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## Beyond Contesting Limits: Land, Access, and Resistance at the Virunga National Park

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### Abstract

After almost two decades of violent conflict in eastern Democratic Republic of the Congo (DRC) – during which time the Virunga National Park was focused mainly on ‘mere survival’ – nature conservation practices in the Park began following strategies of re-enclosure in 2003. These practices are being contested by local population groups using a variety of different strategies. While local and trans-local elites employ more overt, explicit forms of (political) contestation, peasants resort to ‘weapons of the weak’, engaging in more covert, implicit forms of everyday resistance, whereby the customary mode of organising access to land works –among other functions– as a vehicle for resistance. This paper argues that this multi-dimensional resistance ties in with general conflict dynamics in eastern DRC, while at the same time reproducing them within the realm of nature conservation, tightly interwoven with global dynamics.

**Keywords:** Nature conservation, resistance, access, land, conflict, Democratic Republic of the Congo, Virunga National Park

### INTRODUCTION

It was around midday and the sun was burning down on the small group I was part of, when we arrived at two heaps of earth, which were graves, somewhere in the forested hills in the area of Mayangos, near Beni town in the Democratic Republic of the Congo’s (DRC) North-Kivu province. On our way, we had crossed a creek, which, as one of the young men who accompanied me had pointed out, marked the border of the Virunga National Park (VNP). We had also passed several fields, planted with rice, beans, cassava, and bananas. The plots appeared abandoned, like the huts that occasionally sprouted between the high standing crops. Only every now and then did we encounter one or two peasants. They had all

looked cautious, some even frightened, suddenly appearing from between the trees, some clenching their fists around wooden sticks, others ready to run. ‘This is where the fight happened’<sup>1</sup>, said the young man who had been leading the group to the graves. He described how men, wearing uniforms of the Congolese Wildlife Authority (*Institut Congolais pour la Conservation de la nature*), (ICCN), and civilians had been involved in a fight, resulting in several deaths.

A few days later I met one of the ICCN wardens, who had been involved in the fighting, in Kangbanyi prison near Beni. The conditions in this jailhouse, co-financed by the European Union, were degrading, and the young man fought back tears as we spoke. ‘For all we knew they were *Mayi Mayi*’, he said, ‘an armed group conducting illegal activities in the park’. He had been jailed on the suspicion of murder several months ago, and was still awaiting trial. As he hypothesised, his arrest had been a result of political pressure on the Virunga National Park’s management. Locals claimed that the ones killed were smallholders. The ICCN claimed that they were too heavily armed for farming.

Established during Belgian colonial rule in 1925, the VNP has been gradually extended to cover ca. 8,000 sq. km in today’s North-Kivu province, comprising a large variety

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of floral and faunal species. Since then, the park has been involved in the region's turbulent history, which includes the dramatic increase of violent armed conflicts over the past 20 years. Although the VNP's ecosystem-integrity has been largely maintained during these two decades, the conflicts have had a dramatic impact on its biodiversity (Biswas and Tortajada-Quiroz 1996; see also Languy and de Merode 2009). Yet, the enclosure of the park's land during Belgian colonial rule and the strict re-enforcement of its territorial integrity since 2003 (Mubalama and Mushenzi 2004) have also had a dramatic impact on adjacent communities, for whom access to land is not only crucial in terms of subsistence but also with regard to social reproduction (Van Acker 2005; Vlassenroot and Huggins 2005; Pottier 2005; Huggins and Pottier 2006; Ansoms and Hilhorst 2014). This study focuses on local population groups' reactions to nature conservation practices in the VNP, taking into account how these are embedded within livelihood strategies employed in a precarious conflict situation. This approach seeks to disentangle the involvement of local and trans-local elites—politicians and businessmen<sup>2</sup>—and of peasants; how their resistance to nature conservation amidst violent conflict can be characterised, what means they employ and which narratives are mobilized to legitimise them.

The incident described above is emblematic of the type of situation that has developed over the last decade in localities situated within or bordering the VNP. Such events draw attention to conflicts over access to resources between local smallholders, customary authorities, businessmen, politicians, other state institutions (including the Congolese national military), militias, and the staff and supporters of the VNP. Globally, similar conflicts frequently arise between parks and local population groups, who live in and around areas designated for nature conservation. These conflicts are often rooted in enclosures preceding nature conservation areas' establishment, which tend to go hand in hand with the eviction of previous users (see e.g. Schmidt-Soltau 2010; see also Brockington and Igoe 2006), or, to a similar effect, with restrictions to (customary) modes of access and resource use (e.g. Peluso 1993; Heinen and Mehta 2000).

The case of the Virunga National Park reflects the underlying tensions between competing narratives and practices that characterise the clashes between different constituencies in and around nature conservation areas in many sites around the world. Nature conservation practices tend to be based on a dichotomy between nature and culture (Wilshusen et al. 2002; Igoe 2004: 70). The logic behind this narrative is that nature can only survive as 'untouched', and hence without transformative human interference. The narrative found its expression in the 'fortress conservation' paradigm (Brockington 2002), employed in Africa since the establishment of the first nature conservation areas during colonial rule (Neumann 1998), and which, as I will argue, is re-employed through today's nature conservation practices in the VNP. The consequences generally include the eviction of residents and users from areas dedicated to nature conservation and the subsequent prohibition of any interference with resources inside the area's boundaries. Nature

conservation can, thus, be understood as a specific way of restricting access to resources (Neumann 1998; Drayton 2000) for the benefit of general environmental protection (Corson and McDonald 2012)<sup>3</sup>.

