THE DEMOCRATIC REPUBLIC OF CONGO: FAULT LINES AND LOCAL FISSURES

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The Democratic Republic of Congo (henceforth Congo) was born of violence and violence has been a crucial component of its existence ever since. The abuses of Leopold II of Belgium, who established and personally owned the Etat Indépendant du Congo, are well known. By some accounts, they cost the lives of some 10 million Congolese. Even without the worst abuses of his regime, the rest of Belgian colonisation was characterised by an oppressive labour regime and the systematic exploitation of people and resources.

Equally well known is the rapid decline of Congo into a violent quagmire only days after its independence on 30 June 1960. With expectations of radical change frustrated, the army mutinied and the country collapsed into civil war. The Katanga and South Kasai provinces seceded, Prime Minister Patrice Lumumba was assassinated and his supporters embarked upon a civil war that would last until 1967. The rule of Mobutu (1965–97) is usually seen as a period of more stability, but his regime was no less predicated upon violence and predation. In the end, it collapsed under the assaults of a patchwork insurgency, which started in the Kivu region (if not in Rwanda) and spread through the country like a brush fire. The following decade was marked by the worst violence probably ever experienced by the Congolese. Hardly a year after Laurent-Désiré Kabila’s takeover, war began in the east again and spread on a massive scale, with the intervention of no fewer than nine other African countries. By
mid-1999 the country was de facto partitioned in two or three zones: one under government-Angolan-Zimbabwean control; one under Rassemblement Congolais pour la Démocratie (RCD) rebels and Rwandan control; and one under Mouvement pour la Libération du Congo (MLC) rebels and Ugandan control (although 'control' is an exaggeration in each case). The war itself was rapidly stalemated, but violence continued unabated, particularly in the east, and is estimated to have since caused the death of some 4 to 5 million people.

Kabila was killed in 2001 and replaced by his son Joseph, who allowed the peace process to unfold. A national unity government was formed in 2003 and oversaw a transition to an elected regime in 2006. Joseph Kabila was elected president. Nevertheless, widespread violence continued, particularly in the east, but also in the Bakongo region and even in Equateur.

What are Congo's Fault Lines?

Conventionally, especially since the secession of Katanga from 1960 to 1963, Congo has been perceived as wrecked by large fault lines that are preventing national integration. This is largely misleading, however. As this paper argues, it is local divisions that matter most, and these local divisions are not particularly natural but have been triggered by specific policies, most notably those with respect to access to citizenship, land and the right to local office.

It is nonetheless true that there are large regional differences, almost unavoidably in a country the size of Congo, which contains by some estimates about 350 ethnic groups and four large linguistic groups (Lingala, Kikongo, Swahili and Tshiluba). The Katangans, particularly the populations associated with the Lunda culture, have been particularistic and in search of greater autonomy from the centre. There have been recurrent tensions, occasionally violent, between Katangans and the neighbouring Kasaians. In the east, the Kivu provinces are often seen as belonging more to the 'Great Lakes' nebula than to Congo. They have been largely severed from the rest of the country since the early 1990s and much of their trade takes place with East Africa and beyond rather than with Kinshasa. Even closer to Kinshasa, the Bas-Congo region and its Bakongo populations are fiercely autonomous and have harboured irredentist dreams with their kinsmen in Angola and the Republic of Congo since the 1950s.

More recently, following the end of the war, the country has given the impression of being split by an east–west divide, which was made...
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Congo: 2006 election, first-round results

particularly salient by the results of the 2006 presidential elections (see map above, showing results of the first round by province).

Congolese of the eastern provinces are the ones who experienced the war and its atrocities first-hand. They blame most of it on Rwanda, Uganda and their rebel proxies. As a result, they saw Joseph Kabila as the peacemaker and rewarded him with astronomical percentages of votes (above 90 per cent in the Kivus). The west never suffered to quite the same extent, but witnessed the corruption of the transition regime of which it grew tired. There is, however, also a regional element that cannot be denied, although it must be tempered and one cannot impute too much to it: Kabila is from the east (north Katanga by his father), while his main opponents were from the west (Jean-Pierre Bemba from Equateur, Antoine Gizenga from Bandundu and Etienne Tshisekedi – who ended up boycotting the elections – from Kasai).

