belligerents. However, negotiations for the withdrawal of foreign troops, which would take nearly two years to complete, did not start until 2001, shortly after the assassination of Laurent Kabila and the instalment of his son, Joseph Kabila, as president (Dunn, 2004). This was mostly because many of the belligerents were reluctant to disarm as the conflict induced lawlessness afforded many opportunities to accrue profit via looting the DRC's abundant mineral resources (Dunn, 2004). Rwandan troops formally remained in the Kivus until 2003, ostensibly to protect the Banyamulenge (Congolese Tutsi) from violence. However they informally remained for years after, supporting Congolese rebel groups and looting

mineral wealth. This perpetuated community level conflicts that resulted in massive human rights violations and displacements (Autesserre, 2007).

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***Land, Livelihoods and Scarcity***

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*Subsistence-agriculture based economy*

Three key geographical features predispose the Kivus to conflict. They are: a reliance on subsistence agriculture, demographic pressures and the abundant presence of lootable minerals. Like any economy based on subsistence farming, agricultural land in the Kivus is, “the most essential element of rural life [and access to it] is a key determinant of the level and extent of poverty [there]” (Bøås, 2009). This theory holds true in the Kivus which suffers from rampant poverty, despite these areas being potentially among the most productive in Africa (VLASSENROOT & HUGGINS, 2005). The widespread poverty in the Kivus is largely the result of the scarcity of agricultural land (C. Huggins et al., 2004). Two factors explain the evolution of this scarcity. The first and most important factor, that will be explained in detail in subsequent sections of this paper, is that since the colonial era, various ruling elites have appropriated vast tracts of agricultural land, “alienating it from the systems that would normally ensure access for peasants” (C. Huggins et al., 2004).

*Demographic Pressures*

The Kivus’ eastern highlands are amongst the most densely populated parts of the DRC. However, they are far less populated than the neighbouring countries of Burundi and Rwanda, which are amongst the most densely populated in Africa (Van Acker, 2005). At times this demographic juxtaposition has facilitated mass migrations into the Kivus from these countries (Van Acker, 2005). For example, in the late 19<sup>th</sup> century food

shortages in Burundi and Rwanda resulted in the Belgian colonial administration transplanting thousands of Hutus and Tutsis from those countries to the less populated Kivus (C. Huggins, 2004). These patterns set a precedent and after Congolese independence, Rwandans and Burundians continued to flee to the Kivus when their countries were going through periods of economic crisis or conflict (Van Acker, 2005). Additionally, during the two Congo wars, the Kivus experienced massive population fluctuations as Congolese fled and returned, particularly in 1999, 2000 and 2002. For most of these instances, food insecurity increased and the land holdings of the poor and vulnerable shrunk so small that they could not produce harvests large enough to sustain them (VLASSENROOT & HUGGINS, 2005). Shrinking access to agricultural land was accompanied by increasing numbers of landless youth without livelihood prospects. Often, they were easy recruits for militia leaders (Vlassenroot, 2002). In summary, the *relative* demographic compositions of the Kivus, Rwanda and Burundi can be divided into two zones: less populated (the Kivus) and densely populated (Rwanda and Burundi). The juxtaposition of these zones promotes mass migrations from the densely populated regions to the *relatively* less populated regions. These migrations decrease food security and access to land, which in turn increases opportunities for warlords and militias to recruit 'landless youth.' Therefore it is not surprising to find increased scarcity of agricultural land, which is needed to sustain life and therefore must be "protected at all costs," correlates with increases in levels of conflict (Bøås, 2009).

#### *Abundant and Lootable Mineral Wealth*

If access to agricultural land were not essential to sustain life, land in the Kivus would still be competed over. This is because it is endowed with wealth of natural

resources such as timber, wildlife and lucrative, ‘lootable’ minerals like diamonds, gold, cobalt, cassiterite, and coltan (C. Huggins, 2004). Because of the instability that has been the norm for decades; the Kivus developed a war economy that is based on the illicit exploitation of mineral resources. It has grown so lucrative that securing control over and profit from these minerals has become a key objective for many of the Kivus’ militias and even the Congolese army (Spittaels & Hilgert, 2008). Some scholars now consider this to be a key explanation for failure of peace processes and the continuation of the war (VAN LEEUWEN, 2008).

