



LOCALISED ANALYSIS OF CONFLICTS IN BENI (NORTH KIVU/DEMOCRATIC REPUBLIC OF THE CONGO):

actors, collective identities and opportunities for
peace

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EXECUTIVE SUMMARY ON THE ANALYSIS OF THE CONFLICTS IN BENI

The conflicts in Beni are both the causes and the consequences of atrocities and multiple human rights violations, including those that concern the protection of civilians. Studies show that a combination of four key factors¹ explains certain specific conflict dynamics in the Beni territory. These factors include:

POOR GOVERNANCE OF PUBLIC ACTION

(the crisis of trust between those in power and those being governed, concerning the State's inability to ensure the security of people and their property, but also to implement public policies guaranteeing the minimum conditions for the development and well-being of the population) leads to identity-based isolationism. **The struggle for access to and control over natural resources**, combined with constant poverty and vulnerability, weakens community capacity and resilience in the face of **mass atrocities**.

THE LACK OF COLLABORATION between those involved in security governance, protection and the prevention of conflicts and atrocities, as well as the **instrumentalisation of collective identities**, all contribute to exclusion and discrimination.

THE LACK OF INFORMATION, citizens' poor knowledge of rights and a **crisis of trust between political, judicial and social institutions make it difficult to access truth and justice, which are necessary and indispensable conditions for peace**.

THE CONSTANT INSECURITY AND FORCED POPULATION DISPLACEMENT

at the hands of armed groups and individuals compounds a host of linked corollary dynamics, including epidemics, **state of siege-related abuses, and tensions and intolerance linked to the December 2023 election**. Together, these factors fuel conflict and sustain cycles of violence².

¹ These factors are based on those cited by Philippe Hugon, in particular structural, cyclical, institutional and political, and informational factors. Philippe Hugon, "Conflits armés, insécurité et trappes à pauvreté en Afrique." *Afrique contemporaine*, vol. 218, no. 2, 2006, pp. 33-47.

² Interview with a mixed focus group in Beni Mbaou on 7 April 2023. These factors often aggravate conflicts, because when there are armed attacks against civilians, the response of the security services is often delayed, despite early warnings, and this gives the population the impression that they have been abandoned. There is also the inappropriate behaviour of some of those responsible for the state of siege, who are more concerned with fiscal problems than security issues, which irritates the local population.



Conflicts therefore vary according to the context and the specific realities of each administrative sub-*entité* in the Beni region³. The most common types of conflict in Beni city and territory include **power and customary conflicts, identity conflicts, armed conflicts, conflicts linked to humanitarian assistance, seasonal conflicts, conflicts linked to forced displacement and population movement, land conflicts, ethno-regional conflicts, conflicts linked to natural resource⁴ and, finally, conflicts linked to the governance of public action and the crisis in societal regulation, which are sources of intolerance, violence and atrocities.**

However, the recurring violence and tensions in the region cannot be explained solely by formal endogenous and structural factors, they are also affected by exogenous, cyclical and even informal factors.

This study, based on field interviews carried out in April 2023, also shows that poor relations between state security services, on the one hand, and the neglect of localised early warnings and weak operational capacity to coordinate security responses on the other, continue to play a decisive role in cycles of violence and atrocities in a precarious security context.

Consequently, the work of preventing and responding to mass atrocities, as well as the consolidation of peace in the area, requires the constant rehabilitation of trust between those involved in the security system – through rigorous, integrated and innovative pilot actions that take contextual realities into account, but also through civic education with a perceptible and lasting impact.

