Insecurity and Local Governance in Congo's South Kivu

Ferdinand Mugumo Mushi

March 2012

IDS Institute of
Development Studies

About IDS

The Institute of Development Studies is one of the world's leading charities for research, teaching and communications on international development. Founded in 1966, the Institute enjoys an international reputation based on the quality of its work and the rigour with which it applies academic skills to real world challenges. Its purpose is to understand and explain the world, and to try to change it – to influence as well as to inform.

IDS hosts five dynamic research programmes, five popular postgraduate courses, and a family of world-class web-based knowledge services. These three spheres are integrated in a unique combination – as a development knowledge hub, IDS is connected into and is a convenor of networks throughout the world.

The Institute is home to approximately 80 researchers, 50 knowledge services staff, 50 support staff and about 150 students at any one time. But the IDS community extends far beyond, encompassing an extensive network of partners, former staff and students across the development community worldwide.

IDS RESEARCH REPORT 74

Insecurity and Local Governance in Congo's South Kivu

Ferdinand Mugumo Mushi

March 2012

Insecurity and Local Governance in Congo's South Kivu
Ferdinand Mugumo Mushi
IDS Research Report 74

Summary

South Kivu Province of the Democratic Republic of Congo (DRC) has experienced recurrent wars for more than 15 years. This Research Report explores the way local systems of governance and networking in South Kivu have been affected by the civil war and the ways in which local communities have tried to cope with chaos and the absence of the state.

Most community groups in South Kivu consider that violence and conflict were imposed on them and dissociate themselves, as communities, from violence, this being the work of some organised groups which should not be confused with the communities themselves. The fundamental causes of the wars lie in the ways in which Rwanda and Burundi, to different degrees, involved themselves with these other actors.

The report also explores the role of various local organisations and groups in conflict and post-conflict governance. Governance does not completely disappear when the state collapses. Its structures remain hidden and in retreat, but ready to sprout into existence again. This is especially true for the structures of local and rural governance, and the networks of the church.

South Kivu remains volatile and filled with suspicion. The behaviour of many groups is determined by fear of another cycle of war. When some communities can draw on external backing, the extension of such networks establishes another dimension of distrust.

A post-conflict state has need of decentralisation. Multi-layered, networked governance is a reality and is much less of a threat to viable states than might be imagined. However, when the state is incapable of assuring the security of its own population against external threats, when its own protective services engage in arbitrary activities and live off the people, and when impunity goes unchecked, it is difficult for social mechanisms and local institutions alone to substitute for the lack of a functioning state.

Keywords: institutions; conflicts; communities; army; militia; civil society; South Kivu; Democratic Republic of Congo.

Ferdinand Mugumo Mushi is Professor, Graduate in Political Science (PhD, UC Berkeley 1983) and has taught at several Congolese Universities in Lubumbashi and Kinshasa, and the Catholic Universities of Bukavu (UCB) and Congo (UCC). He also has served as Advisor to the Prime Minister's Office and the Office of the President, and Administrator in some companies and public institutions of DRC (CADECO, ONATRA, Court of Auditors, Office de Promotion des Petites et Moyennes Entreprises du Congo/National Agency for Promoting Small and Medium Scale Enterprises (OPEC)), while pursuing a career as a researcher and consultant. His academic research in the field of politics, development administration and the Congolese Civil Society led to the publication of several articles and essays. He is currently working on the research project being conducted by David Leonard at the Institute of Development Studies on 'Security in an Africa of Networked, Multilevel Governance'.

Résumé

Certaines collectivités de la province du Sud Kivu ont connu des périodes de guerres et de violences récurrentes et incessantes depuis plus de quinze ans. L'article explore la façon dont les systèmes locaux de gouvernance et de réseau dans le Sud-Kivu, en République démocratique du Congo, ont été touchés par la guerre civile et l'impact de leur changement sur la refondation de la sécurité humaine dans cette province. Il analyse le caractère plausible des explications ayant trait à la culture, à l'exploitation des minéraux, aux réclamations sur la possession et le contrôle des espaces de terre, et la recherche de participation identitaire, et de représentation politique dans la récurrence des guerres et des conflits endurants dans la région avant d'examiner les stratégies utilisées par les communautés locales pour faire face au chaos et l'absence de l'état, ainsi que les mécanismes d'auto défense qui ont contribué à leur survie.

La population de la province du Sud Kivu est composée de divers groupes ethniques: le groupe Shi-Havu (Bashi Bahavu), le groupe Lega-Bembe (Barega, Babembe), le groupe Fuliru-Vira (Bavira-Bafulero) et d'autres minorités ethniques. L'autre groupe, appelé les minorités, comprend des groupes qui sont assimilés intérieurement aux groupes dominants (Babuyu, Babuari), ou extérieurement à d'autres nations (Barundi, Banyamulenge). La plupart des groupes communautaires estiment que la violence et les conflits leurs ont été imposés et ils se dissocient, en tant que communautés, de la violence, ce qui est le travail de certains groupes organisés qui ne devraient pas être confondus avec les communautés elles-mêmes. Les causes fondamentales des conflits peuvent donc résider dans la façon dont le gouvernement du Rwanda, sous Paul Kagame, a répondu aux affaires internes de la RDC, en particulier, l'implication du Rwanda et du Burundi, à des degrés divers, dans les jeux des acteurs locaux et communautés en faveur de leurs intérêts.

Le document explore également le rôle de diverses institutions et groupes organisés dans les systèmes de gouvernance instaurés durant les conflits et en période post-conflit comme les milices locales, l'armée congolaise, les mutuelles à caractère identitaire organisées dans les cités, les autorités traditionnelles, l'église et la société civile au sens large. La gouvernance ne disparaît pas complètement quand l'Etat s'effondre. Ses structures restent cachées et en retraite, mais prêtes à germer à nouveau. Cela est vrai pour toutes les parties du gouvernement, mais il est particulièrement vrai pour les structures de gouvernance locale et rurale. La plupart des réseaux efficaces qui ont bénéficié aux communautés au Sud-Kivu sont surtout les réseaux de l'église.

Malgré la fin de violents affrontements et le retour d'un apaisement plus paisible dans de nombreux espaces, la situation au Sud-Kivu demeure très instable et remplie de suspicion. Le comportement de nombreux groupes est déterminé par la crainte qu'un autre cycle de guerre est en préparation.

Lorsque les collectivités peuvent s'appuyer sur le soutien et des ressources provenant de l'extérieur, l'extension de ces réseaux pourrait établir une autre dimension ou un axe qui maintien la peur et la méfiance entre les groupes et limite leur capacité à coopérer pour trouver des solutions appropriées et incontestées pour leur avenir commun.

Un état post-conflit a besoin de beaucoup plus de décentralisation – ainsi que des moyens pour y parvenir. Le réseau de gouvernance à plusieurs niveaux est une réalité, certes, mais il constitue beaucoup moins une menace vitale pour les États que l'on aurait pu l'imaginer. Toutefois, lorsque l'Etat est totalement incapable d'assurer la sécurité de sa propre population contre les menaces extérieures, quand ses propres services de protection s'engagent dans des activités arbitraires et vivent sur la population, et quand l'impunité n'est pas maîtrisée, il est difficile pour les mécanismes sociaux et les institutions locales seules de se substituer à l'absence d'un organe de décision capable d'assumer le rôle du Léviathan.

Mots clés : institutions ; conflits ; communautés ; armée ; milices ; société civile ; Sud Kivu; République Démocratique du Congo.

Contents

1 Introduction

Thomas Hobbes famously argued that life without the state is 'nasty, brutish and short' (Hobbes 1939 [1651]). And when the government of Zaire finally collapsed in the face of the 1996 revolutionary invasion from Rwanda, Burundi and Uganda, the consequences for the peoples of eastern Congo were all of these disasters and more. But if the national state collapsed for a time, what happened to local governance? What role did its institutions play in coping with human insecurity? How, in turn, were they affected by it? And what has been their part in rebuilding governance? State reconstruction usually is approached from the top-down, with a focus on core central government functions; in this paper I look at it from the bottom-up.[1]

Local governance is defined by Anwar and Sana Shah (2007) as the formulation and execution of collective action at the local level. Thus, it encompasses direct and indirect roles of formal institutions of local government and governmental hierarchies as well as the roles of informal norms, networks, community organisations and neighbourhood associations in pursuing collective action by defining the framework for citizen-citizen and citizen-state interactions, collective decision-making and delivery of public services.

Understandably, institutions work better in situations of peace, when they result from a long evolution over delineated administrative entities. Institutions of local governance find anchorage in identifiable spaces. But what happens to institutions and local governance when facing situations of war, conflict and delocalisation? Some communities in the province of South Kivu have experienced periods of recurrent wars and unending violence for more than 15 years. Did this fate help in consolidating local traditional institutions by relying on them in order to find ways of living without the state or supplementing its inabilities in sustaining peace, stability and development? It is interesting to explore the way local systems of governance and networking in South Kivu Province of the Democratic Republic of Congo have been affected by the civil war and how their changes have affected the recreation of human security in that province and eventually to detect what governance structures and networks the various communities created or used in trying to provide for their human security (broadly understood as including physical security, shelter, health, food and the education of their children).

What aspects of their social structures did they mobilise and which ones broke down? What new structures were created? What kind of networks of relationships with other external actors did they develop as part of their coping strategy? The particular situation of South Kivu, during the revolutionary war of 1996, the rebellion of 1998, the regime of the late President Laurent Kabila and the current one of Joseph Kabila proves that life in South Kivu has been indeed uncertain, challenging and deceitful over a long period. However, a combination of internal actors and international ones, each one serving its own interests has contained the deterioration of the social fabric to a certain degree and maintained existence for a greater community.

---

1   Indeed such a course has been recommended for the Congo by Autesserre (2010).

Furthermore, since the year 2003, efforts have been sustained for the reunification of the country. Presidential and parliamentarian elections were held in 2006 and in November 2011. How did these governance and network structures and their changes affect the recreation of human security in South Kivu once the major combatants at the national level had negotiated a peace? As the violent conflict subsided, how were the various communities reincorporated into the larger political order and how did they re-establish the various dimensions of their human security? What social structures were central to the reincorporation and/ or improvements in security? What networks were employed?

These questions matter for many reasons. Democracy and lasting peace in the Democratic Republic of Congo depend on how local communities are reintegrated in the larger Congolese nation and how they work together and share the future despite their differences and early antagonisms. As has occurred before, a threat to the security of a particular group because of its exclusion might also have negative backlash on the security of other communities.

Policies dealing with early recovery and fragile states often consider that the stabilisation of post conflict countries should usually initiate combined actions aiming at humanitarian relief and at strengthening the authority of the state. Although the institutional building of local communities is also listed on the agenda, this process is sometimes little emphasised. The policy ends up ignoring structures of local governance, initiated by local communities during the period when the state was away. Yet, during the absence of the state, local communities engineer ways of survival within themselves, using some old pre-existing institutions, creating new ones and drawing on international resources.

South Kivu also is interesting because of the involvement of Rwanda and Burundi, to different degrees, in the games local actors and communities play to foster their interests. When communities can draw on external resources or backing, the extension of such networks might establish another dimension or axis for maintaining fear and distrust among groups and limit their ability to cooperate in finding appropriate and uncontested solutions for their common future. The interests of communities, or of some factions within them, and the interests of states might differ at some point and maintain simmering conflict and tension which on occasion may trigger again open confrontation.

2 Methods

This report is based on unstructured interviews throughout all of South Kivu Province (save for the Shabunda Territory[2] and the Island of Idjwi) during October and November[3] 2010. Working out from the cities of Uvira and Bukavu visits to collect data were made to the territories of Fizi, Mwenga, Walungu, Kabare and Kalehe.

