Reshaping the state in its margins

The state, the market and the subaltern on a Central African frontier

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Abstract

In this paper I explore the productive interaction between states and markets in the borderlands, specifically between Uganda and the Democratic Republic of Congo (DRC). I place this interaction, first, in the context of changing state-society relations in a context of post-conflict peace building, as this process is considered to transform the state's potential to perform and provide economic development. Second, however, today's efforts to "bring the state back in" at the border are invariably met with more informal forms of regional integration in the borderlands, particularly in so-called informal cross border trade. In this article, I try to explain how everyday forms of regulation in cross border economies have not only encapsulated state rules and normativities on the border, but do so on a variety of political scales. Using the terminology of legal pluralism, I argue that the political regulation of cross border economic practice has historically evolved from a a vertical opposition between systems of rule to a more horizontal integration of in-formal regulations within the same normative system. The second propostion of this paper is that, while some of the practices performed on a day-to-day basis in African cross border economies might at first sight seem rather disconnected, they stil form part of what Karl Marx called a single system of production. Although states constantly intervene at different scales of this production network by erecting various types boundaries, the strong connectivities established through

such cross border trade patterns are in many respects capable of overcoming and even challenging these divisions through their systematic political mobilisation and encroachment on state legislation.

Introduction

In January 2008, I witnessed a remarkable discussion on the border post of Kasindi/Mpondwe, which divides the Ugandan district of Kasese from the Congolese province of North Kivu. In November, the Ministry of Health of Uganda had just confirmed an outbreak of Ebola haemorrhagic fever in the neighbouring district of Bundibugyo and as a result prohibited all traffic over the international border. After several weeks of monitoring and care activities, the Ugandan health ministry finally announced in February 2008 that the Ebola outbreak in Bundibugyo had been contained, and 37 of the 149 patients had died. The international response had involved experts from a number of organizations such as Médecins Sans Frontières, the African Field Epidemiology Network, the International Federation of Red Cross and Red Crescent Societies, the US Centers for Disease Control and Prevention (CDC), UNICEF, the World Food Programme and the World Health Organization, which provided coordination for the containment effort.

Besides the interesting global connectivities of this sanitation effort at the state's territorial border[1], what interests me for the scope of this article is how border

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[1] An interesting literature is just developing on the biopolitical dimension of border governance, focusing on sanitation and medical deployment as instruments to control movement and

dwellers in Kasindi/Mpondwe reacted against this interruption of their daily lives, and how this reaction in turn challenged cross border economic regulation. When I arrived at the border in January 2008 after a two year absence[2], a number of people addressed me about the unrest that occurred in Kasindi just after the official closure of the border by Ugandan and Congolese authorities. Farmers, business people and state authorities, all of whom depend heavily on cross border traffic for their daily livelihoods, had apparently gathered at the border several times, threatening to crash the gate forcefully if it was not re-opened immediately. During the turmoil that followed, a Congolese declaring agent told me, angry people shouted that they would call the assistance of "Mumbiri", the locality in the neighbouring Rwenzori mountains that figures as the mythical headquarters of the Allied Democratic Front rebellion (cf. infra). After a few days of tossing back and forth between protesters and different border authorities, it was finally decided that the border post would be partially re-opened, but only for individual passengers carrying foodstuff and other products between local border markets[3].

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especially focussing on its symbolic dimension. (Falk 2010, 2011a-b). Besides its heavy Foucauldian inheritance (e.g. Rose 1999), it radically places the body politic into a new context of sovereignty, legitimacy and seggregation that could open challenging perspectives for border research.

[2] I have been doing field research in the Congo-Uganda border area since 2001, with longer stays for my doctoral dissertation (March-April 2003, January-February and October-December 2005, and September-October 2006). The following observations are mainly based on two shorter visits to the border town of Mpondwe/Kasindi in 2006 and 2008 to analyze cross-border economic exchange.

[3] Radio Okapi: *Beni: reouverture du marche frontalier de Kasindi*, 26 decembre 2007. The border had been officially closed since 12 December.

