



THE POWER OF PROTECTION

GOVERNANCE AND TRANSBORDER TRADE ON THE CONGO-UGANDAN FRONTIER

Dissertation presented in fulfillment of the requirements for a Ph.D. degree
in Political and Social Sciences, Option Political Sciences

Timothy Raeymaekers

Ghent University

Academic year 2006-2007

Promotor: Prof. Dr. Ruddy Doom

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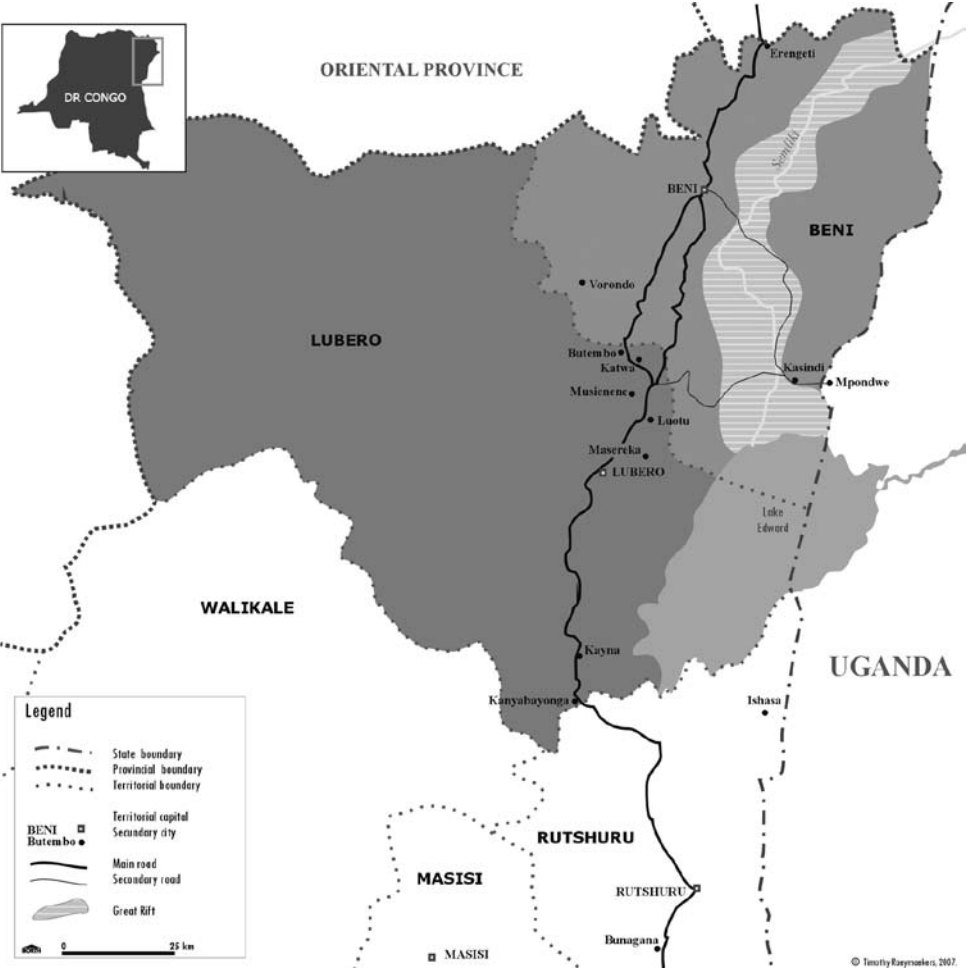
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CONTENTS

INTRODUCTION	10
PART ONE: THE NANDE TRUST NETWORK	32
Introduction	33
Chapter One: Butembo	48
1.1. The Market	50
1.2. The G8	56
Chapter Two: Origins of a Network	59
2.1. The Katwa mission	59
2.2. Business Pioneers	61
2.3. Independence and Beyond	64
2.4. Masereka	66
2.5. Conclusion	69
Chapter Three: The Zairian Political System	70
3.1. In the Footsteps of Mr Kurtz	70
3.2. Neo-patrimonialism	72
3.3. The Dialectics of Oppression	73
3.4. Article 15	76
Chapter Four: The Nande Trust Network	79
4.1. 'Zairianisation'	79
4.2. Les Fraudeurs	81
4.3. A Glocalized Culture?	84
Conclusion	90
PART TWO: THE WAR	92
Introduction	93
Chapter Five: The Struggle for Domination	95
5.1. The Causes of War: Land and Citizenship	95

5.1.1. The Politics of Land Access	96
5.1.2. The "Promise" of Ethnic Conflict	99
5.2. Kabila and the Mayi Mayi	101
5.3. The Second Congolese War	104
5.3.1. Rebel Strongholds	106
5.3.2. The RCD-ML Administration	107
5.3.3. Oligopolies of Violence	109
5.4. Economies of War and Economies at War	112
5.5. Conclusion	116
Chapter Six: Regulatory Authorities	117
Introduction	117
6.1. The European example	118
6.2. The Organization of Protection	122
6.3. New Sovereigns?	129
Chapter Seven: Governance without Government	133
Introduction: The Triangle of Protection	133
7.1. Security for Sale	136
7.2. Governance without Government	140
7.2.1. The Committee of Wise Men	145
7.2.2. Governance at Work: the Regulation of Security	146
Conclusion	152
 PART THREE: TRANSFORMATION WITHOUT TRANSITION	 154
Introduction	155
Chapter Eight: The "Return" of the State	157
Introduction	157
8.1. Inter-Congolese Dialogue	157
8.2. Peace "Spoilers"	160
8.3. The Dialectics of Oppression (contd)	164
Chapter Nine: The "Mediated" State	167
9.1. The Leopard	167
9.2. Strategies of Mediation	170
9.3. Towards a New Theory?	172
 GENERAL CONCLUSIONS	 176





LIST OF ABBREVIATIONS

ACR	Agence Congolaise de Renseignements
ADF	Allied Democratic Forces
AFDL	Alliance des Forces pour la Libération du Congo/Zaire
AMACCO	Association des Mamans Commerçantes du Congo
ANC	Agence Nationale de Renseignements
APC	Armée Populaire Congolaise
APILU	Association des Pétroliers Importateurs de Lubero
ATPHALU	Association des Tenanciers de Pharmacies de Lubero
BAL	Butembo Airlines
BBC	British Broadcasting Company
BCBJ	Bon Chic Bon Genre
BIC	Banque Internationale de Crédit
CEI	Commission Electorale Indépendante
CEDAC	Centre d'Etudes, de Documentation et d'Animation Civique
CEP	Compagnie d'Exportation du Pétrole
Cf	Congolese franc
CIAT	Comité International d'Accompagnement de la Transition
CNKi	Comité National du Kivu
CNS	Conférence Nationale Souveraine
CONADER	Commission Nationale de Désarmement, Démobilisation et Réinsertion
DDRRR	Disarmement, Demobilisation, Reintegration,Repatriation, Resettlement
DGC	Direction Générale des Contributions
DGRAD	Direction Générale des Recettes Administratives et Domaniales
DRC	Democratic Republic of Congo
DR Congo	Democratic Republic of Congo
DSP	Division Spéciale Présidentielle
ECHO	European Commission Humanitarian Aid Office
FAC	Forces Armées Congolaises
FARDC	Forces Armées de la République Démocratique du Congo
FAZ	Forces Armées Zairoises
FDLR	Forces Démocratiques pour la Libération du Rwanda
FEC	Fédération des Entreprises du Congo
FIC	Fraternité Internationale des Copains
FLC	Front for the Liberation of Congo
GDP	Gross Domestic Product
Gécamines	Générales des Carrières et des Mines
CRG	Conflict Research Group
HAM	Haute Autorité des Médias
ICD	Inter-Congolese Dialogue
ICG	International Crisis Group

IFESH	International Foundation for Education and Self-Help
IMF	International Monetary Fund
IDP	Internally Displaced Persons
LRA	Lord's Resistance Army
MDRP	Multi-Country Demobilization and Reintegration Program
MGL	Minière des Grands Lacs
MLC	Mouvement pour la Libération du Congo
MNC	Mouvement National Congolais
MONUC	Mission des Nations Unies au Congo
MPR	Mouvement Populaire Révolutionnaire
NALU	National Army for the Liberation of Uganda
NGO	Non-governmental organization
PDG	Président Directeur Général
PPRD	Parti du Peuple pour la Reconstruction et le Démocratie
PPU	Presidential Protection Unit
OCC	Office Congolais de Contrôle
OCHA	Office for the Coordination of Humanitarian Assistance
OFIDA	Office des Douanes et Accises
OGEFREM	Office de Gestion de Fret Maritime
RCD	Rassemblement Congolais pour la Démocratie
RCD-G	Rassemblement Congolais pour la Démocratie-Goma
RCD-ML	Rassemblement Congolais pour la Démocratie-Mouvement de Libération
RCD-N	Rassemblement Congolais pour la Démocratie-National
RPA	Rwanda Patriotic Army
RPF	Rwanda Patriotic Front
RTNC	Radio Télévision Nationale Congolaise
TPD	Tous pour la Paix et le Développement
TG	Transitional Government
SEDEC	Société anonyme d'Entreprise commerciale du Congo Belge
SENOKI	Société d'Electrification du Nord Kivu
UGC	Université Catholique du Graben
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPC	Union des Patriotes Congolais
UPDF	Ugandan People's Defense Forces
VICICONGO	Société des Chemins de Fer Vicinaux du Congo

FOREWORD

This study originates above all in pure amazement. When arriving for the first time in Butembo – which would become my home during field research – I encountered a dusty border town: a high street sided with shops and stores, with here and there an empty *'nganda'*, and a yellow-helmeted police officer who leaned lazily on his roundabout in the mid-day sun. As time went by, and I gradually discovered the side streets and alleys around the city's thriving market place, I grew more and more amazed by the capacity of this town's people to cope with and adapt to their country's ongoing crisis – whether this was defined as economic or state collapse, or more generally as a crisis of "modernity". Travelling around the Congo-Ugandan border for the next five years (2001-2006), I discovered places like Kasindi and Masereka, ... where the origins and evolution of this adaptation process progressively substantiated and became alive.

This book is also a dedication to the many people and places that I discovered along this way. First of all Samuel, who brought me in contact with the complex realities of the peasants and businessmen of the *'Grand Nord'*: besides being an excellent point of reference, he has also become a close friend. Second to Paul, whose juvenile enthusiasm has remained a driving motive along the way. And third also to the students and colleague-analysts with whom I often exchanged and worked together on various projects during this exercise: Omer Mirembe, François Biloko, Anselme Kitakya, as well as the students of the Université du Graben with whom I worked together: Crispin Mitono, Nzangi Muhindo Butonto, Tuverson Kakule Mbakisyia, Rousseau Kasereka Musafiri, Jean-De-Dieu Kakule Kausa, Jean-Pierre Muhindo Musivirwa, Muhinda Mutokambali, Edmond Kambumbu Nguru, Gerard Muliwayo and Pelo Muhindo Kyakwa. At the University of Butembo, Professor Angélu Mafikiri Tsongo has remained a reference and great help in times of conceptual and empirical doubts. To André I owe absolutely nothing, besides having shared with me the discovery of that other Butembo, which has remained me so dear. I sincerely hope we can continue to share moments like the ones we shared together. Finally to Léopold, whom I owe a lot of gratitude for having hosted and guided me through the long months of research. I thank him and the team of Réseau Wima and VECO-Congo to have guided me logistically through this process.

Back at home my promoter Prof. Ruddy Doom always awaited me with comments and suggestions. I have to thank him sincerely for his ability to somehow destabilize me in all me acquired truths and certainties, and then leading me again in the right

direction. My family – mou in particular – always stood ready to give me a push in the back at whatever time or moment: at least one indispensable certainty that I could rely on! In Antwerp, Brussels and Bologna, I owe more or less the same to my friends at home: Koen, Simon, Salvatore, Erika, Franco, Roberto, Betta and Margherita, Davide, Simona, Giovanni, Jana... My real home remains with Silvana, who has shared with me this experience as part of our life and love together. Let me repeat that without you, little would be possible...

Finally I would like to thank colleagues older and more experienced than me for having commented on earlier versions of writings that led to this thesis, in particular Ken Menkhaus, Anna Maria Gentili, Karel Arnaut, Johan Pottier, Theodore Trefon, Michael Schatzberg, William Reno, Tobias Hagmann, Luca Jourdan as well as my colleagues at the Centre for Third World Studies (Anne Walraet and Christopher Parker in particular). Veronique and Anna owe my special gratitude for ultimate practical undertakings... If one person deserves a special place among this long list of acknowledgements, however, then this is Koen Vlassenroot, without whom I probably would not even have boarded this adventure. Besides all the experiences and initiatives we shared and undertook these last years, I discovered in Koen a loyal and supporting friend. Thanks to all of you, I can now say that all the shortcomings and mistakes in this study remain completely my own¹.

Bologna,
16 February 2007

1 Despite everything, Butembo practically remained a war zone during my research. This has forced me to change and sometimes omit the names of my respondents. I naturally take full responsibility for the information provided through these contacts.

INTRODUCTION

This study seeks to clarify the role of a group of commercial entrepreneurs in the (trans)formation of political order absent of an overarching state authority. The setting is the civil war and subsequent political transition process in the DR Congo (1996-1997; 1998-2003; 2003-2006), and the study object is the trading community, or “trust network”², of the Nande ethnic group in Butembo, North Kivu. The study will address this network’s collective action dilemma by focusing on one central problem: the protection of private “property rights”³. It will be questioned how, and through which process, the members of this group have addressed this problem both within and outside their closely tied network, and what this has produced in terms of “governance” outcomes. In other words, it will be asked how the solution to an apparently private problem (i.e. the quest for private property protection) can potentially lead to the generation of public outcomes – in casu the governance of collective security.

When starting this study in 2000-2001, the DR Congo was facing serious political turmoil. A civil war had been going in this country at least since four years, and had involved both the regimes of Zairian dictator Désiré Mobutu, and Congolese president Laurent-Désiré Kabila⁴. At least six African states, and as many rebel groups, were involved in Africa’s first “World War”. While this war had transformed the DR Congo in one of the poorest places of the globe, massive human rights violations, armed clashes

2 A trust network is a ramified social network, consisting mainly of strong ties, within which people set valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes, or failures of others (Tilly, 2005: 12). The concept will be explained in greater detail further on this chapter.

3 The notion of private property has many different connotations, going from a “bundle of sticklike rights” to some (Demsetz, 1967), to “theft”, “murder” and even “slavery” to others. It is either presented as protecting the poor, or depriving them of every right. And while some see it as a natural right, others define it as an artificial creation of the “state” (for a discussion, see Reed, 2004). This study will propose instead an analysis of the actual practices of property rights by analyzing its manifestations (for example in social inequality and income distribution: Congost, 2003). This conception of property as reality (rather than as metaphor) is meant to illuminate the important socio-economic process through which these so-called rights are claimed and implemented, while simultaneously recognizing the centrality of this process in the rise of “capitalism” (see amongst others Comaroff and Comaroff, 2000, and Mitchell, 2002, 2004).

4 In 1997, Laurent-Désiré Kabila changed the name of his country from Zaire to the Democratic Republic of the Congo. In this study, both names will be used interchangeably, depending on the period *ante* or *post* 1997.

and targeted theft had become the daily worries of Congo's citizens⁵. Butembo did not escape this political turmoil. Within a period of seven years (1996-2003), it was attacked by six different militias. The economic situation on the countryside was not much better than in the surrounding regions, characterized by repeated pillaging, decreasing production and child undernourishment. Still, Butembo gradually became known in the outside world as that "relatively" safer place: it suffered less attacks than for example Ituri and Masisi (respectively to the north and south), which were characterized by continuous "ethnic" strife⁶. Also, Butembo seemed relatively more prosperous than the surrounding regions, with more goods coming in and out, and a relatively higher agricultural production than for example Masisi. Several explanations were given at the time for this relative safety, going from the fact that Butembo was mono-ethnic⁷, to the existence of important cross-border trade patterns, to even the fact that Butembo did not dispose of noticeable natural resources (except for coltan maybe, which temporarily became commodity of war during the price boom of 2000-2001⁸).

This discussion on the social and political dimensions of the war was nonetheless quickly overwhelmed by what was generally defined as the organized theft of Congo's natural resources. Several UN reports spoke about the existence of "elite networks", which were engaged in a systematic plunder of the richness that potentially could make the Congo one of the most prospering nations of the world: diamonds, gold and coltan were hauled out of the different rebel-occupied areas in return for arms and cash to finance the country's ongoing civil war. The UN reports were part of an international effort to force the Congo into a political "transition" process, which would simultaneously target the "criminals" elements that were plundering Congo's resources, and engage the numerous warring factions away from the battlefield and into a unified and responsible government. During the following years, this process

5 Several books and reports have been written on the Congolese crisis. A good overview is still provided by the International Crisis Group (see bibliography), as well as the United Nations Office of Humanitarian Affairs (OCHA); The International Refugee Committee (IRC) publishes regular mortality rates on the DRC; the last one was published in 2006.

6 An excellent overview of the Masisi crisis can be found in Vlassenroot (2002), as well as in Mathieu et Mafikiri Tsongo (1998, 1999), Mathieu et al. (1997), and Mathieu et Willame (1999). An overview of the Ituri crisis is given in Vlassenroot and Raeymaekers (2004b). See also chapter five for further details.

7 The territories of Beni and Lubero (of which Butembo forms part) are inhabited almost exclusively by the Nande, a Bantu group that has its origins in the ancient kingdom of Kitara (Remotti, 1993). The auto-designation of the Nande is 'Yira' or 'Bayira'. More than a global ethnic designation, this term refers to a social stratum of agriculturalists that were opposed to the pastoralist ruling class of the Bahima (this division is also observed in other traditional interlacustrine kingdoms such as the Toro, Ankole and Bunyoro). The Zairian part of the Bayira community can be divided into the following sub-groups, or 'chefferies': Banyisanza Bashu, Baswagha, Batangi and Bamate. This mono-ethnicity stands in contrast to Masisi and Ituri, for example which are inhabited by a multitude of communities (respectively Hutu, Hunde, Nyanga, etc., and Hema, Lendu, Alur etc.).

8 Coltan (or colombo-tantalite) is a metal ore used in the telecommunications and aviation industry. It temporarily attracted the attention during the Congo war because of its reported links to war atrocities. I have discussed this issue in detail in Cuvelier and Raeymaekers (2002a-b), and Raeymaekers (2002).

would form the background of a profound renegotiation of Congo's political system, the outcome of which still remains uncertain.

Transboundary Constellations

The analysis of Congo's transition immediately points at the profoundly constitutive character of transboundary phenomena like war and economic exchange. In the wake of this transition process, a range of national, regional and transnational forces were fighting, fragmenting and negotiating – sometimes very violently – over the country's internal balance of power. Several occupying armies, going from the Rwandan Popular Army to the more Zimbabwean armed forces, along with several rebel groups, rural militias, transnational crime syndicates as well as a series of more "localized" social forces (such as the Catholic Church or local patronage networks) were all intentionally or unintentionally creating, transforming, and destroying forms of order and authority in a way that made it increasingly difficult to distinguish between internal and external aspects of Congo's political power game. Apart from the sharp theoretical implications – some of which will be discussed below, the emergence of this transboundary war complex also carried serious challenges to its resolution, as today's friends could become tomorrow's enemies, and the political landscape was continuously fragmenting and reuniting across multiple dividing lines. Within this scope, some preferred to stress the regional character of this African crisis, talking about the conflict in the 'greater' Great Lakes region (and thus implicitly referring to the geopolitical nature of conflict and economic exchange), and emphasizing the criminal implication of neighbouring state elites and armies⁹. The UN Panel of Experts, which authored the reports on regional "elite networks", permeated this regional interpretation when it concluded that presidents Kagame [of Rwanda] and Museveni [of Uganda] were "on the verge of becoming the godfathers of the illegal exploitation of natural resources and the continuation of the conflict in the Democratic Republic of the Congo" because they had "indirectly given criminal cartels a unique opportunity to organize and operate in this fragile and sensitive region." (UN, 2001: § 221) The UN's account proved extremely powerful, as it inspired other organizations and analysts – going from Human Rights Watch to Amnesty International to a range of country specialists – to analyze the profound economic nature of this regional war complex¹⁰. In turn, this regional interpretation also directed the actions of certain local civil society organizations, who said that the "real" Interahamwe (the Hutu combatants that had crossed into the Congo after the Rwandan genocide) had become the DRC's vast natural resources, which were consistently being plundered by Congo's neighbours (CEDAC, 2002). From a political proxy-war to confront the region's security threat, the conflict in the Great Lakes

9 See for example Reyntjens (2005); and Lemarchand (2001; 2007).

10 Examples of such reports include first of all the UN panel reports themselves, as well as a series of reports from Human Rights Watch, Amnesty International and other human rights organizations (see bibliography).

region was now being interpreted primarily as a criminal confrontation between looting armies and rebels, chrySTALLIZED in a transnational war economy.

At the same time, however, this economic interpretation increasingly started to move away the attention from the profoundly political nature of Congo's civil conflict and the collapse of state institutions. It was indeed hard to imagine that the war in the Great Lakes region had involved a simple displacement of political, ideological or other agendas in favour of purely economic ones. Considering Congo's post-colonial history, it could be observed that the war also involved the crucial issue of determining who exercised political power in this changing context, which related both to elements of actual socio-economic grievances and to competing ideas on the type of political and economic system the country should have¹¹. One of these political elements was the land issue, which could be regarded as the prime internal driver of the Congolese conflict. As one author observed, land had gradually evolved from being a source to a "resource" of conflict – amongst others involving the transformation of land titles into prime assets of political clientelage (Vlassenroot and Huggins, 2004). During the war, rebel armies increasingly started to exchange grabbed land titles for the support of some of their main political clients. Based on the principle that "he who controls the land controls its people," (Pottier, 2003) a system of unfree labour was introduced in some of Congo's rebel-occupied zones that simultaneously involved the elaboration of land access rights a prime instrument of social control (Vlassenroot and Raeymaekers, 2004a). Another element was the consistent weakening of traditional authorities in Congo's rural areas, to the advantage of armed and mostly young individuals that had lost out on the advantages of the post-colonial political system. Armed with their new powers, some of these rural militia groups evolved into important political actors that tried to benefit from the collapse of existing institutions to introduce new systems of authority and regulation (Van Acker and Vlassenroot, 2000). Whatever the outcomes of this process, these examples made clear that it was necessary to also "ground" the dynamics of war and state decline into a specific time and locale (Barnett, 2003). Without denying the importance of regional political and economic interests, ample attention would have to be paid to reintegrating such transboundary phenomena into time and space, rather than ascribing everything to the working of economic or "elite" networks. Foremost, there remained the important issue of political order, which at some point or another needed to be reconnected to the process of state formation. When the Congolese state ceased to exist, did politics stop to operate? How is "order" negotiated in such a conflictual and "state-less" context? How do the essential components of state performance (i.e. the organization of the monopoly on violence, the redistribution of economic resources and the elaboration of legitimate rule) become reconfigured within such transnational war complexes? And finally – but often disregarded as an analytical problem - how do ordinary citizens and organizations adapt to such disturbing contexts of conflict and state decline? Focusing on the story of a not so ordinary Congolese border town town, the aim of this study thus gradually evolved

11 A similar point is made in Ballentine and Sherman (2003).

into a principal question about social action, an apparently obvious theme that was nonetheless screaming for answers¹².

Collapse or Order?

Following these primary observations, the present study will deal with two main arguments: the one about politics, the other about development. Considering the focus on political order, the first part of the argument will deal with so-called state “collapse” in Africa – or defined more broadly, on the issue of political (dis)order under conditions of weak or absent state performance. Conventionally, this phenomenon refers to a situation where the structure, authority, law and (legitimate) political order of the state have fallen apart and *must* be reconstituted in some form, old or new (Zartman, 1995: 1; my stress). From a historical perspective, this process has been connected foremost to the workings of post-colonial African statehood, a process that involved the instrumentalisation of political disorder to the advantage of more privatized patron-client agendas (Bayart, Ellis and Hibou, 1999; Chabal and Daloz, 1999; Reno, 1998). A curious consequence of this view on state “collapse”, however, is that academic analysis is directed primarily at possibilities for *post-collapse* intervention¹³. Like most African “weak” states, Congo’s state collapse was portrayed primarily as a decline of government, and the reaffirmation of these state structures simultaneously seen as the *sine qua non* for re-establishing authority at large. The principal reason cited for this logical framework is that in a “weak” society, there is a general inability to refill the institutional gaps left by withering government. In such situations, the organization and allocation of political assets easily fall into the hands of “warlords and gang leaders”, who will make use of this institutional gap to renegotiate the social contract that binds citizens to the state (Zartman, 1995: 7)¹⁴. State failure, society failure and state collapse are consequently placed on a type of development continuum, where one stage of failure logically leads to another. Although the difference between such stages is primarily one of degree, they can all be traced back to a common origin, namely “an overall breakdown of the corpus of formal and informal rules governing society, accompanied

12 In a 2004 book I wrote with Koen Vlassenroot, we pointed at the fact that many questions regarding the Congo crisis were not only left unanswered, they were indeed unasked. I thank my colleague for boarding me on this process.

13 To paraphrase Zartman, the most important objective of the analyst is to ‘Put Humpty Dumpty back together again’, rather than paying attention to the evolution of social practices during such situations. In the last chapter of his book (called Putting Things Together Again), Zartman reaffirms this view, saying that the first precondition for successful analysis is a reaffirmation of the existing political unit: “in the search for answers, it is first necessary to reaffirm that reconstruction of the state is necessary.” Consequently, the restoration of stateness remains dependent on the reaffirmation of the pre-collapse state. (*Ibidem*: 268)

14 Although technically speaking about the causes of state “failure”, this view is also expressed in Baker and Ausink (1996), Gros (1996) and Dorff (1996).

by the disappearance of formal authority or its emaciation.” (Gros, 1996)¹⁵ A final feature of this definition is its preoccupation with armed conflict. Countries like Somalia and the Democratic Republic of the Congo, to name but two examples, are commonly believed to have descended into an extreme Hobbesian battle of “all-against-all”, in which a number of violent contenders of the state’s rule are making it extremely difficult to re-establish law and order. The immediate consequence is often an increase of armed violence and lawlessness to the advantage of non-state armed actors: rebels, militias, bandits etc., that emerge from the authority crisis left by withering government structures. In their search for economic advantage (and in the absence of a regulating framework), these actors commonly develop a number of lucrative alliances with external players, including transnational crime syndicates and armies from neighbouring states, who simultaneously provide an important incentive for the prolongation of armed struggle. Breaking this “conflict trap” (Collier, 1995) thus has become the prime concern for anyone interested in restoring legitimate authority in such places affected by state collapse and prolonged armed conflict¹⁶.

Such views on African state collapse are less useful if one wants to conceptualize the working of order and authority in the absence of overarching regulatory frameworks, however. One of the most pressing problems with this definition is its exclusive focus on the state. At a time when even the hardest state-centrists accept the idea of the contingency of state autonomy (Skocpol, 1985), such ideas have indeed become untenable. Both in developed and developing nations, state agents necessarily have to weigh their actions against other forces both within and outside their territorial frameworks, and this negotiation is likely to have an impact on both the outcome and shape of state policies¹⁷. This study carries forward two main critiques. First, it asserts that the collapse of the state does not necessarily have to equal the collapse of society in general. On the contrary, people adapt themselves quite actively, as they constantly try to establish new ways of coping with uncertainty and conflict. This process of adaptation and accommodation is likely to have an impact on the conflict environment itself, as well as on the future conception of ‘post-collapse’ institutions¹⁸. Second, the collapse of state institutions does not at all preclude people from governing themselves completely. Indeed, with collapse, new kinds of situations may arise, and novel forms of domination may emerge around the renegotiation of political and economic accountability and control (Doornbos, 2002). In some cases – the examples of which will be outlined below, a sense of “order” may even begin to arise out of anarchy and chaos, with new channels of

15 For a critique on this view, see Lemarchand (2001).

16 Although a full literature review would be out of place in the current context, Collier’s view has become increasingly popular in policy circles, also with regard to the Congo crisis. His view was expressed repeatedly in UN reports, European policy briefs as well as in a range of formal and more informal meetings with public officials, NGO workers as well as political analysts. For an excellent analysis of the policy community’s state of mind regarding the Congo crisis, see Autessere (2006).

17 An excellent analysis of the state’s survival politics through history is still provided by Migdal (1988, 2001).

18 A similar view is expressed in Cramer and Goodhand (2002), and Ottaway (2002).

political regulation and redistribution as a result. In any case, state collapse should not be seen as the dead end street, or the final endstate of a “degenerative disease”, as it is commonly pictured in the literature. Rather, such observations should force us to tackle the crucial question of how to locate authority in such contexts of protracted political turmoil. What we need to find out, therefore, is how different orders that drive social existence form and operate at specific sites within societies, and this both in the presence and absence of overarching state frameworks (Callaghy, Kassimir and Latham, 2001). As suggested by Ballentine and Sherman (2003), this discussion is very likely to evolve around the three central domains of political control, namely the quest for legitimacy, the redistribution of economic resources and the monopoly on the legitimate use of violence, or – to put it in their own words: the struggle for “power, profit and protection”. The crucial questions to be answered in such contexts are thus: how do state and non-state, and local and external forces interact to produce order and authority in situations of conflict and state collapse? What kinds of actors are involved? What strategies are used? How stable, extensive, and productive are various forms of order and authority, and how do these relate to each other? And finally: whose interests are heard, and whose interests matter¹⁹? Why these questions are crucial will hopefully become clear from the next paragraphs.

Vicious Circles

The present discussion on order and state collapse also involves the crucial question of conflict, which – as we know – presents both opportunities and constraints to the establishment of political order. Since the last decade or so, this discussion has been dominated primarily by the analysis of so-called “war economies”²⁰. Seen from a Clausewitzian viewpoint, contemporary conflicts in many ways can be seen as a continuation of economics by other means (Keen, 1998). Whether looking from an elite perspective or from a more grassroots point of view, important opportunities have been generated in terms of profit-making and transboundary trade in contemporary civil wars that could not have been imagined without the crucial interplay of such economic agendas. In places like Sudan, Somalia and Afghanistan, warlords have benefited from the extraction of humanitarian aid; organized crime networks, and businessmen worldwide are active in the smuggling of conflict resources as well as the delivery of cheap and small weaponry to warring factions. In many cases, the interference of these economic factors has led to a deepening criminalization of politics and the economy, a tendency that is difficult to overcome because of the essentially profitable relations between military enemies. This idea of a transboundary war economy, which unites friends and enemies in a continuous quest for profit and loot, has been extremely powerful on several accounts. For one,

19 For an overview: see Kassimir and Latham (2001).

20 See amongst others Ballentine and Sherman (2003), Berdal and Malone (2000), Cramer (2002), Keen (1998), and Reno (1998, 2000).

it offers a good explanation for the intractability of so many contemporary civil wars: the confrontation of economic agendas has in many cases proved much more difficult to resolve than conflicts that are fought over purely ideological fault lines²¹. Second, it also dovetails nicely with the idea that “for certain conflict constituencies (...) armed clashes, lawlessness and collapsed state authority are not crises to be overcome but desired outcomes providing opportunities for livelihoods, fortune and prestige which would be impossible in a context of peace and rule of law.” (Menkhaus, 2004: 151) Finally, this observation also offers a more sophisticated understanding of the mutually reinforcing dynamics of conflict and underdevelopment. More and more, the idea of a “vicious circle” seems to arise, in which war retards development, and underdevelopment fosters war – but conversely, the systematic provision of “development” (mostly in the form of conditioned humanitarian and other foreign assistance) is meant to retard war (Collier, 1995). The consecutive unification of this security-development nexus in international policies towards protracted conflict areas has not only contributed to a “radical departure from the past” in terms of engagement and scope of development activity (Duffield, 2001, 2002a-b, 2005; Schuurmans, 2000), it also suggests an alternative intervention framework in which state building and good governance have become prime prerequisites for the emergence of “development” at large²².

Still, this idea of “vicious circles” has tended to disacknowledge the explicitly transformative character of civil conflicts. As suggested by Ballentine and Sherman, amongst others, these transformations can stem both from the adaptation of certain conflict constituencies and from the changes in conflict environments themselves: “even as violent conflict contributes to massive human suffering and societal devastation, it engenders patterns of distribution and redistribution that realign interests and actors in ways that are consequential to the course of the conflict as well as to the opportunities for its resolution” (Ballentine and Sherman, 2003). More recent insights from Somalia and the DR Congo, for example hint at the possibility for certain “orders” to emerge out of such conflict transformations, even when they continue to be designated in terms of chaos and anarchy. Thus, Ken Menkhaus, when writing about Somalia, observes that “the very forces which seem to be perpetuating Somalia’s crisis are also serving as midwife to emerging new political orders which are making the country somewhat more predictable and less conflict-ridden than in the past.” (Menkhaus, 2004) The fact that in many parts of the country, people seem more concerned with their everyday affairs of making a living has even created certain opportunities regarding the restoration of communal security – including, in some cases, the creation of rudimentary taxation systems and the setting up of occasional police forces (Helander, 2005). Similarly, the war in eastern DR Congo recently appears to have undergone a certain transformation: while several “power complexes” continue to benefit from the regional war economy, different platforms

21 It could be questioned, however, if such purely ideological wars ever existed in the past – just as purely economic wars are only analytical fiction: Ballentine and Sherman (2003).

22 For an overview of the good governance literature on the DR Congo, see Autessere (2006).

for social and political interaction are also emerging that were not there in the first phases of the war (Vlassenroot and Raeymaekers, 2004). Following these and other observations in for example Afghanistan (Cramer and Goodhand, 2002), Iraq (Roy, 2004), and Sri Lanka (Korff, 2005), a more realistic pattern of conflict and state collapse thus seems to arise, which is rooted not so much in hegemonic state-society struggles but rather in adaptation and contingency. “Real” political life in such contexts, so it seems, is not necessarily played out between the state and society as such, but rather manifests itself at the local level within primary loyalties such as extended family, clan, “tribes” and personal networks, while various “middlemen” continue acting as power brokers between the state and the economy.

These observations ultimately suggest a radical reinterpretation of the process of state collapse in general. Rather than just disintegration and decline, what these evolutions seem to point at is a radical (re)localization of politics and society that in some cases appears to bear the potential to provide citizens with a certain level of “governance, if not government” (Menkhaus, 2004: 154). The various local polities and informal pacts that have emerged in post-state Somalia over the latter part of the 1990s for example, have become much more institutionalized, developing into a loose constellation of commercial city-states and municipalities separated by long stretches of pastoral “statelessness”. Likewise, when talking about such chaotic places like Ingushetia, Sierra Leone and Liberia, some authors seem to suggest the ability of non-state armed actors to engage in the provision of “public” goods, including the security that state agents have consistently undermined in the course of these countries’ civil conflicts (Reno, 2003c). What these observations have in common is that they all refer implicitly or explicitly to the emergence of certain governance frameworks that sometimes – but not necessarily – earn legitimacy by providing some sort of basic “public” social goods. These goods can include for example protection or a more or less formalized cadre for doing business, but also some sort of redistribution through the financing of schools, mosques, churches or medical clinics (Roitman, 2001). With Somaliland as a notable exception (Spears, 2003), these new centres of authority and regulation are usually not trying to shape state-like functions and institutions. They exist outside what is left of the state, and are often in open conflict with it, but they are usually not attempting to replace the state altogether (Gobyn, 2005). So following these insights, a new, alternative vision of conflict and state collapse seems to be emerging: that of a “cyclone” – or a destructive storm that evolves in the fashion of a vicious circle, but in the process alters its own environment in ways which can eventually weaken if not extinguish it. To the extent that they provide the possibility for greater security and redistribution, such cyclones may even foster new frameworks of social representation and regulation that exist along continuing state building enterprises (Duffield, 2001; Menkhaus, 2003; 2004a-b-c-d, 2005, 2006; Reno, 2002a-b, 2003a-b-c; Roitman, 1998, 2001, 2005).

This said, the discussion about political order in such “stateless” contexts naturally also involves the fundamental issue of legitimacy. Whatever their nature, it is indeed hard to believe all many of the so-called political innovations we see emerging

in the world's conflicts are considered as legitimate by either the state or by its mobile populations; for some, these might actually not be more than a rope around their necks (Callaghy, Kassimir and Latham, 2001: 278). In confronting the idea of vicious circles, there has been a notable tendency to analyse the transformations and reconfigurations of political order from a perspective of "hybridity" – i.e. they are believed to combine at once local, national, regional and transnational ideas, institutions and practices. Mark Duffield for example, observes that a substantial part of the "new wars" we have experienced after the decline of the Soviet Empire (Kaldor, 1999) is situated in the struggle over linkages with the global shadow economy (Duffield, 2001; 2002a-b; 2004). Because they are able to act as gatekeepers to informal transboundary networks, the actors in these "emerging complexes" have sometimes been able to offer an alternative position to predatory state practices, however socially exclusive and protectionist this alternative might turn out to be. Based on this idea, a new "network society" (Castells, 1996) thus seems to be emerging, which creates the possibility for "resistive forms of organised violence as well as opposing systems of external regulation and intervention." (Duffield, 2002a: 4-5) However tempting, this hybridity lens can not be an end point of analysis though. It should rather be a starter of answering how order and authority are, or are not, reformulated in a given context, and in what form (Callaghy, Kassimir and Latham, 2001). The present discussion on political order and state collapse thus pulls us back with full force to the question of social order, which leads us to ask the following questions: what factors account for the evolution towards "order" or "anarchy" in a context of state collapse? If certain "orders" are seen to emerge within this perennial struggle for power, profit and protection, what makes for their viability in terms of governing certain political domains or arenas? Why do some of these so-called political innovations escalate into increasing violence and despair, and others do not? Finally, how do these projects relate back to the state, i.e. how do they communicate with the often newly introduced framework of political "transition"? Researchers studying the relationship between transboundary formations and specific locales in Africa – and this study does not offer an exception – will thus need to discover what makes these projects legible and public, or on the contrary illegible and discriminatory, exclusive and protectionist. In other words, there is a dire need to conceptualize (1) what accounts for the reproduction of political order in such contexts characterized by state collapse and civil war, and (2) what are the conditions for "governance" to arise within these non-state political complexes. This requires a thorough definition of both political "order" and "governance", which will be provided later in this chapter.

Trust and Cooperation

In this study, the question of order and governance will be analyzed from the viewpoint of a particular social network that maintains both local and transnational connections. The Nande entrepreneurs referred to here will be approached as local power brokers and as a transnational "trust network" of commercial traders. A

trust network consists of a ramified social network within which people set valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes, or failures of others (Tilly, 2005: 12; for a detailed analysis, see the next section). Power brokers in contrast act as intermediaries between social groupings that are operating at different levels of societies. Their basic function is to connect apparently incongruent constituencies and cope with the conflicts raised by the collision of their interests (Wolf, 1966). An important difference with trust networks is that to remain relevant socially, power brokers cannot settle these conflicts between social groups: they can only act as buffers or gatekeepers between these groups, while simultaneously maintaining the tension that drives their social actions (see also Blok, 1974; Migdal, 1974). Trust networks in contrast have to pay considerable attention to the maintenance of trust and social cohesion *within* the group – which presupposes very strong ties between this network’s members.

The origins of this apparently inconsistent combination of social functions have to be sought in two particular historical evolutions, both of which are connected to the relationship between African politics and development. The first of these evolutions could be called, with Bayart’s words, the “reflexive criminalisation” of the African state apparatus from colonial independence onwards (Bayart et al., 1999). The fact that many African state leaders did not dispose of the “empirical” qualities of state sovereignty (Jackson, 1987), but yet remained extremely dependent of the international economy to serve their needs, often left those with few options except to battle political opponents in markets, which has become the “foundation” of political authority (Reno, 1998). As Zaire’s President Mobutu himself said: “everything is on sale in this country”. For Zaire’s ruling elite, which was deprived of juridical statehood, even the most minimal access to public power gradually came to constitute a veritable exchange tool, which could be converted in the evasion of all sorts of obligations as well as the generation of new opportunities. According to De Herdt and Marysse, during the 1980s the Zairian state transformed itself into a “mafia-like enterprise, abusing its power and using all possible means to enrich itself to the disadvantage of the population”. (1996: 29) In the end, the “savage” or parasitic capitalism (Sandbrook, 1985) that accompanied this privatisation of political power often led to a profound economic collapse: better off with lobbying privileges and protection from the state than with leading actual productive enterprise, the merchant class in such countries as Zaire and Senegal often became a class *for* itself rather than *in* itself. It was a social group that was “torn between its interest in appropriating agricultural surpluses on its own account and gaining access to rents and wealth mobilized by the state” (Boone, 1992: 255). The result of this process was often a “reciprocal assimilation” (Bayart et al., 1999) between vested local interests (or “parasitic feudal overlords”, to quote Baran, 1952) and an emerging comprador bourgeoisie that was set up to guard and abet existing property rights (Boone, 1992; Bates, 1981). This apparent inconsistency, between a largely absent but criminalised state, and the survival of vested local interests formed an ideal opening for several power brokers to arise between the forces that competed for the control over economic spoils.

A second evolution has been called, for lack of better words, the “informalization” of economic exchange in African weak states –most notably the so-called “unrecorded” or “shadow” economy. Janet MacGaffey, when writing about Zaire’s massive unrecorded economic activity during the 1970s and 80s, even discovered the rise of an indigenous entrepreneurial class that actively engaged in the accumulation and investment of capital against what she essentially saw as a “parasitic” political class (MacGaffey, 1987, 1991). From this perspective, “informal” or non-official economic activity was explained foremost in terms of political resistance. Following MacGaffey’s definition, the “informal” economic paths that were taken by so many Africans from the 1980s onwards not only offered a solution to household survival, but rather also involved a political option, co-opted by political discourse. According to MacGaffey, the massive expansion of the informal economy thus represented a gigantic “bootstrap” operation, of people improving underdeveloped economies through their own personal enterprise (MacGaffey, 1991). Similarly, Azaria and Chazan observed how the growing disengagement of citizens from the state was actually ingrained in the very process of post-colonial development in Africa. The various activities and answers of African citizens against this parasitic state practice – such as smuggling, parallel trade but also the rise of a vibrant popular “counterculture” – could actually be seen as attempts to “beat the system”: they simultaneously sucked the vitality and potential out of the state, and even contained the potential of a more massive realignment of power relations operated by members of the collectivities that the state claimed to represent (Azaria and Chazan, 1987: 128-129). Whatever the scope of these activities, the massive disengagement of African citizens from state practice during the 1970s and 80s still showed how conditional the allegiance to the African state actually was. By withholding resources from the state, and by locating politics at ever lower levels of society, Africans were actually seen to form new mechanisms of self-sufficiency and communal definition, held the potential to formulate political projects that apparently stood in opposition to a failing and predatory state²³.

The origins of the Nande trust network have to be sought in this evolution, namely as a radical response to the failures of the Zairian nation-state in providing its citizens with sustainable livelihoods. It made part of a conscious decision to counter the economic and physical insecurity imposed by a negatively perceived patrimonial system.

One fundamental question, however, hinted at by Michael Bratton more than fifteen years ago, remains what these dynamic social forces and informal networks actually mean in terms of the reproduction of political “order” – especially there where African states have been limited in constructing it (Bratton, 1989). While the loss of legitimacy and lack of penetration capacities of the African state are manifest in many ways, the development of *alternative* political projects by these same African citizens is indeed another thing. In theoretical terms, this observation leads us to two separate

23 A more detailed analysis of this “informality” question will be provided later in this study. For an overview of this literature, see Bratton (1989), and Meagher (2003; 2006).

but highly related questions. First, there is the issue of complementarity: just as we require a framework that enables us to account for citizen engagement as well as disengagement, we need to leave room for engagement that may be congruent as well as conflictual with the state's political realm. Effectively, while the authority of non-state actors over certain "governance" domains – like cross-border trade – might lead us to conclude that they stand in opposition to the nation-state, this situation does not at all imply the latter's demise in terms of authority or accumulation possibilities (Roitman, 2001)²⁴. In fact, one can argue that the relation between these two realms is often highly *ambiguous*: they are often reciprocal and complicitous as much as they are competitive and antagonistic. The reason for this, says Roitman, is that although antagonism and competition exists with regard to the state's regulatory authority – for example regarding the payment of taxes or the maintenance of local security – complicity is also evident insofar as the state depends on these non-state forces for rents and the means of redistribution. Smuggling networks, transborder traders etc., therefore, still can make important, and sometimes even essential, contributions to the national political economy, however "informalized" or "privatized" this national economy might turn out to be. The basic question to be answered here is that of the sovereignty of regulating frameworks, i.e. what force or framework can legitimately claim its authority over the use of violence, the (re)distribution of economic goods, and the representation of population's rights and on the basis of what body of rules and relations? I will return to this problem in later in this chapter.

A second, related question concerns the possibility at formulating new or alternative political loyalties in response to these "failing" African state practices. As suggested by Michael Bratton, the mere confrontation of their daily hardships does not in itself mean that Africans are busily reformulating effective answers to collective action problems. For this, a whole different series of conditions have to be met. One of these conditions is thought to be the generation of trust, *in casu* between the formulators of these "alternative" power complexes. As has been suggested in the social capital literature, for example, some level of trust is still required to overcome problems of collective action – certainly when this action is conducted over time. In his edited volume on this subject, Diego Gambetta (1988: 217) describes trust as a particular level of the subjective probability with which an agent assesses that another agent or group of agents will perform a particular action before he [or she] can monitor such action (or independently of his capacity ever to able to monitor it), and in a context in which it affects his [or her] own action. When we say we trust someone, therefore, we implicitly mean that the probability that he or she will perform an action beneficial to us is high enough for us to consider engaging in some kind of cooperative relation with this person. Theoretically speaking, trust is thus a "tentative and intrinsically fragile" response to our ignorance, a way of coping with the limits of our foresight. For us to engage in cooperation and find answers

24 See also Bennafla (1999, 2002). For a contrary vision, see Brown, 1995; Camilleri and Falk (1992); Ong, 1999; Rosenau, 1990; Strange, 1996; Walker and Medlovitz, 1990; for a general critique, see Sassen, 1998; Smith et al., 1999

to collective action problems, we thus need some level of trust to be present. Both coercion and interest seem to be insufficient for cooperation to arise, and indeed can be self-defeating: the one can literally nip cooperative attempts in the bud (see for example Arrow, 1972), and the other can potentially lead to antipathy. If someone discovers only a pure instrumentality behind my demand for cooperation, the probability that he might reject my offer will indeed increase (Elster, 1983).

This view on economic and social cooperation stands in sharp contrast to the “game theory” of social action, expressed for example in Axelrod and Keohane (1986). According to them, the conditions for effective cooperation to arise are the following: (1) actors must be decisively aware that they are ‘stuck’ with each other, i.e. there must be a sufficient time horizon to enable them to cooperate; (2) it is impossible to mutually destruct each other, like in the Cold War standoff, i.e. neither actor must be able to completely eliminate the other or change the nature of the game in a decisive move; (3) information about other “game players” is reliable: participants must be able to follow on their expectations; and finally (4) there must be a quick feedback about past actions²⁵. Others have even gone as far as saying that it is precisely “anarchy” which engenders trust or social cohesion. In his analysis of Ibn Khaldun’s sociology of traditional Muslim society, for example, Gellner (1988) sees three basic conditions for this trust to arise: (1) an absence of any strong central authority, (2) certain “ecological” conditions, which impel inhabitants towards pastoralism rather than sedentarism, and (3) a certain level of expectation about what life is to be like. His argument is that the probability of treason between members of a traditional Muslim society increases social cohesion, because it engenders a kind of “balance-of-honour” between these members, contrary to a “modern” urban context, where this balance is replaced by a dyadic, unsymmetrical system of patronage politics that destroys these original bonds of trust.

Taking note of these different attestations, it seems fair to say that trust does play a role in the emergence of cooperation, certainly when this is conducted over time. Although some disagreement might persist over the exact conditions for this cooperation to arise (be it in the “objective” physical circumstances or the accumulation of knowledge about the other’s intentions), some level of trust is nonetheless necessary between cooperative members of a group or society. In both accounts, significant attention is given to the *evolution* of cooperation, which can indeed evolve from a purely interest based to a more emotional and trustful relationship²⁶. The problem with this purely evolutionary approach is the place of cause and effect: when can trust be seen as a consequence or a cause for economic

25 Their testing area were the enemy soldiers in the WWI trenches, who developed a particular kind of cooperation with each other absent of a coercive or “trust” framework. Contacting each other at regular intervals, then testing for possible misunderstandings, they interacted with increasing conviction in a peaceful manner, just as to share certain moments of peace in the midst of war and destruction.

26 One interesting differentiation can be made by looking at the definition of “friendship” in cooperative relations. I will return to this issue in detail in chapter four.

and social cooperation? The best way to respond to this problem of objective-versus-subjective conditions and cause-versus-effect, therefore, seems to be to take the history of cooperative relations seriously. Rather than taking the ontological and logical place of concepts like trust and cooperation for granted, one needs to look at the actual interaction of political and economic processes in a society, which includes the distribution of power and wealth between different groups and individuals, and the processes that create, sustain and transform social relationships over time. The best way to answer the problem of collective action, therefore, seems to be to look at the evolving *structure* of social relations between members of a network or society, and gradually explain how trust has played a role in these processes of cooperation and conflict. This problem will be addressed further on in this chapter, when discussing the analytical components of this study.

More important than trust even, seems to be the expectation of a credible sanction in the case of non-cooperation between group members. Whether in the form of a community norm, a contract, or a regulatory authority, some kind of sanction still needs to exist in order for cooperation in organizations, groups or networks to succeed²⁷. In essence, this affirmation goes back to Adam Smith's '*trite*' observation that even in a society of thieves, some rules need to exist to keep the thieves from robbing one another (Gambetta, 1988). Even (some might say especially) in the "informal" economic sphere, some rules need to be respected in order to induce efficient cooperation between the participants in such activity. De Villers gives the example of the '*tolekistes*', or taxi bicycle drivers in Kisangani, who have developed a total of 36 rules to be able to adhere to their informal association, including to be "clean" and not to drink or smoke. Similarly, the '*cambistes*' or money changers on Kinshasa's streets oblige their colleagues to be transparent about exchange rates, for example, in order to be respected. These examples seem to suggest that in spite of the many thieves and impostors, the informal economy can indeed work as an "alternative" to state regulation, thanks to relations of interpersonal trust as well as auto-regulation. In any case, they show that the "informal" economy is anything but anomic, but often involves an "amazing deployment of unwritten rules" (de Villers, et al. 2002) that serve to give actors a certain credibility in the face of their potential clients, and facilitates a certain reciprocity between them.

This last comment relates to a final problem in social interaction absent of overarching coercive frameworks: the need for protection. To take again the example of the '*cambistes*', it is evident that these money changers cannot go about their work without the protection or cover from a body or person that maintains close links with the police or with some coercive authority. This same person can simultaneously act as a patron or boss that unites several money changers under the cover of the same corruptible public official. The value behind this story is that, whether or not protection is phoney or required, it can nevertheless be a genuine commodity in

27 This attestation comes from (neo-) institutional economics, and has since then been applied to social and political studies in various study domains. For an overview, see Aoki (2001).

situations where trust is scarce and fragile – even if it is considered a poor and costly substitute for the latter (Gambetta, 1988; 1993). As we know from the literature on organized crime, for example, when no guarantee exist in the form of a binding contract, regulatory authority or community norm to ensure trustful cooperation, there is a possibility for a “business” of protection to arise: several “entrepreneurs of violence” can profit from state weakness to introduce themselves into the economic framework and act as power brokers between the state and the economy (Gambetta, 1993; Varese, 2001). But while these brokers can be seen as an evil to be opposed, they nonetheless can supply a real service which is in demand by certain actors that feel unprotected by the state or its agents.

It is in this context that the emergence of the Nande “trust network” should be interpreted, namely as a particular network of “informal” economic entrepreneurs who, in the absence of an overarching regulatory framework, have gradually taken on the role of political “power broker”. At the same time however, they have to constantly negotiate and mediate with other power brokers (including those located in state organizations) in order to protect their economic enterprise. It is this interplay, between trust and protection, and between opposition and complicity, that stands at the center of the present study about the Nande transborder traders.

The crucial questions that have to be answered in this analytical framework, therefore, are, first of all: how did this particular network of transborder traders emerge as a political power broker in the context of Congo’s state “collapse”? In other words, what are the conditions for this non-state actor to arise as an important political player there where the state has been a limited provider of political “order”? Second, what did this situation produce in terms of public outcomes, i.e. how did the potential “order” that emerged out of this network’s power brokering role lead to the creation of a practical “governance” framework? For these questions to be answered, two other crucial issues need to be addressed in the first place, namely (a) the resolution of the social tension *within* this social network – eg. the known problem of trust and sanctions – and (b) the “linking” of network membership to actors outside their immediate circles to secure their physical and social protection. In the next paragraphs, these questions will be addressed in a more structural manner.

Method and Analytical Components

Contrary to the common idea that research in war zones or regions affected by armed conflict is unsuited for academic purposes, or even completely impossible, this study starts from the assumption that analysis in such areas can be done when it respects two fundamental conditions: for one, it has to beware of creating a “conflict fetish” (Goodhand, 2000), which uncritically accepts the departing position of the researches as a fundamental starting point. In other words, it has to take seriously Elias’ observation that history does seldom produce abrupt changes or breaking points, but instead should be interpreted like a “dance”, in which various

influences configure into temporary equilibria. The aim of the analyst is to capture these configurations by fundamentally taking account of the historical continuities and discontinuities that surround this analytical moment²⁸. A second condition to be respected is flexibility: because war-affected populations and phenomena are inherently unstable, it is difficult to generalize on the basis of one single case: researchers are likely to find bias in their respondents, and written information is either scarce and/or unreliable (the so-called “fog of war” – although this problem can also be related to non-functioning state administrations). Rather than seeing this exclusively as a problem, however, such bias can be taken as a starting point to ask broader questions about the evolution of political legitimacy and citizenship, for example – two issues that will be central to this study. The following analysis will depart from a “composite” approach (Barakat and Chard, 2002), which uses different components and methods according to the questions asked (for an application on the DRC context, see Vlassenroot, 2006b, and Trefon and Petit, 2006).

Three analytical components will run like a red line through this study. These are subsequently, the conditions, relations and “place” of non-state governance practices in an African transboundary configuration – *in casu* the Congo-Ugandan “frontier”²⁹. Central to this exercise is to explain the collective action problem of Nande entrepreneurs with regard to the protection of their property rights. What we need to explain is how, and under what conditions, these entrepreneurs have been able to generate trust and protection, and what this has produced in terms of “public” goods. Governance and political order, therefore, are interpreted not so much in terms of the establishment of a system of “intersubjective meaning” or “shared goals”, but rather as a spontaneous, unintentional outcome of repeated “game playing”: it is a fragile equilibrium of social interaction that has the potential to – but does not necessarily – produce public outcomes. Let me explain this hypothesis in more detail.

28 See also MacGaffey (1987) on the ethnological relationship.

29 This concept is taken from Hogan (1980), who employs the example of the American Far West to argue that such “frontier” areas can offer both opportunities and constraints for the social control over what are essentially “non-captive” populations, i.e. populations that live on an open-edged boundary that remains extremely difficult to police because of the extreme (socio) mobility of the latter. The point here is that frontier zones are neither a political nor a social vacuum, but that different forms of social control can begin to emerge in these areas according to the different modes of functioning of the societies *in place* (Escobar, 2000). For a deeper discussion, see also Kopytoff (1999).

Order³⁰

The present analysis starts from the assumption that different social “orders” can coexist at the same time. Different conceptions on how to regulate social relations, different “regimes” and institutions can, and historically have, existed side by side – although these do not necessarily have to be backed by the state³¹. A second assumption is that no general code, no agreement on how to regulate society is possible unless it is backed by the establishment of a monopoly over the legitimate use of force³². These apparently trivial observations nonetheless require some deeper thought. As suggested earlier in this chapter, the latter comment has been associated foremost with the phenomenon of state “decay”: whenever the structure of state authority collapses, this process usually involves a serious erosion of the monopoly on violence, a process that can or cannot lead to new forms of legitimacy or accountability (Doornbos, 2002; Engel and Olsen, 2005, Klute and von Trotha, 2000, 2004; von Trotha, 2001, 2005). Nevertheless, it is one thing to say that no actor or force in society is able to establish a legitimate dominion over the use of force, but quite another to explain what this struggle actually produces in terms of political “order”. This thought acquires a particularly relevant dimension when we are dealing with politics in Africa, which has been characterized by multiple types of governance arrangements – going from “stateless” societies (Ellis, 1999) to the decentralised use of power (Le Roy, 1991) to local “polykephaly” (Bierschenk and de Sardan, 1997) and even pre-colonial empires (Vansina, 1967). Whatever the scope of these arrangements, it can be maintained that power in contemporary Africa (and especially in Central Africa) is exercised rather through “oligopolies” than actual monopolies on violence³³. The historical result has been that political power in such contexts tends to be exercised over people rather than territory, and sovereignty has tended to be shared (Herbst, 1996-1997)³⁴. The principal aim of the social scientist in such situations, therefore, should be to reveal the tension that exists both within and between the various “regimes” and institutions that are struggling to establish

30 The problem of social “order” in fact represents the most fundamental question of social theory. It has been substantially treated by the Durkheimian and Parsonian schools of sociology, structuralist theory and the psychoanalytic theory of Freud (for an overview, see Woolcock, 1998). By rational choice and game theorists, this problem has been addressed under the nomenclature of “dilemmas of collective action” (for example by Axelrod, 1984; Axelrod and Keohane, 1986; Hardin, 1995; Olson, 1993; Ostrom, 1990). Collective action problems refer to those situations in which, absent credible monitoring and enforcement mechanisms, individuals fail or succeed to cooperate for mutual benefit. For the definition of order used in this study, see the following paragraph on institutional equilibria.

31 This argument can also be called historical structuralism. See for example Giddens (1977), Tilly (1985; 1990).

32 This argument was first put forward by Elias (1939: vol 2), and has been applied in contemporary conflict analysis by Elwert (2003) and Mehler (2004).

33 For a discussion, see Bangoura (1992); Bierschenk and de Sardan (1997 and 1999); Herbst (1990, 1996), Le Roy (1997), von Trotha (2000); on the concept of oligopolies of violence, see Mehler (2004).

34 In this sense, it should be noted that colonial empire did not produce such a radical departure from the past as is usually assumed. Rather, it produced a certain level of continuity and contingency within the “regime change” that was imposed by anti-colonialism. I will return to this question in part three of this study.

a dominion over society, and potentially hint at the conditions for their interaction and survival.

The inspiration for this thought comes first of all from sociology – in particular from Elias’ idea of “configurations” (Elias, 1939; Elias and Dunning, 1986). As he argues, no “zero-point” can be identified with regard to the emergence of social relationships within and between social groups: rather, society should be depicted “like a dance”, where several social groupings gradually create their structured action over time³⁵. Another source of inspiration, this time from political science, comes from international relations theory. In particular, it emerges from the idea of “social sovereignty” (Latham, 2000). Latham brings to the attention that sovereignty – and even more so its practical function of governance, has never been centralized in the hands of one single ruler, nor of a single territorial framework. In reality, the concept of sovereignty can be, and historically has been, understood as an attribute not just of states but also of other forms of social organizations, which have become central to the governance of an increasingly wide range of social domains (Latham, 2000)³⁶. From a different perspective, Gerard Ruggie comes to a similar conclusion, when he emphasizes the sovereignty of movements, not of territory (Ruggie, 1993). Crucial to this understanding is the claim that sovereignty is not an attribute of agents (like king or parliament) but of structures (such as bodies of law or systems of regulation). Contrary to the classic idea that agents possess sovereignty, what makes paramouncy possible according to Latham are the “bodies of relations that effectively structure practices and agency in a given area of social life” (Latham, 2000: 3)³⁷. When we understand sovereignty like this, namely as the “enduring structure of governance and rule in society” (Benjamin and Duvall, 1985: 25), it becomes clear that the state is only one of a number of forces – along with other sites of private power from corporations to “mafia” to social associations – that tries to establish the broader bodies of codes and rules that are the locus of pre-eminent power in a

35 The inspiration for this approach comes from structuralist social theory, as well as its recent application in economic sociology (cf. *infra*).

36 This idea is inspired by the “new medievalism” thesis, which brings to attention the possibility of multiple overlapping institutions, organizations and practices to exist in conjunction with cooperating states, but which nonetheless obtain limited and shared sovereignty (Bull, 1997; Voekel, 1998). That said, it rejects the new medievalism thesis on two grounds. First, it objects its anchoring of social relations in a unique form of property system (feudalism) that is in no way determined by bureaucratic organization. Whatever the similarities to the medieval age, this type of property system is not applicable to the current era: even in the most dramatic cases of state collapse, the regulation of property rights is still in some way or another tied to the conception of state “sovereignty” – put forward by the international system as the single regulating principle of state-society relations. Second, one could indeed question if the feudal system can be applied to the European Middle Ages *per se*. Frequently forgotten by political scientists, historians have meticulously stressed the fact that these were not a singular and uniform historical period, but were composed of different eras with very different political dynamics that went from empires to kingdoms to feudal fiefdoms (therefore, one speaks of the Middle Ages: Spruyt, 1991). The idea of social sovereignty also runs parallel to Foucault’s concept of governmentality, however, with a slight difference, in that different sovereignties are believed to exist side by side.

