Who Belongs Where?

Conflict, Displacement, Land and Identity in North Kivu, Democratic Republic of Congo

**International Refugee
Rights Initiative**

**Social Science
Research Council**

Background to the Paper

Citizenship and Displacement in the Great Lakes Region Working Paper Series

The paper is the third in a series of working papers that form part of a collaborative project between the International Refugee Rights Initiative, the Social Science Research Council, and civil society and academic partners in the Great Lakes region. The project seeks to gain a deeper understanding of the linkages between conflicts over citizenship and belonging in the Great Lakes region, and forced displacement. It employs social science research under a human rights framework in order to illuminate how identity affects the experience of the displaced before, during, and after their displacement. The findings are intended to facilitate the development of regional policies that promote social and political re-integration of forced migrants by reconciling differences between socio-cultural identities and national citizenship rights that perpetuate conflict and social exclusion.

Cover photo: Internally Displaced Camps, North Kivu, DRC. (L. Hovil)

CONTENTS

SUMMARY

Conflict in eastern Democratic Republic of Congo (DRC) appears intractable. Since a peace agreement was signed in 2003, officially ending a decade of war in the country, an estimated two million civilians have died and millions of others have been forced to flee their homes, creating one of the world's worst humanitarian disasters.

The province of North Kivu has been at the centre of much of the fighting, both before and after the 2003 agreement. Although security has recently improved and progress has been made to resolve this ongoing conflict, as exemplified by a series of subsequent peace agreements, fighting continues and the risk of renewed deterioration of the security situation is palpable.[1]

This paper seeks to tease apart some of the dimensions of this violence through gaining an understanding of how people living in the midst of it – or having fled the midst of it – see the conflict. Based on 157 interviews conducted in June and July 2009 with refugees and internally displaced persons (IDPs) who were displaced from or within North Kivu, it explores the interaction between notions of identity, access to power and, in turn, access to natural resources, including land. Through understanding people's perceptions of the causes of conflict it begins to explore potential routes to stability and the way in which refugees and IDPs are positioning themselves for return.

Not surprisingly, our findings resonate strongly with analyses of earlier conflicts in DRC, or phases of the conflict, in which scholars and commentators have emphasised the complex dynamics of social inclusion and exclusion that lie at the heart of the violence. That these dynamics have persisted throughout the recent fighting emphasises the fact that the cyclical forces that drive the conflict at a local level have not been broken despite a trail of peace agreements, significant international political engagement, peacekeeping efforts, and a series of military initiatives. It is therefore apparent that the ebb and flow of the war – reduced hostility leading to increased optimism for sustainable peace followed by renewed bouts of fighting – could persist with relentless tenacity unless root causes of conflict are addressed.

Our principal findings show the following:

- *The causes of the conflict were widely seen as external rather than internal to Congo.* In particular, the war was seen as imported from Rwanda. Interviewees argued that conflict spread to eastern DRC in the aftermath of the 1994 genocide in neighbouring Rwanda with the movement of refugees and *genocidaires* into the country. The plethora of militias and rebel groups that subsequently proliferated are either composed of individuals who came from outside, or of groups that have formed in self-defence against these Rwandan intruders. It is seen as a war from "out there", even though there is no officially declared war between Rwanda and Congo, and despite the thawing of relations between the two countries.

- *This definition of the conflict as external to Congo has exacerbated deep-rooted perceptions that communities presumed to be sympathetic or allied to Rwanda – especially those*

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[1] The most recent agreement was signed on 23 March 2009.

speaking variants of the Kinyarwanda language – are seen as necessarily "foreign". The conflict, therefore, has highlighted notions of the foreignness of this group.

- *Perceptions that the conflict is "external" reflect both the reality of foreign intervention in DRC and a presumption that certain groups do not have legitimate claims to belong in the country.* For example, the fact that the *Congrès National pour la Défense du Peuple* (CNDP)[2] and the *Forces Democratiques de Liberation du Rwanda* (FDLR),[3] (two of the principal warring militias) are associated respectively with pan-Tutsi or pan-Hutu identities that function across the region is seen as evidence that all Hutu or Tutsi are somehow not Congolese, despite the fact that some of these populations have been present in the territory that is now DRC since before independence. Indeed, many interviewees suggested that Kinyarwanda speakers could only be legitimately recognised as Congolese if they renounce their ethnic ties.

- *Respondents also recognised that fissures at a localised level predate the 1994 genocide, and have been exploited during the course of the war.* Specifically, the association of militias with specific ethnic groups has created or deepened ethnic tensions within communities: ethnic allegiances are seen as both the cause and means of violence.

- *Proving a legitimate status as "Congolese" remains critical to the ability to access power at a local level in North Kivu – and, in turn, to have access to natural resources.* In particular, defining who is genuinely Congolese determines access to land. Therefore the issues of citizenship, access to power and land ownership are all inter-related: land "ownership" has limited benefit if not accompanied by political rights or access to power to defend such rights, and political rights are contingent on acceptance of belonging at both the local and national level.

- *Those who are displaced are desperate to return.* Many are living in appalling conditions with limited or no assistance. At the time of the research, they indicated that they would return to their homes as soon as there is just enough peace for them to sleep in their houses and not have to hide in the surrounding bush at night, and indeed tens of thousands already have. Most intended to "return" to the place that they identify as their original home. The ability to (re)assert their rights as citizens is particularly pertinent with regard to the potential for return of displaced persons: at the point of return, questions of identity and belonging are only likely to become more intense.

- *People saw the military strategy of Kimia I as disastrous in ending conflict with the FDLR.* Not only have the civilian population been caught up in the middle of this military initiative and suffered brutality as a result, but the benefits of the campaign were seen as negligible. The findings therefore seriously question the current emphasis on military campaigns as a primary means to ending the FDLR threat.

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[2] The CNDP was a militia group operating in eastern DRC, initially led by Laurent Nkunda until his arrest in January 2009, and widely portrayed as being predominantly Tutsi.

[3] The FDLR formed in the aftermath of the Rwandan Patriotic Front's takeover in Rwanda following the 1994 genocide. It is a rebel group comprised primarily of Rwandan Hutus who are allegedly fighting against the current "Tutsi" government in Rwanda. They are also seen as a primary source of ongoing insecurity in eastern DRC.

PROMOTING DEBATE ON THE WAY FORWARD

With the dynamics of national identity pointing to such wide ranging challenges, from the mediation of land conflicts to state building, making specific recommendations goes beyond the scope of this report. Furthermore, many of the macro issues of conflict are well rehearsed: the need for massive de-militarisation of North Kivu and the restoration of law and order are widely recognised. Instead, the paper provides a platform for discussion and debate on areas that are critical in the search for solutions to ongoing violence in North Kivu, outlined in brief below:

- **Clarifying Congolese Citizenship:** The findings suggest that the ability for individuals and groups to meaningfully assert the bond of citizenship as the basis of rights to belong and access resources offers a powerful antidote to many of the root causes of violence. A new law on nationality adopted by the country's transitional government in November 2004 was intended to permanently clarify who is and is not a national of Congo. Yet despite the fact that the law offers the possibility of asserting citizenship to most of the contested populations, it remains a compromise between promoting an inclusive framework for citizenship based on birth and the proactive creation of de facto ties of belonging, and continuing to rely on ethnicity as a basis on which nationality is claimed. In addition, regardless of the content of the law, it is clear that it is not being applied and has not helped to re-define local understandings of inclusion and exclusion: on the ground, notions of belonging continue to be profoundly contested. **Therefore all efforts need to be made to promote and implement the new citizenship law at the grassroots, with respect to those elements that recognise the right to belong of contested populations. Specifically, the basis for Congolese citizenship needs to be clarified at a local level in such a way as to end violent conflict over this key issue.**

- **The interaction between national and ethnic forms of identity:** The findings show that ethnicity is blamed for much of the ongoing violence. While ethnicity is not intrinsically violent, its manipulation by militias and other groups has made it a source of profound instability. Ethnic identities, however, remain a potent basis for belonging and accessing power at a local level in eastern DRC – and in the wider region – and are likely to continue to do so. **Addressing the impact of local power structures based on ethnicity is therefore key to stability in order to encourage an environment in which ethnic identities are accommodated and expressed without being a major source of instability.**

- **The role of Rwanda in finding solutions:** The findings strongly suggest that the use of Rwandan forces is counterproductive: it is only likely to further aggravate conflict given the perception that Rwanda, or those who come from Rwanda, is a dominant source of conflict. **Rwanda must, therefore, play a role in resolving this internationalised conflict. Specifically, strategies for dealing with the FDLR that go beyond an aggressive military stance need to be promoted, including clarification over the options being given to those in the FDLR regarding their future, and in particular regarding where they can legitimately belong.**

- **Regional constructions of ethnic identity:** The findings further point to the fact that geopolitical issues relating to the construction of Hutu and Tutsi identities throughout the

Great Lakes region continue to feed localised ethnic tensions. One key issue in this regard is the lack of honest appraisal of what took place during and after the Rwandan genocide, which continues to haunt the region: for as long as the government of Rwanda continues to compound the myth that all Hutus are genocidaires without taking any responsibility for atrocities committed by its own forces, the potential for renewed ethnically-based violence throughout the region will be an ongoing threat to stability. **Therefore there is need for a more honest appraisal of ethnic relations in Rwanda that would, in turn, be used to address ongoing threats to regional stability, particularly in relation to eastern Congo.**

- **Seeking alternatives to a military solution:** The findings show that most people did not believe that the military approach to routing out the FDLR was going to work. Interviewees stressed that the FDLR's strategy of using the civilian population as a shield coupled with the terrain in which they are operating makes a military victory unlikely, and certainly not without considerable civilian casualties. Atrocities committed by the Congolese army further underscore the impossibility of a successful military outcome. Indeed, the limited results of the two military operations, Kimia I and Kimia II, and ongoing displacement in the areas of operation of the most recent military initiative, Amani Leo,[4] underscore this assessment. **Greater consideration must be paid to alternatives to military initiatives that are being put forward, including the arrest of high level FDLR organisers living abroad;[5] disarmament of the FDLR;[6] and creating options for a exit strategy for individuals within the FDLR.**

- **The implications of return:** The current conditions of displacement at the time of the research was such that people wanted to return at the earliest possible moment – and, indeed, tens of thousands have already done so.[7] Yet the process of return has the ability to ignite renewed conflict if not handled carefully, and to further jeopardise the protection of both returnees and those who remained in their homes. **Therefore strategies need to be in place for initiating and monitoring the return of refugees and IDPs. Specifically, systems need to be in place for the timely and equitable reclamation of land.**

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[4] Interview with UNHCR representative, 28 January 2010.

[5] Club des Amis du Droit du Congo and Institute for War and Peace Reporting, 2009. «Rapport du panel discussion du 11 Décembre 2009. Bruxelles.»

[6] International Crisis Group, 2009. "Congo: A Comprehensive Strategy to Disarm the FDLR." Africa Report no. 151, July.

[7] UNHCR estimates that 70,000 people returned from the camps around Goma between June 2009 and January 2010. (Interview with UNHCR representative, 28 January 2010.) However, renewed displacement within the province means that the overall number of displaced has remained largely static.

BACKGROUND

This paper presents a picture of North Kivu as understood by those who have fled from or within it. It considers the extent to which the war is perceived as both an external conflict that is being played out on Congolese soil, and yet at the same time one that draws upon profound localised divisions. These two facets of the conflict converge around issues of inclusion and exclusion, and specifically around definitions of who legitimately belongs as a citizen in DRC. Despite a new nationality law that confirms citizenship for the majority of those whose presence is being disputed, it is clear that tensions over who can legitimately call themselves Congolese continue to be a significant source of conflict at a local level. The dynamics relating to the legitimacy of citizenship recognition and belonging, therefore, form the framework for our analysis of the conflict, as seen through the eyes of its victims.[8]

The paper begins with a brief methodology outlining the field research process. It then presents a background to North Kivu and overview of relevant literature, particularly in relation to issues of identity and citizenship. The research findings are presented through an analysis of how the war is seen by those who have been displaced by it – a war that is viewed both as an implant from outside of Congolese territory, and as a war that has opened up fissures within communities that pre-dated it. Specifically, definitions of "Rwandan" in this context are critical to such perceptions of the war: local power bases have both been reinforced and challenged by the war which, in turn, has had an impact on access to land. The paper explores the role played by the manipulation of ethnic-aligned militias and the impact that this has had on communities, in particular the way in which it has contributed to inclusion and exclusion for specific groups. It considers the way in which these dynamics and understandings of the conflict relate to the wider, national context and to state structures, on which notions of citizenship are supposed to draw. Finally it looks at the implications for the return of refugees and IDPs to their homes. It concludes by suggesting possible ways forward to stability, analysed through the lens of citizenship and the way in which the genuine realisation of citizenship rights and their delivery, is seen as something of an antidote to the ongoing cycles of war and displacement in the region.