Interviews were carried out with persons targeted because of their involvement in various structures of local governance. They included traditional authorities, heads of tribal organisations called 'mutualités', territorial administrators, representative of churches, pastors, journalists, medics, and elected representatives seated in the provincial and national assemblies. Some former members of Maï Maï groups were also included.

Interviews were also extended to influential members of the civil society at the provincial level, particularly those whose organisations are recognised by members of the community as having played a significant role in the structures of local governance established during war and then after. Groups of local as well as international non-governmental organisations as well as some offices of MONUSCO were also able to provide valuable information.

The report further draws on extensive knowledge gathered on the province through documents. For example, the regular reports of the various territorial administrators were read and fieldwork confirmed that they had been based on good intelligence. Also consulted were various reports and articles written on the region and previous research studies regarding closing the gap between humanitarian aid and early recovery, and leadership and governance in the province.

The report is structured as follows: the presentation starts with the administrative configuration of South Kivu in order to provide an understanding of its local structures of governance. It next discusses the background to the war and its causes. Then afterwards, the paper describes major findings on governance, security at large, and on networking, before drawing conclusions.

---

2   The Shabunda territory could not be reached because of distance and accessibility and also because of the reign of instability and continuing confrontation there between different militias, particularly the local Maï Maï group called Raia Mutomboki and the Interahamwe. However, interviews were carried out with prominent leaders from Shabunda living in Bukavu and coordinators of various local NGOs who, while operating in Shabunda continue to live in Bukavu for security reasons. The island of Idjwi was also excluded because it was a new territory, established during the period of war and did not experience much change during that period because of its insular nature and the closeness of the ties of its population with Rwanda.

3   Prof. David K. Leonard from the Institute of Development Studies joined me and participated to the second round of interviews during the month of October 2010.

3 The administrative and institutional configuration of South Kivu

The Democratic Republic of Congo (DRC) has been dominated over most of the last decades by mismanagement, poor governance, recurrent insecurity and war,[4] and institutional instability. In its east the province of South Kivu has experienced major insecurities over the last 15 years. South (Sud) Kivu is located along Lake Kivu, the Ruzizi River and a portion of Lake Tanganyika. South Kivu shares its borders with the provinces of North Kivu, Maniema and Katanga, and three countries: Tanzania, Burundi and Rwanda. It covers a surface of 64,719 square kilometres[5] and its current population is estimated at 4,687,744 inhabitants in 2009.[6] The industrial base of the economy is weak. The province is composed of the territories of Kabare, Walungu, Kalehe, Shabunda, Mwenga, Uvira, Fizi and the island of Idjwi in Lake Kivu.[7] (See the map of the province at the end of this paper.)

The administrative architecture is composed of three layers: the provincial layer, the intermediary layer and the community layer.[8] According to the recent constitution the provincial administration is a decentralised entity which shares some powers with the national government and yet possesses some domains of

---

4   One needs only recall the mutiny of the army in 1960, the secession wars in various provinces of the country (Katanga, Kivu, Kasai, 1960–1963), the Marxist backed rebellion led by Pierre Mulele in the Bandundu, which emblazed all the provinces causing desolation, population displacement and the destruction of infrastructure, from 1963 to 1967, the Schramme war in Kisangani in 1976 and so forth. When analysts evoke also the Shaba wars (Kolwezi 1 and Kolwezi 2, plunder by the army in 1991 and 1993, the so-called liberation war (1996–1997) that culminated in the toppling of the dictatorial regime of President Mobutu, and the invasion, of 1998 to 2002, whose consequences are still felt particularly in the eastern part of the Congo.

5   Ministry of Planning, Piloting Unit of the DSRP process, Monograph of South Kivu, March 2005.

6   Provincial Direction of Statistics, Comprehensive Statistics of South Kivu in the year 2009.

7   Patches of insecurity still exist in most areas, particularly in Shabunda, Kalehe, Fizi, Mwenga and even Walungu.

8   The state is subdivided into provinces: provinces are subdivided into territories; territories comprise either collectivities ruled by traditional chiefs (called chieftaincies) or collectivities managed by designated administrative authorities because they combine numerous non-homogeneous groups (called collectivités secteurs). The constitution and the law recognise some autonomy for decentralised entities, which are the province and the collectivity chieftaincy and the collectivity sector and to recognised cities. Decentralised entities have the right to decide on certain matters as recognised by the constitution or by the law. They are therefore governed by two bodies: an executive committee, and an elected assembly. Collectivities are themselves subdivided into groupings of villages simply called 'Groupements'. Groupings and territories are simple extensions of either the state (territories) or collectivities. Groupings are themselves subdivided into villages. Villages are not however parts of the formal Congolese administrative system. Actually most villages are small in size and may regroup clans or extended families with blood linkage. A grouping is therefore an entity within the collectivity. It is ruled according to tradition. The extension of territorial power at the level of the grouping is the chef de poste d'encadrement. He represents the territorial administrator and therefore the central authority of the Ministry of the Interior at the lowest level. State authority and traditional authority therefore often coexist within the same entity, and they cooperate on certain grounds or are associated in dealing with some issues.

regulation in which the province is self determined.[9] The main political arena is the provincial assembly in which deputies are represented according to their scoring during local elections.[10] The governor and the vice governor are elected by the provincial assembly, which also possesses powers to approve their programmes and/ or to dismiss them.

The governor is the person who assumes the political leadership over the whole province. From 1996 to 2006 the governor was designated as the representative of the President of the Republic in the Province. He led all provincial services and supervised public offices and services that hierarchically derived from the central power, such as the intelligence services, the police and the army. Yet since independence this position has mostly been volatile. According to Mwami Auguste Mopipi Mukulumanya, from 1966 to 2010, the province witnessed the passage of 15 governors.

Since the 2006 elections, South Kivu has been governed by four successive provincial governments. The provincial political arena has been dominated by instability and the inability for the provincial government to build an autonomous local coalition capable of tackling and seriously handling local and provincial problems regarding insecurity and development in a more autonomous way.[11]

The city of Bukavu also constitutes a decentralised entity managed by the mayor and his assistants. Since elections have not yet been organised at this level to select an urban council which would elect the mayor, the occupancy of this position depends on patrons and good favours within the hierarchical levels of the governate of the province, the Minister of the Interior and the President of the Republic.

9   Except for chieftaincies, the assembly votes the executive committee and holds the power of its dismissal. The provincial assembly also holds the power at the provincial level of designating senators who represent the province at the national level, in the senate.

10 The 2006 electoral law has been recently changed. However, the president is elected by universal ballot. In 2006, the law recognised the possibility of a second ballot in case neither of the candidates was able to carry a simple majority of registered voters. During the 2011 election, whoever positions himself as the one who got the highest score on the first round ballot wins the presidency. Elections of senators are made at the level of provincial assembly. Senators represent provinces. The election of representatives in legislative bodies is made according to the following: candidates may run as independents or designated persons on a party list. In any electoral constituency parties are represented according the proportion of all votes won by the sum of the members running on their list. A candidate who has a high score gains enough points to winning not only his seat, but also helps to pull up a lower scoring candidate of the same party until all the votes won by the party are distributed. It is difficult and harder for independent runners to win and when they win high because they are popular, the surplus score they were able to drain cannot be transferred because they are independent, and this helps those running on the list of a party to position themselves better with the pooling and sharing of votes. In this respect, unknown and non popular candidates may be qualified as elected members of either the provincial assembly or the national assembly with the magic of the pooling and sharing of votes earned by the party in a given constituency. It is the national electoral commission at the end that determines who won and is qualified, after doing the counting, the pooling and the sharing. The current system therefore decreases feelings of representation by average citizens. Many don't know for sure who won the election and is representing them.

11 Globally, the population considers that the nomination of various governors stems from Kinshasa's various electoral strategies as well as its international relations, particularly those with Rwanda, to which most persons interviewed vest a *de facto* veto power over whatever politics evolves at the provincial level in South Kivu since the 1996 and the 1998 wars.

Territories are extended branches of the administration of the state, representing the central government. Their officials are designated by the central Ministry of the Interior, and included in the budgetary provisions of the state.[12] Each territorial administrator is assisted by two vice administrators: one is in charge of the economy and the other of administration, security and political affairs. They depend directly on the Ministry of the Interior, although they are obliged to respond to the governor who represents at the same time the President in the province, and the Ministry of the Interior.[13] Administrators are also represented by the chiefs of posts of supervision at a lower level of groupings. The mission of territorial administrators consists in representing the state at the local level and supervising the functioning of collectivities, but they are mostly deprived of the means of functioning in an independent manner. At a lower level stands traditional powers exercised at the level of chieftaincies, also called collectivities.

Traditional authorities have been associated in the management of their entities since the colonial period. The collectivity constitutes an entity within the territory grouping one culturally homogeneous community whose powerholder is decided according to ethnic traditions and recognised or formalised by the state following the application of traditional rules. The head of the collectivity carries the traditional title of Mwami (king). Succession is done according to traditional rules pertaining to each group. The Mwami (pl. Bami) is the guarantor of tradition.

The collectivity is subdivided into 'Groupements' which extend traditional power at the level of regrouped villages, which are themselves supervised by chiefs of villages that bear different names according to each chieftaincy: Bagula, Bashamuka, Barhambo, etc. It is worth mentioning that Territorial Administrators and their assistants who are located in rural areas need to govern with traditional chiefs and live in harmony with them if they want to be obeyed by the local population. Most of the time Administrators are drawn from outside the community and the real power holders at the collectivity levels are the Bami.[14]

Challenges to traditional authorities come from various new elites. The elite concept is used here in its sociological and global understanding: political actors, renowned businessmen and representatives of various corporations, intellectuals, and leaders of churches and of non-governmental organisations who are recognised as notabilities within their respective groups, whether they come from within the province or elsewhere, whether they live there or not. Basically most of them exhibit commendable credentials which make them a group on which their community relies as ambassadors for the defence of their interests and of their wellbeing and linkages with the outside world.

---

12 Local and municipal elections planned in 2006 were postponed indefinitely. According to the new electoral calendar, they are scheduled to be held in the year 2012.

13 The governor is post elected by the provincial assembly and is dismissed by the latter. The control of the party from Kinshasa however determines that at the end, it is the party that presents the candidate for election at the provincial level and who decides when he gets removed by the majority of the assembly.

14 Some collectivities however are not ruled by a Mwami. Their head is designated by the administrator of the territory, in line with elections held by the council of the collectivity. Such an entity is referred to as a 'collectivity sector', whereas the other most dominant unit is called a 'collectivity-chieftaincy'.

Elites in South Kivu also include career civil servants and politicians, moral leaders from various churches, renowned intellectuals, renowned businessmen,[15] renowned members of the civil society, renowned members of the army and of various militias who helped in defending their territory during troubled periods, etc. They constitute a heterogeneous group, coming from different backgrounds and holding different educational qualifications.

Other leadership present in the local governance arena derive from a transitional or temporary presence in the region. These include humanitarian agents within the health system and those providing various social services during periods of duress. Other elites that participate in the management of the province can be considered outsiders, i.e. they may not be natives of Kivu, but they control resources which are valuable to the nation and the province, such as the armed forces, the police, information services, and the public administration. In this respect, MONUC and MONUSCO commanders, directors of public enterprises, financial private and public services, tax collecting agencies, etc., each one within his/ her own realm, controls a parcel of power and resources that may be used positively or negatively, according to rule or in an informal manner, to secure and build status for him/herself within the immediate surrounding community.

