

Rebellion and Private Governance in Eastern DR Congo

Timothy Raeymaekers
Conflict Research Group
University of Ghent

DRAFT – NOT FOR QUOTATION WITHOUT EXPLICIT PERMISSION BY THE AUTHOR



Abstract

Starting from an ethnographic field study of the armed rebellion in Butembo, in eastern DR Congo, this paper proposes an explanation for the emergence of non-state governance in situations of apparent state collapse. The model of explanation is inspired by Charles Tilly's description of state-making as organized crime, in which late medieval princes and merchants enter an agreement of private protection. Taking this view seriously, this study tries to explain how an original meeting between Butembo's armed rebels of the RCD-ML and an existing network of cross-border traders actually led to a pluralizing moment, in which the gradual reinterpretation of existing relations and regulatory practices led to a transformed institutional framework that is capable of offering various instances of local governance. Lately, this transformed institutional order increasingly seems to enter into competition with the internationally induced project of transition, to which it potentially offers a political answer.

Introduction

The inspiration for this paper comes from a recent contribution by Alpa Shah on the market of “protection”. In her article on the Maoist guerrilla in Jharkand, India (2006), she questions the common wisdom of this guerrilla being a poor people’s movement against the state. Instead, she convincingly argues that for their political support, the Maoists in Jharkand depend not only on a rural elite that maintains intimate connections with the state, but also that they work in close collaboration with state officials in order to gain access to the “informal” economy of state patronage. Shah gathers her theoretical inspiration from Charles Tilly, who describes state-makers as protection rackets with the advantage of legitimacy: “if protection rackets represent organized crime at its smoothest,” he says, “then war-making and state-making – quintessential protection rackets with the advantage of legitimacy – qualify as our largest examples of organized crime.” (1985: 169) The context of Charles Tilly’s analysis is the Early European process of state-making, which involved large economies of scale centred on the production of “protection”. Tilly argues that this protection is in fact a “double-edged” sword, which conjures up “images of the shelter against danger provided by a powerful friend”, and extortion rackets in which a local strongman forces people to pay tribute in order to avoid damage that is inflicted mostly by himself (*Ibidem*). In this sense, state protection actually qualifies as racketeering, to the extent that the threats against which the state protects its citizens are largely a consequence of its own actions, and it commonly simulates – or stimulates – external threats such as war and “terrorism” (see also Taussig, 1997; Mitchell, 2002). Conversely, Alpa Shah argues that the Maoist’s success in Jharkand appears to be based not so much on shared ideology than on its increasing coercive control of these patronage resources: because of their presence, the village elite not only felt that cooperation with the Maoists would give them protection to continue their involvement in the informal economy of state patronage, but they also came to fear non-cooperation (Shah, 2006: 307). To conclude, there seems to be a striking similarity between the Maoist uprising and the local state in eastern India, as they are both engaged in the business of selling protection.

In this paper, I would like to take up this argument of protection, and apply it to the rebellion against the regime of Laurent-Désiré Kabila in the DR Congo, from 1998 until 2003. My analytical angle lays not so much on the rebels/guerrillas themselves, but on the economic elites that are theoretically buying their protection. My argument is that the rebels (or at least some of them) were actually engaged in the selling of protection, in particular to the “capitalist” elite of transnational smugglers-traders on the Congo-Ugandan border. The reason for this is that both rebels and traders found mutual benefit in sharing the spoils of the “informal” economy of transborder commerce between Congo and Uganda, an economy that remained closely embedded in the exploitative divisions of the (post-) colonial nation-state. Just like India’s Maoists, the Congolese rebels gradually replaced the state’s representatives that previously tried to effectuate social control over this border area. Contrary to the classic argument about economics and organized violence, however (Elwert, 2003; Collier and Hoeffler, 1998, 2001), I see a possibility for “public” outcomes to emerge from this market of protection. The key to understanding this public dimension lies in the analysis of practices of local “governance” (or economic regulation, if we follow Roitman, 1998, 2001, and 2005). I argue that the encounter between rebels and businessmen on the Congo-Ugandan border gave rise to something

of a “pluralizing moment” (Connolly, 1996), in which the gradual reinterpretation of existing regulatory frameworks – as well as the structure of social relations that underpinned them – actually led to a *transformation* of the local institutional framework that is capable of offering various instances of local governance. Instead of a regime shift per se, what occurred was rather a gradual transposition of a political order that followed new conceptions and definitions of the divisions of economic spoils and wealth.

The first part of this paper will analyze the impact of the Congolese rebellions (1996-97; 1998-2003), and how these represented somehow a continuation of violence “by other means” (Cramer, 2006). This pun on Clausewitzian analysis is used to explain the dimension of Congo’s expanding war economy, and how this contributed to a continuing economy of “protection”. The second part will concentrate on how this economy of protection functioned in practice. The case developed for this analysis is a peculiar agreement that was reached between the businessmen (traders/smugglers) of Butembo, and the non-state armed forces that occupied this region from 1999 until 2003 (when the war was officially ended). It will be argued that this agreement not only contributed to a protection for sale, as developed in economic analysis, but it also led to a fundamental reinterpretation of local/transnational regulatory practice. The most significant consequence, however, was its contribution to local “governance”, i.e. in the emergence of new regulatory authorities, as well as the exercise of state-like functions by non-state actors. This dimension will be explained in part three. The final part will make some comments on the Congolese process of “transition” – particularly on the changes this process has brought about for Congolese statehood.

A continuation of violence by other means...

From 1996 until 1997, and again from 1998 until 2003, a rebellion raged in the Democratic Republic of Congo (formerly Zaire) that was motivated partly by internal and partly by external causes¹. The AFDL (*Alliance des Forces Démocratiques de Libération*) rebellion was led by Laurent Kabila and started from Congo’s (then Zaire’s) eastern Kivu region. It was in part a creation of Rwanda and Uganda, who were becoming increasingly frustrated about the way Mobutu was dealing with the aftermath of the Rwandan genocide: from the refugee camps of Goma and Bukavu, groups of extremist Hutu militias were carrying out regular attacks on Rwandan territory since 1994. Kabila had now problem of cutting right through Mobutu’s faltering army, and reached the capital in May 1997. Although it was immediately praised as epic and legendary, however, the AFDL rebellion would collapse like a card house once the objective of toppling absolutist rule had been reached. After having chased Mobutu from power, Kabila immediately inaugurated himself as the president of the newly named Democratic Republic of the Congo (DR Congo). The greatest difficulty was to proclaim independence from his supporting coalition: the Ugandan president Museveni, who had hoped to see Kabila create a “progressive” regime with whom it was possible to “do business”, became the increasing antithesis of Paul Kagame’s wish to see a weak Democratic Republic of Congo, with an eastern Kivu region that remained open for Rwanda’s economic and political influence (Prunier, 1999). Kabila’s most problematic relationship remained with the Kivu

¹ For a detailed analysis, see Marysse and Reyntjens (2005); Vlassenroot (2002); as well as the regular issues of *Cahiers Africains*.

region, however, where the widespread anti-Mobutist feelings did not seem to rhyme with Kabila's conquering government style – and less even with the “foreigners” that had accompanied him to Kinshasa (de Villers et al., 1999: 223). In the first year of his rule, the Kivu question thus seemed to return “with a vengeance” in Kabila's face: the “calabash of seething political and ethnic tensions” that was opened up as a result of rebellion was increasingly leading to local government breakdown (Lemarchand, 2001).

