

# **Violent Politics and Silent Trade**

**HOW CONTRABAND, CUSTOM  
AND REBELLION INTERSECT IN  
NORTH KIVU'S LUBERO AREA**

**Domenico Cristofaro,  
Luca Jourdan,  
Giovanni Salvaggio,  
Christoph Vogel et al.**

## INSECURE LIVELIHOODS SERIES

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### NOTICE TO READER

This report draws from long-term ethnographic research by the four authors and three other researchers. Due to differing constraints, their names cannot be listed here.

## AUTHORS

Domenico Cristofaro is Adjunct Lecturer in African History and Development at the University of Turin.

Luca Jourdan is Professor of Social and Political Anthropology at the University of Bologna, and has done extensive research on Eastern Congo.

Giovanni Salvaggio is an independent researcher and mapping specialist focusing on conflict in Eastern Congo and migration in the Mediterranean. He is also a freelance photojournalist and a consultant with Congo Research Group.

Christoph Vogel is Research Director of the Insecure Livelihoods Series at Ghent University. He is a former UN Security Council expert and co-founder of the Ebuteli research institute in the Democratic Republic of the Congo.

## CONFLICT RESEARCH GROUP (CRG)

Director: Koen Vlassenroot

Research Director: Christoph Vogel

Project manager and learning lead: Michel Thill

[www.ugent.be/ps/conflict-ontwikkeling/crg/en](http://www.ugent.be/ps/conflict-ontwikkeling/crg/en)

## GROUPE D'ÉTUDES SUR LES CONFLITS ET LA SÉCURITÉ HUMAINE (GEC-SH)

Director: Godefroid Muzalia

Project officers: Francine Mudunga, Elisée Cirhuza and Cubaka Muderhwa

[www.gecshceruki.org](http://www.gecshceruki.org)

## GOVERNANCE IN CONFLICT NETWORK (GIC)

Coordinator: Tomas van Acker

[www.gicnetwork.be](http://www.gicnetwork.be)

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# Executive Summary

This study offers an analysis of the intersecting dynamics of custom, contraband and rebellion that mark Lubero territory in eastern Congo's North Kivu province. Through the angles of local governance, armed mobilization and transnational resource trade, the report looks at different emanations of political and economic power in a region often considered ungoverned and peripheral. Drawing from ethnographic and social network analysis as well as mapping data, this report traces the *longue durée* of local politics and armed mobilization in Lubero in a bid to situate the region's contemporary predicaments in a larger context. The first study on conflict and politics in the area in over a decade, this report pays particular attention to the southern Lubero, where recent years saw a fragmentation of authority and an intensification of unrecorded economic activities. Spread across three interconnected substantial chapters, the study investigates the multiple arenas and scales that shape Lubero's violent politics and its silent trade all the way to Butembo, Kampala and beyond, putting an emphasis on the transnational political economy of the clandestine gold trade.

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# Glossary

<b>ADF</b>	Allied Democratic Forces	<b>MONUSCO</b>	Mission de l'organisation des Nations unies pour la stabilisation du Congo
<b>AFDL</b>	Alliance des forces démocratiques pour la libération du Congo-Zaïre	<b>NALU</b>	National Army for the Liberation of Uganda
<b>ALIR</b>	Armée de libération du Rwanda	<b>NDC (-Rénové)</b>	Nduma Defence of Congo (-Rénové)
<b>AMIAP-NK</b>	Association minière agro-pastorale du Nord Kivu	<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>APCLS</b>	Alliance des patriotes pour un Congo libre et souverain	<b>PARECO</b>	Patriotes résistants congolais
<b>ASM</b>	Artisanal and small-scale mining	<b>PRP</b>	Parti de la révolution populaire
<b>CEEC</b>	Centre d'expertise, d'évaluation et de certification	<b>RCD (-K/ML)</b>	Rassemblement congolais pour la démocratie (-Kisangani/Mouvement de libération)
<b>CNDP</b>	Congrès national pour la défense du peuple	<b>RDR</b>	Rassemblement démocratique pour le Rwanda
<b>CNL</b>	Conseil national de libération	<b>RNL</b>	Résistance nationale lumumbiste
<b>CNS</b>	Conférence national souveraine	<b>RUD-Urunana</b>	Rassemblement unité et démocratie-Urunana
<b>FARDC</b>	Forces armées de la République démocratique du Congo	<b>SAEMAPE</b>	Service d'assistance et d'encadrement des mines artisanales et à petite échelle
<b>FAP</b>	Forces armés patriotiques	<b>UCI</b>	Uganda Commercial Impex
<b>FAZ</b>	Forces armées zairoises	<b>UN</b>	United Nations
<b>FDLR</b>	Forces démocratiques de libération du Rwanda	<b>UPCP</b>	Union des patriotes congolais pour la paix
<b>FPF/AP</b>	Forces patrotiques pour la paix/Armée du peuple	<b>UPDI</b>	Union du peuple pour la défense des innocents
<b>FRPL-R</b>	Front de Résistance Populaire de Lubwe-Rwenzori	<b>UPLC</b>	Union des patriotes pour la libération du Congo
<b>MFP</b>	Mouvement du front populaire	<b>URA</b>	Ugandan Revenue Authority
<b>MIB</b>	Mission d'immigration des Banyarwanda	<b>WHO</b>	World Health Organization
		<b>ZEA</b>	Zone d'exploitation artisanale

# Introduction

An often neglected part of North Kivu province, Lubero territory has been a centre of gravitation for numerous political and economic interests across the *Grand Nord* area (Lubero and Beni territory) but also in relation to Goma, Kampala and Kinshasa. Since the early 1990s, Lubero has been one of the hotspots of armed politics in the eastern Congo, with tension over land, identity and local politics triggering frequent armed mobilization. Over time, identity-driven and intracommunity tensions, such as those concerning succession questions, have contributed to conflicts, and sometimes violence. In this context, the southern parts of Lubero (in particular the Batangi and Bamate chieftaincies) were integrated into provincial and regional conflict dynamics. Conflict over land and identity and competition over economic might are driven by overlapping networks that operate on various scales (Allen 2009). Behind the façade of ethno-territorial conflict, armed groups have emerged and vanished at the hands of entrepreneurs and political elites. While these conflicts are often painted as savage and gruesome, they are driven to a large extent by pragmatic calculations (Dunn 2003).

Economically, the gold mines along the Lubero and Tayna Rivers attract provincial and regional interest and were subject to alternating phases of economic and military control. The nearby Nande business capital Butembo is a key regional trading hub for gold, timber and retail goods. A former colonial outpost, Butembo now is a bustling city of one million whose ties to Kampala, Dubai or Guangzhou are closer than those to Kinshasa, reflecting the distant relationships of the Nande community to the central government. While the Nande see Lubero as customary land, the area is also home to a large community of Hutu, who participated in customary politics by paying tributes to chiefs and giving Nande names to children. The arrival of Rwandan *génocidaires* and

refugees in 1994 shook up this equilibrium, triggering clashes and the creation of Mai-Mai groups that got incorporated into the Congo wars of the 1990s and 2000s. Ever since, some rebel leaders, such as Kakule Sikuli Lafontaine, have proved remarkably resilient and savvy in building coalitions along the “gold rivers”, as they did before with the FDLR. As the region’s business heavyweights, they keep reinventing themselves, mastering the political games and turning into Congo’s most long-standing war entrepreneurs.

Since 2014, things have taken a new twist. For the first time in two decades, the FDLR’s force has dwindled. Arriving from neighbouring Walikale and backed by the Congolese army (FARDC), the NDC-Rénové rebellion led by Guidon Shimiray ventured into Lubero. This reshuffled territorial and economic control without altering the state escapism characterizing politics and business alike in the *Grand Nord*. Losing previous allies, the FDLR faced fierce opposition from the NDC-Rénové and a new Nande-led armed franchise known as the Mazembe. The resulting tit-for-tat massacres in Luhanga and Miriki in 2016 and 2017, illustrated high levels of violence between communities but also deflected attention from deep-seated power struggles within the Nande community. Since 2020, the implosion of the NDC-Rénové and the fragmentation of the Mazembe universe heralded another cycle of conflict in Lubero, which (as in the Beni area) had just recovered from an Ebola epidemic during which a militarized response further eroded the legitimacy of outside actors. Yet, as new protagonists tighten their grip on roads and rivers, the gold supply chains experienced little change.

This study ties together insights on land and customary conflict, armed mobilization and the sprawling gold trade that links Lubero to Butembo, Kampala and the world. Mixing historical research, multi-sited ethnography and actor mappings in different localities of Lubero, Butembo, Goma and Beni and in Kampala, the study demonstrates how armed politics, transnational business and state formation at the so-called periphery contribute to a self-sustaining governance system that allows for regular transfer of power and influence without transforming the underlying logics of rule and extraction.<sup>1</sup>

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<sup>1</sup> The study also used different types of open-source intelligence (including social media mappings and GIS) to generate additional data and triangulate. Document collection and remote digital ethnography helped triangulate field research and fill gaps where necessary. Given potential safety risks, the Congolese researchers partaking in the study have preferred to remain anonymous.