The provincial judiciary system also fits into the hierarchy established by the state. The Supreme Court is unique and accessible only in Kinshasa. The highest court in the province is the Court of Appeal, followed directly by the High Court and the Peace Tribunal. The Court of Appeal operates in Bukavu, the capital city of the province, along with the Prosecutor General (Parquet Général). Subsequently, they are relayed by only two first instance tribunals and prosecution offices in Bukavu and Uvira. Secondary tribunals have been de-concentrated in order to make the distance somewhat more manageable.[16]

The Tribunal of Peace stands at the lower level of justice administration. Tribunals of Peace are supposed to be closer to the people and legally are to gradually replace urban and city tribunals (in Bukavu, Kadutu and Uvira) and traditional tribunals in the rural areas.[17] Administrative authorities like the territorial

---

15   One needs to make a few remarks also about the new rich persons. They draw their standing from the following resources: plantations left by Belgians of quinquina, tea and coffee along with the exploitation of timber, the trade of minerals, particularly gold and coltan, and the owning of real estate within the city. In all cases their wealth, as long as it is still visible, commands respect and following. An expression in the Mashi language says that people accept as rulers those who can provide and dispense to them materiel gains. 'Nfune Bashiga'. Like traditional chiefs, new rich persons also capitalise on their wealth in order to gain access to political power. They perceive it as good and as a necessity in the long-run for securing protection for their various ventures and also for extending peacefully their activities by protecting them from administrative and police harassment.

16   They serve the province in accordance with geographical criteria of proximity. Given the distances, the means of communication, the harshness of the terrain, and the long-lasting insecurity, this judicial architecture is definitely wanting in covering efficiently the entire space of Kivu and guaranteeing access to due process of law to everyone.

17   In rural areas, the architecture in South Kivu comprises territorial tribunals and principal collectivity's tribunals. The number reported in 2004 comprises seven tribunals organised by the territory and 22 tribunals organised by collectivities. Besides the ones located mostly at the territory headquarters and still very far from the population, there is an account of 164 secondary or associated tribunals corresponding to the 164 groupings which exist in the province.

administrator, the chief of a collectivity (meaning the Mwami) and the chief of the grouping (groupement) combine at the same time the role of administrator and judge.

The provincial health system is structured into five sanitary districts.[18] Each sanitary district is subdivided into health zones and each health zone comprises at least one or more reference hospital and health centres.[19] The churches play a prominent role in providing the various health services, which was particularly important when the purely state health system collapsed in the war.

The provincial system of maternal [pre-school], primary, technical, professional and special education relies on public and private initiative. The public or official mode comprises public schools owned and managed under the form of public services, and public schools managed under a convention signed by various religious groups.[20]

Security in the Democratic Republic of Congo is mostly perceived in two manners: the defence of the integrity of the territory and consequently the sovereignty of the state, from invasion and external threats, and the maintenance of law and order within its space in order to permit the free and harmonious flow of citizens and their belongings. The President of the Republic is almost solely responsible for security issues. In a broader way, security services comprise the army, the police, and the intelligence and information-gathering services such as the National Security Council (CNS), the National Information-gathering Agency (ANR). The General Direction of Migrations (DGM), military information services and the police of frontiers may also be considered as actors in the realm of security at the provincial level.

---

18 The province is subdivided into five sanitary districts, divided into 34 health zones and 503 health centres. This architecture comprises also one provincial hospital, one university hospital, 27 general reference hospitals, and 30 hospital centres.

19 One might think that the health delivery mechanisms are in place and well functioning. It is important to notice however that on the south/Uvira health districts, four health zones did not yet possess a general reference hospital, nor any hospital centre, although for Minembwe and Itombwe, new hospitals were being constructed with the financial help and assistance of international partners like the International Rescue Committee (IRC), and AVSI. In Kimbi Lulenge, the hospital centre operates from the compound of a Catholic Church. The functioning of most other health centres in different zones was disturbed by looting and recurrent attacks from armed groups.

20 Under the educational convention of 26 February 1977, the state returned previously nationalised confessional schools to the management of their religious founders on behalf of and under the financing of the state. Conventioned schools are therefore schools that are admitted to that convention, managed by confessional groups, and yet financed for their functioning by a substantial subvention from the state for the payment of the personnel and the provision for functioning expenses. There are four confessional types of school conventions according to their denomination: The Catholic; the Protestant; the Kimbaguist; and the Islamic. The administration of these schools is carried out through four territorial subdivisions.

4 Background to the wars and their causes

4.1 Culture

Explanations abound for the recurrent wars in the eastern provinces of the DRC. Some outside observers claim the region possesses a culture that is oriented toward violence, a vision that is in contradiction, however, with the peaceful nature of most communities living in the area, each one claiming self-defence as the only element which may at times explain its participation in any kind of violence or aggression against another group.

Most community groups consider that violence and conflict were imposed on them and they dissociate themselves, as communities, from violence, this being the work of some organised groups which should not be confused with the communities themselves. The victims of violence, the common population which only wants to live in peace, be they Banyamulenge, Bashi, Bafuliru, Babembe or Barega, claim their recognition as peaceful communities.

The vacuum of authority is another reason given to explain the continuation of violence. One agrees however with Autesserre that a lack of authority does not mean people will immediately begin killing and raping each other and that other mechanisms of social control aside from the state prevent the translation of tensions into intense fighting. Even in the context of civil wars, conflicts do not always result in indiscriminate violence (Autesserre 2010).

4.2 Minerals

The presence in the region of substantial mineral deposits which could be used to finance military adventures and enrich the countries and individuals involved, is also an important fact to take into account (Collier and Hoeffler 1998, 2000). Indeed, South Kivu is endowed with minerals like gold, cassiterite, coltan and wolfram, exploited on an artisanal basis. Yet, the presence of minerals by itself does not suffice to explain the maintenance of violence and its escalation into a security issue among communities. The youth in search earning a living is increasingly practicing internal migration within the borders of the province, and across, to cater for themselves and their families, without any problem among them. They form instead the army of diggers utilised by various military forces in the region.[21] Much or even possibly most of their production is smuggled to

---

21 Estimates vary. The informal mining sector is the largest employer in South Kivu and even in North Kivu. Persons identified by the division of mining in South Kivu Province and owning a card as recognized mine diggers for either gold or cassiterite amounted to 100,000. (Ministère des Mines, Province du Sud Kivu: Rapport Général des Etats de lieux de la Division Provinciale des Mines et Géologie, 2008). Another study considers that there are about 150,000 diggers operating in South Kivu, and about 200,000 in North Kivu: (see Briefing Note: Artisanal Mining in the Democratic Republic of Congo, August 2007 (version 1.3) DRC Donor coordination meeting facilitated by CASM (Kinshasa 15–17 August 2007), p.2 and 4. Further, in a very interesting study published by the University of

Rwanda, Burundi, Tanzania, and even Kenya,[22] and mostly the minerals are produced in those areas of persistent insecurity due to the presence of Interahamwe and other foreign militias.[23] This explanation therefore points toward international intrusion.

4.3 Rwanda and Rwandaphones

The fundamental causes of the wars may therefore lie in the ways in which the Government of Rwanda, under Paul Kagame, has responded to matters in the DRC. At first, the cause of waging war was the presence of large numbers of Hutu refugees from Rwanda in South Kivu. They had fled to Congo after the Hutu genocide of Tutsis and moderate Hutus and the victory of the Tutsi Rwanda Patriotic Front (RPF). The refugees included not only civilians and their families but also members of the previous Rwandan army and of the Hutu militia (the Interahamwe), who had not been disarmed at the border. The refugees were packed by the International Community into camps near to the Rwandan border, from whence its militia continued to organise minor intrusions into Rwanda in 1995/6 and planned its return to topple the RPF regime. The tracking down of armed Hutu refugees has given legitimacy to the across border adventure of Rwanda in the Democratic Republic of Congo and the occupation of its eastern part. But as the overthrow of the Mobutu government of Zaire and the continued involvement of Rwandaphone forces in eastern Congo since that time demonstrate, the issues that provoked Kagame's attention went well beyond the armed Interahamwe refugees.

German and Belgian colonialism interrupted a period of state consolidation and territorial expansion on the part of Rwanda and Burundi, which are closely related linguistically and socially. The dynamics of these states had led by the mid-nineteenth century to the establishment of Barundi and Rwandaphone Tutsis in what became the South Kivu province of the Belgian Congo – the former in the Ruzizi plains near Uvira and the latter in the highlands above Lake Tanganyika, eventually in Shabunda. Many times Barundi and Banyarwanda were trying to *escape* from the centralising power of their states, but their presence often was used by their monarchs later for an expansion of borders (Newbury 1988). This process was interrupted by colonialism, however. In addition, in the 1930s Belgium encouraged

---

21   (cont.) Antwerp, in an article, 'La filière stannifère artisanale au Sud Kivu, cas du coltan et de la cassiterite, in L'Afrique des Grands Lacs 2008–2009', p.216, provides even a higher estimate: 200,000 persons. Indeed, according to Adamon Ndungu Mukasa and Janvier Kilosho Buraye, in the above mentioned article, it is difficult and risky today to give an exact number of people working in the sector of artisanal mining in the DRC, but for the estimated 2,000,000 workers in this sector, 200,000 among them are assumed to work in South Kivu.

22   A World Bank report confirms the intensity of mineral smuggling from Congo to neighbouring countries, but provides no clear data on the volume and value of this process. See: La Banque Mondiale: RDC, La bonne gouvernance dans le secteur des mines comme facteur de croissance, Département des hydrocarbures, des industries extractives et des produits chimiques, p 65.

23   It is reported that a company called TRANSAFRIKA discovered gold in Rwanda for the first time in 2008, in the Byumba concession. Other explorations are under way. But even before that period the export of minerals by private companies (buyers) established in Rwanda contributed to the Rwandan balance of payment.

the new settlement of Hutus labourers from densely populated Rwanda in the Masisi area of North Kivu province. Although population movement has been a constant in African history (and indeed of the world) the presence of these Rwandaphone enclaves in Congo had not become socially or administratively stabilised at the time of independence. The Tutsi numbers in Congo probably were increased after the 1959 revolution in Rwanda brought the Hutus to power there. The presence of these Banyarwanda and Barundi in Congo became a part of the concerns of Rwanda and to a lesser extent Burundi from 1996.

Congolese Rwandaphones (in South Kivu generally known as Banyamulenge) were among Kagame's RPF forces when they first invaded Rwanda. They also responded positively to the call of President Kagame for the rebuilding and resettlement of Rwanda after the genocide, and subsequently joined in the AFDL rebellion that toppled Mobutu in 1996.[24] What explains the participation of Congolese Rwandaphones in these military struggles with other Congolese and the unusual antagonism felt toward them by their neighbours?

Of course there are tensions between other ethnic groups in South Kivu, driven by competition for the appropriation of the state and its favours and over the issue of land. Political representation in the game of power is itself dependent on the possession of a territorial space which a group might claim as its own exclusive domain. So the two issues are not unrelated – but it is only for the Rwandaphones that they have led to war.

Bosco Muchukiwa advances another internal dimension or source of conflict that seems to be appropriate in the plains of Ruzizi: the unequal stabilisation of ethnic entities into established and durable administrative spaces during the colonial period. He postulates that the reconfiguration of ethnic territories into administrative entities and their transition or integration into state territory is the fundamental issue of the political dynamics of communities which explains the persistence of local conflicts in the territory of Uvira. He believes that the integration of communities in the state space is problematic and is a source of conflict between ethnic groups, particularly between the Banyamulenge and the Babembe (Muchukiwa 2006: 1–4). It is therefore important to devote some words on the claims of communities over land.

