HOW AID ORGANIZATIONS BECOME PARTY TO LAND CONFLICTS:
AN EXPLORATION OF PEACEBUILDING AND DEVELOPMENT PROGRAMS IN
EASTERN CONGO AND DO NO HARM

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By

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HOW AID ORGANIZATIONS BECOME PARTY TO LAND CONFLICTS: AN EXPLORATION OF PEACEBUILDING AND DEVELOPMENT PROGRAMS IN EASTERN CONGO AND DO NO HARM

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ABSTRACT

Aid organizations become party to complicated and potentially harmful dynamics when implementing land-dependent peacebuilding and development programs. In Eastern Congo, the protracted conflict and the convoluted land tenure system further exacerbates the challenge aid organizations face when navigating land access. However, little research has focused on how organizations access and use land negatively contributes to the prevailing conflict systems. This research begins to fill the gap in peacebuilding and development literature, examining the processes and impacts of land-dependent programs through the conceptual framework of Do No Harm.
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I. INTRODUCTION

In conflict and recently post-conflict settings, peacebuilding and development are becoming increasingly interwoven fields, generating projects and programs that address the drivers and impacts of violence. Programs that integrate both peacebuilding and development methodologies and objectives are receiving increasing attention, becoming mainstreamed and institutionalized in prominent multinational organizations.\(^1\) However, limited research exists on the projects that operate in the nexus between peacebuilding and traditional development, including the full scope of these programs’ intended and unintended impacts on conflict.

In particular, there is little analysis into how land tenure issues and land conflict issues impact peacebuilding and development projects. This research project attempts to fill that gap, focusing on the interaction between land issues and peacebuilding and development within the context of the prolonged conflict in Eastern Congo. While research exists on the legal pluralism embedded in the Congolese land tenure system,\(^2\) the connection between land, identity, and conflict,\(^3\) and land as a source of resource based conflict,\(^4\) there is little, if any research on how NGOs and aid organizations become party to conflict dynamics when they access and use land within that complex setting.

In Eastern Congo, land is both interwoven into the protracted violence, and

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\(^1\) E.g: the Sustainable Development Goals, which will be discussed further in the Research Objectives
the weak and disorganized land tenure system contributes outright to land conflict.\textsuperscript{5}

The two decades of conflict further complicated the already convoluted land tenure system, resulting in one of the most challenging contexts in which to navigate land access. Consequently, organizations seeking to access and use land in order to achieve peacebuilding and development objectives are inherently parties to a system of land tenure that is already extremely prone to conflict and harm. This research specifically focuses on how the Congolese land tenure system and the prevailing dynamics around land in Eastern Congo have the potential to cause further harm as organizations access and utilize land for peacebuilding and development projects.

This paper is organized into five parts. The research objectives expand on the problem and introduce the primary and secondary research questions, and the justification for the inquiry into the subject of Congolese land tenure systems and how organizations access land. Following the research objectives is the methodology, which establishes the process utilized to answer the research questions. The methodology section is divided by the research design and data analysis. The sub-section on research design explores the reasons for employing the qualitative methodology of grounded theory, the sources of data, the ethical considerations taken over the course of the research, as well as limitations to the research. The sub-section on data analysis outlines the coding process of the data and provides operational definitions of important codes and concepts. The literature

review begins with a brief overview of the conflict in the Democratic Republic of the Congo (DRC), followed by an in-depth exploration of the role of land and land tenure legal pluralism in Eastern Congo. The final part of the literature review delves into the conceptual framework of Do No Harm and scholarship conducted on land conflict and Do No Harm. The findings section is divided into three subsections, each of which corresponds with one of the secondary research questions, exploring processes, impacts, and best practices.

II. RESEARCH OBJECTIVES

The objective of this research project is to address a gap in peacebuilding and development literature concerning the role that aid organizations play in creating or mitigating harm when they access and use a very conflict prone resource – land. Aid organizations always will need to access land in some capacity, whether for agricultural projects, infrastructure-building projects, or simply for offices. Agricultural projects – such as support of smallholder subsistence farmers and farming co-ops – and infrastructure building projects – such as building sanitary latrines or roads – all occupy physical space and utilize land in order to achieve their peacebuilding and development goals. This research examines the processes and impacts of land access and use through the conceptual framework of Do No Harm. By becoming a part of the land system, aid organizations become party to the dynamics around land, including the capacity create negative impacts.

In Eastern Congo, the particularly complex land tenure system, the

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continuing cycles of violence, and the frequency of land-dependent peacebuilding and development projects make the query especially relevant. Additionally, as international norms increase support for joint peacebuilding and development projects, it is highly probable that aid organizations will expand their use of land, as more funding is allocated to projects that work in the nexus between the two fields. As organizations continue to obtain access to land for peacebuilding and development projects, the complex and delicate nature of land conflict poses challenges that have been little researched.

Research Questions

The primary question driving this research is: *In what ways do aid organizations in Eastern Congo become party to conflict dynamics when they access and use land for peacebuilding and development projects?* The pervasiveness of land conflict in Eastern Congo and the prevalence of land-dependent peacebuilding and development makes it important to understand ways in which aid organizations become party to conflict dynamics. The nuances of this question are examined in three secondary questions:

1. In the context of legal pluralism and competing claims over land, how do aid organizations gain access to land for peacebuilding and development projects?

This question most closely aligns with the initial query that instigated this research, how organizations access land given the complicated land tenure system in Eastern Congo. The question developed from the perspective of a practitioner; how does a program implementer access land for an agricultural project? The first
of the secondary questions examines the process of land access. The answer to ‘how?’ was far more complex than the simple inquiry indicated, leading to the second and third secondary questions of this research project.

2. What are the unintended consequences of how organizations access and utilize land for peacebuilding and development projects?

Given the complexity of accessing land in Eastern Congo, it became clear early in the research process that there was enormous potential for unintended consequences, despite an organization’s or person’s best efforts. This secondary question begins to integrate the conceptual framework of Do No Harm as a means to uncover impacts, both on communities and on aid organizations. When organizations become party to land dynamics by accessing and using land, exploring bidirectional impacts helps uncover the full nature of potential harm. Very often, research looking into dynamics of Do No Harm exclusively explores impacts on communities. However, when aid organizations as a party to the dynamic, broadening the focus to include organizations as an impacted group provides a more comprehensive inquiry.

3. In what ways are aid organizations, either through internal standards or external influence, adhering to the principles of Do No Harm when accessing land?

The final secondary question explores a second process, one embedded in the conceptual framework. After establishing that negative unintended consequences do arise when organizations access and utilize land in Eastern Congo, it became imperative to know if that harm persists because of a lack of best practices, or despite following best practices. Harm that persists because of a lack of adherence
to best practices has vastly different implications for how to mitigate unintended consequences than if harm persists despite employing best practices. This final distinction helps uncover the extent of best practices around land access and use and helps conceptualize next steps to enhance conflict sensitive programming in Eastern Congo.

**Problem Statement**

As aid organizations access and use land for peacebuilding and development projects in Eastern Congo, they become party to prevailing land dynamics. Given the widespread and large-scale nature of aid organizations accessing land for programs, the role these organizations play and the impacts of their work have the potential to be similarly large and widespread.

This research is grounded in the theoretical framework of Do No Harm. Do No Harm posits that all peacebuilding and development occurs within a highly specific context, and that conflict must be understood in order to a) prevent negative unintended consequences and b) do the best and most good.\(^7\) In the context of a conflict-affected area with a complex land tenure system, like that of Eastern Congo, any use of that resource has the potential to fold back into the conflict in harmful ways.

Within the context of organizations accessing land in Eastern Congo for peacebuilding and development projects, the potential for harm flows in two directions. First, insecure and parallel land tenure systems have the potential to

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undermine the efficacy of programs that require land access; second, accessing land without a process of best practices could actively harm communities or negatively contribute outright to the conflict. With millions of dollars being invested in land-dependent development and peacebuilding projects in Eastern Congo, the potential impacts of improper land access are considerable.

Justification

Over the course of the last two decades the DRC, particularly Eastern Congo, has been at the forefront of linking peacebuilding and development initiatives as a means to address the extreme loss of life. Of the over six million deaths over the course of the last twenty years of conflict, the majority have been due to indirect violence, as the physical and social infrastructure of the region crumbled and insecurity diminished development opportunities.\(^8\) As the most pervasive and deadliest conflict since WWII, the protracted violence in Eastern Congo requires both robust peacebuilding and development in order to address the direct and indirect violence.

Recently, international policies and recommendations have begun supporting the mutually reinforcing work of peacebuilding and development. The update of the Millennium Development Goals (MDG) to the Sustainable Development Goals (SDG) explicitly connects the promotion of peace to sustainable development with the inclusion of Goal 16: promoting just, peaceful, and inclusive societies. As the SDG succeeds the MDG as the guiding agenda for UN supported

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development for the next 15 years, funding will be increasingly allocated to projects that work in the nexus between peacebuilding and traditional development work.\(^9\)

Many projects employing both peacebuilding and development tactics center around agriculture or infrastructure development, and thus require the use of land to carry out their objectives.\(^{10}\) Yet there has been no systematic inquiry into how aid organizations become embedded in the land dynamics as a result of that access and use. Despite this gap in understanding, as peacebuilding and development continue to become a funding priority, the need to use land in post-conflict settings is likely to increase.

In Eastern Congo specifically, the informal and formal land tenure systems create a legal pluralism around land ownership that results in dual claims to land throughout the region.\(^{11}\) Furthermore, when two or more groups claim access to the same land and there are few mechanisms in place to assist the peaceful resolution of the issue, this can and does escalate into violent conflict. Increasingly, local conflicts around land rights have become tied to regional conflicts, as access to land is tied to and subsumed under larger issues of identity, security, and marginalization.\(^{12}\) Together, these issues create a peacebuilding and development context that exacerbate the potential for aid organizations to cause harm, or be harmed, when accessing or using land, despite being done in the context of peacebuilding and development.