Methodology

The field research took place in two phases, the first in western Uganda among refugees from North Kivu and the second within North Kivu. The former took place from 15 May to 2 June 2009 in Nakivale refugee settlement in Mbarara and the area around Kisoro on the Uganda/DRC border. In Nakivale, the team deliberately sought out refugees who had recently arrived from North Kivu. The

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[8] The concept of citizenship refers to membership in a political community that carries with it both rights and obligations, and is a complementary and mutually inter-dependent concept with nationality. Although rights are increasingly being protected at the international and regional level by mechanisms intended to extend rights on the basis simply of our shared humanity, in practice establishing a strong link with a protecting state remains critical in the practical enjoyment of rights. A person without this link is stateless, without the right to claim the protection of any state. At a more theoretical level, the bond of citizenship is intended to go beyond the realm of the political and generate notions of belonging, imbuing large groups of people with a collective identity that makes sense of who they are both in relation to each other, and in relation to structures of power. See, for example, Open Society Justice Initiative, 2007. "More Primitive than Torture: Statelessness and Arbitrary Denial of Citizenship in Africa – A Call to Action." Background Briefing for Africa Programming Advisory Committee Meeting, Kampala, Uganda, February.

majority of those interviewed had fled from the Rutshuru, Masisi and Bunagana areas within North Kivu in November 2008 and had entered Uganda through the Ishasha and Bunagana border area. In Kisoro, the majority of interviews took placed in Nyakabande Transit camp. In total, 82 refugees were interviewed in this first phase of the research, of which 36 were women.

The second phase of the research was carried out in North Kivu from 15 June to 4 July, in Goma, Masisi and Rutshuru. These three locations were chosen partly because of their relative accessibility in a context of ongoing conflict, but also because they were areas from which many of those interviewed in Uganda had fled. The team interviewed a total of 75 individuals in this second phase of research – 43 women and 32 men – bringing the total number of interviews to 157.

In Masisi, interviews were conducted in Masisi-centre and the surrounding areas of Kibabi and Bishange. Masisi is a t*erritoire*⁹ in North Kivu bordering Walikale *territoire* in the west, Goma town in the east, South Kivu province to the south and Rutshuru *territoire* in the north east. Among the displaced interviewed in Masisi were those living in officially gazetted IDP camps, those living in families and those in camps not gazetted but being assisted by some non-governmental organisations (NGOs). The IDPs in camps that had been specifically gazetted by government in Masisi Centre were mainly Hutu, those in families were mainly Bahunde and those in ungazetted camps in Kibabi and Rubaya were mainly Siya (Bakumu) from Katoyi. It was also an area where the CNDP operated in for a long time and indeed their presence was evident in the form of army patrols in the centres. In Rutshuru, interviews were conducted in Kinyandoni, Nyongea and Kiwanja. The area is widely known as the home of the CNDP and continues to be dogged by insecurity.

A number of areas were inaccessible due to ongoing skirmishes between various militias and government soldiers, creating an extremely tense atmosphere. Government soldiers were seen harassing civilians and forcing them to work as cheap labour and to carry supplies to the front line. The atmosphere of fear was further heightened by a rumour that the CNDP had withdrawn from the government consortium which would likely cause an escalation of war in the area. Furthermore, throughout the fieldwork the team was aware of being observed by government armed forces.

During the interviews, informants were asked their opinion on the conflict taking place in North Kivu; on issues of self-identification and citizenship; on the significance of land; and on their hopes for return. During analysis, the data was disaggregated according to the different locations in which the field research took place. In its presentation, however, the data has, for the most part, been combined due to the striking uniformity between the different components of the data. Furthermore, although issues of ethnicity came through strongly in the data, the interview map did not include a question as to a person's ethnicity and the interviews have not been disaggregated along ethnic lines. There are a number of reasons for this approach: first, clear demarcations of ethnicity can all too easily oversimplify what is a highly complex, dynamic and ambiguous form of identification: in a number of interviews the individual's ethnicity, for example, is not apparent. Second, placing the data within an ethnic mould compounds the myth that ethnic antagonism provides a total explanation for situations of conflict; and third, the similarities in perspectives within the data were more striking than the differences. That being said, interviewees' ethnicity is noted in the findings when respondents voluntarily stated their ethnicity and of which group they identified themselves as being a member.

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⁹ A *territoire* is a unit of regional administration. The province of North Kivu is comprised of six *territoires*: Beni, Lubero, Rutshuru, Nyiragongo, Masisi and Walikale.

Finally, it is important to note that due to the fact that people of different language groups have tended to flee to specific areas, there is a strong chance that the majority of those interviewed at the Uganda border area, and which make up the greatest proportion of the interviews, are residents of the area called Bwisha, who are predominantly Hutu Kinyarwanda speakers because "people here speak the same language."[10] The majority of interviews were conducted in Swahili, although some of the interviews that took place in North Kivu were in the interviewee's vernacular.

Conflict in North Kivu

North Kivu is a province in eastern DRC that borders Rwanda and Uganda to the east[11] and South Kivu to the south. Its provincial capital is Goma, and it has the highest population density of any province in DRC, with an estimated 4.3 million people living in 59,631 square kilometres.[12] As of the end of July 2009, there were over a million people displaced within North Kivu,[13] the majority of whom were living outside of official camps that were set up under the auspices of the provincial government of North Kivu and the United Nations High Commissioner for Refugees. Tens of thousands of refugees have fled the province. The scale and conditions of displacement have been a human security disaster, with many groups remaining inaccessible to aid organisations and limited resources available for assistance.

The paper takes as its focus the displacement created by the violence between the CNDP; and the government army known as the Armed Forces of the DRC (*Forces armées de la République démocratique du Congo*, FARDC), and the FDLR, another armed militia operating in the region. This spate of fighting began in August 2008 after a lull following a peace deal signed between the government and the CNDP in Goma seven months earlier. The peace deal ended a period of conflict that had left hundreds of thousands displaced in its wake.

In the fighting, the CNDP claimed to be defending the minority Congolese Tutsi communities in North Kivu from remnants of the *interahamwe,* a predominantly Hutu group including former *génocidaries*, who fled to DRC following the 1994 genocide in Rwanda, most of whom were incorporated into the FDLR operating in North and South Kivu.[14] The FDLR has continued to pose a significant threat to civilian security in the Kivus,[15] and the government's inability, or unwillingness, to disarm these fighters had perpetuated a fear that FDLR activity was part of a wider plot to repress Congolese Kinyarwanda-speaking communities.[16] Consequently, the CNDP began to engage both government forces (FARDC) and the FDLR.

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[10] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009. By the same token, as the interviewee also pointed out, the Wanande speak the same language as the Batembo.

[11] It also borders Ituri Province to the north, Tshopo Province to the northwest, Maniema to the southwest and South Kivu to the south.

[12] Ministère du Plan de la République Démocratique du Congo, "Monographie de Nord Kivu," March 2005.

[13] Internal Displacement Monitoring Centre, Country Statistics, Democratic Republic of Congo. http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/284C1F5D47F21077C1257609005516C2?OpenDocument

[14] FDLR and *interahamwe* were used interchangeably throughout the interviews.

[15] Human Rights Centre, Payson Centre for International Development and the International Centre for Transitional Justice, 2008. "Living With Fear: A Population-based Survey on Attitudes About Peace, Justice, and Social Reconstruction in Eastern Democratic Republic of Congo", August, p. 10.

[16] International Alert, 2007, "Peacebuilding in Eastern DRC: Improving EU Support for Economic Recovery." p. 14.

Nkunda was deposed and arrested on 22 January 2009 by his former ally, the Rwandan government – no doubt the result of intense international pressure and the thawing of relations between Rwanda and DRC. Following a peace deal hastily concluded in March 2009 by Nkunda's successors, Bosco Ntaganda and Dr. Desiré Kamanzi, between the CNDP and the Congolese government, significant numbers of CNDP rebels were demobilised and incorporated into the national army, at least temporarily diffusing their capacity as a rebel group.[17] The CNDP then joined government forces to fight against the FDLR, as the governments of DRC and Rwanda agreed on a joint military initiative to disarm the remaining FDLR rebels. The operation was neither substantial nor sustainable,[18] lasted for only one month (beginning 20 January 2009) and focused only on North Kivu.[19] Although the FDLR did encounter some losses as a result of the operation, the results fell far short of its objectives. The FDLR was not defeated but simply dispersed, sustaining a few casualties and moving westward, further away from the Rwanda border.

Following the completion of that military operation, the FDLR regrouped and returned to its previous positions in North and South Kivu, engaging in retaliatory attacks on villages and citizens believed to support the operation. Kinshasa has refused Rwandan requests to renew the joint military efforts.[20] In July, the government of the DRC launched the Kimia II operation focused on South Kivu. With an estimated 6 – 7,000 members of the FDLR in the Kivus[21] and, as witnessed during the field research, signs of unrest within the ranks of former CNDP fighters integrated in the national army, the situation remains tense.

Although the overall security situation appears to have improved since the March agreement, civilians remain chronically unprotected. Government troops have shown themselves not only incapable of effectively protecting civilians, but continue to attract allegations of atrocities.[22] According to Crisis Group, the FARDC's command and control, cohesion, and will to fight are extremely weak.[23] This is exacerbated by the fact that the reintegration of former CNDP combatants was not aimed at establishing a cohesive and capable FARDC military, but rather at dismantling CNDP capacity by taking units apart and breaking the chain of command.[24] Consequently, the former CNDP soldiers within FARDC are still segregated. Ex-CNDP soldiers are refusing transfers outside of North Kivu, where they maintain military control, undermining the whole purpose of the integration

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[17] In November 2009, there were rumours of renewed rebellion by the CNDP in light of an alleged plan to arrest Bosco Ntaganda, former chief of staff of the CNDP and a man who is thought to still have strong networks in place. Known as "the Terminator", his arrest warrant was unsealed by the International Criminal Court (ICC) on 28 April 2008 and is the fourth warrant to be issued by the ICC in connection with crimes committed in DRC. BBC news – "UN-backed forces 'failing' in DR Congo rebel fight." 25 November 2009.
http://newsvote.bbc.co.uk/mpappas/pagetools/print/news.bbc.co.uk/2/hi/africa/8377842.stm
[18] A limited number of rebels have been repatriated to Rwanda. In the first third of 2009, for example, 578 FLDR and 286 ex-CNDP soldiers were registered by MONUC. See Crisis Group, May 2009, p. 10.
[19] A second military initiative targeting the FDLR in South Kivu, Kimia II, began in July 2009, and a third military operation, Amani Leo, was launched in January 2010.
[20] Crisis Group, May 2009, p. 10.
[21] Congo Advocacy Coalition. "DR Congo: Civilian Cost of Military Operation is Unacceptable." October 13, 2009.
[22] Indeed, MONUC has recently withdrawn its support for the FARDC in light of the alleged massacre of 62 civilians in North Kivu by the army in April. BBC, "DR Congo criticises UN army snub." 3 November 2009.
http://news.bbc.co.uk/2/hi/africa/8339693.stm
[23] "Congo: Five Priorities for a Peacebuilding Strategy." Crisis Group Africa Report, No. 150, 11 May 2009, p. i.
[24] Crisis Group, May 2009, p. 11.

effort.[25] At the same time, the United Nations Mission to DRC (MONUC),[26] which has a current deployment of 6,000, has been severely compromised in its ability to protect the civilian population. A recent report written by UN-mandated experts and leaked to the BBC, allegedly confirms the failure of current UN-backed operations against the FDLR. The report apparently claims that "FDLR rebels – some of whose leaders were involved in the Rwandan genocide – have been able to use vast international networks to bolster their supply of arms and recruit extra soldiers." It also claims that the FDLR are being supported by senior members of the Congolese military.[27] In addition, government forces, the CNDP, FDLR and MONUC troops have all been accused of committing serious human rights abuses,[28] further exacerbating a culture of impunity.[29] With the FDLR threat not only remaining at large but being bolstered by those who are supposed to be alleviating it, coupled with the lack of full integration of the CNDP into the armed forces, the potential for the CNDP to regroup and for further atrocities to be committed against the civilian population by all armed groups remains strong.

