



DEALING WITH LAND ISSUES AND CONFLICT IN EASTERN CONGO: towards an integrated and participatory approach

Report on the seminar held in Brussels on 20-21 September 2012.

Editor: Koen Vlassenroot





ACKNOWLEDGEMENTS

The lead author and editor of this report was Koen Vlassenroot, professor and director of the Conflict Research Group at the University of Ghent. Contributions were made by Chris Huggins, land and natural resources expert at Carleton University, Jeroen Cuvelier, senior research fellow at the Conflict Research Group (University of Ghent), and Gillian Mathys, research fellow at the Department of History (University of Ghent). The seminar was organised by the Conflict Research Group and the Egmont Institute, with the support of Humanity United and the Department for International Development in Kinshasa. The organisers of the seminar would like to thank, in particular, Federico Borello of Humanity United and Graham Thompson of DfID for their support. They are also grateful to all the participants of the seminar for sharing their expertise, views and recommendations. Special thanks go to Karen Büscher (Conflict Research Group) and Julie Godin (Egmont Institute) for their invaluable support to the organization of the seminar.

| CONTENT | PAGE |
|---|------|
| | |
| Introduction | 1 |
| Defining the problem: land governance and conflict | 3 |
| What can we learn from experiences in resolving land disputes ? | 7 |
| Towards and integrated and participatory approach | 10 |

INTRODUCTION

This report presents the main conclusions of a seminar on land governance and conflict in eastern DRC that was organised by the Conflict Research Group (University of Ghent), Egmont Institute, Humanity United and DfID. The seminar engaged with the growing interest in land issues and brought 45 experts, policy-makers, donors and practitioners together to critically reflect on what is needed for the development of a long-term and comprehensive land policy in eastern DRC.

Land issues are increasingly recognised as a key driver and sustaining factor of conflict in eastern DRC. Over the years, scholars and practitioners have identified a number of critical land-related factors contributing to violence and conflict, including a huge diversity of land governance forms; the existence of overlapping legal frameworks and the weakness of the statutory land law; competition between indigenous and migrant communities; limited access to arable land in demographically dense areas; the weak performance of the administration and justice system in the reconciliation and arbitration of land disputes; growing stress on local resources caused by massive displacement; the expansion of artisanal and small-scale mining; and increased competition between elites for the control over land and the consequent land concentration.

Since the official end of the Congolese war in 2003, several initiatives were developed by international and local development organisations. Most of these initiatives deal with conflict-related land issues and have a focus on mediation of local-level land disputes and on legal protection and assistance. While these efforts have had some positive impact on the individual and short-term level, they have limited effect on the structural causes of land disputes. Also, there is limited coordination and coherence between these initiatives.

In December 2011, the re-elected Congolese President recognised the need for a more comprehensive policy and land reform, and expressed his engagement to reduce the number of land related conflicts in eastern DRC. The Congolese Prime Minister affirmed that a revision of the existing land law is needed to be in accordance with the socio-economic development ambitions. One of the outcomes of this renewed attention for land issues was the national seminar on land reform, which was organised in July 2012 in Kinshasa by the Congolese Minister of Land, in collaboration with UN-Habitat.

The aim of this national seminar was to promote an inclusive framework for dialogue between different stakeholders in order to reach a consensus on a land reform process, to identify the challenges, opportunities and constraints of an effective land management and to develop a short-term and long-term roadmap of a land reform process. During this seminar, it was agreed that a new land policy, including a revision of the General Property Law of 1973, was required. A roadmap for a participative land reform was adopted that identified four main steps: (i) formulating a new land policy; (ii) revising the existing land law and harmonizing all legal texts dealing with land issues and the sectors associated with it; (iii) developing a program for the implementation of the new policy and law and giving coherence to the institutional responsibilities of the different parties involved; (iv) informing the public about the reform and building the capacity of the different target groups.