During my stay in Kasindi in 2008, I noticed an unusual tension between these daily border crossers and Congolese border authorities. In contrast to my visit two years earlier, when I was allowed to wander around freely on the customs premises, take pictures and talk to smugglers and state personnel alike, I noticed some particularly aggressive patrolling on the border crossing, specifically against the subsistence farmers who were trying to bring foodstuff and dried fish from Uganda into Congo. When I potographed some disabled transporters on the official border crossing, I was immediately brough to immigration authorities for questioning. This is where I came into contact with one version of the border incident. Physical controls of the border were sharpened, acquaintances at the immigration office explained to me, because the Ebola outbreak in Uganda had heightened the risk of disease contamination. As is often the case in such circumstances, different interpretations existed with regard to the occurrence and motivations begind this incident, particularly regarding the way it was handled by different local authorities. State personnel at the lower echelons seemed rather hostile towards the Ugandan measure to partially close the border, the reasons of which I will explain later. Other, usually higher placed officials were offering a more legalistic interpretation of state regulation, saying that central customs administration should reassert its governance of border taxes. All these versions were explained in the light of a heightened state presence at the Kasindi border, however, as the central Congolese government in Kinshasa was expected to enforce its implementation of cross border tax reforms any time soon. Over the previous months, and after my visit to Kasindi in 2006, several state officials who were visiting the local branches of the customs adminstrations OFIDA (*Office des Douanes et Accises*) and OCC (*Office Congolais*

de Controle) in Beni territory had made long-winded promises to combat the insiduous fraud in the cross border economy, which was considered a principal outcome of the country's long civil war[4]. What had long seemed a far off cry from Congo's capital and the international community to reintegrate Eastern Congo's border economy after years of regional warfare was now becoming increasingly tangible to border inhabitants in Kasindi and the rest of the country.

Borders and the regulation of political space

The incident in Mpondwe/Kasindi highlights an interesting political interplay at the state's territorial margins that could be relevant for a number of reasons. Other border specialists have already pointed out the active role border narratives play in ordering national political space. In his discussion of boundary politics in the Ferghana Valley, Nick Megoran makes a convincing argument to consider the state there not as a "thing" but instead allow ethnographic research to unveil the complex and dispersed nature of state activity on the border and the way this affects processes of state formation (Megoran 2004). In a similar fashion, Africanist scholars like Carola Lentz analyzes how Ghanese and Burkinabe border dwellers have used their territorial boundary as a political

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[4] Radio Okapi: *La fraude se generalise au poste douanier de Kasindi*21 janvier 2005; *La fraude douaniere s'intensifie a Kasindi*, 10 avril 2006; *Beni: un depute denonce la fraude douaniere*, 16 mars 2008. The systematic circumvention of national regulations became self-evident a few months after my visit in April 2008, when the bridge connecting Kasindi and Mpondwe over the Lubiriha river collapsed under the weight of a truck carrying illegally logged timber. This led to new series of promises to combat fraud, which crystallized in a signed protocol between presidents Kabila (Congo) and Museveni (Uganda) in March 2009 to regularize cross border trade between their countries.

resource, capable of shielding them from colonial tax and forced-labor requirements, and usurping multifaceted land rights (Lentz 2003). More recently, Africanist scholarship is developing interesting new insights in border situations as previously disperse expertise is suddenly starting to converge in several publications and networks (for example Nugent and Asiwaju 1996, Chalfin 2001, 2010, Roitman 2005, Graetz 2010, www.aborne.org, Doevenspeck 2011). The point made by these various border perspectives is that international boundaries are often highly ambiguous places. The aggressive bordering practices of state officials towards subsistence traders one observes in places like Kasindi/Mpondwe highlights on the one hand how territorial borders can generate certain spaces of "non-existence" (Coutin, 2010), which render individuals' access to rights, services and individual personhood a highly risky exercise. In this regard, the concept of b/ordering, proposed by Van Houtum and Van Naerssen (2002), offers an interesting insight into these border practices as both cognitively and experientially constructive, as group identities are visibly reshaped through the process of bordering itself. Because political borders and social boundaries often don't overlap, b/orders should never be regarded as complete entities, however, but they continue to involve important struggles over the writing of political space and political legitimacy. Within the scope of this paper, my interest lies first of all in exploring a particular environment in which such b/ordering processes are highly contested, e.g. in contexts of political struggle and post-conflict "transition". Following Chris Cramer (2006), much conflict in the contemporary developing world – and in Africa in particular – is precisely over what power means: is it vested in traditional authority and its emaciation of ethnic sovereignty, is it based on sovereign dictatorship, or is it

legitimated by democracy and participation? If one look at conflict like this – as a crisis moment when the structure of power itself is for grabs, a variety of violent encounters, from "civil" war to mafia-type extortion rackets to domestic violence, may actually be explained within this framework of political transformation and transition of organized violence (see also Tilly 2003).