In August 1998, a new offensive started in eastern Congo under the name of the *Rassemblement Congolais pour la Démocratie* (RCD), a “motley crew” of former regime supporters, Mobutists, and representatives of the Rwandan-speaking minorities that had been discriminated by both the Kabila and Mobutu regimes. The RCD immediately experienced an important division between the anti-regime thinkers (like professor Wamba-Dia-Wamba and Jacques Depelchin), and those opting for “elite recycling”, a term introduced by Andreas Mehler and Denis Tull (2006) to describe the limited renewal of political elites in the context of Congo's “democratization”. Contrary to the Maoists in Jharkand, the majority of RCD leaders had actually served under Kabila or Mobutu as senior government representatives (see also Reno, 2002). This internal divide within the RCD “rebellion” also widely reflected the underlying disagreement between Museveni and Kagame, who respectively wanted to “eliminate” and “convince” Congo's Kabila into a favourable political deal. Due to this internal division, the original RCD quickly split into numerous competing factions that increasingly acquired an “ethnicized” territorial character (cf. *infra*). From 1999 onwards, various new rebellions sprang up in the DRC, which all became more or less fixed in different military strongholds. At the same time, the second Congo war also acquired an increasingly international character, as a range of trans-national actors – going from neighbouring countries to organized crime networks – intermingled in the competition for political/economic domination in the DRC. This increasing trans-boundary character – at least six African countries and as many rebel groups were involved in the war – quickly earned it the epithet of Africa's “World War”.

The Congolese conflict certainly illustrated the profoundly constitutive character of transboundary phenomena like war and so-called state collapse (Callaghy, Kassimir and Latham, 2001). Within the regional war complex of Africa's Great Lakes region, a variety of power configurations emerged that exercised an increasingly decisive influence on processes of state formation – for example through the privatization of state power and military commercialism² (Clark, 2001; Perrot, 1999; Prunier, 1999; Reno, 2000; Marysse and Reyntjens, 2005). During the war, several regional “power complexes” emerged that were partly based on economies of predation, but partly also appeared to reform various aspects of (local/transnational) political order (Vlassenroot and Raeymaekers, 2004a-c). This was not entirely surprising. As Robin Lukham and Martin Doornbos stated not very long ago: “even in the most severe and anarchic instances of state collapse, there is seldom a total governance void. Other bodies (...) may assume services previously delivered by the state. Security functions may be carried out by a range of non-state actor (...) Markets may even thrive in war economies and create their own modes of economic regulation” (Luckham, 2004); and “novel forms of domination may emerge

² By military commercialism, Christian Dietrich (2000) means the increasing utilization of militaries as tools for private financial gain by political elites (for example by creating corporate-military business for the financial benefit of military officers and other cronies of state leaders), which turns the military apparatus into a commercial asset.

around the introduction of new frameworks of political and economic accountability and control." (Doornbos, 2002) In the DR Congo, non-state actors (rural militias, rebel forces, transnational traders) were not only implicated in different kinds of economic transactions (including loot), but also engaged in the reformulation of local political "order".

At the same time, these transboundary phenomena also pointed at the inherently political nature of civil war, which in many respects represented a continuation of violence "by other means" (Cramer, 2006). The different "elite networks" that were competing for the access to Congo's resources (UN, 2001-2) actually represented an interesting prolongation of the historical mercantile system that connected Congo's hinterland to some of the "heartlands of metropolitan society" (Duffield, 2001; see also Raeymaekers, 2002, 2004, 2006). Lacking the means of organizing local production, the rebels and foreign armies that occupied eastern Congo during the 1998 war had to systematically sap the productive parts of society – peasants, artisan miners etc. – of their means of production in order to effectuate social control³. This resulted in two interrelated effects. First, the rebels and foreign armies that occupied eastern Congo were more or less forced to establish a *modus vivendi* with local Congolese traders who monopolized the access to vital economic resources. Already during the previous war of 1996-97, Ugandan army soldiers had been witnessed to establish close working relationships with intermediary traders in the diamond market of Kisangani, while others (mostly Lebanese agents who had been favoured by the Mobutu regime) were forced to pay penalties for "non payment of taxes" or were simply chased away (Perrot, 1999). During the second Congo war, militia leaders and army commanders competed for the access to these natural resources, which often implied collaboration with established economic networks active in the minerals and resource trade. According to Eric Kennes (2002), this led to a situation in which military networks – not the state – became the intermediaries between the local and the global: the armed actors tried to exploit the numerous pre-existing and sometimes highly structured networks of economic exchange for their own profit, by controlling essential points of access such as airports and trading posts in order to levy taxes. A second effect of their lack of local production capacities was that Congo's rebels were forced to establish new rentier activities in the taxing of the import- and export trade, most particularly in the Uganda-Sudan-Congo border area. Much fighting occurred for example over the border post of Kasindi (between Congo and Uganda), which theoretically generated over 1 million US\$ a month (UN, 2001). Together with the minerals trade, the taxation of transborder economic activity constituted the most important source of income for both rebels and state armies.

In hindsight, therefore, it is not an exaggeration to say that the Congolese war economy reproduced the very underpinnings of the post-colonial system of state patronage. The driving characteristic of this system was that political actors were forced to fight their enemies in economic markets, but at the same time remained entirely dependent on (transborder) economic commerce to stay in power (Reno, 1998). This process would in turn create new opportunities for intermediary economic agents to set specific criteria for their wealth mobilization, as they were increasingly being offered the military's "protection" in return for economic rents. In some circumstances, this situation created

³ An interesting example of this trend is given by Pottier (2003).

the perfect conditions for a protection for sale between rebels and economic entrepreneurs. I will return to this point later.

The conditions for the protection agreement that was reached between some of Congo's rebels and businessmen are situated in the Lusaka peace agreement. This agreement was signed on 10 July 1999 between the Kabila government, Namibia, Rwanda, Uganda, Zimbabwe, and Angola, and allowed a UN peacekeeping force to oversee a general ceasefire by Congo's warring parties. By the end of 1999, however, this agreement stalled due to multiple violations of the cease-fire. Fighting between Ugandan and Rwandan forces in Kisangani and a new offensive of the Kabila-government in Equatorial Province made it impossible for the United Nations mission to become fully operational. In December 2000, a new agreement that called for the withdrawal of foreign troops was signed, without the participation of the RCD rebel movement. In the meantime, the consolidation of the different frontlines in the Lusaka agreement led to the creation of several autonomous regions or "strongholds" that increasingly gained a territorialized and "ethnicized" character (Vlassenroot and Raeymaekers, 2004)⁴. One of these autonomous regions was that of the '*Nord Kivu-bis*', or '*RCD-ML-Nyamwisi*', which corresponded with the Nande inhabited territories of Beni and Lubero (see map). Led by Mbusa Nyamwisi, the younger brother of the former Mobutu crony Enoch Nyamwisi Muvingi⁵, the RCD-ML (*'Rassemblement Congolais pour la Démocratie – Mouvement de Libération'*) was originally led by the overthrown RCD president Wamba-Dia-Wamba⁶. After a short intermezzo in Kisangani, Mbusa overthrew Wamba as the president of the RCD-ML, however. Clearly an "elite recycler", Mbusa Nyamwisi felt closer to Uganda's agenda of negotiating an agreement to create a more "progressive" regime in DR Congo: during the following peace negotiations (2002-2003), he increasingly presented himself as Joseph Kabila's new ally in the fight against foreign occupation⁷. At a local level, however, Mbusa's power and legitimacy depended foremost on his relationship with other important constituencies, however – like the Church and local businessmen, who had gained money and social standing in the cross-border trade between Congo and Uganda (Raeymaekers, 2004; 2007). The political relationship between rebels and businessmen in Beni-Lubero depended foremost on their management of the local market of protection, which mediated the access to taxes and economic resources. I will concentrate on this agreement in the next paragraphs.

⁴ A similar trend could be observed in former Yugoslavia after the Dayton agreement (Woodward, 1995)

⁵ Nyamwisi Muvingi's biography provides an interesting history in itself: although he collaborated with Mobutu to support the Ugandan ADF rebels (used to combat the Museveni leadership), simultaneously sustained the anti-regime Mayi Mayi in his home region of Beni-Lubero. Muvingi was the bridgehead through which Mobutu supported the hate campaign against the Banyarwanda in the early 1990s. He died in mysterious circumstances in Butembo in January 1993.

⁶ Early 1999, Wamba was replaced by Emile Ilunga, who was thought to be closer to the Rwandan support group in the RCD.

⁷ Joseph had replaced his father Laurent Kabila after the latter had been short dead by one of his security guards in January 2001.