37 This idea was already confirmed by Hobbes, who claimed that the “essence of sovereignty” is defined not by the will of a supreme authority over its subjects, but by various rights to constitute the structures of law, organized violence and property: Latham (2000).

particular social domain. Such observations do by no means require that we abandon the close association of states and sovereignty altogether, but only that we place that association in a wider context. Since politics is about rule, says Ruggie, it comprises the legitimate dominion over a spatial extension. However, this does not necessarily mean that systems of rule need to be territorially fixed (think for example about nomadic societies). Nor does the prevailing concept of sovereign territoriality need to entail a mutual exclusion of different property rights systems or systems of rule (as is the case in “shadow states”: Reno, 2000). Important to recognize is that sovereignty, and especially its practical component of governance, can be associated with far looser and less bounded domains than that of the classical or Western nation-state. Furthermore, we need to accept that especially in a context of “weak” or “collapsed” statehood, several sovereignties are likely to coexist – albeit mostly through “overlap, tension and [...] conflict.” (Latham, 2000: 13) What these thoughts do point at, however, is a profoundly different outlook on political relations in Africa, which has too often been described under a hegemonic terminology of the “state” versus “society”. It requires us to finally go beyond the profound disillusion that has accompanied the analysis of African statehood during the 1960s and 70s, but which risks only to be replaced by a naïve belief in the “vibrant associational life” associated with the emergence of a fractured civil society (Lemarchand, 1992). In the end, what is needed in analytical terms is a continuous willingness and engagement to simultaneously emphasize the structural and the contingent, to recognize the extent to which our concepts and attitudes have been shaped by particular historical circumstances, and a correspondingly “strong dislike” of all overarching theories and singular schemes of explanation (Skinner, 1985).

To answer the question of social “order”, this study will make use of an equilibrium view on institutions. This approach simultaneously provides for the possibility to conceive of a “spontaneous” order to emerge – even without the existence of disinterested third-party enforcement – and concentrates on the maintenance of order through “strategic interactions” rather than through normative socialization³⁸. Governance is referred to here as “the way a society organizes to *use* power to manage public resources, involving the making and implementation of collective decisions, enforcement of rules and resolution of conflicts” (Kassimir, 2001). A more specific definition is provided by Eckert et al. (2005), who describe governance as “the administration of access to and provision of rights, services and goods.” This definition permits us to simultaneously look into the specific sources of power that are producing governance, as well as those components of society that are either managing or being managed by these sources. A second characteristic of this definition is that it looks at governance as a capacity of an organization, rather

38 Proponents of this view have been Robert Sugden and Aoki (1995), amongst others. Aoki derives his insights from Leonid Hurwicz, who focuses on the issue of enforcement. Interesting in Hurwicz’s approach is that he pays attention (more than North, 1990) to the specific choices actors have at their disposition to reach a certain outcome. The options actors have in how to play a certain game is defined as a “choice set”; the specific profile that corresponds to each players’ choices is defined as “an outcome function”; together, these form the “game form” or “mechanism”.

than seeing it as a systemic property of the “state” or “society”. While the question of self-governance is in fact as old as political science itself, the recent inspiration for answering this problem comes from the field of economics – in particular from the (neo-)institutional economics. As indicated previously, the institutional economics have struggled extensively with the problem of economic “efficiency”, or the question why some societies (read: economies) perform better than others. The answer of the institutional economics lies in the interplay between “institutions” and “organizations”. In particular, it states that the emergence of an “efficient” property rights system results from the way individuals and firms try to reduce their transaction costs. In the political science literature, the inspiration for this view comes from Ostrom’s discussion of the “commons problem” – or the question why certain groups or societies succeed better in governing their common resources than others (Ostrom, 1990). Ostrom is critical of the metaphorical use of the commons problem in terms of prisoner’s dilemmas or problems of collective (in)action. What makes these models so dangerous as foundations for analysis and policy, says Ostrom, is that the constraints imposed on individuals are assumed to be fixed in empirical settings and unchangeable, unless they are altered by external (third) parties – read by the state. In the prisoner’s dilemma – much like in Sartre’s *les jeux sont faits*, the prisoners are incapable of changing the conditions imposed on them, because they are all in jail; in liberal theory, therefore, the difference between cooperative and non-cooperative action seems to be situated in both the size of the group and the existence of an efficient enforcement mechanism, which is rather ironic if one notices its focus on individual freedom³⁹. Ostrom rather addresses the question of the capabilities of those involved in institutional game playing. Instead of turning to the disinterested Leviathan as a unique legislator and saviour – Ostrom particularly talks about the “amorphous, fictitious, and omnipotent entity called ‘the government’” (1990: 216) – he finds valuable evidence of people that are *themselves* struggling to find workable solutions to difficult problems, and this within very different arenas. At the same time, however, no claim is made that institutional arrangements reached between appropriators rather than external authorities will *automatically* generate optimal solutions. Instead of there being one optimal solution to a single problem, he argues that “many solutions exist to cope with many different problems”. In other words, many regimes, many institutions can coexist to cope with problems of collective action that arise in different social fields. The process of “getting the institutions right”, therefore, is understood to be a costly, time-consuming process that is likely to invoke considerable conflict. In this perspective, a successful outcome is understood as an outcome in which institutions enable individuals to achieve productive outcomes, there where temptations to free-ride and shirke are ever present (see also Granovetter, 1973; 1985).

39 The dilemma lies in the fact that autonomous and independent actors have to be brought together under the rubric of some notion of the common good, when that same authority is thought to remain with the same autonomous and independent actors.

How does a successful equilibrium then come about? The essence is that the rules of the game are being agreed upon by all (or almost all) participants, and that the rules are enforceable, or “implementable” in Hurwicz’s wordings (1993, 1996). An equilibrium is said to be reached when no player has incentives to change his strategy whenever other players are also expected to remain devoted to the same rules of the game⁴⁰. In the equilibrium view, an institution is conceived as a self-sustaining system or “belief” (although this wording wrongfully suggests a normative understanding of the term equilibrium) about the way in which a game is to be played. The “rules of the game” are defined as the way by which the game is repeatedly played – namely through strategic interaction of socially connected actors. This definition comes close to Douglass North (1990), who also closes in on the process of socialization. However, contrary to North, the rules that emerge in an equilibrium game are not believed to be conditioned exogenously by a polity or meta-culture, but instead are created endogenously through the strategic interactions of agents – a process that potentially makes these rules self-sustaining or –enforcing. In this evolutionary approach, it thus becomes possible to conceive of a convention of behaviour to arise *without* the enforcement by a third party. Finally, and probably most importantly, it also becomes conceivable to regard the existence of several institutional equilibria at the same time – something that is completely impossible in a purely normative view on institutions⁴¹.

Relations

In the previous section, it was questioned how “order” can emerge there where African states have been limited in constructing it. This question remains relevant for two reasons: first because of the multiple regimes and institutions that have characterized African governance practice, and second because of the potential non-state character of these governance practices. To answer the problem of “order” absent of an overarching state authority, this study will put forward an equilibrium view on institutions. An “equilibrium” is said to be reached over a certain social domain when everybody agrees not to change his/her strategy of action whenever the others do the same. An important characteristic of this approach is that it provides the possibility for “order” to emerge from social interaction itself, rather than from a predestined social or political “culture”. What this approach does not explain, however, is how the “order” that potentially emerges in a particular domain then becomes translated into a framework for “governance”, i.e. how the common view on the way to *use* power (within a community or group) is ultimately translated into

40 See also the definition of *enforceable trust* (Portes and Sensenbrenner): in a situation where everyone knows everyone else, community norms proliferate and violations of reciprocal obligations carry heavy costs. Sugden calls this a “morality of cooperation”: a certain economic ‘institution’ only gathers strength when almost everyone in the community follows it, and it is in the interest of each and everyone that they do.

41 This view particularly conjures with that of legal pluralism (Moore, 1978), to which I will return in the general conclusion.

collective decisions related to the management of “public goods”. For this purpose, this study will adopt a structural(ist) approach to social action that has recently been adopted in economic sociology and the study of “ethnic” entrepreneurship. The underlying hypothesis here is that, governance being a deeply conflictual process, there is an intrinsic need for the participants in a social field to reach out beyond the immediate solidarity of the group, and integrate their actions with wider social networks. This question has a particular relevance for the analysis of contemporary African transboundary configurations, because it addresses the issue of political legitimacy. By identifying (and potentially bridging) the gap between various and often conflicting institutional equilibria on the one hand, and the governance of particular social domains on the other, one could potentially provide an answer as to whether the political projects we see emerging in place like the DR Congo, Somalia and other such places are more like a “rope” around people’s necks, or on the contrary can be made eligible and public.

The inspiration for this hypothesis comes from economic sociology – specifically from Mark Granovetter’s idea of social “embeddedness” (Granovetter, 1973, 1985, 1995). The embeddedness argument stresses the role of concrete personal relations and structures of such relations (or “networks”) in generating trust and discouraging malfeasance. In contrast to the institutional approach, it looks at ties and relationships *outside* firms and organizations, but where few people actually appear content to rely on either generalized morality or institutional arrangements to guard against trouble (*Idem*, 1985: 490). In fact, just like protection, institutions are only a (poor) substitute for trust. What is paramount for trust (and thus for order) to arise in the real world is rather the way social relationships are organized or structured. In turn, this idea is based on the concept of the “strength of weak ties” (*Idem*, 1973). While the basic assumption of his idea is actually very simple (i.e. those to whom we are weakly tied are more likely to evolve in different environments than our own, and thus will have access to information and contacts different from those that we usually encounter), what makes Granovetter’s exercise interesting is that he uses this structural dimension of “bridging” and “linking” social ties to explain the different ways in which communities organize for common goals. In other words, the notion of “weak” social ties is used as an explanatory variable for the problem of collective (in)action⁴². Instead of the classical reference to culture and personality (inspired by the modernization approach⁴³), Granovetter suggests a more structural analytical tool to explain why some communities or individuals are more likely to be successful in the mobilization of their social ‘capital’, and why others are not: “I would suggest, as a sharper analytical tool, examination of the network of ties comprising a community to see whether aspects of its structure might facilitate or block organization” (*Ibidem*: 1373).

42 This idea has been applied more recently on the “ethnic” entrepreneurship in urban settings (Centeno and Portes, 2003; Kloosterman and Rath, 2001, 2003; Light and Bonachich, 1988; Portes, 1995; Portes and Landolt, 1996; Portes and Sensenbrenner, 1993).

43 See Lerner (1958), Almond and Verba (1963), and Gerschenkron (1962), amongst others.

The concept that will be used in this study is that of the “trust network” (Tilly, 2005). In Tilly’s words, a trust network necessitates the existence of a number of people that are connected, either directly or indirectly, by similar social ties⁴⁴; the existence of such ties automatically gives members significant claims on their relationships with others, such as mutual assistance or insurance during difficult times. While members of trust networks typically engage in long-term collective enterprises (such as religion or long-distance trade) the particular configuration of network ties sets the existence of collective enterprise at risk to the malfeasance, mistakes and failures of individual members. Other features of trust networks are (a) that it carries a name or designation that is mutually known to its participants; (b) that the involvement in network relationships gives members some minimal rights and obligations over other members; (c) that participants have means of communicating and representing their shared membership and (d) that participants mark and maintain clear boundaries that separate them from outsiders (*Ibidem*: 4; 44).

The concept of trust networks is relevant in this study of Nande entrepreneurs for two reasons. First, it focuses on the importance of the structure of social relationships, which, just like in the embeddedness approach, are believed to be prior to trust and institutions. A parallel can be found here with ethnicity – only that “trust networks” operate on smaller and possibly different social markers. As will become clear, ethnicity has been a strong explanatory variable for the explanation of social “order” in Africa – and particularly in the DR Congo. The point here is that ethnicity can also be extremely illusive and evasive (Schlee, 2003, 2004). What explains certain governance frameworks to arise is not ethnicity as such, but rather the way social relationships are being structured, and how tension is resolved between and within groups – in this case the “trust network” of Nande entrepreneurs in the small Congolese border town of Butembo. A second feature of this concept of “trust networks” is that it permits us to focus on the relationships between these networks and other social phenomena – notably with the “state”. As Tilly suggests, different stratified relations are possible between social networks and state structures, going from bargaining to clientelage to outright competition. In any case, what this study will hopefully make clear is that the exercise of social “order” remains a very fragile exercise, which involves a constant attention to both the inner and outer workings of power and authority in different social networks. For the entrepreneurs in this study, this exercise has involved a search for protection from outside, while at the same time avoiding to compromise oneself to other members of the network. It also involved the generation of a desirable amount of “trust” to facilitate internal cohesion, while at the same time developing the necessary extraversional ties to be able to protect their business. As we will see, this fragile exercise has created the basis for an equilibrium to arise that is not necessarily path dependent, but holds the potential for the emergence of a “sovereign” governance framework that is also partially inscribed in the same logical and epistemological order as that of the neo-patrimonial Congolese state.

44 The embeddedness literature talks about “bridging” social ties between several social “cliques”.

Space

Finally, to fully grasp the process of order-making in the Nande's transboundary trust network, it is important to reintegrate this process both into "time and space" (Massey, 1992). On the one hand, it is evident that the geographical space is in part an effect of social structures and practices: we constantly define and give meaning to our surroundings through the construction of our social "space"⁴⁵. On the other hand, however, it should be emphasized that the social is spatially constructed, too. Even as people participate in translocal networks – such as the Nande trust network, it is important to find out how these same people are part of constructed "places" – i.e. how they both construct and participate in the *hic et nunc* of social practice (Escobar, 2000). However, what is being portrayed as either resistance or complicity with global capitalist economies might only be suggestive of what is *really* going on in many Third World localities: it shows how local groups and networks, far from being passive receivers of development, are actually shaping the process of constructing identities, social relations, and economic practice, and how they actively continue to create and reconstruct their lifeworlds "as places" (Escobar, 2000: 15; see also Hecht and Simone, 1994). At the same time, the integration of social phenomena into space also hints at the importance of the boundary as "frontier" – as the point at which something becomes something else, at which "we" and "they" begin, and at which certain rules of behaviour no longer obtain and others take hold (Migdal, 2004). This study will draw on the metaphor of the "frontier territory" (Hogan, 1980) to illustrate the various modes of governance that can arise in regions where the "state" (or more specifically the embodiment of public authority: Moore, 1978) is "willing but unable" to implement its authority over territory and population⁴⁶. The idea behind this is that frontier zones are neither a political nor a social vacuum, but that different forms of social control can begin to emerge in these areas according to the different modes of functioning of the societies *in place*. It simultaneously builds on the idea that culture "sits in places" (Basso, 1996), and people continue to construct some sort of boundaries around their social practices, no matter how changing and hybridized those grounds and practices might turn out to be.

To grasp this spatial dimension of transboundary politics, the best entry point remains that of the locality – in this case a small Congolese border town. The reasons for this are multiple. For one, the locality bears an obvious analogue to the ancient *polis*: as the venue for everyday life, it is the site of face-to-face contact, immediate economic and social relations, immediately shared experience and interests (Magnussen, 1990: 46). The local is understood here not so much in terms of its authenticity or unpolluted nature, but rather as a meeting point, "in which various influences come

45 A particularly impressive exercise in this respect can be found in De Boeck's description of Kinshasa: De Boeck (2002, 2004).

46 Ken Menkhaus (2006) develops an interesting typology based on the "willingness" (interest) and "ability" (power) of states to implement their public authority on these "frontier" zones. This idea will be further put to the test at the end of this study.

together” (Hannerz, 2003: 26). In particular, it is a “political arena”, where order and disorder are constantly constructed and deconstructed, and spheres of authority are forged and intersect (Kassimir, 2001: 103; Appadurai, 1996).

The approach from which local and translocal, national and regional forces and practices will be analyzed will be by the spatial, or sited approach, which makes reference to “spaces of dependence” and “spaces of engagement” (Cox, 1998)⁴⁷. This concerns a social constructivist methodology with an emphasis on the contingency of social action – rather than focusing purely on the areal or geographical dimension of social phenomena. In concreto, spaces of dependence are defined by those more or less localized social relations upon which we depend for the realization of essential interests – and for which no substitutes can be found elsewhere. However, in securing these conditions, people, firms, state agencies etc., have to engage with other centres of social power. In doing so they construct another form of space called the space of engagement. This is the space in which the politics of securing a space of dependence unfolds. Although still faithful to the idea of the network (Marsden, 1993), what is really at stake in this discussion is the realization of local interests, and the ability/necessity to do so in a spatial, sited or scaled way. This is somehow different from the social network analysis proposed by amongst others Emirbayer and Goodwin (1994), Galaskiewicz and Wasserman (1994), and Knoke and Kuklinksi

47 The specific method that was used to describe people’s constructed places was the life history. This particular social science method refers to a variety of techniques that are used for conducting qualitative interviews, the most common of which is the half-open interview. This technique is used during fieldwork to form an overall picture of the informant’s or interviewee’s life. The purpose of the interview is to be able to describe what it is like to be this particular person, that is: how this person has developed his social practices over time. These interviews were conducted through the following leading questions: (1) could you explain to me your personal career and the evolution of your business? How did it all get started? (2) Do you estimate that you have gained or rather lost from the war? (3) In difficult times like that, do you feel protected by the state? (4) If not, what do you do to protect/secure yourself in business? (a) For example, does your FEC membership help you to surmount certain problems? (b) Do you belong to other organisations maybe (also kinship, family)? (c) Are there other ways of protecting oneself (morale, codes of conduct ...)? (5) In case of non-respect of property rights (for example breach of contract), what sanctions exist at a community level to make somebody apply (both ‘formal’ and ‘informal’)? (6) How do business relations take place outside the community? How do you make ‘friends’ there? (7) What are the limits to being a Nande trader? Afterwards, these data were mirrored against the (few) written data *about* these subjects and the relations they engage in, such as import-export records and customs administration. But the prime value was given nonetheless to the trader’s perception about his/her personal histories, and the society they interrelate with. I interviewed 29 traders over the course of nine months of fieldwork in 2002-2006 (of which two women), which statistically represented a total of 92 mostly male import-export traders associated to the Fédération des Entreprises du Congo (FEC) – including all but one member of the so-called G8 (cf. *infra*). These respondents were not chosen on the basis of a snowball-sampling approach, but on the basis of their observed status and position within the larger Nande society. A hierarchical model could thus be elaborated, in which ‘important’ traders were positioned above ‘less important’ and finally ‘small traders’, each of which was related in a different manner to the problem of “governance”. The position and standing of these individual traders, although relative, could be observed through “objective” data such as import and export numbers and relations to political patrons, as well as more “subjective” data such as marriages and familial details (origins, capital and connections). These interviews were almost invariably conducted in Kinande or Swahili, which was simultaneously translated to me by a local research assistant. For a deeper discussion, see especially chapter two and four. For the usefulness of research assistants, and the possibilities and constraints of social research in the DR Congo in general, see Trefon and Petit, ed. (2006).

(1982). Though taking this method seriously, the objective of this sited approach is to analyze how actions and interactions are controlled *through* space, rather than just *in* space. To repeat Cox, the ultimate interest is in mobilizing centers of social power whose power is territorial in character, but whose goal is to control the actions and interactions of others. This methodological approach has two main advantages. For one, it offers the possibility to see how the process of interest satisfaction often “jumps scales” – i.e. how it simultaneously takes more global and more local dimensions. This recognition runs very parallel with the notion of “glocalization” proposed by Swyngedouw (1997). That this process does not necessarily have to develop from the top-down but may also jump from the bottom-up is only one lesson of this spatial approach to social interaction. A final lesson might be that the process of “linking” social capital – a process that will be described for the Nande trust network – also takes on an important geographical form: by constantly “jumping scales”, i.e. by searching for protection at different geographical levels – while simultaneously maintaining their “dependent” spatial position – the Nande’s trust network might have ensured its status as a political power broker in Butembo’s evolving political landscape. What this means in terms of Congo’s ongoing political “transition” will be addressed in the conclusion of this volume.

Preliminary Conclusions

Before presenting the origins and evolution of the Nande “trust network”, it might be useful to formulate some preliminary conclusions to this study. While it is too early to enter into the empirical details, some lessons can nonetheless be drawn from the theoretical discussion outlined above. A first lesson is that even though trust is not a prerequisite for efficient cooperation, social or economic transaction nonetheless needs some level of trust to be effective over the long run. This comment might seem trivial indeed: it directly relates to the classic idea that most of the “backwardness” we notice in the South today can indeed be explained (at least in part) by the lack of trust that is being generated in such contexts (Baran, 1952). Nonetheless, this comment still appears crucial especially with regard to so-called “collapsed” African states and societies. The socio-economic conditions that will be described in this study are often those of a deep distrust among social actors. Indeed, the transactions that take place among the Nande will sometimes appear more like a “rat race”, in which different social cliques engage in a murderous competition. At the same time however, a certain level of trust did develop among a small clique of Nande entrepreneurs that made it possible for cooperation to evolve. This shows at least that even in the most chaotic situations, social relations do not necessarily have to be of the kind of “dog-eat-dog” situations described by Thomas Hobbes, that violence does not necessarily have to be “always already” in our societies, but can be stemmed, and often also reflects deep social changes occurring in these societies (Nordstrom, 1997). For cooperation to evolve, some kind of credible sanction need nonetheless be present – although not necessarily in the form of a disinterested Leviathan. A sanction can also be effective in the form of a strong community norm or ostracism,

which is very strong among the Nande. Although it might be exaggerated to talk about a “Protestant Work Ethic”, the specific normative connotations that surround the Nande’s economic and social engagement has partly created the conditions for their “trust network” to develop, and through which relations could be maintained with other groups.

A second lesson is on “linking” social capital. Whereas the immediate solidarity that may exist among members of the same community can create a certain bond or sense of belonging (mostly expressed in ethnicity), for these same communities to develop there is a need to grow out of these immediate relationships and integrate into wider “autonomous” social networks. If this does not happen, a stark non-developmental reality, an “excess of community” is likely to be present that hampers integration with other communities or groups (Woolcock, 1998). Probably the most interesting paradox of this study is that not in spite but *because* of the strong intra-ethnic competition among the Nande, this community has been able to reach out beyond the original spatial, economic and mental boundaries of the group and form bridges with other groups that simultaneously guaranteed their economic and political survival. However, for this competition to arise, some level of trustful social relations still had to be present. This probably explains the greatest difference with other trading networks inhabiting eastern DR Congo, like for example the Banyarwanda and Gegere traders, who for their cultural and economic survival were bound to concentrate on solidarity within the group. However, as will become clear, this inward and outward working of the Nande trust network has remained an extremely fragile exercise, in which the dependence on local protection is constantly weighed and balanced against the engagement with other groups and enterprises. The success of this exercise, or the chances of “order” to arise, therefore, seem to depend much more on the structure of social relations than on the personal or cultural predispositions of the members of this network.

A third preliminary conclusion concerns the relationship between order and protection. In a context where the monopoly of violence is subdivided among several players, and where no overarching sanctions exist in the form of a disinterested or neutral regulatory authority, the search for protection might sometimes evolve into the building block of a limited political equilibrium even in the absence of a strong state apparatus. Central to this exercise is the communication between the respective need for protection and the hunger for cash from the part of the two most important political players in this context, i.e. the businessmen and rebel leaders. Crucial for this “order” to arise is the establishment of a more or less binding contract or agreement on the payment of local taxes. Although the details of this agreement would bring us too far at the moment, it seems clear that more than a quest for “shared meanings”, governance in Butembo has been a rather unintentional outcome of the quest for power, profit and protection from the part of its leading social classes. This exercise might after all not be so different from the state formation process that has been described in Western Europe (Tilly, 1990), albeit at a very heavy price. As we will see, the “order” that has emerged in Butembo is not only very exploitative, but also socially exclusive: it applies only to members of the own ethnic community, and still

then the entry ticket remains the access to local patronage networks that continue to monopolize political assets. What the inhabitants of Butembo then should prefer – i.e. a predatory but largely absent “state” sustained by the international community, or an exclusive political “order” maintained by local power brokers – remains indeed an interesting question that will be addressed in the conclusion of this volume.

Finally, and maybe most importantly, the present study also holds some conclusions about the process of institutional change during times of political and economic crisis. While politics in Africa has often been described as choosing between a rock and a hard place (or between the “state” and “society”), this study will try to explain why and how a particular institutional equilibrium has come about and survived with reference to both state and non-state forms of social organization. Instead of a radical break with the past, or a continuation of path dependent tradition, a kind of “transformation without transition”⁴⁸ will be explained to persist, which seems more reminiscent of *‘Il Gattopardo’*’s famous expression that “we have to change to remain the same” – rather than leading to a radical historical departure. It is this constant interaction, between change and contingency, between order and chaos – between structure and agency, that will lay at the heart of our discussion of the Nande’s transboundary economic and governance practices.

48 This term was borrowed from colleague Chris Parker (2004), whom I thank for his insights and suggestions.

PART ONE

THE NANDE TRUST NETWORK

INTRODUCTION

The first part of this study on the Nande's transborder trade will concentrate on the problem of origins. A first chapter, which follows right after this introduction, will concentrate foremost on the origins of economic organization which, as was indicated, finds its inspiration mainly in the quest for trust and protection. A second chapter will discuss the historical origins of the Nande trade network, to be found in the colonial intermediary retail trade. After a short discussion of the Zairian political system in chapter three, this evolution will be picked up again in chapter four, which talks about the 1970s and 80s – the “golden” times of the Nande's transborder trade. This latest chapter follows at once the bridge with the second part of this study, which will concentrate on the war period of the 1990s and 2000s.

When asked about the origins of their trade, most Nande businessmen respond with the observation that they are simply ready to “fend for themselves”. Marginalized from state support, the businessman in this geographical and economic periphery can count only on their own experiences and skills to keep his head above the water. Each time he suffers a commercial blow, or his shop is plundered for the Nth time by armed elements, he is obliged to start again “with his proper force”. Asked about the origins of his trade, one businessman even went as far as celebrating the lack of electricity in his town: “The fact that we live in obscurity – at six o' clock p.m. the generators are turned off – actually saves us from a lot of distraction,” he said: “even television, which is responsible of so much of today's degradation, is not very present in our households. So despite its disastrous impact on development, the lack of electricity works to our advantage in moral terms.”

Apart from this rather extreme example, the notion “to fend for oneself” is usually mentioned by these businessmen in tandem with a reported spirit of “autarky” and self-subsistence⁴⁹, which in turn originates in a specific work ethic or “morale”. These origins are commonly explained in the context of a tradition, of “doing as you would be done by”, combined with an awareness that one has to “unite” to be able to construct something. Such observations not only filter through in local expressions, such as: “If you wait for the fruit to fall from the trees, you will fall asleep hungry.” (*“oyo walindirira akanga toha omo muti mwa keshya nzala”*) Or: “if the chick does

49 “If it were not for the war, Butembo would be like a small Athens,” one trader reported.

not pierce its own shell, it will die within it" (*"kata yikuhakuhira sikalw 'omwiya"*)⁵⁰. They are also actively propagated by local religious leaders such as the defunct Catholic bishop Mgr. Kataliko⁵¹. Knowing the origins of his wealth, these expressions seem to mean, the Nande entrepreneurs will always be able to recover and start again, no matter how hard the circumstances: "it is the moral here that makes things work," one trader confessed; agreements between businessmen are maintained "as in a village", where a given word is still a given word, and no contracts or written statements are needed to secure one's business.

This spirit of autarky and trustful relationships is said in turn to stand in great contrast to the predatory behaviour of Zairian/Congolese state officials, who are only out to "eat your profits". "While the entrepreneurs work during the day, the government steals at night", is the view that seems to dominate the Nande's working spirit. Many entrepreneurs just refer to the government as a "bunch of thieves": while Kinshasa mainly favours "neighbouring tribes" in national politics, "no law" exists that protects these businessmen from state predation. To survive, therefore, the Nande traders have no other option than to draw from the density of their social networks as well as from the "individual initiative, innovation and skill" that has gradually made them into an independent economic class (MacGaffey, 1987). This view – which I will refer to as the marginalization thesis, which has been inspired by the sociology of so-called "ethnic" entrepreneurship – proposes that social capital is high in groups that suffer serious discrimination from other groups and organizations, but are nonetheless able to confine unique rewards upon their members. The reference of discrimination is usually directed at other groups and organizations with which these "ethnic" entrepreneurs are confronted, but which supposedly do not dispose of the same level of internal solidarity and trust. In the next paragraphs, I will briefly discuss these different factors, before moving to the

50 I thank Paluku Anselme Kitakya for the translation of these expressions.

51 Note for example this extract of a pamphlet written by Mgr. Kataliko in 1971 entitled *'Aide-toi, et le Ciel t'aidera'*: "La meilleure façon de sortir du sous-développement, de la misère, et de rendre service, un véritable service à la population, est de susciter l'esprit de "self-help" [sic], quitte cependant à aider cette population en lui fournissant ce qu'elle-même ne peut pas trouver pour assurer seule son propre développement. Selon l'ordre prioritaire, la création des moyens de communication est à la base de tout développement, de tout progrès économique et social, culturel et spirituel: un pays ou une région sans réseau routier reste fermé, arriéré. Comment pourrait-on en effet secourir un village situé à 50, 80, 100 km, si l'on ne sait pas l'atteindre aussi rapidement que possible! Et quand on a des routes, encore faut-il les entretenir, sans quoi on retourne à la misère d'antan, cette fois à cause de la négligence, de l'insouciance et même de la mauvaise volonté de la population et des responsables parvenus, égoïstes, non-soucieux du bien commun. En un mot, la vie économique, sociale, culturelle ne voit et ne verra le progrès que grâce aux contacts faciles et rapides avec d'autres mondes. C'est pourquoi les populations des territoires de Beni et de Lubero ayant compris le problème, désireuses de sortir de l'isolement et du sous-développement, animées par certains "leaders" et responsables bien décidés, n'hésitent pas à se mettre au travail, au 'retroussons les manches'. Elles comprennent que rien ne sert de se lamenter et d'attendre bêtement et désespérément un secours quelconque qui leur viendrait du ciel. Des régions, des chefferies se réveillent: les gens reprennent les instruments, qui la houe, qui la machette, qui la pioche et la pique, qui la bêche ou la pelle. Bien que ces instruments soient rudimentaires dans le temps moderne pour faire des travaux réalisables par des machines, on ne recule pas: le courage, la ténacité, la ferme volonté sont le stimulant."

organizational and historical origins of the Nande trust network (chapter one and two). First, however, I will pause at the problem of “borders”.

The Role of Borders

When analyzing transborder trade networks, a factor that automatically comes to mind is the vicinity of country borders. Borders have traditionally played a crucial role in defining trade patterns, be it in the form of pre-colonial communal and geographical communal divisions, colonial frontiers, or post-colonial borders. The natural reflection, therefore, is to place the origins of contemporary “informal” transborder activities in pre-colonial trade patterns. John Igué (1983: 38) for example, when writing about West Africa, says that today’s informal economic networks are in fact “nothing else” than the manifestation of the old exchange networks set up by African communities, whose caravan trade was attacked and paralysed by colonial empire: “Ce commerce parallele n’était rien d’autre que le nouveau circuit d’échange mis au point par les anciennes communautés (...) marchandes de l’époque caravanière dont les activités avaient été paralysées par les nouvelles lois de l’économie coloniale.” A strong parallel transborder trade continued even after colonial independence in West Africa, stimulated by the persistence of (porous) colonial borders, continuous state harassment (in the form of predatory state officials, custom duties etc.) as well as the opportunities of monetary exchange across borders: actually, one could maintain that the more repression existed against these transborder networks, the more they retreated into the secrecy of smuggling and intermediary activities that had existed all this time along these different African borders (see also Prunier, 1983; Sundström, 1974).

In similar respect, Omer Mirembe (2005) traces the Nande’s “popular” economic development to pre-colonial trade patterns in Central Africa – particularly the interlacustrian caravan trade. As a people, the Nande find their origin in Kitara, one of the interlacustrian kingdoms situated in today’s Uganda. Their different migrations from the 17th century onwards apparently went hand in hand with the development of a vast salt trade, which was exploited in the lake of Katwe (on the eastern side of the Semliki valley). Salt was highly demanded in the Kivu Mountains, because it was used for cooking as well as for the conservation of meat and fish. According to a number of authors, small caravans of around fifty Nande traders regularly crossed the dangerous Semliki plain to gather salt from their former Hima kings (cf. further). This interlacustrian trade also engendered a number of important social functions: because of its numerous dangers, it gradually developed into an extremely prestigious enterprise that ensured traders access to social and political status as well as women (Vwakyankazi, 1982). Reportedly, the future town of Butembo played a central role in this salt trade, because this locality served as a stopover place for passing caravans (cf. *infra*; Mirembe, 2005: 115-116).

Apart from its social functions, the commercial activity along the Congo-Ugandan frontier also aroused a certain sense of periphery: located in the “shadows” of the colonial and post-colonial administrations, as it were, the frontier remained a place where activities and goods easily passed unnoticed. Note for example the comment of one UN observer, who during the struggle for colonial independence (1960) witnessed several “caravans of carriers (...) reinforced by armed warriors, who were making their way to the Ugandan border to deliver agricultural products.” (quoted in Willame, 1964: 28) From the 1960s onwards, these products, most of which were cash crops like coffee, *‘papaine’* and tea, but also other consumer goods that had first been officially imported into the Congo, were smuggled systematically into neighbouring Ugandan by Ismaeli and Indian traders that used the services of armed elements to guard their transborder activities. This transborder trade expanded so rapidly that by 1987, it was estimated that between 30 and 35 percent of local coffee production in North Kivu was smuggled to the Ugandan border. Of the minerals exploited in the Lubero forest, 50 percent reportedly followed the same destination. Local prefects and public officials had great difficulty controlling this massive economic fraud. According to one of them, “almost everything produced or sold in North Kivu [was] smuggled into Rwanda and Uganda: coffee, vegetables, palm oil, gold, *‘papaine’* (papaya latex), cattle and goat skins, and small merchandise of all kinds.” (Callaghy, 1984: 284) Several, if not all, local interest groups were involved at one time or another in this cross-border smuggling: the police, *‘gendarmérie’* and security forces in the first place, followed by state agents, traditional authorities, Zairian and foreign businessmen, and finally the poor peasants on North Kivu’s countryside. Severely touched by the economic crisis that ravaged through their country (cf. infra), these citizens had often no other option than to launch themselves into such transborder activities in order to survive.

The question remains, however, to what extent the existence of these national borders can be called constitutive to the emergence of the Nande “trust network”. For such a network to arise, other conditions had to be met, particularly in the sphere of inter- and intra-group relations (cf. supra: introduction). In this context, therefore, it is probably better to speak about “boundaries” rather than borders. More than borders, boundaries signify the point at which “something becomes something else”, at which the way things are done changes, and at which certain rules of behaviour no longer obtain and others take hold (Migdal, 2004). Contrary to borders, boundaries also include important symbolic and social dimensions – some of which were pointed at above. When seen from this perspective, it becomes possible to describe such boundaries as social constructions, which are themselves replete with tension and conflict, and which possibly reflect other spatial and social logics than that put forward by the colonial or post-colonial (nation-) state. To understand this, one has to look at the social and symbolic dimension that lies beneath this process of mental “mapping”. How, for example, does one make sense of this boundary creation from the perspective of historical intra-group relations? And how is this boundary in turn translated to other relations that lay outside the immediate communal context? In the case of the Nande’s transborder smuggling network, their collective effort of lawbreaking and communal economic enterprise suggests a spatial logic that has the

potential to construct a personal sense of belonging and identity that runs parallel, or even in opposition, to dominant state logics. The explanation for this mental mapping is traditionally sought in a combination of a specific cultural “tradition”, with a tendency of marginalization from the part of the centralizing state.

A Silent Revolution?

The explanation introduced above found its way into academia in the analysis of immigrant entrepreneurs in American and Asian cities during the 1980s and 90s. It formed in part a response to the “plethora of capitals” that had arisen in the study of marginalized communities in these contexts⁵². Specifically, this literature suggests that “social capital” – or the potential to construct extra-communal ties in view of economic growth – is high in groups (1) with distinct “cultural” characteristics, i.e. characteristics that increase prejudice towards them and thereby lowers the probability of entry and exit; (2) engaged in strong, frequent confrontation with other groups perceived to be more powerful; (3) suffering a high degree of discrimination and without alternative avenues for social and economic opportunity, and; (4) possessing a high degree of internal communication and able to confine unique rewards upon members (Woolcock, 1998, Portes, 1995; Portes and Sensenbrenner, 1993). These more or less “fixed” characteristics are usually mentioned in tandem with the classical lack of education, social entry and financial resources associated with the marginal political and social status of these communities in the described settings (Light and Bonacich, 1988). In African studies, this view has been applied amongst others by Akeredolu-Ale (1975), Garlick (1971), and Marris and Somerset (1971).

A protagonist of this marginalization theory in Central Africa – and more specifically regarding the Nande traders – has been the American anthropologist Janet MacGaffey. In her influential work on the informal economy in Mobutu’s Zaire, she suggests that the marginalization of the Nande in the Zairian state administration provided an important factor of their “informal” economic development. After independence, she claims, “the Nande found themselves underrepresented in the national political scene and unable to participate in national decision-making.” At the same time, “their region was neglected by the government in all development programmes and allocation of resources.” While this distance from the central government certainly had a marginalizing effect, it also meant that the Nande were to some extent “beyond its control” (...): it gave them a certain degree of autonomy, making it easier to organize their own affairs in response to government neglect.” (MacGaffey, 1987: 146) This political marginalization of Nande citizens thus had the double effect of pushing this community away from politics, and into “shadowy” or “informal”

52 See Centeno and Portes, 2003; Kloosterman and Rath, 2001, 2003; Light and Bonacich, 1988; Portes, 1995; Portes and Landolt, 1996 ; Portes and Sensenbrenner, 1993

economic practice⁵³. The fact that leading political posts were mostly taken up by “allochthonous” populations during the 1960s and 70s (*in casu* the Banyarwanda Tutsi from Masisi and South Kivu), and that the more or less formal parts of the economy largely remained in the hands of Mobutist elites, says MacGaffey, makes the Nande’s participation in Zaire’s “informal” economy almost into a form of silent, anti-state resistance. Vwakyanakazi – from whom MacGaffey borrows substantially – even speaks of an act of “rebellion” against the predatory and dominant Zairian political system (Vwakyanakazi, 1982: 340). To summarize, therefore, the Nande’s transborder trade seemed to provide ample evidence of a market integration that people had brought about for themselves *outside* official system, but which had generally failed to promote economic development by imposing massive tariffs and border controls, and by preying on all kinds of profitable economic enterprise. They thus reacted in their own way against the predatory government machineries that had actively denied the realization of their political rights (MacGaffey, 1987).

To summarize, the Nande’s informal or parallel economic development seems to be explained almost entirely in terms of *opposition* against the colonial and Zairian (nation-) state. This explanation is completely in line with the “disengagement” thesis put forward in the introduction (see Azaria and Chazan, 1987, amongst others), which states that the growing withdrawal of citizens from state practices in Africa was actually ingrained in the very process of post-colonial development itself. The various activities and answers of African citizens to “beat the system” thus simultaneously sucked the vitality and potential out of the state, and even contained the potential of a more massive realignment of power relations outside the official state system. The question that arises, however, is what these dynamic social forces and informal networks actually meant in terms of reproducing political “order” – especially there where African states had been limited in constructing it (Bratton, 1989). While the loss of legitimacy and lack of penetration capacities of the African state are manifest in many ways, the development of *alternative* political projects by these same African citizens was indeed another thing. This is all the more important, since this marginalization thesis came to constitute an important element in the claiming of social rights – particularly during the war period⁵⁴. Resolving this element of “opposition” thus seems to be an important task for the social scientists.

Some authors trace this status back to the origins of the Nande community itself. As said, the Nande found their origin in the kingdom of Kitara, in today’s Uganda. To be correct, however, it would be better to talk about the “Bayira”, which literally

53 For a similar view, see Ndaywel Ziem (1998a); Leclercq (2000), amongst others.

54 In 1998, for example, a group of Nande politicians, headed by a customary authority, wrote the following letter to the government of Laurent-Désire Kabila: “Le peuple Nande représente 60% de la population du Nord-Kivu. Malgré leur importance numérique, les Nande seront quasi absents des postes politiques mirobolants des régimes Kasa-Vubu et Mobutu. Ces postes seront accaparés par les populations allochtones Tutsi.” (Kasonia et al., 1998) A similar letter by Butembo’s Archbishop circulated during the second Congo war, denounces the “colonization” plans of neighbouring “tribes”, who “envy the economic prosperity and the pacific sens of initiative of the Nande.” (Willame, 1999: 152). See chapter five.

means ‘my people’⁵⁵. Rather than a cultural definition, some anthropologists see in this term a reflection of the Bayira’s socio-economic status of “opposition”, first against the pastoralist ruling class of the Bahima – a division that is also observed in other traditional interlacustrian kingdoms such as the Toro, Ankole and Bunyoro – then as agriculturalists in opposition to the land-owning aristocracy (in the Nande’s traditional society) and finally as the “primitives” in opposition to the “civilized” (in the context of colonial society: Remotti, 1993). In turn, this status was traditionally coupled to a certain tolerance from the part of customary authorities to engage in private commercial enterprise: the acceptance of private initiative apparently stimulated a spirit of “constructive competition”, according to which individuals measured their success to that of others (Sarata, 2002: 40). This factor stood in sharp contrast to some of the surrounding communities, where the customary chiefs had the tendency to strangle merchant initiatives. For example in the Bashi community from Kabare (South Kivu) as well as the Bahunde from Bwito and Bwisha (North Kivu), it was not permitted that a vassal enriched himself more than the local *mwami* (Kasay, 1988). The Bayira, in contrast, never seem to have organized in a centralized government. On the one hand, their community remained historically divided between the Nande and the Bakondjo, two branches of the Bayira community that respectively live in today’s DR Congo and Uganda (the border between these two countries was officially established in 1908). On the other hand, the Nande community remained divided between several clans or sub-groups: the Banyisanza, Bashu, Baswagha, Batangi and Bamate (the French designation of these clans is ‘*chefferies*’, or chiefdoms). The political autonomy of these chiefdoms traditionally was not claimed in the form of a particular “state”, however, but rather as extremely dispersed clans united under different totems⁵⁶. Bergmans goes even as far as saying that the Nande’s political system “contains in itself the seed of the fragmentation of power.” (Bergmans, 1970: 23) Not only was the power of the different ‘*bami*’ (chiefs) submitted to considerable discussion, the Nande’s political system also contained important centrifugal tendencies that were directed more towards expansion and conquest than to territorial consolidation. This observation illustrates once more the relevance of Latham’s (2003) claim that “sovereignty”, rather than being an expression of a single ruler or actor, finds its expression in the system of codes and rules that govern a particular social domain. In the Nande community, this sovereignty is traditionally instituted in two figures: the ‘*mwami*’ (chief) and the ‘*mughula*’, which is a kind of anti-power figure that intervenes in crucial phases of the *mwami*’s life⁵⁷. In turn, this sovereignty is expressed more specifically in

55 (Ba)nande literally means ‘fugitives’ – a pejorative meaning given to them by arabized groups that first penetrated the region around 1890. The prefix ‘Ba’ is used to indicate “people” in Swahili.

56 This political dispersion also resulted in the maintenance of a certain degree of autonomy once these clans were integrated into a single kingdom: this was for example the case with the Bakondjo, who since the 1830s had to pay tribute to the king of Toro

57 It is useful to emphasize here that the “institution” of the *mwami* never dies, only his material form is transformed through various rituals.

the “vast network of tributes” that makes it possible to individuate particular links between different clans and individuals (Remotti, 1993: 45).

Finally, this “vast network of tributes” and relationships appears to find its expression in the Nande’s economic organization, too. According to de Villers and Mirembe, the parallel and informal economic activity that was developed during the 1970s and 80s could be more accurately described as a “network” economy, which not only presupposes a profound embeddedness of economic actors in their social environment, but where the success of economic enterprise is actually dependent on the “density and the quality of networks of interpersonal relationships to which one subscribes.” (de Villers et al., 2002: 25) Ultimately, then, the economic activities taking place in this informal sphere is understood foremost as a particular expression of the social dynamic of the societies that develop them: economic agents mobilize and use resources for economic development in function of their insertion into a plurality of social networks, primarily of family and kin, but also of friends, neighbours and other members of the community. The “bounded” solidarity that is created through these tightly knit networks and relationships simultaneously provides these participants with a social insurance that permits them to accumulate status and wealth outside official economic frameworks. Thanks to this solidarity, it is said, the network economy thus also becomes a “popular” economy, which is accessible to ordinary people and makes them able to provide in their daily livelihoods. In this regard, it does not exclusively concern an economy of the poor, but rather reflects the particular socio-economic organisation that carries the productive part of society in general (Mirembe, 2000: 25).

The Protestant Work Ethic

The specific origins of this “popular” network economy apparently have to be found in the Protestant work ethic introduced by the American Baptist fathers. In 1928 (the same year Butembo became the regional headquarter of the MGL mining company), a Protestant mission was established by the conservative Baptist Paul Hurlburt, who had arrived just after the “pacification” of the area by the Belgian colonizers. The mission was located in Katwa, at approximately 12 kilometers from Butembo. The Baptists reportedly introduced a “capitalist” work ethic, first, by introducing education and free religious interpretation (for example, they translated the Gospel into the local Kinande language), and second by introducing an elevation scheme for small pigs – which simultaneously opened the way for productive commercial enterprise. This evolution will be discussed in detail in chapter two.

To directly link this initial phase of the Nande’s commercial development to a “Protestant” work ethic seems just a bridge too far, however. While Max Weber himself would have greatly resisted such a direct causal interpretation (Mirembe, 2005: 123), it could be doubted if one can really talk about a purely “capitalist” economic enterprise in the case of the Nande. Like so often, it depends on what one

actually means by this terminology... If taken from a liberal perspective, it could be argued that the Nande traders in fact continue to combine both “capitalist” and “non-capitalist” elements in their commercial enterprise – a characteristic that is after all not so untypical for African businesses in general. One tendency, for example, and which will be explained in the next part of this introduction, is to reinvest profits from their businesses into real estate. This tendency, which is very widespread indeed, has been depicted as detrimental for business from a Western “capitalist” perspective, because it supposedly undermines the prospects of a rapidly growing economy and productivity (Garlick, 1971; Marris and Sommerset, 1971). The same can be said about the widespread diversification of commercial activities, such as import and export of various goods, as well as the inclusion of family and kin into business enterprises (cf. *infra*: chapter one). On the one hand, the continuous demands of kinship and family to share in the businessman’s profits might stimulate the latter to conceal his investments in private real estate, which simultaneously prevents him from developing more managerial business plans. On the other hand, however, some degree of business diversification might actually benefit capital accumulation: investments like houses and farms not only offer a source of economic security in the event of the collapse of mainstream business ventures, but they also provide an excellent source of collateral (Kennedy, 1988). In this respect, African proprietors are probably very little different from their counterparts elsewhere: they continue to count on diversified social relations and investments to develop their ever risky businesses (cf. *infra*: Granovetter, 1973; 1985).

Still taking this rather liberal perspective, it could be argued that in contrast to their Western counterparts, African entrepreneurs often do not dispose of the legal protection to transform their accumulated investments into “live” capital (De Soto, 2000). Live capital, according to De Soto, is created by devising various techniques of representation, which subsequently transform the value of investments into abstract forms that can begin to live an “invisible, parallel life” alongside their physical existence (*Ibidem*: 5-6). This is what ultimately makes capitalism succeed in the West, and fail everywhere else: while the former has invented procedures to sustain this invisible live and transform material wealth into abstract capital, the underdeveloped world continues to hold these assets in “defective”, unprotected and informal forms. Following this view, the absence of private property rights as well as the important collateral it engenders, thus are the principal reason for the failure of capitalist development outside the West⁵⁸.

The point that will be made in this study, however, is that this distinction between “market” and “non-market”, “capitalist” and “non-capitalist” economic and social practices cannot be simply considered as a thin red line – crossed by the acceptance of a “Protestant” work ethic or by the transformation of “dead” to “live” capital – but

58 De Soto estimated for example that as much as 92 percent of Egypt’s housing was held in “defective” forms, representing \$248 billion in under-used assets, and more than fifty-five times the amount of all the direct foreign investment ever recorded in modern Egypt (De Soto, 2000: 5).

in fact is an incredibly broad terrain, which has in turn been rife with tension and conflict. In fact, it is a *frontier region*, which covers the entire territory of what is called capitalism. According to Mitchell (2004: 10):

“The frontier has been a battleground. It is not a thin line marking the barrier between market and non-market, or formal and informal. It is a terrain of warfare spread across the entire space of the market, the entire length of what is called the history of capitalism. If it is an outside, then it is an outside found everywhere, a scene of battle that seems to define every point at which the formal or the capitalist can be identified.”

As will hopefully become clear from the following chapters, the attempts to create mechanisms and frameworks that move people and assets from one economic sphere to the other (be it called market or non-market, capitalist or non-capitalist) has in fact been an impressively political one, a struggle that not only involved the continuous (re)arrangement over the control and distribution of vital assets, but also has been a battle over economic redistribution and the control over the means of violence. While acknowledging the importance of private property to induce capitalist “development” – and here I do follow De Soto – it will be argued, the history of this battle has nonetheless been an increasingly ambiguous one, which is characterized by high levels of complicity and overlap. In the context of Congo/Zaire, this overlap has included, first of all, capitalist and non-capitalist forms of economic enterprise, but secondly also formal and informal, state- and non-state forms of authority and regulation. This ambiguity, I will argue, has to do at least in part with the tension between the embeddedness and autonomy of social ties of the Nande “trust network”, and between the necessity for internal trust and external protection. Let me explain this in a few words.

Embeddedness and Autonomy

A first problem arises with regard to the so-called “embeddedness” of the Nande transborder business network. This term, which has been used repeatedly to indicate the solidarity and social cohesion that is inherent to so-called “informal” economic activity, has been developed more precisely by Marc Granovetter (1973; 1985). Contrary to the modernization theory, but also in reaction to the growing literature about “communal” social networks (cf. *supra*), Granovetter maintains that practically all economic actions are inherently enmeshed with social relations – be they situated in pre-capitalist, non-market or capitalist, market-oriented enterprises and transactions. The hypothesis of embedded social ties is based on the observation that whether or not someone can be trusted depends heavily on the existence of intermediary social contacts (i.e. “weak” ties) that can assure that someone is trustworthy, and, if necessary, intercede with this person or his/her close contacts. Granovetter thus introduces the notion of “weak” social ties as an explanatory variable for the problem of collective (in)action: it is thought that community leaders (and people in

general) have little incentive to be responsive towards other people they do not have direct or indirect ties with. Highly fragmented networks – i.e. where weak ties are practically absent – are thus very unlikely to generate trust amongst their members (Granovetter, 1973). Inversely, the existence of “weak” (or autonomous) social ties is seen as a precondition for people to cope with the “excess” of community that is often present in developing societies: they particularly point at the necessity to grow out of the “original spatial, economic and mental boundaries of the group and (...) to supplement [these] with a centrifugal tendency that forms bridges with other groups.” (Woolcock, 1998). As will be explained in chapter one, this problem is very present amongst economic enterprises in Butembo, and continues to affect their organization in many ways.

One of the numerous ways to surmount this embeddedness problem, for example, has been the forging of business “friendships”. Chapter four will discuss in detail how the forging of such “diffuse” ties can lead to a certain level of economic “internalization”, and ultimately engender a certain level of autonomy or engagement. It could be maintained that the existence of such internalized friendships has actually led to a new division of labour, in which the internal affairs of the firm (e.g. bookkeeping, the management of personnel) are managed almost entirely by family relatives, but the actual day-to-day business of importing and exporting goods and exploring new markets is done preferably with outsiders to the family network. A similar division of labour exists in Northeast Somalia, where the business community has a great hesitation to work with relatives. Fearing that they will possibly be drawn into emotional “highjacking”, they find it better to make economic deals with non-relatives (Helander, 2005). In Butembo, the situation is more ambiguous, however: “while familial relations secure us (*nous sécurisent*),” concluded one businessman, “out there, it is money that talks...: we simply maintain friendly relations with our suppliers on the basis that ‘good fences make good neighbours’ (*des bons comptes font des bons amis*)... To maintain such friendly relationships has become increasingly important though, especially during these current times of globalisation.” In chapter four, the impact of this “glocalisation” (i.e. the simultaneous use of embedded and autonomous social ties, combined with different levels of dependence and engagement) will be evaluated on the evolving Nande culture.

The expansion of business networks through “autonomous” social ties also contains a significant level of risk, however. For example, who or what will ensure the respect of commercial contracts, especially when public authority cannot be trusted? Who or what will ensure that that what I have acquired through the sweat of my labour practically remains mine? In other words: how will businessmen protect their private property rights in situations where the expectation of trust is low and fragile? This problem will be discussed in the next paragraphs.

Complicity and Overlap

The previous question essentially brings us back to the problem of economic and political sanctions. To confront the problem of free-riding, but also frankly to protect one's property, some kind of sanction still needs to exist in order for economic transactions between organizations, groups or networks to succeed. This necessity for external sanction frameworks also engenders a certain tension though, which seems exactly the opposite of that between embedded and autonomous social ties. While the recourse to external protectors – be it in the form of community “norms”, regulating authorities or commercial contracts – appears necessary to protect one's property and belongings (and indeed to be able to engage in economic transactions), this protection might simultaneously be interpreted as an “evil” that should be opposed. Much as with the mafia described in the general introduction (Gambetta, 1993), the entrepreneurs engaged in transborder enterprise on the Congo-Ugandan frontier need a kind of external “protector” to facilitate their economic enterprise, especially when it comes down to securing their accumulated assets (for example in real estate: cf. further). At the same time, however, they continue to defend their “oppositional” status in order to maintain internal solidarity and cohesion, or trust: the reference to popular and embedded economic enterprise thus serves largely to maintain the traders' internal social legitimacy. While in the past, this problem was foremost defined in terms of “formal” versus “informal” engagement, this study will use the terminology of trust and protection to describe the dilemmas of these transborder traders engaged in social action.

When concentrating on the Nande's collective action problem in these terms (i.e. of autonomous versus embedded social ties, and of trust versus protection), a rather different picture arises, which also eliminates some of the powerful myths that have surrounded the Nande's so-called “oppositional” in politics and the economy. The necessity for “protection” became particularly visible in the accumulation of land titles. As will be discussed in detail in chapter five (part two), the massive growth of the transborder trade in the 1970s and 80s actually went hand in hand with an important accumulation of land titles by these same Nande entrepreneurs. Mafikiri-Tsongo (1994), for example, discovered that of all the vacant land that had been liberated by the state during that period, three quarters were bought up by local entrepreneurs. At the same time, this shift in land ownership also led to an important reconfiguration of productive relations, however, because it forced many small farmers to look for alternative sources of income. Peasants increasingly turned to petty commerce as a supplement to subsistence agriculture because their land acreage was simply not enough to supply their households⁵⁹.

59 If one has to believe the estimates of the UN Organization for Humanitarian Affairs (OCHA), this trend even seems to be confirmed today: in contrast with the rest of North Kivu, more food is apparently being bought than produced today for the local food basket in Beni-Lubero: households buy roughly half of their food on local markets, while subsistence agriculture only represents one third (and food aid barely 1 percent). This seems to confirm the more general statement made earlier in this chapter, namely that not communal relationships or activities as such, but rather the “linking” of social assets to the wider world probably constitutes the main op-

To return to the traders' collective action dilemma, the necessity to sanction their evolving economic enterprise essentially engendered two separate dynamics. On the one hand, it forced a rapid entry into "capitalism" – not only by the traders themselves, but also and increasingly by the peasant population of Beni-Lubero, which as a result of shifting land ownership came to depend on small commerce to maintain its subsistence. According to Mafikiri: "le petit commerce ne représente pas seulement la plus importante source de revenu hors de l'agriculture mais il représente aussi l'activité informelle la plus importante dans la région." (Mafikiri, 1994 : 76) So rather unintentionally, the massive accumulation of land titles by the Nande entrepreneurs contributed to a sort of capitalist rise of the Butembo region, with cash crops and commercial products being traded from the countryside to border markets: during the 1980s, markets like Bunagana, Ishasa and Kasindi became important intermediary markets for cash crops and minerals, which were exchanged in turn for products coming from as far as China and East Asia.

On the other hand, however, these accumulated land titles also engendered the dire need for a "protection" of the traders' ownership, not in the least against potential peasant intruders. Rather than being a "marginalized" economic group, therefore, a progressive and "reciprocal assimilation" ensued between local political and economic elites that systematically placed the Nande entrepreneurs at the heart of local political struggle (Bayart, 1999, quoted in Mafikiri, 1994). As Mararo (2000) observes, the Nande actually participated very actively in local and national politics from the mid-1960s onwards: their party (AWABELO) maintained a dominant position in North Kivu after the 1965 elections, and certain Nande politicians also came to occupy crucial positions in the provincial administration (*Ibidem*: 27-28)⁶⁰. Furthermore, some Nande conquered important positions within the different Zairian governments. One of these was Denis Paluku, a Nande from Lubero who served as a Minister of Agriculture in the 1961 government, and later became governor of North Kivu (between 1963 and 1966). Another example is that of Pierre Pay Pay wa Syakasighe. Born from a Nande father and a Shi mother in 1946, he occupied a series of top positions within the different Zairian governments, including that of Minister of Economy, Industry and Commerce, and National Budget Minister. During the 1980s, he also served as PDG (general director) of Zaire's most important public enterprise Gécamines, and as the governor of the Banque du Zaïre (Zaire's national bank). Finally, various Church leaders also came to act as facilitators of the Nande's political objectives, including the bishops Kataliko and, in more recent times, Melchisedech. Through these different "political" contacts, the Nande traders thus tried to protect

portunity for households, actors and groups to emerge from underdevelopment. This issue is discussed in detail in Raeymaekers (2006) and Lecoutere and Vlassenroot (forthcoming).

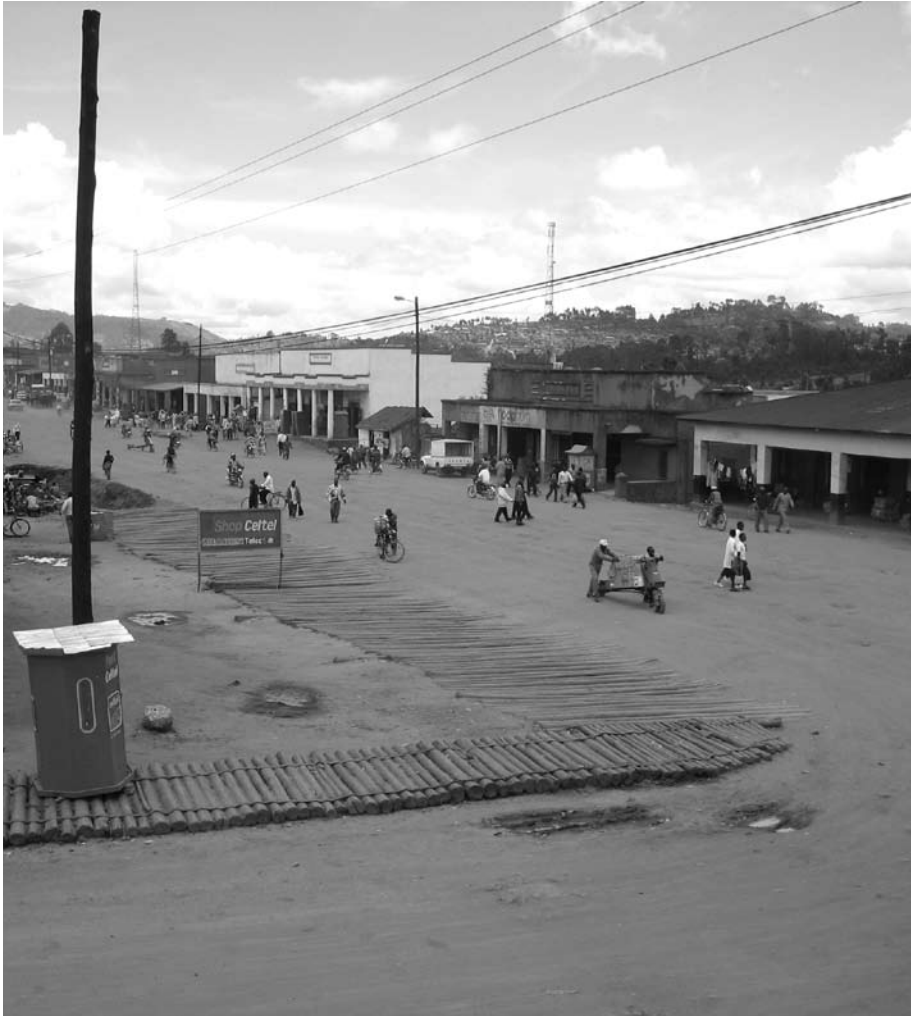
60 This trend seemed to be confirmed again in 2006, with the election, by majority of votes (25 on 40) of Julien Kahongya, a Nande from Rutshuru and close ally of the former rebel leader Mbusa Nyamwisi (cf. *infra*).

their evolving enterprise and capital from potential free-riders and intruders, a trend that was repeated at the provincial and local level⁶¹.