A second purpose of this paper is to specify the mechanisms which sustain certain rules and their contestations in these cross border economies. While one could agree in theory that cross border economies offer seemingly endless windows of opportunity for the marginalized to make a living in such "imaginative and creative spaces" (Vlassenroot and Buscher 2009: 5, De Boeck 2000, Mbembe 2000), the contested regulation of border activities often involves great conflicts over personal and moral integrity. Experience also learns that such b/ordering actions are rooted in an explicitly gendered spatialization of citizen rights and access to wealth, as they are frequently directed against marginalized groups who remain discriminated by dominant masculinist conceptions of what constitutes a good economic life and livelihood (Cheater 1998, Weber 2011). It comes as no surprise that the most discriminated groups one encounters on Congo's external borders are actually female peasants and disabled petty traders that earn a living by transporting soft drinks for wealthy male businessmen in the region's main urban centres (De Vlieger 2009). On market days in Kasindi and Mpondwe, for example, one frequently meets groups of physically disabled traders transporting soft drinks for retail houses in neighbouring cities. Using their makeshift vehicles to carry cages and bottles, they are usually exempt from import taxes from Uganda to the DRC with the

motivation that they need this income for a living they cannot earn in other, less open, sectors. Generalistically speaking, therefore, one could argue that this practice of tolerating unrecorded trade by customs officials is informed by a "social norm" of solidarity towards marginalized groups (Olivier de Sardan 2009). But once bulk imports start dwindling (as I witnessed numerous times in Eastern DRC), state agents don't hesitate to discriminate highly against these disabled traders and trespass on their citizen rights. This ambiguity in terms of opportunities and unsettlement of political rights at the state's territorial border forces us to look more specifically into the hierarchy and interrelation of economic regulations in such places, as these appear to involve important levels of physical and political negotiation. In a somewhat different vein, Das and Poole (2004) have illustrated the margins of the state and the boundaries of human bodies can in fact be made to correspond both symbolically and materially, in when one considers the state officials' interaction with those who contest or reclaim their power. What often ensues in such contested border situations is in fact a bodily negotiation of rights and duties that can take either open or covert forms. Inhabitants of the Congo-Ugandan borderland commonly refer to this practices as '*la coop*', or '*match*', which culturally encapsulates this bodily negotiation process as a fight for integrity and survival (Raeymaekers 2009). In general, such cases of open and covert border protest continue to illustrate the ambiguity of the state's territorial borders as representations of opportunity and existential certainty at the same time, as they actively engage in the unsettling of rights that make life intelligible and predictable (Said 2004).

At the same time, cross border practices may also generate their own forms of

regulation that partly emanate from the needs of populations to secure political and economic survival in these areas. The reasons for this are both material and ideological (Donnan and Wilson 1999, Newman and Paasi 1998, Newman 2006). Because border crossers often operate outside the law, this makes their search for survival more elusive and difficult to capture by the state's territorial regime. Following the tradition of Antonio Gramsci, cross border economies could thus be interpreted as a "silent encroachment" of everyday economic regulations on the state, as ordinary people engage in a silent, protracted, and pervasive advancement against powerful state hegemonies in order to survive hardships and better their lives (Bayat 1997, Raeymaekers 2009).