Figure 1: Locating Lubero Territory within North Kivu Province in Eastern Congo



## 2 |

# Land, Custom and Local Politics in Lubero

Competition over land and local politics is a major factor contributing to violence and crises in Lubero territory. It includes a set of complex layers and problems – including dynamics of land, custom and migration – that produce insecurity and uncertainty among rural populations, fuelling a climate of paranoia and xenophobia. In such a climate, communities tend to consider themselves victims of violence, a perception that often leads to preventive action and, as in a self-fulfilling prophecy, reproduces cycles of violence. Moreover, competition for land is intertwined with other types of conflict, including over citizenship or natural resources, and contributes to violence within and between communities or different ethnic groups. In many cases, conflict over land or instances of dispossession are considered the main cause of violence and insecurity. Amplified by subsequent cycles of regionalized conflict, such as the AFDL war (1996–1997) and the RCD rebellion (1998–2003), the origins of these phenomena date back much farther in time.

Land conflicts can be considered a structural factor fuelling violence, whether or not other exogenous factors further contribute crisis and contestation. Demographic change and migration processes have exacerbated the competition for land in recent decades. However, the key dimensions of the land issue can be traced back to other aspects including the lack of legislative clarity, the dispossession of rural populations, rivalries among political networks, conflicts among local chiefs, and the broader inefficacy of the state bureaucracy. All these problems exacerbated ethnic tensions and led to a spiral of violence. To shed light on the different dimensions of the eastern Congo's land problems – and Lubero's in particular – we will first sketch its

historical roots. Then we will explore different legal and political evolutions that have rendered access to and ownership of land confusing through contradictory laws and regulation and subsequent forum-shopping. After that, we discuss two grand types of land conflict, emphasizing the plurality of actors involved, including state and non-state actors, customary leaders, bureaucrats, communities and armed groups.

Many of Lubero territory's conflict dynamics are rooted in factors observable in the eastern Congo at large. This concerns migration, identity and legal ambiguity. Lubero, especially its southern part, has been affected in part by tensions over land that find their epicentres in Masisi, Walikale and Rutshuru. There, too, the competition for land has led to a crystallization of ethnic identities and to the interference of different armed actors, in a context where the state and its institutions are unable to resolve conflicts or even end up fomenting them. However, as we will demonstrate, many of Lubero's conflicts are specific to the area. Compared to Masisi, Lubero seems more homogeneous, as it is predominantly inhabited by Nande. However, there is a sizeable Hutu population, too, as well as Kobo, Mbuti and Pere. More generally, Lubero encompasses three areas with distinct demographic and land use characteristics (Raeymaekers 2014):

- 1) Central Lubero is a densely populated area with a strong agricultural vocation. It is characterized by the presence of numerous local markets. In this area, competition for land takes the form mainly of conflicts within communities and between families. Due to the high population density, these conflicts sometimes find partial solutions in the migration flows towards the western parts of the territory.
- 2) Western Lubero is a predominantly forested area that partially absorbs migratory flows from the more populated areas in the hinterland. This area is characterized by clandestine mines and difficult access to markets for the sale of agricultural products, and borders Lake Edward and neighbouring Uganda.
- 3) Southern Lubero, the main geographical focus of this study, is a conflictual area characterized by competition for territorial control between FARDC

units, Mai-Mai groups (mostly recruiting from the Nande and Kobo) as well as the FDLR and its Congolese Hutu allies. The civilian population is a main victim of the violence. The continuous proliferation of armed groups and their fluid alliances lead to frequent outbreaks of violence that cause regular displacement of populations often already living in IDP camps.

## **2.1 The Longue Durée of Land Conflict**

North Kivu is known to be a long-standing epicentre of intense competition over land. Much of this competition materializes around citizenship and identity. Tensions have existed since before the colonial period, and often crystallize between Banyarwanda and other communities, most notably the Hunde, who consider themselves autochthonous, or in between communities (Sungura et al. 2021). Understanding such conflict requires a precise examination of the key categories and terms, their meaning and use. In the eastern Congo, the term Banyarwanda defines Kinyarwanda-speaking populations, Hutu and Tutsi, including indigenous Banyarwanda from Masisi and Rutshuru as well as migrants from Rwanda who arrived in the region in several waves, and their descendants. These migration waves are complex and deserve a study of their own that includes the tenuous citizenship questions they are associated with. In sum, the controversy in present-day eastern Congo highlights the coexistence of multiple competing narratives about migration and identity, which continue to be drivers of political and armed mobilization and claims to land and subsistence. Similar to other areas, southern Lubero has been home to a sizable population of Banyarwanda since before colonization. This has significantly complicated claims to “ancestral rights over the land” to the present day. Lubero appears to be rather homogenous compared to Masisi, Rutshuru or Walikale, with the Nande being by far the major group, comprising up to 90% of the population (even though smaller communities would not agree to be subsumed as Nande), followed by Hutu, Kobo, Pere and Mbuti. Land conflicts in Lubero can take different forms than in neighbouring areas, although there are important similarities due to geographical contiguity. Given its centrality for conflict and migration dynamics in eastern Congo, this section will explore some broader dynamics that affected Lubero as much as neighbouring areas, then return to specificities of land conflicts in Lubero, which have so far received less scholarly attention.

In 1937, the Belgian colonial administration established the *Mission d'immigration des Banyarwanda* (MIB), a colonial project that aimed to encourage migration from Rwanda to eastern Congo, where over 80,000 Hutu arrived in the following years, settling mostly in Masisi but also in other areas such as southern Lubero. The aim was to steer demographic change in the then-Rwanda protectorate and to provide labour to colonial plantations in North Kivu (Sungura et al. 2021). While colonial rule stifled conflict as a result of these settlements, the groundwork for future contestation was laid. The first tensions emerged in the colonial period between 1945 and 1957, as Belgian authorities, having pressured or bought off Hunde chiefs, allowed the Banyarwanda to establish their own chieftaincy, named Gishari. Disputes soon arose. To settle them, the Belgians suppressed Gishari, and the Banyarwanda in the area had to submit again to the authority of the Hunde chiefs. Although these initial disagreements did not lead to open clashes, tensions were bound to escalate and merge with political and social contestation beyond ethnicity.

In 1959, Belgium's divide-and-rule colonial policies fomented a spat of sectarian violence heralding Rwanda's independence, which forced Tutsi to flee to Congo, Uganda and Tanzania, where many of them obtained refugee status while others simply mixed with other Kinyarwanda-speaking populations. In eastern Congo a small Tutsi elite, who had had access to education under Belgian colonial apartheid in Rwanda, were able to access positions in the local administration, while others established themselves in commerce in Goma. Other communities also formed political networks, and the first elections in the independent Congo featured lively competition between candidates from all communities. At that time, demographics began to switch in favour of Kinyarwanda-speaking populations in Masisi and Rutshuru, and southern Lubero already had a sizable Hutu community. Some of these tensions later materialized in the so-called "Kinyarwanda war", which broke out in the 1960s in parallel to other uprisings, such as those along different Mulelist battlefronts (Sungura et al. 2021). At the national level, politicians from all communities sought to make a career in the Mobutist patronage system. The most important of these was Barthelemy Bisengimana, a Tutsi politician who joined Mobutu as a chief of cabinet, a position that enabled him to acquire a lot of land in North and South Kivu for himself and for some

members of his community. This resulted in displacement not only of Nande and Hunde populations, but also Hutu who subsequently moved further into Lubero. These processes of land concentration in the hands of an agrarian capitalist elite, at the expense of the rural population, would form the basis for later conflicts and a template reflected in more recent waves of dispossession.

## **2.2 Legislative Proliferation and Political Manipulation**

The affirmation of an elite of landlords in eastern Congo was also facilitated by the land legislation enacted in 1966 (Bakajika law) and confirmed in 1973, which created confusion between customary laws and state laws. These laws provided for the nationalization of Congolese soil and subsoil and left the possibility of managing land according to customary use, regulated by a presidential decree that was never promulgated. The subsequent invigoration and abrogation of different laws on land and soil, and contradictions with customary practice and practical norms (Olivier de Sardan 2008), led to accumulation, dispossession and subsequent conflict in many parts of eastern Congo, including North Kivu and Ituri (Sungura et al. 2020). From 1973 many colonial plantations were nationalized, but in the process of redistribution most of them fell into the hands of a few landlords connected to Mobutu. Moreover, in Lubero, the Bakajika and other laws did not account for customary tribute systems such as the *muhako* leasing system operated in Nande chieftaincies.

