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BOOK REVIEW

Political economy of media transformation in South Africa, edited by Anthony Olorunnisola and Keyan G. Tomaselli, New Jersey, Hampton Press, 2011, 314 pp., £27.50, ISBN 9781572739918

The political transformation in South Africa, starting tentatively in the reform era of P.W. Botha in the early 1980s, and ultimately culminating in the first democratic elections in 1994 and a new post-apartheid constitution in 1996, has been covered from many angles. This book takes a novel approach in focusing on the role of the media, both in probing the apartheid structures as they began to crumble and in dealing with a radically different post-apartheid state. The authors explore the processes of media adaptation, strategy and propagation, in terms of advertising, print media and other forms, from the late-apartheid era to the late 2000s. The book seeks to consider the role of media from theoretical and technical viewpoints: which aspects of state-owned enterprises (SOEs) and the private sphere changed with the onset of democracy in South Africa and what underlying, as well as more overt, changes occurred in the nature of media's role in Africa's most prosperous nation. As the Introduction states, 'analyses of political economy of media transformations are painfully few and far between' and this text seeks to 'chronicle the many dimensions to, and forms of, transformation that visit the process both of ... democratic reforms and ... institutional (including media) transformations in South Africa' (pp. 1–2). The book succeeds in chronicling many of these changes, but is somewhat less successful in probing the nature of the changes that have taken place.

The book is organised into 11 chapters. Several of the chapters are written by the same authors. This enables continuity in themes across the chapters, but also prevents wholly new arguments or subjects from emerging. The subject of media transformation inevitably requires examining both technical change and engagement in the late/post-apartheid era as well as more representational changes, a task which brings notable difficulties. A number of the chapters, whilst elucidating important technical and institutional developments that emerged in South Africa and further afield in Africa (for instance in Nigeria and Uganda in Olorunnisola and Lugalambi's chapter 'A continental perspective on the transformation of South Africa's media and communication policies'), are unfortunately laden with technical jargon. The collection is more successful in the elements of postcolonial critique and theoretical considerations that emerge in a number of chapters: in Alexander Holt's examination of structural reform and advertising (Chapter 4) and Herman Wasserman's exploration of media discourses and former president Thabo Mbeki's comments on identity and the media (Chapter 5). The focus on the African National Congress (ANC) government's policy of black economic empowerment (BEE), in particular in Chapters 8 and 9, is also one of the stronger elements of the collection. What becomes clear is that in spite of the aims and aspirations of BEE, 'BEE firms [are] still met with stiff resistance from non-empowerment companies' (Boloka, p. 199) and the media marketplace is difficult and precarious for newly formed BEE companies. Ultimately, Boloka points out, 'as much as empowerment continues to influence the way the South African

media industry operates, it lags behind in terms of achieving the aims that it sets out to accomplish' (*ibid.*, p. 206). Fundamentally, the extent of allocative, as well as operational, control of South Africa's media in the hands of black South Africans is still too small.

Overall, whilst the book provides some interesting analyses of the media's development since the end of apartheid, the structure of the collection and the chapters themselves seem to undermine the book's central objective. Often important points or discussion items emerge only towards the end of a chapter and certain chapters, notably Herman Wasserman's 'Identification in transformation', which seeks to look at the role of the media in the context of the ANCs rhetoric during the presidency of Mbeki, are critically undermined by length. Important and interesting considerations on the role of rhetoric and representation, as well as both the representing of and by the media, are thus cut short. It seems surprising that elements relating to the Transitional Executive Council (TEC) that emerged just before the 1994 elections are not covered in greater detail. Notably, the creation during the transition phase of the Independent Media Commission and enactment of the Independent Broadcasting Act, which set the tentative template for the type of overall (independent) media landscape to come,

only receive brief mention in Olorunnisola and Lugalambi's chapter.

This collection identifies some important considerations in looking at the nature of media transformation in South Africa over the past 20 years. Unfortunately the shifts from theoretical to technical and back again ultimately hamper the overall project. The final chapter by editors Olorunnisola and Tomaselli provides a useful summary of the themes and issues considered in the collection and prospects for further inquiry in the future. They end by noting the potentially precarious nature of the media in the face of ANC/government pressure, something especially relevant given recent debates on the proposed Protection of State Information Bill in the South African Parliament. As the editors state, 'the future of the media in South Africa may ultimately … depend on the courage of the corporate media that … largely became Black-owned enterprises as a direct result of the empowerment policies of the post-Apartheid government' (p. 280). Perhaps a singular focus on BEE and its success and failures may be the next port of call for the editors as this is where the book's greatest strength lies.

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BOOK REVIEW

Chocolate nations: living and dying for cocoa in West Africa, by Órla Ryan, London, Zed Books, 2011, vii + 182 pp., £12.99 (paperback), ISBN 9781848130050

Few people in the North are aware that Côte d'Ivoire and Ghana are the two largest producers of cocoa in the world. Giant multinationals such as Nestlé, Mars and Cadbury (recently acquired by Kraft Foods) largely base their chocolate production on the countless cocoa fields of these two relatively small countries of West Africa. The low prices of chocolate products in Western supermarkets depend on the deals between these companies and the respective countries' cocoa institutions as well as the world market price of cocoa. Few studies have addressed the reality that the large majority of the local populations growing cocoa are trapped in acute poverty. Órla Ryan's book is therefore a welcome contribution.

The book starts with a concise background of Ghana's relation with cocoa cultivation and production and the importance of cocoa to the national economy. The production of cocoa beans in Ghana largely comes from the cultivation of small farmers. However, despite cocoa being the backbone of Ghana's economy and the main export product for the last 50 years, the farmers have remained poor, at the mercy of the annual price of their produce which is fixed by the Ghana Cocoa Board. Chapter 2 presents the fundamentals of Côte d'Ivoire, currently the world's largest producer of cocoa beans. Ryan underlines the relative prosperity Côte d'Ivoire experienced after its independence from France (1960) but also the political instability and violence that erupted during the last years and after the fall of Félix Houphouët-Boigny's one-party rule. The author addresses the complex problem

of land rights in Côte d'Ivoire and how this – together with the long-standing questions of migration and ethnic identity – proved to be the key for violence between local people and migrants and a civil war between the northern and the southern regions of the country (2002–2003). Interestingly though, the author suggests, the flow of cocoa from the plantations to the port of Abidjan continued almost undisturbed in order to support the production of cocoa products in Europe and the United States.

Chapter 3 sheds light on the problem of child labour in cocoa plantations in Ghana and Côte d'Ivoire. This is a very sensitive subject for both countries as a series of recent media reports and parliamentary questions, in Europe and the United States, over employing children in cocoa production threatened to damage exports of cocoa from West Africa. Ryan contextualises this question and effectively addresses the complexity of the issue. The demanding harvest seasons and the periodical needs for labour in the plantations that rural households experience are often difficult to distinguish from trafficking and exploitation of children for cocoa production. While thousands of children are indeed exploited in cocoa plantations, others are claimed to be family members who assist their parents and relatives only during the harvest season as the households are too poor to afford hiring external workers. Monitoring of the situation is extremely difficult due to the large number of small cocoa fields scattered across both countries.

The next two chapters explore the politics and economy of cocoa through two specific stories. In Chapter 4 Ryan tells us the story of Guy André Kieffer, a French-Canadian journalist who, while researching the politics of cocoa business in Côte

d'Ivoire in 2004, was allegedly kidnapped and murdered. Through his case, Ryan explores the dirty politics of cocoa business during the Gbagbo administration and how things have remained largely unchanged since. Chapter 5 examines the case of an American entrepreneur who, having lived in Ghana for some time during his school years, decided to invest in a chocolate factory in Accra. Ryan presents a detailed account of the bureaucratic and logistical challenges entailed in producing chocolate in Ghana, far from the industrial centres of the West where to compete with such commercial giants as Mars and Cadbury and to gain space on the shelves of the big supermarket chains often seems an impossibility. The author suggests that the challenges of producing finished chocolate made in Africa and competing with the multinationals are so many that the low taxes an African chocolate company would face when exporting to Europe are not disturbing the multinationals which dominate the market. Even commercial agreements such as the African Growth and Opportunity Act have made little difference for investors in African chocolate manufacturers.

In Chapter 6 Ryan highlights the impact of such companies as Fairtrade on the livelihoods of cocoa farmers. Ryan convincingly argues that the need for quick cash on the part of farmers and buyers during harvest season is such that initiatives like Fairtrade have little impact on the overall turnover of cash and cocoa in countries like Ghana. Although local Fairtrade co-operatives guarantee a minimum price to farmers, the need for swift cash transactions and the overall size of the market mean that such co-operatives have little influence and marginal effect on the lives of the farmers. The producers remain poor and highly dependent on the fluctuations of world market price and the political decisions of the cocoa institutions in Ghana and Côte d'Ivoire. In Chapter 7 Ryan exposes the lack of transparency in regards to cocoa information and speculation in Ghana and the bureaucratic cocoa institutions of Côte d'Ivoire. Both economies remain vulnerable to price fluctuations with the farmers at the bottom of a cocoa pyramid. There are indications that farmers are getting increasingly discouraged from continuing to produce cocoa and are moving to others crops or professions, especially the younger generations. The author suggests some solutions to these problems: greater transparency, government backing, training, more scientific knowledge being made available to the farmers, and finally, greater willingness on the part of Western consumers to pay more for the final product in the supermarkets.

In *Chocolate nations* Ryan uses her experience as a reporter in West Africa to construct an eloquent and detailed analysis of the complexity of cocoa production, farmers' livelihoods and commercial and consumer practices of the chocolate industry. However, she appears reluctant to sufficiently highlight the very political nature of the problems of the current system of cocoa and chocolate production, tending to approach the issue as a principally 'technical' matter, where an improvement in the training of the farmers or scientific breakthroughs can promise a better future for cocoa workers. Nevertheless this work, with its originality, first-hand experience and detailed evidence, is compulsory reading for anyone interested in the trade, imbalances and injustice of cocoa and chocolate production today.

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From devastation to mobilisation: the Muslim community's involvement in social welfare in post-conflict DRC

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Undisputedly, more than a decade of war in the Democratic Republic of Congo has had an immensely negative impact on the social fabric of communities. However, tales of woe and destruction are not all that have arisen out of the ashes of the Congo wars. In fact, the minority Muslim community has capitalised upon the opportunity of this historical moment of state weakness and desperate human need to mobilise for the benefit of the larger society. Despite decades of marginalisation and withdrawal from political and development realms, in post-conflict DRC, Muslim associations are organising to provide social services, especially education.

Keywords: Congo; Islam; politics; education; failed states; hybrid institutions

[De la dévastation à la mobilisation : le rôle de la communauté musulmane dans la fourniture deles services sociaux dans la période après-conflit en RDC] Incontestablement, plus d'une décennie de guerre dans la République Démocratique du Congo a eu un impact très négatif sur la structure sociale des communautés. Pourtant, les histoires de malheur et de destruction ne sont pas les seules choses qui sont nées des cendres des guerres du Congo. En fait, la communauté minoritaire musulmane a misé sur l'opportunité de ce moment historique de faiblesse de l'État et de besoins humanitaires urgents pour se mobiliser en faveur de la société dans son ensemble. Malgré les décennies de marginalisation et le retrait des domaines politiques et du développement, dans la RDC d'après conflit, les associations musulmanes s'organisent pour fournir des services sociaux, en particulier dans le domaine de l'éducation.

Mots-clés : Congo ; Islam ; sciences politiques ; éducation ; états défaillants ; institutions hybrides

Introduction

On the last weekend of March 2009, the sleepy provincial capital of Kindu was overtaken by an influx of Congolese military personnel. Somewhere between 3000 and 6000 FARDC (armed forces of the Democratic Republic of Congo) soldiers arrived in town with orders to deploy to the forest area bordering Maniema and South Kivu provinces, near the town of Shabunda. They were there as part of Kimia II, an organised military campaign designed to drive out FDLR (*Forces Démocratiques de Libération du Rwanda*) rebels, the remnants of the Hutu groups that perpetrated the 1994 genocide in Rwanda. The group of soldiers that arrived in Kindu was to advance several hundred kilometres eastward, while other troops coming from South Kivu would force the rebels to

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retreat westward into the forest. However, the demoralised FARDC troops that arrived in Kindu, some with their wives and children in tow, had received no salary for months and had no barracks to sleep in.

The soldiers therefore relied on the only assets they had, their weapons, to prey on the local population for food and shelter. The several weeks they were in Kindu were incredibly tense, leading to international organisations giving their staff sundown curfews, the burglary of the Vodacom cellular telephone store downtown, and numerous reports of civilian harassment. It became increasingly clear that the troops had not been provided with transport to leave town and fulfil their mission, although a few did begin to walk toward the frontline, while others rode there on bicycles and motorcycles confiscated from locals. As the situation persisted, the local Catholic church grew weary of threats to the population, and the insecurity was ended only when the bishop of the Kasongo diocese sent a large truck to begin shuttling the soldiers from Kindu to their battlefront.

This anecdote raises a number of interesting questions. Weber tells us that one of the most defining duties of states is providing security, or having a monopoly of violence in a territory. However, despite having a national army which has military objectives, the Congolese state was unable to provide this most basic task of governing. The Catholic Church, not the Congolese government, ultimately provided the necessary means for the soldiers to perform their duty. As such, we are left to ponder the central questions of this article: How does social welfare get provided in Africa's weak states? How and why are faith-based organisations (FBOs) stepping in to collaborate with or fill in gaps left by a failed or weak state?

Undisputedly, more than a decade of war in parts of eastern Democratic Republic of Congo (hereafter DRC) has had an immensely negative impact on both the social fabric of communities and on individual lives. However, tales of woe and destruction are not all that have arisen out of the ashes of the Congo wars. This article demonstrates how the minority Muslim community has capitalised upon this historical moment of state weakness and desperate human need to mobilise for the benefit of the larger society. Despite decades of marginalisation, discrimination, and withdrawal from political and development realms, in post-conflict DRC, Muslim associations are organising to provide social services. Although Catholic and Protestant groups, with the support of the central state, have for example been providing educational facilities since colonial times, Islamic organisations have increasingly become involved in the provision of education since the formal end of the conflict in 2002.

This article examines the involvement of the Muslim community in social service provision, especially education, supported by empirical evidence from comparative fieldwork in post-war DRC. It argues that the opportunity provided by this unique post-conflict setting encouraged the mobilisation of a heretofore withdrawn and marginalised minority population. In particular, Muslim provision of education has been possible because of what amounts to a system of hybrid governance in the Congo, where public education provision requires the cooperation and resources of both the Congolese state and faith-based organisations. This finding thus leads us to argue that the 'failed state' literature must be nuanced to recognise that non-state actors, such as FBOs, do not simply fill a void left by the failed state. Instead, many citizens of so-called failed states actually experience a system of 'hybrid governance', where social service provision is the result of state and non-state collaboration. While the phenomenon of state and non-state collaboration in service provision is also common in

developed countries, the key distinction is that this article focuses on FBO provision of *public* education in the Congo.

State capacity in the DRC has been incredibly low for several decades, since at least the 1980s, and as a result scholars and practitioners have repeatedly labelled the DRC as a failed or extremely weak state. Joel Migdal (1988, p. 4) defines state capability as the ability to '*penetrate* society, *regulate* social relationships, *extract* resources, and *appropriate* or use resources in determined ways' (emphasis in original). According to Migdal, strong states do this well but weak states have low capabilities to perform these tasks (for discussions of the DRC as a failed state in the 1990s see Young 1994 and Lemarchand 2003). The capacity of the Congolese state was eroded by over a decade of civil and regional war. However, the *Foreign Policy* Failed State Index for 2011 ranked the DRC as the fourth most failed state in the world, eight years after the Congo wars (1996– 2002) formally ended. Herbst (2000) defines a weak state as one that is unable to prevent the movement of people, arms, finances, rebel groups, wars and resources within the territory, and is unable to protect its citizens from external threats. Much emphasis has been placed on examining the causes and consequences of state failure, but relatively little research has been done on how and via whom government functions, such as the provision of social services, are carried out in the context of state weakness. In fact, the provision of public services that are normally the purview of central governments such as security, education, health care and humanitarian relief, has increasingly become the work of non-state actors.

Posner (2004) discusses how civil society groups are often left to do the work of their state. Traditionally, 'governmental performance entails the provision of fundamental public goods like security, basic infrastructure, education, sanitation, and public health' (p. 237). However, when states have failed, they are unable to meet these tasks and civil society organisations are often left to assume the role of 'substitutes'. Therefore, the provision of social services in many developing countries experiencing weakened state capacity is especially dependent on non-state actors, including international organisations, non-governmental organisations (NGOs), and religious institutions or faith-based organisations (FBOs).

Several scholars have identified functional alternatives to the African state such as religious associations, specialised United Nations agencies, and groups who profit from weak state capacity.[1] One recent work directly addresses this theme with empirical research carried out in Kinshasa. Giovannoni, Trefon, Banga and Mwema (2004) discuss the explosion in the number of NGOs and community associations in the capital from the 1990s onwards, reflecting people's need to survive as the increasingly dysfunctional state withdrew from their lives. They find the proliferation of these organisations has been directly linked to the failure and withdrawal of the central state and people's need to care for themselves.

Non-state actors, especially FBOs, have become important actors in governance and development. In fact, they are usually doing so with the support and encouragement of sovereign states and key political actors. Particularly in Africa, major outside donors such as the World Bank, the United States Agency for International Development (USAID) and the United Kingdom's Department for International Development (DFID), are supporting FBO participation in health care, education, environmental initiatives and poverty reduction.[2] The World Health Organisation estimated that FBOs provide 30–70% of health care in Africa. The Joint United Nations Programme on HIV/AIDS (UNAIDS) increasingly works in partnership with these organisations to improve AIDS prevention and treatment on the continent (PlusNews 2009). In a speech in January 2011, the USAID administrator stressed collaboration with religious associations on development

projects, and described how 'in Kenya for example, thirty percent of all healthcare services are provided by Christian hospitals' (Shah 2011).

In addition to practitioners, scholars have also increasingly focused their attention on the role of FBOs in development. For example, Tyndale's (2006) volume compiles 13 case studies from around the world of religious associations engaging in development work, with a positive impact for local populations. Haynes, a scholar of religion and politics in the developing world and particularly in Africa, noted that because many governments in the developing world are weak, 'there is now widespread acceptance that desired development outcomes can more likely be achieved if the energies and abilities of various non-state actors – including faith-based organisations – can be tapped into' (Haynes 2007, p. 3). Haynes examined the developmental role of Muslims, Christians, Hindus and Buddhists across Africa, Asia and Latin America, particularly in the areas of conflict resolution, fighting poverty, the environment, health and education.

Bornstein (2003) provided an empirical case of the role of religious non-governmental organisations in Africa. Her research examines Christian NGOs operating in Zimbabwe, and the ways in which these FBOs often provide social services in sectors such as agriculture, health care and education when the state is unable to do so. Her analysis highlights the need to examine the ability of FBOs to adequately provide such services, considering their specific motivations and spiritual goals. Of key importance, she argues, is the fact that the aim of such organisations is not simply providing services to needy populations, but also obtaining religious converts.

Nishimuko's (2009) work on Sierra Leone contains many similarities to the Congolese case, with the recent end of civil war and a state lacking the means to provide adequate education or even rebuild the numerous schools destroyed during conflict. Therefore, FBOs have played an increasing role, in so much as 'about 75% of primary schools are owned and managed by FBOs in Sierra Leone' (p. 284). Nishimuko finds that a weakness of religious involvement in development is the possible restriction on who is provided for, but that an important strength is their earned trust of the community due to long-term interaction. She concludes 'that when the government's ability to provide education is not adequate, collaboration between the government, NGOs and FBOs brings about effective outcomes and their involvement in development projects is vital' (*ibid.*, p. 293).

In the context of education in Tanzania, Mallya (2010) finds that collaboration between the state and FBOs is complicated. This is because, whilst the weak government cannot adequately provide for its people, it nevertheless insists on regulating the involvement of capable religious associations (p. 132); as this article will show, a similar dynamic is at work in the DRC today. In the late 1980s, the Tanzanian state asked for the increased involvement of NGOs, both religious and secular, in the provision of education and health. These associations rose to the challenge – by 1993, NGOs were providing 61% of secondary schools, 87% of pre-schools and 43% of hospitals in the nine regions surveyed. Recent studies show that FBO-run schools have the best examination performance (*ibid.*, p. 143).

Jenkins (1994), in an examination of the historical role of missionaries and Christian churches in Africa, finds that religious associations have played a unique role in their provision of social services. Although their original goal was to convert colonial subjects, when faced with the poverty of such communities, missionaries acknowledged the need for development in general, not just in the spiritual realm. Therefore when colonial governments were unwilling to provide social services for their subjects, religious associations became the primary providers of education and health care. In the Belgian Congo in particular, Jenkins finds that 'until 1946, the entire school system was composed of mission schools, with the few government-run schools staffed by missionaries' (p. 88). Jenkins

argues that contemporary service-provision FBOs have benefited from their historical experience at such tasks and long-standing infrastructure. While this may strengthen their performance compared to other non-state actors, it is important to recognise that they also differ from secular NGOs because their primary purpose is to expand their faith community.

In the contemporary post-conflict period, religious associations in the DRC have had to expand their assistance to Congolese citizens. A recent study of the role of religious networks in the country asserted 'as the government tries to consolidate its authority and build security, faith-based organisations will continue to find themselves, perhaps, as the only actors that are capable of delivering "public goods"' (Whetho and Uzodike 2008, pp. 73–74). As well as providing traditional services such as education and health care, religious communities have been involved in peacebuilding, for example during the 2003 Inter-Congolese Dialogue peace process, and in encouraging an end to political violence in Kinshasa after the 2006 presidential elections. FBOs played a large role in providing civic education and election preparation prior to the historic 2006 elections. They have been key actors in the rehabilitation of former combatants as well as war-devastated infrastructure such as schools, hospitals and roads. Indeed, it is difficult to talk about governance in the Congolese context without acknowledging the major role played by religious associations.

The eastern provinces of the DR Congo, despite the formal end of the conflict and the holding of elections, continue to experience insecurity and are frequently perceived as ungoverned spaces, in part because of the geographical distance from the capital. Exploring the role of Christian FBOs in governance in North and South Kivu provinces, Seay (2009) concludes, 'in a situation of state collapse, civil society organisations [CSOs] step in to substitute for the state's role as the provider (and, in many cases, regulator) of social services. In the eastern DR Congo, that CSO is most likely to be a church' (p. 202). This article makes a similar argument, although with regard to Muslim associations, but also seeks to highlight that FBOs do not step in to replace the supposedly 'failed' Congolese state, but rather work with it.

Therefore, we argue that the DRC's education sector is an example of hybrid governance. Titeca and De Herdt (2011) similarly argue that while the 'failed state' literature focuses on the undoubted inadequacies of the DRC government, scholars would learn more about governance in the DRC by exploring the ways in which it functions in practice. Titeca and De Herdt assert, 'the specific case of the education sector enables a demonstration of how the Congolese state continues to survive and transform itself. As an administrative framework the state has never ceased to exist, and its role in providing public services has been redefined rather than having evaporated' (*ibid.*, p. 214). FBOs play an important role in the Congolese education system, as indicated by the fact that three-quarters of primary school children attend religious schools (*ibid.*, p. 220). Although it may appear that these institutions operate independently of the weak DRC state, in reality they are part of a system of hybrid FBO-state governance. This hybrid system is analysed here to explain why Muslim FBOs, which are not discussed by Titeca and De Herdt, have increased their involvement in education as a result of the opportunity provided by the near collapse of state provision in this sector.

Indeed, scholarship on the governance functions of FBOs in the Congolese context focuses exclusively on Christian associations. This is reflective of a broader phenomenon where 'overall ... there is a lack of reliable information on Islamic NGOs in sub-Saharan Africa' (Haynes 2007, p. 185). As such, this case study of the role of Islamic organisations in providing education in post-war DRC will provide empirical analysis

of the role of Muslim religious non-state actors in social welfare provision in weak African states.

A history of marginalisation: Islam in the Congo

Demographic estimates suggest that Muslims constitute 5% of the total Congolese population, while Catholics comprise 50%, Protestants 35% and Kimbanguists (a Christian sect, founded by Congolese prophet Simon Kimbangu) 5% (US Department of State 2011). The history of the Congolese Muslim minority community is one of repression and marginalisation. Islam arrived in eastern Congo in the precolonial period (*c.*1860) as Swahili-Arab traders from the east African coast, most famously the notorious figure of Tippo Tip, penetrated the interior as far as present-day Maniema province in search of ivory and slaves.[3] Their aims were economic, not evangelical in nature. However, some local communities began to emulate the foreigners and many adopted the new religion.

Crawford Young (1966, 1969) wrote about Muslim politics in the Congo in the colonial period. In the early 1890s, the Swahili-Arabs were defeated by the Belgian colonial forces and expelled from eastern Congo. The new colonial regime was hostile toward Congolese Muslims, fearing that the minority represented 'a potential breeding ground of insurrection politically' that would threaten the regime and possibly lead to rebellion (Young 1969, p. 256). In fact, the Muslim community remained generally quiescent so as to avoid reprisals from the colonial administration. Despite its initial isolation, by the 1930s the Muslim community was prospering, as the result of increased relations with Islamic communities from other countries, particularly Tanzania. More mosques and Qur'anic schools were built, men were sent to neighbouring colonies for Islamic instruction, and most Congolese Muslims embraced *Qadiriyya* Sufism. The colonial regime reacted harshly to this new religious activity by forbidding Muslim foreigners from entering the country, destroying several mosques, and relegating outspoken and potential 'rebellious' leaders to remote regions of the Congo (Lazzarato 2001, pp. 73–74). However, according to oral history accounts, this had the unintended effect of spreading the religion to new converts in areas that would have remained untouched by Islam.[4]

However, the education sector was where Muslims experienced the most severe forms of marginalisation during the colonial years. Muslim children were effectively barred from colonial missionary education, denying them the chance for personal advancement in colonial society (Young 1969, p. 260). In the Belgian Congo education was provided almost exclusively by Christian missionaries, primarily the Catholic Church, and the result was that Muslim children were harassed, forced to convert, or expelled from school. Older Muslims in Maniema recount that harassment in colonial schools included forced conversion, beatings, being forced to eat pork, snakes and other forbidden meats, and to drink water during the fasting month of Ramadan.[5] As a result, most Muslim parents forbade their children from attending mission schools, fearing they would convert to Christianity. Consequently, generations of Muslims did not receive modern education, never learned to speak the colonial French language, and thus were ostracised from the colonial state.

As the Congo gained independence, the position of the Muslim minority improved, particularly with the 1960 law guaranteeing freedom of religion that was enshrined in the 1964 constitution. In March 1964 a national Muslim conference was convened in Maniema province, to select community leaders and state representatives. Despite these signs of progress Young concluded that 'Islam . . . remains as quiescent and isolated as it had been during the colonial period' (Young 1966, p. 464). Even today, few Muslims hold significant political

or leadership positions in the DRC, despite the holding of democratic elections. The consequences of the historical legacy described above can be seen today in the underrepresentation of Muslims at all levels of Congolese government and in senior professional posts. At the level of national politics, in 2009 there were only four Muslims in the 500-person national assembly and three out of 120 senators. There are no Muslims in the Maniema provincial assembly, even from those regions which are predominantly Muslim.

Despite the difficult legacy he describes, Crawford Young encourages us to see how unexpected it is that Islam survived at all in the Congo, and argues that it was able to do so because 'Islam has responded to the hostility of the state by indifference and withdrawal' (Young 1969, p. 263). Although this characterisation accurately describes the colonial and early independence period studied by Young, there is virtually no literature examining the role of the Congolese Muslim community in national politics in the post-Mobutu period. This article, in increasing our understanding of the political activities of the Muslim minority, aims to demonstrate that there is significant evidence of a Muslim community awakening, mobilising and breaking their long-standing tendency to isolate itself from the state.

The post-war proliferation of associations in Maniema and the DRC

The eastern province of Maniema, with a total population of around 1.8 million, is the historical and present-day home to the majority of Congo's Muslim population (Ngongo *et al.* 2007, p. 20). Kindu, Maniema's ethnically and religiously mixed provincial capital, has a population of about 254,000 (*ibid.*, p. 23). Muslims represent about 25% of the city's population. In contrast, in Kasongo, Maniema's second largest city and the historical birthplace of Islam in the Congo, the Muslim community constitutes as much as 80–90%.[6] There are substantial Muslim communities in other parts of the country. In Kisangani, the DRC's third largest city, estimates of the Muslim population rage from 10–30%. Kinshasa, the Congolese capital, is home to prominent Muslims and is the headquarters for the national Muslim organisation, the *Communauté Islamique en République Démocratique du Congo* (COMICO), discussed below.

In contemporary Maniema one finds a plethora of local, regional, national and international organisations performing development functions. Compared to other provinces, especially North Kivu, which has witnessed the brunt of post-war conflict and humanitarian disasters, Maniema is home to probably the fewest regional offices of international organisations. The handful of international organisations active in the province, which include German Technical Cooperation (GTZ), Belgian Technical Cooperation (BTC), Coopi, Care International, Merlin, and a few United Nations bodies, have only begun operations in Maniema in the last few years, even though some have a long-standing presence in the country. Of the few organisations working in the province, very few carry out activities outside the provincial capital, because of the terrible state of Maniema's roads, the expense of petrol for transportation, and the high cost of importing goods to the province, often by chartered plane.

In addition to international organisations, various local associations have emerged in post-conflict Maniema to address the community's needs, such as providing for those orphaned or handicapped by war, reintegrating former combatants into society, and caring for female victims of sexual violence. When association leaders were asked their motivations for participating in such activities, most asserted that because their local and national governments provided little to no assistance, community members worked

together to meet their own needs.[7] Indeed, a few asserted that they are performing the tasks of the government.[8]

Christian and Muslim associations are among those helping to provide much-needed services and assist in the rebuilding of their community. Contrary to the portrait painted by Young (see above), today one finds a vibrant and organised Muslim community with associations that focus on a wide variety of tasks, whether spiritual or providing important services for their community that the state has failed to provide. COMICO, the primary organisation of Congolese Muslims, was founded in 1972 at the behest of President Mobutu who permitted only a single organisation for each section of society. Muslim women's associations affiliated with COMICO have been established in recent years, including *Comité National Féminin de COMICO* (CONAFEM), and *Comité Provincial Féminin* (COPROFEM) at the provincial level. The *Union des Femmes Musulmanes du Congo* (UFMC) also has national and provincial offices; the one in Kisangani ran a therapeutic nutritional centre during the wars, beginning in 1997. *Fondation Zam-Zam* was established nationally in 2003 and has branches in each province. In Maniema the dynamic leader of Zam-Zam has created a private Muslim primary school, which also provides free education to war orphans and offers women's literacy courses.

Muslim associations in Maniema are many: *Collectif des Femmes Musulmanes pour le Développement du Maniema* (CFMUDEMA) an umbrella body of 18 Muslim women's development groups; *Ami Santé*, a health-care association for Kindu residents; *Bureau Islamique des Droits Humains* (BIDH), a Muslim human rights organisation with offices in Kindu and Kasongo which (among other activities) received funding in 2006–08 from the United States organisation National Endowment for Democracy to work with the Muslim population on a project for peace and democracy; and the *Conseil National des Droits de l'Homme en Islam* (CONADHI), which has an office in Kasongo. Over 130 Muslim women's associations in southern Maniema are primarily active in community agriculture projects; women's associations are also affiliated with the largest mosques in Kasongo such as the *Dawa'tu Islamiyya* of Mosque 18, *Jumiatu Islamiyya* from Mosque 17, and *Association de Développement Communitaire pour les Mamas Musulmanes* from the Central Mosque.

Elsewhere in the DRC, Kisangani boasts an active Islamic community, especially amongst women's associations. They include *Mamas Musulmanes pour le Développement et Droits Humains* (UMDDH), *Centre Sociale pour le Développement Communitaire* (CSPDC), *Mapendo*, *Maendeleo* and *Dawati*. One can see from the myriad Muslim associations mentioned thus far that the Islamic community is no longer quiescent, and has begun to take an active role in rebuilding the DRC's war-torn society. This general phenomenon can be best observed by examining the activities of Islamic associations in the education sector.

Education in the DRC

Educational provision in the DRC suffered greatly as the result of two disastrous wars, making it one of the worst countries in the world for the number of children attending school (World Bank 2005). Because education receives only 6% of government expenditure, Congolese citizens cannot rely on the central state to adequately address their educational needs. In fact, 'households finance between 80–90 percent of total expenditures in public sector institutions' (World Bank 2005, p. xviii). Indeed, in contemporary DRC much of the administration of the school system falls to FBOs.

Congolese public education encompasses both government-run schools (*écoles non-conventionées* or *écoles publiques*) and schools managed by religious associations (*écoles conventionées*), all subsidised by the government. In colonial Congo, the Catholic, and to a lesser extent Protestant, missions were the exclusive provider of education. In the 1970s the Zairian dictator President Mobutu, following his nationalisation of much of the economy, sought to control the education system in an effort to consolidate his power and contain the influence of the prominent Catholic Church. In 1974, Mobutu nationalised all educational institutions, the majority of which had been controlled by FBOs. This proved disastrous for the school system, and parents clamoured for a return to religious-run schools which, they perceived, provided better quality instruction as well as moral instruction. Given the rapid deterioration of the education sector during this period, the Congolese government also wished to return school administration to the churches, but equally sought to retain a greater degree of control of the sector than the state had prior to the secularisation initiative. The state therefore created a 'convention' system, a formal agreement signed by both the state and churches regulating the management of the school system.

Thus in the late 1970s, the state and a representative of each of the four main religions – Catholic, Protestant, Kimbanguist and Islamic – signed agreements requiring religious-run public schools to register with and be recognised by the state. COMICO signed such an agreement in 1979, on behalf of the Muslim community. The resulting schools fall under the jurisdiction of the provincial and district teaching authorities, allow state inspectors to determine whether they are following national standards and regulations and teach according to the national curriculum. Religious associations became wholly responsible for the day-to-day running of their institutions, but the state retained organisational authority over them, at least on paper. Through the convention system education in the Congo became and remains a hybrid sector comprised of public schools managed by both the state and FBOs.

As part of the convention, the Congolese state is required to provide salaries for educational staff, such as teachers and administrators. Despite the state's weakness, it generally fulfils this agreement, but is often a few months behind in payments. The most pressing problem for the sector is that the rate of pay from the state is not sufficient to provide a livelihood for staff. For example, in 2009 teachers earned CDF30,000 every month, which was only about US$40 or US$60. The state's ability to fund the education sector was severely limited since the implementation of structural adjustment in the 1980s, when 'real expenditure per pupil dropped from US$159 in 1982 to US$23 in 1987 and finally to around US$4 in 2002. Teachers' salaries dropped from US$68 to US$27 per month between 1982 and 1987, reaching an absolute minimum of US$12.90 in 2002' (Titeca and De Herdt 2011, p. 221). In addition to the effects of structural adjustment in the 1980s, the state's ability to provide education was further complicated in the early 1990s as Mobutu's financial resources for state functions and patronage were drying up with the withdrawal of United States support, with the end of the Cold War. The effect on the education sector was profound and teachers began a major strike in 1992 because of their low rate of pay and the frequent failure of the state to pay them at all.

In 1993, as children were missing school because no teachers would work, the Catholics devised a plan to create a new kind of 'convention', this time between schools and parents, in which teachers would return to work motivated by additional salaries paid for by parents. As Titeca and De Herdt report, 'although this was seen as a temporary coping mechanism to compensate for the lack of salaries, it soon became an institutionalized practice' (*ibid.*, p. 222). The other religious organisations running schools quickly followed this trend,

which continues today, despite significant improvements in the state's educational budget. The Ministry of Primary, Secondary and Professional Education had a budget of US$20 million in 2003, but (largely because of the Congo's debt being cancelled through the Highly Indebted Poor Countries initiative) by 2007 it had increased to US$170 million (De Herdt *et al.* 2010, p. 27). Teachers' unions and the government negotiated the Mbudi Agreement in 2004 which raised teacher salaries from US$13 a month in 2001 to US$35 in 2007 (*ibid.*, p. 28). However, as De Herdt *et al.* remind us, 'though the Mbudi Agreement nearly tripled salaries, they remained below the poverty line: in other words, teachers could not live on the official salary only' (*ibid.*).

Therefore, the system of relying on parental contributions remained central to the continued functioning of the school system. Each school year, parents and administrators determine the monthly parental contribution toward salaries. For example, in 2008–09 Kindu primary school parents contributed CDF1000 (around US$2) per child. However, the parents' contribution, initially intended solely to fund teachers' salaries, evolved into a fee structure to keep the entire school system operational in the absence of state support. New fees were instituted, so that a proportion of parental contributions was passed by schools upwards to the school district to finance the religious and state education bureaucracies, from there to the provincial level, and even up to the national administration (Titeca and De Herdt 2011, p. 222). About 60% of the parental fees remains at the district level, but one-third funds the provincial level and 6% is passed on to the national level, resulting in a 'tax system [that] generates around 4 to 5 million dollars' (De Herdt *et al.* 2010, p. 20). Thus, we arrive at the figure compiled by the World Bank cited above, that parental contributions to public education covered between 80 and 90% of the operating costs of the sector.

Article 46 of the Congolese Constitution of 2006 states that 'education in primary public schools is free and compulsory', but the Congolese state has clearly been unable to enforce this provision (Titeca and De Herdt 2011, p. 226). Today, the system of augmenting teacher salaries has spread from the religiously affiliated institutions to the official state public schools. Although the parents' contribution seems like a small sum, it is often very difficult for parents to find the funds to pay for their children's nominally 'public' education, leading to widespread pupil absenteeism. Despite repeated efforts by teachers and administrators, the Congolese state seems unwilling to remove this hardship from parents by increasing teacher salaries. This hybrid education system in Congo, where religious associations carry the brunt of school management and parents pay the bulk of operating costs, clearly benefits the state, an issue which will be further discussed below.

Muslim organisations in the education sector

Given the history of Muslim marginalisation (and over a decade of conflict in the DRC), it is perhaps unsurprising that the provision of education by Muslim organisations is a very recent phenomenon. Although the community had run a few schools off and on since the 1970s, prior to 2003 there were very few Muslim schools open to the public. From academic year 2003–04 to 2008–09, the number of Muslim public primary schools in Maniema increased from 29 to 76. Similarly, during the same period the number of Islamic secondary schools jumped from 19 to 42.[9] The proliferation of Muslim public schools was also evident in other provinces and nationally. Despite having a relatively low Muslim population, the number of Islamic schools in Orientale province increased from 10 in 2007 to over 50 by 2008–09.[10] Nationally, in the academic year 2005–06 there were 368 primary and 142 secondary Muslim public schools. Three years later, the

Islamic community was responsible for over 800 institutions in Congo, about 500 primary and 300 secondary schools.[11]

It is important to stress that these Islamic schools are not *madrasas*, but hybrid state-religious public institutions that provide a service that can be accessed by any Congolese child, regardless of religious affiliation. It is estimated that 50% of students attending Muslim public schools in Maniema were non-Muslim, and many of their staff are also non-Muslim.[12] In Kindu, Kasongo and Kisangani extensive research was conducted at numerous Muslim public schools, as well as at institutions run by the other religious confessions and by the Congolese state. Religious public schools, or 'convention' schools, are those that were created as a result of the conventions between the Congolese state and the four main faith communities (see above). Under these conventions the state agreed to pay salaries, set the national curriculum and monitor schools through its inspection bureaucracy. The religious communities in turn agreed to provide daily management and are granted permission to teach a religious course.

The Muslim public primary schools visited for this research teach two 30-minute religious classes each week. These are taught by the class's regular teacher, who is provided with teaching materials by the school director or local religious leaders if he/she is not Muslim. The religious instruction received by primary school students is not rigorous and the majority of Muslim pupils attend Qur'anic schools in the evenings and on weekends to augment their Islamic education. This fact also demonstrates that religious conversion is not a primary motivating factor for the Islamic community in running Muslim public schools. These schools are identical to those run by Catholics, Protestants, Kimbanguists and the Congolese state, with the exception of the content of religious classes. State schools, for their part, give instruction in 'civic and moral education' twice a week.

Evidence suggests that these Islamic public schools provide a comparatively good educational experience for students. In 2006–07 and 2007–08, Muslim public schools were the highest ranked in Maniema, based on the number of students passing national exams.[13] This is noteworthy, given that Catholic public schools have historically earned the distinction of best schools, in part due to their institutional history with its roots in Belgian colonialism. In Maniema however, during the 2007–08 academic year Catholic schools ranked third, well behind newer Islamic schools. Muslim schools in Kisangani came in second place with 95% of students passing national exams in academic year 2006–07.[14] The year before, 96% of students from Muslim schools in Orientale province passed their exams, giving Islamic institutions the top rank. Institut Hodari, a Muslim public school in Kisangani, was recognised as the best secondary institution in the city because of its record of examination performance between 2000 and 2008. Based on these data, recently created Islamic public schools appear to provide Congolese children of any religious background with a high quality education.

Seizing an opportunity

Despite its historical marginalisation from both other religious communities and the state, which resulted in a quiescent and segregated Congolese Muslim minority, post-conflict DRC has witnessed an explosion in the number and activities of Muslim associations and Islamic public schools. What has led to such a profound change? Here it is argued that a key cause of the recent proliferation of Islamic associational involvement in DRC is opportunity.[15] The political opportunity provided by this moment in Congolese history has allowed Muslim organisations to mobilise and provide the social service of education.

In numerous interviews with members of the Muslim and other religious communities, people described a substantial shift in the level of interest and involvement of the Islamic community in development activities in the post-conflict period. Part of this change is likely the result of external factors such as economic liberalisation and the changing nature of development assistance, which began prior to the Congo wars of 1996–2002. In order to meet the requirements of conditional international lending in the 1990s, many African states including the DRC had to cut government budgets and expenditure on social welfare. International financial institutions directed funding towards development NGOs because they believed central states were squandering development monies through corruption and poor governance. As documented by Giovannoni *et al.* (2004) this process of the consequent retreating Congolese state, coupled with the new availability of external finance, spurred the creation of large numbers of NGOs. The two Congo wars caused further deterioration of the economy and state structures. For those seeking a means of survival and recovery from war, the non-state development sector, able to access international funding for post-conflict reconstruction, was particularly attractive. The Muslim community has also participated in this process, by forming Islamic NGOs and drafting development project proposals in French.

By providing Muslim public schools, the minority community not only ensures that its children obtain necessary skills, such as language proficiency, but also successfully procures salaries for teachers and administrators through funds pledged by both the state and parents. Employment opportunities in post-conflict Congo are extremely limited, as evidenced by a study finding that only 4% of workers have salaried positions (Lukoki 2007, p. 5). NGOs and the public sector offer the greatest possibility for formal employment. In fact, the education sector is responsible for one-third of all public positions in the DRC, as the number of officially recognised schools has increased by 65% and the number of newly enlisted teachers by 61% between 2001 and 2007 (De Herdt *et al.* 2010, p. 29). This reflects the rise in the number of new schools seeking state funding and accreditation. In fact, one-third of Congolese teachers are still not recognised or paid by the state, but 'until they are officially recognised, these teachers have to count on parents' contributions and on the expectation that they will be paid officially one day' (*ibid.*).

It is of course not only Muslim organisations that are seeking to create jobs through their development efforts. A leader of a secular women's organisation in Kindu described her organisation's creation of a primary school in 2000 as both helping children receive an education and providing employment for teachers.[16] Administrators at the Protestant Education Coordination Office for Maniema, asked about the rapid rise in the number of their schools in recent years, described this as a response to the demand for schooling, as well as assisting teachers in obtaining employment.[17]

The weak Congolese state is unable to supply all of the services that the post-conflict Congolese society demands. During the wars much of Maniema's infrastructure was destroyed and insecurity led to substantial rural migration to the capital Kindu. The growing number of girls enrolling in school has also increased demand for school places. In fact, statistics demonstrate that 'between 2002 and 2007 the number of children attending school increased by 11 percent per year' (Titeca and De Herdt 2011, p. 221). Thus, the number of children in towns seeking an education is much larger than before the war, requiring new schools to be built and managed. The Muslim community has also been able to become involved in development because older associations, such as Protestant and Catholic FBOs, were unable to adequately respond to the substantial demands made on them. Far from being in competition with each other in the education sector,

Christian and Muslim leaders asserted that the demand for education is so large that there are still an insufficient number of institutions.[18]

However, there is nothing inevitable about the increased interest and involvement of the Muslim community. In fact, the history of the Islamic minority suggests the opposite. Therefore, one must acknowledge that the opportunity of this moment in Congolese history reflects not only the weak capacity of the central state, but also increased religious and political freedom. The historical marginalisation of the Muslim community from public engagement has been reversed and, as a result, a new cohort of well-educated Muslims interested in expanding their community's prosperity and societal role now hold leadership positions in the Muslim community, the education bureaucracy, and newly formed associations. This freedom is also reflected by the state's willingness to incorporate Islamic providers into the hybrid system of schools that operate on a state–faith-based organisation partnership.

Conclusion

The DRC, widely understood as one of the weakest states in the world, could therefore be expected to lack both order and functioning institutions. Yet the public education sector is apparently flourishing, something which requires explanation. The Congolese state remains very weak and unable to provide adequate social services for its citizens, yet the Congolese population is not fleeing the state by creating fully private institutions, as one might expect. In fact, 75% of Congolese school students receive an education in public schools, albeit those run by partnerships with religious organisations (Titeca and De Herdt 2011, p. 220). Through the convention school system, the state is ostensibly responsible for the financial aspects of such institutions. However, the state does not hold up its end of the arrangement, and 90% of financing for these public schools comes from contributions made by parents. Their fees pay not only for the functioning of their child's local school, but also fund district, provincial- and national-level bureaucracies (*ibid.*, p. 223). This finding alone suggests that the post-conflict state has not broken from its history of predatory, rent-seeking and kleptocratic tendencies.

Why then would citizens continue to express demand for public schools when they could easily use their resources to create private institutions? In the DRC the state–religious organisation hybrid model is still widely supported, not only by the religious associations, but also by the wider populace. Why would Muslim organisations in particular, with little previous involvement in the public education sector, aggressively pursue this model when they could be creating more flexible private institutions that would be free to provide more overtly religious education?

The answer, it is argued, is the fact that the state as an idea is still strongly supported by of Congolese citizens. As Englebert has suggested (2003, 2009), the idea of the Congolese state still persists against all odds, despite the actual state's evident inability to earn that legitimacy by providing for its subjects. State education officials, who don their uniforms and report for work despite not being paid or receiving inadequate salaries, reinforce the idea of the state in diverse localities. Parental contributions, coupled with demands for public education (despite the fact that they are the primary financial contributors that keep the system afloat) equally reify the idea of the state. Indeed, De Herdt *et al.* affirm this logic when they suggest that we should 'be impressed by the efforts of non-state actors . . . to contribute to the reproduction of the state at the meso-level. Given the dismal record of the Congolese state in recent decades, one might have expected a much

greater inclination to opt out of the state's framework, but the contrary seems to be the case' (2010, p. 23).

FBOs in particular play a vital role in reproducing the idea of the Congolese state, such as those which provide social services such as public schools and health clinics, rehabilitating war combatants and victims, and (as illustrated in the anecdote in the introduction) even ensuring that the rag-tag Congolese army arrives to the battlefront in a timely manner. This echoes Clunan and Trinkunas's analysis that 'in the world as it is in the early twenty-first century . . . the state is joined by a number of other actors, benign and malign, who sometimes compete and sometimes collaborate in providing governance and security' (Clunan and Trinkunas 2010, p. 6). The Congolese state is still weak, but it continually negotiates with non-state actors in the realm of social service provision, thus creating hybrid institutions that are run by a combination of state and non-state actors.

Most strikingly, the historically marginalised and long-suffering Muslim minority of Congo has chosen in recent years to also mobilise to create public schools that reinforce the legitimacy of the Congolese state. Catholic and Protestant organisations in the DRC have of course provided social services, such as education, since the colonial era. However, since the end of the 1996–2003 wars a large number of Islamic associations and public schools have been created. Overcoming their historical marginalisation, the devastation of the post-war period provided an opportunity for this minority community to mobilise and become incorporated into mainstream Congolese institutions, leading to the proliferation of Muslim public schools since 2002.

An interesting element of this increased involvement in associational life and welfare provision is that the Muslim community has demonstrated its willingness to participate as part of mainstream Congolese institutional life. Perhaps because of their history of exclusion by the state, parents hope that by supporting Islamic public schools of the 'convention' type, they can equip their children with skills that will enable them to more fully engage in Congolese society. Numerous Congolese Muslims expressed hope that with increasing post-conflict democratic accountability members of their religious community will soon be present at all levels of government and in all levels and types of professional posts.

Conventional analysis of such developments might suggest that non-state actors are replacing the fragile Congolese state, but the situation is far more complicated in reality. It is certainly true that the weak state cannot meet the increasing demand for public education on its own and allows (indeed, is dependent on) FBOs to carry out the daily tasks of school administration and income generation. However, religious organisations operating under the convention system do not have free rein because the government provides the framework of regulations within which FBOs must operate. Here we must acknowledge that the central state maintains control over education in several ways: formulating the convention system for religious public schools, setting the national curriculum to determine the content of what is being taught each year, hiring inspectors to enforce government rules in every FBO-managed school, and granting (or in theory withholding) permission to FBOs for the creation of and payment to such schools and their staff.

The active role of the weak Congolese state in the education sector seems to contradict the failed-state literature that focuses solely on the government's institutional incapacity, where non-state actors such as FBOs are seen as direct competitors to the state's authority, in which, 'alternative authorities arise. New actors and institutions fulfil roles previously considered the preserve of the state. Gangs, militias, thugs, local men of influence and religious political parties . . . establish authority through services to the community' (Baylouny 2010, p. 136). This does not appear to be the case in the Congolese public education system,

where schools are hybrid institutions that are created, managed, regulated and financially supported by a partnership between the central state and FBOs.

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Note on contributor

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Notes

1. Bornstein (2003) demonstrates how protestant NGOs have taken over state functions in one African case. Jacobson (1964) describes the United Nations Peacekeeping Mission in the Congo (ONUC) in the early 1960s performing numerous state functions. Murphy (2006) details the United Nation's Development Programme's similar role in newly independent Congo. Malkki (1995) describes how international organisations act as governments for refugees. Reno (1998) argues that warlords provide security, which should be the state's responsibility, in various African countries, including the Congo. Vlassenroot and Raeymaekers (2004) detail the struggle for power between rebels, militias, and mineral-extracting entrepreneurs as they establish informal governance structures in the DR Congo.
2. See for example Belshaw *et al.* (2001), Marshall and Keough (2004), United States (2006), Haynes (2007), and Marshall and Van Saanen (2007).
3. For more information on this history and Tippo Tip, see Alpers (1975), Brode (1969), and Renault (1987).
4. Interview with imams and elderly men of Mosque 17, Kasongo, 15 April 2009.
5. Interviews with male members of Mosque 18, Kasongo, 5 July 2008 and 16 April 2009; interview with head imam for Kindu region, Kindu, 27 March 2009; interview with head imam for Orientale province, Kisangani 10 June 2009.
6. A Catholic priest, not surprisingly, asserted the much smaller estimate of Muslims comprising 65% of the Kasongo population (Tata 2003, p. 67).
7. For example, an interview with the financial and administrative officer of Caritas, a Catholic humanitarian organisation, Kindu 2 July 2008.
8. Interviews with development employee of *Bureau Diocésain pour le Développement* (BDD), a Catholic association, Kasongo, 7 July 2008; and Protestant bishop of Maniema province, Kindu 25 March 2009.

9. The 2003–04 statistics from République Démocratique du Congo *Ministère du Plan* (2004, p. 33); 2008–09 statistics gathered from *Division Provincial d'Enseignement Primaire, Secondaire et Professionel* in Kindu, February 2009.
10. Interview with provincial coordinator of Islamic public schools for Orientale, Kisangani, 25 May 2009.
11. Interview with national coordinator of Islamic public schools, Kinshasa, 18 June 2009.
12. Interview with provincial coordinator of Islamic public schools for Maniema, Kindu, 23 March 2009.
13. Interview with provincial coordinator of Islamic public schools for Maniema, Kindu, 23 March 2009.
14. Statistics from documentation gathered at the State Provincial Education Inspection Office, Kisangani, 12 June 2009.
15. For a discussion of the shift in internal politics of the Muslim minority that also facilitated collective action and involvement in social welfare provision, see Leinweber (2012).
16. Interview with President of *Association des Femmes Lettrées au Maniema* (AFILMA), Kindu, 1 July 2008.
17. Interview with the coordination office for Protestant public schools in the Maniema province, Kindu, 25 March 2009.
18. Interview with coordinator for Islamic public schools in Maniema, Kindu, 23 March 2009. Interview with staff at the coordination office for Protestant public schools in Maniema, Kindu, 25 March 2009. Interview with Catholic bishop for Kindu diocese, Kindu, 26 March 2009.

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Beyond minerals: broadening 'economies of violence' in eastern Democratic Republic of Congo

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This paper expands current understandings on resource wars by arguing for a comprehensive 'economies of violence' that considers the wider range of activities that rebel groups are engaged in beyond minerals. Using evidence from fieldwork in eastern Democratic Republic of Congo together with recent scholarship, this paper draws on six secondary economies to construct a broader political economy of Congo's divergent natural-resource wealth. It then considers how the engagement of armed groups in these activities creates opportunities, alternative livelihoods and governance structures, as well as new forms of conflict, and what these processes may hold for the future of the region.

Keywords: resource wars; Democratic Republic of Congo; parallel economies; violent economies; resource curse

[Au-delà des minéraux : l'extension des 'économies de violence' dans l'est de la République Démocratique du Congo]. Cette étude développe les recherches actuelles sur les guerres des ressources en argumentant en faveur d'une prise en compte des 'économies de violence' qui comprennent la plus large gamme d'activités dans lesquelles les groupes de rebelles se sont engagés, au-delà de l'extraction des minéraux. En utilisant les résultats des recherches sur le terrain dans l'est de la RDC et les recherches récentes, cette étude décrit six économies secondaires pour représenter une économie politique plus large de la richesse divergente des ressources minérales du Congo. Cette étude examine ensuite comment l'engagement des groupes armés dans ces activités crée des opportunités, des modes de subsistance alternatifs et des structures de gouvernance, ainsi que de nouvelles formes de conflits et ce que ces processus peuvent impliquer pour l'avenir de la région.