Protection for Sale

The relationship between rebel forces and economic agents during the Congolese conflict was of course not a one-dimensional one; in fact it still stands open to discussion⁸. While many entrepreneurs – especially those with industrial facilities – initially resisted the imposition of armed forces on their activities, others were more complicit, and some even behaved as clients of the rebels' offer for private protection. A good differentiation can be made following the typology of Rocco Sciarrone on the relation between Sicilian entrepreneurs and the mafia; as he explains, this relationship can go from subordination to complicity, to an acceptance of becoming a client of the mafia's services, to becoming completely instrumental in the expansion of their protection business (Sciarrone, 1998). Such relationships between mafia and entrepreneurs can also evolve over time, however. Diego Gambetta (1993) proposes to look at the mafia's business of protection as a kind of insurance: although everyone knows it costs a lot, we are still willing to pay it just in case something bad happens. The greater the number of people eventually are "insured", the greater the need for others to buy it, too. So, even if the proposal of protection can initially be triggered by threats and intimidation, once it is underway it becomes very difficult to maintain that the remainder customers are buying bogus protection.

The origin of the pact between businessmen and rebels in Beni-Lubero can be brought back to a meeting, somewhere in 1999, between the local branch of the Congolese employers association (FEC), the state administration, and the vice-governor of North Kivu, who also happened to be in charge of economic affairs⁹. That day, the vice-governor gathered the directors of the state services concerned with economic issues in the meeting room of the FEC. The choice of this location was symbolic: it suggested at least a preliminary consultation between the rebel leadership and the FEC about the content of the meeting, if not an understanding about their potential joint interest. In front of the economic administrators, the (rebel) governor then announced that taxes for imports would from now on be substantially lowered, and that imports would be taxed not *ad valorem* but according to a fixed set of rights. When some administrators started to protest, the governor allegedly responded: "if even the *state* has decided to renounce to its principal source of income, you have little choice but to agree with this decision."

The agreement that was reached in the FEC's office in 1999 provided the heart of the rebels' offer for private protection. Just like the Medieval Princes described by Charles Tilly (cf. *supra*), the rebels of the RCD-ML had needed to offer some kind of compensation to Butembo's merchants in order to wage their war. In return for their "acquired" legitimacy, they promised to offer military protection to all merchants that adhered to this agreement. The importing merchants could actually earn a lot from their adherence to the rebels' offer of protection. From 1999 onwards, a sharp increase could be noticed in the imports at the Kasindi border post, which continued to grow until the

⁸ For a discussion, see for example the different UN Panel reports on the illegal exploitation of Congolese resources, as well as Raeymaekers (2002). On Beni-Lubero, see Kabamba (forthcoming) and Mirembe (2005).

⁹ The following account is based on interviews with several anonymous sources that claimed to have attended this meeting in 1999. For obvious reasons of security, this study will not mention their names nor their positions.

end of the rebellion in 2003¹⁰. In the meantime, the actual insurance agreement between rebels and businessmen was accompanied by a complex system of technical notes, special discharge documents and insurances (the bills of exchange and “underwriters” of Late Medieval Europe) that could be “sold” in turn to fellow businessmen. At a certain point, this system of piggy-backing on the businessmen’s insurance became so widespread that the rebel movement had to invent a third system of special discharges, which consisted of the partial exemption of taxes. This meant that duties were paid in advance (naturally for a reduced price) by a determined group of businessmen and for a determined set of imports. The actual pre-financing of the rebel treasury by Butembo’s importing merchants ultimately consisted of a specific agreement (or contract) between an individual businessman and the rebel movement, in which the “creditor” (the businessman) agreed to borrow the “debtor” (the rebel movement) a certain amount of money to be compensated by the reduced or non-payment of import taxes. These compensations could take different forms, going from a total exemption to a considerable reduction of customs duties (for example of 70%), theoretically for an unlimited period and including all customs duties. Finally, it was established that all potential disputes that could emerge from this agreement would initially be resolved amicably. In case of failure, the creditor could refer to the local judiciary to claim his rights.

To conclude, the agreement between businessmen and rebels in Beni-Lubero definitely made “protection for sale” as described by Grossman and Helpman in the *American Economic Review* (1994)¹¹. A simple analysis of costs and benefits by Butembo’s businessmen in front of the occupying rebellion had led to a particular political risk calculation, in which the latter promised to offer a reduction of taxes in return for the businessmen’s promise of political and financial support. The original meeting between the economic administration, the rebel governor and the entrepreneurs in the offices of the local business association in Butembo had formed the start of a peculiar tax arrangement that evolved from a simple technical note to fully institutionalized back payments or loans from the businessmen to the rebels. Theoretically, it involved a “pluralistic” regulatory arrangement, which drew at once from state and non-state practices, and which aimed at regulating the transborder commercial activities that

¹⁰ The number of containers imported at Kasindi augmented with 28 percent between 1998 and 1999, and with 30 percent between 1999 and 2000, a total of 68 percent. Between 1996 (the outbreak of the first Congolese war) and 2000, this number even doubled. At the inauguration of the transitional national government in 2003, Kasindi handled 2.25 times more containers than in 1996. Similarly, the number of vehicles (other than containers) grew 4.6 times between 1996 and 2000, and six times between 1996 and 2003. Petroleum imports finally doubled between 1998 and 2001 (Raeymaekers, 2007).

¹¹ In their article, Grossman and Helpman develop a model in which interest groups make political contributions to influence trade policy. They propose two possibilities, of which the first is an economic risk calculation based on political competition. Political groups announce trade policies that they are committed to implement. Organized interest-groups weigh costs and benefits of announced trade policies, and decide to contribute resources to the most promising group. The motivation in this scheme is to influence the election outcome – and is most appropriate to explain broader contours of trade policy. The second possibility – applicable to this context – is a political risk calculation, which is based on a calculation of benefits of estimated welfare derived from announced policies; these policies are weighed in turn against the “deadweight losses” the recipients estimate will be made on society at large. The politician’s penchant for campaign gifts from the part of the risk-calculating entrepreneurs makes “protection for sale”.

formed the core of Butembo's "capitalist" economic development¹². Let me explain this in a few words.

On the one hand, the agreement was based on a juridical or "legal" text that shared the same epistemological basis as that of the post-colonial nation-state. This included a theoretical protection from legal prosecution, an official recognition of the parties to the agreement, and ratification by an official administration now occupied by the rebels. All these propositions remained highly embedded in the language of the former Mobutist administration. An interesting comment of the president of the employer's organization in this regard was that the businessmen of Butembo continued to do their business "just like in a state": they continued to pay tribute to administrators, customs agents, and policing bodies that were now operated by the rebel forces. The rebels in turn continued to support both the state-related system of resource extraction and the operators of transborder trade, because they depended on both state and non-state resources to participate in the local market of protection. As said, this participation remained closely linked to both the mobilization of (transborder) economic wealth and the economic spoils of the war.

On the other hand, Butembo's prefinancing agreement was also highly inspired by the existing "informal"¹³ environment of economic exchange associated with Butembo's historical role in transborder commerce. The amicable solution that was proposed to resolve eventual problems between businessmen and rebels, for example, was ratified by a recognized "informal" committee that held office in the FEC building where the famous protection agreement had been reached. This committee was inspired in turn by a series of commercial courts that had been set up during the 1980s to resolve disputes between competing businessmen (Vwakyanakazi, 1982). To the participants in this scheme, this hybrid regulation also appeared logical: in a situation where the Congolese state had been completely "destructured" (Mirembe, 2005), where administrators were either underpaid or often not paid at all, and where violence had become an increasingly legitimated way of forcing access to economic resources (Jourdan, 2004), the practice of offering money for protection gradually became integrated as an alternative way to sharing the spoils of Kivu's regionalized political economy. Finally, and maybe paradoxically, this economic regulatory scheme also provided sufficient proof that the "state" in Congo had never actually disappeared, but continued to be kept afloat by a historical system of production that remained deeply embedded in colonial and post-colonial divisions of labour, and in which the market functioned increasingly as a generator of regulatory practices and governance (Raeymaekers, 2007).