Some manifestations at the border can make this mobilisation become explicit, particularly when livelihood gains are perceived to be under threat. According to most accounts I heard during my stay in January 2008, protesters gathering at the gate actually cited the necessity to continue engaging in market exchange across the border, even when their lives were apparently at risk. A woman who gained her livelihood smuggling soft drinks across the river summarized this feeling succinctly when she stated that "*fundura* [informal economic activity] means looking for life, it means looking for food and assuring one's proper survival." Along with the various practices of '*match*' and '*coop*' of such market women on the border, the intense bodily negotiation of these women with the state's body politic raises the useful question of how one could start conceptualizing the border as a particular moment in time, rather than just a mere space or a line on a map. Building on the work of Johannes Fabian (1998), I earlier described such instances of '*coop*' and '*match*' as moments of freedom,

which have the potential to arise in the hard but contested interaction between labouring subjects and state's regulatory apparatus (Raeymaekers 2009). Without wanting to over-theorize, such practices also illustrate the logical connection border inhabiutants make between the material and ideological components of their labour, as during the November 2007 protests numerous border dwellers (peasants, petty traders, low level customs officials etc.) increasingly motivated their engagement in such activities in terms as "licit" and "legitimate", in contrast to the "illicit", "illegitimate" and "discriminating" state officials that tried to block their access to livelihoods. This contrast is in fact quite typical of cross border constellations as they involve solidarities and exchange patterns that transcend purely national or local levels (Donnan and Wilson 1999, Baud and Van Schendel 1999).

What is often overlooked in the study of cross border economies, however, is the spatial extent to which such political regulations and their expressions are reproduced at the border. Particularly with regard to African economies, there is a lack of knowledge about the ways in which such regulations converge over a variety of social scales (for a notable exception, see Chalfin 2010). The scaling and siting of economic regulations at the state's territorial gates nonetheless seems to become an increasingly pressing task for border dwellers worldwide, as they are confronted with a growing aray of forces that vy to regulate their lives. I already cited the example of the ebola containment by UN, NGOs and state authorities in Uganda, but there are other examples, too. In the Virunga and Queen Elizabeth game reserves bordering Kasindi, for example, an international coalition of NGOs and environmental organizations has declared war on the

artisanally processed charcoal local inhabitants and displaced people use to sustain their livelihoods. The continuous displacement of these populations as once targets and once enemies of "development" should not be underestimated, as it seems to become increasingly productive of a new regulatory field in the borderlands. In particular, the charcoal these displaced people use doubly damages the environment, environmentalists say, because armed militias use it to fund their military campaigns and humanitarian abuses against the civilian population (amongst others making them work in slave-like conditions). While this charcoal is openly sold on border markets and tolerated by official authorities, UN and environmental organizations have declared its use as "illegal" in perspective of international environmental standards[5]. Another interesting case study in transversal regulation are Eastern Congo's artisanal mine exploitations, which generate millions of dollars a month to small-scale miners, businessmen, customary and military rulers and official authorities at both sides of the border. The produce of these mines is sold partially in legal and partially in informal manner in a variety of places but has been declared "illegal" by the UN and a range of international bodies and associations (for example UN 2001). The Congolese government, which has progressively felt under pressure of these bodies to combat transborder fraud, has followed this language of illegality and legality in its atempt to regain control over mining resources, but in practice tolerates the ongoing militarization and criminalization of this trade by

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[5] IRIN: Goma, les profits du charbon de bois alimentent le conflit adans l'est, 31 juillet 2009. This increasing globalization of environmental regulation in Kivu and Uganda illustrates quite convincingly how the social and economic practices that have become the object of 'primary criminalization' (Bayart 1999) in Africa more often than not are a consequence of law itself, in this case of the designation of game reserves and protected species.

a limited group of local and cross border operators (Garret and Mitchell 2009, Tegera and Johnson 2007). While these are just examples, the cross border trade in natural and environmental resources does hint at the growing global character of economic regulation in today's post-conflict states in Africa, which in itself seems a dimension worthy of consideration.

Specifically with regard to Kasindi, I will try to explain how the informal (or rather: unrecorded) regulation of cross border trade in this area has not only encapsulated state rules and normativities on the border, but does so along a distinct series of social and political scales. In the following sections, I will show how this process occurs across multiple territorial spaces. Before that, I will describe in more detail the genaology of cross border interaction in this vibrant Central African landscape.