Mots-clés : guerres des ressources ; République Démocratique du Congo ; économies parallèles ; économies de violence ; malédiction des ressources naturelles

Introduction

In the late 1990s and early 2000s, the world witnessed how the Democratic Republic of Congo (hereafter DRC), a country endowed with an abundance of mineral wealth, turned into a battleground in which 'national armies, liberation movements and political ideologies [were] replaced by warlords, informal economic networks, ethnic hatred and greed' (Vlassenroot and Romkema 2002, p.1). Portrayed as 'a classic victim of the resource curse' (Mascarenhas 2010), competition for control of Congo's vast mineral resources is the main explanation provided for the massive human rights violations committed against the Congolese population (Moyroud and Katunga 2002, Herringshaw 2004, Olsson

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2006) in what has been described as 'the most deadly conflict since WWII' (Coghlan *et al.* 2004, p. iii). The role of certain resources, particularly coltan, diamonds and gold, have been so intricately tied to violent conflict that they have been dubbed the 'engines of chaos' for the ongoing violence in eastern DRC (Katunga 2006–2007, p. 16).

Yet an increasing body of evidence suggests that, contrary to such discourses, minerals are not the primary source of conflict in the DRC (Mitchell and Garrett 2009). As Johnson (2009, p. 1) argues, 'if mineral control lay at the heart of war in the DRC, the theatres of war would be those where minerals are most lucrative, but this is not the case'. Indeed, evidence suggests that minerals play a rather minor, and in some cases no, role in facilitating the activities of some armed groups. For example, during the RCD-K/ML (*Rassemblement congolais pour la démocratie-Kisangani/Mouvement de Libération*) rebellion in Beni and Butembo at the start of the second Congolese war in 1998, Mbusa Nyamwisi's rebel government financed itself through cross-border trade (Tegera and Johnson 2007). Similarly, Laurent Nkunda's notorious CNDP (*Congrès national pour la défense du peuple*) movement (2006–09) received only limited profits from mining activities (Spittaels and Hilgert 2008). Studies of Ituri suggest that the control of land, not minerals, is more closely linked to conflict in the region (Vlassenroot and Huggins 2005). As Johnson (2009) argues, armed groups or other violent actors have no particular attraction to minerals and they will take advantage of whatever resource they can control: mineral, agricultural, financial or otherwise. The December 2008 and May 2009 reports by the UN Group of Experts likewise suggest that military groups benefit from a range of income sources ranging from the taxing of trade routes and local markets to control over border posts, as well as revenue from minerals trading and control over mining sites. The fact that violence and insecurity continue across mineral-poor regions of eastern DRC today also suggests the need to move beyond mineral-based explanations to understand Congo's wars. In addition, this analysis has policy consequences: breaking the link between the mineral trade and armed groups is unlikely to substantially reduce conflict (Johnson 2009).

Drawing on seven months of fieldwork by the author over a period of four years from 2009 to 2012 in Congo's Ituri and North and South Kivu provinces, this article argues for a comprehensive 'economies of violence' of Congo's divergent natural-resource wealth. The first main section of the paper sets out the wider economic context in which violence is taking place. Drawing on first-hand and secondary sources, it presents evidence of the diverse range of activities that rebel groups are engaged in beyond minerals: these include hemp, charcoal, timber, taxes, the pillaging of livestock, and the general looting of the population. The second section reveals the wide range of actors and interests engaged in such activities beyond combatants themselves. The third section then considers how the engagement of these different groups in these activities must be situated within the wider socio-economic and political reality of DRC's supposedly 'failed state'. The conclusion argues that the current focus on mineral exploitation and the battle over control of Congo's precious minerals misses important alternative economic arrangements that may in fact be key to unravelling the persistent violence that continues to plague much of Congo's eastern territories.

Background: grounding DRC's resource wars

Conflict scholars are increasingly aware of a strong correlation between the incidence of violent conflict and struggles over critical resources (Herringshaw 2004). By one estimate, a quarter of the wars and armed conflicts taking place across the world in 2001 were triggered, exacerbated, or financed by legal or illegal resource exploitation (Renner 2002). In

Africa, this link is particularly evident. According to the Heidelberg Institute for International Conflict Research's (HIIK's) 2010 Conflict Barometer, resources were cited as predominant in 32 (38%) out of 85 cases of conflict across the continent – far more than elsewhere. Similar figures were recorded for 2011 (HIIK 2012). Furthermore, these numbers do not include conflicts involving 'territory', which was considered separately from resources, despite the obvious linkages between control over land and resources.

According to Collier and Hoeffler's (2000, 2004) greed theory, in countries of high natural-resource dependence, an abundance of natural resources heightens the risk of serious conflict – a phenomenon also known as the 'resource curse' (see Auty 1993). Natural resources represent a 'prize' of territorial control, thereby providing both motive and opportunity for greed-driven conflict by armed groups. This theory has been widely applied to the African continent where resources are believed to be intricately tied to violent conflict. However, interventions to disrupt the trade in 'conflict minerals', such as US President Barack Obama's Wall Street Reform and Consumer Protection Act in 2010, have done little to resolve continuing insecurity in eastern DRC, which continues to present a severe and constant threat for its inhabitants (Autesserre 2012). Some scholars suggest that in the aftermath of the mining ban, incidents of banditry and looting against the civilian population will likely increase with the loss of the relatively secure and viable income provided by mining (Seay 2012). Thus, drawing attention to the wider economic systems utilised by armed groups is critical to understanding not only the persistence of violence, but also that engagement in these different economies shapes Congo's landscape of violence in very particular ways.

A broadened economies of violence

Despite scholarship which recognises that the economic dimension of conflict in eastern DRC has always been more diversified than recent debates on natural resources suggests, most studies continue to see minerals as the defining natural-resource foci driving violence and insecurity in the region. Numerous reports, including an International Alert report (2010) that argues for a more comprehensive understanding of the linkages of a diversity of natural resources beyond minerals, still prioritise the role of minerals. Evidence from fieldwork and a comprehensive review of the grey literature however shows that minerals often play a secondary role in stimulating the activities of Congo's military rebel movements. Mining activities generated a low percentage (15%) of CNDP's income (Garrett and Mitchell 2009) for example. Disputes over land were at the centre of fighting by PARECO (*Coalition de Patriotes Résistants Congolais*) forces in 2011–12 (Spittaels and Hilgert 2008). Support for the ADF/NALU (Allied Democratic Forces/National Army for the Liberation of Uganda) relied mainly on the harvesting and commercialisation of timber and coffee – there is little evidence that minerals played any role as a funding source (Romkema 2007). Evidence from fieldwork in 2010 demonstrates that for the Mayi-Mayi Kifuafua, who operate in an area of limited mining opportunities, 'taxes' extorted along the Southern Walikale–Itebero–Musenge–Karete–Hombo axis provide their main source of income. As an interviewee from a non-governmental organisation (NGO) working in Goma asserted, '[The war economy] is a volume market. That's how [armed groups] get the money. It's the old ladies and the guys on bicycles that carry charcoal. It's the everyday'.[1] Institutional and grassroots studies of the region agree. The two United Nations (UN) Group of Experts reports referred to above acknowledge that military groups benefit from a range of income sources. A review of the FDLR's (*Forces Démocratiques de Libération du Rwanda*) income-generating activities in mineral-rich Walikale between 1997 and 2006 shows that it drew upon a wide repertoire of economic

activities, including local market taxation, trade in livestock, local drinks, and petty trade; and benefited from engaging in agricultural activities, fish farming and small business ventures, in addition to mining. Recent NGO and academic findings point to the increasingly important role that (as the next section will demonstrate) alternative economies, particularly roadblock taxes, charcoal and hemp, play in the DRC's landscape of accumulation.

The road to insecurity: roadblock taxes and customs control

One of the most visible and ubiquitous feature of Congo's violent landscape is the *péage route* (roadblock). Revenues gained through roadblock taxes, particularly along important trading routes, have been critical in sustaining various rebel administrative structures and the war efforts of armed factions. The wealth generated is so substantial that scholarship demonstrates that the revenue it generates 'transcends the realms of the mineral economy' (Garrett 2008, p. 32). One of the main sources of income for Laurent Nkunda's CNDP was road-barrier taxes on the transport of minerals, timber and other goods. For example, a single barrier on the road from Walikale to Goma grossed US$10,000 per week from the tax levied on passing vehicles (Spittaels and Hilgert 2008). The use of roadblock taxes as a relatively reliable and stable source of income for military operations was highlighted in interviews with Mayi-Mayi Kifuafua, who considered taxation as a form of 'permanent subsistence'. Such taxation schemes are not limited to wartime, nor are they the invention of the CNDP, nor limited to rebel armies. In spring 2010, FARDC (*Forces Armées de la Republique Démocratique du Congo* – government) troops collected road tolls from civilians at all checkpoints in Aru, Mahagi and Djugu in Ituri District and, at the time of writing, this practice is widely repeated across South Kivu. In some instances, the taxes charged are substantial – civilians passing through FDLR-controlled territory must pay US$20 per cow and US$2 per goat, pig or sheep (Pole Institute 2012).

Along with roadblock taxes, the collection of customs duties and control over border posts provides one of the most profitable non-mineral sources of revenue for armed groups. To briefly illustrate – in August 2001 RCD-Goma (*Rassemblement congolais pour la démocratie-Goma*) generated approximately US$1.5 million a month, principally from customs duties at the borders with Rwanda, Uganda and Burundi, and by direct and indirect taxes on business. In early 2002, when it still controlled the entire Ituri province, the RCD-ML (*Rassemblement congolais pour la démocratie-Mouvement de libération*) also reportedly raised over US$2 million a month from custom duties at Mahagi, Bunia Aru and Butembo, some of which was then used to buy arms and for military training and recruitment.

Civilians on the frontline: civilian taxes

In addition to roadblock taxes, civilians have been taxed on their property, agricultural products, and even livelihoods. CNDP leaders, for example, collected hundreds of thousands of dollars in administrative taxes in the areas under their control. In September 2007, close to one million people were paying taxes to the CNDP. These included US$5 to US$10 per year for a mud or straw house, US$20 for a house with a corrugated-iron roof, and US$30 to US$50 per year for small-business owners (UN 2008). In addition, the CNDP imposed a poll tax, a land tax, a 'security tax' on merchandise that transits through its territory, and taxes on internally displaced persons leaving humanitarian camps to work on their land. Interviews in 2010 with ranching operators in Butembo, North Kivu, revealed that CNDP forces require ranchers to pay a monthly 'tax' of between US$20 and US$30 per farm.[2] The FDLR

similarly imposed a number of civilian tax schemes. In Mwenga territory they raised a 'tax for the liberation of Rwanda'. Based on a census compiled by local chiefs under FDLR super-vision, US$10 was collected per person over 17 each quarter (Pole Institute 2010).

As taxes are equal-opportunity ventures, poorer households are not exempt, but not all payments are monetary. The CNDP, for example, regularly collected 10 kilograms of beans, sorghum or corn per household per harvest to feed its soldiers (UN 2008). In Shabunda, South Kivu, women were routinely forced to hand over as much as 50% of the fuelwood or foodstuffs they transport between their fields and the marketplace (Vlassenroot and Huggins 2005). Fieldwork research suggests that the FARDC are also explicitly engaged in appropriating a range of contributions from civilians. Even today, areas under FARDC control or areas where they patrol are frequently asked to contribute weekly or monthly col-lections of basic foodstuffs such as cassava flour, fish, and meat. In Tchomia and Torges meanwhile, the Congolese naval force requires an obligatory contribution of two fresh kilo-grams of fish per boat, and two kilograms of dried fish (IKV Pax Christi 2007). Cattle ran-chers in South Kivu must contribute milk rations on a daily basis to FARDC troops stationed in the area.[3] In 2012, the frequent collection of goats in the villages of Nemba I, II, III, and IV, South Kivu created such hardship that village chiefs rallied against 'what was supposed to be a security operation [but which] became "Operation Mbuzi"'.

Armed groups have demanded equally heavy and arbitrary taxes from businesses and NGO staff. The RCD-Goma, for example, levied a 10% tax for the 'war effort' on certain businesses. In April 2001, 68 pharmacies were closed down for failing to pay a US$166 'business operating tax'; they were charged a further US$150 before they could reopen. That same year, RCD-Goma decreed the requisition, for one month, of the income from all public companies, including electricity and water companies (Amnesty International 2003). The variation in taxes and the extent of their use seems to be limited only by the imagination of the collectors. NGO vehicles travelling between towns and along major axes are often stopped at roadblocks. Recalling one incident, an NGO staff member related how, after numerous failed attempts to extort cash, she was finally forced to pay a US$50 'baptism tax' when she could not provide the demanded baptism card – because she was never baptised.[4]

From charcoal to chanvre: charcoal, timber, and hemp

Military groups benefit from rent-seeking mechanisms imposed on the trade in forest resources, most notably charcoal and timber, as well as *chanvre* (hemp). The 15th Integrated FARDC Brigade, in complicity with the FDLR, was found by the UN Group of Experts to be involved in the trade in hemp (UN 2008). With an estimated volume market of 200 tonnes per year moving from DRC to Burundi, Rwanda, Uganda, and Tanzania, hemp may earn more than US$3 million for traffickers of this commodity (United Nations Office on Drugs and Crime 2011). Farmers and traffickers also jointly benefit from an illegal charcoal trade in the Virunga National Park (UN 2008). The CNDP has also been implicated in taxing and trading in charcoal. Charcoal porters in Kingi market, on the edge of Virunga National park, pay up to CDF3000 (about US$5) to CNDP officers for every 30-kilogram bag of char-coal, worth about US$18. It is estimated that around US$36,000 is generated from this one charcoal market alone. By some estimates, the theft of timber (along with livestock) played a larger role than minerals in Uganda's first phase of plunder in the late 1990s. Military com-mander General James Kazini, for example, heavily plundered two substantial timber com-panies, Amex-Bois and La Forestiere, during 1998. The following year, Kazini and Jean-Pierre Bemba organised a large operation for the confiscation of coffee beans (Turner

2007). Following the outbreak of the second Congo war, Ugandan military commanders again played a leading role – facilitating a partnership between Ugandan businessmen and a Thai company to form a new export timber company, DARA-Forest (Renton *et al.* 2007). In some instances, timber concession contracts have been used to generate revenue. In 2001, RCD-Goma authorities awarded exclusive 25-year rights to a Kenya-based company with contacts in Kigali to fell timber on a 133,344-hectare site in Pinga, North Kivu province. Under the terms of the contract, the company would pay US$35,000 for the right to extract 43,750 cubic metres of wood, paying an annual tax of US$113,344 (US$1 per hectare) (Amnesty International 2003).

As Johnson (2009) states, 'no commercial activity is immune to predation by the various armed forces in eastern DRC'. Even seemingly petty products such as dairy products, palm oil and fishing have been used by armed groups for income generation. For example, when mining profits became restricted in 2001, the RCD-Goma authorities in Kisangani turned to palm oil to supplement their revenue. In January 2002, the villagers of Ake I and II, Iyuwa and Swima (South Kivu) were forbidden by their chief to enter their fields for one month; Burundian government soldiers in Ake, collaborating with local administrators, harvested their palm oil and reportedly sold it in Uvira and in Burundi (Amnesty International 2003). Some scholars argue that commodities with domestic markets such as palm oil, charcoal, and hemp offer more sustainable income than export commodities such as diamonds, coltan, gold, and casserite.

Life and death by livestock: the pillaging of livestock

According to testimony presented at the trial of former Congolese rebel leader Thomas Lubanga at the International Criminal Court (ICC), the defendant had told his soldiers to get 'women, cows, and vehicles' – reassuring them that 'everything belongs to soldiers' (Wakabi 2010). The inclusion of cattle alongside other prominent resources sought by armed groups suggests the value of livestock as a significant form of accumulation in Congo. As Vlassenroot and Huggins (2005) argue, land, agricultural commodities, and livestock have been consistently highly valued, while minerals attained their importance to armed groups only once these resources became more inaccessible as a result of war – something that remains true today (see also Mitchell and Garrett 2009). When respondents from North Kivu, South Kivu, and Ituri were asked to recall the crimes of active armed groups from a nearly 15-year period between 1993 and 2007, the theft of cattle and/or livestock was the third most-cited reply (after murder and sexual violence) – ranked higher than land confiscation, torture, population displacement, forced recruitment, and the destruction of property (Vinck *et al.* 2008).

The significance of cattle as a lucrative asset for armed groups is illustrated by the disparity been taxes paid on cattle and human traffic. Along the FDLR-controlled 'six barriers' road between Bukavu and Shabunda, for example, travellers paid US$1 to pass while cows cost US$2 to cross (Spittaels and Hilgert 2008); the higher 'cow tax' remains in place for FARDC-controlled barriers today. Documents examined by the UN Group of Experts showed that CNDP officers owned over 1500 cows in a small area of their territory, worth between US$450,000 and US$750,000 (UN 2008). It is likely that these cattle were (and continue to be) partly owned by senior members of the RCD and Rwandan politico-military establishment (Vlassenroot and Huggins 2005); the movement of cattle from Rwanda to the DRC has been linked to grazing restrictions imposed by Rwandan authorities (UN 2008). Testimony from interviews suggests that the hiring of armed groups/ gangs by businessmen around Butembo to protect their four-hoofed investments contributes

to continuing insecurity in the region of North Kivu. Members of various Mayi-Mayi militia groups in South Kivu continue to benefit from taxes levied on cattle ranchers while more recently some have taken to stealing cattle numbering in the hundreds. Future conflicts may be intensified by the tying up of land for large ranching concessions, heightening existing socio-cultural tensions between those claiming to be 'autochthons' and those seen by many Congolese as Rwandan or *non-originaires* in the region.

Evidence in NGO and UN security databases and reports show that goats are also a popular object of theft for both armed militia and the military. In several testimonies provided by ex-combatants, the theft of goats was cited as one of the main 'rebel' activities. One teenage girl from North Kivu who joined the Mayi-Mayi told an Amnesty International researcher, 'a man chose me as his "husband", he forced me to carry heavy things, *to steal goats*, and even to fight with a gun' (Amnesty International 2006, p. 39, emphasis added). Similarly, the fear that FARDC soldiers would steal goats has forced some ex-combatants to leave home and in some cases, return to the bush. A Mayi-Mayi fighter from North-Kivu explained: 'my father was worried that I would attract [FARDC] soldiers who would *steal our goats*, so I was sent to [another village] where it wasn't known that I was Mayi-Mayi' (quoted in Amnesty International 2006, p. 30, emphasis added). The theft of goats by military personnel reached such proportions in four villages in South Kivu early in 2012 that village chiefs met with high-ranking officers to decry what they stated turned from a military operation into 'Operation Goats'. Spittaels and Hilgert (2008) also found the emergence of a trading link between goats and hemp in North Kivu in which goats (valued at US$30) are exchanged for 60-kilogram bags of *chanvre* (US$30 each) (see also Baregu 2011).

Whilst livestock has become a popular object of theft and pillaging for both rebel groups and the FARDC, it also represents a source of grassroots security against greater forms of violence. In Lubero territory, for example, the phrase 'a goat is life' was commonly used to describe to the author a local survival strategy in the face of continuing multiple occurrences of looting and harassment by armed groups. By ensuring that there is always something small to pillage or steal, such as a *chèvre* (goat), soldiers will be less likely to murder or rape household members.[5]

The everydayness of theft: looting and pillage

Looting is a common feature of the violence in eastern DRC. Thousands of households, villages, markets, health centres, church missions, and schools have been robbed since 1998 by all the forces involved in the conflict. The plunder of fields, the theft of harvests, and the occupation of houses has also been widely cited (IKV Pax Christi 2007). More than a decade ago, Colette Braeckman (1999) noted the prominence of looting and pillaging within Congo's landscape of violence, coining the phrase a 'war of loot'. Today however, the commonality of looting as a feature of Congo's warscape has reduced attention to its causes. In the village of Musimiya, pillaged five times in the 11 months between October 2009 and August 2010, Mengestu (2011) relates one informant's indignation toward the international community's inattention: 'How can you live, getting [repeatedly] pillaged? We are like abandoned people. How come there is no one that talks about our village?' As Huggins notes, small-scale violence is seen as endemic to Congolese life, and therefore receives little attention from the international community. But precisely because acts of pillage are diffused, systematically practised and episodic, the impact on local populations is severe.

Instances of substantial household losses incurred during repeated raids on harvests or property theft may, for example, stifle local trade. One member of an adult men's focus

group conducted by International Alert in Rutshuru described how he had given up his business after his goods had been stolen on seven occasions. A respondent from a youth focus group recounted how all the equipment in his milk shop was stolen days earlier, the fourth time he had been looted (Dolan 2010). The persistence, regularity, and everyday-ness of looting, often accompanied by the killing, torture and rape of civilians, has serious social as well as economic implications. In many areas people sleep out of doors at night or away from their homes for fear of attack. The continued presence and fear of armed groups have created numerous 'no-go zones' for the general population. Social festivities such as weddings are no longer held or are held in secret for fear that armed groups will target participants. Furthermore, the looting of harvests has deepened food insecurity and increased the potential for new conflicts, as households may attempt to increase production through expanding land holdings, creating new potential land disputes (Amnesty International 2003).

Just as armed groups have engaged in a wide range of commercial activity, objects of pillage have been equally appropriated. Items from harvests and livestock to textiles, mattresses, and roofing material – and as one respondent reported, 'even the children's clothes' – represent potential resources to plunder as low-level 'war booty'. However, not all items of plunder serve the same purpose. In contrast to the theft of consumable items such as foodstuffs, livestock, clothing, batteries, and fuel, which provide the everyday necessities of armed groups, the theft of non-consumable items often serves a subsequent significant yet overlooked role.

Fishermen on Lake Tanganyika and Lake Kivu are frequent targets for attack, partly because their work takes them on waters regularly crossed by armed political groups, but also because they possess valuable equipment. During the second Congo war, fishermen had their equipment seized by RCD-Goma forces and had to pay up to US$200 to get it back. The seizure of private property, with the intent of charging return fees, is another widely used strategy. In June 2002, for example, RCD-Goma forces seized identity cards from more than 500 travellers on the road between Goma and Sake. One month later, the mayor of Goma announced that this measure had been taken for 'security reasons' and that cards or replacement papers would be returned to their owners on payment of US$2 (Amnesty International 2003). In some cases, individuals were seized, with monetary ransoms or the transfer of land titles demanded for their release. During the author's fieldwork, instances were recorded of civilians having to buy back household possessions (such as kitchen items) from nearby markets. Interviews with NGO and UN staff in Uvira and Baraka suggest that the theft of petrol from international organisations may be contributing to the growth of yet another valuable trade.

Contrary to popular portrayals of pillage as chaotic and unorganised, many pillaging initiatives have been carefully planned and coordinated by senior commanders, often over a wide geographical area. In October 2001, for example, RCD-Goma's Zulu Battalion confiscated about 100 tonnes of food aid intended for the civilian population around Kalonge in South Kivu. One observer reported:

> This wasn't pillage in the *usual anarchic fashion*, where soldiers take only what they can carry. They knew how much foodstuff each household had received and made sure that they got everything. They also took the villagers' clothing and any livestock, and even cut down the crop of banana trees. Cultivated ground was trampled over. Everything was taken away in a convoy of trucks. *The pillage was utterly systematic and organised.* And it was very clear that the WFP [World Food Programme] delivery and the recently returned population had been deliberately targeted. (Quoted in Amnesty International 2003, p. 16, emphasis added)

On the backs of civilians: labour and service

As Vlassenroot and Huggins (2005) argue, conflicts involving natural resources involve not only physical control of the resources themselves, but also control of labour, capital, technology, trade routes, markets and other value-added factors. Such forms of control often fall on the backs of civilians. One of the most obvious forms of civilian service is the forced conscription of young men, in particular, as foot soldiers for military groups. During the second Congo war, the Rwandese army and RCD-Goma forced children as young as 13 to take part in a practice in which families provided one of their members on a daily basis to carry out security patrols (Amnesty International 2003). In addition to serving as fighters for armed groups, civilians provide a wide range of services and capital resulting in the forced relinquishment of their time, labour, wealth, and even their homes and land. The Ituri rebel group FNI (*Front des nationalistes et intégrationnistes*), for example, forced the local population to repair roads, collect firewood and clean their military camps (Renton *et al.* 2007). Examples of forced labour also implicate the FARDC, including the 811st Battalion in Ituri, who forced civilians to carry their equipment and physically assaulted those who refused to cooperate (US Department of State 2007). Local people have been pressed into service for the collection of palm oil for Burundian soldiers in South Kivu (Amnesty International 2003) and for locating water in Linga (IKV Pax Christi 2007). Recent interviews with households in Fizi territory, supported by the author's direct observation in 2012, showed that after involuntarily providing foodstuffs to FARDC soldiers stationed in the area, women are then forced to prepare the collected foodstuffs – pounding, grinding, and then cooking of cassava into bread. In such instances, local populations are forced to labour without pay or food. Thus civilians form a part of Congo's landscape of violence in multiple ways, sometimes as passive victims, but increasingly (as the next section shows) as active participants.

Beyond the real combatants: micro-level actors

Despite a general sense of victimisation in an environment of impunity of violence, there are significant variations between local communities in the DRC. The implications of these differentiated experiences for creating durable solutions for peace are substantial. The ability of some groups to access alternative networks of accumulation, whilst others experience a decline in status or economic situation, for example, may lead to forms of marginalisation, insecurity, and conflict. In North Kivu, where violence by armed groups continues, owners of large cattle herds have hired security forces composed of former militia to defend their property. Even those with little economic or political power have been able to capitalise on the continued insecurity. In recent years, squatters and people evicted from lands sold for large plantations and concessions for wealthier patrons have returned to their lands illegally, their occupation and seizures enabled by armed elements (Vlassenroot and Huggins 2005). These few examples demonstrate that a wider social network of actors is at play within the DRC's landscape of accumulation and violence, beyond the 'real combatants' (Spittaels and Hilgert 2008). This diverse set of actors, including women, civilian forces and 'freelance militia' (Pottier 2006), shapes the violence in the region in different ways. This section considers the roles that civilians in general and women in particular play within the DRC's conflicts.

Gend(ered) armes

In autumn 2009, humanitarian staff in the Lubero region revealed that those responsible for recent attacks on local aid distribution sites were not FARDC soldiers but rather their wives.

One interviewee said, 'Soldiers' wives have been known to "hijack" humanitarian sites. They will wait for the end of distribution hoping they will get something and then when they don't they attack the sites'.[6] Theft of non-food items (NFIs) destined for internally displaced persons (IDPs), direct attacks on NGO vehicles, the harassment of NGO staff, and attacks against the IDPs themselves, were apparently conducted in protest against the perceived neglect by international agencies of soldiers in favour of IDPs. Such findings support previous research showing that women have been prominent actors in Congo's illegal trading networks. Fieldwork by the author reveals that the principal traders in the hemp trade in both South and North Kivu are FARDC soldiers' wives. Soldiers' wives are also largely responsible for trading the illegal fishing catch of their husbands at local Ituri markets (Spittaels and Hilgert 2010). The role of soldiers' wives also extends to other commodity markets. Residents in Kitchanga reported that nearly all the charcoal from the Virunga National Park was sold to the wives of high-ranking FARDC officers within the 22nd Sector. Interviews with combatants demonstrate that wives of soldiers assist in other ways, namely theft from fields and help during roadblocks. This engagement is particularly noteworthy given that, according to NGO staff, they are the most vulnerable segment of the Congolese population – a situation perpetuated (unwillingly) by the very same NGOs that decry their conditions. Working within a mandate which explicitly prohibits funding armed groups including the FARDC, humanitarian workers are unable to provide food to soldiers' wives because this is regarded as synonymous with providing resources to soldiers.

The mélange of an uncontrolled, shifting, and unpredictable landscape of violence affects not only soldiers' wives. It is not uncommon, for example, for well-connected female '*négociants*' to trade in precious stones (Spittaels and Hilgert 2008). Anecdotal evidence suggests that female actors are shaping Congo's violence in additional unexpected ways. For female victims of rape, who have been rejected by their husband and cast out from their local community, for example, the continuing violence presents a cover for stealing foodstuffs and procuring basic necessities (personal communication). At the same time that violence creates 'opportunities' for disenfranchised groups to gain access to entitlements otherwise unavailable during times of peace, these must be weighed against the violent context in which these women were raped and stigmatised in the first place.

Civilians as the frontline: victims as perpetrators

Despite the fact that armed groups survive through the pillaging of local resources or through local grassroots networks does not mean that local Congolese populations do not seek access to, and become dependent on, these very economic networks (Mitchell and Garrett 2009. Just as the multiple and sometimes contradictory shifting alliances between armed groups reflects their common interests in exploiting the region's natural-resource wealth, so too have supposedly rival ideological (and civic) groups collaborated in the trade of hemp, charcoal, timber, as well as roadblock collections. As Le Billon (2001) notes, local support, involving both government actors and the general population, is critical when militia are spread out over large areas. Such relationships are more likely to evolve in relation to resources such as hemp, charcoal, timber, and household collections, compared to concentrated resources such as minerals. As Hoffman relates (2007), Mayi-Mayi militias (who, as noted, utilise household collections) are reliant on native authorities, namely the *Bwami* or *Chefs Coutumiers*, to mobilise public support. A Mayi-Mayi fighter interviewed by Hoffman (2007) explains: 'We were . . . obliged to rely on the support of the population. In order to ensure [that] support, it was necessary to be on good terms with

[local] governors' (p. 103). Ranching is similarly accomplished through business-oriented civilian networks (UN 2008). Such relationships resemble those formed during the period of FARC (*Fuerzas Armadas Revolucionarias de Colombia*) control in regions of Colombia (Zahar 2009, p. 200). Far from sitting on the sidelines of Congo's violence, local actors were as active in parallel networks of accumulation as they were engaged in the perpetuation of violence.

    As Autesserre (2006) notes, local violence was motivated not only by regional or national causes but also by bottom-up agendas instigated by villagers, traditional chiefs, community chiefs or ethnic leaders. Civil society, including armed groups, humanitarian NGOs, and church groups, were as engaged as local and regional engineers of violence (Lemarchand 2009, Reyntjens 2009). A vast array of actors negotiate to improve their livelihood and well-being within this 'hybrid political-socio-economic order', including clans and clan leaders as well as businessmen and religious authorities (Renders and Terlinden 2010). The continuing insecurity in Ituri, for example, has been linked to roadblocks and armed robberies, carried out by collaborating police, members of the military, administrators, 'the agents of order', and armed groups (IKV Pax Christi 2007). Regarding the extent and depth of civic engagement in this violence, one UN informant commented that 'civilians are part of Congo's new violence'. Thus this violence cannot be understood separately from the multiple actors that struggle for social, economic, or political control. The next section considers these struggles.

Securing livelihoods from insecurity: natural-resource struggles as social struggles

Wars may be fought over natural resources, but wars are themselves a resource through which people can claim access to resources, gain higher status levels, and even secure benefits in the aftermath of conflict through the provision of peace dividends and disarmament, demobilisation and reintegration (DDR) programmes. As Jackson (2002, 2005) relates, violence distorts, limits, or denies prevailing relationships to natural-resource assets while simultaneously nurturing alternate opportunities. New actors emerge in the political fray and negotiate with the social and political capital they have acquired during conflict and thus demand new positions within the state structure (Hagmann and Peclard 2010). Within Congo's violent landscape, marginalised groups seized opportunities to renegotiate their social status and/or to gain access to resources; new political actors including civil society actors entered the system, and entrepreneurs of insecurity at both local and regional levels exploited the possibilities created by instability, war, statelessness, and social and economic and political reorganisation. In explaining the proliferation of Mayi-Mayi armed groups in the region,[7] Vlassenroot (2002) argues that individual's decisions to join these groups must be understood as a 'viable employment option' in the face of wider social and economic inequalities created by the looting of Congo's resources (see also Jackson 2005). In the absence of conventional state-dominated control of territory, Reyntjens (2009) argues, what emerged was a privatised and criminalised public space through which alternative networks of violence and accumulation evolved. The decision of many children to join and remain fighting within various militias is closely tied to household security, enabling them to send money or food as war remittances. Similarly, allegiance to particular groups may depend on which offers the greatest security and financial benefits, rather than ideology *per se*. Wartime activities, then, are a continuation of economics by other means, in which the fight for resources creates an alternative system of profit, power, and protection (Keen 2000). Within the context of DRC's long-standing violence, state failure, and the history of '*la débrouillardise*', such actions are not only rational but offer one of the few viable livelihood strategies (see Baaz and Stern

2008). During the war, the military and the police were explicitly encouraged to fend for themselves, epitomised in the expression '*civil azali bilanga ya militaire*' ('the civilian is the [corn] field of the military'). The continuing use of such strategies by armed groups only continues abuses begun under (and instigated by) a supposedly 'legitimate' government. This section, in situating some of the most pervasive parallel economies, taxes and pillaging within a continuum of legitimacy and legality, seeks not to absolve the perpetrators of Congo's violence but to challenge the demonisation of those involved in Congo's parallel economies.

The legitimate side to illegal trade and taxation

In the DRC, it has long been easier to do business illegally than legally (PACT 2007). The RCD-K/ML during its reign in Beni (representing Nande interests) during the late 1990s instituted a taxation system known as *système forfaitaire* at the Kasindi border post. Under this system fixed taxes were levied on each cargo, without regard to their actual content. Thus a container of imported tissues and fabrics would be taxed at US$6000 – substantially lower than the legal official rate of US$45,000. This bypassed the Congolese state system which involved 'not too few state actors (and thus a lack of control), but too many, some whom are earning money simply by being there when they shouldn't' (Tegera and Johnson 2007, p. 34). The legal export of timber, for example, passed through a melange of state offices, each requiring some form of payment, including the four authorised governmental departments: the *Office des Douanes et Accises* (Customs Office); the *Office Congolais de Contrôle* (Office of Law Enforcement); the *Direction Générale des Migration* (Migration Office), and the Department of Hygiene. Other governmental departments such as the *Office de Gestion et Fret Maritime* (Office for the Management of Maritime Freight), Transport and Communication, or even the *Direction Générale des Impôts* (Tax Office) also become involved in export, depending on which particular border is being crossed. Finally, the *Agence Nationale des Renseignements* (National Information Office), the Decentralised Administrative Entity, the police and certain military factions also demand payments (Forests Monitor 2007). It is thus virtually impossible to make a legal profit in such circumstances. Traders are therefore effectively obliged to follow illegal practices in order to survive (PACT 2007). According to one respondent interviewed by Pole Institute, 'If everybody paid all their [legal] tax everything would become too expensive for anybody' (Tegera and Johnson 2007, p. 34). Interviews by the author in 2009 suggest that the high export taxes levied on Congolese commercial products (compared to neighbouring countries which charge approximately 400% less) have been largely responsible for the widespread smuggling of coffee and papain (a widely used enzyme processed from the peel of the papaya plant) across the border. The resulting trading system, which can be characterised as 'fraud amongst consenting adults' (Tegera and Johnson 2007, p. 7), has led individuals on both sides of the transaction into non-legality. In the North Kivu trading centre of Butembo, this rebel-run taxation scheme allowed imported goods to reach the markets at low prices, making the RCD-K/ML rebellion hugely popular (Tegera and Johnson 2007). In light of this, policy reforms that seek to reduce illegal exports, without simultaneously restructuring the legal process, must be re-evaluated. Furthermore, many 'illegal' activities, such as smuggling manioc flour across the border in an effort to make a living, do not in themselves further conflict (Jackson 2005). The illegal export of goods by Nande traders in Butembo (Kabamba n.d.) and illegal roadblocks set up by civil society groups to collect taxes for road improvement projects throughout the Kivus[8] probably contribute more to community welfare and development than government-sanctioned (i.e. legal and legitimate) contractual agreements and tax systems.

Because of this, some scholars argue that these structures such as these are likely to remain in place for long periods of time, if not indefinitely. When the RCD-K/ML government in Beni was dissolved with the reincorporation of North Kivu into the DRC in 2003, the taxation structure described above remained in place for at least six months. Even today, state services, the military and the traders in Beni continue to use the old system, whilst official taxes are often not respected. Previous work assuming that such informal activities will disappear with the instalment of a formal economy (Marysse 2002) fails to recognise that such activities are not only survival strategies during periods of conflict, but represent legitimate forms of local opposition and socio-economic structures within a wider predatory state system (see MacGaffey 1991).

The business of looting

Whilst previous studies have demonstrated that the major beneficiaries of organised trade have been senior officers in Congo's various armed forces, the question remains of how such groups' thousands of foot soldiers survive on a day-to-day basis. In practice, rebel and state soldiers survive via various forms of low-level '*tracasseries*'[9] (Justice Magazine 2009, Rouw and Willems 2010). Acts of pillage and extortion may in fact be the main (if not only) source of revenue for low-ranking soldiers and militia who lack access to the revenue generated by highly organised trade or extortion schemes. As an interviewee remarked, 'For officers, it's the roadblock taxes and minerals. For troop soldiers looting and extortion is most important'. Even FARDC soldiers experience low (and often unpaid) salaries, along with a lack of food rations, accommodation, medical and other support. Lower-level troops, in both militia and the FARDC, remain one of the poorest segments of Congolese society (Eriksson Baaz and Stern 2010). In the face of such deprivations, then, pillage is not simply a negative symptom of war but may serve as the main instrument for troop retention. As Jourdan (2010, p. 12) relates:

> In a war where violence is used in many cases to satisfy the personal ambitions of leader and his entourage, pillage becomes an indispensable instrument to control and motivate combatants, actually for many soldiers it is the only reason to fight for.

Leaders of all armed movements use violence primarily to promote their personal interests and social ambitions, and combatants tend to reproduce this attitude at a lower scale. As a Mayi-Mayi informant stated, 'looting is punctual everyday business'. Precisely because of this, such low-level acts of pillage and extortion may prove the most persistent form of violence. Local human rights organisations, including *Justice Plus* and *Héritiers de la Justice*, allege that the renewed upsurge in events of pillage, extortion and crime which occurred in 2003 was committed by ex-soldiers or ex-members of armed groups who had not been reintegrated into either their community or into the army. Such evidence suggests that one of the underlying reasons for continued insecurity in the region is these low level but highly functional forms of extortion and theft.

Becoming legitimate: military posts and DDR

In December 2004, the transitional Congolese government appointed the most influential Ituri armed group commanders to senior posts in the national army – a strategy that has come under harsh criticism. Kodi (2007, p. 6) explains:

> The former warlords and their external partners accepted the All-Inclusive Agreement because it … left their privileges intact. Business continued pretty much as usual [and] the agreement created additional lucrative opportunities for all the warlords: they were allocated positions in governments, in state enterprises and the armed forces. With the resources they were thereby able to access they could continue their private activities with some degree of legitimacy.

Furthermore, 'rewarding abusive warlords like Cobra Matata and Peter Karim with plum military posts' (Human Rights Watch [HRW] 2008) tended to encourage the organisation of new or re-emergent armed factions seeking access to such privileges. Following the official end of the war in 2005, rebels in Irumu in Ituri Province continued their resistance to reintegration of armed factions in the region as a way of seeking more senior positions within the national army, the FARDC (IKV Pax Christi 2007). The creation in 2008 of the Ituri-based rebel group FPJC was motivated by accusations that the Congolese authorities had betrayed agreements with several arrested Ituri commanders, *as well as* by anticipated promotions in the FARDC (UN 2008). The MRC, another armed group in Ituri formed in 2005 from amongst the Uganda-based refugee community and from armed groups hostile to the DDR process, may have been similarly motivated. In 2006, the MRC signed a peace agreement with the transitional government and agreed to demobilise in return for a 'general amnesty' for its troops and a position as a FARDC colonel for its leader, Mathieu Ngojolo. Former FNI leader Peter Karim, whose group was involved in the a gun battle with MONUC forces in which one Nepalese peacekeeper was killed and seven others were held hostage in April 2006, agreed to a peace accord with the government on terms similar to those agreed by the MRC. Recent interviews with Mayi-Mayi fighters in Walikale, North Kivu (site of some of the most notorious acts of mass rape in 2010) revealed that a primary motivation of continued military activity was ensuring advantageous terms of demobilisation. 'We stay in the bush because we want to be known, we want to get a higher rank', one informant stated. Similarly, in June 2011, FARDC Colonel Kifaru Niragiye, formally a member of PARECO, absconded allegedly as a result of being demoted following the completion of his FARDC integration training course (Lamb *et al.* 2012). Such examples lend credence to the warning of Anneke Van Woudenberg of Human Rights Watch (quoted in Feeley and Thomas-Jensen 2008, p. 7): 'In Congo, if someone starts an armed group or kills people, they have a better chance of becoming a senior minister or a general than being put behind bars'. In the DRC, violence provides benefits for those who use it, by recompensing its perpetrators with material as well as socio-political gains. (Jourdan 2010; see also UNODC 2011).

Conclusion

In a presentation on 'Protecting civilians in fragile states', Alex de Waal (2009) argued that the supposed recent 'end of conflict' in countries such as Sudan and the DRC has not enabled the reversion to normality that is often assumed. Indeed, for the people involved, the 'end' of overt conflict results less in the decline or ending of violence than in a change to the nature of the violence experienced. Overt combat may, for example, be replaced by a (more violent) criminality amongst soldiers who have been demobilised but who lack satisfactory alternative livelihoods. Despite peace agreements signalling the end of the conflict, violence continues at the local level because these agreements have not addressed the fundamental processes which have created and sustain the current environment of criminality and impunity.

This article has sought to examine what de Waal terms the 'space between "war" and "peace"' (de Waal 2009, p. 11) in 'post-war' DRC through a broadened 'economies of violence' approach. Firstly, it has demonstrated that grassroots actors rely on many additional

parallel networks beyond minerals. It supports Englebert and Ron's (2004) argument for a more fine-grained understanding of the link between primary commodities and war, which understands that not all resources are created equal. Scholars must be cognisant of the ways different commodities are configured in widely divergent socio-economic and geographic contexts, as these lead to very different trajectories of war, arising from a multiple and variable set of existing incentives and opportunities for existent and aspirant warlords in resource-rich environments. The use of pillaging by low-level fighters may contribute more to a landscape of fear and violence for surrounding communities than the acquisition of minerals. Indeed, taking up arms reduces the efficiency of mineral exploitation, while promoting the efficiency of plunder. However, the hemp production harvest season is associated with a cessation of violence, as groups necessarily collaborate and labour together.

Secondly, this paper supports Reyntjens's (2009, p. 216) critique of simplistic explanations in studies of violence, 'namely, that all the bad people somehow – and somehow unexpectedly – got in the way of all the good people'. In particular, this paper considered how the current context of DRC's continuing violence, insecurity, and uncertainty is shaping a new landscape through which a broader set of grassroots actors navigate and negotiate their lives, creating opportunities, alternative livelihoods, and new forms of governance, as well as conflict, in their search for survival. The failure of conflict studies to consider the panoply of actors, local histories and socio-political relations intimately tied to struggles over natural resources, neglects the vital role of local peoples in seeking meaningful socio-economic or political leverage through conflict, and denies their role as engaged and active actors in their own future, even if a violent one. Neglecting the potential of various grassroots actors as a powerful force of change in the creation of violence, simultaneously denies their significance as potential pathways to peace.

Thirdly, this article demonstrated that grassroots forms of extraction not only facilitate the rebel movements' continued military activities, but are for large parts of the population their sole coping mechanism for the present economic and social conditions in the DRC. Such strategies of diversification not only enable groups to survive but to remake themselves economically within complex and innovative social networks. This supports de Waal's argument that that achieving a more durable peace will require a better understanding of 'what people actually had and actually did, than what they did not have and failed to do' (2009, p. 1). The persistence and wide use of parallel systems demonstrated in this article challenges widespread characterisations of parallel networks of accumulation as unproductive, illegitimate and illegal, in artificial contrast to so-called legitimate forms of accumulation. It is critical to understand the complexity, depth, and divergence of Congo's broader 'ecologies of violence', as it is these parallel economies, and not mining activities, that will likely form the basis for the networks of economic arrangements that will persist during any transformation into a truly post-conflict period.

Note on contributor

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Notes

1. Interview, Interactive Radio for Justice, 9 November 2010.
2. Interview, Butembo, October 2010.
3. Interview, Ruhenena, October 2012.
4. Interview, Butembo, October 2010.
5. Observed and noted in several interviews with respondents in Lubero Territory during the autumn of 2009 by the author.
6. Interview, Lubero, October 2010.
7. The exact number has yet to be quantified. According to a 2001 UN report, for example, approximately 20,000 to 30,000 Mayi-Mayi were said to be active in the two Kivu provinces.
8. Personal observations by the author, autumn 2009 and 2012.
9. *Tracasseries* is often and widely used as a general term, for example, illegal taxes, fees for entering markets, roadblocks, theft and rape. More generally it relates to harassments and annoyance (Rouw and Willems 2010).

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Appendix 1. Abbreviations for armed groups

CNDP: *Congrès National pour la Défense du People* (National Congress for the Defence of the People). A rebel group established by Laurent Nkunda in the Kivu region in December 2006. Following Nkunda's arrest in 2009, the remaining CNDP faction is now led by Bosco Ntaganda.

FARDC: *Forces Armées de la République Démocratique du Congo* (Armed Forces of the Democratic Republic of Congo). The state military organisation responsible for defending the Democratic Republic of the Congo. It is referred to throughout this article as either FARDC or the national army.

FNI: *Front Nationaliste et Intégrationniste* (Front for National Integration). A Lendu rebel group active in the Ituri conflict

FPJC: *Front Populaire pour la Justice au Congo* (Popular Front for Justice in the Congo). A rebel group established in 2010 in the Bunia area of Ituri, it is closely linked to the *Front Patriotique pour la Liberation du Congo* (FPLC) led by a Congolese Tutsi called General Gadi Ngabo

MRC: *Mouvement des Révolutionnaires Congolais* (Congolese Revolutionary Movement). A rebel group in Ituri Province led by Mathieu Ngojolo.

RCD: *Rassemblement Congolais pour la Démocratie* (Congolese Rally for Democracy).

RCD-Goma: *Rassemblement Congolais pour la Démocratie-Goma.* A rebel group first under the leadership of Dr Emile Ilunga and later Adolphe Onusumba in 2000 and largely supported by Rwanda, the original RCD is often referred to as RCD-Goma to distinguish it from the splinter group led by Wamba.

RCD-ML: *Rassemblement Congolais pour la Démocratie–Mouvement de Libération.* A rebel group initially known as the RCD-K, the name was changed after the move to Bunia. It is sometimes referred to as RCD-K/ML to denote its origins.

RCD-K: *Rassemblement Congolais pour la Démocratie–Kisangani.* A rebel group formed in May 1999 when Wamba dia Wamba left RCD to establish a group in the town of Kisangani with the support of Uganda.

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BOOK REVIEW

The trouble with the Congo: local violence and the failure of international peacebuilding, by Séverine Autesserre, Cambridge, Cambridge University Press, 2010, xxi + 311 pp., £18.99 (paperback), ISBN 9780521156011

What is the real nature of a war? Can we burrow down deep enough to get to some causal essence, to find revealed in the *dénouement* the real culprit of this mass-murder whodunnit? In the case of the Democratic Republic of Congo (hereafter DRC), enduring one of the deadliest conflicts of our times, is it all about minerals, as some advocacy groups argue? Or perhaps due to the decrepit Congolese state, as some neighbouring countries allege? Theorising about these causes has led academics and pundits to spill much ink. However, as Séverine Autesserre argues in a recent *African Affairs* article, such simplistic, monocausal narratives tend to misdiagnose the problem, privileging optics – what donor bureaucracies and Western audiences can understand and care about – over content. (Autesserre 2012a)

In light of this article, I suggest that Autesserre may have fallen victim to her own critique.[1] In her lucid and well-argued book, *The Trouble with the Congo*, she puts forward a compelling, yet ultimately skewed portrayal of how the peace process in the Congo went astray. She suggests that international efforts were doomed by a culture of peacekeeping that made its protagonists neglect the importance of local conflicts. 'The main reason that the peace-building strategy in Congo has failed is that the international community has paid too little attention to the root causes of the violence there: local disputes over land and power' (Autesserre 2008, p. 95).

Autesserre is not alone in her emphasis on the local. In a recent article in the *London Review of Books*, Mahmood Mamdani argues that it is the 'persistence of the native authority' – the colonial system of rule that welded ethnicity together with power and land, splitting the political world into those who are indigenous and those who are not – that continues to fuel violence (Mamdani 2011, p. 33). While his argument is different from Autesserre's, both highlight the importance of customary rule, land conflicts and a discourse of indigeneity in explaining current violence. It is worthwhile exploring these concepts.

In her book, as well as a series of articles and opinion pieces, Autesserre argues that diplomats, donors and aid agencies have privileged elite-based explanations for violence, and limited themselves to solutions tailored to this view of the world. The peace process that culminated in a transitional government in 2003, and national elections three years later, forged deals among national and regional elites. However, this process, as well as the United Nations peacekeeping mission that was its principal outside guarantor, did not address local conflicts – especially in the eastern DRC – over citizenship, land tenure, and customary power. 'Ultimately, this peacebuilding culture enabled foreign actors to pursue an intervention strategy that permitted, and at times even exacerbated, fighting, massacres, and massive human rights violations' (Autesserre 2010, pp. 11–12).

Understanding the interaction between centre and periphery, the local and the national – and in the DRC's case, also the

regional – is a crucial challenge to theorising civil wars. It places an emphasis on causal processes, rather than the aggregate data presented in most large-scale quantitative studies, and sheds light on the links between the local grievances and national politics that produce much of the violence, especially in weak states such as the Congo, where actors often operate with substantial autonomy. As Kalyvas suggests:

> Civil wars are not binary conflicts, but complex and ambiguous processes that foster the 'joint' action of local and supralocal actors, civilians, and armies, whose alliance results in violence that aggregates yet still reflects their diverse goals. It is the convergence of local motives and supralocal imperatives that endows civil wars with their particular and often puzzling character, straddling the divide between the political and the private, the collective and the individual (Kalyvas 2003, p. 475).

Understanding this cat's cradle of causal interactions is also crucial for policy. Outsiders will always see actors with both local and national ambitions and links, but in some cases the national will take precedence, or vice versa. Is the best entry point to dealing with violence through a mediation of land feuds, via elite-based negotiations, or by strengthening the decrepit state apparatus? Which strand in the cradle can be pulled to reduce the messy tangle to a more stable, symmetrical picture?

Autesserre argues that it is all of the above, but that diplomats, blinkered by their peacekeeping culture, have focused disproportionately on the level of elites. However, while Autesserre provides good descriptions of local grievances over land and customary authority, she does not adequately theorise how these dynamics interact with the national and regional to create the armed groups responsible for much of the violence. After all, there are land conflicts throughout the country, and state weakness and disputes over customary

power are pervasive, but it is only really in certain parts of the eastern DRC that mass violence has persisted.

What is lacking from her account is a rigorous analysis of the causal sequences that created and motivated the armed actors that perpetrate the violence. Grievances must, after all, be filtered through agency, which takes places in the structural and organisational context of armed rebellion. There is no doubt that there are deep-seated resentments over thorny issues such as citizenship, land tenure, and local power structures in the eastern DRC. But how do these resentments coalesce into armed mobilisation?

Why has violence persisted in the eastern Congo since 2003?

This debate is anchored in the alarming escalation of violence in the Kivus region that has taken place since 2003, and it is here that Autesserre's argument is most problematic. Whilst she agrees that violence has been produced in both 'top-down' and 'bottom-up' ways, she argues that 'most violence in the Congo is not coordinated on a large scale. It is the product of conflicts among fragmented local militia, each trying to advance its own agenda at the village or district level' (Autesserre 2012b). As a result, she has advocated that 'the best approach is to make a priority of treating core problems at the local level, especially long-standing land disputes, rather than focusing exclusively on managing their broader consequences' (Autesserre 2008, p. 110).

So what does this mean for the eastern DRC? How should we understand the violence that has continued there since the peace deal of 2003? In her book, Autesserre points to struggles over land and local power between Mai-Mai militia, which generally represent communities that considered themselves 'indigenous', and armed groups that emerged out of Banyarwanda communities, including descendants

of immigrants from Rwanda (see also Huening, this volume). The animosity fuelling violence between these two groups draws on historical struggles over land and customary rule that date back to the colonial era. She argues that in 2004, the Banyarwanda community split after a new citizenship law was passed, with Hutu abandoning their alliance with the Tutsi community. Feeling marginalised, the Tutsi 'lost all hope of political representation, increasingly feared for their lives and property, and became more radicalized' (Autesserre 2010, p. 163).

This view posits a seamless line between feelings of marginalisation and armed activity. But who organised these groups and which constituencies played a role? Perhaps the two most important groups involved in this phase of the conflict were the *Congrès National pour la Défense du Peuple* (CNDP) and the *Coalition des Patriotes Résistants Congolais* (PARECO). These two groups were at the heart of an escalation of violence that, between 2006 and 2009, increased internal displacement – which had fallen following the peace deal by 2.3 million – by a million people.

Studies of the two groups, drawing on interviews with over 50 of their former leaders, suggest that it was not so much amorphous communities that mobilised from the grassroots in response to discrimination, but military and political elites (Stearns 2012a, 2012b). The impulse behind the creation of the CNDP came from a small clique of Congolese Tutsi officers, with important backing from the Rwandan security establishment. Similarly, the main PARECO wing was created as a counterweight to the CNDP by Hutu politicians and disaffected military officers. Both groups enjoyed high levels of support among their respective communities, but the distinctive trait of both groups was the degree to which disaffected elites were able to quickly mobilise military support to protect their interests.

This points to a larger trend in the region – how armed groups have become increasingly integrated into political and business networks (see articles by Laudati and Verweijen, this volume). The reverse also holds: faced with a venal and unreliable state, armed violence has become an essential part of elite strategies to bolster their stature and protect their interests.

Contrary to Autesserre's account, the CNDP rebellion began in the political stratosphere, not as a grassroots-based movement, and as early as 2003. The 'Sun City' peace deal in the DRC posed a threat to one of the main belligerents – the Rwandan-backed Congolese Rally for Democracy (RCD). RCD controlled over a quarter of the country but stood to do very poorly in elections then scheduled for 2005 as the culmination of the peace process. (RCD eventually won around 4% representation in national institutions in the 2006 elections.) This threat prompted RCD officers, led by General Laurent Nkunda and backed by the Rwandan government, to launch a new rebellion in 2004. In other words, the CNDP did not arise out of the failure of diplomats to address local conflicts over land and customary authority, but because the elite compromise they had brokered did not hold. When the CNDP eventually did disappear, it was as a result of a rickety – and ultimately unsuccessful – deal between Congolese and Rwandan governments in 2009.