---

24   Unfortunately, during the 1996 war, the Banyamulenge sided early with the rebellious army of Laurent Désiré Kabila, probably under the instigation of the larger Rwandan community in Rwanda and in Kivu. Other groups joined later after being opposed to what they termed the war of the Banyamulenge requesting a territory of their own. The experience of the first war led the Banyamulenge to split up during the 1998 war led by the RCD. Some of them remained loyal to the Congolese state, others joined in the new rebellion. Therefore, the main issue of conflict over the last decade in South Kivu is the intrusion of Rwanda into Congolese politics and affairs and its manipulation of some local groups against others.

4.4 Claims of communities over land

The population of the province of South Kivu is composed of various ethnic groups. Each *group* claims a portion of land as its own upon which it should possess implicit rights of admittance and exclusion.[25] South Kivu is usually considered to be comprised of four ethnic groups: the Shi-Havu group (Bashi-Bahavu), the Lega-Bembe group (Barega, Babembe), the Fuliru-Vira (Bavira-Bafulero) group and other ethnic minorities. Most political action since independence involves stable coalitions or compromises between the first three. Their leaders, although at times antagonists, have developed permanent ways of collaborating and negotiating when it comes to politicking either at the national level or the sharing of power at the provincial levels.

The other group, termed minorities, comprises groups that are assimilated internally to dominant groups, or externally to other nations. The Banyintu, for example, are sometimes considered to belong to a wider Bashi ethnic group or to be a population bridge linking the Bashi and Barega. This assimilation means that they can easily evolve in the Lega-Bembe group as well as the Shi-Havu group. They claim family ties in both groups. They form a link between the territory of Mwenga and the territory of Walungu. The Babuyu and Babuari evolved mostly in the province of Fizi, basically on the peninsula of Ubwari. Their identity as a group is noticeable only in the political arena of Fizi. However, in relation to other larger groups, they find assimilation within the Babembe group.

The Barundi and Banyamulenge find their origin in the former kingdoms of Burundi and Rwanda. However the perception of their reality is different from the other groups. The Barundi were well established in the Ruzizi plain. They gained formal status as a collectivity and chiefdom in 1928. Although they live near the Ruzizi River, claim families and relatives on both sides of the same river, in Burundi and in Congo, they live in harmony with other groups with full recognition and stable relations.[26]

The Banyamulenge, on the other hand, do not manifest a similar integration. As already noted, the Banyamulenge were present in Congo in the pre-colonial periods and are basically composed of Tutsi or are assimilated to them. The identity of the Banyamulenge[27] has remained fluid because of recent migrations of other Rwandese populations in DRC during the conflicts around independence and in Rwanda, and recurrent opposition between Hutu and Tutsi in Rwanda. Their quest for a personalised identity for a better integration into South Kivu life

---

25 During the colonial era, lands inhabited by indigenous communities were protected by law. Any other lands belonged to King Leopold and after him to the colony. However, in 1969, Mobutu decided under the Law Bakajika that all land belonged to the state. Ever since, the state claims exclusive rights over all unutilised land (previously held by major companies which had received wide concessions under colonial rule as well as by traditional chiefs). Despite that law, traditional chiefs continue to exercise rule over the land that they claim as belonging to their tribe by custom. Yet formally these lands were delineated in 1969 as territories within the new state rather than territories belonging exclusively to homogeneous groups.

26 However, they do have internal contests over succession to their chieftaincy.

27 Banyamulenge are increasingly identified as a separate group with its own identity, an identity which is drawn from its long autarkical life on the high plateaus of the chain of Mitumba.

and a clear distinction from their Rwandan origins has been diversely misperceived as a way of changing history or seeking to claim a portion of lands which belong to other ethnic groups.[28]

At present the Banyamulenge don't formally posses an administrative entity or collectivity which they may claim as their own and no uncontested land belonging to the groups as a whole. However, in 1998, during the rule over the territory of the Rassemblement Congolais pour la Démocratie (RCD), there was an administrative territory of Minembwe erected in favour of the Banyamulenge, but it did not survive the reunification of Congo after the Sun City accords of 2003.

The territory of Minembwe which they created was composed by assembling portions of lands drawn from three neighbouring territories: Uvira, Fizi, and Mwenga, which allegedly the Banyamulenge group could claim as theirs because numerically they are the main inhabitants of the area. The new territory was composed by drawing the grouping of Bidjombo in the Territory of Uvira, the Collectivity of Lulenge in the territory of Fizi and another portion of the Territory of Mwenga called the grouping of Itombwe. Although in fact Banyamulenge do indeed represent large portions of the populations of most of these areas, as soon as the reunification occurred, portions of this new territory were unanimously reclaimed by the leadership of the original territories, leaving all the Banyamulenge community unhappy at having reaped no tangible benefits from a war which bore their name (the Banyamulenge war).[29]

As a pastoralist group, the Banyamulenge cannot be located at one single space. They live in scattered settlements, some among in the chieftaincy of Kaziba (Walungu territory), others in Uvira, others in Mwenga and also in Fizi. This doesn't help them in constituting a political force capable of competing with other groups in the electoral process and winning seats in assemblies and parliaments. Although every ethnic group is considered to be a minority in the Democratic Republic of Congo, the Banyamulenge can be indeed considered as a minority because they lived isolated areas for a long time from other groups.

Although they are now changing due to increased contacts with other groups during the war period and then after, the concern for the Banyamulenge has long been how to protect their way of life and cultural values against the invasion of others, particularly on how to graze their cattle during periods of dry season, and

---

28 Until the 1920s the Banyamulenge had paid tribute to the Mwami/king of the Babembe, and although Babembe land is not scarce the group resents the loss of recognition of its suzerainty.

29 The popular discourse among the other groups alleges that the objective of the formation of Minembwe was to annex the territory to Rwanda. The idea of annexation obviously implies that a portion of Minembwe touches Rwanda, which of course it doesn't. Thus indeed, the creation of a Banyamulenge territory in the Shabunda or Mwenga highlands would actually not seem a step toward annexation but rather an alternative to it. However, for the population from other groups, that territory would be used in the long run by Rwanda to claim rights over the provinces of North and South Kivu, and they would facilitate Rwandan infiltration. There is however a serious statistical gap about their numbers. Muchukiwa considers that their number is currently below 100,000 persons since they could not even gain by themselves a seat in the national assembly during elections held in 2006. One might argue that they had become disillusioned with their political leaders at that time. However, they could vote for new ones because it is hard to imagine they could vote for any member of another competing ethnic group when they have been yearning so much for political representation, like all other ethnic groups for the same matter.

to protect them from diseases and theft by other groups. Their involvement in politics and wars was determined by this concern during the period of independence, when the division with other groups was heightened.[30]

Note in all of this that the issue for the Banyamulenge and their neighbours is *not* access to land but jurisdiction over it. The areas in contest are not ones in which land is scarce, and in any case the Banyamulenge are already using them without serious challenge. The issue instead is who has suzerainty over the land and whether the Banyamulenge have their own formal administrative territory, for these niceties determine recognition by the state and the ability to participate effectively in its elections and decision-making processes.

5 War and governance

5.1 Coping with chaos

Communities coped with the multiple dimensions of their human security with great difficulty during the war, but they did remain intact as communities and their pre-war (traditional) leadership structures continued to provide whatever degree of governance response was possible after the central state apparatus disappeared.

Individual families used kinship mechanisms to cater for their security. Family, children and wives for some were sent to secure places, which may be hidden and known only by the members of the group and whose access is unlikely from the outsider because of fear and ignorance and danger. The Barega identified secure areas in the forests and built what are called *lubunga* where they retreated until the danger was gone. Babembe from Baraka and Fizi migrated to Kigoma in Tanzania, and to the peninsula of Ubwari. The Bahavu of Kalehe found refuge on the island of Idjwi and others went to scattered islands on Lake Kivu. Even among the Banyamulenge, those who had family ties in Kigali or other places in Rwanda sent their families there.

Displacement to major cities like Bukavu and Uvira or areas which are secured by neutral armies such as the MONUSCO also increased.[31] Small towns along the road in the plains of Ruzizi, in Nyangezi, Kabare and Walungu, have increased

---

30   The patriarchs of the Banyamulenge recall that one settler called Reagan had a farm over the hills in the area in which the Banyamulenge live. During the 1963 Mulele rebellion the Simba (as they were called) in this area went on feeding themselves on the cattle of this settler until his entire farm was looted. At first, the Banyamulenge attempted to associate with the rebellion against the state together with the other communities, the Bembe, the Fuliru and the Vira who massively joined it. But when the other groups started to feed themselves on the Banyamulenge's own herds, they shifted alliance and became the best servants of the Congolese national army. Their knowledge of the corridors of the mountains helped the Congolese army to regain control over these spaces and the rebellion was crushed with their help. This left a feeling of betrayal among the other groups who ever since have considered all Banyamulenge as traitors and people who do not respect their word.

31   Even the city of Minembwe centre has attracted numerous youngsters who increasingly are abandoning life in hard conditions in the mountains catering for the herds of their families; they are now voluntarily seeking education, electricity communication and modernity in whatever image it provides.

the number of their new migrants,[32] leaving the interior depopulated and therefore propitious for occupation.[33]

Others made a choice of joining one of the belligerent groups by the creation of a stable relation with them, for example by providing either a daughter to high ranking officers in exchange for security or a son as a new recruit soldier for a militia. The territory of Shabunda, the region of Kaniola and the chieftaincy of Burhinyi which are currently under the control of the Interahamwe mostly employed these strategies.[34]

5.2 Self-defence

Self-defence movements also sprung up in all communities under various labels like the Maï Maï, Ngumino Forces (FRF), the Mudundu 40, etc. for providing security to their communities. The populations of South Kivu were stung by the defeat of the Congolese army in 1996 against Rwandan troops. As soon as the population observed the disintegration of the Congolese State's army and the fact that the Interahamwe, its ally, were left alone to curb the advance of the Rwandan army on their respective territories, the population decided to take matters of defending the motherland in their own hands as in ancient times. This movement was supported by the diasporas and encouraged by most traditional chiefs.

When communities understood, from the propaganda of the AFDL, that the belligerents were only looking for a passage and not coming for occupation, then Laurent Kabila's allied forces from Rwanda gradually received the support of local communities and changed its image from Rwandan intruders to a revolutionary force. Most organised resistance groups disbanded and some of them joined the troops of Laurent Désiré Kabila all the way to Kinshasa. Resistance was most active for the Babembe Maï Maï and continued after other militias had agreed to incorporation into a reorganised Congolese army.

---

32 The word migrant is not fully appropriate. The correct phrase would be internally displaced families in the same ethnic group. Therefore they share the same governance structures. They have to obey the governance mechanisms prevailing at the place to which they migrate. Most chiefs interviewed were happy to report that their communities were heterogeneous and that everybody lived peacefully. Except during periods of intercommunal conflict where each group considers the other group as being the enemy, integration in South Kivu does not pose a problem to communities provided the new migrant obeys by the rules of first recognising the local traditional ruler and seeking his protection. Living in a village without being previously identified by the chief, whoever he may be, is suspicious and can lead to insecurity. Moving in the Bushi area does not lead people to constitute refugee camps. It is always possible to find a clan relative or some other person of good will who will provide refuge.

33 Families who remain in the mountains are constantly harassed by unidentified armed groups which may be occupation armies which are free to operate in those abandoned areas.

34 These strategies had unfortunate future consequences for these communities and on the status of women. Children of mixed blood born out of the Interahamwe or Tutsi Banyamulenge liaisons are easily identified. There are many such now wandering in the territories of Walungu (at least 40,000 identified), in the territory of Shabunda, and the chieftaincies of Bunyakiri, Luhwinja and so forth. More than 15 years of the presence of Interahamwe in the eastern part of Congo has left a mark in changing the colouration of populations in the remote places of South Kivu, most often in forested areas.