Rather than an oppositional informal enterprise induced by political marginalization, therefore, the picture that arises around the Nande's transborder economy is that of large complicity and overlap⁶². As will hopefully become clear from the following chapters, the relationship between politics and the economy in Beni-Lubero has been often highly ambiguous: while on the one hand being competitive and antagonistic, on the other hand these two spheres were often also very reciprocal and complicit. The suggested reason for this was that, although antagonism and competition certainly exists with regard to the state's predatory behaviour – particularly in the field of economic regulation, complicity is also evident insofar as the Nande traders depend on sanctioning frameworks associated with state organizations when it comes down to "protecting" their evolving commercial enterprise. In the first chapter of this study, it will be questioned to what extent the Nande's economic organization transpires such complicity and overlap. Chapter two will then look into the historical origins of the Nande "trust network". This evolution will again be taken up in chapter four, after a short description of Zairian political system in chapter three. The red line that will run through these chapters is the continuous quest for embeddedness and autonomy, trust and protection by the Nande traders themselves.

61 The "reciprocal assimilation" between traders and customary land owners is an entirely separate research subject, that will be treated in *Kitakya* (forthcoming).

62 Similar claims about political misrepresentation have actually been made by other groups and communities from the Kivu region, and whose status of marginalization seems to meet at least a more objective standard of truth than that of the Nande: see Mararo (2000) and Vlassenroot (2002b).



Butembo

Chapter One

BUTEMBO

When arriving for a first time in Butembo, the impression one acquires is indeed that of a “frontier” town⁶³. A dusty high street connecting the northern and southern parts of the city centre is surrounded by shops and stores. Most of the buildings are made of brick stones, but some of the newer ones also have marble surfaces. At night, dim lamp posts faintly illuminate the high street as well as the pot holes that have been left by passing vehicles. During daytime, the street becomes a permanent dust cloud, created by the constant flow of taxi buses, trucks and motorcycles that deliver goods and clients to Butembo’s market and stores.

This permanent dust is also the result of local climatic conditions. Contrary to the lake towns of Goma and Bukavu, the combination of high altitude (1200-1400 meters) and nearby forest makes Butembo “muddy, windy and wet all year round.” (Vwakyankazi, 1982: 92) Climatic conditions mainly result from Butembo’s intermediate position between the tropical forest and the Great African Rift valley. West from Butembo, a vast forest reaches up to Kisangani, in central Congo, which is rich in mineral resources such as gold, diamonds and tin ore. To the east, the Albertine Rift valley stretches from South to North Kivu, comprising the protected parks of Kahuzi-Biega and Virunga⁶⁴. Mountains determine the rest of this rainy climate, with the Rwenzori –reaching up to 5.109 meters at *‘point Margherite’* – as the region’s topper. The official name of the Butembo area is the territory of Lubero; together with the territory of Beni it constitutes the *‘Grand Nord’*, or the northern part of North Kivu province⁶⁵.

Notwithstanding such bad climatic conditions, Butembo’s demography has rocketed over the last decades: between 1970 and 1980, the city’s inhabitants doubled from 28.103 to 65.000 (Vwakyankazi, 1982). Today, Butembo supposedly counts around 600.000 inhabitants – a trend that mainly results from growing insecurity in the neighbouring rural areas as well as the expansion of Butembo’s city limits: in 1999, Butembo was declared city by the RCD-ML rebel administration, which expanded its surface from 25 to 196 km².

63 For a definition of the “frontier”, see general introduction and introduction part one.

64 This valley, which is also called Graben (from the German *‘Grabe’*, which means trench), forms part of the Great African Rift system that stretches a full 5.000 km from the Middle East to Southern Africa.

65 *‘Le Petit Nord’* comprises the smaller territories of Walikale, Rutshuru and Masisi.

The expansion of Butembo does not appear to have affected its inhabitants' space utilization in significant ways, however. Butembo's central market area, which has almost an Arabic outlook (the Swahili word for market is '*soko*', from the Arabic '*soukh*') is stuffed with shops and boutiques ('*kabutike*'), which sell everything from writing pens to motorcycle spare parts to Chinese '*bric-à-brac*'. This is also where one can find the '*nganda*', or popular bars, where matters are discussed over a Primus beer (cold or warm according to the availability) and a roasted chicken or goat meat. A few hotels have emerged in the last few years, like Hotel Butembo and the host centre '*Joli Rêves*' (Sweet Dreams). The town's oldest hotel, '*L'Auberge*', is situated a few kilometres away from the centre and is owned by the former Zairian Minister Pay Pay wa Syakasighe (cf. intro part one).

Butembo's neighbourhoods instead look like a series of interconnected villages. Within the different neighbourhoods, the parcels that divide the inhabitants' dwellings serve both as residential and as social units; this illustrates that the Nande have a mode of space utilization that is "more concerned with economic incentives than with family organization." (Vwakyanakazi, 1982: 92) Instead of the traditional huts scattered around the home of the village headman, Butembo's '*parcelles*' are dominated by private businesses: in front of the main building, families often exercise some sort of commercial activity, be it in the form of a small boutique (selling cigarettes or other small package goods) or the drying of manioc and coffee to be sold on the central market. The same building simultaneously serves as the families' home dwelling. Richer families sometimes dispose of two or more buildings that are subsequently divided according to their use (kitchen, sleeping compartments, commercial buildings). A striking element is that rich and poor inhabitants live side by side in Butembo: there are no "rich" or "poor" neighbourhoods. A family's status is only differentiated by the size of the individual buildings or '*parcelles*' – and even then it remains easy to be mistaken: as said, businessmen find it part of their "morale" not to demonstrate their richness, but instead live soberly and abstemiously.

The growing richness of Butembo can nonetheless be observed clearly from any nearby hilltop. Spreading to every direction over Butembo's surrounding hills, one observes the new villas that are being constructed by Butembo's '*commerçants*'. In the central commune of Vulenghera alone (more or less 12 km²), 10 new buildings could be discovered per square km in 2006, representing a value of 200.000 to 350.000 US\$. This does not include the fancy '*Gallery Tsongo*', which reportedly cost around 3 million US\$. If one extends this calculation to the entire surface of Butembo, let's say for a minimum of 5 new buildings per square km, the total value of new real estate can be estimated roughly at 20-35 million US\$. This certainly illustrates the growing commercial character of real estate in recent years. Just like in any other city, land property has become the object of sale and purchase on a specialized market called the land tenure market ('*marché foncier*'), which treats these properties according to supply and demand (Kambale Zawadi, 2004). Traditionally, land tenure was regulated exclusively according to customary principles which stressed that only the chief was responsible for attributing use rights of land, but which nonetheless remained an inalienable good. Under this system, one could not speak about a land market, the

concept of “land property” being inexistent. Since the promulgation of the Bakajika land law of 1966, which specified that all land officially belonged to the state⁶⁶, and since the transformation of Butembo in a city in 1999, this traditional system of land tenure has been severely dislocated and modified. Passing through the different services of the ‘*Division des Titres Immobiliers*’ and the land registry, the ‘*Service de l’Urbanisme et Habitat*’, and the mayor, and finally the different ‘*communes*’, ‘*chefs de quartiers*’, and ‘*chefs des cellules*’, a new land owner can currently obtain a certificate (‘*certificat d’enregistrement*’) that eventually also gives him/her the possibility to mortgage his/her property to acquire a loan or credit. Following de Soto (2000: cf. intro part one), this certificate holds an enormous value, since it can finally transform material wealth into “live” capital, which can be used as commercial collateral. Most of Butembo’s real estate owners (roughly one third) regard this paper as useless, however, since they continue to trade land properties outside the legal system. On an average of 519 sales a year, only one third is declared to the communal chiefs; the remainder two thirds are often declared neither to the chiefs and the local communes, nor to the town hall (Kambale Zawadi, 2004: 116).

An immediate question that arises from these first observations is where all this capital comes from. And why is it held in such “defective” forms? Although this study will not address the question of land tenure in detail⁶⁷, Butembo’s emerging property market in Butembo nonetheless illustrates a certain “embeddedness” of local economic activity, which is in itself interesting to investigate. Its economy does not seem to be characterized by the same capital flight that is so characteristic of many other development contexts: in fact, houses are constructed, and profits from commerce invested in the same environment where these profits are being made. Contrary to a “Western” capitalist environment, however, this property is not being protected by a legal system of certificates and capital representation, but instead seems to be backed by something else: an “informal” system of insurances and relationships that is not visible with the naked eye. To undress this system of capital representation, one has to look first into the local economic organization.

1.1. The Market

A closer look into Butembo’s economic space shows a commercial tradition that by far predates the current era of “globalization”. Already in the 1970s, it was estimated that 75 to 80 percent of individual households in Butembo were selling something at home (Vwakyanakazi, 1982: 2). During those days, goods ranged from agricultural foodstuffs to small household necessities that were sold in Butembo’s back alleys.

66 This law was reconfirmed later in the ‘*Loi Foncière*’ (Land Regulation Act) of 20 July 1973 which stipulated in its article 53 that the land is the exclusive, inalienable and indescribable property of the State; see also chapter five.

67 It is answered in detail in Kambale Zawadi (2004) and Kitakya (forthcoming). The issue of land ownership will be touched upon briefly in chapter five, when analyzing the rise of rural capitalism.

Today, this percentage has probably even increased: while no area is left unused to sell one or the other product, the range of goods on sale has come to cover several contemporary “metropolitan” needs: from the corner shop offering cell phone cards at 5 dollars a piece, to the retail trader selling high quality computer equipment, Butembo’s market has certainly gone through a profound transformation. A certain division of labour can even be discerned in this apparently chaotic activity, which very much resembles the Arabic *‘soukh’* (the Swahili word for market is *‘soko’*). Children of 18 years or younger commonly sell prime necessities such as soap and salt, which are presented in small quantities on benches or cardboards. Market women commonly sell foodstuffs like onions and tomatoes, along with the occasional portion of grilled maize or *‘araque’* (an alcoholic maize drink). This small market trade thus largely reflects the division of labour between sexes in Nande society, or to what Akeredolu-Ale (1971: 173-174) refers to as “profit-for-self-and-family” and “profit-for-business-growth”. While the first involves an orientation towards subsistence and consumption, and is largely intended to solve immediate livelihood problems such as family incomes or covering the children’s *‘minerval’* (a Belgian French derivative for school fee), the other is oriented towards expansion and involves a willingness to live “abstemiously”, according to a strict business “morale”. In addition, the former also serves as an informal training ground for future traders who thus acquire their necessary bargaining skills.

A second level of trade consists of the small detail shops located along Butembo’s streets and alleys. In these shops, shopkeepers sell the products that are forwarded to them by a few big traders. The system usually works like this: one importer of, for example, second hand clothes (*‘friperies’*) imports a number of containers a month. The arrival of these containers usually causes considerable commotion, as several carriers unload the bales of second hand clothes on a series of pushing-towing carts or *‘trottinettes’* to deliver them to the city’s shops. Usually, the bales or packages (called *‘collis’*) carry the name of the addressee, so clients are sure the product is delivered to the right person. The small shopkeepers in turn leave a percentage of their profits to the importer either after or before selling their merchandise; when they pay only after selling, the relationship is called commission trading (*‘commissionaire’*). Finally, the trucks that arrive in Butembo also contain a range of secondary products that sometimes sit on top or hang on the side of the truck. According to the quality of the product, small street vendors acquire a right from the big trader to sell these products personally. For example, one of Butembo’s big traders permits some vendors to sell second-hand shoes of extreme low quality in front of his storehouse in the centre of Butembo.

In principle, this trade is not very different from the “normal” retail trade one observes in any globalized country. What is different though, is the enormous level of negotiation involved in this informal commerce: literally everything, from the quality of the product to the delivery of the merchandise, and eventually also the

product's price, are subject to endless bargaining between economic agents⁶⁸. The same bargaining exercise is repeated in turn between commercial operators and state agents – who usually have no other means of income than to beg or prey on producing agents. In Butembo, even the smallest shopkeepers pay a small “tax” to these unemployed officials in order to acquire their license to operate. These taxes are always informal though, and thus subject to negotiation: on the one hand, the commercial operator feels obliged to pay this informal tax because otherwise he will risk harassment by the public official; on the other hand, the taxman is very well aware that he cannot push the shopkeeper too far if he does not want to lose his source of income. As a result, an endless process of pulling and pushing, of wheeling and dealing, proceeds, which eventually gives the market its seemingly “official” esteem. It is a rather peculiar situation, in which the image of “statehood” – despite its physical absence – is constantly rehearsed and reconfirmed through this symbolic bargaining process between “official” and “informal” agents.

Another element that immediately strikes the eye is the number of interest groups and organizations that proliferate on Butembo's commercial market. The most renowned of these organizations is probably the *'Fédération des Entreprises du Congo'* (FEC), the official union of Congo's entrepreneurs. This organization theoretically represents all of Butembo's medium and big enterprises, including the defunct soft drink factory of SOBKI, and the soap factory SAIBU. Besides the FEC, however, there exist a whole range of other organizations that all claim to represent a segment of the city's commercial market. Some of these, like AMACCO (*'Association des Mamans Commerçantes du Congo'*) have a national coverage. Others, like APILU (*'Association des Pétroliers Importateurs de Lubero'*) and ATPHALU (*'Association des Tenanciers de Pharmacies de Lubero'*) are only present in the Lubero territory. The sector with the biggest coverage is the transport sector, which has three organizations in Butembo alone (ATAMOV, ATCE, and ASECCO). Each of these organizations also has a number of specific areas of intervention that are of a more or less “public” nature. AMACCO, for example, intervenes in favour of female traders that are either harassed or detained by public officials; in case of pregnancy, it hands out a small sum to compensate for lost time on the market. *'Soko-Peuple'* represents the young traders on Butembo's market. It regularly organizes football matches to increase public awareness. Parallel to the market, there also exists a certain hierarchy among Butembo's associations: when a certain problem arises, for example regarding the payment of import taxes, the economic entrepreneur will first try to solve it with the administration directly – with or without the help of his “fiscal agent”⁶⁹. When this does not deliver the desired results, he/she will then take recourse to the sectoral organization. When this still does not work, the sector will gather a meeting at the FEC, which will subsequently try to convince the respective authorities on behalf of the entire business community.

68 For an analysis of this bargaining process, see Bilakila (2004).

69 The “fiscal agent” in fact performs a number of roles, like that of bookkeeper and go-between between the company and the authorities.

Despite these small interventions, closer analysis learns that the “social capital” derived from adherence to these organizations is actually very low. The initiative to erect local interest groups in fact very rarely comes from the associations’ members themselves. They are rather erected by non-productive agents, who find their motivation in the remunerative gains that can be made by the establishment of such organizations. Commercial operators also rarely adhere to insure themselves against misfortune and havoc, but because they feel the need to belong to *some* organisation in order to operate their business and be saved from political harassment. A small survey conducted amongst the members of the FEC reveals this factual ambiguity: while being averagely happy about the organization’s performance, a majority of entrepreneurs that was asked their opinion (60 percent) view the FEC’s operations as yet another level of state predation, or *‘l’état receveur’*. Some traders even go as far to conceive the FEC as the state: while businessmen are said to work to the organization’s advantage, its “public” services provided are said to remain very limited. As we will see further in this study, such statements are probably exaggerated when it comes down to representing the local business community as such: the FEC in has played a particularly active role in negotiating the position of Butembo’s business community towards the present authorities. One crucial insight one gathers from these observations, however, is the highly clientelistic scope of these different business associations: without its personal leaders, most of these associations completely lose their representativity for the present authorities, and quickly turn into empty boxes. Rather than reflecting a high level of social capital, therefore, they point at a deep division of society that potentially even impedes its social and political representation⁷⁰. At the same time, they also suggest a use of clientelism as a way to confront “underdevelopment” (Lemarchand, 1992): lacking genuine mobilizational power, the organizations that *do* have some influence principally gain their strength from the political connections its leaders can mobilize for their members. In other words, the adherence to sectoral organizations creates less social than political capital.

This essentially brings us back to the issue of “embeddedness”, or the problem of “strong” versus “weak” social ties. While on the one hand, the establishment of social relationships can be seen as an important criterion for economic growth – particularly in a context where protection from state authorities is low, these same relations can also become an obstacle for business expansion, and in fact contain an important downside. Kennedy (1988), for example, suggest that social relations are particularly relevant in four key-areas of decision-making in African enterprises: (1) the pooling of risk and capital, (2) the delegation of authority, (3) the demands of family and

70 This observation also confirms the critique of Portes and Landolt (1995) against the circularity of much of the social capital literature, in which the presence of social capital is often inferred from the assets that an individual or group acquires. For social capital to mean something, however, the *ability* to command resources through social networks must be separate from the level or the quality of such resources. When social capital and the benefits derived from it are confused, the term merely says that “the successful succeed”.

kinship, and (4) the establishment of relationships with agencies outside the firm that possess valuable resources. These relationships can also become an impediment to economic growth, however, especially when they tend to asphyxiate individual entrepreneurship. This simultaneously creates a number of serious dilemmas for the African entrepreneur in general. Regarding the pooling of economic risk, for example, there is often a great reluctance to share information with actors outside (and sometimes even within) the immediate environment of the firm, because of the fear that partners will cheat or fail to pull their weight. The same goes for the delegation of authority: entrepreneurs often express widespread anxiety regarding the trustworthiness of subordinate workers – a feeling that is also stimulated by the lack of skilled personnel. This explains why many entrepreneurs seem to prefer working with family members instead of unknown others, because the former appear less inclined to cheat on their superiors. One of Butembo's entrepreneurs confided to me for example that "the most important association is still the family: *"nous sommes unis en famille."* (...) While my wife checks the stock, I am mostly passing orders together with my brothers to reduce the salary costs (...) No bookkeeping or internal paperwork is needed to see how business is evolving..." Another businessman added: "The family provides the greatest harbour against insecurity. They provide the personnel, but are not remunerated with salaries. Instead, I buy them medicines, food and other necessities whenever this is needed." This strategy of binding kin to the enterprise appears to refer to some extent to the "peasant" mode of production described by Worsley (1984), and in which the household at once takes the definition of economic and social production unit. Crucial in this interpretation is the notion of "self-exploitation", i.e. the idea that labour is not entirely valued as such, and certainly is not paid according to a capitalist logic. This view was somehow confirmed by a young Nande businessman, who made the following interesting observation: "The reason for the lack of investment [in Butembo] is not the lack of public authority, (...) but egoism. There are a lot of shop owners here in Butembo, but for one reason or another they are not willing to invest in their personnel. Instead they decide to block their investments in buildings – what I call *'une ménopause de conception'*. But real investment means ceding the way to others..."

Instead of harbouring against insecurity, the management of company personnel indicates that familial and kinship relationships can also become a great nuisance and impediment to economic growth. There are indeed many examples of African firms which, after an initial period of relative growth, became completely asphyxiated by the weight of familial obligations. When looking closer, one notices that the use of familial relationships for economic purposes in Butembo has in fact remained highly ambiguous. The metaphor "family war" is sometimes not far away when business leaders describe the demands and threats they had to overcome before they could take over their parents' enterprises: "We had to face a triple war," says one of Butembo's leading businessmen, by which he means in the first place the family conflict that erupted after the death of his father, followed only in second instance by the "economic" and "political" war that has been ravaging the country since 1996. The most important reason, however, are the often excessive pressures family engagement represents for evolving businesses: "with our spirit of African solidarity,

it will always be the entrepreneur that has to solve all the others' problems." This is especially the case for female entrepreneurs, who more than men feel the pressure of family obligations when it comes down to business. One female market trader, who has gathered a substantial capital over the years, explains the problem as such: "I never work with family, because I simply cannot trust them for business... They would only take the money for themselves and pretend that everything already belongs to them." This observation is important, because it simultaneously points at the pole position of women when it comes down to economic emancipation, while also revealing their social weaknesses. The situation of Butembo's female traders is in fact very similar to that of market women in Kinshasa and Kasai, whose participation in the "metropolitan" economy has implicitly led to a certain level of emancipation (de Villers et al, 2002; and de Boeck, same volume). Like the women quoted above, most of these female traders remain treated as '*femmes libres*' though: while they find it impossible to engage in long-term relationships if they want to maintain their business, the lack of a male patron makes that most women still remain stuck in market instead of retail trade⁷¹.

The ambiguous position towards family and kin is by no means limited to female traders, however. In fact, it clearly suggests the social capital provided by communal networks also can contain an important "downside" (Portes and Landolt, 1995). Family members may prey on economic enterprise, just as to completely asphyxiate firm growth. Promising enterprises may turn into commercial failures because they fail to accumulate the necessary financial resources. And finally, community ostracism may become so overwhelming so as to block the development of free economic enterprise. Rather than dismissing the term altogether, therefore, it seems a good moment to finally differentiate between "different types, levels or dimensions of social capital, different performance outcomes associated with different combinations of these dimensions, and different sets of conditions that support or weaken favourable combinations." (Woolcock, 1998: 159) A useful distinction in this regard is that between "embedded" and "autonomous" social ties: while embeddedness refers to a situation of generalized trust (or "the disinterested cooperation of many individuals", as Einstein put it) between members of the same community, social autonomy refers to the extent to which community members have access to non-communal relations, or, to put it again in Woolcock's terms, to "reach out beyond the original spatial, economic and mental boundaries of the group and (...) supplement the original centripetal forces of the lone group with a centrifugal tendency that forms bridges with other groups."

71 In the early 1980s, Vwakyanakazi (1982) already noted that 7 out of 10 market enterprises were owned by women, against practically all retail enterprises being run by male traders. While these market shops could sometimes yield considerable assets, they were also frequently associated with "loose-living and frivolity" (Ibidem: 227). Of all the official enterprises currently registered with the '*Fédération des Entreprises du Congo*' in Butembo, only two are owned by women.

1.2. The G8

When analyzing Butembo's market in terms of social autonomy, indeed a different picture emerges that is less glossy than some inhabitants would want the observer to believe. First of all, there is highly any specialization (itself a good indicator of distrust). In Butembo's shops, one usually finds a multitude of goods and products stalled behind the counter: from the classical '*kitende*' or '*pagne*' (women's clothing), to electric household equipment and even foodstuffs. The problem, however, is that these products can be found in every shop at the same time; there is rarely any shop that specializes in one or the other product. The reason for this is that, for the most part, Butembo's merchants have the tendency to think that only the buying and selling of manufactured goods constitutes a rentable activity, so industrialisation has been largely neglected (Sarata, 2002). As a result, however, trade becomes almost like a "rat race"... Working with such low profit margins, Butembo's traders all try to be the first to import this or the other good, or invest themselves in a particular market. However, without some degree of cooperation, other competitors are likely to follow in a matter of weeks. The result is a rapid decline of profit margins and often an abandoning of markets for other low-quality goods. Beginning 2005, for example, large quantities of Senke motorbikes (produced by a Chinese manufacturer) were unloaded in Butembo and sold each at 550 US\$ a piece; six months later, these same motorbikes only cost 350 US\$ because of murderous competition... The same "rat race" characterized the start of the mobile phone business in Butembo towards 2001. According to local observers, the first company to offer telecommunications was CTI: it asked 2 US\$ per minute to use internet via the French satellite provider Inmarsat. Later, a local businessman that had made his fortune in the coltan business⁷² beat the CTI's business by offering internet at 1 US\$ per minute. With his company Gongo Gate Top Cell, he was the first to offer mobile telephone communications at an appreciable price, thanks to a connection to a Belgian and later an American provider. During that same period, a company called Graben Telecom tried to break the coltan trader's company but never succeeded. Several other companies arose, some even with considerable political backing, but never became a commercial success. In 2003, the coltan trader sold his shares to the international mobile phone provider CELTEL, which was quickly developing its business during the Congolese "transition". Not being able to part-take in this company, however, the former is currently almost bankrupt and can hardly pay his personnel. The man that tried to break the Congo Gate monopoly is currently selling phone cards in one of Butembo's boutiques.

Following these examples (and there are many more), a quite different reality seems to be present in Butembo, which rather expresses a *lack* of trust between business operators. The motorcycle and telecoms business illustrate a common practice that is locally called '*suivisme*': rather than specializing in a specific good or market, all

72 Coltan is a derivate of tin ore (cassiterite), and is used amongst others in the aviation and nuclear industry. It became a wanted resource during the war when coltan stocks in the rest of the world were low: cf. infra, chapter five.

(or practically all) traders concentrate for a while on the same good, until the market collapses and things move on. This leads to a situation where hardly any benefits are made, and business is confined mostly to a “profit-for-self-and-family” enterprise. What arises from this, however, is quite different from the “popular” network economy inspired by ties of communal solidarity and trust. Instead, the confinement of firm management to a close circle of family and friends could very well be a reaction to this widespread distrust in commercial transactions. Already in the early 1980s, Vwakyanakazi (1982: 101) noted the intrusion of thieves and impostors on Butembo’s market place: several bandits, youth of the MPR (Mobutu’s single party), and dubious subjects of different origins made business there a very risky adventure indeed, and the only way to avoid being victimized was by negotiating and making allies among local administrators. The organization of Butembo’s market, once the example of popular economic enterprise, thus comes much closer to what Roitman (1998: 313) discovered in upper Central Africa: “In Cameroon today,” she says, “(...) the very foundations of wealth are no longer preordained. Appropriations once consecrated by certain social distinctions (...) are now exercised regardless of [this] distinction: these days, almost everyone can expect to experience the alienation of wealth through violent means – be it by financial regulators who chain merchants’ stores (...); renegade customs officials and gendarmes who now skim off of trucks and travellers, usurping contraband and often going poaching themselves; and road bandits or dispossessed youth who steal cars and attack convoys; it seems that everyone is seizing spoils.”

This gloomy picture does not apply to one small group of transborder traders in Butembo that has gradually developed its secured niche within Nande society. This group is commonly referred to as the G8 (*‘G-huit’*). It consists of a little more than eight import-export traders with different geographical origins, but who nonetheless constitute the top of the commercial hierarchy in Butembo and hinterland. It is this cartel that imports the containers from East Africa and Asia, the goods of which are later divided over the different market shops. And it is this group of traders that has gradually conquered a central position in local politics. Because of the high level of internal cohesion and trust between its members – at least in the first phases of development – this group will be referred to from now on as the Nande “trust network”. Its relationship to other Nande traders in Butembo is that of a commercial *cartel*. According to encyclopaedias⁷³, one can speak about a cartel when a group of formally independent producers collectively try to increase their collective profits by means of price fixing, limiting supply, and other restrictive practices. This often happens in secret, and mostly concerns oligopolies, where there are a small number of sellers that offer usually homogeneous products (such as the motorcycles and various imported goods referred to above). Apart from the meaning given in the introduction (Tilly, 2005), “trust” could thus also be understood here as the opposite

73 A good overview of literature, theory and practice of cartels can be found at the History Department’s website of Leiden University: <http://www.geschiedenis.leidenuniv.nl/index.php3?m=55&c=439> (consulted latest on 31 January 2006).

of “anti-trust”, or the laws that technically prohibit such anti-competitive behaviour. It reflects a situation in which a group of business leaders convinces (or coerces) shareholders to convey their shares to a board of trustees, in exchange for dividend-paying certificates. The board, then, is confined to manage all the companies in “trust” for the shareholders, and simultaneously minimizes the competition in the process. It is this process, of the growth and consolidation of the Nande “trust” network, that will ultimately stand at the centre of the present study.

To summarize this first chapter, a first look into Butembo’s economic space suggests a mode of socio-spatial organization that is more concerned with “economic” incentives than with the traditional social divisions. Its different streets and alleys are filled with shops and ‘*kiosques*’, where inhabitants of all ages and sexes are busy selling something for their living. Butembo’s central market is in turn linked to a vast hinterland that covers the entire east of the current Democratic Republic of the Congo, including the Ituri and Oriental forest. The managements of these commercial enterprises often have branches spread over this entire hinterland, and are usually confined to a close circle of family and friends; simultaneously, they are submitted to a rigorous division of labour that seems to reflect a social and economic differentiation between what one could call “profit-for-self-and-family” and “profit-for-business-growth” of the Nande’s commercial enterprise. But although this division suggest a certain “embeddedness” of commercial enterprise in the Nande’s developing society and culture, these same social roots pose an immediate constraint to the Nande’s economic development: the intermediary contacts that are necessary to establish relations with the outside world (and which are seen as a prerequisite for firm growth) seem to generate not so much social rather than varying degrees of *political* capital, i.e. in the form of political clientelism. While Nande traders are engaged in a rather clientelistic relationship with their authorities, their economic operations seem to be both guided and constrained by the ‘*G-huit*’ or Nande “trust” network, which functions as a commercial “trust” (deciding on prices, kind of imports and markets) while simultaneously remaining historically “embedded” in its relationship of opposition against the colonial and post-colonial (nation-) states. This historical evolution will be introduced in the next chapter.

CHAPTER TWO

ORIGINS OF A NETWORK

The historical origins of the Nande trust network have to be found at once in the Protestant mission located at 12 kilometres from Butembo, and in the colonial retail trade. This double origin immediately illustrates the network's epistemological ambiguity: while on the one hand, it expresses itself through a "Protestant" morale, engaged in "popular" (or "informal") economic enterprise that largely operates in "opposition" to the Belgian colonial and later Zairian predatory system, its commercial origins reflect an anchoring in the historical practice and epistemology of indirect rule and "unfree" labour⁷⁴ on the other hand. Inspired as it was by its Protestant free market spirit, it simultaneously reflected the sharp divisions of colonial society by reconfirming the exploitation of the rural masses. As indicated by Vwakanakazi (1982: conclusion), "the innovation of Butembo traders is rooted in social adaptation: profoundly influenced by the social roots in which this phenomenon emerged (...) at the same time, [this phenomenon] is likely to persist because it essentially thrives on [the] social divisions that characterize this peripheral society." Let me explain this historical division in a few paragraphs.

2.1. The Katwa mission

Through the testimony of Paul Frederick Hurlburt, the son of the Baptist father Paul Hurlburt, it becomes possible to disentangle what Nande authors and entrepreneurs commonly refer to as their "Protestant" work ethic⁷⁵. Arriving amongst a people that were still largely dominated by "animistic" beliefs, father 'Horowe' (as the Baptist father was locally called) reportedly did a successful job in evangelizing the Nande population east of Butembo through the introduction of two main elements: education and commercial enterprise. A first mission to which father Hurlburt devoted himself was the translation of the Gospel into the local Kinande language: he devoted himself to the learning and translation of the Nande vocabulary and terminology.

74 The term "unfree" labour is used to designate various forms of slavery introduced by the colonial empire but also present in contemporary societies, for example in the form of sex labour. It forms a particularly constitutive element of Congolese society both historically and contemporarily, as will hopefully become clear from the following chapters (for a recent discussion, see also Pottier, 2003).

75 Paul Frederick is the son of Paul. His testimony can be consulted online at the Billy Graham Center, Collection 438 - Paul Frederick Hurlburt, Jr. T1 Transcript: available at <http://www.wheaton.edu/bgc/archives/GUIDES/438.htm>.

Simultaneously, he synchronized the Christian message to local religious beliefs, a task that was facilitated by the existence of a creating spirit or deity in the Nande's belief system called '*Nyamuhanga*'. According to son Hurlburt:

"... The bridge was probably more the thinking of the Africans and their history. They had the picture of a great God. They had several gods, the gods of the river, the gods of war and so on. But behind it all was a great god called Nyamuhanga. And he was a good god, who had originally created the earth and created all the people and so on and he had a good relationship with people. But then something came up and people angered god and so he went away and left them. And even though he's a good god and so on, he's way off there far away. He doesn't have much relationship with us and so we have to struggle with the spirits and the god of the rivers and the gods of these other people and so on. They have these different names and things and we have to struggle with this all the time. Well, the key came to the fact that first half of that story's true. There is a great God who made you and who created you and who had a relationship with people. And it is true that people broke with God and disobeyed God and, therefore, Adam and Eve were driven out of the garden and, therefore, they had no relationship with God because of sin..."

Inspired by this similarity, father Hurlburt thus began preaching the Bible in Kinande:

"My dad was a man of a lot of energy, a lot of purpose who...who's known through the whole area, having travelled through all the villages, learned the language fluently, started translating even in those days some of the Epistles and Gospels material, who preached in the language of the people, who was accepted that way, who... who really formed the whole organization and who really opened up that whole area for Christ (...) That's what made it (...) amongst the Banande a tremendous peoples' movement because it was in their own language and in their own thinking."

Another important element was the introduction of productive "capitalist" labour as a contributor to communal welfare. Reportedly, father Hurlburt invited some agronomists from the MGL mining company (cf. *infra*: 2.2), and asked them to introduce an elevation scheme for small pigs. These pigs not only reproduced much faster than the usual big livestock (cows) introduced in other parts of Kivu, but they also could be sold rather easily on the market by mission members. Finally, the relationships between different Protestant missions along the Congo-Uganda border greatly facilitated the re-emergence of transborder trade between these two countries: mission members frequently travelled back and forth, taking with them various goods and contacts⁷⁶. According to Mbogha (1975) and Mirembe (2005), this

⁷⁶ The pioneer of transborder trade in Bunande seemed to have been a man called Yosepa. Originally from Katwa, he often accompanied father Hurlburt on his missions to East Africa (Mirembe, 2005: 124).

combination of a conservative Protestant spirit and the development of productive enterprise contributed to no small amount to the Nande's "capitalist" economic development:

"If there is one thing for which the local Protestants have to be grateful towards their American missionaries, then one has to quote the entrepreneurial spirit. Educated not to be spenders and thus to save [their money], and with the possibility engage in to local and foreign journeys, certain [Protestant mission members] developed an entrepreneurial spirit [...] Despite all the present constraints, a certain number amongst them have launched themselves into the transborder traffic." (Mirembe, 2005: 123)

Some analytical value has to be ascribed to this argument, especially when one considers the forced cash and food crop production system that had been introduced by the Belgian colony during those days. The Belgian colony remained very involved in the regulation of economic activity during their occupation. One of the measures they introduced was the prohibition for all "indigenous" subjects to engage in trade relationships, unless he or she could present a valuable document handed out by the colonial administration⁷⁷. In such a repressive context, the possibility to engage in transborder trade relationships – be it only on a missionary basis – certainly contributed to the development of the Nande's commercial enterprise. However, these same trade relationships still remained very much limited to occasional relations: there was still no clear profession, and no formal classes of merchants emerged in the Nande community that could impinge in substantial ways on their local political or social organization (Vwakyanakazi, 1982: 116). The colonial laws, for their part, were erected to defend a compulsory cash and food crop production system that had been introduced in the early 1920s, and which was almost entirely based on the input of "unfree" labour. This system will be explained under the next point.

2.2. Business Pioneers⁷⁸

In 1928 (the same year as the foundation of the Baptist mission), a crucial decision completely changed the position of Butembo on the colonial map. That year, the colonial administration chose Butembo as the regional headquarters of its principal mining business in the east, the *'Minière des Grands Lacs'* (MGL). The year 1928 also corresponded to the intensification of the MGL's road building efforts, which simultaneously linked Butembo to its wider hinterland: first to Lubero, Beni, and Kasindi, then further to Irumu and Kisangani. Hitherto, Butembo served as an

77 According to a colonial decree of 9 December 1925, no-one could even render him/herself into the "indigenous" milieu without being in the possession of such document, that could be obtained only after having proven that he/she could count, measure and maintain his/her accounts, and be able of talk at least one European language: Mirembe (2005: 117).

78 On the concept of pioneers, see Waldinger et al. (1990).

acclimatization camp for the mine workers that were engaged by the MGL, a sister company of the larger '*Union Minière*'. From the village of Butembo, mine workers regularly communicated with the mining stations in Manguredjipa, Lutunguru, and Muhanga in the Western Lubero forest. In 1928, this position acquired a more systemic character. The MGL, which not only ran a mining business, also obtained the exclusive right over the exploration, exploitation and trade in minerals in the colonial periphery. The consequence was that MGL became the practical owner of more than one third of today's Beni and Lubero territories. On each of the MGL's major axes (Beni-Kisangani; Beni-Kasindi and Beni-Goma-Bukavu) Butembo fulfilled a central role as a market and stopover place for the surrounding hinterland. This had the double effect of stimulating local production, and attracting local villagers into the cash economy. An important cash crop for example was coffee, which spectacularly rose in production: from 10.720 to 38.070 tonnes in 1935-1940; the local gold production rose from 3.905,200 to 6.270 ounces between 1937 and 1940 (Vwakyanakazi, 1982).

From the very start, there were no Africans allowed in regional trade, however. The few non-Belgian companies that figured on the official lists were either of Greek or of Asian origin: companies like SEDEC, Shun, VICICONGO, and Cariotis were all connected to bigger transnational interests through their foreign mother companies. As a result of this rigid organization, however, the Belgians would encounter increasing difficulties in feeding the hungry local masses of peasants and mine workers. Notwithstanding the occasional mass protests that resulted from this economic scarcity (Peemans, 1997), no attempts were made to open up trade for African traders. The Greek and Asian traders that gradually broke the commercial oligopoly introduced by the Belgian colony even augmented the discrimination against Nande inhabitants. By introducing a system of "package sales"⁷⁹, they quickly associated the words "Greek" and "Hindu" to swindling and cheating in business (Vwakyanakazi, 1982: 137). This complete lack of employment policies finally also had the negative effect of blocking local purchasing power: a shop attendant from Nande origin usually earned only 1 franc (2 US\$ cents) per day – which was hardly enough to survive.

One of the first people to break the colonial wall of discrimination was a man called Kibangu. Little has been known about his biography until today, which probably has to do with his Muslim belief. Kibangu – who was a resident of Butembo – started his business long before colonial independence, probably already in the 1920s, with the fish and salt trade from Uganda. In Katwe⁸⁰ he became member of a fish vendors association that introduced Kibangu to the Sunni belief, and which made him change his name to Yusuf. Coming from Katwe he brought back Sunni Islam and

79 This was a system according to which the purchase of certain basic goods was supplemented with some additional products; however, the value of these secondary goods soon came to depend on the goodwill of the sales agent.

80 This place is not to be confounded with Katwa, which was the locality of the local Baptist Mission around Butembo. Katwe in contrast lay aside the Katwe salt lake in today's Uganda.

commercial products: salt, fish, pearls and bracelets to sell to local woman, at a time “when people were still dressing in animal skins.”⁸¹ Initially, Kibangu had worked as a driver for the MGL Company, but after a row with the directorship he had been fired. In the meantime he reportedly denounced several colonial abuses that were happening in his territory, involving the “killing” of patients by colonial doctors in Musienene, amongst others. These different episodes, which unfortunately cannot be checked for the moment, clearly demonstrated Kibangu’s “oppositional” character against the Belgian colonial administration, an attitude that would even increase after the Belgians arrested and imprisoned him for his forbidden trading activities in the 1950s. It is useful to recall here that trading was prohibited at that time for “indigenous” subjects, unless they could present the necessary documents provided by the colonial administration. Kibangu subsequently stayed in Bukavu’s prison for three years. During this arrest he was accused of stealing colonial property, and his two cars were claimed by the colonial police. Then, a peculiar thing happened. Demanding for Kibangu’s release was a certain “Mr Loti” (presented as a “member of the Belgian royal family” by Kibangu’s son). He apparently defended Kibangu’s case, and even offered a document permitting Kibangu to engage in his transborder commerce, together with a permission to construct in the centre of Butembo’s *‘cité’*. According to Kibangu’s son, Mr Loti was a former colonial administrator that had fallen in disgrace with the authorities, and as a result became involved in trading. It was thanks to this tacit support that Kibangu could establish his first trading house just opposite Butembo’s central market.

After his release from prison, Kibangu introduced another Nande trader to Butembo called Peruzi. It is commonly believed that he settled in the village of Butembo around 1937, arriving from Kasya Kake, in the Rwenzori area. Having obtained his first commercial licence in Beni in 1924, he quickly learned to specialize in two highly demanded commodities: brown salt and banana wine. Apparently, Peruzi had managed to reach an arrangement with another Belgian citizen to continue trafficking brown salt from the lake of Katwe, but which was of no use for Europeans. Still today, one corner of Butembo’s market place bears the name of *‘Kaghuntura’*, which derives from the word *‘Kighuntura’* (brown salt). Peruzi’s business empire gradually became a symbol in Butembo: it not only illustrated that Africans could succeed in doing business, but it also proved that the knowledge of the local need structure was essential to engage in successful trading activity (Vwakyankazi, 1982: 141). This would in fact inspire many other men to follow in Peruzi’s footsteps. However, before this happened, these same men would have to get rid of the discriminatory colonial legislation that prohibited them from engaging in local and transborder trade.

81 The following information originates in separate and collective interviews with Kibangu’s son, the husband of his sister, and his grandson, all residents of Butembo (October 2006).

2.3. Independence and Beyond

The break-up of the colonial trade oligopoly occurred almost completely a result of exogenous factors to the Nande trade network. Already during the late 1950s, the exclusion of African traders from Butembo's market had become increasingly untenable. The sudden expansion of the local *cit * in 1952 had attracted a series of individual businessmen that increasingly challenged the position of the MGL and their oligopolist partners⁸². Although they initially did not grow beyond the subsistence level, the activities of these traders led to a growing consciousness amongst the emerging Nande elite that their political and economic participation was directly being blocked by the colonial state structure. At first, the colony responded by altering once again the administrative structure of Butembo – in 1958, it changed its status from an indigenous *cit * to an extra-customary centre – and by appointing a Munande as its local '*chef the centre*'. This response could not prevent the massive protests that erupted in the town in 1959: for 24 hours, Butembo became the scene of serious street riots. These riots seemed not to be directed against the expatriate colonial administration as such, however, but almost exclusively targeted its African staff. Contrary to what had happened in Leopoldville and in Butembo in 1955⁸³, the prime target of Butembo's protest apparently was the imposition of local taxes (Vwakyanakazi, 1982: 152). Similar to other central African countries (Roitman, 2005), therefore, the struggle for Butembo's political independence gradually became associated both practically and semantically with a kind of "fiscal disobedience" from the part of an emerging Nande commercial "class"⁸⁴.

The weakening of the Congolese state structure right after independence (which will be discussed in more detail in the next chapter) automatically led to the collapse of the compulsory production system of cash and food crops embodied in the colonial "trinity" of Church, state and commerce. Around 1960-61, all remaining MGL stations were closed off, which in turn led to a reduction of the oligopolistic retail trade. Due to growing insecurity on the countryside, the urban population of Butembo rocketed: from 11.189 in 1958; to 20.674 in 1965; to 22.236 in 1966. This resulted in a growing level of subsistence trade, reflected in turn in the booming of small shops and boutiques along Butembo's streets and alleys.

82 This expansion resulted from the transfer, in 1952, of a large terrain in the centre of Butembo between the CNKi and a number of individual businessmen. The CNKi (Comit  Nationale du Kivu) owned a 20 ha domain in the centre of Butembo, and in practice all the lands east of this town (Vwakyanakazi, 1982: 143).

83 In 1955, during King Baudouin's visit to Butembo, angry citizens had tried to throw messages in the King's limousine to complain about the colonial misbehaviour: Vwakyanakazi (1982: 151). This is contested by other witnesses, however, who found it impossible to contest colonial authorities at that time, let alone the Belgian King.

84 According to Vwakyanakazi, the rising protest originated in part from an organization called the Association of the African Middle Class. The emergence and evolution of this association would have to be further submitted to further historical scrutiny, however.

The greatest opportunity for the Nande traders, however, was to present itself from 1964 onwards, when the Kivu region became infested by war en insecurity. Without going into the details of the Mulele rebellion (for details, see Ndaywel è Nziem, 1998a-b), the war presented a double opportunity in the form of collapsing state authority, and porous state borders. On the one hand, the entire eastern Congo became infested with rebellion, so peasants had difficult access to food. As a result of political turmoil, there were enormous price rises for agricultural products, and many localities remained completely blocked because of the troubles. Many peasant families decided to leave the villages, therefore, and establish themselves in town. These towns consequently started to represent increasing market opportunities for present traders, but without the necessary communication facilities (e.g. transport, right of passage) these opportunities would largely remain in vain. On the other hand, however, the complete collapse of state control also relatively increased the mobility of Kivu's populations. Some of the more courageous among them (often still youngsters that were unhappy to remain immobile under their parents' umbrella in town) slowly started to cross the ex-colonial border into Uganda in search for new markets, thus following the footsteps of their ancestors involved in the salt trade, and the pioneers that had broadened the path of this transborder trade. As with their historical examples, the skills and experience of these Nande traders were to be found in their rapid adaptation to political and economic risk, which during the war was ever dangerously present. One trader, for example, recalls doing this trip twice a week, always following the same route via Lubero and Rutshuru: "We undertook the same voyage twice a week. Already 30 kilometres from the border, in Kisoro and Kabare, Indian and Arab traders were offering the goods coming from Kampala... We went there in groups, from 8 to 16 persons. First we awaited the truck to pass our town. We closed ourselves in the back of the truck, until we arrived in Rutshuru. There we left on foot for the border with Uganda, in Bunagana, where Peugeot cars were already waiting for us to bring us to the markets... With 8 people we could not buy more than one tonne of goods. Coming back we brought our goods over the border, and again searched for a means of transport to bring us back to Butembo. We sold all of our goods immediately on the day we arrived. The next morning we took our money and left again..."

This personal account, which comes from one of Butembo's most important traders, is quite significant in this sense that is simultaneously points at the fast adaptation and skill these future Nande traders developed in a situation of risk and conflict, while at the same time pointing at the historical division of urban and rural settings imposed by the colonial empire: without Kivu's desperate populations, no such opportunities would have been present at the Congo-Ugandan border. The embodiment of this permanent ambiguity would soon become reflected in the rise of the so-called commercial "middlemen", who systematically started to channel cash and food crops from the producing countryside to Kivu's starving urban centres. The origins of this trade lay in the central highlands of Lubero, located between the dense tropical forest and the vast waters of the Great Lakes region. Two nearby villages, of Masereka and Luhotu, gradually developed as the driving centres of this intermediary commerce towards Congo's growing urban population.

2.4. Masereka

The central highlands of Lubero are traditionally known as the vegetable garden of eastern Congo. Since at least the 1930s, its high mountain climate (between 2000 and 2500 metres) has been favourable for the production of food crops such as corn and wheat, and vegetables such as potatoes and cabbages, which are transported in turn over the entire Congolese territory. Notwithstanding this agricultural potential, the village of Masereka reminds somehow of the Sicilian village of Corleone, which – as one author observed – “existed to feed Palermo,” yet “did not always seem able to feed its own people.” (Dickie, 2004: 156) The generalized poverty that has struck central Lubero since the 1990s remains visible from many perspectives: small land plots dot the mountainous landscape, with cows and goats grazing at the side of the road. Peasant households, whose dwellings are usually not bigger than a straw hut, on average host 8 to 10 members. The lack of arable space has become so pressing that trees have even been cut on traditional burial hills (i.e. where the *mwami* is buried after his death)⁸⁵.

Masereka is the locality that gave birth to the phenomenon of the commercial “middleman” or intermediary. Already during colonial times, the *‘chefferie’* of the Baswagha was used as Butembo’s agricultural supply zone. Its high altitudes made this region utterly suitable for the cultivation of food crops like wheat and onions. Contrary to the lowland and forest areas, which were infested by malaria and sleeping sickness, the zone around Masereka remained deprived of many health problems. This explains amongst others why the Belgians decided to move part of the population bordering Lake Edward to this healthier mountain zone. Initially, the intermediary commerce between Butembo’s rural and urban areas started off quite modestly: some traders started as messengers for the white expatriate traders that were established in Butembo town. According to one trader:

“The first black traders, like Mumbere Valère, went to the Greeks to buy 15 or 30 *‘pagnes’* [women’s clothing] to sell on the town market on Saturday, or in the interior markets that were held on Wednesday in Masereka, Musienene, Maboya, and so on. Nobody owned a bicycle yet, let alone a vehicle. Everything was transported on foot and on the top of our heads. We slept under the naked sky in the forest, to get up the next day and move further, and so on... Mumbere Valère was the first to obtain a credit from the Greek traders; he also was the first to build a durable building in the centre of Butembo... Following his example, we started to admire the Greeks; we saw them each time yelling from their shops *‘Kyamoloba!’* [i.e. ‘here you find things cheaper!'] So we rapidly started imitating them...”

Apart from Mumbere Valère, who belonged to the same “clique” as Kibangu and Peruzi, and later became the first president of the FEC in Butembo, others launched an activity on their own, for example in the barter of agricultural foodstuffs or

85 This situation is described in detail in Raeymaekers (2006), and Vahamwiti (2006).

artisan objects. One trader for example, remembers to have started his business with the sale of wooden beds, fish and sweets in his neighbourhood; after a while he was able to set up his little boutique on the market. Another trader remembers selling bread and sugarcane to pay for his school fees (*'minerval'*). And yet another trader bought onions in Masereka, and traded these for various products from Kisangani and Manguredjipa (in the Western Lubero forest). One female trader – who currently owns two guest houses in Butembo – remembers walking for 30 km to sell her foodstuffs on local markets:

“I started my business by cultivating the field in Kalunguta [towards the Rwenzori], and then bringing my manioc to the market. In Musienene [towards Lubero] I went to gather firewood. I carried my foodstuffs on my back, sometimes even for 30 kilometres. Then I started to gather some money and could start selling women’s cloths. In the meantime I went to Isiro and Kisangani to sell onions and beans from Lubero. Slowly I could extend my business until I ended up in Bukavu, Goma, Kigali, and then finally in Belgium.”

Before reaching such economies of scale, however, most traders started off with very modest earnings, and they had to be careful not to lose their first profits to thieves and impostors. Business evolved slowly, “au rythme du pays”, and was almost invariably combined with subsistence agriculture. Another trader recalls:

“Even before independence I was making ropes from cortex (*'ecorse'*), which I would sell in town. With the 5 francs I earned from this I could buy a lot at that time, like for example a goat or a pig. Then I started to cultivate tomatoes and strawberries, for the Belgians. I opened up a butcher shop to sell meat at the MGL.”

To illustrate this gradual evolution, it is useful to take a look at the personal history of a man that would later become one of Butembo’s leading business people and member of the so-called *'G-huit'*. As he recalls:

“I started doing commerce when I was still in the 5th year of my primary school [...]. Every Wednesday and Saturday I walked for 25 km to go and sell bananas and sugar cane in Masereka. Being farmers, my parents distributed a number of seeds to help out their children. These seeds enabled me to buy some clothes and small stock like rabbits and goats, which I could sell to buy other seeds. I bought seeds for onions, cabbages and leak, which I distributed among the villagers. After one season, we would divide the profits [of the peasants’ produce] amongst our brothers and sisters.”

The previous example clearly indicates the origins of this middleman phenomenon. While mostly financed by a modest family capital, the seeds of their labour were immediately used to “tie” the peasants to the local productive relationship, parallel to the unfree relationship that previously existed between the peasant and the colonial merchant. After a while, however:

"[...] I descended to Butembo to solicit the help of the whites (*'les blancs'*). They agreed to send me to Kisangani by motorcycle, so my business would be secured – before, that I always had to go by bicycle, which put me at great risk; one time I was attacked by bandits on the road to Masereka; all my money was taken from me during that night... I worked for a while for these white traders in Butembo: the most important thing they told me was to be always frank and honest."

Entrenched in the colonial division of labour, the commercial intermediary thus became the symbol of the entrepreneurial qualities and skills he had been thought by his European masters: according to Vwakyanakazi (1982: 160), the collaboration with these expat traders was of indisputable use to their Nande wage workers, because it resulted in increased skills and capital among the individuals involved. At the same time, it formed the basis for a vast network of trading relationships that was informed and forwarded by the same intermediary hierarchy of producing peasants, intermediary traders and unproductive urban centres that had characterized the colonial retail trade. From Masereka and Luhoto in the central highlands, to Mutwanga and Musasa in the Graben and the Western forest, peasants were supplying the urban centres of Butembo, Goma and Beni without always being able to feed themselves. At a certain point, a group of businessmen from Masereka pondered the idea to establish their own company, which would supply cabbages and onions from the highlands to the capital Kinshasa. The company was called *'Légumes Sans Frontières'* (Vegetables without Borders):

"At a certain point we decided to reunite with our family and to open up our own business. After some years we were able to buy our own truck, and we were transporting vegetables to Goma, Isiro and Kisangani. Like that I stayed for 10 years in Kisangani, while my father stayed in Butembo to watch over our business here."

Similar companies popped up like mushrooms in the 1960s and 70s. Some even transported the vegetables via airplane straight to the capital Kinshasa⁸⁶. The vegetables of *'Légumes Sans Frontières'*, however, were driven in small Toyota vans to Kisangani, where they were loaded on barges on the Congo river and shipped to Kinshasa. This trade went on for decades, and gradually intermingled with the transborder trade that had been initiated by the traders from the Baptist Mission in Katwa. The small clique of friends that had initially crossed the Ugandan border in search for foreign markets during the 1964 turmoil, now also started to trade their foreign goods for food and cash crops from the Lubero highlands. Benefiting from their network of trust and mutual aid, they would slowly establish themselves as the pioneers of this transregional commercial enterprise. Before that happened, however,

86 During the 1980s an airplane from *Air Zaire* travelled twice a week from Goma to Kinshasa with vegetables from Beni-Lubero and Rutshuru to Kinshasa: information from Butembo businessman, December 2005.

another calamitous event would soon come to determine the Nande's talent for risk management and transborder enterprise: the Zairian political and economic crisis of the 1970's. Before moving to that era, let's try to draw some conclusions from the previous chapter.

2.5. Conclusion

This chapter tried to indicate how the origins of the Nande's "trust" network probably should not be sought so much in pre-colonial trade patterns, but rather in the agricultural retail trade system that was introduced by the Belgian colony. Different from the British colonies in East and West Africa, for example, (Boone, 1992; Igué, 1983; Meagher, 2003), the Nande's trading skills were borrowed not so much from their existing caravan trade relations, but rather originated in "exogenous" factors, the most important of which was probably the division of labour between Congo's town and country. While the protestant missionaries from Katwa introduced an entrepreneurial spirit of saving and hard work, the Greek and Asian expat traders based in Butembo indirectly transferred their business mentality to their local personnel, whom they progressively engaged in their shops as tenants and messenger boys. At the end of the 1950s, the call for Congo's political independence increasingly coincided with the emergence of an economic class of intermediary traders that wanted to participate in the colony's commercial wealth. The few African traders that emerged above the subsistence level (like Peruzi) had become the symbolic examples of the fact that Africans could not only succeed in doing business, but also maintained an important comparative advantage against their foreign counterparts because they knew how to play on the local "needs structure". After colonial independence, this lesson would drive a growing number of Nande traders into the commercial retail business, as the new regime finally offered to the right context to break the colonial "trinity" of church, state and foreign capital.

As will be explained in chapter four, the continuing complicity between economic and political entrepreneurs after independence would considerably facilitate the perpetuation of the exploitation of the peasantry and the "package sales" that had been so typical of the colonial mercantile system. If one link can be made between the colonial and post-colonial regimes in politico-economic terms, then this is certainly the systematic exploitation of the producing peasant population: '*Légumes sans Frontières*', which with its small Toyota vans travelled the eastern Congolese countryside, would also become the embodiment of a "tied" peasant population, which continued to work according to the principles of unfree labour. Just as it reflected the spirit of risk management and capitalist enterprise, therefore, the emerging class of trading entrepreneurs also continued to predate on these exploitative divisions that characterized Congo's political and economic "frontier". How these dynamics gradually became intermingled will be explained in the next two chapters.

CHAPTER THREE

THE ZAIRIAN POLITICAL SYSTEM

Before continuing the analysis of the Nande's trust network, a short discussion is needed of the Zairian political system at the time of the former's emergence. As suggested in the beginning of this volume, one of the driving hypotheses of this study is that this network emerged in part as a reaction against a discriminatory property rights system, towards which it adopted a rather ambiguous attitude. After having confronted its initial collective action problem (i.e. how to engage in cooperative relations when the odds were, theoretically, running against this), it should be questioned in what ways this emerging network reacted to the implication of the Zairian state and regime. As will hopefully become clear, the nature of the political regime that emerged after colonial independence would lead to a very complex relationship between the state's ruling elite on the one hand, and more "traditional" and parallel forces on the other hand that maintained various degrees of power and authority at the local level. This relationship would seriously come to determine the development of the Nande's transborder trade. The following chapter will take a look at Zaire's political system, before discussing the consolidation of the Nande trust network during the 1980s in chapter four.

3.1. In the Footsteps of Mr Kurtz

To introduce this theoretical chapter, it is useful to reiterate the comment of one of the prime scholars of Congo's political system at the time of independence. According to Crawford Young, the primary challenge to the student of Congolese politics remains the basic task of providing a conceptual framework adequate to order the amalgam of dispersed and sometimes contrary data and events that have characterized Congolese history, without however losing the constant "change and flux" of emergent political patterns (Young, 1965: 607). In the popular mind, Congo is often portrayed as the epitome of the African collapsed state – "a forsaken black hole characterized by calamity, chaos, confusion." (Trefon, 2005)⁸⁷ Contrary to such "Heart of Darkness" representations, various attempts have been made to describe the quest for political order in Congo/Zaire, be it in the form of state-focused political analysis, or in

87 Different names have been invented to designate this observed calamity, going from the apocalyptic "Heart of Darkness" (Conrad, 1999), to more recent representations of state "failure" (Lemarchand, 2001), "dinosaur" state (Braeckman, 1992), state "collapse" (McNulty, 1999), and finally state disintegration (Breytenbach et al., 1999).

the “dynamic new forms of social organization that are constantly taking shape to compensate for the overwhelming failures of the post-colonial nation-state.” (*Ibidem*: 2) A second observation, this time by Michael Schatzberg, offers some cautious consolation: according to him, “we should not think of state formation as a process to attain a final, predetermined goal, but instead as an ongoing, continuous and extremely uneven process of formation, consolidation, and even, occasionally, disintegration or dissolution.” (Schatzberg, 1988: 6) The following section will take a deeper look into Congo’s state formation process, by focusing on the “three-way struggle” (Callaghy, 1984) between the state’s ruling elite, the administrative apparatus and various resisting forces that each have tried to block the attempts at state penetration of the Congolese, and later Zairian state regime.

In 2000, Michela Wrong, an ex-BBC journalist, published the book ‘In the Footsteps of Mr Kurtz. Living on the Brink of Disaster in the Congo’ (London, Fourth Estate). The author argued that Mobutu’s absolutist rule in many ways reflected the principles of colonial statehood, without however copying them completely in terms of political structures. Like in so many African countries, the transfer of formal political power from the colonial powers to the Congo Republic induced a thorough weakening in the “sinews” of the country’s political structures (Schatzberg, 1988): during the early 1960s, the colonial system of forced labour and exploitation was rapidly exchanged for a brutal episode of political turmoil and confrontation, which in turn facilitated the emergence of vast transborder smuggling operations (cf. previous chapter). This would all come to an end in 1965, when marshal Désiré Mobutu came to power. Mobutu’s consolidation of power consisted of two distinct strategies. First – and in true “Caesarist” fashion – he started to exterminate one by one the nationalist leaders that had pulled forward Congo’s independence. In 1961, Patrice Lumumba, Congo’s first elected president, had already been killed by a death squad ordered by Mobutu and with covert international support (De Witte, 1999). The leader of the 1964-65 rebellion, Pierre Mulele, experienced the same fate: he was lured from exile with an amnesty promise, and then tortured to death by Mobutu’s soldiers. This is also the period Butembo’s first “indigenous” businessman found his tragic death. Yusuf Kibangu, who had since long denounced the discriminatory practices of the colonial regime, was killed one day because of his membership of the Lumumbist party ‘*Mouvement National Congolais*’ (MNC).

The killing of Mulele and Lumumba meant a new and shadowy start for Central Africa. After having organized the last democratic elections in 1965, Mobutu changed his country’s name to Zaire, and gradually started to replace the old leaders with “sycophants that were ready to say whatever they thought their leader would want to hear.” (Wrong, 2000) His second strategy consisted of the erection of an “absolutist” model of political control, characterized by a single authority figure at the head of a bureaucratic governmental structure (Willame, 1972: 129). Unlike Max Weber’s depersonalized notion of bureaucratism, however, Mobutu’s personalized rule was characterized by a deep distrust of the patrimonial political sphere, which he essentially saw as corrupt, unstable and irrational. In the hey days of independence, “politician” became something of a pejorative term, which meant “he who had

usurped all the material benefits of independence.” (Young, 1965: 576) The new pillars of the post-colonial regime were to become the army and state bureaucracy, both of which had to counter the ambitions and exigencies of the emerging political class and opposition.