While all these differences can occasionally be salient and feed narratives of grievances among many Congolese, they are not as important or as rigid as they may seem. In fact, they contrast with the remarkable sense of national unity that pervades Congo, irrespective of the region. Thus they do not necessarily constitute fault lines in the sense of obstacles to national integration.

More important, in fact, are multiple and overlapping local fissures, widely distributed across the country, which contribute to a fragmentation
of identities and networks at the local level and increased polarisation of social life. This polarisation has shared responsibility for the failure at state reconstruction in Congo as much as anything else. It has undermined the social fabric to the point of debilitating collective action. Yet, rather than being a pre-existing societal impediment to state building, it has been intimately associated with the exercise of state power, from which it partly derives.

Indeed, the greatest fault lines in Congo are local. The Congolese do not typically complain about their integration in the nation. What feeds their grievances is the largely shared impression that their fellow Congolese cheat them and favour their kinsmen at the local level, and that they need to rely on similar solidarities to reach their own goals of safety and well-being. This is what the Congolese refer to as tribalism. Thus we see divisions between Rwandophone and Hunde populations in North Kivu, between Banyamulenge and the Vira populations in South Kivu, between Lendu and Hema in Ituri, between Lunda and Balubakat in the Katanga region, between Bakongo and Lingala-speakers around Matadi, and so on. As in many other parts of Africa, these fissures are increasingly articulated around narratives of autochthony and outsiders, in which the son-of-the-soil category has gained much currency.

Although all these groups tend to embrace the idea of Congo, they either suspect each other of manipulating the state for discriminatory purposes or tend to deny each other the right to belong to Congo (at least to a similar degree). These local divisions feed upon national politics and, conversely, feed back into national politics – in a process the Congolese refer to as the tribalisation of politics. They create circumstances of distrust where alternative agendas are always suspected and jeopardise consensus and state building.

The Underlying Contribution of Poverty

Before looking at actual short-run triggers of these local fissures and the role of the state among them, it is important to bear in mind the sheer degree of poverty of the majority of the Congolese, which conditions their behaviour and their relationship towards the state and towards each other. Since the early 1990s life in Congo has become incredibly precarious. The average Congolese lives on less than a dollar a day with limited access to clean water, nutrition, health care and education. Even in the relatively more prosperous cities, like Kinshasa, deprivation is so widespread as to be systemic. People live in shacks, in the mud, off the grid. People turn to the market economy to survive. As a result, the national economy is further fragmented. People, in turn, have become accustomed to living in the slums.

The state's role is very small and relatively ineffective compared to the local, informal, economic and political networks that people design for themselves in order to build lives.

The State of the Congo

Corruption

The fiscal crisis of Congo has its consequences across the board, and this is particularly true for personnel in the state and its authorities.

With a weak state, corruption is the norm. It is taken for granted in politics, in business, in daily life. When in office individuals and companies coffers are emptied and, in return, considerable political favours are given – sometimes even military protection, which are supplied through armed groups. The effect is self-reinforcing.

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As to be visible to the naked eye. The majority of residents live day to day, spending their waking hours in search of sustenance for their families. People barter, scavenge or practise urban agriculture on little patches of dirt by the side of the street. They frequently wait hours on end for some economic opportunity, or walk long distances in and out of towns in similar searches. Students squat many to a room, without plumbing, to attend classes in dilapidated and overcrowded auditoriums. This situation is further compounded in the east, where hundreds of thousands of people have been displaced by war and violence over the last ten years, enduring lives of misery, uncertainty, fear and frequent flight.

This degree of material deprivation has had and continues to have very significant social and political consequences. Particularly, it raises the relative premium associated with access to positions of state authority and the likelihood that such positions are translated into opportunities for economic advancement. These consequences have been largely ignored in the design of the transition and post-transition and make it exceedingly hard to build functional democratic institutions in Congo.