As the introductory anecdote illustrates, exclusionary nature conservation practices in the VNP very often interfere with (customary) practices of land and resource use, particularly in the Global South. As a result, nature conservation practices instigate different forms of resistance by local smallholders, especially in regions with a large rural population dependent upon the use of enclosed resources, largely for agriculture (see e.g. Peluso 1993; Brockington 2002; Meer and Schnurr 2013; Mariki et al. 2015; Cavanagh and Benjaminsen 2015). Appealing to post-colonial narratives, peasants in different regions of the world have been claiming access to resources for material reasons, but also with reference to questions of identity, mythology or cultural practices more broadly (Holmes 2007). As a result, the concept of 'community based conservation' (CBC) came up in the 1970s/80s (Adams and Hulme 2001; Dressler et al. 2010). CBC approaches aim at integrating conservation with development aims, thereby countering the negative effects that nature conservation areas tend to have on local populations, building 'on the moral argument that conservation goals should contribute to and not conflict with basic human needs' (Adams 2013: 21). Such strategies are employed in many instances today including in the VNP, where they have mainly been used to establish outside-alternatives to the use of resources within parks. While there are generally few examples of success, CBC endeavours face a high risk of leading to 'immiseration' of the local population especially in rural contexts of the Global South, where alternatives are difficult to establish and maintain (Brockington 2002: 6).

Local population groups, driven and motivated by a variety of context-related factors, have been resisting against nature conservation areas since the concept was first put in practice (Holmes 2007). While some of the resistance is direct and overt—such as attacking park wardens—most of it can be rather understood as 'everyday resistance', to use James Scott's (1985) terms. This means that locals continue pre-enclosure practices or take them up again. In this context, George Holmes (2007) distinguishes between explicit and implicit everyday resistance against nature conservation. Explicit can for example mean to ('illegally') kill an animal without making any use of it, but leave its carcass as a symbol of resistance. When making use of the animal's meat, hide, bones, etc., the act of killing the animal can be understood as implicit resistance, by simply ignoring the rules of nature conservation (Holmes 2007: 193). Implicit resistance is increasingly happening in the form of 'illicit' agriculture (Cavanagh and Benjaminsen 2015). As I will argue, such tendencies can also be observed for the case of the VNP.

While resistance to nature conservation, its entanglements and effects, as well as conservationists' reactions to it, have long been subject of academic research (e.g. Peluso 1993; Neumann 2000; Brockington 2002; Meer and Schnurr

2013; Cavanagh and Benjaminsen 2015; Mariki et al. 2015; see further Oldekop et al. 2015), corresponding accounts addressing the VNP are rather scarce. The few existing studies mainly focus on the southern sector of the VNP or the park's history (Biswas and Tortajada-Quiroz 1996; Kalpers 2001; Van Schuylenbergh 2009), the potentials for transfrontier cooperation with neighbouring conservation areas in Rwanda and Uganda (Kalpers and Lanjouw 1998; Rainer et al. 2003; Martin et al. 2011) or they keep their assessment on a rather general level (MacGaffey 1991; Vanoverstraeten et al. 1993; Van der Giessen 2005; Huggins et al. 2006; Schmidt-Soltau 2010; Koko 2011; Milburn 2014; see also the contributions in Languy and de Merode 2009). For Beni province, which partly overlaps with the northern sector of the park, no such study exists at all<sup>4</sup>, which might partly be due to the fact that on-going violent conflicts limit researchers' access to this region. This paper aims at taking a first step in closing this gap, by looking at nature conservation practices and resistance against them within an area of overt conflict. Thereby, I also hope to contribute to refining the understanding of the diversity of the challenges posed and faced by nature conservation.

The current study is based upon four months of ethnographic fieldwork conducted in the Beni region between 2012 and 2014, with two specific sites of conflict between the VNP and local population groups being analysed: Lubiriha and Mayangos. Drawing on semi-structured and biographical interviews as well as group discussions, conversations and observations with protagonists of all groups and sides involved, I will describe practices of conservation and resistance, in order to identify underlying narratives and draw attention to the customary mode of organising access, *Muhako* and its role in peasant as well as elite resistance to the Park's enclosure. The *Muhako*, as I will conclude, works — besides many other functions — as a vehicle for local resistance to nature conservation: While peasants' access to the (global) discourse on nature conservation practices and thus, to opportunities to voice concerns, remains very limited, open rebellion against the restrictions of access to resources for subsistence is, in most cases, (with a variety of exceptions discussed in the analysis) too costly, as peasants are first and foremost concerned with maintaining their livelihoods. The *Muhako*, as I will argue, enables peasants to continue banned livelihood practices — most notably agriculture — that help to maintain food security and at the same time, through the *Muhako*'s historical reference, allow for resistance to be disguised within post-colonial narratives to avoid oppression. Additionally, I will analyse the means employed by local and trans-local elites, politicians and businessmen to counter nature conservation practices. This focus seeks to emphasize the twofold character of resistance against nature conservation at the VNP. While peasants' motivation tends to be rooted in their struggles to make a living and a life in an extremely precarious context, elites are inclined to resist nature conservation practices as part of rent-seeking and profit-generating strategies. Analysing this nexus will also allow for situating the conflicts related to

nature conservation within the more general dynamics driving armed conflict in the region.

In the following section I will go into details of concepts that will guide this analysis. Following that, I will introduce the two field-sites. Next I will discuss practices and narratives found at the field-sites within the scientific debate on resistance to nature conservation and point at the relevance of focusing on questions of access. Finally, I will situate my findings within regional conflict dynamics before offering some brief conclusions.