\(^{10}\) For example, the World Bank’s *Eastern Region Stabilization and Peace-Building Project* and USAID’s coffee cooperatives
III. METHODOLOGY

Research Design

In order to answer the research questions, I employed a qualitative analysis research design to examine aid organizations, their safeguards to ensure best practices, their methodology for program related land access, and their land-dependent programs in Eastern Congo. Qualitative analysis, compared to quantitative analysis, allowed for a deep exploration of the data, revealing trends in practices and outcomes, and highlighting implied assumptions about best practices.

I utilized grounded theory as the primary method of qualitative analysis for this research endeavor in order to uncover processes and impacts. Grounded theory “consist[s] of systematic, yet flexible guidelines for collecting and analyzing qualitative data to construct theories ‘grounded’ in the data themselves”\(^\text{13}\) and is a method of qualitative research that builds theory directly from an inductive analysis of the phenomena examined.\(^\text{14}\) I extensively coded extant documents as well as the transcriptions of my interviews, applying inductive reasoning to the patterns that emerged from the data.

The unit of observation for this research is individual aid organizations. The unit of analysis is broader, looking at trends throughout Eastern Congo. Although land dynamics can vary from locality to locality, organizations tend to launch

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programs across multiple territories, or even multiple provinces.\textsuperscript{15} Additionally, without conducting on-the-ground research, exploring only one province, such as North Kivu, would have resulted in a lower concentration of data. Organizations do not consistently or clearly disaggregated data by territory or province, and utilizing only programmatic documents that mentioned specific geographic areas within the larger Eastern Congo region would have resulted in the inclusion of far fewer extant programmatic documents.

\textit{Sources of Data}

The majority of data is drawn from extant texts. These documents include those focused on specific programs in Eastern Congo (e.g., project proposals, budgets, and indicators of success, as well as internal and external evaluations), as well as organizational safeguards, standard operating procedures, and research. Due to a lack of extant documents focusing directly on the research topic, documents relevant to the major themes (such as land and development, peacebuilding and Do No Harm) were considered potentially pertinent even if the DRC was not specifically included.

The documents were selected on the basis of a) their relevance to the primary or secondary questions (mentioned above) and b) their availability. All of the documents utilized over the course of this research project were available online publicly. The documents were accessed either through a search engine (after

\textsuperscript{15} Territories and provinces are categories of administrative hierarchies, as applied to geographic subdivisions of the country. They are, from largest to smallest, province, territory, chefferie, groupment, and village
searching for relevant terms) or directly through an aid organization’s website (such as the World Bank USAID, DfID, The World Food Program, and the Food and Agricultural Organization). The spectrum of documents was selected in order to adjust for the bias of self-reporting, by including external evaluations alongside internal evaluations, as well as organizational research (which often brings in outside experts as collaborators). Additionally, the documents coded during the duration of this research information from multinational organizations, governmental agencies, and international nongovernmental organizations. For a list of referenced and coded documents, see Appendix A

The second source of data was five interviews with aid practitioners who have experience working in Eastern Congo. The interviews were conducted over the course of February and March, 2016 and lasted from approximately 20-40 minutes in length. The interview participants were selected based on their recent or current work in Eastern Congo and their experience accessing land for peacebuilding and/or development projects. The interview participants included current or former staff from multinational organizations (2), governmental organizations (1), and international NGOs (2). The interviews followed a semi-structured format, and a sample of the interview questions can be found in Appendix B.

**Ethical Considerations**

Prior to the start of data collection, I submitted my research proposal to Georgetown University’s Institutional Review Board (IRB) in order to comply fully

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16 UK Department for International Development
with all safeguards when conducting interviews. Interviews were not conducted with members of vulnerable populations. Although the data collected through the interview process was largely not sensitive in nature, all information is being used with personal and organizational anonymity. Additionally, all participants either signed a letter of informed consent or, when not possible, gave verbal consent after reading the content of the letter. A copy of the letter of informed consent can be found in Appendix C.

Limitations

Conducting the data collection from the United States limited the ability to connect with a wide range of actors. Connecting to actors currently working in Eastern Congo proved difficult, due to technological constraints, time differences, and the impersonal nature of a request for interview made via email. Furthermore, connecting with Congolese NGOs proved impossible, as many of the local NGOs working in the peacebuilding and development sector lack a robust online presence and the means to establish contact. Finally, in reviewing various extant materials, I could only access public documents, primarily those published online. This once again removed an evaluation of documents produced by Congolese NGOs.

Data Analysis

Following the grounded theory methodology, I first coded my data for relevant topics (including land conflict, legal pluralism, peacebuilding and development programs, and impacts) as well as the conceptual framework of Do No
Harm. Later in the coding process, I organized my data under three overarching codes: types of organizations, types of projects, and types of access or tenure. Coding along these three themes provided guidance for future data collection, establishing parameters for relevant and irrelevant extant documents. For example, coding along types of organizations uncovered actors working in the field of development, but not as nonprofits. This helped lead to the operational definition of aid organizations that excludes for-profit developers. Similarly, early analysis into the types of projects revealed that programs addressing displacement have vastly different mechanisms for access than agricultural or infrastructure-building projects. Displacement projects therefore were removed from the targeted data collection, due to the time constraints on this project.

*Types of Organizations*

Aid organizations are not-for-profit peacebuilding or development organizations. The sub-codes created for types of organization are Multinational Organizations (e.g. the United Nations and the World Bank), Governmental Organizations (e.g. USAID and DfID), and International Non-Governmental Organizations (INGOs) (e.g. Resolve Network, Mercy Corps, International Alert). I coded for types of organizations in order to categorize projects along different capabilities and motives. For example, governmental organizations incorporate the national interests of a single sponsoring or implementing government while multinational organizations tend to follow international norms.
This research did not look into foundations, private-sector developers, or local NGOs. Foundations, defined for the purposes of this paper as funders who have no programmatic experience or direct on-the-ground knowledge, were excluded due to their lack of direct involvement with peacebuilding or development. While some of the larger organizations categorized under multinational organizations or governmental organizations also work through implementation partners (defined as smaller organizations that receive funding for the purpose of carrying out a project), they also either implement some programs themselves or have an in-country presence.

Private-sector developers rarely incorporate peacebuilding into their activities, although they have the ability to contribute towards human development goals. Furthermore, as for-profit ventures, they abide by different metrics of success, with standards of best practices that differ from those of not-for-profit peacebuilding and development implementers. Do No Harm and conflict sensitivity are not core to private-sector actors the same way that Do No Harm and conflict sensitivity are increasingly becoming synonymous with best practices for peacebuilding and development not-for-profit ventures.

Finally, local NGOs were not included as a code category because of the lack of data. Unlike multinational organizations, governmental organizations, and INGOs, local NGOs had little, if any documentation publicly available. While I collected data from published policies, evaluations, reports, and other organizational documents from the other types of organizations, the same kind of data was not available for Congolese NGOs. Furthermore, I was not able to obtain interviews with any staff.
from Congolese NGOs, which would have provided data in place of documentation; Georgetown University’s travel policy prohibits research in countries with a State Department Travel Warning. The inability to gather data on Congolese NGOs should not discount the importance of this category; future research into this topic should include interviews with staff from Congolese NGOs and should obtain organizational documents. However, both interviews and gaining access to documents not kept online would require on-the-ground data collection, which was not possible for this research project.

*Types of Projects*

The second overarching code provides the opportunity to disaggregate data based on the type of peacebuilding and/or development project. This disaggregation uncovers two important areas for further exploration, a) if certain categories of impacts correspond to specific program types, and b) if best practices are different for different types of land-dependent projects. Many organizations work in only one development or peacebuilding sector, and might gear their best practices approach to that specific category of development. The overarching code of ‘types of projects’ includes the subcategories of Agricultural Projects and Infrastructure-Building Projects. The code of Agricultural Project incorporates projects that promote the improvement of subsistence-based agriculture, as well as growing of cash crops. Infrastructure-Building Projects incorporates projects that built roads, structures (such as schools or medical centers) and sanitation systems (such as wells, latrines, and irrigation systems).
Not explored, but like local NGOs, an important part of this research is the role of camps for Internally Displaced Persons (IDPs). The very presence of a camp requires land, in addition to large-scale projects, including sanitation. However, the political negotiation between organizations and the state over displacement issues is vastly different than from other peacebuilding and development projects. The Congolese government has a vested interest in shutting down IDP camps as this gives the appearance of an increase in regional security.\textsuperscript{17} While the issue of IDPs is intimately related to this research question, the role of land access and tenure on displacement camps warrants its own exploration; the topic is simply too big and too complex to include in an already large and multifaceted question.

\textit{Type of Land Access}

Finally, I coded according to the methodology of land access. Congolese law dictates one method of land access, through concession. Land concessions under Congolese law can either be perpetual (an indefinite concession to a Congolese citizen) or ordinary (lasting no more than 25 year, and available to non-Congolese persons and corporations).\textsuperscript{18} However, the interviews and extant documents revealed four distinct ways organizations access land – leasing, buying, receiving gifts, and indirect access. Leasing, buying and receiving gifts all fall under Congolese system of perpetual and ordinary concessions; within these concessions, the ‘owner’


of the land is allowed to transfer titles or lease out land. This corresponds to the mechanisms involved in standard practices of buying or leasing land, or receiving a land title as a gift.

Each method of land access has distinguishing features that impact the process of acquisition, the duration of access, and the stability of tenure. Leasing and buying land both require compensation in exchange for land access: leasing territory refers to a formalized contract between the landowner and the aid organization for the access to land for a particular amount of time, in exchange for something of value (normally monetary); buying land refers to the permanent exchange of a formal land title for compensation. The code of gift refers to the temporary or permanent access to land without compensation. All three of the above codes require a contract and/or change in land title. Finally, indirect access does not include compensation or a title transfer, but involves working with beneficiaries who already have access to land, and does not require the aid organization to access land itself.