In short, the mixture of contradictory legislation concerning both land and citizenship questions became not only an opportunity for an agrarian capitalist elite to get hold of large estates, but also sowed the seeds of conflict. With an emerging landowner class aptly navigating the state bureaucracy and with enough money to bribe officials and customary chiefs to get land titles, the question of ethnicity got intertwined with questions of class, as poor peasants were excluded from the process. Closely linked to land access, tensions also arose over the question of citizenship: a 1972 law granted full Congolese citizenship to all Kinyarwanda-speakers who had resided in the Congo before 1950. But this law was revoked in 1981, putting Banyarwanda into legal uncertainty. In the run-up to the *Conférence nationale souveraine* (CNS) in Kinshasa in 1991, an assembly that aimed at leading the country

towards democratic transition, ethnic invective dominated political debates in North Kivu. The decision to exclude Banyarwanda representatives from the CNS, under the pretext that it was reserved for the leaders of the indigenous peoples, exacerbated serious tensions in North Kivu, not least given that representation matters in negotiating claims to land and local political power.

Hence the establishment of political and legal *faits accomplis* throughout colonial times and the Mobutu era's laying the groundwork for large-scale dispossession, the building of a capitalist landowner elite and the erosion of customary power to the detriment of rural populations. It also led to a pauperization of customary elites, including in Lubero, with deleterious effects on local governance. Meanwhile, the absence of clear legislation on land ownership and constant manipulation of citizenship contributed to an explosive situation in parallel to ongoing national political events (Sungura et al. 2021). The growing cleavage between Banyarwanda and "autochthonous" groups deepened as leaders from different communities began mobilizing armed violence. Tensions culminated in a massacre of Banyarwanda at the Ntoto market in Walikale in 1993, an event that triggered the "Ntoto war" between Banyarwanda and "indigenous" Hunde, Nande and Nyanga. Recruited by customary leaders, *notables*, and organized through youth groups and *mutualités* (ethnic self-help groups and agrarian syndicates), a first generation of armed groups emerged and confronted each other. Around 10,000 reportedly died in a series of tit-for-tat raids and fighting and over 200,000 were displaced (Pabanel 1993). In 1994, the arrival of over one million Hutu refugees and *genocidaire* forces from Rwanda contributed to further escalation, fuelled by an influx of weapons. If the Zairian state was already on the edge of collapse, this new crisis precipitated the process. Ever since, competition for land in eastern Congo has become intertwined with a set of other dynamics and a continuous proliferation of armed movements. The following sections will illustrate two main types of land conflicts in Lubero – between and within communities. Given the number of such conflicts, this report focuses on a few examples to outline key characteristics and general dynamics.

## 2.3 Land and Conflict between Communities

One grand type of land conflict in Lubero concerns intercommunity antagonisms that pit the Nande against the Hutu community. Given the area's demographics, most of these conflicts occur in southern Lubero. Generally, these conflicts result from competition over land as a result of migration and settlement dynamics. Due to the existence of armed groups, such conflicts have regularly led to skirmishes and violence since the early 1990s, and the associated first wave of Mai-Mai mobilization. In more recent clashes, since 2014 (see chapter 3), Nande and Kobo Mai-Mai often confront Hutu FDLR factions as well as their Nyatura allies in defence of the respective communities. However, these cleavages have neither always been stable over time, nor have they materialized in purely interethnic violence. Between 2009 and 2014, for instance, the Nande Mai-Mai group led by Kakule Sikuli "Lafontaine" rallied with the FDLR and its splinter faction RUD-*Urunana*, in a bid to secure its share in the local gold and timber trade. Later on, the arrival of the NDC-Rénové – an armed group with origins in Walikale – further changed what is a volatile balance sheet.

In the Luofu area, there is a large Hutu community whose origin dates to older settlement patterns and more recent cycles of conflict and displacement, including the 1994 arrival of Hutu refugees from Rwanda. In political discourse, these populations are often casually amalgamated with Congolese Hutu who had lived in Lubero for decades. Painted as one amorphous group, Hutu populations are regularly accused of taking land belonging to the Nande population. The 1996 AFDL war further accentuated this evolution, driving RDR and ALIR *genocidaire* forces, which later transformed into the FDLR, into more secluded areas of Lubero, where they could escape AFDL and RPF raids. While this presence has been unstable and temporary, tensions have been deepened whenever Nande populations felt uncertain about who was Congolese and who was Rwandan Hutu. These uncertainties have since been aptly exploited by radical Nande politicians rallying against all Banyarwanda, but also by Hutu extremists engaging in counter propaganda. While Mai-Mai fighters, during the 2000s, temporarily kicked out some Hutu populations from Lubero, many returned since around 2009, including the so-called "Nande-Hutu", that is, Hutu who had long lived in Lubero territory

and joined the Nande tributary land lease system, adopted Nande customs, or even begun giving classic Nande names, such as Muhindo or Kambale, to their children.

Redefinitions of ethnonyms and ethnic belonging are frequent phenomena in the region, and in this case, such redefinition was likely an attempt by Hutu to adapt to their customary hosts but also reclaim their own autochthony on the basis of their decades-long presence in the region and intermarriage with others. On the other hand, it exacerbated mistrust on the Nande side and was interpreted as an attempt to manipulate Nande genealogies in order to claim stable land rights. In a broader context of floating conspiracy theories, these attempts were also considered part of Kigali's strategy to force its Hutu population into eastern Congo, both to exert hegemony over the territory and to get rid of Hutu groups hostile to them. While these readings are usually pushed by more extremist leaders, the resulting climate of hostility and paranoia affects populations in Lubero more broadly. In 2016, the most recent cycle of violence erupted as FDLR troops killed 15 Nande civilians in the village of Miriki following a series of hostilities that had broken out between Nande and Hutu. This act provoked the reprisals led by Mazembe Mai-Mai, causing a series of clashes including the massacre of 34 Hutu civilians in November 2016 in Luhanga. Hostilities by all belligerents resulted in high numbers of IDPs, whose movement further aggravated tensions over land use and access.

## **2.4 Land and Conflict within Communities**

Not all land conflicts are ethnic. In fact, many conflicts – in Lubero and elsewhere, such as Masisi or Djugu (Sungura et al. 2021, 2020) – are caused by disagreements over plot boundaries or disputes over inheritance, or the succession of respective chiefs. Boundary disputes often result from unclear or old demarcation or contradictory interpretation of laws and legal documents. In many cases, claimants try to shift boundaries or reinterpret previous ownership relationships for lack of documented proof. Many of these conflicts occur within villages and communities and emerge independently of actual or perceived ethnic difference and are in fact more likely to happen within communities who live alongside each other. The weakness of local judiciary institutions, often embodied by the so-called peace courts (*tribunaux de*

*paix*), land-grabbing by agrarian elites and the politicization of customary power forms a strong triad that often foments violence. Disputes over succession or investiture of customary chiefs at chieftaincy and *groupement* levels are frequent in Lubero given the role of these (mostly) hereditary positions in local land governance.