Populations returned to the bush to reorganise networks of popular self-defence mostly after the second rebellion led by the RCD, which was the Rwandan branch of AFDL, which was unhappy about the way Kabila handled its relations with them.

The forces of local resistance were efficient in destabilising the Rwandan army. The power of AFDL did not remain unchallenged. It controlled the roads but there are many parts throughout the province which remained hostile to them. To counter the action of the Maï Maï resistance groups, the Rwandan army, considering the evidence that it could not be everywhere and control all events, tried to organise its own militia, called local defence, in order to break the action of various Maï Maï groups. These groups seem to have been better equipped in Luhwinja and Kaziba than elsewhere, probably because some of their leaders joined into the RCD rebellion.

Most of these groups evolved with no provincial coordination until the time in 1998 when the Kinshasa government, which had completely lost control in the province, tried to unify them, supply military equipment, and help them to continue to resist from the bush. This governmental intrusion may have led to leadership competition among the groups.

The group called the Mudundu 40 protected its territory of Walungu with weapons supplied to it by Rwanda in a deal that it would establish a barrier against the Interahamwe. They maintained peace with RCD until the day in 2004 when the latter's troops, led by Mutebusi and Nkundabatware, invaded Bukavu.[35]

Although they were efficient in harassing and embarrassing Rwandan troops, the population suffered many massacres during the process. If Rwandan soldiers suffered a heavy loss nearby in confrontation against the Maï Maï, they would return to take revenge on those presumed to be the latter's supporters.[36] Entire villages were burnt to the ground, populations were massacred without distinction for having collaborated with the Maï Maï and all this made life uncertain and brutally short for those who happened to be there at the wrong time. The more massacres were perpetrated, the more the Maï Maï felt compelled to resist and to liberate their lands.[37]

---

35   Actually, the Mudundu 40 descended on the city of Bukavu and harassed Nkundabatware's troops when Congolese soldiers commanded by Mbuza Mabe were again on the retreat. It is after negotiating with MONUSCO that they allowed these troops to leave Bukavu, some of them through a corridor leading south to Kamanyola through the escarpments of Ngomo. Mudundu 40 considers that it did an efficient job in defending its area by using the same weapons that their enemy had provided to them during their pseudo collaboration.

36   Registered massacres on the road to Mwenga and on the roads to Fizi are a testimony of how the idea of vengeance and the assurance of impunity during disputed sovereignty left the soldier to become the ruler on the surface of land (or parcel of land). Places where innocent civilians suffered during the RCD period because of the resistance of Maï Maï include Kasika, Makobola, Katogota, and even Mwenga, where women were buried alive because they were considered to have been sorcerers who prepared medicine to make the Maï Maï invincible and fearless.

37   Unfortunately, massacres committed by Rwandan soldiers, or by other persons who joined in this adventure, were indiscriminately associated with the Banyamulenge, reinforcing the antagonism of other communities and their image as a heartless people.

These forces were less active in the north of South Kivu Province, where there was little history of conflict with Rwandaphones (Banyamulenge) and where traditional leaders were more likely to seek accommodation with Rwandan (and Burundian) forces as they passed through to attack refugee camps and to secure a hold on the DRC and its mineral resources. The two Bami of the Bahavu who are located on the island of Idjwi simply chose a more peaceful way of cooperating with the Rwandan army. They were compelled to that strategy, because of the mixed nature of populations living on the island and the particular relations they have with Rwanda due to proximity.[38]

5.3 Militia materiel

Those groups that were able to gain control over mines in the interior of the Kivus were able to use them to purchase munitions and other supplies. Most of the mining areas were captured by the armies of Rwanda and (in North Kivu) Uganda and the continuing export of their minerals (even when produced by the artisanal activities of Congolese miners) supports their military budgets. The Rwandaphone militias have been provided with military support and materiel from Rwanda (and Burundi in the early stages.)

The opposing militias received some support from Congolese patrons (typically fellow ethnics in the capital) or, more usually, relied on raiding. The proximity of Tanzania and the resistance of Maï Maï on the peninsula of Ubwari facilitated the group's getting supplies, including ammunition, from Tanzania. The Bavira and Bafuliru considered that they mostly used mystical powers to neutralise their enemies and seize their weapons. Since these groups were unable to secure enough ammunition they concentrated on using elite shooters in order not to waste the ammunition.[39] The national government in Kinshasa may also have been able to parachute some weapons ammunitions and communication means through the air mostly in the territories of Shabunda and in other areas in Walungu and Mwenga.

6 Post-conflict local governance

6.1 Militias

Around the world it is common for those who play prominent roles in a war to then claim civilian leadership positions when it is over. The Maï Maï developed network relations which involved their communities, the state in Kinshasa (through satellite telephone) and with known politicians from their region in Kinshasa and elsewhere. Depending on the period, most of them also developed network solidarities with some groups of Interahamwe militia who were stationed in their area, as they

---

38   The Bami Ntambuka and Rubenga are reported to have been mostly pacifists by their peers.

39   Some heroic women who traded with Burundi were able to link these groups in the forest with the outside world. They supplied food to resistance groups as well as ammunition bought from neighbouring countries. Congolese soldiers who defected and joined the Maï Maï also organised themselves into networks for supplying ammunitions from the regular army.

perceived them as having a common agenda of resisting Rwandan occupation. In some cases the latter relations deteriorated, after demobilisation, into new groups exerting negative gang activities, particularly in remote areas. An example is the RASTA phenomenon, which exercised control, violence and enduring insecurity in Nindja and Kaniola on the outskirts of the territories of Walungu and Kabare (UPDI and IVP 2009: 9). Despite the valuable role played by the local militias during the war proper, the abuses engaged in by some of their members have kept all but a few of their leaders from assuming civilian leadership roles in post-conflict Congo – even those who did cooperate with their demobilisation. Most Maï Maï from Kivu did not join into politics.[40] Those true Mai Mai who gained anything from the war joined in the Congolese army, where some of them became officers.[41] Most of the youth who joined the Maï Maï movement did not have any ambition other than defending their motherland against the invaders or occupiers.

6.2 Traditional authorities

The institutions of chieftaincy and kingship are still quite popular and were easily and universally re-established after the war when leaders who had fled then returned. Although the power of traditional chiefs is still respected, there are a number of traditional leaders who are developing new venues of power attached to their roles within a larger polity. This has brought many chiefs to reconsider their role and to use traditional capital in order to provide new venues for themselves, their offspring and closely related members of their families, or to consolidate their own traditional bargaining position in the shaping of the political arena at the national and provincial level. They are represented in the local assembly, they run for election to the national assembly, they provide patronage to their relatives or enter into other deals with politicians.[42] Most of the bami no longer live permanently in their villages. They possess a new home in Bukavu or nearby cities.

6.3 Local justice

Despite the resurrection of chieftaincy and its popularity, many of the features of Native Administration that made it so strong have been weakened. The Native Administration courts now compete with alternative dispute resolution agencies created by donor-financed NGOs during the war. When these new structures are paired with the newly extended magistrates' courts they appear to be an increasingly preferred alternative for most people.

---

40   It is Congolese politicians or bureaucrats who gained in using the Maï Maï to foster their political existence.

41   Those who were unhappy with the deal like Zabuloni and Yakutumba returned to continue resistance in their native areas.

42   It is hard, yet not impossible, to be elected without the backing of the traditional village the politician comes from or claims as their place of origin. And that backing may depend on the correct line for voting or word order given by traditional chiefs. The fourth way for chiefs of using their traditional capital is to enter into a clientele position with a higher authority in an electoral bond. They provide public support to a higher person by almost selling him the votes of his subjects, whose support for a given camp is determined by the position taken by their traditional chief. This may be done in expectation of a positive outcome for the chief, his immediate relatives or the community.

The provision of justice was already biased and corrupted during the reign of President Mobutu and worsened during war. Warlords considered it their right to rule and render justice on places they had under their control. The leader of any militia could order punishment leading even to death for one person, a village or a group of persons accused of anything, including collaboration, spying, providing mystical powers, or some other kind of support to the enemy. The justice of the conqueror was punitive, unilateral and with no appeal.

For the population, a justice system in the hands of the enemy could only be illegitimate and partial.[43] The denial of justice and its de-legitimation led people to renounce it. It was socially inimical to bring a case against a member of one's group before such a kind of justice.[44] The community witnessed the development of alternative forms of justice, some of which were indeed expeditious, and others of which insisted on soft ways of ruling through reconciliation, mutual agreement and arbitrage.

Mob justice was exercised mostly in cases of armed robbery, killing with guns, accusation of collaborating with the enemy or being a sorcerer. Most persons interviewed see this practice as a revolt against prevailing impunity, especially against seeing persons accused of high crimes being released on the streets again and continuing to be threats to harmony in the community.[45] When the state doesn't correctly perform its duties, people return to their own ways of getting justice. This kind of justice did not stop with the end of war. It still goes on unchecked.[46]

---

43   During the war, most traditional courts did not work. Commanding officers in their respective areas were those who often rendered justice. Churches and the civil society advised people not to seek justice from the invaders because they would all lose. The traditional justice system is based on the chief of the collectivity and his lieutenants in the groupings. When the traditional chief runs away from his place for long and there are no clear channels of authority established, it is difficult for traditional courts to operate. Alternate channels like churches and strong NGOs with recognised leadership in villages become the rampart for justice. The justice system was most disturbed in areas in which traditional chiefs were in danger and decided not to cooperate with the new regime. It is mostly after the Sun City agreements in 2002 and the subsequent reunification of the state that traditional structures began working again in matters concerning justice. In urban areas, however the system of inter-ethnic consultation developed. In Uvira, matters concerning one group were discussed and submitted to the other groups. Many cases were resolved through inter-community exchange using the wise men of each group. This was reported in Uvira as well as in Baraka.

44   The person who did that would face ostracism as a collaborator, a treacherous and mean person, not worth socialising with.

45   As one respondent put it, mob justice constitutes a response of the population to the state's abdication of its duties. Because of impunity, freedom of movement becomes senseless and dangerous. The population takes matters in its own hands. When a person is presumed to be a bandit, or a thief, he pays the price of a justice with no due process.

46   Mob justice during Mobutu's era was checked and controlled. It could occur but not on a day-to-day basis as is the case in Kenya. Bandits sent to prison did not return immediately to the villages and the population felt more secure. In some areas, for example among the Barega, death by mob justice is still rare. It remains a phenomenon contained in the cities for robbers. In villages, some persons suspected of witchcraft could also be victims of such justice but it was uncommon during the colonial and Mobutu eras because those who engaged in such actions were pursued and if arrested submitted to justice. Impunity today in any case seems to depend on who is involved. However, it is recidivism that makes the youth in urban areas decide to settle such problems themselves.

Alternative ways of curbing this kind of justice evolved from churches and civil society.[47] They all preach arbitration, negotiated arrangements and resolving matters within the community. They consider that when issues are beyond their ability, they can provide assistance and accompany the victims through the legal procedures for getting justice.[48] Catholic parishes organise on a permanent basis subunits of the Commission on Justice and Peace.[49] A number of protestant churches also together instituted a local NGO to care for matters pertaining to justice and human rights.[50]

In rural areas, some traditional chiefs continue to provide justice with limited results by running traditional courts or the Baraza la Shirika, whereas in urban communities the elected patriarchs of the community establish a committee of wise persons who provide advice and judgment within their respective communities and negotiate intra-communal settlements when a member of their community has a grudge against a member of another.

The case of Banyamulenge in Uvira is an illustration of this phenomenon. No Munyamulenge, whether living in Uvira or coming directly from their area in the mountains may go to court in Uvira, without seeking first the advice and the judgement of the elders or other appointed persons. Apparently mutualitiés control, orient and help their members during legal battles. They provide for justice better than the magistrate and the magistrate often seeks their opinion before rendering justice.