To control Zaire’s complex and fragmented society, a “cover over” strategy was used, which meant placing a new type of state cadre with material and ideal interests that were relatively congruent with those of “the *centre on top* of existent intermediary authority structures” (Callaghy, 1984: 143; my stress). As Callaghy aptly observes, however, the introduction of authoritarianism in Zaire was not the result of the high levels of authority and legitimacy enjoyed by the post-colonial state, but rather from the absence of it (*Ibidem*: 32). Mobutu’s struggle for sovereignty had to be fought over with other groups and organizations in society (such as local and regional strongmen, “traditional” authorities, etc.), but which very often had different interests than the ruling state elite. The result was that various parallel authorities continued to exist and often maintained a sizable degree of autonomy, thus leading to the emergence of semi-autonomous subsystems of power – particularly in the country’s geographical periphery. In relative terms, the erection of prefectural rule thus seemed to confirm very well Tocqueville’s statement about the French absolutist state, where centralist rule was established *among* the ancient powers, without, however, destroying them. Contrary to the “corporatist” states of South America, where parallel social forces were directly integrated into the central corridors of power (O’Donnell and Schmitter, 1986), Zaire’s political system had to take account of the continued viability of these “traditional” or more localized forms of rule, which resulted in part from the permanent relevance of ethnicity as a source of social identity. According to Callaghy (1984: 62), there were “traditional, quasi-traditional, and transitional local authorities and groups to deal with, all in the context of intricate patterns of local factionalism produced by the ‘interplay of identity and utility’ and the patron-client and brokerage networks that frequently link the local area with higher levels.” This janus-faced or “bifurcated” nature of political rule (Mamdani, 1996) reflected at once the essence of Zairian politics and society: what really distinguished this form of state government was its tendency for concessions and mediation rather than the abolishment of societal structures. The subsequent struggle that erupted between these different sources of authority could not simply be categorized among “traditional-modern” or “formal-informal” lines, but involved a combination of central patrimonial and dispersed parallel authorities that were engaged in a perennial search for societal control.

3.2. Neo-patrimonialism

In many ways, Zaire’s political system resembled the neo-patrimonial dictatorships that emerged in so many parts of Africa after colonial independence. The highly personalized nature of political rule resulted in a definition of authority based on patronage, rather than ideology or political participation (Bratton and van de Walle, 1994). At the same time, the illusion of participation was maintained through the

initiation of single-party rule, which relied directly on popular appeals to support its exalted state ideology (Willame, 1972). In Zaire's case, the introduction of the single-party model involved something of a political "religion" (Callaghy, 1984: 319). The presidential party MPR (*Mouvement Populaire Révolutionnaire*) was erected in the first place to glorify the role of Mobutu Seko Seko, who gradually became the symbolic locus of authority and identity; in the meantime, his personal charisma was constantly exploited in an extravagant personal cult expressed in titles like "the Great Helmsman" and "the Father of the Nation" (Wrong, 2000)⁸⁸. A second characteristic of patrimonial government is that it is exercised through possessions, rather than positions. Rather than being defined by clear public dividing lines between individuals and organizations, patrimonial regimes can be described more accurately as loose patchworks of plural allegiances and identities, in which territorial boundaries are mostly subordinate to the control over individuals. In this sense, African political practice seems not that different from early medieval Europe, with its feudal constellations of kings and chiefdoms; neither does it differ very much from pre-colonial political practice, where sovereignty tended to be exercised over people rather than over territory⁸⁹. The crucial, and, in some ways, paradoxical difference is that African statehood was defined and supported not so much by its internal conditions but rather by the international regime of sovereign states: lacking the conditions for empirical statehood – or "rational bureaucratism", to put it in Weber's terms – resulted in a government that was nominal rather than substantial: it was a "parody of statehood", according to Young (1984), indicated by pervasive incompetence, deflated credibility, and systematized corruption. Callaghy prefers to use the term "container state", however: like the can that contains the worms, it attempts to control a very particularistic society with different and mixed results. Contrary to the Weberian state, which is characterized by rationally oriented officialdom, the administration of this container state remained intermittent, discontinuous even. The relationship between the "state" and "society" remained largely unseparated, with ill-defined populations and boundaries, and – most important – limited penetration capabilities from the part of central authority structures.

3.3. The Dialectics of Oppression

The dialectic relationship between regime insecurity and economic scarcity that characterized the Zairian state formation process ultimately led to a situation in which state-led oppression seemed the only alternative to a political profound

88 Mobutu's charisma was probably best expressed by a Zairian student at the time: "whenever a new popular rally was announced, in which 'Papa' would present one of his most recent speeches, I would go unwillingly, because I did not approve of Mobutu. But as soon as he begun speaking, we would be swept away. We'd stand in the sun for hours, but the time would slip by without you noticing. If you study those speeches now, in the cold light of day, you can see there was almost nothing in them, they were full of inconsistencies, gossip and tittle-tattle. But he knew just how to speak to the people. He would tell us nonsense and we would believe him." (Wrong, 2000: 89)

89 I will return to this problematique in the last part of this study (chapter eight and nine).

collapse. As the personal, political, and economic insecurity of the regime increased, the exponents of central political power gradually sought to accumulate resources as quickly as possible from those who occupied contextually inferior positions in the political hierarchy. According to Michael Schatzberg, a “dialectic of oppression” ensued as people on top of the political hierarchy felt obliged to accumulate resources as quickly as possible from those who occupied contextually inferior positions. However, as the resources available to the state were gradually depleted (and this would be increasingly the case from the 1970s onwards), the result was very often “still more oppression, personal insecurity and – over the long term – new sources of instability and insecurity for both the regime and state.” (Schatzberg, 1988: 3-4)

In administrative terms, the introduction of absolutist rule consisted of a pervasive system of physical coercion that provided at once the “ears and the eyes” of the central ruler. Just like under colonial rule, Zaire was subdivided into different administrative units such as provinces and *territoires*, the governors of which were all appointed by the central state administration. This hierarchical structure did not only enable a tight political and information control, but it also permitted a straight line of coercion from the ruler right to the individual citizen. According to Schatzberg, the result was a line of corruption and extraction, which travelled from the top of the state administration right down to the bottom: high-up public officers who benefited from their incidental position in the political centre had every intention to extract resources from their inferiors, who subsequently extorted and terrorized the citizenry. Especially during the so-called Zairianisation (cf. next chapter), services like the *Sûreté d'état*, the *Jeunesse du MPR* and the *Forces Armées Zairoises* (the Mobutist Army) became increasingly active in the extortion and terrorizing of the civilian population. The net result was that the population of Zaire saw their army essentially as a foreign occupation force, rather than a protector of their national security. The *Forces Armées Zairoises* – much like its colonial predecessor of the *Force Publique* – were essentially an authoritarian army, whose abysmal record of human rights violations was amongst the most voluminous in post-colonial Africa.

Another parallel with the colonial regime was the system of “unfree labour” by which the Zairian population was kept under control. Generally spoken, unfree labour refers to all forms of work, especially in modern or early modern history, in which adults and/or children are employed against their will by the threat of destitution, detention, violence (including death), or other extreme hardship to themselves, or to members of their families. Although less systematic, Mobutu’s system of *salongo* – or the regular organization of collective labour for “the good of the nation” – was still based on this colonial principle of rule. Practically, the *salongo* consisted of the obligation, for every Zairian citizen, to perform one afternoon a week of compulsory labour on agricultural and development projects, including the maintenance of road tracks, and the cleaning of city streets. Although this measure was announced as citizen’s participation in the revolutionary development of the Zairian nation, it actually involved a system forced labour. Not unsurprisingly, the lack of popular enthusiasm for this kind of civic participation contributed in no small way to the erosion of Mobutu’s legitimacy. Reminding the Zairians of one of the most brutal

elements of the colonial period, most citizens tried with all possible means to escape from these *'salongo'* obligations, often with the implicit approval of local administrators.

This civic opposition to Mobutu's rule ultimately showed how fragile his absolutist principles of government really were. On the one hand, Mobutu's drastic methods appeared to book considerable success in de-stimulating the political opposition to his regime. According to Schatzberg, "the Mobutist state has made effective opposition impossible at worst, or foolhardy at best." (Schatzberg, 1988: 140) The state's centralization measures also appeared to nibble away at the power of "traditional" authorities, in that they gradually transformed customary power into power of the MPR: every customary chief automatically became a functionary of Zaire's single party. This simultaneous destruction of intermediary authorities and the oppression of independent political association ultimately created a "vast gulf" between government and citizens, which prevented the latter from organizing their lives in an effective and independent way (Callaghy, 1984: 423). On the other hand, however, Mobutu clearly did not succeed in eliminating his country's tendency towards decentralisation. As indicated previously, the quintessence of the Zairian post-colonial state was that it established centralist rule *among* the ancient powers, without, however, destroying them. The fact was that even the state's apparently centralized coercive apparatus continued to operate quite independently. In order to circumvent the privileges of the central president's security network, for example, the Zairian army gradually had established its own system of extortion, which was organized primarily on the plunder and theft of the civil population. The local administrators, on their part, had to constantly find the protection of other social groups in their neighbourhood if they wanted to survive both economically and politically; this often included the same customary chiefs and parallel authorities that they technically had to incorporate and object.

The reality was that administrative implementation in this neo-patrimonialist state often proved to be a profound political process, in which individuals and groups were able to pursue conflicting interests and compete for access to scarce resources. The many social groupings, patron-client networks and communal coalitions that continued to exist on the "frontier" of centralist rule proved to be well suited to making collective and individual demands on the bureaucratic apparatus for the allocation of goods and services. In post-independent Zaire, this process resulted in many cases into a "reciprocal assimilation" (Bayart et al. 1999) between relatively independent local administrators on the one hand, and a series of traditional and less traditional social groupings on the other – all of which were trying to benefit from the weakness of the central state apparatus to accumulate wealth and political status. Rather than being an effective method of political rule, therefore, the state's oppressive methods provided only the "best of bad options" to control the various pockets of resistance that continued to exist both within and external to the state apparatus. What this evolution shows, therefore, is that the post-colonial state remained an extremely fluid and contextual entity, whose shape and internal configurations were constantly changing according to the three-way struggle

between central rulers, local implementers and parallel social forces that were trying to implement their authority on society. As this state formation process proceeded, new equilibria unfolded that made the state-society dichotomy propagated elsewhere look ever more futile (De Boeck, 1998). The dialectic of oppression that had been initiated as a result of Mobutu's rule would gradually lead to a complete erosion of state authority even in the most limited domains it still claimed to control. As recalled by Schatzberg (cf. supra), the Zairian state formation should not be interpreted as a voluntary building exercise to attain a final, predetermined goal, but instead involved an extremely uneven and fluid process that would eventually lead to its (temporary) dissolution. This dissolution of state power would in turn create the opportunity for other authorities to grow in importance, and eventually take over some of the state's leading functions. To understand this, it is necessary to discuss some of the social and economic consequences of Zaire's neo-patrimonial system of rule.

3.4. Article 15

In social terms, the post-colony reportedly produced two distinct but not entirely unrelated effects. On the one hand, it largely reconfirmed the structural inequalities introduced by colonialism; on the other hand, it also led to a gradual "informalization" of economic exchange, which ultimately would provide the only possible response to complete marginalization. In Marxist terms, this structural inequality would be interpreted in terms of a national "class" struggle. According to Mahmoud Mamdani (1996), for example, African neo-patrimonialism was in fact a form of politics that restored the bourgeois domination introduced by colonialism: through the introduction of clientelistic ties, it reinforced the relationship between the state and bourgeois power, which now became organized according to a top-down and "bifurcated" fashion. What really united the colonial and post-colonial economies, however, was their tendency to accumulate wealth at the expense of the peasantry (see also Vwakyankazi, 1982: 183): while contributing to the enrichment of a small and "assimilated" elite, the mass of peasants and small traders were completely impoverished by this form of economic exploitation. Already during the independence struggle, a small clique of adventurous businessmen (originally from Ismaeli and Asian, but increasingly also Congolese origin) but who were largely independent from "bourgeois" state centralization, benefited from the implosion of colonial regulation to smuggle huge amounts of cash crops and minerals across the Congolese border. A small class of intermediary traders continued to profit from the systemic town-country divisions and porous state borders to smuggle goods across Congo's borders. During the entire post-colonial era, huge amounts of *'papaïne'* (papaya latex), coffee, and precious minerals were smuggled in massive amounts over Congo's eastern frontier. Very often, these transports were being guarded and reinforced by armed elements (FAZ, gendarmerie and other coercive forces), who thus could benefit from this lucrative business by offering their private "protection" to these intermediary traders. The real victims of this transborder trade remained Congo's peasants, however: because they largely depended on "autonomous" social and economic links

to sell their undervalued produce and buy necessary goods such as soap and salt that were imported by these same intermediary traders, they continued to toss the greatest weight of Congo's economic crisis. It is this relationship, between "unfree" agricultural labour and practically free-for-all and uncontrolled trading practices, that lays at the centre of Congo's underdevelopment. I will return to this problem further in this study.

A second consequence of patrimonial rule was the gradual "informalization" and "criminalization" of economic exchange. As the abyss of absolute power drew nearer, the only escape route from radical impoverishment seemed to be to massively engage in unofficial economic activity. Especially from the mid-70s onwards, Zairians increasingly turned away from official state involvement. In Kisangani for example, Onasombo (2000) noted the invention of the *toleka*, or taxi-bikes, which provided a popular response to the deteriorating public transport services. In Kinshasa, public spaces like hospitals, schools, government buildings, were gradually transformed into open market places, where everything from soap to food was sold by the underpaid officials that had fallen victim to Mobutu's mercantilist rule. At the same time, teachers that had not been paid for years started collecting a '*minerval*', or '*prime d'encouragement*', in order to survive. Others opened private pharmacies, which were often supplied by public hospitals. Finally, the implosion of the monetary system – precipitated by the rapid economic decline of the mid-1970s – led to the emergence of another phenomenon: the '*cambiste*', or money changer on the street. Estimated at around 3.000 in 1997 in Kinshasa, the real banks in the Zairian capital became these '*cambistes*', who supplied enterprises, ordinary citizens and even government bodies with foreign exchange when the official economy was no longer able to maintain a trustworthy growth rate.

In the meantime, the Zairian state increasingly turned into a predatory monster. It was as if – Schatzberg records – the Mobutist system had come "crashing down" on the Zairian citizenry (Schatzberg, 1988: 138). The famous '*Article Quinze*' – named after the virtual fifteenth article of Zaire's constitution – or '*Système D*' – from Mobutu's famous expression '*Débrouillez-vous!*' – that emerged as a reaction to this rapid official economic decline, therefore, could be interpreted as an alternative "social pact", which largely reflected the downfall of the state in defining the framework for political and economic competition (Jourdan, 2004)⁹⁰. Contrary to Hobbes' Leviathan, which offers protection in turn for submission, Article 15 involved an implicit agreement between the Mobutist state and its citizens that allowed the former to retire from public life, while leaving to the latter the possibility to act unlawfully – or in the words of MacGaffey: to engage in acts that are "more or less illegal, inadmissible" (MacGaffey, 1991; Jewsiewicki, 1998). Within this social

90 At a certain point, Mobutu reportedly distributed a brochure with the title "Devenez Riche Rapidement", or Get Rich Quickly. It advised with apparent official sanction to "liberate the mind of all doubts as to the legitimacy of material wealth" – thus opening the way for independent arrangements outside the official economic framework (Reno, 1997).

“pact”, the opportunity was finally created to consolidate the Nande’s emerging brokerage network of transborder traders.

CHAPTER FOUR

THE NANDE TRUST NETWORK

4.1. 'Zairianisation'

The radicalization of Mobutu's regime ultimately came in 1973, with the introduction of his '*Zairianisation*', or nationalization process. These were a series of measures that were to nationalize Zaire's economy and simultaneously consolidate Mobutu's personalized rule. One of Mobutu's most radical measures consisted of the transfer of all foreign-owned firms – which were mostly in the hands of immigrant Portuguese, Greek or Indian entrepreneurs – to the directorship of a Zairian citizen. The result was a massive take-over by a class of state-appointed entrepreneurs that were both incapable and unwilling to lead these firms in an economically viable way⁹¹. The '*Grosses Légumes*' (Big Vegetables) as these owners gradually came to be known, rather spent their proceeds on luxury items, big villas in Brussels or on the Mediterranean coast, while leaving their firms' management to incapable family members or other nepotists who were leading the Zairian economy nearer and nearer to the abyss.

Within this context, a rather interesting paradox arose, in which the nationalisation of the economy gradually led to a complete criminalization of state structures. On the one hand, the introduction of these measures completely toppled the economic logic, because instead of concentrating on productivity, enterprises now could get higher returns by lobbying privileges and protection from the state. On the other hand, state-run enterprises gradually became the milking-cows of national politicians, and led to the concentration of capital in the hands of a restricted, state-centred elite. This systematic official predation ultimately would transform the Zairian state into "mafia-like enterprise", which abused all its power possible means to enrich itself to the disadvantage of the population (De Herdt and Marysse, 1996: 29). In Butembo, 40 out of 50 foreign-owned businesses were transferred to local Nande – mostly involved in local politics and administration (Vwakyankazi, 1982: 172). These '*acquéreurs*', as they were locally called, showed a major difference with the small and independent traders that had emerged previous to the Zairianisation era, however, and who were concerned more with discovering new and challenging markets. This difference, between Butembo's businessmen and "intellectuals", would become increasingly important during the following years.

91 This process is described with vigour in V.S. Naipaul's 'A Bend in the River', published with Pan Macmillan (2002).

In 1974, the world copper price finally dropped by nearly two thirds. The subsequent oil shock plunged the world into a deep economic recession. With Zaire's economy being dependent to a considerable extent on the export of natural resources, Mobutu's economic measures had proven to be a recipe for disaster. The contraction of Zaire's resource economy, which was carried forward by state-owned enterprises like Gecamines, immediately led to a hyperinflation. During 1973-1974, some products such as powder milk or tomato paste went through price increases of 100 à 300 percent. In the following decade, inflation rate rose from 56 percent in 1989 to 233 in 1990, 3.642 in 1991, and a startling 9.797 in 1994 (de Villers and Omasombo, 2005). In a first instance, the Mobutu clique responded pragmatically by illegally printing money in South America, and importing these Zairian notes in airplanes to Kinshasa. Others (amongst whom Nande traders from Butembo) profited from the price differences in the east and west of the country to organize illegal money transfers along Congo's borders.

The net results of this "criminalization of the state" (Bayart et al., 1999) were disastrous, however. First of all, the illegal money exercise practiced by both state and non-state groups resulted in a massive capital flight and a complete dollarisation of the economy. Especially in the east of the country, the Zairian currency was increasingly refuted and exchanged for dollars or gold. The nationalization of state enterprises thus indirectly led to an implosion of the country's GDP. From colonial independence to 1993, the population of Zaire soared from 15 to 42 million inhabitants, but its production per capita shrank approximately 65 percent; the GDP per capita contracted by 11.7 percent per year. Already before the Zairianisation measures, agricultural production did not generate substantial state resources. Towards the end of Mobutu's regime, it completely lost its relevance for the official economy: in 1990, more than 80 percent of agricultural output was used for self-consumption, while only 6 percent of total exports were generated by this sector (Vlassenroot, 2002a). In the meantime, public officials were not being paid for months, hospitals and public buildings gradually transformed into decaying sculptures, while the Zairian state increasingly lost its capacity to provide even the minimum of social services to its citizens. Logically, the Zairianisation period knew "the largest expansion of informal trade and fraudulent activities" since colonial independence (Vwakyankazi, 1982: 177). From the mid-1970s onwards informality gradually became the characteristic of the total of economic activity – not only the economy of "fending for oneself" to which appealed the poor and the impoverished (De Herdt and Marysse, 1996: 20), but also of the abandoned public officials and military that now had to scrounge their incomes for themselves.

This expanding informal activity offered some important opportunities to consolidate existing "illegal" enterprises. In Congo's eastern regions, the Zairian economic implosion was furthermore coupled with a serious political and economic crisis in Uganda: the seizure of power by Idi Amin Dada, one of Africa's most brutal dictators, precipitated a massive economic downturn that included the cultivation of coffee, traditionally Uganda's prime export product. For Kivu's transborder traders, this double crisis provided the ideal opportunity to lift their activities, which hitherto had been

more or less localized, to a regional level. During the 1980s, a veritable informal “economy of scale” developed, in which smuggled Congolese food and cash crops were exchanged for prime necessities from over the eastern and northern border. Markets like Kasindi (towards Uganda), Aru and Ariwara (towards Sudan) developed into regional trading centres, where agricultural and mineral products from Zaire were exchanged for household equipment and luxury products originating from as far as China and Taiwan. In addition, another commerce developed, in which dollars and gold were illegally imported into the country and used as a dependable hard currency in the absence of a trustworthy national currency. These currencies were used in turn to blow up prices for imported products that were brought into the country by the same fraudulent traders-exporters of mineral riches. In the following section, I will briefly analyze the gold trafficking network of the Nande during the 1980s.

4.2. ‘Les Fraudeurs’

In 1982, Mobutu finally acknowledged that the official part of the Zairian economy could no longer be regarded as his country’s main source of income. The liberalisation of the mining sector, concretized in a series of legal measures, simultaneously had to generate resources from the booming informal mining activity, while reevaluating state control over the official sector. Parallel to the implosion of formal mining production in state-owned enterprises an artisan sector had developed, where gold and other minerals were being exploited by individual miners (*‘creuseurs’*) and commercialised by *‘comptoirs’* in the urban centres⁹². By liberalising this trade, Mobutu hoped to generate at least some resources for his empty state treasury. The result of his decision would be completely the opposite however. During the “gold rush” of the 1980s, large flocks of peasants from the entire Kivu region descended into the mines to prove their worth in the booming informal economy. In 1987, around 30 percent of young men in the Bushi region (South Kivu) had left their land for the mineral rich areas⁹³. Those who really profited from this liberalisation were the transborder traders, however, because they could now use these minerals as a currency to buy foreign goods. An increasing number of *‘trafiquants’* (itinerant traders) started travelling to the mining areas to buy the artisan production of gold, and, depending on the price offered by the *‘comptoirs’* in Congo, they decided whether or not to sell this gold locally, or to smuggle it across Zaire’s borders to the comptoirs in Bujumbura, Kampala, Kigoma or Rwanda. Between 1964 and 1970, a small group of independent traders had emerged in Butembo called the *‘fraudeurs’* (Vwakyanakazi, 1982: 160-1). Gradually, these smugglers would re-orient their business on the trafficking of gold between Congo and its eastern neighbours.

92 About these *‘comptoirs’*, De Boeck writes: “the political economy of the comptoir has always been colonial in its very essence. In the past it contributed a lot to the urbanisation of the African material and mental landscape. The contemporary comptoir economy in Congo and Angola has contributed a great deal to the frontier urbanisation.” (De Boeck, 1998: 551). This idea is inspired in part by Mbembe (1992; 2002).

93 For a detailed discussion, see Dupriez (1987); Vwakyanakazi, (1982); MacGaffey (1987).

The gold that arrived in Butembo those days was mostly brought from Haut Zaire (today's Ituri) – and to a lesser extent from Manguredjipa and Biakato (Grand Nord). As the traders themselves recall⁹⁴, this gold was transported on foot from the mining areas, which often lay several days of walking distance in the Congolese forest, and then passed on to a *'passeur'* who transferred the gold to exporting traders. The traders then drove their export to the Ugandan or Burundian border, usually hiding the gold either under the hubcaps or in the engine of their cars. One important *'comptoir'* in Bujumbura was that of Mr Antoine Goetz, a Belgian trader⁹⁵. During the 1990s, Burundi remained a favourite export country for Congolese gold, since it benefited from a free-trade regime introduced by president Buyoya. Once Mr Goetz left Burundi in 2000, Congolese gold smugglers increasingly re-oriented themselves towards Uganda, which thus became an important contributor to the Nande's war effort (cf. next chapter).

Like the salt trade in the 1600s, the trafficking of gold remained an extremely dangerous enterprise. The traders' biggest enemies were the Zairian coercive forces, who increasingly depended on this illegal business for their personal income. Smugglers frequently had to pass through the jungle or during the night to avoid Zairian soldiers and members of the *'Division de Sécurité Présidentielle'* – Mobutu's praetorian guards, from preying on their lucrative business. They had to pass like bandits through the night to safeguard their enterprise ("Il fallait passer comme des voyoux pour sauvegarder l'économie"), one trader recalls. One method to discourage smugglers from escaping the DSP's control, for example, would be to hang them over the Semliki Bridge, which crosses the river between Beni and Butembo. Several smugglers died during their crossings into Burundi and Uganda; others continued to be discouraged by the many dangers that were involved in this trade.

The growing coercion by Zairian armed forces motivated traders to become more complicit with state officials. Especially during the "pillages" of the early 1990s (see de Villers and Omasombo, 2005), Nande entrepreneurs became increasingly tolerant towards their official enemies; they even gave them the opportunity to extend their private protection initiatives. The entrepreneurs collectively developed a close relationship with the DSP; instead of letting them plunder, they organized collective

94 This section is based on interviews with several *'fraudeurs'*, Butembo, October-November 2005.

95 Antoine Goetz was the director of Affimet, which since 1993 operated under the free-trade regime introduced by the Buyoya government. His comptoir served foremost as a re-export utility for Congolese gold deposits, which were smuggled to Burundi from mines in Kivu and Haut Zaire. Apart from their gold business, the family Goetz was the owner of a bank (ABC Bank), and an aviation company (City Connexion Airlines). This lucrative business – according to a commission set up by the government of Ndadaye (Buyoya's successor) Affimet exported 1079 kilogram of gold with a value of US\$ 12 million between April and July 1993 alone – pushed Ndadaye to demand a restitution of US\$ 3 million of non-paid taxes. That same moment he withdrew Affimet's licence. This led to a lang procedure before the 'International Center for the Settlement of Investment Disputes' (ICSID), which ultimately demandd a restitution of 2.989.636 US\$ to Affimet from the Burundian government in 1999. In 2000, Goetz definitively left Burundi for Belgium.

donations to keep them out of Butembo's businesses. According to the current president of the FEC (Butembo's union of entrepreneurs), this strategy worked: "We did not have the same level of plunder like for example in Kinshasa or Kisangani," he remembers. Contrary to trade in Lisala, for example, which largely represented a "mixture of commerce and politics" (Schatzberg, 1988: 48), Butembo's traders would develop a complicit relationship with official state agents, without however becoming too involved in politics themselves.

This diminished risk as a result of complicity proved to be an extremely important lesson for Butembo's economic agents. Partly thanks to this, some fraudsters were able to invest their money into bigger enterprises. The successful smugglers bought themselves Toyota Stout vans to increase their trade volumes, and increasingly started to diversify their trading activities: from gold and ivory, to women's clothing and other prime necessities. In the meantime, the smugglers' mode of organization was also gradually transferred to other businesses. According to one former smuggler: "the liberalisation of the gold trade enabled us to expand our business to Kenya, then Dubai and later Nigeria for wax and other goods." To maximally avoid state control, the Nande organized themselves into small groups of four to five people, each of which would cover a certain zone or activity – much like their predecessors in the salt trade⁹⁶. One trader recalls: "I constituted a small team of four people, of which somebody would go to Kinshasa, another one to Nigeria and another one to Uganda. Like that we would each time collect information on how the market evolved, what products and what prices were interesting. So we could also keep an eye on how the others were evolving... Each time we brought a little sample to see how the local market reacted."

To summarize, the gradual implosion of the Zairian political system largely stimulated the consolidation of the Nande "trust network". Departing from their original, communal, organization, they gradually extended their network to other sectors and domains by tentatively integrating the transnational market. By the end of the 1980s, this successful transborder enterprise gradually started to demonstrate its effects in other sectors as well. The image that emerged in Butembo was that of a redistributive economy, in which informal, cross-border trafficking increasingly led to a modest industrialization process. From the end of the 1980s onwards, this evolution was exemplified, *inter alia*, in the introduction of agricultural industry (such as coffee factories and wood mills), wholesale trading and a more or less developed banking system – exemplified in the establishment of several private

96 Notwithstanding its different historical origins (cf. supra), some interesting similarities can be noted between the organization of the gold smuggling network and that of the salt trade of the 1600s: a first similarity is the organization in small groups, of up to fifty persons in the case of the caravan trade, and four or five people in the case of the gold smugglers; another similarity was the danger these traders encountered on their routes, which subsequently led to greater social status. According to Vwakyankazi, the salt trade remained a prestigious enterprise, which ensured easy access to social and political status and women (Vwakyankazi, 1982). As will become clear, the gold trade also indirectly facilitated the entry of Nande traders into the local political scene as local "village lords" and power brokers.

credit institutions. As a result of this double economic and social role, the Nande entrepreneurs also gained considerable social status: they increasingly became regarded as *'personnes de référence'*, receiving questions for advice in all sorts of matters. In Kanyabayonga, private courts were reportedly set up to mediate disputes between competing businessmen. Gradually, therefore, the Nande traders evolved into local village "lords", who besides their increasing political role regarded the accumulation of capital and the strengthening of their social position as their ultimate personal goal.

4.3. A Glocalized Culture?

The most visible shift in the Nande's commercial organization was undoubtedly the orientation towards Far Eastern markets. From the 1980s onwards, countries like China, Taiwan and Indonesia increasingly became the source of second quality household equipment and clothing material for Third World markets – a position that progressively placed it at the centre of today's globalized economy. Between 1985 and 1990, a clique of Nande traders, inspired by the Asian goods they encountered in East Africa, decided to travel there and take a look for themselves. Between 1984 and 1990, one of them established an office in Hong Kong, from which he started to export traditional women's clothing (*'kabede'*). In the following years, others swiftly followed. Most traders passed first from east Africa through Dubai, in the United Arab Emirates, where they gathered the addresses of enterprises in the Far East. As one trader recalls, he principally built on the relationships that had been established by the *'grands patrons'*. These relationships usually developed as such: first, a group of friends gathered to fill a container of goods; after a while, the same trader would be importing two or three containers per year, and eventually propose his friends to other enterprises closer to the production source. Like that, several traders set up offices in Dubai, Hong Kong, and finally Jakarta. The products that are currently imported from these Far Eastern countries have also evolved with local demand: from basic household equipment such as buckets and jerry cans, to pirate cd's and Chinese motorcycles.

This shift towards a more hierarchically organized and capitalist commerce has also partly influenced the Nande's business practices: from the largely unwritten relationships that were exclusively based on trust between business partners, the regionalisation of their trade has increasingly forced the Nande to introduce more formal elements, such as contracts and transport bills, into their enterprises. The most important asset, however, remains that of "linking" social capital (Woolcock, 1998; cf. supra). The development of linking social ties with their Asian suppliers also evolved over time: as with the original Nande "trust network", the relationships between Nande and Asian solidified with frequency. Trust was gained *"au fur et à mesure"*, says one trader; once the client demonstrated his "credibility and solvability", the supplier gradually could soften up on the sanctions framework provided in contracts and legislation, remembers another. One factor that certainly facilitated this rapprochement between African and Asian businessmen was their

similar form of organization: both are largely based on family enterprises in a context of dictatorial and clientelistic government (Mirembe, 2005).

In some cases, the initial commercial relationships that evolved between African and Asian businessmen even evolved into real “friendships”. One trader recalls for example how his supplier in Hong Kong regularly calls him to ask us how he is doing: “trust is very important in our business... If you have trust, [your supplier] is going to leave you with the goods without paying, and he is going to support you in times of trouble.” This example illustrates how, despite of the contracts and legislative protection, the Asian and Congolese businessmen seek to guarantee beneficial cooperation mostly through trust, which thus remains the most important commodity to ensure that transactions actually take place. Another Nande businessman recalls: “Out there, it is business that talks: we want the merchandise, and they want the clients. We always negotiate over the price.” After having gone through several of these bargaining processes, however, the suppliers will “do their best to make you feel at ease”, so that “after a while, it becomes like treating with a friend.”

This valorisation of the term “friendship” is not unimportant in the current, phase of the Nande’s commercial development: it probably points at a potential shift towards a more “glocalized” politics and culture. As indicated, friendship relations can be described as “particularistic, personal, voluntary, and fully institutionalized” relations between individuals (Eisenstadt, 1956). These relations can be differentiated according to different criteria, for example on the basis of the content and nature of the obligations they incur. As a matter of fact, all friendly relationship entail some sort of obligations, such as mutual help in case of (economic, social) hardship, some sort of mutual insurance against unexpected risks and calamities, and (like in the case of Nande-Asian relationships) participation in common costs in economic enterprises. Important also is that these obligations are usually carried out within a framework of “diffuse” solidarity – so not stemming from some limited contract nor directed by universalistic categories. More interestingly, however, these same relations can also be differentiated according to the conditions from which they arise. An important observation, for example, is that the institutionalization of interpersonal relations such as friendship and patronship usually arise in predominantly *particularistic* societies, which are due to various levels of social tension⁹⁷. This tension can be related foremost to the fact that in such societies, there usually exists little specification as to the obligations of different groups and categories in public contexts. So while people can perhaps be easily identified in terms of their idiosyncratic characteristics, this does in no way entail a definite structural position within a group or category of people (*Ibidem*: 8). In this sense, these various forms of ritualized interpersonal relationships can constitute a mechanism of social control which tends to mitigate some of the tensions and conflicts stemming from the particularistic make-up of such

97 By particularistic I mean that the actors in the relationship act towards each other in terms of their respective personal properties and not in terms of universal categories. Similar observations have been in other societies, for example in Sicily during the late 1800s (Blok, 1974).

societies. In addition, they can create a separate realm of intimacy and trust that goes beyond the more institutionalized sectors of society such as family and kinship, and which potentially hold a risk of overwhelming obligations and even asphyxiation of economic enterprise (cf. intro part one).

The crucial differentiation exists in the level of conflict these new “friendship” relations have generated in ambivalence to the overarching institutional order. In contemporary Nande society, there seems to be a growing ambivalence in their relationship towards the more “formal” aspects of political power that is connected to Zairian/Congolese statehood, and the more intimate level of trust and interpersonal exchange they have developed in “informal” economic relationships. Theoretically, this differentiation does not appear very different from other particularistic societies, which (again theoretically) demonstrate a reluctance to be “captured” by the state’s penetration efforts (Hyden, 1980). According to North (1991), the largest problem in developing societies is not the domination of one or the other form of relationships in economic or political institutions, but the degree to which a compromise can be found between both; if no agreement exists between these “formal” and “informal”; “modern” and “traditional” forms of social regulation, the consequence is mostly increasing social tension or outright underdevelopment⁹⁸. The problem with this statement, however, is that the relationships between these forms of social regulation are often highly ambivalent. On the one hand, the realization of “linking” social capital from the Nande’s original, community-bound relationships, towards more transnational interpersonal ties and organizations, appears to have generated an increasing institutionalization of the latter. This does not mean that they have become political *per se*, but that they are increasingly coupled to a system of political regulation and discourse. Thus, the dominating sentiment that Asian business partners are somehow “different”, according to one trader – i.e. that they can be trusted in economic transactions – increasingly stands in contrast to the public officials and “intellectuals” that continue to “eat” their profits: the state – and even more so its large army of implementers – is increasingly seen as a menace against the Nande’s “indigenous” development expressed in this transboundary political economy of scale. This growing institutionalization of interpersonal trust and friendship, which has been stimulated by the Zairianisation and the state’s “fiscal terrorism”, seems to reconfirm somehow the “centrifugal” tendency of the Nande society, in which sovereignty is not exercised over territory but over people, and a “vast network of tributes” makes it possible to individuate particular(istic) links between different groups and individuals.

On the other hand, however, it has been observed that the Nande’s centrifugal tendencies can easily contain the “seeds” of their own fragmentation (cf. supra: Bergmans, 1970: 23). This risk is potentially present in two distinct domains. First, the extensive “linking” of their social ties to exogenous networks, in the absence of community trust can also lead to a growing level of “alienation”. This tendency

98 Huntington (1965) speaks about political “decay”.

can be noticed for example among Nande traders and students that have remained abroad for a long time. In such cases, one notes a growing level of community ostracism towards these subjects: as with the state's implementers, they are treated as alienated "intellectuals", who have no connection any more to the "traditional" Nande mentality; businessmen that spend all their time abroad are also increasingly confronted with a lack of cooperation from their fellow-kin and personnel, and eventually experience commercial failure. Theoretically, this problem can be resolved by a process of "coupling" and "decoupling" – i.e. members of economic groups initially draw upon communal resources but then forge ties with other groups as their need for larger markets and more sophisticated inputs expands (Granovetter, 1995). According to Woolcock, "for development to proceed in poor communities, the initial benefits of intensive intra-community integration, such as they are, must give way over time to extensive extra-community linkages: too much or too little of either dimension at any given moment undermines economic advancement." (Woolcock, 1998, 175)

In socio-spatial terms, this process of coupling and decoupling is explained in terms of spaces of dependence and spaces of engagement (Cox, 1998; Swyngedouw, 1992, 1997). Starting from the paradoxical observation that those who mobilize social forces (e.g. capital) *across* space find advantage over those that mobilize only *in* place, people and processes are seen to "scale" up and down these different spaces, and develop across different sites. The problem for the locally or place dependent, therefore, is to ensure that "value in its more mobile forms continues to flow through their social relations; and as far as capital is concerned, on an expanded scale." (Cox, 1998: 5) In sociological terms, agents (either as individuals or as organizations) must construct a network of links with other centres of social power that have decision-making capacities directly affecting the realization of their objectives. At the same time, they have to construct networks that can exercise some leverage over this decision-making, for example by producing local political capital. The relation between spaces of dependence and spaces of engagement is thus a highly *contingent* matter. Scales may be jumped in the classical sense to a more global scale. But this is by no means the essential strategy for those wanting to secure their space of dependence. In fact, space of engagement might in some cases be smaller than the space of dependence (as will be demonstrated in the case of the Congolese "mediated state": part three). The ultimate interest of this scaling process is in mobilizing centres of social power whose power is territorial in character, but whose goal is to control the actions and interactions of others through space. As for the Nande transborder traders of Butembo, their constant mobility and ability to "jump" scales on the one hand has given them leeway over other, less mobile (state) agents, such as customs control or Zairian army soldiers, in the effectuation of their transborder enterprise. Through their constructive relationship with the outside world (Dubai, Kenya, the Far East) they have introduced elements of a "glocalized" culture that transcends the traditional borders dividing countries and peoples: in Butembo today, a "traditional" Nande dress (*'kabede'*) can be found perfectly next to shampoo and hair products coming from India, as well as more Arabic influences reflected in buildings and other commercial products. Butembo's youth, for example, listens more

and more to the music from neighbouring East Africa (i.e. *ragga muffin'*, African rap, ...), than to the BCBJ and *'sapeur'* styles from the stars in Kinshasa (Wera Son, Koffi Olomide, etc.). While this rupture is by no means definite, it still reflects Butembo's growing disconnection from Congo's capital, which gradually has become the symbol of decadence and predation. On the other hand, however, the growing engagement with global sources of economic activity and capital accumulation necessitates a growing connection to local processes as well, in particular in the form of political capital. This observation relates to the problem of hegemony, or "the capacity of a dominant group (...) to impose a series of practices at a particular spatial scale that are to its advantage." (Swyngedouw, 1997) While this problem will be fully addressed in the next part of this study, two comments can nonetheless be made at this point. First, there seems to be a particularly fragile balance that needs to be maintained in order to reach such local "hegemony", but the outcome of which remains yet uncertain. The example that can be used to illustrate this process is that of trader Magateso. Originally part of the Katwa-group of transborder traders, he was among the first to establish relationships with the Far East. In the early 1990s, he started to import printed women's clothing from East Asia, which gave him his nickname *'kabede'*. He became specialist in these traditional dresses, which were imported to his warehouse, and which made him one of the richest men in Butembo. Since the rebellion of Laurent Kabila (1996-1997) Magateso left Butembo, however, first for a year, and then since 1998 for almost an entire decade. Due to his absence, business seems to be slowing down for him in Butembo, and his personnel complain about their boss' spending fury. Other traders also condemn him for having left his brothers in misery, while he lives his "luxury" life in Asia. The second domain that potentially contains the seeds of social fragmentation is the Nande's balance of trade. It has to be noted that the growing engagement in transborder trade has not eradicated in any way the Nande's continued marginalization on global capitalist markets. One example of this marginalization is the coffee trade. Apart from being a very unstable market, Nande traders frequently complain about being mistreated by their clients in Europe, who offer bad prices and generally play a rather oligopolistic role⁹⁹. To a certain extent, one could maintain that the same oligopolistic organization of Butembo's import-export market also applies to the relationship between Nande traders and the global economy, a relationship that consequently remains highly problematic. What these examples clearly illustrate, however, is the necessity of balancing one's engagement in both time and space in order to reach local "hegemony": too much of either global or local ties is likely to asphyxiate these attempts. What really distinguishes the Nande "trust" network in this respect is their increasing *political* engagement as power brokers in Butembo and surroundings. In addition to the "linking" social ties that have permitted it to grow beyond intensive intra-community integration, the

99 One affair that particularly moved local spirits was that of STI, a Belgian coffee buyer (supplier of Suclexport) who was accused of having underpaid one of his main suppliers in Butembo. The problem remained that STI has a number of local shareholders, who subsequently disregard their fellow suppliers' complaints. This example demonstrates once more the hierarchical organization of Butembo's import-export market, as well as the problematic relationship between local traders. Documentation about this case is owned by the author.

original network of traders that emerged partly in reaction to, and partly in complicity with the overarching political regime, increasingly also assumed a *political* brokerage role between apparently conflicting constituencies. This evolution will be the subject of the next chapter.

Conclusion

What are the origins of the Nande trust network? The first part of this study explored several ways to answer this initial question. Part of the response was sought in the emergence of a “Protestant” work ethic – considered by Max Weber as the basis of the West’s capitalist development. Stimulated by the American protestant mission in Katwa, a village situated a few kilometres from Butembo, the African Nande inhabitants developed a spirit of saving and free enterprise that would considerably facilitate their initial economic development. More than this protestant moral, however, the friendships and social ties that arose in this original environment later served to consolidate a closed circle of business partnerships contained in the secrecy of interpersonal trust: the few leading businesses that were established by members of the ‘*G-huit*’ (Butembo’s central clique of leading businessmen) during the 1980s originated in the interpersonal ties that developed in this semi-urbanized village.

Another origin of the Nande’s trust network was the development of the colonial and post-colonial retail trade, which gave rise to the phenomenon of the commercial middleman. Benefiting from the compulsory cash and food crops system introduced by the Belgian colony – and which had seriously contributed to the urban-rural divide, a parallel trust network developed in the mountains of central Lubero as the commercial intermediary between Butembo’s town and country. Contrary to other African colonies in East and west Africa, for example, the origins of the Nande’s contemporary trade patterns do not have to be sought in the pre-colonial era, but rather in the complicity and skills adopted from these colonial groups and actors: the Protestant fathers in the case of Katwa, the Asian and Greek traders in the case of Butembo’s middlemen. The pioneers that emerged in this intermediary commerce gradually inspired other Nande traders to form small networks of commercial middlemen and transborder traders that played on this local “need structure”.

The economic fraud of the 1970s and 80s ultimately gave the Nande trust network its social outlook and structure. The initial “bridging” ties that were developed between friends, and friends-of-friends, were gradually supplemented by “linking” social ties that connected the network to extensive extra-communal relations and opportunities. At the same time, trust was progressively consolidated and expanded through the extensive exposure of network members to predatory state networks. The idea of the aggressive, “vampire” state gained credibility because of the continuous interference of the Mobutist army and bureaucracy into the Nande’s developing enterprise. This tendency to escape predatory state control ultimately confirmed the image of a “popular” Nande economy which, through its vast network of community allegiances, contributed to an important social and economic redistribution of their transborder enterprise. Notwithstanding this strong image, however, the driving motor behind the Nande’s commercial development remained very much embedded in the colonial and post-colonial mercantile practices of accumulating capital on the back of the peasantry. This tendency constituted at the same time and important continuity between the colonial and post-colonial regimes: while a small clique of intermediary traders could accumulate capital through its complicity with state officials, the mass

of peasants and petty traders continued to be impoverished by the forced urban-rural divide introduced by colonial empire.

During the 1970s and 80s, another element was introduced in the Nande's traditional pattern of social stratification. Because of the growing importance of the Nande trading group in economic terms, they increasingly became the group of reference in social categorizing. The Nande traders were increasingly seen as small "village lords" (Vwakyanakazi, 1982: 304), with the accumulation of capital and the strengthening of their social position as their ultimate goal. Ultimately, it was this crucial *political* position that simultaneously obscured their oppressive status towards the rural masses. The socio-economic redistribution that occurred in Butembo's landscape, therefore, reminded more of an opportunistic form of "gift-giving" (Mauss, 1950) than of genuine social service provision. By repairing bridges, or providing funds for public projects, the Nande trust network substantially confirmed the view that politics, rather than being a fight for scarce resources, is essentially a struggle for the means of legitimacy. As a result of their growing "public" role, the lower social strata of Nande society would increasingly look at them for support, assistance and advice rather than go to the corrupt and predatory state apparatus. The resulting pattern was a sharp and cynical distinction between "us" and "them", and a reinforcement of the idea of the "impermeability" of both camps of Butembo's metropolitan community (Vwakyanakazi: 313-314). This division, between "entrepreneurs and parasites" (MacGaffey, 1987), businessmen and "intellectuals", would become still more important as a social signifier in the years to come.

PART TWO
THE WAR

INTRODUCTION

In the previous part of this study, the Congolese/Zairian state was described as an early modern and absolutist state in which political power was established *among* the ancient powers, without, however, completely destroying them. This parallel also applies to a certain extent to the Congolese civil war. There actually exists a striking similarity between the unfolding of the first Congo war in the mid-1990s and the conquest of another, pre-modern absolutist state during the mid-1800s: Bourbon Italy. Despite their different personalities, the conquests of Laurent-Désire Kabila and Giuseppe Garibaldi were extremely similar in at least two important respects. First, both rebellions started from “outside” the future national state; they were led by personalities that had been marginal to national politics, and who were acting somehow as proxies for “external” political interests¹⁰⁰. Garibaldi started his rebellion from Sicily, where feudalism and armed banditism were still common rule. Laurent Kabila, who had played a marginal role during the Mulelist uprising of the 1960s, started his rebellion from Zaire’s Kivu region. The AFDL (*Alliance des Forces Démocratiques de Libération*) rebellion was in great part a creation of Rwanda and Uganda, who were becoming increasingly frustrated about the way Mobutu was dealing with the Rwandan genocide problem (cf. *infra*). As will become clear, both rebellions also incorporated in their ranks a number of groups that had been severely victimized by the hated absolutist regime: Garibaldi’s *‘picciotti’* and Kabila’s *‘kadogo’* both cut like a knife through the collapsing absolutist armies – provoking several internal protests that would facilitate their march on their respective capitals.

Although they were immediately praised as epic and legendary, however, both the Garibaldi and AFDL rebellions would collapse like a card house once the objective of toppling absolutist rule had been reached. After having handed over his conquest to the King of Italy in 1860, Garibaldi reportedly returned to his home region in Piedmont, taking nothing but “his poncho, some basic supplies, and seed for his garden.” (Dickie, 2004: 21) Kabila was more ambitious: after having chased Mobutu from power, he immediately inaugurated himself as the president of the newly named Democratic Republic of the Congo (DRC). The trouble started once he started to claim independence from his supporting coalition: the Ugandan president Museveni, who had hoped to see Kabila create a “progressist” regime with whom it was possible to “do business”, became the increasing antithesis of Paul Kagame’s wish to see

100 In the case of Garibaldi, he was engaged by the Savoians to conquer Sicily and Naples from the Bourbons.

a weak Democratic Republic of Congo, with a Kivu region that remained open for Rwanda's economic and political influence (Prunier, 1999). Kabila's most problematic relationship was with the Kivu region, where the widespread anti-Mobutist feelings did not seem to rhyme with Kabila's conquering government style – and less even with the “foreigners” that had accompanied him to Kinshasa (de Villers et al., 1999: 223). Very parallel to the Italian rule in Sicily¹⁰¹, the “calabash of seething political and ethnic tensions” in the Kivu provinces (Lemarchand, 2001) was increasingly leading to a local government breakdown. The net result of these contrasting dynamics was the birth of a new rebellion, this time with an expressively “proxy” character. Gathering in its backwaters a multitude of seemingly united interests and actors, the common ground of the *'Rassemblement Congolais pour la Democratie'* (RCD) was their collective disdain for the new Kabila regime: the original leadership of 1998 comprised revolutionary anti-Mobutist factions, representatives of marginalized ethnic groups like the Banyamulenge (see Vlassenroot, 2002b), and staunch Mobutu supporters. Due to this internal division, the original RCD quickly split into numerous competing factions that increasingly acquired an “ethnicized” territorial character. From 1999 onwards, various new rebellions sprang up in the DRC that all became more or less fixed in different military strongholds. At the same time, the second Congo war also gathered an increasing international character, as a range of trans-national actors (going from neighbouring countries to trans-national crime networks) intermingled in the competition for political/economic domination in the DRC. Because of this increasing trans-boundary character – at least six African countries, i.e. Rwanda, Uganda, Burundi, Namibia, Zimbabwe and Angola, were involved in the war – the Congolese conflict was increasingly branded as the “First African World War”.

Chapter five will offer a deeper discussion of the different Congolese rebellions from the viewpoint of the transforming Zairian (or Congolese) state. After having analyzed the underlying causes of the Congolese conflict, the chapter will concentrate foremost on the consequences thereof on this country's state formation process, as well as the production of internal “governance” outcomes. Chapter six and seven, then, will focus more on the problem of “governance” on the Congo-Uganda frontier. The area focus of these chapters will remain on Butembo, home of the Nande “trust network”.

101 In similar respect, the new Italian Ministers – who had somehow hoped to find trustworthy government partners in the upper echelons of Sicilian society – were becoming increasingly struck by the “anarchic” nature of Sicilian politics: there were aristocrats and churchmen with a nostalgia for the Bourbon regime, corrupt local politicians that were struggling for power with equally unscrupulous opponents, and on top of that a local population that was excessively resistant to be incorporated in this newly erected state. Garibaldi, who had invested much of his energy in the patriotic revolution, became so despaired at the government's refusal to allow his fellow Sicilians access to power that he used the island as a rear base to launch a new invasion the Italian peninsula – however unsuccessfully (Dickie, 2004).

CHAPTER FIVE:

THE STRUGGLE FOR DOMINATION

5.1. The Causes of War: Land and Citizenship

Without going into too much detail about the underlying causes of the Congo wars¹⁰², the question of land and citizenship remains of interest to this study in one important respect: it demonstrates the importance of property rights in the configuration and reconfiguration of political “order” during the long-standing Congolese conflict. As was explained in part one of this study, the nature of the Zairian political system resulted in the gradual transformation of the “market” into the fundamental site of political competition. The resulting criminalisation of the state (Bayart et al., 1999) led in turn to a “reciprocal assimilation” between the country’s ruling elites around several power or governance domains. This assimilation was particularly relevant for one crucial resource to which access remained crucial both for the country’s elites and rural masses – i.e. land. On the one hand, the radical transformation of local property rights systems under the Zairian land reform (from the late 1960s onwards) laid the basis for heightened political competition on Kivu’s countryside. It was this change in institutional constraints that ultimately provided the starting point for both Congo wars: from the first outbursts of violence in Masisi in the early 1990s to the quasi genocide in Ituri in 1999, the access to land remained a focal point of political competition and driver of the Congolese conflict. On the other hand, land also remained important in relation to ethnic identity. Land traditionally provided the basis for social stratification of Congo’s different communities: access to land was regulated by a hierarchical administration based on communal territorial ownership (Vlassenroot and Huggins, 2004). As a result of the Zairian land reform, this stratification became completely disrupted: due to the reciprocal assimilation between local elites, thousands of landless farmers suddenly had to roam the Congolese countryside in search for a living. During the “democratisation” period (early 1990s), these farmers became an easy prey for recruitment by competing Zairian politicians; together with the flocks of frustrated ‘*kadogo*’ (literally: children), they would form the rank-and-file of the different rebellions that erupted from the late 1990s onwards. Traditional social stratification in the Congo Basin had also been based on ethnic affiliation; this meant that “non-indigenous” communities were excluded from equal land attribution. This led in turn to a permanent political

102 These are discussed in great detail in de Villers et al. (2001); Kimonyo (2004); Mathieu et Willame (1999); Obotela Rashidi (2004); Reyntjens (2005) Vlassenroot (2002); and Willame (1999: 2002).

insecurity of immigrant communities like the Banyarwanda and Banyamulenge, who protested as a result. The constant political manipulation of the citizenship issue by the Mobutu administration during this same “democratisation” period ultimately resulted in violence becoming the only option to claim political rights.

5.1.1. The Politics of Land Access¹⁰³

Traditionally, the economic use of space in the DR Congo reflects the communal social organisation. Small tributary states and chiefdoms, headed by a *‘mwami’* (plural *‘bami’*), formed the institutional framework for a strongly stratified and patriarchal social structure (cf. supra). Under these systems, access to land was regulated by a hierarchical administration based on communal ownership. Land was defined as a customary communal holding under control of customary chiefs. Every peasant had access to land in return for the payment of tribute. The result was a circumscribed rural order and political organisation that were based on (ethnic) kinship and clientelism¹⁰⁴. In Bunande, the local hierarchy is traditionally headed by the *‘bami’* of the different Nande clans (respectively the Banyisanza, Bashu, Baswagha, Batangi and Bamate); all heads reside in a specific locality or centre. The first to receive a land title from the *‘mwami’* is the *‘mukondi’* (plural *‘bakondi’*), who in turn heads several *‘bakulu’*, *‘bakama’* (sing. *‘mukulu’* or *‘mukama’*). The lowest stages of the customary hierarchy is represented by the *‘musoki’* (plural *‘basoki’*), or “vassal”. The tributes (*‘engemo’*) paid by small farmers (*‘nzokine’*, *‘mughunda’* – or landless people) to their *‘basoki’* are in turn redeemed to the higher hierarchy in the form of other tributes according to the surface that is being cultivated. The customary regulation of land access could be described consequently as a political institution: besides regulating the access to land, it legitimised an entire social organisation by integrating the persons living within a given region into a network of dependent relationships (Van Acker, 2005). Before colonial conquest, this customary institution formed the “structuring structure” of peasant life: it simultaneously formed a mechanism for financial administration and provided a fundamental basis for social control by regulating the relationship between customary clients and patrons on the basis of a hierarchical social organization (Mugangu Mutabaro, 1997).

This traditional social stratification was seriously disrupted by colonialism and by the post-colonial state. As explained in part one, the colonial powers introduced a system of land registration and private ownership that favoured the access of the colonialist commercial class to vacant lands, which were subsequently turned into mines and plantations. At the same time, the new colonial legislation that divided the country into tributary states and chiefdoms increasingly “containerised” the local

103 This part is entirely based on Huggins et al. (2005) – unless otherwise indicated.

104 As indicated by Eisenstadt and Roniger (1974), the aim of clientelistic relations is to limit the free access of population strata to markets and political goods. This is done through the monopolization of entry positions to the use and conversion of these resources.

population (Mamdani, 1996), therefore – an evolution that gradually rigidified, and in some cases completely redefined, ethnic identities and customs. In the case of the Nande, the Belgians introduced a single *'mwami'* in the person of Joseph Biundi Inoghoeria II in 1933 (Remotti, 1993). The idea of the chieftom and the quest for a single political authority rather remained an effect of colonial occupation than a characteristic of Nande society though (cf. introduction part one). During the entire colonial period, the power of the *'bami'* remained the subject of considerable discussion, and the political body of the Nande chieftoms remained much more fluid and difficult to grasp than in this single colonial moment¹⁰⁵.

The most radical transformation of the traditional property rights system was embodied in the so-called Bakajika Law of 1966 – followed by the General Property Law of 1973. This new legislation declared all land – including the land under customary control – property of the state, and theoretically integrated the traditional order into the urban-controlled political system. This radical Zairian measure had two major effects. First, it completely undermined the traditional system of reciprocal patron-client relationships embedded in the hierarchical customary framework; second, it paved the way to a new type of state-based patronage, in which closeness to the political centre became the prime condition for the accumulation of economic wealth. The new “structuring structure” of Nande society (and of Congo’s political society in general) became the access to this state patronage system, which was institutionalized in the constant rewards and punishment for political (dis)loyalty by the political centre. At the same time, the customary land legislation maintained its relevance as a signifier of ethnic belonging. A “bifurcated” system of land property rights continued to exist, which simultaneously caused confusion for the peasant masses and opened up new opportunities for Congo’s ruling elites. Within this context, a new group of local power brokers gradually emerged which would act as go-betweens between Congo’s bifurcated social orders.

The Birth of Rural Capitalism

The enclosure movement of the 1970s and 80s ultimately confirmed the role of Butembo’s entrepreneurs as the locality’s “village lords”. The Bakajika and Land regulation acts set in motion a massive disappropriation of land from tenant farmers by these new rural capitalist elite. In Luotu (central Lubero), for example, nearly 90 percent of the local population disposed of a concession that was not even sufficient to fulfil their daily needs (Mafikiri, 1994). Mafikiri-Tsongo discovered that of the vacant land that had been liberated by the state during that period, three quarters were bought up by local entrepreneurs; the remaining 25 percent was occupied by state agents. In contrast to surrounding regions, however, the Nande used this agricultural surplus as an impulse for their developing commerce: retributions from land sales and tenant farmers were largely invested in transport, trade and

105 For a comparison with Ituri and Masisi, see Vlassenroot and Raeymaekers (2004), and Vlassenroot (2002a).

construction instead of pastures and cows, like for example in Masisi (Vlassenroot, 2002a) or Ituri (Vlassenroot and Raeymaekers, 2004b).

The so-called Bakajika land reform thus favoured the large-scale appropriation of vacant land by a small but increasingly powerful rural “capitalist” class, which used its connections to the public administration to manipulate the attribution of landownership to their own benefit: entrepreneurs who owned their fortune in the transborder and retail trade that connected Butembo’s countryside to the more metropolitan locales of contemporary society now started to invest massively in local property titles. As said, this investment had the double scope of escaping from familial pressures (diversification lowered the claims of family and kin upon the traders’ accumulated capital: cf. intro part one) while simultaneously securing profits from trade into a locally “protected” investment¹⁰⁶. At the same time, this crucial position in local politics completely obscured the fundamentally oppressive status these traders assumed towards the rural masses. Their systematic accumulation of land titles notably led to an important reconfiguration of productive relations. It contributed to a rapid and systematic assimilation between local elites, whose aim remained to protect their property from potential intruders. During the 1980s and 90s, several technically vacant terrains were occupied by capitalist traders with the complicity of corrupted administrators and communal chiefs: each time, these land appropriations went hand in hand with a complete reinterpretation of the existing legislative institutions in the form of bribery and “corruption”¹⁰⁷. This local “corruption” of legislative practice, contributed to increased poverty and conflict among the landless farmers that had become dispossessed as a result of shifted land ownership. For these farmers, petty commerce thus increasingly became an important income supplement, because this could be exercised even without the lease of land: while only a minority abandoned their land to go and work in the mines, over a quarter of local farmers supplemented their agricultural incomes with small-scale commercial activities such as the sale of agricultural and household products (see also Mathieu and Mafikiri Tsongo, 1998, 1999; Mathieu et al., 1997). Rather than contributing to a peasant uprising, therefore, the Bakajika land reform precipitated a rapid transformation of the local property rights system to the advantage of rural “capitalists”, whom used their connections to state and non-state institutions alike to secure their accumulated property and eventually transform it into capital¹⁰⁸. The peasants, for their part, continued to be trapped by their lack of autonomous

106 More about this market of protection will be told in the next chapters.

107 One of the much quoted examples in Beni-Lubero remains that of the Itondi forest, a natural reserve that has been almost completely liberated in the form of arable spaces. The reserve, which is located in the Baswagha chiefdom, remains the object of dispute between several local stakeholders, including civil administrators, customary landlords and the peasants themselves: documentation in hands of the author. On the reinterpretation of regulating institutions, see part three of this study.

108 As said in the introduction, the transformation of “dead” property and investments into “live” capital depends largely on the representation of these properties in recognizable titles. Through their political connections and obtained administrative paperwork, it could be said that the rural capitalists of Beni-Lubero succeeded in transforming their investments into “live” capital.

social ties and representation to confront this growing political manipulation, while simultaneously remaining dependent on the protection of their corrupted customary lords. This local accumulation process indirectly laid the foundation for a larger Congolese conflict to emerge, certainly when it became connected to the issue of nationality. In the next paragraphs, this evolution will be told in more detail.