The emergence of PARECO, probably the second strongest Congolese rebel force during the 2007–2009 period, is also instructive. Almost all of its commanders cut their teeth in self-defence militia that fought in the Masisi war of 1993. At this time, the Hutu militia were relatively decentralised, rooted in local issues, and reliant on village chiefs and leaders for recruitment and financing. Over time, however, these groups consolidated, created a central structure, and their leaders became integrated into elite politics. In 1998, the Rwandan-backed RCD was

able to co-opt a majority of these leaders and integrate them into its security forces. In 2005, as the CNDP was forming, Hutu politicians led a majority of Hutu officers out of that group and into an alliance with the Congolese government. This sequence of events suggests that armed groups have evolved over time, growing more integrated into elite political and economic networks. When PARECO was eventually demobilised in 2009, this arrangement was brokered by influential Hutu politicians and army officers.

This is not to say that the histories of marginalisation and oppression do not affect these elites, nor that they could have succeeded without a large pool of recruits and sympathisers at the grassroots level. This is surely the case, and some of the officers and politicians involved in these rebellions were probably driven by genuine ethnic solidarity, not greed. And while there is no doubt that land mediation or local reconciliation work could help consolidate a political settlement, it is difficult to imagine them bringing about the peace deal in the first place. To provide a crude analogy: there is no doubt that many whites in apartheid South Africa sympathised with the racist policies of the National Party governments, and that social marginalisation led many blacks to join the guerrilla resistance. But the main effort to end apartheid did not initially focus on land reform or local reconciliation projects.

Ironically, Autesserre recently penned an opinion piece in the *International Herald Tribune* urging policymakers to spend more money on local reconciliation and land projects, in the same week a United Nations investigation accused Rwanda of playing a decisive role in creating a successor to the CNDP, the M23 (Autesserre 2012b). Here was an armed group that, although led by many of the same Tutsi officers that had been in the CNDP, was far more disconnected from the local Tutsi community and was driven largely by Rwandan involvement and disaffected army officers.

Conceptualising violence

What is the nature of violence in the eastern DRC? If we want to know why it has persisted, we should try to understand its causes. For the most part, violence is collective, in that it is perpetrated by members of armed groups. The motivations are multiple – violence can be used to control territory, discipline fellow soldiers, collect revenues, or for individual gain. But, most importantly, in areas with no armed groups, there is a much smaller incidence of violence.

A theory of violence should therefore have to pass through a theory of armed mobilisation, a deep understanding of why armed groups emerge and persist. Theorising this kind of collective action, and the incentives, ideology and organisation necessary to forge it, is crucial to understanding the current Congolese conundrum. Much like forms of peaceful mobilisation, armed mobilisation follows immediately from local grievances. It depends on the strength of pre-existing social networks and organisations – student groups, peasant cooperatives, ethnic organisations; and political opportunities – powerful allies, splits among elites, and the weakness of the central state (McAdam 1982, Kriesi 2007).

Some of the groups in the eastern DRC are indeed like the ones Autesserre describes in her book: deeply rooted in rural communities and invested in struggles over land and local power. She is right to point out that such groups are more prevalent in South Kivu than in North Kivu, perhaps because they are less integrated into national and regional political networks, and that non-governmental groups have done valuable work in brokering peace in some of these areas. But not all armed groups are the same, and in recent years the main fault lines of the conflict have been more determined by the interests of national and regional elites, than by quarrels over land or customary authority.

Note

1. A brief discussion between the author and Autesserre can be found on his blog Congo Siasa at http://congosiasa.blogspot. com/2012/06/so-how-do-we-help-eastern-congo.html and http://congosiasa.blogspot. com/2012/07/guest-post-so-how-do-we-help-congo-part.html. The Life and Peace Institute, which is involved in local peace-building, chimes in here: http://congosiasa. blogspot.com/2012/07/guest-blog-so-how-do-we-help-congo.html

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BOOK REVIEW

Getting Somalia wrong? Faith, war and hope in a shattered state, by Mary Harper, London, Zed Books, 2012, 217 pp., £12.99 (paperback), ISBN 9781842779330

The author of this slim, well-received book is the Africa editor at the BBC World Service News. Harper embarked on reporting from Somalia soon after the predatory regime of Mohamed Siad Barre was toppled by a popular uprising in Mogadishu, bequeathing chaos and confusion. Scores of ventures have since been made to reconstitute a Siadist type of state – a hegemonic, interventionist political establishment that only feeds fellow clan cliques to the detriment of others. Until now, these attempts have only managed to perpetuate failure and missed opportunities.

Consisting of six chapters plus introduction and conclusion, the book sets out to rebut Somalia's current reputation as the world's most 'failed' state by exploring the proximal factors sustaining it. Harper provides an overview of Somaliland – a wonderful side of the former Somali Republic – the entity which has been able to overcome clan wars and build a successful, secessionist state. While southern Somalia failed time and again to rebuild state institutions, Somaliland has stood out as an example of democracy; not only did it succeed in establishing a viable state, it geared up to emerge as arguably the most democratic state in the conflict-ridden Horn of Africa. Somaliland's advanced political competition compared with the rest is demonstrated by the fact that it was democratically governed for eight years by Daher Rayale Kahin, a former spy under Siad Barre's rule, who hails from a not-so-dominant clan.

Chapters 1 and 2 provide a general introduction to Somali culture, politics, history, clan and country. Harper explains effectively that attempts to reunite Somali communities are quelled by the divisiveness of the clan system, which has 'an almost endlessly splitting structure and poses serious obstacles to attempts to impose central authority' (p. 11). Harper describes the recent proliferation of clan mini-states whereby pushiness on a federal system of governance is highly misconstrued. The terms 'federal' or 'federalism' are employed to buttress the quest and demand for clan self-determination in specific territories and to relieve the fear of a return to a Siadist type of totalitarian central state under which some clans are favoured at the expense of others. Harper claims that Somalia has never had 'a stable, fully functioning nation-state, democratic or otherwise' (p. 4).

Chapters 3, 4 and 5 tackle the contemporary phenomena of 'state failure', piracy and the role of Islam in Somali politics. Harper's definition of a 'failed state' seems sophisticated and generally incisive, but the concept's flaws are revealed in the attempt to employ it in the Somali context. The state of 'failed state' means to Somalis a situation when state institutions are completely non-existent or dysfunctional, and thus substituted by clan states and pseudo-institutions, particularly in the case of the former Somalia Italiana in the south. Even though there has been a failure in terms of politics, there are other aspects of Somali society which proved successful in their own ways – such as telecommunications and the *hawala* money-transfer system.

Chapter 6 offers a critique of the outside intervention in Somalia, which includes a

focus on the Union of Islamic Courts (UIC), a conglomerate of alliances between Islamist moderates and extremists that organised themselves along sub-clan lines. Harper is both optimistic and sympathetic to the UIC, which led the 2006 deracination of the infamous warlords in southern Somalia. Harper explores how US policy toward the Horn of Africa has contributed to the resurfacing of the UIC as an al-Shabaab movement with links to al-Qaeda. Preoccupied with its own security interests in the Horn and thus disregarding the relative peace that the UIC restored to most of the southern regions, the US administration refused to work with them, while giving Ethiopia, Somalia's hostile neighbour, a green light to invade South-central Somalia, including the capital Mogadishu in which the UIC's power was concentrated. Harper, intent on proving that the US approach towards Somalia was wrong, overlooks the horrible methods adopted by the UIC to keep (in)security in the areas they controlled. After withdrawing from Somalia in March 1994, it seems that US military strategy is to attack Somalia from the sky, while more generally US policy has always been destructive, moving from propping up dictators to warlords and then to puppets.

The book contains a number of factual errors. First, the Islamic Court in North Mogadishu in 1994–97 was not controlled by President Ali Mahdi. Rather, it operated in a territory under his control, while the court's chair was Sheikh Ali Dheere, who later fell out with Mahdi. Second, the 'declared jihad against Ethiopia' (p. 83) did not lead the UIC to its military defeat. The US and Ethiopia, as Harper herself shows, were committed to destroying the UIC even before it came to power. Third, when describing the Somali rebel groups, Harper follows the dominant literature on Somalia which treats these groups as 'clan-based', which is misleading. For instance, the first rebel group, Somali Democratic Action Front (SODAF) – later renamed Somali Salvation Democratic Front (SSDF) – was born as a multi-clan movement, but when the late Colonel Abdullahi Yusuf assumed its leadership it would abruptly turn into a sub-clan entity.

Getting Somalia wrong? is an optimistic, sympathetic book in that it attempts to deconstruct a distinct, distorted image of Somalia's trajectory held widely by the US authorities, other Western policymakers and many Somalists. But before the 'state' is to be reinstated and before Somalis get Somalia right, they should agree on what had really happened and is still happening in Somalia.

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BOOK REVIEW

Political culture and nationalism in Malawi: building Kwacha, by Joey Power, Rochester, University of Rochester Press, 2010, 350 pp., £55.00 (hardback), ISBN 9781580463102

Given the protests, killings, and transitions of power which have marked Malawi over the past few years, Joey Power's *Political culture and nationalism in Malawi: building kwacha* (2010) could not be more timely. The only serious and sustained colonial and post-colonial political history of Malawi to appear for several decades, this book is invaluable in understanding contemporary socio-economic and political dynamics in the country.

Power illustrates the ways in which Malawian independence and subsequent political developments were enabled by the ability of political entrepreneurs to manipulate local and parochial concerns into national issues (for example creating a relationship between British-imposed agricultural laws and impending federation in the 1950s). More broadly, Power provides a deep and fine-grained analysis of colonial and postcolonial politics in Malawi. Power utilises archival records and private correspondence from the colonial and postcolonial eras supplemented by first-hand interviews with some of the main protagonists of the independence struggle at a time when they were perhaps freer to speak than they had been for a long time following the political and then natural demise of Hastings Banda. The two most-cited secondary sources are Phillip Short's *Banda* (1974), now somewhat dated and limited to a sympathetic reading of the life and times of Hastings Banda; and Andrew Short's canon of work which mostly focused on the fall-out

of Banda's reign for his political opponents, and which was published by a small Malawian press with limited circulation.

This history forms the means by which Power is able to communicate the central tensions which have defined Malawian twentieth-century political history, namely the urban and rural, radical and moderate. The backdrop to this analysis is no less than the story of anti-imperial struggle and collaboration in Malawi through the early to mid twentieth century. Power touches on a number of themes which have come to characterise broader imperial relations with and in Africa, such as the deployment of tradition by imperial powers and latterly postcolonial regimes, against radical currents in African societies (p. 31) or the inscription of capitalist relations on indigenous societies through the granting of private property rights (pp. 47–48).

The book addresses three themes. First, Power illustrates how resistance in imperial Nyasaland could not be considered as straightforwardly anti-imperial, but was rather concerned with preserving the 'devil you know' of indirect rule against the 'devil you don't' of the white settler-proposed Central African Federation. Chapters 1 to 3 illustrate the gradual transition from this cooperative stance towards the British imperial centre to a more aggressive nationalist position once it became clear that the British were prevaricating and ultimately supportive of the establishment of the Central African Federation of the two Rhodesias and Nyasaland.

This provides the backdrop for the second theme addressed through the book's middle chapters. Power describes how a younger and more nationalist-

minded generation, frustrated with the collaborationist approaches of the African political elite, adopted a twin-pronged strategy of urban and rural movement-building. The unifying principle was to link local grievances to the impending and then actual federation. Even where the source of a grievance was British colonial legislation (such as the infamous *thangata*, a form of bonded labour prevalent in rural areas), nationalists within the Nyasaland African Congress successfully argued that with federation would come more and worse.

One of the more ironic features of this growing nationalist movement was that its main protagonists felt the need to coalesce under an older, more paternalistic figure that the British would treat as, if not an equal, then at least a formidable adversary. And so we have the entrance onto the scene of Dr Hastings Banda, whose subsequent 32-year rule forms the backdrop to the remainder of Power's book. In many senses this is the most analytically interesting of the three sections. Where the first two are largely concerned with fleshing out the detail of Malawi's political and social developments under colonial rule and how resistance to that rule came about, the final section seeks to draw broader lessons from Banda's reign for how his particular form of authoritarianism survived for so long, and then dissipated relatively peacefully. In particular, Power implicitly and explicitly invokes Achille Mbembe when she writes of the role played by rumour (Chapter 9) and orality (Chapter 10) in sustaining Banda's rule. Whilst the former emerged often beyond the scope of Banda's control, not least in reaction to the deaths of several political opponents by 'car crash', one of which is accounted for in detail in Chapter 9, it was the power of orality which really

defined Banda, and allowed state and citizen to enter into an uneasy and 'odd conviviality' (p. 201, quoting Mbembe). By repressing scholarly writing Banda was able to revise Malawian culture and history, enabling him to play the role of not only the nation's father, but its *kwacha* ('dawn') grounded in historical and tribal folklore. Similarly, the 'systematic erasure of actions and events in which he did not play a major role was a part of that vision' (p. 191).

Such themes are a familiar part of the rule of several authoritarian figures in the post-independence period. And indeed it is this lack of further contextualisation which one sometimes feels when reading *Building kwacha*. There are times when the amount of detail could perhaps be scaled back in favour of greater analysis. For instance, there are countless examples offered of rural struggles against colonially imposed agricultural rules and collaborationist chiefs (pp. 95–105), when fewer might make the same point. Additionally, there are 85 pages of endnotes, many of which contain long supplementary passages. One wonders why some of these could not have been entered into the main text to ease the reading process.

These minor criticisms aside, Joey Power has written an incredibly engaging and methodologically impressive book. The sheer range of original sources, and the comprehensive historical landscape Power presents us with makes this an invaluable book for anyone wishing to gain a deeper understanding of Malawi's past, present and future.

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Effective responses: Protestants, Catholics and the provision of health care in the post-war Kivus

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In extremely weak states, why are some civil society organisations better at providing health care than others? The case of health-care provision in the Kivu provinces of the eastern DRC provides a useful context in which to examine this question. Faced with the negative effects of more than 15 years of conflict, civil society organisations are the only institutions capable of providing social services. This article uses a series of case studies of local, faith-based health-care providers to argue that a number of historical, demographic and institutional factors cause some groups to develop stronger social capital networks than others. This in turn affects the degree of effectiveness that an organisation will have in providing social services in the state's absence. In doing so, they effectively substitute for the state in its role as a provider and regulator of public goods.

Keywords: DRC; health care; religion; Protestant; Catholic; Kivu

[Réponses efficaces : les Protestants, les Catholiques et la prévention des soins sanitaires dans le Kivu d'après-guerre]. Dans les états extrêmement faibles, pourquoi certaines organisations de la société civile sont plus efficaces pour fournir les soins sanitaires que d'autres? Le cas de prévention des soins sanitaires dans les provinces du Kivu à l'est de la RDC fournit un contexte pertinent pour examiner cette question. Faisant face aux effets négatifs de plus de 15 ans de conflits, les organisations de la société civile sont les seules institutions capables de fournir des services sociaux. Cet article utilise une série d'études de cas de fournisseurs de soins de santé confessionnels opérant au niveau local, pour soutenir qu'un certain nombre de facteurs historiques, démographiques et institutionnels permettent à certains groupes de développer de plus forts réseaux sociaux que d'autres. Ceci affecte à son tour le degré d'efficacité d'une organisation dans la fourniture de services sociaux en l'absence de l'État. De cette manière, ils se substituent effectivement à l'État dans son rôle de fournisseur et régulateur de biens publics.

Mots-clés : RDC ; soins de santé ; religion ; les Protestants ; les Catholiques ; Kivu

Introduction

The eastern Democratic Republic of Congo (DRC) provides a useful setting in which to examine the task of non-state actors as substitute providers of services that are traditionally the purview of the state. The Congolese state's authority has not extended to its eastern territories in any meaningful way since 1994. Meanwhile, 15 years of local, civil and international conflicts further contributed to the weakening of state institutions already in severe

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decline. In this situation, non-state actors often serve as the creators and maintainers of social order in what would otherwise be a chaotic region.

However, in a fragile state in which the authority of the central government is extremely limited and local government struggles to maintain basic public order, all is not chaos. Surviving civil society organisations (CSOs) – along with an influx of external intervening forces and humanitarian agencies – operate schools and hospitals, and provide security in at least some areas, particularly major cities. In the process, they often function as *de facto* legitimate authorities with power to make decisions about policy, employ personnel, and manage institutions. Because of their capacity in the social-service sector, these organisations often have far more influence on public life than state actors. While certainly not a desirable situation, this assumption of authority by non-state actors does allow for some children to be educated, some of the sick to be made well, and for participants in the informal economy to maintain at least a minimal level of activity. But there is considerable variation in the ability of different CSOs to deliver social services.

This article seeks to explain why, in a situation of extreme state fragility, some CSOs are more successful at building social order than others by examining the health-care sector in the Kivu provinces of the eastern DRC. Based on data collected during field research in Bukavu and Goma between July 2005 and August 2007, and in a follow-up study in Butembo, Beni and Bunia in July 2010,[1] it presents a theory of internal organisational cohesion to explain why some churches and other CSOs are more successful at providing health care than others. This theory suggests that a CSO's ability to successfully organise social services is directly related to the degree of cohesion or fragmentation within the organisation. A number of historical, demographic and institutional factors cause some groups to develop stronger social capital networks than others, which in turn affects the degree of effectiveness an organisation will have in providing social services in the state's absence. It introduces a measure by which the effectiveness of social-service provision by non-state actors can be evaluated, and then applies that model to the provision of health care in the eastern DRC. Taking into account the fact that standard measures of effective service provision such as maternal mortality or disease prevalence rates may not be most applicable in a situation of extreme violence and poverty, a measurement system based on 15 indicators of the effectiveness of health-care service providers is used. Finally, the article questions how civil society groups that substitute for the state affect authority structures and long-term prospects for state reconstruction.

Social services in a fragile state

When states weaken, social services are among the first government-provided services to decline. Health care is expensive, and leaders who lack revenue streams and authority are typically more concerned with paying the army or shifting funds into their personal bank accounts than purchasing medication. If the state becomes fragile, government often becomes completely incapable of providing social services and human suffering becomes widespread (Milliken and Krause 2002, p. 764, Brennan and Nandy 2001, p. 148). Professionals in the public-health sector often have economic incentives to seek employment in the private sector, where they can at least be guaranteed a salary. This further contributes to the decline of the public sector. Since the state no longer has the ability to fully secure its territory, conflict almost always disrupts public-goods provision. Failed states become vulnerable to predation by outside forces and can pose a danger to neighbouring states (Rotberg 2002). Finally, in the downward spiral, elites who have

learned to profit from the state's absence may have little incentive in re-establishing state authority and order (Menkhaus 2003).

Yet local populations still need basic social services. Where government is incapable of delivering them, local CSOs fill the gap. Often operating in *de jure* partnerships with a weak state, these organisations typically have almost full control over their own activities and the 'state' apparatuses they manage. Many establish partnerships with international donors and non-governmental organisations (NGOs) to support their work, but final say over the organisation's social-service programmes belongs to the CSO and its leaders. In contrast to most instances of civil-society-based service provision in which CSOs are in partnership with the state, in many African states, as Clayton *et al.* note, CSOs 'often ... operate with little reference to state providers' (Clayton *et al.* 2000, p. 5). In such cases, elements of civil society often serve as the only social-service providers. They effectively substitute for state regulation, management and authority. As Hagmann and Péclard (2010) note, the reality of the state that results is based on 'negotiation, contestation, and *bricolage*' between the variety of state and non-state actors involved in providing services and governing.

In the DRC, these effects are complicated by the state's continuing existence that paradoxically exists alongside its weakness. Vlassenroot and Raeymaekers (2004a) show that the Congolese state's fragility opens new opportunities for forms of political engagement by local elites. Englebert (2003) examines the weakness of the Congolese state that nonetheless 'persists', and concludes that the state continues to legally exist because local elites and international actors continue to want it to. Tull (2005) concludes that while the events of the last two decades significantly changed political life in North Kivu, it is too early to declare the death of the Congolese state. Following Englebert, he argues that there are too many stakeholders in the existing weak Congolese state to allow it to go away completely. Lund's (2006) notion of 'twilight institutions' eloquently captures the way in which post-conflict state institutions persist in a hybridised form that can be described as 'non-state' but also 'non-private'. State institutions in the DRC do exist, but in the east they generally operate not as agents of government authority, but rather as institutions that are, in Lund's words, 'not the state, but [ones that] exercise public authority' nonetheless. Individuals in positions of 'state' authority may try to administer programmes and attempt to regulate activities, but they have typically not received a government salary for 10 to 20 years and act according to their own self-interest rather than as agents of the state. In most of eastern DRC, 'state' officials are actually independent agents who collect rents from the population and use it for their own benefit, enforcing regulations and collecting taxes only when it is convenient to do so. Every 'state' service has a price, be it a building permit, a medical examination, or a trial. The fees paid for services are collected in lieu of taxes, but those fees are deposited directly into the pockets of the service providers, not into the state's coffers. However, those fees may or may not lead to the effective provision of the type of service paid for, as state capacity is so limited. In the health-care sector, a patient may pay a government-run hospital for services, but receive ineffective and inadequate treatment as the hospital will likely not have adequate supplies with which to treat the problem. Likewise, while government health employees accepting fees for services may attempt to treat an illness, they often cannot effectively do so due to a lack of expertise and access to high-quality continuing professional education.

The church and the state in DRC

Congolese churches have long played a leading role in the country's civil society, and the Catholic Church's dominant role in Congolese political affairs is well-documented

(Oyatambwe 1997, Makiobo 2004, Okitembo 1998). In the social-service sector, Congolese CSOs generally cooperate with local authorities, but they in many ways function *as* the state by operating institutions, managing disputes, collecting user service fees in lieu of taxes, choosing personnel (who are often technically state employees, but who are actually hired and paid by the CSO), providing security and maintaining a basic level of public order. As one subject noted, since instability began, 'Civil society has grown stronger and stronger, while the state has become weaker and weaker' (author's interviews 2005–2010). Officially, churches in the eastern DRC simply partner with the government to provide health care; in reality, they substantially take over for the government and are often subject to very limited substantive government oversight.[2]

Since the management of most of the Kivu's 'state' social-service institutions is essentially contracted out to local CSOs – primarily to churches and the Islamic community – in most cases, true authority in the social-service delivery domain lies with those who operate and finance those structures. Despite the state's weakness and civil society's role as a *de facto* service provider, both entities do maintain a formal relationship based on contractual agreements. These agreements require the state to undertake certain functions (hiring and firing personnel, constructing and rehabilitating buildings and paying staff salaries) and CSOs to perform the day-to-day tasks of operational management. As one subject stated, 'Theoretically, it is the state' that bears responsibility for oversight and management of Congolese civil society (author's interviews 2005–2010), but the reality is that while decisions about hiring personnel, constructing and rehabilitating facilities, or salary levels need nominal approval from titular state authorities, actual decisions are often made by the church bureaucracies, and what remains of government typically endorses decisions that have already been made. While religious authorities do not have absolute power to do whatever they want (and are largely constrained by donor preferences), they usually have more capacity than Congolese state authorities, who often lack even the most basic elements required to conduct regular inspections of the facilities for which they are responsible. For example, most health care professionals interviewed in 2007 did not have petrol to fuel their vehicles and were thus unable to conduct their required inspections. One interview subject (along with others) noted that some health professionals with 30 years' employment by the government have never been paid official salaries (author's interviews 2005–2010). Much lip service is paid to state/non-state collaboration, and important efforts at state capacity-building in the health-care sector (namely the European Union's *9eme Fond*) are underway, but in the period of this study, religious actors in many ways had the final say over the means by which they deliver health care.

Religious institutions are the primary health-care providers in the DRC today (Trefon 2011, pp. 127–128). This does not mean that political processes, disputes and international assistance do not affect health-care delivery in the DRC; to the contrary, health-care delivery is as much a political process in the DRC as it is anywhere else. One example of the potential for politics to cause confusion in health-care delivery is the creation of stronger provincial governments that was introduced in the DRC's 2005 post-war constitution. The new constitution provides for a strong decentralisation programme and allocates 40% of the national budget to provincial governments. However, as of mid 2012, this money has yet to be allocated to the provincial governments, leaving most provincial ministers of health idly waiting for something to do and money with which to do it. It is not entirely clear how responsibilities for management and oversight of the health-care system are to be divided between the new provincial authorities and the old state health officials. Meanwhile, those pre-existing state health authorities, the provincial health

inspectors, continue their administrative work in close collaboration with those who pay their salaries, namely international donors, NGOs and local religious authorities.

Catholic organisations

The Catholic Church has a long history of involvement in social-service provision throughout the DRC. Catholic schools are widely regarded as the best in the region, such that any parent who can afford to do so sends his or her children to the elite Catholic schools in Bukavu and Goma (author's interviews 2005–2010, Tull 2005, p. 206). Likewise, the Catholic *Bureau Diocésain des Oeuvres Médicales* (BDOM) is a major provider of health services in North Kivu and South Kivu, serving as the primary partner of one health zone in Bukavu and another in Goma.

Why are Congolese Catholic social-service institutions so effective? First, in Bukavu and Goma, the Catholic Church's history helped to strengthen the organisation. As part of the Belgian Congo's 'colonial trinity', the church has always held a privileged position in Congolese public life. The work of the church and its missionaries was necessary for the colonial authority's 'civilising mission'. Church schools inculcated values of hard work, loyalty and basic literacy skills in the territory's future labouring class, a service that the colonial state rewarded with large state subsidies for the Catholic schools and support for the missionaries who ran the stations on which those schools were established (Young 1965, pp. 10–20). State subsidies were limited to Catholic schools until after World War II, which made establishing and maintaining schools at a reasonable cost to parents significantly easier for the Catholics. In addition, unlike many other expatriates living in the Congo at the time of independence and the subsequent five years of civil war and rebellion, many foreign Catholic priests, monks and nuns returned to the Congo to serve in churches and hospitals after the independence era. They provided expertise in the social-service sectors and helped build capacity among Congolese Catholics who eventually took over the operation of their own institutions. While certainly there was competition among Catholic missions in the colonial and post-colonial context, and while there have been many power struggles within the church, the church has nonetheless maintained its position as the strongest institution in Congolese society. After independence, the status quo of health-care provision by religious actors continued largely uninterrupted until Mobutu committed in the early 1970s to a nationalisation programme known as Zairianisation. Relations between the Catholic Church and the Zairian state became increasingly complex in this period, reflecting the renegotiation of the relationship between civil society and the state that occurred in that decade (Young and Turner 1985). By mid decade, the state's primary concern was co-optation of civil society into its ranks. The Catholic Church was one of a very small number of institutions able to partially withstand Mobutu's attempt to 'Zairianise' (and personalise his control over) every aspect of Congolese life. When in 1973 Mobutu nationalised church social-service systems, the disastrous effects on the health care and other social-service systems were so immediately apparent that contractual arrangements returned the management of most of these structures to church hands in less than five years.

Also contributing to the institutional strength of the Catholic Church is the fact that, unlike their Protestant counterparts, Catholic churches cannot divide over theological or social disputes. Protestant churches in the Kivu region are prone to splitting along ethnic lines. But splitting on the basis of ethnicity is not an option for members of the one holy, universal and apostolic Catholic Church. This social cohesion helps to mitigate difficulties that could arise as a result of disputes that divide members on ethnic lines. That the Catholic

Church cannot divide along ethnic lines means that politicians and civil society leaders who are Catholic are able to draw on a broader range of societal support for their institutions than their Protestant counterparts. This finding stands in contrast to a large body of existing literature on the relationship between ethnic homogeneity and successful service delivery which argues that less diverse communities are typically more successful at providing public goods, a hypothesis that seems to hold true across a wide variety of regime types (Banerjee *et al.* 2005, Alesina *et al.* 1999, Easterly and Levine 1997, Miguel and Gugerty 2005, Poterba 1997, Goldin and Katz 1997). While the sample size in this study is too small to draw definitive conclusions about this question, these findings do suggest that Habyarimana *et al.* (2007) are correct that certain institutional arrangements and social norms can make it possible to overcome barriers to cooperation in ethnically diverse communities. However, further study is needed to determine whether ethnic homogeneity plays a role in determining the effectiveness of social-service provision among Congolese Catholic archdioceses, specifically with reference to the question of relationships between bishops of one ethnicity and parishioners who are largely of another ethnicity.

The Catholic Church is one of the few institutions in Congolese society that never collapsed. While by the mid 1980s, national and local governments had lost almost all of their capacity to accomplish even the most basic tasks of meeting payroll or maintaining public order, the formal economy ceased to function. Informal means of wealth generation became the only way to survive (MacGaffey 1991), transportation infrastructure rotted, the banking system collapsed, and the postal service stopped delivering mail. But the church's ability to organise its members, accomplish tasks and maintain a basic structure of public order never disappeared. Except in areas of open fighting, Catholic institutions even stayed operational, and throughout the turmoil of the two Congo wars (1998–2003), leaders in the Catholic church maintained the ability to actively engage in politics and to influence national political outcomes as well as to maintain social-service structures.

Additionally, Catholic schools and hospitals can still depend to some extent on a global network of financial support from other Catholics worldwide. This is particularly true of the BDOM's health services, which continue to benefit from the generosity and assistance of the global Catholic Church through agencies like Catholic Relief Services and Caritas. As Catholic social teaching requires the faithful to care for the poor, it is not surprising that Catholic social-service institutions can call on the support of other Catholics worldwide for assistance in times of great need. This high level of external support is further evidence of the high degree of internal organisational cohesion in the Catholic Church in the Kivus, particularly in Bukavu. Despite the turbulence and conflict that have affected the Kivu provinces for more than 15 years, Catholic organisations have largely managed to maintain or rebuild their social-service infrastructures. Even with the disruptions of war and the poverty of the vast majority of their clientele, Catholic schools and hospitals in Bukavu are generally in better shape than their public counterparts and many of those structures supported by other civil society institutions. Catholic institutions in Goma are often less strong, but relative to competing public institutions, Catholic schools and hospitals in the city work fairly well (author's interviews 2005–2010). This success is partly due to the support from international donors in the post-war reconstruction efforts, but the long history of Catholic involvement in the region and early financial support from the colonial authorities also meant that infrastructures were generally in better shape before the wars. The high degree of ethnic diversity in the Goma archdiocese may explain why the group is slightly less effective than its counterparts in other archdioceses at providing services.

Finally, the role of Mobutu's patronage networks also influences the degree to which a CSO is cohesive, generally in a negative manner. It is well-known that former Zairian President Mobutu Sese Seko used the state's resources to maintain his control over the territory and its institutions. Mobutu actively maintained patronage networks in the Kivus, and part of his activity there was providing land grants in the rural areas (particularly in North Kivu) to the Catholic Church. The effects of this relationship were actually favourable to the church's organisational cohesion during the Mobutist period, especially in the North Kivu archdioceses, as it gave its institutions a financial advantage over its competitors in the social-service sector. However, because these issues are so closely related to the disputes over land that drove North Kivu to conflict in the early 1990s (Vlassenroot and Huggins 2005), and because those disputes had such a heavy anti-Tutsi ethnic taint, what was beneficial during the Mobutist era became in some ways a drawback in building internal organisational cohesion during the war and post-conflict periods (author's interviews 2005–2010). The Bukavu archdiocese is significantly more ethnically homogeneous, meaning that social pressure and close social ties lead to increased cooperation, which leads to more effective service provision over the long run.

It is difficult to overstate the importance of internal cohesion in the Catholic Church's success as a CSO and in operating schools and health facilities in the state's absence. Although the historical trajectory and ethnic diversity of Goma makes its Catholic structures slightly less successful than those run by the archdiocese of Bukavu, both archdioceses still provide much better social services than do many of their Protestant counterparts.

Protestant organisations

Like the Catholics, Protestants have a long tradition of missionary and church involvement in providing health care to citizens of the Kivus. While they did not have the same level of access to subsidies as did the Catholic schools for most of the colonial era, Protestant missionaries could depend on support from congregations in the United States and Europe to start schools, and they worked to make their service structures and churches self-sufficient from the beginning. When subsidies became an option for Protestants after political changes in Belgium in the late 1940s and early 1950s allowed for broader state support to religious organisations, at least one Kivu religious organisation, the *Mission Baptiste du Kivu*, divided into two churches in part over the question of whether its schools should accept state subsidies. The organisation now known as the 3eme CBCA (*Communauté des Baptistes au Centre d'Afrique*) accepted subsidies, a decision that made it more cohesive, while the 55eme CEBCE's (*Communauté des Églises Baptistes au Congo-Est's*) refusal to accept subsidies and longer-term reliance on missionary support eventually contributed to an institutional history that is not associated with a high degree of internal organisational cohesion (Nelson 1992).[3]

The long-standing presence of some Protestant churches in the region means that some have been able to organise effective networks of support for their activities. As with the Catholic Church, the ability to raise external and internal financial support, an aspect of internal organisational cohesion in a CSO, has made some of the Protestant churches a strong force in social-service delivery. In North Kivu particularly, contributions from wealthy businessmen have furthered the success and strength of many Baptist institutions. In both provinces contributions from churches, other faith-based organisations and international NGOs have helped many Protestant churches to operate long-standing health-care programmes (author's interviews 2005–2010, Nelson 1992, p. 68).

As with the Catholic Church, Protestant churches did not collapse along with the Zairian state. They were also among the only social institutions to survive the political,

economic and social chaos of the war period, and provided stability and a basis for order when neither the state nor the economy could do so. Although their operations in rural areas were and continue to be interrupted during periods of fighting in areas of intense conflict, such as Masisi, Walikale and Rutshuru in North Kivu and Shabunda and the Haut Plateau of South Kivu, by and large, the Protestant churches stand with the Catholics in providing the only functioning institutions in what are highly insecure and sometimes anarchic environments. They also gained a high degree of trust among the population. As one church official in Bukavu noted, while 'the population has problems under the government, the church has a lot of credibility' (author's interviews 2005–2010).

A key difference between the Catholic and Protestant churches, however, involves the role of ethnicity. Unlike the Catholics, Congolese Protestants have no external hierarchy to impose order or to force them to stay together, especially in those forms of Protestantism that are in the Free Church tradition. Because local churches in the Free Church tradition are almost completely autonomous, if there is a dispute among a church's members, dissenters are generally free to leave to start another church. In a region in which questions of ethnicity are often paramount, particularly with respect to the place of Kinyarwanda-speakers in Congolese society, Protestant organisations can and do split, largely along ethnic lines (Nelson 1992). Part of this is due to early mission efforts. Faced with the task of learning unfamiliar languages in a difficult environment, the first missionaries generally initially worked among one regional ethnic group, which created missions and then churches that were largely ethnically homogeneous. Later disputes over such issues as school subsidies caused other missions to split into groups that were, if not completely ethnically homogenous, typically comprised of a significant majority from one ethnic group.

A theory of internal organisational cohesion

Many Congolese CSOs are attempting to deliver social services, but there is considerable variation in their ability to accomplish this task. Some Congolese health-care facilities are well-stocked with drugs and medical supplies and employ adequate numbers of health-care professionals who have the knowledge and skills necessary to treat patients. Others do not. What accounts for this variation? What factors influence a CSO's ability to provide social services in the state's absence? The central argument of this article is that a CSO's degree of internal cohesion strongly influences its ability to successfully deliver health care. The independent variable, 'internal organisational cohesion', refers to the degree to which the members of an organisation share a common history and identity and belong to unified social networks. These networks enable members of the organisation to work more closely together and increase the likelihood of attaining their goals. A high degree of internal organisational cohesion strongly correlates with a higher rate of success at organising social services.

Internal organisational cohesion can be assessed according to several indicators. These include institutional history (whereby the CSOs presence in the country during the colonial period contributes to cohesion, division along ethnic lines diminishes cohesion, and receiving subsidies from the colonial regime contributes to cohesion). The more a CSO's membership is ethnically homogeneous, the more likely it is to be cohesive and the more likely it is to successfully provide social services. Likewise, the greater its ability to obtain external funding, the more likely it is to be cohesive. Finally, whether the organisation was a beneficiary of government patronage networks during the Mobutu era (1967–1997) is of particular concern. Being a beneficiary of Mobutu's patronage diminishes cohesion.

Each indicator of institutional organisational cohesion is assigned a value of '1' or '0' based on information gathered during interviews and from archival research. An indicator is coded as '1' if the organisation has a long-time presence in the region (30 or more years), has no history of division on ethnic lines, received subsidies from the colonial regime, has a high degree of ethnic homogeneity, received a high level of support from external sources and avoided being tainted by Mobutu's patronage networks, and vice versa for null values. A simple, additive scale then determines the level of internal organisational cohesion. CSOs with scores of 5 or 6 are considered highly cohesive, those with scores of 3 or 4 are considered moderately cohesive, and those with scores of 2 or less are considered to be highly fragmented. Thus, a high degree of internal organisational cohesion is the product of an institutional history of presence in the region during the colonial period, no experience of division, receipt of subsidies from the colonial authorities, an ability to obtain strong external support, and not having been tainted by association with patronage networks in the independence period. By contrast, moderate and low levels of internal organisational cohesion are associated with a shorter presence in the region, experiences of division, not having received subsidies, not obtaining external support, and having been closely associated with Mobutist patronage networks.

The dependent variable, 'the successful organisation of social services', is a measure of how effectively a CSO is able to operate health clinics, hospitals and other structures that continued to operate during and after a period of state weakness and war. Measuring the quality of social services is difficult in fragile states due to missing data and other problems. It is virtually impossible, for example, to know whether low usage rates at a hospital or high infant mortality rates in a neighbourhood indicate poor quality health care or simply that the local population is too poor to afford the services. Likewise, the expense and distance of travel to some health facilities means that the popularity or extent to which individuals seek services at a particular facility is not a reliable indicator of the provider's effectiveness. Therefore, this study does not focus on the quality or popularity of social services provided by different CSOs. Instead, it relies on a series of 15 operational indicators of the successful ability to organise social-service delivery, including physical infrastructure, organisational hierarchy and organisational scale. An additive scale rates each organisation according to

Table 1. Operational indicators of organisational effectiveness.

Operational indicators

 1. Is there a building?
 2. Is the building open/does it appear to be in regular use?
 3. Is the building in usable condition?
 4. Is there electricity?
 5. Is there communications equipment (cellular telephones, computers, etc.)?
 6. Are there necessary supplies (medications, etc.)?
 7. Are there personnel (doctors, nurses, etc.)?
 8. Are there service users (patients)?
 9. Are there working vehicles belonging to the organisation (automobiles, motorbikes)?
10. Is there an organisational hierarchy?
11. Does the organisation hire and fire personnel of its own accord?
12. Are staff members regularly paid?
13. Does the local population think it is a functional organisation?
14. Do international observers think it is a functional organisation?
15. What is the scale of the organisation?

the number of attributes each has, and use that rating as a basis for determining whether a civil society group successfully organises social services. These attributes are outlined as a series of questions in Table 1.

For each of the indicators in Table 1, values are assigned to the answers as follows. For 'yes/no' questions (nos. 1–14), a 'yes' answer is assigned a value of 1. For a 'no' answer, it is assigned a value of -1. Values were determined based on data gathered in interviews, observation and archival research. When data are not available or the question does not apply to an organisation, no value is assigned. For indicator 15, organisations are scaled on the basis of the total proportion of a city's social-service structures that each operates and whether the church operates a major hospital in the city. If a group operates less than 10% of the city's service structures, it receives a 0. For 11–30%, it receives a value of 1. For 31–50%, it receives a value of 2. For values greater than 50%, it receives a value of 3.

The level of success in organising social services is determined by adding the values coded for each indicator. The maximum score an organisation can receive is 17. An organisation with a value of 15–17 is highly successful at organising social services, those with values of 12–14 are moderately successful, and those with values of 11 or below have a low level of success. High levels of internal organisational cohesion are expected to correlate with high levels of success in organising social services, and vice versa.

Internal organisational cohesion in the DRC

In order to answer the question of why some CSOs are more successful than others at organising social-service delivery, six religious CSOs in two cities, Goma and Bukavu, the provincial capitals of North Kivu and South Kivu, are analysed here. All of the organisations are churches (the Catholic archdiocese of Bukavu, the Catholic archdiocese of North Kivu I (Goma)), the 3eme CBCA in Goma, the 55eme CEBCE in Goma, the 5eme (*Communauté des Églises Libres Pentecostistes en Afrique*) in Bukavu and the 8eme CEPAC (*Communauté des Églises du Pentecôte en Afrique Centrale*) in Bukavu).

As Table 2 illustrates, the relationships between factors that produce cohesion are multiple and complex. Existence during the colonial period always correlates with a high degree of internal organisational cohesion. Receiving external support for operations also generally produces higher degrees of internal organisational cohesion. Other factors, including avoiding entanglement with Mobutu's patronage networks and not having divided along ethnic lines, suggest a higher degree of internal cohesion as well. This sample also suggests that a high degree of ethnic heterogeneity is not an absolute

Table 2.   How cases vary on the independent variable.

Civil society organisations	Org. history			Low ethnic homogeneity	External support	Patronage networks	Org. cohesion
	Col.	Div.	Sub.				
Bukavu archdiocese	1	1	1	1	1	1	High (6)
North Kivu I archdiocese (Goma)	1	1	1	1	0	0	Moderate (4)
3eme CBCA (Goma)	1	0	1	0	0	1	Moderate (3)
55eme CEBCE (Goma)	1	0	0	0	n/a	1	Low (2)
8eme CEPAC (Bukavu)	1	1	n/a	1	1	1	High (5)
5eme CELPA (Bukavu)	1	1	1	1	1	1	High (6)

Table 3.   Organisational effectiveness measure.

Civil society organisation	Organisational effectiveness
Archdiocese of Bukavu	19 (High)
Archdiocese of North Kivu I (Goma)	17 (Moderate)
3eme CBCA	15 (Moderate)
55eme CEBCE	8 (Low)
8eme CEPAC	18 (High)
5eme CELPA	18 (High)

impediment to successful service delivery if specific institutional constraints to force inter-ethnic cooperation are in place. The following sections provide an overview of this framework as applied to Catholic and Protestant CSOs in Goma and Bukavu. As primary research for this study was undertaken during the post-war transitional period and immediately after the 2006 election of a new government (2005–07), this study primarily reflects the situation in the Kivus during that time. However, multiple subjects confirmed that the nature of the Congolese health-care delivery system and the role of religious organisations in operating it have changed little since well before the 1997–2002 wars.

Successful service organisation and internal cohesion in the DRC

As outlined in Table 1, 15 indicators are used to determine the effective organisation of social services. Table 3 summarises these findings with the scores attained by each CSO and corresponding level of successful organisation of social services.

As the above data indicates, a pattern emerges with respect to the relationship between levels of internal organisational cohesion and the successful delivery of social services. Table 4 outlines findings in this regard:

As the results in Table 4 suggest, there is a strong correlation between the extent of internal organisational cohesion in a CSO and its ability to successfully organise social services. Organisations such as the archdiocese of Bukavu and the 8eme CEPAC, which enjoy long institutional histories and high degrees of external support are the most successful at maintaining social-service provision over the long term. CSOs that are more fragmented, evidenced in shorter or divided institutional histories (such as the 55eme CEBCE), have a lower ability to raise external support and are ethnically heterogeneous, are less successful at organising social services. The variation in cohesion across CSOs is historically contingent. However, the broad pattern is clear: a high degree of internal organisational cohesion is necessary for successful social-service provision over the long run by non-state actors in fragile states.

Table 4.   Summary of findings.

Civil society organisation	Internal cohesion	Successful organisation of social services
Bukavu archdiocese	High	High
North Kivu I archdiocese (Goma)	Moderate	Moderate
3eme CBCA (Goma)	Moderate	Moderate
55eme CEBCE (Goma)	Low	Low
8eme CEPAC (Bukavu)	High	High
5eme CELPA (Bukavu)	High	High

Conclusion: substitution and reconstruction

This study has implications for and raises questions about the nature of authority in fragile states where CSOs provide public goods in the state's absence. When local and national authorities are extremely weak and unable to enforce the will of the state, CSOs are largely left to their own devices. They manage, administer and operate schools and hospitals independently, generally get to hire and fire personnel of their own accord, and are subject to only nominal regulation by state authorities who lack enforcement power. The locus of authority is blurred, and different organisations and individuals have a great deal of authority in specific sectors. There is no entity that truly exercises legitimate authority over all sectors of society.

Although it is impossible to reach definitive conclusions on the long-term effect of such arrangements, it seems clear that the displacement of the state in public-goods provision will have far-reaching implications if the state is ever able to reassert its authority. The trust necessary for government to have legitimacy among the population is largely absent in DRC. Instead, trust and reciprocity relationships are primarily among individuals and ethnic groups alone (Vlassenroot and Raeymakers 2004a, p. 27, Vlassenroot 2004, p. 39). In the DRC, local populations tend to look directly to service providers for help with problems, rather than the state. Even when problems are outside the purview of their mission, CSOs are often asked to take on additional responsibilities. However, unlike officials in a functioning state, CSOs are only accountable to their donors and themselves. The need for accountability to service users is a key reason that the reassertion of state authority over – at a bare minimum – the full regulation of health-care provision is desirable. Likewise, it is likely that state-regulated and/or controlled health-care provision will be more uniform and of similar quality than the widely varying levels of quality available today.

It is entirely logical for citizens of weak states to look to non-state entities to provide public goods that the state would normally provide or regulate. But when populations ascribe more legitimacy to CSOs than to the government over the course of three decades, how can the government ever reassert its authority? As Englebert (2003) notes, the idea of the Congolese state 'persists' in the eastern portions of the country despite its actual absence from the territory (Engelbert 2003). Anecdotal observations and interviews confirm that the vast majority of the people of the eastern DRC claim to want the government to resume its role as the governing power in the territory and to provide and regulate social services. (In particular, most Congolese would be glad for anyone to exercise a monopoly on the legitimate use of physical force.) But how this will happen in a place in which other organisations are widely credited with providing far superior public goods than the state has been able to provide in 30 years is very unclear. CSOs substitute for the state as social-service providers, and they are better at it than the state has ever been. Despite all the problems with access and quality of Congolese health care, the systems currently in place are still better than anything seen in the territory since the colonial era. Why would the population – or CSO leaders – return control of the social-service systems to a corrupt, incompetent and predatory state?

Public goods provision is a key task of the state. A state that cannot provide a basic level of services and regulation is not a state at all. The international community's vision of DRC's future involves building the state's capacity until it is completely reconstructed, meaning that it can police its own territory, defend its borders, regulate its economy and provide and regulate public services. There is also an expectation that the DRC's culture of entrenched corruption will somehow disappear once the government functions and the economy is put on track. How to transfer *de facto* authority out of the hands of church and other CSO officials to move back to a 'partnership' with the state is a complicated question that may not have an easy solution (Seay 2010).

More research is needed to fully understand the implications of hybrid or non-state models of social-service delivery in extremely fragile states. In particular, research not simply on the ability of civil society actors to provide services, but also on their health outcomes and factors affecting those outcomes would help to improve our theoretical understanding of the situation while pointing towards means of creating tangible public health benefits for the Congolese population and populations in other fragile states. More research is needed of patronage in health-care delivery systems and the relationships between patronage systems, successful health-care provision and health outcomes.

More research is also needed on the increasingly diverse landscape of Congolese religious life and the role that new forms of religious expression play in the health care and other service delivery sectors. Leinweber (2011) has demonstrated how the Islamic community in Maniema province came to fill a role in providing educational services, but there is virtually no work on Muslim service provision in other parts of the DRC. There are extensive studies on the rise of Pentecostalism and charismatic Christianity and its effects in Kinshasa and elsewhere (Pype 2006, 2009a, 2009b, de Boeck 2005). While some of the *Église du Christ au Congo* (Church of Christ in Congo – ECC) churches profiled in this study are in the charismatic tradition (the 5eme CELPA and 8eme CEPAC), the DRC's newer charismatic churches have thus far made few attempts at or inroads into the service-delivery sector, particularly in the east.

Finally, researchers can build on the existing literature through studies of what precisely – if anything – Congolese citizens expect from their government. Survey-based research and ethnographies should yield more specific data and insights into this question, and would provide scholars with a basis to theorise more soundly on the future of the Congolese state.

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Notes

1. This article is based on interviews with more than 210 subjects, including Congolese elites, primarily hospital and school administrators and staff, church officials who oversee social-service programmes, government officials, and civil society leaders in each city, and international peacekeepers, observers, and representatives of international non-governmental organisations (NGOs) and agencies that are involved in health care. Although there are a number of other civil society organisations engaged in social-service provision in each city, the CSOs represented in this study represent those who have organisational headquarters in either North Kivu or South Kivu. Five of the six organisations have headquarters in Bukavu or Goma. The exception is the CEBCE church, which is headquartered in northern North Kivu. Interviews were also conducted in Kinshasa, Kampala, Kigali, Nairobi, and in Austin and Washington, DC, USA.
2. Scholars disagree on the extent to which the Congolese state holds regulatory power in its relationship with religious institutions providing educational services in DRC. See Seay 2011, Poncelet *et al.* 2010, Leinweber 2011, De Herdt, Titeca and Wagemakers, 2010a, Titeca and De Herdt, 2011, and Herdt, Titeca and Wagemakers, 2010b.
3. Most Protestant churches in the DRC are members of an overarching organisation called the *Église du Christ au Congo* (Church of Christ in Congo – ECC). Each distinct church is technically a member community of the ECC, and each community is assigned a number. ECC communities are usually referred to by their number and acronym.

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Military business and the business of the military in the Kivus

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Contrary to dominant approaches that locate the causes for military entrepreneurialism in eastern Democratic Republic of the Congo predominantly in criminal military elites, this article highlights the importance of the Congolese military's (FARDC) civilian context for understanding military revenue-generation. It analyses how the latter is shaped by structures of domination, signification and legitimisation that drive and are driven by the FARDC's governance, private protection and security practices. It argues that these practices contribute to bestowing a degree of legitimacy on both the FARDC's position of power and some of its revenue-generation activities. Furthermore, by emphasising that the FARDC's regulatory and protection practices are partly the product of popular demands and the routine actions of civilians, the article contends that the causes of military revenue-generation are co-located in the military's civilian environment. In this manner, it offers a more nuanced conceptualisation of military entrepreneurialism, thus opening up new perspectives on policy interventions in this area.

Keywords: Congolese military; Kivu; militarisation; informal economies; army reform

[Les affaires militaires et les affaires des militaires dans le Kivu]. Contrairement aux approches dominantes qui trouvent les causes de l'entrepreneuriat des militaires dans l'est de la RDC essentiellement dans les élites militaires criminelles, cet article met en exergue l'importance du contexte civil de l'armée congolaise (FARDC) pour comprendre les pratiques militaires génératrices de revenus. Il analyse comment ces dernières sont influencées par les structures de domination, de signification et de légitimation qui conduisent et sont conduites par les pratiques de gouvernance, de protection privée et de sécurité des FARDC. L'article soutient que ces pratiques contribuent à l'attribution d'un degré de légitimité tant sur la position du pouvoir des FARDC que sur certaines de leurs activités de génération de revenus. En outre, en insistant sur le fait que les pratiques de protection et de régulation des FARDC résultent en partie des demandes populaires et des actions de routine des civils, l'article soutient que les origines des activités de génération de revenus des militaires sont co-localisés dans l'environnement civil des militaires. De cette manière, l'article offre une conceptualisation de l'entreprenariat militaire plus nuancé, ouvrant ainsi de nouvelles perspectives pour les interventions des bailleurs de fonds dans ce domaine.

Mots-clés : Armée congolaise ; Kivu ; militarisation ; économies informelles ; réforme de l'armée

Introduction: differing perspectives on military entrepreneurialism in the DR Congo

'Faced with a gun, what can you do?' reads the title of a report on the militarisation of mining in eastern Democratic Republic of the Congo (hereafter DRC) from a well-

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known conflict minerals advocacy organisation (Global Witness 2009). In the popular imagination, the involvement of the Congolese military (*Forces Armées de la République Démocratique du Congo* – FARDC) in revenue-generating activities in the DRC's eastern Kivu provinces is associated with violent extortion and forced labour at gunpoint. However, over a year of ethnographic field research in the Kivus between 2010 and 2012[1] revealed that this image presents only one dimension of a wide repertoire of military economic practices. It appears therefore to be more the product of analysis informed by norms than empirically grounded knowledge.

From the perspective of world military history, the notion that armed forces should be financed entirely through public funds has become established only recently. This norm, which is anchored in Organisation for Economic Co-operation and Development (OECD)-inspired conceptualisations of the state, is at present respected in only a small number of mostly Western countries (Brömmelhörster and Paes 2003). Nevertheless, it deeply informs thinking on the security sector in countries that are the object of state-building efforts. This certainly applies to the DRC, where military entrepreneurialism has been framed in the discourse of the criminalisation and privatisation of the state (Bayart *et al.* 1999).

These framings have influenced mainstream explanations for this phenomenon, which can roughly be divided into three strands. The first ascribes the FARDC's involvement in revenue-generation to greed (e.g. Bafilemba 2010), echoing neoclassical economic theories of violent conflict that are based on rational choice thinking (e.g. Collier 2000). These approaches draw inspiration from widespread international attention to the business activities of 'generals-turned-businessmen' such as former FARDC Chief of Staff Gabriel Amisi (e.g. Fessy 2010), or analyses of criminal networks in the FARDC (e.g. United Nations [UN] Group of Experts 2010). A second strand emphasises the FARDC's organisational culture and values. These are seen to be reflected in 'impunity', and believed to be the product of the 'historical legacy' of their predecessor forces, in particular the brutal colonial *Force Publique* and the rapacious military of Mobutu (e.g. Davis 2009, Robinson 2012). A third line of explanations highlights the non- or underpayment of FARDC soldiers (e.g. Ebenga and N'landu 2005, Rackley 2006), reflecting theories of petty corruption and power abuse in state bureaucracies that emphasise the wage incentives of civil servants (e.g. Besley and McLaren 1993).