The seminar held in Brussels in September 2012 wanted to engage with this growing interest in land issues. This reflexion wanted to contribute to the objectives of the Kinshasa national seminar of July 2012 and other current initiatives and reflections through a particular focus on the links between land issues and conflict dynamics in eastern DRC. The main goal of this seminar was to reflect about the

components needed for an integrated approach to land management. More in particular, the seminar wanted to:

- build a shared understanding and analysis of local patterns and critical conditions of land governance and its effects, and to identify gaps in our understanding of land-tenure related issues;
- share approaches and emerging good practice based on lessons learned from current interventions that deal with land disputes and land governance, or that focus on breaking the links between land issues and conflict;
- critically reflect on potential principles and mechanisms for an innovative and long-term engagement that includes mediation of current land disputes but also a comprehensive and integrated approach that addresses the structural conditions of land access as well as the socio-political dynamics affecting the risks of violence;
- and build consensus between implementing partners, Congolese stakeholders and donors on a future approach, which integrates different approaches at national, provincial and local level; to build a common, coherent and coordinated approach; and to identify specific roles of international and local organisations.

DEFINING THE PROBLEM: LAND GOVERNANCE AND CONFLICT

Today it is widely recognised that in eastern DRC land issues are an important source of conflict, but also that conflicts over land can only be understood within the broader context of historical tensions and contradictions inherent in the socio-political fabric and governance context of the country.

A wide **diversity in land-related tensions** and conflicts can be observed in eastern DRC. Most conflicts are limited to the inter-personal level and include disputes over plot boundaries, inheritance, the validity of contracts, illegal occupation of plots belonging to absentees, illegal acquisition of land rights etc.

Other conflicts are between farmers and large-scale concessionaires, between rural communities and mining companies, between pastoralists and farmers (transhumance conflicts) or between the National Park administration and rural populations that want to force access to land in these parks. In most cases these conflicts include very low levels of violence. However, when conflicts are linked to identity and have an inter-ethnic dimension, they tend to produce large-scale violence. This is amply illustrated by recent events in Masisi, Kalehe, Lubero, Walikale or Ituri.

Most studies define 'the land problem' as a result of contradictions in the existing **legal framework** and the lack of a transparent **land governance framework**. As in many other contexts, access to and use of land are governed in the DRC through a multitude of systems, practices and institutional frameworks, including a statutory land system, customary systems and a variety of informal land governance practices. These systems lack harmonization, have different legal statuses and are based on different rules, rights and obligations. Consequently, it is not always clear when which rules apply, which authorities are competent in which cases, how much security the different systems offer to land users and owners, or what happens when different people claim rights on the same piece of land but under different systems. Moreover, when land disputes arise, there are many different tribunals where people can have their cases tried, while the hierarchy between these tribunals as well as their legal position are not always clearly defined. As a result, there is always a risk that tribunals overrule each other's decisions, which creates a situation of legal insecurity and arbitrariness for individual landowners. These conditions have further been complicated since the start of the DRC wars and the growing influence of armed actors in land governance issues.

Besides this context of legal pluralism, there are also a number of contradictions between the constitution, the land law, the agriculture law, the mining code and the forest code. While the constitution guarantees investment rights to both Congolese and foreigners, article 16 of the Agriculture Law stipulates that only Congolese have the right to own land. The mining code takes precedence over the land law, with the consequent result that farmers are constantly faced with the risk of being relocated when they happen to live in an area for which mining rights have been sold to a mining company or 'exploitant'. The Forest code fails to recognize and protect the rights of indigenous people, who depend

on the forest for their survival. This is in contradiction with the Congolese constitution that states that every Congolese has the right to enjoy the national wealth and that it is the state's duty to redistribute it equitably and to guarantee the right to development.