**Axial Codes**

After examining the early data through the conceptual framework of Do No Harm, it became necessary to look at all of the data more closely according to the understanding of Do No Harm as both an outcome and a process. This research generated axial coding broke down the framework of Do No Harm into two categories: Unintended Consequences and Best Practices. Unintended consequences explores the outcomes or impacts of aid organizations becoming party to land
dynamics, while best practices explores how Do No Harm is operationalized into an active process.

_Unintended Consequences_

The code of Unintended Consequences examines the impact of aid organizations becoming party to land dynamics in Eastern Congo. It explores the influence of land access and use for peacebuilding and development projects, looking both at the effects on and within communities, as well as on the project and/or aid organization. In particular, the code of Unintended Consequences examines how the process of accessing and using land for peacebuilding and development projects creates harm or limits the positive potential of a program, incorporating both criteria of Do No Harm into the analysis.

_Best Practices_

Out of necessity, data was collected primarily through self-reporting mechanisms such as interviews and organizational reports -- with a much smaller amount of data derived from external evaluations. Therefore, creating a measurement of best practices based around already accepted standards was critical in order to capture if programs are following the internal logic of best practices, let alone an external measurement of ethical adhesion.

Best Practices encompasses the interrelated theories of Do No Harm and conflict sensitivity, both robustly researched and widely accepted theories of responsible programming for the fields of development and peacebuilding. Do No
Harm and conflict sensitivity contain slightly different nuances, and where therefore coded separately, but often overlapped. From the coding of Do No Harm and Conflict Sensitivity, the code of Consensus also developed in order to fully define the scope of Best Practices. While the concept of Do No Harm and conflict sensitivity (as applied to the research question) can exist within an individual organization and their programming, coding for Consensus allowed an exploration into the creation of norms through inter-organizational collaboration. The analysis around consensus adds another dynamic to the overall notion of best practices – and helps uncover critical information about the degree to which best practices are mainstreamed and standardized.

IV. CASE CONTEXT

*Historical Background*

The DRC has a long legacy of struggle, from colonization to the current protracted conflict in Eastern Congo. The DRC suffered under particularly harsh and exploitative colonization under Belgian rule, which devastated all sectors of life and whose reverberations continue to impact dynamics in Eastern Congo.¹⁹

Under Belgian rule, state structures were reorganized in response to challenges to colonial authority. The “apparatus of conquest and subjugation”²⁰ displaced populations and restructured power, drastically changing the social and political landscape of the area. This systematic exploitation and oppression

established under Belgian rule unfortunately outlasted colonization, and independence in 1960 did not usher in security and stability for Congolese citizens.\textsuperscript{21} President Mobutu continued the Belgian method of political and social manipulation to consolidate his own power, including the restructuring of customary structures.\textsuperscript{22}

The 1994 genocide in Rwanda had far reaching implications for the DRC, especially Eastern Congo. The national crisis in Rwanda became an international issue, as both refugees and the remainder of the \textit{genocidaires} crossed the border into Eastern Congo. The demographics of the area changed quickly and dramatically, with a massive influx of approximately one million refugees from Rwanda. Instability and violence in Eastern Congo followed, with devastating consequences.

Since 1996, an excess of 5 million people have died in Eastern Congo as a result of the violence, making the ongoing conflict the deadliest conflict since World War II.\textsuperscript{23} The vast majority of these deaths are the result of indirect violence, as people exposed to the conflict remain vulnerable to displacement, disease, and food insecurity in a society that lacks social safety nets. In 2015, the DRC is ranked 176 out of 187 on the Human Development Index, with conditions in Eastern Congo being significantly worse.\textsuperscript{24}

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\begin{footnotesize}
\textsuperscript{21} Stearns, J. (2011)
\textsuperscript{22} Young, C and Turner, T.E. (1985)
\end{footnotesize}
\end{flushright}
The Development of Land Tenure Legal Pluralism in the DRC

In Eastern Congo, as in many parts of Africa, colonial practices blended customary law with European policies, resulting in a convoluted system of land ownership and access. Prior to colonization, small ethnic states within the Kingdom of the Kongo communally owned land in distinct geographical regions.25 The regional king, or mwami, brokered the use of productive land in his geographic area, normally populated exclusively by members of his ethnic group.26 While this system heavily favored the mwami and consolidated his power, the communal ownership of the land granted access to nearly all members of the community.

In King Leopold II’s Congo Free State, the rules of land ownership were completely restructured in order to accommodate his desire for unfettered access to Congo’s plentiful natural resources.27 Under King Leopold II, ‘vacant’ land became property of the Belgian state. Virtually all land in the Democratic Republic of the Congo fell under King Leopold’s direct control, since communally owned lands that were not actively productive, but nonetheless import, were deemed vacant.28 As a result, many communities lost access to their customary lands.

The colonial policy, a mix of divide-and-rule and indirect rule, also introduced the legal pluralism of civil law and customary law. Land tenure legal pluralism is the existence of multiple normative rules and institutions that govern

26 Vlassenroot, K. (2013)
27 Stearns, J. K. (2011)
the “sets of rights and obligations concerning land and property”.\(^29\) In Congo, a system of colonial governance emerged that had separate institutions and laws governing Africans and Europeans – customary law and civil law, respectively.\(^30\) Groups were divided by ethnicity under this ‘Native Authority’ of customary law, as different ethnicities were understood to have different customs and therefore different laws pertaining to their group.\(^31\) Customary authorities worked both as an administrative subdivision of the colonial state, and as a parallel structure.\(^32\) The Belgians used customary chiefs to administer their rule, linking ethnicity to political representation.\(^33\) Under this system, recognition from colonial powers and access to rights through customary law required an identity that was considered ‘native’ to the area. In theory, customary law applied to any land inhabited by natives of Congo Free State.\(^34\) In reality, this dual system began the legal pluralism around land ownership and land use, and set the stage for decades of local disputes around land rights.

The question of who could claim indigenous heritage in Eastern Congo is complex, and deeply rooted in the intricacies of the colonial rulers deliberate manipulation of identity in order to subvert dissent and consolidate power. Under Belgian colonial administration, ethnicity became the most salient form of identification. As is often the case, ethnic identity in Eastern Congo bleed into cultural identity and political identity, identities that define a common past and a

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30 Young, C and Turner, T.E. (1985)
32 Young, C and Turner, T.E. (1985)
33 Vlassenroot, K. (2013)
common future, respectively. Within the category of ethnic identity was subsumed an additional identity, that of indigenous and non-indigenous populations.

It is under this broader identity group, between indigenous populations and those viewed as non-native, migrants, or settlers that the issue of land heavily comes into play. One of the most notably excluded groups was the Banyarwanda, Kinyarwanda speaking Congolese who live in Eastern Congo (specifically North and South Kivu, in areas along the boarders with Rwanda and Burundi). The Banyarwanda fall into three categories: nationals, migrants, and refugees, and arrived in Eastern Congo from Rwanda at various points throughout history, including hundreds of years ago. Under colonial rule the Banyarwanda, as Africans, were not able to access rights and protection in the civil sphere. However, considered non-native due to their lingual connection to neighboring Rwanda, the Banyarwanda were also cut off from accessing rights through customary law, including land rights.

After independence, the legal pluralism in the land tenure system continued, as much of the old land policy remained intact. Under Mobutu, ownership of land transferred to the Congolese state. The General Property Law of 1973 (modified 1980) outlawed traditional and customary land tenure systems in favor of state control, ostensibly ending the legal pluralism around land ownership. Mobutu used his absolute control over Congolese land to reward loyalty, and much of the most

37 Mamdani, M. (2001)
38 Stearns, J. (2013)
productive piece of land were partitioned off to the ruling elite.\textsuperscript{39}

As a result, land-grabbing practices became a new area of contestation. In addition to the land Mobutu gifted in order to consolidate his power under the system of patrimonial rule, wealthy Congolese began buying land in the fertile east, acting as absentee landowners for large plantations. Traditional authorities were often complicit in this arrangement, as they benefited monetarily from selling ancestral land; local populations were often displaced and dispossess of their customary land rights.\textsuperscript{40}

The Banywarwanda benefited greatly under this system. Their status as a minority and non-native made the Banyarwanda vulnerable, and therefore a useful tool in Mobutu’s strategy to consolidate power; they did not have the capacity to become a political threat. Mobutu’s redistribution fundamentally restructured access to land, subsequently impacting both the economic and demographic make up of the entire country.\textsuperscript{41}

At the same time, Mobutu further eroded customary rights to land. Mining, the creation of protected national parks, and other policies that secured land for state-sponsored activity created waves of population displacement.\textsuperscript{42} These displaced persons often no longer had access to land through customary practices, as they were displaced onto land brokered by different customary authorities. Additionally, the protracted regional conflict has resulted in further internal

\textsuperscript{39} Vlassenroot, K. (2013)
\textsuperscript{40} Huggins, C and Vlassenroot, K. (2005)
\textsuperscript{42} Beck. J. (2012)
displacement, exacerbating overlapping and competing groups claiming authority over land.\textsuperscript{43}

In practice, the General Property Law of 1973 did not end the pluralism around land ownership. Although the state owned all land and individuals were merely granted concessions to use the land, nearly 97\% of land access was secured though customary land tenure systems.\textsuperscript{44} Although maybe no longer classifiable as ‘legal’ pluralism, since the General Property Law explicitly states one avenue of legitimate land access, in practice, people accessed land through formal and informal systems.