These explanations ascribe behaviour to incentives, interests and values either at the level of individual soldiers or that of the military institution. Thus, they fail to take into consideration the crucial interaction between the military and the social context in which the armed forces are embedded. Secondly, they tend to emphasise either socio-economic conditions or norms, values and mentalities, often conceptualised as static phenomena. Such an approach ignores the dynamic interplay between and indivisibility of what Giddens (1984, pp. 28–33) has coined structures of domination, signification and legitimisation. Thirdly, they often uncritically project the victim/victimiser dichotomy onto economic relations between the military and civilians, while paying little attention to how military revenue-generating activities are co-produced and instrumentalised by populations (see also Laudati, this volume). This tendency follows from 'predatory governance' thinking, which highlights the parasitic nature of the Congolese state. Such analysis neglects the fact that the Congolese administration does, in fact, deliver some necessary public and private services, and may have some – albeit tenuous – legitimacy (Eriksson Baaz and Olsson 2011, Trefon 2009).

Contrary to analyses of military entrepreneurialism focusing solely on the military, this article's point of departure is the FARDC's position within the social order of the Kivus.

This should not be taken to mean that the internal workings of the military are of no relevance. On the contrary, they are an important underlying cause of military revenue-generation. However, it is argued that internal military dynamics provide only a partial explanation for a complex phenomenon that is the product of multiple interacting factors. The approach followed herein draws attention to how military revenue-generation is shaped by militarised structures that are in part (re)produced by the routine practices of civilians. It is not intended to suggest thereby that civilians have no agency, for they certainly contest military power, at times in effective ways. In fact, the set of mostly informal norms that guide the FARDC's revenue-generating practices is the outcome of processes of negotiation, not only within the military, but also between the military and civilian actors (cf. Garrett *et al.* 2009). As these negotiation processes are strongly shaped by power relations and prevailing discourses and norms, their outcomes often, but not always, contribute to the (re)production of the dominant position of elites. However, in accordance with Giddens's (1984) notion of structuration, it is argued that these processes are ultimately contingent, hence their outcomes also reflect actors' agency.

The remainder of this article is organised as follows. In the first part, a brief overview is given of the historical processes leading to the present state of militarisation of the Kivus' social order. The second part describes a number of the core features of military policies and the FARDC's organisation that contribute to the militarisation of the Kivus. The third part, in which civilians' routine practices and perceptions occupy centre stage, will analyse how the military functions as a public and private regulator. This is followed by a discussion of the military's involvement in private protection arrangements with civilians, and how these relate to civilian–military collaboration in the economic sphere. The article then explains how the FARDC's regulatory, protection and security practices, amongst other factors, affect perceptions of the relative legitimacy of its power position and revenue-generating activities. Finally, in the concluding section, the article reflects upon the implications of its findings for policy initiatives designed to influence the military's revenue-generation practices.

The militarisation of the social order in the Kivus

The explosion of violence that occurred in the course of the two Congo wars (1996–1997 and 1998–2003) triggered a radical 'militarisation' of the Kivus. The notion of militarisation is defined herein as the process of the increasing imprint of armed actors and violent modes of regulation, action and thinking on various arenas of society (Bernazzoli and Flint 2009). Militarisation affects political and economic structures on the one hand, and social norms, modes of thinking and identities on the other. This last component can also be described as the spread of 'militarism' defined as a discourse (Luckham 1994, p. 24). In the context of the Kivus, militarism is understood to describe the discourses that render violence an accepted mode of human conduct, and that legitimise violent actors' exercise of power. As argued by Jabri (1996), violence as a social practice can become institutionalised, indicating the dominant position of (those supporting) violent actors and of discourses legitimising violence. This does not however imply that militarisation is only an elite project. In line with the theory of structuration, it is posited that it is in the routines of everyday life, the day-to-day social activities and encounters of both the military and civilians, that militarised structures are (re)produced. Therefore, militarisation should not be seen as the one-sided imposition of violent actors on society. Rather, it is a process of institutionalisation that is 'both a medium and outcome' of the actions of all agents within a social system (Giddens 1984, p. 25).

The Congo wars triggered the rise of a new class of violent actors. These built upon existing social networks, which were consequently transformed and militarised (Vlassenroot and Raeymaekers 2004). In order to establish control, these violent actors needed a modicum of collaboration from civilians. As outlined by Kalyvas (2006, p. 101), civilian collaboration with armed actors in situations of violent conflict is the outcome of 'a dynamic, shifting, fluid and often inconsistent confluence of multiple and varying preferences and constraints'. One of the most powerful factors within this confluence is undoubtedly coercion, as its impact is not only direct, but also heavily shapes strategies of future action. However, other factors promoting collaboration with armed actors are more related to preferences and opportunities. These include possibilities for income-generation, the obtaining or maintaining of positions of status and authority, and access to public goods and private services. Despite this wide range of motives, the majority of people are strongly driven by 'survival maximising behaviour' and display weak preferences (*ibid.*, p. 103). This could clearly be observed in the DRC, where many civilians opted to collaborate with armed actors for purposes of self-preservation or in order to obtain certain benefits. Consequently, interacting and cooperating with armed actors became a part of everyday life and was turned into a 'routine practice' (Giddens 1984, p. 60). As the rules and resources that agents draw upon in enacting routine practices are 'at the same time the means of systems reproduction' (*ibid*., p. 19), this routinisation became a crucial element in the (re)production of the militarised order. Civilians' increased collaboration with armed actors was enabled by and led to shifting definitions of licit wealth (cf. Roitman 1998) and transformed representations of economic organisation (Jackson 2002). These processes were already under way in the second half of the 1970s, when the contraction of the official economy and the institutionalisation of '*la débrouillardise*' or 'fending-for-one-self-ism', ensured that trickery, cunning, coercion and deceit became acceptable modes of wealth creation (Trefon 2002, Nzeza Bilakila 2004). The major transformation of the Kivus' economy during the Congo wars, and the ensuing decline in livelihood opportunities, further legitimised unscrupulous and coercive income-generation. Rampant insecurity reinforced the isolation of far-flung rural areas and made markets inaccessible, leading many communities to retreat into subsistence farming. Others were pushed towards the exploitation and trade of natural resources, a sector that was almost entirely controlled by militarised networks. At the same time, youngsters enrolled in militias or turned to violent crime as a livelihood strategy (Vlassenroot 2004). Within this economy of despair and opportunism, violent modes of appropriation and economic collaboration with armed actors became institutionalised practices.

Parallel developments can be detected in the domain of politics. Well before the wars, violent strategies of identity politics were becoming an increasingly widespread mode of obtaining and projecting political power (Jewsiewicki 1998). The process of attempted democratisation in the early 1990s unleashed a vigorous power competition that occasionally took on violent forms. This was most powerfully demonstrated by the outbreak of intercommunal violence in first Katanga and later North Kivu (Mamdani 1998). Militarisation in the war era built upon, accelerated and intensified these existing processes of institutional and discursive change. In the Kivus, armed groups established their own forms of rule and acquired control over a large part of the administrative apparatus, exercising fiscal, justice, policing, and other governance functions. As a consequence, the nature of politics and authority was profoundly reshaped. While the position of elders was undermined by younger generations of armed actors, the majority of local authorities and politicians saw few alternatives to collaborating with armed

actors in order to obtain or maintain influence. These processes were both facilitated by and led to shifts in representations of legitimate authority (Vlassenroot 2004, Jourdan 2004).

Through the power-sharing peace agreement concluded in 2002, parts of the militarised political–economic networks that had risen to prominence in the course of the wars were integrated into the state apparatus, including within the armed forces. This enabled some factions to translate wartime gains into post-settlement influence, which helped legitimise their power position. At the same time, the ways in which power-sharing unfolded skewed incentive structures towards the continued use of violence (Tull and Mehler 2005). A policy of 'many carrots and few sticks' towards dissident rebel factions and political entrepreneurs who resorted to coercion helped ensure that violence continued to be rewarded, specifically in the Kivus (Eriksson Baaz and Verweijen 2013, forthcoming). As a consequence, violence and collaboration with violent actors remained institutionalised practices. Therefore, the structures of militarisation that had formed during the wars were not significantly trans-formed. What did change in many places, however, was the identity of the dominant violent actors, as several former rebel-held areas now came under control of the government forces.

Military characteristics and policies contributing to militarisation

In 2003, as a central element of the peace agreement, all ex-belligerents' fighting forces were theoretically placed under the unified command of the newly created FARDC. Fur-thermore, a process was initiated to gradually merge all troops into new units, while breaking down war-era command structures. However, this so called '*brassage*' (lit-erally, brewing) process failed to produce a coherent military under a single command chain. As many of the armed factions strove to retain control over established economic networks, spheres of influence and constituencies, they either sabotaged or manipulated the integration process in their own interests. While parts of certain groups refused out-right to integrate, others were reluctant to redeploy their troops out of the Kivus (Wolters and Boshoff 2006). Over the years, several of the *brassage* dodgers reconstituted them-selves as armed groups, and their numbers were boosted by FARDC deserters dissatis-fied with their ranks and positions. Some of these armed groups however subsequently reintegrated, as the process of military integration was never declared to have been completed.

The ongoing (re)integration of armed groups has had four important effects on the FARDC. First, as shall be explained further below, it has reinforced the army's involvement in revenue-generation. Second, it has contributed to the proliferation of parallel power struc-tures and command chains, as integrated groups continue to function as separate networks within the army (Eriksson Baaz 2011). Third, rebel-military integration has in practice reinforced centrifugal tendencies, given that many integrated factions still maintain close contacts with political–commercial and armed actors outside the military. This is in part the result of the lack of redeployment of integrated troops out of the Kivus (Eriksson Baaz and Verweijen 2013, forthcoming). Sources in the UN estimate that in 2011, over two-thirds of the military deployed in these provinces were native. As locally recruited troops often retain strong links to local social networks, this strengthens the FARDC's invol-vement in political, economic and social regulation. Such involvement is further facilitated by the fact that the majority of FARDC troops do not reside in military barracks, but instead live among the civilian population (Verweijen forthcoming 2013). A final effect of rebel-military integration as it has been implemented in the Kivus is that some army units are

not properly balanced, with a majority of troops composed of members of a particular rebel faction. This phenomenon surfaced after the rapid integration in 2009 of the National Congress for the Defence of the People (*Congrès National pour la Défense du Peuple* – CNDP) and some smaller armed groups. The deployment of such unbalanced units may aggravate intercommunity tensions and place strains on civilian–military relations, specifically where conflicts are framed as identity-based (International Crisis Group 2010). Given these complex power dynamics and variations in composition, the FARDC is heterogeneous in its make-up, and substantial differences can be observed between one unit and the next (Verweijen forthcoming 2013). Therefore, the observations on the FARDC made in this article should be taken as general patterns rather than applying to the army *en bloc*. Despite this, what all parts of the military do have in common is that they are strongly shaped by the logics of 'Big Man networks' (Utas 2012). These networks operate throughout the Congolese military, intersecting, overlapping and conflicting with the formal hierarchy (Eriksson Baaz and Stern forthcoming 2013). As their functioning is based upon the convertibility of economic resources into political ones and vice versa, the Big Man logics that shape these networks generate a drive for the accumulation of wealth and control over income-generating opportunities. This leads to the use of access to office as a political resource, creating pervasive insecurity of tenure (Bayart 2006). Two important ways in which this insecurity is created within the FARDC are first, the frequent restructuring of the military organisation, and second, the regular redeployment of particular units (Verweijen forthcoming 2013). Both these processes create an ongoing risk that military personnel will find themselves in less lucrative positions and zones. As a consequence, commanders frantically try to reap the benefits of their position as long as it lasts. The fluctuations in deployments and power distribution that result from these dynamics are not only an internal military affair, for they strongly shape and are shaped by external political developments. As the Big Man networks that military elites are part of exceed the boundaries of the FARDC, political, military and economic power in the Kivus are closely intertwined.

As elsewhere, the power of the political–commercial elites who control the Congolese state apparatus is ultimately founded upon their capacity to mobilise coercion. The military, as well as other (in)security services, have always been a key instrument for the exercise of that coercion (e.g. Schatzberg 1988). Furthermore, as will be described later in more detail, political–commercial elites depend upon armed actors for revenue-generation and vice versa. Therefore, there are mutual dependencies between FARDC officers and political–commercial elites. This pattern is reproduced at every level of governance, from the local to the provincial to the national. In the present-day Kivus, it leads to considerable instability as it creates close interactions between ongoing political, economic and military power struggles. The resulting volatility weakens Kinshasa's grip over the Kivus, an area it has historically ruled more via intermediaries than through direct administrative intervention (Tull 2005).

While they are partly dependent upon civilian authorities, there is a constant threat that military elites may become more autonomous of their civilian counterparts or switch sides to different power networks. As a result, incumbent politicians do little to rein in top officers' business activities, hoping to buy off their loyalty in this way (Howe 2001). For the government, this approach also reflects its need for loyal intermediaries who can exercise influence over the Kivus. A similar logic applies to the armed groups that have been co-opted into the incumbents' power network by means of their integration into the FARDC. Most of the time, this co-optation involves the provision of material rewards. The cheapest solution for the cash-strapped government is to make these pay-offs self-financing, by granting integrated armed groups access to revenue-generating opportunities.

As a consequence, these groups' continued integration in the military has in some cases become dependent on their ongoing access to such pay-offs (Eriksson Baaz 2011). This makes it difficult to curtail, let alone end, such revenue-generating activities, especially since integrated groups are in a position to reconstitute themselves relatively easily as militarised networks outside the bounds of the state. In this manner, the interdependencies between military and civilian elites further foster military revenue-generating practices, while entrenching the militarisation of the Kivus' social order.

The FARDC as a public and private regulatory authority

Given the porous boundaries between military, political and economic power, as well as the close connections between military and civilian actors, the military's economic practices cannot be properly understood in isolation from the FARDC's position within the Kivus' social order. Of particular importance in this respect is the FARDC's role in social, economic and political regulation of both a private and a public nature. As will be demonstrated below, 'public' and 'private' regulation are best conceptualised not as binary opposites but as two ends of a spectrum, with many hybrid forms in between. Therefore, some of the underlying mechanisms are the same. One of these is the weakness of local civilian authorities, which can be identified as both a cause and a consequence of the militarisation of regulatory authority.

Civilian authorities' legitimacy and capacities, already heavily eroded before the Congo wars (Van Acker 2005), have not been significantly reinforced in the post-settlement era. In most of the zones where the FARDC has taken over control from non-state armed groups, administrative infrastructure and civilian mechanisms of governance have remained weak (Vlassenroot and Romkema 2007). In outlying rural zones in particular, where the FARDC easily outnumbers the understaffed state administration, civilian authorities continue to have relatively little influence. Local administrators and customary chiefs excel in '*tracasseries*' (harassment) and are often seen as partisan, corrupt or ineffective. Furthermore, police forces are scarce and underequipped, and their services are expensive, as people have to pay '*makolo ya leta*' or 'transportation costs' for every case. Finally, customary and other local tribunals lack both accessibility and legitimacy, and many of their verdicts are never implemented, as unfavourable judgements are simply ignored (Scheye 2011). As a consequence, justice and dispute resolution are exceedingly complicated and problematic processes, involving negotiations with many different parties and often fuelling existing or creating new conflicts.

The limited legitimacy and capacities of both state and non-state civilian governance actors have increased the propensity of civilians to turn to violent actors, often the FARDC, for forms of regulation. This is a two-way process, as the weakness of civilian authorities allows armed actors to impose themselves with varying degrees of force. In all sites where field research was conducted, it was observed that the FARDC was involved in conflict resolution and arbitration, policing, economic regulation and other governance practices. Since the legal boundaries between the official mandates of different authorities are little known, and often considered to be of little relevance to large segments of the population, civilians engage in 'forum shopping' (von Benda-Beckmann 1981). That is, they solicit intervention from the authorities they consider to be most powerful, accessible, legitimate, understandable and effective (Baker and Scheye 2007). A police officer in Lubero territory explained that he could not compete with the military in terms of dispute settlement, as the FARDC offer cheaper, faster and more effective solutions: 'The law takes time and is uncertain. Violence is fast and easy. You pay the FARDC and you get what

you want. And many people want to punish their wrong-doers.' At the same time, soldiers themselves are 'shopping forums' (von Benda-Beckmann 1981), as they usurp jurisdiction over and manipulate disputes from which they expect to gain political advantage and income. While 'shopping', the FARDC is often in fierce competition with other state services, for whom 'fees', 'motivations' and 'fines' (paid, for example, for being released from arbitrary detention) constitute a considerable source of income.

Referring to the plethora of solicited and unsolicited tasks he fulfils within his area of responsibility, an FARDC sector commander described his social function as that of '*Mwami sans frontières*' or 'customary-chief-without-borders'. As examples of the diverse duties he carries out, this commander mentioned intervening in a conflict about the succession of a local chief; guaranteeing the security of local football matches and the weekly markets; arresting cow herders accused of having poisoned cattle; throwing the losing party in a heritage dispute off family-owned land; and demanding that the son of a notable pay his dowry. As the boundaries between the public and the private are blurred in the DRC, as is characteristic of hybrid orders (Erdmann and Engel 2006), the cases for which FARDC intervention may be solicited include the violent settling of scores (e.g. revenge and rivalries) and accounts (e.g. debts and land disputes) arising from envy and personal or family disputes. Examples are conflicts over heritage, marriage, debts, real estate, love affairs, land, power positions and past wrongdoing. Either upon request of the 'client', or in order to effectively fulfil the task and benefit most from it, such private dispute resolution may entail FARDC intimidation, the harming of its clients' opponents, or the use of force to appropriate goods or plots. In such situations, the FARDC turns into 'private guns' and 'enforcers-for-hire', as Schatzberg (1988, p. 60) called these functions in relation to the Zairian military.

This confirms Kalyvas's (2006, p. 14) observations that civilians 'use political actors to settle their own private conflicts', highlighting the joint production of violence in situations of civil war. The resulting 'privatisation of politics' makes it difficult to identify the discursively constructed and continually shifting boundaries between private and public. Furthermore, the involvement of armed actors in private regulation often produces public effects, particularly when private disputes concern members of antagonistically defined groups. In such situations, perceived 'unjust' adjudications and interventions may trigger communal tensions. For example, in Fizi territory, it was observed how the intervention of an FARDC officer in a private conflict over debt between two individuals from groups with longstanding hostile relations (a Mubembe and a Munyamulenge), created tensions in all of the surrounding villages. The Mubembe individual felt disadvantaged by the FARDC's attempt to collect the debt from him, particularly since the officer involved was a Rwandophone seen as favouring the Banyamulenge, another Rwandophone group. He therefore threatened to mobilise a local Mai Mai group in order to take revenge. This example illustrates how the regulation of interpersonal conflicts can have spin-off effects in the public sphere. Inversely, violent conflict can create private grudges and feuds, particularly as former combatants responsible for past abuses go unpunished, whilst residing in local communities. Therefore, the boundaries between public and private regulation are not always easy to draw, specifically when also taking the indirect and longer-term effects of actions into consideration.

Private protection arrangements in a context of institutionalised insecurity

In many cases, the forms of regulation provided by the FARDC are part of private protection arrangements that are sometimes embedded in the Big Man relationships that are a

crucial part of the functioning of the Kivus' social order. Individuals at every level of society seek patronage from influential persons in exchange for loyalty, support and various favours. A major driver of this process is the high level of everyday insecurity faced by Congolese citizens (cf. Erdmann and Engel 2006). Two important causes of this insecurity are the unpredictability of prebendalistic state services and the existence of multiple regulatory and normative frameworks (Trefon 2002). In the specific context of the Kivus, it is also produced by the presence of a wide range of armed factions and widespread banditry. The resulting pervasive insecurity drives people to seek private protection from Big Men who also dispose of the means of coercion. Such protection may be provided either on a transactional basis, involving direct remuneration or other compensation, or be part of longer-term relations that include more comprehensive forms of services and favours, such as brokerage and influence-trafficking. Some examples of private protection services provided to civilians by the FARDC are physical protection (e.g. guarding houses and private property), property rights enforcement (e.g. collecting debts), influence-trafficking (e.g. arranging tax exemptions, exploitation licences, tenders), and shielding or facilitating illicit activities (e.g. protecting brothels against closure, smuggling). Sometimes, private protection is primarily imposed by the FARDC and assumes forms resembling extortion. However, in other cases, civilians actively solicit FARDC protection, as its services are seen as particularly effective in a number of respects. First, military networks can offer physical protection, a highly coveted good in a context of rampant insecurity. Second, both through coercion and its contacts with the political–commercial elite, the FARDC has a significant influence on political and administrative decision-making. This allows them to shield protégés against administrative harassment or control from other state services. Finally, through their access to the means of coercion, the FARDC can offer violent and therefore relatively effective enforcement, appropriation and account-settling services.

Private protection in the framework of clientelistic relations is of specific importance for economic operators. Most of the economic transactions in the Kivus are not fully regulated by formal institutions, and the extent to which they are is commonly a matter of negotiation (Rubbers 2007). Due to this relative absence of (the application of) formal rules, alternative mechanisms of property rights enforcement apply. The smooth functioning of these mechanisms depends either on trust or, where trust is scarce, on private protection provided by coercive actors (Gambetta 1993). As trust among entrepreneurs in the DRC has plummeted from the Mobutu era onwards (Rubbers 2009), economic operators in the Kivus have increasingly solicited protection from violent actors (Raeymaekers 2007), including for the enforcement of agreements, dispute settlement and debt collection.

Military protection services are provided on such a large scale that they have infused the workings of the Kivus' entire social order. This has created a self-reinforcing spiral, as those who do not enjoy military protection feel they are at a comparative disadvantage (Gambetta 1993). For example, through their presence at border-crossings and their influence on customs and other authorities, the FARDC can import and export goods at heavily reduced tariffs (Tegera and Johnson 2007). Many cross-border traders make use of their connections with senior army officers in order to obtain these reductions, leaving their competitors with comparatively lower profit margins. The same logic of comparative (dis)advantage applies to the domain of transport. Those operators who arrange to transport their goods in vehicles owned or protected by the military, have a lower risk of incurring losses through ambushes and robberies. This incentivises other businessmen and women to solicit similar protection. Even at lower levels, this competitive mechanism of protection is at work. In the town of Misisi, a gold mining site in Fizi territory, there is a chaos of

'*étalages*' (displays for merchandise) in the residential quarters. However, officially, goods can only be sold at the market or along the main road. Whereas most of these illegal *étalages* are owned by wives of soldiers, other civilian women with connections with the FARDC also engage in this practice. It not only allows them to avoid paying the *taxe d'étalage* at the market, but also gives them a better place for selling goods, as they can directly target passers-by.

In many cases, military protection takes place in the framework of more comprehensive economic collaboration between the military and civilians. Some of the features that make the FARDC attractive as a provider of protection also make it an attractive business partner. Additionally, the FARDC possesses specific qualities as an economic actor. As well as being a combat organisation, the FARDC is an economic network with wide geographical coverage. It possesses a labour force, infrastructure such as communications and transport systems, and has access to large information flows. Furthermore, it is either legally or *de facto* exempt from taxation, and possesses symbolic capital due to its status as a state actor (cf. Brömmelhörster and Paes 2003). Finally, senior officers have access to investment capital and cash, both of which are highly coveted in an environment where banking infrastructure is almost completely lacking and access to credit exceedingly restricted. These characteristics make it attractive for civilians to do business with the FARDC. Due to the resultant widespread collaboration, civilians and the military have become highly economically interdependent. Given that power in the Kivus is to a large extent obtained, maintained and projected through the accumulation and redistribution of (access to) resources, this has strengthened the FARDC's power position.

The above section has demonstrated that the FARDC's economic activities are enabled by and embedded in their public and private regulatory and protection practices. These practices are shaped by a complex mix of preferences and constraints, demands and offers, persuasion and coercion, both among the military and civilians. They are not only the result of the FARDC's power position, but also help construct it. One way in which they do so, as will be explained in the following section, is by bestowing a certain degree of legitimacy on the FARDC's power.

The relative legitimacy of the FARDC's power position in the Kivus

The field research revealed that perceptions of the FARDC's legitimacy vary considerably across time and space. Such perceptions are intersubjectively constructed by a set of mutually reinforcing factors. Logically, views on the legitimacy of the military's power strongly influence and are influenced by evaluations of the FARDC's economic practices, specifically when these are framed in the discourse of public security. According to Beetham (1991), the legitimacy of power is determined by three elements: first, its conformity to established formal and informal rules; second, the justifiability of these rules in terms of beliefs shared by both dominant and subordinated groups; and third, the demonstrable expression of consent on the part of subordinates, specifically through public actions. In the following section, each of these three dimensions will be explored.

Unsurprisingly, it is fairly easy to encounter civilians in the Kivus who are highly dissatisfied with the FARDC's power position and economic practices. In many cases, their comments reflect an awareness that the FARDC's prerogatives and practices transgress official rules and regulations. Civilian authorities complain about constant unauthorised interference with their work. One locality chief in Fizi territory stated: 'When they were deployed here, we, the customary chiefs had no work. We simply couldn't do our work.' Economic operators widely denounce the FARDC's irregular involvement in business

activities. For example, a member of the Federation of Congolese Enterprises in Uvira stated: 'They never pay taxes, they are above the law.' While farmers throughout the Kivus question the right of the FARDC to levy taxes at the market, fishermen likewise declare the Navy's appropriation of a fixed share of their catch illegal. Yet, despite this widely circulating discursively articulated awareness of law-breaking, the picture of the FARDC's legitimacy becomes much more complex when its authority is placed in comparative perspective, and analysed in relation to the informal norms that are enacted in civilians' everyday practices. Given that vast swathes of the Kivus are under control of armed groups, the FARDC's authority may seem comparatively more legitimate than that of non-state armed actors, although patterns are mixed. The FARDC is strongly associated with the state and the government. It is popularly called '*jeshi ya serikali*' ('army of the government') or simply '*serikali*' ('government'), in part to distinguish them from non-state armed forces, generally called '*jeshi*'. This gives it an undoubted edge of legitimacy over these latter forces. Although people in some field research sites declared a preference to the presence of non-state armed forces, in the majority of zones it was the opposite (see also Oxfam International 2012). When inquiring about the reasons for preferring FARDC presence, people often invoked precisely its status as a state actor. As a woman from a village in Uvira territory explained: 'If something happens, in case of the army we can go to the government, but in case of the rebels, there is nowhere we can go.' Furthermore, the FARDC does not always compare negatively to civilian authorities, specifically since the legitimacy of the latter has sharply diminished due to what Vlassenroot has called a 'general crisis of authority' (2004, p. 56).

Other important elements of legitimacy concern people's representations and expectations of authority as well as their beliefs about the (common) interests that power should support. These issues are part of Beetham's (1991) second dimension of legitimacy, the justifiability of the rules of power in light of shared beliefs. In the context of the DRC, as in other hybrid orders, expectations of authority are influenced by the specific notions of reciprocity and representation that characterise Big Man ties. These do not only turn on the (re)distribution of spoils, but are also related to the demonstration of largesse (Chabal and Daloz 1999). In certain contexts, such expectations impact on the perceived legitimacy of FARDC commanders' power. This especially applies to commanders' home areas, or where they have been deployed for a long time and have built up a large network of clients. For example, the commander of the 323rd Brigade headquartered in Kiomvu, in Mwenga territory, heavily sponsored the Kasmes football club in the capital town of Kamituga. This raised his popularity and standing, thereby facilitating the wide range of business activities in which he was involved.

This example indicates that the relative legitimacy of the FARDC in the eyes of civilians is heavily shaped by beliefs and expectations concerning its tasks and performance. Of particular importance is the extent to which it provides needed public and private services. These services not only concern its role as regulator and private protector, but also its security duties. Logically, the expectations concerning what public and private goods the FARDC should provide differ between social groups. Not all civilians benefit from the private protection arrangements that the FARDC may establish with elites. Yet in certain cases, more private arrangements also generate public effects. For example, where the FARDC improves road safety as a result of a protection agreement with local traders, or in the framework of mutually beneficial commercial relations, wider layers of the population also benefit. These effects can be conceptualised as 'positive externalities', which derive from the status of some forms of protection as an indivisible good, from which it is difficult to exclude people (cf. Gambetta 1993, p. 31).

In general, the field data demonstrated that, for the majority of non-elite civilians, in particular the FARDC's perceived performance in the domain of security has a very strong impact on the experienced legitimacy of its power position. This legitimacy also strongly influences perceptions of military revenue-generating practices. Especially where these are justified as contributing to the performance of the FARDC's security duties, or where they enhance people's own livelihoods opportunities, they can come to be seen as relatively licit. For example, roadblocks are less resented in areas where banditry abounds and where the FARDC is believed to reinforce security: 'Better pay 500 *Francs Congolais* [FC] to the military than have all your belongings looted by the FDLR', as a small-scale trader stated at a roadblock in a forest in Fizi that is infamous for frequent ambushes. The importance of security for shaping perceptions of the legitimacy of the FARDC's power position and revenue-generating practices is also illustrated by the impact on such perceptions of the levels and types of coercion used by the military. Logically, where the FARDC engages in violent forms of extraction generally evaluated as illicit, such as ambushing, robbery and looting, its overall legitimacy sharply diminishes.

However, contrary to the 'faced with a gun' image depicted in the introduction, the vast majority of military economic practices do not involve direct (threats of) violence. Rather, intimidation is much more subtle, concerning mostly implicit or concealed threats that draw heavily on the imagination, anticipation and strategic calculations of the intimidated. The latter generally believe that 'the military never forgets' or that 'once they meet this soldier on an isolated stretch of road, they will experience an "accident"'. Therefore, they bargain with caution or may refrain from contestation altogether. Another often-advanced belief can be characterised thus – 'You never know, maybe you once end up in a situation where this soldier is the only one to help you' – reflecting a desire to keep as many options open as possible. It therefore appears that civilians exercise a type of self-censorship in their dealings with the military, both as they try to manage the current situation and with an eye to the future. This makes it difficult to determine whether people comply out of fear, custom, expedience, strategic calculations or simply because they consider certain claims of the military to be legitimate.

No matter what motives drive them, according to Beetham (1991), public acts of compliance ultimately contribute to making power legitimate. They possess both symbolic and normative force, as they have declaratory power and create mutual normative commitments. When studying the day-to-day routines of civilians in the Kivus and their everyday interactions with the military, it becomes clear that, in general, public compliance with the FARDC exceeds public contestation. This is not to say that the FARDC's power is not openly contested, nor that such contestation is ineffectual. On the contrary, the military's power ultimately has a negotiated character, as it is circumscribed by the power of others. The very complexity and fluidity of the Kivus' social order, the multitude of stakeholders and registers and the transitory and fluctuating nature of power and alliances prohibit absolute domination and crushing oppression. This is a system that creates room for manoeuvre for both the dominant and the subordinated, as both can instrumentalise its disorder (Chabal and Daloz 1999).

The negotiated nature of the FARDC's power is indicated by the substantial variations in behaviour and revenue-generating practices that can be observed between specific military units in various deployment contexts. Analysing the wide range of factors that explain these differences, it was found that civilian practices of contestation are commonly of importance, although not always in a stand-alone fashion (Verweijen 2013, forthcoming). The small town of Kazimia, at the coast of the Tanganyika Lake in Fizi, presents a striking example at the micro level. At the time of visit, Kazimia had a relatively powerful and

respected *chef de poste* (local administrator) as well as a proactive and locally well-known human rights field monitor. These two actors had very little tolerance for arbitrary arrests by the military. Each time a case was reported, the human rights monitor would promptly depart to the FARDC headquarters to plead for liberation, with the *chef de poste* applying additional pressure. Furthermore, they regularly organised sensitisation sessions for the local population, warning them not to turn to the FARDC in case of disputes, but to submit these to the civilian authorities. As a consequence, the reported number of arbitrary arrests was substantially lower than in nearby Sebele, a roughly similar town controlled by the same battalion. When asked what could explain these differences, many informants pointed to the more assertive attitude of Kazimia's civilian authorities and inhabitants.

Despite the influence of practices of contestation, their cumulative effects on limiting military power appear to be weakened by, amongst other factors, civilians' everyday routines of compliance and their propensity for instrumentalisation. These practices and attitudes are not only found among elites, but concern broad layers of the population. For example, a groundnut seller in Butembo proudly told that he never pays the 200 FC for charging his cellular telephone at a public booth, as he asks the soldier living next door to do it, and the military often refuses to pay for such services. Truck drivers said they condemned people who bought transport tickets half-price from soldiers who are granted free places on every ride, a practice generally regarded as fraudulent. Butchers at a market in Kanyabayonga resented the fact that customers buy cheaper meat from FARDC soldiers' wives nearby, knowing that 'it comes from the livestock stolen by their husbands'. Village elders in the Ruzizi Plain lamented that their children help the military with committing theft and robbery in a quest for fast and easy money. As most such acts are public, they constitute a show of compliance that ultimately contributes to legitimising the military's power and practices. This, in turn, induces further consent, generating a self-reinforcing spiral of institutionalisation and legitimisation.

Conclusion

The FARDC's vast involvement in sometimes coercive forms of revenue-generation in the Kivus produces, and is in part produced by, an insecure and militarised social order. Military economic practices are both the cause and the outcome of the military's position of dominance within this order. In many contexts, this position has a certain degree of legitimacy, which influences and is influenced by evaluations of the FARDC's revenue-generating practices. One foundation of this relative legitimacy is the military's practices as a regulator, a private protector, a security actor and a business partner. In a context of weak civilian governance, a plurality of normative and authority frameworks and high levels of insecurity, these practices partly correspond to people's beliefs about what public and private goods authorities should deliver and in what manner. One of the causes of this correspondence is that processes of militarisation have substantially altered these beliefs, casting violent practices and actors in a more favourable light.

These findings show some parallels to Roitman's (2005) research on the connections between evaluations of economic practice and the intelligibility of power in the Chad Basin. Analysing how violent modes of appropriation have come to signify licit wealth, Roitman describes the emergence of new frameworks of regulatory authority, in which violent actors have gained prominence. These frameworks constitute what she calls 'intelligible sites of power', that provide forms of livelihoods, protection and social mobility to some (pp. 18–22). In a similar vein, this article has demonstrated that the FARDC's power is generally experienced as intelligible, while some of its regulatory, protection and

revenue-generating practices are evaluated as licit. Collaboration with and protection and regulation by the military are common-sense practices that have become embedded in the routines of everyday life. It has been argued herein that by engaging in such practices, Kivutiens end up (re)producing the structures of legitimation, domination and signification that underpin the FARDC's power. This does not necessarily imply that they do so in a conscious or intentional manner; rather, the (re)production of structures of militarisation should be understood as the unintended consequences of an aggregate of individual practices. In this manner, individual common-sense acts produce collectively unfavourable outcomes (cf. Giddens 1984, p. 13).

The importance of civilian–military interaction for understanding military revenue-generation, as demonstrated in this article, raises questions about mainstream policy solutions to this phenomenon. In particular, it casts doubts on the possibility of influencing the military's economic practices by focusing only on the incentives of military actors. Policies inspired by such a vision emphasise improving salary payments and human rights training. However, by highlighting the importance of civilian–military interaction, this article suggests that the focus should *also* be on civilian practices and the incentives that shape these. The more holistic approach that would result from such a reorientation would fully recognise the importance of the interdependencies between the military and civilians. It would need to identify the conditions in which military units are motivated to develop less violent repertoires of revenue-generation, while refraining from constant interventions in civilian affairs. Furthermore, it would need to examine the factors influencing the constraints and preferences that drive the military's regulatory and private protection practices. This draws attention to tenuous property rights, legal pluralism and the absence of civilian governance structures which can provide effective dispute settlement, justice and economic regulation. Finally, it should take into consideration the importance of the discourses that legitimise violence and violent actors' exercise of power. This points to the need to also, or especially, address the question: 'Faced with militarism, what can you do?'

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Note

1. Fieldwork was predominantly conducted in the territories of Fizi, Uvira, Rutshuru, Beni and Lubero and had three units of analysis: individual military units; locales (partly selected on socio-economic features and security conditions); and finally, categories of economic operators, focusing on the transport, natural resources, agriculture and trade sectors. The main methods used were (participant) observation, semi-structured interviews and focus groups. For more details see Verweijen (forthcoming 2013).

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Making use of the past: the Rwandophone question and the 'Balkanisation of the Congo'

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Since the end of the second Congo war (1998–2003), the eastern Congolese provinces of North and South Kivu have remained in a state of neither war nor peace. With the re-emergence of rebellion in mid 2012, tensions have again risen between self-styled 'native' or 'autochthon' groups, and populations of both Congolese Hutu and Tutsi, often called 'Rwandophones'. Whereas the former groups fear a looming 'Rwandophone rise', which will supposedly usher in Congo's 'Balkanisation', Rwandophone Hutu and especially Tutsi are afraid of marginalisation and renewed persecution. This article historicises the powerful meaning and tenacity of current fears of the 'other' that stand behind prevalent identity-markers and concepts such as 'Rwandophone' and 'Balkanisation', and which continue to fuel the present Kivutien identity conflict. In this regard, the period from *c*.1990 to 1996 was especially formative in the emergence of conflicting identities and the concurrent radicalisation of Congo's political discourse. From the vantage point of Kinshasa's press, this article reconstructs how the use of selective memories, claims about and mythico-historical visions of the past were instrumental in shaping Rwandophone identity formation.

Keywords: Congo; identity; Rwandophone; Rwanda; Balkanisation; Kivus

[L'utilisation du passé : la question Rwandophone et la 'Balkanisation du Congo']. Depuis la fin de la deuxième guerre du Congo (1998–2003), les provinces de l'est du Congo, Nord-Kivu et Sud-Kivu, sont restées dans un état ni de guerre, ni de paix. Avec la réémergence de la rébellion à partir de la moitié de l'année 2012, des tensions sont de nouveau apparues entre des soi-disant groupes 'd'autochtones' ou 'd'indigènes' et des populations congolaises tant Hutu que Tutsi, souvent appelés 'Rwandophones'. Alors que les groupes dits 'autochtones' craignent une 'une montée imminente des Rwandophones', laquelle conduirait vraisemblablement à une 'Balkanisation' du Congo, les populations dites 'Rwandophone', Hutu et en particulier Tutsi, craignent une marginalisation et une nouvelle persécution. Cet article retrace la puissante signification et la ténacité des peurs actuelles 'de l'autre' qui s'appuient sur des marqueurs d'identité existants et des concepts tels que la 'Rwandophonie' et la 'Balkanisation', lesquels continuent d'alimenter le présent conflit d'identité dans les Kivu. À ce propos, la période de 1990 à 1996 était particulièrement décisive dans l'émergence d'identités opposées et de radicalisation simultanée du discours politique du Congo. Du point de vue de la presse de Kinshasa, cet article reconstruit la manière dont l'utilisation des souvenirs sélectifs, les revendications et les visions mythico-historiques du passé ont contribué à la structuration de la formation identitaire des Rwandophones.

Mots-clés : Congo ; identité ; Rwandophones ; Rwanda ; Balkanisation ; Kivus

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Introduction

Ten years on from the official conclusion of what Filip Reyntjens termed the 'Great African War' in 2003, the eastern Congolese provinces of North and South Kivu remain in a state of neither war nor peace (Reyntjens 2009). The December 2011 United Nations (UN) Group of Experts report on the Democratic Republic of the Congo (DRC) blamed various foreign and Congolese armed groups as well as Congo's national army, the *Forces Armées de la République Démocratique du Congo* (FARDC), for the continuing fighting and resultant widespread insecurity.[1] In February 2012, the United Nations High Commissioner for Refugees (UNHCR) reported that in North Kivu province alone, this volatile situation accounted for almost a third of Congo's 1.7 million internally displaced people (UNHCR 2012). Since then, the mutiny of FARDC elements in April 2012 has considerably worsened the humanitarian catastrophe in this part of the country. Primarily involving forces from the former rebel group *Conseil National pour la Défense du Peuple* (CNDP) that were integrated into the FARDC in 2009, the renewed rebellion known as 'M23' is the latest in a series of armed insurrections that has troubled eastern DRC over the past decade.

As a direct consequence of years of uninterrupted factional conflict, ethnic tensions continue to simmer between self-proclaimed 'native' or 'autochthon' groups and populations of both Congolese Hutu and Tutsi, often called 'Rwandophones' or 'Kinyarwanda speakers' (both terms denote the language spoken in Rwanda).[2] Whereas the former fear a looming 'Rwandophone rise', which will supposedly bring about the 'Balkanisation' of the DRC, the latter are afraid of their political and economic exclusion and ethnic persecution. Albeit comprised mainly of Congolese Tutsi, and to a minor degree, Hutu, the M23 is predominantly associated with the Rwandophones *en bloc*. With evidence mounting that the rebels receive Rwanda's substantial support, anti-Rwandophone sentiment has again risen in Congo's political discourse (IRIN 2012).

Nevertheless, the recent rebellion only reignited and brought into sharp focus what is a longstanding identity crisis in the Kivus. The question of identity is the defining constant that runs through the history of eastern Congo. Most noteworthy in its recent past is the consistency with which the identity of the Kinyarwanda-speaking populations, or the legitimacy of their claim to Congolese nationality, has been fiercely contested. However, over the past two decades the construction of Rwandophone identity has been far from linear.[3] Instead, the identity formation has been and remains a multidimensional, thoroughly ambivalent and highly contingent process. For example, whereas after the 1994 Rwanda genocide the precise distinction between Hutu and Tutsi ethnicity represented the dominant point of reference, in recent years Hutu and Tutsi have been lumped together under the linguistic identity-marker 'Rwandophone'. Therefore, instead of seeking to identify unreliable socio-cultural characteristics such as ethnicity or language, this article takes a different, historicising approach.

In order to understand the parameters which define the current conflict over identity, this article analyses the period prior to the two Congo wars (1996–97, 1998–2003). The period between 1990 and 1996 was formative both for the process of Rwandophone identity formation as well as the concurrent radicalisation of Congo's political discourse. During this time, far-reaching national policies concerning the Rwandophones were crafted in the DRC's capital, Kinshasa. Simultaneously, this process was accompanied by the formation of a national reference frame for the political debates on the Rwandophone question, which eventually set 'nationals' or 'autochthones' against the Rwandophone foreigners. These developments decisively reinforced the local dynamics of violence in the Kivus, ultimately shaping the events of the first Congo war in September and October 1996. From the vantage

point of Kinshasa's press, the emergence of this national discourse, as formulated and constructed by a variety of political actors, comes to light and becomes accessible for a detailed historical analysis.

The research for this article predominantly relies on the output of six Kinshasa-based newspapers (see below). In support of this detailed text-based analysis, a series of interviews was conducted with journalists and proprietors from various Kinshasa newspapers as well as several media professionals in 2010 in the DRC's capital.[4] On this basis, this article reveals the emergence and strengthening of conflicting identities and elucidates the 'othering' process in the parallel political discussions on the nationality question. Particular focus is given to the transnational dimension of Congolese Tutsi, and to a lesser degree Hutu loyalties, which reveals that this not only furthered their exclusion, but also amplified notions of a looming and inevitable Rwandan menace. In this respect, the so-called Vangu Report from April 1995 represents a focal point for this discussion. Created in response to the influx of more than one million Rwandan Hutu refugees into the Kivus in the aftermath of the Rwanda genocide in 1994, this report by Congo's transitional parliament developed a singular importance for the country's political discourse. The Vangu Report transformed the Kivutien 'autochthones'' powerful memories and mythologised accounts of the past into a potent historical narrative that envisioned an existential Rwandan threat to the nation. Documenting the mutually reinforcing relationship between perceptions of contemporary developments and powerful mythico-historical narratives of the past, this article identifies a key dynamic behind conflicting identities and the radicalisation of political discussions that fuelled the first and second Congo wars.

This historical approach allows the reconstruction of the complex interplay of circumstances and forces that determined the particular identity-markers that were dominant, dormant, or coexisted at any given time. In this way, the Rwandophone identity-prism emerges as a constantly redefined variable, its formation ideologically malleable, politically contingent and therefore dependent on the precise historical context.

The 'Rwandophone rise' and the 'Balkanisation' of the DRC

In 2009, US diplomats in the Congo were busy grasping the meaning behind the seemingly new concepts 'Rwandophonie' and 'the Rwandophone rise', as illustrated by the headings of two secret cables sent by the US Embassy in Kinshasa: 'Rwandophonie: what is it and what it means – the view from Kinshasa'; 'Dimensions of the Rwandophone rise in North Kivu' (Wikileaks 2009f, 2009b). In short, US officials supposed that 'Rwandophonie' encapsulated the growing fears among the non-Rwandophone populations of a sweeping Rwandophone takeover of the Kivu provinces. Throughout 2009, the US Embassy dispatched a stream of additional cables on the subject, assessing the possible implications of this recent development.

The reason for US concern was the outcome of a secretive deal between Rwanda's President Paul Kagame and DRC President Joseph Kabila at the end of 2008. This rapprochement came as a surprise since the two regimes had been fiercely opposed. During the two Congo wars, Rwanda had invaded and occupied eastern DRC with the involvement of Congolese Rwandophones, in particular North Kivutien Tutsi and Banyamulenge (ethnic Tutsi from South Kivu). While the end of the war in 2003 heralded the beginning of a political transition, which found its conclusion in the 2006 national elections, eastern DRC remained unstable and troubled by conflict. The Rwanda-supported rebellions had enabled Congolese Rwandophones, both Hutu and Tutsi, to control political, economic and security positions in the Kivus. Afraid of losing their power in the 2006 elections, leading Rwandophone

figures began to support a new rebel movement under the auspices of the Rwandan regime. Eventually baptised the CNDP by General Laurent Nkunda in 2006, the rebel group conquered substantial territory in North Kivu and developed into a strong irritant for the Kabila regime.

Building on the efforts of North Kivutien Governor Eugène Serufuli to unify Hutu and Tutsi at a grassroots level behind the identity-marker 'Rwandophone', Nkunda's CNDP initially portrayed itself as a movement for the protection of Rwandophone interests. However, the 2006 election campaign unearthed deep-seated antagonisms *between* Hutu and Tutsi from the wars, which led to the failure of this attempt to forge a coalition of Kinyarwanda speakers. With its collapse, the CNDP changed direction and henceforth projected an exclusive focus on Tutsi minority interests, repeatedly advancing the doubtful rhetoric that its *raison d'être* was to prevent an imminent genocide.

At the peak of its power in late 2008, however, the CNDP rebellion came to a sudden end. As a result of the agreement between Kagame and Kabila, Nkunda's Rwandan sponsors had him arrested in Kigali. In return, the deal gave the Rwandan regime permission to enter the Kivus to confront the Hutu rebels of the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), its main armed opposition, which traces its origins to the 1994 Rwanda genocide. The price for Rwanda's cooperation also included Kinshasa's implicit recognition of Kigali's continued political and economic interests in the mineral-rich Kivus (International Crisis Group 2010).

With Rwanda's blessing, the CNDP's new leader Bosco Ntaganda, who is also sought by the International Criminal Court (ICC) for war crimes, integrated his forces into the FARDC in 2009. The CNDP subsequently turned itself into a political party and forged an alliance of convenience with President Kabila's coalition for the 2011 elections. Much to the indignation of other ex-rebel groups that had previously been incorporated into the FARDC, however, the CNDP maintained parallel command structures and expanded its politico-economic sway over the region. In February 2012, a member of the UN Group of Experts concluded that 'Rwandophone ex-rebels' from the CNDP and other armed groups in the two Kivus had received 'preferential treatment' in the military integration process (Stearns 2012). Against this background, it is no wonder that as early as November 2011, Jason Stearns, political analyst and former member of the United Nations Group of Experts, reported from North Kivu that 'locally people are speaking of the rebirth of the "rwandophonie"' (Stearns 2011).

Between 2004 and 2006, the 'Rwandophonie' project had only a minor impact on Congo's political discourse. Back then it was greatly overshadowed by recent impressions of the central role played by Congolese Tutsi and Banyamulenge in Rwanda's devastating politico-military campaigns during the Congo wars. These, coupled with the disastrous humanitarian repercussions of Nkunda's subsequent rebellion, greatly antagonised the wider Congolese public and continuously fuelled anti-Tutsi sentiments. Since 2009, however, the CNDP's emerging position of dominance has rekindled widespread fears among self-styled 'autochthon' ethnic groups of the Rwandophone 'other'. These threat perceptions crystallised around notions of 'Rwandophonie' or 'Rwandophone rise'. The titles of US Embassy dispatches, based on discussions with anonymous informants and militia leaders from non-Rwandophone ethnic groups in North Kivu, bear testimony to this: 'Nande concerns with integration and Rwandophonie'; 'Conversation with prominent Goma NGO [non-governmental organisation] leader about the Rwandophone agenda'; 'North Kivu Hunde discusses Rwandophonie'; 'Anti-Rwandophone sentiment amongst the Hunde'; 'Potential resistance to the Rwandophone agenda' (Wikileaks 2009a, 2009d, 2009e, 2009g, 2009c).

Gaining momentum since 2009, these anxieties seemed to materialise shortly after Kabila's contested re-election in 2011, at a time when his alliance with the CNDP broke down and the M23 rebellion gradually assumed shape across North and South Kivu. On the one hand, this was probably due to the increasing international pressure on Kabila to enforce the ICC's arrest warrant for Bosco Ntaganda. On the other hand, it appears that as soon as Kabila had secured his re-election as DRC president, his attempt to dismantle the CNDP's parallel chains of command provided the main impetus for the M23 rebellion. Thus, what began in April 2012 as several mutinies of ex-CNDP and other armed elements from within the FARDC over fear of losing their privileged positions, subsequently developed into a fully fledged rebellion that repeatedly managed to rout the DRC's army. Following a ceasefire which had lasted for about three months, the M23 rebels resumed their campaign against government forces in mid November 2012. Within a few days, the M23's sweeping attack resulted in their capture of North Kivu's provincial capital, Goma, which left the defeated FARDC in disarray. Recent negotiations between M23 and Kinshasa in the framework of the International Conference of the Great Lakes Region (ICGLR) seem to have produced some form of agreement to resolve the crisis. At the time of writing this article, however, the details of this deal remain unclear. Should the rebels agree to pull out of Goma and retreat to their previous positions, this will undoubtedly raise the question of what Kabila had to promise the rebels in return. If this involves M23's reintegration into the DRC's army, this would mean a reaffirmation of the status quo of the years between 2009 and 2012, when the Kivus experienced neither war nor peace.

To this point, the M23 – the name of which is derived from the date of the March 2009 peace deal with Kinshasa – has been dominated by officers and recruits from the Kinyarwanda-speaking communities, in particular Congolese Tutsi. According to a recent UN report, however, the M23 also receives substantial support from the Rwandan regime (United Nations 2012). Given its recent history of repeatedly invading and occupying the DRC, Rwandan support severely tarnishes the M23's claims to legitimacy.

The growing fears evoked by the perceived Rwandophone rebellion of M23 are greatly reinforced by the unsettling impression that – once again – this is primarily the result of Rwanda's machinations. Ever since the renewed crisis of 2012, popular tropes of 'Rwandophonie' or the 'Rwandophone rise' implicated Rwandan expansionist schemes towards the Kivus. These have flourished in political discourse under the concept of the 'Balkanisation of the DRC'. According to this theory, Western politico-economic interests are seeking to divide up the DRC to facilitate the exploitation of its vast natural resources. This hypothesis views the Rwandan regime as the West's neocolonial proxy, subverting the DRC by perpetuating a state of war. In this context, the Congolese Kinyarwanda speakers are often implicitly suspected of being Rwanda's 'fifth column'. A brief examination of reports of the M23 rebellion in various Kinshasa-based newspapers clearly shows the prominence of the Balkanisation reference frame for interpretations of the conflict. A selection of headlines from *Le Potentiel*, Kinshasa's most popular newspaper that daily carries the front-page slogan 'No to the Balkanisation of the DRC', serves as illustration: 'Balkanisation project: the M23 controls an area the size of Rwanda' (21 July 2012); 'The struggle against the Balkanisation of the DRC: the Congolese mobilise' (23 July 2012); and 'The religious denominations rise against Balkanisation' (13 July 2012).

In what follows, this article illuminates the conceptual history behind terms such as 'Rwandophone rise' and 'Balkanisation'. It explains and demonstrates that these concepts grew out of historical narratives that are deeply rooted in Congo's violent past. While the concepts and labels around which the fears of the Rwandophone 'other' have constantly

evolved, the core historical narrative has remained the same. It is driven by mythical visions of perpetual Rwandan expansionism.

1990–1996: canonising visions of Rwandan expansionism

Over the past two decades, the African Great Lakes region has been immersed in conflicts. The genocide in Rwanda in 1994 and the renewed outbreak of the Burundian civil war in 1993 were themselves intertwined with the two international wars fought subsequently on Congolese territory between 1996 and 2003. A decisive trigger for the outbreak of the two Congo wars was the 'nationality question' surrounding the Rwandophone populations. While the origins of conflicts about their nationality can be traced back to Belgian colonial intervention, this is not the place for a detailed excursion into the colonial or postcolonial past (Willame 1997, Turner 2007). Nonetheless, the different uses of this history play an important role in defining the fault lines of recent conflicts.

Since independence in 1960, the Kinyarwanda speakers have been characterised as either Congolese citizens, or were commonly excluded as peoples 'belonging' to the bordering state of Rwanda. The basic reasoning behind these two opposed positions lies in the composition of what are often simplistically labelled 'Rwandophones'. In fact, this category subsumes a variety of Kinyarwanda-speaking subgroups. While small populations of Hutu and Tutsi lived within the territory of the DRC before Belgian colonisation, others were forcefully 'transplanted' from Rwanda by the Belgian colonial regime. Many more Hutu and Tutsi arrived in successive waves as immigrants and refugees during the colonial and postcolonial period (*ibid.*). Although a small minority in South Kivu, the Rwandophones of North Kivu constituted a large population grouping at independence. Because of the pressures caused by the high numbers of immigrants and the concomitant fierce competition for land, North Kivu experienced a far more conflictual trajectory than South Kivu.

For many of the other population groups resident in eastern Congo, such as the Nande and Hunde in North Kivu, the impression of continuous inflows of Rwandan migrants and refugees came to suppress the memory of Rwandophone populations whose presence dated back to a period before the colonially enforced immigration. While the different groups of Hutu and Tutsi were increasingly lumped together under the umbrella term '*Banyarwanda*', meaning 'those who come from Rwanda', the other groups styled themselves as '*autochthon*' (meaning 'sons of the soil'), as the 'first-comers' to the region and thus the 'real' natives.