During the Kimia I DRC-Rwanda military operation against the FDLR, the humanitarian situation deteriorated dramatically.[30] The Congo Advocacy Coalition, for instance, claimed that from the beginning of operations in January 2009 through to October, 1,000 civilians had been killed, 7,000 women and girls had been raped, and more than 6,000 homes had been destroyed. Almost 900,000 people had been forced from their homes, and were living in desperate conditions with host families, in forest areas or in squalid designated camps.[31] Although some have now returned as areas have become more secure, new displacement is continuing, particularly from areas that are the sites of ongoing military operations.[32]

The conflict is further entrenched by the fact that all sides are benefiting from a highly lucrative war economy, which is inextricably linked to the involvement of international actors – both governmental and commercial.[33] A 2008 United Nations Security Council Committee investigation, which examined the link between natural resources and the financing of illegal armed groups in the DRC,[34] presents compelling evidence of material support for the CNDP by Rwandan authorities – including the recruitment of children living in Rwanda with the assistance of members of the Rwandan Defence Force (RDF).[35] It also maps out the scale of FDLR mining operations that are fronted by export

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[25] Crisis Group, May 2009, p. 12.

[26] For more information on MONUC and its mandate, see
http://www.un.org/en/peacekeeping/missions/monuc/mandate.shtml accessed on 25 January 2010.

[27] BBC news – "UN-backed forces 'failing' in DR Congo rebel fight." 25 November 2009.
http://newsvote.bbc.co.uk/mpappas/pagetools/print/news.bbc.co.uk/2/hi/africa/8377842.stm

[28] Ibid.

[29] Ongoing problems relating to impunity for crimes committed during the conflict in the country in general are outlined in a discussion paper by AfriMAP and the Open Society Initiative for Southern Africa: "The Democratic Republic of Congo: Military justice and human rights – An urgent need to complete reforms." 2009.

[30] Human Rights Watch, 2009. "DR Congo: Rwandan Rebels Slaughter Over 100 Civilians: Congolese and Rwandan Forces Should Make Protecting Civilians a Priority." 13 February 2009.

[31] Congo Advocacy Coalition. "DR Congo: Civilian Cost of Military Operation is Unacceptable." 13 October 2009.

[32] Interview with UNHCR representative, 29 January 2010.

[33] Global Witness has also documented many of the linkages between resources and militarisation. See, for instance, "Faced with a gun, what can you do?" 21 July 2009.

[34] United Nations Security Council, 12 December 2008. "Letter dated 10 December 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of Congo addressed to the president of the Security Council."

[35] Ibid.

companies based in North and South Kivu and linked to foreign end-users.[36] More recently, the final report of the Group of Experts on the DRC demonstrates how CNDP officers who are now integrated into the national army have been deployed in some of the region's most lucrative mining areas, which they now control.[37] Their findings are echoed by Global Witness, which talks of how the CNDP have established "mafia-style extortion rackets" in some of the most lucrative tin and tantalum mining areas in the east.[38] No doubt this is just a small indicator of the interests and beneficiaries of this particularly pernicious war economy.

While this brief synopsis presents an overview of the way in which conflict in North Kivu is currently being played out, both the literature and the findings of the research clearly point to the fact that the ruptures caused by the ongoing FDLR threat and CNDP rebellion are symptoms of deeper underlying root causes that remain unaddressed. Beneath the surface is a conflict that has been incubating for decades in North Kivu. While external power struggles have been taking place on Congolese soil, the persistence and direction of the conflict has simultaneously drawn upon pre-existing divisions in local communities and further entrenched and enforced these ruptures. These divisions, in essence, revolve around the lethal interaction between identity, power and access to resources (in particular land) in North Kivu and in the DRC as a whole, and specifically converge on the inclusion or exclusion of specific ethnic groups.

Polarised Identities and the Citizenship Question

As stated above, defining who is, and who decides who is legitimately Congolese remains at the heart of the ongoing violence. Exclusive and polarised notions of identity and belonging have thrived (and been encouraged) in DRC where the state is so weak that it lacks the ability to control its own resources and protect its people.[39] Warlordism has effectively dominated the way in which the benefits derived from abundant natural resources have been, and continue to be, distributed. Consequently, the fragile peace in the country is constantly under threat not only from outbreaks of violence, but also from "entrenched power dynamics that determine wealth extraction and distribution – and sustain instability."[40] These structures are deeply rooted: following Congo's independence in 1960 and under the leadership of Mobutu Sésé Seko, power structures and networks were built that emphasised ethnicity and regional autonomy. As a result, certain groups became marginalised according to local structures which were partisan and unregulated. With parallel systems of formal and informal governance in place, customary authority – based primarily on ethnic or ancestral group – continues to dominate decision-making processes on the ground in relation to critical, livelihood-related issues such as land distribution and customary taxation.[41] The

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[36] Ibid, p. 19.

[37] United Nations, 2009. "Final Report of the Group of Experts on the Democratic Republic of Congo." 7 December. See also BBC news – "UN-backed forces 'failing' in DR Congo rebel fight." 25 November 2009. http://newsvote.bbc.co.uk/mpappas/pagetools/print/news.bbc.co.uk/2/hi/africa/8377842.stm

[38] Global Witness, 2010. "DR Congo: ex-rebels take over mineral trade extortion racket." 11 March. http://www.globalwitness.org/media_library_detail.php/937/en/dr_congo_ex_rebels_take_over_mineral_trade_extortion_racket (Accessed 11 March 2010.)

[39] International Alert, 2007, p. 7.

[40] International Alert, 2007, p. 11. See also Filip Reyntjens, 2001. "Briefing: The Democratic Republic of Congo, from Kabila to Kabila." *African Affairs* (2001), 100, pp. 311 – 317.

[41] F. De Boeck, 1996. "Postcolonialism, Power and Identity: Local and Global Perspectives from Zaire." (*In* R. Werbner and T. Ranger (eds.), *Postcolonial Identities in Africa.* London and New Jersey: Zed Books, p. 75 – 105), p. 75.

potential for manipulation of identities is thus profoundly far-reaching.[42] It also reflects the existence of limited notions of collective citizenship and belonging in the country as a whole, characterised by little, if any, tradition or shared understanding of active, cohesive citizenship.[43]

At the same time, exclusionary political sentiment has been fuelled by a growing discourse of *autochthony* (also understood as "indigenousness") and its antithesis, *allochthony,* in popular and elite circles in DRC.[44] This discussion makes judgements about who is a true Congolese and who is a foreigner on the basis of first arrival on the territory. At a local level, these dynamics have played a pivotal role in the ability of groups to realise their rights, not least in eastern DRC where the definition of "*autochtone*" – or "of the soil" – often corresponds with discourses of ethnic identity. Ethnic identity in this context is crucial as, in practice, it determines access to customary power and territorial rights associated with autochthony.[45] In particular, a loosely defined group of people commonly referred to as Kinyarwanda speakers -- associated with both "Hutu" and "Tutsi" ethnic groups – have repeatedly faced accusations of having fraudulently attained Congolese citizenship and have been targets of generalised resentment and xenophobia,[46] emphasising the extent to which local understandings of inclusion provide a vital source of belonging. The accusations have fuelled local conflict since the 1960s. At the national level they have been subject to legislative efforts to define and redefine Congolese nationality to include or exclude them from political processes, depending on political dynamics.[47]

Polarising approaches to the citizenship of Kinyarwanda speakers living in eastern DRC – who are associated with both "Hutu" and "Tutsi" ethnic groups – are therefore at the heart of the current conflicts in the region, and have been a source of tension since the early 1960s,[48] particularly in North and South Kivu. Discussions around the identity of Kinyarwanda speakers in eastern DRC have also interacted with discussions on issues of citizenship in the country as a whole: national citizenship laws and decrees have focussed particularly on the presence of Kinyarwanda speaking groups either to include or to exclude them at different stages of the country's history.

Much of the discussion of the legitimacy of claims to belong in DRC revolves around ascertaining the date of arrival of various groups of Kinyarwanda speaking peoples, a highly contentious process. Drawing heavily on Jackson's synopsis of events – who, in turn, makes reference to the work of Newbury[49] – and supported by the work of Mamdani,[50] recent histories indicate that by the advent of colonialism in the mid-19th century, "substantial numbers of Rwandan-language speakers already

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[42] International Alert, 2007, p.12.

[43] International Alert, 2007, p. 12.

[44] Stephen Jackson, 2006. "Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R.Congo." *African Studies Review*, 49(2): 95-123.

[45] Ibid.

[46] Ibid.

[47] Ibid.

[48] International Alert 2007, p. 14.

[49] See C. Newbury, 1993, *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860 – 1960*. New York: Columbia University Press. And D. Newbury, 1999, "History, identity and politics in Central Africa." Paper presented to the Annual Meeting of the American Anthropological Association, Chicago. Both sited in Jackson, 2007. "Of "Doubtful Nationality": Political Manipulation of Citizenship in the D.R. Congo." *Citizenship Studies*, Vol. 11, No. 5, November, pp. 481 – 500, p. 484.

[50] M. Mamdani, 1997. "Understanding the Crisis in Kivu: Report of the CODESRIA Mission to the Democratic Republic of Congo." Monograph Series 1/2001, September.

resided in what would later become the DRC as 'refugees' from the westward expansion of the Rwandan Kingdom's power."[51] Jackson identifies a number of different Kinyarwanda speaking groups within what is now DRC. First, by the middle of the nineteenth century a number of pastoralist Tutsi had already settled around Itombwe in South Kivu. Those who are currently referred to as the "Banyamulenge" (meaning literally "the people from the hill of Mulenge" but a term that is often used, albeit inaccurately, to refer to all Congolese Tutsi) are descended from this group.[52] Second, when the boundaries of what is now DRC were drawn during the colonial period, they incorporated territories adjacent to Rwanda around Rutshuru, which is now part of North Kivu province and was strongly Hutu. Around Rutshuru in North Kivu, this group is generally referred to as Banyabwisha. Finally, groups of Tutsi pastoralists later settled in the rich uplands of Masisi in North Kivu,[53] although some in North Kivu continue to deny their presence prior to the arrival of the white colonisers.[54]

Subsequent layers of migration have only confused the situation further. Between the 1930s and 1950s, Rwandans – both Hutu and Tutsi – were "transplanted" into eastern DRC, particularly around North Kivu, as part of the Belgian administration's deliberate "*Mission d'Immigration des Banyarwanda*", which had two major aims: first, to alleviate demographic pressure in Rwanda, and second to meet labour demands in DRC.[55] An estimated 100,000 Kinyarwanda speakers were moved to Masisi during this period.[56] Violence surrounding independence in both Rwanda and Burundi led to further migration, in both cases predominantly of Tutsis – set against a background in which divisions between Hutu and Tutsi had hardened during the course of colonial rule. Further events in both Burundi and Rwanda led to additional migrations, in particular in the aftermath of the 1994 genocide in Rwanda.

A critical factor in attempting to create legitimacy for these groups in DRC – which ironically later became fuel for the controversy around to what extent they belonged – was the establishment of locally based "native authorities" set up by the colonial powers. Native authorities, which applied customary law, were distinct from the central state which applied civil law: the former essentially emphasised ethnicity as the basis for securing power and protection. And power, in turn, determined access to land – and continues to do so.[57] Later, an administrative entity was created for the Kinyarawanda speaking immigrants of the 1930s in Masisi. These efforts, however, often brought the immigrants into conflict with the "original" communities, who had accepted the immigrants on the understanding that their local leaders would receive additional revenue when the new arrivals became subject to existing governance structures. In response, the colonial authorities eventually suppressed the separate administrative authorities or *collectivité*.[58]

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[51] Stephen Jackson, 2007. "Of "Doubtful Nationality": Political Manipulation of Citizenship in the D.R. Congo." *Citizenship Studies*, Vol. 11, No. 5, November, pp. 481 – 500, p. 484.

[52] It is important to note, however, that the term "Banyamulenge" is often used more generically to refer to all those living in Congo who are Tutsi.

[53] Where they became known locally as the "Banyajomba".

[54] As evidenced in interviews.

[55] For a detailed description of this immigration process, see Bucyalimwe Mararo, 1997. "Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s – 1994." *The International Journal of African Historical Studies*, Vol. 30, No. 3, pp. 503 – 538.

[56] S. Mugangu Matabaro, «la crise foncière à l'Est de la RDC, in l'Afrique des grands lacs, annuaire 2007-2008.» It is important to note that others site this number as being closer to 85,000.