5.1.2. The “Promise” of Ethnic Conflict¹⁰⁹

Towards the early 1990s, the issue of land ownership in the Kivus came to be directly linked to the issue of Congolese nationality. Especially in areas with a large presence of immigrant farmers, competition for land was easily manipulated into politicized ethnic conflict. This was for example the case in Masisi where, as Vlassenroot indicated, 90 percent of liberated land titles were occupied by the Banyarwanda. This community represents a particular case of political exclusion, the discussion of which does not form part of this study. The point that remains useful to be made, however, is that the constant manipulation, both by Mobutu and local traditional leaders presiding over local land titles, of the right to Congolese nationality had the effect of rigidifying local ethnic boundaries. The principle of ethnic conflict remained similar in a variety of cases, and was almost invariably directed by the decision of the “indigenous” community (read: communal chiefs) to reject the land rights of the “immigrant” community – in this case the Banyarwanda¹¹⁰. It is this political manipulation of the nationality issue – in conjunction with the “bifurcated” regulation of land access – that laid the basis for the eruption of the Congolese conflict.

Finally, the announcement of Zaire’s political “transition” process gradually turned the nationality conflict from “smouldering” into outright physical violence. On 5 July 1990, Mobutu announced the birth of the Third Republic: besides its unchanged monarchical traits (the Great Helmsman notably maintained a crucial position in the promulgation of laws, assignment of ministers and judges, as well as the territorial administration) the country would also enter a timid democratization process: through the *‘Conférence Nationale Souveraine’* (CNS), politicians were to discuss Zaire’s political future¹¹¹. The result was a twofold shift in political reasoning that eventually opened the way for outright violence. On the one hand, local politicians, feared by this sudden shift from authoritarianism to democratization, increasingly started to utilize elements of ethnic belonging to differentiate their political constituencies from potential external threats. The student revolts in Kinshasa and Lubumbashi, the military “pillages” in Kinshasa and elsewhere, the increasing impatience of the international community towards Mobutu’s manipulative government methods, all

109 This term is borrowed from Vlassenroot (2002a).

110 Similar conflicts erupted between other communities as well, such as the Barundi and Bafulero in the Ruzizi Plain, and the Babembe and Babuyu in the southern parts of South Kivu: Vlassenroot (2002a).

111 This process is discussed in detail in de Villers et Omasombo (1992) and Willame (1997).

put the Zairian regime at serious risk of collapse. The regime's growing troubles even made a leading area-specialist ask the question if it was still worth speaking of a Zairian "state" altogether (Young, 1984). More and more, the Great Helmsman had to play arbiter between a number competing factions within the governmental nomenclature. One faction was designated somewhat pejoratively as the '*citoyens de nationalité douteuse*' (or citizens of doubtful nationality), and comprised amongst others the then Prime Minister Kengo wa Dondo as well as the important businessman from Rwandan descent and former chief-of-staff Bisengimana Rwema¹¹². It was against these "immigrant" political leaders that Kivu's politicians increasingly started to pull the ethnic card. On the other hand, local "traditional"¹¹³ leaders also increasingly felt threatened by Mobutu's manipulation of the nationality issue: if a "foreigner" is to take up the position of national chief-of-staff, it was argued, what guarantee do we still have to our indigenous land titles? Within this context of political insecurity, the defence of communal land ownership increasingly gave rise to the formation of rural militias – or "self-defence" groups, who would rapidly start attacking other communities. A particularly violent episode was the conflict in Masisi in 1993, which claimed the lives of 6-10.000 people, while displacing more than 250.000.

During this first episode of inter-communal struggle, the Nande community remained relatively spared of violent attacks. Nonetheless, some Nande politicians played a particularly active role in manipulation this first "ethnic" struggle. In 1990, a coalition of local Nande and Hunde politicians had already started a public campaign to prevent the Banyarwanda from political participation. The trigger to the Masisi conflict had been pulled by a public speech of the Governor of North Kivu in 1993, which demanded the Zairian security forces to support the Nande, Hunde and Nyanga communities to "exclude and exterminate" the immigrant Banyarwanda (Vlassenroot, 2002). The Governor, who was of Nande origin and had the active support of close allies to the Mobutu administration, actively cooperated with other provincial leaders to mobilize and direct local militias towards this announced extermination campaign (Mararo, 1998). During these first attacks, local Mayi Mayi and Bangilima militias were reportedly assisted by Nande groups descending from the Rwenzori Mountains¹¹⁴.

The escalation of the Congo war eventually came with the arrival, in 1994, of hundreds of thousands of Hutu refugees from Rwanda. These refugees arrived in the Kivu region

112 During that time (May 1969-February 1977), Mobutu had offered Bisengimana a big farm in North Kivu as part of his "Zairianisation" measures.

113 As in other African countries, the designation "traditional" leader in this context lost its principal meaning: besides their (forced) adherence to Mobutu's MPR party, many of these "traditional" leaders had taken up posts as local politicians, directors of state-run companies etc. The only "traditional" domain where they were still active was the (informal) regulation of customary land titles.

114 Reportedly these groups made part of the '*Simba*' faction that survived during 1960s-80s in the forest between Mangedjipa and Epulu; in 1993, it solicited the help of the '*Ngilima*' from Bafwasende to attack the Banyarwanda community in Masisi. The term '*Mayi-Mayi/Bangilima*' gradually became used as a loose term to describe any local armed youth group: interview with '*mwami*' Kasonia, Beni, 13 May 2003.

as a consequence of the Rwandan genocide, which had caused the death of more than one million Tutsi Rwandans. The subsequent march of the Tutsi-dominated Rwandan Patriotic Front (RPF) towards the capital Kigali ultimately placed the Hutu-Tutsi antagonism at the heart of Congolese struggle: in addition to the autochthonous-immigrant divide, the Banyarwanda community became increasingly divided between its Hutu and Tutsi components: a new coalition of Hutu Congolese started to hunt down the local Tutsi population. On top of this all, elements of the former Rwandan army as well as extremist Hutu militias known as '*Interahamwe*' started attacking positions of the RPF in neighbouring Rwanda, using the refugee camps in eastern Zaire as an operating base. This would finally inspire the RPF president Kagame and his colleague Yoweri Museveni from Uganda, to set up a coalition of rebels against these constant Hutu attacks. At the same time, this coalition was used as a warning against Mobutu that the old days of manipulating border struggles for private political gain were over. The AFDL campaign that would start in 1996 would nonetheless prove the exact opposite: not only did it seriously add up to the local Congolese struggle; it also would lift it to a higher, regional level that seriously determined its further escalation. This evolution will be explained in the next section.

5.2. Kabila and the Mayi Mayi

In hindsight, Kabila's march towards Kinshasa proved to be nothing more than a passing stage, an intermezzo that would plunge the country ever more into political disintegration. The prime reason for this government fiasco was Kabila's failure to address the underlying causes of the Congolese '*malaise*'; as was indicated, this '*malaise*' found its origin in what Schatzberg called the "dialectics of oppression". Notwithstanding the enormous ease with which the AFDL reached the capital Kinshasa¹¹⁵, the coalition would immediately be confronted with an enormous government problem: the various promises that had been made to different stakeholders in the anti-Mobutu campaign were rapidly exchanged for an autocratic and eccentric government style that reminded of the old days of marshal Mobutu. It inspired one Congolese commentator to call the Kabila government as "the same taxi", but with a different driver (Vlassenroot, 2002)¹¹⁶. The largest dilemma consisted of Kabila's attitude towards his foreign allies, however. Because of the lack of a real support basis, the AFDL continued to depend on its Rwandan and Ugandan supporters to remain in power. The same time, the continued visible presence of foreign troops on Congolese soil risked portraying Kabila as a Rwandan-Ugandan puppet. Given the sensitivity of the autochthonous-immigrant divide especially in the Kivu region (cf. supra), Kabila was more or less forced to distance himself from his erstwhile allies.

115 In May 1997, Kabila's forces conquered Kinshasa from Mobutu, who immediately went in exile in Morocco. He died there 5 months later (7 September) from prostate cancer, which he had developed since 1962.

116 This comment also alludes to Laurent-Désiré Kabila, who used to be a taxi driver to earn his living.

The analytical scope of this study does not permit us to discuss the AFDL rebellion in detail¹¹⁷. Some interesting elements are worth discussing however. One unresolved issue, for example, remains the link between Kabila's AFDL and the rural '*Mayi-Mayi*' forces. As said, these communal armed groups were established and reinvigorated during the early 1990s to secure the authority of various political entrepreneurs over their local constituencies. Once the AFDL entered Zaire, flocks of armed youngsters joined this military coalition in their march to Kinshasa. Many of these youngsters belonged to such *Mayi Mayi* groups. The consequence was that the *Mayi Mayi* were increasingly presented as national "liberators" both in Congolese ideology and in academic interpretations. This image gained more strength once Kabila started to dissociate himself from his Rwandan and Ugandan backers; the different *Mayi Mayi* groups that continued to operate in eastern and central Congo were increasingly portrayed as the population's spontaneous response against the hidden political attempts to set up a "Tutsi-Hima" empire. This anti-immigrant discourse came to represent an extremely strong image, which became reflected in popular discourse as well as civil society writings. In hindsight, however, it was more social deprivation than ideology that motivated these youngsters to join the *Mayi Mayi* militias. According to Vlassenroot (2003), these forces constituted "an alternative to a situation of acute deprivation and an option to integrate themselves within the political power structure." The overarching discourse of liberating the "Bantu" dominated Congo from the "Tutsi" invaders generally served to integrate an often conflicting set of particularistic motives and dynamics that would also change over the years¹¹⁸.

The *Mayi Mayi* phenomenon also helps to explain changing political dynamics in Nande society from the late 1990s onwards. As said, these groups (like the '*Simba*' from Manguredjipa, the '*Bahandule*' from the Rwenzori, and the '*Kasindiens*' from the Congo-Uganda border region) were first re-mobilized by Nande customary chiefs to combat the Rwandan speaking pastoralist communities in Masisi in 1993. This struggle would be increasingly explained as the Nande's "natural" defence against the expansionist drive of the Tutsi community, which already obtained large farms and concessions on the Nande's territorial frontier (i.e. South Lubero). The *Mayi Mayi* phenomenon in Bunande thus gradually acquired the function of hardening ethnic boundaries in defence of the Nande's territorial stronghold. Simultaneously, it also served to draw a neat dividing line with the AFDL rebellion. Initially, the Nande community remained relatively absent from Kabila's campaign, inspired by their antagonism towards the coalition's "Tutsi" leadership (Mararo, 1998). This attitude drastically changed in February 1998 when the occupation of Butembo by a local *Mayi-Mayi* faction was answered with brutal repression from the part of the AFDL. Troops coming from Beni and Goma systematically started to loot and burn houses in Butembo and surrounding villages, while killing their inhabitants. Local civil society organisations talked of 200 to 300 deaths. On 3 May 1998, the vice-dean

117 For a detailed discussion, see de Villers et Omasombo (1997) and Willame (1999).

118 A convincing thesis remains that of the *Mayi Mayi*'s "social banditism" (see Jourdan, 2004; Hoffmann, 2006; Wild, 1998). For a general discussion, see Brett and Specht (2004).

of Butembo University was arrested on the premise of having hidden a container of arms; in the meantime, students were blamed by the military of “harbouring” the enemy (Willame, 1999). This attack and counter-attack clearly changed the situation for the Nande: while their community was increasingly treated as “complicit” with these rural armed forces, civil society forces and the local Catholic Church seemed to grow more sympathetic towards their fellow youngsters that occupied the bush. The provincial Archbishop Kataliko (who was of Nande origin) condemned the AFDL’s use of the Mayi Mayi’s as “war fodder” (*Ibidem*). Rather than condemning the occupation of their town by the Mayi-Mayi, the Catholic Church denounced above all the brutal repression of local inhabitants by the AFDL, including their targeting of customary chiefs, businessmen¹¹⁹, and other leading personalities.

Kabila’s adventure with the Mayi Mayi thus provided an important lesson for the Nande community that would be further explored during the ongoing conflict in the years to come. It foremost precipitated a hardening of ethnic boundaries against surrounding communities, particularly the Rwandan speaking Tutsi, who were increasingly depicted as occupiers of their land and country. On 21 May, the Nande community in Belgium produced an open letter signed by ‘*mwami*’ Kasongia of Beni-Mbau, in which it denounced “a pre-established Rwandan colonization plan” in North Kivu: “Le peuple Nande représente 60% de la population du Nord-Kivu. Malgré leur importance numérique, les Nande seront quasi absents des postes politiques mirobolants des régimes Kasa-Vubu et Mobutu. Ces postes seront accaparés par les populations allochtones Tutsi.” (Kasonia et al., 1998) A similar letter by Butembo’s Archbishop circulated during the second Congo war, denounced the “colonization” plans of neighbouring “tribes”, who “envy the economic prosperity and the pacific sense of initiative of the Nande.” (Willame, 1999: 152) The social conflict that traditionally existed between the land owning aristocracy and the landless peasants (starting in the Banyoro kingdom) and which had been transformed through the Bakajika land reform, now became increasingly depicted in ethnic – even “racial” – terms, between a Tutsi occupying aristocracy and a landless Bantu class, whom could only turn to “traditional” values and actors as a legitimate self-defence. Parallel to the rest of eastern DR Congo, the Mayi Mayi (essentially local youth that sought social and economic opportunities in the war) thus came to be presented increasingly as the national “liberators”, and as the holders of communal “tradition” against this occupying oppressor – a theme that was inherently connected to the former’s underdevelopment and deprivation of “modernity” (Hoffmann, 2006). This very powerful myth would stand increasingly in opposition to the fact that peasants continued to be oppressed by their *own* aristocracy and entrepreneurs, who used the Mayi Mayi as their mercenaries and war fodder. As with every myth, however, it became only stronger through repetition and conflict, which would even escalate further during the second Congo war.

119 During the AFDL’s reprisal, two businessmen were apparently ransacked and carried to Kinshasa for questioning.

5.3. The Second Congolese War

In August 1998, the *Rassemblement Congolais pour la Democratie* (RCD) launched its offensive against the Kabila government. Officially, it was motivated by Kabila's decision to dismiss all foreign troops from DRC's territory one month earlier (27 July 1998). In reality, the establishment of this proxy-rebel movement had already been prepared long before by Rwanda and Uganda (Braeckman, 2003). At first sight, the 1998 rebellion gave the impression of a return to the "heart of darkness" – both from the viewpoint of the international media and the Congolese population, which increasingly lost grip on what was coming over them (Willame, 1999: 7). It clearly demonstrated the fragility of a political regime which, without even having been properly defined, had managed to confirm with striking ease the "dialectic of oppression" that had been left by the dying Mobutu regime.

With the RCD rebellion, the question of the Kivus seemed to return "with a vengeance" on Congo's political scene (Lemarchand, 2001); not – as one might ideally expect – in the form of an increasing political participation of its population, but through the rapid proliferation of several armed bands with various origins and support. Despite its foreign outlook, however, the RCD rebellion was more than a simple remake of the AFDL campaign: it set in motion a transversal war complex that combined both local and national, regional and transnational motives and dynamics (Vlassenroot, 2004). In a context where today's friends rapidly became tomorrow's enemies (Willame, 1999), the Congolese war would bring about a complex and highly unpredictable climate in which the use of violence for political and economic gain would expand dramatically. First of all, however, it unwound a political fragmentation process between various local groups and factions that seemed to be inspired to a great extent by the dominant logic of political patrimonialism. Rather than an armed "rebellion" to overthrow the existing regime, the evolution of the RCD demonstrated once more the relevance of Clausewitz's phrase that war is, after all, a continuation of politics but "with other means". In absence of Mobutu's divide-and-rule policy, the competition between Congo's "assimilated" elites would now be fought over with the language of the gun.

In Bunande, the process of the RCD's fragmentation would rapidly be overshadowed by the autochthonous-immigrant divide that had hitherto characterized the Congolese "democratization" period. Initially, the attitude of the Nande versus the RCD movement was very similar to the one they had adopted towards the AFDL: the only Nande leader of notable proportions that accompanied the RCD's founding committee was Mbusa Nyamwisi, the younger brother of the former Mobutu ally Enoch Nyamwisi

Muingi¹²⁰. Mbusa was thought close to the original RCD president Wamba-Dia-Wamba (an academic who once taught at Dar-Es-Salaam University), and in opposition to the Rwanda-oriented group of Bizima Karaha and Emile Ilunga. While the first faction was closer to Uganda, and in this respect rapidly started negotiating a power deal with the incumbent Kabila regime, the second, Rwanda-supported faction, did not consider this an option. Things changed for the Nande when a mounting row within the RCD leadership dethroned professor Wamba-Dia-Wamba from the movement's presidency, and replaced him by Emile Ilunga. Wamba-Dia-Wamba thus became the first victim of the Ugandan-Rwandan divide in the DRC. Enjoying strong personal links with Uganda's president Museveni (whom he once taught political science at Dar-Es-Salaam), Wamba was generally discarded by the Rwandan Congo strategists for not following their more antagonistic political agenda (i.e. maintaining headquarters in Goma, and combat Kabila with all possible means). This internal divide widely reflected the underlying strategic division between both opposing Presidents, who respectively wanted to "eliminate" (Kagame) and "convince" (Museveni) Congo's Kabila into a favourable political regime. The growing division between the RCD's foreign supporters became even more complicated after the establishment of the '*Mouvement de Libération du Congo*' (MLC), led by Jean-Pierre Bemba. The MLC was created in November 1998 by Uganda in an effort to widen the scope of the anti-Kabila front, and further press him into a favourable power deal. This decision had the effect of hardening the discussion between Ugandan and Rwanda, a discussion that would ultimately be fought over with arms. In March and again in August 1999, Ugandan and Rwandan troops clashed in the Congolese town of Kisangani, resulting in the death of over six hundred soldiers and civilians¹²¹.

The Kisangani wars were further proof that the Congo war (besides its inherently political character) was increasingly becoming a continuation of the economy "with other means" – too (Keen, 1998). While the prime motivation of the Kisangani clashes was to be sought in the discussion over the occupant's objectives and strategies, the domination over the local diamond market came to play a leading role as well. Already during the first Congo war (1996-1997), Ugandan officers had started granting diamond concessions to "friendly" traders, while others – mostly Lebanese agents who had been favoured by the Mobutu regime – were forced to pay penalties for "non payment of taxes" or were simply chased away (Perrot, 1999). A similar strategy had been applied in north-eastern Ituri (Oriental Province): Ugandan soldiers cooperated with local farmers to exploit the gold deposits in Kilo Moto, a

120 Nyamwisi Muingi's biography provides in itself an interesting history, but which does not find space in the current scope of study. It is sufficient to mention that he played both on Mobutu's partnership to support the Ugandan ADF rebels (used to combat the Museveni leadership), while simultaneously sustaining the Mayi Mayi in his home region of Beni-Lubero. Muingi was the bridgehead through which Mobutu supported the Banyarwanda extermination campaign in the early 1990s. He died in mysterious circumstances in Butembo in January 1993.

121 For a detailed analysis, see Leloup (2003).

gold mining area covering almost the entire province¹²². Under the direction of the Victoria Group – a nebulous network comprising amongst other Museveni’s brother-in-law Salim Saleh and first commander in the DRC James Kazini – the Ugandan forces had gradually taken over control over the diamond market in Kisangani, and even handed out safe conduits to their military proxies¹²³. Not surprisingly, this move led to a growing frustration amongst Rwandan army officials, who were themselves trying to get hold of this lucrative business. These differences in strategic and economic interests eventually lead the RCD’s original supporters into a confrontation that would become determinant for the course of the Congolese conflict¹²⁴.

5.3.1. Rebel Strongholds

The continuing plundering activities of the Ugandan and Rwandan armies were to provide the undertone of the RCD’s deepening fragmentation process set in for other reasons. Underneath, however, another, more important conflict played, which was inspired by the signing of the Lusaka peace agreement. This agreement, which was signed on 10 July 1999 between the Kabila government, together with Namibia, Rwanda, Uganda, Zimbabwe, and Angola, agreed to allow a UN peacekeeping force and a Joint Military Commission to oversee a general ceasefire. By the end of 1999, however, this agreement stalled due to multiple violations of the cease-fire. Fighting between Ugandan and Rwandan forces in Kisangani and a new offensive of the Kabila-government in Equatorial Province made it impossible for the MONUC (the United Nations monitoring force) to become fully operational. A new agreement that called for the withdrawal of foreign troops was signed in December 2000, however without the participation of the RCD rebel movement.

The Lusaka peace agreement indirectly set in motion a new dynamic in the Congolese conflict, which consisted of the “ethnic territorialization” of political and economic interests (Vlassenroot and Raeymaekers, 2004). The consolidation of the different frontlines in the Lusaka agreement led to the creation of several autonomous regions or “strongholds” that increasingly gained a politicized and “ethnic” character. One of these autonomous regions was that of the ‘*Nord Kivu-bis*’, or ‘*RCD-ML-Nyamwisi*’, which corresponded with the Nande inhabited territories of Beni and Lubero. The establishment of this rebel stronghold followed a decisive conflict between the different movement factions – i.e. Tibasiima, Wamba-dia-Wamba, and Nyamwisi

122 This lucrative enterprise was clearly illustrated by Uganda’s gold exports during their military intervention in Zaire: in 1996-1997, Uganda exported 110 million\$ of gold, against 35 million in 1995-1996 and 12.44 million in 1994-1995. It is important to note, however, that during their first intervention in Zaire the UDFP was hardly involved in direct violence against the Zairian population. As a result, local Congolese businessmen – even if they did not profit directly from the war – could continue their economic activity to a more or less normal extent if they were willing to join the UDFP’s corrupt traffics (Clark, 1999).

123 For a detailed analysis, see Raeymaekers (2002).

124 For a discussion of the Kisangani wars and their link with diamond exploitation, see Leloup (2003), as well as International Crisis Group (2000).

– which officially ended with the successful toppling, by Nyamwisi, of Wamba-dia-Wamba as president of the RCD-ML in October 2000¹²⁵. The toppling of Wamba-dia-Wamba led to the retirement of Tibasiima to Bunia, the capital of Ituri. Following the movement's internal power struggle, another autonomous region would soon be created, with an increasing domination of the region's northern Hema or Gegere community: the province of Kabale-Ituri was officially established in July 1999 by the Ugandan general Kazini, and comprised several leading Gegere personalities such as Adèle Lotsove, John Tibasiima and Thomas Lubanga. The creation of this rebel stronghold would lay the foundation for a new and increasingly murderous conflict between the local Hema and Lendu communities, in which both factions of the RCD-ML would play an increasingly vicious role. In 2003, Human Rights Watch warned for a "strategy of ethnic purification" in Ituri, a danger that even today has not entirely vanished (cf. *infra*).

Rather than containing the Congo war, therefore, the Lusaka agreement had further stimulated the local struggle for political domination between eastern Congo's different constituencies. Regular clashes continued to occur between the RCD-ML and other rebel movements in eastern Congo such as the RCD-Goma, the RCD-National and the MLC. This pointed at once at the Ugandan failure to regain control over events, as their proxies rather fought each other than creating a united anti-Kabila front¹²⁶. Eventually, the Lusaka agreement consolidated the transformation of rebel strongholds in the eastern DRC into "para-sovereign" chiefdoms, a definition to which I will return later (cf. chapter seven). In this section, I will analyze the RCD-ML's internal power consolidation through the establishment of a political administration, which in turn established wider relationships in order to claim its authority in the exercise of its functions (particularly in the area of security and economic redistribution).

5.3.2. The RCD-ML Administration

Theoretically, the RCD-ML's "government" was structured as such: Mbusa Nyamwisi as president, with two vice-presidents (Uringi-Padolo¹²⁷ and, theoretically, John Tibasiima) to advise him. The '*direction politique*' (political executive) and the '*secrétariat général*' (general secretariat) were responsible for the daily administration of the movement. In principle, the secretariat consulted the congress, which was presided by Esdras Kambale Bahekwa ('*présidence*') and Thomas Mathe ('*argentier*'),

125 For a detailed description of these and following events, see Vlassenroot and Raeymaekers (2004b).

126 In November 2001, for example, there was a sudden deterioration of the security climate in Butembo, when one Mayi-Mayi group killed the Ugandan garrison commander and briefly occupied the local airport; this action was immediately met with reprisals against Butembo's inhabitants, reportedly causing 60 civilian victims (Willame, 2002: 51).

127 Uringi Padolo was designated in 2000 as vice-president of Mbusa's RCD-ML. As an Alur from Mahagi, he played a major role in the RCD-ML's initial pacification attempts in Ituri (author's interview, 15 May 2003).

but this organ was barely operative. A number of *'commissaires'*, which depended of the presidency, were responsible for the different RCD-ML ministries; there were amongst others the ministries of defence (Thomas Lubanga, until his shift to the UPC), external affairs (Honoré Kadima, who spend most of his time abroad), and finance and budget (Jean Malihase, later Thomas Mathe). In practical terms, this official "government" structure was quickly bypassed by a core group of RCD-ML executives which evolved around Nyamwisi and Bwambale Kakolele, an ex-FAZ and Nyamwisi's personal advisor¹²⁸. Together, they created the Presidential Protection Unit (PPU), which was mainly composed of fellows from Nyamwisi's native village Mutwanga, on the foot of the Rwenzori range. Other leading personalities in the PPU were amongst others the RCD-ML's security chief Ndelema, Mbusa's brother Martin Nyamwisi (who became the administrator of Mutwanga) and Raimon Kibwana (another security agent). This restricted power clique quickly gave the RCD-ML the nickname of RCD-"Mutwanga-Lumi", the villages where most of its members came from. Under this branding, Mbusa's clique organized a veritable *'coup d'état'* against the other members of the RCD-ML that had remained in his home region of Beni-Lubero. Not longer after its admission in Beni-Lubero, on 16 November 1999, the PPU arrested Esdras Bahekwa (the leader of the RCD-ML Congress) allegedly for complicity with the Mayi Mayi movement. He was since then placed under house arrest.

In terms of its daily government, a number of crucial differences could be noticed between the RCD-ML and surrounding "rebel" strongholds. Contrary to the Rwandan supported RCD faction¹²⁹, the RCD-ML created an alternative government structure with a unique rebel signature, but which nonetheless continued to preside over the region's public services like the OFIDA, OGEFREM and OCC. Instead of setting up new ministries and services in order to deal with the daily difficulties of its occupation, the RCD-ML's governmental superstructure permitted to bypass these public organs through the introduction of systematic political favouritism (or *'traffiq d'influence'*, as it is defined locally) and clientelistic appointments. Those that did not comply with this clientelist strategy were consciously harassed and even threatened physically. Another crucial difference – which partly explains the former – was that contrary to the Rwandan army in Goma, the UPDF did not have *"une main mise"* over the RCD-ML's stronghold¹³⁰. In Beni-Lubero during the Ugandan occupation, only a minimum of Ugandan soldiers remained present, who on top of that had to deal with an extremely volatile situation in the north of Uganda¹³¹. Once Nyamwisi exchanged his Ugandan ally for a partnership with Kinshasa, the UPDF was replaced by a weak

128 According to local sources, Kakolele also laid the foundations of Mobutu's support for the NALU-ADF forces in the Rwenzori Mountains, whom he supplied with the help of Mbusa's older brother Nyamwisi Muvingi in the beginning of the 1990's: interviews with Nande community leaders, Beni, May 2003.

129 As explained elsewhere, the RCD-Goma created a "janus-faced" political structure in its zone of control, which consisted on the one hand of existing Mobutu institutions, and on the other hand of newly created organs to deal with the problem of taxes and economic revenue. Offices like the the *'Service des Mines'* were usually occupied by RCD-Goma military: Vlassenroot and Raeymaekers (2005).

130 Interview with former PPU members, February 2005.

131 I.e. the Lord's Resistance Army.

and divided Congolese army, which constantly shifted in command structure due to Kinshasa's changing tactics. In contrast, a large Rwandan presence in the territory of the RCD-Goma seriously continued to influence the daily decisions of their Congolese proxy (a situation that was similar to the UPDF's in Ituri by the way: Human Rights Watch, 2001). This observation seems to confirm once more William Reno's argument that in regions where clandestine economic networks favour the interests of *older* political networks and predatory commercial actors over interests of a *new* local or outsider elite, there is more possibility for "order" to arise – especially when resources are used to provide public goods such as security. The question remains: was the political situation in Butembo so "orderly" and secure during the RCD-ML occupation? In the following paragraphs I will make an attempt to formulate an answer to this question.

5.3.3. Oligopolies of Violence

The net result of the limited Ugandan military presence in Beni-Lubero was that the right to use force remained divided over a whole range of groups and actors, of whom the RCD-ML government only represented a weak and contested player. As one former PPU member recalls, the RCD-ML could be compared to a "weak state", which enjoyed only limited control over its territory and political domains. Be it on a lower, and less recognized scale, this statement appeared to confirm Joel Migdal's observation that the "state" in Africa (be it in its authoritarian and neo-patrimonialist, or "failed" and battered form) only represents one amongst many factions that struggle over the monopoly of force (Migdal, 1998; 2001). It foremost confirmed the observation of Andreas Mehler (2004) that oligopolies rather than monopolies of violence are the rule rather than the exception in African politics, be it in peace or at war.

One of the groups that continued to contest the government of the RCD-ML, for example, was the local Mayi Mayi movement. Given its extreme fragmentation, however, it is probably better to speak about several Mayi Mayi factions¹³². Different interpretations exist as to the reason of this bad relationship between what were in essence two locally embedded rebellions. According to the leadership of the local Catholic Church, the RCD-ML never in fact accepted the Mayi Mayi's presence in Beni-Lubero, because of the latter's "nationalist" and "liberatory" aura. During their march on Butembo-Beni, RCD-ML recruits reportedly profanated the parishes of Mbingi and Biambwe – strongholds of two Mayi Mayi factions – on the premise that the Church was working with the Mayi-Mayi movement, which was, of course, "not true"¹³³. Another interpretation is provided by the RCD-ML itself. According to movement insiders, the church remained highly connected to the Mayi-Mayi movement in Beni-Lubero: they used Mayi Mayi recruits to combat the RCD-ML,

132 Different Mayi Mayi factions continue to exist in the Beni-Lubero region, including descendants of the Kasindiens, Simba, Bahandule and Kifuafua. For a discussion, see Mitono et Mughendi (s.d.).

133 Interview with bishop Sokoni of Beni, February 2005.

and even supplied some Mayi Mayi factions with weapons and ammunition. This aggression towards the RCD-ML rebellion was apparently motivated by the Protestant background of its leader Mbusa Nyamwisi, who risked destroying the strong power base of the Catholic Church in Beni-Lubero¹³⁴.

Given their extremely sensitive nature, most of these statements are, of course, impossible to verify¹³⁵. What is certain though is that, as a result of these mutual attacks, the relationships between the RCD-ML and the Catholic Church remained extremely strained during the entire time of the rebel's occupation. This tension reached another climax after the arrival in Beni-Lubero, of the new FLC leadership. The FLC (Front for the Liberation of Congo) formed an attempt from the part of the Ugandan leadership to unite the different fronts it had opened in the DRC, including the MLC of Jean-Pierre Bemba, the RCD-N of Roger Lumbala, and the RCD-ML of Mbusa Nyamwisi. When the latter returned to Beni in late January 2001 as the new coordinator of the FLC's executive body, he was received with utter cynicism by both the administrators that remained loyal to Wamba-Dia-Wamba and the local Catholic Church. In a long public statement, Mgr. Sikuli Melchisedech, the archbishop of Butembo, accused the FLC (read: Nyamwisi) of being more interested in the resources of the region than in addressing the problems of its population. The archbishop warned that tensions between the FLC and Wamba's supporters could "degenerate into bloody clashes like the ones that took place in Bunia, if the rebel leaders insisted on pursuing their egoistic interests to the detriment of the common good of the population." (Human Rights Watch, 2001) During a following symposium that was organized from 27 February to 1 March 2001, and which was attended by hundreds of civil society delegates from eastern DRC and Europe, Jean-Pierre Bemba issued an apology "for mistakes, atrocities, crimes and pillages" that had allegedly been committed by his rebel soldiers, and ordered his troops to withdraw from their rural outposts to the barracks in Beni (*Ibidem*)¹³⁶. This occasion was later presented as a rapprochement between the Church and the FLC leadership, which simultaneously aimed to move the power away from Nyamwisi and towards Jean-Pierre Bemba. As one bishop advisor later recalled: "We offered Bemba the power on a silver platter, but he missed his opportunity."¹³⁷ The failure of Bemba to acquire local legitimacy had to do mostly with his attitude towards the Mayi Mayi movement(s), which he continued to treat as secondary to his military and political power. This led again to several clashes, which finally forced Bemba to leave the area and retreat to his stronghold in Equatorial Province.

134 Interview with former PPU members, Beni, February 2005.

135 Another unverifiable story, but which has remained a hot topic in both political and religious circles, has been the murder on Lumbulumbu, a former Mobutu minister and advisor to bishop Melchisedech, in November 1999. This murder is generally considered as a breaking point in Church-rebel relations (see also Human Rights Watch, 2001).

136 Participants later said to be surprised by the presence of Mayi Mayi forces acting as escorts to this meeting: interviews, Bologna, 2005.

137 Interview, Butembo, October 2006.

In the meantime, the RCD-ML's battered leadership continued to be attacked by forces both from inside and outside its territorial stronghold. It seemed that Uganda's attempt to create a unitary front had precipitated the fissures that already existed between the various anti-Kabila factions. Bemba, who did not accept his refused North Kivu leadership, continued to organize attacks on the Beni-Lubero region during 2001 and 2002; he was assisted by the RCD-N of Roger Lumbala. In Ituri, the new Gegere leadership of Thomas Lubanga and consorts increasingly started to pursue their own agenda of ethnic purification, first by killing Nande traders in and around Bunia¹³⁸, and later by systematically attacking the Lendu population in their area. To defend its position, the RCD-ML increasingly engaged in a proxy-war in Ituri, in which it used its stronghold in Beni to supply and assist the Lendu militias against the UPC of Thomas Lubanga. This strategy failed tremendously, however, and the RCD-ML finally had to retire from its Ituri bases in Mongbwalu (June 2002)¹³⁹, and Bunia (August 2002)¹⁴⁰.

The previous account makes clear that far from holding a monopoly on the use of violence, the RCD-ML had great difficulties in defending its stronghold against other contending forces situated both within and outside its immediate leadership circles. This included, first of all, the rebel movement itself, which consisted of various factions loyal to different political leaders (in particular Wamba-Dia-Wamba, Tibasiima and Mbusa Nyamwisi); secondly, the local Catholic Church (whether or not allied to the local Mayi Mayi movements), and finally a number of competing armed forces that all claimed their share in the region's political and economic power base. This situation would only change slightly during the Sun City peace negotiations initiated in 2002-2003, and which would favour a modest '*détente*' between the RCD-

138 Lubanga had always distrusted the RCD-ML's sympathetic attitude towards Kinshasa, which he believed to be part of a larger strategy aimed at the consolidation of the Nande's dominance in Ituri (Vlassenroot and Raeymaekers, 2004b).

139 The gold mines at Mongbwalu have been the subject of considerable struggle throughout the war in Ituri. Originally occupied by Lendu agriculturists who worked in the mines as labourers, it was first attacked by Hema militias in mid-June 2002, when the RCD-ML still technically controlled the area. In October that year, the UPC attacked the town but was pushed back by Lendu combatants and APC soldiers. The UPC regrouped and in late November 2002 attacked again, this time joined by some of Bemba's MLC soldiers, some Ugandans, and perhaps some Rwandans. The '*Effaceurs*', as Bemba's forces were also called, introduced a system of forced labour intended to increase local production at the mining sites. At the same time, the profits of Ituri's gold have attracted the interest of several foreign businesses, some of which enjoy close links with transnational criminal groups. The agreement between the UPC and the RCD-Goma reportedly included a contract for the exploitation of the gold mines in Mongbwalu with a South African company. In return, Lubanga promised to capture Bunia from the UPDF. Lubanga's offensive was eventually countered by the UPDF in March 2003, when they drove the UPC back to their stronghold in Bule (north of Bunia). Finally, the continuing competition between armed forces over the control of Mongbwalu has attracted various business people of Israeli and Russian origin with dubious backgrounds, but which have not developed any direct business relations so far. Together with the continuing rumours about the possibilities for oil exploration on the Albert Rift (but which never actually took place), these events have convinced most observers of the resource-based character of the Ituri crisis.

140 The Ituri conflict is explained in detail in Vlassenroot and Raeymaekers (2004b).

ML and the Mayi Mayi movements¹⁴¹. During this entire period, however, other Mayi Mayi factions as well as competing rebel forces continued to operate independently in the Congolese bush, and some even acted as private mercenaries for different local constituencies, including – but not limited to – some of Butembo’s leading businessmen. This oligopolistic security situation also constantly weighed on the question of local political legitimacy, however, as different constituencies continued to make political and economic claims on “their” armed and unarmed representatives. In pure clientelistic fashion, the fragmentation of political control in the Beni-Lubero region also led to a certain “commoditisation” of security and social services, as several forces were competing for the control over violent means. The political consequences of this situation will be discussed in detail in chapter six and seven of this study. In the next paragraphs, I will analyze the relation between the RCD-ML rebellion and the realization of economic interests in their area – generally described as the regional war economy.

5.4. Economies of War and Economies at War

The constant confrontation between armed forces on both sides of the Congo-Ugandan frontier naturally had a decisive impact on the financial picture of the Congolese rebel movements themselves. Although the war in the DR Congo is often depicted as a continuation of the economy “by other means” (Keen, 1998), it rather represented a prolongation of patrimonialist politics paid for by violent economic enterprise. On the one hand, the rebels had to set up and ally themselves to several commercial ventures in order to support its power base against other violent contenders. In the case of the RCD-ML, these ventures included aviation companies such as Butembo Airlines¹⁴² and Uhuru (literally ‘freedom’) Airlines¹⁴³, timber companies like Dara Forest¹⁴⁴ as well as several resource networks specialized in the trafficking of gold, coltan and diamonds. Some of these diamond and coltan connections are discussed in detail in Raeymaekers (2002). On the other hand, the different rebel leaderships also had to take care of their relationship with existing clandestine economic networks which were not created by military involvement, but

141 In May 2002, for example, the RCD-ML announced the integration of the Vorondo Mayi-Mayi faction into its armed wing of the APC (*Armée Populaire Congolaise*). The Congolese peace negotiations will be discussed in the next part of this study (chapter eight and nine).

142 Butembo Airlines (BAL) has been one of the few companies able to operate in the Mongbwalu gold mining area, and is operated by “Docteur” Kisoni Kambale. Kisoni acknowledged during interviews that he regularly supplied food rations to the armed groups controlling that area (All Parties Parliamentary Group on the Great Lakes Region, 2004). He has also been mentioned in relation to the gold traffic from Mongbwalu (Human Rights Watch, 2003); cf. *infra*.

143 The company UHURU, led by an Indian national called Arif Mulji, regularly transported arms and troops for the RCD-ML to Beni (Uganda Monitor, 3 June 2003). Mulji, who had earlier (miraculously) survived in an air accident while trafficking gold from Ituri (Prunier, 1999: 55), was also involved in the local telecom business in Butembo through his company MB Telecom.

144 For details, see Raeymaekers (2002).

were sometimes used by them (for example by controlling essential points of access such as airports and trading posts in order to levy taxes: Kennes, 2002). In the case of the RCD-ML, this involved establishing a close collaboration with the Butembo trading network, the members of which had gradually acquired the position of local “village lords”. This ambiguous relationship between businessmen and rebels would in turn lead to a rather peculiar situation, in which “new” businessmen that worked closely with the rebel movement somehow marginalized the “old” network of traders that had monopolized the transborder commerce in minerals and cash crops towards the Ugandan border.

Docteur Kisoni

One of the personalities that probably fitted best this new type of war trade was “Docteur” Kisoni Kambale. Described as boastful, arrogant even by people that actually met him, Dr. Kisoni is the owner of Congocom, a trading house and the most important gold exporter in the entire eastern DRC. Congocom is said to have handled so much gold that it operated its own foundry to melt the ore into ingots before exporting it to its Ugandan associates, according to a detailed Human Rights Watch Report published in 2003. Kisoni’s biography¹⁴⁵ is interesting in itself to illustrate the changing nature of the Nande’s trade network during the war period. Born from a Protestant priest (remember the Katwa connection), he is said to have done his veterinary studies in Lubumbashi, and then married the daughter of one of Butembo’s most important businessmen. When his father-in-law died in the 1980s, Kisoni inherited his commerce, and immediately invested his money in the gold business between Butembo and Bujumbura. Notwithstanding the enormous insecurity, he travelled all by himself across the borders of Ugandan and Burundi to sell his gold to the comptoir of Mr. Goetz in Bujumbura. During the AFDL rebellion, Kisoni apparently experienced some antagonism from his brothers-in-law, who also started claiming a share in his business. Kisoni remitted all the family’s capital except his personal earnings. During the RCD-ML rebellion, he became a close ally of Mbusa Nyamwisi, who offered him the presidency of the *‘Fédération des Entreprises du Congo’*, the local employers’ association. During this (short) period, all customs declarations, taxes, etc. for the import and export of goods from Beni and Lubero had to pass via him. Simultaneously, Kisoni became engaged in the aviation business: through his company Butembo Airlines, he supplied Mbusa Nyamwisi with troops and ammunition, and became engaged in the gold traffic from the mining centre in Mongbwalu (Ituri). Thanks to his relationship with the rebels there, he was estimated to export between twenty and sixty kilograms of gold each month, with a value between 240 and 720.000 US\$. This gold was then shipped via contacts in Kampala to smelting companies in Switzerland and the UK. As one member of the RCD-ML cadres recalls: “Kisoni was the cashier of the rebellion.” (HRW, 2003, footnote 355)

145 This biography is entirely based on secondary accounts, unfortunately lacking the possibility to interview Dr. Kisoni himself.

The person of Dr. Kisoni is exemplary of what analysts generally refer to as Congo's regionalized war economy. In close collaboration with rebel movements in North Kivu and Ituri, he succeeded to funnel gold out of the Congo through a network of traders that operated outside of legal channels, but which nonetheless connected some of the DRC's most remote areas to the "heartland of metropolitan society" (Duffield, 2001). This gold trade simultaneously allowed armed groups in the area to transform their connections with existing trafficking networks into currency to sustain their operations: "without the proceeds from the gold trade," Human Rights Watch concludes, "armed groups [in Ituri and North Kivu] would face serious difficulties in carrying out their military operations; activities which frequently include widespread human rights abuses." The relationship between Butembo's traders and local rebel movements was not all glitter and gold, however. Contrary to this commonly painted picture, most local entrepreneurs continued to suffer a great deal from this sudden shift in regional power relations. Some of the most important victims of the RCD-ML rebellion were notably the local industries that had emerged during the early 1990s, but which were now forced to operate on a fraction of their existing capacity¹⁴⁶. During the early years of the war, many of Butembo's important traders also left the region, or at least placed their accumulated capital in more secure places and accounts outside this war-affected region.

Part of the reason for this economic downturn was excessive taxation. According to a local functionary interviewed in 2003, industries in Beni were subject to more than 64 different taxes, all of which were raised according to the rebel's financial needs. The net result of this over-taxation was a total asphyxiation of productive activity in the region, which made that almost everything – from soap to soft drinks and salt – had to be imported either from Uganda or South Kivu. Local coffee production (traditionally the main export product) for Beni-Lubero, for example, decreased from over 30.000 tonnes in 1990-1991 to less than 6.000 tonnes in 2005¹⁴⁷.

Another problem was the lack of cash. Because no banks existed in Beni-Lubero, economic operators had to import large quantities of foreign currency in order to continue their business. During the 1970s and 80s, the dependable currency to confront this financial scarcity consisted of gold exploited in the surrounding forest areas, but unfortunately, this was now being monopolized by the war network of Docteur Kisoni. The consequence was an immense traffic in foreign currency, which further killed the local market. Note for example the comments of AMACCO's president, the association of market women in Beni:

146 According to a local study, the local soft drink factory SOBKI only operated at half of its capacity in 2000, i.e. from 6000 to 3000 bottles (Kasoki Bakolania, 2001). Other industries like ENRA (timber, papaya latex), and PLANOKI or HASSON FRERES (coffee) lost their essential equipment due to repeated pillaging.

147 Source: ENRA statistics

“La première conséquence de la guerre est la dollarisation. Le problème est que le dollar n’est pas stable ici. Quand le dollar monte, ça affecte tout le marché, alors que nous vendons nos produits en francs congolais. La raison principale de cette instabilité est qu’il n’y a plus de devises à la banque. Aujourd’hui, ces devises sont dans les mains des commerçants. Si un commerçant arrive avec une grande quantité de nouvelles devises, ceci cause une diminution du valeur du dollar sur le marché local. Mais quand il y a hausse, nous subissons toute de suite les conséquences. En général, il y a une forte diminution de devises, [ce qui fait que] les prix ont augmenté.”¹⁴⁸

Theoretically, this asphyxiation of industrial capacity increased the rebels’ economic power base. By systematically pulling the strength out of the local economy, it reached the double objective of forcing immobile industries to pay ridiculously high taxes, while simultaneously transforming the local market into a pure import-export economy: it sufficed now to police entry and exit points on the Congo-Ugandan border to ensure a certain level of income; the border post of Kasindi, for example, theoretically generated over 1 million US\$ a month (UN, 2001). This practice, which has been referred to elsewhere as military commercialism (Dietrich, 2000)¹⁴⁹ was in fact nothing more than a prolongation of the historical mercantile system that had characterized the colonial and post-colonial market in this region: because they systematically sapped the productive parts of society (e.g. peasants, merchants and industries), the rebels and foreign armies in eastern DR Congo could be regarded as a prolongation of an unproductive patrimonial class that existed *for* itself rather than *in* itself, and which was torn between its interest in appropriating economic surpluses on its own account, and gaining access to rents and wealth mobilized by the “state” or public authority (see also Boone, 1992). This created in turn a very paradoxical situation, in which politicians and rebels were forced to fight their enemies in economic markets, but at the same time remained entirely dependent on clandestine economic networks for their private and political gain. This process would in turn create new opportunities for intermediary economic agents to set specific criteria for their wealth mobilization. Just as their withdrawal from official state enterprise during the Mobutu years had formed a collective reaction against a negatively perceived patrimonial system, their return to the political arena would require a series of well-defined concessions from the part of the rebels. In fact, and as will be explained in depth in the next chapter, this situation laid the perfect foundation for a “protection for sale” between Butembo’s rebels and entrepreneurs.

148 Interview AMACCO, Beni, 21 May 2003

149 Military commercialism refers to the increasing utilization of militaries as tools for private financial gain by political elites, for example by creating corporate-military business for the financial benefit of military officers and other cronies of state leaders – thus rendering the military apparatus a commercial asset.

5.5. Conclusion

In this chapter, it was explained how both Congo wars could actually be regarded as a continuation of (neo-patrimonialist) politics and the economy by other means. Although it was immediately praised as epic and legendary, the AFDL rebellion of Laurent Kabila (1996-1998) would collapse immediately once the objective of toppling Mobutist rule had been reached. Not much later, the “calabash” of political and ethnic tensions that had set the Kivu provinces and the rest of the country on fire would return to the political scene with a vengeance: without a legitimate basis, the various rebellions that sprouted up in this region from 1998 onwards would actually face serious governmental breakdown. Quite paradoxically, the origins of political reconfiguration in the eastern DRC were provided by an endogenous factor: through the Lusaka and later the Sun City peace negotiations, the different rebel strongholds acquired almost a “para”-statal character, which forced them to confront the problem of local governance and political rule. This included, amongst others, the important questions of regional security and the monopoly on the use of violence, as well as the issue of economic production and redistribution. At first sight, the RCD-ML rebellion did not confront these questions very differently than the previous (neo-)patrimonial regime: within the “trinity” of King (the administration), Capital (the merchants) and Religion (the Catholic Church), it sought to mediate its power *among* these ancient intermediary powers, rather than integrating or destroying them with the perspective of establishing a “novel” political regime. This happened, not because the rebels necessarily wanted to, but they essentially continued to reason in the same patrimonialist logic that had determined the Congolese regime since colonial independence. Why this was the case, and what is meant with “para-statehood”, will be explained in the next two chapters.

CHAPTER SIX

REGULATORY AUTHORITIES

Introduction

At this point of the study, it becomes necessary to return to an important paradox: why is it that Butembo's entrepreneurs at the same time became implicated in the regional war economy (commonly associated with looting and predation) and still could become a partner in local governance (i.e. as providers and administrators of "public goods")? As was indicated in the previous chapter, some members of Butembo's "trust" network seriously came to benefit from the war in their region, amongst others through their participation in the illegal gold trade. At the same time, however, these same traders became involved in all sorts of local governance initiatives, like the building of a local airport and electricity plant, as well as the continued administration of a diverse set of public goods and services. At first sight, this may appear rather irrational: while on the one hand, Butembo's traders were contributing to local governance through the provision and administration of various "public goods", their involvement in the regional war complex risked to destroy the same favourable political and economic environment they were trying to protect. The next two chapters will explain how this was possible, by setting some light on the reproduction of local political "order" in Butembo and its hinterland during the time of the RCD-ML rebellion.

As has been indicated before, the explanatory variable this study uses for political "order" is that of the organization of "protection" – foremost of private property rights. The history of land appropriation in eastern DRC, which was discussed in chapter five of this study, has shown how excessively violent this process often has been: the privatization of property rights in the Kivu region involved a systematic and forced dispossession of peasant belongings to the advantage of a new rural capitalist "class", which subsequently engaged in a "reciprocal assimilation" with other ruling elites. Different than in the surrounding regions, however, the profits from this privatization process were not re-invested in agriculture as such, but became part of a capitalist dynamic, in which the peasant economy supported the emergence of a flourishing transborder commerce. At the same time, the institutionalization of this "capitalist" commercial exchange also came to depend on the maintenance of trust and the imposition of sanctions by the members of this new trading network: while trust between members was essentially maintained through friendship and familial ties, the problem of free-riding was countered primarily through community "ostracism".

The question remains nonetheless, how economic cooperation could proceed at a time when the Nande's "trust" network was itself facing a serious crisis. Especially in the early days of the war, many Nande traders had either left Butembo, or had been forced to seriously cut down on their business (cf. chapter five). As a result, trust between network members became increasingly problematic. The following chapters will try to explain how this problem was gradually resolved by looking, first, at the (re)organization of local protection, and second at the reproduction of local political "order" during this time of political crisis. The main interest of this study remains to resolve the crucial question of how local order "works" – rather than concentrating on discursive practices and the problem of framing these processes in a larger ideological or subjective framework. It is also useful to remind that the aim of these chapters is not to explain the eruption of violent conflict in the Kivu region as such, nor to analyze its origins and causes. Rather, it is to evaluate the different effects of state "collapse" on Congolese society (*in casu* the Nande from Butembo), and to evaluate the wider process of social change resulting from local elite accommodation.

6.1. The European example

In a much quoted book on Europe's early modern political history, Charles Tilly (1990) claims that the state formation process on this continent finds its origin in the organization of "protection". In an earlier chapter of Evans et al. (1985), he summarizes this argument by laying the link between early modern European statehood and organized crime: "if protection rackets represent organized crime at its smoothest, then war-making and state-making – quintessential protection rackets with the advantage of legitimacy – qualify as our largest examples of organized crime," he says (1985: 169). The idea behind this provocative statement is not that Europe's kings and princes could simply be compared with bandits and criminals, but rather that, through their growing alliance with commercial capital, they could gradually establish a *legitimate* dominion over their subjects. Especially in a context of "oligopolistic" violence (i.e. where the right to use violence remained divided over a range of actors), the process of state-making largely became an outcome of war-making. The fact that European lords were constantly in the pursuit of new domains and territories, and subsequently had to defend these against other violent contenders, willy-nilly led them to an alliance with the emerging merchant class over which they pretended to have control. This constant pursuit of resources to engage in warfare and defend their conquered territories, gradually promoted a capital accumulation by those who helped them borrow and buy, and facilitated a growing *legitimation* of the former in the eyes of the merchants, be it to different degrees. Early modern governments in Europe were "in the business of selling protection", whether they wanted it or not (1985: 175) – and the different links between king and capital helped to explain the variation of regimes that emerged from in Europe in the centuries to come.

Notwithstanding the ongoing debate about the applicability of European concepts of statehood on African realities¹⁵⁰, the analysis presented by Charles Tilly bears some interesting similarities with the present study object – i.e. the relation between politics and capital in north-eastern Congo. Parallel to early modern Europe, the political environment in Beni-Lubero during the late 1990s-early 2000s was characterized by an “oligopoly” of violence, in which several armed forces fought for the political dominion over this region: rural militias such as the *Mayi Mayi* (operating yes or no in the service of others), together with a range of state and non-state armed groups (including the RCD-N, the MLC, the UPC, RCD-Goma, UPDF and RPA) at various instances fought with the RCD-ML movement for the control over the Beni-Lubero stronghold. In turn, these conditions of oligopolistic violence and rebel fiefdoms quickly facilitated a “protection for sale” from the part of the rebels towards Butembo’s merchants. As will be explained in more detail further in this chapter, the arrival of the RCD-ML in fact led to a meticulous risk calculation from the part of Butembo’s commercial entrepreneurs: they gradually weighed the costs and benefits of the estimated welfare that would be derived from the rebels’ announced trade policies against the conditions of “anarchy” under which they were more or less used to operate. Just like the informalization of trade relationships during the 1980s had in part been motivated by a reaction against a negatively perceived and predatory patrimonial system, the rapprochement of Butembo’s traders with this new political force was based on a conscious estimation of their increased benefits, which were weighed in turn against the “deadweight losses” that could be expected to fall on society at large¹⁵¹. At the beginning of the war, many businessmen from Butembo had temporarily left the town in order to secure their business. In hindsight, it seems that their decision to come back was motivated foremost by the invitation of the rebels. As the current president of the FEC recalls, the combination of economic crisis and political insecurity left little choice as to their further protection in this area under rebel control: “we had to compose directly with the rebellion to ensure local security.”¹⁵² At the same time, however, the businessmen would also play a vital role in the rebellion as creditors and clients of the rebel’s “protection”: by offering credit and loans to the rebels, they gradually would discharge the state administration from the decision making process, and make way for an alternative power arrangement based on private “protection”.

But what exactly should be understood under this the term “protection” in the current context? According to Charles Tilly, this word may in fact sounds two contrasting tones, which in turn reflect two opposed meanings: while the one sounds comforting, and calls up images of the shelter provided by a “powerful friend”, the other sounds more ominous, evoking the racket in which a local strongman forces people to pay tribute in order to avoid damage – damage the strongman actually threatens

150 See amongst others Herbst (1997) and Joseph (1997).

151 The inspiration for this theory comes from economic science, which in turn is being backed by several interviews with transborder traders. For a deeper discussion, see Grossman (1991, 1999a-b), as well as Grossman and Helpman (1994). For a general critique, see Cramer (2006), as well as point 6.3. of this chapter.

152 Interview with FEC president of Butembo, October 2006.

to deliver himself. The difference between both appears largely one of degree: it depends on our assessment of the reality as well as of the “externality” of the threat. According to Gambetta (1993: 2), however, protection can also become a genuine commodity, which can play a crucial role as a “lubricant” of economic exchange, especially where trust is scarce: “in every transaction in which at least one party does not trust the other to comply with the rules,” he says, “protection becomes desirable, even if it is a poor and costly substitute for trust.” Again, the similarity with Europe is striking. The example Gambetta is referring to, the Sicilian mafia, certainly in its early stages had a very similar mode of operation as that of Beni-Lubero’s rebels. First, both are engaged in the business of selling protection, be it from a different scope. While the mafia in Gambetta’s account is engaged in the business of protection, the rebel movement discussed here could be described more accurately as an “entrepreneur of insecurity” (Perrot, 1999). Benefiting at once from the climate of insecurity and from the “free hand” this situation gave them to plunder (Clark, 2001), the rebels – just like any armed actor in the region – nonetheless felt obliged to align themselves with economic interests in order to finance their political presence. It should be emphasized that comparing rebels with a “mafia” type organization is not the same as saying they are mere criminals. This differentiation also distinguishes the present argument from that of Paul Collier, amongst others, who portrays rebel movements merely as “industr[ies] that generate profits from looting”, so that, in the end, “the insurgents are indistinguishable from bandits or pirates” (Grossman, 1999: 269; quoted in Collier, 2001; see also introduction). If taken at face value, Collier’s theory could very well be thought in line with that of Charles Tilly, who also compares early modern European monarchs to organized crime units. After all, these monarchs also passed a phase of extortion during their ongoing political struggle. However, as Marchal and Messiant (2002) rightly indicate, this comparison poses a problem, since Tilly suggests that the difference between the political economy of organized protection in early modern Europe and extortion properly speaking is given by the increasing *legitimation* of the former, notably through the king’s alliance with commercial interests. Notwithstanding the sometimes difficult distinction between real and phoney protection, I will argue, there still exists a notable difference between rebels, criminals and entrepreneurs in Beni-Lubero – the latter of which were to become the principal clients of the rebel’s protection business.

The Sicilian and Congolese contexts run parallel in yet another respect. Just like in 19th century Sicily, the main market for the rebels’ “mafia” services in Beni-Lubero was to be found in the unstable economic transactions of the Congolese war period, in which trust had become scarce and fragile. The rebels – just like Gambetta’s mafiamen – were proposing to provide the essential guarantees for trustful transactions at a time when trust between trade network members had become problematic. However, the rebels’ practice of offering protection to Beni-Lubero’s businessmen still largely differed from extortion proper, in which the payment of protection money only aims to avoid costs that are directly threatened by the protectors themselves. The difference was again one of degree: to the outsider, protection may indeed have seemed phoney and predatory; to Butembo’s “G8” traders, it turned out to be beneficial both in economic and political terms. Gambetta proposes to look at this difference as a kind

of insurance (for example against car theft): everyone knows it costs a lot, but we are still willing to pay just it in case something bad happens. The greater the number of people eventually are insured, the greater the need for others to buy it too. So, even if the proposal of protection can initially be triggered by threats and intimidation, once it is underway it becomes very difficult to maintain that the remainder customers are buying bogus protection. Although Butembo's rebels certainly were engaged in illegal commerce at a certain point, their prime difference with mere criminals was situated in the fact that they dealt in the "business" of protection.

A final parallel between Congo's rebels and the Sicilian mafia was that they recruited from similar "markets of violence", i.e. more or less stable social systems in which different political actors combine violent appropriation with peaceful (economic) exchange (Elwert, 1999). The practical privatisation of land titles since the late 1960s in Zaire and the DR Congo had generated large flocks of landless youngsters, whom often started operating at the services of customary landlords as communal self-defence groups or *Mayi Mayi*¹⁵³. Later on, these youngsters massively adhered to the many armed groups and adjacent culture of violence that were introduced by the Kabila and RCD rebellions¹⁵⁴. As one author observed, violence gradually became part of the Congolese "habitus" (Jewsiewicki, 1999), which also made it acceptable for large groups of dissatisfied citizens to be employed as a social "weapon of the weak" (Scott, 1985): "in a context of collapse and disorder like the Congolese, the reaction of young people (...) to become military can be defined as symmetrical, in the sense that it reproduces violence and disorder. [Military] enrolment represents an attempt to control a reality that has gotten out of hand and has become indecipherable, [and in turn] is dominated through violence proper." (Jourdan, 2004b). In such a context, it becomes understandable that protection rackets such as the one operated by Beni-Lubero's rebels could become acceptable for large segments of the local business community. The way in which this was made acceptable was mainly through communal pressure: once a considerable group of people was convinced of the righteousness of this protection arrangement, it would become easier to effectuate the punishment of potential free-riders. In economic terms: the "positive externality" of many people buying private protection gradually started to weigh up to the "negative externality" of those that did not: the degree to which protection was interpreted depended not so much on the externality of the threat as such, but on the client's position within the protective chain or network, i.e. just as a protected businessman's could be genuinely protected, this could very well stand next to a new entrant's extortion (Gambetta, 1993: 32). In the end, this tight relationship between customers and suppliers of

153 One crucial effect of the abolishment of feudalism in Sicily, for example, was the transformation of land into a tradable commodity: between 1812 and 1860, the number of large landowners rocketed from 2.000 to 20.000; between 1860 and 1900, the number of hectares in private hands increased from 250.000 to 650.000. This led in turn to a degree of mobility, negotiation and tension that was unthinkable under the '*ancien régime*' – very similar to the period of political "transition" in the DR Congo: Gambetta (1993); see also Blok (1973) and Dickie (2004).

154 Some space needs to be given here to Collier's argument that unemployed youngsters in Africa provide an important recruitment base for this continent's rebel movements – which is not to say, that their motivations could be limited to "greed, not grievance" (see also Richards, 1996).

private protection also forced the rebel movement not to push its protection price too far, because otherwise “they would soon lack the very matter from which to steal.” (*Ibidem*) As will be explained under the next point, the Congolese rebels of Beni-Lubero were constantly thorn between their hunger for financial resources and their need to find a viable customer for their offered “protection”. While on the one hand, they were in constant need for cash – to run their operations, pay their recruits, and finance their struggle – they also needed the businessmen to continue their transactions in order to levy “taxes”. It is this fragile balance, between “tax” payers and “taxing” agents, between customers and suppliers, between businessmen and rebels, which will be discussed in the next paragraphs.