Multiple borders

The border town of Kasindi/Mpondwe provides an interesting convergence point of international sovereignty over cross border interaction for a number of reasons. From the moment it was established as a border post by the Belgian colonial powers, Kasindi formed a bone of contention between several local and less local forces. Because British and Belgian authorities could not agree on the actual place of their international border, they created a "neutral zone" on the 30th meridian which actually became an area of thriving contestation and uncontrolled movement by indigenous social forces. Such uncontrolled mobility included the illustrious and long-term trade from the salt lake of Katwe, which

was situated just across the British border in the former Kingdom of Kitara, and which continued to thrive long after the installation of colonial boundaries (Newbury 1980). As descendants of this kingdom in the 17th century, Banande from the Mitumba mountains and Bakonzo from the Rwenzori had been using this trade for livelihood and status provision ever since. In the early 1900s, a large strip of fertile land in the Semliki Valley – situated on the international border – acquired the status of environmentally protected area in the Virunga and Queen Elizabeth national parks. Indigenous populations were removed from these fertile areas with the pretext that these were infested with sleeping sickness and thus unfit for popular agricultural dwellings. The proceeding exclusion of Banande and Bakonzo tribes from political and economic participation since then increasingly fed into anti-colonial resistance by these twin communities straddling the international border, resulting in the foundation, by a Bakonzo chief, of the Rwenzururu Kingdom and rebel movement in the mid-1950s, a movement that was later rebaptised as the Allied Democratic Front.

The increasing withdrawal of state authority form the border area in the 1970s and 80s fostered a movement of unofficial regional integration across the Semliki Valley that crystallized during the rulership of Idi Amin in Uganda (1971-1979) and Zaire's second republic (1971-1997). During the subsequent and long civil war in Africa's Great Lakes region in the 1990s and early 2000s, the economic networks and expertise that had been established during the preceding era gave rise to a number of intriguing political complexes that partially shifted the balance of power from authoritarian central rule to private cross border actors.

Two particularly instructive – and remarkably similar – constellations of regional interests have been observed in this regard in North Kivu and West Nile (Congo and Uganda), where local business tycoons succeeded in using unoficial investments earned in the regional war economy in several public works, partly also to ward off intrusive state regulations (Raeymaekers 2010, Titeca 2009). With some caution, therefore, one could argue that the growing pluralisation of cross-border regulation in these regions has indicated a growing encapsulation of the state by the market (Raeymaekers 2011). In fact today the twin localities of Aru/Arua and Mpondwe/Kasindi still function as notable border boom towns, following similar trends in West and Southern Africa (Zeller 2009, Dobler 2009).

In this atmosphere of ambiguous border accumulation, the current attempts to reintegrate renegade border economies into the state's realm should come to no surprise. Since the official end of hostilities between both countries in 2003, the Congolese and Ugandan governments have in fact been joining efforts to come to terms over this thriving extra-legal integration of their national economies. A principal measure proposed by the CIAT, the committee supporting Congo's war-to-peace transition, for example, was to partly privatize customs control on state borders by outsourcing it to an international valuation and assessment company. According to a ministerial decree of 16 June 2006, which became effective in February 2007, all imports exceeding US$ 2.500 – bar exemptions such as military transport, UN and NGOs – should be waring the stamp of this company along with the official controls by OFIDA, OCC and the likes for specific imports (some of which require additional hygienic controls). Under the company's acronym, importers are officially subjected to a digital scan of their original

freight documents, which thus could be physically tracked along the transport route along the different international borders. Unfortunately for Kinshasa these attempts to increase national taxation abilities have been met with outright suspicion by economic operators at the country's many borders. From the moment the government measure became effective, it aroused a serious uspsurge among Congolese business associations all over the country. Such happened for example in Bukavu, where the national employers organization *Federation des Entreprises du Congo* (FEC) decided to block all imports, resulting in long lines of trucks waiting at the border crossing in Cyangugu (Rwanda) for weeks. In Kasindi, the measure was immediately subjected to high political pressure from a number of business and political elites, which resulted in the continuing non-compliance with post-conflict legislation until well after 2007. Similar to the Ebola protest and re-opening of the territorial border in Kasindi around Christmas that year, informal agreements between central and border authorities resulted in border traffic to be continuously placed outside the law.