³ The administrative structure in the DRC is as follows: **Level 1:** Province; **Level 2:** City and Territory; **Level 3:** Sector, Chiefdom, Rural Commune and Urban Commune; **Level 4:** Grouping, Embedded Grouping and Quarter; **Level 5:** Village and Road. (Source: Archives of the Ministry of the Interior 2017 / developed by the toponymy laboratory / Institut géographique du Congo [Congo Geographical Institute] / DRC, work presented by Pax Mbuyi Mucici. Furthermore, as we will explain in the following pages, issues relating to customary entities through their chiefs are often a source of conflict. The relevant analysis can be carried out at the three levels at which customary authority is exercised. Article 3 of law no. 15/015 dated 25 August 2015 establishing the status of customary chiefs stipulates that: "Customary authority is exercised within the following territorial entities: 1. The Chiefdom; 2. The Grouping; 3. The Village, organised on the basis of local custom." Groupings and villages are led by clan chiefs (descendants of the chief of the chiefdom and answerable to them).

⁴ See access to timber, cocoa, etc. This sector is currently managed by armed men and women in the Beni region.



These recommendations are formulated according to the specific types of conflict identified on the ground in Beni. They are addressed to the various state and non-state parties involved in protecting civilians and preventing mass atrocities in the region. The new opportunities and priorities for peace will involve collaboration and coordination of the responses to the humanitarian crisis, as called for by the Congolese government, the national Ministry of Defence, the Beni political and administrative authorities, MONUSCO, civil society, national and international non-governmental organisations, and finally political parties.

1.

CONFLICTS OF POWER AND CUSTOMARY CONFLICTS

THE CONGOLESE GOVERNMENT (PARLIAMENT) should review the status of customary chiefs. There is a *de jure* and *de facto* contradiction between article 25 of law no. 15/015 of 25 August 2015 establishing the status of customary chiefs in the DRC and law no. 22/029 of 29 June 2022 amending and supplementing law no. 06/006 of 9 March 2006 on the organisation of presidential, legislative, provincial, urban, municipal and local elections, as amended by law no. 11/003 of 25 June 2011, law no. 15/001 of 12 February 2015 and law no. 17/013 of 24 December 2017⁵. Customary chiefs become involved in militant and partisan activities, which undermines their customary authority, which is supposed to be politically impartial and protective of custom and the entire population. In practice, some customary chiefs allow themselves to be manipulated by politicians. The co-opted customary chiefs are both legislative (Provincial Assembly) and executive (retaining the power of chief of the chiefdom and/or influence/control over the executive power of the chiefdom, a customary entity which is one of the decentralised territorial entities) and they constitute a decentralised administrative entity. As a result, they become judge and jury, as they still have control over chiefdom budgets and influence over the local judiciary.

THE CONGOLESE GOVERNMENT (EXECUTIVE) should periodically initiate training for customary chiefs and CSO leaders in conflict resolution methods, including land conflicts and transformational leadership. They should also provide training in the peaceful cohabitation of differences and the primacy of the national interest over manipulated collective identities, which are the driving force behind conflicts.

⁵ There is a real contradiction between article 25 of law no. 15/015 of 25 August 2015, which states: "The customary chief is apolitical..." and article 125 of law no. 06/006 of 9 March 2006, which states: "During the extraordinary session to install the Provincial Assembly, the elected deputies, after validating their mandates, co-opt the designated customary chiefs, with at least two-thirds of the provincial deputies present."



2. IDENTITY CONFLICTS

THE CONGOLESE NATIONAL AND PROVINCIAL GOVERNMENTS

- should finance a civic and political education campaign on the rights and duties of citizens, including coexistence among different actors and promotion of diversity as a cardinal value in the fight against intolerance and inequalities of all kinds, which are a source of frustration, tension and violence.
- should create a consultative commission to settle customary conflicts in the Beni region in order to effectively combat the multiplicity of these conflicts, which destabilise the peoples' lives and cause insecurity.

CIVIL SOCIETY (IN COLLABORATION WITH THE MINISTRIES RESPONSIBLE FOR EDUCATION AND SCIENTIFIC RESEARCH)

should establish priorities for formal and informal education around patriotism and the national interest. This complicated task requires much rationality and gravity to recruit experts and trainers, and to allocate substantial resources.