The State and the Law as Shapers of Fissures and Triggers of Violence

Corrupt Governance

The first and overarching determinant of social conflict is the nature of Congolese governance as a regime of private appropriation. As a consequence of both its origins as an enterprise of exploitation and predation, and the material scarcity of life, the state is first and foremost an avenue of personal survival or private accumulation for those who can benefit from its authority.

While this is also true elsewhere in Africa, it is a particularly extreme phenomenon in Congo, where a broad regime of impunity exists. Most politicians, military leaders and local bureaucrats maximise their time in office by plundering state resources at a rapid rate. Presidents empty state coffers; prime ministers inflate their operating budgets beyond any reasonable proportions; ministers charge for positions in their cabinets; parliamentarians sell their votes; civil servants charge for the public services they are supposed to deliver; and local policemen run rackets against civilians. The entire state is structured along a massive web of mutual predation.

There are two consequences of this regime of corruption. First, national elites set the tone for a predatory system of governance that is...
largely reproduced across the country at all levels of state authority. Thus the state is widely perceived by all to be a means for the private appropriation of the resources of others. In many ways, those in state power then produce rules and institutions that magnify these opportunities for appropriation. Second, given the relative material rewards associated with such local positions of governance, individuals and communities compete fiercely for access to them, which transforms mere cultural differences into violent fault lines.

Access to Land

The rules for access to land illustrate the degree to which the state dominates the regime of wealth and income appropriation. There is no free market in land in Congo (as in many other African countries). Instead, land is allocated to individuals by administrative fiat. There are by and large two ways of claiming land rights. The first is the pursuit of ‘native authority’, to borrow Mandani’s expression. In this instance, access to land is predicated upon control of local chieftaincies, which are legally entitled to allocate it to people in their jurisdictions. Although the land is not the private property of the chief, he assigns plots to families in exchange for tribute. This customary form of allocation was largely maintained through colonisation, when it was codified as chiefs became agents of indirect rule. It was maintained and reinforced in the post-colonial era, when chieftaincies increasingly became extensions of state administration, which frequently appoints them. The three smallest units of Congolese territorial administration – the localité, the groupement and the collectivité – are in fact managed by customary chiefs. Chiefs of collectivités – the level usually referred to as chieftaincies – have particularly important prerogatives with respect to land.

In the Kivu regions, for example, where conflict has been endemic, local competition for land, necessary for economic survival, has often translated into competition for control of these chieftaincies and thus polarisation along ‘ethnic’ lines. Since these were historically in the hands of ‘autochthonous’ populations, Rwandophones who have migrated to the area in waves over the last century have ‘persistently [called] for a Native Authority of their own’. They have typically chosen one of two ways to go about this quest, both of which have promoted local fault lines and conflict. One way has been to authoritatively remove ‘autochthonous’ chiefs in existing chieftaincies and replace them with Rwandophones. Grass-root leaders had replaced those whose power was considered to threaten their position as Hunde gained control over the rebel movement. This approach was used in Rutshuru and...

The other approach to the creation of new chieftaincies was the approach favoured by the independence government of Rwanda, 1960 and 1962 and later by the colonial administration. It was the small localities of the Uvira collation, which were chieftaincies. Their lack of significance allowed the Rwandan administration to either create or reinforce them. For example, again for a variety of tactical reasons, and located on the border between the RCD’s strongholds in the east and the Mwenga area in the west.

The secessionists, referred to as ‘civic people’, often compete to land is often needed in national parks, followed for Rwandophones or in the Rwandophone provinces...
Grass-root attempts to implement this option in the early 1990s contributed to the explosion of local conflict in North Kivu. Indeed, Hutu leaders had tried in 1993 to forcibly remove Hunde chiefs in Masisi and replace them with Hutu authorities, leading to retaliatory violence by Hunde gangs against Rwandophone populations. Once the RCD-Goma rebel movement was in control of the region after 1998, it returned to this approach, forcibly removing several Hunde chiefs in the territories of Rutshuru and Masisi and appointing Rwandophones in their stead.