Referring to Stephen Jackson, the idea of 'autochthony operates as a loose qualifier, a binary operator' which projects a simple yet powerful 'local'/'stranger' division on different scales of belonging and exclusion in the Congo (Jackson 2006, p. 95). In its constant search for the 'other', the autochthony discourse becomes a powerful mobilising force that helps to nurture a perpetual state of paranoid fear obsessed with infiltration and scheming (*ibid.*, p. 111). This development ensured that all Rwandophones could be accused of foreignness and met with anti-Rwandan sentiments. To this day, the Rwandophone migration history constitutes the primary source for the contestation over their belonging. Above all, the incremental migration contributed to the emergence of a historical narrative of Rwandan expansionism towards the Kivu provinces.

Briefly after independence in 1960, smouldering conflicts over rival land rights and political representation between 'autochthones' and Kinyarwanda speakers culminated in the so-called Kanyarwanda rebellion when the 'Banyarwanda' resolutely fought against their exclusion from the Congo (Bucyalimwe 1997, pp. 521–525). For the Kivutien 'autochthones', the experiences associated with this conflict permanently redefined the

Banyarwanda label as the embodiment of a multifaceted menace of Rwandan domination (Lemarchand 2009, pp. 12–13). The dichotomy between autochthones and Banyarwanda, as well as the emerging historical narratives of Rwandan hegemonic designs are distinct features of the Kivutien autochthony discourse. As is discussed below, it was this local set of ideas, selective memories and historical narratives that were exported to and ultimately adopted in Congo's national political discourse during the early 1990s.

The *Conférence Nationale Souveraine*

After a long period of relative calm under the rule of President Joseph Désiré Mobutu, the question of the Rwandophones' 'dubious nationality' forcefully resurfaced following political liberalisation in 1990. Giving in to mounting external and internal pressures, on 24 April 1990 Mobutu announced a political opening that would end the one-party system of Zaire, as the DRC was then called (De Villers and Omasombo 1997).

After more than 25 years of Mobutu's monopoly on public discourse, the political opening enabled a relatively free media to emerge. While based and circulating almost exclusively within Kinshasa, the newspapers nevertheless asserted a national Congolese perspective and political discourse. Focusing predominantly on political affairs, these newspapers represent an important 'mirror of the emerging political discourse' in Congo.[5] The archival holdings for the early to mid 1990s were dominated by newspapers from the so-called red press (*Le Potentiel*, *La Référence Plus*, *Le Palmarès*, *L'Umoja*, *Elima*), which opposed President Mobutu and supported Etienne Tshisekedi's *Union pour la Démocratie et le Progrès Social* (UDPS). Only *Le Soft* can be described as a pro-Mobutu newspaper. Through the lens of these newspapers, this article now examines the broader evolution of Congo's political discourse and its radicalisation vis-à-vis the Rwandophone question.

According to Marie-Soleil Frère, however, the newspapers also developed 'a certain power to influence decision-makers', as Congolese opinion leaders and policymakers paid close attention to newspaper coverage and frequently used the newspapers to communicate political messages (Frère 2008, p. 39). Beyond its use as a historical source, therefore, where possible the *Kinois* (i.e. from Kinshasa) newspapers are also understood as socio-political actors which constantly adapted their positioning on the Rwandophone question to changing political circumstances. Nonetheless, from their establishment these chronically financially weak newspapers also relied heavily on the provision of (hidden) financial resources from a variety of political individuals and organisations that paid to have their views communicated. Within this practice, which is called '*coupage*', it is necessary to formally distinguish between articles written and published independently by the editorial staff of the newspapers and those printed on behalf of a client. It is possible to differentiate roughly between three main categories of articles: (1) declarations, statements and communiqués from either Rwandophone or autochthon individuals and groups; (2) articles written by journalists, which positively represent Rwandophone or autochthon positions; and (3) editorials, opinion pieces, feature articles and general reports of current events by reporters that seem to follow the mutable positioning of the newspapers concerning the Rwandophones over time.[6] Given constraints of space here, only the latter category of articles features in the framework of this analysis.[7]

In 1991, the democratic opposition 'won a major victory by successfully pressuring Mobutu to allow for the holding of a sovereign national conference' (Nzongola-Ntalaja 2002, p. 187). For Georges Nzongola-Ntalaja, this conference epitomised the 'overwhelming popular desire for radical change' and 'mark[ed] a major watershed in Congolese history' (*ibid*., pp. 186, 197). The *Conférence Nationale Souveraine* (CNS) was to draw

up a new constitution, as well as to establish transitional institutions such as parliament, government and electoral commissions. The intention was to transform the political system so that Mobutu's dictatorship would make way for a democratic Third Republic.

To subvert the process of democratisation, however, Mobutu introduced a new administrative policy called *géopolitique*, which consequently divided and fragmented the opposition. In contrast to entrusting governorship to someone from outside a particular province, as had been a longstanding Mobutist policy, administrators and governors were now recruited from the local autochthon population (Jackson 2006, p. 102). In relation to North Kivu, Stanislas Mararo Bucyalimwe notes that this policy of 'each province to the natives' paved the way for 'incendiary discourses and political actions directed against the non-natives and/or immigrants and this in the name of the ideology of autochthony' (Bucyalimwe 2005, p. 176). As *géopolitique* evolved, autochthones, especially Nande and Hunde leaders, successfully consolidated their positions in North Kivu's institutions and administration and, more importantly, as representatives of North Kivu in Kinshasa's new transitional institutions. Henceforth they dominated national affairs concerning the policies adopted with regard to the Kinyarwanda speakers before, during and after the critical period of the CNS (1991–93).

Amongst its other responsibilities, the CNS reviewed the country's contentious nationality legislation. Its discussions focused primarily on the Rwandophones' citizenship status that had fluctuated significantly since independence as a result of Mobutu's power politics. Promoting representatives of ethnic groups that, because of their size or ambiguous political status, could not threaten his regime, Mobutu had supported the relatively small North Kivutien Tutsi population. Thus he nominated Barthélémy Bisengimana to the influential post as director of the Political Bureau in 1969. During Bisengimana's eight-year tenure, a new law was passed in 1972 that extended Zairian nationality to all persons of Rwandan or Burundian origin who had been constantly living in Zaire since 1 January 1950. Once Bisengimana fell from grace however, the Kivutien autochthones pressured Mobutu and in 1981 the cut-off date for the acquisition of Zairian nationality was moved back to 1 August 1885, the formal start of Belgian colonisation. Although the law was not implemented, it established an official basis to justify discrimination against all Rwandophones.

With democratisation underway and in anticipation of elections, self-styled Kivutien autochthon political leaders began in the early 1990s to lobby for implementation of the 1981 nationality law. For them, depriving the Rwandophones of their citizenship would remove an important opponent in the competition for power. Highlighting their 'dubious nationality', the Kivutien 'autochthones' managed to exclude nearly all Kinyarwanda speakers from the CNS. This move provided the 'autochthon' alliance with a prerogative of interpretation on the 'nationality question' during the CNS, which resulted in the conference's confirmation of the 1981 nationality law.

During this period, the nationality question surrounding the Rwandophone populations was new and uncharted territory for the nascent newspapers. Although they harboured an incipient anti-Rwandophone bias, which mirrored broader Congolese sentiments because of the Kinyarwanda speakers' perceived preferential treatment under Mobutu (Pabanel 1991, p. 38), Kinois newspaper coverage was initially relatively pluralistic. During the CNS period, the printed press reflected a variety of views on the nationality question, with some newspapers deliberately providing an open discussion forum for the politically disenfranchised Rwandophones. However, the widely publicised proceedings of the CNS not only highlighted and amplified the Rwandophone nationality 'problem'. The decision of this very popular national institution to confirm the exclusionary nationality law of 1981

had far-reaching political repercussions that also impacted on the newspapers' positioning on the Rwandophone question.

This can be illustrated with reference to an article published in *La Référence Plus* on 14 November 1992, four days after the approval of the nationality law by the CNS. The journalist Wadambe M'Gini welcomed the fact that 'the Sovereign National Conference has solved the nationality question by urging the strict application of the 1981 law' (*Le Potentiel*, 14 November 1992). According to him, 'the ambiguity [of the nationality legislation] had been created by the 1972 law, which had provided Congolese nationality en bloc to the "Rwandan-Burundese" immigrants . . . at the instance of the late Barthélémy Bisengimana, Rwandese by nationality' (*ibid*.).

The article highlighted 'Banyarwanda' foreignness by pointing out that M. Birhumana, president of the CNS sub-commission on nationality, had shown evidence to conference delegates that 'corroborated that Hutu and Tutsi did not appear on the map of the Congo before 1909' (*ibid*.). Given the date of 1 August 1885 for the acquisition of Congolese nationality, the assumption that no Rwandophones were present before 1909 was tantamount to denying autochthony status to any part of this heterogeneous grouping. To support his argument that the Rwandophones were not 'authentic' Congolese, M'Gini also claimed that in June 1981 the '[Banyarwanda] demanded in a letter addressed to the United Nations the right to create a new Republic in the province of Kivu' (*ibid*.). Extensive research into the origins of the 1981 letter suggests that it is very likely that Kivutien 'autochthones' forged the document at the time of the 1981 nationality discussions. Nonetheless, in the context of M'Gini's commentary, this claim about the past was utilised as crucial evidence supporting the view that the 'Banyarwanda from Congo-Kinshasa (i.e. Congo/Zaire/DRC) do not consider themselves as real [Zairians]' (*ibid*.). This journalist therefore not only represented the CNS's affirmation of the 1981 law as the adequate restoration of the nationality order against the intervention of an influential Rwandan foreigner. He also expressly underlined this argument with reference to an alleged 'Banyarwanda' attempt at secession in the Kivus. In this context, the use of the past functioned as strong supporting evidence illustrating the ambiguous national allegiance of the Rwandophones.

Without doubt, the CNS endorsement of the restrictive 1981 law had a decisive signal effect on the newspapers. Widely accepted as the legitimate decision-making body on national affairs, the CNS officially authorised the Kivutien autochthones' equation of Banyarwanda with foreigners. As a consequence, the newspapers supported the strict application of the 1981 nationality law. In the wake of this decisive event, the Kinois press gradually internalised the autochthony discourse of Kivutien origins and began to actively disseminate and propagate its tenets. Information gathered in interviews with Kinois journalists and media professionals in 2010 suggests that 'autochthon' leaders from the eastern provinces decisively sustained this process, exerting influence over the newspapers as organs of public opinion formation. In summary, an experienced journalist stated that the 'autochthones' 'heavily influenced the alignment of most newspapers in Kinshasa [as] they wanted to unify the national conscience around the problem of the Rwandan immigrants – it is notably . . . their discourse that was taken over in most of the newspapers.'[8]

The 1993 War of Masisi

While the nationality debates in the capital diminished after the closure of the CNS, in North Kivu province, seething tensions born out of longstanding conflicts over land and the reinvigorated nationality question escalated in 1992–93. Localised instances of violence came to a head in March 1993, when autochthon militias attacked both Hutu and

Tutsi communities, which subsequently retaliated. The ensuing conflict, known as the 'Masisi War', lasted for about six months with each side suffering casualties estimated at three to five thousand.

The newspaper coverage of the Masisi War already displayed unmistakable signs of more radical and unconditional positions towards the Rwandophones. A concrete example of this broader phenomenon is a commentary in *L'Umoja* entitled 'The Tutsi and Hutu of North Kivu refuse to give up their Congolese identity' (*L'Umoja*, 15 June 1993). The author Médard Ndinga Masakuba argued that the nationality problem lay at the root of this intercommunal violence and portrayed the Banyarwanda as aggressors. He accentuated this impression by pointing out that their Congolese identity had been 'acquired in the most unilateral way by the sole will of ... Mobutu' (*ibid.*). The journalist detailed how these 'Rwandan immigrants' used their 'growing influence [under the] totalitarian regime of Mobutu' to occupy influential posts and how they consequently conferred collective Zairian nationality to populations of Rwandan origin in 1972 (*ibid.*). Central to Masakuba's argument, however, was the assumption that

> these immigrants strive to conquer areas in the east of the country. Today more than yesterday, [these areas] are subject to their greed to form an autonomous and sovereign state [called] the Republic of the Great Lakes, which by default could be annexed to Rwanda, the country of their origin. (*ibid.*)

The author subsequently invoked the 1981 letter and Bisengimana's manipulation of the nationality legislation in support of his narrative of continuous Rwandan infiltration that aimed at conquering parts of Congo's territory. For the journalist, the recent developments

> will necessitate appropriate measures in the fashion of [former] Prime Minister Moïse Tshombe, who during the bloody events called the Kanyarwanda in the zone of Masisi in 1964 to 1965 had advocated the expulsion of Rwandan subjects that had commanded the massacres of the autochthones. (*ibid.*)

This example reveals how memories of the 1960s Kanyarwanda rebellion influenced understandings of the 1993 Masisi War (Bucyalimwe 1997). The current conflict was reinterpreted as the violent resumption of historic Rwandan expansionism. This historically informed analysis clearly underlined the reporter's call for more radical solutions. As is evident from a variety of commentaries on the Masisi War, the redefinition of the Banyarwanda label as a great danger to the integrity of Zaire's national territory became a powerful current in Kinshasa's newspapers.

The Rwanda genocide

The 1994 Rwanda genocide had a profoundly devastating impact on the Congo and the wider Great Lakes region (Prunier 1995, Des Forges 1999). As a direct consequence, Rwanda's takeover by Tutsi rebels of the Rwandan Patriotic Front (RPF) under the lead of Paul Kagame led to the influx of about 1.2 million Hutu refugees into North and South Kivu. Among these refugees were thousands of former Rwandan army soldiers and *Interahamwe* militias responsible for the genocide. This massive influx imposed extreme strains on the host societies in the Kivus and entailed the transmission of the Rwandan Hutu–Tutsi conflict to the area. The presence of armed Hutu forces posed not only a great danger to the newly installed Rwandan regime. It also drastically amplified anti-Rwandophone sentiments among Zaire's political circles and precipitated the

increasing exclusion of the Rwandophones from Zaire. Ultimately, this situation set the stage for the Rwandan-led invasion of Zaire under the smokescreen of the so-called Banya-mulenge rebellion in 1996.

The Rwanda genocide caused an unprecedented crisis in the Kivus, making this remote region central to national interest and political discourse. The turmoil in its cataclysmic aftermath foregrounded the forging of cross-border alliances between Congo's Hutu and Tutsi and their respective Rwandan kin. The development of transnational kin ties, which had hitherto gone largely unnoticed in the capital, was of crucial importance for the subsequent evolution of Congo's political discourse. From 1990 onwards, groups of Zairian Tutsi and Banyamulenge had supported the Uganda-based RPF Tutsi rebels that fought the Rwandan Hutu regime and who took power in Kigali in 1994. Although some Congolese Tutsi subsequently left voluntarily to live in Rwanda in the wake of the RPF victory they had supported, in the coming years many others were forced to flee to the relative safety of Rwanda. This was largely due to the fact that the newly arriving Rwandan Hutu forces allied with groups of Congolese Hutu and subsequently turned on North Kivu's Tutsi population. The radical Hutu elements among the refugees had brought with them their extreme anti-Tutsi ideology, which advocated the killing of Tutsi as the answer to the Great Lakes region's problems. From late 1994 onwards, these com-bined forces began the assault on North Kivu's Tutsi, and to a lesser extent, the auto-chthones, not least in order to create a secure base for their envisioned violent return to reconquer Rwanda.

Alongside the increasing radicalisation and popularisation of the anti-Rwandophone discourse during 1994 to 1996, this emerging state of affairs in the Kivus caused a signifi-cant realignment of its conceptual framework. While the construction of a 'Banyarwanda' self-understanding had lost much of its significance to Congolese Hutu and Tutsi years before the Rwanda genocide, this article has shown that the label continued to be used as an external identification in Congo's political discourse. At the CNS, 'Banyarwanda' was used to collectively challenge the nationality of the diverse Hutu and Tutsi groups in Congo. Subsequently, amidst the Masisi War, the Banyarwanda marker was used to frame and amplify perceptions of an existential threat to the Congolese nation from a unified group of Rwandophones. In late 1994, however, the forceful transmission of the Hutu–Tutsi conflict to the Kivus immediately dissolved the Banyarwanda category; it left 'Hutu' and 'Tutsi' as the only meaningful points of reference for distinguishing between variously perceived threats.

A good illustration of this changing view is an article by Milenge Kitoga Kitungano in *La Référence Plus*: 'The false Zairian Tutsi regain Rwanda' (*La Référence Plus*, 28 Novem-ber 1994). Despite Kitungano's assertion that the Tutsi 'fear reprisals from the Rwandan Hutu soldiers', this did not alter his overall interpretation that 'North Kivu is emptying more and more of Rwandans of Tutsi ethnicity who before the military victory of the [RPF] posed as authentic Zairians' (*ibid.*). The Tutsi 'return' to Rwanda was perceived as setting a precedent. It corroborated the 'autochthon' view that all Zairian Tutsi were really Rwandese who had manipulated Zairian nationality to their advantage and betrayed the country's hospitality. Against this background, the newly arrived Hutu refugees could be expected to act in the same way as Tutsi 'refugees' had done in the past. By the second half of 1994, reports of attacks by radical Hutu forces on North Kivutien autochthones were published regularly in the newspapers. As repatriation efforts achieved little, the Kinshasa press increasingly reported that the autochthones considered themselves as living in a 'con-quered country', besieged by the Hutu refugees. In this context, the newspaper coverage reflected an emerging vision that the Hutu were seeking to establish a state on Zairian

territory. In an editorial in *Le Soft* in November 1994, Ngwanza Kassong' Abor noted that 'there is a real danger that these refugees, who crossed the border with arms, munitions and baggage [will] establish a state within the state' (*Le Soft*, 23 November 1994). In an end-of-year review by Daniel Yalik for *Le Potentiel*, this perception was significantly strengthened:

> [T]he Rwandan refugees make the law in this part of Zaire … they have become the masters over the territory. ... Over there, these bellicose Rwandans brought about an entire '*Republic*' [as] the local populations were chased away by the force of arms of the Hutu refugees who have formed a coalition with the 'autochthon' Hutu. (*Le Potentiel*, 5 January 1995)

During the second half of 1995 and throughout 1996, the joint Hutu militias expanded their attacks on North Kivu's Tutsi and autochthon groups (Prunier 2009). Given Mobutu's tacit support for the former Rwandan regime, fears of the Hutu became widespread and crystallised around the notion of the imminent creation of a 'Hutuland'. In a review of the year 1995, *L'Umoja* concluded that 'Mobutu and the international community plan to install a Hutuland in North Kivu, where the deliberate extermination of the Hunde, Tembo and other populations [already] amounts to 72,000 deaths' (*L'Umoja*, 3–4 January 1996).

Immediately dissolving the hitherto prevailing Banyarwanda label, the imported Hutu–Tutsi conflict also redefined Hutu and Tutsi as identity-markers with varying meanings and perceptions of threat. While the departure of Zairian Tutsi to Rwanda provided paradigmatic evidence for the disloyalty of both Hutu and Tutsi, the emerging transnational Hutu alliance was perceived as history repeating itself; this time, however, on an unparalleled scale and with potentially disastrous consequences to the nation. The potent and immediate threat of a Hutuland, it was feared, would entail the 'extermination' or 'genocide' of the autochthones.

The Vangu Commission

Henceforth, the transnational allegiance of both Zairian Hutu and Tutsi developed into the decisive factor for substantiating their foreignness and was directly linked to the strengthening vision of a looming Rwandan threat. In this development, the so-called Vangu Commission played a crucial role. Appointed by Zaire's transitional parliament to investigate the situation of the Kivutien autochthones after the arrival of the Rwandan refugees in 1994, the commission included several hardline anti-Rwandophone autochthon delegates from the Kivus. During its field visit to the Kivus in August 1994, the Vangu Commission relied heavily on the Kivutien autochthon witnesses to develop its framework. However, it reinterpreted and reconstructed these within a wider national autochthony framework. Presented to parliament as a 174-page report in April 1995, the Vangu Commission's analysis of the situation in the Kivus was informed by strong mythico-historical visions that entailed a profound reinterpretation of Zaire's past. In retrospect, the Vangu Report had severe implications for the ways in which the Rwandophone question was subsequently politically handled (HCR-PT 1995).

First and foremost, the Vangu Commission's re-imagination of Zaire's past entailed a vision of a 'pure' pre-colonial country devoid of foreign elements. According to this view, the autochthones successfully repelled the first 'Rwandan' attempted invasion in the late nineteenth century; only the Belgian colonisers' intervention enabled the 'installation' and 'infiltration' of Rwandans in eastern Congo (HCR-PT 1995, p. 154). The report's treatment of the colonial and postcolonial trajectory of the Rwandophone presence in the

Kivus consequently portrayed Congo/Zaire as the victim of perpetual expansionist ambitions of the 'Rwandans'. This narrative constructed both Rwandan 'immigrants' and 'refugees' as infiltrators who penetrated national political institutions to establish control over the Kivus and 'supplant the autochthones' (*ibid*., p. 158).

Under these premises, the recent Rwandophone' cross-border activities were perceived to be part and parcel of this historically imagined Rwandan expansionism. Accordingly, the Tutsi diaspora communities in several countries of the Great Lakes region were styled as 'pockets of Tutsi expansion [created by the Tutsi who] project the birth of a Hamitic empire *in the near future*' (*ibid*., p. 159, author's emphasis). This is the first sign of the appropriation of the mythico-history known as the 'Hamitic hypothesis' in the discourse of Zaire's political elite. Initially devised by European colonial anthropology, the subsequently remodelled theory presumes a centuries-old conflict on a regional scale of belonging and difference pitting 'Bantu' against 'Nilotes'. The supposed Nilotes – the Tutsi in Rwanda, Burundi, Zaire, Tanzania and the Hima of Uganda – figure as foreign invaders from the Horn of Africa who aim at conquering and subjugating the central African autochthones from the Bantu groups including the Nande, Hunde, Nyanga and Hutu (Sanders 1960).

However, in light of the perceived imminent threat associated with the united Hutu forces in the Kivus, the Vangu Report also recognised that 'the Hutu express the same designs by the war they wage against the [autochthones in the Kivus]' which would ultimately lead to the erection of a 'Hutuland' (HCR-PT 1995, p. 170). In this specific context, the discourse of the Bantu–Nilotes antagonism was of little significance. Only under the drastically changed geopolitical situation of the first and second Congo wars did this conceptual framework offer meaningful explanatory potential, which rapidly gained momentum in Zaire's political circles.

The importance of the Vangu Report lies in its synthesis of the local 'autochthon' set of ideas, narratives and historical imaginations which it transferred into a national frame of reference: not only the Kivus, but Zaire as a whole, was under existential threat. The report produced a historical interpretation creating a forceful twofold threat to Zaire that was both permanent and imminent. From the outside, Zaire faced the scheming Rwandan state with its perpetual expansionist ambitions. Domestically, however, the Rwandophones were projected as a potent 'fifth column', a menacing danger from within the nation's boundaries that facilitated the steady infiltration of Zaire's body politic. As a result, the distinction between internal and external threats was obliterated. The Vangu Commission's political recommendations to the transitional parliament were demonstrably informed by this kind of mythmaking and represented a drastic radicalisation of Zaire's political discourse.

By extrapolating Rwandan expansionism back to the precolonial era and linking this directly to events post-1994, the situation in the Kivus, Zaire and the Great Lakes region was imbued with much greater significance. For the Vangu Commission, the resolution of the post-1994 crisis thus became a matter of great 'urgency [and] necessity' (*ibid*. 172). In view of the ubiquitous danger of Rwandan conquest, the only conceivable solution was to restore the envisioned precolonial status quo. Following the logic that extreme situations require extreme measures, on 28 April 1995 the transitional parliament acted on recommendation of the Vangu Commission and decreed the forced expulsion of all Rwandophones, 'refugees' and 'immigrants' alike (*ibid*.).

The mounting radicalisation in anti-Rwandophone sentiment since the Rwanda genocide was greatly reinforced by the Vangu Report: '[it] inflamed the nationality question and generated a lot of debate . . . and all of the country, the whole nation paid attention'.[9]

In this situation of national crisis, the newspapers embraced the Vangu Commission's radical analysis and draconian policy recommendations. The Vangu Report's deliberate conflation of Rwandophone Zairians ('natives', 'immigrants' and former 'refugees') with the recent Rwandan Hutu refugees was unopposed and generally adopted. By and large, the newspapers assented to the view that 'repatriating them immediately, unconditionally and, if required, by military force' (*La Référence Plus*, 2 May 1995) was necessary to avert the danger of Zaire being 'dragged . . . into a war of ethnic cleansing' (*La Référence Plus*, 29 April 1995). Henceforth, the newspapers proactively challenged Zaire's authorities, harshly criticising their perceived inaction and complicity in the drastically deteriorating situation in the Kivus. In late August 1995, under growing pressure from the transitional parliament, the Kivutien 'autochthon' leaders, and not least the Kinois newspapers, Mobutu decided to forcefully expel about 15,000 'Rwandan refugees'. The cessation of the expulsion shortly afterwards provoked a first generalised outburst of violent anti-Rwandophone rhetoric in the newspapers. Pay Dheba's editorial for *La Référence Plus* set the agenda: 'We have to kick out the Rwandans and Burundians until the very last one' (*La Référence Plus*, 24 August 1995). A week later, Mona Kumbu's editorial in the same newspaper declared that 'for once this conspiracy against Zaire will not pass. Public opinion is unanimous in demanding the unconditional return of all the refugees to Rwanda . . . the Zairians totally disapprove of the suspension of the forced expulsion' (*La Référence Plus*, 31 August 1995)*.* At this stage, the newspapers took as their role the defence of the Zairian nation. Numerous editorials demanded 'radical solutions' in the form of the forced expulsion of all 'Rwandans'.

'The Banyamulenge rebellion'

In the course of 1995 and 1996, fear of a general outbreak of war between Rwanda and Zaire grew ever more significant. The Rwandan regime repeatedly claimed its right to pursue invading Hutu militias and attacked their positions within Zairian territory. In contrast to its northern neighbour, South Kivu had remained relatively calm during the early 1990s. South Kivu province has a much lower population density and far less pressure on available lands, a major source of conflict between autochthones and Rwandophones in North Kivu. What is more, the South Kivutien Banyamulenge Tutsi is a relatively small community compared to the demographically larger Rwandophones of North Kivu, who therefore represented a greater threat to the autochthones in envisaged upcoming elections. Nevertheless, the spark that ultimately set off a major conflict between Rwanda and Zaire came from South, not North Kivu.

The Banyamulenge arrived in South Kivu from Rwanda sometime before the advent of Belgian colonialism. Despite their 'autochthon' origins, they became identified with the larger Zairian Banyarwanda grouping, which was increasingly associated with Rwandese 'foreignness' around independence. In a move designed to dissociate their grouping from the broader Banyarwanda entity, Banyarwanda Tutsi community leaders from South Kivu chose a new ethnonym during the 1960s. The act of naming themselves 'Banyamulenge', the ones that come from Mulenge (the location of their collectively remembered first settlement), was an attempt to emphasise their autochthon Zairian identity (Vlassenroot 2002, p. 505). Yet, this performative act backfired. South Kivu's autochthones immediately viewed this as an attempt at disguising their 'real' Rwandan identity in order to stake a primordial claim to Congolese territory.

As a consequence, the Banyamulenge were equally threatened by the confirmation of the 1981 nationality law by the CNS, as autochthon delegates from South Kivu successfully portrayed them as recent Rwandan arrivals. In the wake of the Hutu refugee influx of 1994, a major campaign against the Banyamulenge took shape, which used a 'new and strong

mobilising force [in the form of] an anti-Tutsi ideology' (Vlassenroot 2000, p. 77). Due to South Kivutien autochthon mobilisation efforts, the Vangu Report prominently dismissed the Banyamulenge as 'Rwandan refugees' who had adopted a fake Zairian autochthon identity, and included them in its proposal to expel all Rwandophones. In late 1995 and early 1996, threats turned violent and in mid 1996 the Banyamulenge faced their imminent expulsion from Zaire.

Confronted with this rapidly deteriorating situation, Banyamulenge leaders began to prepare for their self-defence, while hundreds of North Kivutien Tutsi and Banyamulenge recruits were already being militarily trained and equipped in Rwanda. From late August 1996 onwards, Banyamulenge and Tutsi from North Kivu entered South Kivu from Rwanda and began to forcefully claim their Zairian citizenship rights, while both spearheading and facilitating the Rwandan invasion of Zaire.

On 18 September 1996 Kitungano Milenge reported in *La Référence Plus* that South Kivu was being infiltrated by '3000 Banyamulenge invaders ... enlisted and trained in the Rwandan Patriotic Army'; 'These young Banyamulenge, of dual Rwando-Zairian status, know perfectly well the Zairian territory since they have lived here for a long time' (*La Référence Plus*, 18 September 1996). Significantly, Kitungano noted that 'the "Vangu Report" predicted the Banyamulenge attack' and that therefore 'Zaire had to expect' that this was coming (*ibid.*). As early as 1994, Kitungano reminded his readers, 'the natives of [South Kivu had warned] that the Banyamulenge represent an active volcano' and that they would repel all actions aimed at creating a 'Hamitic empire or a Central African State which [the Banyamulenge] would call the "Republic of Volcanoes" or "Republic of the States of the Great Lakes"' (*ibid.*).

From the very start of the Rwandan-sponsored 'Banyamulenge rebellion', the trope of Rwandan expansionism was invoked as the key explanatory framework. Characteristic of the self-fulfilling quality of the Vangu Report's vision, the historically conceived narrative of Rwandan imperialism was adjusted and altered according to the new situation in the east. Kitungano's interpretation evidently shows that the hitherto hardly known concept 'Banyamulenge' ideally suited the vision outlined in the Vangu report (HCR-PT 1995, p. 159).

With attacks from Rwandan territory increasing in October 1996, all signs pointed to all-out war between Rwanda and Zaire. The missing link that brought about this confrontation became inextricably identified with the 'Banyamulenge' label. This gave rise to a rapid redefinition of the Rwandophone Tutsi group identities in Zaire's political discourse. The label 'Banyamulenge', which originally signified the relatively small group of Tutsi from South Kivu, was now recast as the catch-all term for all Zairian Tutsi. The Banyamulenge were consequently envisioned as Tutsi infiltrators and Rwandan Tutsi in disguise who, under the smokescreen of a fake Zairian identity, had acted as a Trojan horse for Rwanda.

The Banyamulenge concept evidently came to stand for a perceived new geopolitical reality. With the unfolding of Rwanda's politico-military campaign in Zaire, the historically imagined threat of Rwandan expansionism now suddenly seemed to have come true. From 1996 onwards, the 'Banyamulenge' label epitomised the perceived implementation of the Tutsi plot to establish a regional empire.

This widespread perception led to a drastic rise in violent rhetoric; with the start of what was later termed the first Congo war, identities crystallised around racist stereotypes of belligerent, powerful, devious and conspiratorial Tutsi. At the time, however, anti-Tutsi sentiments were further reinforced from an unexpected external source. On 28 October 1996, Rwanda's President Pasteur Bizimungu stated at a press conference that 'if Zaire wants to expel the Banyamulenge to Rwanda, it should also return their land' (Reyntjens 2009, p. 53). Bizimungu used a precolonial map of 'greater Rwanda' to assert that areas of

Banyamulenge settlements historically belonged to Rwanda. Two days later, a document calling for a 'Berlin Conference II' was circulated at another press conference held by General Kagame (*ibid*., pp. 53–54). These historical claims from Kigali clearly magnified fears of Rwandan irredentism that had circulated in Zaire's political spheres for some time. Furthermore, these statements also perfectly mirrored the Vangu Report's depiction of the prevalence of 'nostalgic attitudes [among] the Rwandese' based on their precolonial military campaigns in the Kivus (HCR-PT 1995, p. 157).

The aggressive wars Rwanda subsequently waged in the DRC (1996–97, 1998–2003), as well as the important part played by Congolese Tutsi and Banyamulenge in facilitating the invasions and supporting the occupying Rwandan regime, did not help assuage autochthon fears of Tutsi domination. During the war years, mythological representations of Tutsi dominated the country's political discourse. From the originally passive role the newspapers had played in reproducing growing anti-Rwandophone sentiments in the early to mid 1990s, they developed into politically active agents pressuring the authorities to act on the 'Rwandan problem'. During the first and second Congo wars, however, the newspapers ultimately turned into proactive platforms relaying anti-Tutsi propaganda and inciting ethnic violence rooted in a Hamitic frame of reference.

Conclusion

The period from 1990 to 1996 was in many ways formative for subsequent manifestations and transformations of anti-Rwandophone discourse in the DRC, up to the present day. When analysing the semantic changes to the labelling of the Rwandophone 'other', identity markers such as 'Banyarwanda', 'Hutu', 'Tutsi' and 'Banyamulenge' emerge as historically situated and politically contingent variables that came to dominate Congo's political discourse at different points in time. In this respect, the 1994 Rwanda genocide and the outbreak of the first Congo war constituted major watershed events. These crises greatly accelerated the polarisation of group identities into conflicting identities and led to a rapid radicalisation of anti-Rwandophone rhetoric. However, the historical perspective taken in this article allows understanding of the powerful repercussions of these contingent events as relatively dependent on the preconfigured reference frames: it was through the lens of the ideologically moulded anti-Rwandophone discourse that these critical junctures were perceived and interpreted.

This analysis points to the strong potential for the agency of political actors in shaping perceptions of present conflicts by employing selective visions of the past. As I argue elsewhere, underlying the continuous redefinition of the Rwandophone identity prism was the ideological mobilisation of the Kivutien autochthones (Huening 2012). In linking the Rwandophone 'other' with future-orientated fearful visions of Rwandan expansionism, these political actors clearly fuelled ethnic polarisation and fostered exclusionary dynamics. In the early to mid 1990s, these 'autochthon' leaders successfully introduced a coherent set of mythical imaginaries, selective memories and claims about the past into Congo's political discourse. The subsequent canonisation of the local Kivutien autochthony discourse engendered a dominant historical narrative of perpetual Rwandan expansionism towards the Congo. Constantly informed and reinforced by contemporary developments, in particular the increasing degree of Rwandophone transnational activity, this historically conceived vision played an important role in defining the contours of identitarian conflicts.

While the CNS set the course in legitimising the autochthon perspective, the Vangu Commission developed a singular importance for Zaire's political discourse. By extrapolating the Kivutien autochthony discourse onto a national level, this new reference frame

pitted Zaire's 'nationals' or 'autochthones' against the Rwandophone 'foreigners'. At this stage, the article illustrated the mutually reinforcing relationship between perceptions of present developments and powerful mythico-historical narratives of the past. The Vangu Report's historical vision of permanent Rwandan expansionism was essentially a self-fulfilling prophecy; a historical narrative that was highly flexible, modifiable and malleable according to changes in the domestic and geopolitical situation. Contemporary developments were henceforth perceived and interpreted through the prism of a historically projected, looming and inevitably existential confrontation with the Rwandophone 'other'. This interaction between past and present is a key historical dynamic behind conflicting identities and the radicalisation of anti-Rwandophone sentiments in Congo's political discourse. The fallout from the 1996 and 1998 wars, in regard to exclusionary politics and violence against 'Banyamulenge' or Tutsi, can only be fully appreciated if this predefined yet malleable cognitive map is taken into account.

Relating this insight to the 2012 crisis, this article argues that the core historical narrative of Rwandan expansionism that lies at the heart of these threat scenarios has stood the test of time. It was in the direct aftermath of the Vangu Report's publication that Modeste Mutinga, owner of *Le Potentiel*, introduced the concept 'Balkanisation' in his editorial 'Towards the Balkanisation of Zaire' (*Le Potentiel*, 18 August 1995). This national crisis, at the centre of which was the conflict with the Rwandophones, gave birth to the slogan that came to dominate *Le Potentiel*'s coverage in the course of the second Congo war, and which continues to inform its analysis. An article in early July 2012, entitled 'After the genocide of more than 5 million Congolese: the M23 aims at the secession of Kivu', opened with following paragraph:

> There is no longer any doubt possible. Behind the M23 movement, it is indeed Rwanda which is acting behind the scenes [and] which is in turn guided by foreign powers which provide [Rwanda] with arms and munitions in order to permanently destabilise the eastern part of the DRC. Since the Rwandan genocide in 1994 ... it is the creation of an autonomous state in the Kivus that has been envisaged. This macabre plan has already cost the lives of more than five million Congolese. (*Le Potentiel*, 7 July 2012)

The article subsequently described the creation of a 'proxy state of Kigali' as an integral part of the 'project of Balkanisation' (*ibid.*). In this commentary, *Le Potentiel* unmistakably establishes a connection between M23, the Rwandophone populations as M23's main recruiting ground, Rwanda and the Balkanisation project; all are rhetorically linked to the 'genocide of more than five million Congolese' (*ibid.*).

Although the newspapers have greatly toned down their anti-Rwandophone rhetoric since the Congo wars, and profess to accept the Rwandophones' credentials as Congolese citizens, these popular narratives continue to flourish. They persist as potent resources available to Congolese political actors to further their interests by mobilising populations along conflicting identity fault lines. Making use of the past in this vein, it appears, will remain instrumental to the DRC's political discourse, in particular in case of an escalating conflict with Rwanda and M23.

Note on contributor

Lars-Christopher Huening is an independent scholar who completed his PhD at the University of Sheffield in January 2012. He is currently working on the publication of his PhD dissertation under the working title 'A case of mistaken identity? The Kinshasa Press, political discourse and contested representations of Congolese Rwandophones, c. 1990–2005'.

Notes

1. UN Group of Experts, *Final report of the Group of Experts on the DRC submitted in accordance with Paragraph 5 of Security Council Resolution 1952 (2010)*, 2 December 2011 (S/2011/738).
2. Because the terminological vocabulary of the region is highly politicised, intricate and constantly shifting, it is necessary to define the concepts and terms employed in this article. The terms 'Kinyarwanda speakers' or 'Rwandophones' are used herein to refer collectively to the different population groupings of Rwandan origin living primarily in eastern Congo, except when it is necessary to denote specific subgroups, for example the Banyamulenge (which will be discussed later in the text), or Hutu and Tutsi. For the period before 1994, this article also uses the term 'Banyarwanda' (the term will be discussed at a later stage) to describe the Hutu and Tutsi communities of North Kivu. A final note of caution is necessary with regard to the use of the term 'autochthon'. 'Autochthon' is used throughout this article in the sense of a self-styled label, which has been and continues to be used by a variety of eastern Congolese communities (e.g. Nande, Hunde, Bembe etc.) to emphasise their perceived claim to a 'native' or 'indigenous' status over that of the Rwandophone populations in particular. The history of a region dominated by migratory flows and the intermingling of different population groups over centuries of course renders impossible any historically accurate claim to autochthony or primeval 'first-comer' status. The concept of autochthony is discussed later in the text.
3. For a detailed treatment please see Lars-Christopher Huening (2012).
4. The interviews were conducted with former and current journalists from *Le Potentiel*, *La Référence Plus*, *Le Soft*, *L'Avenir*, *Le Phare*, *Le Palmarès*, the Zairian state news agency (AZAP), and media professionals from the Catholic University of Congo, University of Kinshasa, *Institut Facultaire des Sciences de l'Information et de la Communication*, *Journalistes en Danger*, *SYFIA-Grands Lacs*, *L'Observatoire congolais des médias*, *Haute Autorité des Médias*.
5. Interview with Professor Aimé Kayembe, 22 June 2010, Kinshasa.
6. Use of the term 'editorial line' has been avoided, because editorial policies regarding the nationality question of the Rwandophones did not exist in this period. What is called the 'positioning' of the newspapers arises from the historical analysis of each newspaper's discursive trajectory.
7. For a more elaborate analysis that encompasses 'Rwandophone' and 'autochthon' publications in Kinshasa's press as well as for a more detailed discussion of the methodological rationale used in this research, see Huening (2012).
8. Interview with Tshidibi Ngondavi, 6 July 2010, Kinshasa.
9. Interview with Didier Kebongo, 24 June 2010, Kinshasa.

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'You say rape, I say hospitals. But whose voice is louder?' Health, aid and decision-making in the Democratic Republic of Congo

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In the last decade, scholars and humanitarians have rightly drawn attention to the high rates of gender-based violence in the eastern Democratic Republic of Congo (DRC), which are associated with the high levels of conflict in the country since 1996. However, this focus detracts from the general health problems that stem from the deterioration of the health sector, which began long before the outbreak of war. This article analyses local perceptions of the determinants of maternal health and illness in eastern DRC, and identifies ways in which women cope with barriers to health care that derive from an inadequate and/or absent health-care system. The article demonstrates that in both urban and rural locations in all four provinces of eastern DRC, women have organised to address their own vulnerabilities, which, according to them, amount to more than exposure to gender-based violence. The existence of these informal systems demonstrates the need to reassess the image of Congolese women as primarily passive victims and/or targets of violence. The article suggests that these culturally rooted indigenous solutions be evaluated as worthy recipients of development funding, which is often exclusively offered to international organisations.

Keywords: Congo; rape; health; gender-based violence; conflict

[« Vous dites viol, je dis hôpitaux. Mais qui parle le plus fort ? » : La santé, l'aide et la prise de décision dans la République Démocratique du Congo]. Durant la dernière décennie, les érudits et les humanitaires ont correctement attiré l'attention sur les taux élevés de violence sur la seule base du genre dans l'est de la République Démocratique du Congo (RDC), qui sont en lien avec les hauts niveaux de conflit dans le pays depuis 1996. Pourtant, cette attention sur les violences sexuelles détourne l'attention qui devrait être portée aux problèmes sanitaires généraux qui sont dus à la détérioration du secteur de la santé, qui a commencé longtemps avant l'émergence de la guerre. Cet article examine les perceptions locales des déterminants de la santé maternelle et de la maladie dans l'est de la RDC et identifie les manières avec lesquelles les femmes s'adaptent aux difficultés d'accès aux soins de santé qui résultent d'un système de santé publique insuffisant et/ou absent. L'article montre que dans les zones tant urbaines que rurales et dans les quatre provinces de l'est de la RDC, les femmes se sont organisées pour faire face à leurs propres vulnérabilités, qui, selon elles, représentent un problème plus important que l'exposition à la violence fondée sur le genre. L'existence de ces systèmes informels démontre le besoin de reconsidérer l'image des femmes congolaises comme étant en premier lieu des victimes passives et/ou des objets de violences. L'article suggère que ces solutions culturellement enracinées dans le modèle local pourraient être évaluées

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comme des bénéficiaires louables de l'aide au développement, laquelle est souvent exclusivement délivrée à des organisations internationales.

Mots-clés : Congo ; viol ; santé ; violence liée au genre ; conflit

Introduction

The media representation of rape during 'Africa's World War' (Prunier 2009) led to the Democratic Republic of Congo (DRC) being called 'hell on earth' (Kirchner 2007), 'the worst place in the world to be a woman' (IRIN 2010), and 'the rape capital of the world' (Wallstrom 2009). The use of rape during the conflict has itself been called the 'war within the war' (Human Rights Watch 2002) and 'the greatest silence' (Jackson 2007). In the light of published estimates (UN Women 2011) of magnitude and consequences of rape, these titles are not necessarily surprising.

The prevalence, or the total number of cases, of gender-based violence in the DRC is however extraordinarily difficult to obtain. This is in part because poor communications and difficult terrain in much of the country impede systematic data collection. There is also ambiguity in laws protecting women which impacts negatively on reporting. For example, the DRC's 2006 Law on the Suppression of Sexual Violence defines statutory rape as sex with persons under 18, while legally one can marry at the age of 15. Thus, whilst Western observers commonly assume that the intention of survivors is to report rape, in reality many societal factors discourage disclosure. Given these difficulties, it is not surprising that estimates of rape vary widely. In 2009 the United Nations reported that 200,000 cases of rape occurred between 1998 and 2009 (United Nations 2010). In 2011 however, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) estimated 130,000 to 260,000 cases in 2009 alone (UNESCO 2011). The most recent and most systematic estimate puts the number of rapes in 2007 somewhere between 407,397 and 433,785 (Peterman *et al.* 2011). The main differences in these estimates arise from the proportion of wartime rape versus rape within marriage. This is further complicated by the change in the definition of rape introduced in the new 2006 law – exactly the time at which most of the above estimates were made.

Notwithstanding this lack of statistical clarity, the widespread publicity around the 'rape problem' in the DRC (Oury 2009) both fuels, and is fuelled by, the attention it has received from both humanitarian agencies and academic researchers. Several important studies contribute to our understanding of rape in the DRC, for example demonstrating the degree of violence seen in many cases, as well as the traumatic outcomes for survivors. This body of research thoughtfully details the devastating effects of rape. This includes the profound impact on both individuals and communities, as survivors are often deserted by their loved ones, subjecting them to what could be described as a double-violence, victimisation, or retraumatisation (Bartels *et al.* 2010, Birch 2008, 2010, Chu *et al.* 2008, Harvard Humanitarian Initiative and Oxfam 2010, Human Rights Watch 2009, Johnson *et al.* 2010, Kelly *et al.* 2011, Meger 2010, Pham *et al.* 2010, Steiner *et al.* 2009, Trenholm *et al.* 2009).

These studies have arguably drawn international attention to the nature of rape in the DRC in a helpful way. However, more recent scholarship explicitly interrogates the narratives produced and reproduced in the process of documenting rape in the DRC. For example, the *Human security report* for 2011/12 from Simon Frasier University suggests that the incentive structures that operate within humanitarian agencies focus attention on rape in a way that distorts our understanding of the issue (Human Security Report Project 2012) It has also been suggested that the international attention given to rape has

actually increased risk factors for people living in the DRC (Autesserre 2012, p. 15). This is because combatants recognise that if rape is emphasised in international settings above all else it can be an 'effective bargaining tool' (Autesserre 2012, p. 16).

It is therefore necessary to question the need for the continued proliferation of international scholarly, humanitarian and media attention on rape in the DRC. If the shared aim of international assistance is to provide optimal benefit to Congolese people, it is clearly necessary to consult the planned recipients and beneficiaries of such assistance. This article thus utilises survey and narrative data on the social determinants of health so as to enable Congolese voices to be heard. In so doing, the article directly engages with the question of whether or not narratives around rape have led to initiatives that benefit Congolese people.

Problematising the rape narrative

Speaking at a US Senate hearing in December 2011, a Congolese scholar argued that Western academics and humanitarians reduce the highly complex problems of the DRC to a simplistic 'rape–minerals' narrative (Dizolele 2011). This statement suggests that while the production and maintenance of such a narrative draws positive attention to those persons, institutions and/or agencies which propagate it (by raising money, reinforcing the concept and legitimacy of 'expert' knowledge, and so forth), Congolese people do not see any such benefit.

One such example can be drawn from a multimillion-dollar humanitarian intervention currently taking place in eastern DRC, and ongoing until 2015. For this project, a government agency granted more than US$16 million to an US-based non-governmental organisation (NGO). The project was the subject of considerable publicity and high-profile endorsement, even receiving a visit from the under-secretary of state for democracy and global affairs of the United States.

However, the beneficiaries of the project – survivors of rape – were deprived of the post-exposure prophylaxis (PEP) treatment[1] they had been promised for nearly a year because US government officials' insistence on sourcing the drugs for the lowest possible cost had the effect of significantly delaying delivery.[2] According to the project's annual report, 'supply of essential medicine for PEP and post-rape treatment for trauma and STIs [sexually transmitted infections] was limited during the first year' (USAID 2011). During a project evaluation carried out after its first year of operation, a chief Congolese doctor who had agreed to volunteer for the project, when asked to describe the success of the project in his community, replied, 'What project? To me there is no project. I am not going to publicise this project to my community when I know in my heart there is no medicine to actually treat people with.'[3]

In public forums, Congolese people have also questioned whether or not they benefit from efforts made towards documenting gender-based violence. At one such event organised by patients in a hospital in Goma in June 2010, one survivor of rape stated, '[Researchers] say they can't pay us [for research] because that would be unethical, but they take our dignity for free. They are paid to come here to talk to us but we get nothing!' Many listeners agreed, with this speaker and a subsequent speaker asked whether or not foreign professors are paid to teach classes based on the knowledge gained from visits to the DRC, and suggested that such payments should be shared with their informants.

Whether or not humanitarians or scholars profit in an unfair way from the use of rape in the DRC in their activities is not the primary focus of this article. Nevertheless, in the light of other research confirming that Congolese people actively challenge the dominant

narrative focusing on minerals and rape (Autesserre 2012, p. 14), it is necessary to ask if this focus results in the marginalisation of other health concerns, how this affects the direction of aid dispersal and, ultimately, how it affects the potential of international actors to positively influence health outcomes in the country.[4]

For example, aid workers complain that they have too much funding to treat survivors of sexual violence and insufficient funds for other health issues (Autesserre 2012, p. 15). This is despite the fact that research shows that the DRC's population suffers from a wide variety of health problems. For example, in examining the causes of the 5.4 million deaths that apparently occurred during the Congo wars, a figure exhaustively cited by humanitarians, scholars, politicians and activists (Coghlan *et al.* 2007), Mack *et al.* (2009) suggest that a general breakdown of the DRC's health systems, rather than the war, may be primarily responsible. Mack *et al.* argue that because reliable pre-war mortality figures were unavailable, the statistic of 5.4 million deaths figure is inherently unreliable and probably an inadvertent inflation of the real figure. The denominator that was used (Coghlan *et al.* 2007) – the average mortality rate for sub-Saharan Africa – was too low and was not representative of the very high *pre-war* mortality in the DRC, which was the result of the long-term erosion of the DRC's health system.

These technical details are important when considering (a) what actually causes illness and death in the DRC, and (b) whether the attention given to these determinants by academics and humanitarian actors duly reflects reality. The argument by Mack *et al.* (2009) demonstrates the need to consider the diversity of concerns when inquiring into health in the DRC. It also raises the question of whether the priorities of international aid agencies are reflective of known drivers of illness and mortality in the DRC.

This article does not intend to suggest that exposure to rape should be dismissed as trivial, nor that the consequences of rape are not deeply damaging, life altering or profound. Instead, this article broadens the discussion of health and illness in the DRC by including empirical data from Congolese respondents. In so doing, this article also showcases the ways in which Congolese people have been organising to address these issues for decades. This highlights the extent to which narratives created by international organisations, but deemed inadequate or distorting by Congolese people themselves, might remove the latter's agency to define their own vulnerabilities, while simultaneously diverting aid and other resources from the determinants of health seen as most urgent and important by those who actually suffer from these problems.

Methods

This ongoing study began in April 2009 as a collaborative project between researchers at the University of Florida and Congolese social scientists. A team of researchers systematically collects annual data during a four- to five-month period in order to document Congolese perceptions of the determinants and barriers to health over time. Respondents are specifically asked what they believe determines health and illness, and are encouraged to discuss personal experiences to elucidate responses. The narrative data reported in this article were collected during the period between April 2009 and August 2011. In this article, we consider 121 semi-structured interviews from 16 total locations, with male and female respondents ranging in age from 19 to 81.

Data were collected in all four eastern provinces of the DRC (Maniema, North Kivu, Orientale and South Kivu). Part of this study (April 2009 to June 2009, and May 2010 to July 2010) was conducted in conjunction with HEAL Africa, a Congolese NGO that runs a hospital in North Kivu's capital city of Goma. Access to many of the locations

Table 1.   Interview and focus group locations.

Province	Town or Village	No. of Interviews	No. of Focus Groups
Maniema	Ferekeni	10	1
	Lubutu	7	
	Punia	11	
North Kivu	Birambizo	12	1
	Bweremana	9	
	Goma	14	2
	Kayna	10	1
	Kirotsche	9	
	Sake	9	
Orientale	Bunia	8	
	Kisangani	11	
	Komanda	8	
South Kivu	Bukavu	13	
	Idjwi	11	
	Kitutu	7	1
	Shabunda	12	
	Total	*161*	*6*

and displaced populations (which have been and in some cases still are affected by conflict) would have been impossible without this partnership, given the lack of roads, reliable maps or transportation in the region. Interviews varied greatly in duration according to the safety of the location (*e.g.* a health centre versus a forest), but the median time was approximately 50 minutes.

During the first round of data collection for this study (April to August 2009), the research team's initial analysis of data revealed the many ways in which Congolese people were organising (both formally and informally) to fill in the gaps left by their health-care system, via their own community-based health-care provision. This forced the investigators to broaden the research agenda beyond the documentation of determinants of and barriers to health. The research team focused on a second question: are these local providers of health care better placed to identify and address the determinants of illness than international agencies, and, if so, would it be preferable to direct donor funds directly to them?

During analysis, specific attention was paid to the use of metaphor by respondents, as well as to indigenous categories of suffering (Bernard and Ryan 2010). Using a structured codebook of identified themes, presence and absence of themes were analysed (MacQueen *et al.* 1998). The following findings arise from line-by-line coding of all narrative data and analysis based on both the presence and absence of themes in the codebook. Therefore, the quotes provided in the next section represent overarching themes in the data. Details are also given about which code(s) were applied to quotes displayed below.

Findings

This study has three major findings, each of which is analysed in turn in this section:

1. Congolese people report that the determinants of health most urgently needing redress are structural in nature.

2. Women believe their vulnerability is caused by a variety of barriers to health, of which rape is just one among many.
3. For decades, women and men have organised community-led health-care provision.

(1) Structural barriers

Theme 1: health services as a structural determinant of health

When asked what causes sickness and what leads to health in their communities, respondents in both rural and urban locations placed a strong emphasis on hospitals and health centres: the condition of physical structures, the location of services, the quality of services and the cost of services. The physical decline of hospitals and health centres that respondents describe is occurring in both rural and urban settings. However the situation is reported as being worse outside of the main cities.

Access to hospitals and health centres varies greatly, according to the setting. Rural respondents report that they are frequently unable to visit hospital because of a lack of transportation. Urban respondents did not report travelling long distances. This is unsurprising, given that 80% of Congolese people live in rural locations whereas 80% of services available are in urban locations (Esanga *et al.* 2010).

For urban respondents however, access to health services depends on their ability to pay high fees. Rural respondents report the same high fees, which frequently prevented

Table 2.   Quotes from respondents: condition of physical structures.