¹² An interesting parallel can be drawn here with legal anthropology, and in particular with Sally Falk Moore's concept of the "semi-autonomous social field" (1978), which can generate certain rules, customs and symbols internally, but is also vulnerable to the rules and decisions emanating from the larger legal practice by which it is surrounded. See also Lund (2006).

¹³ As has been indicated before (Roitman, 1998; Raeymaekers, 2007), the term "informal" proves less and less useful in such contexts of hybrid regulatory practices, because they are inspired both by state and non-state forms of regulation.

Governance without Government

A most peculiar consequence of the protection agreement between Butembo's rebels and businessmen was the latter's increasing participation in local "governance". In this study, the term governance is defined as "the administration of access to and provision of rights, services and goods" (Eckert et al. 2005)¹⁴. This practice involved two separate but not entirely separated dimensions. First, the businessmen of Butembo gradually succeeded in establishing a growing web of social relations that considerably helped them in becoming accepted as a legitimated regulatory authority. This involved an important shift from "informality", and being considered as opponents of state authority, to being recognized as the main regulators of local/regional economic practice. Already in the 1980s, when Zaire's economic crisis was at its highest peak, Butembo's traders were being nicknamed local "village lords", who had the accumulation of capital and the strengthening of their social position as their ultimate and final goal (Vwakyankazi, 1982: 309). Through their own involvement in the economy of state patronage during the 1980s and 90s (particularly regarding the politics of land access: Mathieu et Mafikiri Tsongo, 1998) they had gradually left their perceived role as "silent revolutionaries" against the predatory state system, to become crucial intermediaries in the allocation of local wealth. From traders "on the margins of the law" (MacGaffey and Bazenguissa-Ganga, 2000), therefore, Butembo's entrepreneurs had now become the makers of the law itself, which involved a reinterpretation of both state and non-state regulatory practices and epistemologies. Because of their simultaneous belonging to the two worlds of "formality" and "informality", "modern" and "traditional", local and global (situated in the twilight, as it were: Lund, 2006) they increasingly forced political authorities into a strategy of mediation and accommodation that would substantially influence and redirect the Congolese state formation process.

Second, this situation of non-state regulation was both informed and reinforced by the role of Butembo's businessmen in the performance of state-like functions. This role was exemplified for example in the sustained financing of schools and hospitals, the construction of roads, airports and bridges, and even in the provision of local electricity to the town of Butembo¹⁵. For one crucial task in which the entrepreneurs intervened – namely the maintenance of the local road system¹⁶, the president of the FEC in Butembo

¹⁴ This definition is not to be confounded with Rosenau and Czempiel, who primarily look at international governance in terms of "intersubjective meanings", which refer in turn to "activities backed by shared goals that may or may not derive from legal and formally prescribed formalities." (1992: 4) Neither should it be seen in tandem with Hyden, who looks at governance as a systemic quality of certain political systems (governance "refers to that aspect of politics that aims to formulate and manage the rule of the political arena in which state and civil society actors operate and interact to make authoritative decisions. In more operational terms, governance refers to those measures that involve setting the rules for the exercise of power and settling conflicts over such rules": Hyden, 1998).

¹⁵ A remarkable initiative of the local entrepreneurs has been to finance the construction of the local city council, which towers several floors high on Butembo's highest hilltop. In the middle of the war, Butembo's traders have also been able to finance a local electricity plant called SENOKI. This initiative was eventually abandoned because of a lack of commitment of their South African partners.

¹⁶ In the beginning of the war, the FEC established a toll system in Beni-Lubero, in which passing vehicles would each time deposit an agreed sum at the established road blocks in return for better roads. The revenue of this road toll would later be deposited in a joint FEC treasury, the total of which would be distributed along the different axes according to proportional needs.

presided over a technical committee that included the state services such as the '*Office des Routes*', the '*Voierie Urbaine*', and the agricultural revenue service, all of whom theoretically had to execute the decisions taken by this committee. It embodied a peculiar example of local governance, in which the state formed only a subordinate actor to private agency. Even after the war was officially over, the daily governance of Butembo was still directed by a '*Comité des sages*' (Committee of Wise Men), whose format was inspired by the "traditional" palaver and institutional negotiation that is so typical of African political culture¹⁷. This body, which according to the agenda consisted of a varying mix of business leaders, political representatives and even the international peacekeeping mission, interfered in consultation with other local political organizations in all sorts of local decisions involving local security and development¹⁸. Finally, Butembo's entrepreneurs also increasingly formed their own lobbying organizations. One of these political lobby groups was the FIC ('*Fraternité Internationale des Copains*') – an interesting pun on the official employers organization '*Fédération des Entreprises du Congo*' (cf. supra). Initially intended as a micro-credit facility to resolve the problem of mistrust between economic partners, this group came to exercise an important influence on Butembo's political affairs during and after the war, including the appointment of mayors and governors, and later also the election of national politicians. The comment of Julien Kahongia, an ex-mayor and future governor of North Kivu who acquired substantial support from this organization, is telling in this respect: "We had a perfect cooperation with the entrepreneurs. This was also logical: they [the businessmen] cooperate with the authority that protects them."¹⁹ The politician's penchant for campaign support from Butembo's entrepreneurs again made for an interesting protection for sale.

To conclude, the agreement reached between rebels and businessmen in Butembo not only contributed to a "protection for sale" – in which economic agents calculate the costs and benefits of a future "government" – but it also led to a fundamental reinterpretation of local and transborder regulatory practice. As a result of this agreement, Butembo's merchants not only emerged as the region's new regulatory authorities, but they also increasingly started to perform state-like functions. The next part of this paper will explore what this transformation meant for the process of Congolese "transition".

Transformation without Transition

In 2003, a transition process was officially (re)initiated in the DR Congo, which again in many respects represented a continuation of violence by other means²⁰. On 30 June 2003, a Transitional National Government (TNG) was inaugurated in the capital Kinshasa on the basis of a Global and All-Inclusive Agreement signed six months earlier. This agreement gave way to the so-called 4+1 formula, in which Joseph Kabila was to share power with four vice-presidents: Jean-Pierre Bemba (MLC), Azarias Ruberwa (RCD), Abdoulaye Yerodia (PPRD) and Z'ahidi Ngoma (unarmed opposition). This government

¹⁷ An interesting parallel can be drawn with the legal "hybrids" discussed by De Sousa Santos (2006) in Mozambique: i.e. legal entities or phenomena that mix different and often contradictory legal orders and cultures, giving rise to new forms of legal meaning and action.

¹⁸ I analyze a specific intervention of this committee in Raeymaekers (2007: chapter nine).

¹⁹ Interview, Butembo October 2006.

²⁰ Congo's political transition officially started with the *Conférence Nationale Souveraine* in 1990, under a dying Mobutu regime. Due to endemic conflict within the CNS, which at a certain point escalated outside its immediate political circles, the conference was eventually abolished in 1992.

was to hold office until the organization of national presidential and legislative elections that ideally should have taken place in April 2005 (but eventually occurred in 2006). It was accompanied by an international supportive committee called the Committee in Support of the Transition (known mostly by its French acronym CIAT)²¹. Meanwhile, a disarmament, demobilisation, repatriation, reintegration, and resettlement programme (DDRRR) was initiated to disarm and repatriate the remaining foreign militia elements present on Congolese soil (Rwandan Hutu as well as Burundian and Ugandan militias), and to start with the (re)integration of Congolese ex-combatants²². The security sector reform in the DR Congo has nonetheless been confronted with a number of fundamental problems. First, it was clear that neither the Inter Congolese Dialogue nor the Transitional Government were capable of eradicating the armed violence in the DRC. The exclusiveness of the Congolese power-sharing agreement as well as the non-resolution of the local causes of the civil war opened the door for another series of violent confrontations, which quickly escalated into armed conflicts²³. The most serious of these crises was undoubtedly Ituri, where armed confrontations between several “ethnic” militias from 1999 onwards led to spiralling violence. Originally a land dispute between Hema/Gegere land-owners and Lendu farmers, the conflict quickly escalated into a regionalized war involving several Congolese militias as well as neighbouring armies (Vlassenroot and Raeymaekers, 2004a). In the meantime, several “spoiler” armies continued to resist the transition process from their positions in the rural backwaters. In Northern Katanga for example, a Mayi Mayi leader nicknamed Gédéon caused serious havoc during 2005-2006 in an area that was locally referred to as the “triangle of death”. He only surrendered after being guaranteed a commanding position in the new Congolese army. Similarly, in Ituri, the war only decreased relatively from early 2005 onwards, after the United Nations mission and the Congolese government forced an ultimatum on Ituri’s militias, while simultaneously opening negotiations with its leaders on future army positions²⁴. To gain access to these militias, the Congolese Defence Ministry and army had to constantly negotiate and mediate their way into the rural backwaters from which these continuing rebellions were commanded. When measured in terms of physical violence, the biggest “spoiler” of the transition process quickly became the new Congolese state army itself, however, which behaved more like an occupation force than a protecting guard against insecurity. Respecting a long tradition of indiscipline, inefficiency and poor training, the FARDC (*Forces Armées de la RDC*) slowly but certainly evolved into an exact copy of the Zairian armed forces, which had been a symbol of predation and destruction under the preceding regime of Désiré Mobutu (Schatzberg, 1988).