## ANALYTICAL PARAMETERS

Practices of everyday resistance against nature conservation are not (always) obvious. Whilst critics of Scott's (1985) concept have convincingly pointed to its weaknesses in explaining dynamics of resistance against hegemony in general as well as a risk of a levelling effect whereby every action is understood as political<sup>5</sup> (e.g. Mitchell 1990; Gupta 2001), the concept also poses analytical challenges. For example, with regard to the distinction between petty crime and specific forms of everyday resistance, the boundary between the two turns out to be rather blurry in practice (c.f. Cavanagh and Benjaminsen 2015: 729f). The Congolese context certainly adds to these challenges, as it is rather easy to mistake armed conflict dynamics for resistance against nature conservation, and vice versa. This is particularly difficult in the case of eastern DRC given that access to resources, especially to land, is also a central theme in warfare (Vlassenroot and Huggins 2005). A focus on narratives, and how they are intertwined with peasant's perceptions of oppression and disadvantage, makes it easier to distinguish between everyday resistance and other phenomena. What Scott (1990) calls 'hidden transcripts', constitutes the key analytical component for making this distinction (Mariki et al. 2015; Cavanagh and Benjaminsen 2015). 'Most of the political life of subordinate groups', Scott argues, 'is to be found neither in the overt collective defiance of power holders nor in complete hegemonic compliance, but in the vast territory between these two polar opposites' (Scott 1985: 136). To manoeuvre in this 'vast territory', peasants make use of 'hidden transcripts'; transcripts are here understood as sets of rules on everyday behaviour of individuals in their social roles. They are hidden in a way that they allow for making use of loopholes within 'public transcripts', which can be understood as 'a shorthand way of describing the open interaction between subordinates and those who dominate' (Scott 1990: 2). As I will argue, hidden transcripts find expression in the narratives employed by peasants resisting nature conservation at the VNP to legitimise their claims. In this section, I will outline parameters of the framework that will guide the analysis at hand. As everyday resistance at the VNP most prominently involves agriculture on the Park's land and the specific regional context points at the central relevance of land use, I will also pay special attention to *access*, how it is organised, regulated, mobilised and instrumentalised in resistance against nature conservation.

Contrary to self-set standards of including local population, recent years have seen conservationists increasingly returning to a fortress-like conservation approach, while some never abandoned it in the first place (Wilshusen et al. 2002). As has been the case in the VNP since 2003, many nature conservation have turned towards re-fortifying their territories (Schmidt-Soltau 2010) or creating contradictory realities by emphasizing an inclusionary approach while engaging in exclusionary practices (Büscher 2013: 5f). This governance strategy manifests most prominently in a (re-)enclosure policy. Enclosures for nature conservation can be interpreted as a shift in the mode of organising access to land. To understand the complexities of this shift, it is necessary to set a focus on the local context, to identify the structures, mechanisms and practices that enable or constrain access (Ribot and Peluso 2003). More specifically, this means going beyond mere studies of local legal/formal property relations alone, and focusing on the customary system of organizing access to land, *Muhako*, in the Congolese context. Contrary to property, which constitutes a *right* to benefit from resources, access describes the *ability* to derive benefit from them, as well as from income and rents they generate (Ribot and Peluso 2003: 153f). Whether the restrictive barriers take actual physical forms (like fences) or manifest as norms (as in CBC), enclosures (for nature conservation) can be understood as a means of gaining control over land (Peluso and Lund 2011), which entails changes in social structures and the mechanisms governing social relations as a whole, such as technology, capital, markets, knowledge, authority, identities and labour (Ribot and Peluso 2003: 162).

Opposing the customary *Muhako* system, enclosures —as acts of exclusion— generally and also in eastern DRC draw on (state-institutional) regulation, the market, force (in form of direct violence or the threat of it), and discourses of legitimation (Hall et al. 2011: 15f). Within a setting of global governmentality, state institutions set the legal framework for nature conservation and thereby define the (official) manoeuvring space for a park management's practices. Yet, especially in 'fuzzy' contexts like eastern DRC, the role and influence of 'the state' are not clear, amplifying the necessity of a focus on access rather than legal structures of ownership (Sikor and Lund 2009). As spatial formations of capitalism (Sevilla-Buitrago 2015), enclosures also entail the localization of protected areas within the logic of the market (Hall et al. 2011), therefore also making access to resources dependent on access to the market (Ribot and Peluso 2003). Force, used directly and openly as violence or —more often— formulated as a threat, has proven to be a very effective means in obtaining and maintaining control over access to land (Hall et al. 2011: 17f). This specific power of exclusion is central to most land *property* regimes (Lund 2011: 889), crucially shaping relations among actors involved as well as the means employed (Ribot and Peluso 2003). This is also observable for nature conservation practices, which do not only employ material violence, but also somehow ironically legitimise its use by employing a discursive violence that places violators of conservation principles, like poachers, in a space of exception.

Tactics employed in nature conservation also include social violence, which involves 'the (ab)use of social power in pursuit of the protection of nature and ideas and aspirations related to nature conservation' (Büscher and Ramutsindela 2016: 13). Legitimation as a means of control in practices, processes and structures of exclusion most notably involves narratives that structure the discourse on land allocation and use (Hall 2012). These narratives tend to have a strong historical dimension, which is commonly mobilized to legitimize current claims (Lund 2013), based on the assumption, that new systems of land control 'challenge, transform, or extinguish previous ones' (Peluso and Lund 2011: 669). For the case of the VNP, the latter assumption also implies a competition between the customary *Muhako* system and nature conservation practices.