[57] The Banyabwisha, for example, were granted their own administrative authority throughout the colonial period. Mamdani, 1997.

[58] Mamdani, 1997.

Even this historical overview, however, continues to be highly contested. Such divisions relate directly to the fact that, since independence, access to citizenship has been determined by the date of arrival on the territory of those ethnic groups that are not considered "autochthonous", and are reflected in the legal framework governing citizenship.

Initially, Mobutu Sese Seko, the country's 32-year dictator, courted the Tutsi population in eastern DRC as a means of cementing his power base.[59] Barthélemy Bisengimana, a Tutsi who was made director of the *Bureau de la Présidence* in 1969, tried to advance the interests of his ethnic group by promoting a 1972 law intended to end uncertainty over the identity of the Kinyarwanda speaking population. The 1972 law moved the cut off date for claims of nationality based on arrival in the country from 1908, as provided for in the 1964 Constitution, to 1960, which granted many more Kinyarwanda speakers the possibility of nationality. However, his actions were seen as partisan and were resented by other Congolese,[60] inadvertently creating a backlash on the part of the "indigenous majority" who saw the new legislation as a consequence of Tutsi infiltration of the state.[61] Furthermore, when Bisengimana was charged with financial irregularities in 1977, his influence ended. By 1981, the 1972 law had been annulled. Thus the framework for the acquisition of citizenship reverted to the principle set out in the in the 1964 Constitution – the assertion of blood relationship to the Congolese people – and moved the cut off date for ascertaining belonging back even further (from 1908 to 1885).[62] The new law, over which the "indigenous majority" exerted strong influence, effectively excluded the "Tutsi" by restricting citizenship to those who could claim ancestry in Congo in 1885, the date of the Berlin Conference. As Harrington comments, "[t]he Congolese requirement that individuals be able to trace their ancestors' residence in the territory of present-day DRC as far back as 1885 targets Kinyarwanda speakers, who generally arrived after that date."[63]

Not surprisingly, the application of the 1885 requirement proved to be almost impossible to enforce. As a result, the law was initially only partially implemented, with the local population in the Kivus applying what Mamdani calls an "improvised solution" that allowed the Kinyarwanda speaking minority to vote but not stand for election.[64] However, during the 1980s, tensions grew between Kinyarwanda speakers and those who considered themselves "indigenous", with sentiment against Kinyarwanda speakers increasingly being expressed through the language of autochthony.[65] During the course of Mobutu's reign, he increasingly fomented distrust of Kinyarwanda speakers and eventually denied nationality and other citizenship rights to this population.[66] While the denial of citizenship rights was used as a political tool by Mobutu, it resonated at the grassroots where competition over land and other resources was increasing, not least as the Tutsi immigrants were often cattle keepers, and in tension with cultivators.

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[59] Jackson, 2007, p. 485.

[60] Ibid.

[61] Mamdani, 1997.

[62] Jackson, 2007, p. 485.

[63] Julia Harrington, 2007. "Voiding Human Rights: Citizenship and Discrimination in Africa". Human Rights and Justice Sector Reform in Africa, Open Society Justice Initiative, p 23 – 28, p. 26.

[64] Mamdani, 1997.

[65] Jackson, 2006.

[66] He drew upon history to legitimise his status as "Father of the Nation" and to manifest his right to power as an ancestral right, thus manipulating history and playing on issues of legitimacy. (De Boeck, F. 1996. "Postcolonialism, Power and Identity: Local and Global Perspectives from Zaire." (*In* Werbner, R. & T. Ranger (eds.), *Postcolonial Identities in Africa*. London and New Jersey: Zed Books. p. 75 – 105.) p. 81.)

Meanwhile, with the end of the Cold War and shifting support for Mobutu's dictatorship, pressure to reform led to the formation of a national *Conférence Nationale Souveraine* (CNS) in 1991, intended to bring together government, opposition and civil society "to deliberate upon the future of a multi-party Zaire."[67] Mobutu immediately crippled the whole process by exploiting "*géopolitique*" – which, in the Congolese context is translated to mean "the politics of geography or origins" – by insisting that delegates at the CNS could only represent provinces to which they were "indigenous".[68] Not only did this derail the effort before it began by ensuring disputes over who did and did not represent legitimate indigenous interests, but it also served to further marginalise Kinyarwanda speakers, none of whom were included on the final list of delegates.[69] Instead, non-Kinyarwanda speakers from North Kivu used it as an opportunity to promote public opinion against these groups, and a Sub-Committee was commissioned to investigate "the nationality question".[70] Despite protests from a group of Tutsi in South Kivu, the eventual report determined the existence of four separate categories of Kinyarwanda-speakers: "autochthones from before 1885"; "transplantees"; "refugees"; and "clandestines". Only the first of these categories was to merit nationality.[71]

In North Kivu, the report was construed as a notice of intent for ethnic cleansing, and local ethnic militias began to form on all sides, eventually leading to the violence of what became known as the 1992 – 1993 Inter-Ethnic War.[72] The ramifications were felt across the region: scholars have linked these events to both the 1993 coup in Burundi and to the Rwandan genocide of 1994.[73] The influx of about two million mostly Hutu refugees in the aftermath of the Rwandan genocide further threatened the situation in Kivu. The Mobutu regime became even more hardline in its approach to Kinyarwanda speakers in the Kivus and launched a verification process that moved the cut-off date for citizenship to effectively exclude descendents of colonial era immigrants. In this context, Congolese Tutsi felt increasingly threatened and pushed to "return" to or join forces with Rwanda, only serving to exacerbate the apparent validity of the claim that they were not Congolese. The fears of Congolese Tutsi were confirmed when the 1996 Vangu Commission, a parliamentary committee sent to Kivu to identify non-Congolese, declared that all Banyarwanda were "like refugees" and should leave. Between March and May 1996, Tutsi from Masisi and Rutshuru in North Kivu were identified and forced across the border[74] – although, clearly, many remained or have since returned. The combined impact of violent ruptures in Rwanda and ongoing efforts to exclude Tutsi in DRC effectively instigated two wars that followed within DRC in 1996 and 1998.

On the plane of national political developments, threats to the citizenship rights of Congolese Tutsi account for their significant role in the 1996-7 rebellion against Mobutu's regime: in 1996, Laurent Kabila, the leader of the then-opposition *Alliance des forces démocratiques pour la liberation du Congo* (AFDL), drew upon their support and launched an insurgency that was, effectively, spearheaded by Rwanda and Uganda.[75] The campaign, which included recruiting tens of thousands

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[67] Jackson, 2007, p. 487.
[68] Ibid.
[69] Ibid.
[70] Ibid.
[71] Ibid.
[72] Ibid.
[73] Ibid.
[74] Mamdani, 1997.
[75] Human Rights Centre 2008, pp.10 and 28.

of child soldiers from local communities in the Kivus, succeeded in reaching the capital, Kinshasa. It ended Mobutu's reign, and Laurent Kabila was named the new president. The Rwandan government used the opportunity to attack Rwandan refugee camps in eastern DRC in an attempt to defeat the *interahamwe* – former soldiers and militia of the deposed Hutu-led Rwandan government –sheltering there, leading to secondary displacement of hundreds of thousands of Rwandan refugees, many of whom walked back to Rwanda while tens of thousands of others, alongside remnants of the *interahamwe,* fled into the dense forests of DRC.[76]

However, Rwanda was not satisfied with the outcome: not only did *interahamwe* continue to attack Rwanda, but once in power, Kabila decided it was time to attempt to curb the influence of his Rwandan and Ugandan allies by politically sidelining them.[77] Consequently Rwanda again supported a revolt that began in eastern DRC in August 1998, this time through its support for the rebel Congolese Rally for Democracy (RCD), which was fighting to topple Kabila's government.[78] This rebellion ignited full-scale war, commonly dubbed "Africa's First World War" due to the involvement of countries from all over the continent. As the International Panel of Eminent Personalities appointed to investigate the events leading to the Rwandan genocide found,

> [T]he end of the genocide was not the end of a terrible chapter in the history of one country. On the contrary, it was the opening of an entirely new chapter, almost as appalling as the first, but enveloping the entire Great Lakes Region in brutal conflict before becoming a war that has directly or indirectly involved governments and armies from every part of the continent. For Africa, the genocide was only the beginning.[79]

In addition to Rwanda's involvement, Uganda sent troops to support the rebellion and to attack Ugandan rebels based in eastern DRC. Angola, Zimbabwe, Namibia, and Chad sent troops to support Kabila's forces. Although these troops had officially withdrawn from the territory by 2002, Rwanda, in particular, has continued to fight a proxy war in eastern DRC, highlighting the ongoing internationalised nature of the conflict. All the different factions involved in the fighting, both national and foreign, used ethnic militia, commonly known as "Mai-Mai", as surrogates. Efforts by these militias to control access to resources in general and land in particular have exacerbated local disputes over such resources.

Consequently the war increasingly evolved along ethnic lines, although indiscriminately so, with all ethnic groups affected directly by the fighting.[80] An estimated four million people died between 1998 and 2003,[81] and millions more were displaced: a recent survey indicates that 81% of people living in eastern DRC have been displaced at least once since 1993, with widespread patterns of multiple

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[76] There was significant controversy over these numbers. See, for example, Lawyers Committee for Human Rights, 2002. *Refugees, Rebels and the Quest for Justice*, p. 6.

[77] Human Rights Centre, 2008, p.11.

[78] Ibid.

[79] Paragraph 20.1., *Rwanda: The Preventable Genocide*, International Panel of Eminent Personalities, http://www.africa-union.org/Official_documents/reports/Report_rowanda_genocide.pdf. The Panel was appointed by the then Organisation of African Unity (OAU).

[80] Human Rights Centre, 2008, p.11.

[81] It is important to note that the number of deaths has been much disputed. See, for example, "DR Congo war deaths 'exaggerated'". BBC, 20 January 2010, http://news.bbc.co.uk/2/hi/africa/8471147.stm

displacement.[82] This phase of the war officially ended with the Sun City peace agreement in 2003,[83] which established a transitional government, provided for subsequent elections and was supported by the presence of United Nations peacekeepers, particularly in Ituri. However, as is often the case, the agreement did little to address root causes of the conflict: while its implementation was envisaged to be guaranteed by the *Comité International d'Appui à la Transition* (CIAT), in reality it permitted "former belligerents full control of the state and its resources while leaving representatives of civil society and other constituencies with little influence."[84] Consequently, those in a position of power have had little incentive to address root causes of conflict, or to end impunity, institute the rule of law and enforce basic principles of human rights.[85]

Regardless, outward progress towards democracy has continued in DRC: a new constitution, introducing president/prime minister power-sharing and a two-term limit for the presidency, was adopted in 2005. Having been postponed due to logistical problems and political wrangling, national assembly, provincial and presidential elections were finally held in 2006.[86] Kabila was elected president with 58% of the vote, while his alliance won a substantial majority in both national and provincial assemblies.[87]

Significantly, and as a result of international pressure, in November 2004 the transitional government adopted a new law on nationality, partly in response to the notion that disputes over nationality were fuelling conflict.[88] Although the law is intended to permanently clarify who is and is not a national of Congo, it reflects a compromise between promoting an inclusive framework for citizenship and continuing to rely on ethnicity as a basis on which nationality is claimed. This is further underscored by the country's constitution, which still refers to ethnicity as the core expression of national identity.[89] The 2004 law allows for non-ethnic transmission of citizenship rights allowing any child of a Congolese national citizenship (thus allowing naturalised citizens to pass on that status) and providing that those born on the territory may naturalise at 18, if they are still resident in Congo. On the other hand, the law also provides that those "ethnic and national groups, whose people and territory constituted part of what became the Congo (presently Democratic Republic of Congo) at independence, should benefit from equal rights."[90] In doing so, the law is meant to clarify who is and is not eligible for citizenship on a group basis, explicitly including the "Banyamulenge" of South Kivu and Banyarwanda who were brought by the colonial administration to Masisi in North Kivu, for

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[82] Human Rights Centre, 2008, p. 29.

[83] The Sun City Agreement of March 2003 led to the installation of a transitional government on 30 June 2003, which brought together the three main warring parties (President Kabila's Government, Jean-Pierre Bemba's Movement for Liberation of the Congo (MLC), and Azarias Ruberwa's Congolese Rally for Democracy (RCD-KML)); a number of armed groups affiliated with the government (Mai-Mai); and representatives from civil society and the unarmed political opposition.

[84] Human Rights Centre, 2008, p.12.

