



Just Future DRC report #2

Lobbying for livestock legislation: An analysis of the lawmaking process in the DRC

Carolien Jacobs, Patrick M. Kyamusugulwa, Rachel S. Katembera,
Stanislas Lubala

VVI and KUTAFITI



Colophon

This report is part of a series of documents that are the result of a socio-legal research project as part of the "Just Future" consortium, led by Cordaid and funded by the Dutch Ministry of Foreign Affairs, and fed by the team's previous research findings. The quotes presented here are taken from interviews with a range of stakeholders, primarily in South Kivu province. The research was a collaboration between KUTAFITI, Bukavu DRC and the VVI, Leiden Netherlands.

Contact: c.i.m.jacobs@law.leidenuniv.nl | Van Vollenhoven Institute for Law, Governance and Society (VVI) | Leiden Law School | Steenschuur 25, 2311 ES Leiden | The Netherlands | www.vvi.leidenuniv.nl

Publisher

Van Vollenhoven Institute for Law, Governance and Society

Cover photograph

A pastoralist overseeing his cattle in Bwegera, at the Ruzizi Plain, DRC ©Rachel S. Katembera

© 2024 VVI/Authors. The analysis, views and opinions expressed are those of the authors and do not necessarily reflect the position of the sponsors or the institutions involved.

All rights reserved. Without limiting the rights under copyright reserved above, no part of this report may be reproduced, stored in or introduced into a retrieval system, or transmitted, in any form or by any means (electronic, mechanical, photocopying, recording or otherwise) without the written permission of both the copyright owner and the author(s) of the report.

Just Future DRC report #2

Lobbying for livestock legislation: An analysis of the lawmaking process in the DRC

Executive Summary

Livestock breeding is an essential part of livelihoods for pastoralists in the east of the Democratic Republic of Congo (DRC). But livestock breeding can also create competition over the use of natural resources with others, such as farmers. This leads to recurrent (and often violent) tensions and conflicts between pastoralists and farmers in several parts of the country, amongst others in the Ruzizi Plain (Uvira territory) and High and Medium Plains (Fizi and Kalehe territories) of South Kivu Province. Legislation could possibly help to better regulate the livestock sector, and - it is hoped - promote more peaceful co-habitation of different communities. Cordaid and one of its local partners, ADEPAE, have committed to lobby for such legislation at national level. This report analyses: 1) The origins of the idea about promoting legislation on livestock; 2) How the law-making process has developed thus far; 3) The content of the proposed law; 4) The potential and pitfalls that the national law may face in its future implementation, and the main actors and factors contributing to this. For comparative reasons, the report also refers to the South Kivu provincial decree on livestock which was adopted in February 2019. Its implementation provides clues on the potential impact of the national legislation.

The report draws on: 1) qualitative interviews with relevant stakeholders, primarily in South Kivu; 2) legal analysis of the provincial decree and the different drafts of the national law, as well as the intercommunal framework agreements; and 3) a review of relevant academic and grey literature, including documents from civil society actors that have been involved in efforts to reconcile conflicting parties and/or in efforts to lobby for legislation. Central findings are the following:

- 1) Frictions between pastoralist and farmers are at the root of some long-time conflicts, which have obtained intercommunal dimensions. Legislation may be one way to address this, but the legislation will have more impact if it goes hand in hand with local initiatives of peacebuilding and community strengthening.
- 2) State and non-state authorities sometimes contribute to tensions about land and other natural resources by attributing rights and imposing duties without a solid legal or communal basis.
- 3) Given the strong connections between livestock breeding and access to land, a more holistic approach to address land governance is recommended.
- 4) Early initiatives to lobby for a national livestock law were widely supported by civil society actors in South Kivu, but at later stages the law-making process has become exclusive, consultations were limited, and no concept law was made available for discussion. This may create challenges in effective and appropriate implementation.
- 5) The South Kivu provincial decree on livestock has been adopted in February 2019 but its content is still little known by relevant actors.

- 6) Some of the weaker points of the provincial decree seem to be addressed in the national law on livestock. Yet, some recommendations on amendments of the provincial livestock decree could have been taken better into account for the national law.

1. Introduction

Conflicts have been rife in the Democratic Republic of Congo (DRC) for some decades. Sources of conflict are multiple and take multiple forms. Addressing all of them at the same time seems utopian. Yet, there are some major recurrent issues which have continued to cause tensions and conflicts in especially the east of the DRC. In the southern part of South Kivu province, tensions between pastoralists and farmers are a recurrent source of conflicts, especially during the dry period of the year. This used to be from May to September, but tends to become more prolonged, while showers during the rainy period have been more intense in recent years, ravaging houses and fields (Kazamwali Mukamba 2023).¹

Tensions are not simply about access to land for farmers and pastoralists. As elsewhere in Africa, land for most people is not just a material resource, but is also about power, wealth, and meaning (Shipton 1994). Access to land is also linked to questions of identity, claims of belonging, and political rights between local communities (Life & Peace Institute 2011).²

Addressing some of the tensions between pastoral and farmer communities may contribute to more stability in the east of Congo. With this in mind, Cordaid, together with local partners has been lobbying for the adoption of a law to better regulate the livestock sector. The rationale behind this lobby is that a clear legal framework on how to govern livestock (and the pastures that are needed to breed livestock) will contribute to a reduction of conflicts between pastoralists and agriculturalists communities. It is hoped that this will contribute to more peaceful co-habitation of communities in several parts of the country where the interaction between farmers and pastoralists frequently leads to tensions, especially during the drier periods of the year, when the need for pastures and water is most pressing. The question has relevance in South Kivu province, but also in for instance Ituri province where conflicts between the pastoralist Hema and the agricultural Lendu have been flaring up again since 2017, and in the border zones of Haut Uélé and Bas-Uélé province where transhumance pastoralist Mbororo cause tensions with local farming communities. Adding to the complexity in most of these regions, is a transregional dimension, as part of the pastoralists have (sometimes alleged, sometimes real) roots in neighbouring countries. They are seen as not belonging in the DRC and hence as not being entitled to claim access to resources.

Having a better legal framework to regulate the livestock sector and pastoralism may be of help in providing clear orientations on what is allowed and what is not allowed in terms of pastoralist-farmers interactions. It can also provide the relevant authorities the right tools to address some of the tensions between the opposing groups. With ongoing climate change, it is likely that patterns of pastoralist movements may change, placing demands on resources at

¹ Changing weather patterns in this region can to some extent be attributed to climate change, but are amplified by anthropogenic factors such as deforestation (Kazamwali Mukamba 2023).

² It goes beyond the scope of this report to provide an in-depth analysis of the historical roots of the conflicts in South Kivu. For more detail: (Muchukiwa and Kasagwe 2019; Life & Peace Institute 2011; Brabant 2016; Verweijen and Brabant 2017; Mashanda and Moke 2019)

new locations and potentially creating new tensions. Vulnerabilities may increase, as the Congo River Basin case already shows (Oluwasanya, Mihaha, and Tshimanga 2022). This underlines that the need for an adequate and widely accepted legal framework will become even more critical in the future, to avoid a worsening of relations or even the creation of new sources of conflict. Another element that is often mentioned by proponents of the law (and which is emphasised in its preamble) is that a better regulated livestock sector will contribute to economic development and help to raise tax revenues.