An analytical focus on questions of access to land is also supported by the strong connection between today's conflicts in eastern DRC and wider processes of transformation in the region both historical and contemporary (Vlassenroot 2004; Raeymaekers 2014). Social transformations were already induced by colonial practices and the related dynamics persisting in to the post-colonial era, which inter alia produced, or at least amplified, political and ethnic tensions that preceded the outbreaks of war in 1996, resulting in 'a change from traditional to military rule, from informal patterns of economic production and trade to privatized, non-territorial networks of economic control, and from inclusive social networks of solidarity to exclusive ethnic bonds of trust' (Vlassenroot 2004: 39). Among these shifts, transformations in access to land was central, since access to land and control over it is key within eastern DRC's political and military economy (Vlassenroot and Huggins 2005).

The strategy of exclusion that the VNP has been employing since 2003 also crucially limits the possibilities of peasants to voice their concerns within a political framework. As in other nature conservation areas, direct contact with the Park management is often impossible (Brandon 1998) and the situation is aggravated by the fact that the general conservation discourse takes place on a global level that is very difficult to access for local peasants (Chapin 2004). In the case of the VNP, access to forums for peasants to successfully voice their concerns as well as opportunities to engage in other forms of open protest or even rebellion are generally very limited, crucially affecting the repertoire of means for resistance available to them (see Tilly 1978: 1954). Although still an option which some resort to, open rebellion is too costly for most people living around nature conservation areas. They might, like the peasants in James Scott's account on 'the weapons of the weak' (1985), also refrain from open revolution due to fear of repression, which would strongly impact their day-to-day survival in a negative way (Scott 1985). As a consequence, peasant resistance against nature conservation in the VNP mostly aims at minimizing negative effects rather than at overthrowing the regime that peasants experience as oppressive (Cavanagh and Benjaminsen 2015: 728f).

Drawing on the arguments discussed in this section, this study focuses on practices and narratives connected to

dynamics of access to describe the characteristics of resistance against nature conservation at the VNP. Analysing the variety of means employed by a variety of actors, I will distinguish between elite resistance and peasant resistance. Understanding peasants' actions as informed by hidden transcripts will thereby allow for interpreting connections between narratives and practices. Finally, this analytical framework will also help to situate the findings within the broader context of regional conflict dynamics.

### LOCAL POPULATION AND NATURE CONSERVATION AT LUBIRIHA AND MAYANGOS

In what follows the two field sites, Lubiriha and Mayangos, will be introduced. Both sites are host to conflicts —between the VNP and population groups— that are generally considered the two most significant in Beni territory.

Lubiriha is a rapidly growing town at DRC's state border with Uganda. Both the official border crossing and DRC's customs office are located within the town, which makes it a vivid hub for cross-border trade (Raeymaekers 2009). The main road, crossing Lubiriha from the border post towards the cities of Beni and Butembo upcountry, divides the town into two parts and also marks the border of the VNP. Buildings erected south of the road, thus within the park, are considered illegal by the ICCN. These include buildings of state institutions, like the customs and the migration offices, which were erected during the reign of the anti-government militia RCD/K-ML<sup>6</sup>, but also two market places, a number of retail stores and other businesses, and a residential area, to a large extent inhabited by Internally Displaced Persons (IDPs). Further into the Park, a varying number of plots are used for cultivation, by local peasants but to a large extent also by IDPs. While the total area occupied for various activities by locals was estimated to include an area of ca. 7 sq.km in 2004 (Mubalama and Mushenzi 2004), more recent numbers are not available, but it can be estimated to have doubled in the period since then.

While those holding documents to their plots on parkland, which are mostly located directly or in close proximity to the road, base their claim on having formally acquired them during RCD/K-ML rule, others employ postcolonial reasoning. The current customary chief, the *Mukamah*, argues that his ancestors were relocated from the area —which stretches from Lubiriha to an older road further south and was incorporated into the VNP after relocating inhabitants— due to an outbreak of sleeping sickness in 1942. Today the customary chief, the *Mukamah*, is —so far unsuccessfully— claiming the land back, with the support of local politicians and Members of the Parliament (MPs). In the meantime, however, the *Mukamah* has already given plots to a large number of persons, including 47 IDP families, who are willing to take the higher risk of cultivating inside the Park.

In its endeavour to enforce the territorial integrity of the Park, the VNP's management has been employing various strategies to regain control at Lubiriha. The DRC's government agreed to move its offices and already started construction outside the

Park. Persons, who had formally acquired land south of the road during RCD/KM-L rule, were offered replacement plots, and two registration processes (in 2009 and in 2012) were launched to identify those living in the area without formal documents of property or ownership. The latter were also promised replacement. Yet, neither the owners of businesses and homes, nor the tenants and IDPs accepted the offers from the Park's management. For those claiming property to plots within the Park, the main reason to refuse the offer was the loss of economic opportunities connected to moving away from the main road. Especially for businessmen, and those who own storage space at one of the market places, moving further away from the border crossing was unacceptable. Likewise, IDPs, who depend on a variety of (poorly paid) wage labour opportunities generated by the businesses, would be negatively affected by such a move. For the *Mukamah* it would not only mean a loss of income (in form of customary tribute, which is increasingly collected in the form of money), but also a loss of influence. As the *Mukamah* asked: 'Here I get a chicken and a goat'. Will I get it there? How will I honour my ancestors when I'm away from the land?' (Interview Viromunani Ihembeliangst, Lubiriha 2013).