[85] Ibid.

[86] Violent clashes erupted in Kinshasa between supporters of Joseph Kabila (who had replaced his father in January 2001 following Laurent Kabila's assassination) and Jean-Pierre Bemba when no candidate received an absolute majority of the first-round votes.

[87] International Crisis Group, "Conflict History: DR Congo," November 2006, available at http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=37

[88] Loi No. 04/024 Relative à la Nationalité Congolaise.

[89] For a concise overview of the law – both its background and the shortcomings of the law – see Bronwen Manby, 2009, *Struggles for Citizenship in Africa*. Zed Books: London, New York, pp. 66 – 80.

[90] Citizenship is also provided for those with Congolese parents or who would not otherwise have access to another nationality. Loi No. 04.024 du 12 novembre 2004 relative à la nationalité congolaise.

example, but excluding from citizenship by birth, those who arrived in 1994 in the aftermath of the Rwandan genocide.

But what has been the impact of the law, if any, at a grassroots level? The recent fighting in the east suggests that groups continue to feel threatened, as evidenced by the formation of the CNDP by Nkunda, despite increased legal clarity over their right to belong.[91] Therefore, the question remains: while this more inclusive legislation on citizenship has, to some extent, clarified the *basis* for citizenship, at least from the perspective of the law, to what extent does the right to belong continue to be a source of conflict and violence at a grassroots level? One way in which this is currently being contested is through the definition of who should be allowed to determine belonging: national authorities or local communities? Local communities have, for example, now been implicated in the returns process and ongoing sensitisation on this subject has shown that even if communities do not reject each other, there are localised economic interests pulling apart communities. In Ituri, such tensions have lead to communal violence.[92]

Furthermore, how do people perceive other forms of belonging – in particular ethnic allegiances – within this highly charged and militarised context? And how do national and local understandings of belonging interact – if at all? In order to begin to answer some of these questions, and in light of the background above, the following section presents an analysis of the primary data. Through understanding how people see the conflict, it explores the extent to which such processes of exclusion and inclusion continue to drive conflict on the ground.

PERCEPTIONS OF THE CONFLICT: THE VIEWS OF THE DISPLACED

An External War

When asked about their understanding of the conflict in North Kivu, overwhelmingly all interviewees – Kinyarwanda speakers and non-Kinyarwanda speakers – referred to the arrival of refugees from Rwanda in 1994 as the genesis of violence. Although the sequencing of events varied, consistently the conflict was seen to have been imposed from outside – a Rwandan problem imported into DRC: "it was not until refugees from Rwanda came that Congo is full of blood"[93]; "this war should be in Rwanda"[94]. For the majority of those interviewed in Uganda, the CNDP was named as the main primary cause of flight, while the majority of those displaced within North Kivu said they had fled from the FDLR, reflecting the specific events that led to displacement. Whether the CNDP or the FDLR were seen as primarily to blame, there was consensus that the problem had been imported from

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[91] Nkunda, a former fighter with RDC-Goma, a faction of the RCD, refused to join the country's national forces under the peace deal, and instead formed the CNDP. The Sun City peace agreement, which had called for the integration of rebel forces into the national army, initiated a process known as "*brassage*", which required soldiers from all regions to report to a central training location and then be deployed to regions other than those in which they had fought. This meant that RCD-affiliated soldiers could be deployed under the command of an officer loyal to Kabila, something that was not considered acceptable to many of the former combatants. According to a recent report by the Human Rights Centre and ICTJ, their concern was directly connected to an incident at the beginning of the war in which hundreds of soldiers from eastern DRC, many of whom were of Rwandan heritage, were killed in the country's garrisons. (Human Rights Centre, 2008, p.12.)

[92] Communication with key informant, Goma, January 2010.

[93] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 25 May 2009.

[94] Interview with Congolese man, Kiwanja, Rutshuru, 23 June 2009.

Rwanda.

For many, the FDLR – or *interahamwe* as it was referred to interchangeably – and which had formed in the wake of the 1994 Rwanda genocide, was the primary cause of conflict. One woman described the fighting this way:

> It started when those who fled from Rwanda arrived in Congo and went to the forests. They then began ambushing people going to the market places to get food and clothes. When they heard that they had two months to leave the forests and go back to their country they started disturbing the ordinary people. We began sleeping in the bush and suffering.[95]

Not surprisingly, although FDLR have targeted civilians across many ethnic groups, those who identified themselves as Congolese Tutsi saw the FDLR as a particular threat.

Similarly when asked how the conflict could end, the majority of interviewees said that the FDLR needed to go back to Rwanda and then it would be over. As a demobilised soldier from the national army said with reference to the FDLR, "these people are fighting their wars in the wrong place. They should go and fight in their own country."[96] The failed counterinsurgency campaign by the government of Rwanda in collaboration with the DRC government against the FDLR had only reinforced this image: "When Rwandan soldiers came to Congo to fight FDLR that is when the situation became serious. The Rwandan soldiers did not kill even one FDLR, and now these *interahamwe* are now attacking us civilians."[97]

Others talked of the Rwandan "problem" primarily in relation to the CNDP which was widely thought to be supported by the government of Rwanda, and seen in relation to the role played by the government of Rwanda in the overthrow of Mobutu. The majority of refugees interviewed had fled as a direct result of recent CNDP activities. "Nkunda calls himself Congolese but he went to Rwanda and brought Rwandan to Congo to fight FDLR. He should have used us Congolese to fight this war."[98] In particular, the CNDP was widely believed to be a front for the Rwandan government to secure North Kivu. One man described the situation in this way:

> Rwanda was invited by Laurent Kabila to fight the Mobutu regime. Kabila agreed with Kagame that if Mobutu is out we shall divide the country [Congo]. When Mobutu died, Rwandan soldiers did not go back to Rwanda, they waited for their portion as agreed. But Kabila did not give it to them. This is the beginning of the war. Rwanda is now fighting to get part of Congo to be Rwanda, which is impossible.[99]

The extent to which the CNDP's recent fighting was viewed as linked to regional political dynamics was reiterated in many of the interviews. As one woman said, "Nkunda wants to be president of Congo and he is being funded by the Rwandan government."[100] Indeed, several interviewees talked of Nkunda himself as being Rwandan, therefore reinforcing the extent to which the conflict is

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[95] Interview with Congolese woman, Nakivale (Ngarama camp), 22 May 2009.
[96] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 28 May 2009.
[97] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 28 May 2009.
[98] Interview with Congolese woman, Nakivale (Ngarama camp), 20 May 2009.
[99] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 28 May 2009.
[100] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 31 May 2009.

imported from "outside": "The conflict was started by Nkunda who is a Rwandan. He is influencing the Rwandan to fight the Congolese so that they can take over the government."[101] "It is the Rwandans who want to take over Congo. They want to annex the North Kivu province to Rwanda... which is not good because every country has its own boundary."[102]

These understandings of the conflict, which present the FDLR/*interahamwe* or the CNDP, or both, as the cause of the conflict, emphasise the extent to which it is perceived that those who are fighting are from Rwanda: that it is a conflict generated by outside forces coming and imposing themselves on the Congolese people – who, in turn, have been forced to defend themselves from what is taking place.

> These people from Rwanda – both FDLR and soldiers from Rwanda – are the problem of North Kivu because they have trained Congolese on how to kill and loot. That is why in Congo we have Mai-Mai armed groups. These *interahamwe* are not human. They brought what they used to do in Rwanda into Congo – like when they meet a man they cut his sex and at times rape him; for the woman, they will cut her breast, rape and kill. This is purely Rwandan. Congolese do not behave like this.[103]

The presence of other armed actors in the conflict, therefore, was seen primarily as a defensive response by communities who had found themselves caught up in the middle of a war. However, while there was widespread agreement that Rwanda was to blame for the conflict – and the presence in eastern Congo of former genocidaires in the aftermath of the genocide certainly ignited conflict – definitions of "outside" or "Rwandan" in this context proved to be highly subjective, diverse and illusive. These perceptions, in turn, pointed to the fact that, as the interviews also revealed, the conflict was seen to draw upon deeper fissures within communities that pre-dated 1994.

Internal Divisions

Although the role played by Rwanda dominated the discussions, it was also clear that notions of "Rwandan" identity were about more than the physical arrival of Rwandans in 1994 in the form of refugees and *interahamwe*. Either directly or indirectly, interviewees referred to the fact that these external factors were feeding off deep-rooted internal divisions, most significantly, local structures of power and control of access to land and resources, including DRC's considerable mineral wealth.

Specifically, throughout the research, interviewees linked Congolese nationality with the ability and right to own land. In other words, defining who is genuinely Congolese determines access to land. It was not surprising, therefore, that the issue of land was mentioned in relation to all the explanations for the conflict discussed above: in relation to perceptions of the conflict as a ploy by Rwanda to take over land in North Kivu; to the way in which militias have developed along ethnic lines in order to protect and control access to land for their own group; to the assertion of Congolese nationality, which is critical to the ability to legitimately buy and own land; and finally, to the fact that land is accessed through local power structures which, in effect, control this process. As one refugee said, "[t]o be Congolese is because I was born and lived there. I also have land there so that is my home...

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[101] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 31 May 2009.
[102] Interview with Congolese woman, Nakivale (New Congo camp), 18 May 2009.
[103] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009.

I have the rights to get land and cultivate in Congo."[104] And when asked how one goes about buying land, another refugee said, "[local authorities] are the ones people pass through to acquire land and therefore they can be bribed and [they will] sell off your land if you are not of their tribe."[105]

Tensions over access to land, therefore, not only pre-date the arrival of refugees and militias from Rwanda in 1994, but have created fault lines within communities that have been further exploited and manipulated during the course of the conflict. Once again the issues of citizenship, access to power, and land ownership converge: land "ownership" has limited benefit if not accompanied by political rights or access to power, and political rights are contingent on proof of national identity.

Thus, although there had clearly been pre-existing conflicts, the increased militarisation of the area since the post-1994 influx of genocidaires has allowed for latent tensions and disputes to more easily turn to violence and on a significant scale: "[the Rwandan genocide] was the introduction of the gun in the conflict."[106] One young man, whose parents had been killed by "the Hutu from Rwanda", explained the situation in this way:

> Before [1994] these Congolese were just quarrelling, without causing any harm to each other. Rwandan refugees introduced guns to Congolese and trained them how to kill each other... Already we had land problems but no-one would kill the other. The Rwandans took advantage of this and recruited some Congolese, trained them how to use guns, and that's why we have the Mai-Mai.[107]

Many of the interviewees talked of old scores being settled with the assistance of armed groups: "People who had their petty quarrels before could now go to [the *interahamwe*] in the forest, pay a small fee and also inform them that there was a traitor. This way the FDLR would come and eliminate their enemy for them."[108] Internal divisions have been re-opened and exploited in the context of ongoing conflicts that have thrived in this fragmented environment. And with tens of thousands of displaced persons beginning to return to their homes – and their land – these tensions are only likely to intensify and re-surface.

Ethnicity Reinforced

Most significantly, conflict has drawn upon, manipulated and magnified ethnic tensions within communities. Rifts within and between communities have been underscored by the way in which both FDLR and CNDP have used ethnicity as a basis for securing power – and simply survival: they have drawn upon allegiances between Rwandan and Congolese Hutu on the one hand (in the case of the FDLR/*interahamwe*), and Rwandan and Congolese Tutsi on the other (in the case of the CNDP). Whether such allegiance was based on a sense of shared identity or was simply forced, the outcome has been the same: communities have become increasingly divided along ethnic lines, and notions of difference have been underscored through violence. However, the sheer scale of what has taken place since 1994 – both in terms of those perpetrating violence and those who are victims

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104 Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 30 May 2009.
105 Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 29 May 2009.
106 Interview with Congolese man, Nakivale (New Congo), 18 May 2009.
107 Interview with Congolese man, Nakivale (New Congo camp), 18 May 2009.
108 Interview with Congolese man, Nakivale (Ngarama), 22 May 2009.

– was seen by those interviewed as something new in the area.