National joint efforts to compose a draft livestock bill started in 2019. On November 25, 2020, national deputy Annie Mombunza tabled the initiative bill in the National Assembly. The law was finally approved by the National Assembly on November 17, 2023 and it currently awaits approval by the Senate.³

This report explores the drafting process of the livestock law, and initiatives that have preceded this drafting, most notably the 2019 provincial decree no. 19/008/GP/SK regulating livestock and animal husbandry in South Kivu. The next section of this report provides some background on livestock practices, its customary regulation, and local – often NGO-led – initiatives to reduce violence and insecurity. In section 3 the report delves into the actual drafting process. Next, the report discusses the proposed content of the national legislation and compares this with the content of the provincial decree, and criticisms that have been raised about this decree. Drawing on contribution analysis, it sheds light on the main actors and factors contributing to the potential success or failure of the livestock law and its implementation. On the basis of this analysis, the report finally presents some reflections to (I)NGOs on what they can further contribute to the issue.

Methodology

This report is based on legal and sociolegal research. It draws on: 1) 31 qualitative individual interviews with relevant stakeholders, 4 group interviews, and 3 focus groups, all primarily in South Kivu. These data were collected between December 2022 and October 2023; 2) legal analysis of the provincial decree and the different drafts of the national law, and the intercommunal framework agreements; and 3) a review of relevant academic and grey literature, including documents from civil society actors with relevant project expertise on the topic. Data have been triangulated as much as possible for higher validity. Given the sensitivity of the topic, the research team drew on existing long-term contacts and relations of trust.

It should be noted that the lawmaking process had been ongoing for a couple of years already when the research team was involved, and the reconstruction of the process was done ex-post. Ideally, research on the potential of the law would have been conducted prior to efforts to develop the law.

Names of interviewees are kept anonymous. Many of our respondents explicitly asked for this. Data have been coded with the use of qualitative data analysis software (ATLAS.ti). The analysis loosely draws on contribution analysis (Delahais and Toulemonde 2017).

There is an important caveat in this research which needs to be mentioned here. Although our team has been able to obtain copies of early draft versions of the initiative bill, we have not

³ <https://talatala.cd/panorama-des-lois/320/>, viewed on 01.12.2023.

been able to obtain access to the final text, as voted in the National Assembly, despite repeated requests to different stakeholders with -supposedly- access to the text. We were also explicitly asked not to share the draft versions with others. This hinders both our own understanding of the content of the law, as well as further discussions on content with other stakeholders who usually also did not have access to the text. Not knowing to what extent the final text addresses certain issues hampers our analysis of the content, while it is at the same time illustrative for the lack of transparency surrounding the legal drafting process at the national level.

2. Background

To better understand the perceived need for a livestock law, this section provides a short background on the practice of pastoralism, modes of governance of natural resources in South Kivu province and some factors which contribute to the complexity of livestock breeding, namely an increased pressure on natural resources and prevalence of land conflicts, limited legitimacy of local (state and non-state) authorities, and the ethnic dimension which plays a role in many of the conflicts between pastoralists and agriculturalists, further amplified by ethnic oriented support to armed groups (Brabant and Nzweve 2013).⁴ The last part of this section discusses some interventions that have been explored by civil society to address the problems sketched out.

The practice of pastoralism

Transhumance is a common element of cattle breeding in many arid and semi-arid areas in Africa. It entails the movement of cattle, in the company of their herders (usually not the cattle owners) to pastures and water during the dry season. In South Kivu province the practice of transhumance is most prevalent in Uvira and Fizi territories, where herders descend with their flock from the highlands to the lower areas of the territories during the dry season.⁵ In these areas, clashes between pastoralists and farmers about access to pastoral lands and to water have existed for decades, but they have become increasingly violent since the early 1990s (Life & Peace Institute 2011). Since there are no clear, widely accepted rules - at national and provincial level - which regulate the access to water points and pastures, or which define how to cross somebody else's land, clashes have been regular between representatives of the two groups, especially when pastoralist and farmers are not part of the same communities, as several respondents told us. It should be noted however that the practice of livestock breeding does not pose a problem per se, as the following quote illustrates:

“The problem is not so much with the large and powerful cattle keepers; they have their own plots of land to keep their cattle and do not depend on transhumance. The problem is more with the smaller ones who have for instance 20- 30 heads of cattle. They prefer not be fixed in one place”

NGO representative, December 2023

⁴ Note that this section consists of a brief overview only. For more detailed background, the sources mentioned in the text are good starting points.

⁵ Note that the cattle herders (usually young men) are generally not the owners of the cattle. They are hired by cattle owners and receive a meagre salary, paid either in cash, or in milk.

Although pastoralists and farmers have had to find ways of cohabitation throughout times, there are some factors which make this cohabitation more complicated in recent years, mostly related to changes in land governance practices, the role of customary authorities in this regard, and the heightened pressure on the natural resources.⁶

Land governance practices in disuse

Since long, access to communal pastures and water was to some extent regulated through local customary practices. Pastoralists pay a regular ‘customary fee’ (*itulo*, also referred to as ‘redevance coutumière’) to the local customary authorities as ‘the owners of the land’ to obtain secure access in exchange. The fee then is also supposed to be used to cover the costs of damage done to the fields of individual farmers. In many areas however, the position of traditional chiefs has eroded for various reasons. One main reason relates to a general problem of legitimacy; on the one hand there is a feeling among the population that chiefs are ‘eating alone’ and not with their constituency, making people less inclined to pay the fee. On the other hand chiefs cannot guarantee the security that people want to get in return of the fee. Another main reason relates to the decentralisation reform which was started in 2006 and which gave more power to local state officials, and hence weakened the position of customary authorities (Muchukiwa and Kasagwe 2019). Also affecting the legitimacy is the increase in the population's purchasing power as a result of education and commercial/mining activities. This reduces dependence on traditional chiefs, particularly in terms of access to land.

The lack of legitimacy of both state and non-state authorities at local level made some of our respondents claim that ‘the authorities’ should be considered as a third category — next to the pastoralists and farmers — that is relevant to understanding the conflict dynamics related to pastoralism and land. To provide greater security for their livestock, some pastoralists have bought pastoral land from their chief; unfortunately, they do not allow others to use this land, which means that there is less pastoral land available for the whole community. The sale of land also impacts on the position of chiefs within their community (as we explain later).

A second land governance practice which worked quite well for some time were the ‘cattle roads’ (*njira ya ngombe*). These roads were clearly delimited, defined, and agreed upon passage routes for cattle, which had been installed during colonial times and continued into the Mobutu era in part of the province. Herders knew they were allowed to use these roads to move with their cattle, avoiding invasion of agricultural fields. The roads were delimited with particular shrubs inedible for cattle. The cattle roads were commonly used in especially the Ruzizi plain, but less in other areas of the province. The cattle roads have gradually fallen into disuse. An NGO representative working in the field of conflict transformation explained it in the following way:

In colonial times, parts of the land were spaces reserved for cattle, and there were even routes for passing. Because of population pressure and the reign of Mobutu, people did not pay attention to it anymore and land was being distributed by local authorities without paying attention to these spaces. As a result, the space for cattle reduced. Before, it was well organized. [...] The pastoral lands were foreseen to exist in colonial times, but they have become a no man's land where the ones who are 'the most flexible' can become owner.