In Butembo, the post-conflict period that officially took hold in June 2003 looked rather like a *transformation without transition*, however – thus reflecting the famous political

²¹ The committee comprised the UN member states Angola, Belgium, Canada, China, France, Gabon, Mozambique, Nigeria, Russian Federation, South Africa, United Kingdom, United States, Zambia, the African Union/ African Commission and the European Union/ European Commission.

²² The programme’s total forecast budget, financed by the World Bank’s Multi-Country Demobilization and Reintegration Program (MDRP), was 500 million US\$: <http://www.mdrp.org> (consulted 17 December 2006).

²³ For a detailed discussion, see Autessere (2006).

²⁴ This ultimatum followed the killing of nine Bangladeshi peacekeepers earlier that year.

statement that “everything had to change to remain the same”²⁵. This statement, which originally comes from the novel *‘Il Gattopardo’*, of Giuseppe Tomasi di Lampedusa, is usually quoted to indicate the strange kind of mobility the “old” classes show in the face of radical social change²⁶. Around the beginning of 2005, much animosity surrounded the so-called *‘dette publique’*, or the financial debt the RCD-ML rebellion apparently had created towards local businessmen. A list circulated in Butembo, in which several leading entrepreneurs enumerated the services and goods they had “borrowed” to the rebel movement during their occupation of the area in 1999-2003. This list included a long enumeration of fuel bills, the leasing of trucks and airplanes, and even hotel and accommodation services. Besides this clear admission of complicity with the rebellion, the interesting fact was that the rebels were almost automatically identified with “the state” and its “classical” functions of wealth redistribution, protection and representation²⁷. Instead of the rebels, the state now had to take care of the businessmen’s worries, it was said – including the financial indemnities they had suffered during the war. When asked about this potential inconsistency, the traders almost invariably responded that during the war, the rebellion and the state had, in fact, been one and the same thing (*‘le gouvernement c’était la rébellion’*), because the RCD-ML represented the central government in Beni-Lubero. This thought provides substantial body to Janet Roitman’s statement that, although antagonism and competition often exists in Central Africa with regard to the state’s regulatory authority over its three classic domains (i.e. of wealth redistribution, security and representation), complicity between state and non-state forces is also evident insofar as the state depends on the latter for [amongst others] rents and the means of economic redistribution. Likewise, while economic networks and non-state armed forces can be described as trans- or sub-national opponents of state authority, they can also make important, and sometimes essential, contributions to the national political economy of state patronage, while they mostly subscribe to the same logical and epistemological order as that of the nation-state (Roitman, 2001).

The market of protection that had linked rebels and transnational traders during the second Congo war in fact acquired a new dimension after the conflict, when it was simultaneously extended to other scales and domains. One of these new domains of reciprocal extraction in the after-war period, for example, became the petrol trade, which boomed as a result of growing demand. During the so-called transition period (2003-2006), several petrol stations emerged like mushrooms in Beni and Butembo, and leading businessmen systematically heightened their stake in this lucrative cross-border business. These new petrol stations were in turn supplied by importers from Kenya and

²⁵ I am indebted for this term to my colleague Christopher Parker (2004), who applied it to a slightly different setting of Middle Eastern electoral politics.

²⁶ In a similar Tocquevillian twist of mind, Lund (2006: 688-689) writes on recent political change in Africa that the problem is not institutional inertia per se, but the fact that the same institutions that continue to sap the state from its vital resources simultaneously depend on it for their proper existence. Their ambiguous position *vis-à-vis* the state – demonstrated at once in the vindication of their non-state status and their employment of the same, formal, language of the state – has led in turn to a rather paradoxical situation, in which the *idea* of statehood is also “effectively propelled by institutions which challenge the state but depend on the idea of it to do so.”

²⁷ About this perceived functional dimension of institutional collapse and recovery, Milliken and Krause (2002: 753-754) write that “concern over the possibility of state failure (...) often has as much to do with dashed expectations about the achievement of modern statehood, or the functions that modern states should fulfil, as it does with the empirically-observed decomposition or collapse of the institutions of governance in different parts of the world.”

Uganda on a daily basis²⁸. A peculiar aspect of this trade was that the petrol was imported separately by the different companies, and not via the obligatory state-monopoly '*Service d'Exportation du Pétrole*' (SEP-Congo). This exceptional regime could be guaranteed because of the continued presence of former RCD-ML officials in the transitional national government (TNG), as well as important customs posts in Beni and Kasindi. Instead of the RCD-ML, the principal "protectors" of this trade now became Congolese army, whose commanders became implicated at proportional speed with the military integration of new army units. Many of the businessmen now started to import fuel as military goods, so they could simultaneously ensure themselves of tax-free petrol and of the protection by the military. Not unsurprisingly, this lucrative trade went hand in hand with serious competition among the customs agents and the military, and regular clashes indeed occurred during this period between different army units that were competing for a share in this transborder enterprise²⁹. In this regard, the new protection agreement between the military and businessmen provided an interesting mirror image of neighbouring Uganda, where petrol smugglers known as the Opec Boys worked together with local politicians in a similar protection scheme (Titeca, 2006).

The war and subsequent transition period in the DR Congo nonetheless led to some fundamental changes, too. One of these social transformations concerned the increasing transborder nature of authority and political-economic regulation during the post-war period: while the existence of the Congo-Ugandan border had always been more or less important in local politics, transnational merchants now started to play an increasing part in political decision-making, including the governance of local services and goods. This led in turn to a further displacement of sovereignty towards non-state actors, particularly in the field of economic regulation. The central question remained where power and authority were to be located in a situation where the "state" was being re-introduced as the institutional protector of law and order, but simultaneously depended on non-state or mixed institutions to exercise its authority. In this regard, an interesting evolution could be noted in the behaviour of Congolese state organizations such as administrative bodies, police, and increasingly also political parties. Instead of relying on a principle of subsidiarity, in which intermediary institutions were to be controlled through a system of inclusionary corporatism – as was the case under Mobutu (Callaghy, 1984) – state organizations now had to employ a series of mediation strategies to gain access to the population and economic resources. In order to claim even a minimum of authority, these organizations – administration, customs, army officers etc. – had to constantly negotiate their access to the various power complexes that had consolidated themselves during the war as private "protectors" of citizens and resources. This was especially true for the country's many "frontier" areas like the Kivus, Ituri and Katanga, which

²⁸ On two different occasions in 2005 and 2006, I witnessed at least ten petrol trucks in Uganda driving towards Kasindi wearing Congolese number plates in one day. These trucks were imported mainly by two companies from Butembo.