Although land law has not significantly changed since 1980, changes in other legislation have impacted legal pluralism around land ownership. The 2006 constitution maintains that the state owns all land and controls all access, but at the same time, the constitution also recognized the role of customary law.\textsuperscript{45} For the first time since the 1960’s, the pluralism in land access became legitimized in state structures. However, the extent to which customary authority applies to land ownership still remains unknown; a presidential degree to clarify the exact role of customary authorities was supposed to follow the constitutional mention of customary rights. However, that clarification never occurred.\textsuperscript{46}

Finally, in addition to the legal pluralism and parallel formal and informal structures of land access, the protracted conflict of the last twenty years has

\textsuperscript{43} Vlassenroot, K. (2013)
\textsuperscript{44} Leisz, S. (1998)
\textsuperscript{46} Ibid.
impacted issues surrounding land. Since 1996, millions have people have been
displaced, the majority displaced internally within Eastern Congo,47
“reconfigure[ing] the network of social relations upon which all land tenure systems
depend.”48 While ethnic identity at one time was closely tied to geographic location,
with massive population movement due to conflict (in addition to the demographic
shifts under colonialism and Mobutu), that identification is both becoming more
fractured, and more salient. As ethnic groups that previously had limited contact are
forced together on land with limited resources, local conflicts emerge. This conflict
occurs over competition over scarce resources, cultural differences, and land
rights.49 Local conflicts around land rights are increasingly being tied to regional
conflicts, as access to and a right to use land are inextricably associated with ethnic
identity, political inclusion, and economic gain.50

V. LITERATURE REVIEW

Conceptual Framework

In the late 1960s, the field of peacebuilding began to address structural causes of
violent conflict, a concept first introduced by Johan Galtung. Structural violence is a
form of indirect violence that, through “the social machinery of oppression”
systematically reduces opportunities, resulting in “death, injury, illness, subjugation,

from International Displacement Monitoring Centre: http://www.internal-displacement.org/countries/drcongo
stigmatization, and even psychological terror.”51 For both direct and indirect violence, development presents an avenue and an opportunity for high impact peacebuilding.52

At the same time, the nature of warfare changed in the wake of the Cold War, and the connections between violent conflict and extreme global poverty began to be more clearly understood. As warfare shifted to primarily conflicts within countries, rather than conflicts between countries, the areas in most need of developmental aid were simultaneously engaged in violent conflict.53 Delivering aid and contributing to development therefore became a more complicated venture, and the possibility of well-intentioned interventions negatively impacting conflicts became a harsh reality. For example, humanitarian assistance and development work in settings with conflicted parties have led to projects and resources being coopted into conflicts; there are numerous examples of material aid being seized and either directly used by a belligerent parties, or sold in order to support conflict activities.54

As a result of these shifts in warfare and conceptualizations of violence, and the emergence of peacebuilding and development in conflict and post-conflict situations, deeper exploration into impacts of humanitarian aid began to develop. The concept of Do No Harm, as applied to peacebuilding and development, emerged in the early 1990s in response to the difficulties of providing aid and development

assistance in conflict settings. Do No Harm developed from the Local Capacities for Peace Project (LCPP), a collaborative endeavor undertaken by a wide-ranging group of experts, from UN agencies to local NGOs. Together, they sought to examine how aid can mitigate or exacerbate conflict.55

While the Hippocratic oath doctors take to “first, do no harm,” is used primarily as an ethical principle to guide behavior, in the context of peacebuilding and development, Do No Harm goes beyond the notion that actors must strive not to negatively contribute to conflict situations. Actors in the fields of peacebuilding and development should always attempt to do the best and most good. While a large amount of literature on and references to Do No Harm in peacebuilding and development only looks at the first criteria, this conceptual framework will utilize both elements of the theory of Do No Harm.

Achieving a standard of no harm is accomplished through a detailed analysis of dividers and connectors. Dividers are the elements of society that instigate or entrench rifts within and between communities, while connectors are elements of society that bring people together and prevent escalations of violence. Do No Harm classifies dividers and connectors into five different categories: systems and institutions, attitude and actions, values and interests, experiences, and symbols and occasions.56 There are no universal dividers or connectors in conflict; each conflict situation is different. For example, religious leaders in one conflict might actively

56 Anderson, M. B (1999)
work to bridge the gap between disparate groups, while in another conflict context, religion is used to deepen divides between people.

Related to Do No Harm is the concept of conflict sensitivity. Conflict sensitivity is included in this conceptual framework due to the frequency it is used interchangeably with Do No Harm. This definition of the role of conflict sensitivity in development work highlights the connection to both of the goals of Do No Harm, to avoid negatively contributing to conflict, and to improve the positive impact of programs.

Conflict sensitivity in development assistance can serve not only to decrease levels of violent conflict or the potential for violent conflict, but also to increase the effectiveness of the assistance. Development assistance without conflict sensitivity can inadvertently encourage conflict, and end up doing more harm than good.57

The framework of Do No Harm (inclusive of conflict sensitivity) builds upon the theories of indirect and direct violence; the potential harm in question goes beyond the escalation of physical violence. The conflict in Eastern Congo has resulted in more deaths due to indirect violence than to direct violence.58

Additionally, the central question Do No Harm poses is “how can humanitarian or development assistance be given in conflict situations in ways that rather than feeding into and exacerbating the conflict help local people to disengage and establish alternative systems for dealing with the problems that underlie the

conflict?” The emphasis on addressing issues that underlie conflict often means exploring structural, indirect violence. Drivers of conflict, especially in protracted intrastate conflict, are often intimately connected to systems of oppression and marginalization.

Finally, the central question of Do No Harm explicitly links development to peacebuilding objectives; if development can support peace or war, it is the obligation of aid organizations to integrate development work and peacebuilding objectives. In subsequent years, many organizations have increased their scope of work to include conflict dynamics.

**Land Conflict and Do No Harm**

Land is a highly valuable resource; in many parts of the world, land is the primary source of livelihoods, and is the source of a sense of community, identity, and security. In rural communities in Eastern Congo, up to 81% of the population relies exclusively on subsistence agriculture for survival, with an even higher percentage of people counting on agriculture or animal husbandry as major component of their livelihoods. In this context, where access to land is deeply tied to food security, land tenure insecurity perpetuates and escalates vulnerabilities. The simultaneous importance of land in daily life and the insecurity of land tenure make it an easily manipulated mobilizing platform for conflict.

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60 Vlassenroot, K (2013)  
62 Unruh, J.D 2003
Conflict over land is frequently characteristic of conflict and post-conflict settings. Land conflict is the expression of “different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it.” Land conflict is not only common, but “land access or reaccess constitute one of the more problematic and volatile facets of societal relations during and subsequent to armed conflict.” Accordingly, a large body of research has emerged to address the issue of land conflict as both a driver and result of violent conflict.

As a driver of violent conflict in Africa, land conflict often emerges from colonial practices that restructured access and created unclear or pluralistic land tenure systems. The history of how access to land has been maintained and sustained reveals deep-rooted structural inequalities, legacies of marginalization and manipulation, and the reverberating impact of colonial policies and practices. In Eastern Congo, the manipulation of land access and identity continued after independence and solidified “a political economy of social fragmentation, leading to land alienation and marginalization of large parts of the rural population, and eventually to violent conflict for access to land.”

Increased land conflict can also be the result of conflict and violence, and not

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67 Young, C and Turner, T.E. (1985)
the driver of conflict. Mass displacement, the interaction between ambiguous inheritance systems and high rates of mortality, and the deliberate divestment of certain groups – all factors that occur over the course of a protracted violence conflict – can lead to increased conflict over land, even if land is not the initial source the conflict.

The scholarship around land conflict is robust, and aid organization in conflict and post-conflict societies increasingly are working to reduce land conflict. USAID now has an office of land tenure and resource management, and invests approximately $300 million in programs about land tenure. USAID also houses an online portal on land tenure and property rights, where they have compiled research, tools, and project information relating to land tenure issues. Similarly, the World Bank has recognized and prioritized work around land tenure issues, and since 2004 “has supported 34 projects with land tenure as the primary theme in 27 countries, with total assistance amounting to some US$1.2 billion” with more than 80 additional projects where land tenure was a secondary or supporting theme. The World Bank also has been a leading partner in producing research and frameworks promoting responsible governance and land tenure, promoting land

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policy reform, and hosts an annual conference on land tenure and property. While promoting secure land tenure and reforming weak land tenure systems contribute to a reduction in land conflict, aid organizations also engage with land conflict more directly. Throughout the world, organizations have launched programs focused on resolving land-based conflicts. Search for Common Ground, a widely respected peacebuilding organization, runs a radio program in Rwanda called *Ubutaka Bwacu* (Our Land) that “highlights collaborative approaches to the resolution of land related disputes.” In Liberia, USAID is working with the government and partner organizations to set up legally recognized and legitimized collaborative dispute resolution and alternative dispute resolution services in order to decrease land conflicts. In Eastern Congo, UN Habitat and the Office of the United Nations High Commissioner for Refugees (UNHCR) have worked to reduce land conflict, specifically focusing on challenges facing IDPs, refugees, and communities when displaced populations return home.

The current research almost exclusively explores programs that are explicitly about land conflict and land tenure, rather than projects that simply use land. Only a small body of academic work has emerged to address how aid organizations

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conducting peacebuilding and development projects in the context of land conflict and insecure land tenure can avoid negatively contributing to conflict dynamics. The questions of how do organizations become party to land dynamics, and what are those impacts, have not been sufficiently asked and answered.

In 2013 the Collaborative for Development Action (CDA), the organization that emerged from the Local Capacities for Peace Project and now houses the majority of research on Do No Harm, published a framework to help aid organizations design and implement conflict sensitive programs around land tenure. The goal of the document is “to apply the Do No Harm framework to land interventions in order to identify, track, and mitigate unintended negative impacts on the context of conflict in a meaningful and practical way as well as identify and build upon positive impacts.” The document notes that many aid organizations operate in areas prone to conflict, yet fail to account for conflict dynamics in project design and implementation, a trend that “is particularly true of land programs. Land can be a causal or aggravating factor in conflict, therefore, land issues must be approached carefully and systematically to ensure that assistance is responsive to conflict dynamics.” However, like much of the research conducted around Do No Harm, land use, and land conflict, the CDA framework does not address organizations that use land, but are not directly about improving land tenure security or reducing land conflict.