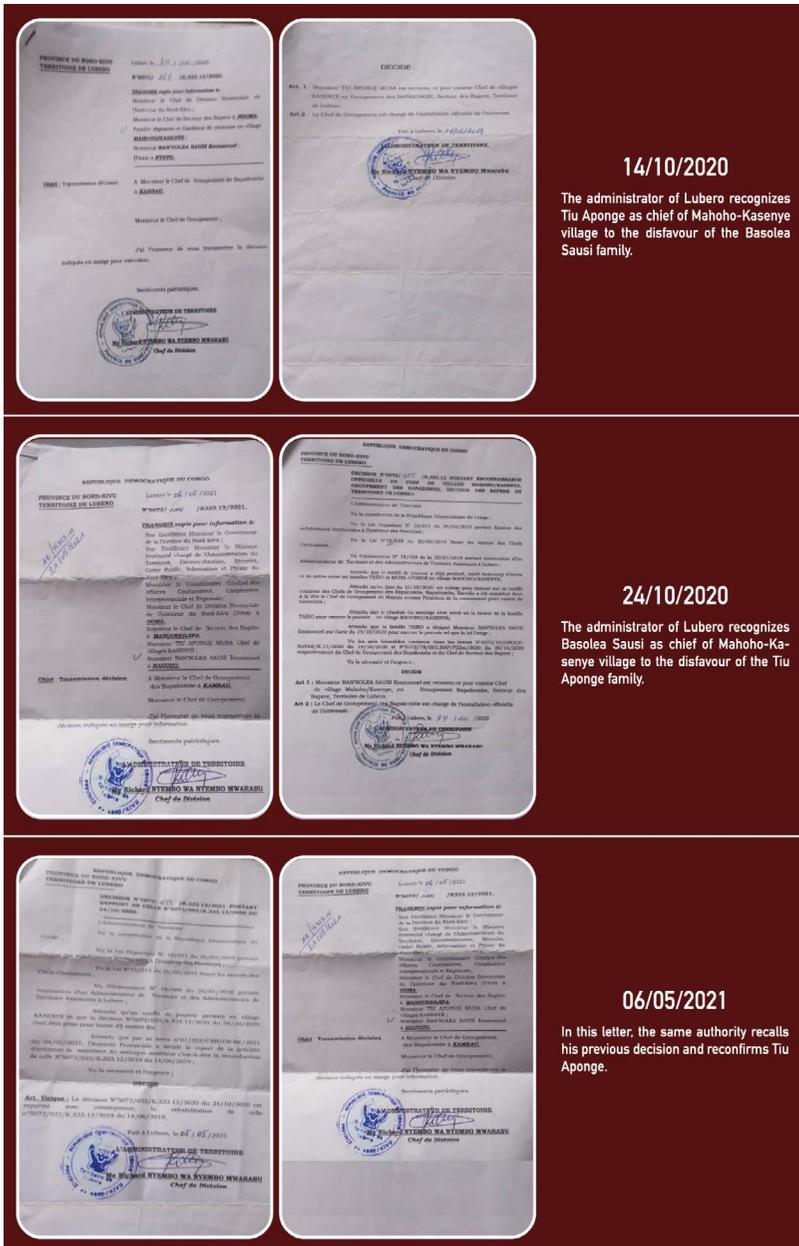
To sketch a first example, the *Chefferie de Batangi* has been plagued by a long conflict over the legitimacy of the ruling family. This conflict dates back to colonial times when the *mwami* (literally, “king”) Mikundi was succeeded by Kinhawa, who had been educated by colonial settlers but was not considered a member of the royal family or lineage. A similar situation occurred in Baswagha chieftaincy, in particular in the Musienene area, where a man called Mutambyro assumed the chieftaincy in the post-independence years. *Mwami* Mutambyro not being of the royal lineage either, he appointed – not unlike in Bwisha chieftaincy in Rutshuru – a number of “non-legitimate” subchiefs in other *groupements*, for instance in Bukenyé. Many of these more historic events around customary rule continue to frame and impact contemporary customary conflicts.

A more recent and paradigmatic case is Masereka, a village in eastern Lubero territory that has long been plagued by a land conflict rooted in a dispute over succession within the royal family of the area. This ongoing dispute originated in the early 1990s. At that time the *mwami* was Ngumbirwa, but his collaborator Mukowisse, who carried the title of *mutambiki* (in Nande tradition the *mutambiki* manages royal rituals and other issues at any respective customary court) claimed the title. To solve the dispute, a vote was held among the population and Mukowisse lost by one vote. Yet his supporters did not surrender, and so emerged a war of documents. Ngumbirwa’s and Mukowisse’s respective sides each collected whatever official documents that would support either’s appointment as the “legitimate” chief. While Mukowisse came out as the preliminary winner of this customary-legal game, some junior chiefs in the area then refused to pay royalties to the “false” king, exacerbating the conflict anew. Conflict broke out between the villages associated with the two factions, and the subsequent tensions remain, with no final judgement by higher authorities.

Such customary conflicts are often fuelled by the behaviour of state institutions. Another illustrative example is the dispute that arose in the village of Mahoho-Kasenye, where two contenders claimed the title of *chef de village*. In this case, in October 2020, the administrator of the territory of Lubero, who intervened in the dispute, first granted Tiu Aponge the title. Two weeks later, reversing the previous decision, the same administrator granted the title to Aponge's rival Basolea Sausi. In May 2021 the administrator changed his mind once again and gave the title back to Tiu Aponge. The case of Mahoho-Kasenye is an example of the many situations in which state authorities have intervened in customary struggles, denying and granting chieftaincy in exchange for political allegiance or economic benefits. As the 2016 violent conflicts in the Kasai region showed, this phenomenon is not limited to the eastern Congo. This casts doubt on the widespread assumption that state institutions are merely unable to settle disputes and highlights in what ways they often actively feed conflicts over local political, and in particular, customary power.

In sum, land and customary conflicts over power of different kinds persistently drive violence in Lubero. Legal uncertainty has placed rural communities in a situation of general uncertainty, turning armed violence and political manipulation into means to settle disputes within and between communities. Meanwhile, the dispossession and impoverishment of rural populations transformed armed group enrolment into a social mobility opportunity for young people. The next chapter will trace this evolution of armed politics in more detail and provide an assessment of mobilization dynamics since the early 1990s.

Figure 2: Letter Trail on the Mahoho-Kasenye Customary Conflict

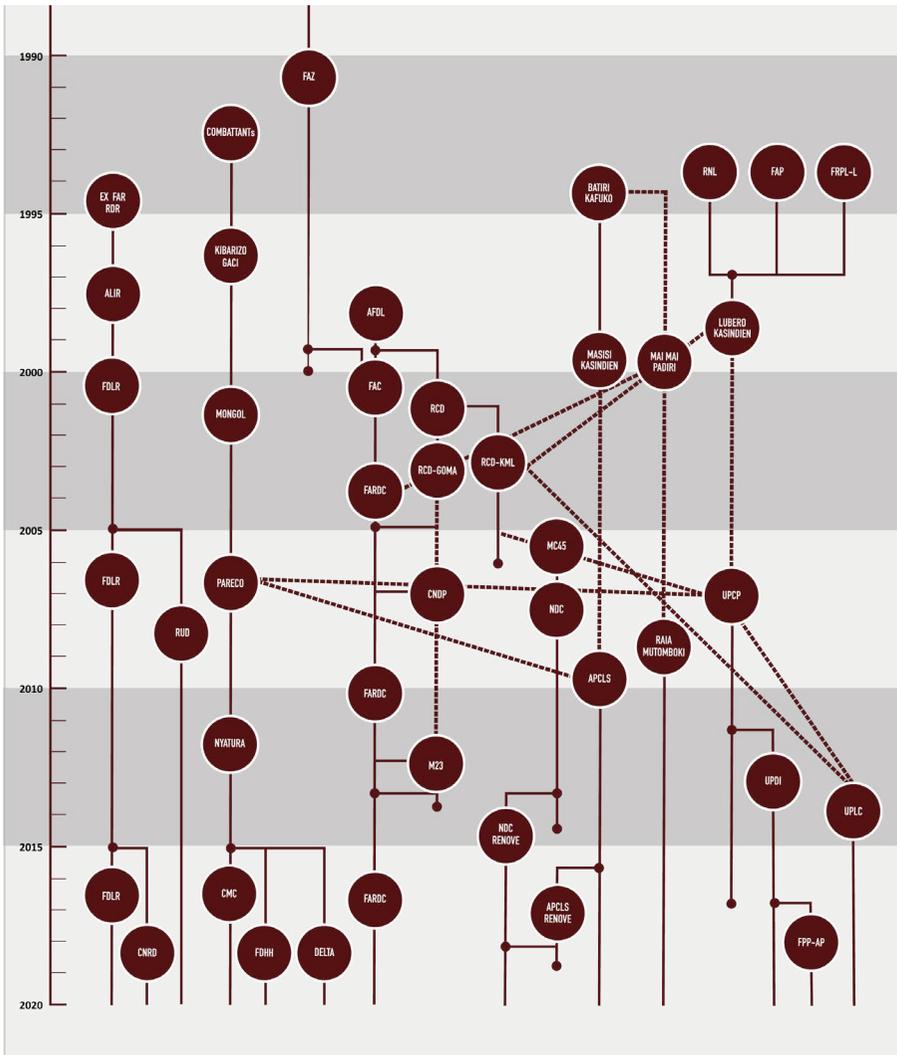


# 3 |

## The Evolution of Violent Conflict in Lubero

This chapter provides a chronological and analytical overview of armed politics in Lubero. While conflicts in the eastern Congo tend to evolve as a set of interconnecting arenas, tied together by national and regional developments, Lubero has its own dynamics of violence and mobilization, often relating to land, local political power and resources, which have informed generations of belligerents. Some of these are linked to broader regional logics of violence while others have remained very localized with limited reach beyond specific areas in Lubero. The chapter is divided into three sections, a first providing a short overview of armed mobilization, including the first wave of Mai-Mai groups and the RCD-K/ML era. After that, we trace the resurgence of violence from 2014 and the impact of military operations and proxy warfare, then discuss the increasing fragmentation of armed politics and its impact on the region's political economy.