The other way to seize control of chiefdoms has been to promote the creation of new chiefdoms by higher levels of state authority. This approach has a long history in the region, dating back to the creation of Rwandophone chiefdoms by the colonisers in South Kivu between 1906 and 1933 and in North Kivu from the late 1930s. Soon after independence, the Rwandophones of South Kivu lobbied to recreate their colonial administrative autonomy. All they managed to get, however, was the small localité of Bijombo, which remained under the authority of an Uvira collective. In North Kivu, the Hutus of Rutshuru retained their chiefdom, but those in the Masisi lost it on the eve of independence. Their lack of control over local state authorities until the 1990s prevented the Rwandophones from re-establishing the chiefdoms they had lost or creating new ones. After 1997 the Banyamulenge of South Kivu called again for a territory of their own, to be protected by their own troops and located along the border with Burundi in the Ruzizi plains. In 1999 the RCD-Goma, acting as the Congolese sovereign over that region, carved the new territoire of Minemwine from the existing territoires of Fizi, Mwenga and Uvira.

The second approach to land acquisition is what Mamdani refers to as 'civic politics'. Here, traditional chiefdoms are bypassed and access to land is obtained through control of political and administrative power in national or local branches of the state. This was the approach followed for a while by Kivu's Rwandophone elites, for example. Several Rwandophones rose in the Mobutu administration from the mid-1960s onwards. The careers of others unfolded in provincial administrations. There, however, they still faced considerable obstacles from 'autochthonous' groups. In fact, the splitting of the Kivu province in 1962 into three provinces (North Kivu, Central Kivu and Maniema) resulted from the lobbying of 'autochthonous' representatives from Beni, Lubero and Masisi and took place without agreement of the Rwandophones from Rutshuru and Goma. The advantage of North Kivu for the former was that it
produced a majority Nande population, whereas all groups had previously been minorities in the larger Kivu province. The Rwandophones thus became a minority to the Nande and were crowded out of administrative power in the province – undermining their quest for civic citizenship. Notice how administrative and institutional manipulations thus raise the salience of local fault lines. ‘Autochthonous’ populations of Nande, Hunde and others subsequently used their control of the North Kivu province to push back the rights of Rwandophones, reappointing, for example, Hunde chiefs in districts where they had been displaced during the colonial era. After its takeover in 1998, however, the RCD-Goma proceeded to undo the consequences of this earlier development, with the widespread appointment of Rwandophones to positions of provincial authority in North and South Kivu.11

Access to Citizenship

Whichever strategy of access to land is pursued, it first necessitates access to citizenship. And here too the laws of the state induce local societal polarisation and promote local ethnic divisions. Indeed, Congolese law is oddly indirect when it comes to citizenship. Instead of conferring citizenship to people who resided in its territory at the time of colonisation or independence and their descendants, it confers it to people who belong to ‘groups’ which did. This is an odd formulation. It makes Congolese nationality both colonial and ethnic. One of its implications is the possibility to reject individuals en bloc. If one can demonstrate that a group was not present in today’s Congolese territory at a specific date, its descendants have no claim to citizenship. Thus it encourages autochthony/allochthony distinctions. Another consequence is that it reinforces the ethnic identification of people, making it a matter of legal benefits. Thus, to be a Congolese national, one must first be a Congolese tribal. The law does not, however, specify a list of these ethnicities and nationalities, maintaining a level of uncertainty that opens the door to endless manipulations.

So, whether one pursues the ‘native’ or ‘civic’ approaches to land control, one must first establish one’s ethnic identity. In summary:

- **Track One:** Recognition of ethnic group as historically Congolese → access to nationality → access to chieftaincy → access to land
- **Track Two:** Recognition of ethnic group as historically Congolese
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→ access to nationality → access to political power/administrative functions → access to land

The definition of Congolese citizenship in ethnic terms is closely related to the history of violence in the Kivus and other regions of Congo. The ethnic definition by the state of conditions for access to land and chieftaincy has promoted the local salience of ethnicity and the polarisation of communities. The very fact that 'communities' appear as the main agents of conflicts is related to the legal definition of Congolese nationality as 'tribal' and to the sovereign prerogatives awarded to ethnically defined local chieftaincies in terms of land allocation. Ironically, the state has thereby promoted local communal conflicts. Yet, in waging these conflicts, local communities have embraced sovereign instruments which have in turn reproduced the state.