⁶ For more detailed analysis of the complexity of the relation between cattle-related conflict and armed violence, see (Verweijen and Brabant 2017).

Both the cattle roads and the payment of the customary fee are no longer widely accepted. Alternative modes of governing are now imposed in more violent manners: Armed groups – from within the farmer communities - impose taxes on the pastoralists (and others) to obtain access to the area under their control. At the same time, some pastoralists have created their own militia to obtain access by force. This has led to an intensified and ever more violently spiralling power struggle about access to land and water, which again weakens the position of relevant state authorities in this region (Mashanda and Moke 2019).

Increased pressure on natural resources, local authorities as contested guardians of the land

Contributing to increased tensions, is an increased pressure on and demand for natural resources in the province. This is further explained by our respondents in reference to three main factors. First of all, there is a population increase, which naturally increases demand for land and water, both for habitation and for production. Showing understanding for both sides of the coin, a farmer in the Ruzizi plain, explained:

“The [available] surface reduces with the population increase. [...] We, farmers, are required to feed all these people and to do so we have to increase our lands to increase agricultural production. This is the same for pastoralists, who have to produce food and other inputs to feed these additional inhabitants. So, their number of cows increases.”

Farmer and local notable, May 2023

Secondly, the local (mostly urban) Congolese elite is involved in land grabbing, either on the basis of informal agreements with local authorities, or on the basis of ownership arrangements made more formally (Mudinga 2021). These elites will often ensure that the land they claim is clearly delimited to avoid infringements by others (see also Bubala Wilondja 2020; Claessens, Mudinga, and Ansoms 2014). If such land was previously communal land, passage was less restricted and former users may turn against the local authorities who made the land available to the elites without sharing benefits with the population. If such land was previously owned by an individual land holder without formal title documents, it not only leads to tensions, but also reduces trust in state and customary authorities who are not providing the tenure security that people need. This in turn increases willingness among local inhabitants to defend their possessions in more violent ways, making peace even less realistic.

The role of customary authorities is not uncontested in this regard. To some extent they still use their authority to designate available land to people who want to make use of it (either or not in exchange of money or other favours), while their position of authority is no longer widely accepted, and while people also sell land privately and register such sales with the cadastre. This leads to contested and sometimes overlapping land claims, as respondents in a focus group in Luvungi explained to us.

Adding further pressure on the available natural resources is the number of cattle, which – according to some – has sensibly increased in South Kivu, but reportedly also in other provinces such as North Kivu and Katanga (Kabaka 2022). This may not be problematic if enough land would be available, or if grazing arrangements are being met, but several of our respondents noticed that the number of heads of cattle that are being herded by one

herdsman has increased. During our conversations, two young herders claimed that some herds can consist of up to 200 heads of cattle, accompanied by only one herder. Such big herds makes it difficult for herders to control the cattle that is under their surveillance.⁷

Ethnicity and belonging

Conflicts in South Kivu between pastoralists and farmers are often phrased in ethnic terms. The majority of cattle keepers are Banyamulenge and Barundi, who – since colonial times – have been labelled as ‘Rwandan’ and ‘Burundian’ and as not belonging in Congo. The identity of both Banyamulenge and Barundi is generally closely tied to keeping cattle, whereas the Bafuliru have a more land-based identity, and the Babembe are traditionally more connected to hunting. The identity card adds an extra layer of complexity to the intercommunal conflicts (Bafuliro, Barundi, Babembe, Bashi, Banyamulenge, Barega, Banyarwanda). Significantly, an NGO officer working in the field of peacebuilding explained:

“The conflicts around animals and cultivation hide a conflict that people don’t want to express.[...] A Mubembe pastoralist does not have conflicts with another Mubembe who is a farmer, and the same goes for the Banyamulenge. But if it is between different communities; one pastoralist and the other farmer, there are always tensions”

NGO representative, March 2023

Shifting recognition (or lack thereof) of customary authorities by colonial and post-colonial regimes plays a role here as well. Customary authorities which are recognized by state authorities have a stronger position in imposing their authority on their subjects than others. Over time, different regimes have sought collaboration with different authorities.⁸ The lack of legitimacy of local authorities then is again connected to the fact that different ethnic groups support armed groups to secure their position.

Civil society’s efforts to address root causes

Over the years, there have been a lot of initiatives by civil society actors to promote peaceful dialogue and reconciliation of disputing parties in South Kivu and elsewhere in the DRC. Tellingly, a focus group participant in Luvungi told us:

“NGOs are currently playing the role of the state, which should be the one regulating the sector itself with the support of the pastoralists”

Focus group, 01.05.2023, Luvungi

Although interventions are sometimes seen as substituting the state, it can also be argued that they help to reestablish the authority of the state: “the added value is that in a country where the public institutions (the state and its services) have not succeeded in the

⁷ In addition, many people note that herders are often minors with limited authority over the cattle they herd. By having high numbers of cattle per herder, and underage and underpaid herders, cattle keepers reduce the costs of herding. Two young herders in South Kivu explained to us that they receive 5000 CF (around €1,70) or 5 liters of milk per week as a salary, in addition to 5 liters of milk for their own consumption. It is said that a good ‘patron’ gives one head of cattle (the most meagre one) to a herdsman after 5 years of employment. When the cattle damages crop, the compensation paid to the owner is often deducted from their salaries. Also, according to some farmers, fields suffer most damage on milking days because the herders have to feed the animals well and hope for good milk production.

⁸ See (Muchukiwa and Kasagwe 2019; Batory and Vircoulon 2020) for a further analysis of some of these dynamics.

reconciliation process through the establishment of official and national structures [...], local reconciliation initiatives have been effective in restoring community life and the authority of the state in the mind of the population [...].” (Mashanda and Moke 2019: 13).

Many civil society initiatives are set up by Congolese NGOs, usually with offices in Bukavu, but with grassroots structures on the ground. Activities are usually set up with financial and technical support by international actors. In general, agenda’s of NGOs depend a lot on international funding. When funding for specific interventions ends, NGOs may lose interest in this intervention and shift to the next funding opportunity, as a matter of institutional survival. Only NGOs with a strong determination and focus, sometimes fed by personal convictions, manage to maintain a strong focus, independent of funding cycles and agenda setting by the international community (Bulte et al. 2015). A general point of critique which applies to many NGO interventions is that they largely *manage* rather than *resolve* conflicts, and mostly provide temporary fixes (Vlassenroot and Huggins 2014).