²⁹ This new protection arrangement actually followed similar schemes in the natural resource sector. International mining companies that wanted to (re-) initiate their activities in the mining areas could only do so after obtaining the "protection" of a local strongman. This was especially the case in the Kivu region, where local strongmen still controlled the access to natural resources such as cassiterite and coltan (Global Witness, 2005). Furthermore, during the transition military elements still controlled the entry points to mining sites, where they forced miners and traders to pay tribute. The revenue generated from checkpoints on mining sites and major roads was then redistributed at different levels of the army command structures: Vlassenroot and Raeymaekers (2006).

simultaneously represented a political challenge as well as an enormous economic potential³⁰. Because they lacked the essential resources and authority to function as a representative government (sapped as they were by different opponents of state authority), the transitional institutions were forced to mediate with different stakeholders in the regional commodity chain, including local mining companies, traditional authorities, army brigades and local strongmen, all of whom claimed a piece of the cake in order to guarantee the protection of local political and economic interests. This led in turn to a scaled political transformation process, in which the local increasingly determined the behaviour and chances of survival of the national level³¹. Because of their constant mobility and ability to “jump” scales, Butembo’s transborder traders maintained an important comparative advantage over other, less mobile agents, such as customs officers and national army units, who ultimately depended on the political “centre” to effectuate their social control. In this sense, something indeed appeared to have changed for everything to remain the same...

Conclusions

Two crucial questions remain at the end of this intellectual exploration. The first one is: who exactly are these commercial entrepreneurs that increasingly started to behave like local “governors” in Beni-Lubero? Can we regard them as a unitary group, or should we describe them more like a loose patchwork or network of otherwise competing businessmen? A second question regards the extent to which local political “order” in Butembo was determined by the peculiar protection arrangement between rebels and entrepreneurs described above. Indeed other bodies, like the local Catholic Church (a transnational governor per definition: Kassimir: 2003) and civil administrations were active in the regulation of political life, and each in one way or another represented different and sometimes competing constituencies. The way I have chosen to approach this problem is through Elias’ idea of “figurations”. Elias defines figurations as “patterns which interdependent human beings, as groups or as individuals, form with each other.” (1987: 85; see also Raeymaekers, 2007; Veit, 2007) As he argues, no zero-point can be identified with regard to the emergence of social relationships within and between social groupings: rather, society should be depicted “like a dance”, where several social actors and groups gradually create their structured action over time. In line with Charles Tilly (2005), I imagined the group of transnational traders in Butembo as a “trust network”, whose members set valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes, or failures of others, but which in no way impedes economic competition between these members³². The key to understand the interdependency in Butembo’s figuration lies in understanding the difference between protection and extortion – or what Charles Tilly describes as the double-edged commodity of protection.

The immediate inspiration for this paper came from Alpah Shah (2006), who finds her inspiration in Gambetta’s work on trust, protection, and the Sicilian mafia (1988; 1993).

³⁰ The bulk of natural resources and important tariff posts are situated in these provinces.

³¹ This comment is inspired by the work on “glocalization” by Swyngedouw (1992; 1997), who proposes that processes of state formation do not necessarily have to develop from the top-down but may also jump from the bottom-up, thus following different socio-geographical scales (see also Cox, 1998).

³² For a discussion, see part one of Raeymaekers (2007).

Gambetta's main finding in this regard is that in a situation of legal pluralism – or where different legal mechanisms pertain to the same situation (von Benda-Beckmann, 2002), there arises a possibility for a market of protection to arise that acts as a mediator between the “state” and the “economy”. In such situations, protection can become a genuine commodity that acts as a “lubricant” of economic exchange, even if it is a poor and costly substitute for trust³³. The specialists of violence that arise in such situations can simultaneously profit from this legal pluralism to develop their business of protection, and introduce themselves as mediators of the “informal” economy of state resources. It also runs parallel to the notion of primitive accumulation, in which a sustained climate of violence is established in order to control the means of production³⁴. But while these “capitalist” brokers are mostly seen as an evil that has to be opposed, they are sometimes able to supply a real service to certain actors who feel unprotected by the state and its organizations.

The main market for the rebels' mafia-like services in Beni-Lubero has to be found in the protection of transnational commerce, an activity that remained deeply embedded in a historical system of economic production. On the one hand, these armed non-state actors could profit from the exploitative nature of Beni-Lubero's historical mercantile system by linking themselves to the different “elite networks” that were actively preying on all kinds of economic enterprise – including the so-called “illegal” exploitation of natural resources like diamonds, coltan and gold. On the other hand, they could offer their protection to the emerging bourgeois class of transnational traders, which simultaneously remained connected to the “informal” economy of transborder commerce and the rents generated by the Congolese state³⁵. The rebels' practice of offering protection to Beni-Lubero's businessmen still largely differed from extortion proper, however, in which the payment of protection money only aims to avoid costs that are directly threatened by the protectors themselves. The businessmen essentially saw the rebels as a welcome replacement of the “corrupt” state administrators and security agents that had become identified with random harassment and predation. Contrary to the politicians in Kinshasa, who were designated as decadent, corrupt and lazy, Butembo's rebels were appreciated for having established a more or less stable economic agreement that respected the logic of these “liberal”, state-resistant entrepreneurs in dealing with taxes and economic rents. To the participating entrepreneurs, this hybrid protection scheme also appeared logical: in a situation where the Congolese state was all but absent, and violence became a legitimated way of forcing access to economic resources, the practice of offering money

³³ In essence, Gambetta's affirmation goes back to Adam Smith's *'trite'* observation that even in a society of thieves, some rules need to exist to keep the thieves from robbing one another (Gambetta, 1988). In his work, he describes trust as a particular level of the subjective probability with which an agent assesses that another agent or group of agents will perform a particular action before he [or she] can monitor such action (or independently of his capacity ever to be able to monitor it), and in a context in which it affects his [or her] own action (1988: 217).

³⁴ This process is usually thought to evolve in two stages, the first of which is to divorce the producer from the means of production, notably by introducing different rules of private ownership; and the second is to privatise the means of production, so that the “real” owners can have no other choice than sell their surplus labour to the new capitalists (in this case the transnational traders-entrepreneurs).

³⁵ An interesting parallel can be drawn here between Butembo's “informal” entrepreneurs and the emerging merchant class in Senegal in the early 1990s, which as a social group existed rather *for itself* than *in itself*, as it constantly remained torn between its interest in appropriating economic surpluses on its own account, and gaining access to rents and wealth mobilized by the state (Boone, 1992: 255).

for protection gradually became integrated as an alternative way to sharing the spoils of Kivu's regionalized political economy. The way in which this agreement was made acceptable, was mainly through communal pressure: once a considerable group of people was convinced of the righteousness of this protection arrangement, it would become easier to effectuate the punishment of potential free-riders. In economic terms: the "positive externality" of many people buying private protection gradually started to weigh up to the "negative externality" of those that did not (Gambetta, 1993: 32)³⁶. In hindsight, it looks fair to say that the agreement between Butembo's would-be state makers of the RCD-ML and the transnational merchants involved something of a "pluralizing" moment, in which the gradual reinterpretation of existing social rules gave way to a modified institutional framework of action: because of their involvement in the market of protection, Butembo's entrepreneurs gradually became the new regulatory authorities of an increasingly transnational environment of cross-border commerce. An interesting dimension of this "novel" framework, however, was that it continued to make use of the same language and logic of the existing post-colonial nation-state. This was exemplified amongst others in the utilization of existing legal texts, administrative bodies and their representatives/representations, as well as the continued exploitation of existing relations of economic production. According to Janet Roitman, the reason of this continuity has to be sought in the discussion over the *intelligibility* of the state's regulatory practice, which is something else as questioning state sovereignty per se: "the disagreement over the intelligibility of regulatory power and fiscal relations goes to the heart of the problem of power by questioning the modes of classification and standards of evaluation that give order to hierarchies of value and establish the logics of practice." (2005: 8)," she says. But while this modified regulatory power can sometimes become "legitimated" as an alternative to state power, the state often stands at the heart of its proliferation in trans- and international networks through relations of collaboration and complicity. The social history of Butembo's traders-smugglers offers a slightly different outcome than the one proposed by Roitman, however, in that it did contribute to a gradual transposition of state sovereignty to other, non-state institutions. This transposition was inspired in turn by a shift in the relationships that structured action in a given area of social life – in this case transborder economic enterprise – and which informed different modes of placing action and practices into a meaningful social frame or context. These different modes of claiming and asserting authority finally informed the modification of a framework of local "governance"³⁷.