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*Land and ‘Belonging’*

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Conflict cannot be explained solely through geographic determinism and economic agendas, as they do not explain the relationships between a conflict and its sociocultural context. Though it is economically important as a means of production and a source of livelihood and taxes, land in the Kivus is also politically and historically significant (VLASSENROOT & HUGGINS, 2005). Land serves as a means of gaining social status, affirming ties to an ancestral land and a sense of belonging to a community. It also indicates and symbolizes social rights and obligations both within and between households (C. Huggins, 2004; VLASSENROOT & HUGGINS, 2005). Furthermore, land symbolizes connections to family history and hope for future generations, in short, “land is the essential resource in North Kivu; it is everything” (Bøås, 2008) However, securing the long term land rights that are necessary for the fulfillment of many of the critical functions that land performs in the Kivus hinges on ‘belonging to the land’ (Bøås, 2008). Given the context of the severe demographic pressures, the strongest land claims come from the groups that can best show they belong only to the Kivus. The ‘indigenous’

or ‘autochthonous’ are favoured and not the ‘newcomers’ or ‘allochthons’ with an implied ‘other’ homeland (Bøås, 2009; Jackson, 2007). Belonging is conferred, in the context of a nation state, by granting Congolese citizenship which legitimizes the seeking of ownership of and access to land, the ‘everything’ resource of the Kivus (Bøås, 2009). This is perhaps best stated by the scholar Stephen Jackson, “[Congolese nationality] would mean little to a peasant if he or she has no enforceable and long-term right to land” (Jackson, 2007).

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*Elite Manipulation*

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The previous sections of this paper explained how specific physical and social structures define certain aspects of space in the Kivus and how this predisposes these areas to conflict. These aspects are land scarcity, which promotes violent competition over livelihood security, and the need to define one's right to access land in terms of citizenship, which is granted to those who are autochthonous. However, the existence of these structures cannot explain why at different times some autochthonous populations are persecuted and others tolerated, or why alliances shift in patterns that contradict the expected autochthonous against allochthons formation. These structures are important analytical tools that help analyze particular contexts (economic, political and social) associated with developments in a particular group's citizenship standing (and therefore land rights) at a particular time.

Analysis reveals that since independence, ruling elites have consolidated their power and accrued personal gain through divide and rule tactics that strategically granted citizenship to and withdrew it from (and the associated land rights) particular ethnic groups in the Kivus (Jackson, 2007). In the Kivus, ethnicity's significance is measured in

terms of its ability to assert citizenship claims which confers land rights. Therefore it can be manipulated and used as a tool at strategic moments to achieve political and economic agendas (Vlassenroot, 2002). Given this, it can be demonstrated that several of the Kivus' perceived conflict drivers, mainly 'international interference' and the 'historical relationships between ethnic groups' are subordinate to and encompassed within issues of land rights and citizenship, which are the main drivers of conflict in the Kivus.

### *Colonial Legacy*

The roots of the 'Nationality Question' stretch back to the 19<sup>th</sup> century. At that time, Hutu and Tutsi migrations from Rwanda and Burundi to the Kivus were facilitated by the Belgian colonial administration (C. Huggins, 2004). This was carried out on a *mostly* volunteer basis to supply the Kivus-based European plantations with labour (C. Huggins et al., 2004; C. Huggins, 2004; VLASSENROOT & HUGGINS, 2005). Immigrants were incorporated into Belgium's systems of land administration, either (or doubly) under indirect rule, which gave groups that Belgians perceived 'autochthonous' their own 'Native Authority,' or under the system of '*petites chefferies*,' that were territorial units ruled by Belgian appointed chiefs (Vlassenroot, 2002). Most Banyarwandas were under indirect rule, however the Banyamulenge were granted a *petite chefferie* that was later coalesced into a larger indirect rule unit by the Belgian authority. This confused issues of who owed who tribute. Additionally, the rapid rate and large volume of migration that the Belgians encouraged strained and disorganized the land administration systems, created confusion about which peoples were under what authorities and who qualified as autochthonous (Vlassenroot, 2002). Therefore, Banyarwanda citizenship and autochthony

has been contested since the colonial era, the roots of “National Question,” are found in Belgium’s mismanagement of the Kivus’ land.