As was acknowledged during the national seminar in Kinshasa in July 2012, at present a clear **land policy** in the DRC is lacking. Land tenure policies are based on documents and statements, which are open to many different - and often conflicting – interpretations. This has a number of consequences and renders the position of rural communities considerably more vulnerable. One is that there are no clear standards for the registration of land. Currently, the registration of a plot can be done on the basis of oral testimonies, documentation, or current patterns of settlement and land use. As it is not always clear which elements one needs to put forward in order to be in compliance with the law, many people feel insecure and fear that their land may one day be taken away from them. This, in turn, leads to confusion, tension, competing claims of ownership or user rights, and, ultimately, various forms and degrees of violent conflict.

A complicating factor is the lack of clarity about the exact duties and competencies of customary chiefs. Given their double status as representatives of the traditional order and heads of the local administration units, **customary chiefs** have always played a prominent role in the distribution of land. However, the local authority and legitimacy of these customary chiefs has been seriously affected by their involvement in the selling of communal land (often without informing the communities they are supposed to represent), their dubious position during the war (some have supported rebel groups while others have left their territories) and their involvement in local networks of patronage. In several areas, disputes over heritage also have divided customary powers and local communities.

The dramatic effects of these conditions on the position of rural communities are mostly felt in **demographically dense areas**. Here, land available to small farmers is becoming increasingly fragmented and scarce. At the end of the 1980s, it was already estimated that in the Kivu provinces about half of the population lived in areas with a density higher than 100 inhabitants per km2, whereas this number was only 13.4% in Zaire as a whole. In Masisi, population density increased from 35 inhabitants per km2 in the 1940s, to an estimated 123 inhabitants per km2 in 1983. In parts of Kabare, Walungu and Kalehe population density is even over 400 inhabitants per km2. A survey in Mulungu (Kabare) in 1985 demonstrated that, even with intensive cultivation, the land holdings of nearly 90% of the population were insufficient to support a family. More than two thirds of all households worked plots of less than 1 hectare. One third of all families had less than 0.3 hectare. In most of these densely populated areas, customary land no longer is available.

Demographic pressure is also a serious problem in **urban centres** such as Goma and Bukavu, which have witnessed a massive influx of rural dwellers. The available land in these cities is divided into plots that are increasingly becoming smaller, and the urban periphery is gradually becoming more 'ruralized':

many people engage in urban agriculture and use their residential plots to grow vegetables for household consumption. Land disputes in these urban centres are increasing and usually revolve around issues such as plot boundaries or cases of plots sold to several people at the same time. Also, newcomers squat land that they believe to be vacant but that is already owned by someone else.

The **Congolese war** has had a devastating impact on the already very fragile land governance context and has further exemplified the negative effects of the existing legal framework. A first impact is the lack of any reliable land regulating or legal protection mechanisms for small farmers. The **justice system** today has a very marginal role in resolving land disputes because it is extremely fragile and affected by corruption, and thus considered as completely unreliable by parties in conflict. But also customary justice mechanisms have lost much of their credibility and capacity. This explains why farmers increasingly tend to opt for negotiated settlements that are facilitated through mediation mechanisms by non-state actors.

Another impact of the war is the gradual shift of land claims from a source of conflict to a **resource of war**. During the war, in conflict affected areas land access patterns have radically changed, partly as a result of forced displacement, but also because of the loss of authority of customary chiefs and administrations to the advantage of a new class of politico-military strongmen. Land turned into a new source of speculation and of rent-seeking activities, which was facilitated by the institutional vacuum created by the collapse of the Congolese state. This is for instance the case in artisanal mining areas, where control over land provides an easy access to the benefits of natural resource exploitation. Elsewhere, politico-military leaders came to be deeply involved in land-grabbing strategies, either to redistribute land to their supporters or to confiscate ranching land for their own benefit. In order to consolidate their control over land transactions, rebel groups also tried to further reduce the power of customary chiefs, or have created new administrative entities and boundaries and instituted parallel power structures.