Exceptionalism and convergence

To some extent these ambiguous border practices could be interpreted as a case of exceptionalism, or emergency rule, in the context of increasing democratic authoritarianism (Dean 1999). In fact it has been described in other contexts how the continuous reproduction of governmental crisis and emergency in the aftermath of war can be become quite instrumental in generating authoritarian forms of government in African post-conflict states, which actually start to show some striking similarities across the continent (Arnaut et al. 2008). A narrow

focus on exceptionalism contains the risk of hiding another, more pertinent aspect of cross border regulation in such contexts, however, which involves convergence, rather than absorption of subaltern forms of regulation. Such can be discerned for example through the different notions of informality and illegality that are employed on the Congolese side of the border. Instead of an "included exclusion" of residual informal systems, cross border trade has been characterized by a continued co-existence of formal and informal systems of regulation that vary according to time and place. In local jargon, *illegal* trade, which constitutes a substantial part of cross border traffic, currently refers mainly to the trafficking of minerals and other environmental resources by irregular armed forces and the military, but which occurs with the complicity of national political authorities. The term *informelle* on the other hand refers both to small scale imports and exports that are channelled through the official gates but which require a small fee or *jeton* to immigration authorities, as well as to the daily and widespread corruption of customs agents by urban bulk traders. *Formal* trade patterns finally seem to involve a highly decentralized system of officially recognized customs agencies importing goods from East Africa and Asia, which nonetheless work partly in the shadows of official legal requirements.

The main point I want to make here is that notwithstanding their apparently "hybrid" nature (Boege et al., 2008, Richmond 2010), the different rules and regulations that in-formally channel cross border trade in he Semliki Valley are embedded in a distinct set of relationships that connect the different nodes of this global trade network in a structered set of political scales, or sites of

regulation. For example in the sea ports of Mombasa and Dar-Es-Salaam, where consumer goods for Central Africa arive from Asia, officially recognized but illegally operating customs agencies (so-called *agences pirates*) commonly work with official authorities to transit these goods over the border. The same procedure is repeated over and over again at the different border crossings in Kenya-Uganda and Uganda-DR Congo under the inspecting eye of national customs and police. Rather than opposition and struggle, one commonly observes a high degree of collaboration between official and informal authorities at these border crossings – which explains why violent outbreaks such as the one I witnessed in November-January 2007-2008 are rather the exception than the rule. One of the reasons for this lies in the historical emergence of such border relationships, as border crossings generally constite the frontiers of state authority and of its emanations in border taxations, control over mobility and economic redistribution (Donnan and Wilson 1999, Nugent 2002). Instead of depicting the state in such places as nothing more than a décor which, according to Chabal and Daloz, masks the "deeply personalized" political realities of African political economies (e.g. Chabal and Daloz 1999), I would argue in contrast that the everyday regulation of cross border activity one witnesses today in Kasindi/Mpondwe involves not an erosion but a gradual transposition of economic sovereignty on the border in which economic markets and their exponents increasingly have come to ecapsulate state authority into their hegemonic realm.

Vertical and horizontal pluralism

The terminology that best serves my explanation in this domain is that of legal pluralism. There exist different definitions of legal pluralism which vary in application and scope. One useful definition is that of Von Benda-Beckmann (2002: 60), who says that legal pluralism exists there "where different legal mechanisms pertain to the same situation." In her article, Von Benda Beckmann distinguishes between system-internal pluralism and a pluralism of legal systems. To illustrate her case, she gives the example of killing, which can have different normative meanings according to the particular conception of law one has on this subject (for example in terms of witchcraft or European criminal law). While witchcraft and European law are commonly regarded as two separate legal systems (which means one can speak of a pluralism of systems), the act of killing can have different connotations within the same legal system (which results in system-internal pluralism). A useful addition to this terminology is that of Jean Pierre Olivier de Sardan (2009), who distinguishes between vertical and horizontal pluralism. Horizontal pluralism is most common in public normative systems, for example in bureaucracies where professional standards often coexist with various "social" norms. This pluralism can be generally coupled with the emergence of the modern nation-state, which organized the coexistence of formal standards and social norms through their formal division into two distinct spheres: a public and a private one. The formal incorporation of such social norms into the private sphere has often given rise to a vertical pluralism, however, which illustrates the often hidden transcripts that lie beneath official mitigation systems and official bureaucratic standards that try to regulate our lives. Instead of generalizing about African regulatory systems as façade politics or decors, these distinctions permit us to present a more

accurate picture of cross border systems of rule that takes account of different historical and local settings. Let me try to illustrate this with reference to the Congo-Ugandan border.