The only research conducted on programs that use land (but are not about land) in the context of Do No Harm is a chapter in the 2005 publication Postconflict

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78 Anderson, M. B (1999) p. 3
Development: Meeting New Challenges. In the sixth chapter, Richard H. Brown discusses how Do No Harm applies to rebuilding infrastructure. In this chapter, Brown argues that the question of dividers and connectors is vitally important to post-conflict infrastructure building, as “in the right circumstances infrastructure can reconnect divided communities and become the catalyst for gradual reconciliation (effectively a peace tool). Infrastructure links that conform to real or notional boundaries can, of course, have quite the opposite effect.” Brown continues to essentially describe conflict sensitive programming, stating that “in designing recovery programs, great care must be applied in understanding the culture and organization of prewar communities and in ensuring that development plans reduce rather than increase individual and community vulnerabilities such that a strong platform for sustainable development is firmly established.” While Brown does not frame his argument in the context of (or indeed mention) organizations becoming party to land dynamics, he offers some of the first analysis of Do No Harm within the context of programming that is rooted in land use.

The sparse literature on Do No Harm in connection to land-dependent peacebuilding and development interventions in no way reflects a lack of importance for a systematic inquiry into the topic. Instead, this dearth of information highlights how frequently this question is overlooked.

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81 Ibid, p. 102
82 Ibid, p. 106
VI. FINDINGS

The following findings are divided into three sections, each examining one of the secondary research questions in order to address the primary research question: *In what ways do aid organizations in Eastern Congo become party to conflict dynamics when they access and use land for peacebuilding and development projects?* The first section explores the process aid organizations undertake in order to gain access to land. In investigating how they access land, as well as how these aid organizations themselves become party to land dynamics, the first section of the findings lays the foundation for the later analysis of impacts in the following sections.

The second and third sections examine the impacts of both land access and use, as well as the utilization of best practices, using the conceptual framework of Do No Harm. The second section examines the unintended consequences resulting when aid organizations access and use land, considering the impacts on both communities and the organizations themselves. The third and final section of the findings analyzes the utilization of best practices on both an organizational level and as a larger field of practice. Additionally, the third section addresses whether the standard of Do No Harm is being met within the context of land access and use. Together, the three sections offer a comprehensive examination into the processes and implications of the ways aid organizations become a party to land dynamics in Eastern Congo when they access and use land for peacebuilding and development projects.
Accessing Land

Aid organizations inherently become party to land dynamics, including any conflict dynamics related to land, when they access the resource. While the methods of land access may seem familiar, each method has unique implications and potential for harm in the context of land dynamics of Eastern Congo. In order to establish if organizations are meeting standards of Do No Harm when accessing and utilizing land for peacebuilding and development programs, it is important to understand how organizations gain access. This first section of the findings explores some of the benefits and drawbacks of each category of land access.

In Eastern Congo, development and peacebuilding organizations typically access land for their programs in one of four ways: leasing territory; buying land; receiving gifts; or by gaining indirect access through working with beneficiaries with access to land. The first three methods of accessing land occur within the legal construct of concessions and title transfers, and will therefore be considered together, while gaining indirect access is explored separately.

Concessions

Leasing and buying land both involve contracts granting temporary or permanent access to land in exchange for compensation, while gifts are characterized by granting temporary or permanent access without compensation. Aid organizations typically lease, buy or receive land from large landholders in order to accommodate large-scale projects. Large landholders include the state,
those with customary authority (such as the mwami), the church, or wealthy individuals.

Many aid organizations prefer leasing arrangements to buying land. Buying land is an arduous process, requiring a transfer of the title, yet very few Congolese landholders have a land contract at the state or national level. To obtain a land title for ‘vacant’ land (classified as unproductive and unregistered) national level land certification requires over 20 steps, each demanding a fee and/or travel to a centralized office.83 The process is complex and ill-explained to members of rural communities, and the associated expense and travel requirements place formal land certification outside the realm of possibility for the vast majority of Congolese.

When most of the rural population of Eastern Congo lives in Extreme Global Poverty, defined at $1.90 a day,84 even if each stage of land certification cost only $1, the process would still be inaccessible to the majority of people. As it is, land certification typically costs at least $200,85 but can be far more expensive, exceeding $2000.86

Transferring a previously granted land concession is less complicated than obtaining a new land concession. According to the DRC National Investment Promotion Agency, the transfer procedure involves:

1) A notarized sales contract between the two parties;
2) Payment of an administrative fee equal to 3% of the property value;

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86 Interview 4 (2016). (Huggins also estimates between $500 and $1000 in North Kivu for a small plot of land)
3) The return of the old certificate to the Registrar of Real Estate Security.
4) The procurement of a new certificate of registration.\textsuperscript{87}

In addition to the complex nature of land titling and transfer, aid organizations often do not need to have long-term access to land in order to achieve the project objectives. Most projects have a relatively short implementation timeframe, with funding typically covering periods of two-to-five years. Under such conditions, it often is not practical to secure long-term land access when the project itself is short-term (or requires short-term involvement of the aid organization).

Additionally, some grants to NGOs prohibit ownership of an asset beyond the project implementation timeframe. While few, if any, donors explicitly state the prohibition of land ownership, over the course of budget approvals, such an acquisition would likely be denied in favor of leasing land.\textsuperscript{88}

Conversely, there are also benefits to land ownership over the lifetime of a project, such as the potential to provide a more secure and durable form of land access. In the agriculture sector, land tenure security significantly impacts development. Farmers whose access to land is more secure have greater flexibility in their growing practices and investment choices, including: buying better seeds or fertilizer, resulting in better and more nutritious crop yields; growing crops that have a slower maturation period in addition to staple crops with a high turnover rate, thus diversifying their access to food, improving crop rotation practices, and contributing to better food security overall. As farmers move from subsistence to


\textsuperscript{88} Participant, 3. (2016, March 22). Interview 3. (L. Kruglak, Interviewer)
more long-term cash crops, secure land access provides smallholder farmers with a stronger negotiating platform.\textsuperscript{89}

While the implementation of some projects have a short timeframe, requiring only temporary access to land, peacebuilding and development projects can create permanent, or semi-permanent structures. A sanitary latrine, for example, loses its developmental impact if the land it is on is leased, the lease expires, and then the landowner restricts access to the latrine. If land is bought, an organization can better ensure access on a long-term basis, beyond the implementation period of the project. However, there are also potential downsides to long-term asset retention; with land a finite resource, organizations cannot indefinitely own land that is not actively engaged in a project. Congolese law allows the government that ability to seize land deemed unproductive.\textsuperscript{90}

Aid organizations receiving gifts must follow similar procedures to buying or leasing land, minus the monetary exchange. A permanent gift of a concession requires an aid organization would still have to complete the four steps of the transfer process described above. Temporary gifts, or free leases necessitate a formal contract between the aid organization and the gifting party.

\textit{Indirect Access}

Aid organizations also access land by working with beneficiaries who have their own land. This method of land access does not require a transfer of the land


\textsuperscript{90} Long, C (2011)
title, or even a contract, greatly simplifying the process. Some organizations work
with landed beneficiaries precisely so they do not have to find and rent land,
knowing how complicated and costly land acquisition can be.91

Additional benefits include a higher degree of project sustainability. As
smallholder farmers work on their own land, they can continue to cultivate past the
implementation timeframe of the project.92 However, as the expense and challenge
of receiving and transferring a land concession results in few smallholder rural
farmers with formal titles to their land, their participation peacebuilding and
development projects that utilize their land may ultimately do little to improve their
land tenure security.

Land Access and Programming

The process by which aid organizations choose to access land often
corresponds to specific types of projects. For agricultural projects, many
organizations prefer to work with beneficiaries who already have access to land,
due to the simplified process of land access.93 Aid organizations that want to include
the landless into their programs will rent or buy land, although this is less common
than working with smallholder farmers directly.94

While buying land outright for agricultural projects is rare, it could have
interesting implications if ever applied to large-scale practices, due to the potential

92 Interview 5
93 E.g.: USAID Food for the Hungry program in Katanga Province; World Bank Agriculture
Rehabilitation and Recovery Support; World Food Programme Purchase for Progress
94 Interview 5
of land-grabbing that is normally associated more with for-profit farming and plantation style farming. Concern over land grabbing is increasingly relevant, as the DRC has recently launched agricultural programs that mix public/private investment, creating a hybrid of development and business practices. For example, in 2014, the government of the DRC launched twenty agro-industrial parks not only to address food insecurity in country, but also to increase exports to other African countries. It is the main pillar of the Agricultural Investment National Plan for the next five years, and requires a large amount of land to carry out the objectives. The project is a combination of nonprofit development work and for profit direct investment. The methodology of land access for such projects combines working with smallholder farmers directly and the long-term leasing of large farms through the mechanisms of the national government.

Many infrastructure-building projects also operate with direct support from the national and local governments. Land often is granted either by ordinary concession or the project is conducted on government-owned land. For infrastructure building programs, many projects are improving or rebuilding existing structures; in theory the issue of land access should be irrelevant, or at the

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97 Interview 1

very least without contestation.\textsuperscript{99} However, in practice, no method of land access is without potential unintended consequences.

\textbf{Unintended Consequences}

This section of the findings examines the \textit{impacts} of aid organizations as a result of becoming party to land dynamics in Eastern Congo. The convoluted nature of the land tenure system in the DRC, strong ties between land and identity, and the role of land within the protracted conflict pose numerous challenges to accessing land without negatively contributing to the conflict. Each method of accessing land has the potential to produce negative unintended consequences. This section examines three specific categories of negative impacts: working with or on contested land; excluding vulnerable groups; and working with problematic actors.