The *interahamwe* or FDLR were frequently associated with the Congolese Banyabwisha, who were also referred to as "Hutu". A man in Rutshuru, who later referred to the fact that he spoke Swahili and Kinande,[109] described the situation in this way: "when [Rwandan Hutu] came here after the war in Rwanda, Rutshuru broke in two – they started speaking Kinyarwanda with their brothers who spoke the same language and started living with them."[110] In Rutshuru, interviewees talked of how the fact that local government structures were dominated by Banyabwisha made it easy for the *interahamwe* to influence the community:

> The *Chef de Localité* was the commander, so there was no-one you can report to when you were in problems. This is what started to bring big problems. The war that made people to run to neighbouring states was when the Tutsi started fighting the Hutus... Now the Tutsi wanted to kill anyone who was an intellectual in Rutshuru. So the young boys started forming a group called Mai-Mai and started fighting the CNDP who were killing any person of another tribe and this is when people really took off.[111]

Some interviewees referred to intermarriage between the Hutus from Rwanda and Banyabwisha living in North Kivu, while some talked of *interahamwe* working on their farms. Although it is impossible to discern on a large scale whether such "hospitality" was coerced or voluntary, in some cases it was clearly the former: one young man living in an IDP camp outside Goma described the relationship in this way: "We were living together. But the *interahamwe* were the ones who were bad mannered. They would drink people's alcohol for free and if you demand for compensation they would kill you and leave you by the roadside in the bush."[112] Other interviewees talked of land-grabbing by members of the "*interahamwe*".[113] It was clear, at the same time, that the association between Congolese and Rwandan Hutu, regardless of its basis, has generated significant levels of suspicion against them, which has grown as the FDLR have become increasingly brutal in their treatment of the civilian population.

Part of this brutality, ironically, was attributed by some informants to government forces pretending to be FDLR: "Congolese soldiers carry out acts of banditry and attribute it to them"[114]; "You see, the unpaid Congolese soldiers pillage in a lot of areas in Rutshuru and attribute these acts to the FDLR as they are the ones specialised in this."[115] Indeed, a number of interviewees talked of FDLR wearing Congolese army fatigues, and of FARDC "looking like" FDLR. However, atrocities were more often than not blamed on the FDLR.

As a result, the association of Banyabwisha with the FDLR has proved profoundly dangerous, and has been a dominant cause of displacement for that group over the past year. As one Munyabwisha man said: "we fled because FDLR were in our area and if we are found with them we would all be

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[109] Kinande identifies him as being a non-Kinyarwanda speaker.
[110] Interview with Congolese man, Kinyandoni, Rutshuru, 25 June 2009.
[111] Interview with Congolese man, Kinyandoni, Rutshuru, 25 June 2009.
[112] Interview with Congolese man, Mugunga I IDP camp, Goma, 16 June 2009.
[113] Interview with Congolese man, Nakivale (New Congo), 18 May 2009.
[114] Interview with Congolese woman, Masisi Centre, 19 June 2009.
[115] Interview with Congolese woman, Kiwanja, Rutshuru, 23 June 2009.

put in the same category and killed."[116] A refugee woman talked of how her father had hired the services of FDLR to cultivate in his garden. "Then when the government forces came in he was branded a rebel and killed and so we took off as we were taken for *interahamwe*."[117] Caught up in the conflict by association, the label "Hutu" has become increasingly dangerous for many: the conflict has become one in which the category of "Hutu" supersedes Congolese identity, often defined simply by the fact that they speak a common language: "we Banyabwisha are now being regarded as FDLR because we speak Kinyarwanda."[118] Furthermore, while interviewees simply referred to Hutus from Rwanda generically as either *interahamwe* or FDLR, it is unclear whether or not all of those who have refused to return to Rwanda are part of the rebel group – not least if intermarriage has taken place (conversely, there is practically little information about the membership of the FDLR and having been in Congo so long it would not be surprising if they had recruited Congolese by this time). Clear demarcations between Rwandan Hutu and Congolese Banyabwisha, therefore, cannot be simplified, emphasising both the extent to which the latter are associated with the former, and the fact that neat, theoretical ethnic categorisation is not born out in practice.

More complex was the way in which the CNDP was talked about. Nkunda was widely perceived to have drawn upon a pan-national Tutsi identity in order to secure his power base – which, in turn, reinforced the ethnic dimension to the conflict, with strong overtones of the genocide that took place in Rwanda. He was fighting "with other Tutsi from Rwanda plus those of Congo."[119] Another woman described the war in this way:

> The war in North Kivu started with the need to eliminate the Hutu from this area or to move them away. Laurent Nkunda did not like the presence of the *interahamwe* in this area. It later on turned into a war between Nkunda's CNDP and the government where Nkunda was mainly leading the Tutsi and therefore people took it that it was the Tutsi against other tribes especially the Hutu.[120]

Interestingly, however, in discussions relating to the resolution of the conflict, there was strong consensus that while the FDLR needed to return to Rwanda in order for there to be peace, there was significantly less mention of the CNDP needing to leave DRC. As one young man said, "we are Congolese and brothers to all these people. I think we should co-exist with people like those who are from PARECO,[121] Mai-Mai and CNDP, while the FDLR should go back to their country."[122] Whether broader acceptance of the CNDP's presence in DRC is simply the result of its current linkages with the government or whether it reflects a wider level of acceptance of their presence – and those they purport to represent – is hard to discern. What was revealing, however, was that some interviewees talked of the need for CNDP former rebels to be deployed away from North Kivu: "[t]o put an end to the war, it will be necessary to change the soldiers and take them far away from Kivu, and send others to take their places."[123] They can stay in DRC, but not in North Kivu – which, at the very least,

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[116] Interview with Congolese man, Nakivale (Ngarama camp), 20 May 2009.

[117] Interview with Congolese woman, Nakivale (New Congo camp), 19 May 2009.

[118] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009.

[119] Interview with Congolese woman, Nakivale (Ngarama camp), 20 May 2009.

[120] Interview with Congolese woman, Nakivale (Ngarama camp), 21 May 2009.

[121] A group referred to in another interview as a Hutu-aligned group. (Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009.)

[122] Interview with Congolese man, Mugunga I IDP camp, Goma, 16 June 2009.

[123] Interview with a Congolese man, Masisi Centre, 19 June 2009.

points to the need for CNDP to be deployed outside of the area. NGO informants, however, relayed rumours that the government had promised non-rotation as part of the peace deal. It was understood that the opportunity for continued presence was critical for maintaining access to land and other resources, and was a core demand of the militias. In this context, there is a clear tension between the desire to address community concerns and a fear of creating renewed conflict.

This manipulation of ethnic allegiance by the warring parties has had a profoundly divisive impact within the communities in North Kivu. In this regard, there was widespread feeling that the ethnic hatred that led to the genocide in Rwanda has been imported into DRC, exacerbating tensions between Hutu and Tutsi on the one hand, and between Kinyarwanda speakers and non-Kinyarwanda speakers on the other. Massive rifts have been created within communities as a result of the violence taking place along such overtly ethnic lines. As one woman said, "[Rwandans] have made us hate each other with their politics of Hutu-Tutsi."[124] Or as another woman said, "When Nkunda and his people came to our community that was the beginning of tribalism in Bunagana. Tutsi and Hutu don't like each other; other tribes in Congo don't like Hutu and Tutsi saying they are Rwandan. So it is tribalism war and nothing more."[125] Although it is clear that such antagonisms pre-date the 1994 genocide and its aftermath, recent events have massively entrenched ethnic politics, which have become profoundly divisive in their association with violence.

Militia Groups and the Reinforcement of Ethnic Divisions

Tensions have been further exacerbated by the existence of other militia groups that are associated along ethnic lines:

> everybody fears everybody now in Congo. All the rebel groups represent a tribe. Mai-Mai is for Nande,[126] FDLR for Hutu, CNDP is for Tutsi, other tribes are pro-government troops, and this is tribalism. Every group if looking for another to kill. These groups are people from the same village so the whole village/community is now full of killers.[127]

In this way, this supposedly external conflict played out on Congolese soil has become increasingly localised. Significantly, there was frequent reference to the fact that, while the immediate conflict could be resolved by the FDLR returning to Rwanda, dealing with the new divisions within communities would likely prove much harder. This awareness has left people uncertain about the future: "this war will never end because it's like no other war – it's tribal war which is very difficult to end."[128] It is clear that the number of militias supposedly formed in the name of defence have not protected civilians, despite the overtly parochial and ethnically-aligned nature of the groups. Indeed, the extent to which the whole area has become militarised has led to a context in which no-one is protected, and in which the potential for displacement is only likely to increase. The plethora of groups involved in the conflict, and the fact that all have been involved in committing atrocities against the civilian population, has created a situation in which people are unsure who they can trust

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124 Interview with Congolese woman, Nakivale (New Congo camp), 18 May 2009.
125 Interview with Congolese woman, Nakivale (Ngarama camp), 19 May 2009.
126 Although the speaker identifies the Mai-Mai with the Nande ethnic group, Mai-Mai militias are in fact recruited from a number of other ethnic groups, including the Bahunde.
127 Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009.
128 Interview with Congolese man, Nakivale (Ngarama camp), 20 May 2009.

or look to for protection. As one woman said:

> This war I don't understand. I thought it was the government of Congo and Rwanda rebels, but when one is going to the garden you meet a military man in uniform and you cannot tell whether this is a government soldier or not. But whoever they are the person will remove from you whatever you are carrying and even beat you. So this war has no meaning.[129]

As another woman said, when asked about the fighting that forced her to flee her home, "I do not know because they come at night and killed and you cannot even tell who they are."[130] One man described the situation in this way:

> In North Kivu, at least in the areas where I live, we are like a woman who is pursued by several men and who does not know, in the end, in whom to place her confidence. Indeed, there is the government army, the FDLR, the Mai-Mai. We are living in a huge confusion because the one who tells us that he is here to assure our security is tomorrow the one who is killing us, stealing from us, raping us.[131]

Not surprisingly, this brutal and ongoing violence is seen as incoherent and meaningless. All "sides" are seen as guilty and no-one knows who to look to for protection. This somewhat bleak outlook was particularly striking in conversations with regards to return: those who are displaced are desperate to return home – and, indeed, many are doing so – but are fully aware that the causes of conflict have by no means been resolved. The potential for renewed violence and displacement remains.

Legacies of Violence

The ruptures at a localised level were seen to have done permanent damage to community structures. As a man whose parents were killed by suspected *interahamwe* said, "everyone has in their mind a memory of how some members of his family were killed by his fellow citizens. Like me – I will one day tell my children about this war in Congo and how my parents and other relatives were killed. This will be engraved in their mind I'm very sure."[132] These cycles of violence were recognised as hard to break: "Assuming you are a civilian, then a son of your neighbour who is now a soldier or rebel comes and kills your father, the following day you will also join one of the rebel groups, get a gun and kill the parents of the person who killed yours. That is what is happening in Congo."[133]

Indeed, the extreme levels of brutality that have characterised the conflict – in particular high levels of sexual and gender based violence against women and men – were frequently referred to with regard to the destruction of communities and the fear of return: "If I am to go back now *interahamwe* will cut my breasts like other women. There is a lot of suffering in Congo. They even cut the sex of men."[134] One woman talked of how she had been abandoned by her husband after being raped while pregnant,[135] while a young man told of how his wife is now mentally ill as a result of the trauma.[136]

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[129] Interview with Congolese woman, Nakivale (Ngarama camp), 22 May 2009.
[130] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 28 May 2009.
[131] Interview with man, Masisi Centre, 19 June 2009.
[132] Interview with Congolese man, Nakivale (New Congo camp), 18 May 2009.
[133] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 25 May 2009.
[134] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 25 May 2009.
[135] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 25 May 2009.

The violence has become intensely personal in every way: "even men are raped."[137] Furthermore, displacement has reinforced the impact of the war, as people have not only been forced from their homes but the majority have been forced to live in chronically instable conditions and ongoing insecurity. Returning home will likely lead to the resurfacing of the brutality that forced them to flee, and mechanisms for dealing with these atrocities are going to be critical to the rebuilding of lives. Otherwise personal vendettas will continue to haunt communities and generate the conditions for future violence.

Therefore while tensions undeniably pre-dated the events of 1994 and its ramifications, there was consensus that the conflicts in which civilians living in North Kivu have been caught up in subsequently have left individuals and communities, literally, torn apart. Any attempts at generating stability and justice within the context will need to recognise the intimate and localised level at which so much of the conflict has taken place. And any returns process will need to be done in such a way as to minimise further ruptures within communities.