Another consequence of the war is the intensification of the competition over land rights and customary land control between different communities. The importance of **ethnicity** as an organizational principal for territorial politico-administrative institutions at the local level has been a cause of regular tension and conflict between different ethnic communities but also within these communities. Since the start of the Congolese wars, these conflicts have only intensified. This is particularly but not exclusively the case in areas with high rates of in-migration, such as Masisi and Kalehe, where the idea that only 'autochtonous' communities can enjoy political representation and claim customary land rights has been a key trigger of violence and conflict.

A less documented and often ignored but related source of tension is the issue of **transhumance conflicts**. When livestock keepers seek pastures for their cattle, they are usually expected to pay some form of financial compensation to the customary chiefs whose areas they enter during the transhumance or to the farmers whose fields may suffer from partial destruction by grazing cattle. Since the start of

the war, particularly in South Kivu and Ituri, disputes between pastoralists and farmers and between pastoralists and customary chiefs have turned more and more violent, often as part of the involvement of armed groups. In South Kivu, where most pastoralists are Banyamulenge, transhumance conflicts are connected to the issue of customary rights and cause antagonism between different communities.

A complicating factor is the **return of refugees** to their areas of origin. Particularly the recent return of Tutsi refugees from Rwanda to Masisi and Kalehe has instigated new land claims and has intensified tensions between local communities. This return is based on international arrangements that hardly take into account local conditions. Many of these refugees had sold, leased or simple left behind their land on their departure and are reclaiming their land, which in many cases is occupied by new claimants, sold or transformed into pastures. In these areas, lack of legal protection, weakness of the local administration and lack of available arable land causes renewed competition and tension, and has affected ethnic cohabitation and security conditions. In North Kivu, there have been several moves by high-ranking military officers to organize and encourage the return of refugees or to organise the migration of large groups of people to other areas, in some cases with the complicity of customary chiefs. This has gone hand in hand with a forced redistribution of land to the advantage of refugee-returnees, which has caused renewed tension between different communities and mobilisation by armed groups. But also the return of **internally displaced people** is leading to new pressures on land. This return is seldom accompanied by reintegration programmes or by efforts to facilitate their resettlement.

To **summarize**, in eastern DRC land issues are closely connected to dynamics of violence and conflict. The poor governance of land allocation and transfers has been a source of structural violence in the country, and small politically-connected and wealthy elites have tended to gain control over land for speculation and enrichment at the expense of the subsistence livelihoods of the poor majority. A context of multiple and often contradictory land rights, a weak governance framework and a failing justice system have had a considerable impact on the socio-economic and legal position of rural populations and have led to growing confusion over land rights and access. In most cases, the consequent disputes and disagreements have remained limited to the individual level. But in certain areas, land issues have been a major source of conflict between different communities. The Congolese wars have only reinforced the importance of land issues in local conflict. Land has become a key ingredient of mobilisation efforts by armed groups. These dynamics have reconfirmed the particular links between identity, political representation and customary rights. But land has also turned into a resource of war and of speculation to the advantage of politico-military elites. The effects of these dynamics, however, tend to vary from place to place depending on the local history, the composition and density of the population, the local governance context and administrative organisation, and the implication of politico-military elites.

WHAT CAN WE LEARN FROM EXPERIENCES IN RESOLVING LAND DISPUTES?

Land issues have increasingly been recognized by donors and local organisations as a key priority, and many organisations have piloted activities dealing with land-related conflicts. Also major donors have acknowledged the importance of land conflicts in DRC and the need to develop adapted strategies. This has led to a great variety of perspectives, approaches and strategies, including small-scale activities founded purely on voluntary effort as well as sustained and comprehensive large-scale interventions. Given the ways in which land-related conflicts embody social, environmental, economic, political, technical, historical, and cultural issues, there are a great number of 'entry points' or potential interventions, depending on the nature of the conflict. During the seminar in Brussels, some of these interventions were discussed in greater detail and lessons were drawn from experiences by participants in dealing with land disputes.