\textit{Contested Land}

One of the most common unintended consequences aid organizations face is gaining access to contested land. Four of the five experts interviewed specifically noted difficulties or challenges with land access because of contested or dual claims to land titles.\textsuperscript{100} The presence of legal pluralism in the land tenure system, and the lack of widespread or consistent implementation of the laws means that multiple people can, and often do, have legal claims to the same land. These claims on land can span generations, and as a result,

\textsuperscript{99} Interview 1
\textsuperscript{100} Interview 1; Interview 3, Interview 4; Interview 5
You can very well have situations where one piece of land has four different owners. There will be the customary authority who will claim it's been theirs for the last two hundred years, there will be a guy sitting on a land title somewhere in Kinshasa who got that in Mobutu's time, there will be a guy who got a land title recently because he voted for someone, and then there will be some general who is actually there and is claiming ownership by virtue of his armed presence.\footnote{Interview 1}

In these situations, organizations must decide with whom to negotiate land access. Even where only one landowner possesses a state land certificate, the informal nature of many land transfers, and well as the legacy of land dispossession makes the question of land ownership and land rights more than just a question of legality.

One of the most challenging informal land claims to navigate is the strong sense of a historical ownership of land, even if that claim is no longer legally recognized. The restructuring of land to consolidate power under colonial authorities, and later perpetuated by Mobutu, dispossessed many groups throughout Eastern Congo of their ancestral land. In Eastern Congo, land and territory are closely interconnected, and many still feel the rightful owners of their ancestral land despite their current lack of legal claim to their historical lands. Refusing to recognize the influence of that legacy not only jeopardizes the success of peacebuilding and development programs, but also can reinforce negative dynamics of pervasive land conflict and systems of marginalization.

There are several instances of this. In South Kivu, a multinational organization nearly accepted contested land from the mwami for a large-scale
agricultural project. The organization avoided this misstep because it conducted a
detailed conflict analysis prior to lunching the program.\textsuperscript{102} Even with the conflict
analysis, this particular dynamic only came to light at the end of the research phase
preceding the project implementation.\textsuperscript{103} While the mwami had the customary
power to dictate the land use, and therefore allow the organization to access the
land, that particular power was built upon Mobutu's legacy of deliberate
restructuring chefferies. As a result, both the current mwami and the previous chief
de cheffieri claimed that piece of land.\textsuperscript{104}

In contrast, a large NGO accessed land the mwami brokered, but did not
discover that the land was highly contested until after the program began. As part of
the project, the organization built a structure on the contested land, legitimizing the
claims of the party with whom they had entered with into a contract. As a result,
project provoked riots within the community and the project fell apart. The
reputational damage to the organization was so severe that the community was
hesitant to allow the organization to launch new projects. Instead of working with
the community to address the negative impacts, the NGO instead worked with the
county-level administrator to push through new projects.\textsuperscript{105}

Well-known organizations with multi-million dollar budgets sometimes are
deliberately pulled into conflicts over contested land. For the multinational
organization launching the large-scale agricultural project, they were granted
permission to lease a sizeable area of ‘vacant’ land to start farms, build roads, and

\textsuperscript{102} Interview 1
\textsuperscript{103} Interview 3
\textsuperscript{104} Interview 1
\textsuperscript{105} Interview 3
launch agricultural cooperatives. Only a large multinational or governmental organization, or a direct investor had the capacity to develop the huge tract of land. Had the organization gone forward with that project in that location – utilizing that land and investing hundreds of millions of dollars – they would have directly reinforced one group’s claim over another to land.\textsuperscript{106} Additional repercussions might have included riots against the organization, as it did in the previous example, or triggered violent conflict between the two communities in conflict over the land. At the very least, accepting that land would have undercut the potential good of the project, the second criteria of Do No Harm, because the project would have lacked local buy-in and the organization would have lost legitimacy in the community. With such a large-scale project, that loss of organizational legitimacy would likely extend beyond that program, damaging the long-term reputation of the organization on a more long-term basis throughout Eastern Congo.

However, large organizations are not the only ones who must be wary of accepting contested land. A smaller NGO launched test farms in South Kivu and in order to implement the program, the organization required land for communal farms. The mwami offered to temporarily gift the land for the duration of the project; however, over the course of their conflict analysis, the organization discovered it was contested land. The organization declined to use the offered land in order to avoid negatively contributing to the conflict over that space.\textsuperscript{107}

With infrastructure projects, how organizations access resources that rely on land (such as sand, rock, etc.) for construction also can be prone to conflict. One

\textsuperscript{106} Interview 1
\textsuperscript{107} Interview 3
multinational organization encountered this problem frequently when working on road reconstruction projects. The Congolese government would grant the organization access to an area of land to start a quarry to secure resources to rebuild the roads, but oftentimes another party also had a claim over that land. In such situations, the person with the second land claim benefited from waiting until the project was too far underway to stop in order to negotiate compensation. In the case of the quarries, waiting until the multinational organization did the expensive labor of removing the top layer of earth gave the person with the second land claim an extremely strong negotiating position. By the time the second land owner would show up, the organization would either have to compensate them for using their land without obtaining prior permission, or the organization would move on, and the second owner would then have access to an open mine and the easily accessible resources within. Sometimes, the multinational organization found themselves both compensating a person for using their land without prior permission and then buying the resources back from them at an inflated rate.108

The above example shows that even land the national government grants for a project, which should arguably be the most secure form of land access an organization can hope to achieve, is not without the potential for contestation. This issue also occurs when organizations fix or expand roads; the land 20 feet in either direction of the road is considered state property and should be accessible without contestation. However, in practice, many smallholder farmers grow crops right up against existing roads and must be negotiated with in order to access land and not

108 Interview 1
increase food insecurity. Even though the organization has the ‘right’ to the land, pulling up existing crops and paving over the land without compensation would be an unethical practice, even if it is technically legal. The question of legal vs. ethical access is at the crux of much of the unintended consequences around land use when specifically applied to land tenure legal pluralism and the resulting contested land. An organization may have a legal avenue to access land, but it might not be an ethical way to access land.

**Exclusion of Vulnerable Peoples**

The possibility of accessing contested land is not limited to one type of land access, and can occur when buying, leasing, or receiving a gift of land. However, the exclusion of vulnerable people often directly corresponds to programs utilizing indirect access. This section explores how indirect access and the ensuing programmatic structures associated with it also negatively contribute to the situation in Eastern Congo by the exclusion of the most marginalized groups. This subsection of the findings focuses on the second criteria of Do No Harm, doing the best and most good.

When accessing land indirectly, aid organizations typically work only with beneficiaries who already have access to land. As a result, these programs are not engaging with the most marginalized groups. Many agricultural projects in Eastern Congo work with smallholder farmers – individuals or families who already have access to land. Working with smallholder subsistence farmers is essential to

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109 Interview 1
peacebuilding and development, as many subsistence farmers lack access to a variety of high quality seeds, fertilizer, or other resources essential to producing a high yield of nutritious crops. However, when working only with smallholder farmers, agricultural projects exclude some of the most vulnerable members of the population – the landless.

While reasons for landlessness in Eastern Congo vary, the end result is the same; landlessness corresponds to a higher rate of vulnerability. IDPs living in displacement camps have no access to land, while IDPs living in host communities may be granted land privileges by the customary authority or be able to work for compensation on others’ land.\textsuperscript{110} The Batwa and Bambuti, Congolese ‘pygmies’ are both forest-based and depend largely on hunting and gathering practices. Since Mobutu’s time and continued today, the Batwa and Bambuti have been displaced as large areas of forest are bough by developers or protected as national park areas (where hunting is forbidden). Within large segments of Congolese society, the Batwa and Bambuti are considered inferior and have virtually no land rights; the land the Batwa and Bambuti access and use is typically classified as ‘vacant’ because of their semi-nomadic lifestyle.\textsuperscript{111} Finally, women are less likely to own or inherit land, and widows are especially vulnerable to landlessness. When women do own land, it is typically less productive, and less conveniently accessed land. At the same time,

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women are the primary workers of land, leading to a highly disproportionate work/ownership ratio.\textsuperscript{112}

Excluding the landless from peacebuilding and development programs has serious consequences. There are over 1.6 million IDPs in Eastern Congo,\textsuperscript{113} a large number of Batwa and Bambuti (likely between 60,000 and 100,000),\textsuperscript{114} and an unknown number of other landless peoples. With the lack of a money-based economy in rural Eastern Congo, being landless means having drastically reduced options. In an area where agricultural production is the basis for livelihood, landlessness corresponds to a higher degree of food insecurity, which in turn relates to many negative health indicators. Additionally, those with fewer opportunities are more likely to be recruited or re-recruited into armed groups. This has a direct impact on the continuation of violent conflict, when the most viable economic opportunities are available through armed group membership.

\textit{Working with Problematic Actors}

The final category of negative unintended consequences addresses an enormously challenging aspect of all work in conflict settings – working with people who may be complicit in continuing insecurity and violence. From the negotiation of peace accords to the establishment of transitional governments, those who are considered important or powerful enough to be decision-makers often have strong

\textsuperscript{112} USAID, 2010
ties to the conflict. Eastern Congo is no exception, and this dynamic is has the potential to cause harm as aid organizations access and use land for peacebuilding and development projects.

In Eastern Congo, many of the large landowners received their land through a system of patrimonialism, armed conflict negotiation, and other ethically dubious means. In one area of North Kivu, such concessions account for over 70% of the cultivable land. Aligning with such actors poses serious potential for harm, but at the same time, working without these large-scale landowners is difficult when they own so much of the productive land.

While governmental organizations and multinational organization often include provisions about working with persons whom meet the ethical standards of the organization, in practice those standards are not always upheld. UN agencies allegedly lease land from families with strong ties to the conflict and who are currently financing armed groups, and “everybody knows, at the community level, but there is a sense of ‘this is how it’s done’ or ‘business as usual.’”

Further research on the ground is needed in order to examine the pervasiveness of this issue. No matter how beneficial a project may be, funneling money into the pockets of families that are, at the very least, complicit in the ongoing violence creates material harm. When money paid to rent a property is then used to buy supplies for an armed group, organizations become involved not only in implicitly supporting negative conflict dynamics, but also are complicit in direct violence.