After fields and also housing areas increasingly expanded into the Park despite the efforts of the VNP's management, the latter launched an operation to forcibly remove intruders in 2013. Houses and fields were burned and violence was applied against persons who refused to leave<sup>8</sup>. The operation was stopped through intervention from MPs and ultimately from the provincial government, while an NGO built emergency housing close to the nearby city of Kasindi for some of those who lost their homes. A commission, involving local customary representatives, politicians, representatives of *civil society*<sup>9</sup>, and representatives of the VNP was formed and, under pressure of the DRC's central government, agreed on temporary limits approximately one kilometre south of the road, until another registration process can be conducted. Neither the local customary authorities, nor the local representative of the ICCN, Inspecteur Kasereka Kirembema, were sure of what consequences of the registration process might be at the time of my last visit (Interview Kasereka Kirembema, Lubiriha 2013).

The area of Mayangos overlaps with both the VNP and the city of Beni. The local *Mukamah*, Bongoma Kitobi, is a relatively wealthy and influential person, for a large portion of his domain is located within the city of Beni. The land within city limits is very densely populated. Towards the Park's borders, however, an observer soon finds the scenery taking on a more rural look. Beyond the VNP's borders, small fields string along a narrow path, all planted with food crops. Farmers had also prepared first fields for planting cocoa and coffee during my visit at the end of 2013. The total area occupied for various activities could not be estimated due to serious security concerns. In 2004, however, peasants had been using about 9 sq.km of the Mayangos area overlapping with the VNP (Mubalama and Mushenzi 2004).

Clashes like the one described in the introduction are a direct result of the VNP management's attempts to restore the

territorial integrity of the Park and the Mayangos' peasants' resistance against these attempts. For the latter, it is especially attractive to practice agriculture in the area, because the soil is of extraordinary quality (something all farmers I spoke to during fieldwork as well as the peasants' syndicate SYDIP attested to [Interview SYDIP, Butembo 2013]) and because of the convenient proximity to the huge food market in the city of Beni. Besides the benefit of short transport distances, some who practiced agriculture within the park at Mayangos also noted that the proximity would allow them to live in the city, send their kids to school, benefit from close health care and stores as well as from life in the city in general, but to still go on benefiting from practicing agriculture in addition to having a job. This also makes them more resilient to food insecurity induced by on-going warfare.

The *Mukamah* of the area claims to have customary rights to land within the Park, because it was enclosed 'unrightfully', as his ancestors did not agree to the limits that were set in 1934. 'When president Kabila, in 1998, declared in a speech on the radio, that all land, taken by authorities without agreement, could be claimed back, Olenga [his father] claimed 511 km' (Bongoma Kitobi pers comm. 2013), the *Mukamah* stated. In the year 2000, the first 3 kilometres (measured from the park's border) were allocated to farmers by the former *Mukamah*, today's *Mukamah*'s father, and fields were cultivated until the Park wardens forced people out in 2005. In the following years, people gradually went back into the Park to restart cultivating their fields, which led to occasional clashes between peasants and Park wardens and thus to general insecurity in town, until a negotiation process was induced by local MPs. During the negotiations, the VNP's management refrained from further evictions, which encouraged farmers to go on cultivating. As the negotiations went on without a result and cultivated areas within the park kept expanding, the VNP's management decided to start another operation to force farmers out, which finally resulted in the armed clash mentioned in the introduction. Thus, a situation similar to Lubiriha unfolded. Accepting the limits claimed by the Park's management would mean loss of access to land for local peasants, loss of income as well as influence for the *Mukamah* and the politicians supporting him. 'They told us we should go to another land', Bongoma Kitobi stated, 'but it is impossible, because where should I use my customary system? Other hills are not our place. [...] We cannot give gifts to our ancestors on another man's land and we can also not come back from there to do that here' (Interview Bongoma Kitobi, Beni 2013).

### Nature conservation practices at the Virunga National Park

After a relatively long period of very intense warfare following the genocide in Rwanda, during which 'it was difficult for park management to undertake any meaningful conservation activities [...; and the ICCN had] adopted a low-key survival strategy' (Mubalama and Mushenzi 2004: 17), a peace agreement, signed in 2003, also provided an opportunity for the

VNP to consolidate its territorial integrity (Muir and de Merode 2009). Initial measures included 'law-enforcement', i.e. warden patrols, and assessments of the state of the biodiversity in the conservation area (Mubalama and Mushenzi 2004). From a conservation perspective, the warfare has had a variety of negative impacts on the Park, including the large-scale influx of displaced persons who either went into the Park seeking refuge or used park resources from hubs near its borders. Among the most serious consequences of these developments was a high rate of deforestation caused by persons felling trees for firewood in the southern sector of the Park (Muir and de Merode 2009). In the northern sector, agricultural activities and poaching were considered the most serious threats to nature conservation (Mubalama and Mushenzi 2004). In response to these threats, the Park's management decided to enforce a strict policy of re-enclosing the nature conservation area. Immediate measures included the resettlement of IDPs from within the Park or around its borders to other areas where they were (financially) assisted in acquiring land within the domain of the local *Mukamah* (Muir and de Merode 2009; Interview Christof Leonard, Beni 2013). The strategies also included initiatives to provide local smallholders with alternatives to the use of park resources, such as the implementation of ECO-MAKALA projects, which have since then been carried out in cooperation with the World Wildlife Fund (WWF). These projects aim to provide more efficient and mobile stoves to reduce the demand for charcoal, which is largely made from trees from within the Park (Interview Genty Munganga [WWF], Beni 2013).

Apart from these immediate crisis response measures, the process of excluding local population groups from access to the resources situated within the VNP does not differ much from more general processes of exclusion. Hall et al. (2011) argue that these processes operate through four *powers of exclusion*: market, regulation, force, and legitimation. The following analysis of nature conservation practices at the VNP is structured according to these categories, serving both to draw attention to the specific powers that restrict access for local population groups—both peasants and elites—and to situate resistance strategies accordingly.