I suggested before that the collaboration of national state authorities and private agents on the Kasindi/Mpondwe border indicates a growing absorption of state practices by informal local-global systems of rule. Using the terminology of legal pluralism, one could argue that the political regulation of cross border economic practice there has historically evolved from a a vertical opposition between systems of rule to a more horizontal integration of in-formal regulations within the same normative system. As I hoped to have made clear, this evolution has not been a unilinear one, but is characterized by various discontinuities and temporary changes. Up until the 1960s, for example, formal and informal systems of regulation operated largely in opposition to each other, as colonial states tried to impose border controls on a series of regional trade patterns – particularly the salt trade, which were "informalized" as a result. After colonial independence, the incapacity of Congolese and Ugandan regimes to impose their taxation authority on the border subsequently resulted in a number of parallel border regimes, at least until the mid-1970s. The gradual incorporation of these state regulations in a booming informal cross border trade during the 1970s and 80s subsequently resulted in a series of privatized states at the border, whereby state authority and its official representation was completely engulfed by cross border markets. The result of this informal incorporation was an informal system of "fending for oneself", which nonetheless became a powerful political technology that gained quasi-official corroboration under pressure of ever

expanding market relations[6]. As a result one could argue nowadays that state authority on the border is rather mediated, instead of standing in opposition or being completely incorporated into "informal" social norms and regulations. This situation has ultimately impeded the crude imposition of official authority and systems of rule by territorial state regimes, as a regular pattern of interaction at the border continuously contrasts the private-public partnership established between national governments and a range of national-global assemblages with reference to border taxation and regulation.

To summarize, one could speak of an ambivalent integration of systems of rule on the border that shows the following characteristics. On the one hand, the gradual withdrawal of central state authority over the cross-border economic domain from the mid-1970s has left actors in the borderland actors with a comparatively comfortable basis of power and legitimacy over central states to engage in what I call (for lack of better words) mediated states (see also Menkhaus 2006, Bierschenk 1999). The local variant of this mediated statehood has deep historical origins and is practiced on a daily basis across a global network of political scales. On the other hand, the gradual expansion of cross border trade during the same period has permitted state bureacracies to gradually expand their power and agency at both sides of the border, albeit in a largely informal and unrecorded fashion. It would be wrong to assume, therefore, that state regulations are simply decors at the border, as they serve to constitute what Janet Roitman calls a "military-commercial nexus", which partly

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[6] This system was partly given official status under Mobutu's Zairianisation policy, as he literally told his citizens to "fend for yourself" (*debrouillez-vous*).

reorients the state's formation project according to new novel economic arrangements, conceptual boundaries and distinctions (Roitman 2005: 22). Contrary to opposed states, it is important to note that mediated states rather constitute a *residue* of negotations with the informal market realm – so state bureacracies are at best validating dominant "informal" practices of regulation rather than the other way around.

	intersystem	intrasystem	
vertical	opposed States	privatized States	
horizontal	parallel States	warlord States	mediated States

table: legal pluralism in borderlands

The additional insight produced by this scaled analysis of political power in border markets involves two observations. First, it permits observers to partially redress the determinist understanding of values like kinship and ethnicity, which are thought to determine the operation of informal markets. Instead one can pay more attention to the process of (cultural) economic reproduction. This is not to say that culture on the border is not important, on the contrary: border

narratives actually provide evidence of the ongoing *construction* of economic market institutions by a variety of authorities and agents, be they state or non-state, private or public. An emphasis on political scales could indicate the highly intersubjective fashion in which such reproduction process occurs through a constantly changing network of social relationships (Guyer 2000, Gudeman 2008). On a second note, this emphasis on fluidity also permits analysts to overcome the rather binary way in which such regional economic exchange patterns are usually described. While previous analyses predominantly emphasized the social embeddedness of African cross border economic markets in contrast to top-down economic regulations and political regulations (MacGaffey 1987, 1991, Meagher 1990, 2010), the literature on political scales and legal pluralism permits us to name and compare particular constallations of power and authority that emerge in a specific time and place. Again, it is important to emphasize that such constellations are never given or fixed, but depend on the specific network of relationships that is beng maintained through the regularity of cross border interaction. As of recently, the regional civil war and economic transformation in Africa's Great Lakes region seems to have contributed to a temporary withdrawal of state authority over the cross-border economic domain, but this situation does not at all need to be eternal or fixed. What political geography brings to the fore here is that such authority depends very much on the extent to which it can root its daily recognition in a particular time and space (Cox 1997, Swyngedouw 1997, Massey 2005).