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115 Huggins, C and Vlassenroot, K (2005)
116 Interview 3
Best Practices

The data reveals clear examples of harm, as well as the potential for harm, when organizations access and utilize land for peacebuilding and development projects. The method of land access, the structure of the program, and engagement with problematic persons are all sources of actual or probable harm in regard to land use. The question then becomes, is harm occurring because of a lack of best practices, or despite their implementation?

No publically available literature exists that specifically addresses the best practices involved in accessing land for peacebuilding and development projects. For peacebuilding and development in general, and Eastern Congo specifically, there are no safeguards, frameworks, or guidelines for how to access and use land in ways that both mitigate harm and increase the capacity for good. The closest the field has to guidelines specific to land access are a series of working papers and reports published by the Food and Agricultural Organization on the topic of land tenure and related issues,117 the framework CDA published on Do No Harm and Land Tenure and Property Rights,118 and the World Bank safeguards addressing involuntary resettlement.119 However, while some lessons on best practices – in regards to the specific question of land access and use for programming – could be extrapolated

117 Eg: Land Policy Development in Africa; Land and Gender; Land Grab or Development?
from those reports, they fail to explicitly identify how aid organizations interacting with land could cause harm, and the need to mitigate that harm.

That does not mean that organizations are completely without guidance when it comes to applying best practices to land access. Organizations create programmatic safeguards and guidelines, publish literature on best practices and conflict sensitivity – useful tool for practitioners even if land access and use are not specifically mentioned. Additionally, three of the five interview participants referenced specific field-wide standards of best practices and generally described other best practices when discussing their organization’s method of land access.

Based off of the data from the interviews and extant documents, three field-wide standards of best practices emerged that can or have helped organizations abide by the principles of Do No Harm as they become party to the land dynamics in Eastern Congo. These standards are:

1. Conducting a conflict analysis prior to program implementation
2. Employing participatory approaches
3. Structuring conflict sensitive programs

These three standards are mutually reinforcing, sometimes overlapping, and all deeply embedded in the framework of Do No Harm. The three standards will be discussed below individually in order to highlight the different ways these best practices can help mitigate harm and increase the efficacy of programs that access and utilize land, allowing aid organizations to adhere to the practice of Do No Harm.
Conflict Analysis

The need to conduct pre-programmatic conflict analyses has – perhaps more than any other best practice – become mainstreamed in peacebuilding and development work, at least in theory. From UN agencies to small NGOs, consensus exists supporting the need to have an up-to-date understanding of dividers and connectors. A conflict analysis, or a conflict assessment is “an interactive research process to conceptually organize factors driving conflict and supporting peace.”\textsuperscript{120} A conflict analysis is “undertaken or commissioned by external institutions, such as donors or foreign ministries for their own purposes, and by NGOs that work in conflict-affected and fragile environments,”\textsuperscript{121} and is utilized for a variety of purposes. A thorough conflict analysis can help donors identify future funding priorities, assist an NGO with program development, help inform multinational strategies, and function as “a tool for mainstreaming conflict sensitivity and peacebuilding into broader strategies or activities,”\textsuperscript{122} and can help aid organizations uncover unmet needs and how to address those issues.

However, in practice, conflict analyses rarely precede programming. While some organizations and donors in Eastern Congo prioritize conflict analyses, they have not been mainstreamed as a best practice. In a notable departure from the norm, the Stabilization Support Unit (SSU) of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

\textsuperscript{121} Hiscock, D., & Dumsay, T. (2012). From Conflict Analysis to Peacebuilding Impacts: Lessons from the People’s Peacemaking Perspectives Project. Saferworld and Conciliation Resources, p. 5
commissioned several conflict analyses in different territories of North Kivu in advance of a push for new programs to support the International Security and Stabilization Support Strategy (I4S).\footnote{Interview 3} The failure to mainstream conflict analyses has serious consequences. In two of the previously mentioned examples of organizations potentially accessing contested land, both the large multinational organization and the smaller NGO were able to avoid this negative impact because they conducted a conflict analysis prior to the implementation of the program. For both organizations, the status of the land as contested was only revealed because of their pre-programmatic research.\footnote{Interview 1; Interview 3}

According to one interviewee, having worked with several governmental organizations and multinational organizations, only one donor ever requested a conflict analysis and no donor has ever questioned how they access lands for their projects.\footnote{Interview 3} When donors fail to promote or support best practices, organizations can lose their capacity to conduct the work necessary to ensure Do No Harm. The absence of donor support often then corresponds to a lack of a budget for conflict analyses, as organizations must then self-finance extensive pre-programmatic research.\footnote{CDA. Donors and Do No Harm. 2012: Collaborative for Development Action.}

Currently, no frameworks or guidelines for conducting a conflict analysis specifically address how to assess the role aid organizations play in conflict dynamics when they access land for programmatic purposes. Whether or not a
conflict analysis examines this issue is completely ad hoc, and relies on the experience and initiative of individual organizations and staff members. In the case of the three interviewed practitioners who spoke directly of their experiences facing or mitigating harm when accessing land, all three mentioned or described conducting a detailed conflict analysis as the single biggest factor that allowed them to avoid contributing harm.127 According to one interview participant:

If we hadn’t done a conflict analysis before we started programming, it would’ve been easy to say yes to the land. In reality, if we had accepted that land, then our program would’ve been contributing to the conflict.128

However, despite the standing and legitimacy of conflict analyses, they have not been fully mainstreamed, let alone mainstreamed in a way that is inclusive to land dynamics. Conducting a conflict analyses greatly reduces the risk of contributing to negative dynamics by helping organizations avoid pitfalls, such as working on contested land, and identifying issues within the program that might act as dividers, rather than connecters. A good conflict analysis is not only preventative, but it is also predictive, allowing organizations to actively engage in issues that might otherwise weaken a program and its positive impacts.

Participatory Approaches

The framework of Do No Harm is rooted in working at the local level; Do No Harm emerged out of the Local Capacities for Peace Project, and best practices in the fields of peacebuilding and development have continued to include bottom-up

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127 Interview 1; Interview 3; Interview 5
128 Interview 3
(versus top-down), community-based, or participatory approaches to each stage of programmatic development and implementation. Participatory, or community-based approaches “seek to empower local community groups and institutions by giving the community direct control over investment decisions, project planning, execution and monitoring, through a process that emphasizes inclusive participation and management.”

Participatory approaches are increasingly linked to the idea of conflict analyses; if organizations are not gathering information from an inclusive group of people, their analysis of the dividers and connectors will be skewed, resulting in programming that is not conflict sensitive. According to one interview participant, the top-down nature of many aid organizations translates into relying on local elites for information. As a result, these organization are “not talking to the people who have actually been affected by, malaffected, by land conflict, so they don't hear the other side.”

In such situations, organizations only learn that the land is contested or that the owner is predatory after the program has launched, and the negative impacts have become visible. Conversely, during a participatory conflict analysis “trust built through participatory approaches can increase the degree of ‘disclosure’, thus leading to more insightful final analysis.”

In such a situation, the process of conducting a participatory conflict analysis further incorporates peacebuilding objectives.

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130 Interview 3
131 Hiscock, D and Teresa, D (2012) p. iii
Participatory methodologies also help reduce negative impacts in later stages of programs. When one organization sought to expand their agricultural program, but the land they were supposed to rent was no longer available, their participatory model of programming helped uncover alternative solutions. According to the interview participant:

In the end, it was a group of project participants themselves who came to us, having found several new hectares of land that they wanted us to rent. This was ideal, as they had taken responsibility for the project and, because they came to us, it was land in locations where they were willing and able to access.\textsuperscript{132}

The organization built the entire program on a participatory model, so the beneficiaries were able to problem-solve their own solution. Ultimately, the beneficiaries were able to negotiate access to land that was best suited for their needs. The peacebuilding organization then followed their standard due diligence process and contacted anyone connected to the parcels of land – those who owned the land, used the land, stood to inherit the land, etc. to ensure that all parties agreed to the contract between the organization and person(s) with the land title. This facilitated participatory methodology has helped the organization avoid leasing contested land for all of their agricultural projects.

\textit{Conflict Sensitive Programming}

Conflict sensitive programming aims "to minimize unintentional negative impacts that may drive conflict and cause further social divisions, while maximizing

\textsuperscript{132} Interview 5
positive impacts on the context that mitigate conflict and bridge social divides."\textsuperscript{133}

Conducting a detailed conflict analysis and employing participatory approaches are just two ways to increase conflict sensitivity in programs. However, how programs are structured can also greatly mitigate potential negative impacts.

In particular, designing and implementing conflict sensitive agricultural projects has the potential to mitigate the negative impact of inadvertently excluding landless groups. In their working paper on Smallholder Agricultural Investments, the FAO notes that alternative ways to structure agricultural projects – ways that do not involve accessing large amounts of land – have received little attention. Among the ways agricultural projects could be restructured is the inclusion of “diverse types of contract farming schemes, joint ventures, management contracts and new supply chain relationships.”\textsuperscript{134}

Developing the entire value chain of agricultural production – from farming, to processing, to distribution – is one way to include landless groups into programs. Value chain development “seeks to systematically identify the main constraints and bottlenecks as well as the development opportunities, in order to increase the competitiveness and inclusiveness of the whole chain.”\textsuperscript{135} As a result, organizations must structure programs that support more than the production side of the value chain.

\textsuperscript{133} Schirch, L (2013) p. xii
\textsuperscript{134} Ibid, p. 3
One peacebuilding organization working on agricultural projects
restructured their project in such a way that was deliberately more inclusive of IDPs because of their heightened vulnerability, lack of land access, and lack of food security. The organization initially indirectly accessed land through their beneficiaries as they had “specifically chosen host families who have their own land, precisely to avoid the need to find and rent land.”136 In this stage of the project, some IDPs were able to benefit from program, as the beneficiary selection criteria focused on working with families who a) owned land and b) hosted IDPs. However, the organization soon realized they were not including the most vulnerable community members into their program, IDPs in displacement camps. As a result, the organization began to rent land from the surrounding community to help IDPs achieve food security.137

VII. CONCLUSION

Do No Harm?