Restrictive market-moderated access mechanisms play a significant role in excluding people from access to nature conservation areas in many places. For example, access may be restricted to allow only capital-intense eco-tourism investments (Büscher 2013). However, while the VNP's management emphasises the economic potential of eco-tourism, the security situation does not allow this for the time being (Interview Alex [ICCN], *Afield* 2013). Additionally, one could argue that the market is also present as a power of exclusion in the form of the global carbon trade. This is a market in which the Park's potential to bind carbon dioxide is sold as an asset (Arora-Jonsson et al. 2016); a market from which locals could at best benefit indirectly through revenues potentially redistributed by Congolese state institutions that sell the carbon certificates.

Exclusion by means of legal regulation of access is formally being exercised, yet the enforcement of these laws is difficult

in practice. While the VNP still lacks the capacities to fully control its territory, the state's law enforcement forces are either suffering from the same problem or are involved in illegal activities themselves. Soldiers from the Congolese Armed Forces (FARDC) have reportedly been involved in both poaching and charcoal making in the park. In an attempt to counter these structural challenges, the VNP's management, as part of a chronically underfunded state institution, receives financial support from international donors. The largest of these is the European Commission, which finances most of the wages of the Park's wardens as well as training and equipment (with the exception of firearms and ammunition) (Interview Conservateur Somba [ICCN], Mutwanga 2013). This situation induces an internationalisation of local governance and law enforcement (Marijnen In Review), situating decision-making processes in an arena that is—similar to the discourse on nature conservation in general (Büscher 2013)—almost inaccessible for local peasants.

Force, the third power of exclusion identified by Hall et al. (2011), is an integral part of the exclusionary nature conservation practices employed by the VNP. Force is used by patrolling park wardens against poachers, but also against other persons perceived as having illegally entered the Park, as the empirical examples discussed above have shown. Park authorities' readiness to apply force was expressed, implicitly or explicitly, by every VNP staff interviewed for this study.

The fourth power of exclusion (Hall et al. 2011), legitimisation, is the most prevalent in the VNP and is tightly interwoven with the narratives employed by conservationists. These narratives inform what James Scott (1990) calls public transcripts (see also above). These narratives most prominently state a triple-win-situation—for locals, nature conservation and the planetary environment—(Büscher 2013), with the provision of ecosystem services, economic development, climate change mitigation and biodiversity conservation as its core components (Interview Alex [ICCN], *Afield* 2013; Interview Conservateur Somba [ICCN], Mutwanga 2013). Practices deriving their legitimacy from these narratives mainly focus on so-called 'sensitising of the local population' and Community Based Conservation (CBC) projects. The first consists of meetings and talks held with and for local communities and in schools, in which all main narratives noted above, find expression. On such occasions, staff of the ICCN or cooperating NGOs also point at the ideological value of the Park as a UNESCO World Heritage site, explain how the Park's undisturbed nature provides ecosystem services, such as fresh water, and emphasise the forests' role in climate change, which also affects local agriculture through changing sun and rain seasons (Interview Alex [ICCN], *Afield* 2013). CBC in the VNP involves a variety of projects. Some groups of Pygmies, for example, are allowed to enter certain areas of the Park to collect medicinal roots, while they stay banned from hunting, dwelling, practicing agriculture or gathering other products (Interview PAP-RDC, Beni 2013). Pygmies, as well as other locals, are also involved in honey bee projects, in which beehives are provided by local NGOs and set up in designated

areas near the Park. Other projects addressing issues of concern to conservationists include support to afforestation through planting fast growing trees outside the Park, and resettlement projects aimed at relieving the demographic pressures on the Park (Interview *Anonymous*, Mangazi II 2013; Interview Christof Leonard, Beni 2013; Interview Conservateur Somba [ICCN], Mutwanga 2013). Certainly, the most prestigious project is one that aims to provide electricity by means of a hydro-electric power plant at the Park's northern sector headquarters at Mutwanga, fed by water coming from the VNP (Interview Conservateur Somba [ICCN], Mutwanga 2013).

### **Overt (political) resistance: Contesting public transcripts**

While local peasants themselves mainly engage in practices of covert, implicit tactics of everyday resistance, more powerful local politicians and businessmen employ a variety of political strategies to contest the VNP, openly contesting public transcripts (Scott 1990; see also above). Some persons involved in advocating for locals and resisting nature conservation at the two study sites understand this as a means of undermining the Park's existence as a whole, thus countering the public transcripts of nature conservation that they experience as oppressive and unjust. As Vlassenroot and Huggins (2005) pointed out, land in DRC is 'a currency of political power and economic wealth' (Vlassenroot and Huggins 2005: 174), to buy in elites and to generate rents through commodification. This is also the case in the VNP: From the elites' perspective, the dissolution of the VNP promises to not only strengthen their power base amongst those with different kinds of interest in the Park's land, but would also allow them to expand their influence and increase their wealth by allocating park land within their patronage-clientele networks and by collecting rents.

This logic is illustrated in the 'SOCO case': The British oil and gas exploration and production company SOCO was granted concessions within the VNP by the Congolese government<sup>10</sup>, despite the opposition of park management.<sup>11</sup> After SOCO started operations, the VNP's management launched a massive media campaign to counter possible oil extraction in the park. With this campaign, the Park's management, which is actually part of the state institution ICCN, turned against the government in Kinshasa despite government officials having openly expressed great interest in the economic opportunities potentially available from oil extraction. As Julien Paluku Kahongya, governor of the province of North-Kivu (who took a neutral position in the Lubiriha and Mayangos cases), phrased it: 'Scientists advised us to explore the amount of oil available and compare the potential benefits to those of the park. What yields more shall be done, that's what the scientists say. The government says: do the exploration, then we will see' (Interview Julien Paluku Kahongya, Beni 2013). Supporting peasants in their struggle to gain access to the Park's resources, might, according to the reasoning of some protagonists, lead to a general loosening of VNP access restrictions, even to the point of dissolution.