---

47   Many other NGOs have fostered alternative ways of getting justice in a similar manner in South Kivu. They include APRODEPED OCET, JEREMIE, SARCAF, ADI KIVU, SOFIBEF, UPDI and the Life and Peace Institute.

48   The Commission for Justice and Peace is operated by the Catholic Church throughout its entire organisation. It and the Protestant Héritiers de la Justice (the Heirs of Justice) are examples of mechanisms which evolved from churches and civil society and which were and still are backed by numerous international charities in order to improve advocacy for neutral justice and the access of neglected people to decent justice.

49   Commissions for Justice and Peace are instituted in all parishes. The most common conflicts registered through these commissions deal with landownership, debt default and suspicion of witchcraft.

50   As its name suggests, Héritiers de la Justice (the Heirs of Justice) is an NGO established by the Protestant church in Kivu which specialises also in advocacy for human rights and justice, in developing alternative ways of doing justice, in the training of the paramilitary and in assisting poor victims and raped women in seeking justice by providing them lawyers and defenders at no cost. They also organise training sessions, radio and television broadcasts, and teach courses on human rights in primary schools in order to sensitise people about their rights and the judiciary system and to develop their capacities to claim their rights.

They listen to victims and accompany them; they preach mutual arrangements instead of going to justice, because, whether in the pre- as well as the post-war period, no one ever wins completely when facing the formal judiciary service. With the help of ICCO, they also helped in the training of Para jurists and they also run a programme against sexual violence and rape in some Methodist medical centres in Nyundu and in Meru.

6.4 The Congolese army (FARDC)

The Congolese army has been restructured to include the various militias which fought during the civil war. This has not worked out well and I return to the subject in the 'Lessons Learned' section below. For the present, note that communities or their names have been exploited in the integration process by some individuals whose personal ambitions were not satisfied in the new system of sharing power and decided to manipulate or recruit followers in order to increase their bargaining powers. The game of the advancement of a personal career through rebellion may also explain the current survival of some Maï Maï groups in the plains, with the tacit approval of politicians who may be located in Bukavu or in Kinshasa.[51]

6.5 Policing

The Congolese Police have not been subject to serious reform since the war and its mandate prioritises the protection of the state rather than the population.[52] In any case it has always been thin on the ground in the rural areas, where Native Administration police under the direction of the Bami and chiefs provided local security. However, these forces are underfinanced, underpaid and ineffective now.

The role of mutualitiés is important in policing and judging, and in bargaining with other groups and outsiders, in matters pertaining to security and political participation in the governance of the city or the town. When there are conflicts between the citizens of different communities the leaders of the respective mutualitiés negotiate a settlement. Tribal and ethnic mutualitiés in Bukavu are associations based on ethnic cultural acquaintances in order to defend a certain number of interests, among which representation and participation in the political arena rank high. Mutualitiés in this respect may join into alliances with other mutualitiés that share cultural ties, carry forward dialogue with other mutualitiés and mobilise their communities about what is the correct line or behaviour to develop during certain events.[53]

---

51 There are tales, for example, of some former Maï Maï and the soldiers of the DRC from different ethnic groups who joined the CNDP with the hope that future negotiations with the state would help them advance. As in the political game during the transition, integrating the army and getting grades through negotiations, and playing the political game to become a minister or a member of another corps through the representation of a particular group, may bring peace but not for long or one that can be enforced.

52 The policemen in the rural territories are almost non-existent. In Shabunda for example, there were only four policemen stationed at the territory and they are absent elsewhere. In Kabare, there were only two or three; and in Walungu we witnessed only one, who was very tired. It is easier to see a soldier in villages rather than a policeman. Even in Nyangezi, 25 kilometres from Bukavu, there are no policemen stationed as a group. The only police that are identified are the police regulating traffic along main roads for obvious reasons. They are placed by their commanders from Bukavu or Uvira at strategic points to harass drivers and to enrich their patrons. Police for security reasons are almost non-existent. The national police is unified, centralised and directed from Kinshasa. Territorial administrators and assistant administrators therefore rely mostly on individuals recruited out of necessity and not recorded with the national administration of the police body. Definitely, there is a vacuum in this area.

53 Flourishing at the end of the colonial era, mutualitiés of this kind were discouraged and definitely not tolerated during the Mobutu era. It was only at the beginning of the democratisation process in 1989 and the calling of the national sovereign conference, that the power of mutualitiés was unleashed.

These mutualitiés in Bukavu comprise three kinds: mutualitiés representing communities from other provinces, i.e. Congolese who do not consider themselves as people of South Kivu: mutualitiés on ethnic lines, associating wider groups for better political action, and mutualitiés representing villages or communities on a spatial dimension. Among mutualitiés representing Congolese from elsewhere than South Kivu, one may cite the following groups operating in Bukavu – the Yira Community, representing the Banande, LUSADISU representing the Bakongo, COMSHABA representing the community of people from Katanga, MONANO or ALINABA, representing the alliance of Bangala from the Equator or elsewhere, MUREMA, representing the association of persons from Maniema, MUKASUK, representing the Baluba from Kasai, Mutuality Okapi, representing persons originating from the Province Orientale (Kisangani), etc. Bukavu mutualitiés along internal ethnic lines and sometimes along village groupings include, for example, SHIKAMA, for the Banyamulenge, LUSU-LEGA for the Barega, EMO' YA M'MBONDO for the Babembe, MUHA for the Bahavu, the Mutuality of Babuyu, BUGUMA for the Bafuliru, and Bashi Bahavu Solidarity (SBB). Mutualitiés organised on a spatial dimension often aim at development objectives in their area of origin while seeking at the same time representation in the larger ethnic group when sharing whatever resources are provided to the entire community. In this category are included, for example, CODELU (Committee for the development of Luhwinja), MUREKA (Mutuality of people from Kasha), SINYA (the syndicate of developmental initiatives in Nyangezi), ASEDEZWA (Association for the development of the area of Walungu), SIKA (Syndicate for the Development of Kaziba), ODILU (Organisation for the development of Luhihi), MUDEVOLAKI (Mutuality for the development of populations living around Lake Kivu), UDEZOKA (Union for the development of people from Kabare), SODEN MULANGANE (Solidarity for the Development of Ngweshe), EREKA (Understanding for the development of Kalehe), etc. Most of these mutualitiés are also all federated in one association called COMUSKI, or the coordination of mutualitiés of South Kivu.

Some citizens like the Banyamulenge find protection by living in ethnically homogeneous areas. In South Kivu, the organising of mutualitiés and their activities reached a peak during the period of war (Mulotwa 2006).[54]

Traditional authorities felt also the need to speak out with one single voice, the COBASKI,[55] or the Assembly of Bami and other traditional authorities of South Kivu. As a group they spoke out by organising conferences from which they would issue statements and recommendations to *de facto* authorities on how to improve relations with communities and also deliver messages to the international community and even to the government of Kinshasa. Such organisations were useful in convincing the population on what attitude to adopt in relation with the *de facto* power of Rwanda during RCD, and who to blame in case of disorder.

Although most communities maintain a grudge against the Banyamulenge, people have in their mind that the real enemy is still or was Rwanda, although it exploited

---

54 In terms of local politics, these mutualitiés end up regrouping in the most important axes: SBB (or Solidarity of Bashi and Bahavu) and the LUSU-LEGA, particularly when it comes to designating the Governor and the Vice Governor and the provincial ministers of his administration.

55 COBASKI: Collège des Bami et Autorités Traditionnelles du Sud Kivu.

the Banyamulenge who also suffered a lot in the confrontations. The purely local conflicts (most importantly between the Babembe and the Banyamulenge) that underpinned the larger international and national conflicts and gave them energy and persistence have not been adequately addressed and help to fuel the larger conflict still today (Autesserre 2010).

Although the populations disagree with atrocities which may be committed by their resistance forces which refused integration in the army, they don't share the official idea of now labelling all resistance movements as negative. This is perceived as ingratitude by the state, which was absent for a long time and could not protect or defend the population against the enemy. Populations in the plain and in the territory of Kalehe are awaiting the day when the government will recognise the role various resistance movements played in destabilising the power of Rwanda in South Kivu; the nation throughout Congo indeed contributed to save the state, through the church and the civil society.

7 The recreation of human security: lessons learned

7.1 Networked governance and the churches

Governance does not disappear when the state collapses. Its structures remain hidden and in retreat, but ready to sprout into existence again. This is true for all parts of government, but it is especially true for the structures of local and rural governance. The consequence is that a post-conflict state has much more need for decentralisation – as well as possibilities for achieving it. Multi-layered, networked governance is a reality but it is much less of a threat to vital states than might have been imagined. Citizens do not know how to access donor resources themselves; generally they do so through the state or through their local churches.

The leadership of the Catholic Church during the war and then after seems to be one of the most important institutions sustaining society, maintaining hope and helping in the development of alternative channels for avoiding the oppressive official state and working for the gradual renewal of the legitimate state. The organisation of the Catholic Church transcends the boundaries of a particular country. From a parish in Uvira, to Rwanda and Burundi, and from Bukavu to Kinshasa, Rome and the whole world, messages of various kinds were sent and heard to sensitise the world about the hell the Christians and populations of South Kivu were suffering.[56]

---

56   Although the war took a heavy toll on priests, nuns and three bishops, including the archbishop
      Monsignor Munzihirwa, most priests remained in their parishes or left them only for a short time and
      helped in resuming and continuing services which they had already been providing to the community.
      The order of Munzihirwa to all members of the Catholic clergy whether European or local, that no
      matter what happened they had to stay on duty and continue to help their parishes, was totally
      obeyed. Abbeys and missionaries and nuns continued to serve the community, and the Church's
      external links were not broken. Maria Mason, a consecrated woman, did magnificent work maintaining
      medical activities throughout the province and indirectly mobilised the aid of charity organisations
      linked with the universal church, such as Misereor, CARITAS, Christian Relief Aid, and so on.

Inside South Kivu, messages written by a civil society committee of reflection was read through all the parishes, recommending the correct attitude people should follow and the way they must behave in relation to the new power holders. Most of the efficient networks that benefited communities in South Kivu came from the networks of the church.

Churches also served as an important channel for advocacy on human rights, justice and democracy. They loudly voiced problems encountered by communities and informed the world about the atrocities committed by various groups and all that happened in the life of parishioners. The (Catholic) Commission for Justice and Peace was the most vocal advocate of alternative means of restoring the state and the necessity of taming the behaviour of the militias and armed groups. Under its leadership, other NGOs and churches' organisations such as the (Protestant) 'Héritiers de la Justice' (Heirs of Justice) joined together to get the voice of the person abandoned heard throughout the world and the nation.[57]

Churches have emerged as one of the most accessible and durable channels of outside assistance to local communities. The church already played an important role during war in the provision of basic services in education, running schools, in health, managing hospitals, and in providing other services indirectly necessary to its own deployment such as small airport runways in remote areas, roads leading to churches and within the community, building dams and generating electricity via solar energy for some schools, presbyteries, hospitals, maternity and nursing centres, and pharmacies. Where it could reach or it was already present the church therefore helped in the maintenance and creation of some basic infrastructure, and served as the most important channel through which external assistance was channelled to the population.[58]

---

57 The Commission for Justice and Peace of the Catholic Church in Bukavu also helped in developing alternative ways of providing justice by preaching negotiation and reconciliation between groups. It recommended the avoidance of tribunals or temporary courts instituted by military groups. Instead they helped their commissions at the parish level take over the process of settlement of issues through mutual agreement and understanding instead of using a justice system which was oppressive, sided with the one who offered most or the one who was ideologically favourable and tied to transitory power holders. As one interviewer put it: 'In matters of leadership, the Church operated in concert with the other members of civil society. Coordination was ensured within the GRAPES: the Groupe de Réflexion et d'Animation Politique, Economique et Sociale'. Programmes executed by the Bureau Diocésain de Développement are mostly financed from the European Union, particularly by Catholic organisations such as Misereor, CARITAS France, CARITAS Spain, CARITAS Geneva, and CARITAS America. Most of them continued to finance these programmes during the war through missionary accounts. The assistance of UNICEF and FAO also was provided for agricultural inputs. We also cannot forget the assistance of Secours Catholique. Messages we wrote reached the world through these channels. PAM also helped us many times in providing us food stocks which we distributed in return to the population in need.'