Electoral Legitimacy

Against this background of instrumentalisation of the state and local polarisation, the Kabila government's electoral legitimacy has ironically represented an additional driver of instability and might have increased the fault line between state and society rather than diminishing it, as one would expect of elections. The 2006 election has not led to an increase in domestic accountability. Instead, it has promoted an attitude of government intolerance and an unwillingness to bargain with social forces. Electoral legitimacy has fostered the regime's authoritarian tendencies. Local groups, whose grievances are long-standing and which hoped to use the democratic opening to find a voice, have faced increased repression. Societal grievances have been repressed as illegitimate, as illustrated by the brutal putdown of the Bundu Dia Kongo movement in Bas-Congo in 2007 and 2008, which left more than 200 dead, or by that of the Donga insurgents of Equateur in late 2009.

Outside Intervention

The preceding focus on the creation of local fault lines by state laws and policies should not obscure the role of outsiders in creating and reinforcing fault lines. At the time of colonisation already, differential exposure to the state and to modernisation produced local polarisations, as between the Lulua and Luba in the Kasai region, or the Bakongo and Ngala in and around Kinshasa. Yet the most important foreign interventions in recent
times in terms of promoting fault lines have been the Rwandan invasions of 1996 and 1998. Not only have these two invasions exacerbated fissures between Congolese of Rwandophone and non-Rwandophone ancestry – to the point of widespread anti-Rwandan racism in Congo – but they also share responsibility for the broad east–west schism that has developed as a function of differential suffering during the war. Moreover, the presence of former Hutu génocidaires in the Kivu provinces to this day – the infamous Forces Démocratiques pour la Libération du Rwanda (FDLR) – is the direct if protracted consequence of the exportation of Rwandan politics into Congo, a feature that dates back to 1994. It is a mistake to equate eastern Congolese problems with the FDLR, as there are many other local fault lines inimical to stability. Yet they do represent an obstacle to peace and state reconstruction in the short run.

Managing Congo’s Fault Lines

Unfortunately, post-conflict reconstruction efforts by donors in Congo have done little to mitigate existing fault lines and reduce social polarisation. In general, reconstruction in Congo has been an excessively top-down exercise that has taken little account of complex local dynamics.\(^5\) Promoting the restoration of the authority of the Congolese state has been problematic to the extent that it remains an unreformed enterprise of predation and exploitation. From Leopold II to Kabila II, Congo has never been a benevolent or developmental state. Although the current Congolese state cannot dream of the ‘integral’ powers of its Mobutist predecessor,\(^6\) it remains deeply authoritarian and is worse in some sense, to the extent that numerous additional shady characters have been integrated into it through the peacemaking and reconstruction processes. The armed forces (FARDC or Forces Armées de la République Démocratique du Congo), for example, have become a dreadful hotbed of criminals and marginalised youths. Quickly and poorly integrated, full of recent and former rebels, unpaid, poorly trained, prone to corruption and collaboration with rebels, predatory to civilians, largely incompetent – the army itself is an important factor of violence and a wedge between the state and society. Denis Tuill\(^7\) appropriately calls it a ‘force of disorder’. Yet post-conflict efforts undertaken by MONUC (the UN Mission in Congo) have understandably attempted to promote the authority of the state, which has translated into the spread of FARDC and increased social dislocations which carry the seeds of future grievances and conflict.

Aside from the great economic challenge in 2003, the government has not made any real progress in transforming its relations with the provinces. Even the efforts to forge a compromise with the provinces have been locally driven, in the Kinsasha corridor, rather than the provinces. A solution process twenty-first-century state revenue from the tax revenues of a Kabila led government and, however limited, is a moment of this vision for the Congolese government. The tax base in 2007 is a moment. Ailing sectors and outcomes of a moment are during the Kabila era and the Kabila state.