3. ARMED CONFLICTS

THE CONGOLESE GOVERNMENT should demonstrate greater professionalism in its decisions and actions to respect the principle of unity of command within the army. It should refrain from creating multiple parallel and sometimes contradictory official services in charge of maintaining public order.

NATIONAL AND PROVINCIAL GOVERNMENTS should adopt and regularly maintain the security councils' meetings, that have been expanded to include civilians as a result of the *Pamoja kwa amani ya Beni* pilot project. The aim of this is to strengthen collaboration, trust, and coordination between different actors in the prevention of mass atrocities in Beni.

THE DEPARTMENT OF NATIONAL DEFENCE AND VETERANS AFFAIRS

- should professionally carry out routine military operations recognised in every state that claims to be “sovereign” (carrying out its autonomous missions), making the tracking down of armed groups the top priority and allocating substantial resources to it. Its commitment to public security policies, based on evidence and a mastery of the context, can help restore the authority of the State.
- should improve the image of the FARDC, along with its capacity to protect civilians, through joint activities aimed at strengthening positive relations and trust between civilians and the military, thereby promoting a better understanding of, and greater respect for, human rights and international humanitarian law. It should impose its sovereignty by putting internal and external ‘enemies of peace’ out of action through military intervention, one of the major attributes of the police state.



THE MINISTRY OF JUSTICE should apply more rigorous sanctions against the perpetrators of violence and insecurity, i.e. those guilty of compromising behaviour, embezzlement and corruption within the security system. A campaign should be adopted and implemented to combat the illegal trade of timber, coffee and cocoa, the illicit sale of state land, uncontrolled parcelling out of land, and the smuggling of minerals, particularly within the Congolese public administration and army. The conclusions of the enquiry into the Kasindi incident should be made public⁶. Lastly, it should scrupulously follow the recommendations of the round table on the evaluation of the state of siege⁷ held in Kinshasa from 14 to 16 August 2023 and lift the state of siege in North Kivu..

THE CONGOLESE GOVERNMENT should renegotiate and clearly define the mandate and mission of the contingent of forces from the Southern African Development Community (SADEC) and the Ugandan Army (UPDF) operating in the DRC.

MONUSCO

- should be more open and communicate more with the civilian population, not only on the extent of its powers, but also on its gradual withdrawal plan and related procedures; this could improve its relationship with the local population.
- should implement a youth leadership project in Beni territory, with a view to combating the manipulation that sometimes leads young people to enlist in armed groups, in order to limit the risks of armed conflict. For example, building a cultural centre would enable young people to discuss their roles in society on a regular basis, learn about the values and shortcomings of their respective cultures, and engage in innovative exchanges with each other. This would have a positive impact, not only on the enhancement of cultural heritage, but also as part of lifelong learning and the exchange of experiences.

MONUSCO'S FORCE INTERVENTION BRIGADE should exercise its right to use force beyond self-defence. Chapter VII of the United Nations Charter should be applied, allowing them to fight alongside the FARDC against other armed groups, including the ADF, and coordinating or closely collaborating with other forces invited by the government to protect civilians and enforce peace.

CIVIL SOCIETY AND THE VARIOUS CSOS should initiate awareness-raising campaigns aimed at young people, with a view to making them aware of the role they can play in bringing peace to Beni by collaborating with the state security services and avoiding the complicity that some people have with armed groups and other enemies of peace.

⁶ Attack at Kasindi on 1 August 2022: According to the Congolese government, the Blue Helmets involved will no longer form part of the MONUSCO contingent. In a statement signed by its spokesperson, the government strongly condemns the incident at the Kasindi border post. The MONUSCO Blue Helmets behind the incident are under arrest and will no longer be part of the contingent, the statement said. The Blue Helmets in question will no longer be able to form part of the MONUSCO contingent, pending a plan to withdraw the UN force from the DRC. The government is calling on the population to remain calm... See Rachel Kitsita, Mediacongo.net, 1 August 2022.