Figure 3: Genealogy of Armed Mobilization in and around Lubero from 1990 to 2020



### 3.1 Roots of Armed Mobilization

Many contemporary armed struggles in eastern Congo can be traced back to longer trajectories of resistance and warfare, starting with anti-colonial uprisings such as the Leopard Men in northern Congo or the Nyabinghi revolts in present-day Kivu area. Other forms of armed resistance against colonial or other forms of outside domination, including those waged by the Kenyan Mau-Mau or the Dozo and Kamajor in West Africa, are inspired by the diverse nationalist resistance movements in the Congo (Mughendi and Mbindule 2003). More recent antecedents of contemporary armed mobilization can be found in post-independence rebellions at the periphery of the early Zairian state, most notably the Lumumbist CNL forces and the Simba Mai Mulele rebellions in the 1960s. Later examples include the PRP rebellion led by President Laurent-Désiré Kabila, different Simba groups (some of whom keep operating today in Walikale and Lubero) and former armed groups in South Kivu, such as Musa Marandura's rebel forces. From the 1990s the performative and ideological foundations established by some of these groups contributed to inspiring what came to be known as the Mai-Mai, an umbrella term for various armed groups (Mwaka 2003, Mughendi and Mbindule 2003).

Rooted in discourses of autochthony, self-defence and resistance against outside interference, the Mai-Mai phenomenon draws from a larger cosmology that combines aspirations to local governance with mystical elements, exemplified in the use of *dawa*, a self-made medication believed to render combatants invincible. *Dawa*, and the rituals of production and consumption, play an important spiritual and social role with Mai-Mai groups and, more recently, the Raia Mutomboki in Shabunda or Kalehe or the Mazembe in Lubero (Muzalia et al. 2022, Vogel 2014, Congo Research Group 2020). The spectrum of *dawa* includes a variety of liquids, powders and other substances, often sourced from local products and enacted in symbolism, such as ritual preparation ceremonies for combat and initiation of new recruits and that are subject to a complex system defining the rules of consumption and featuring lengthy lists of forbidden substances and activities.

In North Kivu, the notion of Mai-Mai first emerged in the early to mid-1990s in the wake of local conflict and its quashing by central government forces

but also, more strongly, as a reaction to the fallout of the 1994 genocide of Tutsi in Rwanda. Initially known as Batiri (for the Tembo) and Katuko (for the Nyanga), the first Nande-based Mai-Mai groups were known as the Bangilima, Kasindiens and Bahandule. Most of the terms foreground emic vocabularies of hunting and fighting. From 1996, several of the early Mai-Mai factions began operating in the Lubero area, more specifically those led by emblematic commanders such as Kaganga, Mudoghu and Lolwako Pokopoko (Mughendi and Mbindule 2003, Mwaka 2003). While the Bahandule group was led by Fabien Mudoghu and Sura Mbaya and later turned into the FRPL-R rebellion, early Kasindien leaders included Vita Kitambala, Ushindi and the young Kakule Sikuli Lafontaine.

Many of the early Mai-Mai engaged in fighting against local Hutu armed groups. In Masisi, for instance, the Katuko and Batiri clashed with Hutu *combattants* and *gardes civiles*, precursors to today's Nyatura. Many Lubero-based Mai-Mai groups initially also focused their war effort on defending Nande lands against migrants, refugees and *interahamwe* alike, but occasionally also engaged units of the then-Zairian army. In the wake of the AFDL's emergence in eastern Zaire in 1996, most Lubero-based Mai-Mai groups rallied to Mobutu's FAZ to fight whom they saw as invading forces. This pattern was reproduced two years later: most Mai-Mai in and around Lubero supported the new Congolese government against the RCD rebellion that began in 1998. Later, coalition-building became more diffuse.

After the establishment of the RCD-K/ML, several Nande Mai-Mai groups were de facto absorbed while others, in particular Lafontaine's former FAP group, resisted Mbusa Nyamwisi's attempts to control the entire *Grand Nord* area. Others, such as Vita Kitambala, remained closely aligned with the Catholic Church, and some developed ties with the Ugandan armed opposition known as NALU, which later merged with the ADF but kept a very low profile in their Rwenzori mountain hideouts until early 2014. During the RCD-K/ML era, Mai-Mai groups experienced significant centrifugal pressures and a first period of fragmentation occurred, as Mbusa Nyamwisi's rebellion and the central government tried to both minimize the nuisance posed by smaller, secluded belligerents and lure these groups into coalitions as junior partners. Back then, the RCD-K/ML and commanders of the then national

army tried to use Mai-Mai groups as economic allies, most notably in the gold mines of south Lubero. In certain cases, RCD-K/ML stalwarts as well as entrepreneurs used specific Mai-Mai factions as guards for pits, *comptoirs* and the transport of goods.

After the 1999 Lusaka ceasefire agreement, many Mai-Mai groups split, demobilized or otherwise transformed. Lafontaine began his coalition with the FDLR and Kitambala created the RNL Mai-Mai group, which became a main rival of Mudoghu's faction. With the RCD-K/ML's reintegration in the "1+4" transitional national government – where it was marginalized, being the only major Congolese belligerent of the Second Congo war not granted a vice-presidency – the structuring power of the *Grand Nord's* larger belligerents waned. With demobilization and reintegration programmes kicking in, many Mai-Mai groups simply went dormant in Lubero (Vlassenroot and Raeymaekers 2009, Raeymaekers 2014).

### **3.2 Military Operations and Tensions Anew since 2014**

Armed mobilization was a consistent feature of political and economic life in Lubero from the early 1990s to 2004. Armed group activity decreased from 2004 to 2014. Most Mai-Mai groups and the Lubero-based FDLR units focused on the control of local economies and were only peripherally involved in nearby conflicts, such as the CNDP war or the continuing conflict in Ituri. While ex-RCD-K/ML networks operated mostly in Beni and the easternmost parts of Lubero that border Uganda and Lake Edward – focusing on customs and occasional business with the ADF – Lafontaine navigated the revolving doors of mobilization and demobilization. Having been a member of the FARDC until around 2006, he joined Janvier Karairi and a set of Congolese Hutu commanders in creating the multi-ethnic PARECO rebellion, which sought to counter the emerging CNDP in Masisi and Rutshuru. When, around 2009, both the CNDP and PARECO formally laid down arms, Lafontaine created the UPCP, which cohabited well with local FDLR units along the Lubero's gold rivers between 2009 and 2014 – including in 2012 and 2013 when Lafontaine, alongside Albert Kahasha (aka Foka Mike), a Mai-Mai commander from South Kivu, made a short-lived attempt to rally the M23.

It was only in 2014 that Lubero's conflict dynamics experienced another uptick. After the war against M23 and in parallel to military operations that had begun against the ADF in the neighbouring Beni area, the threat and actual onset of operations against the FDLR led to a recalibration of the military equilibrium in southern Lubero. Heightened pressure pushed the FDLR from Walikale and Rutshuru back into south Lubero, exerting a lasting impact on both the rebel career of their long-time ally Lafontaine and the broader configuration of Lubero's Mai-Mai universe. For many years, militarized governance by Lafontaine's troops, the FDLR and its splinter faction RUD-*Urunana* (with whom Lafontaine also collaborated), had shaken up local politics in southern Lubero, leading to growing resentment among the Nande and Kobo populations. An increasing number of customary leaders and businesspeople came to see Lafontaine as an opportunist entrepreneur selling out ancestral lands and local resources to Rwandan invaders, even though the FDLR and its dependents were always interspersed with Congolese Hutu populations, some of whom had long since adopted Nande customs, including tributary payments to chiefs. The tide finally turned when in late 2014, the *Sukola II* operations began against the FDLR in Masisi, Walikale and Rutshuru. In early 2015, FARDC units began fighting the FDLR coming from Masisi and Rutshuru. By that time, a new rebellion known as NDC-Rénové had already begun operations against the FDLR coming from Walikale. Splitting from his erstwhile boss Sheka Ntabo Ntaberi, in September 2014, Guidon Shimiray had set up the NDC-Rénové as a trans-ethnic armed group whose official target was the FDLR. Thanks to significant FARDC backing, Shimiray not only won the internecine battle against Sheka, but also rapidly forced the FDLR and its Nyatura allies to retreat northwards (Congo Research Group 2020). The resulting civilian migration increased pressure on land, access to food, and mistrust. An early version of what is known today as Mazembe – Lubero's very own label of recent Mai-Mai mobilization – had formed in the Ikobo *groupement* and joined Guidon Shimiray in late 2014. While the NDC-Rénové alliance with emerging Nande and Kobo armed groups was marked by tension – Shimiray's military muscle thanks to his cooperation with the FARDC put his movement at the top of any coalition – it was nonetheless dramatically successful in atomizing Lafontaine's long-standing UCP and operating a series of successful attacks against FDLR positions in Ikobo and neighbouring *groupements* in Lubero.