		Interview, female, rural	Interview, male, rural	Interview, female, urban
Theme 1: health services as a structural determinant	Code: condition of physical structures	'Sometimes there are holes in the roof and you get rained on while you are delivering your baby. There are cracks in the walls of the room where you sleep. Mosquitoes and sometimes snakes come through these cracks.'	'I would like to answer that question with a picture. Can I take you outside quickly?' [Interviewer is brought to a wooden latrine lacking a door] 'My wife had to wash herself right there after she gave birth. That is where a sick man goes to vomit. My wife used that exact latrine [*pointing*] to wash herself, next to faeces and vomit. Please take a picture to bring to your big meeting at the White House and say this is why women die in Congo. It is not because of rape but because there is faeces where they bathe.'	'Why are we dying? Because our hospitals have been cracking and without medicine since Mobutu's time [1965–1997] and government officials do not care because they can leave the country to get care in South Africa.'

Table 3. Quotes from respondents: location of services.

		Interview, female, rural	Interview, female, rural	Interview, male, urban
Theme 1: health services as a structural determinant	*Code: location of services*	'After a two or three hours of walking, we arrive so tired at the health centre. It even happens that we give birth on the way to the health centre. Those who reach the health centre are so weak that they need care. Maybe a woman has not eaten for all the day.'	'I am pregnant with this baby now but I will have to sit right here in the forest when the baby comes.… I won't take the risk of making that long trip.'	'Yes, we have hospitals and they are not far. Maybe you don't like what you find inside them but we do have them and you can walk five minutes, six minutes. There is also a bus.'

access to services, but they reported greater acceptability of payment in kind for health services. Urban respondents reported that when cash is unavailable to pay for services, it is common for the patient to be detained in hospitals until family members could locate sufficient funds. Some respondents linked this detention to increased exposure to pathogens.

A common opinion among respondents from both rural and urban locations was that the variable quality of care provided is a determinant of health. Such variation included the absence of staff members at health-care facilities, which was a particular problem in rural locations. Both rural and urban respondents identified the training and attitude of health practitioners as a determinant of health.

Table 4. Quotes from respondents: payment for health services.

		Interview, male, urban	Interview, female, urban	Interview, female, rural
Theme 1: health services as a structural determinant	*Code: payment for health services*	'It is money. Without money, there is no way you can get care at the hospital. When someone is sick and doesn't have money, you will be kept in the hospital until the day you will pay. And they will not give you food.'	'I had to have a caesarean section even though I knew I could not pay for it. After the operation I waited in the hospital for three weeks while my husband searched for money. My baby got many fevers during this time because she was surrounded by sickness.'	'I still have a debt to the doctor who delivered my first child. For this pregnancy I will have to visit a traditional birth attendant because she will accept a chicken instead of money.'

Table 5.   Quotes from respondents: quality of care.

		Interview, male, urban	Interview, female, rural	Interview, male, rural
Theme 1: health services as a structural determinant	*Code: quality of care*	'Many times a doctor tells you something and you cannot believe that he is right. The medicine he gives does not work. And then you talk to another doctor and he says something different, but you have already been given medicine by the first doctor and you are weak from a long illness.'	'Here you are lucky if there is someone at the centre when you arrive. If there is someone there who has not fled the danger, you are lucky if there is a bed that has not been looted. If there is a bed, you are lucky if there is medicine.'	'[A doctor] is working in order to get US$50 at the end of the month. At the end of the month, he will not get that entire amount of money; he will receive US$10, maybe US$20 … that is same thing for nurses too. When you come as a patient, he will not hurry, because he is not motivated.'

(2) A variety of barriers to health

Theme 2: rape as a determinant of illness

As expected, exposure to rape as a barrier to health did emerge as a theme among women and men. However, Congolese respondents commonly viewed rape within the context of structural determinants. For example, the inability to obtain a legal abortion was often cited as a barrier to health, as carrying to term a pregnancy that was conceived in rape is viewed as strongly detrimental to psychosocial health. The ability of women to safely terminate a pregnancy was seen as a protective factor, though the risks involved with black-market abortions were also reported for their severity, which respondents explicitly viewed as a structural issue.

There were other ways in which respondents explicitly referred to the structural problems that influence health-care delivery for survivors of rape. Women and men were well-informed about the risk of contracting a sexually transmitted infection during rape, but viewed this as a consequence exacerbated by a paralysed official health-care sector. The emphasis was placed on the lack of structural capacity and resources to treat the consequences of rape such as human immunodeficiency virus (HIV) and other sexually transmitted infections, which are viewed as highly threatening in the context of poor health-care delivery. In addition, the question of whether or not exposure to rape is itself a by-product of structural factors, such as travelling long distances, was explicitly raised.

Theme 3: food insecurity as a determinant of illness

Lastly, when asked what was the single most significant factor influencing poor health, the majority of female respondents (82%) stated that food insecurity, past experiences with food insecurity, and fear of future food insecurity determine health and illness. This finding was found among respondents in both urban and rural locations and was true even in locations with continuing armed conflict and high rates of sexual violence (such as Shabunda in South Kivu). Respondents emphasised the root causes of food insecurity in describing the negative health consequences that have obvious nutritional causes.

Table 6. Quotes from respondents: quality of care.

		Interview, female, rural	Interview, female, urban	Interview, female, rural
Theme 2: rape as a determinant of illness	*Code: quality of care*	'Rape is a problem here and it can cause women to be very, very sick if they cannot get to the hospital to be treated.'	'Rape is very dangerous to women when they get pregnant because it is illegal in this country to abort a pregnancy. So they look for a doctor who will do this abortion and they will find someone but this person is hiding [because the procedure is illegal] so he does not have clean tools, or the medicine necessary. Very many women die because they tried to get an abortion like this. This is a problem with our medical system.'	'Would you get a surgery in a house made of mud? My sister died from bleeding after she got her abortion. If she had been in a hospital being cared for this would not have happened!'

Direct references were made to the DRC's unsophisticated agricultural technologies (relative to other countries), lack of both fertilisers and high-yielding seeds, and lack of basic infrastructure needed for the transport of food products to markets.

(3) Community provision of health services

The unexpected finding of this study is perhaps the most noteworthy. In theory, poverty is pernicious to society because it drains people of the time needed for activities superfluous to individual survival (Maslow 1968), such as organising for social good. However, empirical evidence collected during this study paints a picture that strongly challenges this theoretical paradigm.

Among respondents, an abundance of human resources outweighed their shortage of economic resources, with the result that Congolese people are organising both formally and informally to mitigate their own suffering. This is true at every level, from rural and urban communities of less than 200 persons, to the national level, where large organisations have been established by small groups of people whose work is recognised as effective by their peers. Two well-known examples of such organisations are Children's Voice in North Kivu and the *Programme de Promotion des Soins de Santé Primaires* (the Programme for Promotion of Primary Health Care – PPSSP) in Orientale. Others include *Promotion et Appui aux Initiatives Féminines* (Support and Promotion of Women's Initiatives – PAIF), *Concert d'Actions pour les Jeunes et Enfants Défavorisés* – Collective Action

Table 7. Quotes from respondents: rape exposure and structural determinant.

		Interview, female, rural	Interview, male, rural	Interview, female, urban
Theme 2: rape as a determinant of illness	*Codes: rape exposure + structural determinant*	'We all know that there are soldiers who try to make us sick with their viruses. They wouldn't be able to do that if we had hospitals here that had doctors and medicine.'	'If another man has sex with my wife and gives her his sickness, the only way we could continue to live together is if she is treated for this sickness and then no longer has it. Otherwise it is not possible.'	'Rape is a problem because there are people who try to benefit from the circumstances here in the Congo. People know they can profit. For example, a man sees a woman walking to the hospital 92 kilometres away. He sees that he can profit if he just follows her until no one is around, he can grab her and take advantage of her once she reaches the forest. There is a simple solution for this problem. If we had public transportation and hospitals close by, no one could profit in this way. Many people think rape is unique to Congo but I think it is simply an issue that our conditions allow for profiting and so people profit. That man wouldn't rape if he had a job to keep him busy. That woman wouldn't be raped if she didn't have to walk half the day to get somewhere. Do you see?'

for Disadvantaged and Children and Youth – CAJED) and *Synergie pour la Lutte Anti Mine* (Synergy in the Fight Against Mines – SYLAM).

At a more local level, respondents reported the existence of networks of doctors who are known to provide safe and hygienic abortions,[5] as well as of networks of women who are knowledgeable about abortion and willing to care for women who have abortions.[6] These networks are often led by midwives and traditional birth attendants, who train family

Table 8.   Quotes from respondents: food insecurity (past, present or future).

		Interview, male, urban	Interview, female, rural	Interview, female, rural
Theme 3: food insecurity as a determinant of illness	*Code: food insecurity (past, present or future)*	'We have the most fertile land [in Africa] with the least amount of tools to farm [the land]! Do you see why we are sick and dying? We are hungry! You would not see a thirty-year-old man so weak that he looks like he is seventy, in a country that has the ability to feed its own people.'	'I gave birth to seven babies in my life and each time I looked at the baby and thought to myself, that baby was starving inside of me and it will starve now that it is in the world. Three of my babies died because of starvation. I hope I don't have another pregnancy because that baby will starve too.'	'I think I am sick so often not because I am hungry. My body is habituated to hunger. I think I get sick because I am so scared that I will be hungry tomorrow, and then again tomorrow, and then again tomorrow. This is illness of the mind.'

members to recognise risk factors that commonly occur after abortions. Respondents made reference to networks such as these in 10 out of the 16 locations. Although the authors were unable to verify this finding in every instance, it is still significant to report respondents' knowledge of community-led health-care provision outside the formal system.

In terms of food insecurity, in North Kivu there are several examples of women within one community organising around a single farm to plant, plough, weed and harvest crops.[7] Typically, half of the harvest is kept and distributed among themselves for their own food, while the other half is sold in the marketplace. Profits earned are then channelled back into the community, to pay for costs such as health care. This finding was cross-checked with the hospital administrator at a large hospital in North Kivu, who confirmed that health-care costs are often paid using this collective system.[8] These women prioritise seed-saving practices, to allow for future plantings and harvests. Respondents also reported that money is occasionally made available as microfinance for women wishing to start their own small businesses.[9]

Communities also have their own mechanisms for dealing with the trauma of rape. In all 16 of the locations in this study, there exist purification rituals for survivors of gender-based violence.[10] Amicable agreements are used as a means of seeking justice between the family of the perpetrator and the family of the survivor.[11] Networks of women willing to support and counsel rape survivors are open in their activities and do not experience the kind of stigmatisation often experienced by individual survivors.[12] Women survivors of gender-based violence have at times decided to leave their communities and have received support in host communities in the form of housing, food, even legal assistance.[13]

In addition, respondents reported the existence of groups of women who gather to talk about their legal rights,[14] women who have formal systems of providing nutritional support to vulnerable community members who are pregnant,[15] and communities who use traditional mechanisms for assembling courts and levying penalties for crimes such as looting the hospital and perpetrating gender-based violence.[16]

Community-led initiatives for mitigating or removing the risk of exposure to rape also exist. For example, women often assemble in groups when travelling to their farms, reporting that this decreases the likelihood of violence against them.[17] Communities in areas most susceptible to attacks have night-watch systems in place, where armed delegates use cellular telephone networks and code systems to enable the timely alerting of the community to violent occurrences or potential threats.[18] In Kitutu, a rural community located next to a forest used as a base by soldiers of the *Forces Démocratiques de Libération du Rwanda* (Democratic Forces for the Liberation of Rwanda – FDLR) who have inflicted numerous acts of rape and violence on community members for nearly a decade, residents have lobbied United Nations' officials to escort them to FDLR camps so they can invite the soldiers to come and live among them. They have also offered to build houses for the soldiers.[19] According to respondents, integrating the soldiers into community life is the only way to resolve the violence. They believe the community plays a more important role in this process than international agencies, since they are genuinely willing to invite soldiers to live with them, with the prerequisite that they lay down their weapons.

Discussion

Like many anthropological studies of human health, this study sought to identify the determinants of health in the DRC from the perspective of those living in the communities directly affected. The results of the study were (and still are) expected to inform international agencies of ways in which their funding and activities can most effectively influence positive health outcomes. However, as noted above, it became clear that this research question was limited in its ability to paint a complete picture of the needs relating to health and illness in the DRC. The current situation in the DRC, far from being one of destitution and helpless victims in need of outside intervention, is one in which communities are creatively organising on a small scale with success. Though it is difficult to know what the outcome would be, these efforts do indicate real potential for greater impact if they were funded on a large scale. This finding presents a profound challenge to the typical development model in the DRC in which programme targets are not empirically driven (Autesserre 2012). If international aid funding were directly channelled to Congolese communities, would this prove more effective than the current system at achieving the collective goal of positively influencing health outcomes in the country?

Participants in this study clearly state that structural factors are the ultimate cause of poor health in the DRC. Some respondents went as far as to suggest that the 'rape problem' exists because of the absence of adequate services to provide health care, employment and transportation. However, without economic resources, the informal networks of Congolese people who are working to mitigate these circumstances are limited in their ability to produce large-scale changes. Roads need to be paved, hospitals need to be built, and health-care professionals need to be better trained to staff them adequately. The astronomically high rates of unemployment in the country suggest that there are millions of people who could be doing this work (Trefon 2011).

Many international organisations working in the DRC understandably prioritise humanitarian intervention. For example, in 2009, of the US$329,560,000 in foreign assistance appropriations given to the DRC by USAID and the US Department of State, 43.9% was 'humanitarian assistance' which encompasses 'protection, assistance and solutions'. Only 4.4% of these funds were earmarked for 'economic growth', which covers 'infrastructure, agriculture, economic opportunity and the environment'. Most of this 4.4% went to agriculture, and infrastructure received no funding whatsoever (USAID 2010).

It is important to acknowledge that humanitarian intervention in the current situation in the DRC is a well-meant response to urgent problems. However, its efficacy must be challenged in the light of what we already know about the capacity of indigenous communities to address their own health problems. For example, anthropological scholarship on AIDS in Uganda suggests that potentially hundreds of thousands of lives could have been saved if Western donors had favoured African solutions over their own opinions (Green 2011).

Data presented in this article show that the priorities of many Congolese people are different than Western donors, encapsulated in the phrase of one respondent: 'You say rape, I say hospitals, but whose voice is louder?' More specifically, the article finds that if funds were reallocated towards Congolese-led and Congolese-inspired solutions such as improving the overall health-care system by building health-care structures, strengthening the capacity of health professionals, and reducing barriers to access health services, funding would be more effective in helping victims of rape, for which gender-based violence is just one manifestation affecting women's health. Furthermore, supporting community-led initiatives, such as those targeted directly at soldiers, could potentially address one of the root causes of rape perpetration.

Some newer international initiatives demonstrate that this is already being tried in the DRC. Organisations such as IMA World Health, the International Medical Corps and Eastern Congo Initiative now employ almost entirely Congolese staff in their projects, which aim to provide capacity and trained personnel, while other projects are training paralegals (to improve the judicial system) and psychosocial counsellors (to support the health-care system). These kinds of projects are also noteworthy for involving Congolese people in project design and implementation. However, even these projects are receiving funding based on their role in addressing the donor community's priority, i.e. mitigating gender-based violence. The current model, in which Western donors decide on areas of intervention and then solicit projects in these areas, means that they predetermine where funding is directed. Instead, ways could be found to enable community members to come together to decide what types of projects they would favour.

Conclusion

This article, having analysed the social determinants of health in the DRC from the perspective of Congolese people, argues that decision-making about aid dispersal must be empirically driven. In building upon other scholarly work about the ways in which Congolese people have provided new services to fill the gaps left by an absent government in eastern DRC (Kabamba 2008), it challenges the conventional dynamics of development and suggests that Congolese community-based networks are better positioned to determine the most effective use of funding aimed at improving women's health. Furthermore, this article adds to the debate around the potential harm in maintaining standard narratives about rape in the DRC.

While no one would deny that incidences of rape in the DRC are very high, two important points could also be highlighted. First, there is a rape problem in many societies worldwide, not just in the DRC. This includes countries within which organisations are tasked with creating projects around the mitigation of sexual violence in the DRC. For example, a recent report from the Centers for Disease Control and Prevention in the United States shows that one in five women in the United States are exposed to rape in their lifetimes (Black *et al.* 2011); an older report found that one in three female soldiers in the US Army experience rape whilst in the military (Sadler *et al.* 2003). It is important to recognise that high rates of rape are found in places such as the US military, as well as in the DRC.

Second, anthropological inquiry into the socio-cultural context of rape divides studied societies into two groups: 'rape-prone' and 'rape-free'. According to this analysis, the United States falls into the category of a rape-prone society and one of the rare examples of a rape-free society is the Mbuti ethnic group in the DRC (Sanday 1981, Turnbull 1965). Although this finding could be outdated, it suggests both that (1) Africans already possess some of the tools to redress the problems they face; and that (2) Westerners look at the DRC as a society of victimhood, and therefore that is what they see.

Wider structural change is of course urgently required in the DRC alongside basic infrastructural improvements. A large number of Congolese organisations are currently at work to improve their country. In some cases, international organisations have recognised their work, and even partnered directly with them. This is true of many of the aforementioned groups, including HEAL Africa, CAJED, Children's Voice, PSSP and SYLAM. However, the direction of the activities of these local organisations has been shaped by the requirements of funding or the terms of partnerships with international agencies that often have different priorities (whether explicitly or implicitly) to those of Congolese people themselves.

Scepticism about the capacity of aid recipients to organise their own development activities in a country facing grave challenges is understandable, particularly if large sums of money are involved. But if this scepticism stifles the potential of Congolese organisations to control the direction of aid money in their own country, there is a risk of choosing the wrong targets and registering poor results. This study has unearthed a variety of creative ways in which Congolese people have made gains towards meeting their own needs, at times unbeknownst to anyone except themselves. If international agencies entrusted local groups and organisations to define their own needs and then provided funding accordingly, this article suggests that improving the overall access to and quality of the wider Congolese infrastructure of health would be the highest priority.

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Notes

1. Post-exposure prophylaxis treatment, or PEP kits, provide critical and time-sensitive treatments to survivors after rape, such as prophylaxis against HIV.
2. Interview with the project's chief of party, August 2011.
3. Interview, July 2011.
4. For an argument about the negative consequences of misrepresenting HIV in sub-Saharan Africa, see Lolwicki-Zucca, Spiegel and Ciantia (2005).
5. Interviews (4): 3, 20 June 2010, 11 July 2011, 19 August 2011.
6. Interviews (10): 11, 14, 19 May 2009, 4, 29 June 2009, 16 June 2010, 22 August 2010, 13 June 2011, 21, 29 July 2011; Focus Groups (1): 10 August 2009.
7. Interviews (7): 14, 15 May 2009, 7 July 2009, 11 June 2010, 3, 10, 22 July 2010; Focus Groups (1): 20 June 2009.

8. Interview (1): 24 July 2010.
9. Interviews (3): 29 June 2010, 8, 19 August 2010; Focus Group (1): 10 August 2010.
10. Interviews (15): 28 April 2009, 3, 8, 18 May 2009, 12 August 2009, 6 May 2010, 12, 19 June 2010, 15 July 2010, 6 August 2010, 17 May 2010, 13 June 2010, 16 July 2010 4, 17 August 2010; Focus Groups (1): 10 August 2009.
11. Interviews (2): 14 June 2010, 11 July 2010; Focus Groups (1): 12 August 2010.
12. Interviews (3): 14 June 2010, 11, 30 July 2010.
13. Interviews (3): 11, 19 July 2010, 8 August 2010; Focus Group (1): 12 August 2010.
14. Interviews (2): 7 June 2010, 16 May 2011.
15. Interviews (3): 9 May 2009, 20 May 2009, 11 June 2009; Focus Groups (1): 10 August 2009.
16. Interviews (4): 3 June 2011, 12 June 2011, 4, 9 July 2011.
17. Interviews (5): 9 August 2010, 14 June 2011, 26, 29 July 2011, 17 August 2011.
18. Interviews (2): 6 July 2010, 11 July 2011.
19. Interviews (3): 10, 13, 14 August 2011.

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God and Caesar in the Democratic Republic of Congo: negotiating church–state relations through the management of school fees in Kinshasa's Catholic schools

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This article argues that state (re)construction and functioning involves negotiated governance between both state and non-state actors, in which power relations between local actors are not just implicitly present or co-influencing policies but are of uttermost importance to the formation of policy and state. One of the main non-state actors in African service delivery is the church. State and church are two major poles of power which determine – through negotiation – large domains of service delivery, such as education. We discuss a major attempt by the Catholic Church to reform the school-fee system in Kinshasa (DRC). The attempt largely failed, but its analysis reveals the political capabilities of different actors involved. The arrangements of state and non-state actors largely evolve in a roundabout way, not at all along the lines of an explicit negotiation process, and are very much determined by local-level governance instead of higher-level policies.

Keywords: Democratic Republic of Congo (DRC); state; church; governance; education sector

[Dieu et César dans la République Démocratique du Congo : les négociations des relations entre l'église et l'état à travers l'administration des frais de scolarité dans les écoles Catholiques de Kinshasa.] Cet article soutient que la (re)construction de l'État et son fonctionnement impliquent une gouvernance négociée tant entre les acteurs étatiques et non-étatiques, et dans laquelle les relations de pouvoir ne sont pas seulement présentes implicitement ou ne font pas qu'influencer conjointement les politiques, mais sont d'importance capitale à la formation de la politique et de l'État. Un des acteurs non-étatiques principaux dans la fourniture de service en Afrique est l'Église. L'État et l'Église sont deux pôles importants de pouvoir qui déterminent - par la négociation - les grands domaines de fourniture de services, comme l'éducation. Cette étude examine une tentative de réforme majeure du système des frais scolaires à Kinshasa (RDC) par l'Église catholique. La tentative a échoué en grande partie, mais son analyse révèle les capacités politiques des différents acteurs impliqués. Les accords des acteurs étatiques et non-étatiques se développent majoritairement d'une manière détournée, pas du tout dans le sens d'un processus de négociation explicite, et sont très largement déterminées par la gouvernance au niveau local à défaut de politiques d'un niveau supérieur.

Mots-clés : République Démocratique du Congo ; l'État ; l'Église ; gouvernance ; secteur éducatif

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Introduction

The state is often portrayed as a coherent organisation that controls a specific territory and represents the people within this territory. This is also the dominant paradigm shaping policies of post-conflict state reconstruction. The paradigm has recently been challenged, however, by empirically founded studies pointing to the varieties of statehood that can be found in both 'failed' and 'accomplished' states (Hagmann and Hoehne 2009, Hameiri 2007). The DRC is a case in point: although the country has been described as 'a total vacuum of authority' or 'a black hole into which a failed polity has fallen' (Rotberg 2002, p. 90), the reality is in fact one of 'negotiated state(ness)' as described, amongst others, by Menkhaus (2006), Raeymaekers *et al.* (2008) and Hagmann and Péclard (2010). This expression underlines the 'co-existence of multiple public authorities' linked to 'multiple parcels of authority' within the public sphere, each giving their own meaning to authority and political power (Arnaut and Hojbjerg 2008, Lund 2006, p. 694). These various 'power poles', as Bierschenk and Olivier de Sardan (1997) call them, interact and negotiate with each other over the everyday governance of public services. As such, they are all involved in 'doing the state', and importantly, both in cooperation and competition (Hagmann and Péclard 2010). Strategically positioned actors might simultaneously cooperate on certain matters and compete on others; this continuous negotiation is what determines the actual functioning of public-service delivery. The notion of 'negotiated state(ness)' also underlines the permanent negotiation between different centres of authority and indicates that the production of a public service depends upon different processes of negotiation with non-state authorities, to provide certain governmental functions (Raeymaekers *et al.* 2008, p. 17). It is important to recognise that these processes of negotiated statehood involve actors with unequal power positions. Such power differentials affect both the outcome of this 'negotiated stateness' and how governmental functions are delivered (Titeca and De Herdt 2011).

These factors shape the relationship between the state and the church. A significant body of work exists on the relationship between the state and the church, and the political role of the church in Africa (Haynes 1996, Sabar-Friedman 1997, Marshall 2009, Philpott 2004, Van Hoywegen 1996). Churches (and religious movements in general) can at times become 'voices of democracy and protest' (Manglos 2011, p. 336) and can more generally play important public roles (Ellis and Ter Haar 1998, 2004). In this context, churches also provide an important role in the provision of social services (Hearn 2002). However, discussions of the relationship between the church and the state have been conspicuously absent from current debates of state (re)construction in Africa. This absence may reflect the emphasis in this state (re)construction literature on the macro-level, notwithstanding frequent pleas to engage in empirical research and study 'new forms of governance beyond the state' (Engel and Mehler 2005, cited in Hagmann and Hoehne 2009, p. 44). The literature on the 'negotiated state' has a clearer empirical focus, analysing for example negotiations between rebels and traders (Raeymaekers 2007, 2010), government and traders (Menkhaus 2008), the centre and the periphery (Kefale 2010), and so on. In this literature, the church as a pole of power has been largely absent. Both 'the church' and 'the state' represent vital poles of authority in many African countries, sharing a history of cooperation and competition typically stretching back to colonial times (Gifford 1994). This article focuses on the relationship between the state and the Catholic Church, the biblical Caesar and God, in the context of the education sector in the DRC.[1] In doing so, we want to gain a better understanding of the day-to-day functioning of the state and public services in the DRC. Concretely, the paper does so by discussing the *Fonds Commun de Solidarité* (FCS) or 'joint

solidarity fund'. The FCS was an initiative taken by the Catholic educational network for the city of Kinshasa at the start of the 2008–09 school year to introduce uniform school fees. The FCS initiative was an important incident in the relationship between the church and the state, allowing an analysis of the ability and willingness of different actors to 'take issue' with the initiative and to mobilise their resources to react.

To engage in an analysis of the evolving balance of forces between the church and the state, it is useful to remember Max Weber's classical distinction between power and domination. Weber defined *power* as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance' (1978, p. 53). For Weber, power contrasts with *domination* or *authority*, i.e. 'the probability that a command will be obeyed' (1978, p. 53). In contrast to the case of power, people do not adopt a course of action contrary to their own will because they genuinely accept obedience; the disciplining is at least partly done by themselves. In reality of course, different sources of power and of domination often combine. At face value at least, the religious and the bureaucratic-state modes of governance[2] mobilise quite different sources of authority to increase the probability of genuine obedience. But both institutions also wield considerable sources of power which can be mobilised to increase the probability that other actors carry out the will of the state or the church, and not their own.

Although he does not refer to Weber's classical distinction, power and domination each play a role in Paul Gifford's (1994) explanation of the relatively weak position of the mainstream churches vis-à-vis the state in contemporary Africa. First, Gifford argued that these churches have been weakened as African states wielded greater sources of power, enabling the latter to co-opt the former. Given that these churches have been among the most significant nation-wide institutions in almost all African countries, their voice has political significance, but granting them privileges and favours provided a means for the state to keep this 'voice' in check. Jean-François Bayart likewise suggests that while conflicts between the sphere of God and the sphere of the state have been paramount, 'what is nevertheless surprising is the more or less great ease with which compromise and reconciliation is eventually restored' (1989, p. 12).

But negotiations between the churches and the state do not play out solely in terms of power. A second hypothesis advanced by Gifford brings in the factor of domination: churches 'have been greatly influenced by the "Big Man" model of leadership which has characterised African regimes' (Gifford 1994, p. 43, Haynes 1996). By replicating the 'Big Man' model, church leaders mobilise another authoritative resource than mere religion, in which they have been able to use mechanisms such as 'tribalism, abuse of authority, misappropriation of funds and so on' (Gifford 1994, p. 44) and through which they mirror the ways in which African state regimes exercised their authority (and through which state incumbents mobilised another authoritative resource than mere bureaucracy). Here Gifford again concurs with Jean-François Bayart's analysis that the authority of the churches is partly founded in the 'ecclesiology of the *chefferie*' (1989, p. 12), partly in the 'ethos of munificence, inherent in the politics of the belly' (1989, p. 10), the very same sources of authority Bayart identifies at the heart of state authority in Africa.

Both the church and the state are depicted here as 'twilight institutions' (Lund 2006). Even if, on the face of it, the state and the churches rely on distinct sources of authority, in reality state incumbents and church representatives draw on a mixture of authoritative resources. Their underlying logic is also similar: institutional actors 'have to get along in a network of already established forces and representations' (de Certeau 1984, p. 18) and hence, in order for the subjects to genuinely accept to obey, the source of authority is partly negotiated. However, the dilemma faced by the churches in relation to the state is

that while mobilising the Big Man model of leadership as an authoritative resource may, *internally* increase the probability of obedience, *externally* it weakens the churches' authority to oppose the state. How credible are church criticisms of the state for abuse of authority and corruption if, by mobilising similar authoritative resources, it makes itself vulnerable to the same accusation?

In sum, in their modes of governance, the state and the church both rely on a variety of sources of authority and sources of power. Importantly, these modes of governance do not exist in a vacuum, and are affected both by other poles of power (e.g. how initiatives of the church are accepted or not by the state) and by the difficulties they experience within their own (e.g. within the church or state). The way in which their authority manifests itself is not static, but depends on the way it is received by its subjects. In this way, different levels of negotiation take place: *between* the poles of power (the church and state), but also *within* the poles of power themselves, regarding who wishes to have their authority accepted.

To illustrate how different sources of power and forms of domination play out between the church and the state in DRC, it is useful to focus on a specific incident, taking inspiration from the Foucauldean idea that 'the forces in play in history obey neither an intention nor a mechanism, but rather the contingency of the conflict' (Foucault, cited in Bayart 1998, p. 15, authors' translation). Thus, political actors' political capabilities can best be identified 'in the process' of an unfolding event. This article accordingly analyses the *Fonds Commun de Solidarité* (FCS) or 'joint solidarity fund'. This initiative was identified as particularly significant because (1) it covered the whole city of Kinshasa; and (2) if successful, it would imply a major shift in the (economic) power wielded by the church, depriving state education personnel of important salary complements, namely school fees. Both schools and the state education bureaucracy depend on these fees to pay salaries. The article focuses on the first year of the initiative, an intense period of change; this change was much less significant thereafter. This year can be considered an 'open moment', when 'the social rules and structures are suddenly challenged and the prerogatives and legitimacy of politico-legal institutions cease to be taken for granted' (Lund 1998, p. 2). By studying these 'particularly intense periods of rearrangement of the social order' (Lund 1998, p. 1), we gain insight into processes of authority and political control, and how they are questioned, challenged and possibly redefined (Wagemakers and Makangu 2011). The different levels of negotiation described above became more visible during this period.

This article arises from a larger research project on the primary-school sector in the DRC (reported in De Herdt 2011). The study combined qualitative research at the micro-level, and secondary sources, national-level surveys and macro-data, focusing on a particular Foucauldean *incident*. The introduction of the *Fonds Commun de Solidarity* (FCS) was studied both as it was conceptualised and perceived by the relevant policy actors (of the church and the state) and as it was experienced at the local level, within Catholic and other schools. Interviews were conducted with policy actors throughout Kinshasa and local-level studies were conducted at a set of schools in Kimbanseke (one of the largest communes and representative of the poor areas of Kinshasa) and at schools at the wealthier end of the socio-economic spectrum, in central Kinshasa (Gombe).

The article first presents the context of the DRC's state–church relationships in the education sector, before analysing the joint solidarity fund (FCS). The article reconstructs the fund in the context of the history of education policy in the DRC, and more particularly the role of the Catholic Church. The following sections describe the way in which the FCS has been put into practice analysing how the initiative reveals the relations between different actors within the Catholic Church, and between the church and state authorities.

The article then explores the new version of the solidarity fund, in place since the 2009–10 school year. Finally, conclusions are drawn in relation to the 'negotiated state' perspective on state reconstruction in the DRC.

A brief history of the church and the state in the education sector in the DRC

The creation of the FCS has to be situated in the larger context of the education system in the DRC, which is characterised by two important elements. First, non-state actors have been centrally involved in school provision since the formation of the educational system. Education was seen as one of the pillars of the colonial regime. This educational pillar was assigned to the churches, primarily and principally the Catholic Church (see also Leinweber, this volume). It was only in the late colonial period that the state developed a network of public schools – an evolution that reflected Belgian political debates of the 1950s among Catholic and secular political networks (Boyle 1995). Nevertheless, religious networks have dominated school provision until the present day. In 1974, this position was briefly interrupted by a major nationalisation initiative by the Mobutu regime. However, without the assent of the religious networks, particularly their financial support and personnel, the entire education system, in the context of the wider economic crisis, came close to collapse. The government sought to convince the Catholic Church to cooperate in a state-regulated education sector. This resulted, in 1977, in the signing of a convention between the state and the churches for the management of national schools. This marked the start of a fragile peace within the education system. Since then, two management regimes of public schools have coexisted: the official or 'non-convention' network, as well as several 'convention-based' religious networks. The 1977 convention stipulated that although the state assigned the *management* of these schools to the churches, the state retained the *organisational power* ('*pouvoir organisateur*') over the sector. Every public school – convention-based (managed by the religious networks) and non-convention (managed by the state) alike – was in principle financed by the state. According to the latest data of the Ministry of Primary, Secondary and Professional Education, convention-based schools attract three-quarters of all students. Among these, Catholic Church schools provide education to about 50% of all pupils. In the urban centres, the Catholic network is disproportionately represented at the wealthier end of society (De Herdt *et al.* 2012, Titeca and De Herdt 2011).

The Catholic network is itself composed of many religious orders which run schools in different parts of the country. Different orders have varying school policies, pedagogical approaches and management styles. They are however coordinated by central single Catholic administration, based in Kinshasa. Although differences of opinion, stance and (sometimes) conflicting interest arise between the orders, the Catholic network is generally organised in a strongly hierarchical way, despite the official decentralisation of the education sector. As will be shown below, the archbishop – the highest canonical position – of the Congolese Catholic Church also plays an important role in this. Because the Catholic network is the largest religious educational network in the DRC and is therefore the main focus of interaction on issues of educational provision with the government, this article will focus solely on the Catholic network and the Catholic Church.

From the 1980s onwards, the state retreated further from educational provision, with drastic reductions in funding reflecting structural adjustment policies and economic crisis. While the state still invested US$159 per pupil in 1982, this had fallen to only US$7 in 2006 (De Herdt *et al.* 2012). This evolution coincides with – and reinforces – the diminishing purchasing power of the state agents' salaries (teachers, public administration agents, and so on). As early as 1982, state agents' salaries had only one-fifth of

the purchasing power they had in 1970 (Bézy *et al.* 1981). By 1987, they were worth only a third of what they had been in 1982. In this context, the state hires civil servants, but presumes that they will have to 'steal carefully' ('*yiba moke*')[3] to complement their salaries with side activities – thereby gradually transforming the state bureaucracy into 'a "market" where office holders compete for the acquisition of material benefits' (Lemarchand 1988, p. 153). In the education sector, parents have become the primary source of additional revenue. Initially, a system of user fees was advocated by the World Bank in the early 1980s to compensate for reduced state budgets and to improve accountability. However, in the DRC this system was pushed to an extreme, where parents eventually paid the full cost of the service provided. In 1992, parents stepped in to pay for so-called salary top-ups for the teachers, By the end of the 1990s, a range of other fees had been created, which not only financed schools but the whole education system – including state- and non-state actors – up to the highest national levels of the administration.

The position of the church towards school fees confirms Gifford's hypothesis of the ambiguous relationship between the Catholic Church and the state. On the one hand, the church often criticises the 'corrupt', 'disorganised' and 'irresponsible' state which preys on the parents' contributions. The Catholic Church in the DRC has a long tradition of critical behaviour towards power. For instance it supported the democratic movement against the Mobutu regime in the early 1990s (Nzongola-Ntalaja 2002). On the other hand, as the managing authority of public schools, the church has become part of this state system; it depends upon the state for the payment of teachers' salaries. Indeed, notwithstanding its opposition to parental contributions, it is the church (as the largest provider of education) that mobilises most of these school fees. This very ambiguity is exemplified by the church's decision in 1992 to authorise teachers to ask parents for a supplement to their salaries. When teachers went on strike to pressurise the weakened Mobutu regime, the Catholic Church re-established social peace and alleviated this pressure. This led directly to the introduction of the system of 'salary top-ups' ('*frais de motivation*'); since then, parents have paid most of teachers' salaries. The church therefore not only contributed to the foundation of the current system of user financing; it also benefits from the revenues generated by the system and helped liberate the regime from pressure by teachers and parents that it take responsibility for education provision.

The parental fee system kept the Congolese education sector afloat: indeed, it continued to expand despite decades of severe political, social and economic crisis (World Bank 2005, pp. 21, 42), as measured by the number of establishments, teachers and students (World Bank 2005, p. 27, table 2.2). This remarkable expansion has been achieved solely by Congolese actors, since for long periods external aid for education has been effectively unavailable (World Bank 2005). Even more remarkable is that the percentage of people who have never attended school is well below the average of less-developed countries and of sub-Saharan Africa, as shown in Table 1 below.

Table 1.   Percentage of people who have never been to school.

	Aged 6–16		Aged 17–27		Aged 23–27	
	Male	Female	Male	Female	Male	Female
Less developed countries	22	26	20	32	24	39
Sub-Saharan Africa	24	27	21	33	25	39
DRC	16	22	6	20	7	21

Source: UNESCO data, http://www.unesco.org/en/efareport/dme.

The *de facto* privatisation of the education sector played an important role in this outcome as parents strongly contribute to the survival and functioning of the education sector. Yet, although remarkable, this is a two-edged sword. Parents are on the one hand extremely willing to send their children to school and are even willing to contribute, but on the other hand these costs are the main reason for non-attendance or early school drop-out (World Bank 2005).[4]

Thus, even though the state largely retreated from the financing of the education sector, education is still provided – mainly by the church – and paid for mainly by parents. Both church and state benefit from this system. Yet, this system is problematic, as it effectively liberates the state from its responsibilities, places a high burden on parents, and has negative consequences for school enrolment and drop-out rates. This is precisely the point at which the FCS becomes relevant.

The idea of a 'joint solidarity fund': the church versus the state

The current archbishop of Kinshasa, Monsignor Laurent Monsengwo, has long been one of the visible spokesmen of the church's position vis-à-vis the state. Since his nomination as president of the National Sovereign Conference ('*Conférence Nationale Souvéraine*') in 1991, he has played an important role in holding the state to account. In 2004 Monsengwo strongly criticised the system of salary top-ups, supporting teachers' unions, which had negotiated an agreement to increase their salaries. And since his nomination as archbishop of Kinshasa in 2007, Monsengwo has taken several initiatives concerning school fees, including the creation of the joint solidarity fund (FCS) in 2008. He first created a commission made up of pedagogues and religious (Catholic) leaders. On its recommendation, Monsengwo fixed the school fees for the 2008–09 school year at US$65 for primary schools and US$95 for secondary schools, each paid in two instalments. The stated objective of the FCS was to abolish inequality within the Congolese educational system. In the letter announcing the initiative, the archbishop claimed that the existing salary top-up paid by parents favours the better-off and undermines access to education for the poor.[5]

In previous years, schools enjoyed significant autonomy in fixing school fees: every school decided the amount to be paid by parents, creating significant differentials. Under the FCS, all schools and students within the Catholic network would pay the same amount. This money would have to be transferred to a bank account controlled by the diocese's financial administrator, and would be topped up with donor money. The revenue generated would constitute a real 'solidarity' fund: the Catholic administration would finance the school's most urgent needs, such as repairing dilapidated buildings. A second stated objective of the fund was to abolish the system in which parents assume responsibility for the teachers' payment and which accordingly puts strong financial pressure on the parents. In this way, the Catholic Church sought to pressure the state into resuming its responsibility for paying the teachers' salaries.

Before we examine the problems of implementing the FCS, it should be noted that the conception of the fund is remarkably reminiscent of Bayart's description of religious *evergetism*, the practice of collecting (more or less voluntary) parishioners' contributions for specific purposes such as the construction or restoration of a school or a health centre, whereupon a 'Big Man' can then publicly demonstrate his generosity (Bayart 1989, p. 10). This is then a practice reinforcing the above ethos of munificence or 'Big Man' leadership.

Religious power and authority mobilised for and against the FCS

In this section the article analyses how the solidarity fund was received and perceived by, and how it affected, both parents and teachers. In doing so, we will analyse how the church's mode of governance plays out on the ground.

Parents' reaction and the inability to pay

Study of the actual implementation of the FCS shows that it was mostly the less well-off schools in Kinshasa that participated in the solidarity fund. These poorer schools, mostly situated on the outskirts of the city, hoped to receive more resources through the solidarity fund. As mentioned above, the aim of the FCS was to redistribute the proceeds of the school fees from the rich to the poor schools. From the start however, several difficulties arose: for poorer parents, the requested US$65 represented an enormous amount of money and a substantial increase. The previous year, the fees for such schools generally did not exceed US$40. In practice, the FCS had driven down the number of pupils in convention-based Catholic schools. Fewer pupils registered and more dropped out during the school year (data collection, research 2008–12).[6] Further, very few parents actually paid their children's school fees that year.[7] However, in contrast to previous years, the majority of students who completed the school year but had not paid their fees were not expelled.

Teachers' discontentment and non-mobilisation of the state

The FCS has had a complex impact upon the teachers' wage problem. As mentioned above, the aim was to abolish the practice of salary top-ups in place for many years: one of the objectives was to hold the state to account for paying teachers' salaries. This however created a contradictory situation in which most parents were paying more than in previous years, but the teachers were earning less. The money paid by parents was no longer staying in schools, but rather going to the FCS.[8] Naturally, this created significant discontent among teachers, leading to a number of strikes in different schools at the beginning of the school year. However, the reaction of the Catholic network was also swift: teachers were informed that they could expect a standard salary of US$150 per month through the FCS. There was nonetheless a major condition: if the state accepted its responsibility to pay teachers an official salary of US$100 (its value at the start of the school year), the FCS would then contribute a supplement of US$50. This precondition made it unlikely to become a reality – it nevertheless had a strong effect on the ground. In the poorer schools it led teachers to return to work as their salaries had been lower than even US$100. However, in richer schools in the city centre, teachers continued their strike. Many so-called associational schools (e.g. Jesuit schools, or the elite schools of other congregations) had refused to participate in the solidarity fund from the start. In previous years, fees in these associational schools were around US$135, which allowed salaries for their teachers of around US$300 per month, considerably higher than the FCS arrangement. Continued strikes in these schools obliged the Catholic network to effectively authorise these schools to restart the old system. In practice therefore, the association schools in the city centre have never participated in the FCS.[9]

The fact that rich schools did not *want* to transfer money to the fund, and poor schools *could* not pay, created a deadlock in the functioning of the FCS and more generally in the Catholic educational network in Kinshasa. By the end of the first term (December 2008), schools that had transferred money to the bank had not received anything in return.

Consequently, they could not meet their usual obligations: salary top-ups, fee payments for administrative offices, and so on. This situation lasted until the end of December, when many teachers went on strike. Teachers were joined by their students in protests calling for the payment of teachers' salaries. This stalemate obliged the Catholic administration to negotiate with the schools. Although these strikes were not a general practice, and happened sporadically throughout Kinshasa, the administration nevertheless allowed all schools that had contributed to the FCS to collect their money from the bank, in order to pay the teachers.

During the second semester, the basis of the FCS was further undermined: money collected by schools was no longer transferred to the bank, but was instead retained and managed by the school.

A Big Man mode of governance?

The failure of the FCS was not only caused by issues of power, but also issues of authority. In the Catholic Church, policy is heavily based upon personalities – the 'Big Man' rule. As Sahlins (1963) argues in his seminal article, personal power is at the heart of Big Man rule:

> The indicative quality of big-man authority is everywhere the same: it is *personal* power. Big-men do not come to office; they do not succeed to, nor are they installed in, existing position of leadership over political group . . . [His authority] rather is the outcome of a series of acts which elevate a person above the common herd and attract about him a coterie of loyal, lesser men. (Sahlins 1963, p. 389)

Similar processes were at play in the FCS, which was primarily a personal initiative of Mgr Monsengwo. It was his idea, he appointed the commission which drafted the scheme, and he took any decisions with regard to the fund. Questions about the initiative were directed by all actors to the archbishop, since he was the only one able to answer them. By attributing the FCS to Monsengwo, other actors within the Catholic network could keep a certain distance from the initiative and its difficulties, yet remain respectful for the hierarchical commanding structure.

However, while personal relations are the basis of the Big Man's power, they are simultaneously a major weakness. As Sahlins (1963, p. 292) argues, 'personal loyalty has to be made and continually reinforced; if there is discontent it may well be severed', which may lead to 'comparative instability'. The Big Man's capacity to sustain a following is therefore largely dependent on his capacity to personally assist his followers (Utas 2012, p. 6). Personal links therefore have to be continuously strengthened, or this will create instability. These dynamics also played out for Monsengwo and the FCS. The strong personalisation referred to above made resolving the problems created by the FCS more difficult. The archbishop, the main (or single) responsible person behind the initiative, as an 'international personality',[10] often travels outside the country, and this made it difficult to respond to problems as they arose. Moreover, when lower-level authorities – both state and non-state actors – were confronted with these problems, they always followed the hierarchical order: schools told parents that they did not have the authority to change the initiative; the Catholic administration told schools the same, and so on. No one could change the situation and everyone hid behind the orders and authority of the archbishop. This created significant frustration throughout the whole administrative chain. While the Big Man – Monsengwo – had strongly personalised the initiative, he did not provide any solutions, nor did he engage personally in its implementation.

Communication around the FCS was thus very poor. Rather than giving the schools time to prepare this initiative, instructions were only sent to the schools at the very start of the school year. As one school director argued, 'the solidarity fund was a surprise to us. It fell on us like that. Parents were upset. We have not been consulted.'[11] Moreover, although the initiative changed the situation profoundly, no solutions were offered for the problems that arose. For example, there were no instructions on the management of the FCS, and many questions for those involved. How would the money be distributed? How much would the teachers receive? How should the schools transfer funds to the administrative institutions? Many such questions went unanswered. After the initial communication in September 2008, no other instructions were sent to the schools. The end result was Sahlin's comparative instability (see above), a situation characterised by confusion, tensions and conflicts within the schools, for example between the teachers and the head teachers, between the parents and the head teachers, and so on. Conflicts in schools – those that were solved – were solved on a case-by-case basis rather than on a structural level. As one school director told us: 'There is total silence! We do not know what to do!'[12]

This instability in turn led effectively to disloyalty to the Big Man rule, and the instructions of the Catholic network, as the schools resorted as far as possible to 'old' solutions. For example, when schools finally (in December) received authorisation to withdraw their money in order to end the teachers' protests (see above), again there were no instructions concerning the use or management of the money by the schools. Negotiations therefore took place within the schools, allowing most to reach a division of the funds for paying teachers (about 60%) and for running the school (about 40%). All this was decided at school level; there was no hierarchical instruction to untangle the impasse schools found themselves in. In practice, from December onwards, the old system of school fee distribution was re-established.

Behind the 'personalisation' described are hidden tensions within the Catholic network itself. As Mrsic-Garac (2008) documents, the Catholic network has long been divided over the question of school fees. For example, since the introduction of salary top-ups in 1992, there have been many strikes in which teachers asked the state to take charge of their salaries. During these strikes, which mostly happened at the beginning of the school years (for example in September 2005 and 2007), members of the Catholic network have encouraged teachers to restart work, thereby encouraging the continued payment by parents of salary top-ups. On the other hand, Mgr Monsengwo – President of the Episcopal Conference since 1997 – supported these strikes, and consistently opposed the payment of salary top-ups by parents (Mrsic-Garac 2008). This division has persisted within the network. One part of the Catholic network was against the FCS, and another part was in favour. More generally, the Catholic network's stance on school fees has always been ambivalent: on the one hand, the Catholic Episcopate (under the initiative of Mgr Monsengwo) decided in 2004 to abolish salary top-ups; at the same time, however, the Catholic network itself kept imposing various costs on schools and therefore on parents (Mrsic-Garac 2008, p. 5).

General tensions within the Catholic hierarchy found concrete expression in relation to the FCS. On the one hand, Mgr Monsengwo defended the introduction of the FCS. He argued that the fees were not too high, as these were based on a sector-wide audit and an *ad hoc* commission – 'as the sum of US$65 was calculated in a scientific way, it could not be changed'[13] – and no exceptions were possible. According to the archbishop, all schools had been convinced to continue participating after further explanation, and he remained convinced of the fund's positive effects and that it would meet its stated objectives. However, Mgr Monsengwo was the only actor within the church hierarchy who remained positive. Other actors interviewed had strong concerns about its feasibility.

One of the Catholic coordinators argued: 'The initiative was based on the advice of … economists and financial advisors. But they clearly didn't know much about psychology! They did not take into account how the parents were going to react.'[14] One of those involved in the sector audit criticised the FCS's chaotic implementation: 'The biggest problem is that the initiative has been decided unexpectedly and without preparation.'[15] Such statements reflect serious frustration on different levels of the hierarchy. In sum, the authority of the 'Big Man', fragile and unstable in practice, proved to be insufficient to impose its view on reality. It led to severe tensions with the schools, and within the Catholic network.

While the Big Man rule was important in implementing the FCS, it was not the only source of authority. As suggested by Weber (1978), different sources of authority are usually combined to secure obedience. In this case, the Catholic Church utilised both 'Bigmanity' and bureaucratic rule to introduce the FCS. The church (as well as the other convention-based churches) exhibits a 'full-fledged organizational structure encompassing almost every aspect of socio-economic life', through which it can be considered 'the organization with the most extensive and effective institutional set-up' (Tull 2005, pp. 219, 245). However, both of these elements proved insufficient to push through this initiative effectively.

At a deeper level, the FCS demonstrated how the church strongly neglected different sources of power within the education system. In practice, the Congolese education sector is to a large extent financed by the schools themselves, which means the economic power of the education system and the churches resides with them. Schools therefore have the power to contest decisions that affect them negatively. On the one hand, parents and students had no choice but to leave the schools, as fees were simply too high for them. On the other hand, both parents and teachers acted in different ways to contest the initiative. One of the most important results is the relative autonomy of schools – even in relation to the religious networks to which they belong. This applies not only to the 'big' Catholic schools at the wealthy end of the market, but also the other convention-based schools, which ultimately refused to follow the initial direction of the FCS in order to retain their niche and stay in business in the narrow space between parents' buying power and teachers' salary requirements.

The joint solidarity fund and the state's mode of governance

The study of the FCS also sheds light on the effectiveness of the state's attempts to regulate and impose its policies. Although the FCS was proposed by the Catholic church, it has to function in a context where the state claims to be the main organisational power. In the first instance, state representatives were forced to intervene in actual practice, though hardly to enforce the law. As indicated above, the initiative created myriad conflicts at the level of the schools themselves, pitting the teachers, deprived of their salary top-ups, against the school heads. The state representatives were forced to calm the situation. This was why the highest authority in the Kinshasa education sector, the Urban Commission of the Provincial Ministry of Education, took the decision in December 2008 to suspend the FCS. Similarly, the provincial minister of education denounced the initiative. This was done on the basis of three arguments. First, it directly contradicted the authority of the state as the 'organising power' of the education sector.[16] Second, the most important concern of government and donors alike is the reduction of school fees, for which a number of initiatives have been put in place (for example the World Bank projet *Projet d'urgence pour la réhabilitation urbaine et sociale* (PURUS) paying the 'fees for school functioning' – *frais de fonctionnement* – to the schools). The FCS goes directly against these initiatives, by in fact *raising*

school fees for parents. The third, and most urgent, reason for intervention was the fear for a collective protest movement of the teachers against the state. As their salary top-ups were to be abolished through the implementation of the FSC, the teachers might demand higher salaries from the state (which had already been promised for many years). These actions were an (implicit) objective of the initiative.

Yet, although the Urban Commission and the provincial minister[17] suspended the solidarity fund, this decision was never officially communicated to the schools, nor to other state actors. In other words, the state did *not* in practice intervene. As an official of the Catholic network put it: 'Everybody knows that when the state takes such a decision, it will not enforce this measure.'[18] The state's fatalism towards the FCS is similar to its fatalism towards other school fees: as described above, salary top-ups were declared illegal in a 2007 decree, yet the state does not prevent them continuing. In fact, doing so would be against its interests, as it is not in a position to meet the pay gap that would then result. The same applies to the FCS. If the state were to actually suspend the fund – in other words if the state acted against the Catholic network – there would be no more educational services. As spelt out above, state and church educational administrative offices are only able to function because part of the fees paid by parents pays for them (De Herdt *et al.* 2012).

Notwithstanding the difficulties encountered in its operation, the FCS continued in the following year, 2009–10. This time, the state took effective action: it called on the archbishop to negotiate another solution. The result was reflected in two decrees on the level and distribution of school fees by the city/province of Kinshasa, and in two new decrees issued by the Kinshasa archdiocese. The decrees of the province stipulated that in addition to school fees fixed by the province, each school could still propose 'punctual intervention fees' (primarily, salary top-ups for teachers). In this situation, the school fees of the FCS are no longer only fixed by the Catholic administration, but once again at school level. However, 20% of the 'punctual intervention fees' must be transferred to the solidarity fund (Hofmeijer 2011). In return, two civil servants of the Kinshasa government are appointed to the management committee of the FCS. Meanwhile, in the decrees of Kinshasa's archdiocese, school fees were now differentiated according to the financial situation of the families concerned. This ranged from US$30 for lower-income families, to US$60 for middle-income, and US$100 for higher-income families. The parish priests were charged with determining the financial situation of the families concerned. In doing so, school fees could in theory better respond to the different needs of the families and schools, through which the system could become a 'real' solidarity fund.

Given the above, it should be clear that the 'renewed' version of the FCS was significantly different to its predecessor. This time there has been an immediate contact between state and church representatives and, above all, it corresponded more closely with the practical norms already in place. The level of school fees was fixed at school level and there was a division of benefits between the school, teaching staff, and different offices of the state and the Catholic administrations. In this way, the new version of the FCS represented a clear compromise with existing power dynamics. As explained above, the economic power of the education system lies within the schools – and more particularly with the students and parents. By allowing the salary top-ups to function, and school fees to be determined mainly at the school level, the arrangement partly reflected the effective power balance. Moreover, by no longer questioning the system of salary top-ups, the FCS was no longer a vehicle through which the church opposed the state and its system of school fees. In line with Gifford's (1994) and Bayart's (1989) analyses cited in the introduction, this shows how the confrontational position of the church eventually ended in a compromise

between the state and the church. However, in contrast to their analyses, we have shown how power is not only situated with the state – which forces churches into a compromise with the state – but how power is much more dispersed. It was primarily the actions of the schools that forced the church to adapt its initiative.

Conclusion: from negotiation towards permanent provocation?