6.2. The organization of protection

The origin of the pact between businessmen and rebels in Beni-Lubero allegedly was a meeting, somewhere in 1999, between the local branch of the Congolese employers association (FEC), the state administration, and the vice-governor of North Kivu Kaysavira Mbake. The latter also happened to be in charge of economic affairs¹⁵⁵. That day, the vice-governor gathered the directors of the state services concerned with economic issues (DGRAD, OFIDA, OCC and DGC) in the meeting room of the FEC. The choice of this location was symbolic: it suggested at least a preliminary consultation between the rebel leadership and the FEC about the content of the meeting, if not an understanding about the joint interest of their coming together. The purpose of the invitation would soon become clear once the vice-governor initiated his speech. In front of the entire economic administration, he announced that taxes for imports would from now on be substantially lowered, and that imports would be taxed not *ad valorem* but according to a fixed set of rights. Below is a table of import rights under the RCD-ML compared with the previous tax regime under Laurent-Désiré Kabila (1996-1997).

Table 1: tax regimes for imports and exports

Nature of goods	Estimated value	regime RCD-ML (1999-2003)	Regime L-D Kabila (1996-1997)
CNR 20' printed cloth	63.000 \$	8.000 \$	35,6 %
CNR 20' various goods (Indonesia, Thailand)	40.000 \$	4.000 \$	35,6 %
CNR 20' various goods (UAE, China)	20-30.000 \$	3.000 \$	24,3-35,6 %
CNR 20' fripperies	12.5-20.000 \$	2.500 \$	24,3 %

Source: OFIDA

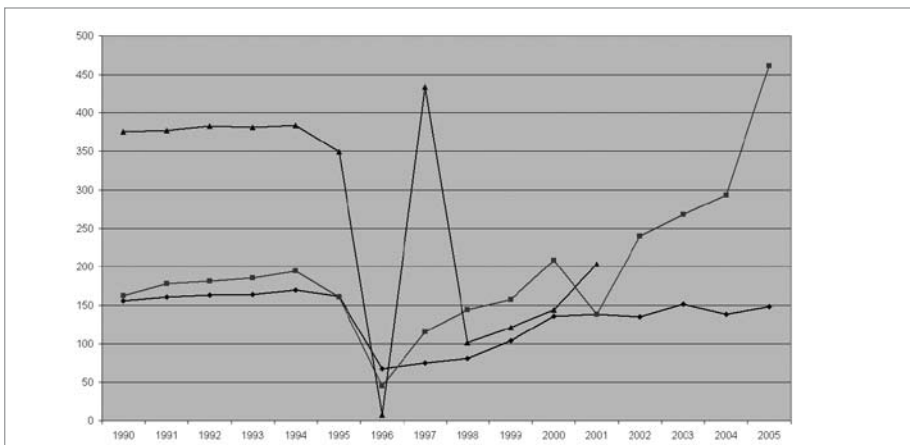
As can be read from the table, the new regime involved a considerable change with regard to the previous one: if one considers only the containers of printed cloths,

155 The following account is based on interviews with several anonymous administrators that claimed to have attended this meeting in 1999. For obvious reasons of security, this study will not mention their names or their administrative positions.

importers saved at least 64 percent less in tax duties on their estimated value. For various goods coming from Indonesia and Thailand, the benefit was even higher: 71 percent (or 10.240 \$) less in tax duties. This new arrangement between rebels and businessmen in Beni-Lubero naturally also yielded substantial profits for the businessmen. Table 2 below shows that in 1999 and 2000, there was a quick rise in imports at the Kasindi border post, which continued to increase until 2003 (the year the new Congolese government was inaugurated: cf. *infra*). The number of containers imported at Kasindi augmented with 28 percent between 1998 and 1999, and with 30 percent between 1999 and 2000, a total of 58 percent. Between 1996 (the outbreak of the first Congolese war) and 2000, this number even doubled. At the inauguration of the transitional government in 2003, Kasindi handled 2.25 times more containers than in 1996. Similarly, the number of vehicles (other than containers) grew 4.6 times between 1996 and 2000, and six times between 1996 and 2003. Petroleum imports finally doubled between 1998 and 2001¹⁵⁶. During this entire period (1999-2003), monthly imports of vehicles and containers followed a similar trend, and were highly dependent on security conditions on the Ugandan-Congolese frontier.

The actual pre-financing system, through which the businessmen paid advances in tax payments in return for the rebels' protection, became only fully operational from in 2000-2001. Before the actual system became operational, at least three other arrangements were put into practice that served as a precedent for what was to become an increasingly institutionalized form of private protection. These taxation arrangements always concerned taxes on imports, which continued to form the core of the rebels' "protection for sale".

Table 2: Beni-Lubero imports



¹⁵⁶ It should be noted that the temporary peak of petroleum imports in 1997 (see table) resulted from the quick entry of stocks that had been blocked during the Kabila war: Mirembe (2005: 143).

Initially, the lower taxes on imports were combined with a system of technical notes (*notes techniques*). These were usually simple handwritten notes from the part of a complicit official, who declared to have received a determined sum from so-and-so in the name of the finance commissariat for the import of these or those goods. It usually also mentioned the tax percentage that was applied to this import (50% or less), mentioning both the dates and the sums received. An example of such technical note is given in annex A.

The procedure usually worked as such¹⁵⁷: initially, the trader would approach the tax administration (usually through one of his “friends”) and ask him for an appointment. Once a date for the appointment was set, the trader would enter the conversation by complaining about the level of taxes – which were always considered too high – and finally made his own counter-offer. If the agent was willing, he accepted the offer and contacted in turn an agent at the border to inform him about the exemption¹⁵⁸. Together with this *laisser-passer*, the imported goods would then be escorted by the military to the trader’s warehouse, where the affair was concluded¹⁵⁹. Technically, the taxing agents at the border constituted a way for the rebels to maintain a grip on the businessmen’s activities. In reality, however, this was not the case: during the war, several businessmen (amongst whom the “G8”) erected their own taxing agencies, a measure that was made possible through a slight reinterpretation of the OFIDA’s operative structure: being a “para-statal” company, the *Office des Douanes et Assises*’ officially realizes duties for the state, from which it gets a percentage for its own functioning and administration. This includes the operation of offices in Beni, Kasindi and Butembo. Several smaller agencies operating under the umbrella of the state officially had to report to these offices. But since this umbrella had fallen away, many of these agencies started to operate independently for the benefit of the traders¹⁶⁰.

A second system consisted of the *décharge spéciale* (special discharge). Through this system, a trader – usually with close connections to the rebels’ finance department – obtained the temporary right to discharge his imports at a favourable tariff. The order was usually written and signed personally by the president of the finance

157 The following information comes from conversations with several administrators in the region of Beni-Lubero in February and October 2006.

158 In the contrary case, direct treats and intimidations were often exercised on the agent, sometimes with physical damage as a result. Some businessmen reportedly had their own militias to threaten state agents.

159 To be complete, this system was not fully secured either. Things could always go wrong: an individual officer that was not informed about the agreement, a renegade soldier that wanted to skim off some profits of his own, Mayi Mayi militias that blocked the road... All this meant that businessmen were confronted with a continuing insecurity, against which political measures were needed.

160 One might even argue that this parastatal structure was deliberately chosen by Mobutu at the time to ‘divide-and-rule’ over his subjects (De Herdt and Marysse, 1996; see also Bayart, 1999). Whatever the motivation of this privatization measure, the decentralization of the public sphere during the time of rebellion resulted in new opportunities for non-state actors to assume certain state-like or public functions. I will return to this theoretical note in the general conclusions.

department. It mentioned the sum paid by the businessmen to the public official, the letter of the finance department that cleared the way for this special measure as well as the number of containers or goods this measure applied to. An example of such a document is in annex B.

Note that on the presented document, the president of the FEC acts as an intermediary for the respective administration. The president declares having received from businessman X the sum of \$16.000 for the clearing of two containers. This demonstrates a far stronger affiliation between rebels and businessmen than has hitherto been assumed. Nevertheless, the weight of this letter should not be overestimated. The president that signed the letter only held his post for a very short time, and the special discharge usually applied for a period no longer than was required for the clearing and discharge of imported goods. This temporary arrangement became more systematic however, once the businessman in question started to “sell” his right to a number of his personal contacts and friends¹⁶¹. Benefiting from his connection to the finance department, the businessman could for example choose to contact a number of his friends or family members and propose them to make use of his personal customs agreement, i.e. to “piggy-back” on his arrangement. The other traders then would charge their own goods into the businessman’s container, to subsequently clear their goods under the same favourable conditions, usually in return for a certain “commission”.

At a certain point, this latter system became so widespread that the rebel movement had to invent a third system of special discharges, which consisted of the partial exemption of taxes. This meant that duties were paid in advance (naturally for a reduced price) by a determined group of businessmen and for a determined set of imports. These imports were usually accompanied by a letter signed by a public official from the finance department, which motivated the department’s decision to grant these exemptions, and detailed the origin and owner(s) of the imported goods. The motivation usually referred to a particular emergency, which caused the department to reduce tariffs – such as a gap in the treasury or the urgent need for cash from the part of the rebels (“*compte tenu des urgences...*”). Another distinguishing feature was that these partial exemptions usually involved far greater reductions than was the case under the ‘*note technique*’ or the ‘*décharge spéciale*’. In the document provided in annex C, the exemption amounted to 85% (or 15% of normal tax duties).

The exemption document clearly indicates how the pre-financing system gradually acquired a more systemic character as it evolved over time. In fact, this latter measure

161 This system could also be called ‘piggy-backing’: initially referring to a method of transportation in which truck trailers are carried on trains, or cars on specially designed trucks, ‘piggy-backing’ gradually took the second meaning of a clandestine tapping into another’s connection with a public utility (like for example wireless internet connections): Webster’s New Millennium Dictionary of English, Preview Edition (v 0.9.6). Retrieved November 03, 2006, from Dictionary.com website: <http://dictionary.reference.com/browse/piggy-backing>.

was nothing more than an adaptation of the rebel administration to the widespread practice of piggy-backing by Butembo's cross-border traders: by assigning names to the different beneficiaries, the rebels hoped to diminish this clandestine evasion. The pre-financing system as such ultimately consisted of a specific agreement, or contract, between an individual businessman and the rebel movement to accord the latter a financial loan. The contract usually consisted of a standard text in which the "creditor" (the businessman) agreed to borrow the "debtor" (the rebel movement) a certain amount of money to be compensated by the reduced or non-payment of import taxes. These compensations could take different forms, going from a total exemption to a considerable reduction of customs duties (for example of 70%) for a theoretically unlimited period and including all customs duties: DGRAD, OFIDA, OCC, and DGC. Finally, it was established that all eventual disputes that could emerge from this agreement would initially be resolved amicably. In case of failure, the creditor could refer to the local judiciary to claim his rights. An example of such creditor contract is given in annex D.

To conclude, the agreement between businessmen and rebels in Beni-Lubero definitely made "protection for sale" as described by Helpman and Grossman (1994). The costs and benefits analysis of Butembo's businessmen in front of the occupying rebellion had led to a particular political arrangement, in which the latter promised to offer a reduction of taxes in return for the businessmen's continuation of their activities. The original meeting between the "state" (in the form of the economic administration), the rebels and the entrepreneurs in the offices of the local business association in Butembo had formed the start of a peculiar tax arrangement that evolved from a simple technical note to fully institutionalized back payments or loans from the businessmen to the rebels. It should be clear by now that this arrangement did not solely involve tax payments, but actually comprised a far-reaching agreement on the organization of protection in this rebel-occupied zone. In a situation where the trust and collaboration between the Congolese state and entrepreneurs in Butembo – but increasingly also between the entrepreneurs themselves – had reached bottom levels, the protection contract offered by the rebels offered a welcome invitation to the businessmen to continue their transborder trading activities, while simultaneously providing a guarantee of trust between the pre-financing partners whose names figured on the rebels' documents. It involved a "pluralistic" regulatory arrangement, which drew at once from state and non-state practices, and which aimed at regulating the transborder commercial activities that formed the core of Butembo's "capitalist" economic development¹⁶². Let me explain this in a few words.

On the one hand, the agreement was based on a juridical or "legal" text, which shared the same epistemological basis as that of the post-colonial nation-state –

162 An interesting parallel can be drawn here with legal anthropology, and in particular with Sally Falk Moore's concept of the "semi-autonomous social field" (1978), which can generate certain rules, customs and symbols internally, but is also vulnerable to the rules and decisions emanating from the larger legal practice by which it is surrounded: quoted in Cuvelier (2004).

while simultaneously adapting it to an increasingly “informal” economic and political environment¹⁶³. The amicable solution that was proposed in the contract in case of mutual disputes, for example, was put into practice by an “informal” committee of Wise Men (*comité des sages*) that held office in the same FEC building where the protection agreement between rebels and businessmen had been decided. It is very probable that this committee originated in turn in the secret courts and conflict regulation mechanisms that had been observed two decades earlier by Vwakyankazi in the nearby Nande towns of Kayna and Kanyabayonga, and whose prime role was to settle disputes between business partners. According to Vwakyankazi (1982), these business courts proved that trust remained essential in any business undertaking, especially when the high frequency of contact as well as the continuing uncertainty about the solvability of commercial clients was not being backed by an official sanctioning framework. At the same time, however, the use of the state’s institutions and codification would later become of particular use for the Butembo’s entrepreneurs once the Congolese state – in the form of a “transitional” national government – returned to the scene as a legal arbiter in economic and political affairs: in fact it could be used to re-assert certain claims that had been neglected during the time of political rebellion¹⁶⁴. While this is not to claim that Butembo’s entrepreneurs disposed of a crystal ball of any kind, their simultaneous use of “informal” and “formal” regulatory practices illustrated quite clearly the essentially “bifurcated” character of the Congolese post-colonial regime (Mamdani, 1996), which increasingly combined “modern” and “traditional” forms of government to exercise power over a diverse range of social domains. The crucial difference was that it was now being applied not by Zairian or Congolese “state” agents, but by private non-state actors.

On the other hand, the “new” regulatory practice that emerged from this pre-financing agreement was also deeply embedded in a dense network of social relations that increasingly started to determine its scope and character. If defined in purely (neo-) institutional(ist) terms, the pre-financing arrangement that had been concluded in 1999 originated first of all in the “strategic” interaction between the entrepreneurs and the rebels, whose “outcome function” was determined foremost by profit maximization in terms of money and taxes¹⁶⁵. As cooperation ensued, the “game form” or mechanism of cooperation gradually institutionalized, meaning that it reflected a largely self-sustaining system of “shared beliefs” about the way in which this particular game – i.e. of private protection – was to be played. To a certain extent, this was also reflected in local popular discourse. By 2001, it was fair to say that the pre-financing system had become fully integrated as a local “game form”. The concept *‘pré-financement’* repeatedly showed up in public documents and discourses, and was commonly used in Butembo’s streets by vendors and “G8” businessmen alike. This new terminology could build in turn upon the rich and

163 As I indicated before, the term “informal” proves less and less useful in such contexts of hybrid regulatory practices.

164 I will return to this issue in chapter nine.

165 For a discussion, see introduction, and Hurwicz (1993, 1996) and Aoki (2001).

colourful language of Congo's "informal" economy, which had already conquered the mental landscape during the previous two decades. To the insider, this also appeared logical: in a situation where the Congolese state had been completely "destructured" (Mirembe, 2005), where administrators were either underpaid or often not paid at all, and where violence had become an increasingly legitimated way of forcing access to economic resources, the practice of offering money for protection gradually became integrated as an alternative way to sharing the spoils of Kivu's regionalized political economy. At the same time, however, it has to be noted that this new game form also formed a partly response at resolving *internal* struggles. The rebel leadership, on the one hand, were confronted with continuing threats from both the outside and inside world against their administrative power, a dynamic that fostered a deepening internal fragmentation process. On the other hand, the businessmen's "trust network" was increasingly confronted with social dysfunctions as a result of the ongoing political and economic crisis. Since trust between network members could no longer be ensured by community pressure alone, the regulation of their transborder trade increasingly required the imposition of a "neutral" third party, which was gradually embodied in this new regulatory mechanism. With some care, one could even say that the rebels gradually took up the role of a "lame Leviathan"¹⁶⁶, which acted as a weak replacement of the predatory post-colonial state structure the entrepreneurs had always refuted, but which would be kept weak enough not interfere in their main "outcome function" of maximizing their profits.

In the end, therefore, it was the businessmen that benefited most from this agreement of "mutual protection". As a former public officer recalls: "the 'friends' of the rebellion decide[d] themselves what to pay in terms of taxes...: because they dictate, they also benefit. Although the politicians take advantage of (...) economic competition [between the traders], their continuous financial troubles ultimately make them dependent on the monopolists' favourable commercial position."¹⁶⁷ Another administrator explained this as follows: "With the system of pre-financing, the politicians ultimately became the losing party... When traders came to meet a public official, their phrase always was: '*Munapenda nini?*': 'How much do you want?' In the end, the traders and politicians arranged tax payments among themselves: the former met up with their relative civil servants and discussed duties during times of crisis [i.e. when taxes were low]. Once the price was set, there was no going back... When some civil servants started to complain about this state of affairs, the merchants used their political connections to launch intimidations, and in some cases even direct threats against the servants. At a certain point we arrived at a situation where the customs treasury had been completely emptied (...) I think this has been the reason for their [the rebels'] failure. By weakening the state and being interested only in quick gain, they have blocked every investment in this region."¹⁶⁸ In hindsight, therefore, the organization of protection in Butembo thus

166 For a discussion of this concept, see Callaghy (1987).

167 Conversation with former public officer, Beni, May 2003: quoted in Raeymaekers (2004).

168 Interview with civil servant, Beni, 5 February 2006.

appeared like a kind of “warlordism-in-reverse”: while the rebels had initiated the pre-financing model to pay for the maintenance of their political stronghold (and probably also to increase their local legitimacy), the businessmen gradually took control of this operation by building on their existing network of social relations, and extending it to the political field. This ultimately led to a situation where the traders, not the military, were giving orders from the field¹⁶⁹. Through their different network connections, they could continue to influence the administrative apparatus in such a way that it always turned out to their own commercial benefit, and eventually *legitimated* them as local village “lords”. Whether asking administrative workers, religious or political leaders, or even the RCD-ML military, the dominant view from 2001 onwards was that in reality, it was the businessmen that “ruled” Butembo – be it or not in communication with other governance stakeholders such as the local Catholic and Protestant Churches. In the meanwhile, the rebel leadership continued to be hampered by “weak” statehood – trapped as it was in its position as a lame Leviathan, and not being able to overcome its precarious financial position. As a former member of Mbusa’s Presidential Protection Unit put it: “We were essentially a weak state. We didn’t have any budget, so the money earned from tax duties was immediately used... As an official, you only observed the entry and exit of goods [(in)to] the region. You were a minister only in title, but not in real terms (*“vous étiez un ministre de titre, mais pas de faite”*). We were obliged to create a favourable climate for the merchants, because they were the only ones which we were left.”¹⁷⁰

6.3. New Sovereigns?

The previous argument shows how the Nande “trust network” – from being an essentially segmented and auto-regulative trading network – gradually evolved into a recognized “regulatory” authority in the region of Beni-Lubero. The question remains, however, if this regulatory practice automatically makes Butembo’s traders into a new “sovereign” party. According to Janet Roitman (1998; 2001), the often ambiguous relation that exists between state and non-state agents in the regulation of economic activity on the Central African “frontier” shows that they continue to be inscribed in the same logical or epistemological order as that of the nation-state. The point Roitman makes is that it is not useful to proclaim the demise of the nation-state in the face of such sub-and transnational networks of wealth and power, since it is often the state itself that stands at the heart of these proliferating trans- and international networks. In other words, what we are dealing with is not simply an embodiment of “societies against the state” (Clastres, 1974), but rather a questioning of the “intelligibility” of the fiscal relationship as it has been hitherto exercised by the state. By questioning this legitimacy, such alternative regulation

169 A former servant in the RCD-ML administration confirmed this view with the following statement: “while [the RCD-ML] theoretically maintained the administrative hierarchy, in practice this meant nothing. On the contrary, here it is the agent in the field that gives out orders to the higher officials.”

170 Collective interview with PPU members, 5 February 2006.

mechanisms can ultimately become legitimated as an alternative to state power, since they essentially relate to the efficacy of the historical form of the “statist” political order that can no longer be assured. Thus, Roitman concludes: “the disagreement over the intelligibility of regulatory power and fiscal relations goes to the heart of the problem of power by questioning the modes of classification and standards of evaluation that give order to hierarchies of value and establish the logics of practice.” (Roitman, 2005: 8) This latest claim nonetheless reveals some ambiguity in Roitman’s argument, as she does not resolve the fundamental difference between “sovereignty” and “authority”. While acknowledging that the emergence of transborder regulatory networks can constitute a “pluralizing moment” (Connolly 1996) – meaning that the possibilities for reinterpretation of given relations give rise to novel or modified ones – she nonetheless continues to neglect the *sovereign* power of these signifying structures, by taking the agency-focused view of sovereignty at face value. Let me explain this in a few words.

The inspiration for Roitman’s claim comes from Michel Foucault, and particularly from his idea of “governmentality” (Foucault, 1991)¹⁷¹. In a series of well-acclaimed lectures, he argues that two centuries after the French revolution, we “have not yet cut off the king’s head” (Rose and Miller, 1992). Political thought continues to be influenced to a great extent by the knowledges and ‘know how’ about government, the means by which it was to be exercised, and the nature of the populations that ought to be governed – all of which are deeply entrenched in ideas of “absolutist” state rule. Foucault suggested – as many others after him – that we might be overvaluing the problem of the state, seeing it either as “the coldest of all monsters” (Nietzsche), or as a defensive assertion of how power is to be exercised in a given social domain. What is really at stake, however, is not the state’s domination over society, but the “governmentalization” of the state – meaning the diverse technologies and epistemologies by which the state relates and mediates with entities that are regarded as “political”.

Two decades after Foucault’s claim, however, it seems that the king’s head is still stiffly standing on his shoulders. The question that occupies most political thinkers today is that of the association of statehood with sovereignty, i.e. if governmental statehood necessarily has to be sovereign, and if sovereignty in turn needs to be confined to territorial nation-states. However, as I argued in the beginning of this study, this might not be an entirely adequate question to ask, since at least the theoretical association of sovereignty with modern nation-statehood might be a partially accidental one: in fact both dimensions of this question have been amply contradicted by history¹⁷². Furthermore, governmentality increasingly loses its power

171 The scope of this study does not permit to explore this argument much further. For a detailed discussion, see Roitman (1998; 2001; 2005).

172 On the one hand, anthropology has numerous examples of sovereignty being associated with other forms of political power, including that of customary chiefs and clan elders. On the other hand, the deprivation of empirical statehood of several post-colonial African states is a known phenomenon too (Jackson and Rosberg, 1982).

as an explanation once the state's language and technologies are gradually integrated and redefined by the same non-state social forces it tries to incorporate. As the previous discussion illustrates, the discussion of how to regulate Butembo's cross-border economic exchange eventually came to occupy a large segment of Congo's "frontier" population; the conquering of the state's regulatory power by Butembo's businessmen eventually would also alter the political equilibrium that had existed in this governmental arena during much of the post-colonial era. By drawing at once from "state" and "non-state" logical frameworks, the presumably "novel" regulatory framework for economic transactions clearly reflected the enduring "triangle" of protection that had existed between Butembo's prime political and religious stakeholders. At the same time, it also reflected the non-territorial nature of Nande political society, which could best be compared to a series of interconnected and autonomous political "chiefdoms" (Remotti, 1993). As in traditional Nande society, the connection between political subjects continued to be organized not along territorial lines, but through a vast path of network of tributes that made it possible to individuate particular links between clans and individuals.

Ultimately, the evolution outlined above again confirms the idea that sovereignty is not an attribute of agents ("king and parliament") but of *structures* (bodies of law or webs of codes), which makes that both the state and a diverse range of non-state actors can be central to governance practice. When we understand sovereignty like this, namely as the "bodies of relations that effectively structure practices and agency in a given area of social life" (Latham, 2000: 3), it becomes possible to regard these new regulatory authorities as sovereign – insofar as they reflect the "*enduring structure of governance and rule*" in that specific social domain (Benjamin and Duvall, 1985: 25). The question of sovereignty, then, becomes not only one of who directs resources to whom, who maintains a monopoly on violence, or who has authority or "legitimate power" over what subjects, but of *what* it is exactly that sets the rules in society. This means that one has to distinguish rather clearly between the exercise of (agency-based) authority and (structure-based) sovereignty in a given social domain: while authority can be discerned as "the ability to place action, and practices, into a meaningful [sovereign] social frame or context" (Latham, 2000: 7), sovereignty derives from the body of rules and relations that structure these practices in a given field. It is held in the *marriage* between agent and structure, which in turn should be a reflexion of the body of rules and relations that give this marriage both its foundation and meaning.

The previous definition ultimately provides for the possibility to overcome the hampering state/non-state, formal/informal dichotomies one often encounters in the analysis of contemporary complexes of power in Africa and elsewhere. In fact, it teaches us to move beyond simple 'either/or' logics (formal *or* informal, the state *or* society), while at the same time maintaining the potential to study far looser and more thinly coded systems of rule than those we commonly identify with the late-modern European nation-state. As a result, it becomes possible to conceive of diverse "overlapping networks of power" (Held, 1995) which simultaneously conflict and intersect, but all of which try to assert their authority over the same social domains

that are traditionally connected to “sovereign” national statehood. Rather than analyzing the “governmentality” of the state (or, for that matter, the “incorporation” of the state by society), the greatest challenge to the social scientist nowadays is to search for the analytical tools that enable him to “map” these relevant forms of cooperation and conflict produced by a variety of types of agents, and which are involved in constructing and maintaining social sovereignties over different social domains (Latham, 2000: 13). The general lesson of this theorem, is that states need not be the only site for this broad-based governance, but that such sites can equally emerge around the rules, laws, institutions and customs of relatively self-governing groups living either within or across existing state boundaries. How such “governance without government” can potentially emerge, I will try to explain in the following chapter.

CHAPTER SEVEN

GOVERNANCE WITHOUT GOVERNMENT

Introduction: The Triangle of Protection

The previous chapter illustrated how Butembo's entrepreneurs progressively became involved as a regulatory authority on the Congo-Uganda frontier. From traders "at the margins of the law" (MacGaffey and Bazenguissa-Ganga, 2000), they had become lawmakers themselves, gradually moving centre stage in the local political decision-making process. To explain this process, this study hitherto concentrated on the organization of local "protection". In empirical terms, this meant analyzing foremost the private protection agreement that had been concluded between the traders and the RCD-ML rebel movement during the second Congo war, an instance that was explained in the light of the rebels' "protection for sale": if the RCD-ML sought to assure itself of an economic backing to maintain its military stronghold, the business community primarily wanted to ensure its physical protection during these times of political and economic crisis. As was hopefully made clear, the outcome of this negotiation process was highly predetermined by the domination of this powerful commercial elite over the somehow "novel" political actor that attempted to claim its authority over regional transborder commerce. Through its web of "embedded" social relations, the trust network of transborder traders gradually succeeded in imposing its sovereign power over this socio-economic domain as an increasingly *legitimated* regulatory authority¹⁷³.

More striking even, was that this new sovereign authority created certain levy effects that could be defined as the performance of "state" functions. One of these functions arguably was the provision of a (relative) sense of security – which was demonstrated in part by the relatively lower levels of violence in comparison to the surrounding regions of Ituri and Masisi in particular¹⁷⁴. Another effect was the distribution of certain "public" goods to the local population – demonstrated amongst others in the provision of electricity, the maintenance of roads and the protection of local markets.

173 Sovereignty was explained here as the "bodies of relations that effectively structure practices and agency in a given area of social life" (Latham, 2000). This theoretical position differs slightly from Roitman (1998; 2001; 2005), who makes a different distinction between sovereignty and authority (cf. *supra*).

174 As has been repeated numerous times, the situation in Ituri and Masisi was notably more insecure than in Beni-Lubero, with respectively a quasi-genocide carried out against the Lendu population (Ituri), and continuous inter-communal strife in the remote areas of Masisi.

To summarize, there were increasing signs of “governmental” activity in this rebel-occupied zone at a time when the rest of eastern Congo seemed to be suffering from continuous insecurity and devastation.

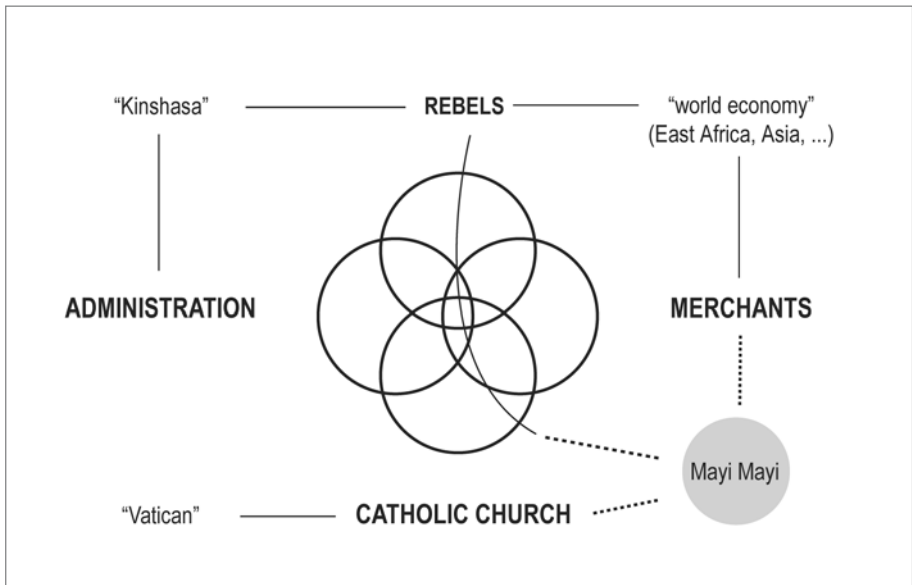
In the context of this study, governance is defined as “the administration of access to and provision of rights, services and goods” (Eckert et al. 2005)¹⁷⁵. The inspiration for this definition comes from Ken Menkhaus, and in particular from his observations about “governance without government” in African zones of state collapse. Writing on the Kenya-Somalia border area, he refers to often “hybrid” arrangements that combine both “traditional” and “modern” forms of governance which invariably sprout from contemporary forms of risk management. The local communities’ quest for security provides for these arrangements, which are often messy, ad hoc, informal, constantly renegotiated, and prone to setbacks, but are nonetheless providing large numbers of people a modicum of security and rule of law where the state cannot or will not.” (Menkhaus, 2006) In that respect, these new security arrangements certainly merit closer scrutiny from political scientists. Another source of inspiration comes from Klute’s and von Trotha’s (2004) definition of “para-statehood”, or “para-sovereignty” – i.e. a situation in which “social and political centres of power and relevant nongovernmental groups have taken over part of the rights of sovereignty of the central authority or of the recognized, i.e. formal, and therefore mostly legally sanctioned duties in the core area of state administration.” This process proceeds as a kind of “expropriation procedure” of state sovereignty by groups and organization that are in direct competition with the state and its administration, and occurs by means of an “informal decentralisation” and “privatisation”. At the heart of this procedure are the power groups of the colonial and postcolonial “intermediary” – i.e. the administrative chieftaincy as well as non-governmental organizations (NGOs), but also – as we will see – other powerful actors that have taken the opportunity of this “informal decentralisation” to progressively start performing state-like functions.

Two questions nonetheless arise with regard to these “informal” governance arrangements. One concerns their capacity at group and communal representation. As indicated by Kassimir (2001), the relationship between governance and representation should essentially be regarded a dialectical one: on the one hand, leaders of non-state organizations try to influence others *on behalf of* a particular identity or group, an exercise that automatically gives rise to different questions about authority and legitimacy. On the other hand, they also have to maintain the exercise of authority *within* their organization or group – a problem that relates

175 This definition is not to be confounded with Rosenau, who primarily looks at international governance, and does this in terms of “intersubjective meanings”, which refer in turn to “activities backed by shared goals that may or may not derive from legal and formally prescribed formalities.” (1992: 4) Neither should it be seen in tandem with Hyden, who looks at governance as a systemic quality of certain political systems (governance “refers to that aspect of politics that aims to formulate and manage the rule of the political arena in which state and civil society actors operate and interact to make authoritative decisions. In more operational terms, governance refers to those measures that involve setting the rules for the exercise of power and settling conflicts over such rules”: Hyden, 1992; see also Introduction).

to the maintenance of internal trust and cohesion. These problems were partly discussed in the previous chapters. A second point, which will be touched upon here, is that these non-state organizations are often connected in various ways to the state and to global forces: however messy and illiberal they might be, the various polities that emerge in such trans-local contexts need to foster essential links with the global economy “as a means of self-provisioning and realisation.” (Duffield, 2001: 13-14) Robert Latham uses the term of “trans-territorial deployments” to designate these growing local-global connections of governance (Callaghy, Kassimir and Latham, 2001). One example of such “trans-territorial deployment” is that of the Congolese Catholic Church¹⁷⁶: while, on the one hand, it continues to form part of a transnational religious institution, with its predetermined hierarchy, mission and aims, on the other hand it also became increasingly implicated in the maintenance and (re)negotiation of local political “order” during this period of civil war. At times, this included taking decisions of a political and military nature. The rebels, for their part, also continued to depend in part on their military backers in Uganda – although “proxy” warfare is probably too strong a term to define the rather loose hierarchical relationship with the Ugandan regime. From 2001-2002 onwards, this relationship was also progressively exchanged for an alliance with the government Kinshasa, in which Mbusa Nyamwisi hoped to conquer a future position for himself and his collaborators (cf. supra). Finally, Butembo’s businessmen themselves also continued to engage in various ways with the global economy, primarily as intermediaries between sub-national and transnational economic (and increasingly also political) arenas. Their simultaneous role as commercial and political “power brokers” ultimately placed them at the political epicentre of this emerging transnational political “order”, the fragile equilibrium could be drawn up as such:

176 The role of the Catholic Church in Congo, and Butembo in particular, has been an interesting one, and certainly merits further scrutiny from the part of social scientists. On the one hand, it has remained seriously engaged in the condemnation of military occupation and human rights abuses, notably through its ‘*Commission Justice et Paix*’. On the other hand, it also evolved into a powerful national political actor, influencing decisions on military and political deployments. One instance of such “trans-territorial deployment” was the international peace symposium, held in February-March 2001 in Butembo under the auspices of bishop Melchisedech (cf. chapter five). The participants of this meeting, which included international observers from all over the world, demanded amongst others for the withdrawal of foreign troops, and denounced the many “massacres, killings” and “plundering of the DRC’s wealth” by these troops and Congolese militias (Human Rights watch, 2003). The meeting also served to introduce the political platform of the FLC, headed by Jean-Pierre Bemba and including all north-eastern Congolese militias (RCD-ML, RCD-N and MLC). While Bemba apologized for “mistakes, atrocities, crimes and pillages” committed by his rebel soldiers, he apparently was offered political rule over Beni-Lubero “on a silver plate” (conversation with Church leader: see chapter five). However, his arrogance and unwillingness to share power with other local leaders eventually made the bishop turn against him. When in October 2002 and January 2003, Bemba tried to re-conquer Beni-Lubero with the help of the RCD-N in an operation called “*Effacer le Tableau*”, he was highly condemned by the local Catholic Church: through the Missionary media service MISNA, bishop Melchisedech branded his militia as “cannibals” – accusing them of eating their victims. This accusation was nonetheless refuted later by some of the victims themselves. For an interesting discussion of the role of the Church in political change in the DR Congo, see Boyle (1992). For a general discussion, see Kassimir (2001), and Hoerber and Piscatori (1997).



In the following paragraphs, this equilibrium will be discussed in greater detail. The analysis will start as usual from the question of how specifically this equilibrium “worked”: i.e. what were the in and outs of local governance activities, taking account of each actor’s transnational deployments in the political and economic sphere. The present discussion will also focus primarily on the role of Butembo’s commercial entrepreneurs. This is not to disregard other transnational actors such as the Catholic Church and “non-governmental” aid organizations in this local governance process. Given the current scope of this study, however, the role of these organizations will be discussed only insofar as they intersect with the businessmen’s role as political power brokers. The businessmen’s participation in this governance framework will be discussed from two specific perspectives: first with regard to their “lobbying” activities (i.e. the political jostling and influencing of the ongoing decision-making process), and secondly as administrators and providers of “public” goods. Let me explain this in greater detail.

7.1. Security for Sale

In the previous chapter, it was explained how the cross-border economy between Congo and Uganda served as a meeting point between rebel politicians and Butembo’s economic entrepreneurs. On the one hand, the entrepreneurs engaged in a certain “risk management”, which was based on the calculation of costs and benefits of their estimated welfare derived from the politicians’ announced trade policies; these estimations were weighed in turn against the expected losses the rebellion would have on society and their activities at large. The politicians, on

the other hand, were motivated primarily by a struggle between “taxes and rents” – i.e. they had to choose between exploitative and authoritative ways to extract resources from the productive members of society. While they needed the rents to maintain their military stronghold, they could not push their exploitation of the productive members of society too far if they did not want to lose the very matter from which to steal. That said, it would be reasonable to presume that the producers of wealth (*in casu* the entrepreneurs) would be better off with a rebel that collected more taxes than necessary if this would presume financing public services, than they would be in “anarchic” situations – i.e. where their wealth could be extracted by just about anybody in an at random way (see also: Roitman, 1998). Vice versa, the extractors of wealth (*in casu* the rebels) would probably be better off with a monopolistic production of social services (such as the provision of electricity, or the maintenance of the road system) than with no services at all, because in the end, this “privatized” social service provision could be expected to benefit their own legitimacy (see Grossman, 1997). This simple economic model serves as a good basis for understanding the continuous mutual jostling between rebels and entrepreneurs to influence the ongoing decision-making process. However, it was clear that social relations rather than rational risk calculation would largely determine the outcome of this process of “security for sale”.

The first way in which entrepreneurs tried to influence the political decision-making process was by influencing the appointment of Butembo’s mayors¹⁷⁷. Normally, this would be a purely political affair. Nevertheless, for each decision the leader of the RCD-ML rebellion, Mbusa Nyamwisi, would call up his informal advisors and ask them their opinion. One way to influence this decision was via social relationships. Given the already strong grip of the G8 on the RCD-ML’s political leadership, this process usually turned out in favour of the businessmen. For example in 2001, when Eric Kamavu was appointed mayor of Butembo, he had been brought from the post of political executive of Vulenghera, Butembo’s central ‘*commune*’, or neighbourhood. During that period, traders increasingly started to complain about the attitude of the interim-mayor, whom increasingly appeared a “man of the Church”. The G8 therefore chose to push forward Eric Kamavu, who was well-connected to the local business community. Just like Kisoni, he had finished his veterinary studies in Lubumbashi, and he had worked on one of the big trader’s farms on the outskirts of Butembo¹⁷⁸. A similar procedure took place in 2003 when Eric Kamavu was transferred to the post of governor of ‘*Nord Kivu/bis*’¹⁷⁹. The new mayor appointed at that time, Julien Paluku Kahongia, was supported by another important “G8” trader. In each of these cases, the mayors introduced important development initiatives in Butembo with the

177 There were four mayors in Butembo during the RCD-ML rebellion and following transition period: Kambale Kambalume (2 May 2001-17 October 2001); Eric Kamavu (18 October 2001-3 March 2003); Julien Kahongya (4 March 2003-5 July 2005) and Zébedée Wabanga Singa (17 July 2005-...).

178 Interview with Butembo businessmen, October 2006.

179 Kamavu replaced governor S’ykuli Makala, who was accused of being in complicity with the RCD-Goma at the time of the Kanyabayonga war.

businessmen's support (cf. *infra*). The comment of Julien Kahongia is telling in this respect: "We had a perfect cooperation with the entrepreneurs. This was also logical: they [the businessmen] cooperate with the authority that protects them."¹⁸⁰

A Brotherhood of Friends

Another method to influence the rebels' decisions was via political "lobby groups" or organizations. An example of such organization was the '*Fraternité Internationale des Copains*' (International Brotherhood of Friends). This group comprised an important number of import-export traders that substantially influenced the rebellion's decisions. Originally, FIC had been established in 1980 by a group of young traders, most of which did not even obtain a secondary education¹⁸¹. The principal aim of this platform was financial: it comprised a micro-credit facility that was open to beginning traders from all over North Kivu – but mostly from the immediate circle of friends around the organization's founders. This credit facility in turn created a basis for business partnerships to develop: lending and borrowing between members substantially augmented group solidarity while simultaneously widening the organization's financial basis. The second aim of the organization was political, however: through business success, the "brotherhood" hoped to influence the older generation of traders into accepting that their children were able to follow them in their footsteps as independent, capitalist entrepreneurs. Through credit, they thus tried to resolve the known problem of intergenerational trust in African firms (Kennedy, 1988; see also introduction).

To resolve this problem of mistrust, the brotherhood introduced a system of "godfathers" (*'parains'*), which had to back up the credibility of candidate money lenders¹⁸². This system ran parallel to that of the business apprenticeships observed by Vwakyanakazi in the 1970s and 80s: in order to obtain access to credit, a system of apprenticeships was introduced in which a '*musoki*' (literally: chief), or '*papa*' (father), lend money to a '*fi*' (son), who gradually payed back his loan as business developed (Vwakyanakazi, 1982: 266-268). It was an important instance of balancing the need for protection on the one hand, with the desire to become an economically independent and "capitalist" operator on the other. At the same time, it also showed the crucial need for information in a context where the making of commercial decisions depended to a great extent on the knowledge of which (groups) of friends, which kin

180 Interview, Butembo October 2006.

181 The following information is based on several group interviews with the FIC executive committee in November 2005 and October 2006. These were half-open interviews that often evolved into group discussions (particularly on the relation between business and politics).

182 This decision to introduce financial backers was not entirely altruistic though, as the lack of a sanction framework had hitherto attracted a number of unscrupulous traders who did not respect the rules of the credit facility. In 1988, the executive committee decided to cancel all remaining debts with non-payers, and start again from scratch, backed this time with the more solid sanction framework of "godfathers" and clients.

and family, and which networks one could rely on. The FIC adapted this mechanism of business apprenticeships by tying it directly to organization membership: while the fund provided by the *'parain'* remained non-reimbursable, the lender had to become a member and help others in need once he proved financially able.

Finally, the International Brotherhood also came to include an *'opération bourse'*, which funded the studies of members that wanted to refine their commercial skills, or whose studies in some way or another could prove useful "for the community". This linking of business credit to intellectual capacities ultimately provided the key to the FIC's political influence. Through the *'opération bourse'*, it facilitated the promotion of a significant number of local intellectuals, who would later become important decision-makers in the sub-national and national political field – including the mayors of Butembo that were mentioned earlier in this chapter. The history of FIC, therefore, involves an important instance of active social and political capital creation that was on the one hand directed against the "fiscal terrorism" of the state, while on the other hand trying to influence its political decision-making process via the establishment of "embedded" social ties. Rather than a straight "civil society" response to the problem of underdevelopment, therefore, it involved a clear instance of political clientelism in order to overcome the central problem of mutual mistrust – a problem that continued to be situated at the heart of the local development problem. The problematic relationship between "businessmen" and "intellectuals" in Butembo would continue to determine the problem of local political order in Butembo in the years to come.

To influence the decisions of the politicians was not the same as dictating them, however. First, the intellectuals that were picked out by the businessmen also had considerable capacities to place in the balance: before being appointed as mayor, Julien Kahongya had been an assistant-administrator in Beni as well as a chief-administrator in Lubero. Eric Kamavu previously worked as the *'bourgmestre'* (local mayor) of Vulenghera, and in 2006 became the DRC's ambassador to Angola. Second, the influence of the businessmen did not automatically imply that their political clients now suddenly started operating *only* to the latter's benefit. In a true clientelist fashion, these leaders also had to take care of their own accounts in order to secure their personal well-being¹⁸³. The point is though, that through their political influence, the businessmen more or less succeeded in facilitating the coming to power of political decision-makers that were favourable to their cause. In turn, the politicians could benefit from the businessmen's network to grow quickly in the political hierarchy. Finally, the relationship between businessmen and political clients did not suffice in itself to guarantee a political balance of power. For this,

183 The local *'radio trottoir'* has been particularly active on the embezzlement activities of a certain "trio", which comprised the mayor of Butembo Julien Kahongya as well as the RCD-ML security chief in Butembo Delphin, and the city commander Akulema. One particularly documented case of embezzlement has been the organized theft, of several hundred thousand US dollars, from the Banque Internationale du Cr dit in Beni: *Les Coulisses*, n° 145, 30 novembre-20 d cembre 2004, and n° 153, 1-20 juillet 2005.

an agreement needed to be reached with the other important player on the local political scene: the Catholic Church. How this local balance of power finally was negotiated and maintained, will be discussed in the next paragraphs.

7.2. Governance without Government

Apart from political lobbying, Butembo's entrepreneurs also became involved in local "governance". The administration of public goods and services essentially took two forms: security and development. The first component concerned security. According to the FEC president, the businessmen had to compose directly with the rebellion "to ensure local security" – i.e. to make sure they were being protected¹⁸⁴. As a result, entrepreneurs continued to pay taxes "just like in a state," meaning they still regarded occupied organizations like the OFIDA, DGRAD and OCC like normal state services¹⁸⁵. This decision was important in two respects. For one, it seriously contributed to the survival of the "image" of the state – at least in institutional terms: although occupied by the rebels, state administrators continued to act in the same offices, with reference to the same hierarchy, and under the same legislation as that of the post-colonial nation-state. There were no revolutionary committees or forced abolishment of existing institutions. In this sense, war, and particularly its agent of armed rebellion, essentially represented a continuation of politics "by other means" (cf. supra: chapter five). Second, the businessmen's respect of the political hierarchy facilitated a certain *modus vivendi* between them and the rebels that would be unthought-of in case of the former's protest or unrest. Thanks to their contributions (in terms of taxes and pre-financing), the rebellion "almost secured [them] in a way (*nous sécurisait presque*)," according to the FEC president¹⁸⁶.

The security equilibrium reached in 1999 was not limited to businessmen and rebels, however. It represented a horizontal agreement that involved all important political stakeholders of local governance in Butembo, including the influential Catholic Church. The latter's participation in local governance was motivated by two decisions. On the one hand, the Church hoped to exercise a decisive influence on the administrative power of the rebel leadership through its relationship with the businessmen. It continued to regard the former with extreme suspicion, especially in tandem with their Ugandan patrons (this attitude changed slightly when the RCD-ML chose to shift its patronship to Kinshasa, although a certain animosity still remains between the RCD-ML and local civil society). By linking some of Butembo's important businessmen to its political "cause", the Church leaders hoped to counter-balance – and if necessary even overrule – some of the more unpopular decisions of the RCD-ML leadership. Notwithstanding this decision, the relationship between business and

184 Interview, October 2006 (cf. supra).

185 This did not mean that they continued to pay taxes regularly, though, as fraud was still commonplace (cf. supra: chapter six).

186 Interview, Butembo October 2006.

SENOKI

The origins of Butembo's electrification project lay in the 1970s, when a company called SOCOPLAKI operated a dam near Kisaka – at 40 km from Butembo. Lack of resources prohibited the company to make the difference, however. At that time, the Mobutu government preferred to devote its energy to the massive Inga-dam project, which theoretically had to provide 1.775 megawatts of electricity to the African continent but, due to serious mismanagement, only supplied a fraction of this. During the RCD-ML occupation, a group of Butembo's businessmen decided to meet with bishop Melchisedech and introduce a new dam at Ivua, situated at only a few km from the town's centre. Their biggest preoccupation was to restart the electrification of their enterprises, which only ran at minimum capacities due to power problems (the alternative were mostly Chinese petrol-operated micro-stations, which broke down repeatedly due to poor quality). The initial capital the businessmen invested in this project was 25.000 US\$, which had been raised by around 25 people. Abbé Malu Malu, who was the bishop's right hand in terms of practical matters (he also was the dean of the local university) contacted a number of foreign companies that could potentially be interested in this local investment. One of these candidates was 'Hydraulique Sans Frontières', a French NGO that specializes amongst others in hydro-electricity. However, because there was a war going on at that moment, they refused to start with the construction works. According to 'Hydraulique', Butembo would not get financing for this project before the next 8 years. Then a South-African appeared who worked for Dara Forest, the timber company that had already been named in relation to Uganda's "plundering" activities in the DRC (see chapter five). The man contacted another company, Cla(r)kson power, run by a certain Eric Clark and his son John. This company apparently managed to raise 3 million US\$ in 2003, with the promise to start constructing immediately. The businessmen in turn contributed another 300.000 US\$ in a joint fund called SENOKI ('Société d'Electrification du Nord Kivu').

Initially, the project appeared to run very well. Cla(r)kson Power introduced a system of electric counters, which were operated by introducing cards that could be bought from the company. Quite quickly, however, the town experienced repeated electricity breakdowns. Each time the system failed, the businessmen were asked to contribute more money so that the system could be repaired. After some reparation works, the system worked again for a few weeks, until it broke down again. Towards 2005, the businessmen's contribution was already nearing one million US\$, but the system continued breaking down at regular intervals. In the course of that year, Mr Clark disappeared from Butembo, only to reappear again in Katende (Kasaï Orientale) to reintroduce a similar project there in August (Le Potentiel, 5 August 2005).

religious leaders in Butembo continued to be an ambiguous one, particularly because of the rather outspoken religious differences between different trading 'cliques'. While some Catholic businessmen openly allied themselves to the catholic leadership (some of them even occupied ceremonial positions within the Church hierarchy), other, primarily Protestant traders either withheld from political engagement, or openly took side with the rebellion. This division would substantially weaken the power of the Church over the RCD-ML rebellion. On the other hand, however, bishop Melchisedech and his advisors were fully aware that going completely against the political current would annihilate their role as local conflict mediators and initiators

of “development”. Building on the experience of the early and mid-1990s, when a concerted assistance to Mobutu troops had somehow saved the local population from systematic plundering (cf. chapter four), Church leaders acknowledged that together with the local entrepreneurs, they were the only ones to “cover (*anéantir*) the shock” of the mounting rebellion, so they had no choice but to pull their weight¹⁸⁷. In order to rescue itself from worse, the local Catholic Church was more or less willing to conclude an indirect pact with the rebels, with the risk of losing its longstanding legitimacy towards the local population. So long as it shared this competence with other political stakeholders, it was able to live and decide on Butembo’s faith during this time of political and symbolic crisis.

The fragile “triangle of protection” that existed between Butembo’s political stakeholders (i.e. religion, politics and capital) ultimately made possible a number of development initiatives that involved the provision of certain collectively held, or “communal” goods and services, such as electricity (see box article above), transport, and education. All these initiatives resulted from the fragile but nonetheless effective collaboration between Church leaders and businessmen on the one hand, and between businessmen and the rebel administration on the other. Because of its stakes in both governance domains (i.e. development and security), the businessmen often took a leading role as promoters and executors of these collective initiatives. One of the first initiatives to be undertaken by the Catholic Church with the help of local capital, for example, was the construction of the air strip of Rughenda – Butembo’s main landing strip. This labour was initiated by bishop Kataliko with the support of Victor Ngezayo during the 1980s. The works were finalized later with the installation of the national agency Transcom (Kambale Bahwere, 2001). Another initiative was the maintenance of the local road system. In the 1980s, bishop Kataliko had already given the start sign with the construction of the road to Kyavinyonge, a fishing village on the shores of Lake Edward. During the war, the businessmen financed a number of construction works that regarded both local transportation and other social services. By way of example, they contributed to the construction of a number of bridges in and around Butembo such as Polondo, Katya, Kitulu, and Matadi, as well as the centrally located *‘Pont de la Paix’*, which technically remained a government undertaking. Besides, it occasionally contributed to the re-construction of local Catholic hospitals like Matanda, as well as a minor number of *‘centres de santé’* (health centres). The FEC also financed the construction of a number of auditoria of the local university UCG (*‘Université Catholique du Graben’*), which remained the Church’s main activity and pride. An important act remained the construction of the new city council which, as one trader that contributed to the construction works put it, had to thank Butembo’s mayors for their positive attitude towards the local entrepreneurs. Overlooking Butembo’s commercial centre, it became the symbol of collaboration between local politicians and entrepreneurs.

187 Interview with bishop’s advisor, Butembo October 2005.

'Péage Route'

A secure road system remained an indispensable asset for all local security and development stakeholders in Butembo, and this for two reasons: first it ensured the flow of local products to external markets, and second it remained a *sine qua non* for local mobility. When asked what the biggest problem was that afflicted them during the war, traders invariably responded with the lack of an adequate road system. Because of government neglect, for example, the road from Beni to Kisangani (Congo's most important inland port) had already been reduced to a cycling path during the early 1990s. Goods from North Kivu and Oriental Province were traded back and forth by '*toleka*', or bicycle travellers, who would often travel for weeks on this small road carrying 250 kilograms or more on their fortified Chinese bikes – sometimes combining it with illegal diamonds or gold¹⁸⁸. As a result of lacking roads, air transport had also tripled during the war, from 1.121 to 2.437 landings, and from 2.467.357 to 5.923.133 tonnes between 2000 and 2003, at Beni airport¹⁸⁹. Airplanes were often old Antonovs or Tupolevs that were wet-leased¹⁹⁰ from ex-Soviet operators with dubious backgrounds: these companies often combined a swift "entrepreneurial" spirit with a willingness to load every possible cargo, including arms¹⁹¹. Cargo aviation remained extremely expensive, however: until 2006, a plane would cost about 250 US\$ per hour of wet-leasing¹⁹². Lesers had to pay their hours beforehand, and in case of insolvency, the plane was immediately blocked until the requested sum had been paid. In addition, most planes were not insured, so in case of a crash (which still occur very regularly in the DR Congo¹⁹³), the leaser had to repair for all suffered losses – including the payment of passengers' funerals in case of a sudden death¹⁹⁴.

188 Interviews and observations, Beni, March 2002.

189 ENRA statistics.

190 Wetleasing includes the leasing of the aircraft's crew.

191 For example, in June 2003 MONUC reported that it had temporarily blocked an aircraft of Butembo Airlines at Beni airport, because this company was reportedly shipping arms to the FAPC in Ituri: MONUC website. That same month, the Ugandan newspaper *The Monitor* reported the arrival of 300 Congolese forces from Mbuji Mayi at Beni airport, which were carried by airplanes of UHURU airlines: *The Monitor*, 3 June 2003 (see also chapter five).

192 The leasing of airplanes usually went as such: initially, a trader would propose a regular amount of goods to be transported by an existing company: he was a '*commissionnaire en fret*'. Gradually, he would be able to fill an entire airplane once in a while, until he thought it worthwhile to start wet-leasing under his own name. Numerous small cargo companies were founded and disappeared like that during the war years, mostly to the benefit of their foreign owners.

193 In September 2005 alone, 4 planes crashed in Congo, killing at least 25 people. The Congolese government tried to redress this situation by promulgating an official blacklist, without however booking substantial results: IPS, 19 September 2005. Of the 96 companies that are prohibited to use the European airspace from March 2006 onwards, 50 are registered in the DR Congo: http://www.aeroweb-fr.net/actualites/03-2006_liste-noire-compagnies-aeriennes.php, consulted on 6 December 2006.

194 This happened for example to one Butembo businessman, whose plane crashed in the trees of Isiro in 2005, instantly killing its 11 passengers.

To resolve these numerous transport problems, Butembo's businessmen thus decided to take matters into their own hands. Early in 1994, they took the initiative of installing a "road tax" in order to pay for a reconstruction of the decaying road system¹⁹⁵. Because of a hostile Mobutu administration, as well the mounting insecurity as a result of the Rwandan refugee crisis later that year, the practical implementation of this plan was not taken up but after the installation of the RCD-ML rebellion. In 1999, the FEC leadership from Beni and Butembo contacted all users of the local road system in their territories, and through their various associations (ATAMOV, ATCE, and ASECCO) asked them to contribute to the '*péage*' or road toll that would be raised at strategic entry and exit points. Initially the system was confined to Beni-Kasindi and Beni-Butembo, but the plan was to extend it to the axes Butembo-Kanyabayonga to the south, and Beni-Erengeti to the north. The system practically worked as such: each time a road user passed a roadblock, he would pay an agreed sum to the responsible agent in return for a receipt (trucks for example paid 50 US\$ for the track from Kasindi to Beni, and another 50 US\$ from Beni to Butembo: Kaparay, 2006: 202). Arriving at the second road block, the receipt would prove that the driver had paid the required amount, and the barrier would be opened. The revenue of this road toll would later be deposited in a joint FEC treasury, the total of which would in turn be distributed along the different axes according to proportional needs. The president of the FEC in Butembo presided over a technical committee that included the state services such as the '*Office des Routes*', the '*Voierie Urbaine*', and the agricultural revenue service. This committee would commission road workers with the money that had been provided by the imposed toll. Finally, the system would be taken up by the politicians. In the early 1990s, the "informal" road toll would be confirmed by the governor of North Kivu, Mr Kanyamuhanga (who was also a Nande), through a provincial arrest. From then on, the privatisation of the road system acquired an official character, and executors of the road maintenance had to report to the state services about the continuation of their activities.

The officialization of North Kivu's road toll system also announced the initiative's decline, however, and this for two main reasons. First, it almost automatically transformed the road toll into a clientelistic affair, because project executors were not chosen any more on the basis of practical merit, but in the light of their relationship with political allies (Kaparay, 2006: 203). Second, the provincial arrest immediately led to the initiative's politization. After the destitution of Mr Kanyamuhanga, the new governor Eugène Serufuli (of the RCD-Goma) consciously deprived the RCD-ML territory of its financial revenue by claiming certain taxes collected at the border post in Kasindi. This was possible not only because the provincial capital remained in Goma – where the governor resided – but also because the official account where these taxes would be deposited (of Transcom) was located in a financial cooperative that also had a branch in Goma. The provincial governor also continued to control

195 This account is entirely based on conversations with the FEC presidents of Butembo and Beni, as well as personal observations during 2005-2006; see also: Kaparay, 2006: 202-208.

the revenue of the road blocks in Kanyabayonga and Kirumba during his repeated occupations of this area in March 2003 and December 2004 (see next chapter).

In its own way, the private road toll that was set up in the region of Beni-Lubero thus largely reconfirmed the longstanding tension between “entrepreneurs” and “parasites”, businessmen and “intellectuals” in this African frontier zone. On the one hand, the initiators of this initiative had successfully recaptured the “popular” aspect of economic enterprise in this area by “taking matters into their own hands”, a tendency that would later be reflected in other emerging governance institutions such as the Committee of Wise Men and the regulation of local security. The para-sovereign nature of rebel occupation in Beni-Lubero simultaneously made this initiative acquire a growing *political* nature, i.e. of the “marginalized” Nande against the “predatory” Banyarwanda leadership of the *‘petit nord’* in Walikale and Masisi. Governor Serufuli, who had replaced the Nande Kanyamuhanga as the provincial headman, was now increasingly branded as the predatory caricature of patrimonialist state practice. On the other hand, this growing animosity progressively drove local political stakeholders in Beni-Lubero into each other’s arms: based on this “ethnic” principle, local stakeholders sought for various communal ways to manage their local resources within the established forum or “triangle” of protection.

7.2.1. The Committee of Wise Men

The practical administration of local security and development initiatives in Beni-Lubero usually followed a clear path, which each time included the different governance stakeholders represented by their various organizations. The platform for the administration of local “collective” goods was the *‘Comité des sages’*, or Committee of Wise Men. As said, this format was partly inspired by the “informal” courts established during the 1970s to resolve commercial disputes between businessmen, and hosted some of the city’s most important businessmen. Besides, it also consulted the other important local political organizations, such as the *‘Comité diocésain de développement’*, a leading committee occupied with the Church’s role in local development.

The Wise Men were responsible for the administration of both security and development initiatives in Butembo’s immediate environment. If it concerned a development initiative undertaken by the bishop, for example, the meeting would be presided by himself or one of his representatives. If it concerned a FEC initiative, the president of the business association would preside the meeting. These representatives each time divided the tasks according to each institution’s competences. In 2003-2004, for example, the local Catholic Church decided to sustain the gradual replacement of households from the Central Lubero highlands towards the lower forest areas; for this occasion, it demanded FEC to contribute to the rehabilitation of the road towards

Manguredjipa, in the Western Lubero forest¹⁹⁶. In turn, the FEC was contacted by an international NGO that was engaged in the regional disarmament, demobilisation and reintegration programme (DDRRR: cf. infra), and wanted to contribute ex-combatants to work as road labourers (*'cantonneurs'*). The point to remember here is that every initiative undertaken in the realm of security and development in Butembo and surroundings was administered by a tight range of actors, whom all were confined to a specific task or role. Usually, this division of labour between local stakeholders was organized as such: while the business community acted as a financier or banker (almost invariably through the *'Fédération des Entreprises du Congo'*), the rebel government would act as the project's executive. If it concerned the rehabilitation of roads, for example, it would find the workers and tools to labour the designated tracks. The local Catholic Church would usually act as a facilitator between the different governance partners in the mixed committees or executive boards, for its generally accepted position as an independent moral "arbiter". In this sense, the committee of Wise Men thus continued to perform a kind of daily executive role for local governance initiatives, with the Church as its single moral authority.