For every account of organizations avoiding contributing to negative impacts, there are numerous others where the total disregard for best practices resulted in serious damages to people already malaffected by conflict. The World Bank, for instance, has both the necessary resources and the institutionalization of safeguards required to prevent harm, but harm persists. In 2007, a leaked report revealed that the World Bank supported a logging project in Eastern Congo, but failed to consult with local communities before beginning to cut down trees. Presumably, the World

136 Interview 5
137 IBID
Bank received permission from the government to access that land, but the Batwa people living in the forested area were the most affected party.\textsuperscript{138} The problem of aid organizations becoming party to conflict dynamics because of the way they access and utilize land is not exclusive to Eastern Congo. More recently, a massive review of World Bank documents revealed widespread lack of adherence to their safeguards, resulting in millions of people displaced throughout the world over the course of World Bank supported infrastructure building projects.\textsuperscript{139}

The \textit{ad hoc} application of best practices is not sufficient to adhere to the standards of Do No Harm, yet virtually no progress has been made to adapt field-wide tools for best practice to specifically address the problem of how aid organizations access and use land. The lack of a consensus on how to avoid land-related harm has far reaching implications for peacebuilding and development projects throughout the world, and on the communities in which they operate. This research shows that when aid organizations access and use land, it is unfortunately easy to inadvertently negatively contribute to the conflict context. While Eastern Congo has some of the most complicated land dynamics, it is by no means the only case where this problem is of relevant concern.

\textsuperscript{138} Minority Rights Group International, 2016
Recommendations

While this paper seeks to address the gap in literature concerning the role aid organizations play in creating or mitigating harm during the implementing of land-dependent projects, attention must now turn to how to create the frameworks, tools, and mechanisms necessary to achieve no harm. Currently, most aid organizations are failing to prevent negative impacts when accessing land. From donors to implementers, the fields of peacebuilding and development must actively engage with this challenge at all levels.

Recommendations for Donors

1. Fund programs and aid organizations with participatory; approaches and conflict sensitive strategies;
2. Make grants conditional on the completion of a conflict analysis
3. Incorporate funding opportunities for conflict analyses.

Recommendations for Multinational Organizations

1. Prioritize the development of frameworks specific to the issue of accessing land within the context of Do No Harm;
2. Partner with aid organizations who are successfully employing best practices to create capacity-building tools;
3. Work to build consensus in the peacebuilding and development communities about standards of best practices for land-dependent programs.

Recommendations for NGO Implementers

1. Prioritize conducting conflict analyses independent of donor driven requirements;
2. Discuss the impacts of land-dependent programs in sectorial and chief de mission meetings;
3. Work directly with local communities to uncover the full scope of the negative impacts.
The field-wide standards of best practice – conducting conflict analyses, employing participatory approaches, and engaging on conflict sensitive programming – must become mainstream in more than just name. The field-wide standards of best practice are a solid foundation to begin building towards practices specific to mitigating harm and increasing good when organizations become party to land-based conflict dynamics. The most significant barrier to this process might be the general lack of awareness of the fact that aid organizations have the ability to negatively contribute to conflict dynamics over the course of accessing and using land. When I first began this research project three years ago, the very question seemed to generate confusion. Those I interviewed during the exploratory research phase genuinely did not understand the value or relevance of my research question: how could aid organizations, over the course of land-dependent peacebuilding and development projects, be negatively contributing to conflict dynamics?

Progress towards consensus is slow, but it is happening. As a participant in the World Bank Fragility Forum in 2016, I was able to witness how members of the peacebuilding and development communities were beginning to grapple with this challenge. However, until the social impacts of land-dependent peacebuilding and development programs are addressed with equal concern and commitment as environmental impact, the progress will not be enough to keep pace with the growing scope of the problem.
VIII. WORK CITED


CDA. Donors and Do No Harm. 2012: Collaborative for Development Action.


Participant, 2. (2016, March 8). Interview 2. (L. Kruglak, Interviewer)


Resolution 70/1. Transforming our world: the 2030 Agenda for Sustainable Development (October 21, 2015).


IX. APPENDIX

Appendix A: Sample Coded Extant Documents


Food and Agriculture Organization. *Foreign Agricultural Investment Country Profile: Democratic Republic of the Congo.* Food and Agriculture Organization.


Zakout, W., Wehrmann, B., & Torhonen, M.-P. Good Governance in Land Administration: Principles and Good Practice. Food and Agriculture Organization.
Appendix B: Sample Interview Questions

1. Please describe the land-dependent project that your organization currently supports/coordinate that require you, your partners, or program beneficiaries to use or access land.

2. How does your organization access land for its projects? What is the process?

3. What challenges do you face gaining access to land? How does that impact projects?

4. Is there a difference in your approach if you’re funding a program through flexible funds versus donor requirements?

5. Are either formal or informal conversations happening within and between organizations about land-dependent projects and their potential unintended consequences?
Appendix C: Informed Consent Document

Georgetown University
Consent to Participate in Research Study

INTERVIEW

STUDY TITLE: How Aid Organizations Become Party to Land Conflicts: An Exploration of Peacebuilding and Development Programs in Eastern Congo and Do No Harm

VESTIGATOR: Lily Kruglak

ADVISOR: Dr. Ayse Kadayafici

INTRODUCTION
You are invited to consider participating in this research study. Please take as much time as you need to make your decision. Feel free to discuss your decision with whomever you want, but remember that the decision to participate, or not to participate, is yours. If you decide that you want to participate, please sign and date where indicated at the end of this form.

If you have any questions, you should ask the researcher who explains this study to you.

BACKGROUND AND PURPOSE
Peacebuilding initiatives and project that utilize human development as a tool to reduce violent conflict are becoming increasingly prevalent. Many NGOs, aid organizations, and government initiatives that implement projects that employ both peacebuilding and development tactics are agriculturally based, and as such, require the use of land to carry out their objectives. However, in Eastern Congo, a complex system of legal pluralism complicates the issues around land ownership and land access.

This study is being conducted in order to examine how the Congolese land tenure system impacts the ability of NGOs and aid organizations to access and use land in Eastern Congo for peacebuilding and development projects.

STUDY PLAN
You are being asked to take part in this study because of your professional experience in Eastern Congo and/or working on projects that require the use of land.

If you decide to participate in this study, you will take part in one interview, lasting approximately 30 minutes. During the interview, you will be asked questions relating to the thesis topic.

If the interview is conducted via email, you will also potentially be contacted for follow-up within a week to ask clarifying questions.
If the interview is conducted in person, over the phone, or via an internet calling service, you will be asked if audio recording is permissible.

You can stop participating at any time. However, if you decide to stop participating in the study, we encourage you to talk to the researcher first.

**RISKS**
There are very few risks associated with participating in this study.

It is possible, but highly unlikely, that this study could cause problems with employers if you share sensitive organizational information and this is found out.

The researcher will try to reduce this risk by making the information gathered over the course of the interview anonymous.

**BENEFITS**
If you agree to take part in this study, there will be no direct benefit to you. However, information gathered in this study may provide insight into best practices for ethically accessing land for peacebuilding and development projects in conflict and post-conflict situations.

**CONFIDENTIALITY**
Every effort will be made to keep any information collected about you confidential. However, it is impossible to guarantee absolute confidentiality.

In order to keep information about you safe, interviews not conducted in person will be done over a secure, encrypted form of electronic communication. Transcripts of the interviews will contain no identifying information, and the data will be identifiable only through code (rather than directly linking to the interview participant's name). No identifiable data will be shared outside of the research team (the PI and advisor).

The study data will be kept electronically, on a password protected computer and/or tablet device. The anonymous data will be made available to the study advisor and thesis committee upon request, through the sharing of electronic, password protected documents. Any paper documents will be kept in a locked file cabinet for the duration of the study, and shredded upon the completion of the study.

Your name or other identifiable information will not be included in the thesis. Please note that, even if your name is not used in publication, the researcher will still be able to connect you to the information gathered about you in this study.

The Georgetown University IRB is allowed to access your study records if there is any need to review the data for any reason.

**YOUR RIGHTS AS A RESEARCH PARTICIPANT**
Participation in this study is entirely voluntary at all times. You can choose not to participate at all or to leave the study at any point. If you decide not to participate or to leave the study, there will be no effect on your relationship with the researcher or any other negative consequences.
If you decide that you no longer want to take part in the interview, you are encouraged to inform the researcher of your decision. The information already obtained through your participation will not be included in the data analysis and final report for this study.

**QUESTIONS OR CONCERNS?**
If you have questions about the study, you may contact Lily Kruglak at +1 703-xxx-xxxx or _____@georgetown.edu. You may also contact the researcher’s faculty advisor, Dr. Kadayafici at _____@georgetown.edu

Please call the Georgetown University IRB Office at 202-687-1506 (8:30am to 5:00pm, Monday to Friday) if you have any questions about your rights as a research participant.

**STATEMENT OF PERSON OBTAINING INFORMED CONSENT**
I have fully explained this study to the participant. I have discussed the study’s purpose and procedures, the possible risks and benefits, and that participation is completely voluntary. I have invited the participant to ask questions and I have given complete answers to all of the participant’s questions.

___________________________________________  __________________
Signature of Person Obtaining Informed Consent  Date

**CONSENT OF PARTICIPANT**
I understand all of the information in this Informed Consent Form.
I have gotten complete answers for all of my questions.
I freely and voluntarily agree to participate in this interview

Please indicate whether you agree to the audio recording of the interview

☐ YES  *(If you change your mind about this at any point, please let the researcher know)*

☐ NO

Please indicate whether you agree for the transcript of the interview to be kept after the completion of the thesis, for use in future research.

☐ YES  *(If you change your mind about this at any point, please let the researcher know)*

☐ NO

___________________________________________  __________________
Participant Signature  Date

______________________________
Printed Name of Participant

*Once you sign this form, you will receive a copy of it to keep, and the researcher will keep another copy in your research record.*