A first group of interventions include initiatives at a local level that respond to specific disputes and focus mostly on **community-level mediation and reconciliation**, which by far is the most common form of intervention. This will become even more important because the new *Code Agricole* states that parties wishing to bring a land dispute to the courts must first engage in mediation involving the local land use committees established in the *Code Agricole*. Some of the existing mediation initiatives were implemented to respond to specific events, such as the return of refugees or displaced people and their claims on land. Most of these mediation committees specialise in land conflict mediation, but also tackle a variety of disputes, with land issues being the most common kind (typically 60-70% of all disputes). While many organisations support community-level mediation of land disputes, the majority of disputes treated are those types (i.e. intra-family disputes, boundary disputes between individuals), which are not likely to result in large-scale violence.

It was concluded by the participants of the seminar that these mediation efforts contribute to a considerable extent to the restoration of a more peaceful environment at a local level. They usually receive a significant level of legitimacy from rural populations and have a direct and positive impact on land conflicts between individual farmers. Where existing, these mediation mechanisms provide an attractive alternative to the justice system even if the long-term effects of mediated agreements remain uncertain and root causes remain unresolved. Outside mediation efforts also often have to deal with some initial resistance from state officials or customary chiefs, who see their own position being under threat. Several initiatives therefore have tried to directly engage local authorities. It was acknowledged during the seminar that there is also a lack of coherence and coordination between different mediation initiatives, with a multitude of initiatives in some areas and a total absence in other areas.

The most important weakness of these mediation efforts, however, is the limited impact on disputes that involve more powerful actors or risk developing into tensions between different communities, existing

mediation initiatives tend to have a much more limited effect and in most cases lack the power and capacity to provide a real framework for conflict resolution. This shows the limitations of some purely 'local' activities and point at the importance of higher level and long-term dialogue. Some organisations have tried to focus on 'collective' or inter-community aspects of land conflicts, and particularly on those that are, or could become, linked with armed groups. These initiatives are based on methods including participatory, action-oriented research and inter-community dialogue. It is recognised that this is a time-consuming and demanding process, but also potentially sustainable because in most cases it gains the support of key political, military and civil society actors.

Other interventions that are also locally oriented focus directly on land governance aspects. Several NGOs have attempted to help communities register land, but these have not always been successful. One organisation has tried to provide legal 'accompaniment' for those smallholders seeking title deeds to their land, but found that this was financially unfeasible. Another local NGO attempted to facilitate smallholders in the registration of individual plots, but the organisation was overwhelmed with demands. The process was very expensive, and some customary chiefs undermined the programme, fearing that it would erode their power. Other land registration programmes have encountered a rapid multiplication of reported disputes in the pilot areas; as various family members or neighbours realize the implications of registration, some of them become likely to contest ownership. This has proved too much for those organisation that were managing these programmes to deal with. Attempts have also been made to link customary and state systems and to develop local land registers, which would 'formalize' transactions approved by chiefs in return for the payment of a small fee. In many cases though, local chiefs overcharged or tried to recuperate the available funds. An attempt to get this approach formalized and made obligatory through a Provincial-level edict was unsuccessful. Another initiative has attempted to address the issue of articulation between 'informal' and state-run justice systems, by putting in place a system in Kalehe territory by which a Tribunal de Grande Instance (high court) can validate decisions of local committees. The longer-term effects of this initiative remain uncertain.