Another, less publicized role of the Wise Men's committee concerned the administration of local "security". From a local governance perspective, this term could cover a wide range of meanings, going from the discussion of Mayi Mayi activity in the town's surroundings, to the problem of street children harassing local inhabitants, and sometimes even – it is said – the elimination of "public enemies". If it concerned such sensitive matters, the meeting would usually be subdivided into a public and more closed session, where directions were given to "push" the public meeting in this or that direction. The following example concerns a public security meeting which was held in Butembo in October 2005, after the installation of the transitional government. This example proves to be of extreme relevance for this study, since it indicates the continuity of the local governance framework even *after* the return of the central state administration (subject of the next chapter), while simultaneously providing new insights into the practicalities of governance in this frontier Congolese town. The next paragraphs will offer an ethnographic account of two interrelated meetings that happened in the interval of a couple of days, and which involved several important authorities with a stake in local "security".

7.2.2. Governance at Work: the Regulation of Security

Towards the end of September 2006, the second integrated brigade of the Congolese army (FARDC) installed in Butembo was held responsible for heightened insecurity in the town and its surroundings. City-dwellers complained about soldiers harassing them in the middle of the night, and asking to give them their *'Celtel'*, or mobile phone. In a matter of days, dozens of phones were being missed, along with an

196 The initiative was raised to confront the growing population pressure in the mountains. I have discussed this problem elsewhere in Raeymaekers (2006).

unknown number of motorbikes stolen from taxi-drivers and ordinary citizens¹⁹⁷. Besides, farmers in the town's surroundings complained that their cows were being stolen by unknown armed elements and that this meat was being sold near the military barracks. Finally, an expatriate NGO-worker was robbed at plain daylight by a local youngster, who subsequently transported and tried to sell it in the neighbourhood of Bafwasende (in the Equatorial forest). These and other events suggested that the Mayi Mayi of the Vorondo-group were becoming increasingly active again in Butembo's surroundings, and were regularly attacking the integrated brigade of the FARDC to test their capacities¹⁹⁸. That same period, around 300 Mayi Mayi escaped the integration camp in Nyaleke (Beni territory) and joined their fellow combatants in the Lubero forest. Since then, two Mayi Mayi groups were operating side by side in the area of Manguredjipa, forcefully recruiting local youngsters, and occasionally killing inhabitants when they refused to give them food and shelter (one of their victims was a farm manager of an important local businessman). The FARDC, on their part, were practically unable to confront this growing threat, because they missed the essential logistics and resources. Despite its many troops (five battalions), the 2nd integrated brigade obtained only one armed personnel carrier and three trucks, and it still had to beg for fuel with the local FEC-bureau – to great frustration of the local businessmen. As a result, many citizens were questioning the FARDC's capacity to provide for local "security". Practically, the FARDC was being accused by the town's 'notables' (i.e. the FEC as well as Church leaders) of using the Mayi Mayi presence in the area as an excuse to harass the local population.

To resolve this local crisis, a "security meeting" (*réunion de sécurité*) was called together by the mayor of Butembo, Mr Wabunga Singa, in the city's 'Procure' to discuss problems and solutions. Both the time and location of this meeting are important to recognize the evolution of the governance framework in Butembo during this time of political "transition". The date of this meeting was 5 October 2006, so more or less three weeks before the second round of presidential elections (the first after forty five years); as will be explained in the next chapter, this period was very tense. The location is important to acknowledge the continuing role of the Catholic Church as local mediator, which offered its infrastructure and moral authority to facilitate local dialogue and conflict resolution.

The set-up of the meeting resembled that of the communal '*barza*'. The *barza* is a "traditional" structure present in many of Kivu's communities, where community elders, together with the village's or town's notables, discuss current political and social problems, and exercise the practice of conflict resolution. It is not to be confounded with the '*barza communautaire*', which is a new organization founded by local NGOs in North and South Kivu. The '*barza*' has nonetheless proven to be an

197 In Butembo – much like in Kisangani – "public" transport is being taken care of by these taxi-motorbikes, which drive passengers around town for a 100 or 200 Fc per trip, according to the distance; see also Omasombo (2002).

198 Interview with the 2nd brigade's city commander, October 2006.

extremely adaptive institution which has served as a conflict resolution mechanism in a wide range of circumstances (De Boeck, 1998). In this case, the 'Procure' – which served as an occasional 'barza' platform – was being reconfigured into two separate floors, each of which was occupied by a different range of personalities. On the stage in the middle of the room were the city's 'notables': the town mayor Wabunga Singa (who presided the meeting), sided by his secretary, the chief of police, the two responsible army commanders (of the 2nd brigade and the town battalion) and the local chief of intelligence ('Agence Nationale de Renseignements': ANR, the former ACR) at his left hand; the president of the town tribunal, the representative of the High Media Authority ('Haute Autorité des Médias': HAM) as well as some other minor authorities were seated at his right. In two separate rows on the left and right of the mayor's table, but still on the platform, were a number other leading personalities such as the president of the local business association FEC, the (female) president of the CEI ('Commission Electorale Indépendante': Independent Electoral Commission) as well as a representative of the UN Mission MONUC, and even a local parliamentarian (not by coincidence, this was the former leader of the Vorondo-Mayi Mayi Mr. Mudohu). The ground floor in turn was occupied by the plenary public: watching the platform and seated on wooden benches were the different chiefs of the 'communes' and 'quartiers' (both customary authorities), the town's press, as well as some independent observers (including myself) and members of civil society and other local and international organizations.

The reunion opened with a declaration by the commander of the 2nd FARDC brigade, in which he presented his excuses to the local population for the harassment caused by his military. At the same time, however, he also accused the local media for brandishing the FARDC soldiers as criminals and thieves, while similar acts of harassment were being committed by the "children" of Butembo themselves¹⁹⁹. As a solution, the commander proposed to suspend the nightly patrols of his troops that were the reported cause of the current troubles. His speech was hosted by a general applause. After this first speech, the 'commandant ville' took the microphone. Speaking with a straightforward tone, he also accused the local media for badly reporting the current crisis. His troops had been attacked repeatedly by the Mayi Mayi forces who recently received reinforcements of 300 combatants from the reintegration camp in Nyaleke, from where they escaped with arms and ammunition. To be clear, it is not the FARDC but the Mayi Mayi that are causing all these recent troubles, he mentioned. He concluded by pledging the local population to finally support him as their town commander. In the commander's support, the chief of ANR confirmed the escape of the 300 armed combatants from Nyaleke, and said they were receiving arms and ammunition, without however mentioning the source of these armaments.

199 The expression the commander used was 'Watoto wazaliwa wa Butembo' – children of Butembo. Implicitly, this terminology can also refer to the Mayi Mayi, not only because they have many children among their recruits but also, as was explained, because of their expressively "embedded" nature (see chapter five).

Following these two declarations, there was a possibility for interventions from the “public”, i.e. the customary authorities as well as observers present on the ground floor. Each time someone wanted to speak, he/she had to ask permission to the president of the reunion (*in casu* the mayor) to climb the stage in the middle of the room and present his/her argument. For more than an hour, opinions were exchanged about the rights and wrongs of the media in this current crisis situation – i.e. “should the media report on military abuses during such a sensitive period as presidential elections?” – and comments were given on the solution proposed by the military – i.e. “should the nightly patrols be completely abolished? Or should they be replaced by “mixed” brigades including police, ANR and military, as proposed by the mayor?” The discussion seemed to go in all sorts of directions, which at a certain point provoked the comment of the president of the CEI that “*Zairois parole parole, mais peu d’actions!*” (“Zairians talk talk, but little action!”) In practice, she accused the mayor of letting the situation persist, while no concrete solutions were being put forward. Under high pressure of the CEI and the FEC, the mayor then decided to install mixed patrols of ANR, army and police to resolve the ongoing security problem.

After this first issue was concluded, the meeting then went on to other problems such as street children, as well as the maintenance of Butembo’s high street (considered quite peculiarly as a “security” problem). The mayor addressed the public and asked the local entrepreneurs of the FEC to contribute to the weekly ‘*salongo*’, or communal labour²⁰⁰. He directly accused the entrepreneurs for not paying their taxes, while the administration continued to borrow efforts from the bishop’s development committee in the form of tractors and fuel. He finally asked the FEC to renew its support for this development initiative. The last person to speak at the meeting was the president of the business association. In a very straightforward tone, he accused the mayor of evading his responsibility. While the entrepreneurs remained the biggest victim of insecurity, the administration continued to deny the internal cause of the current crisis, which was not a lack but a bad management of resources: “don’t ask the businessmen to wipe the street before your doors!”, the president yelled before walking off angrily, concluding that big decisions were not going to be taken there in that reunion, but should be discussed “in a more restricted framework (*un cadre plus restreint*).”

The October meeting at Butembo’s ‘*Procure*’ can be interpreted in different ways. From the perspective of local governance, however, it offers some interesting insights into the continuities and evolutions of the protection framework that stands at the centre of this doctoral study. A first question that could be asked is if this

200 Salongo offers a prime example of the “unfree labour of the unprotected” (Pottier, 2003). Introduced in 1973 by Mobutu as “obligatory civic work” (in Lingala, *salongo* simply means “work”), it consisted of one afternoon a week of compulsory labour on agricultural and development projects. Officially it was meant to return the Zairian population to the values of communalism and solidarity, and as such it survived during the war period.

meeting actually represents an instance of local governance. Recalling the comment of the CEI-president, it contained a great deal of palaver (*parole, parole*); but did it actually direct governmental action? According to the current definition used in this study, the term governance refers to the administration of the access to and the provision of (public or collective) rights, services and goods, in this case exemplified in the maintenance of local security. To be clear, the meeting needed not entail the provision of security as such, but rather the administration thereof in the form of a collective decision or directive that was implemented by recognized local – or for that matter (sub)regional or transnational – authorities. If taken from this viewpoint, the October reunion indeed represented an instance of governance, because it formed part of the implementation of a number of administered decisions that centred on the maintenance of local security, in which each governance stakeholder negotiated the provision of these “collective” goods departing from its specific positions and interests. In that respect, this instance was interesting not so much for what happened during, but rather before and after the meeting. From conversations with various local political stakeholders (including the FEC, MONUC, the mayor and Church leaders) during that period²⁰¹ it became apparent that the decision to abolish nightly military patrols had been more or less forced on the FARDC brigade by the FEC, MONUC as well as local Church leaders. Previous meetings had been held with the Congolese military, in which the terms of this abolishment were discussed and agreed upon. At the same time, the mayor was addressed publicly to take a stand in this process; quite simply he took up the outcome of this “secret” decision-making process by proposing mixed brigades instead.

Another significant feature of this governance process was its capacity to integrate other actors whose interests went beyond those of the direct political stakeholders. Apart from the classical Church, capital and army, the security dialogue in Butembo was gradually extended to other national organizations as well, such as the media and electoral authorities (i.e. HAM and CEI) when it directly concerned issues related to their competences, and even the international peacekeeping mission MONUC. The involvement of these organizations – it has to be said – remained highly dependent on the willingness and capability of their leading personalities (in casu the presidents of the CEI and HAM, and the MONUC brigade commander) to engage in this time-consuming process.

On second sight, the meeting illustrated a growing “crisis of trust” (*crise de confiance*) within the existing negotiation framework between Church, businessmen and armed forces – illustrated in particular by the tension between the business association FEC and the local mayor. The mayor and the FEC president accused each other mutually of irresponsible behaviour in the light of the ongoing security crisis, the one because he was not paying taxes, the other because he did not take care of economic infrastructure (i.e. roads). The origin of this crisis was a severe breakdown

201 In September-October 2006, I spent a total of three weeks talking to different political stakeholders about this meeting and the evolution of “governance” in general.

in the power balance between local governance stakeholders, which resulted in part from more macro-scale political evolutions. After the departure of the RCD-ML as the de facto government of Beni-Lubero in 2003 (see next chapter), the local Catholic Church, mostly through its political arm of the *'société civile'*, had gradually increased its influence on the local administration. The current mayor Mr Wabunga Singa could be considered a child of this evolution²⁰². This continuous arm twisting between the Church and the businessmen for political influence was not at all new. What was new, however, was the open one-sidedness of the local mayor when it came down to choosing his partners in the maintenance of local infrastructure. His single dependency on the Catholic Church in terms of money and equipment (exemplified in the borrowing of tractors and fuel) furthermore angered the local businessmen, whose former relationship with the rebels had created much hope concerning their continuing influence on local government. The construction of the new city council in fact served as a constant reminder of the businessmen's role as contributors to local "development", a symbol that now risked to be sidelined by a one-sided administration. The businessmen's warning not to expect to come and "sweep" before the mayor's door was to be understood as a reminder that every initiative undertaken in support of local government could be undone as easily, in the case vital interests were being violated.

Ultimately, the political crisis of October 2006 illustrates quite clearly how in Butembo, the maintenance of security on the one hand, and the cooperation between local governance stakeholders on the other hand, remained highly related even after the period of armed rebellion had officially ended. Beyond appearances, one could even maintain that the balance of power between the Church, commercial capital and political or armed actors directly impacted on the maintenance of security on this Ugandan-Congo frontier. Every time the protection agreement between one or two political stakeholders decreased, the result was almost automatically an increase of insecurity both in the town centre and its immediate surroundings. By way of example, the tension between the FEC and the local mayor/state administration did not start in the autumn of 2006 but actually one year earlier, at the occasion of the mayor's appointment in July 2005. This appointment almost immediately coincided with renewed recruitment and actions by surrounding Mayi Mayi groups, in particular that of Vorondo. Early November that year, Mayi Mayi combatants even briefly passed the centre of Butembo town, which caused an enormous panic both amongst the local population and the military. Not entirely by surprise, the actions also coincided more or less with the appointment of the new FARDC commander in Butembo, against which the Mayi Mayi were acting as local "arbiter". Although this remains a hypothesis to be tested, it seems at least acceptable that the maintenance of law and order in this context of "oligopolistic" violence depended at least in part on the maintenance of trust and cooperation between Butembo's main political stakeholders.

202 One Church leader commented that since Wabunga Singa was appointed mayor, "it should be us (...) that have to be considered as the rulers of the city council": interview October 2006.

Conclusion

While the second Congo war (1998-2003) could essentially be seen as a continuation of post-colonial politics by other means, it nonetheless set in motion an interesting series of new dynamics that would exercise a determining influence of Congo's political future. The Lusaka ceasefire agreement, signed in 1999 by six heads of state and over fifty rebel leaders, essentially confirmed the territorial fragmentation initiated one year before when the RCD started its struggle against the Kabila regime. Far from ending the war, the consolidation of the different frontlines led to the creation of several autonomous regions or "strongholds", which increasingly developed along the lines of ethnic political entrepreneurship. One of these autonomous regions was that of the '*Nord Kivu-bis*', or '*RCD-ML-Nyamwisi*', which corresponded with the Nande inhabited territories of Beni and Lubero.

With the Lusaka agreement, the RCD-ML became the de facto government in this region, structured around the presidential protection unit (PPU) of its leader Mbusa Nyamwisi, and informed by the same political institutions that had served the Mobutist regime. Besides, a parallel governance framework emerged that essentially orbited around the private protection arrangement reached between businessmen and rebels. While the official governance structure of the RCD-ML essentially confirmed its status as a "lame" post-colonial Leviathan (Callaghy, 1987), the rebel movement still could be characterized primarily as a private protection racket: drawing from the growing market of violence that resulted from Congo's political and economic crisis, it essentially offered protection against the damage inflicted by its own (and other violent actors') actions. It has to be recalled though that this mafia-like structure did not place Butembo's rebels at the same level as ordinary criminals. Quite contrary to criminal groups (which primarily deal in illegal goods), they were engaged in the business of offering "protection". However exploitative this protection may have appeared – although this is again relative in comparison with the predatory Mobutist regime – it still bore the potential of offering a "lubricant" of economic exchange there where trust between economic agents was becoming increasingly scarce and fragile. The growing crisis within the Nande "trust" network, therefore, not only formed an emerging market for the rebels' protection services, it also led to growing *legitimation* of the former in the eyes of Butembo's merchants. The merchants, on their part, engaged in a kind of risk calculation, in which they meticulously weighed the costs and benefits of the estimated welfare that potentially could be derived from the rebels' presence, while weighing these against the losses that could be expected on society at large.

This mutual need for private protection gave way to an interesting "pluralistic" arrangement that gradually became institutionalized as the overarching regulating and sanctioning framework for transborder commerce on the Congo-Ugandan frontier. While sharing the epistemological basis as that of the post-colonial nation-state and adapting it to an increasingly "para-statal" economic and political environment, this arrangement gradually transformed it into a transborder, non-state context framework of action. Instead of the predatory state officials, it were now the "friends" of the rebellion that decided what to pay in terms of taxes – while the rebels' continuous

financial troubles ultimately made them dependent on the merchants' conquered position as local "village lords". This ultimately led to a situation where the traders, not the military, were giving orders from the field. Through their different network connections, they could continue to influence the administrative apparatus in such a way that it always turned out to their own commercial benefit, and eventually *legitimated* them as the prime regulators of transborder economic enterprise.

Another interesting side-effect of this evolution was that this new "sovereign" transborder authority created certain levy effects which could be defined as the performance of state-like functions. One of these functions arguably was the provision of a (relative) sense of security – which was demonstrated in part by the relatively low levels of violence in comparison to surrounding regions. Another effect was the distribution of certain "collective" goods to the local population – demonstrated amongst others in the provision of electricity, the maintenance of roads, and the protection of local markets. To summarize, there were increasing signs of "governmental" activity in this rebel-occupied zone, at a time when the rest of eastern Congo seemed to be suffering from continuous insecurity and devastation.

The emergence of this local governance framework was explained partly in kleptocratic terms: while the rebels theoretically had to choose between exploitative and authoritative modes to extract resources from the productive members of their society, the merchants had to choose essentially between facing an "anarchic" context, where their wealth could be alienated by just about anybody and at any moment, and a taxing rebel group that potentially could provide them with "public" services and infrastructure. In this study, the kleptocratic argument was explained more as an unintended consequence of resolving the problem of inter-firm trust and cooperation. It was argued that the merchants' political engagement was inspired foremost by their necessity to overcome the problem of mutual trust and protection, as well as the more general problem of managing their African firms in times of economic and political crisis.

The protection arrangement that was concluded between merchants and rebels was gradually extended to other actors and organizations such as the local Catholic Church, which also needed to emphasize its role in local "governance" – be it from a different perspective. Several local initiatives were undertaken by the "triangle" of local political stakeholders that concerned the governance of local collective goods and services, in particular the maintenance of economic infrastructure (transport and electricity), and education. Two general characteristics of this "governance without government" framework should further be put to the test. For one, it appears that it leaned more towards restorative rather than punitive justice. The October 2006 meeting that was described in chapter seven illustrated a gradual process of negotiation between violators and governors of local security, in which the former were mostly reprimanded (but not punished) for their role in local citizens' harassment. Second, it seems probable that the production of governance outcomes such as security in this Congolese frontier zone also remained extremely dependent on the balance of power between different (local, regional) "stakeholders". In the next chapter, it will be discussed how this local/transborder governance complex related itself back to the Congolese state.

PART THREE

TRANSFORMATION WITHOUT TRANSITION¹

1 Both the following chapters are partly based on a research paper that I posted together with Koen Vlassenroot (2006) on the CRG-website, and which will be reworked for publication. I thank Koen Vlassenroot for his admission to borrow from this material.

INTRODUCTION

Contrary to what the title of the next chapter suggest, the post-war period in the DR Congo did not entail a “return” of the state as such. In fact, this study argued that the Congolese state had never really disappeared from the political arena, certainly not in its post-colonial, privatized form. During the period of so-called state “collapse”, economic and political elites continued to pay tribute to administrative organizations “just like in a state”, respecting both their hierarchy and *‘epistème’*. The degree of collapse of these state organizations depended rather on their occupants’ ability to integrate themselves into the local political complex which continued to administer the access to local goods, rights and services. In the case of Butembo, this emerging polity was informed in turn by a long-standing triangle of protection between the local Church, capital and local security forces.

What did return in the post-war period, however, was rather the *illusion* of a (liberal democratic) state, which gradually took shape in the process of political and economic “transition”. Contrary to the idea that the erosion of stateness of many African polities since the 1990’s has somehow fostered the “end” of post-colonialism (Young, 2004), what will be described in the following chapters is rather a “transformation without transition” of the Congolese political regime, in which existing political constellations – networks, complexes – have largely taken the lead over the newly introduced political framework of internationally induced “transition”²⁰³. The argument that the two Congo wars were a continuation of politics and the economy “by other means”, to some extent could be applied to the internationally supported process of peace- and state-building in this country as well. If this process did foster a “regime change” (Krasner, 1983) of any sorts, then this probably had to do more within the evolving international understanding of African sovereign statehood, of which the purely “juridical” dimension (Jackson and Rosberg, 1982) was now firmly being accompanied by ideas of democratic and developmental “transition”. That said, the underlying “structuring structure” of political government and access to vital resources apparently had remained largely the same: it was run mostly by the same institutions and regimes of thought that had determined the political landscape since the end of colonialism.

203 The term “transformation without transition” has been borrowed from colleague Christopher Parker (2004), who applied it to a slightly different setting of Middle Eastern electoral politics.

The war and transition period in the DR Congo did nonetheless lead to some significant changes, too. One of these social “transformations” concerned the increasing transborder nature of authority and political-economic regulation during the war period: while the existence of the Congo-Ugandan border had always been more or less important in local politics²⁰⁴, transnational merchants now started to play an increasing part in political decision-making, including the governance of local services and goods. This led in turn to a further displacement of social sovereignty towards non-state actors, particularly in the field of economic regulation. During this process, even some of the holders of political authority had gradually changed hands: from “traditional” or customary authorities, the balance of power gradually shifted towards other, usually non-state, actors, including armed groups²⁰⁵. The central question remains, however, where one should locate power and authority during this period of political “transition”, i.e. there where the “state” was being re-introduced as the ideal guarantor of security and development. This raises certain questions on how definitive the power changes and political constellations were that had occurred during the previous period of war and conflict had been; it also points at the important question of how these “new” political complexes behaved themselves towards the newly introduced framework of transition. The last chapter of this study, therefore, will discuss the consequences of the Congolese “transformation without transition” process in terms of changing political regimes. While the discussion around this issue has concentrated mostly on the question whether Congo is returning either to Mobutism or to renewed chaos, this study proposes the term “mediated” statehood to describe at once the confirmation and transformation of Congo’s bifurcated political regime.

204 For a detailed discussion, see chapter two and four.

205 This process is discussed in detail in Vlassenroot and Raeymaekers (2004a).

CHAPTER EIGHT

THE “RETURN” OF THE STATE

Introduction

In chapter five, it was explained how the peace negotiations that were initiated in 1999 with the Lusaka agreement, were meant to push the DR Congo toward a political “transition”. Although it lays outside the scope of this study to explain the driving logic behind this process (for a detailed account, see Autessere, 2006)²⁰⁶, it remains useful to analyze the influence this process has exercised on the transformation of political “order” in this country – particularly on the Congo-Ugandan frontier²⁰⁷. The next chapter will provide a general overview of the Congolese “transition” process, which will be followed by a discussion of the main transformations in the regulation of political and economic action.

8.1. Inter-Congolese Dialogue

The Lusaka Ceasefire Agreement represented a first attempt to end the hostilities of the second Congo war. Signed by six heads of state, and later joined by the representatives of Congo’s two main rebel movements (MLC and RCD), it included the establishment of a UN Mission for the DR Congo (MONUC) and a Joint Military Commission, both of which were to oversee this ceasefire as well as foreign troop withdrawal (see chapter five). The Lusaka agreement did not lead to a cessation of aggression in the DR Congo, however, quite on the contrary: it confirmed the “warlordisation” of the Congolese conflict by dividing it into different military fiefdoms, while simultaneously intensifying the fractionalisation of the armed opposition. The agreement did, nonetheless, include a first step towards national power-sharing in the form of an Inter-Congolese Dialogue (ICD). Officially, the aims of this Dialogue included the re-affirmation of the

206 A large literature has been devoted to the “transition” of African political regimes since the mid-1980s, starting with Jackson and Rosberg (1982), Bayart (1989), and Bratton and Vande Walle (1994). For an overview of the Congolese transition process, see: de Villers et al. (1997; 1999; 2001) and Willame (1999, 2002); a critical publication summarizing the Congolese transition process since 1999 nonetheless lacks until this date.

207 One of the unanswered questions for example, is when exactly this political “transition” process actually took place. Did it start in the early 1990s, with the initiation of the ‘*Conférence Nationale Souveraine*’, or in 1999, with the signing of the Lusaka ceasefire agreement? To simplify matters, this study will take as a starting date the inauguration of the Congolese Transitional Government, in July 2003. For a detailed discussion of this process, see ICG (2001; 2002; 2005).

state's administration throughout the entire country, which would be followed by the organisation of democratic elections, and the formation of a new national army. The method through which this transition was to be effectuated was through elaborated negotiations between the Congolese belligerents and the unarmed opposition (i.e. civil society organizations and political parties).

The first ICD meeting was held in Addis Abeba on 15 October 2001, and was facilitated by the former Botswanan president Ketumile Masire. Notwithstanding this high presence, this meeting failed, mainly because of the opposition of the Kabila government (who continued to say that inter-Congolese talks could not be held under occupation). Uganda and Rwanda, for their part, continued to connect the issue of troop withdrawal to the installation of a responsible government capable of confronting their security concerns. Due to these problems, the meeting was postponed to another unspecified date. The ICD finally re-initiated on 25 February 2002 in Sun City, South Africa. Talks were mediated by the South African president Thabo Mbeki. After seven weeks of negotiations, a partial agreement was reached on 19 April 2002 between Jean-Pierre Bemba's MLC and the government of Joseph Kabila over national power sharing. The agreement allotted the presidency to Joseph Kabila, the seat of prime minister to Jean-Pierre Bemba and the presidencies of the National Assembly and the Senate to the RCD-Goma and the unarmed political opposition respectively. It also included a promise of elections to be held on 15 April 2005. The agreement was approved by the majority of the unarmed opposition and civil society, as well as by the governments of Angola, Uganda and Zimbabwe – but not by the RCD-Goma and Rwanda.

Partly due to internal differences, and partly also to international pressure – amongst others from the UN Expert Panels (cf. supra) – Rwanda and Uganda finally decided to leave the Congolese territory in the course of 2002-2003. The Pretoria Accord between the DRC and Rwanda (July 2002) formally sanctioned Rwanda's troop withdrawal in exchange for the disarmament and repatriation of Rwandan Hutu militias that were still present in the DR Congo. This process was to be supported by the UN's DDRRR programme in the Great Lakes region. Rwandan troop withdrawal finally started in October 2002, followed by the withdrawal of Ugandan²⁰⁸ and Burundian troops as well as the other armies that had fought alongside the Kabila government (i.e. Angola, Zimbabwe and Namibia). Following this withdrawal, a Transitional Government (TG) was inaugurated on 30 June 2003 in the capital Kinshasa on the basis of a Global and All-Inclusive Agreement signed in December 2002. This agreement gave way to the so-called 4+1 formula, in which Joseph Kabila was to share power with four vice-presidents: Jean-Pierre Bemba (MLC), Azarias Ruberwa (RCD), Abdoulaye Yerodia (PPRD) and Z'ahidi Ngoma (unarmed opposition). This government was to hold office until the organization of national presidential and legislative elections that ideally should have taken place in April 2005. It was accompanied by an international

208 The Ugandan withdrawal, effectuated in April 2003, was formalized in the Luanda Agreement of 6 September 2004.

supportive committee called the Committee in Support of the Transition (known by its French acronym as CIAT)²⁰⁹.

Meanwhile, a disarmament, demobilisation, repatriation, reintegration, and resettlement programme (DDRRR) was initiated to disarm and repatriate the remaining foreign militia elements present on Congolese soil (Rwandan Hutu as well as Burundian and Ugandan militias), and to finally start with the (re)integration of Congolese ex-combatants. The programme's total forecast budget, financed by the World Bank's Multi-Country Demobilization and Reintegration Program (MDRP), was 500 million US\$²¹⁰. While the UN Mission MONUC coordinated the repatriation of these foreign militias, the Congolese side of the DDRRR programme was to be organized through CONADER (National Demobilisation and Reintegration Commission). With an expected cost of 200 million US\$, CONADER initially aimed to demobilize 150,000 Congolese ex-combatants. Grants were assigned by UNDP, Save the Children, UNICEF, Red Cross Belgium, IFESH, Care and International Rescue Committee for the implementation of two projects for the demobilization and reintegration of child soldiers: one for the community recovery and reintegration of young combatants and one for a rapid response mechanism. The DRC Demobilization and Reintegration Program has been conceived as an integrated program which aims to contribute to reducing poverty by establishing more secure conditions in rural areas and investing in the human capital of ex-combatants. The programme is scheduled to last 3 years. For those ex-combatants that wish to enrol in the new national army, they have to meet certain eligibility criteria and, if accepted, leave for a military location. All the others receive a Demobilization Card, together with a basic needs kit as well as some small subsistence allowance. The stages for the formation and reintegration of the newly unified Congolese army were initially planned as such:

Waves	Brigades	Training	Deployment
1st Wave	1st	Jan – Jun 04	Ituri
	2nd	Jan – May 05	North Kivu (Rutshuru)
	3rd	Feb – Jun 05	South Kivu (Bukavu)
	4th	April – August 2005	Ituri Border
	5th	July – September 2005	To be re-deployed, deployment area not yet decided
	6th	July – September 2005	Ituri mining areas
2nd Wave	7th, 8th and 9th	May 2006	Ready and waiting deployment, no equipment to deploy
	10th, 11th and 12th	May 2006	Not yet decided
3rd Wave	Next 6 Brigades	Not known	Not yet decided

Source: Wolters and Boshoff (2006)

209 The committee comprised the UN member states Angola, Belgium, Canada, China, France, Gabon, Mozambique, Nigeria, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States, Zambia, the African Union/ African Commission and the European Union/ European Commission.

210 <http://www.mdrp.org> (consulted 17 December 2006); Jourdan (2005).

8.2. Peace “Spoilers”

The security sector reform in the DR Congo has nonetheless been confronted with a number of fundamental problems. The first of these concerns the reintegration of the Congolese army. According to Wolters and Boshoff (2006), the problems of this integration process can be summarized in four points: the continuation of armed struggle, the existence of conflicting loyalties, the regional dimension, and “spoiler” armies. It is clear that neither the Inter Congolese Dialogue nor the installation of the Transitional Government completely eradicated the armed violence in the DRC. Actually, the exclusiveness of the Sun City power-sharing agreement as well as the non-resolution of the local causes of the civil war (of which more will be told later) opened the door for another series of violent confrontations, which quickly escalated into armed conflicts. The most serious of these crises was undoubtedly Ituri, where armed confrontations between several “ethnic” militias from 1999 onwards led to spiralling violence. Originally a land dispute between Hema (Gegere) land-owners and Lendu farmers, the conflict quickly escalated into a regionalized war involving several Congolese militias as well as neighbouring armies. More than 50,000 people have been killed since the outbreak of war in 1999, and hundreds of thousands forced from their homes²¹¹. In the meantime, in April-June 2003, and again in December 2004, another series of violent attacks were staged against the RCD-ML occupied region of south Lubero by elements of the ex-ANC (the armed forces of the RCD-Goma). These forces were joined in turn by the private militia of Eugène Serufuli, North Kivu’s governor, who possibly received aid from Rwanda. A violent attack was finally staged in May-June 2004 on South Kivu’s capital of Bukavu, by commanders that claimed to be unhappy with the course of the transition process – particularly the integration of the Congolese army. One of these commanders, General Laurent Nkunda, would later establish his own militia, as well as a political party, in the mountains of Masisi and Rutshuru, capturing several towns and displacing an estimated 50,000 people. FARDC and MONUC reinforcements were sent to neutralise Nkunda’s “Popular Intervention Brigade” in the course of 2006.

Several of these “spoiler” armies would continue to test the effectiveness of the Congolese army in the course of 2003-2006. In Northern Katanga for example, a *Mayi Mayi* leader nicknamed Gédéon caused serious havoc during 2005-2006 in an area that was locally referred to as the “triangle of death” (between Dubié and Mitwaba). He only surrendered after being guaranteed a commanding position in the new Congolese army. Similarly, in Ituri, the war only decreased relatively from early 2005 onwards, after MONUC and the Congolese government forced an ultimatum on Ituri’s militias²¹², while simultaneously opening negotiations with its leaders on future army positions. Although this disarmament operation could be

211 The UN’s inability to confront this escalating crisis amongst other led to an upgrade of MONUC’s mandate from Chapter Six to Chapter Seven, which also allowed armed response in case of attack. For a detailed discussion, see Vlassenroot and Raeymaekers (2004b).

212 The ultimatum followed the killing of nine Bangladeshi peacekeepers earlier that year.

called a relative success (more than 15.000 of an estimated 20.000 militiamen and women allegedly disarmed), the situation in Ituri today remains extremely volatile: at the time of writing, the Congolese government is negotiating with local militia leaders for seats in the unified army, while an estimated 1.500 à 2.000 fighters have maintained their armed struggle. These abounding problems in the Congolese SSR and DDR processes made Wolters and Boshoff (2006: 2) conclude that the eventual inaction and unwillingness to create and support a new national army would be far more dangerous than any delay in the holding of national elections: “If the DDR process is not completed and a new Defence Force is not established, this would contribute significantly to the potential for a resumption of war.”

Taking account of this risk, the Congolese TG and CIAT adopted an increasing ambiguous position towards Congo’s militias. While on the one hand, they were actively pursuing certain military leaders for their involvement in war crimes and crimes against humanity – one of them was even sent to the International Criminal Court in The Hague²¹³ - it decided to drop these same charges against other militia leaders, some of whom it even promoted as officers in the Congolese army (Le Doré and Van Woudenberg, 2006). Through their inclusion in the unified army structure, the international community hoped to simultaneously wind down these militias’ political ambitions and put an end to local armed struggle. At the same time, however, nor CIAT nor the Congolese government put forward any clear standards to decide who would be admitted or refused at this negotiation process. This ambiguous message seemed to confirm somehow the statement of Denis Tull and Andreas Mehler (2006), that the institutionalization of power-sharing agreements as a main strategy of peace-building in African conflicts runs the risk of creating important “incentive structures” that can make violent rebellion appealing, especially in the pursuit of otherwise blocked political aspirations. In fact, security data from the DRC suggested that the crucial phases of the transition brought along a serious increase in violence that originated to a considerable degree in these transitional “incentive structures” (Vlassenroot and Raeymaekers, 2006)²¹⁴. In some (rural) areas, the situation during 2003-2006 might even have been worse than in 1999, at the moment of the Lusaka ceasefire agreement: while this agreement first foremost led to a consolidation of existing power bases in the form of military “fiefdoms”, the subsequent political “transition” process set in motion an incentive for political and military expansion that seems to have spurred an escalation of armed violence. Without taking foregone conclusions, it seems fair to say that the peace process in the DRC did not in any

213 This man was Thomas Lubanga, leader of the Union des Patriotes Congolais (UPC).

214 That said, the analysis of Mehler and Tull could be criticized on empirical grounds. A particular problem arises with regard to their discussion of “regime change” versus “elite recycling” (Ibidem: pp. 378-381): while some Congolese militias (*in casu* the Rwandan backed RCD) might have as their main purpose to actually change the political regime of their country altogether, others might just want a participation in existing patronage networks. This division, between ideological and opportunistic opposition, may even lie at the heart of the current political crisis in the DR Congo, because through power-sharing the transition process has created a new series of politically excluded. I thank Koen Vlassenroot for bringing this reflection to mind.

way eradicate the violence that lay at the basis of its ten year old conflict. Rather, it levelled the ground for a “neither-war-nor-peace” situation (Richards, 2005), in which relative stability in the urban centres was combined with continuing, and sometimes heightened violence in the rural periphery. I will return to this point later.

Things became even more complicated when the FARDC itself arose as the biggest interrupter of the Congolese transition process. The Congolese armed forces in fact have a long tradition of being “inefficient, undisciplined, poorly trained and supplied and rarely paid” (Wolters and Boshoff: 8). Especially in rural areas, they are mostly known for their brutality and lack of discipline, and they repeatedly harass villagers or “tax” peasants on their way to the market at make-shift roadblocks. Towards 2006, the UN finally acknowledged that the FARDC had become their worst nightmare. In a series of lengthy reports, MONUC’s Human Rights section stated that “the Congolese army (FARDC) were responsible for the majority of human rights violations” under their investigation. This included acts of cruel, inhuman and degrading treatment against civilians such as arbitrary arrests, beatings, and systematic rape of the population it was theoretically supposed to protect²¹⁵. In some case, the FARDC was even complicit in the (re)introduction of forced labour²¹⁶. For example in Isale (Beni-Lubero), an area formerly occupied by a Uganda rebel group, residents complained that the arrival of FARDC troops had been coupled with the introduction of a forced labour scheme, in which they were obliged to work the fields and build homes for the soldiers: “if it were not for the abuses of the FARDC,” some fled residents claimed, “we would be home by now.”²¹⁷ Rather ironically, this comment potentially confirms the earlier statement of William Reno (2003) that in some case, a non-state armed “protector” may be preferred over state “predator” when it comes down to providing local security: during previous interviews in the region, residents maintained that the Ugandan group actually maintained “rather good” relations with the local population: they cultivated together on their fields, drove taxis and buses, and occasionally sold their produce on the local market²¹⁸.

Part of this footloose behaviour of the FARDC had to do of course with the culture of impunity in which armed actors had been allowed to operate over the past two decades: apart from its obvious economic purposes, looting presented a kind of bonding strategy between militia recruits (Jourdan, 2004). Another possible explanation was the poor socio-economic situation of the majority of FARDC troops. Most FARDC soldiers received no pay, so it became tempting to predate on the produce and labour of local villagers. These two factors also help to explain the sometimes extreme ineffectiveness of the FARDC during military operations: MONUC

215 www.monuc.org (consulted 18 May 2006).

216 Johan Pottier (2003) refers to this phenomenon as the “unfree labour of the unprotected”; this system was inspired at once by the colonial and post-colonial forced labour regimes (cf. *infra*).

217 IRIN News, 26 May 2006; own interviews, Isale, October-December 2005.

218 Interviews with local residents and human rights organizations, Mutwanga, January-February 2005.

commanders repeatedly expressed their frustration with the lack of engagement of FARDC soldiers during their joint attacks against FDLR or other “irregular” forces. While the main motivation of the FARDC to participate in such attacks seems to be the opportunity to loot²¹⁹, they often completely abandoned the military battlefield to smaller MONUC units²²⁰.

The massive abuses by the FARDC against Congo’s civilian population ultimately placed a serious question mark behind the idea of peace “spoilers”. In the literature, such peace spoilers are usually referred to as leaders of “irregular” militias and armed groups whose interest lies in sustaining a climate of violence rather than profiting from peace (Stedman, 1997). For lower members of such groups (who often missed out on the economic opportunities of war) continuing disruptions to peace processes through banditry and alliances with organised crime networks can actually offer a guarantee of substantial income and elevated social status (Hartwell, 2006). In the DRC, however, the Congolese army itself became the agent of systematic economic predation. During the entire transition process, FARDC army units continued to compete for the revenues of lucrative border posts such as Kasindi and Aru, mostly with the complicity of importers and customs agents. Foreign imports like trucks and petrol (a vital resource for the army) were becoming part of complex protection schemes between importers and army officers, whom both benefited from siding state interference: by offering the army petrol at a reduced price, importers could assure themselves again of the latter’s “protection” in case they were attacked by competing army units. Customs agents in turn could earn a surplus to their (mostly inexistent) wage if they respected the military’s protection²²¹.

To summarize, the “return” of the Congolese state under the umbrella of the country’s political transition rather seemed to have led to a confirmation of the earlier protection schemes that were established between armed forces and commercial operators, only the actors became slightly different. Instead of rebel groups, commercial operators had to negotiate now with competing units of the same national army. Certainly in the early stages of the peace process, the Congolese state remained embodied in a strongly divided army and a weak administrative framework that had to “fend” for themselves in an extremely fragmented and hostile political landscape. The next part of this chapter will try to explain how and why this had become the case.

219 During 2003-2006, several reports continued to be published on the corruption in the Congolese army as well as the embezzlement of salaries destined for army troops: Wolters and Boshoff (2006); own observations, Beni-Lubero, 2005.

220 Interviews with MONUC officials in the Kivu region, October-December, 2005.

221 Interviews with customs officials, Beni-Butembo, October-December 2005.

8.3. The Dialectics of Oppression (contd)

The reform of the Congolese army is illustrative of the effect of peace-building on the Congolese regime in general. Rather than inducing a political “transition” process inspired by democracy and liberal development, it apparently forced a return of the dialectics of oppression that had characterized the Mobutist absolutist regime. In Schatzberg’s terms, the dialectical relationship that existed between regime insecurity and economic scarcity (or dependency) within the Zairian state system ultimately led to a situation where “oppression” seemed the only alternative to political profound collapse. The exponents of centralized political power gradually had to accumulate resources as quickly as possible from those who occupied contextually inferior positions in the political hierarchy, because they could lose power from one moment to the other (Schatzberg, 1988: 3-4). With the decline of the copper price in the 1980s, this drive towards private accumulation increased. On the one hand, the state transformed itself into a “mafia-like” enterprise abusing its power to enrich itself to the disadvantage of the population (De Herdt and Marysse, 1996). On the other hand, this formal decline provoked a shift towards a decentralised form of patrimonialism that was embodied in the control over clandestine economic networks: the gradual “informalization” of political and economic relationships opened the way for various rival centres of authority to secure their control over local resources, and ultimately challenge the state’s monopoly on the (legitimate) use of violence (Vlassenroot, 2002a). This continuing fragmentation of regulating authority finally provided a breeding ground for non-state (armed) groups to proliferate in the absence of a single state framework of security provision, a process that was further accentuated by the two Congo wars (Vlassenroot and Raeymaekers, 2004a).

Quite ironically, the transition process offered a new chance for this decentralized form of patrimonialism to claim and maintain its power base. The ruling elite that made its way to Kinshasa once again had to claim its authority through the control over clandestine economic and security networks. Rather than eliminating or incorporating rival social and economic groups into the prevailing regime, these new rulers were to integrate themselves into these clandestine networks if they wanted to survive politically and economically. At the same time, they maintained and even facilitated the structural climate of insecurity that had become so characteristic of African “post”-conflict situations²²². This automatically led to the survival of the system of mafia-like protection rackets that had emerged during the Mobutu period, and which had largely been confirmed during the war. As was explained above, the survival of this decentralized patrimonialism stemmed in part from the confirmation of the dialectics of oppression through the introduction of violent “incentive structures” for political participation: the more violent one became, the more one secured a chance of taking his/her share of power in the new political regime, without there being a clear standard for whom would and whom would not be admitted in this political negotiation process. This dynamic resembled very much the divide-and-rule politics

222 Paul Richards refers to this phenomenon as ‘no-war-no-peace’ (2005).

of the defunct Mobutu regime, be it this time with a rather “unintentional” basis²²³. The underlying reason, however, had to be sought in the non resolution of the root causes of the first Congo war, which lay in the power politics and institutions of colonial and post-colonial intermediary. During the early 1990s, customary leaders and other assimilated elites had manipulated their “subjects” into accepting their power over the realm of democracy, a position that increasingly led to exclusiveness and conflict. Today, this exclusiveness was mainly decided and directed by the “para-sovereign” power groups and chiefdoms²²⁴ that had emerged during the war, and which increasingly exercised authority over these subjects via a territorial – and in many cases “ethnic” – principle of rule. Quite clearly, the survival of these groups and chiefdoms did not depend so much on their inscription in the logic of transition, as they did on their continuing participation in the private protection rackets that had emerged before and during the war. This ultimately made a political “transition” extremely unlikely, as para-sovereignty ran completely counter to the logic of incorporating competing groups into the political system (notably through military inclusion and power-sharing). In the end, it this evolution seemed to re-confirm once more the famous statement of de Tocqueville about the French absolutist state, in which “centralized administration was established *among* the ancient powers, which it supplanted, without, however, destroying them.” (Callaghy, 1984: 143) In the Zairian as well as Congolese “early modern” state, the relationship between ‘state’ and ‘society’ still remained largely unseparated, with ill-defined populations and boundaries, and – most importantly – limited penetration capabilities from the part of a weak centralizing administration. Instead, the Congolese political regime remained characterized by multiple authorities and centres of political control that all continued to compete for a share in their country’s vast resources.

That said, the Congolese “transition” process also fostered a number of important social transformations. These transformations did not occur – as the modernists presume – in the form of the disintegration of particular units and the integration of others (Huntington, 1965, 1971; Eisenstadt and Roniger, 1984) – but rather as a result of an adaptation to external influences that had gradually pushed these units or actors into a new “chainlike” sequence of needs and demands (Migdal, 1974). One of these changes certainly was the increasing transborder nature of political and economic regulation and “governance”. Through a process of scaling up and down the transborder governable “spaces” (Watts, 2004), Butembo’s transborder merchants had become a central director of the regulation of economic, and later also political, practice in the Congo-Ugandan frontier area. This led in turn to a further displacement of social sovereignty towards these non-state transborder

223 By introducing power-sharing as a main peace-building strategy, one could say that the international community (in the form of CIAT and MONUC) now controlled the gates of power. The analysis of this international “regime” change nonetheless opens the way to an entire different field of study (for an interesting attempt, see Reno, 2004).

224 I referred earlier to this phenomenon as networks of “power, profit and protection” (Vlassenroot and Raeymaekers, 2004c).

merchants, whom increasingly assumed the authority to rule over economic and political action²²⁵. Another, important, difference with the pre-war period was that political power no longer seemed to be based on the “subsidiarity” principle as during the Zairian era, and in which the means of political control were provided mostly by inclusionary corporatism (see chapter three), but rather involved the constant negotiation and struggle between different poles of authority in a process that can best be described as state “mediation”. This process will be discussed in detail in the next chapter.

225 Other examples of such transborder governable spaces include the “alternative” political structure set up by North Kivu’s governor Eugène Serufuli (Vlassenroot and Raeymaekers, 2004c; Jourdan, 2005b) as well as the transborder political “complex” of the Gegere in Ituri (Vlassenroot and Raeymaekers, 2004b).

CHAPTER NINE

THE “MEDIATED” STATE

9.1. The Leopard

In his movie *'Il Gattopardo'*, based on the eponymous novel by Giuseppe Tomasi di Lampedusa, Luchino Visconti develops a rather remarkable scene. The movie tells the gradual downfall of the Sicilian nobleman Don Fabrizio Corbera, prince of the house of Salina, in front of the Italian national Revolution. After the arrival of Garibaldi's troops at Marsala, the Island's aristocracy understands that the end to its supremacy is nearing. The revolution seems to be benefiting foremost the emerging bourgeois classes of the administrators and *'mezzadri'*, or tenant farmers. Don Fabrizio, who belongs to a historical aristocratic family, is being reassured by his adoptive nephew Tancredi who, though fighting along Garibaldi's soldiers, seeks to fold events to their proper advantage. At a certain point, he tells his uncle: “Se vogliamo che tutto rimanga com' è, bisogna che tutto cambi” – “If we want everything to remain the same, everything has to change...” And events were indeed unfolding rapidly in the Sicily of the 1860s. When Don Fabrizio retires to his summer residence at Donnafugata, he finds as the new mayor Don Calogero Sedàra, a rude and hardly instructed man, but who has enriched himself during the revolution thanks to his political connections. The “change” occurs when Don Fabrizio, who feels repulsion towards this moral decline, nonetheless decides to support his nephew Tancredi and marry him to Don Sedàra's daughter Angelica; both men are attracted, certainly, by her beauty (the character is played by a celestial Claudia Cardinale), but also and notably by her impressive patrimony. Tortured by his decision, Don Fabrizio entrusts an old friend that “probably something had to change for things to remain the same.”

Visconti's movie came to mind during a peculiar wedding in Butembo, in November 2005. The ceremony was held in the town's *'Procure'* between the eldest daughter of Butembo's second richest businessman, and the son of another trader²²⁶. Just like her husband, the bride had just completed a Masters degree at the Patrice Lumumba University in Moscow, and was ready to be inserted in her father's business (apart from a national aviation company and two hotels, he was building a commercial gallery in Kinshasa at that time). For the wedding, an Antonov was sent to Kinshasa to bring in all the official guests, including members of the Transitional Government

226 I thank Patience Kabamba for entrusting me his unpublished field notes on this wedding.

such as the Minister of Energy, Salomon Banamuhere (PPRD), and the Vice-Minister of Education, Jérôme Kamate (RCD-ML). From Goma arrived the vice-governor of North Kivu Kaysavira Mbake. In line with the Nande tradition, the ceremony was preceded by an exchange of gifts between the two families: as the Nande tradition wants, marriage does not only represent the unification of two persons but indeed two families if not two clans²²⁷. This ceremony also represents an occasion to share the family's happiness with the broader "community": during the feast, food and drinks were offered to the invited guests, and special guests received a rich present, like a stuffed chicken or a duck (again a symbol of prosperity). Many such marriages occurred in Butembo during and after the war period, and they always filled the talk of the town.

New Protection Rackets

What made this wedding so particular was its timing and location. The ceremony came not long after the inauguration of the new Transitional Government (TG) in Kinshasa, who's Ministers had been sworn in January that year. Among those present were not only Mbusa Nyamwisi's long time ally Jérôme Kamate (who had once plotted with him against Wamba-Dia-Wamba), but also the very important Minister of Energy, from Kabila's PPRD party. This presence again demonstrated the ability of the Nande "trust" network to combine their connections in different "governable spaces". On the one hand, traders from Butembo continued to play on their old allies from the RCD-ML rebellion to advance their position in Kinshasa: thanks to their contacts in the TG, they could start (re)building shopping malls and hotels in Congo's battered capital. On the other hand, these same traders could use their old connection to trans-regional commercial enterprises to push the new Ministers and officials into considerable concessions, including the non-declaration of important imports such as fuel and petrol (cf. *infra*). These concessions could be guaranteed in turn by the continued presence of old RCD-ML officials such as the brother of Mbusa Nyamwisi Martin, who had just taken up the post of local OFIDA director in Butembo (previously he had served in Kasindi). The timing of the Butembo marriage could not have come at a better moment, because the new director of the state customs had just been nominated in August that year, along with the other directors and administrators of Congo's public and "para-statal" enterprises²²⁸. This included customs administrations like OFIDA and OGEFREM, as well as other public services

227 The tradition usually develops as such: before the actual ceremony takes place, the paternal uncle of the bride has to bring to the parents of the boy (1) a bowl of 'foufou' (manioc paste), which is the symbol of prosperity; (2) a hoe and a machete, symbol of labour; and (3) a chair, symbol of hospitality. Before taking their seats, the couple first has to cut the wedding cake, and then exchange it with their new families: this is the moment the two families join together. Right after that, the aunts, uncles, brothers and sisters exchange presents and hugs with each other; again, this gesture symbolizes the new familial unity: own observations, November 2005.

228 As was explained before, the customs agency OFIDA is not a Ministry but a parastatal public service, which operates according to a number of decentralized divisions and provincial directions. Each direction is financed by its own operation.

like the *'Régideso'* (water works), *'Office des Routes'* (roads) and the state television RTNC. That these nominations announced a possibly important regime shift became gradually clear when, slowly but steadily, new administrators were being sent to the field. Notwithstanding the dysfunctional status of most of these services – the road system was in shambles since decades, and the most common way to obtain drinking water was still at the village water pump – these nominations also represented an important opportunity for Congo's political elites to reach the corridors of power and consolidate their political ambitions. Not surprisingly, therefore, the directorships of these public enterprises became the subject of considerable political competition²²⁹. Finally, the timing was important in yet another respect. On 28 April, the president of the electoral commission Malu Malu (also a resident of Butembo) had demanded the Transitional Parliament for a prolongation of the transition period, which was possible because of a special provision in the Transitional Constitution. Article 196 of this Constitution stipulated that "for problems specifically related to the organisation of elections", the transition could be prolonged for a period of six months only, if approved by the country's Chamber and Senate²³⁰. As will become clear from the following paragraphs, this prolongation presented an important opportunity for some of Congo's political and economic elites, not – as has been assumed – to consciously "spoil" the country's ongoing peace process, but rather as a "chainlike" adaptation to unfolding events.

The problems with which the new Congolese Ministers and parliamentarians were confronted during this period remained extremely high. Apart from the difficulties related to the country's "transition" (e.g. the problematic integration of the national army, massive corruption and embezzlement of public salaries ...), the new government had enormous problems to gain access to its vital sources of income. For example in the Butembo area, the central element of the local "protection" arrangement between traders, army and customs agents had become the importation of petrol. Several petrol stations were being erected in Butembo during those days, the most important of which was owned by the son of the town's most prominent businessman. They were supplied by imports from Kenya and Uganda, which occurred on a daily basis²³¹. Normally, these imports had to be declared singularly to the national export agency CEP-Congo (*'Compagnie d'Exportation du Pétrole'*). However, because of the fierce lobbying campaign of the FEC and the local mayor of Butembo, Mr Wabunga Singa, Kasindi remained the only border post where petrol could be imported by any private

229 By Decree n° 05/066 (3 August 2003), the President had assigned every public enterprise to a specific signatory of the Global and All-Inclusive Agreement, while presidencies and administrative functions were being divided again under the same signatories: DECRET N° 05/066 DU 03 AOUT 2005 PORTANT NOMINATION DES MEMBRES DES CONSEILS D'ADMINISTRATION DE QUELQUES ENTREPRISES PUBLIQUES.

230 The transition would be prolonged another nine months afterwards, until elections finally took place in July 2006.

231 On two different occasions in 2005 and 2006, the author witnessed at least ten petrol trucks in Uganda driving towards Kasindi wearing Congolese number plates per day. These trucks were imported mainly by two companies from Butembo: own observations; additional observing by Kristof Titeca (2006).

company, contrary to the rest of the country²³². The “solution” offered to avoid this official scrutiny was to import fuel products as a military good, so businessmen could simultaneously ensure themselves of tax-free petrol *and* the protection by the military²³³. Just as with the public enterprises in Kinshasa, this local protection scheme led to a serious competition among the customs agents and the military: regular clashes occurred during this period between different integrated army units, all of which were competing for a share in this lucrative transborder enterprise²³⁴. The net result of this enterprise was that the central customs administration completely lost control over one of its crucial sources of income, which again had been folded to the advantage of Butembo’s para-statal regulatory authorities.

9.2. Strategies of Mediation

In practice, the protection schemes illustrated above did not differ very much from the more or less elaborated rackets established during the war period – be it that the rebels were now replaced by the national (reintegrated) army as well as a new state administration. In theory however, many things had changed. The strategies the new Congolese government used to gain access to resources could maybe best be described as state “mediation”. This concept, which has been applied to Africa only recently, originally comes from the study of pre-modern and early-modern state formation in Europe. It has been used to describe the political strategies of European monarchs who, because of their limited power, were forced to manoeuvre, manipulate and deal with rival social forces in order to claim their territorial authority. Contrary to the liberal “mediating” state that gradually developed in late modern Europe, the early modern state was characterized by “parcellized and overlapping jurisdictions, multiple legal codes, and a plethora of internal tariffs and taxes that signal the absence of any unified, fluid national capitalist market.” (Voekel, 1988: § 21) Notwithstanding the obvious drawbacks in transferring concepts from other territories and periods, this idea of mediated statehood still appears revealing for today’s African weak or fragile states if managed with care²³⁵. As Robert Jackson stated long ago (1987: 527-8), Africa’s “quasi-states” that were born from the international regime change of the 1960s in fact could be describe more accurately as “fairly loose

232 Interviews with FEC president, October-December 2005.

233 Interviews with public officials, November 2005.

234 Similar protection schemes could be observed during that time in the natural resource sector, which continued to be controlled by armed forces. First of all, international mining companies that wanted to (re-) initiate their activities in the mining areas could only do so after obtaining the “protection” of a local strongman. This was especially the case in the Kivu region, where local strongmen still controlled the access to natural resources such as cassiterite and coltan (Global Witness, 2005). Second, military elements still controlled the entry points to mining sites, where they force miners and traders to pay tribute. The revenue generated from checkpoints on mining sites and major roads was then redistributed at different levels of the army command structures: information obtained by Koen Vlassenroot during separate field visits to North and South Kivu in 2005 and 2006.

235 The concept of mediated statehood has first been applied to an African context by Ken Menkhaus (2005). I thank the author (amongst other things) to bring this concept to my attention.

patchworks of plural allegiances and identities” that were “somewhat reminiscent of medieval Europe.” Today, strategies of state “mediation” are also increasingly used in Somalia (Menkhaus, 2006), Ivory Coast and Liberia (Arnaut et al., forthcoming) to enforce government control in rural or important peripheral areas rich in economic resources.

During the political “transition” process, the Congolese Transitional Government increasingly relied on strategies of mediation with local strongmen and other rival forces in order to strengthen its political control over the means of violence and economic resources. This especially became apparent in the country’s “frontier” areas like the Kivus, Ituri and Katanga, which simultaneously represented a political challenge as well as an enormous economic potential: the presence of tariff posts as well as vast reserves of natural resources (such as gold, diamonds, and tin ore) made these Congolese borderlands an essential part of the state’s capacity to perform its key functions – particularly the function of security and economic redistribution. The lack of capacity and centralizing control of the Congolese state apparatus, however, made this form of “mediated” statehood practically the only strategy at its disposal. In order to claim authority over its entire territory, and be able to extract the necessary resources, the Congolese government had to negotiate power over particular governance domains with the various “power complexes” or para-sovereign chiefdoms that had consolidated themselves during the war, and which now blocked its access to vital resources. For example in the sphere of resource exploitation, the Transitional Government was forced to mediate with different stakeholders in the regional commodity chain, including local mining companies or *‘comptoirs’*, traditional authorities, army brigades and local strongmen, all of whom claimed a piece of the cake in order to guarantee the “protection” of local political and economic interests (Global Witness, 2005; 2006). In similar respect, the Nande “trust” network (or what was left of it) aptly forced the new government officials to withdraw control from some of their most important sources of income, namely the payment of custom duties. Government mediation occurred again at different levels, starting with the local military that needed to offer “protection” to the businessmen if he wanted to run his trucks and operations, and ending with the exponents of the local business community lobbying tax exemptions with “their” Ministers in Kinshasa. At first sight, the Nande trade network appeared to be far more effective in its adaptation to the political “transition” process, therefore, because it could continue to draw on its different spatial positions within the complex of trans-regional commercial relations to impose its regulating authority on the new Congolese government. The Transitional Government in contrast remained extremely weak in claiming its authority on transborder trade, because it continuously had to compromise itself at different levels with these regulating authorities if it wanted to extract even the slightest of economic resources.

9.3. Towards a New Theory?

In theory, the political transition process in the DRC thus opened the way for a mediated form of statehood. The question remains, however, what was so new about this. The least that can be said about the attempt at theorizing this extremely volatile situation is that it opens up a whole range of questions about the location of power and authority during African (or maybe even other) transition processes. On the one hand, it looks as if the Congolese state continued to be confronted with a diverse range of “rival” or parallel authorities in order to execute core functions of government such as economic redistribution and security provision, but which nonetheless seemed to offer the only chance to consolidate the control over its territory and population. Ken Menkhaus (2006) makes an interesting distinction here between different forms of African statehood, departing from the interest (“willingness”) and power (“ability”) of their central administrations to implement government authority in important peripheral zones. He thus distinguishes between “absent” states (unwilling and unable), “garrison” states (unwilling but able), “mediated” states (willing but unable) and finally the “ideal type” Weberian state (willing and able). Mediated statehood, therefore, emerges only “when state authorities develop a strong interest in or need to ensure greater governmental authority over frontier areas but lack the means to do so.” The revival of such state interest could occur for a number of reasons, including the response to sustained security or terrorism threats coming from outside the territory, or the expansion of commercial activities. The basic premise for mediated statehood to emerge, however, is that the state administration both depends and remains blocked by these rival authorities to claim authority over its central governance domains, i.e. the maintenance of security and the extraction of economic resources. On the other hand, the emergence of mediated statehood apparently went hand in hand with the confirmation of various “twilight institutions” (Lund, 2006), which continued to sap the state from its vital resources, but simultaneously continued to depend on it both physically and semantically for their proper existence. The extremely ambiguous position of these institutions *vis-à-vis* the state – demonstrated at once in the vindication of their non-state status and their employment of the same, formal, language of the state – led in turn to a rather paradoxical situation, in which the *idea* of statehood was also “effectively propelled by institutions which challenge the state but depend on the idea of it to do so.” (Ibidem: 688-689)²³⁶ Mediated statehood, therefore, seemed at once to confirm the para-sovereign nature of these twilight institutions in terms of day-to-day governance, while simultaneously bringing it to another level: although it explicitly confirmed their social sovereignty – in the sense that they continued to effectively to control the “bodies of relations” that structure practices and agency in a given area of social

236 This idea is highly inspired by Sally Falk Moore, who indicated long ago (1978) that the “state” in Africa usually represents itself in at least two different dimensions, i.e. as the embodiment of public authority (represented in a whole range of actors going from customs agents to local administrators to even school teachers), and in the form of an idea. As filters through the discussion above, this distinction applies both to the African state as to other polities and (groups of) actors that want to claim authority over certain governance domains.

life (Latham, 2000: cf. supra), it somehow prohibited a decisive secession of these institutions from the state's body and practice. Rather than secession or break-down, mediated statehood seemed to confirm a sort of permanent standoff between state and non-state forms of governance that both continued to hang in a limbo, as it were, in the face of these twilight institutions.