Probably the most notable, impactful and collaborative NGO initiatives in the field of peacebuilding and reconciliation between pastoralists and farmers are initiatives set up since 2010 by ADEPAE, Arche d’Alliance and RIO, with support from the Life & Peace Institute.⁹ Amongst others, their efforts led to the creation of the ‘Intercommunal Consultation Frameworks (*Cadres de Concertation Intercommunautaire* (CCI) in Baraka, Minembwe, Fizi, and Uvira (Ruzizi Plaine), and Mixed Committees with representatives of farmers and pastoralists (*Comités Mixtes*). These committees have facilitated interethnic and intercommunal dialogue. Next to this, Framework Agreements were signed between different parties to better regulate access to land and water and to provide guidance in case of conflicts.

Funding of the committees has ended and most of them are currently less vibrant, but they still remain seen as a potential key to addressing the major conflicts, in collaboration with customary chiefs and the police. Many of our respondents talked highly positive about these initiatives. Many respondents also felt that the Framework Agreements already filled the regulatory gap that a law was supposed to fill, making it less necessary to adopt national legislation. The Framework Agreements are more specific and tailored to local realities than a national law can be. The agreements are signed by representatives of the farmers, of the pastoralists, and of the customary chiefs, with local statutory authorities as witnesses (RIO, LPI and ADEPAE, 2011). Amongst others, they formalise the payment of the customary fee *itulo*. A president of one of the CCIs explained to us that the framework agreements are still used as a basis to address disputes, but he also explained that the agreements would need to be updated to maintain their relevance, as they now reflect the reality of 2010, when they were drawn (interview, March 2023).

Another initiative which has been taken in the Ruzizi Plain is the reinstalment of the cattle roads. Several NGOs have engaged in this since the early 2000s: “*We even talked about the zoning era*”, as one NGO representative said. “*Once these zones are created, donors do not follow up on whether they are effectively used. They are not,*” argued the same NGO representative (interview December 2022). Another NGO representative explained about some structural factors which prevented the cattle roads from functioning as foreseen:

⁹ Three solid reports provide further context analysis and show the rationale of the interventions. See (Life & Peace Institute 2011; Brabant and Nzweve 2013; Mashanda and Moke 2019)

“When we set up the cattle roads, we followed the old ‘njira ya ngombe’. But some of these places have become agricultural fields. The governor could again delimit these lands as routes de passage. Organisations work on this, but then, if you go to a local administrator, after some time, he is replaced and you have to start again. For some time, we had a government that would follow closely what was happening in the field but this is not the case anymore.”

NGO representative, December 2022

Whereas some of the NGO interventions are oriented directly towards reconciliation and peacebuilding, or towards improving the livestock governance framework, there are also a number of other notable NGO initiatives which could have an impact on the peaceful cohabitation of pastoral and farming communities. We here highlight two examples of positive initiatives. First, is the sociotherapy which has been introduced in communities across the province, and which contributes to better communal relations. Secondly, are the ongoing lobby, advocacy, and consultations that are supposed to lead to a new national land law. As a NGO representative rightly pointed out: *“A herder is guarding cattle, but at the same time he is guarding fields”* (December 2022). This underlines the relevance of ensuring that land tenure relations are carefully crafted.

3. Law as a tool to regulate the livestock sector?

Legislation can direct people’s behaviour. The idea of adopting legislation to regulate the livestock sector and indirectly reduce conflicts about livestock makes sense from this perspective. This is also confirmed by several of our respondents: *“There have been several big workshops on this topic and always the recommendation was the same: That a law may help. [...] We need to see how to manage the community pastures.”* (NGO representative, December 2022).

Having legislation in place is one thing, but having legislation in place which has an impact on people’s behaviour is another thing. The potential impact of a law is not only determined by its particular content, or by the way in which legislation is implemented and enforced. It is also determined by the way in which the lawmaking process is conducted. ‘Legislation is a controversial business’, as pointed out by (Waldron 2006: 17). To make a fair assessment of legislation, we hence need to look not only at the substance of a law, but also at the procedural and formal principles that are followed (ibid). In this section, we therefore shed light on the lawmaking process itself, how it unfolded, and how it is perceived by various stakeholders involved.

The making of the provincial decree on livestock

In February 2019, a provincial decree on the regulation of livestock in South Kivu was adopted. Early thoughts about such legislation started much earlier. As part of the project which set up the the CCIs around 2010, RIO, LPI and ADEPAE together produced a ‘management guide for peaceful transhumance’ (RIO, LPI 2011). The guide suggests the set up of the CCIs, elaborates on the framework agreements and how to spread knowledge about the agreement, but in a third part also addresses ‘advocacy for a law’. The report argues that a law can be an additional management tool for peaceful and sustainable transhumance. It is

recommended that the law should be participatory in its elaboration and rigorous in its application (ibid: 15). From then on, efforts were made to realise a provincial law, especially by ADEPAE, with support by Cordaid and International Alert. A number of consultations were conducted with representatives from civil society, with the involvement of academic and legal experts. Through one of the experts, connections were made with the provincial government.

Initially the aim was to come to an 'édit'; a provincial regulation proposed by a parliamentarian and voted in the provincial assembly. Remarkably however, the provincial law eventually got adopted as a decree (an 'arrêté'), a law signed off by the governor on the basis of a proposal coming from one of its ministries. In this case, the Provincial Ministry of Agriculture, Rural Development and Land Affairs. Such a law requires less public debate, and does not depend on a parliamentarian majority vote. There is a risk that a law adopted in such a way is seen as less trustworthy. One respondent told us:

“The value of the decree initiated by the provincial ministry remains very limited, in the sense that a few people with influence in front of the minister can pass the law even if it has not been verified with the community of which it aims to resolve the problems that recur and without finding a palliative solution. [...] People think that the law wants to reinforce the actions of certain communities over others. You have to take people along”

NGO representative, March 2023

There is an important lesson to take from the words of this respondent. His words make clear that the perception about the law is fed not so much by the actual content of the law, but by the procedural principles that are followed to adopt the law. Because the law was not adopted in parliament, it is seen as not being reflective of the interests of society at large.

In reality however, it should be emphasised that most stakeholders that we consulted were aware of the early steps to come to a provincial law; they had been involved in the consultations and felt important steps were taken to come to a joint realisation. Most of them however, had not been involved in the finalisation of the law and learnt about the adoption of the decree only recently. One stakeholder for instance explained that he learnt about the law because a copy had been sent to his office, but he did not know who sent him the copy. Another key actor involved in the drafting process learnt about the adoption of the law only in the course of 2023, when Radio Maendeleo organised public debates to raise awareness about the law among people in Fizi and in the Ruzizi plaine.

In sum, the process of lawmaking at the provincial level has been inclusive in the first stages, but not anymore towards its finalisation. As a result of this, many stakeholders eventually feel excluded and have a critical and distrustful attitude towards the law, assuming that it does not reflect the interests of all, even without knowing the actual content of the law.