⁷ Since May 2012, a state of siege has been in force in the province of North Kivu. "In total disregard of the law, the defence and security forces have been given extensive powers that are not justified by the declared aim of the state of siege, and which they are using to silence anyone calling to account the actions of the state in the provinces of North Kivu and Ituri, theatres of conflict." See Amnesty International, RDC. Depuis un an, l'« état de siège » est utilisé comme un instrument pour écraser la dissidence, 10 May 2022. According to the Lucha citizens' movement, the state of siege has totally failed, a message that can be read on several buildings in the city of Beni.



NGOS WORKING IN THE FIELD OF SECURITY AND PEACE

- should, in their intervention plan, only give priority and financial support to inclusive and sustainable local pilot actions (by CSOs) that work in synergy with local authorities, young people, lower-ranking military personnel, police officers, agents of the *Agence nationale de renseignement* (NAR) [National Intelligence Agency], the *Direction générale des migrations* (DGM) [Directorate-General for Migration], women, and certain vulnerable and marginalised groups, particularly Pygmies, in peacebuilding activities.
- should support and/or create other local protection committees, providing financial support to income-generating activities that can ensure their autonomy in carrying out their missions.

4. CONFLICTS LINKED TO HUMANITARIAN AID

HUMANITARIAN AND DEVELOPMENT NGOS should always include research and contextual studies at the various stages of humanitarian and development programmes in order to prevent and/or reduce the incidence of abuse in this area.

THE PROVINCIAL GOVERNMENT should involve local leaders more closely in the process of identifying and targeting populations in distress and survivors of armed conflict, respecting the principles of “Do No Harm”.

NATIONAL AND PROVINCIAL GOVERNMENTS should, in their respective budgets, always include funds to be allocated to survivors of war and reduce tax measures in provinces suffering from recurring armed conflicts.

5. SEASONAL CONFLICTS

THE PROVINCIAL GOVERNMENT AND ITS PARTNERS should reinforce the capacity of the state department responsible for emergencies and humanitarian crises through trainings and workshops.



6. CONFLICTS LINKED TO FORCED DISPLACEMENT AND POPULATION MOVEMENTS

HUMANITARIAN AND DEVELOPMENT NGOS should demonstrate greater fairness in the distribution of humanitarian assistance by respecting the relevant code of conduct. In this respect, they should be called upon to apply a sanctions regime in the event of misconduct by their staff in the country.

INTERNATIONAL NGOS WORKING IN BENI should organise regular reconciliation activities, which are essential in Beni, Oicha, Eringeti and Mbau, to strengthen ties between Pygmies, Bantus and people displaced by war, organising social dialogue between the different actors.

THE LOCAL AUTHORITIES AND THE SECURITY SYSTEM SERVICES should strengthen their control over population movements and residence, by digitising and interconnecting the relevant operations.

7. LAND DISPUTES

THE NATIONAL MINISTRY OF LAND AFFAIRS

- should train land registry and title agents in the prevention and peaceful resolution of land conflicts. It would also be necessary to involve customary chiefs, custodians of custom and other grassroots leaders in discussions aimed at finding lasting, coordinated and consensual solutions.
- should modernise land management by digitising the relevant files and maps.

8. ETHNO-REGIONAL CONFLICTS

POLITICAL PARTIES AND CSOS should agree upon and undertake a campaign to raise awareness among supporters about a sense of citizenship based on autonomy rather than ethnicity, origin, or any other collective identity – in order to fight against corruption, manipulation and indoctrination. This political socialisation would take place during “political morning” events that could be organised by political parties.

CSOS should undertake actions and initiate forums (such as community dialogue, popular expression forums, citizen forums, etc.) with a view to prevent and combat identity-based violence, domestic violence and atrocities of all kinds.



9. CONFLICTS OVER NATURAL RESOURCES

NATIONAL AND PROVINCIAL GOVERNMENTS AND CIVIL SOCIETY LEADERS should hold regular trainings for CSOs and public services responsible for the environment, about governance of natural resources and community protection of the ecosystem and biodiversity. This is one of the best ways to educate both on environmental civics and fiscal culture.