The question remains, however, how we go about and define mediated statehood over the long run. The easiest way, of course, is to start looking from what it is different. What can be said almost with certainty is that it differs fundamentally from the earlier principle of "subsidiarity", in which the means of political control were being provided by *inclusionary* corporatism, or the linking of society to the state via single-party rule (Callaghy, 1987). Contrary to Mobutist practice, the Congolese "populace" was not being bound to state practice by some binding party or ideology, but government rather involved the constant negotiation and struggle with different poles of authority that had become impossible to incorporate into one unifying principle or ideology. As Callaghy (Idem: 32) noted long ago, "authoritarianism" has never been the major issue in contemporary African politics; rather, it is the absence of a central state authority and the resulting search for it that have determined the forms of statehood emerging on this continent since the last four decades. In this sense, it remains useful to also distinguish mediated statehood from other forms of "weak" government in Africa, which Menkhaus defined as either "absent" or "garrison" states. While these two forms of statehood respectively reflect an unwillingness and incapacity, and an ability but unwillingness to implement state power in frontier areas²³⁷, mediated statehood only emerges in very specific conditions, i.e. when the state is "willing but unable" to implement its power in these same areas. As a consequence, it remains an extremely "messy" strategy that remains based mainly on ad hoc political decisions, and on a constant renegotiation of power and authority in the state's limited governance realm.

The real question remains, however, what the analytical value of such new typology of "mediated" statehood is, if not only to introduce yet another term that resists durable classification. Problems arise, indeed, when one tries to "unpack" the concept and analyze who really "mediates" state authority at different geographical levels. Is it the Ministers and directors of the different public enterprises in Kinshasa, or their suppliants in the rural periphery? Who are the mediators of state authority at the local level? Are they the historical organizations of the (post-) colonial intermediary, i.e. the communal chiefs

237 Menkhaus defines both forms of statehood respectively as a "rational" strategy of weak governments to allow frontier zones to go ungoverned – especially if it has little economic value, and as a situation in which governments only maintain a minimal physical presence – essentially to prey on existing economic practices. Hinterlands of Sudan, northern Kenya, the DRC, northern and eastern Uganda, all of Somalia, the eastern half of the secessionist state of Somaliland, and arguably portions of southern and eastern Ethiopia have all constituted zones of state absence. It is in this context of minimal to non-existent state presence that many of the hybrid governance arrangements and structures considered above have emerged. Garrison statehood can be discerned instead in northern Uganda, southern Sudan, southern and eastern Ethiopia, and in some parts of northern Kenya.

and community elders? Or are they rather the administrators and customs agents placed in far-away border posts like Aru and Kasindi? What are the various linkages at work in each set of mediation practices? And what are the “cascades” of middlemen involved in these different mediation processes?²³⁸ A more useful way to distinguish state mediation, therefore, could be to discern different kinds of mediation according to both time and space. Indeed, it makes an enormous difference if state rulers (either theoretically or practically) are retreating or rather trying to penetrate into the governance complexes that have been illustrated in this study. Many examples exist of the state’s withdrawal from local polities in contemporary African contexts, which often go hand in hand with a certain “re-localization” or “re-traditionalisation” of governance tasks (see for example: Hagmann, 2006; Klute, 2005; Kyed and Buur, 2006; Lutz and Linder, 2004). However, this form of state “mediation” seems very different from the one discussed above, as the mediation of the Congolese Transitional Government rather involves a willingness but incapacity from the central state administration to “return” to these (g)local(ized) polities in the form of a public and recognized authority. The analyst should remain aware, therefore, that what might seem mediated statehood at a first glance, in fact involves two entirely different logics of government of withdrawal on the one hand, and an attempt at re-affirmation on the other hand, of essential governance tasks²³⁹. Likewise, one should also differentiate between the strategies that are employed by the state’s interlocutors in this mediation process: there exist at least an analytical difference between the outsourcing of political power by state agents on the one hand, and the forced “grabbing” of tasks that are classically connected to state government on the other. There are many examples of government tasks that are being either commissioned out, or conversely taken over by certain “rival” social forces, and both of which sometimes can take the form of non-state “governance” complexes. One example of the outsourcing of political power are the so-called ‘*vigilante*’ groups one encounters in urban African settings: while on the one hand, these are often contracted by ruling elites to maintain security or provide protection, they also often predate on the same clientelistic networks that adopt them in the first place²⁴⁰. The case that was analyzed in this study is again different, however: contrary to the ‘*vigilante*’, the Nande businessmen that gradually became involved in the regulation of transborder economic practice on the Ugandan-Congolese border did so largely in replacement of a *disengaging* government, which consequently saw its role taken over by a glocalised governance complex occupied by a whole range of state and non-state actors. This form of governance is thus both broader and smaller as the outsourcing of government tasks one sees in so many African contexts: while remaining largely independent in its exercise of key government functions, it is usually focalized only on one specific polity or group interest – *in casu* the Congo-Ugandan border area. Rather than offering a clear-cut typology, mediated statehood has thus introduced another set of interesting questions into the ongoing debate on African

238 I thank René Lemarchand for this very useful critique.

239 This point, raised to me by Tobias Hagmann, also has an important methodological consequence, to which I will return later.

240 For a discussion, see amongst others Anderson (2002); Baker (2002); Buur (2006); Reno (2002) and Titeca (2006).

state formation processes during this time of globalization. What is certain though, is that it has laid the finger on the fundamental question asked more than fifteen years ago by Michael Bratton, i.e. that Africans continue to find dynamic answers to the problem of political “order”, especially there were the state has been limited in constructing it. In that sense, this study on the political evolution of the Congo-Ugandan frontier hopefully can set new light on this process from an empirical and comparative perspective.

GENERAL CONCLUSIONS

This study has been concerned with the way a specific network of transborder traders from Butembo, in Congo's North Kivu province, gradually became involved in the transformation of political order on the Congo-Uganda frontier. As was explained in the general introduction of this study, the analysis of this phenomenon involved two separate but nonetheless highly interrelated questions, each of which were answered through a specific set of answers. In the first place, the study concentrated on the important problem of interpersonal trust, a social feature that is commonly represented as a necessary condition to engage in (transborder) economic enterprise. It was argued that the Nande transborder traders constituted a "trust network", or a network whose members set their own valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes, or failures of others, particularly members from their own interpersonal network of kinship and friends (Tilly, 2005). Throughout the 1970s and 80s, this transborder trading network emerged from a small clique of traders, who gradually built on both pre-colonial trade practices and the social divisions introduced by the colonial retail system to accumulate capital in the expanding "informal" economy²⁴¹. Butembo, their town of origin, became the hub of an important transborder trade that connected the far away markets of East Africa and Asia to some of the most remote corners of the Congolese interior. Rather than taking the "informality" of this trade for granted, however, this study concentrated foremost on what these evolving trade relationships produced in terms of "governance" outcomes, i.e. how and why these Nande traders gradually evolved into important power brokers within this frontier's rapidly changing political "order"²⁴². This approach differed considerably from two other dominant visions on the relationship between politics and the economy in "weak" African states, which respectively concentrated on "informality" and "governmentality". In her study on the Nande's involvement in

241 The question of interpersonal trust was not taken here as a given condition, but as a problem to be overcome, which subsequently poses different questions of social "order" (for an elaboration on the subject, see Gambetta, 1993; Gellner, 1993; Tilly, 2005; Woolcock, 1998).

242 Contrary to other studies, which define governance in terms of intersubjective meanings and "shared goals", the term "governance" referred in this study to the administration of access to and provision of rights, services and goods (Eckert et al.: 2-3.). Leaving behind conventional distinctions between the "state", "civil society" and the economy, and between "public" and "private", "informal" and "formal", it shared the emphasis of many anthropological studies for a combination of structural and choice-based approaches, focusing on actors and their relations, as well as intended and unintended outcomes of their interactions. For a different view, see Rosenau and Czempiel (1992), and Hyden (1999).

the massively expanding cross-border trade in Zaire during the 1970s and 80s, for example, Janet MacGaffey (1987; 1991) presents this phenomenon as evidence of a market integration that people have brought about for themselves *outside* the official system, which is generally seen as unproductive and predatory. Following Bayart's oppositional definition of civil society, the Nande transborder traders are depicted as a sort of society "against the state" (Clastres, 1974), a group of ethnic entrepreneurs that stage their "hidden revolution" (De Soto, 2000) against the parasitic Mobutist regime. Vwakyanakazi (1982; 1987) takes a similar stance by comparing the Nande's commerce to a social liberation movement, whose frustration with the state's neglect has led to a systematic attack on the former's legal discrimination. Both authors, therefore, depict this "informal" economic practice largely in *opposition* to the state, which subsequently acquires the image of a predatory and "mafia-like" political enterprise (De Herdt and Marysse, 1996)²⁴³.

Another approach to this field of study has been concerned more with the historical contingency of economic practices in central Africa, or the way economic concepts and institutions are based on a number of presuppositions about economic life and its objects, which makes this life both intelligible and governable (Roitman, 1998; 2001; 2005). In her extensive study on economic regulation in the Chad Basin (i.e. the border region connecting Cameroon, Chad and Nigeria), she is foremost concerned with these institutions and practices in terms of political technologies, i.e. how they serve to constitute "that which is to be governed" as a conscious regulatory intervention.

The present doctoral study adopted a more actor-centred approach to the current study object, by focusing on the daily choices and decisions of a specific set of transborder traders in terms of their collective action problems. While this approach might seem more in line with the institutional(ist) view on social and economic practice (see for example North, 1990), it remained nonetheless critical of the "path dependent" view adopted in these studies. Rather than explaining why some societies perform more "efficiently" than others²⁴⁴, this study was more concerned with the way relations and interactions between interdependent subjects can, intentionally or unintentionally, lead to a certain "order" to be conceived even in the absence of an overarching "public" authority²⁴⁵. This study adopted an "equilibrium" approach to economic institutions, which makes it possible to conceive of a spontaneous "order" (or property rights system) to emerge between actors as a result of repeated "game

243 These visions were inspired in turn by the growing critical literature on African state withdrawal, a trend that became increasingly evident after the "illusion" of decolonization started to show its first fissures from the early 1980s onwards. For an overview, see Bratton (1989).

244 This so-called "efficiency" of economic interaction was also situated immediately in the given context, in which some apparently "irrational" behaviours were explained as logical in the face of given opportunities and constraints (see also: Kennedy, 1998).

245 The definition of "public" authority was explained by invoking a metaphor of statehood, in casu in relation to its three basic "governance" domains: the monopoly over the legitimate use of violence, economic redistribution and the representation of a territorially fixed population (Kassimir, 2001).

playing" (Aoki, 1995). Given that the conditions for cooperation are present²⁴⁶, this order can potentially emerge as a result of a repeated "strategic interaction" between actors, even if no overarching public authority is present to regulate the sanctioning of deviant behaviour. In this perspective, it is also possible for several property rights systems to exist side by side, a situation that is completely inconceivable in the more normative view on institutions adopted by the neo-institutionalists. Within this "equilibrium" perspective, most attention was being paid at the search for trust and protection on the one hand, and the necessity for "embedded" and "autonomous" social ties on the other, between the Nande transborder traders and various political networks claiming authority over this region and population.

Theoretical Considerations

A first thought that arises from this theoretical reflection is that the adopted equilibrium approach does not differ that much from the more Foucaultian perspective on economic institutions and practices adopted in similar studies. For reasons that will be explained below, both approaches could be considered as two sides of the same coin, even if the analysis of governmentality is more concerned with the contestation and interdependency that is inherently present in these institutions' epistemology (which also involves a greater consideration with "modernity"): "because conflict over regulation and redistribution means taking issue with the very rules that organize and govern economic life," says Roitman (2005: 6), "such strife can only be understood by examining the very conventions that give rise to the concepts and objects of [this] economy." In both instances, this does mean taking the history of these institutions seriously, and – instead of pondering over the ontological aspect of particular practices or concepts – to reveal such power relations essentially through their effects. A theoretical starting point for such analysis can be found in Elias' idea of "configurations" (Elias, 1939; Elias and Dunning, 1971). As he argues, no zero-point can be identified with regard to the emergence of social relationships within and between social groupings: rather, society should be depicted "like a dance", where several social actors and groups gradually create their structured action over time. This can sometimes lead to a "pluralizing moment" (Connolly 1996), in which the fundamental reinterpretation of these given relations can give rise to novel or modified ones.

The practical mode of analyzing these power relations is through the social network. Here, a second issue has been brought up, namely the problem of social "embeddedness". The embeddedness argument (see Granovetter, 1973, 1985, 1995; and Granovetter

246 These conditions are that (1) actors must be decisively aware that they are "stuck" with each other, i.e. there must be a sufficient time horizon to enable them to cooperate; (2) it is impossible to mutually destruct each other, i.e. neither actor must be able to completely eliminate the other or change the nature of the game in a decisive move; (3) information about other "game players" is reliable, i.e. participants must be able to follow on their expectations; and finally (4) there must be a quick feedback about past actions (Axelrod and Keohane, 1986)

and Swedberg, 2001) stresses the particular role of personal relations and structures of relations (or “networks”) in generating trust and discouraging malfeasance in economic transactions. Contrary to the neo-institutional(ist) approach, it looks at the ties and relationships that are developed *outside* firms and organizations, but where few people actually appear content to rely on either generalized morality or on institutional arrangements to guard against trouble (*Idem*, 1985: 490)²⁴⁷. In fact, just like protection, institutions are only a poor substitute for trust. What is paramount for trust (and thus for order) to arise in the real world is rather the way social relationships are organized or structured. In this context, considerable attention should be paid to so-called “strength of weak ties” (*Idem*, 1973), which explains the different ways in which communities and organizations link to outside networks and organization in order to further their interests. A basic assumption that was taken as a hypothesis in this study was that for an organization or network to “develop” (i.e. to conceive of a property rights system that meets their prime needs for trust and protection), there arises “a need and inclination” to reach out beyond the original spatial, economic and mental boundaries of the group, and supplement these original ties with more centrifugal tendencies that forms bridges with other groups and opportunities (Woolcock, 1998). Otherwise, an “excess” of community is likely to be present, which suffocates every chance to be integrated into and interact with more globalized forms of economic transaction²⁴⁸. In socio-geographical terms, agents (either as individuals or as organizations) always must construct a network of links with other centres of social power that have decision-making capacities directly affecting the realization of their objectives. At the same time, they have to construct networks that can exercise some leverage over this decision-making but which are not directly located in their spaces of “dependence” – i.e. those more or less localized social relations upon which they depend for the realization of essential interests (Cox, 1998). In evaluating these strategies, it is important to note that the state remains an important, but never the only organization to be brought into consideration: there are in fact other agencies that are not necessarily state agencies, but which nonetheless have enormous decision-making power over the realization of our objectives. Similarly, the local has to be interpreted here neither in terms of authenticity or purity nor as social “periphery”, but rather as a meeting point, “in which various influences come together” (Hannerz, 2003: 26). In particular, it involves a “political arena”, where order and disorder are constantly

247 Like network analysis, the embeddedness approach starts from the assumption that actors and their interactions are interdependent, that relations between actors are channels for transferring useful resources, and that the network of these interactions provide opportunities as well as constraints on human action (see amongst others: Knoke and Kuklinski, 1982; Galaskiewicz and Wasserman, 1994; Emirbayer and Goodwin, 1994). The network structure is seen as an enduring pattern of relations among actors. Categorically opposed to Parsonian sociology, which views social relations as being normatively integrated, the concern with social networks goes back to Durkheim's observation that organic solidarity rests not in the cognition of men, but rather in the interlock and interaction of objectively definable social relations (Granovetter, 1973; 1985). It also builds extensively on Bourdieu's idea of “fields”, i.e. social networks.

248 The inspiration for this idea comes from the “ethnic entrepreneurship” literature, in particular from Portes (1995), and Portes and Sensenbrenner (1993).

constructed and deconstructed, and spheres of authority are forged and intersect (Kassimir, 2003: 103; see also Comaroff and Comaroff, 1994; Appadurai, 1996; and the general introduction to this study). This study should be read, therefore, as an appeal to radically reintegrate both time and space into the current debate on African politics and globalization, dimensions that have too often been disregarded in the favour of more “network” based interpretations of politics and society. While these interpretations have proven their worth in terms of setting current research agenda’s, one should be wary not to take this network lens for granted, but rather use it as a starting point to finally start answering the question of how order and authority are or are not reformulated in a given context, and in what form (Callaghy, Kassimir and Latham, 2001). In the next paragraphs, I will try to link these theoretical observations back to the subject of the present study, which concerns the everyday lives and dilemmas of a particular group of transborder traders in the face of Central Africa’s devouring political and economic crisis. In particular, two main conclusions can be drawn from this study: the first concerns social networks, and the second state formation.

Trust and Networks

The Structure of Social Relations

A first observation that seems to be confirmed by the present analysis is that it is rather the structure of social relations, than the existence of normative or cultural dispositions, which has predetermined the Nande transborder traders’ confrontation of their collective action problems. To manage risk, and confront problems of collective action, they simultaneously had to maintain the trust between network members, and seek the protection of outside groups and organizations in order to maintain and expand their economic enterprise. Some authors have sought the origins of this dynamic in the emergence of a “Protestant” work ethic, which was inspired in turn by the Baptist missionary involvement in and around Butembo during the 1920-60s. As was explained in chapter two of this study, an American Protestant mission was installed in 1928 in Katwa, at 12 kilometres from Butembo, by the conservative Baptist father Paul Hurlburt. Arriving amongst a people that were still largely dominated by “animistic” beliefs, father ‘*Horowe*’ (as Hurlburt was locally called) reportedly introduced the local community to productive “capitalist” enterprise, notably through the elaboration of an elevation scheme for small pigs. These pigs not only reproduced much faster than the usual big livestock introduced in other parts of Kivu, but they also could be sold rather easily on the market by mission members²⁴⁹. Besides, Protestant mission members were also allowed to

249 This “capitalist” elevation scheme notably made a difference with the pastoralist methods of the neighbouring Hema and Banyarwanda, who largely reinvested their profits into pastures: Mafikiri (1994). When the northern Hema started to consider transborder trade, most trading routes in Aru-Arua, and Kasindi-Mpondwe had already been taken over by the Nande (Vlassenroot and Raeymaekers, 2004b).

travel abroad, a privilege that greatly facilitated their transborder commerce with neighbouring missions and also constituted a comparative advantage over other would-be traders. The continuing relationships between Protestant missions along the Congo-Uganda border facilitated the re-emergence of the transborder trade that had existed between these two countries since the pre-colonial days²⁵⁰. Mirembe (2005: 123) concludes, therefore, that if there is anything that resembles a Protestant entrepreneurial spirit in the Nande's commercial enterprise, then this was introduced by the American missionaries: by introducing productive enterprise as a method of capital accumulation, and by facilitating cross-border journeys, certain Protestant mission members would later become some of the most important exponents of Butembo's transborder traffic²⁵¹.

To directly connect the emergence of "capitalist" economic enterprise in Bunande to the introduction of this Protestant morale seems a little exaggerated, however, especially since the Nande continued to combine both "capitalist" and "non-capitalist" modes of economic organization²⁵². If one wants to present a historical origin of the Nande's economic enterprise, then this has to be found probably more in the Belgian introduction of the compulsory cash and food crop production system in their region, which was based primarily on the input of unfree labour. Parallel to the installation of the Protestant mission (in 1928), Butembo had become the regional seat of the Belgian mining business: the '*Minière des Grands Lacs*' (MGL: a sister company of the multinational '*Union Minière*') not only was the owner of almost the entire province, but it also became the sole authorized buyer of local agricultural surplus, monopolized almost entirely by Greek and Asian intermediary traders. Building on their modest family capital, as well as a deep complicity with colonial officials (cf. *infra*), some Nande gradually started copying the methods and practices of these expat traders, which made them increasingly aware of their potential opportunities. The successes of these first "indigenous" traders would serve as leading examples to the fact that the Nande could not only develop a successful

250 A pre-colonial caravan trade had already connected the area of Butembo with the lake of Katwa, where salt was bought from the Nande's previous masters of the Banyoro Kingdom and transported back to the Kivus.

251 It has to be noted that the introduction of this so-called Protestant morale was greatly facilitated by the Nande's previous belief system, which not only included the adoration of one single God or Creator, but also was also interspersed with "Protestant" expressions (see chapter two). From the perspective of interpersonal trust, the reference to this higher authority certainly created a basis for mutual understanding in terms of sanctions to "free-riding" (Eisenstadt and Roniger, 1974).

252 One of the main elements that contribute to this combined mode of organization is the role of family and kinship. As was explained, Nande traders maintain a rather ambiguous relationship with their kinship, which also explains why some invest their capital rather in land and real estate than reintroducing it back into their businesses. Although from a Western, "capitalist" perspective this may seem illogical, this is perfectly rational from the perspective of individual entrepreneurs. Indeed, some degree of business diversification might actually benefit capital accumulation: investments like houses and farms not only offer a source of economic security in the event of the collapse of mainstream business ventures, but they also provide an excellent source of collateral in the case of economic crisis. In this respect, African proprietors are probably not so different from their counterparts in Europe or Asia, who also have to develop sometimes unconventional methods in order to escape from intermingling by family and kinship (see also Kennedy, 1988; Portes and Landolt, 1996).

business for themselves, but also maintained an important comparative advantage over their foreign and regional counterparts if they continued to play on the local “need structure” (Vwakyanakzi, 1982). This awareness, together with the ability to combine local and regional networks, would continue to constitute the backbone of the Nande’s commercial economic development for years to come.

One illustrative example of the emergence of the Nande trade network is that of “Yusuf” Kibangu. Believed to be one of Butembo’s first transborder traders, Kibangu reportedly started his business as early as the 1920s around the lake of Katwe (origin of the pre-colonial salt trade). Originally, Kibangu had been a driver for the mining company MGL, but after a row with the directorship of the company he was fired. During those days, he became principally known for his fierce opposition to the Belgian colony, a position which probably led him to flee the region in fear of reprisals²⁵³. In Uganda, he became member of a fish vendor’s association, which convinced Kibangu to convert to Sunni Islam. As a result, Kibangu changed his name to Yusuf. Returning from Katwe, Yusuf Kibangu not only brought back Sunni Islam but also several commercial products such as salt, fish, pearls and bracelets, at a time when people in Butembo were still largely disconnected from such luxury and foreign products. It actually reflected a high level of risk management in the development this transborder commerce, which was inspired in part by its extreme danger: during those days, trading was still prohibited for “indigenous” subjects, according to a decree established by the colonial administration. Notwithstanding this danger, Kibangu’s business would soon be copied by other residents from Butembo – including one of his closest friends, Peruzi. At a corner on the central market, Peruzi opened a selling point for brown salt (*Kighuntura*), which was despised by Europeans but became a specialty in the local Banande cuisine. Still today, a space on the local market is called *Kaghuntura*, from the brown salt that was imported by Kibangu and Peruzi. Both traders thus introduced the important ability to play on the local “need structure”, and simultaneously adapt it to external influences. More interesting even is the men’s complicity with local colonial officials. After he had been arrested on time, he was reportedly taken out by a certain Mr Loti (presented as a “member of the Belgian royal family” by Kibangu’s son²⁵⁴), a former colonial administrator who had fallen into the disgrace of the authorities. Thanks to Mr Loti’s tacit support, Kibangu could establish his first trading house just opposite Butembo’s central market. Other “indigenous” trading posts were soon to follow Kibangu’s and Peruzi’s example.

What really emerges from these life histories of the first Nande traders is a combination of extreme adaptiveness as well as complicity with (external) political patrons to develop their cross-border enterprise. These histories seem to reflect first of all a capacity for adaptation and accommodation to crisis situations that greatly resembles the “management of uncertainty” Whyte describes in her book on the

253 Amongst others, Kibangu reportedly denounced the practices of medical doctors in Musienene, whom he accused of killing their patients consciously (interview with Kibangu’s son, October 2006).

254 Interview, October 2006.

Nyole's dealing with misfortune: instead of ignoring it, the Nande traders engage in misfortunes by using all their social resources and experiences at hand, so that they become "problems to be known" (Whyte, 1997: 14). From the early days under the Belgian colony, until the current age of globalization, they had to constantly confront and find new ways to deal with problems of getting to know new markets, integrating themselves into unknown places and businesses. Each time they departed from their familiar contacts and experiences, they interacted with the outside world having only their foul body and experiences to share in what in any case remained a constantly shifting and unsure reality.

One example might suffice to illustrate this constant adaptiveness and risk management²⁵⁵. This example concerns the immediate post-independence period, when Congo was infested with war and rebellion (which posed both opportunities and constraints to economic action). On the one hand, there were enormous price rises for agricultural products, and many localities remained completely blocked because of the expanding Mulele rebellion (1964-1965). On the other hand, the complete collapse of state control also relatively increased the mobility of Kivu's populations. Some of the more courageous traders started to cross the ex-colonial border into Uganda in search for new markets, thus following on the footsteps of their ancestors involved in the salt trade. One trader (quoted in chapter two of this study) recalls doing this trip twice a week, always following the same route via Lubero and Rutshuru. Inspired by the organization of the pre-colonial salt trade, he always went there in small groups, from 8 to 16 persons. First he closed himself in the back of the truck until the arrival in Rutshuru. There he left on foot for the border with Uganda, from which he returned with goods that were sold the same day in Butembo... The story of this man, who is now one of Butembo's most successful traders, is quite significant in this sense that is simultaneously points at the fast adaptation and skill these future Nande traders developed in a situation of risk and conflict, while at the same time pointing at the historical division of urban and rural settings imposed by the colonial empire: without Kivu's starving populations, no such opportunities would have been present at the Congo-Ugandan border. At the same time, the embodiment of this permanent ambiguity would soon become reflected in the rise of the so-called commercial "middlemen" that systematically started to channel cash and food crops from the producing countryside to Kivu's starving urban centres.

To a certain extent, these first Nande traders could also be regarded as rather "loose" molecules, whose independence from community pressure also facilitated their social adaptiveness (and thus reconfirming the rather paradoxical observation that the more successful social institutions are in providing their members with financial and other resources, the less necessary those institutions become: Woolcock, 1998). Being constantly on the road, these traders gradually developed the necessary skills and experiences that served them to develop their expanding commerce. Especially after the liberation of the gold and minerals trade in the early 1980s,

255 | I elaborate extensively on this issue in chapter two and four.

an increasing number of itinerant traders started travelling to the mining areas in Kivu and Ituri, and smuggled their gold across Zaire's borders to the comptoirs in Bujumbura, Kampala, Kigoma and Rwanda. These *'fraudeurs'*, as they were locally called, would gradually re-orient their business towards the trafficking of various goods between Congo and its eastern neighbours. In a way, this characteristic also confirmed the observation stemming from the social capital literature, that those who are able to forge new social ties into the wider business community are mostly also the ones who enjoy greater economic success (Woolcock, 1998: 174). Gradually, however, these *'fraudeurs'* also gathered the admiration and respect from the wider community, which regarded them as heroes in the face of the ever present dangers along their developing trade routes. As these traders recall, the dangers were indeed many, going from wild animals in the natural parks and the Semliki Basin, to the constant harassment and banditry of predatory officials that were constantly luring for a share of the Nande's profitable enterprise. It occurred regularly that traders who were trapped by Zairian state officials were hung over the Semliki Bridge to "liberate" them from their belongings. Other traders recall having to pass through the jungle to avoid Zairian soldiers and members of Mobutu's *'Division de Sécurité Présidentielle'* (DSP) from preying on their cross-border trade. At the same time, this dangerous enterprise also provided the conditions for "enforcable" trust to arise between the members of this rapidly expanding network (Portes, 1995), i.e.: in a situation where everyone knows everyone else, community norms proliferate, and violations of reciprocal obligations carry such heavy costs that they are not easily engaged upon. This obviously presupposes an important social dimension. According to de Herdt and Marysse (1996: 24), such "informal" economic exchange presupposes a profound embeddedness (*'enracinement'*) of economic actors in their social environment, which permits them in turn to engage in stable and predictable relationships with each other and with the outside world.

The Nande "trust network" thus apparently came to embody communal response to the simultaneous withdrawal and predation of a dictatorial Mobutist state system, but of which the legitimacy was systematically being undermined by fraud and cross-border smuggling. Instead of the ruined state services, Butembo's inhabitants increasingly turned to the traders for advice in all sorts of social and economic matters such as litigations and business successions – a practice that gradually transformed these fraudsters into local "village lords". By the early 1990s, some of the revenue from this transborder commerce also slowly started to trickle down to the Nande's producing hinterland: thanks to their involvement in petty trade relations, local peasants started setting up private credit institutions and rotating credit groups, and women slowly but certainly assumed better positions within their households as providers of economic revenue (Vwakyanakazi, 1982). To some, this trickle-down effect provided ample evidence for the emergence of a "popular" economy (*'une économie du peuple'*) which, apart from the market, was also driven by social considerations (Mirembe, 2002; Peemans, 1997; Latouche, 1988). The social solidarity stemming from these non-economic considerations was apparently rendered possible through the redistribution of resources that were generated in the economic sphere, and which constituted at once the key and the limits to "informal" economic success. On

the one hand, it provided a kind of social insurance: in case of loss or misfortune, participants in the informal economic field could always count on the other members of their (trust) network to give a helping hand. On the other hand, there remained a permanent danger of parasitic behaviour from the part of social peers – not to speak of the ever predating state officials, which partly annihilated the possibility of accumulation and investment (Mirembe, 2002). The emergence of these social economic practices was believed to provide evidence of a “popular” economy, which successfully combined “modern” with “traditional” elements, and registered with non-registered activity, but which largely escape the institutional and regulatory framework of the state against which it was directed (de Villers, et al., 2002).

In order to maintain and expand their business, however, economic operators in African “weak” states had to constantly ensure themselves of the protection of the official state framework they claimed to resist. Whether being a *‘cambiste’* (money changer) in Kinshasa (de Villers et al., 2002; Trefon, 2004), or a transborder trader discussed in this study, these operators always had to look for the “protection” from a renown person or organization that maintained direct links to coercive authorities in order to insure their business against intruders and free-riders. Very often, this protection came from the “mafia-like” state organizations against which these informal economic practices were nominally directed. Although this may sound paradoxical – after all, were we not dealing with a “trust” network? – this necessity for outside protection bore two separate but not entirely disconnected reasons. On the one hand, it originated in the need for a sanction framework. It might be useful here to reiterate Adam Smith’s rather “trite” observation that even in a society of murderers and robbers, *some* rules need to exist to keep these from murdering and robbing each other. This “honour among thieves” – or the development of sets of unwritten rules – demonstrates that the “informal” economy is anything but anomic, but often involves an “amazing deployment of unwritten rules” (de Villers, 2002; see also MacGaffey, 1987) that give actors credibility in the face of their potential clients, while facilitating a certain reciprocity in economic transactions (Trefon, 2004). On the other hand, however, these same rules do not suffice once the thieves, *‘cambistes’* or cross-border operators start operating outside their own milieu. It is exactly in such situations, i.e. in which at least one party does not trust the other to comply with the rules, that this external “protection” becomes desirable, even if it is a poor and sometimes costly substitute for trust (Gambetta, 1993: 2). Contrarily to the common view, the “mafia” can supply a real service in such situations, while simultaneously being an evil that must be opposed.

When looking at it like this, i.e. as a continuous quest for trust and protection, the economic practice of Nande transborder traders during these times of political and economic crisis indeed shows a great deal of *complicity* between “informal” traders and “formal” political and military organizations. This complicity with official channels actually runs like a logical thread through the Nande’s commercial tradition. From the colonial “protector” that facilitated Kibangu’s and Peruzi’s entrance in cross-border commerce, to the patronship and copying of expat trading practices during the 1950s and 60s, to even the recent war period, the Nande’s “informal”

economic development was constantly guarded and insured by an external framework of protection made up by “formal” political and economic networks, but which did not bear a direct liaison to the solidarity ties from which these practices arose.

In fact, this complicity with “official” networks might be remembered as one of the driving characteristics of the Nande’s cross-border trade from the 1920s onwards. Especially during situations of political turmoil, the traders regarded this external collaboration as one of the most important guards against misfortune and trouble. In the early 1990s, when the Zairian army was ransacking the entire country as a protest against their deploring situation, Butembo’s traders – building on their earlier experiences – offered them a deal: they paid the army soldiers, so that they would spare shops and homes from their pillage spree. Although this did not counter the general economic crisis, the town apparently was spared of more systematic plunder witnessed in Kinshasa and Kisangani. The same principle, but now in a more systemic way, was applied during the war period, when the Butembo region was occupied by the RCD-K-ML “rebellion” (1999–2003). During those days, the Nande trust network was experiencing a serious social crisis: while many of its members had fled abroad or were forced to reduce their business, the social cohesion between network members dramatically declined as a result of the generalized economic and political crisis. Therefore, there seemed to be a reiterated need for outside protection, which was offered in turn by the rebels’ “mafia-type” organization²⁵⁶. A system of pre-financing was set up, which simultaneously met the businessmen’s need for protection and the rebel’s need for cash to run their private and public operations. The arrangement primarily concerned the taxation of the businessmen’s commercial imports, which thus formed the core of the rebels’ “protection for sale”²⁵⁷. More specifically, it involved a “pluralistic” regulatory arrangement, which drew at once from the state and non-state practices and epistemologies, and which aimed at regulating the transborder commercial activities that formed the core of Butembo’s “capitalist” economic development since the early 1940s²⁵⁸.

To conclude this first observation regarding the role of trust and networks, it seems fair to say that the *structure* of social relationships has maintained predominance in the development of the Nande trust network over their members’ cultural or normative

256 In chapter five of this study, I distinguish this “mafia” structure from simple criminal organizations, which merely generate profits from looting. Although apparently trivial, this distinction is important, because it gives the possibility for the increasing *legitimation* of the former, notably through its ties with commercial interests. Notwithstanding the sometimes difficult distinction between real and phoney protection, I argue, there still exists a notable difference between rebels, criminals and entrepreneurs in Beni-Lubero – the latter of which were to become the principal clients of the rebel’s protection business (for a contrary argument, see Collier, 1999, 2001; Collier and Hoefler, 1998, 1999).

257 This concept was borrowed from Helpman and Grossman (1994). For a discussion, see chapter six.

258 An interesting parallel can be drawn here with legal anthropology, and in particular with Sally Falk Moore’s concept of the “semi-autonomous social field” (1973), which can generate certain rules, customs and symbols internally, but is also vulnerable to the rules and decisions emanating from the larger legal practice by which it is surrounded: quoted in Cuvelier (2004). For a detailed discussion, see chapter six.

(e.g. “Protestant”) dispositions. Rather than culture contact (Lerner, 1958)²⁵⁹, it seems more the ability to overcome and collaborate with certain “gatekeepers” – strongmen that regulate the access to assets – that has differentiated this network’s evolution and outlook. Very similar to what Migdal (1974) discovered in his study on South American peasants, the shift from “tradition” to “modernity” rather stems from the dealing with these various gatekeepers, who act as a barrier to people’s engagement with outside influences. In case of the peasants, these were (are) the ruling landlords that regulate the access to land and other vital resources. In case of the traders, these gatekeepers are constituted by the different “formal” organizations that embody public authority, such as customs agents, state administrations, armed forces etc., and which constitute at once the “protectors” of these transborder commercial operators²⁶⁰. Finally, the simultaneous quest for trust and protection from the part of these “mobile” personalities can sometimes lead to a pluralizing moment (Connolly 1996), or an instance in which the gradual reinterpretation of the structure of social relations can give rise to novel or modified institutions and equilibria. However, this institutional change does not occur in the way as it is usually assumed, i.e. as the formation of new equilibria and the disintegration of old ones. The extremely ambiguous position of these institutions *vis-à-vis* more “formal” state organizations, which is demonstrated at once in the vindication of their non-state status and their employment of the same epistemology of the state, has led in turn to a paradoxical situation, in which the *idea* of statehood is also effectively propelled and confirmed by the same institutions that claim to embody its opposition (Lund, 2006; cf. chapter nine). In this study, I used the term para-sovereignty to describe such pluralizing form of statehood²⁶¹: while it effectively confirms the sovereign nature of these institutions – in the sense that they continue to effectively control the “bodies of relations” that structure practices and agency in a given area of social life (Latham, 2000: cf. *supra*) – it also remains embedded in the same epistemology and practice that has laid the foundations of post-colonial statehood. As has been

259 The term culture contact has been used to identify the capacity of “mobile” individuals to identify with new aspects of their environment. As a precondition of these people’s modernization, Lerner referred to the expansion of communication, or physical mobility, as well as the capacity to relate to and alternate alternative life-styles. These conditions and barriers were nonetheless seen as entirely personal, without giving notice to the traditional or parochial institutions, and their ability to affect individual’s choices (Migdal, 1974).

260 A large literature has been devoted to the regulation of land access and the role of public and customary authorities herein. While it is not my aim to reiterate this discussion, it is still useful to make this connection since it speaks primarily of the access of populations to goods, rights and services, regarded in this study to make part of the important realm of “governance”. For an earlier discussion of this problematique, see Mafikiri (1994), and Vlassenroot and Raeymaekers (2004a).

261 This term is borrowed from Klute and von Trotha (2004), who define or para-sovereignty as a situation in which “social and political centres of power and relevant nongovernmental groups have taken over part of the rights of sovereignty of the central authority or of the recognized, i.e. formal, and therefore mostly legally sanctioned duties in the core area of state administration. This process proceeds as a kind of “expropriation procedure” of state sovereignty by groups and organization that are in direct competition with the state and its administration, and occurs by means of an “informal decentralisation” and “privatisation”. At the heart of this procedure are the power groups of the colonial and postcolonial intermediary – i.e. the administrative chieftaincy as well as non-governmental organizations (NGOs), but also – as I argue – other powerful actors that have taken the opportunity of this “informal decentralisation” to progressively start performing state-like functions.

repeated numerous times, these principles of post-colonial statehood have been based on an exploitative division between town and country, which has been both perpetuated and informed by a “reciprocal assimilation” (Bayart, 1999) of local and national ruling elites: customary landlords, local strongmen, privatized state administrations, etc. Rather than a clear dividing line between the “old” and the “new”, or between the “formal” and the “informal”, therefore, the emerging para-sovereignty seems to confirm a sort of permanent standoff between state and non-state forms of governance that makes these institutions hang in a constant limbo which seems illogical from a Western “ideal” perspective of Weberian statehood, but makes perfect sense from the perspective of the evolving social and geographical “frontier”. I will return to this point later in the conclusion.

The Scaling of Social Practice

The second, though less original, conclusion regarding the evolution of social networks is that for “development” to ensue (i.e. for an group or network to conceive a property rights system that meets their essential needs of “trust” and “protection”), there remains a dire need to grow out of the immediate circle of personal and communal relationships and integrate with wider, or autonomous, social fields. This observation might again seem trivial, and does not differ very much from the broader observations that have been made with regard to social capital. In more recent studies, the point is made that social ties are not necessarily a “good” thing; in other words, there is an important downside to social capital (Portes and Landolt, 1995): too much capital may lead to suffocation, or an “excess of community” (Woolcock, 1998) that hampers integration with other communities or groups, like is apparently the case in many parts of the contemporary “South”. Too much linkage may lead in turn to alienation from the original environment, which hampers the mobilization of communal capital²⁶². Perhaps the most striking aspect of this conclusion is that not in spite but *because* of the strong intra-ethnic competition among the Nande, some of their community members have been able to reach out beyond the original spatial, economic and mental boundaries of their group – a move that has simultaneously guaranteed this group’s economic and political “survival”. As was amply stated in the beginning of this study, the emergence of the Nande “trust network” did not at all entail that economic transactions in this community were (are) happening according to a well-structured and equitable scheme. Quite on the contrary, commercial activity

262 A case in question might be the many “students” from Butembo (mostly children from rich traders) that go and live abroad, but after a while lose every connection with the original environment. This position often saddles them up with community ostracism, which makes it difficult for them to reintegrate in their families and communities. Too little of both (i.e. no integration and no linkage), in turn, is often the leading condition of young male immigrants in Western metropolises, whose constant floating between a rock and a hard place makes them particularly fit for violent behaviour (Portes, 1995). In this sense, these metropole settings do not differ so much from the African urban contexts, where male youth easily transform into “loose molecules” that are on the verge of igniting, but which lack both the integrative and linking capacities to make them into “developmental” subjects. For an interesting comparison, see Kaplan (1994) and Richards (1996).

in Butembo appears rather like a “rat race”, and intra-ethnic competition is fierce (see chapter one). However, for these transactions to take place, it was argued, some level of trust still had to be present, and even could be seen as a precondition for communicating with the outside world. Maybe, then this “sociability” (or the ability to “jump” between different scales of networks) also explains the difference of the Nande with other trading communities inhabiting eastern DR Congo, like for example the Banyarwanda and Gegere traders, who for political reasons have been forced to be much more inward looking (primarily because of *inter*-ethnic competition)²⁶³. In that sense, the difference between multi- or mono-ethnicity does seem to play a role in economic transactions, but again not as it is usually assumed: rather than providing a basis for *inside* solidarity, intra-ethnic competition seems to act as facilitator to *outside* links. Inter-ethnic competition, in contrast, seems to constrain such relationships with outside groups, a condition that appears to hamper development in general. Although the resolution of this question lies far outside the scope of this study, it certainly remains an interesting hypothesis to be tested.

An interesting method to visualize this growing “sociability” of Nande traders is through the drawing of their social “scales” or spaces. Of particular use for this study has been the differentiation between so-called spaces of engagement and spaces of dependence. As was explained, this concerns a social constructivist study method, which starts from the hypothesis that those who mobilize social forces *across* space often find advantage over those that mobilize only *in* place (Cox, 1998). It makes part of the growing “scale-sensitive” body of research that focuses on processes of “glocalisation” (Swyngedouw, 1997), and describes locales as “heterogeneous, multiscalar spaces within which processes of demarcation and connection take place.” (Arnaut, 2005) In practice, this spatial focus on social relationships shows how the inward and outward looking of the Nande trust network in fact remained an extremely fragile exercise, in which the dependence on the local polity (i.e. as a social space where influences and practices interact and come together) was constantly weighed and balanced against the engagement with other groups and enterprises outside the immediate relationships, but which proved *equally* necessary to mobilize their social and economic capital.

Looking at social relationships in this spatial form, it thus becomes possible to see how the process of interest satisfaction often “jumps” scales, i.e. how this process not only occurs *in* but also *across* space. A remarkable evolution in this respect has been the extension of the Nande trust network to East Africa and Asia during the late 1980s, early 1990s. As was explained in chapter four, the combination of economic crisis and “informal” commercial activities (particularly in the gold trade) gradually had pushed Nande traders towards more global markets, amongst

263 Paradoxically, the Nande’s so-called “exclusion” from political decision-making centres could be presented as a blessing, then, because it permitted them to concentrate on developing relationships with outside communities and groups. As I stated earlier, however, this so-called exclusion has been largely based on myth (see introduction Part One).

others to look for foreign currency. First reluctantly, but quite soon on a more systematic basis, business relationships were explored with expat Asian traders in East Africa and the United Arab Emirates (Dubai), which further attracted the Nande towards producing Asian countries such as Thailand, Indonesia and China. It can be assumed that these relationships developed in a quite similar manner as any kind of commercial partnership: while a first visit was used to meet and place a few orders, these partnership gradually could evolve into trustful relationships, which sometimes included the chance for “friendships” to arise (in economic jargon, this is referred to as “internalization”). Asia and Dubai could thus be regarded as the Nande’s places of engagement, while Butembo remained their place of dependence. Quite remarkable in the Nande case, however, is that these new “friendships” gradually became integrated as a *political* institution. Especially during the war period, the Nande increasingly oriented their trading activities eastwards (contrary to the pre-war period, when activities were primarily developed in Congo’s interior). This could not only be observed in the kind of goods that were imported (such as the colourful ‘*pagnes*’ coming from Thailand and Indonesia), but also in the cultural symbols that were expressed in day-to-day relations. Houses, cars, and even home’s interiors increasingly gathered an oriental outlook, while Butembo’s youth listened and dressed much more according to the trends and music from neighbouring East Africa (i.e. ragga muffin, African rap, ...), than by the BCBJ and ‘*sapeur*’ styles from the stars in Kinshasa (Wera Son, Koffi Olomide, etc.). While this rupture was by no means definite, it still became a visible expression of Butembo’s growing disconnection from Congo’s capital, which gradually had become the symbol of decadence and predation. Although Nande businessmen had emerged partly *thanks* to these internal relationships, the “arrogance” and styles of their counterparts in Kinshasa as well as European metropolises like Brussels and Paris were increasingly experienced as untrustworthy. Especially during the war period (i.e. when most Nande were either chased or forced to leave their investments in Congo’s interior), Butembo became rife with stories of Nande businessmen that had been tricked or robbed by ‘*des agents occidentaux*’ (a particularly famous case was the SENOKI electricity station projected by a South African businessman: see chapter seven)²⁶⁴. Asians in contrast could be “trusted”, and their contracts respected. One renown businessman, who oriented most of his operations eastwards, expressed it as such: “[...] people here [have become] very weary of men arriving with a lot of promises; this is as true for the Ugandans and outsiders as to members of their own community. People here have learned from their own bad luck... The Asians are different, however: they still respect their contracts. They even leave us the goods without paying them entirely; once they arrive in Mombassa [Kenya’s main international harbour], we pay for the rest and they let them go free.” The gradual shift to Asia as a “trustworthy” partner thus again demonstrated the traders’ adaptiveness both in practical and epistemological terms when it came to changing their communal trade practices. Again, however, the

264 Interesting in this regard was the similarity in stereotyping from the part of Nande traders: while formerly all Asian traders (Pakistani, Indians, Lebanese) were treated as ‘*libanais*’, now this stereotype was applied to all ‘whites’ or Europeans’ – whom all gathered the designation ‘*muzungu*’.

understanding with their Asian counterparts probably has to be understood less in terms of culture or morale, than with the similar structure and business organization these Asians shared with their Nande counterparts: both are used to work in similar political environments (characterized by either patrimonialist or clientelistic political organization), and both are “embedded” in the same family and friendship ties that characterize the Nande society in general. This gradual change of social practice ultimately seems to indicate a true “glocalisation” to have taken root, i.e. as a new and “nested” set of related and interpenetrating spatial scales, where conflict is regulated and mediated, and compromises are settled (Swyngedouw, 1997). As the social relationships of these transborder traders has changed, the “scale” of their regulation also tends to change, whereby each scale of regulation is characterized by a series of formal and informal practices embodied in the different levels of governance through which social transformation is guided.

It should be emphasized that these new “glocalized” relationships in no way entail the Nande’s structural integration into the global economy as a whole. While these transborder trading practices certainly represent important institutional potentialities for economic development, for them to be structurally integrated into the global economy, they still need an appropriate transnational regulatory framework within which these networks can operate²⁶⁵. This would not only entail to cut loose from both excessive liberalisation and over-regulation, but also to actually propose economic incentives and a policy environment that combines strategic liberalisation with a regulatory framework for the development of agricultural and industrial production in this resourceful part of Africa²⁶⁶. To conclude, it might be useful to refer again to Eric Swyngedouw (1997), who proposes to be critical of the concepts that have systematically divided our understanding of social realities in “local” and “global”, national and transnational, etc., and instead focus on the production and transformation of this reality along social and geographical “scales”: “The crux is not, therefore, whether the local or the global has theoretical and empirical priority in shaping the conditions of daily life, but rather how the local, the global, and other relevant (although perpetually shifting) geographical scale levels are the result, the product of processes, of sociospatial change.” It is only then that we can systematically begin to shape and direct an adequate policy and analytical environment that can cope with contemporary processes of social transformation – and in which the “state” only forms one among many organizations.

The State: Transformation without Transition

In this study, the Congolese state formation process was referred to repeatedly as a “transformation without transition”. This quote was taken from colleague Christopher

265 In this study, a number of examples were provided to support this case, going from the transnational coffee trade, to the export of cash crops between the DRC and Uganda (see chapter four).

266 For a discussion with regard to West Africa, see Meagher (2003 and 2006).

Parker (2004), who in his discussion of Jordanian electoral politics decides that existing political constellations – evolving through networks, or political complexes – have largely taken the lead over the newly introduced framework of internationally induced “transition”. Applied to the Congolese context, this study argued that this country’s peace process – which had to lead the country towards peace and democracy – has not led to a regime change as such, but rather induced a transformation within the “structuring structure” that has determined the outlook of the African political landscape since the end of colonialism (much like in di Lampedusa’s *‘Il Gattopardo’*: see chapter nine).

This study carries forward two main ideas in this respect. First, it argues that social transformation during times of protracted political conflict is possible, but does not necessarily have to pass via the central state. The second, apparently contrasting idea is that this social transformation still evolves around the central (state-informed) problematique of the administration of security (the monopoly on the use of violence), economic redistribution and “popular” representation. Let me explain this statement in a few lines.

Contrary to the central idea carried forward in the literature (Dorff, 1996; Rotberg, 2002, 2003, 2004; Zartman, 1995), this study argued that even in apparently anarchic situations, some sense of political “order” may be maintained, and even give rise to new kinds of regulations and governance practices that seriously determine the outcome of the ongoing state formation process in these areas. A first idea behind this argument is that the “collapse” of state organizations during political crises does not necessarily have to go hand in hand with a collapse of society in general. The evolution of the network of Nande cross-border traders (as well as many other groups and organizations during war periods) clearly shows that people continuously adapt and accommodate themselves, and they constantly try to establish new ways of coping with uncertainty and conflict. This process of adaptation and accommodation is likely to have an impact on the conflict environment itself, as well as on the future conception of social and political institutions²⁶⁷. A second idea is that this constant adaptation and accommodation to uncertainty and conflict may even lead to “new” kinds of political formations to emerge around the renegotiation of political and economic accountability and control (Doornbos, 2002). In concreto, the quest for trust and protection from the part of the Nande transborder trading network has led to a new balance in the local (or glocalized) governance framework on the Congo-Uganda frontier, a situation that has facilitated a transformation towards “mediated statehood”. This concept, which originally comes from the analysis of European early-modern statehood, was used in this study to describe the strategies of state organizations that constantly rely on strategies of mediation with local strongmen and other rival forces in order to strengthen their political control over frontier areas (see chapter nine).

267 This argument is also propagated, amongst others, by Cramer and Goodhand, Marina Ottaway, and Martin Doornbos (see bibliography).

At the end of the day, the main question that remains to be answered is what this “transformed” political order has meant for the masses of peasants and rural populations that have lived through this period of political turmoil. Although not really the subject of this study, it still seems worth considering, especially when one wants to evaluate the supposed legitimacy of these “new” political orders in the face of the current transition process. The short answer to this question is probably: not much. As I explained in another study (Raeymaekers, 2006), the rural populations in Beni-Lubero continue to be blocked in their development by various “institutional” factors that hamper their access to assets. These factors can be defined as (1) a lack of institutional organization – leading in turn to a depletion of household assets, and (2) a lack of ensured access – expressed in the monopolistic attitude of several gatekeepers (in casu customary landlords, state agents and commercial middlemen) towards household opportunities²⁶⁸. The opportunities that have come along with the long period of state “collapse” (e.g. growing transborder commerce, diminishing state control, etc.) thus seem to have benefited foremost to the small class of transborder traders whose new links to local military actors and the global economy permitted them to assume the role of local “village lords”. At the same time, however, the bulk of the rural population continues to linger on in a situation of utmost poverty: without access to essential infrastructure, schooling and medication, it is construed to survive on subsistence agriculture, the produce of which is sold on local and regional markets via various commercial “middlemen”. Contrary to a classical view on rural coping strategies, which portrays peasants’ reactions mainly in terms of a return to subsistence (Hyden, 1999), peasants continue to depend on extra-communal and market ties for their day-to-day survival. Essential household products such as soap and salt, for example, are mainly imported from neighbouring countries such as Uganda and Kenya, because eastern Congo lacks even the minimal infrastructure to launch local industrial activity²⁶⁹. In the end, therefore, this imposition of commercial middleman largely seems to reconfirm the historical division between rural and urban populations introduced by the colonial empire, be it only in a different manner. Instead of a colonial labour system based on forced food and cash crop production, the peasant population is currently dominated by a largely urban-based commercial class, which imposes its rule on the countryside through a complex “putting out” system of cash crop and manufactural production²⁷⁰. So while the war seems to have worked mainly to the advantage of a small but increasingly powerful “capitalist” rural class, grassroots households continue to be blocked by the various mediating structures that determine the diversification of their livelihoods, particularly with

268 The institutional factor particularly explains the gap between the population’s coping and effective *adaptation* to state collapse and conflict. Institutions are important in this respect, because they encompass the “agencies and conventions” that inhibit or facilitate household capabilities and choices (Ellis, 2000).

269 The IMF calculated recently that if the DR Congo continues to develop according to the current growth rates (5 percent a year), it still will take the country seventy years to reach the economic level of 1960.

270 The term “putting out” is used to define a production system whereby cash crop production and manufactural work is subcontracted to agricultural labourers, who in turn bring their produce to a central place of business to be assembled and sold. The raw materials are often provided by the merchant (either in raw form or through a pre-financing of production), who also commercializes the end product.

regard to the access to land and the market. In this sense, the transformed institution of the (post-) colonial intermediary is likely to stand at the centre of contemporary research and policy efforts at least in the near future.

The previous observations clearly point at a necessity to bring the evolving relationship between Congo's town and country back into the analytical and policy picture. One interesting conclusion in this regard is that just like the struggle between governing institutions, these relationships seem to evolve along different scales and in different sites: one interesting method of analysis would be to deconstruct the different scales and sites along and in which forms of power are exercised (from the local to the national to the regional and even transnational level), and evaluate how these scaled relationships affect levels of political *legitimacy* and citizenship – a question that has been largely absent from the present study. Whatever the outcome of such future research, however, it is still likely to evolve around the basic premise from which this study departed, namely the struggle for power, profit and protection (Ballentine and Sherman, 2003). One lesson that can be taken along in future research, hopefully, is that the process of state formation is largely an incremental process, but which nonetheless develops around the central question of sovereignty, i.e. what body of relations effectively structures practice and agency in a given area of social life. This requires a critical position against the somewhat hybridizing views that explain the evolution of contemporary political order largely in terms of "networks"; it also and foremost necessitates a radical departure from the traditional, liberally inspired analysis that has defined sovereignty explicitly in terms "state" sovereignty. When taking a bottom-up and scaled view on the reproduction of political order, it becomes clear that there is nothing necessary about the development of nation-statehood in the modern world, neither in historical nor in logical terms. In fact, the history of emerging and withering statehood at least in this part of Africa confirms that this has often been a "bumpy" process, which has been rooted in conflict and contingency. Even when something close to the ideal of Weberian statehood emerges, state organizations are still likely to be confronted with parallel or rival organizations that claim authority over certain governance domains, be it the Sicilian mafia, the transnational Catholic Church, or transborder economic networks. One of the more important conclusions of this volume in this regard is that territorial sovereignty is not a goal as such, but rather a means to an end, namely to exercise authoritative control over the actions of others not just *in* but *through* space – a task to which the transborder network discussed in this study has adapted with striking ease. To conclude, the Leopard was probably right in his assessment of the Sicilian "transition": something indeed had to change for things to remain the same...

b/c no. 55 / 12.01.03
21/01/03

NOTE TECHNIQUE

Dossier: [REDACTED]
Agence: [REDACTED]
N°: 8 x 20 Titres impériels
UEH: [REDACTED]

Date à payer: 15.000,- \$ US.
Paiement:

- Par apurement à 100% sur
taux clause de 25 023 de 100%
soit: 15.000 \$ x 100% = 15.000 \$

- Autres frais des services
concernés à charge de l'
importateur.

Bani, le 28.01.03

Accad
[Signature]
TKK 28/01



DECHARGE SPECIALE

N° d'ordre : 120

Je soussigné KISONI KAMBALE Président de la FEC/Butembo, déclare avoir
perçu de Mr [REDACTED]
(Adresse complète) la somme de dollars Américains...16 000 USD.....

Montant perçu conformément à la lettre n° du 22/09/1998 du chef de
Département des Finances du Rassemblement Congolais pour la Démocratie.

Ce montant représente les droits et taxes dus à l'Importation de ...02 containers
TISSUS IMPRIMES DE COTON répondant aux caractéristiques ci-après :

- Importation :DEFINITIVE
- Nature de marchandises : TISSUS IMPRIMES DE COTON
- Nombre de colis :
- Poids brut
- N° du (des) containers : [REDACTED]
- N° plaque véhicules : [REDACTED]
- Référence transfert sur entrepôt.

NB. Tous droits et taxes confondus y compris l'O.C.C.(mesure spéciale).

Fait à Butembo, le 04 /07/99

KISONI KAMBALE

DR. KISONI KAMBALE
MEDECIN VETERINAIRE

Président FEC/Butembo.

REPUBLIQUE DEMOCRATIQUE DU CONGO
R.C.D.-ML
COMMISSARIAT AUX FINANCES

Concerne : Préparation frais
de Douane

Butembo, le 19.1 Janvier 2002.
N° 001 ROUTE 1 COLON IRCA-K11/2002
A Monsieur l'Inspecteur Chef Local
OFIDA/BENI

Monsieur l'Inspecteur,

Compte tenu des urgences, nous avons
accepté le prépaiement des frais douaniers pour les marchandises détaillées ci-après, avec une
remise de 15%.

Veillez à cet effet considérer ces paiements
pour l'apurement de ces dossiers.
Il s'agit de

	CLIENT	N° CONTAINER	PROVENANCE	MONTANT PAYE
1	[REDACTED]	[REDACTED] x 40'	DUBAI	5.100 \$
2	[REDACTED]	[REDACTED] x 20'	DUBAI	2.550 \$
3	[REDACTED]	[REDACTED] x 20'	DUBAI	2.550 \$
4	[REDACTED]	[REDACTED] x 20'	DUBAI	2.550 \$
5	[REDACTED]	[REDACTED] x 20'	DUBAI	5.100 \$
6	[REDACTED]	[REDACTED] x 20'	HONG.K	2.975 \$
7	[REDACTED]	[REDACTED] x 20'	DUBAI (BECHE)	850 \$
8	[REDACTED]	[REDACTED] x 20'	DUBAI	2.550 \$
9	[REDACTED]	[REDACTED] x 20'	DUBAI	2.550 \$
				26.775 \$

Ce montant est logé auprès de la BIC BUTEMBO suivant
les BV n° 64256, 64371 et 66431 du 18/01/02 dont copie en annexe.

La présente note n'exclue pas la vérification du contenu.

SHAURI TATA KULU



Commissaire

REPUBLIQUE DEMOCRATIQUE DU CONGO
RASSEMBLEMENT CONGOLAIS POUR LA DEMOCRATIE / KISANGANI
Mouvement de Libération
R.C.D. / KIS - ML



Commissariat à l'Economie, Commerce, Finance et Portefeuille

CONTRAT D'EMPRUNTE N°034 / CO.ECFP / RCD/KIS-ML/2003

Entre les soussignés :

D'une part, la Maison [redacted], Agence en Douane B.P Butembo, dénommée « PRETEUR »

Et

D'autre part, le Rassemblement Congolais pour la Démocratie (RCD), représenté par le Commissariat à l'Economie, Commerce, Finance et Portefeuille, dénommé « EMPRUNTEUR »

Il a été convenu ce qui suit :

Article 1^{er} : La Maison [redacted] accepte de prêter la somme de dollars américains quarante et un mille cinq-cent septante-deux virgule cinquante-neuf (41 572,59 \$ US) au rassemblement Congolais pour la Démocratie, RCD/KIS-ML.

Article 2^{ème} : Les deux parties se conviennent du remboursement de cette dette par compensation des droits et taxes à l'importation des marchandises importées par le Prêteur.

Article 3^{ème} : L'emprunteur accorde au Prêteur le droit d'importation des marchandises qui seront taxées à raison de 100 % des droits et taxes à percevoir.

Les frais connexes des services (FPI, DGC, OCC, OGEFREM, ...) sont à charge du prêteur.

La rétrocession due à l'OFIDA, la commission bancaire ainsi que la rétrocession due au Gouvernorat sont à charge de l'emprunteur.

Article 4^{ème} : Tous litiges qui pourront naître de l'exécution du présent contrat seront préalablement réglés à l'amiable. En cas d'échec, la partie lésée aura la possibilité de faire valoir ses droits par voie de justice.

Article 5^{ème} : Le présent contrat entre en vigueur à la date de sa signature.

Pour le Prêteur

[Redacted signature]

Fait à Beni, le 22 / 02 / 2003
Pour RCD/KIS-ML
THOMAS MATHE KEMBI
Commissaire

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Merchandise on offer in Butembo (left under: Kaghuntura)



Transporting merchandise from the border to the shops