A broad solution to the peace process in Congo is consistent with the fact that the body politic and the national government are, in some sense, as one – to leverage this through a massive peace process which does not address land reform and distribution of revenues to strengthen the Congolese state and system of arbitration of land disputes

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Aside from donor-supported pacification and reconstruction efforts, the greatest hope for Congo during its transition back to democratic rule in 2003–6 was the promise of decentralisation. Although the 2005 constitution had steered clear of the full-fledged federalism that some wanted, it nevertheless formally ushered in a 'strongly decentralised' unitary regime. Even though the idea that decentralised authority is necessarily closer to the people can be naive, there is little doubt that locally elected and locally financed government structures might have been better able than the Kinshasa government to address local fault lines and to negotiate local social contracts among communities. To this effect, the 2005 constitution provides for the increase of the number of provinces from eleven to twenty-five, and for the retention by these provinces of 40 per cent of the tax revenue they generate. These provisions have yet to be implemented, however, and an increasing number of observers doubt that they will under a Kabila regime. Fearful of lack of fiscal control, donors seem supportive of this violation of the constitution. Currently, Kinshasa appropriates all revenue and returns a meagre 2 per cent to the provinces. Moreover, the government also widely manipulated the elections of provincial executives in 2007 to stack up provincial authorities with central government supporters and further alienate peripheral groups. Yet the constitution was the outcome of one of the rare true processes of social bargaining in Congo during the transition. Its neglect undermines the democratic nature of the state and reduces opportunities for the local management of fault lines.

A bona fide land reform would be another important step towards resolution of local fault lines. The necessity of land for survival among many Congolese communities makes it an overwhelmingly crucial resource. The fact that its allocation relies on political mechanisms in a state as corrupt and dysfunctional as Congo makes it an explosive and divisive issue. Any land reform would have, first and foremost, to curtail the authority of chiefs and the state in allocating land. Second, it would have to operate some initial redistribution of land among individuals—not communities—to level the playing field and redress past injustices. This would require a massive series of local consultations and a huge documentation effort, which donors and MONUC could help with. Finally, with the land titled and distributed, liberal market principles of freeholding, supported by a strengthened judicial system, ought to be introduced. If the regular court system cannot be reformed to perform, a parallel land-specific system of arbitration could be developed. At any rate, whatever mechanisms of land distribution and subsequent adjudication are elaborated, they must
be careful to focus on the rights of individuals and not on the demands of communities, the political significance of which must be deflated by institutional design.

Conclusions and Boundary Speculations

Congo is a crime of a country. It has been from the beginning. Outside observers and analysts then occasionally think that the crime cannot be stopped without first putting an end to the country. Hence the occasional suggestions for the partition of Congo.18

While I am sympathetic to these suggestions, boundary changes are not ex ante the obvious solution to Congo's problems (as, incidentally, they might prove not to be for South Sudan either). For one thing, even if as a result of false consciousness, they would be fiercely resisted by a large majority of the Congolese themselves. It is indeed a painful irony of the Congolese state that its victims embrace its domination.19 More importantly, however, there are no meaningful ways to partition Congo. A sovereign Katanga or Kivu would be just as post-colonial, arbitrary and rife with its own fault lines.

Yet these objections do not mean that the solution to Congo's problems might not imply, ex post, some significant boundary changes and even a complete disappearance of Congo as we know it now. What they do mean, however, is that this is not for any outsiders to decide but for the Congolese. The impetus to reform that is currently necessary is one whereby the presence and the authority of sovereign Congolese institutions across the territory are deflated and diluted so as to give local communities (defined here regionally and not ethically) a voice and a chance to settle their conflicts. They must be given the tools to produce their own sovereign institutional solutions, based on local social contracts.20 The state must then be the aggregate result of these exercises, their institutional sum. But for such an exercise to be genuinely democratic, it must be agreed at the outset that local communities retain among their institutional options the right to opt out. Allegiance to Congo cannot be demanded; it must be given. An amputated Congo might be the eventual outcome, but it would most likely be a more accountable one with greater citizen ownership and a better chance at fostering security and development.