These observations do not apply to all more powerful actors involved, however, as some have no interest in a complete dissolution of the park, but only in local economic endeavours. Especially for illegal activities, such as smuggling (Raeymaekers 2009) or hunting large mammals (Mubalama and Mushenzi 2004), the existence of the Park—as a relatively loosely controlled area—is actually beneficial, if not mandatory. Local economic endeavours also include activities that do not collide with general laws not specifically referring to issues of nature conservation, like, for example, businesses run close to the border at Lubiriha or selling agricultural produce from Mayangos in the markets of nearby Beni town. These businesses do not depend on the existence of the Park, but profit from the reduced competition resulting from the risk that has to be taken when using parkland. Besides their personal economic involvement, some actors also expressed their conviction that allowing peasants to formally access land within the park would help to stabilise IDPs. This is a strategy that is widely believed to address one of the main drivers of conflict and would contribute to enhancing food security.

However, the engagement of politicians with trans-local influence, mainly MPs, was not procured by the peasants themselves. Rather, more powerful local actors, first and foremost local businessmen, were involved in engaging influential politicians. Nevertheless, this strategy also led to beneficial outcomes for the peasants' struggle. At both sites, it was the MPs' intervention that eventually led to sort of a cease-fire and the proclamation of temporary limits. In Lubiriha, this temporary agreement meant that some of the peasants, those who had settled close to the town, as well as all the businesses at the road, could stay. In Mayangos, the temporary agreement involved a period of 3 months (starting from December 2013<sup>12</sup>), sufficient for peasants to harvest their crops (Interview Alex [ICCN], *Afield* 2013). In order to resolve the conflicts at the two sites, committees that included peasant delegates were formed. However, the scope of peasants' negotiating options in the meetings of these committees remains limited to reasserting their claims, while actual decision-making happens in other (political) arenas.

### Everyday resistance: Muhako mobilisation

Peasants conducting activities perceived as illegal by conservationists employ post-colonial reasoning to legitimise their actions. The narratives they assert function as bases for claiming land they perceive as 'unrightfully' expropriated during colonial rule or in the course of inaccurate boundary-drawing in the colonial era. To underpin their claims, peasants emphasise the holistic character of the customary mode of organising access to land, the *Muhako*. This system is holistic in the sense that it integrates material re-/production with the general social realm, including economic relations, cultural and ritual activities, and social order as a whole (see also Van Acker 2005). Yet, contrary to the political tactics mobilised by businessmen described above, local peasants hardly ever openly contest the hegemony of the narratives of nature

conservation that legitimate their exclusion. So why do they talk about 'wrong limits' and the 'illegitimacy' of colonial enclosures instead of demanding the dissolution of the VNP? Bongoma Kitobi, current *Mukamah* of the contested area at Mayangos, had an encrypted answer to this question: 'If two canes cross—the cane of the customs and the cane of the *Bazungu* [White persons]—which one will break?' (Interview Bongoma Kitobi, Beni 2013).

As this quote illustrates, peasants at Mayangos as well as Lubiriha are well aware of the limitations to their repertoires of resistance (Tilly 1978). While Mayangos has already experienced an armed confrontation between peasants and ICCN staff, there are also voices in Lubiriha that suggest that 'there is a strong possibility, that *Mayi Mayi* may appear to defend the people'<sup>13</sup>, in case the VNP should try to remove people from parkland again. However, most peasants in Lubiriha as well as in Mayangos, consider open rebellion to be too costly: in group discussions repeatedly conducted at both sites, peasants emphasised that such an endeavour would be too dangerous, would consume too much of the time they need to secure their daily survival, and that they have generally had enough of violence. However, all of the peasants were convinced about continuing to practice agriculture on parkland, thus continuing banned livelihood practices. In doing so, and by claiming land on the grounds of 'unrightful expropriation', a strategy that has been part of the public transcript in DRC ever since independence from Belgian colonial power, peasants avoid open confrontation while still resisting enclosures for nature conservation. Thus, like for peasants living close to other nature conservation areas, the main weapon in the repertoire of locals contesting the VNP is *guerilla agriculture* (Cavanagh and Benjaminsen 2015), which represents the continuation of banned livelihood practices (Holmes 2007: 193f).

Peasants resisting nature conservation at the VNP do not have a legal/formal right to benefit from resources within the park. Yet, the *Muhako* offers ways to circumvent this restriction: by offering a basis for claims as well as structures for gaining access despite the formal/legal restrictions, it allows peasants to benefit from park resources (Ribot and Peluso 2003). The historical reference of the *Muhako*, which mainly consists of pre-colonial ascriptions, and the fact that the *Mukamah*'s control over the land is being passed on as heritage, constitutes a historical dimension (Lund 2013) that works to further underpin the claims over parkland. In this constellation, the *Muhako* works to situate claims within the public transcript, and, at the same time, also fulfils a central function in organising peasants' resistance against nature conservation. Through its structures and mechanisms regarding the distribution and use of land, the *Muhako* not only offers a way to minimise coordination efforts, but also helps to disguise the ideological character of resistance, to mute and veil it for safety's sake (Scott 1990: 137).