Throughout 2015, fighting was concentrated increasingly in southern Lubero and parts of the Bwito chieftaincy in Rutshuru. The early Kobo mobilization under Marungu Muliru, who eventually joined the NDC-Rénové but was killed shortly thereafter under unclear circumstances, had expanded and regrouped veteran Mai-Mai commanders from Lubero, former Lafontaine allies and numerous young recruits. Named UPDI and led by Kitete Bushu, this main first-generation Mazembe group more virulently began engaging the FDLR and Nyatura groups but also civilians, often leading to reprisals against the Nande and Kobo populations. While the UPDI and NDC-Rénové units continued gaining ground against the FDLR, two large-scale massacres occurred amidst a much larger series of clashes and killings. On 7 January 2016, suspected FDLR and Nyatura troops attacked Miriki, killing around 20 people including the families of local chiefs, triggering another massacre, targeting Hutu civilians, in Luhanga on 27 November 2016, and that killed 35.

These massacres amplified the ethnic polarization of the conflict. While some of the UPDI's operations were conducted alongside the NDC-Rénové, Kitete's troops also carried out their own raids. The UPDI's success was part of the reason why the group and its allies became locally known as Mazembe – a nod to Congo's most successful football team, based in Lubumbashi. Other armed groups, including those that had initially called themselves Mai-Mai Yira, referring to Kyaghandanda Yira, the cultural association of the Nande and their Ugandan Konjo kin, followed suit and began operating under the Mazembe label too. Meanwhile, larger regional developments included an attempt by ex-RDC-K/ML circles to rally Nande and Hema from Ituri into a larger effort of resistance against Kinshasa, which never materialized. In 2016, most groups of the sprawling Mazembe universe managed to agree on a loose hierarchy under the UPDI. Yet, in March 2016, Father Vincent Machozi, an eminent representative of the Kyaghandanda Yira, was killed in Isale, causing a ripple effect through the community. Machozi's unsolved murder heightened internal mistrust and contributed to a series of ambushes and killings, including of other Nande leaders.

In the meantime, tensions also plagued the erstwhile NDC-Rénové alliance with the UPDI and other Mazembe factions. While the NDC-Rénové consolidated its grip on Lubero's gold sector, it disengaged from the frontlines,

raising suspicion and envy among Mazembe commanders. The tension materialized for the first time in July 2017, when the UPDI attacked the NDC-Rénové in the gold mining town of Kasugho. After days of fighting, the NDC-Rénové managed to retain its position. In the following months, battlefield diplomacy ensued between the two groups and local FARDC commanders, but further confrontations occurred throughout the rest of 2017. Tensions over interests and trust also reverberated across the broader Mazembe alliance. Composed of commanders Kitete, Albert Kasheke and Alpha Katoto, and former Lafontaine deputies Kabidon Kasereka Kasyani (a young dawa-maker who had studied with the late Ushindi of Lubero's first Mai-Mai generation), David Mbisi Kasayi and Jacques Buligho Safari, this alliance had been haphazard from the outset and relied on a vast leap of faith among commanders and factions who shared an antagonistic past as friends and foes of Lafontaine. Moreover, some Mazembe commanders disagreed about how to engage both Guidon's NDC-Rénové as well as locally deployed FARDC units. The brewing dissent came to the surface in early 2018. After a series of defections and disagreements, a few minor commanders defected and Alpha Katoto surrendered in the framework of a peace effort led by Nande politicians Kisaka Yereyere and Venant Kipasa. In September 2018, a core group around Kabidon, Safari and Kasayi split and created the FPP/AP, regrouping mostly former Lafontaine allies and quickly amassing a significant portion of the Mazembe's manpower.

While it is difficult to know the reasons and the extent to which Lafontaine pulled strings to weaken the Mazembe since he and his long-time deputy Muhamba Lyaki had returned to Lubero from Ugandan exile in April 2018, this would in hindsight be the end of a brief era of unified Lubero Mai-Mai groups. The split was also linked to divergences over whether to cooperate further with both the NDC-Rénové and the FARDC. During this period, the FDLR in Lubero had already been considerably weakened and some Nande commanders saw no point in further backing armed groups hailing from other communities. While Kabidon quickly turned the FPP/AP into a sizable force of its own, the ailing UPDI struggled to maintain other Mazembe factions under its control. While it sought a new alliance with the Mai-Mai group of the late Charles Bokande in northern Rutshuru and the support of veteran commander Jackson Muhukambuto, neither materialized and the UPDI

disappeared in 2020, after Kitete was killed in a raid – reportedly organized by his rival Kabidon.

Since 2020, the Congolese army has been trying to take back control over southern Lubero in military and commercial terms. In addition to the UPDI's demise, a number of other commanders and groups involved in Lubero since late 2014 have disappeared. The first of those was Lafontaine himself, who surrendered in June 2020 to North Kivu's provincial governor in Goma after having lost control over his previous deputies now running the FPP/AP. A month later, the looming split of the NDC-Rénové became effective. While this group had grown into North Kivu's most formidable belligerent since it was created out of the ruins of Sheka's NDC, its success as the FARDC's prime proxy force had made FARDC officers doubtful over its longer-term objectives. Adding to that, the NDC-Rénové's highly profitable business model, reaping vast benefits through an elaborated system of token-based head taxes and well-organized timber and gold enterprises, had triggered envy both within and outside. Against this backdrop, Guidon Shimiray's increasingly autocratic leadership style stood in contrast to his savvy coalition-building in earlier years (when he not only rallied the Mazembe but also several Nyatura factions and an important splinter group of the Masisi-based APCLS).

Supported by army commanders, Guidon's deputy Gilbert Bwira and former APCLS commander Mapenzi Likuhe broke away, taking around half of the NDC-Rénové's manpower in July 2021. Shortly thereafter, the new Bwira wing struck a deal with Kabidon's FPP/AP to confront Guidon, whose troops since the split became concentrated in the Ikobo and Ihana areas of Walikale. At the same time, Kabidon's FPP/AP consolidated power in southern Lubero and, after eliminating Albert Kasheke, another former UPDI and Mazembe commander, in April 2021, became the dominant force within Nande Mai-Mai circles. Moreover, the FPP/AP extended its influence westwards after the arrest of Jackson Muhukambuto by Virunga National Park rangers. Finally, in September 2021, the FARDC lost trust in the NDC-Rénové's Gilbert Bwira and arrested him.

### 3.3 The Fragmentation of Armed Politics

Lubero's recent conflict dynamics and the rise of Mazembe as a new label of Nande Mai-Mai mobilization offer a series of insights into how armed mobilization works and how it is subject to increasingly unstable and fragmented logics (Vogel and Stearns 2018). As discussed above, since the early days of the Congo wars armed mobilization in Lubero, and eastern Congo more generally, has been subject to political dynamics, shaky alliances and attempts by more powerful military actors to rally smaller, community-based armed groups. At the same time, the panoply of small-scale armed groups has been consumed by centrifugal dynamics, frequent internal battles and increasing combatant mobility. Owing to a series of unsuccessful demobilization programmes, persisting local security dilemmas and – most recently – the FARDC's approach to more consistently subcontract armed groups as proxy forces, the dynamics of fragmentation have become more intractable, playing out more violently and characterized by an inertia of their own:

Much of the violence in the eastern Congo is driven by the need of armed groups, most of whom have existed in their current or previous incarnations for many years, to survive by extracting resources and fighting for their turf. Outside interventions to disrupt this inertia have not been successful (Kivu Security Tracker 2021: 8).

In Lubero territory, this inertia has largely been driven by the army's and the NDC-Rénové's expansive campaigns, and the FDLR's attempts to escape confrontation. However, other factors, such as the Virunga National Park's increasingly militarized approach to conservation, have triggered resistance and mobilization, exemplified in the Mai-Mai group of the late Charles Bokande or the recently arrested former FARDC commander Jackson Muhukambuto, who had re-established some of his troops as Mai-Mai MFP. Both the FARDC's and the Virunga National Park's counter-insurgency units have been successful in pressuring these groups into fragmentation, internal strife and seclusion, but they ultimately did not achieve, nor had they really intended, their full dismantling.

The recent Ebola outbreak in eastern Congo, with Butembo and Beni (and to a lesser extent some health zones of Lubero territory) as the epicentres,

provided an additional push to both armed mobilization and its subsequent fragmentation and conversion that resulted in subcontractors of larger forces and other stakeholders. Employing a heavily militarized approach to confront a public health problem, the Congolese government and its partners from the World Health Organization (WHO) not only relied heavily on UN troops, the army and other security agencies (police, migration and intelligence services), but also began co-opting existing armed groups in protection arrangements to increase access in Beni and Lubero territories. For instance, the UPLC, one of the Mazembe wings operating more frequently in Beni territory but with close connections to the Lubero groups, took part in these arrangements. This approach caused both internal splits and tit-for-tat mobilization as armed entrepreneurs began vying for the spoils of the *Riposte* that sought to contain the outbreak. While the Ebola Response saw these arrangements as a quick fix to its own security problems, the funding of armed groups to outsource security and population control quickly led to intense competition and splits among belligerents for resources, as well as the emergence of new, small armed groups that competed for their own Ebola “contracts” (Congo Research Group 2021).