The making of the national law on livestock

Soon after the provincial decree was adopted, ADEPAE engaged in steps to advocate for national level legislation, building on the provincial decree. From 5-8 August 2019, a meeting was organised in Kinshasa with representatives of the national ministry, legal experts, inspectors of 12 agropastoral provinces, and ADEPAE as civil society representative. The objectives of the meeting were listed as follows:

- Update data on developments in the livestock sector in the DRC, assess the regulations in force, and to assess the sector's impact on food security;
- Identify the different pastoral systems and zones;
- Draw up a cartography of pastoral resources and land;
- Understand the problems of pastoralists' access to markets and finance;
- Draw up a roadmap for updating the national policy and preparing the law on the fundamental principles of livestock farming.
- Advocate on the importance of the livestock sector in the DRC and the promotion of gender in the sector¹⁰.

The meeting addressed the livestock issue from different perspectives: legal and political dimensions, technical aspects, and social and economic dimensions. This meeting was followed by workshop of some weeks in 2020, again with experts and inspectors, resulting in a draft law (avant-projet loi) which was supposed to be proposed by the ministry. This meeting was conducted with a more limited group of participants. The South Kivu representative of the inspectorate for instance indicated that he has not been involved in any further drafting activities after the 2019 meetings.

Next, in 2020, both a national policy document was drafted, and a draft law but the minister in charge (nominated in September 2019) was not so much interested in engaging with the project. *“We tried to push, but the machine was too heavy”*, as one of ADEPAE’s staff members explained to us. A next key step was taken in September 2021, when the initiators of the draft law found that a national deputy, Annie Mombunza Libotolo,¹¹ was preparing an initiative bill. ADEPAE got in touch with this deputy and suggested to merge the two documents. The draft law had gone through more stages of consultation and discussion and was slightly more advanced in terms of content, whereas the initiative bill by the deputy was at a more advanced stage towards being proposed. During a workshop financed by Cordaid, the two texts were merged. As mentioned in the introduction, the initiative bill was tabled in the National Assembly on November 2020. From then on, several advocacy initiatives were carried out by different stakeholders to promote the adoption of the law. UNDP, Cordaid and the Dutch embassy were some of the partners involved. Yet, several parliamentary legislative sessions passed during which the bill was not discussed. This eventually happened in April 2023, when the initiative was declared admissible. The initiative bill was then sent to one of the National Assembly’s permanent committees to examine the bill in more detail. In this case, it meant that the Committee on the Environment, Tourism and Sustainable Development was in charge of the examination.¹² The report of this Committee was approved on November 7, 2023, after which the law was approved by the National Assembly on November 17, 2023 and sent to the Senate for approval.¹³ The law can only be published once the Senate’s approval has been granted. The current version of the law has not been circulated.

¹⁰ Objectives shared by a meeting participant, representing the South Kivu provincial inspectorate on agriculture, fisheries, and livestock, March 2023.

¹¹ In parliament, Mombunza is elected as representative of Sud-Ubangi province, on behalf of the Mouvement de Libération du Congo – MLC in the electoral period 2018-2023. She was also a candidate for the National Assembly in the 2023 elections, but was not re-elected

¹² Please note that the deputy who proposed the law, is also a member of the Assembly’s committee which had to examine the law in detail.

¹³ <https://talatala.cd/panorama-des-lois/320/>, viewed on 01.12.2023. The approval by the Senate will come only after installment of the new government, following elections in December 2023. At the moment of writing it is unclear how much priority will be given to the approval of the law.

Which observations can be made about the national lawmaking process? First of all, it should be noted that in contrast to the provincial decree, the national law was proposed by a parliamentarian, suggesting more inclusivity and more public debate. Remarkably however, the law was not proposed by a parliamentarian from South Kivu province, from which ADEPAE had started its advocacy initiative. According to a lawyer/civil society actor in Bukavu, some members of parliament from South Kivu had been contacted, but they had not been willing to support the initiative, fearing that the proposal would be too much on the side of the pastoralists and once adopted, would be a source of conflicts with farmers (interview, March 2023).

Just like the provincial decree, the content of the initiative bill remains little known by relevant stakeholders, and there seemed to be a lot of confidentiality surrounding its content. During the time of data collection, our team had difficulties obtaining access to the initiative bill, and we were asked not to share the text with others. Conversations about the initiative bill were therefore often based on assumptions people had about its content, in similar ways as people had – and continue to have- critical assumptions about the provincial decree without having access to its content. One consultant for instance confided to us:

“This state of affairs means that many people have negative rather than positive opinions and criticisms of these legal texts, since they were not involved in the process of drafting them, even though they contributed to the initial ideas for starting up the activity. Civil society organisations are not in favour of these legal texts, including myself, even though I am a consultant. Most of the players are angry at having been isolated from the whole process of drawing up these texts, and whenever the question of these texts resurfaces at meetings or other opportunities, the criticism is always negative. And those who are most comfortable with these texts are the ones who have conspired to isolate the others.”

Interview, February 2023

A prominent pastoralist leader from South Kivu expressed his doubts about the way in which local stakeholders had been involved in the lawmaking process:

“In Kinshasa and Bukavu you have a lot of jurists examining and drafting texts with a lot of French. When you get here, it's very difficult to apply the law because the people concerned were not involved in the whole process of drafting these laws. So the laws become ill-adapted to the reality of what needs to be resolved within the community, and so there is a lack of peaceful cohabitation.”

Interview, March 2023

Just like the provincial decree was little known among relevant stakeholders until recently, the content of the initiative bill was hardly disseminated during its drafting phase. For many, ADEPAE is the lead actor behind the initiative, and therefore many stakeholders assume the bill is in the interest of the pastoralist community. The lack of dissemination of the content of the bill feeds into suspicions around this, without real knowledge on the actual content of the bill, and without substantiated arguments which show whether or not the bill favours one group over the other. When asked about his expectations for the law, a large concession holder in South Kivu for instance exclaimed: *“We can only say have courage, it [the law] is not consumable.”* (Interview, December 2022).

Content of the law

Having discussed some key features of the legal drafting process, it is important to move to a discussion of the law's content to assess its potential impact. As mentioned in the methodology section of the introduction, our team was not able to obtain access to the final initiative bill, but we did get access to various earlier versions of the initiative bill, and do have access to the provincial decree. Once the national law is adopted, it will take precedence over the provincial decree.

In the following, our main focus is on the content of the provincial decree, based on our own legal analysis, and on reflections we obtained from different stakeholders about key issues that should be addressed in legislation. We also point out some elements of the legislation that are at odds with the lived reality of pastoralism in South Kivu province. Additionally, this section refers to the content of the framework agreements.

Cartography

One element that came up consistently during our consultations, was the need for a clear mapping of agricultural and/or pastoral areas. Such mapping would certainly be too detailed for a national level law, but it was suggested that it could be an annex to the provincial decree. At present, the decree states that South Kivu province should put in place a cartography in each 'Decentralised Territorial Entity - DTE - (art. 77). The decree does not define which authority is in charge of compiling this mapping. The initiative bill states that all pastoral areas are documented. Each province is supposed to have a provincial law which determines which rural and rural-urban areas are desinted for pastoral use (art. 19). Multi-actor committées are supposed to delimit pastoral lands at local levels (art. 33).