A final group of initiatives focus at **policy and legislative levels** and include the vulgarisation of the land law and related legal frameworks, but also advocacy efforts by Congolese civil society to change this framework. Sustained efforts are underway, by several Congolese NGOs and some international agencies, to **reform the land law**. The *Code Agricole* has provided for the establishment of several institutions, which could potentially provide oversight of conflict management approaches and activities. Such institutions include the *Conseils Agricole Rurale de Gestion* (CARG), which have been established at the sub-Provincial over the past few years. The *Code Agricole* also benefitted from the input of a coalition of local NGOs. While some of their recommendations were ignored by lawmakers, the advocacy campaign is generally seen as a promising precedent for civil society legal advocacy. In the Kivu Provinces, an umbrella group of local organisations, developed and advocated for the formal adoption of an 'accord de bonne conduit' for customary chiefs (which includes land governance principles), but there was insufficient political will from the Provincial Assemblies to officially adopt this accord. The agrarian

movement in DRC also suffers from a lack of coordination and is weakly structured, while tensions exist between actors in eastern DRC and actors in western DRC.

During the seminar, it was concluded that despite that each of these initiatives has a positive impact on local conditions of land governance, a number of important challenges remain. It was generally agreed that even if in most cases their impact is limited in scope and time, local initiatives provide an essential alternative and respond to a direct need in areas where land governance is weak and justice mechanisms are either corrupt or absent. One of the strengths of local level initiatives is their inclusiveness and their participatory approach, which gives them a significant level of local legitimacy. The effects of these initiatives can even go beyond land governance issues as their inclusiveness also provides some opportunities to larger-scale reconciliation and peace-building. However, scepticism exists about the sustainability of these efforts as most initiatives depend on external funding.

Participants to the seminar recognised that existing approaches have limited effect on the underlying causes of land disputes, which in most cases are left unaddressed either because considered to be too complex or because of a lack of impact on powerful actors involved in these conflicts. Also when land-related disputes are affecting larger-scale ethnic cohabitation, little real impact can be expected from current initiatives. While it was concluded that local initiatives are necessary, despite their limited scope of action, the real challenge is to move beyond the stage of conflict mediation to the identification and tackling of the main causes of land-related conflicts.

Also, it was argued that a lack of coordination between the multitude of initiatives risks being counter-productive. Each initiative starts from its own objectives, logics, methodology and strategies, leading to multiplication and increased competition. The role of donor agencies is often experienced as crucial, which causes concerns about the sustainability of initiatives once donors are no longer involved. Other issues of concern are the relationship between initiatives and existing institutions, and the specific role of customary leaders and local administrations. Tension exists about the future role of customary chiefs but also about the position of the state, which in some areas has a positive record but is less positive or even absent elsewhere. It was generally agreed though that the introduction of parallel structures that compete with existing land governance structures should be avoided, and that efforts are needed to mobilise and involve different authorities and to strengthen their capacities and accountability. Every effort to move beyond the local and mediation level therefore should include a coherent approach to involve state and customary actors.

TOWARDS AND INTEGRATED AND PARTICIPATORY APPROACH

During the seminar it was recognised that there is an urgent need to revise existing approaches and to move from mediation to a strategy that addresses the causes of land conflicts and facilitates a comprehensive land reform process. However, it was also acknowledged that such reform process is a long-term project that must be founded upon a profound process of applied research, consultation, negotiation and consensus-building at various levels and across the country. The roadmap that was adopted in Kinshasa in July 2012 is only a starting point of such a process and its success depends on the right follow-up decisions, strategies and initiatives. It creates a window for change but risks being a long-term process with a very uncertain outcome.

Other land reform examples in similar contexts have revealed that these processes usually take much longer than expected, tend to be too centrally controlled (with national land commissions as obstacles to, instead of instruments of reform) and not always tackling the key issues. The real challenge thus is to assure that policy reform has a real output. This requires the entrenchment of a land policy in a welldesigned and effective legal framework, but also a transformation of policy and the strengthening of the existing governance framework.

To have a longer-term impact in eastern DRC, there is of course a minimum of stability and security needed. It should also be recognised that local realities need to be taken into account: what is good for one part of the country is not necessarily a priority for other parts. And this process will challenge people's positions, claims and power. Land is a key issue framing the conflict in eastern DRC and tackling this will open Pandora's box. But it is a critical condition to create some form of stability and should be part of any cohesive approach to the current crisis.