CONGOLESE IDENTITY: THE INTERNAL AND EXTERNAL INTERACT

As the previous section has demonstrated, those caught up in the midst of the conflict blame the ongoing violence on external forces. Yet there was also acknowledgment that its intractability is linked to the fact that it is drawing upon pre-existing tensions. And both sources of conflict are seen to converge around the issue of ethnicity. With ethnicity as the overarching enemy to peace, therefore, constructing a Congolese national identity was seen by many as the antidote to ethnic-based fractures within communities and, therefore, to ongoing causes of violence. It also revealed something of a paradox at the heart of discussions of belonging and nationality in this context: on the one hand there was a strongly anti-ethnic and pro-nationalist emphasis within the discourse, yet at the same time it was clear that people identified themselves – and continue to be identified by others – within a strongly ethnic mould at the level of localised belonging. Therefore the nature of this national identity and the way in which it was understood, particularly in relation to ethnicity, is explored in the following section.

An Antidote to Violence

At its most ideal, therefore, people talked of their understandings of national identity as somehow being a solution to violence: if properly realised, it represents political systems working in non-ethnic ways that would offer genuine protection – an antidote to the ethnic allegiances that are seen to be the cause of conflict and suffering. "This thing could be settled by making us feel that we are one people and are Congolese."[138]

Yet, while Congolese identity might offer an alternative to fractious and violent expression of ethnicity, the very definition of Congolese identity lies at the root of many of the problems discussed above. Underneath the surface of the rhetoric about ethnicity is a deeper issue in which inclusion and exclusion are defined by whether or not a person is seen to be truly Congolese in spite of the recent clarification in the law. Trans-national ethnic identities – in this context, Hutu and Tutsi – are

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[136] Interview with Congolese man, Nakivale (Ngarama camp), 21 May 2009.

[137] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 25 May 2009.

[138] Interview with Congolese man, Kinyandonyi, Rutshuru, 25 June 2009.

seen to obscure or confuse national allegiance and to be the cause of violence that has been exported from Rwanda. To some of the interviewees, this split allegiance was unacceptable and proved that Kinyarwanda speakers are really not Congolese. As one man said, when asked how the war can end, "[t]his war can only end when the Tutsi are sent away or they disarm them and try to end tribalism. And if they want to remain in Congo then they should take themselves as Congolese not as Tutsi."[139] Others evoked notions of autochthony, emphasising the relatively recent arrival of Kinyarwanda speakers – "it was only the Wanande who were here before the Hutus came."[140] To some, therefore, Kinywarwanda speakers can never be "legitimately" Congolese, an accusation often made with specific reference to Tutsi:

> [Tutsi] are haughty and think that they are more intelligent than everybody else. For example, one day on BBC, Laurent Nkunda advocated for the stability of the country and peace for all the Tutsi, that none of them would be marginalised. I can say that the "Banyarwanda", especially the Tutsi, equals domination over people and the land. They want their cows to roam the land, even if it does not belong to them. Because it was received by us (our ancestors), who gave us this land to raise cows. Without the agreement of the Mwami and without his knowledge, the want to take other lands that were not given to them from the land services who, blinded by money, have given the land to them without prior inquiry. The consequence is that it is necessary to use force to recover one's rights.[141]

Therefore the extent to which groups and individuals during the course of the conflict have supposedly identified along ethnic rather than national lines has revealed a level of split allegiance that is considered unacceptable within a strong nationalist discourse on Congolese identity. Those who are perceived to have shown ethnic allegiance that crosses borders have shown themselves to be somehow un-Congolese – or less than Congolese. This subjective interpretation of nationality shows the huge gap between law and the lived reality of citizenship. As one woman said, "there are those we refer to as Banyarwanda. These ones feel they are Congolese, and yet at the same time they have that feeling that they are Rwandan – at least they know that they had an origin from Rwanda. Others even keep going and coming back."[142] Those who went voluntarily to Rwanda in the aftermath of the 1994 genocide are viewed as particularly suspect: their "return" to Rwanda is seen as evidence that they were not truly Congolese.

Legislators attempted to settle these questions of belonging with the 2004 legislation, which provides that any person who formed part of one of the ethnic or national groups that were part of the territory that would become the DRC at independence would be considered Congolese. However, conceptions on the ground tend to focus on a popular interpretation of the description of Congolese nationality as "*une et exclusive*" – one and exclusive – a description viewed as undermining the broader inclusionary threshold. While this formulation can be understood as referring to a prohibition on holding multiple citizenships as a matter of law, it reflects a conception of Congolese nationality that cannot exist alongside other national allegiances or cross-border ethnic allegiances. The fact that this is the most popularly accessible element of the law is not surprising – it is a provision that has survived through multiple iterations of the national legislation. The more recent evolution of the

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139 Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 30 May 2009.
140 Interview with Congolese man, Kinyandoni, Rutshuru, 25 June 2009.
141 Interview with man living in Bishange, Masisi, 19 June 2009.
142 Interview with Congolese woman, Bishange, Masisi, 21 June 2009.

law, which has added the word "nationalities" to the definition of groups that, if present on the territory at independence, should be considered to be members of the national community, has been less well absorbed. Although this addition was intended to clarify inclusion of the Kinyarwanda speaking population present at the time, melting away any presumed Rwandan nationality, it does not appear to have been absorbed in practice. This multi-layered interpretation of national identity has simultaneously been exacerbated by a conflict that is widely interpreted as having been imported from outside, and has been the context in which conflict has taken root and thrived.

It is not surprising, therefore, that when asked about their national identity many interviewees talked, somewhat defensively, of their Congolese identity by referring to the fact that they were born in DRC. "To be Congolese means to be born and live in Congo"[143]; "I was born in Congo, so I am Congolese and I will remain a Congolese;"[144] "I am a Bwisha born in Congo and therefore a Congolese... I was born in Congo by my parents and I feel that I belong to Congo as a Congolese."[145] "I am Congolese as are all those who live here and speak Kinyabwisha. Also, I am Congolese because my grandparents were born here."[146] Likewise a woman who had referred to herself as Tutsi earlier in the interview in the context of narrating how her husband had been killed by the *interahamwe*, said, "I was born and grew up in Congo, likewise my parents. That's the biggest right I have."[147] Many Kinyarwanda speakers talked of the negative impact that the conflict has had on the way in which they are perceived within the Congolese context: "you know Hutu in Congo are Banyabwisha and Tutsi are Banyamulenge. But I would like to be identified as Munyabwisha not Hutu and Tutsi to be identified as Banyamulenge. This is better than Hutu and Tutsi. We should leave these names for Rwanda because they have bad luck."[148] In other words, they are seeking to redefine certain ethnic allegiances in such a way as to make them acceptable to the Congolese national discourse on identities. Embracing an identity as "Munyabwisha", for example, retains a strong ethnic character but breaks the cross border link with Hutu identity. The more narrow definition allows it to fit more easily into a Congolese national context that does not accept multiple allegiances.

While there was a strong sense of antagonism towards those who are perceived to have split allegiance – demonstrated through support of ethnically-aligned militias – there was also a suggestion in many of the interviews that Kinyarwanda speakers could be legitimately recognised as Congolese, but on the basis of renouncing cross-border ethnic ties. Thus Congolese identity was seen not only as a potential antidote to violence – an alternative to the destructive articulations along ethnic lines – but as a means for individuals to distance themselves from what is taking place. Indeed, despite anti-Rwandan feelings, throughout the interviews there was widespread recognition of the difference between a Rwandan Hutu/Tutsi and a Congolese Hutu/Tutsi – and of the fact that all civilians in North Kivu have suffered from the war regardless of identity. In this context, as stated above, while there was consensus on the need for the FDLR to return to Rwanda, it was generally accepted that the CNDP fighters could remain in DRC – but on the condition that they stop fighting and, therefore, stop identifying themselves along ethnic lines. As one woman said, "this war can only end when the Tutsi agree to stay under the government of Congo and leave tribalism."[149]

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143 Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 28 May 2009.
144 Interview with Congolese man, Nakivale (Ngarama camp), 19 May 2009.
145 Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009.
146 Interview with Congolese woman, Kiwanja, Rutshuru, 23 June 2009
147 Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 25 May 2009.
148 Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 29 May 2009.
149 Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 31 May 2009.

State Failure

While assertions of Congolese identity might prove that someone was not Rwandan or foreign – and, therefore, not party to the conflict – there was also recognition that citizenship is not translated automatically in the recognition of rights. This failure to respect citizenship rights is contributing to community fragmentation. Congolese identity is a nice idea in theory, but in practice it fails to deliver on many of the basic elements of effective citizenship. In this respect, the extent to which Congolese national identity is tied to a functioning state apparatus has been called into question. As one woman in Rutshuru said, "as a Congolese, I do not have the rights even to earn a living. You may want to do something but you may not do it because you lack security. It has caused me a problem thinking I am Congolese."[150] A man said, "we are Congolese, but despite that we are suffering because there is no other work besides cultivation and we are suffering also because since my birth I have never stopped running due to insecurity."[151] Nationality has not afforded people the protection that they believe to be their right. And it is this lack of protection that has forced people to create their own protection mechanisms along localised and ethnic lines. As a man living in Rutshuru said:

> I am a Congolese, but I am denied the rights of being a Congolese. Some people are saying there is peace in Congo, but can you have peace when you cannot reach your home, when the soldiers think that they have to be maintained by the local population due to failure by the government to pay the soldiers and provide for their needs?[152]

"The people you think are supposed to protect you are the ones looting you and killing you – so how can you say that there is a political structure?"[153] Not only is the national army failing to protect the civilian population, but is asking it to feed them. Underpaid, ill-disciplined, partisan and demoralised – not to mention comprised of numerous former militia groups – the national army does not hold out significant hope for delivering on the kind of basic security protection the state is mandated to deliver at a minimum.

This chronic lack of protection, which has allowed a civilian population to be pummelled repeatedly by numerous militia groups, suffering brutality and being forced to flee their homes, reflects a crisis in governance. Numerous interviewees saw the state as not only having failed to protect civilians, but as being responsible for directly perpetrating violence. As one young refugee said:

> [t]he president and the government are the ones spoiling Congo. The military needs to be sensitised and the president needs a change of attitude because these are the ones causing problems. Imagine a soldier just shooting anyhow and placing unnecessary road blocks for extorting money from civilians and nothing is done to them.[154]

Indeed, it was widely recognised that political changes at a national level have resolved nothing – in fact, for many they have made the situation worse: numerous interviewees talked of how life was

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[150] Interview with Congolese woman, Kiwanja, Rutshuru, 24 June 2009.
[151] Interview with Congolese woman, Masisi Centre, 19 June 2009.
[152] Interview with Congolese man, Kiwanja, Rutshuru, 23 June 2009.
[153] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 29 May 2009.
[154] Interview with Congolese man, Nakivale (New Congo camp), 18 May 2009.

better under former president Mobutu. Notorious for its status as a failed state, this raises questions regarding what it means to be Congolese. As one man said, "I thought by talking and reaching an agreement and going for elections the problem was over, but after the elections [the conflict] still continues."[155] The national government based in Kinshasa continues to fail to deliver – as one man said, "if you ask the politicians what it means to be Congolese, they can tell you – they have a good reason to be Congolese."[156] Instead, local power structures – seen as partisan, ethnically aligned and undemocratic – continue to dominate. "There is no law in rural areas. I have heard that such things are there in towns, but not down in the villages."[157] Or as another man said, when asked if the local government structures represent him, "they don't represent us – they eat our chicken but no job is done. They are corrupt. I just want rule of law in Congo."[158]

These perceptions reflect the extent to which, for those living in North Kivu (or displaced from it), people see the potential, but not the reality, of a functioning Congolese identity – an identity that somehow supersedes the current fragmentation and parochialism that is proving to be so profoundly destructive. Yet because the state has so fundamentally failed, its practical articulation remains elusive.

Return

Within this context, the prospect for the durable return of those displaced – both during the more recent fighting and earlier – and their ability to access their land is still in question. Although many have since returned, their situation is unstable and new waves of displacement are continuing. Many stressed the fact that not only are they hoping to go home soon, but that they are intending return to exactly the same place from where they fled – even in the case of those interviewed in Rutshuru who had been displaced for over a decade.[159] However, many were acutely aware of the problems they might encounter. As one young man in Masisi said when asked what was happening to his land in his absence, "it is being used by the FDLR and government as a battlefield."[160] This was echoed by many informants, particularly those from Masisi, where land has allegedly been taken over by large scale cattle keepers. Others referred to the fact that their homes have been burnt down by the FDLR and they have nothing to go back to.