It is felt that a cartography is needed in all provinces of the country where land causes tensions. A cartography, to be made by cadastral experts, should indicate the intended uses of all areas in the province. Mapping can help to create clarity to small-scale farmers and pastoralists, while simultaneously protect people against exploitation by powerful, large-scale concession holders, who are at present often the ones who know how to obtain legal ownership rights, without necessarily being the rightful owner. A cartography then can be of help in increasing people's legal certainty, in a context in which land grabbing is not unusual.

A note of caution however is in place here: Mapping is a tedious process that needs to be done in a careful manner. Designating land use rights to a certain area is a political undertaking of itself. Who will have the power to define which land usage is allowed? Will the mapping reflect current land use practices or desired land use practices? What will be done in case of overlapping claims? It is possible that mapping will make overlapping claims visible, leading to more conflicts rather than fewer, especially in the absence of appropriate mechanisms to deal with these issues. What can be done, for example, to reclaim pastoral land sold by customary chiefs, and what measures can be taken to secure it? Although mapping may be beneficial on the longer term, there is a risk of opening a Pandora's Box on the short term.

Herding practices

An often heard complaint among farmers about the cattle roaming, is that groups of cattle have become too big for herdsman to handle. The old 1938 Ordonnance already regulated

that one herdsman could guard 8 heads of cattle, or 20 heads of livestock at maximum (Kabaka 2022). This is maintained in the provincial decree (chapter 10, article 63). The initiative bill does not specify the number of cattle a herdsman is allowed to guard. This is more in line with the desires of representatives of the pastoral community. Several of them indicated that they felt up to 20 heads of cattle would still be acceptable, whereas others argue that in reality herds of up to 200 heads of cattle can sometimes be seen. There are hence some opposite views on this topic, about which the provincial decree and the initiative bill are not in agreement either.

For some, herding practices would improve if the herdsmen would be more mature. The provincial decree does not specify a minimum age for herdsmen. The initiative bill refers to a minimum age of 14 years old for herdsmen in rural areas, and of 18 years old in other areas (article 74, version March 2022). In reality, some very young herdsmen can be seen across the province. Generally, there is no formal contract between pastoralist and herder. Some respondents suggested that this could be beneficial, both for the working conditions of the herders, but also because it would make the lines of responsibility clearer. For herders coming from outside, migration documents could be checked by the migration service.

To increase security, it has been suggested by the *Mixed Committees* to explicitly forbid the carrying of arms. At present, herdsmen are often armed. This is not covered in the provincial decree. Early versions of the initiative bill stated that ‘all weapons must be declared at the entrance of an area, unless special authorisation is granted. It is forbidden to carry firearms’ (art. 50, early version March 2022). It seems to be removed in the later version. It is unclear to what extent this provision has been maintained in the final initiative bill.

It can be noted that an early version of the initiative bill also recognized the right to protection for cross-border transhumant herdsmen who are regularly admitted to Congolese authority (art. 51, early version March 2022). This is beneficial for the young Burundian herdsmen who are hired by cattle owners and who sometimes accept lower payments than Congolese herdsmen. It seems this article was also removed in the later version.

Flexibility of moving patterns

To regulate movements of livestock, the *Mixed Committees* agreed some years ago that they should convene annually with all relevant stakeholders in the month of May to agree together on the moment at which the pastoral season will start, on the pastures and drinking troughs to prepare. Pastoralists have to indicate where they will bring their cattle from June onwards and inform the local authorities about the itinerary. The herdsman subsequently are supposed to be able to show the roadmap. A roadmap should state: the reason of displacement; the number of livestock; the itinerary; the points of departure and arrival; and the duration of the stay.

The initiative bill states that the Decentralised Territorial Entities have a list of transhumance tracks and routes; a list which is supposed to be compiled through a participatory process, involving professional pastoralist and farmers organisations and decentralised government authorities (art. 252). This is similar to the provincial decree (art. 68-69), and mostly in line with the framework agreements which are in use at present.

Although this agreement seems to work to some extent, there are also some doubts about it among the pastoralists, who feel they need more flexibility: It cannot be fully predicted when

rains start and end, and where enough fodder can be found. This may become an ever more urgent issue with ongoing climate change, making rains and droughts less patterned and less predictable.

Governance and *itulo*

The ‘natural pastoral lands’ are defined as part of the public domain of the state (initiative bill), and as such are ‘inalienable, imprescriptible and unseizable, reserved exclusively for pastoral activities’ (art. 32). An earlier version indicated that no other activities would be allowed in a distance of 100 metres along the pastures (art. 13, first version March 2022). This seems to be removed in later versions.

The provincial decree explicitly mentions that “pastoralists organisations are the privileged partners of the state, of the ETDs and of the technical services for issues related to pastoral development.” (art. 58) In this capacity, they [pastoralist organisations] participate in the design, implementation and monitoring of national livestock policy. The decree is not clear about the nature of these pastoral organisations and does not specify whether they also include representatives of farmers (like the joint committees). The bill is even less clear about this.

In general, both the provincial decree and initiative bill attribute power to the ETDs (decree) and ‘local authorities’ (bill) to manage (agro-) pastoral resources, in collaboration with pastoral and farmers’ association, but without providing clear guidelines on how to do this. For the laws to be implemented effectively, it will be important to reach agreement on the practical arrangements for collaboration.

A notable issue which is not addressed is that of the ‘customary fee’; *itulo*. This refers to the customary practice of paying an annual fee (in July) to the customary authorities for the benefit of the community. In exchange of paying this fee, pastoralists are supposed to get protection, and costs to repair possible damages inflicted by cattle can be covered through this fee. It is a feature that is part of customary agreements, but also of the framework agreements. There are two sides to the existence of *itulo*: If working well, it can indeed be a strong pillar of the social contract between citizens and the local authorities. But when benefits are not shared with the community, or when payment of the fee does not provide the security, it can have the opposite effect and erode the relationship between customary authorities and their constituency on the one hand, and between customary authorities and the pastoralists on the other hand.

Not acknowledging the *itulo* in any of the legislation however, may have negative impacts as well: It may further erode the position of power of customary authorities, and it may place a strain on the relation between customary authorities and the state, since the former feel the state deprives them of a source of income.

For more community-led governance, several of our respondents expressed a desire that the *Mixed Committees* would get a bigger role. They had positive experiences with these committees and the role they played in the resolution and management of conflicts. This role is acknowledged in the framework agreements, but also in the provincial decree (art. 84). The initiative bill does not refer to these *Mixed Committees*, and does not devote any particular articles to the management of conflicts, nor to the sustainability of these committees.

Executive services

To meet all the demands imposed by the provincial decree and the initiative bill, certain services will have to be operational and/or operationalised; f.ex. veterinary services, a Congolese Office for the Management of Transhumance, and inspection services. Some of these institutions already exist and may have to expand their activities, others such as the Office for the Management of Transhumance still need to be created. Whether or not this will be done, will probably depend to a large extent on the finances that will be attributed to the execution of the initiative bill and of the decree.

Dissemination, (potential) implementation and enforcement

A law will only have impact if it is known to people, and if it is effectively implemented and – when needed- enforced. It is obviously still too early to assess the impact of the initiative bill on livestock, but for the provincial decree some lessons can already be drawn.