58 The Church took an important lead on two services: the Diocesan Office for Medical Action (Bureau Diocésain des Oeuvres Médicales – BDOM) maintained the health system controlled by the Church in the name of the state and provided, without discrimination, assistance to all; and the Bureau Diocésain de Development (BDD), sometimes in cooperation with other non-governmental associations, which helped to carry on, small development activities that mobilised external assistance, and the labour of the population, such as the provision of water, the building of schools, roads, etc. Another service which provided assistance was CARITAS, which mobilised charitable assistance from within and without to the country for the needy and marginalised groups.

7.2 Local conflicts

The purely local conflicts that helped to fuel the larger conflict in the Great Lakes region have been barely addressed as yet. MONUSCO has focused to date on denying control of territory to the rebel militias and otherwise has not been actively engaged in building the citizen foundations for peace in the area. MONUSCO is an Anglophone operation in a Francophone country. When this is combined with the six month tours of duty of MONUSCO soldiers and many of the senior civilian staff, tools for understanding local complexities and conducting local peace negotiations are lacking.

A key failing in the state reconstruction process in Kivu is that the purely local conflicts (most importantly between the Babembe and the Banyamulenge) that underpinned the larger international and national conflicts and gave them energy and persistence, have not been addressed.

The social contract between the state and society has largely been re-established in Congo. Partly, this is due to the powerful negative lesson of what the alternative represents. The suffering during the war was truly devastating and even today welfare has not returned to pre-war levels. However, there are tensions that will need to be addressed. Security Sector Reforms of the Congolese army and police have not begun in the province, which means that they do not add to citizen security. In fact the informal ceding of the army in Kivu to Rwandaphones is a source of conflict and insecurity.

Rwanda and/or Rwandaphones cannot be allowed by the international community to become an army of occupation over the other groups. This will require (i) a negotiated settlement between the Banyamulenge and Babembe that gives security to both groups (together with a similar set of agreements in North Kivu), (ii) followed by the return to an ethnically-balanced army. The latter will require (a) the departure of non-Congolese Rwandan soldiers and a break in the link between those who remain and Rwanda and (b) a more genuinely national posting process for soldiers in the army. Point (i) (security for the Rwandaphones) is a prerequisite to the others and that is why locally negotiated settlements are so important.

Granting Minembwe territory status on a permanent basis also should be put on the agenda of settlement as well as the intensification of exchanges between the Banyamulenge and other ethnic groups. It is important to open up roads toward the mountains of Itombwe so that communication can flow easier. Changing methods of farming may take longer but it may prove in the end a way of changing the habits of isolation of Banyamulenge groups.

7.3 Rebuilding the formal state

A focus on rebuilding and financing the purely local aspects of governance should consider the following actions:

> (i) enabling Bami, chiefs and Native Administration police to be functional and to do without the revenues of the now discredited traditional courts (it is unwise to rely upon an expanded national police force as it is clear that it is resistant to reform.); and

(ii) providing adequate funds for the travel and functioning of the territorial administration and magistrates.

Paying the wages of soldiers, policemen, magistrates and administrative officers on a regular basis and improving them would diminish the burden the population is enduring in having to take care of these groups. This would diminish corruption, robbery, violence against the population and illegal taxation. It would improve the professionalism of these institutions. It is a priority demand which was expressed in almost all our interviews.

Elections are increasingly seen as a tool the population might use to voice their demands to the polity. Even several Maï Maï leaders seemed to be planning to contest for provincial and national offices in the November 2011 elections. They are trying to do grass roots organising in order to gain seats at the local, national and state levels of representation rather than trusting politicians from Kinshasa again. The outcomes of the incoming elections will be important to analyse.

The Congolese army has been restructured to include the various militias which fought during the civil war. This has become a major problem in the Kivu provinces, as the Rwandaphones who were incorporated refused to be posted outside their home provinces, while the soldiers from the other groups were sent elsewhere. This has left an overwhelmingly Rwandaphone Congolese army in Kivu. The other ethnic groups see this force as a foreign, Rwandan army of occupation. The resulting hostility between the army and those whom it ostensibly protects has created some army atrocities against the locals and has led to petitions in some areas for the army to leave. In short the army is seen as a predator and not a protector by the non-Rwandaphones. Overall none among these groups feel completely secured by the army of the state. It is rather a source of insecurity. Clashes of the Maï Maï Yakutumba against the governmental army, and clashes of the Ngumino Banyamulenge against the Congolese army are more likely to occur nowadays than clashes between both cited groups.

8 Conclusion

Life during the absence of a real state in South Kivu was precarious; economic activities were disturbed and poverty became severe. People living in a state of precariousness are more concerned with themselves and are less cooperative. They are prone to conflicts and are easily exploited by external forces.

Despite the end of violent confrontations, and the return of a more peaceful state in numerous areas, the situation in South Kivu remains volatile and filled with suspicion. The behaviour of many groups is determined by the fear that another cycle of war by Rwanda is in the making, with the aim of separating North Kivu and South Kivu from Congo, and that steps to this end are already being taken through subtle political and administrative manoeuvring as well as economic and military infiltration.

This threat makes all groups feel uneasy, fearful and suspicious against one another. Local communities believe strongly that South and North Kivu are evolving under the imperialism of Rwanda, and that the Banyamulenge in South Kivu and other Tutsi in North Kivu may again constitute a Trojan horse.
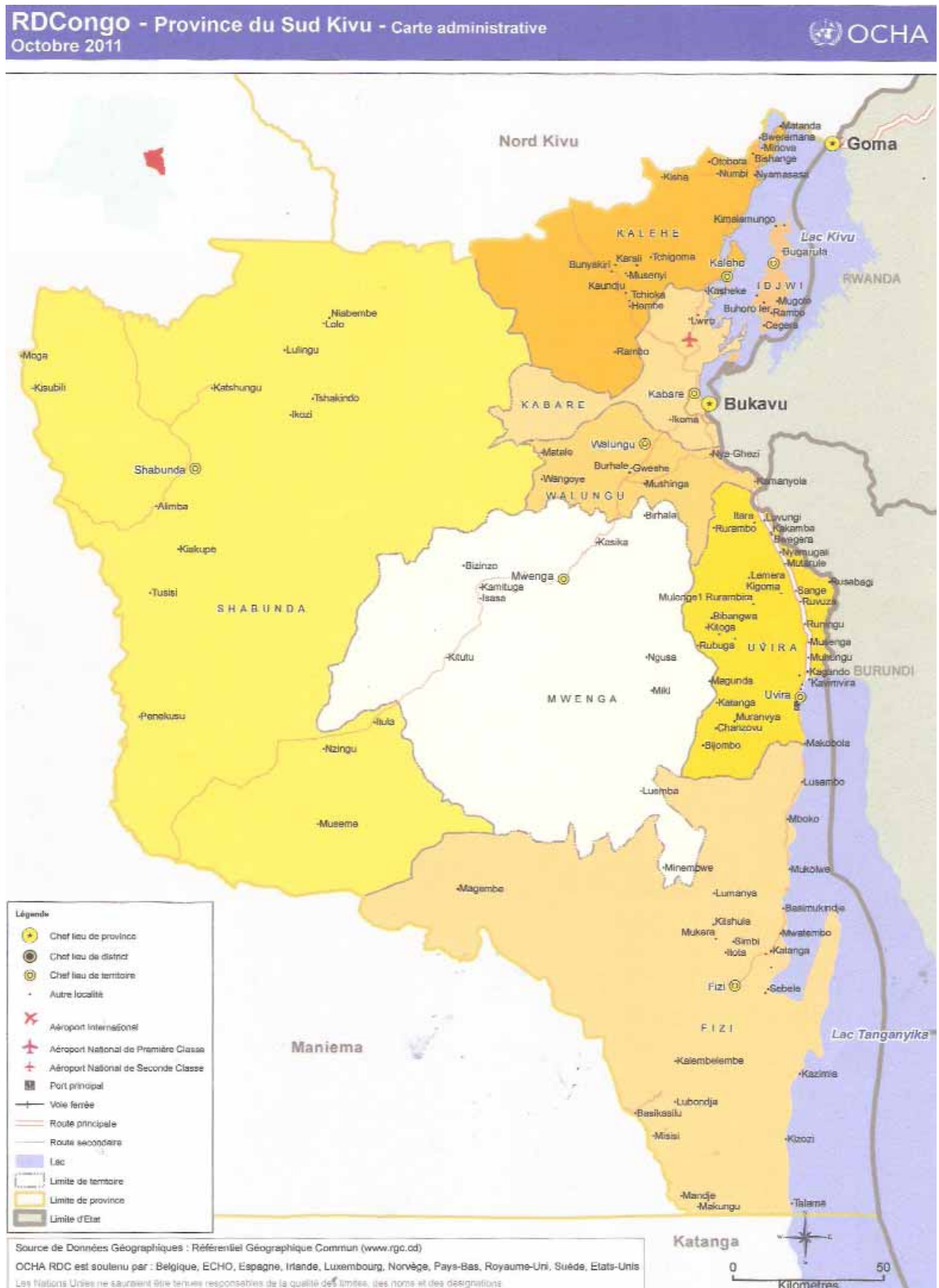
This affects also the vision that communities have regarding current international and national institutions. The army and other security organisations are distrusted and considered to be controlled by Rwandans through the Banyamulenge. The police are not deployed in rural areas, and therefore the security of the population is threatened constantly.

Although the presence of MONUSCO is helpful, its deployment also is sometimes associated with complicity. Yet no one wants MONUSCO to leave South Kivu. People instead want it to be more committed and to improve its methods of protecting the local population and fighting against infiltration.

With regard to lessons learned from Kivu, as long as unemployment remains severe, the army continues to be unevenly controlled, undisciplined, underpaid and unable to protect local communities, civil servants are left in miserable conditions, and uncontrolled militias from within and neighbouring countries control large portions of Congolese land, security will remain precarious and justice partial in South Kivu.

When the state is totally incapable of assuring the security of its own population against external threats, when its own protective services engage in arbitrary activities and live off the people, and when impunity goes unchecked, it is difficult for social mechanisms and local institutions alone to substitute for the lack of a decisive body capable of assuming the role of the leviathan.