³⁶ This does not mean that there was no resistance to this scheme, on the contrary: many entrepreneurs (mainly those with industrial capacities) continued to protest against their subordination to rebel authorities. The more businessmen were ready to buy the rebels' protection, however, the more would be convinced of the positive externality of the agreement; community pressure also played a significant role in scaring off free-riding and shirking on fellow traders.

³⁷ A useful attempt to resolve the ongoing discussion on the sovereign nature of African statehood lies in the recognition that sovereignty can, and historically has been, understood as an attribute not just of states but also of other forms of social organizations, some of which have become central to the governance of an increasingly wide range of social domains (Latham, 2000). Crucial to this understanding is the claim that sovereignty is not an attribute of agents (like kings or parliaments) but of structures (such as bodies of law or systems of regulation). Contrary to the classic idea that agents possess sovereignty, what makes paramountcy possible according to Latham are the "bodies of relations that effectively structure practices and agency in a given area of social life." (Latham, 2000: 3) This idea is in any case more attractive than that of a social contract, or the idea of an open market in which operators of armies and states offer services to willing consumers, or the idea of a society whose shared norms and expectations call forth a certain kind of government (Tilly, 1985).

The last question is what such shifting power relationships finally mean for the evolution of Central African statehood in general. This is an important question, because it goes to the heart of the question about the relevance of its political "transition". Although a definitive answer to this question remains haphazard at best, it already seems clear that we are not facing the end of post-colonialism per se (Young, 2004), but rather a transformation without transition of African statehood, which draws at once from "traditional" and "modern" logics. While some still believe in the makeability of "collapsed" African statehood through technological exercise and institutional build-ups, the present study proposes instead a "scaled" process of state formation, in which local, national and intermediate levels of political authority are engaged in a constant process of negotiating statehood. This idea is inspired amongst others by the example of Late Medieval state-making in Europe, where monarchs were forced to manoeuvre, manipulate and deal with rival social forces in order to claim their territorial authority (Tilly, 1985). Other studies have demonstrated that this trend is not at all unique. According to Ken Menkhaus (2006: 78), for example, this model for governance is already an unspoken practice in much of the Horn of Africa, "where weak states are at pains to control their remote hinterlands and find it easier to partner with, co-opt, or subcontract to whatever local nonstate authorities they can find." It might neither be so different from other models of statehood in Sub-Saharan Africa, which historically originate in a tradition of mediation and negotiation³⁸. What differentiates contemporary African statehood from these "traditional" models, it was argued, is its tendency to include non-traditional actors and logics – including "capitalism" - into its realm. Another driving characteristic of this form of statehood is its explicitly transboundary nature. This communicating dynamic of transnational capitalism and local forms of governance is likely to determine the scope of African statehood in the years to come.

³⁸ See amongst others Jackson (1987); Herbst (1996); De Boeck (1996; 1998); Vansina (1967; 1973); and specifically about the Nande: Remotti (1993).

References

- Autesserre, S. (2006) *Local Violence, international indifference? Post-conflict "settlement" in the Eastern D.R. Congo (2003–2005)*. Unpublished Phd Thesis, New York University, Department of Politics.
- Boone, C. (1992) *Merchant capital and the roots of state power in Senegal 1930-1985*. Cambridge, Cambridge University Press.
- Callaghy, T.M. (1984) *The state-society struggle: Zaire in comparative perspective*. New York, Columbia University press.
- Callaghy, T., Kassimir, R. and Latham, R. eds. (2001) *Intervention and transnationalism in Africa. Global-local networks of power*. Cambridge, Cambridge University Press.
- Clark, J.F. (2001) Explaining Ugandan intervention in Congo: evidence and interpretations. In *Journal of Modern African Studies*, 39, /2, pp. 261-287.
- Collier, P. and Hoeffler, A. (1998) On economic causes of civil war. *Oxford Economic Papers*, n° 50, pp. 563-573.
- Collier, P. and Hoeffler, A. (2001) *Greed and grievance in civil war. CEPR Working Paper*. Oxford, Centre for the Study of African Economies.
- Connolly, W. (1996) Tocqueville, Territory and Violence. In Shapiro, M. and Alker, H., eds. *Challenging Boundaries*, Minneapolis, University of Minnesota Press, pp. 153-154.
- Cramer, C. (2006) *Civil war is Not A Stupid Thing. Accounting for Violence in Developing Countries*, London, Hurts and Co.
- De Boeck, F. (1996) Postcolonialism, power and identity: local and global perspectives from Zaire. In Werbner, R.P. and Ranger, T.O. (eds.) *Postcolonial identities in Africa*. London, Zed Books.
- De Boeck, Filip (1998) Domesticating Diamonds and Dollars. Expenditure, Identity and Sharing in Southwestern Zaire. In: B. Meyer & P. Geschiere (eds) *Globalization and Identity: Dialectics of Flows and Closure*. Special issue *Development and Change* 29 (4): 777-810.
- De Sousa Santos, B., The Heterogenous State and Legal Pluralism in Mozambique. In: *Law and Society Review*, vol. 40, n° 1 (2006), pp. 39-76.
- De Villers, G. et al. (1999) République démocratique du Congo: chronique politique d'un entre-deux-guerres octobre 1996-juillet 1998. *Cahiers CEDAF*, n° 35-36, s.p.
- Dietrich, C. (2000), The commercialisation of military deployment in Africa, in: *African Security Review*, vol. 9, n° 1, Institute for Security Studies.
- Doornbos, M. (2002) State collapse and fresh starts: some critical reflections. *Development and Change*, Vol. 33, n° 5, pp. 797-815.
- Duffield, M. (2001) *Global Governance and the New Wars. The Merging of Development and Security*. London, Zed Books.
- Eckert, J., Dafinger, A., Behrends, A. (2003) Towards an anthropology of governance. *Report 2003*, pp. 19-30. Halle/S., Max Planck Institute for Social Anthropology.

- Elwert, G. (2003) Intervention in markets of violence. In Koehler, J. and Zürcher, C. eds. *Potentials of (dis)order*. Manchester, Manchester University Press.
- Gambetta, D. ed. (1988) *Trust. making and breaking cooperative relations*. New York & Oxford, Basil Blackwell.
- Gambetta, D. (1993) *The Sicilian mafia. The business of private protection*. Cambridge, Mass, Harvard University Press.
- Global Witness (2005) Under-Mining Peace. Tin: the Explosive Trade in Cassiterite in Eastern DRC, June.
- Grossman, G.M. and Helpman, E. (1994) Protection for sale. *The American Economic Review*, Vol. 84, n° 4 (September), pp. 833-850.
- Herbst, J. (1996) Responding to state failure in Africa. *International security*, Vol. 21, n° 3 (Winter), pp. 120-144.
- Hyden, G. (1998) *Governance for sustainable livelihoods. Operational issues, paper commissioned by UNDP*. Geneva, UNDP.
- Jackson, R.H. (1987) Quasi-states, dual regimes, and neoclassical theory: international jurisprudence and the Third World. *International Organization*, Vol. 41, n° 4 (Autumn), pp. 519-549.
- Jourdan, L. (2004) *Congo: fame di guerra. Giovani e violenza nel primo conflitto "mondiale" africano*, Dottorato di Ricerca in Scienze Antropologiche (XVI ciclo), Università degli Studi di Torino.
- Kassimir, R. (2001) Producing local politics: governance, representation, and non-state organizations in Africa. In Callaghy, T., Kassimir, R. and Latham, R. eds. *Intervention and Transnationalism in Africa. Global-Local Networks of Power*. Cambridge, Cambridge University Press.
- Kennes, E. (2002) Footnotes to the Mining Story. *Review of African Political Economy*, Vol. 29, n° 93-94 (September-December), pp. 601-607.
- Latham, R. (2000) Social sovereignty. *Theory, culture and society*, Vol. 17, n° 4, pp. 1-18.
- Lemarchand, R. (2001) *The Democratic Republic of Congo: from collapse to potential reconstruction. Occasional paper*. Copenhagen, University of Copenhagen, Centre of African Studies.
- Luckham, R. (2004) The international community and state reconstruction in war-torn societies. *Conflict, Security and Development*, Vol. 4, n° 3 (December), pp. 481-507.
- Lund, C. (2006) Twilight Institutions: Public Authority and Local Politics in Africa, *Development and Change* 37(4), pp. 685–705.
- MacGaffey, J. ed. (1991) *The real economy of Zaire. The contribution of smuggling and other unofficial activities to national wealth*. London, University of Pennsylvania Press.
- MacGaffey, J. and Bazenguissa-Ganga, R. (2000), Congo-Paris. Transnational traders on the margins of the law, Oxford and Bloomington, James Currey and Indiana University Press.