In this article, we have shown how the Congolese state and the Catholic Church rely on various sources of authority and power in their modes governance. In enforcing the solidarity fund, the church relied both on its bureaucratic authority and on the 'Big Man' authority of Archbishop Mgr Monsengwo. However, as argued above and as demonstrated by the case of the FCS, given the *de facto* privatisation of the educational sector in Kinshasa, politics of school fees are determined in the first place by schools themselves, whose main constraints are imposed by supply and demand for education. Schools must respond to the limited purchasing power of parents on the one hand, and to the problem of teachers' salaries on the other. Parents can 'vote with their feet' and take their children away from school; teachers recurrently use strikes as an instrument. We have seen how these two elements had an influence on the management of the FCS, and how the actual functioning of education as part of the public sector is largely determined and driven by local-level realities (i.e. the schools), rather than by policies of the state or the church. In this situation, the state regulatory framework is relatively powerless. In addition, the policies of donors (which have to work through these relatively powerless official structures to reduce school fees) will have to take this reality into account. Finally, even the churches' action must be responsive to these conditions as long as school fees are considered to be the best guarantee for regular financing of the schools – and of the education system at large. If governance is overwhelmingly determined at the local level, primarily based upon negotiations between local actors, this should be taken into account by the 'larger' power poles at a higher policy level. Local governance and public services are not produced by the state, but by a larger network of actors – something Clements *et al.* (2007, p. 48) call a 'hybrid political order'. In this article, we have shown how the 'hybrid political order' of a specific part of the public sector (in this case the education sector) is composed of different entities.

If the existing situation analysed above is compared with the 'negotiated state(ness)' concept, it is possible to reach wider conclusions. As explained above, the idea of the 'negotiated state' suggests that the state emerges as a product of negotiation between different state and non-state actors or centres of authority (Raeymaekers *et al.* 2008, p. 17). The case of the FCS allows us to add two elements.

First, the literature on 'negotiated stateness' has shown how these negotiations take place *between* 'large' categories or power poles such as rebel groups, governmental actors, trading groups, and so on (e.g. Raeymaekers 2010, Menkhaus 2008). In this article, we have emphasised the struggles *within* power poles. The FCS shows how the Catholic Church failed in its efforts to enforce its decisions on schools within its network: from the start, the 'associational schools' did not participate in this initiative, neglecting the rules imposed by the senior levels of the Catholic network. In addition, the initiative itself has been contested by other actors within the Catholic network itself. The fact that through the system of school fees much of the economic power lies at the local level (away from the large and high-level power poles) further weakened the capacity of the church to act as a unitary actor vis-à-vis the state. These weaknesses were all that was needed for the representatives of the state to oppose the FCS initiative. Yet, the state would not by itself have been capable of intervening, because it is itself fraught with internal

contradictions. While its senior officials are responsive to the donors' aim of reducing school fees, lower-level state representatives seek to complement their salaries by securing their slice of the school fees 'cake'. In the end, the 'new' version of the FCS was a victory for the lower-level officials of both the church and the state: the fund became just one more cost in the long list of parents' payments to the school.

A second related point is that the concept of 'negotiation' suggests greater focus than exists in reality, where the process is much patchier. The story of the FCS initiative has not involved a singular process of negotiation which has taken into account, or been accepted by, all the actors concerned. In addition, every centre of authority or power pole involved is itself a 'twilight institution', drawing on contradictory sources of authority and only partly in control of the sources of power attributed to it. As such, the education sector is governed by a patchwork of actors with different strategies. For those actors, it is not at all evident that they should be required to understand each other, let alone share similar objectives. With every new initiative, conflict or event, it remains to be seen who will end up on the winning or losing side of the game.

In such a logic, the *modus vivendi* reflects momentary relations of power and authority, is therefore precarious and inherently unstable, and consequently can change from one year to the next. If an arrangement is already negotiated, it is bound to be a partial and temporary arrangement. As has been shown through the case of the FCS, there was ultimately a certain agreement between the different parties (i.e. state and non-state actors) on the redistribution of school fees, but this arrangement hardly qualifies as a solid basis on which to construct a public education policy. Perhaps the process of state formation resembles much less a 'negotiation' and more what Foucault called a process of 'permanent provocation' (Miller, Gordon and Burchell 1991), where each step forward invites responses from different sides, the only certainty being that the process will never come to rest. The state is permanently under construction. Though unsettling to external policy planners, this is not necessarily a pessimistic perspective for the school directors, parents and teachers, who, at their respective levels, have in practice been making their school function in the interest, as they perceive it, of their pupils and/or children.

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Notes

1. 'Render unto Caesar the things which are Caesar's, and unto God the things that are God's' (Matthew 22: 21).
2. The concept of 'mode of governance' is borrowed from Olivier de Sardan (2010).
3. Formulated by the president Mobutu Sese Seko in 1977.
4. The annual total mean household cost per pupil in primary education is between US$9 and US$14, depending on the region; while between and 14% of per capita income is spent on every child in primary education (World Bank 2005, p. 61).
5. Archevêché de Kinshasa, *Informations aux coordinateurs, aux sous-coordinateurs, aux chefs d'établissement, et aux représentants légaux des congrégations enseignantes des écoles conventionnées catholiques de Kinshasa*, 19 September 2008, p. 1.

6.   Kimbanseke schools averaged 700 students, a figure which fell to 600 pupils at the start of the 2008–09 school year.
7.   In the three poorest schools of our Kimbanseke sample, only 2 to 11% of the pupils have paid the full amount of school fees. In the three wealthier schools, between 28 and 66% of the students paid.
8.   Interview, Archbishop Monsengwo, Kinshasa, 23 June 2009.
9.   Those schools which did, simply asked for US$65 *above* the school fees that had already been fixed, which also boils down to non-participation.
10. Interview with administrator of the Catholic network, Kinshasa, 12 June 2009.
11. Interview, school director, Kinshasa, 11 June 2009.
12. Interview, school director, Kinshasa, 12 June 2009.
13. Interview, Msg Monsengwo, Kinshasa, 23 June 2009.
14. Interview, urban coordinator of the Catholic network, 12 June 2009.
15. Interview, religious administrator involved in audit of the sector), Kinshasa, 11 June 2009.
16. This was denied by Mgr Monsengwo, who argued that the church initiative was not illegal. He argued how according to the framework law, the church was authorised to levy for punctual actions. Interpreting the joint solidarity fund as a punctual action, it fitted within the law (Interview Msg Monsengwo, 23 June 2009).
17. According to the minister, this was because it was clear from the beginning that the measure would not be followed by the schools due to its inherent difficulties (high levels of school fees, and so on). (Interview with the provincial minister of education and her cabinet's director, 27 November 2008; interview with her adviser on 12 March 2009.)
18. Interview with an officer from the Catholic network, 22 June 2009.

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BRIEFING

Uncertainty and powerlessness in Congo 2012

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Do elections matter?

Presidential and legislative elections took place on 28 November 2011. They were immediately followed by claims of manipulation, fraud and human rights violations. Congolese and international observers first suspected, and then documented, numerous irregularities in the electoral process. The very influential National Conference of Catholic Bishops was outspokenly critical of the electoral chaos and explicitly condemned the government, referring to 'treachery, lies and terror'.[1] Archbishop Laurent Monsengwo, the politically engaged father of the church, described the results as 'illegitimate', saying they 'conformed neither to truth nor to justice'.

President Kabila campaigned under the slogan 'for a united Congo'. But the country remains divided between those who believe his re-election to be legitimate and those who do not. Veteran political opposition leader Etienne Tshisekedi rejected the results, proclaiming himself to be 'the people's choice'. We will never really know who won because ballots and results reports were lost or destroyed. Neither Kabila nor Tshisekedi consider the other as political rival but as an enemy to combat at all costs. This extremism from both camps precludes any hope of agreement or settlement.

Do elections matter? In some respects they do. Elections are part of the democratic process, they are a manifestation of national sovereignty and electoral mobilisation contributes to political awakening. There was significant voter registration and polling which confirms the political maturity of ordinary Congolese. This round of elections, which was paid for in large part by the Congolese themselves (in contrast to the 2006 polling), shows that the government was able to respect international commitments.

A stronger case, however, could be made that the elections did not mean much. Most importantly, registration, voting and results reporting were chaotic. The 2006 electoral cycle was unfinished as local-level voting never took place. This deprived the population of proximity with locally elected officials, which is the best way to establish relationships of trust between people and government in true democratic spirit. There was also significant pre-electoral manipulation: the constitutional amendment that replaced the two-round system of voting with a single round (favourable to the incumbent) and the top-down appointments of National Independent Electoral Commission (CENI) members are two striking examples. These problems led to a loss of local and international credibility and significant social frustration. President Kabila is consequently still in a phase of marginalisation and vulnerability. Until recently,

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Congolese critics complained of Kabila's democratic vacuum. Since the M23 debacle, they sardonically refer to his dictatorial vacuum.

This article presents the pre- and post-electoral landscape while developing analysis along two overlapping challenges. One is the context of overwhelming political uncertainty. Who really won the elections? Who is in control? Can parliament function as an effective counter force to the executive? What is the social and economic future of ordinary people? The second challenge is the powerlessness of all stakeholders to present convincing and workable strategies to overcome the blunders of the elections and move forward with much needed reform. The conclusion will show that a year after the elections, the government has made minor progress in addressing some macroeconomic priorities but has failed to bring peace to the country or improve social conditions for ordinary people for whom 2012 was a year of betrayal.

Elections background

The electoral process initiated in 2006 legitimised poor leadership. President Kabila used his first five-year term of elected office to consolidate power at the expense of the people. A Congolese opposition academic is categorical on this point: 'The Congolese who turned out in large numbers in 2006 to vote for change and a new political dispensation now view the process as a sham' (Mvemba 2010, p. 156). Kabila's position as incumbent, plus the money generated by the selling off of state assets at bargain prices, enabled him to dominate the campaign landscape.[2] Candidate Kabila had a disproportionate access to government media and he illegally used state planes, jeeps and helicopters while on the campaign trail. The security forces under his control systematically obstructed opposition candidates from campaigning – notably Etienne Tshisekedi.[3]

Although 32 million people registered to vote in 2011, less than 19 million (or around 59%) actually cast their ballots. This contrasts with a 70% participation in the first round of presidential elections in 2006 and 65% in the second round (de Saint Moulin 2012, p. 91). The gap between registration and voting is best accounted for by the tardy arrival of ballots in many of the 63,000 polling stations and the difficulty people had in locating the stations where they were supposed to vote. Another factor is the desire of people to acquire their voter registration card as proof of identity: national identity cards do not exist and very few people can afford the luxury of a passport. The Belgian company Zetes organised the high-tech services needed for voter registration. Zetes reported that hundreds of thousands of voters were registered twice – notably in territories favourable to Kabila.[4]

In pro-Kabila Katanga, registration and voting was officially highest. Not surprisingly, in the pro-opposition provinces of Equateur, Kasai Oriental and Kasai Occidental, it was low. Resistance to the entire electoral process in areas dominated by UDPS (*Union pour la Démocratie et Progrès Sociale*) also explains low registration. Many UDPS supporters were convinced the elections would be rigged or that they would not take place. There were similar low levels in Kinshasa and Bas-Congo where Kabila is widely disliked. Pastor Ngoy Mulunda, head of the National Independent Electoral Commission (CENI) was partisan, not independent. CENI manipulation was manifest in the capital where reports from 2000 polling stations were lost![5] Fictitious polling stations and pre-marked ballot papers were discovered. Stuffing the ballot boxes is not uncommon in Africa, but inventing fictitious polling stations seems to be a new twist on Congolese creativity.

A major obstacle to free and fair elections is the absence of reliable demographic data. It is assumed that Congo's population is 67.8 million, that there is a 2.6% growth

rate and an urban population of 35%.[6] But these figures published by the United Nations Population Fund are only rough estimates. The last population census in Democratic Republic of Congo (DRC) dates back to 1984 so no one really knows. What has been the impact of HIV/AIDS? The two Congo wars are reported to have resulted in an estimated 5.4 million 'excess deaths' according to the International Rescue Committee. But how accurate are these casualty counts? Again, we simply do not know. According to Congo's leading demography expert, Kinshasa's population was 9.7 million in 2010 (de Saint Moulin 2010, p. 142). The *CIA world factbook* placed it at 8.4 million (2011).[7] When it comes to voter registration and constituency-forming in a hotly contested arena like that of Kinshasa, this discrepancy is not trivial.

Political maturity

While the electoral chaos has been widely decried, examples of political maturity on the part of ordinary Congolese were under-reported. I spent a good part of March 2012 in Kinshasa and Bas-Congo asking people what they consider to be evidence of political maturity. Informants complained that authorities (particularly those at the CENI) proved to be brilliant in their ability to cheat and manipulate the electoral process. But there was also a clear sense of awareness, patience and good judgment on the part of ordinary people. They claim to be informed of what is happening on the political landscape and are committed to keeping Kabila under scrutiny saying things like: 'That guy has to be careful because we are watching his every move.'

Despite the huge potential for post-electoral violence, people did not express strongly felt political frustration through violent means. There were incidents but these were relatively limited. Most of the violence that did take place was carried out by the police and military who were massively deployed – not by the people. The discourse of violence has also mutated. Heeding the lessons of the Arab Spring, Kinois claim their cell phones are their weapons and text messages their bullets. This was a concern to Kabila's security and intelligence services which consequently shut down SMS transmission from 3 to 28 December.

Another example of maturity is voting patterns. Of course, we don't really know who won the presidential vote but the legislative results are remarkable. The vast majority of MPs who sat in the previous legislature – approximately 90% – were not re-elected. On the contrary, they were sanctioned for not delivering on their 2006 promises. They voted themselves US$6000 per month salaries and perks while neglecting social priorities. People also said that the free tee-shirts and tins of sardines that were distributed on the campaign trail were not going to influence their vote as in the past. Important political figures – even some influential ministers (such as José Endundo – Environment, Alexis Tambwe Mwamba – Foreign Affairs, Martin Kabwelulu – Mining, Raymond Tshibanda – International Cooperation) were not re-elected. Even Matata Ponyo, the man eventually named prime minister, lost in his bid for election to the national assembly in his native Maniema. This proves that a well-financed campaign is not enough to maintain the trust of a frustrated electorate.

Alphonse Awenza Makiaba, a man with no political experience who feeds his family by transporting bags of rice and manioc on his bicycle, was elected to represent the city of Kisangani at the national level. This *candidat des pauvres* generated massive popular support precisely because voters could empathise with him (Obotela 2012, p. 140). While ethnicity structures Congolese society, last year's voting was not always tribal. The election of Désiré Khonde Vila-ki-Kanda is a case in point.

Originally from Bas-Congo where he ran and lost in 2006, he won a seat in the North Kivu city of Goma where voters remembered his accomplishments as provincial governor during the Mobutu years (*ibid*., p. 141).

Dictatorship, war and social stagnation have taught Congolese to be patient. And patience is another sign of political maturity. While some people say that the election fiasco has discouraged them from participating in the voting exercise, others are already gearing up for the next round in 2016.

Who's in control?

My opinion is we don't really know. While there are some obvious heavyweights, relations between them are unclear. There seems to be little coordination between key sectors such as security, internal affairs, macrofinance, natural resources and foreign relations. A *coup d'état* in this context of political uncertainty, grumbling by the military, social frustration and regime isolation really would not come as a surprise. Shadow advisers and associates from the inner circle wield far more power than many official figures even at the ministerial level.

Joseph Kabila, his family members and political supporters, strategic allies and business associates – in the Congolese tradition of extreme political secrecy – govern by networks, not by institutions. 'These networks overlap and often seek to neutralise each other to protect vested interests' (Nlandu 2012, p. 37). The first most powerful network is the one comprised of ethnic Katangese. It controls the Republican Guard and the Simba special forces battalion and has close ties with South African and Zimbabwean partners who run the minefields of Katanga and the two Kasaïs. The 'Banyamulenge–Rwandese axis' is the second important network, particularly active in the illegal exploitation of the Kivus' mineral wealth

(*ibid*., p. 38). This axis exerts power over the security and defence sectors, which puts it in competition with the Katangese network.

Kabila suffered a major setback in February 2012 when Augustin Katumba Mwanke died in an airplane crash in Bukavu. Although Katumba never held an official position in the Kabila cabinet, he was clearly the president's *éminence grise*. Already close to Kabila *père*, this Katangais was behind the Congo–China deal, he was very influential in the mining sector and his voice in economic matters was taken seriously. Ministerial appointments and dismissals are believed to have been decided by him. When Katumba was alive, he called the shots. His reign overlapped with – and maybe was the cause of – a dysfunctional government. During the last few months of the Muzito government, for example, practically no Council of Ministers' meetings took place.

Given the post-election chaos, it took nearly six months to form the new cabinet which was officially announced on 28 April 2012. Headed by Prime Minister Augustin Matata Ponyo who was able to hold on to his previous Finance Ministry portfolio, it is a streamlined version of the previous one with 36 ministers compared to 46. It is promoted as a cabinet of technocrats opposed to one of political cronies – admittedly there is a bit of the two. The double appointment of Japanese-speaking Daniel Mukoko Samba as vice-prime minister and minister of budget testifies to the government's technocratic inclination. Six women were appointed as ministers and vice-ministers. The unfaltering spokesperson of the regime, Lambert Mende Omalanga, was returned as information minister. There has also been some injection of new blood in critical ministries. Alexandre Luba Tambu was appointed deputy prime minister and minister of defence and Raymond Tshibanda was designated to head Foreign Affairs.

Parliament hobbled

The incapacity of parliament to help shape political debate in DRC is another important but understudied problem. Like elections, establishing parliaments in Africa is another avatar of Western fantasy of the state-building process. Neither elections nor parliaments bring about real democratisation. In a strong presidential system like that of Congo under Kabila where power is concentrated at the top, MPs do not throw much weight in influencing policy, accessing resources or mediating between people and the executive.

Parliamentary work and oversight is not a meaningful political force because it has little currency in institutional frameworks and in Congolese political practice. It is certainly not embedded in political culture. Empowering individual MPs and the parliament as an institution is externally driven and consequently artificial. Appropriation is largely limited to those MPs who are boosted by foreign partners. Parliament is awarded operating funds from the national budget but while money for parliamentary investigations is theoretically available, accessing it requires approval from the managing board. Parliamentary investigations are thus politically controlled. MPs like judges and civil servants do not have the budgets, staff or operational facilities (such as computers, adequate office equipment and transportation) to do their work. The reinforced presidential majority could erode legislative power even further as most work is done outside of parliament's two chambers.

Formal norms exist in theory but in reality, informal and formal practices are blurred. Social accountability is also weak in DRC because reform of the judicial system has been slow (Vircoulon 2009). Social accountability and justice are directly linked on the DRC political landscape because there is widespread popular belief that those in power are immune to sanctions and control. Diminishing immunity from wrongdoing has been a major governance challenge over the past decade – but to little effect. Freedom of expression is limited (Frère 2011) which is another challenge to instituting mechanisms of accountability. There is also a serious deficit in communication between parliament and the general public (Kabemba 2005). The fact that the official Internet site of the DRC parliament is dead is a telling indicator of this communication problem.

As Congo is a rentier economy, access to its significant natural wealth is the main driver on a political landscape controlled at the summit. President Kabila has in this respect reproduced the Mobutu system of patrimonial governance. DRC has major ongoing security challenges (especially in North Kivu), an economy that is essentially informal and a history of distrust between ordinary citizens and elites. This means that instead of accepting to share power and resources with other governmental institutions and civil society, Kabila is desperately jockeying to preserve his fragile dominance. Executive command over the judiciary and the legislative bodies is a clearly identifiable pattern in the DRC. The executive – comprised primarily of the President, the Ministry of the Interior, the Police Inspector General (PNC), the National Intelligence Agency (ANR) and the General Directorate for Migration (DGM) and the *Police Judiciaire* – functions according to its own *ad hoc* rules and priorities. The attributes of sovereignty and executive power seem to overlap in this respect, supporting Englebert's assertion that: 'Sovereignty is indeed broadly irrelevant to the question of what states can do for you, but critical to what they can do to you' (Englebert 2009, p. 62).

In 1966, one year after Mobutu seized power in a military coup 'parliament did continue to meet … but both legally and practically the New Regime had rendered it powerless' (Young and Turner 1985, p. 55). During the conflict years (1996–

1997 and 1998–2002) and the subsequent post-conflict transition, parliament was hobbled by the power-sharing arrangement between former belligerents set up in 2003 (commonly referred to as 1 + 4 – one president and four vice-presidents). The legacy of parliamentary powerlessness persists today.

Parliament was nonetheless able to function and achieve some meaningful results for a brief period under the helm of Vital Kamerhe. This South Kivu politician was president of the national assembly from 29 December 2006 until 25 March 2009. But the erstwhile Kabila ally fell out with the president and was forced to resign, thus ending the short window of effective parliamentary work. Other examples of efforts by Kabila's work at reinforcing the executive to the detriment of parliament was his taking control of parliamentary finances, thus blocking the possibility of funding parliamentary investigations. At the same time, he decided to preside over the council of ministers himself, removing this duty from the prime minister.

Budget allocation is a fundamental attribute of Western-style parliaments. But most of the national economy in DRC is outside of budgetary control. Prime Minister Matata Ponyo presented the 2012 budget to the national assembly on 22 June. It amounts to less than US$8 billion, a very slight increase over last year's budget. Over the past few years, spending for most budget lines is far below allocations. Only the president and prime minister exceed their allocations. As the country emerged from war, the budget increased steadily over the past decade. Nonetheless, it remains insignificant given the country's size, resources and population. Internal revenues (mainly from customs duties and corporate taxation) come to nearly US$5 billion. Contributions from international donors are US$3 billion. For comparison, the annual operating budget of Boston University is US$1.6 billion. Matata defined the need to build an effective state (25% of the budget), the imperative to develop basic infrastructure (18%), the

revitalisation of the main production sectors (25%) and strengthening human capital and improving social conditions of the population (30%) as his government's main priorities. Budget allotment and management is a good indicator of a government's performance. Although a half-century of development aid shows that more money does not necessarily mean better results, it will be difficult to accomplish much in DRC with US$8 billion.

The Congolese parliament consists of a senate (with 108 seats) and a national assembly (with 500 seats). Provincial assemblies vote for senate members (but after nearly one year of delay, provincial elections have not taken place so the senate is a remnant of the previous legislature). Members of the national assembly were elected by open-list proportional representation in multi-member constituencies to serve a five-year term. In this context of a remnant senate and disputes over election results, parliament has not been productive. When it opened after summer recess in September (in a hotel because work in the *Palais du Peuple* was incomplete!) the main point on the agenda was Rwanda's support of the M23 rebellion in North Kivu and discussions about the budget. But work on the budget is being implemented by International Monetary Fund experts, which is a strong testimony to Congo's limited sovereignty.

The permanent commissions of the national assembly and senate deal with (i) legal, administrative and political problems, (ii) foreign relations, (iii) economic and financial questions, (iv) defence and security, (v) woman, family and children – and support of democratic institutions, (vi) social and cultural questions, and (vii) reconstruction and development. In addition to the work of these permanent commissions, parliamentary work is also theoretically carried out in other commission and sub-commissions.

Although generally circumvented or undermined, the relations between the government and parliament are clearly defined in the Constitution, mainly in Chapter 2,

Articles 100–148. While parliament is supposed to be the main actor in drafting laws, this responsibility has been largely taken over by the government via technocratic experts in the relevant ministries – more often than not with external advisory support.

Foreign relations

Uncertain relations with important bilateral partners such as Belgium, the United States and the United Kingdom after the elections chaos dominated Congo's foreign affairs agenda in the early months of 2012. The Carter Center and the European Union monitoring team said the elections were seriously flawed and lacked credibility. The Catholic Church network had 30,000 election observers whose assessment corroborated massive fraud, irregularities and intimidation. The only head of state to accept Kabila's invitation to his swearing in ceremony was Zimbabwean dictator Robert Mugabe. Europe and America boycotted the event. Indeed, Kabila was temporarily out of grace. When asked what Kabila expected from Belgium, a high-ranking Belgian diplomat responded honestly and concisely: recognition!

Congo's Western partners were hypocritical and inconsistent during this period. While they vigorously pontificated about the importance of elections as part of the democratic state-building process and the need to respect the will of the people, they had absolutely no desire to see Tshisekedi president. This hypocrisy is reminiscent of Western demonisation of Congo's first democratically elected leader, Patrice Lumumba in 1960 (Dunn 2003, pp. 91–97). The veteran opposition leader is perceived as being stubborn and unpredictable. This explains why Western diplomats and business people preferred to have Mr Kabila masquerading in the emperor's costume. Despite problems with him, he does represent some continuity and predictability. Discourse shifted from 'We do not really know who won the elections' to 'As we don't know, let's just assume Kabila won and continue business as usual'.

Congolese diaspora groups, particularly in Brussels, London and Paris, organised major demonstrations, sit-ins, lobbying actions and rallies. Their two-fold objective was to draw attention to the electoral masquerade orchestrated by Kinshasa and urge Western governments to put pressure on Kabila. While they were successful on the first count, they were naïve and disappointed on the second. Europe and the United States have very little leverage over Kabila because Congo has the natural resources the world needs. With its vast mineral reserves, including a significant percentage of the world's coltan which is vital for the mobile telephone industry, the earth's second most important tropical forest which could contribute to combating global climate change if managed appropriately and hydro-electric potential that could light up much of Africa, Kabila does not have to kowtow to Western hypocrisy. Furthermore, Western donors are justifiably sensitive to the conundrum of sanctioning dictators if doing so could negatively impact the population.[8]

Diverging views amongst Western allies also served Kabila's interests. Belgium's older generation 'friends of Congo' establishment, for example, wanted Kengo as prime minister. The World Bank, however, felt more comfortable with Matata because of his work at the Finance Ministry and BCECO (the coordination bureau responsible for overseeing World Bank and African Development Bank projects). The engagement of newer partners with 'no strings attached' business plans like China, South Africa, Brazil or South Korea further diminishes Western leverage over Kabila and his entourage.

French President François Hollande attended the diplomatically important *Sommet de la Francophonie* in Kinshasa in October despite calls by Congolese opposition forces for him to either boycott the summit or change its location. Hollande

officially declared that the human rights situation in DRC was 'totally unacceptable'. But this was only of minor embarrassment to Kabila. The fact that the summit was held in Kinshasa and the French president attended was more meaningful than his declaration which was, moreover, dismissed by the Congolese authorities as poor counselling by his advisers.

Kinshasa has poor relations with most of its immediate neighbours. This handicaps Congo's development and jeopardises its security. Kinshasa's requests for the extradition of former Mobutu military troops and officers from Congo-Brazzaville have been unanswered, exacerbating Kabila's security paranoia. There was what appeared to be a coup against him in February 2011, allegedly orchestrated by DR Congo rebels based on the Brazzaville side of the river.[9] Disputes over oil revenues and offshore oil exploitation blocks continue to embitter relations between Kinshasa and Luanda. There were also border problems between the south of Congo's Bandundu Province and Lunda Norte in Angola and the massive expulsion of Congolese from Angola in 2009–10 – expulsions accompanied by torture and killing (Misser 2012). But given Angola's military support to Kabila, the two countries have reached a fragile *entente cordiale* – although Kabila is the vulnerable actor in the relationship. On the eastern front things couldn't be worse. Uganda continues to illegally exploit Congolese natural resources (timber and minerals) and there is militia activity on the Congo–Burundi border zone.[10] The South Sudanese military has joined Uganda in slaying elephant in Congo's Garamba National Park, exporting ivory mainly to China.[11]

Rwandan support of the M23 rebellion was the main foreign affairs challenge of the second semester of 2012. M23 succeeded in capturing Goma, the strategic capital of North Kivu. It received significant attention at the United Nations General Assembly in September when Kabila and Kagame refused to publicly shake hands. M23 is the newest avatar of Rwandan support for Tutsi rebellions in eastern DRC. It is a rebel movement made up mainly of Congolese Tutsis, who formerly comprised the CNDP (*Congrès National pour la Défense du People*). The CNDP was set up in eastern Congo to fight Hutu military groups associated with the perpetrators of the 1994 Rwanda genocide and to protect Tutsi minorities. It also sought to control mineral extraction and access to land. The M23 defected from the Congolese army in April this year amid pressure on the government to arrest General Bosco Ntaganda who is wanted by the International Criminal Court for crimes against humanity. Despite overwhelming evidence of Rwandan support in the form of arms, heavy artillery, military supplies and new recruits, Kigali systematically denies any involvement. Rwanda's position of 'donor darling' is weakening as the Western partners that matter – the UK, the US, and the EU – have frozen certain forms of aid disbursements. It is too early to say if this is symbolic or committed policy.

Mistakenly opting for a military solution opposed to a diplomatic one, Kinshasa sent its best troops to Kivu (the 321st and 322nd battalions trained by Belgium and the 41st and 42nd battalions trained by South Africa) in July 2012. The Congo government moved a US-trained battalion from the north of the country to Goma. The battalion was previously used in the hunt for Lord Resistance Army fighters. Very few officers in the Congolese army received military training, however, which explains their poor performance in confrontations with M23 forces. On the frontlines in the fighting between M23 and the Congolese national army, civilians have been murdered, stranded, displaced, robbed and raped, causing a new wave of crisis. Humanitarian non-governmental organisations, notably Human Rights Watch, have documented in detail this new wave of trauma and terror that results from the three interconnected

problems of ethnic hatred between Tutsis and Hutus, Rwandan meddling, and a Congo state too weak to assume its security responsibilities. [12] Resolving these problems is beyond the mandate of the United Nations Organization Stabilization Mission in the DRC (MONUSCO). But this did not stop students from ransacking MONUSCO property in Kisangani in November. They were angry about MONUSCO's incapacity to take a more active role in thwarting the rebel take-over of Goma. [13]

Change without improvement

The United Nations' Human Development Index is a useful tool in assessing a country's development context because it prioritises well-being as an alternative to conventional macroeconomic criteria such as income levels and growth indicators. According to its latest report, Congo ranks 187 out of 187 countries surveyed: rock bottom in other words. [14] The World Bank's *Doing business 2013* report indicates that Congo's score was worse than the year before: 181 out of 185. [15] Congo today is one of the worst places in the world to be a woman. Another World Bank report (Herderschee *et al.* 2012) deplores that '[c]ritical institutional reforms are lagging, and elements of political culture and general capacity issues create a downside risk for the economy' (pp. 21–22). Other barometers tell tragically similar stories. In the diamond-rich city of Mbuyi-Mayi (approximately two million inhabitants) the number of people connected to public water plummeted between 2002 and 2012, going from 18,000 to 3000. Nationwide, less than 9% of people have access to electricity. Despite compelling arguments of legendary Congolese *joie de vivre*, this is real poverty.

With the formation of a new government, ongoing support by international partners, the government's discourse on *la révolution de la modernité* and – most importantly – the continued dynamism and resilience of ordinary people, Congo has been on the move in 2012. The narrowing of the gap between very rich and dirt poor visible in other African countries does not seem to be taking place in Congo – aside from sparse evidence in the big cities. There are nonetheless some timid signs of the emergence of a Congolese middle class. The recent increase in the numbers of Congolese men and women with bank accounts is an indicator. First steps to 'de-dollarise' the economy have been introduced in an attempt to reclaim the sovereignty of the Congolese currency. [16] Diaspora Congolese seem to be seeking opportunities and taking risks for development investment back home. Dikembe Mutombo, a retired Congolese American basketball player set up a charity and built a hospital in one of Kinshasa's poorest neighbourhoods. There is a growing sense of dynamism in some strategic sectors such as forest and environment, agriculture and mining. Thanks to the China Railway Century Group Corporation, the railroad through Angola between Dilolo and Lobito will open soon, facilitating the export of Katanga's mineral production. [17] The government could earn credibility and recognition if it succeeds in capitalising on this dynamism instead of being immobilised by political wrangling and security threats from the east.

The need to overcome ambiguity, randomness, powerlessness and uncertainty is the underpinning of the kind of state-building that Congo needs. But leadership has not made enough progress in overcoming these priorities which helps account for the ongoing crisis. Political culture also constitutes a challenge to state-building and improved governance (Trefon 2011). Prime Minister Matata has vigorously pushed for new leadership and capacity-building initiatives. [18] While it may be too early to judge because his government is still new, it has not yet demonstrated real efficiency or political clout. For the moment, this wait-and-see situation is best assessed as change without improvement.

Acknowledgements

Note on contributor

Theodore Trefon is senior researcher at the Belgian Royal Museum for Central Africa.

Notes

1. http://www.reuters.com/article/2012/01/12/congo-democratic-bishops-idUSL6E8CC6QC20120112.
2. Eric Joyce, chair of the UK parliament's Great Lakes of Africa Group, documented a US$5.5 billion loss to Congolese people through questionable mining deals with British Virgin Island 'shell' companies. It is widely believed that several of these companies are connected to Israeli businessman and Kabila crony Dan Gertler. See http://ericjoyce.co.uk/wp-content/uploads/2011/11/summary-5-5m-loss-to-congolese-people-through-questionable-mining-deals.pdf.
3. http://www.guardian.co.uk/global-development/poverty-matters/2011/nov/22/congo-violent-election-countdown.
4. http://www.independent.co.uk/news/world/africa/a-rigged-election-the-latest-chapter-in-congos-sad-history-2377419.html.
5. http:// www.jeuneafrique.com/Article/ARTJAJA2658p010-012.xml0/.
6. http://foweb.unfpa.org/SWP2011/reports/EN-SWOP2011-FINAL.pdf.
7. https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html
8. This has become a very serious problem today because of Rwandan support of the M23. Cutting aid to Kagame could be leverage but could also hurt aid beneficiaries.
9. http://afrikarabia2.blogs.courrierinternational.com/archive/2011/03/09/kinshasa-et-kigali-dans-la-peur-du-coup-d-etat.html.
10. http://www.rfi.fr/afrique/20121006-rdc-armee-burundaise-combats-sud-kivu.
11. http://www.nytimes.com/2012/09/04/world/africa/africas-elephants-are-being-slaughtered-in-poaching-frenzy.html?pagewanted=all.
12. http://www.hrw.org/news/2012/09/11/dr-congo-m23-rebels-committing-war-crimes.
13. http://democratiechretienne.org/tag/monusco/.
14. http://hdrstats.undp.org/en/countries/profiles/COD.html.
15. http://www.doingbusiness.org/~/media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB13-full-report.pdf.
16. Two examples are the introduction of larger value notes (10,000 and 20,000 Congolese franc notes) and the requirement that prices being displayed in Congolese francs alongside the dollar amounts.
17. http://www.lobservateur.cd/index.php?option=com_content&view=article&id=7471:instrument-dintegration-economique-regionale&catid=49:societe&Itemid=85.
18. The Zongo retreat in August 2012 is a good example of this push for a new leadership strategy: http://www.digitalcongo.net/article/85897.

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DEBATE

Looking beyond reform failure in the Democratic Republic of Congo

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Introduction

Since the re-engagement of donors after 10 years of absence (1990–2001), the Democratic Republic of Congo (DRC) has been engaged in an ambitious process of reconstruction. Relations with donors were normalised during the war, following the assassination of Laurent-Désiré Kabila and his replacement by his son Joseph in January 2001. This placed the Congo on the path of the Highly Indebted Poor Country initiative (HIPC), Poverty Reduction Strategy Paper (PRSP) and structural reforms. Meanwhile, facilitated by negotiations between the warring parties, a triple transition towards peace, liberalisation and democratisation was initiated. The transition process constituted the backdrop against which a wide range of reforms were launched – whether in public finances, the civil service, the security sector or natural-resource management. Donors have been deeply involved in furthering reform, many of which were adopted at their behest. The present contribution is devoted to an examination of scholarly appraisals pertaining to the process of state reform. Specifically, it seeks to challenge recent interpretations which have depicted state reforms as unequivocal failures (Trefon 2009, 2011),

by stressing the patterns of mutual accommodation between the Congolese authorities and its external partners which the reform process has enabled.

The manifold obstacles that have confronted various reforms – whether in decentralisation, justice-sector reform, or in the armed forces – have been amply documented by existing research (see contributions in Trefon 2009). Nominally complied with, reforms in practice have been marked by painfully slow progress, and stalling or sidetracking has been common. Overall, this indicates the process of reform has resulted in failure (de Villers 2009b, p. 234). Theodore Trefon has pursued this line of reasoning further, depicting reform failure as the outcome of a process whereby strategies characterised by hypocrisy and the 'art of the unsaid' dominate, as much on the side of Congolese political elites as among the Congo's development partners. In what he refers to as the 'Congo masquerade', a climate of corruption and impunity reigns, and the frail perspective of success is nullified by the divergent objectives of the various parties, which is only amplified by the misunderstanding and powerlessness of donors (Trefon 2011).

The stumbling blocks of current governance reforms are indeed formidable. Among those, one may note the emaciated nature of the administration; the institutional fragmentation of the government (particularly so prior to the 2011 elections); and the no less fragmented aid mechanisms and procedures where a multitude of actors

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share the task of restructuring and reconstruction in tandem with the authorities. Additionally, the landscape of state reforms has been subjected to the vagaries of politics, from the transitional government (2003–06), to the modifications of the political field in the aftermath of the 2006 elections. The reluctance the authorities have shown in practice towards reforms, as well as the often-externalised procedures through which they have been promoted by donors, help explain the lack of progress achieved in those. The government has supplied very little financial support to reform activities (which is hardly surprising as even the army or the administration are chronically fund-starved). Reforms are therefore kept afloat by an influx of donor funding and support. Despite nominal compliance to donor-promoted initiatives by the national authorities, reforms have been severely impaired by the lack of governmental support they have occasioned and the political strategies they have accommodated. In short, the verdict of reform failure in the DRC appears *prima facie* justified.

The aim of this paper is to propose a different interpretation of the state reform process than has been offered by previous scholarship, rather than take direct issue with the material such research has brought to the fore. Particularly, the validity of current appraisals premised on the binary success/failure should be questioned, as the assessment of projects is often amenable to discretion, and not always according to objective criteria. For example, the leeway available to donors in project evaluation which enables them to justify interventions is a good case in point. Additionally, as will be argued here, to speak only of reform failure captures a partial understanding of the underlying dynamics at play, and leaves unaddressed the accommodative characteristics and partial functionality of these processes. On the one hand, insofar as reforms could have jeopardised power centralisation, the

faltering of reforms has helped the presidency maintain its position. On the other, donors have uneasily yet tacitly tolerated this state of affairs, while sustaining their engagement with the Congolese government. Thus, problematic reform implementation, albeit unpalatable to donors, has neither profoundly changed aid practices, nor endangered the compromises reached between Congo's development partners and the authorities. This paper proposes one such interpretation of Congolese reform processes, firstly by providing a cursory overview of a few governance reforms, and secondly by revealing their implications in terms of the donor–recipient relationship.

Patterns of reform failure: security-sector reform

The landscape of state reforms in Congo is singularly variegated and complex, and the division of tasks is shared between a large array of institutions, organisms and agencies, both bilateral and multilateral. For the purposes of this paper, emphasis will be placed on governance reforms through the examples of security-sector reform (SSR), on the one hand; and civil service/administrative reform and decentralisation, on the other.

The field of SSR encompasses reform of the armed forces, the judicial system and the police. Its underlying objectives include the restoration of state authority throughout the country; ending the sway of armed groups; the provision of salaries, training, equipment and infrastructure to soldiers and policemen; as well as providing mechanisms of accountability to end impunity and human rights abuses. To begin with, the reform of the armed forces constitutes a highly sensitive issue whose strategic nature is hard to overstate as it is intimately tied with the war dynamics in eastern Congo, including links with resources and turbulent patterns of localised conflict (Autesserre 2010). The goal

of improving security conditions has proven elusive, however. Programmes of demobilisation, disarmament and reintegration have yielded few results (Hoebeke *et al.* 2009, p. 119, Willame 2007, p. 154), while difficulties have been exacerbated by the 'instrumentalised' uncertainty surrounding the precise number of armed forces (*ibid.*, p. 161). The situation has been compounded further by political leaders' persistence in the use of violence and the maintenance of militias to guarantee their economic and political survival (Hoebeke *et al.* 2009, p. 120). The sensitivity of army reform has resulted in the adoption of strategies by the Congolese government focused on avoiding external coordination and favouring bilateral approaches (Trefon 2011, p. 66), which has greatly fragmented donor assistance to army reform (Melmot 2009). In 2009, for example, multiple actors were involved in the reform of the armed forces, including Belgium, France, South Africa, the European Union (EU), Angola, MONUC (the UN Mission in DRC), the United States, the United Kingdom and the Netherlands. Despite the plurality of donor attention to army reform, their initiatives were largely unsuccessful as they worked without an effective coordination structure or a discussion framework with the national authorities (*ibid.*, p. 13). Moreover, competition among actors was rife. Harmonisation between the EU and its member states was not always assured, while the United Nations and the EU each jostled for the lead role in SSR (*ibid.*, p. 16). This lack of coordination has been amplified by the fragmentation and overlap in competences between institutions, including parallel decision-making networks tied to the presidency (such as the president's *Maison Militaire*, a powerful parallel command structure which enables the presidency to retain control over other security organs while eventually blocking their actions if the need arises). Approached as a technical issue by international

actors, army reform is a heavily politicised field, in which national authorities are skilfully exploiting the rifts created by the avoidance of a common front in negotiations.

A similar set of issues can be found in the two other components of SSR. The judicial system is an interesting case, because it was considered in 2008–09 a 'good student' among state reforms. An action plan was elaborated in 2007, good working relations existed between the Ministry of Justice, judicial power representatives and donors, and cooperation was coordinated (Vircoulon 2009, pp. 92, 95). Despite this favourable environment, however, reforms to the sector remained trapped by several obstacles. The slow pace of realisation, the blocking of some of its aspects by higher authorities (for instance, the establishment of a truly independent judiciary power), and the direct confrontations arising from clashes with entrenched habits and practices in the justice sector (*ibid.*, p. 93) all beset the task of reform substantially. Reforming the judicial sector in Congo poses a formidable challenge: the judicial administration is self-financed and *de facto* privatised; many magistrates pursue opportunistic strategies of individual and financial promotion through political channels; and the judicial system's financial, administrative and infrastructural capacity is profoundly incapacitated (*ibid.*, pp. 88, 96). This significantly complicates the task of reform. Moreover, the paucity of domestic sources of funding for the budget of the judicial sector (typically between 0.1 and 0.5% of the budget in recent years) means that all initiatives heavily depend on donor funding (*ibid.*, pp. 94, 97). Given the higher authorities' reluctance towards the reform of the judicial system, and the endless negotiations which ensued, participation from justice-sector actors involves as much financial opportunism as the protection of personal interests or corporatist goals (*ibid.*). In short, the situation points

to a heavily donor-funded process, where nominal compliance is assured but where underlying practice remains resilient to change. The deeper politics of the reform landscape are poorly understood by the initiative's foreign promoters, namely donors, while their engagement is further compromised by their unwillingness to become involved in the 'low politics' of the reform which no degree of foreign expertise in conception or implementation can compensate (*ibid.*, p. 100). Above all, despite the strong demand for reform from various stakeholders (practitioners' unions and associations, court users), the government's resistance towards judicial reform suggests that the political logic of power consolidation – which an independent judiciary can potentially threaten – is hardly consonant with the shifts in practice this particular reform is striving to induce.

Finally, the reform of the police is no exception to the dynamics outlined above. Even though the necessity for police reform is acute and local societal demands for reform are high, the reform process has been partially imposed on the government, and as such constitutes an initiative of donors rather than of the latter (Trefon 2011, p. 65). Moreover, the process of police reform lies at the crossroads between several ministerial authorities, apart from the Ministry of Interior, which is the key institution; however, tensions and fragmentation between the ministries and authorities involved are recurrent (Justaert 2010). This fragmentation also extends to international actors involved in the process, with a wide array of bilateral actors operating alongside the EU's police reform operation (EUPOL RD CONGO, active since 2007), and the existence of multiple coordination structures (*ibid.*). In such circumstances, it is hardly surprising that scholars examining SSR predict little promise (Melmot 2009). A glimpse at administrative reform and decentralisation underscores similar preoccupations.

Patterns of reform failure: administrative reform and decentralisation

Administrative reform was introduced at the earliest stages of donor re-engagement in 2001–02 as part of the structural reforms the DRC had to implement (Gons 2004).[1] The situation of the administration was in dire need of redress, as the delinquency of the final years of the Mobutu regime and the ravages of the successive wars had further eroded an already emaciated administration whose decline can be traced at least to the mid 1970s. The administration was functioning on a privatised mode, with an unknown number of civil servants, in a setting marked by institutional fragmentation where line ministries had acquired a large degree of autonomy vis-à-vis the still officially centralised civil service (Delta-I-Consulting 2002). This set of reforms envisaged a restructuring of the administration to render it efficient. Its initial components included a revision of the legal framework, a census of the civil service, an audit of payroll procedures to be followed by reorganisation, a retirement programme, and a training programme.[2] The reform was premised on strong national leadership; an integrated, global approach tackling issues horizontally across ministries, with the Ministry of Public Service as the lead coordinator; and progressive implementation, moving from a few select pilot ministries to the rest of the administration (Diumasumbu 2008). The endeavour, however, quickly acquired a patchwork character, where the division of labour between donors spiralled into rivalry and competition. Additionally, the timing of the initiative was problematic, as the shift from the power-sharing transitional government to the post-electoral setting hardly facilitated continuity, and in many respects impaired the process. The Ministry of Public Service and its reform structures, given the low priority and lack of support the reform received from the

authorities, was marginalised. As a result, the reform initiative sank into inactivity.

Few of the outcomes of that early attempt at administrative and civil service reform (from 2003 to 2008) reached their intended objectives. The global census of civil servants, which began in 2005, has still not been completed, and its results are to a large extent meaningless.[3] Meanwhile, ministerial restructuring made little progress. For example, significant funds earmarked for the retirement of civil servants were embezzled in the run-up to the elections in 2005. These poor results led to a relative disengagement of donors active in administrative reform after 2008, with the exception of the World Bank. The latter has currently taken over the process of administrative reform, using a sectoral strategy which proceeds ministry by ministry (thus discarding the previous globally integrated approach that had shown its limits). The challenge of implementing reform, certainly, has been compounded by the emaciated nature of the administration, as in many cases it is simply the requisite capacity which is missing. But in many respects, the original civil-service reform strategy foundered because a series of practices subverted the process of implementation from its intended aims. These practices consisted, for instance, of logics of political expediency during the electoral climate of the transition which led to the embezzlement of retirement funds; the entrenched interests and practices surrounding the wages of state agents; and patterns of recruitment for patronage which greatly complicated the census. The donors involved in administrative reform both poorly understood these practices and were ultimately powerless to address them.

A brief look at the policy of decentralisation, which was enshrined in the new constitution of December 2005 at the strong insistence of donors, helps complete this succinct selection of governance reforms. The main challenge facing decentralisation is not so much the process of implementation – although this poses equally formidable problems – but the recalcitrance of the authorities (and especially the presidential camp) towards it. Several obstacles stand in the way of decentralisation, first of all the incomplete governmental authority over the country's territory (Liegeois 2009, p. 83). There is also the disconnection between the nominal upholding of the principle of decentralisation and a civil service that remains heavily centralised (Trefon 2011, p. 97), a situation compounded by the relative failure of administrative reform. Additionally, the process is caught in a process of pronounced legal ambiguity, with several crucial pieces of legislation still not adopted (Mabi Mulumba 2009, p. 131). The fact that municipal and local elections have been postponed on several instances, resulting in the appointment of non-elected personnel in communes, towns, sectors and chiefdoms, has further diminished the significance of the process.

More importantly, the issue of decentralisation has been the result of a political compromise harking back to the constitution-writing process. This contentious issue has pitted advocates of a federal system against the Joseph Kabila camp who favour a more centralised entity. With the political demise of the *Rassemblement Congolais pour la Démocratie* (RCD) in the 2006 elections – the staunchest partisans of federalism – the balance of power tilted towards Joseph Kabila's side, which engaged in the stalling of decentralisation given the various threats it posed, financial and political (Tull 2010, p. 654). Although decentralisation has been heavily sustained by donors, the risks posed by financial decentralisation have been widely noted even by donor agencies. According to the World Bank, for example, large transfers to the provinces should be limited pending the building of adequate local capacity. Such arguments to limit decentralisation have been seized upon by Kinshasa as a technical-administrative justification to

delay or even possibly revise the political issue of decentralisation (*ibid*., p. 655). This is visible in the non-application of the system of *retrocession* whereby 40% of resources generated in the provinces should return therein, which the government has been effectively avoiding (International Crisis Group 2010, p. 14). Thus, the central government, preoccupied with the capture and consolidation of power, has turned the externally brokered compromise of decentralisation it was confronted with, to its advantage (Englebert 2012).

The aim of the above overview is not to provide an exhaustive overview of SSR, administrative reform and decentralisation in the DR Congo, but to highlight some of the shared characteristics of reform processes, three of which stand out in particular. First, despite a broad national consensus for the necessity of reform, the process is kept afloat by donor support and funding, and government resistance towards reform suggests that the rationale behind it is not shared by the authorities. Second, this highlights both the lack of understanding by the international backers of the reforms of the politics unfolding behind the scenes, as well as their powerlessness to affect these. Third, the sidetracking of reform processes suggests that reforms run counter to established patterns of interest or threaten objectives of power preservation and consolidation by the central authorities.

Beyond reform failure

Two key issues arise out of the above considerations. First, rather than pointing towards failure, patterns of reform can equally be conceptualised as partially functional for the presidency, and at least accommodative to donors – however great their displeasure may be – for whom inconclusive outcomes of the reform process are the price paid for the compromise arising out of engagement with the Congo. In other words, problematic reform outcomes may reflect not so much a sense of failure, but rather a marriage of convenience between the Congolese authorities and donors, albeit for different reasons. Indeed, political evolutions in Congo have been both shaped by international involvement (conditionality, various forms of diplomatic pressure) and transformed through Congolese political participation. The democratisation process during the transition, for instance, promoted by the Congo's development partners, did very little to address the climate of impunity, corruption and spoil politics that was effectively tolerated in order to safeguard the transition process (Willame 2007, Omasombo and Obotela 2006, Kodi 2008). Second, if problematic reform implementation has not affected aid practice substantially, the reasons behind this continuous engagement by Congo's development partners call for explanation. The remainder of this paper will point towards some possible answers.

Regarding patterns of mutual accommodation between donors and the Congolese authorities, some inferences can be drawn from the failure of administrative reform. The poor support it has received from the authorities, on the one hand, can be perceived as a conscious strategy on the part of ruling elites – and particularly the presidency – aimed at preserving control over dynamics inimical to its own endeavour of power consolidation, which an invigorated independent public sector might constitute. The stakes represented by the ability to cater for recruitment and public-sector wages in times of elections are far from negligible. On the other hand, the position of donors has remained ambiguous towards such processes. Of course, the absence of governmental commitment – much to aid agencies' dismay – towards administrative reform is bemoaned by donors. This effective bypassing of the administration – which nevertheless remains unavoidable for both association to and implementation of projects and

programmes – has not significantly hampered donor funds from flowing, however. Needless to say, this configuration proves impairing in practice. It increases the administrative costs of parallel implementation units for projects; it often leads Congolese state officials' participation to be proportionate to funding; and of course does not address the issue of aid diversion and embezzlement. And yet it is effectively tolerated. The absence of organisational and administrative redress, following the relative failure of civil service/administrative reform initiatives from 2003 to 2008, may thus have been accommodating to the higher spheres of government, and ultimately somewhat irrelevant for practices of aid delivery and state reforms.

This point can be stretched further, as the same kind of reasoning can also be applied to others spheres of reform. The sidetracking of decentralisation due to the aims of capture, preservation and consolidation of power has not brought an end to donors' sustained engagement; nor have the government's divisive tactics employed in army reform, or for that matter the slow progress achieved in the justice sector and other fields. Perhaps regime consolidation and stabilisation concerns by donors led them to disregard the failure of reforms. The turning of imposed reforms to political advantage, the harnessing of those to purposes of pursuit of power, and the use of aid as an additional source of accumulation, albeit perhaps much to the dismay of donors, has not significantly altered the nature of the compromise between donors and government. This raises the question, if state reforms are not pivotal, on what does this compromise rest, and what have been its drivers?

To start with, as Denis Tull puts it, 'the government is the product of the political engineering process that the international community has organised' (Tull 2010, p. 658). Because international investment – conceived at large in terms of involvement in the peace process, transformation of

policy, and development funding – has been so important, there is a strong sense that the Congo is too important to be allowed to fail (in that respect, echoing the old dynamic of 'Mobutu or chaos' during the Cold War). The fragile stability that the Joseph Kabila regime assured, whatever its shortcomings may have been, was perceived as a lesser evil than that of a possibly renewed period of greater troubles. Thus, following Tull, one may point out that for that reason 'Kabila is keenly aware that donors and assorted outsiders need the government as much, or even more, than the government needs its outside supporters' (*ibid.*, p. 658, Willame 2007). This state of affairs partly explains the support the country receives, even though this has translated in practice into the toleration of the closure of democratic space for the sake of stability and state consolidation, pursued by the government cloaked in its 2006 electoral legitimacy (Tull 2010, p. 645). This is not to suggest that donor efforts are necessarily consonant with the government's manoeuvring; it simply means that in practice donor initiatives have largely accommodated it.

Moreover, in economic matters the DRC has witnessed a wide-ranging transformation of its legislation, embodied in the marathon of reforms realised in the years prior to the transition (2001–03) and firmly located outside democratic deliberation. For example, international financial institutions seized the 'window of opportunity' offered by regime change in 2001 to launch the country onto the HIPC/PRSP path and initiate the adoption of an Investment Code, Mining Code, Labour Code, Forestry Code, and so on, including the launching of structural reforms, drafted through extensive World Bank expertise (Gons 2004). These can be seen as an attempt to embed neoliberal fundamentals at an opportune moment when President Kabila desperately needed an external constituency to make up for the absence of a domestic power base. This fast-paced activism in terms of reform,

however, has fallen short of achieving its aims. As Zoë Marriage puts it, even though there are 'extroverted signs of liberalisation', the domestic economic situation of Congo suggests low compliance with neoliberal norms (Marriage 2011, p. 1901). Nevertheless, throughout the process, at least until International Monetary Fund (IMF) support was withdrawn on the eve of the elections, the Congo was treated with remarkable leniency (de Villers 2009a, p. 352), pointing towards the peculiar status it was endowed with. This specific treatment is due to several factors including the need to safeguard international investment in a wider sense, particularly the stakes represented by DRC's natural resource wealth, especially mining. The arrival of Chinese investment in the autumn of 2007 has further compounded this situation.