Although the provincial decree was adopted in February 2019, it was little disseminated until well into 2023. One group of stakeholders aware of the provincial decree were the ones that had been closely involved in its drafting process at some stage. Most of them however, had not been on board of the initiative until the final adoption and hence were sceptical about its content, without having actual knowledge of the content. Nobody took clear ownership of the decree and its dissemination. Remarkably, a state official working at the provincial inspectorate argued: *“Unfortunately, due to a lack of financial resources, the provincial decree has not been widely disseminated among the population by civil society actors.”* (interview, March 2023). His words suggested that it would be a task of civil society to disseminate the content of the law.

At a more local level, stakeholders had been informed about the decree to some extent between 2021 and 2023. During a number of meetings, organised by ZOA in partnership with local civil society actors, key articles of the decree had been discussed, and a number of recommendations had been formulated to amend the content of the decree. These meetings were seen as inclusive, as reflected in the wide range of stakeholders attending. One of them was a woman engaging in the commercialisation of milk. While recalling the meeting, she explained:

“During these meetings, we were asked what we thought of this document after reading some of its provisions on the keeping of cows, the number of cows, the movement of cows in the area, the proper care of cows and the issue of managing the land on which livestock farming is carried out. There was plenty of debate between the various players present at the meeting, especially the local customary chiefs, farmers and pastoralist leaders from the various villages.”

Interview, May 2023

More recently, in 2022, ZOA distributed folders with key articles of the decree in Swahili, making the content of the decree more accessible to a wider audience. Although these meetings and the Swahili folder were generally received positively, several respondents

expressed disappointment that nothing had been done with their suggestions on how to improve the content of the decree.¹⁴

In the course of 2023, Radio Maendeleo, in partnership with 4 local radio stations started a campaign to disseminate the provincial decree in the rural areas of South Kivu.¹⁵ One of the programme officers of Radio Maendeleo explained that the initial request to set up the campaign came from international actors such as UNDP and ZOA. His words nevertheless showed that they had taken ownership of the initiative and saw it in the interest of their target communities to disseminate the law:

“We were interested in contributing to capacity building for social cohesion within the communities concerned by the consumption of the content of this provincial decree, and thus reducing conflicts between farmers and herders. The tragedy of this age-old conflict is that it has an impact on ‘active identity’, intensifying inter-, extra- and intra-community conflicts.”

Interview, March 2023

For this programme officer at Radio Maendeleo, the dissemination of the decree is not yet about ensuring implementation, but it *“should above all help to collect the opinions of the beneficiaries or inhabitants of the villages called upon to consume the content of this decree”*. In the first part of 2023, most stakeholders however had limited knowledge of the decree: *“You will find that everyone in the field is ignorant of the law, even though ‘nul n’est censé ignorer la loi’*”, confided a prominent pastoralist leader to us.

In sum, our findings show that some efforts have been made to disseminate the content of the provincial decree in some pastoral areas, mostly at the request of international actors, but that much more could be done. There are only a few actors who take ownership of the decree and who engage in its dissemination. This makes it even more difficult to get to the next step of actual and active implementation of the decree. Adding to this, is a more general problem with the distribution of legal texts among those who are supposed to execute and enforce the law. As one civil society actor pointed out: *“Once the law [referring to the national pastoralism law] is adopted, a new process will have to start, especially with the magistrates. A new approach will be needed to vulgarise the texts. Many of the magistrates are old and not up to date about the latest legal texts”* (interview, December 2022).

Which forecasts can be done concerning the dissemination and implementation of the initiative bill? Earlier sections of this report have shown that there are quite some similarities between the provincial decree and the initiative bill, both in terms of the level of inclusivity and participation by different stakeholders in the lawmaking process, but also in terms of the content. As a result of this, it seems likely that the numbers of actors engaging in dissemination and implementation of the national bill will similarly be limited.

4. Conclusion and Outlook

¹⁴ It is not clear to us whether these recommendations have been tabled in the national law-making process, but it seems at least that some of the concerns are addressed in the initiative bill.

¹⁵ This initiative was funded through UNDP. See also: <https://www.undp.org/fr/drcongo/actualites/une-loi-pour-attenuer-les-conflits-entre-eleveurs-et-agriculteurs-lest-de-la-rdc>, viewed on 20.01.2024.

It is clear that the long-lasting frictions between pastoralists and farmers are not easy to resolve. For more than a decade, many NGO-led initiatives have been set up to work on peacebuilding and reconciliation. Some of them have successfully addressed some of the factors contributing to the frictions. Framework agreements and *Mixed Committees* are often praised, both for their effectiveness in addressing some of the problems, and for their proximity to people, but their effectiveness has been determined to a large extent by international donor funding, and the durable impact varies. It would be good to find ways to make their existence more sustainable. The law may be a useful tool for them, providing orientations on how to address conflicts and to manage the land.

Yet, donor funding is but one variable which determines the durability of an intervention. There are many other reasons why it is difficult to have a lasting and all-encompassing impact. The relationship between pastoralists and farmers is a complex one, also because of the ethnic element that plays a role, either in the background or in the foreground. Next, there are many different actors and factors that play a role, ranging from local customary and state authorities and their lack of legitimacy, to the increased circulation of arms, population growth, pressure on the land and other resources. Adding further complexity, is a lack of legal certainty when it comes to ownership rights, sometimes leading to overlapping land claims and contested land transactions.

More clarity in legislation and policy on the livestock sector is generally seen as a possible means to reduce conflicts between farmers and pastoralists, but it will certainly not be a panacea, due to the complexity and interwovenness of the livestock issue with other issues. Livestock breeding is inherently connected to access to land and water, which calls for a more holistic approach to address land governance and intra-communal relations more broadly. This could be taken into account for the development of further interventions in the field, but also for further lobby and advocacy efforts geared towards improving legislation and policy. To what extent can different pieces of legislation and policy frameworks complement and strengthen each other? What is the potential of these legal and policy frameworks to contribute to more peaceful relations between farmers and pastoralist and to better regulate the livestock sector? One may think here for instance of the land law which should result from the ongoing land reform but also on laws on decentralization, agriculture, mining, and indigenous people. What are the convergences and divergences between these different pieces of legislation and the pastoral law? And how to ensure that also these other pieces of legislation are disseminated and applied?

Overall, our research has shown that the lawmaking processes of both the provincial decree and the initiative bill were not very participatory and that many relevant stakeholders felt excluded. As a result of this, and without knowing the exact content of the law, many actors are suspicious about the laws and assume that they are primarily in the interest of the pastoralist community. There is hence limited societal willingness to engage with the law and to actively work on dissemination, let alone implementation of the law. This may constitute a serious impediment in the time to come, unless efforts are made to make clear that the law takes the interests of all groups into account and that voices are represented. A law on paper gets meaning only when it is put into practice, with thanks to the consumers of the law taking ownership of it.

How then can a law on paper get meaning and usage in everyday practice? As we argue in the policy brief (Jacobs 2023), a new law will need to be supported with an implementation plan.

Such a plan can lay out who will be responsible of dissemination and implementation, how this will be done, which financial, material and human resources will be needed etc.? This will first of all require stepping up efforts to disseminate the law. This will not only apply to the new livestock law, but also to other relevant laws which are already in place but which are little known (such as the agricultural law) beyond a small group of some experts, NGO staff, and some government officials.