There is a particular sense of fear about the possibility of "infiltration" of "Rwandan" elements in the context of the returns process. A representative of a UN agency who had been conducting consultations on return in Kivu, for instance, talked of how local leaders were expressing an unwillingness to accept the return of those who had not, or whose parents had not, previously been resident in their territories. Rumours of spontaneous arrivals from Rwanda and of the sale of refugee identity documents in Rwanda were feeding an atmosphere of paranoia about potential return.[161]

Overall, there was a keen awareness that (re)claiming land at the point of return is not going to be a straight-forward process, and the potential for land disputes to erupt or re-emerge at the point of

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[155] Interview with Congolese man, Kiwanja, Rutshuru, 24 June 2009.
[156] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 28 May 2009.
[157] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009.
[158] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 29 May 2009.
[159] For instance, interview with Congolese woman, Kiwanja, Rutshuru, 23 June 2009.
[160] Interview with Congolese man, Masisi Centre, 19 June 2009.
[161] Interview with UN agency representative, Goma, 19 November 2009.

return is high. One man talked about three types of returnee in this regard: those who fled after selling off their property; those who fled but left someone taking care of their land; and those who fled without leaving anyone in charge of their land.

> Those who sold off their property may come back and begin claiming that they left their property behind when they have nothing at all. This will create problems and is most especially the Tutsi who had gone to Rwanda after the Habyarimana fall, hoping to get back to the places they lived in before they fled to Congo. The next group that have a big problem are those who left their land without anyone taking care of it, and the Chefs [local leaders] connived with people who have money and sold off those pieces of land illegally. These are the two categories that will create problems.[162]

There was frequent reference to the first category, those who sold their land after the genocide and moved to Rwanda. Indeed, many identified the return of those who moved to Rwanda in the mid-1990s as having the potential to ignite a renewed round of conflict, although it remains unclear whether or not this group really is intending to return. The fact that this group are known to be primarily Tutsi further underscores notions of a Rwandan "invasion" as evidenced by cross-border ethnic ties between Congolese and Rwandan Tutsis. In the IDP camps that were located outside Goma, for instance, people expressed their fear that these refugees (who are allegedly still living in Rwanda) would be resettled to North Kivu before they were able to return home and would lose their land as a result.[163] Indeed, many informants – particularly those who were living in IDP camps outside Goma – expressed strong antagonism to potential refugee return and were particularly anxious that they should be allowed to return first in order to secure their land. Even those who had left their field under the care of someone else were not completely sure that they would get their land back, and were worried that they might not be able to prove their right to the land.[164] In the collectivité of Bashali, for example, the population does not hesitate to protest that Congolese Tutsi are not returning, but rather being transplanted. This same fear was reiterated by a displaced man living in Rutshuru:

> The only problem we shall get [on return] is of those who are coming back after selling their pieces of land, especially those who went to Rwanda – the ones who speak Kinyarwanda. On coming back they will want to claim land, and these are the ones who are going to cause serious problems – this is what their brothers are telling us: "*ukumukatala ukisema sii Mkongo mani, yeye atakutawala mu lisasi*" ["If you refuse to recognise him as Congolese, he will impose himself by force."] They want to become Congolese by force and that is why those people's coming back may mean no peace at all in Congo.[165]

This discussion again shows the extent to which nationality and territory are linked to exclude those who are seen to have somehow forfeited their right to be Congolese. It points again to the critical issue of ascertaining and asserting the right to nationality within an objective, legal context – rather than through the subjective categories that have dominated in the past.

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[162] Interview with Congolese man, Kinyandoni, Rutshuru, 25 June 2009.
[163] Focus Group Discussion with six IDPs, Bulengo IDP Camp, Goma, 15 June 2009.
[164] Ibid.
[165] Interview with Congolese man, Kinyandonyi, Rutshuru, 25 June 2009.

Therefore although resolving the issue of the presence of the FDLR is significant – indeed vital – with regard to generating peace, the localised divisions within communities need to be addressed simultaneously in order to avoid a further outbreak of violence, particularly at the point of return. As one woman said, "I know that peace in Congo is always temporary."[166] This recognition reflects the widely accepted fact that, for as long as localised, partisan, unchecked forms of power dominate access to resources, there can be no sustainable peace. It was widely recognised by those interviewed, however, that the military strategy currently deployed by the governments of DRC and Rwanda to neutralise the militia was inevitably going to fail: there is no military solution to the current FDLR insurgency. As one man said, "if they think that they will force the *interahamwe* with the force of the gun, it will not be possible because Congo is so large with a lot of forests and the *interahamwe* have now mastered the forests so well."[167] Instead, the FDLR is wreaking havoc on an unprotected civilian population.

Indeed, while the state might have failed, there was still recognition that political change has the power to resolve divisions and end partisan articulations of power:

> I think all the different groups need to come together and agree on one position and formatted laws that can be used to protect the people. Then the laws also need disciplined people to implement them. Maybe then that is when the tribal conflicts will end because then all the factions will have to abide by that agreed position and laws.[168]

At the root, therefore, the interviews point to the fact that there needs to be a genuine political and regional resolution to the war. "This war will only end when Congo comes to an agreement with Rwanda and signs an agreement to end the tribalism. Electing a good president will also help end the war... This war has made people to look at each other as enemies."[169] As another man said, "there is need for proper elections of all administrative units at the grassroots. It should be open to all those who intend to contend, not only to specific tribes."[170]

CONCLUSION

This paper has sought to look at the conflict and its potential for resolution from the perspectives of the displaced. It has focused specifically on issues of identity and the way in which identities determine the inclusion and exclusion of different groups – a dynamic that is a root cause of conflict in the region. In particular, it has shown that many of the issues that have generated conflict are likely to re-emerge at the point of return.

So what is the way forward? If proper political functioning of power based on a fair understanding of Congolese national identity is, indeed, part of the solution, what does this research show us with regard to moving towards this end – however idealistic this outcome might seem? The failure of the Congolese state is a well rehearsed fact. Yet its theoretical value is somehow recognised by those who, in reality, have been a victim of this failure. Somewhat perversely, this offers a degree of hope.

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[166] Interview with Congolese woman, Nyakabande Transit Camp, Kisoro, 31 May 2009.
[167] Interview with Congolese man, Kinyandonyi, Rutshuru, 25 June 2009.
[168] Interview with Congolese man, Nyakabande Transit Camp, Kisoro, 25 May 2009.
[169] Interview with Congolese man, Nakivale (Ngarama camp), 20 May 2009.
[170] Interview with Congolese man, Nakivale (Ngarama camp), 19 May 2009.

The discussion returns, once more, to the issue of citizenship and identity. While the 2004 nationality law resolves this fundamental issue by recognising the right to belong of many of the contested groups *in theory*, the findings have clearly shown that its implementation and ability to generate genuine change at a localised level lags far behind. Jackson, in a critique of the new law, identities a number of concerns,[171] which provide a useful framework for analysing the lack of impact of the law since then.

First, despite significant improvement in its reach, the current 2004 citizenship law still employs ethnic groups and the identification of historical ties to territory as the primary category for the acquisition of citizenship, thus keeping the philosophy of ethnicity as the basis for national membership alive.[172] As the data has demonstrated, this reliance on ethnic identity and interpretation of history as a marker of belonging has proved highly problematic: instead of allowing for ethnicity to be both fluid and subjective outside the confines of citizenship qualification, it forces ethnic identities to take on hardened and aggressive boundaries – in this case in the shape of ethnically-aligned militia groups that have formed in opposition to each other – in order to, literally, violently enforce difference in the fight for power, land and survival. Every death at the hands of one of these groups underscores and deepens divisions between ethnic groups and polarises the debate further. The extent to which ethnicity has been equated with violence has also, to some extent, killed off positive expressions and articulations of this one particular form of localised understanding of belonging. Ethnic expressions of identity need to be allowed to exist alongside, and irrespective of, national identity: the former should not be seen to exclude or be contingent upon the latter. *As long as the issues of nationality and ethnicity are entwined, therefore, it seems that conflict and the potential for conflict will continue.*

Second, and inextricably linked, Jackson draws on Mamdani's well known distinction between "civic citizenship" and "ethnic citizenship"[173] to interrogate the interaction between customary (or local) and civic (or national) forms of power and belonging. As we have seen, definitions of Congolese identity are critical to ideas of local legitimacy, which, in turn, ensure access to local power and, therefore, access to resources. As the findings demonstrate, land, in particular, is a significant pressure point in this regard: it is often obtained and legitimised through "customary" claims, leaving the ongoing ownership of the land vulnerable to changes in customary powers which are themselves influenced by national level determinations of citizenship belonging. It is also a critical issue regarding the potential for displaced people to return home. *Therefore local democratic forms of governance need to be a means of diffusing rather than reinforcing local power bases which all too often function in partisan and ethnically-aligned ways. This, in turn, would determine fair access to resources.*

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[171] As Jackson points out, its adoption was something of a compromise between pressure from international groups and some local civil society organisations for a more inclusive law, and considerable opposition within the transitional parliament to the new law. While the National Assembly approved the law as a whole, the Senate approved all of it except for Article 6, which reads, "All persons belonging to ethnic groups or nationalities whose people and territory constituted that which became the Congo (presently the Democratic Republic of Congo) *at independence*, are Congolese by origin." However, under the Transitional Constitution, the new draft law as a whole, inclusive of Article 6, was passed and came into force. Jackson, 2007, p. 489, emphasis added by the author.

[172] Jackson, 2007, p. 492.

[173] Ibid. The former represents nationality conferred under a constitution, along with individual rights in the political and civic spheres, and the latter represents formal recognition of membership within a kin-based collectivity that has the right to be governed by its own "Native Authority". (M. Mamdani, 2001. *When Victims Become Killers: Colonialism, Nativism and the Genocide in Rwanda*. Princeton: Princeton University Press.)

Finally, while recognition of legal citizenship is a good, and critical, first step, it has to be recognised as only part of the process of experiencing citizenship. People need to not just *be* Congolese at an abstract or legal level, but to *feel* Congolese – which, in practical terms, relates directly to having full access to rights and includes recognition by others that they are, in fact, Congolese with a right to belong.[174] *As the findings have shown, more is needed than a change in the law in order for citizenship to offer physical and human security – or for people and communities to both realise their rights and have their "right to have rights" accepted by others.*[175]

A significant barrier to this is ongoing prejudice against Kinyarwanda speakers: guilt for atrocities committed during the course of the war and the swirl of conflicts that have succeeded it are too often ascribed to these groups in general. The extent to which Rwanda – and, by association, Kinyarwanda speakers – are blamed for the violence, has maintained fundamental fault lines between and within communities. This perception has been constantly reinforced both by the ongoing presence of *interahamwe* in the region, widely and infamously known for their genocidal acts, and by the fear that the CNDP will re-group and re-ignite war.

The challenges currently facing DRC are considerable: a weak state, a demoralised and ill-disciplined army, a cornered militia hiding in impenetrable forest, and hundreds of thousands of civilians displaced and traumatised. For the sake of not only those living in DRC but for the stability of the wider region, solutions need to be urgently found and acted upon.

Within this context, a process through which there can be genuine realisation of citizenship for populations in the region is offered as part of a solution to ongoing violence. However, as is well recognised in the interviews, citizenship needs to be built on something more substantial than what is, effectively, a weak state – as experienced through partisan power structures and widespread displacement caused by a lack of state protection. In addition to the more immediate need to de-militarise the region, long-term stability will only be ensured through state reconstruction at both a local and national level: local power bases must become genuinely democratic and interact with national processes – and vice versa. This will create the context in which citizenship can be de-ethnicised in order to allow for ethnic identities – and other forms of localised allegiance – to function freely alongside state-centric understandings of belonging. It is only in this context that refugees and IDPs can return home without fear of further displacement.

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[174] Drawing on the work of Greenhouse, Jackson talks about "empirical citizenship", namely the extent to which categories of belonging relate to the lived experience of individuals and groups. (C. Greenhouse, 1999. "Commentary on the symposium on citizenship and its alterities." *Political and Legal Anthropology Review*, 22 (2), pp. 104 – 109. Sited in Jackson, 2007, p. 494.)
[175] Hannah Arendt, 1986, *The Origins of Totalitarianism*. Andre Deutsch, pp. 295-296.

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The International Refugee Rights Initiative (IRRI) works to enhance the protection of the rights of those who are forced to flee their homes worldwide. IRRI grounds its research and advocacy in the rights accorded to the displaced in international human rights instruments and strives to make these guarantee effective in the communities where the displaced and their hosts live. Based in New York and Kampala, IRRI acts as a bridge between local advocates and the international community, enabling local knowledge to infuse international developments and helping local advocates integrate the implications of global policy in their work at home. Currently IRRI has a regional focus on Africa, the continent that hosts more refugees per capita than any other.

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