Conclusion

Future research into cross border economies could potentially benefit from a focus on geographical scales. For example, it could disentangle the hierarchies that exist between different norms systems at the border, and how they interrelate with each other beyond a limited local or cross border context. In my research on unrecorded economies, I have argued that the transnational practices of "fending for oneself", which has so often been celebrated as a resistance and opposition to predatory statehood, is actually injecting a rather liberalist ideology in Africa's societies of economic citizenship and to local-global production networks. More research needs to be done to deconstruct these local-global connections, however, and critical geographical perspectives could potentially help doing that. Also, one could better illustrate the process through which formal and informal regulations work either in parallel, contest or indifference to each other. As I suggested, the overwhelming informalization of economic rules in Congo's and Uganda's territorial margins has gradually transformed their systems of border government from a series of ontological and historical oppositions to a form of "mediated" statehood. But one might as well find other examples where rule systems work parallel, beneath or against each other[7]. Finally, the political geography of cross border relations could potentially highlight the more subtle dimensions of power and authority at the border, which are seen to operate through particularly gendered constructions and political hierarchies. In this article, I talked about the disabled and female peasant goods transporters on the border, whom have to endure harsh physical

[7] The emblematic example that is often given in this case is that of the Sicilian mafia, which established certain "markets for protection" in collision and competition with the Italian state (Gambetta 1993, Tilly 2003, Dickie 2004, for an application to conflict and peace, see: Elwert 2003, Shah 2006).

discriminations during their daily livelihood practices. As I suggested, these discriminations form part of a powerful border construction that – if acurately deconstructed – explains how it is impossible to exclude the normative dimension of forms of government on the border, particularly when one considers their effects in terms of daily economic development. In line with works of Timothy Mitchell and Karl Polanyi, such geographic accounts make it evident that one cannot treat economic market institutions as some neutral playing fields, where actors negotiate norms merely according to cultural or political "context". Particularly in cross border economic systems, one continues to be confronted with a daily struggle over the *terms* of regulation in economic exchange patterns, which in turn are informed by discussions over the meaning of "that what needs to be governed" (Greenhouse et al. 2002: 6), i.e. human life in its social and cultural environment. This suggests again that sovereignty and the fight over political legitimacy are ultimately considered with the struggle over life itself (Humphrey 2004). In addition to its ethnographic focus, critical political geography can help disentangle how exactly these struggles over economic standards – who decides to provide development for whom, and according to whose standards – have historically been subject to violent discussions about what constitutes a good life, and who can be made to participate in it.

To conclude, I consider Donnan and Wilson's suggestion to treat the border as a "frontier" of nations, states and identities still a very fruitful one (Donnan and Wilson 1999). Rather than assuming a division between "ideal" and "real" governance (which can become another series of difficult-to-entangle totalities) it could actually be more fruitful to consider how certain rules, patterns of

behaviour and regulations are being *made* real as widely accepted rules of the game in a given time-space. On a theoretical note, one could propose with Doreen Massey (2005) that the social relations underpinning certain patterns of economic behaviour on the border are also spatially constructed, occur at different scales if you like, so understanding this spatial configuration of economic relationships is important to see how certain rules, patterns of relationships between goods and/or people change and relate to one another.

The second propostion of this paper is that, while some of the practices performed on a day-to-day basis in African cross border economies might at first sight seem rather disconnected, they stil form part of what Karl Marx called a single system of production. Although states constantly intervene at different scales of this production network by erecting various types boundaries, the strong connectivities established through such cross border trade patterns are in many respects capable of overcoming and even challenging these divisions through their systematic political mobilisation and encroachment on state legislation. Rather than a fixed pattern of public/private oppositions, however, state-market relations in these cross border economies are characterized by a much more fluid patern of struggles and collaborations than has been hitherto assumed. Critical geographical method could be useful instruments to disentangle not just how this process historically occurs, but how it constantly creates and recreates the state at its margins.

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