To cut the direct links between land issues and conflict in eastern DRC, it was concluded that there is a need for a comprehensive strategy that is based on two main principles. First, this strategy should be based on a collaboration with and reinforcement of the state, which is a critical condition to a successful policy. State actors need to be accompanied and supported in their role, and collaboration between state and non-state actors be reinforced. Second, this strategy should start from an integrated and participatory approach. This includes learning by doing from the bottom-up rather than developing a top-down reform process. Such approach should be based on a number of carefully selected pilot projects in different territorial units and involve all relevant stake-holders. This bottom-up approach would have to comprise the following steps:

> Step one is a diagnostic process: this mapping should include a mapping of the local context; the identification of different actors; an evaluation and typology of existing land related conflicts; a review of existing types of legal systems; an assessment of the existing

governance framework and local authority structures and capacities; the identification of land titles and the evaluation of their legal basis (Particularly in North Kivu but also elsewhere, the Congolese government should, in collaboration with local communities, do an audit of land titles); and an assessment of the results of existing conflict resolution initiatives;

- (ii) Step two is the design of strategies and actions: this should include the design of adapted policies and interventions; an harmonisation and modification of existing policies and initiatives; the strengthening of coordination between different activities and actors; the reinforcement of capacities of local civil society organisations; the mobilisation and reinforcement of local customary and state authorities in land security strategies; and the engagement in lobbying activities aimed at promoting the protection of land rights and robust conflict resolution strategies.
- (iii) Step three is the development of a larger land reform policy based on the lessons learned from the pilot projects and with the active involvement and contribution of civil society organisations.

This participatory approach will be time-consuming and will only have effects on the mid- or longterm. On the short term, existing mediation efforts should be supported but also be revised and strengthened to also have an impact on larger land disputes. As was stated above, mediation is sometimes criticised as only a 'temporary' fix and as having a limited impact. It may be true that mediation, even if validated by state authorities, may lack definitive legal status. But even a 'temporary fix' is worth pursuing in complex, fluid and dangerous situations. The reality in much of the DRC, given the imperfect legal framework and the often predatory activities of state actors at local level, is largely one of conflict management and not resolution. Existing mediation efforts therefore need to be supported but also will be more effective if these are credible, rooted (at least partially) in local understandings of land tenure systems as well as state law, and supported by local and higher-level authorities.

Violent conflict will only be reduced if the 'collective' and inter-communal aspects of land disputes are tackled. Many mediation efforts only involve land disputes with little potential for large-scale conflict, and hence are not cost-effective from the viewpoint of violent conflict prevention. Mediators should therefore be equipped to tackle disputes which have already shown, or have a clear potential to have, links to ethnic identity, party-political affiliation, or politico-military agendas. This will require an improvement in capacity and a re-strategising on the part of many actors involved in mediation. A focus on 'collective' and inter-communal land disputes will demand a greater number and diversity of actors involved in planning and facilitating the mediation; a greater capacity to manage various kinds of risks; and a longer time-frame. While this is expensive and challenging, the impact of the agreements which can result are much greater in scope and arguably more sustainable than the typical mediation of `individual' disputes.

A concern today remains the lack of coordination and coherence between current initiatives. This, however, is a precondition to prevent duplication of efforts and result in a division of labour. The mistake with other policy objectives that everyone is focussing on the same objective without a common strategy needs to be avoided. Each organisation involved in current land governance initiatives and the land reform process should therefore reflect carefully about their own role and activities. It should also be considered to create a platform for exchange, learning and strategic planning. This platform should be inclusive and could be linked to a national land committee. Specific efforts should be made to ensure active participation of civil society groups and to mobilise local and national initiatives (eg Bukavu, Goma conferences). Also, specific efforts should be made to exchange experiences and to build on those experiences.