This series of issues raise a set of questions that only further research can address. The contribution of this paper is to bring attention to a different way of comprehending the process of governance reforms, and in so doing, to point towards some relatively unexplored aspects of the aid relationship in the DRC. Policy directions have indeed been outlined by the country's development partners, but the uncharted waters they have been pushed into by the joint interplay of the inextricable nexus of domestic–foreign interaction is better understood through the compromises they have coalesced around, rather than a blank assertion of their failures. It also draws renewed attention to the question of the responsibility of international actors' involvement, given that the latter have proven impotent or unwilling to address the consequences of their actions, even though they have been inclined to tacitly accommodate them.

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Notes

1. This section on administrative reform is based on the author's own fieldwork and interviews in 2010–11.
2. This was of paramount importance inasmuch as the wars had displaced a large number of civil servants in the eastern provinces; these had been replaced by rebel movements such as the RCD. Referred to as '*nouvellesunités*', these could make up more than 70% of civil servants in some districts.
3. The World Bank is now conducting biometric censuses in some provinces and in some ministries, reflecting the sectoral approach it has opted for.

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EDITORIAL

Neither war nor peace in the Democratic Republic of Congo (DRC): profiting and coping amid violence and disorder

This Special Issue of the *Review of African Political Economy* appears a decade since a landmark double issue of the journal was published in 2002. In addressing the then apparent resolution of the second Congo war, *ROAPE*'s editors stressed the difficulties of resolving the complex and interrelated problems linking the conflict to political and economic issues, the national and international context, and 'issues of identity, ethnicity and nationality' (Trefon *et al.* 2002). A decade on, the DRC is experiencing an absence of both outright war and a lasting peace. Periodic outbreaks of fighting, as with the M23 occupation of Goma and other parts of North Kivu in November 2012, have led to the deaths of soldiers and civilians and to the further displacement of hundreds of thousands of people. The DRC has made a limited recovery from the worst aspects of its recent conflicts, but few if any of the underlying problems have been resolved in the last decade and the complexity of doing so has not significantly diminished. In this context, this Special Issue focuses less than its predecessor on national and international political issues – although the Briefing by Theodore Trefon provides significant insight into this area. Instead, it seeks to show the ways in which some Congolese people, particularly in the east of the country, find strategies to survive, cope and in some cases even to profit from, the liminal socio-political environment in which they find themselves. This, we believe, provides a compelling sense of the political economy of 'post-war' DRC from the perspective of those who experience it first-hand.

The articles in this issue analyse the social transformations occasioned by more than 15 years of continuing political and social violence in the DRC. These conflicts do not have a singular logic, but result from multiple local conflicts, as well as outside interventions. The violence associated with the Congo wars has caused social upheavals throughout the country, but particularly in central and eastern regions. These wars occurred in a context of a collapsed state and of a society plagued by widespread poverty, which amplified their impact. Although many existing social arrangements have been thrown into total disarray, a perhaps surprising range of new social institutions and patterns have also arisen. The articles in the Special Issue explore some of the ways in which major institutions and patterns of Congolese society have been transformed by the wars, and how new models of political engagement, economic activity and social interaction continue to evolve. This editorial will provide a limited introduction to the historical and contemporary context for these articles, explaining the valuable contribution each makes to our understanding of the DRC in relation to this context.

War, poverty and state collapse in the DRC: a short history

A decade has gone by since the end of the devastating second Congo war. Whilst there has been no return to the horrific violence associated with Africa's 'world war', it is equally evident that no lasting peace has replaced it. Put simply, the DRC remains an extremely insecure place, prone to outbreaks of conflict and where civilians are periodically subject to personal threat, primarily because the supposed 'settlement' to the Congo wars did not resolve many of their underlying causes. Their historical origin can be traced to the

nature of the postcolonial Congolese state and indeed in part to Congo's experience as a personal fiefdom of the Belgian King Leopold II (1885–1908) and then as a Belgian colony (1908–60). The central Congolese state that had effectively ceased to function by the mid 1990s has *never* been organically linked with the population. For much of its history, Congo has failed Weber's definition of a modern state, possessing a monopoly of armed force and of tax-raising powers. An important legacy of the colonial period was to forge a relationship of (violent) domination and (resentful) submission between state and society: the postcolonial state in Africa in general, and the DRC in particular, vividly bears the imprint of its colonial predecessor (Young 1994a). The achievement of national independence did not establish a political system that was in any meaningful way accountable to its population and attempts to achieve such accountability were resisted by many Congolese politicians and by some Western states.

Even when central authority was at its most effective, in the first decade of President Mobutu Sese Seko's rule (1965–75), this authority depended in large part on external support from the United States, which relied on Mobutu to secure the flow of strategic minerals and keep the communist threat at bay during the Cold War. Despite (or arguably because of) its extraordinary mineral wealth, extreme poverty has equally plagued the DRC since at least colonial times, and this was reinforced by the violent events immediately following Congo's independence in 1960. The ill-conceived and scarcely implemented development plans promoted by President Mobutu had little impact on the scope or depth of poverty in the country.

The more complete breakdown of formal relations between the state and its people that has gradually occurred from at least the 1970s has, as articles in this issue demonstrate, led to the development of a range of more informal and constantly evolving relationships between people and the state that are often, but not always, exploitative and predatory. Under Mobutu, the privatisation and 'criminalisation' of the post-independence state, known colloquially as '*débrouillez-vous*' ('help yourself'), was an injunction to get by without provisions from the state. Individual entrepreneurs were prompted to seek alternative means of survival. People engaged in various informal economies in response to a changing landscape of opportunities and constraints, creating severe conflicts over resources as an (unintentional) result, including land, citizenship and identity. As long as the central state was able to either mediate these conflicts, or suppress them through the use of force, they did not reach the level of armed struggle. Patronage was a key tool in the mediation of disputes in postcolonial Congo until 1990. But the economic crisis of the early 1990s removed financial support for local barons from the repertoire of tools that state officials could draw upon to damp down these conflicts.

The first half of the 1990s marked a further acceleration in the declining capacity of the Zairian state, providing the context for the start of the wars (Young 1994b, Clark 1998).[1] The reach of the state into society and the ability of the authorities to capture their subjects' loyalties had gradually receded over the preceding two decades. Per capita income in Congo was only a fraction of its 1960 level by the time the slow-motion collapse of the Zairian state was reaching its culmination. Even against this grim background, however, the acceleration of state crisis and the rise of poverty since the early 1990s is notable. The export of copper and cobalt collapsed in this period because of low international mineral prices and the dysfunctionality of the nationalised mine company Gécamines. Mobutu responded by printing money, resulting in rampant inflation. Unpaid police and soldiers increasingly preyed upon the population. Meanwhile, the territory effectively governed by Mobutu shrank until his writ hardly extended outside Kinshasa. Once the 'illusion of the integral state' in Zaire was shattered (Young 1994b), conflicts between mobilised ethnic

communities broke out in the peripheries of the Zairian state, specifically in Shaba (Katanga) (Berkeley 2001) and then in North Kivu. Indeed, Mobutu utilised such conflicts as a way of weakening his opponents, a classic strategy of divide-and-rule which strengthened existing and developed new ethnically based conflicts that would continue to deepen during and after the Congo wars (Berkeley 2001).

Whilst the end of the Cold War and the rise of a post-genocide Rwanda provided the anglophone West with a new regional ally, Mobutu's weakness presented opportunities to his internal opponents to draw on widespread popular discontent, expressed in the pro-democracy movement of the early 1990s. Yet the failure of opposition elites to unite or to mobilise the popular forces so evident in that movement meant that Mobutu was ultimately defeated not by his many internal opponents, but rather by a politico-military movement, the *Alliance des Forces Démocratiques pour la Libération* (AFDL), which was dependent on and partly directed by external powers, primarily Rwanda, Angola and other neighbouring states. Unresolved tensions between Mobutu's replacement as Congolese president, Laurent-Désiré Kabila, and his foreign backers, were the primary cause of the second Congo war (1998–2003), involving myriad Congolese militias and their foreign allies (Clark 2002, Prunier 2009, Reyntjens 2009).

Although it was crucial to bring this devastating war to an end, the nature of the Global and All-Inclusive Peace Agreement signed in South Africa in December 2002 not only failed to resolve the underlying causes of the conflict, but actually rewarded those who had sought power via military means. As the various foreign forces withdrew, the domestic insurgent groups with aspirations to rule over the whole Congolese territory entered into a mostly peaceful political competition beginning in 2003 and leading to elections in July 2006 (De Villiers 2009). The transitional '1 + 4 government' gave a seat in government to each major armed actor whilst denying representation to civil society institutions that were arguably far more important representatives of popular will (the one significant exception to this rule is the Mai-Mai militia). The agreement, which prioritised a settlement amongst African states and their Congolese allies or proxies, neglected the internal political aspects of the conflict that, in some cases, preceded and in other cases were sparked by the two Congo wars. The deeply flawed disarmament, demobilisation and reintegration (DDR) initiative brought some former militias into a bloated but dysfunctional Congolese army (see below), but did little to achieve an effective integration process or even ensure that former and serving soldiers were properly paid, fed and housed. Notwithstanding the peace settlement, regional powers, particularly Rwanda, continued to interfere in Congolese political life, with (until very recently) few if any sanctions applied by Western powers.

Accordingly, a range of militarised local conflicts has continued in Congo since 2006, a period that the international community has incorrectly characterised as 'post-conflict' (Autesserre 2010). The important complexities in each conflict have usually been glossed over in news reporting and even in scholarly analysis. In the Kivus, for instance, there is a cleavage between self-declared indigenous ('autochthonous') peoples and the Banyarwanda communities that have migrated into the area over a long period, a vital historical context that is often missed. Lars Huening's article in this Special Issue explains the historical origins of this division, demonstrating the interaction between competing claims to citizenship and identity, conflict over land and resources and access to the Congolese state, and how it continues to shape conflict between the Congolese armed forces and the M23 militia today. Similarly complex conflicts in northern Katanga and in the Ituri region continued to evolve in the supposedly 'post-conflict' environment, manifestations of both state failure and poverty (Turner 2007). With no legitimate source of public order, respect for the rule of law has collapsed in many spaces. Without sufficient

income, the government has struggled to reassert its control over the areas that have become lawless and has itself frequently taken sides within such disputes, in the name of national defence against Congo's regional enemies. In an environment of both extreme economic scarcity and lawlessness, 'Big Men' have used violence for personal gain and barely tried to restrain the (often unfocused) anger of frustrated young men whom they nominally command.

The situation has naturally been most desperate in those parts of the country affected by war and other forms of social violence. The political turmoil in eastern DRC has created hundreds of thousands of temporary and long-term displacement of persons (Murison 2002), who are frequently in dispute with established residents over farmland, fuelling new conflicts that often have an ethnic dimension. It is in the east of the country, too, that the state has been slowest to reassert its authority following the departure of the foreign armies. To this day, various rebel groups roam through the ungoverned spaces of eastern Congo, often preying upon unprotected civilians. The *Forces Armées de la République Démocratique du Congo* (FARDC) has proved to be another source of predation, rather than salvation, for the people of these long-suffering regions, to the extent that there is no often no qualitative difference between civilians' experience of so-called rebel forces and those of their own national army.

The disputed electoral victories of 2006 and 2011 have not brought to power a government with strong internal support. The political situation has certainly evolved, if not progressed: whilst the international community foisted the 2006 election process on a somewhat reluctant Congolese polity, during the 2011 poll it was President Joseph Kabila who utilised state resources to retain the presidency and mobilise electoral turnout in his areas of support. Nevertheless, as Theodore Trefon's briefing makes clear, Kabila remains marginalised from domestic political life and lacking in internal credibility as a national leader: he recognises that, like his predecessors as Congolese president, his position rests primarily on external rather than domestic support.

The acceleration of state failure in the 1990s exacerbated the other great burden of Congolese society, omnipresent and unrelenting poverty. According to the 2011 International Human Development Index statistics produced by the United Nations Development Programme, Congo's income was the second lowest in the world, ranking above only Liberia at 187th, but below the likes of Burundi, Liberia and Niger, countries all lacking Congo's vaunted natural resources. The overall level of human development for Congo was also second lowest in the world in 2010. The level of human development reached an all-time nadir in 2000, but had not rebounded to its 1990 level by 2010. In 2011, gross national income per person stood at an abysmal US$280 per year (PPP terms) and life expectancy at only 48.4 years, both figures far lower than they were at independence in 1960. Even in Kinshasa, largely spared the cruel ordeals of the wars, people barely survived, depending on an astounding variety of artifices and ingenious coping mechanisms (Trefon 2004).

The interaction of poverty, state collapse and war-related violence has created a complex of social dysfunction that has caused every aspect of social well-being to spiral downward. The poverty of the Congolese people causes them to remain disconnected from the state that rules them. Since most Congolese do not hold jobs in the formal sector, they cannot be directly taxed, and thereby provide income to the state (they are however irregularly 'taxed' by all manner of officials claiming to represent the state or other bodies of officialdom – see Laudati in this volume). The necessities of feeding oneself and one's family in a social context of disorder and obscene poverty leads young men, in particular, to search for sustenance and status though the linked modes of theft

and militia participation. The growth of the illegal mining sector represented only one of many livelihood strategies people adopted to spread the adverse affects of household risk. As insecurity grew in the region and traditional agricultural production and trading patterns eroded, artisanal mining became one of the few remaining sources of livelihood options for the rural poor.

Challenging representations of war and violence

Given the complexity of this situation, one of the aims of this Special Issue is to challenge the 'abusively simple' (to paraphrase Prunier 2008) characterisation of the DRC in the international media. The country is frequently depicted as a vast ungoverned and ungovernable failed state, a state of chaos, an abyss, whose chronic state of violence and underdevelopment is a 'long running tradition'. In such characterisations, Congo is literally and figuratively 'cursed' (Matti 2010), thereby removing responsibility from the outside world for its considerable role in shaping the circumstances that are presented in such narratives as internal and inherent, built into the country's DNA.

Articles in this issue provide a valuable rejoinder to such characterisations. Whilst eastern DRC generally, and the Kivus in particular, are a violent borderland (Boas 2010, p. 448), this is not an area devoid of governance. Nor are the oft-cited categories of 'pillage' and 'plunder' adequate for understanding either the genesis or the continuation of the region's violent conflicts, or the country's current socio-economic landscape. Rather, the state of the DRC today is the result of complex, multilayered and interlinking mechanisms and involves a multitude of different actors engaged in economic, social and political activities which require looking beyond the now tired and all too simplistic discourse of 'creed, greed, and booty' (Paddon 2010).

Two specific notions dominate Western representations of the crisis in the DRC: the explanation of conflict as based on the illegal export of valuable minerals (see below), and the horrific level of sexual violence and rape meted out by soldiers on the country's women. Whilst both narratives reflect all-too-real elements of the conflict and its effects, they are a thoroughly inadequate characterisation of a far more complex crisis that is fundamentally structural in nature.

The form of violence that has garnered the most international press attention in recent times has been sexual assault and mutilation at the hands of Congolese fighters, though widespread sexual violence in Congo has been well-documented for over a decade (see e.g. Human Rights Watch 2002). The vast extent of rape and sexual abuse is of course one of the most appalling aspects of the Congo wars and the collapse of the central state in the DRC. The impact of these assaults will reverberate for generations to come, affecting not just women and any children they bear, but also gendered and familial relations more generally. Other forms of predation and violence, however, have been no less prevalent during the Congo wars: theft of civilian property, arbitrary taxation, assault against men or women for many reasons, displacement from homes and land, and wanton destruction of property. This violence results both from well-reasoned strategies of war and the breakdown of social norms of control. In their article, Nicole D'Errico, Tshibangu Kalala, Louise Bashige Nzigire, Felicien Maisha and Luc Malemo Kalisya question the singular focus on victims of sexual violence, arguing that greater attention needs to be paid to the wider collapse of health and other services that, their Congolese respondents report, powerfully affect women who are vulnerable to rape. The tendency of international agencies to channel funds into programmes solely focused on rape victims neglects the real barriers to health care in the DRC. Most significantly perhaps, it is argued that international donors tend to ignore,

and would do better to fund, the considerable grassroots initiatives against gender-based violence organised by Congolese women themselves.

Conflict in the DRC is undoubtedly linked to the extraction of natural resources and various other spoils, but this does not mean such resources were the primary cause of war. Rather, the opportunities presented by the exploitation of minerals led to an economisation of the conflict by trading in natural resources. Furthermore, the assumption that those involved in these economies are either greedy militia or profit-maximising businessmen overlooks the fact that the majority of those involved in the trade in precious minerals continue to be motivated by coping and survival. As Jackson (2002, p. 517) noted in *ROAPE* a decade ago, the current socio-political landscape that characterises the Congo is built 'on older patterns of survivalist economics in Congo, it also represents a radical mutation of livelihood strategies responding to an economy profoundly destroyed by colonial and post-colonial neglect and greed, and more recently by … years of vicious war'. For a resource-poor farmer, then, the mining of coltan, the cutting of timber, or the growing of hemp, is part of the coping or survival economy; for the landowner leasing his land for the production of natural resources, it is part of the shadow economy; and, for militia and military that tax the trade in valuable resources, it is part of the war economy. Thus natural resources, whether gold, diamonds, timber, or 'blood coltan' (Mantz 2008) simultaneously represent a conflict good, an 'illicit' commodity and a means of survival, depending on the actors involved in its production/exploitation.

Mineral profits certainly provided a basis for some actors during the second Congo war, notably the Zimbabwean army's seizure of Katangese mines, tacitly endorsed by the regime of Laurent Kabila as the price of Zimbabwe's military support of his beleaguered regime. More broadly, mineral revenue was an important source of income for many armed forces both during the wars and subsequently. Meanwhile, despite the international boom in minerals since the mid 2000s, the DRC's vast mineral wealth has, as in previous periods of Congolese history, failed to translate into meaningful developmental gains (Hönke 2009). In this issue, Johanna Jansson analyses the controversial Sicomines agreement granting major mining rights to Chinese companies in exchange for huge Chinese development loans. Jansson helpfully challenges some of the most negative analyses of the agreement, criticism of which has been bound up with the wider hysterical denunciation of China's role in Africa. Whatever the origin of investor capital in large-scale mining, it remains clear that the Congolese state is unable to convert its considerable mineral wealth into effective developmental activities, to the benefit of its population.

However, as Laudati's article in this volume shows, minerals are only a small element of a much larger economy which remains in many respects predatory and informal – indeed, 'informal' is a misnomer for an economy in which the supposedly irregular is in fact the everyday norm. Of far greater relevance to most soldiers and civilians are non-mineral goods that form the everyday basis of trade. Through an examination of alternative forms of extraction (including roadblocks, the trade in forest resources, the looting of Congolese citizens, and the theft of cattle), she illustrates how such grassroots forms of extraction not only facilitate rebel military activities, but also provide the sole coping mechanism for large parts of the population. Such strategies of diversification, Laudati posits, in fact contribute to the reworking of social and economic arrangements for a more diverse network of actors beyond armed actors. The reality on the ground in the DRC is that vibrant, innovative economies and trading centres have grown in the absence of regulation and law enforcement. In this context, locally constituted codes of practice arise and create a degree of 'order' which may not rest on state authority or return revenues to the state, but which have allowed economies of value to continue in the midst of conflict. It is therefore

important to understand the complexity, depth, and divergence of these parallel forms of extraction as they are likely to form the basis of economic arrangements in any truly post-conflict future.

Laudati also identifies the central role played in many economic transactions by the Congolese army, the FARDC. The army is notorious for its dysfunctionality: it has historically been highly ineffective as a military force, making up for its consistent failure to defend the DRC from external aggression by a consistently predatory approach to its own citizenry (Young and Turner 1985, pp. 248–275). Numerous attempts to reform and reconstruct the army have failed, to the point where its weakness must be understood less as a problem in need of reform and more as a structural facet of the Congolese state, meeting the interests of civilian politicians who arguably benefit more from a weak and divided armed force than a united and effective one. The post-war settlement rested on bringing in rebel forces into the FARDC, but little has been learnt from earlier failures to achieve just this: the massive investment in demobilisation and reintegration was a top-down process which rewarded and enriched FARDC commanders, some themselves former rebel officers. Ordinary soldiers from all sides however saw little benefit: wages go unpaid and rank-and-file troops continue to depend on trade, often informal and illegal but tacitly recognised by local authorities (to the extent they exist) as a reasonable alternative to direct predation on the civilian population. The failure of the FARDC and its civilian masters to offer a sustainable living to armed men, and to meet the demands of former rebel officers, is of course a key reason why it has proven so fissiparous, with specific units breaking away to form new rebel forces serving foreign interests and/or internal claimants of state power.

This does not mean that the FARDC should be regarded simply as a predatory force. Whilst there is unequal competition between soldiers and other sections of society in the eastern DRC's economy, Judith Verweijen's article shows there is also significant cooperation between military and civilian actors in their respective efforts to make economic ends meet. The striking poverty of rank-and-file soldiers, and the parlous economic conditions of even their immediate commanders, means they have little choice but to interact with the wider society of eastern DRC. Equally, for insecure Congolese communities, FARDC units and commanders provide an important, albeit evidently problematic, resource for addressing grievances and resolving disputes in the absence of legitimate state authorities. Whilst Verweijen by no means portrays a positive image of army–civil relations, her research provides an instructive contrast to the common image of the army as an external predatory force on passive civilian victims.

Such findings show that grassroots responses to the 'chronic' instability and violence in the region are multiple and warrant greater engagement than is allowed by a commonly accepted dichotomy between those who do (the perpetrators of violence) and those who are done to (the victims of violence). As Burt and Keiru (2011) argue, '[Society members] were not [just] passive victims of the war and the subsequent humanitarian crisis; they exerted agency at all levels of society' (p. 233). Kabamba's work (2010) on the Nande traders of Butembo highlights how this primarily merchant group sustained a relatively successful transnational economic enterprise in eastern DRC, even during periods of heightened armed combat and violence. Civilians are more generally active in resisting and transforming the violent environments in which they live and work as much as they are active participants in its proliferation. Mantz (2008) similarly illustrates how artisanal miners forged elaborately devised production systems, 'at times dangerously *against* the regimes of local warlords' (our emphasis). Peripheral processes of primitive accumulation, then, are not merely destructive but also creative – producing new collective

organisations, augmenting beneficial processes, resisting harmful ones, and reinventing 'traditional' ones (Kabamba 2010). The capacity of Congolese people to engage in what Jackson describes as 'self-development' applies not only through the construction of so called 'parallel' economic livelihoods, but also reflects a reshaping of society through the creation of parallel infrastructural and welfare support mechanisms as spaces of new politico-cultural and economic possibility.

Beyond failed states and civil(ising) society – reinventing order in the Congo?

As scholars have previously argued, the lack of government does not necessarily mean a lack of governance (Kabamba 2010) nor an absence of institutions (De Villiers 2009). In the context of the declining 'predatory Zairian state' and the outright disintegration of the war-torn DRC, people increasingly penetrated 'spaces previously occupied by the imploding state and the regime' (De Boeck 1996, p. 97). What emerged were new political complexes and social arrangements, differentiated (but not entirely separate) from the modern state. Many of the articles in this issue investigate those new structures, which are creating alternative forms of political (dis)order and economic (mis)management. This scholarship considers how a range of Congolese actors beyond the state are 'reinventing order' (see Trefon 2004) in the east of the country. They draw on the theme of 'coping' to elucidate and explain the multiple interactions and experiences of local actors within Congo's current socio-economic and political landscape. Some suffer, but many others survive, and some even thrive, whilst none of these conditions should be considered permanent.

For the ordinary citizen, perhaps the most direct and punishing aspect of state failure is the disappearance of rudimentary health-care services and schooling for children. The falling levels of public health and literacy were central elements of the national crisis from the early 1990s. Even in the late 1980s, health-care workers and school teachers were still being paid, if only irregularly and with inadequate salaries. By the mid 1990s, however, state employees rarely if ever received any salaries: nurses and teachers who remained in their posts did so in return for direct compensation from those whom they served: they received one-off payments directly from patients or parents, and held onto their positions in the hope of better days. Whilst the disastrous state of state services reflects in part the '*débrouillez-vous*' policy advocated by Mobutu in the 1980s, it has not led to helplessness. Indeed, whilst no sensible observer would advocate self-help as the solution to the DRC's problems, there is striking evidence of how community-based organisations, particularly religious associations, have responded creatively to the crisis of state provision.

Laura Seay's article examines the health-care sector in the Kivu provinces. She develops a theory of internal organisational cohesion to examine 'why, in a situation of state collapse, some civil society organisations are more successful at building social order than others'. Drawing on detailed case studies, Seay finds that both ethnic homogeneity and financial independence are important factors shaping the ability of such groups to survive without ties to the state. However, Seay argues, churches in the eastern DRC do not simply partner with the government, or help operate schools and hospitals. In many ways they function as the *de facto* state, making policy decisions, employing personnel, and managing institutions. Whilst they provide essential social services, Seay notes the danger of civil society-run systems of service provision and authority becoming entrenched, potentially making it difficult for the state to reassert its legitimate authority in the future.

Complementing Seay's work, Ashley Leinweber explores how education services continue to be provided in the context of state weakness. As education represents only 6% of government expenditure, Leinweber notes, responsibility for school provision has increasingly become dominated by Christian churches. However, she argues, unmet needs have created a unique space for Muslim organisations to establish themselves as a significant service provider. Examining the Muslim community in Maniema province, Leinweber demonstrates how a marginalised minority population has seized upon the DRC's unique post-conflict setting to mobilise for the benefit of the larger society, and as a result to move itself from the margins to the mainstream of society. However, Leinweber demonstrates that 'faith-based organisations do not so much replace the state by providing public goods as they intersect and negotiate with the formal state'. Contrary to the 'failed state' approach, which suggests a total lack of institutional capacity, the state is still present, imposing a national curriculum, inspecting to ensure institutions are operating according to state regulations, and requiring that educational institutions provided by faith-based organisations are nationally accredited. Indeed, Leinweber shows that there is no enthusiasm amongst her respondents to live without the state, notwithstanding its dysfunctional and corrupt reputation: there is no evidence here that Congolese parents welcome or even accept the effective privatisation of services they believe should be provided by the state. The striking willingness of parents in eastern DRC to pay school fees (to the extent that they can) to help subsidise state education offices which, in practice, play little role in the effective provision of their children's schooling is just one sign that they, along with most other Congolese, refuse to accept the state's failure to provide services and continue to demand that state officials and politicians take responsibility for social services.

This reflects a more general popular endorsement of the continued role of the Congolese state in the face of its failures, the result of both internal and external pressures (Englebert 2009). As the editors of the 2002 *ROAPE* Special Issue argued:

> There is a Congolese nation – plural indeed, yet with a clear sense of collective belonging and destiny. It will take a long time to heal the wounds of poverty, oppression, rebellion and war but perhaps this sentiment of 'being Congolese' can be transformed into the energy needed to reinvent the state and society. (Trefon *et al.* 2002)

Whilst that reinvention has only begun at a national level, the research in these articles indicates that small steps in that direction are being taken at a local level by sections of Congolese society. The ways in which non-state actors have sought to reproduce, rather than simply replace, state responsibilities, is equally illustrated in the research of Titeca and De Herdt (2011) and in the article by Titeca, De Herdt and Wagemakers herein. Their analysis of the confrontation between the Catholic Church and state authorities over school fees in the capital city of Kinshasa reveals the competing bases of power between these institutions and the complex social divisions that underlay provision of education services in poorer and wealthy districts of the city. Their analysis draws on notions of neo-patrimonial analyses of 'Big Men' to explore how church leaders are able to initiate policies which undermine those of the state and of donors. Titeca *et al.* also reveal, however, the limits of such patrimonial dynamics in actually implementing policies, and the considerable capacity of relatively subaltern actors – teachers who resort to strike action, and parents who refuse to pay increased fees – in shaping policy outcomes, in ways that those who fund and subsidise the Congolese state would do well to attend to.

Conclusion

More generally, the articles in this Special Issue call attention to the need for the activities and perspectives of Congolese communities and individuals to be central to any attempt to resolve the country's problems. The article by D'Errico and her co-authors intentionally places the voices of Congolese participants in the forefront of its challenge to the dominant narrative of rape and sexual violence. It challenges international donors, analysts and indeed academic and non-academic researchers to place the perspectives and intentions of Congolese communities at the centre of their analysis, something that has been sorely missing from most attempts to 'aid' the DRC. Understood from this perspective, attempts to reform Congolese institutions have, both historically and more recently, rested on the incorrect notion that the country's problems stem from its supposedly inherent weaknesses, rather than from its constant manipulation and exploitation by both external powers and their allies amongst Congo's elites.

As has been previously noted, non-state actors, such as communities and civic organisations, and non-governmental organisations (NGOs) have been central to post-conflict recovery and peacebuilding. In the aftermath of conflict, with the initial paralysis of official systems and structured roles, these traditional actors become the backbone of immediate post-conflict relief and response. As Seay and Leinweber demonstrate, non-state actors also become the foundation for altered forms of governance and social welfare systems. Such fragments of order may constitute emergent building-blocks for local attempts at state-building, particularly as these systems, embedded in sets of social relations and local configurations of power, are likely to persist even as violence subsides and the state assumes a more legitimate role. Previously overlooked groups of actors, such as the Muslim community analysed by Leinweber, are actively engaging in opportunities to provide needed services. None of this should suppose a romanticised view of a unified Congolese people; indeed, Congolese society is profoundly divided along economic, social and cultural lines, in ways that will not be easily overcome – but these divisions are the result of understandable processes of historical change, political economy and the interaction between domestic and external forces, not primordial or unintelligible forces that stand outside either comprehension or control.

Such findings suggest the need then for a much bolder and ultimately more sustainable approach to peacebuilding which engages with and is informed by realities on the ground. Any attempt to put the Congolese state 'back on its feet' (Goodhand 2004) must address the longstanding predatory relationship of that state and its functionaries on the Congolese people (Jackson 2002). What categorises so-called failed states or situations of state failure is not the absence of the state as such – it can be very present in certain areas and aspects of daily life – but rather the blurring of boundaries between the formal and the informal, between public and private interest (Boas and Jennings 2005). It is within this space of 'blurred sovereignty' (see Mbembe 2002) that the intricacies of disorder and the fragments of order are negotiated and it is within these spaces that Congo's future landscape will be decided. This Special Issue is a small step toward unravelling and drawing out the multiple actors and the interactions currently taking place within that space.

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Note

1. Congo was officially known as Zaire between 1971 and 1997.

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BRIEFING

The Sicomines agreement revisited: prudent Chinese banks and risk-taking Chinese companies

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The Sicomines 'minerals-for-infrastructure' agreement struck between the Congolese government and a consortium of Chinese companies in 2007 is one of the most well-known embodiments of the Chinese presence in Africa. This briefing analyses recent developments in the implementation of the agreement. With important expenses incurred in the DRC, the Chinese parties to the agreement are still negotiating for a financing arrangement in China. This illustrates that China is no monolith in its overseas activities. While China's banks are cautious, the real risk-takers in the context of the Sicomines agreement are the Chinese companies.

Introduction: the Sicomines agreement

In 2007, when an agreement was struck between China Export–Import (Exim) Bank and a consortium of Chinese and Congolese companies, the relationship between China and the Democratic Republic of Congo (DRC) was, in the words of one observer, 'catapulted … to centre stage in China–Africa cooperation' (Curtis 2008, p. 87). This happened at a point in time where the Chinese presence in various forms – consumer goods, migrants and larger companies – had become a well-known feature in the social

and economic life of African countries. Trade between China and Africa had soared from US\$ 10.6 billion to US\$ 73.5 billion between 2000 and 2007 (World Trade Atlas 2009) and the 2006 Summit of the Forum on China–Africa Cooperation brought high-level delegations from 48 African states to Beijing, placing diplomatic relations between the burgeoning economic giant and African countries firmly in the world's media spotlight (Taylor 2011, pp. 63–76).

In 2007 the newly elected President Joseph Kabila of the DRC was also seeking to secure funding to implement *les cinq chantiers* ('the five public works'), his 2006 electoral programme. It covered five priority areas: infrastructure, health, education, water and electricity, housing and employment (Kabila 2012), all areas in which important effort was needed after the devastating wars of 1996–97 and 1998–2003 and the preceding decades of mismanagement under Mobutu's rule (Vircoulon 2007). Whilst the international community had a substantial presence in the DRC at this time (and indeed still has), the funds brought into the country by the United Nations, bi- and multilateral donors, and international non-governmental organisations could not be used directly by the new Kabila government. Neither was the country following an International Monetary Fund (IMF) programme at this stage. President Kabila therefore sought to secure funds that could be used for his political priorities. It was in this context that President Kabila and his collaborators started discussions with the Chinese

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state-owned enterprise China Railway Engineering Corporation (CREC), one of China's biggest conglomerates. The company was interested in mining concessions in the DRC as part of its ambition to expand its mining portfolio, and the Congolese party suggested that a component of infrastructure financing could be included into the agreement.[1] This was how the Sicomines agreement, one of the most well-known embodiments of the Chinese presence in Africa, was conceived.

Le contrat chinois, as the agreement is most commonly referred to in the DRC, is widely understood as a 'barter deal', in which minerals would be exchanged for infrastructure projects. While the idea of a barter deal is a useful descriptive shorthand, it greatly simplifies what is a complicated financing arrangement. The agreement links a multibillion-dollar Chinese credit line to a mining project in the DRC's Katanga province. The future profits of the mining operation will underwrite the reimbursement of the credit line, which will capitalise two distinct elements: the mining operation and construction of infrastructure projects. From the onset, the total budget for the infrastructure projects to be implemented was US\$ 6 billion (*Convention de Joint Venture* 2007, pp. 63–64). It would be implemented in two tranches and provide the DRC with much-needed infrastructure works of a public-goods character, such as roads, hospitals and schools (*Convention de Collaboration* 2008, pp. 34–36). As we shall see, the infrastructure component was reduced to US\$ 3 billion in 2009 following demands from the IMF. After the reimbursement of the credit line is completed, the profits from the mining operation will be divided between the shareholders and the mining operation will ostensibly be subject to the tax provisions of the DRC's Mining Code.[2]

The mining operation in the DRC's south-eastern Katanga province will be conducted by a Sino-Congolese joint venture named Sicomines (*Acte Constitutif et*

Statuts 2007, *Convention de Joint Venture* 2007).[3] The Chinese stakeholders (CREC, Sinohydro and Zhejiang Huayou Cobalt) hold a 68% stake in the joint venture, and the Congolese parties (the DRC's state-owned companies Gécamines and Simco) hold 32%. The particular stakes have changed several times since 2007, but the 68/32 ratio between Chinese and Congolese stakeholders remains in place (Congomines 2012). The total investment in the mining operation, to be capitalised by the credit line, is US\$ 3.2 billion.[4]

Contextualising Sicomines

CREC's offer to bring in a credit line to finance infrastructure in the DRC under the banner of the president's *les cinq chantiers* programme needs to be understood against the backdrop of the political dynamics in the DRC's mining sector. The sector is important to the circle around President Joseph Kabila, given that the revenues accrued to this entourage from informal and illicit transactions linked to the sector are most likely significant, although this is difficult to substantiate (Garrett and Lintzer 2010, p. 401). Gaining and retaining a place in the DRC's mining sector therefore requires political manoeuvring by foreign investors. This is most prominently exemplified by the cancellation of Canadian First Quantum's contract in 2009 (Abadie 2011, p. 293, Bavier 2009b) and the DRC's state-owned mining company Gécamines' sale of its stakes in several mining ventures to companies linked to Israeli investor Dan Gertler, a personal friend of President Kabila, in 2011 (Kavanagh and Wild 2012, Wild *et al.* 2012). Indeed, the DRC's refusal to publish the full details of one of the latter transactions led to the IMF ending its three-year loan programme in December 2012 (Reuters 2012). Similar political dynamics were at play as the Sicomines agreement was initiated. Given President Kabila's political needs in 2007, the

offer to extend a credit line towards infrastructure financing worked as a tool for the Chinese companies to secure access to mining concessions. Indeed, the initial version of the agreement was negotiated in secrecy by the president and his collaborators without the implication of relevant line ministries such as Finance, Economy and Budget (Global Witness 2011, p. 18).

The Sicomines agreement also needs to be understood in the context of China's 2001 'Going global' strategy. The agreement has often been perceived as a combination of Chinese aid and investment (e.g. Marysse and Geenen 2009, pp. 380, 383); it is not. The Chinese embassy in Kinshasa does provide assistance to Sicomines if necessary, just like any embassy provides support for companies from its country. However, the Chinese embassy does not view Sicomines as part of China's aid (see Jansson 2012, p. 179 for details on China's aid portfolio in the DRC), but as a corporate initiative which is the responsibility of the Chinese companies and their financiers.[5] This mirrors existing research which shows that while the overseas activities of Chinese actors are encouraged by the Chinese government, they are mostly not led directly by the latter. In fact, a great deal of Chinese overseas activities are corporate-led and profit-driven, initiated either by private small-, medium-, or large-scale enterprises with no links to the Chinese government, or by large state-owned enterprises (SOEs) who benefit from government support (e.g. Gu 2009, Jiang 2009, Park 2009). Sicomines is a case of the latter.

The Chinese government's ambitions in terms of the internationalisation of the SOEs were initially formulated in its 'Going global' strategy in 2001. The strategy encouraged Chinese SOEs to expand overseas, capture market share and gain experience, particularly with regards to energy (Brautigam 2009, p. 74, Zha and Hu 2007, pp. 105–115). To encourage this, the Chinese government can provide

the SOEs with credit lines that facilitate their business development. In the case of Chinese companies developing their portfolios in African countries, such support is provided mostly by China Development Bank or by China Exim Bank (Brautigam 2009, pp. 93–94, 142). The credit line that was extended by China Exim Bank to Sicomines in 2007 was part of such encouragement. Apart from serving as a lever to gain access to the DRC's mining sector, two other prominent Chinese interests were addressed by the credit line: to secure business for Chinese construction companies and to facilitate export of Chinese goods. These are the aims of China Exim Bank credit lines in general (China Exim Bank 2012).[6] In the first instance, the consortium of Chinese companies was designated as the exclusive contractors for the infrastructure projects to be financed by means of the agreement. The two companies that currently implement the infrastructure projects are those that hold the two largest shares of the Sicomines joint venture – CREC and Sinohydro. The second criterion was also met by the agreement, which stipulates that materials that cannot be sourced in the DRC shall be purchased on the Chinese market (*Convention de Collaboration* 2008, p. 14, article 11.2).

A controversial agreement

The announcement of the Sicomines agreement in 2007 stirred debate within the DRC, in other African countries, as well as in policy circles and civil society groups in the West. The Congolese political opposition and civil society, both domestically and internationally, argued that the contract had been signed under opaque circumstances (e.g. Global Witness 2011) and was skewed in favour of the Chinese signatories (e.g. Budimbwa 2008, Marysse and Geenen 2009). The IMF and the Paris Club donors were working towards debt relief for the DRC at the time, and they accordingly raised two concerns about

Sicomines. First, it was argued that the credit line was not extended on concessional terms and would be too large, given the country's existing US\$ 13.1 billion external bilateral and multilateral debt (IMF 2009). The IMF argued that the value of the loans to be extended towards infrastructure should be limited at US\$ 3 billion (Brautigam 2011, Marysse and Geenen 2011, Jansson 2011, Vircoulon 2010).

Second, the convention included a sovereign guarantee for the entire loan (*Convention* 2008, p. 18, article 13.3.4), i.e. a pledge that the Congolese state would reimburse both the loans extended to capitalise the mining operation and those extended to finance the infrastructure projects, should the profits from the mining venture not be enough to cover them. Indeed, as the Sicomines agreement was formulated in 2007, the DRC had not serviced its debts to international banks and Western countries for many years. At this point, the DRC was only servicing parts of its debt to multilateral creditors and to the 'Kinshasa Club' – comprising private creditors and commercial banks from countries such as Kuwait and India (African Development Bank/Organisation for Economic Co-operation and Development 2008, pp. 242–256, African Forum and Network on Debt and Development [AFRODAD] 2005, Reuters 2010). The reason the Chinese financiers wanted a sovereign guarantee was certainly to make sure that as a last resort, the Congolese government would ensure the reimbursement of their investment. It was this sovereign guarantee that provoked particular concern with the IMF and the Paris Club donors, who feared that China may burden the Congolese state with US\$ 9 billion of new debt. The IMF argued that this guarantee was problematic from a debt sustainability perspective and was unreasonable, since no other investor in the DRC's mining sector has a government guarantee on the return on its investment.

After more than a year of discussion and debate, the agreement was renegotiated in October 2009 to conform to the IMF's demands: the infrastructure component of the agreement was capped at US\$ 3 billion, the Congolese state's guarantee on the mining investment was removed, and the interest rate was capped at 4.4% (*Avenant* 2009, Bavier 2009a). However, as noted by Brautigam (2011, p. 215), the interest rate charged by China Exim Bank is not capped at 4.4%, but the Chinese parties to the agreement will cover the difference in case it rises higher than that level (*Avenant* 2009, p. 7, article 6). During the negotiations to amend the Sicomines agreement, the toughest issue to resolve between the Congolese and Chinese parties was the compromise to abandon the sovereign guarantee on the part of the loan that would capitalise the mining operation. The Chinese party wanted to maintain the guarantee, but they had to agree to abandon it following the pressure from the IMF.[7]

Implementation since 2009

The common assumption among Congolese and international observers alike is that since the renegotiation in 2009, the Sicomines agreement has been implemented according to plan and that the Chinese financiers have disbursed the maximum amount of infrastructure loans allowed by the agreement. Recent fieldwork shows that reality has proven more complex for Sicomines. While US\$ 458 million worth of infrastructure projects have been implemented since 2008 (see Table 1), as of December 2012, the implementation of the agreement was at a standstill since Sicomines no longer had a financing arrangement.[8] As a result of the lack of finances, no new infrastructure projects are currently being implemented and the mining operation in Katanga province had as of December 2012 not commenced at all. China Exim Bank pulled out as Sicomines's finance provider in early 2012 since agreement could not be

Table 1.   Infrastructure projects implemented to date within the framework of the Sicomines agreement.

Project	Company	Status	Quality control conducted by	Price (US$ million)
Refurbishment of the *Boulevard du 30 juin*, Kinshasa (1st part) (5.3 km)	CREC	Completed	Congolese Agency of Public Works	24.1
Refurbishment of the *Boulevard du 30 juin*, Kinshasa (2nd part) (2.5 km)	CREC	Completed	Gauff Engineering (external consultancy firm)	19.3
Refurbishment of the Esplanade in front of the People's Palace, Kinshasa (24 380 m^2)	Sinohydro	Completed	FYJL (external consultancy firm)	19.7
Refurbishment of Avenue du Tourisme, Kinshasa (7.25 km)	CREC	Completed	Congolese Agency of Public Works	24.3
Refurbishment of the Boulevards Triomphale et Sendwë, Kinshasa (4.3 km)	CREC	Completed	BIC / TCE (external consultancy firm)	29.2
Construction of a 450-bed hospital (*Hôpital du Cinquantenaire*), Kinshasa	Sinohydro	Completed, inauguration on hold awaiting a staffing arrangement	Huatong (external consultancy firm)	99.9
Refurbishment of Lutendele road, Kinshasa	CREC	2.8 of planned 4.56 km completed	African Engineering & Consulting (external consultancy firm)	21
Refurbishment of the Beni-Luna road, North Kivu (66 km)	Sinohydro	Completed	Huatong (external consultancy firm)	57.8
Grading of the national road (RN5) between Lubumbashi and Kasomeno, Katanga province (137 km)	CREC	Completed	Congolese Agency of Public Works	50.5
Asphalting of the national road (RN5) between Lubumbashi and Kasomeno, Katanga province	CREC	90 of planned 137 km completed, works delayed due to lack of finances	Congolese Agency of Public Works	87.5
Donation of solar panels	Sinohydro	Completed	N/A	11
Donation of generators	CREC	Underway	N/A	6.5
Factory to build prefabricated houses, Kisangani	CREC	Underway	N/A	7.5
				Total: 458.4

Sources: ACGT (2011), EITI (2013, p.91) and author's interviews with representatives of Sinohydro (28 November 2012) and CREC (3 December 2012).

reached between the parties on certain key points. According to Moïse Ekanga, executive secretary for the Bureau for Coordination and Monitoring of the Sino–Congolese Programme, the bank wanted to take over the Congolese parties' 32% share of the Sicomines joint venture as a security, and mortgage the Chinese parties' 68% share until reimbursement was completed, a condition which was not accepted by the other Chinese and Congolese parties. China Exim Bank also considered the 25-year reimbursement time too long and found it problematic that the law that would secure Sicomines's fiscal advantages (*Convention de Collaboration* 2008, p. 21, article 15.1) has not yet been voted by the Congolese parliament.[9]

As China Exim Bank pulled out, it had already extended around US$ 1 billion worth of loans to Sicomines. These loans had to be reimbursed by CREC and Sinohydro as the bank withdrew its participation, given that the mine which in the future will secure the reimbursement of the loans is not yet in production.[10] In the current situation, therefore, the risk in terms of the Sicomines agreement lies entirely with the Chinese companies. Of the loans extended by China Exim Bank, US$ 458 million have been used for infrastructure projects and US$ 540 million have been disbursed towards the mining operation. Of the latter amount, US$ 350 million will be used for the signing bonus (US$ 175 million of which was paid to the DRC in 2009, US$ 50 million in July 2012, and the rest is to be paid before the end of 2012) and US$ 190 million for the feasibility studies and the loans[11] to the DRC's state-owned mining company Gécamines.[12] As of December 2012, Sicomines was in negotiations to secure a financing arrangement, and this time the talks involve three banks – China Development Bank, Bank of China and China Exim Bank.[13] The latter came back to the negotiating table in late 2012, according to one respondent as a result of the competition offered from the other banks.[14]

These developments provide an interesting illustration of how the concerns of different Chinese overseas actors vary. On the one hand, Chinese companies are prepared to take risks as they seek to gain market traction overseas. In the case of the Sicomines agreement, this has translated into CREC and Sinohydro providing significant up-front financing towards infrastructure projects to meet political pressures from the Congolese presidency (see below). On the other hand, whereas China's banks actively support the overseas expansion of the Chinese SOEs, their principal concern is the perceived profitability of the project in question. They need to be confident that their investment will be repaid (cf. Brautigam 2009, pp. 93–94, 142).

Does this mean that the whole Sicomines agreement is about to collapse? It is difficult to tell from the outside, but two factors have to be taken into account when assessing the current situation. First, the business environment in which the Sicomines agreement is implemented is one of the most challenging in the world. The DRC was ranked as the sixth most difficult country in the world to do business in 2012 (180 out of 185 economies) by the World Bank's Doing Business project (World Bank 2012). It is therefore understandable that the Chinese financiers take all the necessary steps to ensure the reimbursement of their investments, and this takes time. Second, however, the copper and cobalt reserves allocated to Sicomines are judged sufficient to repay the loans to be extended, and the DRC's Mining Code (according to which Sicomines is supposed to operate once the loans are paid back) is one of the most generous in the world in terms of returns to foreign investors (Abadie 2011, p. 295).[15] This means that whereas Sicomines is currently negotiating to find a financing arrangement, this probably reflects prudence on the part of the finance providers rather than imminent collapse of the whole agreement. According to

Zhou Mangsheng, Economic and Commercial Counsellor at the Chinese embassy in Kinshasa, the negotiations between Sicomines and the banks are advancing well and there is no hesitation as such. The reason it takes time is that the procedures for financing in China are strict and there have to be guarantees for reimbursement.[16] This cautiousness on the part of the Chinese financiers stands in sharp contrast to the narrative that emerged during the Sicomines controversy in 2008–09, portraying China as a potentially problematic lender. The evidence is that China's banks act as prudent development finance providers.

CREC and Sinohydro: between the Chinese banks and the Congolese presidency

As the Chinese presence in Africa started to grow decisively at the turn of the twenty-first century, observers wondered how Chinese actors will link up with African politics (e.g. Mohan and Power 2008, p. 38). Recent developments around the Sicomines agreement raise interesting questions in this regard. Why have the Chinese companies taken such risks in the DRC even though their financing arrangement was not secured? The answer seems to be that they seek to maintain good relations with President Kabila. As mentioned, the infrastructure projects to be financed by means of the Sicomines agreement are central to Kabila's *cinq chantiers* programme and it was, after all, with the President and his close collaborators that the Sicomines agreement was first signed. As a result of its close association with the Kabila regime, the Sicomines agreement remains a politicised issue in the DRC. Two contenders of Kabila have promised to renegotiate it should they come to power. Laurent Nkunda, former leader of the rebel group CNDP (the National Congress for the Defence of the People), promised to do so as part of demands made in 2008 to a United Nations special envoy

(AFP 2008). Similarly, ahead of the elections in 2011, Kabila's main political rival Etienne Thisekedi stated that he would revise *les contrats chinois* if he was elected, 'because they are characterised by non-transparency' (Braeckman 2011). It is doubtful whether or not a successor to Kabila would actually change anything in the Sicomines agreement, but in this political environment it is understandable that the Chinese companies make efforts to deliver infrastructure projects fast to safeguard their relations to the president.

Representatives for both Sinohydro and CREC have testified to the pressure under which they were completing infrastructure works in central Kinshasa ahead of the DRC's 50th independence anniversary in June 2010. Sinohydro's teams worked 24/7 on the esplanade in front of the People's Palace to complete refurbishment work on time. CREC's teams did the same on Kinshasa's main avenue *Boulevard du 30 juin*, completing work in six months instead of the 18 months stipulated in the contract.[17] As noted by one observer, 'without the high-profile efforts of CREC and Sinohydro to date [Kabila] would have had precious few projects with which to seek to impress the electorate' (Mthembu-Salter 2012, p. 20). Sicomines is clearly used to signal the steps that Kinshasa is taking towards modernity both to residents and visitors (Boeck 2011) and to perform statehood. The lion's share of projects that have so far been implemented as a result of the Sicomines agreement (see Table 1) have encompassed refurbishment work on arterial roads in central Kinshasa. Indeed, President Kabila needs such efforts now perhaps more than ever to demonstrate his ability to deliver concrete results to the disillusioned Congolese electorate. His regime is weakened after the November 2011 elections, which were widely regarded as marred by irregularities and deficient organisation (Centre Carter 2012, European Union Observer Mission 2012, see Trefon in this volume). The

rebel group M23's capture of Goma, capital of the North Kivu province, in November 2012, further undermined Kabila's authority (Châtelot 2012). In summary, the evidence to date suggests that as a strategy to safeguard their commercial interests in a politically volatile environment, the Chinese parties to the Sicomines agreement have taken important risks to meet the political pressures from the circle around President Kabila. Coming chapters in the Sicomines saga will tell if these risks were too big or well-calculated.

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Notes

1. Interview by the author and Wenran Jiang with a well-placed Chinese respondent, 7 March 2011, Kinshasa.
2. Moïse Ekanga Lushyma, executive secretary for the Bureau for Coordination and Monitoring of the Sino–Congolese Programme, stated in an interview with the author (4 December 2012, Kinshasa) that the Mining Code will apply to Sicomines after its loans are reimbursed. However, exactly how the Mining Code will apply is not made explicit in any of the Sicomines contracts that had been made public on the website of the DRC's Ministry of Mines as of December 2012 (*Acte Constitutif* 2007, *Avenant* 2009, *Convention de Joint Venture* 2007).
3. The copper and cobalt concessions are named Mashamba West and Dikuluwe. For further details, refer to *Convention de Collaboration* (2008), Huderek (2012), Congomines (2012) and Katanga Mining (2012, pp. 4, 6).
4. Figure from Sicomines's 2011 feasibility study provided by the Martin Kabwelulu, the DRC's minister of mines at a public seminar '2ème matinée de transparence sur le contrat chinois', 29 November 2012, Grand Hotel Kinshasa.
5. Author's interviews with Zhou Mangsheng, Economic and Commercial Counsellor, embassy of the People's Republic of China, 12 October 2012, Kinshasa; with a representative of CREC, 15 October 2012, Kinshasa; and interview by the author and Wenran Jiang with a representative for the Economic and Commercial Counsellor's office, embassy of the People's Republic of China, 07 March 2011, Kinshasa.
6. These aims are similar to those of most national export credit agencies. For example, the mission of the Export–Import Bank of the United States is 'to assist in financing the export of US goods and services to international markets' (Export–Import Bank of the United States 2011).
7. Author's interview with Moïse Ekanga Lushyma, executive secretary for the Bureau for Coordination and Monitoring of the Sino–Congolese Programme, 2 March 2011, Kinshasa; and interview by the author and Wenran Jiang with a well-placed Chinese respondent, 7 March 2011, Kinshasa.
8. Author's interview with Moïse Ekanga Lushyma, executive secretary for the Bureau for Coordination and Monitoring of the Sino–Congolese Programme, 4 December 2012, Kinshasa; and with Zhou Mangsheng, Economic and Commercial Counsellor, embassy of the People's Republic of China, 12 October 2012, Kinshasa.
9. Author's interview, 4 December 2012, Kinshasa.
10. *Ibid.*
11. See *Convention de Collaboration* 2008, p. 9, article 5.2 and *Convention de Joint Venture* 2007, p. 63, article 52.2.
12. Figures provided by Moïse Ekanga Lushyma, the executive secretary for the Bureau for Coordination and Monitoring of the Sino–Congolese Programme at a public seminar, '2ème matinée de transparence sur le contrat chinois', 29 November 2012, Grand Hotel Kinshasa.
13. Author's interviews with Moïse Ekanga Lushyma, executive secretary for the Bureau for Coordination and Monitoring of the Sino–Congolese Programme, 4 December 2012, Kinshasa; and with Zhou Mangsheng, Economic and Commercial Counsellor, embassy of the People's Republic of China, 12 October 2012, Kinshasa.
14. Author's interview with Moïse Ekanga Lushyma, executive secretary for the Bureau for Coordination and Monitoring

of the Sino–Congolese Programme, 4 December 2012.
15. *Ibid.*
16. Author's interview, 29 November 2012, Kinshasa.
17. Author's interviews in Kinshasa with representatives of Sinohydro (28 November 2012) and CREC (3 December 2012).

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