THE MILITARY PROSECUTOR'S OFFICE, THE PUBLIC PROSECUTOR'S OFFICE AND THE MINISTRY OF JUSTICE should initiate legal proceedings against officials and civilians involved in the illegal exploitation of natural resources through smuggling activities and mafias of various kinds.

THE COMMANDERS OF THE SOKOLA OPERATIONS [military operations to free Beni territory] during their talks should organise awareness-raising sessions for the military, focusing on their roles, rights, and responsibilities in creating a safe and secure environment for the civilian population.

10. CONFLICTS RELATING TO PUBLIC GOVERNANCE

THE PROVINCIAL GOVERNMENT, THE GRASSROOTS LEVEL POLITICAL AND ADMINISTRATIVE AUTHORITIES, AND THE PROVINCIAL CIVIL SOCIETY COORDINATION OFFICE should periodically set up a consultation framework to define priorities and urgent matters relating to integrated participatory governance and accountability, especially in the area of security governance. This could also be done by holding regular extended security councils.

THE NATIONAL GOVERNMENT AND THE CONGOLESE PARLIAMENT (HIGHER AND LOWER CHAMBERS) should decide when to end the state of siege. The state of siege has been in force in the provinces of Ituri and North Kivu since May 2021. It was evaluated during a three-day round table on the state of siege (August 14 to 16, 2023). The majority of participants at the round table on the evaluation of the state of siege in North Kivu and Ituri were in favor of lifting this exceptional measure, as its effectiveness has been the subject of much debate and severe criticism in the field, given that its objectives have never been achieved, without the measure being called into question by the national authorities based in Kinshasa. It is now time to carry out a serious assessment of the lessons learned, the failures – but also the successes – of the state of siege, and to proceed with its outright lifting. According to the Lucha citizens' movement, "the state of siege has totally failed". This is a good opportunity to make the military and the security services aware of their responsibilities with regard to security and the protection of civilians.

THE NATIONAL AND LOCAL GOVERNMENTS should organise biannual forums for the people to have their say, with a view to bringing those in power closer to those being governed, to discuss the ills that are undermining social cohesion in Beni, to strengthen dialogue between the stakeholders, and also to avoid rumours and disinformation.



THE MINISTRIES OF SCIENTIFIC RESEARCH AND HIGHER AND UNIVERSITY EDUCATION should support local expertise via small, more specific grants in the form of scholarships dedicated to training or retraining, with the aim of helping local researchers build their capacities and increase their professional experience. Among their priorities, these ministries could subsidise political, security and diplomatic research and studies.

THE MINISTRY OF SOCIAL AFFAIRS, HUMANITARIAN ACTION AND NATIONAL SOLIDARITY, IN PARTNERSHIP WITH SOCIETY'S LEADERS should subsidise activities aimed at strengthening dialogue, trust and collaboration between state and non-state actors in conflict prevention. This could include activities such as a forum for popular expression, inter/intra-community dialogue, a round table, a citizens' forum, inclusive sporting and cultural activities, community work, mass communication strategies around national interest, etc. The purpose of this would be to strengthen trust between the population and those involved in protection.

THE FARDC AUDITOR GENERAL, THE MINISTRY OF DEFENCE AND THE MINISTRY OF JUSTICE (THROUGH AN INTER-MINISTERIAL COMMISSION) should launch an investigation into the relevance of the allegations of misappropriation or appropriation of FARDC equipment, salaries, and food by certain military commanders in several localities and develop more binding monitoring tools through the FARDC Inspectorate General.

INTERNATIONAL, NATIONAL, AND LOCAL NGOS, INTERNATIONAL BODIES AND LOCAL CIVIL SOCIETY ACTORS should undertake advocacy activities in relation to the specific recommendations made in this study.