Annex DRC South Kivu Province

Glossary

ADI KIVU	Association for the Integral Development of Kivu, a local NGO specialised in agriculture and community rural activities
AFDL	Alliance of Democratic Forces for the Liberation of Congo: A circumstantial politico military coalition of dissident groups with foreign backing, which launched the 1996–1997 war and was successful at toppling Mobutu Sese Seko and bringing Laurent Désiré Kabila to power
ANR	National Intelligence-gathering Agency
APRODEPED	Association for the Promotion of Peace and Development, a local NGO
ASEDEZWA	Association for the Development of the Area of Walungu
AVSI	Italian Volunteers for Development Association
BDD	The Diocesan Office of Development. Since 1965 it has operated like an NGO in promoting developmental activities. Some of its programmes include the promotion of gender activities (Centre Olame), the training of children in acquiring various skills (CFJ) the care of children accused of witchcraft (Foyer Ek'Abana), the care of street children, the fight against illiteracy, provision of water, and craft production
BDOM	The Diocesan Office for Medical Action, an office of the Archdiocese of Bukavu in charge of planning, organisation and coordination of health activities in the diocese. The BDOM supports health zones covered and managed by the Catholic Church in South Kivu
BUGUMA	Mutuality for the Bafuliru
CADECO	Caisse Générale d'Epargne du Congo/Congolese National Savings Institution
CARITAS	A charitable organisation of the Catholic Church with international and national branches. It mobilises charitable assistance from within and from without the country and channels its assistance to needy and marginalised groups
CNDP	People's Defence National Congress: The CNDP was an armed militia group in Nord Kivu, after President Kabila rose to power in 2002, basically for the defence of the Tutsi ethnic group alleging that they were suffering discrimination and that President Kabila did not respect the Sun City agreements. It was perceived during the transitional period as an emanation and a continuation of the RCD so as to

CNDP (cont.)	maintain Kigali's control of North and South Kivu. The CNDP's leader, Laurent Nkundabatware, threatened on numerous occasions to conquer the cities of Goma and Bukavu. He was able in 2004 to occupy Bukavu, alleging he was coming to the rescue of the Banyamulenge. In the face of revolt by the population and pressure by MONUSCO, he backed down from this occupation. Internal dissension or mutiny in the CNDP and pressure from the Congolese army led Nkundabatware to flee to Rwanda where allegedly he was put under house arrest. The CNDP no longer exists, but its troops were used to form the core of the Amani Leo operation which was launched in 2009 to fight against negative forces, i,e., other local militia which did not adhere to the Goma agreements after peace talks. It is under this new label that they are spreading not only to North Kivu but also in South Kivu
CNS	National Security Council
COBASKI	Assembly of Traditional Authorities and Chiefs in South Kivu
CODELU	Committee for the Development of Luhwinja
COMSHABA	Mutuality representing the community of people from Katanga
COMUSKI	The Coordination of Mutualitiés of South Kivu
COPARE	Council for Peace and Reconciliation
DGM	General Direction of Migrations
DRC	Democratic Republic of Congo
DSRP	Document of Strategies for the Reduction of Poverty
EMO' YA M'MBONDO	Mutuality for the Babembe
EREKA	Understanding for the development of Kalehe
FAO	Food and Agriculture Organization of the United Nations
FARDC	Congolese army
FRF	Federalist and Republican Forces, Ngumino Forces for the Defence of Banyamulenge
GRAPES	Reflection and Animation Group for Political, Economic and Social Action: A thinking group created under the leadership of the Catholic Church and regrouping local NGOs to formulate messages during the Rwandan occupation under RCD about the proper behaviour to adopt when living with other groups. Their messages were read as sermons in parishes all over the province of South Kivu

Groupe JEREMIE	(Jeremiah Group). A local Christian-oriented NGO specialising in the defence of human rights
ICCO	Inter Church Organisation for Cooperation and Development, a Dutch Protestant NGO that combines funds donated from various churches to finance developmental activities including the promotion of justice and human rights and dignity
IRC	International Rescue Committee
LUSADISU	Mutuality representing the Bakongo
LUSU-LEGA	Mutuality for the Barega
MONANO	(or ALINABA). Mutuality representing the alliance of Bangala from the Equator or elsewhere
MONUC	United Nation Mission for Peace Keeping in DRC. It was established in July 1999 under UN resolution1279. It muted into MONUSCO in 2010.
MONUSCO	United Nation Mission for the Stabilisation in Congo. It was created following resolution 1925, taken in 2010 by the UN, to pursue the mission conducted previously by MONUC. MONUSCO emphasises the protection of civilians.
MUDEVOLAKI	Mutuality for the development of populations living around Lake Kivu
MUHA	Mutuality for the Bahavu
MUKASUK	Mutuality representing the Baluba from Kasai
MUREKA	Mutuality of people from Kasha
MUREMA	Mutuality representing the association of persons from Maniema
NGO	Non-Governmental Organisation
OCET	Community Work for the Education of All
ODILU	Organization for the Development of Luhihi
ONATRA	Office National des Transports/Congolese National Transport Agency
RASTA	A gang which organised the reign of terror in the territory of Walungu, precisely in the areas of Kaniola and Nindja in the territory of Kabare for many years from 2002 to 2008 and beyond. It was a heterogeneous group composed of renegade soldiers from the Interahamwe and from other groups like the Maï Maï and Mudundu 40, who instead of integrating into the army conducted gang activities with accomplices among civilians in villages

RCD	Rassemblement Congolais pour la Démocratie
RPF	Rwanda Patriotic Front
SARCAF	Service for the Support and Building of Self Promotion Capacities of Women, a local NGO
SBB	Bashi Bahavu Solidarity
SHIKAMA	Mutuality for the Banyamulenge
SIKA	Syndicate for the Development of Kaziba
SINYA	The syndicate of developmental initiatives in Nyangezi
SODEN MULANGANE	Solidarity for the Development of Ngweshe
SOFIBEF	Solidarity of Women of Fizi for Family Well Being, a local NGO
UDEZOKA	Union for the development of people from Kabare
UPDI	Peasant Union for Integral Development, a local NGO

References

Autesserre, S. (2010) *The Trouble with Congo, Local Violence and the Failure of International Peace Building*, Cambridge University Press

Collier, P. and Hoeffler, A. (2000) *On the Incidence of Civil War in Africa*, Washington DC: The World Bank

—— (1998) 'On the Economic Causes of Civil War', *Oxford Economic Papers – New Series* 50.4: 563–73

Hobbes, T. (1939 [1651]) 'Levithian, or The Matter, Forme and Power of a Common-Wealth Ecclesiastical and Civil', in E.A. Burtt (ed.), *The English Philosophers from Bacon to Mill*, New York: The Modern Library: 129–234

La Banque Mondiale (World Bank) (2008) RDC, *La Bonne Gouvernance dans le Secteur des Mines comme Facteur de Croissance*, Département des Hydrocarbures, des Industries Extractives et des Produits Chimiques : 65

Muchukiwa, B. (2006) *Territoires Ethniques et Territoires Étatiques : Pouvoirs Locaux et Conflits Interethniques au Sud-Kivu (R.D. Congo)*, Paris: Harmattan; Anvers: Centre d'Étude de la Re?gion des Grands Lacs d'Afrique

Mulotwa, Laurent Mikalano (2006) *Observatory of Conflicts in South Kivu: Tribal Mutualitiés and the Making of Peace in Bukavu*, December, COPARE, Council for Peace and Reconciliation

Newbury, C. (1988) *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860–1960*, New York: Columbia University Press

Shah, A. and Shah, S. (2007) *The New Visions of Local Governance and the Evolving Roles of Local Governments*, Washington DC: World Bank, http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/NewVisionofLocalGovernance.pdf (accessed 19 January 2012)

UPDI and IVP (2009) *Violence et Insécurité à Nindja/Kaniola: Le Phénomène RASTA:* 9

Security in an Africa of Networked, Multilevel Governance

A Research Councils of the UK Global Uncertainties Fellowship

This research programme centres on how the various institutions responsible for the production of security and the management of conflict in Sub-Saharan African societies do, could and should evolve in response to the presence of violent conflict or criminality. The programme is built on the observation that all governance (especially in Africa) is multileveled and networked – from the village to the international organisation, and well beyond what is specified in formal government structures. Thus the focus is not only on the ways in which key conflict-management institutions evolve themselves but also on the changing ways in which the networks in which they are embedded actually operate.

The programme researchers are: David K. Leonard (director) together with Jeremy Allouche, Niagale Bagayoko-Penone, Peter Houtzager, Sidibe Kalilou, Freida M'Cormack, Ferdinand Mugumo Mushi, Thierry Mayamba Nlandu, Mohamed Samantar, Anna Schmidt, James Vincent, and Patrick Zadi Zadi.

Countries in which field research has been or will be conducted are: Democratic Republic of Congo, Ivory Coast, Kenya, Mali, Mozambique, Nigeria, Sierra Leone, and Somalia (Somaliland and Puntland).

The objective of the research is the identification of institutional strategies for recovering the multiple aspects of human security in countries that have been fractured by violent conflict.

Key questions the programme seeks to answer are:

- *How do conflict management institutions evolve under the stress of prolonged violent conflict and how can they best contribute to the recovery of human security?* Institutions under consideration include elections, elected and traditional local government, local courts, the police, and the armed services.

- *What are the networks of relationships within and between states, communities, NGOs, international organisations, and international donors for the management and resolution of intrastate conflicts and how might their effectiveness be improved?*

Completed research papers under the **Multilevel Governance in Africa programme** are:

Bachmann (2011) *The African Standby Force: External Support to an 'African Solution to African Problems'?*, IDS Research Report 67, Brighton: IDS

Bagayoko-Penone (2010) *Multi-level Governance and Security: The Security Sector Reform Process in the Central African Republic*, IDS Working Paper 351, Brighton: IDS

Bagayoko-Penone (2010) *Security Systems in Francophone Africa*, IDS Research Report 64, Brighton: IDS

Bagayoko-Penone (ed.) (November 2009) 'Promoting Peace and Democracy through Security Sector Reform', *Governance Insight* 70

Bagayoko-Penone (April 2009) 'French Reactions to AFRICOM: An Historic Perspective', *Contemporary Security Policy* 30.1: 28–31

Bagayoko-Penone (March 2009) *State, Non-state and Multilateral Logics of Action in Post-conflict Environments: Essays on Transforming Security and Development in an Unequal World*, IDS Working Paper 322, Brighton: IDS

Bagayoko-Penone and Gibert (May 2009) 'The European Union in Africa: The Linkage between Security, Governance and Development from an Institutional Perspective', *Journal of Development Studies* 45.5: 790–815

Charley and M'Cormack (2011) *Becoming and Remaining a 'Force for Good' – Reforming the Police in Post-conflict Sierra Leone'*, IDS Research Report 70, Brighton: IDS

Leonard (2010) 'Elections and Conflict Resolution in Africa', in Khabele Matlosa, Gilbert Khadiagala and Victor Shale (eds), *When Elephants Fight: Preventing and Resoluving Election-Related Conflicts in Africa*, Johannesburg: Electoral Institute for the Sustainability of Democracy in Africa

Leonard (editor and co-author of all articles) (2009) 'Elections and Conflict in Africa', *Special Issue of the Journal of African Elections* 8.1, Johannesburg

Leonard with Samantar (March 2011) 'What Can the Somalis Teach Us About the Social Contract and the State', *Development and Change*

N'Diaye, Bagayoko-Penone and Agokla (March 2010) 'La Réforme des Systémes de Sécurité et de Justice en Afrique Francophone', *Editions de l'Organisation Internationale de la Francophonie*

Nlandu, Thierry Mayamba (2012) *Mapping Police Services in the Democratic Republic of Congo: Institutional Interactions at Central, Provincial and Local Levels*, IDS Research Report 71, Brighton: IDS

Samantar and Leonard (Spring 2011) 'Puntland and the Quandary of Somali Piracy', *Africa Policy Journal*

Schmidt (forthcoming) 'Civilians, Refugees and Internally Displaced Persons: Protection Synergy or Rivalry?', *Refugee Survey Quarterly*

Schmidt (forthcoming) 'UNHCR and Humanitarian Reform – Interconnections and Clusters', *Policy Brief Series*, Refugee Studies Centre, University of Oxford

For downloads of programme papers and updates on new programme research, see: www.ids.ac.uk/go/global_uncertainties

Publications

IDS Institute of Development Studies

Institute of
Development Studies