Marysse, S. and Reyntjens, F. (2005) *The political economy of the Great Lakes Region in Africa: the pitfalls of enforced democracy and globalization*.- Basingstoke: Palgrave Macmillan.

Mathieu, P. et Mafikiri Tsongo, A. (1998) Guerres paysannes au Nord-Kivu (République démocratique du Congo), 1937-1994. *Cahiers d'études africaines*, n° 150-152, pp. 385-416.

Mehler, A. and Tull, D. The hidden cost of power-sharing: reproducing insurgent violence in Africa. *African Affairs*, Vol. 104, n° 416, pp. 375-398.

Milliken, J. and Krause, K. (2002) State Failure, State Collapse, and State Reconstruction: Concepts, Lessons and Strategies. *Development and Change*, Vol. 33, n° 5.

Mitchell, T. (2002) *Rule of experts: Egypt, Techno-Politics, Modernity*, Berkeley, University of California Press.

Mirembe, O.K. (2005) *Echanges transnationaux, réseaux informels et développement local Une étude au Nord-est de la République démocratique de Congo*, Thèse présentée en vue de l'obtention du grade de docteur en sciences sociales, Faculté des sciences économiques, sociales et politiques, Université catholique de Louvain.

Moore, S.F. (1978) Law and Social Change: the Semi-Autonomous Social Field as an Appropriate Subject of Study. *Law & Society Review*, vol. 7, n° 4, pp. 719-746.

Perrot, S. (1999) Entrepreneurs de l'insécurité. La face cachée de l'armée ougandaise. *Politique Africaine*, n° 75 (octobre), pp. 60-71.

Pottier, J. (2003) Emergency in Ituri, DRC: political complexity, land and other challenges in restoring food security. Paper presented at the FAO international workshop *Food security in complex emergencies: building policy frameworks to address longer-term programming challenges*. Tivoli, Italy, 23-25 September, 2003.

Prunier, G. (1999) L'Ouganda et les guerres congolaises. *Politique Africaine*, n° 75 (octobre), pp. 43-59.

Raeymaekers, T. (2002) *Network War. An Introduction to Congo 's Privatised War Economy*, Novib, Den Haag, November.

Raeymaekers, T. (2004) Su contadini e uomini d'affari: l'economia reale del "Grande Nord". *Afriche e Orientali*, anno VI, n.1/2.

Raeymaekers, T., (2006) Conflict and food security in Beni-Lubero, (French and English), report for FAO-Food Security Information for Action.)

Raeymaekers, T., (2007), *The Power of Protection. Governance and Transborder Trade on the Congo-Ugandan Frontier*, Unpublished Phd Thesis, University of Ghent (Belgium).

Remotti, F. (1933) *Etnografia Nande*. 2 Vol., Vol. I : Società, matrimoni, potere. Torino, Il Segnalibro.

Reno, W. (1998) *Warlord politics and African states*. Boulder / London, Lynne Rienner.

Reno, W. (2002) The politics of insurgency in collapsing states. *Development and Change*, Vol. 33, n° 5, pp. 837-858.

- Roitman, J. (1998). The garrison-entrepôt. *Cahiers d'études africaines*, 150-152, XXXVIII, Vol. 4, n° 2, pp. 297-329.
- Roitman, J. (2001) New Sovereigns? Regulatory authority in the Chad Basin. In Callaghy, T., Kassimir, R. and Latham, R. eds. *Intervention and Transnationalism in Africa. Global-Local Networks of Power*. Cambridge, Cambridge University Press.
- Roitman, J. (2005) *Fiscal disobedience. An anthropology of economic regulation in Central Africa*. Princeton and Oxford, Princeton University Press.
- Rosenau, J. N. and Czempiel E. eds. (1992). *Governance without Government. Order and Change in World Politics*, Cambridge, Cambridge University Press.
- Schatzberg, M.G. (1988) *The dialectics of oppression in Zaire*. Bloomington, Indiana University press.
- Sciarrone, R. (1998) *Mafie vacchie, mafie nuove. Radicamento ed espansione*, Roma, Donzelli.
- Shah, A., Markets of Protection. The 'Terrorist' Maoist Movement and the State in Jharkhand, India. In *Critique of Anthropology*, 26/3 (2006), pp. 297-314
- Swyngedouw, E. (1992) Territorial organization and the space / technology nexus. *Transactions of the Institute of British Geographers, New Series*, Vol. 17, n° 4, pp. 417-433.
- Swyngedouw, E. (1997) Neither global nor local – 'glocalization' and the politics of scale. In Cox, K. ed. *Spaces of Globalization. Reasserting the Power of the Local*. New York, The Guilford Press.
- Taussig, M. (1997) *The Magic of the State*, New York and London, Routledge.
- Tilly, C. (1985) War Making and State Making as Organized Crime. In Evans, P. et al. eds. *Bringing the State Back In*. Cambridge, Cambridge University Press.
- Tilly, C. (2003) *The Politics of Collective Violence*. Cambridge, Cambridge University Press.
- Tilly, C. (2005) *Trust and Rule*. Cambridge, Cambridge University Press.
- Titeca, K. (2006) Les OPEC boys en Ouganda, trafiquants de pétrole et acteurs politiques. *Politique Africaine*, n°103, pp.143-159
- United Nations (2001) *Report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo*, New York, UN, 12 April.
- United Nations (2002) *Report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo*, New York, UN, 16 October.
- Vansina, J. (1967) *Kingdoms of the Savannah*, Madison, University of Wisconsin Press.
- (1973) *The Tio Kingdom of the Middle Congo 1880-1892*, New York, Oxford University Press.

Veit, A. (2007) The Politics of Uncertainty. International Intervention and Armed Groups in Ituri (DR Congo), Paper presented at the International Studies Association 48th Annual Convention, Chicago, 28 Feb - 3 March.

Vlassenroot, K. (2002a) *The Making of a New Order. Dynamics of Conflict and Dialectics of War in South Kivu (DR Congo)*. Unpublished PhD Thesis, University of Ghent.

Vlassenroot, K. and Raeymaekers, T., (2004a) *Conflict and Social Transformation in Eastern DR Congo*, Gent, Academia Press.

Vlassenroot, K. and Raeymaekers, T. (2004b) The Politics of Rebellion and Intervention in Ituri: The Emergence of a New Political Complex ? *African Affairs*, No. 103, pp. 385-412.

Vlassenroot, K. and Raeymaekers, T. (2004c) The Formation of Centres of Profit, Power and Protection. Conflict and Social Transformation in eastern DRC, *Occasional Paper*, Centre of African Studies, University of Copenhagen.

Vlassenroot, K. and Raeymaekers, T. (2006) Neither Mobutu nor Chaos . Why Congo 's Elections Will Not Lead to Democracy, *CRG Editorial*.

Von Benda-Beckmann, F., Who's afraid of legal pluralism? In: *Journal of Legal Pluralism*, n° 47 (2002), pp. 37-83

Vwakyankazi, M. (1982) *African Traders in Butembo, Eastern Zaire (1960-1980). A Case Study of Informal Entrepreneurship in a Cultural Context of Central Africa*. Unpublished PhD Thesis, University of Wisconsin-Madison.

YOUNG, C., End of the Post-Colonial State in Africa? Reflexions on Changing African Political Dynamics, in: *African Affairs* (2004), 103, p. 23-49

Woodward, S. (1995) *Balkan Tragedy. Chaos and Dissolution after the Cold War*, Washington, Brookings Institution Press.