Implementation of the law may also become easier when the law is backed and supported by other initiatives that can contribute to the governance of livestock and the relations between farmers and pastoralists, but also other relations, such as between farmers and miners, miners and pastoralists, pastoralists and indigenous people, etc. Some of these initiatives already exist on the ground, such as the clearly defined cattle roads, *Mixed Committees*, the practice of making use of framework agreements to seek resolution of specific conflicts, legal clinics, sociotherapy etc. Seeking synergies may be of help in mutual strengthening of these initiatives, some of which have proven their effectiveness on small scales or in different communities. For all these initiatives, it is important that local communities eventually take ownership to sustain them beyond the duration of project cycles of international actors. This applies to local peace initiatives, such as joint committees, but also to legislation. Promoting a provincial edict could be among the possible solutions. This edict should consider the recommendations already made by the communities. Making joint committees more active and sustainable could also be part of the solution.

Bibliography

Battery, Jean, and Thierry Vircoulon. 2020. "Les Pouvoirs Coutumiers En RDC. Institutionnalisation, Politisation et Résilience." Notes de l'Ifri. Paris.

Brabant, Justine. 2016. "Qu'on Nous Laisse Combattre, et La Guerre Finira" Avec Les Combattants Du Kivu. Paris: La Découverte.

Brabant, Justine, and Jean-Louis K. Nzweve. 2013. La Houe, La Vache et Le Fusil: Conflits Liés à La Transhumance En Territoires de Fizi et Uvira (Sud-Kivu, RDC). Uppsala: Life & Peace Institute.

Bubala Wilondja, Isaac. 2020. "Accaparement et Thésaurisation Des Terres Rurales Par Les Elites Au Sud-Kivu, RDC." Cahiers Du CERPRU 27: 217–36.

Bulte, Erwin, Dorothea Hilhorst, Marrit van den Berg, Carolien Jacobs, Koen Leuvelde, and Bart Weijs. 2015. "Joint MFSII Evaluation DR Congo Synthesis Report." Wageningen.

Claessens, Klara, Emery Mudinga, and An Ansoms. 2014. "Competition over Soil and Subsoil: Land Grabbing by Local Elites in Eastern DRC (Kalehe, South Kivu)." In *Losing Your Land. Dispossession in the Great Lakes*, edited by An Ansoms and Thea Hilhorst. James Currey & Indiana University Press.

Delahais, Thomas, and Jacques Toulemonde. 2017. "Making Rigorous Causal Claims in a Real-Life Context: Has Research Contributed to Sustainable Forest Management?" *Evaluation* 23 (4): 370–88. <https://doi.org/10.1177/1356389017733211>.

Jacobs, Carolien. 2023. "Inclusive Lawmaking for a Just Future: Five Key Insights for Lawmakers and Civil Society Actors." Leiden/Bukavu.

Kabaka, Paulin Ibanda. 2022. "Introduction Au Droit Congolais de l'élevage." HAL.

Kazamwali Mukamba, Bienfait. 2023. "Water Resource Management and Climate Change in South Kivu, Democratic Republic of Congo: The Case of the Ruzizi Plain." *African Social Research* 3 (Climate Change and Environmental Politics in Africa): 62–67.

Life & Peace Institute. 2011. "Au-Delà Des 'Groupes Armés': Conflits Locaux et Connexions Sous-Regionales." Vol. 93. Uppsala. <https://life-peace.org/resource/au-dela-des-groupes-armes/>.

Mashanda, Murhega, and Kitoka Moke. 2019. "Opportunités et Défis de La Réconciliation à l'Est de La République d'Emocratique Du Congo." *Globethics.Net Focus*. Vol. 54.

Muchukiwa, Bosco, and Marcellin Kasagwe. 2019. "Conflits Dans Les Moyens et Les Hauts Plateaux de Fizi, Mwenga et Uvira: Facteurs d'escalade, Modus Operandi Des Acteurs et Crise Politique Régionale En Perspective." Bukavu. https://www.isdrbukavu.ac.cd/wp-content/uploads/2019/08/ISDR-Bukavu_Conflit-dans-les-moyens-et-les-hauts-plateaux-de-Fizi-Uvira-Mwenga_Bosco-Muchukiwa-et-Marcellin.pdf.

Mudinga, Emery Mushagalusa. 2021. "L'accaparement Des Terres Dans La Province Du Sud-Kivu: Expériences Paysannes." Bukavu.

Oluwasanya, G., E.T. Mihaha, and R. Tshimanga. 2022. "Transhumance Pastoralism and Mbororo Pastoralists in Climate-Water-Migration-Conflict Context of the Congo River Basin." UNU-INWEH Policy Brief. Hamilton, Ontario.

RIO, LPI, ADEPAE. 2011. "Guide de Gestion Pour Une Transhumance Apaisée." Bukavu.

Shipton, Parker. 1994. "Land and Culture in Tropical Africa: Soils, Symbols and the Metaphysics of the Mundane." *Annual Review of Anthropology* 23: 347–77.

Verweijen, Judith, and Justine Brabant. 2017. "Cows and Guns. Cattle-Related Conflict and Armed Violence in Fizi and Itombwe, Eastern DR Congo." *Journal of Modern African Studies* 55 (1): 1–27. <https://doi.org/10.1017/S0022278X16000823>.

Vlassenroot, Koen, and Chris Huggins. 2014. "Le Foncier et Les Dynamiques de Conflit à l'est de La République Démocratique Du Congo: Définir Des Options d'intervention." *Décentralisation et Espaces de Pouvoir*, 2014.

Waldron, Jeremy. 2006. "Principles of Legislation." In *The Least Examined Branch: The Role of Legislatures in the Constitutional State*, 15–32.

Annex 1: Relevant legal frameworks

Décret du 28 juillet 1938 sur la police sanitaire des animaux domestiques

Loi no. 73/21 du 20 juillet 1973 portant régime général des biens, régime foncier et immobilier et régime des sûretés

Loi no. 007/2002 du 11 juillet 2002 portant code minier

Loi organique n° 08/016 du 07 octobre 2008 portant composition, organisation et fonctionnement des Entités Territoriales Décentralisées et leurs rapports avec l'Etat et les Provinces

Constitution de la RDC, modifiée par la loi no. 11/002 du 20 janvier, portant révision de certains articles de la Constitution de la RDC du 18 février 2006.

Loi no. 11/22 du 24 décembre 2011 portant principes fondamentaux relatifs à l'agriculture

Loi no 15/15 du 25 aout 2015 fixant le statut des chefs coutumiers

Loi n°18/001 du 09 mars 2018 modifiant et complétant la Loi n° 007/2002 du 11 juillet 2002 portant Code minier

Arrête provincial no. 19/008/GP/SK du 14.02.2019 portant règlementation de la pratique d'élevage des animaux domestiques en province du Sud-Kivu

Loi no. 22/030 de 15 juillet 2022 portant protection et promotion des droits des peuples autochtones pygmées