Moreover, Ebola had another, more indirect impact in connection to the massacres that had devastated the Beni area since the beginning of the *Sukola I* operations against the ADF in 2014. While not affecting Lubero, the scale of violence that arose from a combination of army operations, ADF reprisals, and the involvement of ex-RDC-K/ML networks and smaller groups hailing from smaller communities with a long history of resentment due to the marginalization and dispossession by the Nande (for instance, the Vuba, Talinga and others) affected the broader *Grand Nord* area (Congo Research Group 2017). In October 2016, joint Mai-Mai and Mazembe troops performed a show of force, marching into Butembo and Beni but without engaging against any state security forces. Rather, driven by the government’s meagre success against the ADF and its allies, the troops announced they would lead the popular resistance and take on the Ugandan rebellion. Although there were never formal operations, some observers saw their march as a political tactic by Nande politicians to expose Kinshasa’s inefficacy or unwillingness to solve Beni’s security problems.

This shared failure by FARDC and MONUSCO troops to stymie violence in Beni has since become a recurrent justification for Nande mobilization and significantly influenced the hostile stance against the Ebola *Riposte* between 2018 and 2020. Nande politicians and armed group leaders argued that, while astronomical budgets were consumed in the struggle against Ebola, neither Kinshasa nor the international community had committed enough resources to stopping the violence in Beni – which populations in Lubero and Beni saw as the most prevalent threat to security throughout the epidemic (Congo Research Group 2021). Adding to more long-standing repertoires and triggers of mobilization and resistance, these events further complicated and fragmented Lubero’s fraught conflict geography.

## Zooming in on the Gold Chain from Lubero to Kampala

The economy of Lubero territory has long been based on agriculture, livestock breeding and general trade. Even before the colonial conquest and the establishment of the Belgian administration, the area was characterized by a thriving long-distance trade network that connected it with present-day Uganda and beyond. Initially, this network was fuelled mainly by the salt trade. The mineral industry and mineral trade, despite following more or less the same routes, are more recent. The territory of Lubero is rich in mineral deposits (in particular gold, but also cassiterite, wolframite and colombo-tantalite), and mineral exploitation and trade began in colonial times (Jackson 2002). Their origins can be traced back to 1923, when the Belgian *Compagnie Minière des Grands Lacs Africains* began operating in the region; its operations endured until a few years after Congo's independence. Mineral extraction and trade after independence fluctuated and were often linked to crises in the agricultural sector: while Lubero had known periods of famine, there had also been moments of abundance and, as food prices decreased, people regularly resorted to working in mining (MacGaffey 1991, Vwakyanakazi 1992). Since the early 2000s, the international rise of gold prices has additionally rendered a number of small deposits in the area more profitable.

In 1983 Mobutu liberalized artisanal mining. The foundations of artisanal exploitation and clandestine trade were laid in this period. Since the 1990s, the Congolese government has struggled to maintain control over some areas of the country where the richest gold deposits are located, including in Lubero, while the real volumes of trade have skyrocketed. Moreover, the emergence of cyclical armed conflicts further positioned clandestine trade

as a prime option as a resilient black market developed between business heavyweights and conflict actors. To the present day, gold extraction and trade in Lubero is mainly artisanal and unregulated. There are token gestures of operating within the legal provisions, such as via cooperatives and *cartes de creuseurs*, but exploitation is still often technically illegal under Congolese law: most mining sites in Lubero are neither located in a government-declared artisanal exploitation zone (ZEA), nor have they been validated as “green” sites by authorities. Therefore, much of Lubero’s mineral trade is conducted in the absence of state control, offering a series of opportunities for a range of actors including traders and armed groups. Much of the mining itself and part of the trade are controlled by armed groups and their commercial allies. Small and big traders in the area, often in complicity with armed groups to gain preferential access to rich mining areas, illegally transport and sell gold in Uganda, exploiting a robust commercial network that operates outside legal channels, evading controls and taxation. In this chapter, we reconstruct some of the paths that gold follows from its extraction to Kampala, where it is sold to international traders. In the first part, we will define the places and actors involved in the extraction, paying attention to dynamics of armed mobilization and the role of the state, which has been impermanent (Raeymaekers 2012). After that, we will trace the gold supply chain step by step – from the mines in Lubero to the market in Kampala.

#### **4.1 Dynamics of Gold Extraction in Lubero**

While gold mining takes place in many places of Lubero territory, there are some areas where it is particularly important, such as along the Lubero River (especially between Muli Matiso and Ivingu),<sup>2</sup> in the Bapere sector (especially around Manguredjipa, Tembe, and Njiapanda and in the areas of Abakwasimbo and Mbunia), in the Bamate and Batangi sectors (along the Tayna and Lutunguru Rivers) and around the Kyabirimu hills bordering Virunga National Park.<sup>3</sup> In these areas, not unlike other mining areas in the

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<sup>2</sup> Particular hotspots, as per local sources, are the areas known as Kasone, Vukendo and Manzamba.

<sup>3</sup> According to various local sources, the area around the hills produced up to 100 grams per week and was under the control of the MFP Mai-Mai group led by Jackson Muhukumbuto until his arrest in June 2021.

eastern Congo, extraction is done mainly by small groups of miners and often outside of state oversight. These miners seem to have little interest in the development of a legal extraction industry, given that their small profit margins could be further affected by formal taxation. Miners often self-organize into associations or cooperatives (such as the AMIAP-NK) that are connected to commercial urban hubs such as Butembo or Goma. At the local level, miners are often nominally organized in cooperatives, even though the term cooperative – in the context of mining – often is rather a vehicle for elite capture than a text-book cooperative effort (Bahati 2016, Babwine and Ruvunangiza 2016). However, within these associations, miners often manage their own income and expenditure individually according to productivity. A plethora of different taxes exist for miners and cooperatives, including extraction rights to customary authorities, membership fees, taxes paid by miners and cooperatives to the government, and taxes paid to landowners and armed groups.<sup>4</sup>

As in other parts of Congo, mining in Lubero often disregards standards of environmental protection and labour safety. For example, the mercury used to amalgamate gold is discharged into rivers, polluting water and soil. Moreover, miners risk their lives every day due to pits collapsing and general insecurity in an area marked by armed group activity. It is difficult to estimate how much gold is extracted in Lubero's mines since miners usually sell gold for cash or exchange it for retail goods. Most of these transactions are unrecorded, and often take place directly at the mines. The buyers, in turn, have an interest in keeping the trade hidden from the state's gaze in order to evade taxation and out of security concerns. Moreover, state agencies are understaffed, poorly organized and often unpaid. In many mines, there is a form of state representation, but it remains intermittent and weak. It is an

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<sup>4</sup> By way of offering a very incomplete list of examples, the Mahoho cooperative pays US\$22 per year/person for "cartes de creuseur." Wherever not managed by a cooperative, miners need an artisanal miner's declaration and card, which cost US\$10 and US\$12 respectively. Cooperatives in Lubero also pay taxes for extraction rights to the state, which amount to up to US\$4,000 a year. Armed group taxation is variable but can up to 25 grams of gold per month per group of miners (about US\$0.5 per miner), plus US\$6 to be paid to the landowners per group. This is not a standard taxation but a fluid and flexible revenue system. According to our informants, in Kiviri, every month every group of miners has to pay around US\$6 to both the FPP/AP and the chieftaincy.

ambiguous situation: miners opt to recognize state institutions by acquiring legal documents that authorize them to extract gold. They can have a *carte de creuseur* but may still not be legally allowed to work in most of Lubero's mines as these are not in recognized ZEAs. Moreover, mining cooperatives often pay taxes to the state. Yet not all miners are willing to accept state taxation, which in many cases is evaded. This is facilitated by the fact that the gold trade is hardly traceable, especially in mining sites with no government oversight. In addition, government officials cover vast zones and have inadequate means to accomplish their duty. These officials are often unaware of the amount of gold produced in the mining sites because they are mostly absent at the time of extraction and from the market at the time of sale. One of our informants, for example, talking about the control that the state should exercise, told us

It is really difficult [to control the mineral trade], the traders are very clever, they never tell the truth. In principle, our service should estimate the production and produce statistics, but it is often biased.<sup>5</sup>

In short, as we will show in the following sections, state institutions are largely cut off from every step in the gold supply chain, starting from the mines and all the way to Kampala. However, the seemingly clear binary between state and non-state actors is, as elsewhere, often blurred in Lubero's gold sector (Rubbers 2007, Geenen 2011). As much as armed groups, army units trade protection against taxation vis-à-vis the miners, and many actors with state matriculations engage in informal and unrecorded practices.