### CONCLUSION

Narratives employed to justify today's re-enclosure strategies employed by the VNP lean on the global discourse on nature

conservation, claiming benefits for nature conservation, the world as well as local communities. In practice, however, the Park mainly means a restriction of access for local population groups. Projects employed under the umbrella of community based conservation rarely work to create real alternatives to the use of park resources, and eco-tourism is not currently practiced due to the security situation. While powerful local actors, such as businessmen, are able to access arenas to act on behalf of their economic interests and instigate the intervention of government-level politicians, such options are limited for local peasants. While open rebellion remains an option for the latter, it is generally considered too costly. These circumstances—as well as the general difficulties for them to make a living and a life within ongoing violent conflicts—make them resort to tactics of everyday resistance (Scott 1985). As in other nature conservation areas, these tactics mainly consist of the continuation of banned livelihood practices (Holmes 2007), that is, first and foremost, agriculture (Cavanagh and Benjaminsen 2015). The customary system of organising access to land, *Muhako*, thereby works as a vehicle. Through its historical reference—referring to the *Mukamah* as the sole custodian of the ancestor's land, legitimised by customs as the only actor entitled to grant access—it functions to underpin claims and hide the discourse of resistance within the public transcripts as post-colonial narratives. At the same time, the structures of gaining access through the *Muhako* allow for a minimum of organisational effort in this form of peasant resistance, while at the same time delegating much of the political risk to the more powerful customary chief, the *Mukamah*.

The fact that land is a valuable currency within the general conflict dynamics in eastern DRC (Vlassenroot and Huggins 2005), as well as the economic potential of parkland, contribute to the interest of powerful local actors and national politicians in a dissolution of the VNP. These factors also make the peasants' struggle for access to resources part of the broader conflict arena. The *Muhako*—as a system that regulates access to land and is also basis of the general social order (Van Acker 2005)—is not only a vehicle in peasant resistance, but is also central within conflict structures and mechanisms. Peasant resistance against nature conservation at the VNP can be understood as resembling general conflict dynamics in eastern DRC. Nature conservation practices at the VNP contribute to the ongoing transformation of the local land system, which is so central to the general social realm, by restricting access to resources. Peasant resistance against these restrictions produces local conflicts at the sites of contestation. By employing tactics of everyday resistance, most peasants try to circumvent direct confrontation and keep the costs of their actions low, which enables them to persevere and allows for the conflicts to reach a long-term dimension. Local and trans-local elites make use of these dynamics for their own benefit and that of their networks, as is the case within the more general conflict in eastern DRC. Through these practices, which are also focused on gaining and distributing access to land, they in turn contribute to the reproduction of conflicts.

Multi-dimensional resistance against nature conservation at the Virunga National Park can therefore be understood as structurally situated in general regional conflict dynamics. At the same time, this resistance reproduces regional conflict dynamics within the arena of nature conservation, an arena that features a strong global connection.

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## NOTES

1. All interviews, conversations and group discussions used in this study have been conducted in full consent with informants. Yet, some explicitly expressed the need or wish to stay anonymous. In such cases no reference to name, date or place—except where it can be derived from the context—will be given.
2. All business-actors identified as involved in the case were indeed men.
3. The scientific discourse on conservation has in recent years been rapidly evolving and developing along a number of lines (see Castree and Henderson 2014). This study follows a tradition of analysis of conservation in relation to enclosure that deals especially with practices in the Global South.
4. Except for a short conservationists' assessment of the threats posed to the elephant population by persons intruding into the park (Mubalama and Mushenzi 2004).
5. Also the term peasant has been heavily criticized for a variety of reasons (see e.g. Bernstein and Byres 2001). Therefore it is necessary to state, that the term will in this study not be used to evoke a specific social entity of universal character throughout mankind's history, but to describe a group of people, for whom agriculture was, is or has been a central part of their livelihoods, and who have been experiencing (at least large parts of) their lives as part of a subordinate group.
6. The RCD/K-ML, a split-off group of the bigger Rassemblement congolais pour la démocratie, controlled the area until it was politically and militarily integrated into Congolese state institutions, following a peace agreement in 2003. Until then, and also for some time following, the VNP had no control over the park's sections near Lubiriha (see map in Mubalama and Mushenzi 2004: 19).
7. Within the customary system of organizing access to land, *Muhako* (sometimes also referred to as *vusoki* [Vlassenroot and Huggins 2005: 124]), the *Mukamah* receives different kinds of tributes from the 'tenants', called *Basoki* (plural of *Musoki*). The annual tribute consists, depending on the size of the plot used by the *Musoki*, of a quantity of goats and chicken.

8. For details, see e.g. <http://www.radiookapi.net/environnement/2013/06/26/demolition-des-constructions-anarchiques-dans-le-parc-national-des-virunga>. Accessed on June 15, 2016.
9. *Civil Society* in DRC refers to a professionalised institution, which—in the cases presented here—includes actors from customary institutions as well as other ‘honorable’ persons.
10. For a statement from SOCO concerning their operations in the VNP see <https://www.socointernational.com/current-status>. Accessed on February 11, 2016.
11. See for example <http://www.theguardian.com/environment/2015/mar/16/democratic-republic-of-congo-wants-to-explore-for-oil-in-virunga-national-park>. Accessed on August 1, 2015.
12. Further developments in this case were, however, delayed due to a severe outbreak of violence in 2014. The outbreak of violence was supposedly caused by the *Allied Democratic Forces* (ADF) militia, who massacred a large number of peasants at Mayangos, including persons interviewed for this study.
13. The informant wished to remain anonymous.

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