*Mobutu Sese Seko*

After independence the ambiguity of the Banyarwandas’ citizenship status became a useful tool for Mobutu, who alternated between granting and revoking their citizenship (Jackson, 2006). During this time, poor economic conditions, outbreaks of violence and the historical migration precedent continued to encourage large migrations out of Rwanda and Burundi (Jackson, 2007). This strained the Kivus’ land resources and the relationship between Banyarwandas and non-Banyarwandas in the Kivus (Jackson, 2007). Mobutu capitalized on this by alternately favouring the two groups to encourage antagonisms between them. Additionally, from 1969-1977 Barthélemy Bisengimana, a Banyamulenge, was appointed as director of the *Bureau de la Présidence* by Mobutu (Bøås, 2008). In addition to changing the constitution to grant all Banyarwandas that had been living in the DRC since 1960 citizenship (originally ones Congolese ancestry had to extend back to 1908), Bisengimana reaped the benefits of his position. Under his (and Mobutu’s) patronage the Banyarwandas acquired more than 90 per cent of the colonial plantations and some of the biggest ranches In North Kivu’s fertile highland areas (C. Huggins et al., 2004). Prior to this, many Banyarwandas purchased large tracts of land from local ‘autochthonous’ chiefs to secure their access to land. To avoid protest from their farmer constituents, the chiefs used the ethnic discourse that Mobutu’s policies promoted to scapegoat the Banyarwandas as land thieves to avoid blame (VLASSENROOT & HUGGINS, 2005). The result was increased land scarcity issues and entrenched anti-Banyarwanda sentiment in the Kivus (Bøås, 2008).

Mobutu's reign demonstrates that during this time conflict in the Kivus was not driven by 'historic relationships between ethnic groups.' Rather, "Banyarwanda nationality was literally switched on and off as expediency dictated- a key element in the divide-and-rule strategies pursued by President Mobutu Sese Seko" (Jackson, 2007). Mobutu, albeit helped by the local chiefs that were willing to compromise their constituents' livelihoods for personal profit, seized the colonial legacy of confusion with regards to the Banyarwanda citizenship status and intensified it.

*From the Rwandan genocide to the present*

In 1992 the tensions between Banyarwandas and non-Banyarwandas (Nyanga and Hunde) exploded into what became known as the "Inter-Ethnic War." Both sides massacred the other to win control of customary chieftaincies and land (Jackson, 2006). The violence was the direct result of Mobutu's "well-established tactic of clinging to power by manipulating ethnic divisions, particularly over volatile questions of ethnic identity and land ownership in eastern Zaire" (P. Clark, 2008).

This conflict also divided the Banyarwandas against each other, the Banyamulenge fought against Congolese Hutu (P. Clark, 2008). This can be seen as the result of "a deal between Mobutu and Rwandan president Juvénal Habyarimana that allowed [Congolese Hutu] to take over territories in [North Kivu]" (P. Clark, 2008). The intra-Banyarwanda tensions in the Kivus were further exacerbated by the large influx of Hutu extremists that occurred after the Rwandan genocide. This was made worse by the subsequent invasions of the new Tutsi-led Rwandan regime that largely justified its invasions into and occupation of the Kivus, which were marked by human rights abuses and mineral looting, by stating that it was protecting the Banyamulenge (Vlassenroot, 2002).

Today, similar elite-driven dynamics drive conflict, which has the potential to further intensify. The 2005 constitution leaves the citizenship (and therefore land rights) of Banyarwandas ambiguous (Bøås, 2009; Jackson, 2007). Currently, the Congolese government is dividing its eleven provinces into twenty-five along ethnic lines. Its anticipated that this could create an “explosive mix of ethnically based administrative units and resource wealth that has the potential to render the situation of those residents considered allochthons across each of the new provinces more perilous than ever” (Jackson, 2006). Additionally, as the children born of mixed Congolese/Rwandan refugees (including *génocidaires*) age, their uncertain citizenship status could incite conflict over land and inheritance rights (Bøås, 2008).

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***Conclusion: Moving Forward***

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Overcoming these issues requires addressing the main drivers of conflict. This means that in the Kivus “wholesale land reform” or an ‘inclusive and internationally supported interethnic land and citizenship commission’ is required (Bøås, 2008; C. Huggins et al., 2004; International Crisis Group, 2009; Jackson, 2007; VLASSENROOT & HUGGINS, 2005). The challenges of this commission would be many. Timing is critical, commissions are not possible during active conflicts where the atmosphere is one of “confusion, autochthony-mania, and war” (Bøås, 2008). Somehow, constructive elite engagement must be garnered, the United Nations Panel of Experts on the DRC warns that the use of coercion to pursue land claims, against the backdrop of ethnic violence that has plagued the region particularly for years, “could rekindle long-standing conflicts with other ethnic communities over land” (VLASSENROOT & HUGGINS, 2005). Yet a commission has never been tried, the main drivers of conflict are largely ignored by

peace builders (VAN LEEUWEN, 2008; VLASSENROOT & HUGGINS, 2005; Wijeyaratne, 2008). Perhaps action in the Kivus is needed now, given the ongoing norm of gross human insecurity and the potential for issues of citizenship and land rights to incite further calamities.

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