## **4.2 Armed Groups and the Gold Economy**

Taking advantage of a weak state presence, armed groups have been operating in Lubero territory fairly freely for decades (Jourdan 2011). While minerals rarely feature among the primordial reasons for armed mobilization, many of the mines in Lubero have been controlled at some point, or still are, by armed groups, especially those along the Lubero River and in the Tayna Nature Reserve. Over time, the involvement of armed groups in mining

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<sup>5</sup> Interview with mine supervisor, Butembo, July 2021.

can alter the means and motives for mobilization and entrench conflicts. Yet patterns of involvement in and armed protection for smuggling remain stable over time and across regions, as examples in the early 2000s in Ituri highlight (UN 2005). Currently, several armed groups operate in Lubero, often in inaccessible forest and mountainous terrains with poor infrastructure and road conditions (Congo Research Group 2020). As of 2021, the main armed groups in Lubero were the FPP/AP, the NDC-Rénové and the MFP. Landowners sometimes find it convenient to call upon armed groups, for two reasons. First, in the absence of state control, brokering profit against protection helps landowners and their commercial allies to freely trade gold and impose taxes on miners; this does not mean that resource extraction outside of state control has no clear rules (Geenen 2011). Second, the presence of gold in a given area often fosters competition for that land; the actors involved in subsequent conflicts will thus try to involve armed actors to gain leverage over their rivals. One example occurred in Majengo, where the Mutendghula and the Katera families were embroiled in a customary conflict between 2010 and 2013. Both resorted to armed groups to drive the other out. Exploiting these dynamics, Kakule Sikuli “Lafontaine” managed to acquire several plots of land in return for his involvement in “solving” the conflict. The trade and taxation of gold are important sources of income for armed groups in the southern and western parts of Lubero territory. Without these profits, armed groups in Lubero may have serious difficulties in carrying out their military operations.

Taxation by armed groups does not focus only on gold. For more than 10 years, the areas of Bunyatenge, Miriki and Kanyatsi have been under the alternating control of armed groups, including the FAP, PARECO, UPCP, FDLR, RUD, UPDI, FPP/AP and NDC-Rénové. These groups have established different tax regimes, going from direct taxation and an on-the-spot presence in the mines to indirect, diffuse and capillary systems aimed at controlling multiple dimensions of economic life. This echoes schemes of control in other areas, such as the FNI rebellion in the Mongbwalu area of Ituri in the early 2000s (Fahey 2008). Currently, different models are applied: direct taxation of miners, exclusive buying rights for traders, monopolies for retail products such as foodstuffs, alcohol, tobacco and basic necessities, forced labour

(locally known as *salongo* for a given time per week),<sup>6</sup> capping of local gold prices by armed group controllers, forced reinvestment of profits into pits and small-scale trading or tolls on traffic (Congo Research Group 2020). A few years ago, when Lafontaine was the main Mai-Mai commander in southern Lubero, taxes were often directly imposed on miners and traders. In 2013, for instance, there were roughly 180 pits around Musigha, where some 9,000 miners worked in teams of about 50 and under the supervision of Lafontaine's UPCP. The UPCP provided equipment and food against a cut of the production. Control was direct and permanent, and resulted in immediate revenue in cash and kind. Miners also paid an entrance fee to the site of about US\$2 and were entitled to a portion of the gold extracted. Yet there were no other economic or fiscal strategies, such as monopolies for commercial goods, except for roadblocks where the movement of people and goods was taxed, which was also a strategy in areas under government control.<sup>7</sup>

This pattern evolved when the NDC-Rénové arrived in Lubero around 2016. Multiple novel techniques were introduced, including a token system (*jéton*), a formalization of *salongo* work in the mines, the establishment of commercial monopolies and the creation of a decentralized taxation and remuneration system in the mines under NDC-Rénové control. Applying a model that had worked well back home in Walikale's mines, Guidon Shimiray divided the area into two sectors, decreased direct fiscal pressure on miners and introduced an individual head tax (*jéton*) for anyone aged 15 to 55 (exempted were doctors, teachers and state employees). The NDC-Rénové did not only request *salongo* in the mines but also for the construction of military camps and the rehabilitation of roads. Shimiray also entrusted to some of his officers the management of monopolies over certain products or services. In Musigha and Bunyatenge, Lafontaine's historic fiefdom, an NDC-Rénové officer called Tondeuze Masita ran a timber monopoly and built a hotel. Inside the hotel, which is called "Deuxième Monde", Tondeuze operated shops for consumer goods for which he had been granted a commercial monopoly, including tobacco, pencils and alcohol. In Tondeuze's area, which stretched north to

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<sup>6</sup> Salongo is a term from the Mobutu area and refers to unpaid community work during the weekends. It is now widely used for different forms of more or less forced labour by both armed groups and government actors.

<sup>7</sup> Interviews with civil society representatives, Bunyatenge and Musigha, January 2022.

Mbughavinywa, civilians were obliged to work on the maintenance of the roads where the timber trucks travelled. In addition, the introduction of the *jéton* system changed the mining economy. Taxation was generalized and structured, with individual head taxes leading to a stable influx compared to more haphazard taxation by other armed groups. Guidon also introduced a decentralized system of payment for his troops. Each of the NDC-Rénové’s “military sectors” independently managed the disbursement of salaries and primes, sending back remaining profits to the group’s headquarters. The NDC-Rénové’s system was broadly maintained by Kasereka Kasyano “Kabidon” after his FPP/AP armed group took control of most of the area in late 2020. Kabidon maintained the same approach – including the monthly *jéton* and the monopolies – set by Shimiray. An FPP/AP commander known as Tenda Mema even took over the hotel built by Tondeuze Masita and founded a new gold extraction site near the hotel. Yet since the FPP/AP replaced the NDC-Rénové in southern Lubero, much of the flourishing timber trade in the area has been interrupted, leading to a visible deterioration of access routes to and from the area.

### **4.3 The Role of Butembo as a Gold Hub**

While reliable figures on Congolese gold production and trade do not exist, our research suggests that around an estimated 20% of ASM gold produced in the eastern Congo could be transiting the Beni-Butembo-Kasese corridor, which may amount to around 15 to 20 tonnes per year. The networks operating this trade are dominated by Nande traders and connect to Uganda, where the gold is often sold to traders of Asian origin, including Indians and Pakistanis (with connections to Dubai and other international gold hubs), and traders linked to European companies. Flowing through these networks, gold from eastern Congo often transforms from an unrecorded commodity into an official trading good along the different links of the supply chain before it ends up legal global markets. But how does the gold travel? In the following sections, we trace the steps that Lubero’s gold takes from its extraction until it arrives in Kampala and onwards.

## FROM LUBERO TO BUTEMBO

After its extraction in one of Lubero's many artisanal mines, gold is usually sold in situ to small-scale traders, or in local trading centres such as Kirumba or Kasugho – two of the main hubs for gold extracted along the Lubero and Tayna Rivers. Traders in the area often have arrangements with armed groups that offer local monopolies and allow them to buy below market prices. In this process, miners may earn an estimated average of USD\$10 per day. Transactions usually do not generate receipts. From the mines to Butembo, the buying and selling is mostly organized clandestinely, making it difficult to produce reliable estimates. As one of our informants revealed, the risk of being caught is very high for traders:

The price is negotiated at the mine level. You can do a rudimentary quality check of the material and estimate its content of gold before discussing the price. In fact, it is very difficult because if you are not careful you risk working at a loss. It can happen that the international gold spot price goes down as you purchase, and there is a lot of fake material circulating too. If you are unlucky enough to come across fake material, you suffer big losses as you resell to a *comptoir*, especially when you melt the material in the kiln, because everything that is not gold dissociates or is consumed by the fire.<sup>8</sup>

Gold trading is a risky activity, with typically small profit margins at each of the many links in the supply chain. Apart from fraud in pricing or quality, smugglers are at risk of being detected at checkpoints, extorted and sometimes also detained and prosecuted. Nevertheless, gold trading remains a highly profitable business in the area. Most of those involved know that clandestine trading can foment conflict and increase the proliferation of armed groups. Several armed groups are actively involved in gold and associated supply chains. In most cases, their commanders do not directly engage in the trade, but work through commercial links (often relatives) in urban centres such as Butembo or Goma. Before reaching these larger commercial hubs, gold is sorted in smaller trading centres, such as the above-mentioned Kirumba or Kasugho. There, some traders are licensed by the state to buy and sell gold, yet these are a minority. Most of the trade is clandestine, increasing margins by escaping Congo's high and often multiple taxation. As one interlocutor

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<sup>8</sup> Interview with a *comptoir* manager, Butembo, July 2021.

framed it, “When we pay no tax, we earn almost twice as much. That is why we prefer to work with armed groups rather than state officials.”<sup>9</sup> Hence, even in conditions where legal trade would be possible, traders may pragmatically opt for clandestine ways of trading that guarantee a higher profit margin. This is linked both to economic considerations and a more socially embedded mentality of escaping or resisting the faraway Kinshasa-based central government (Scott 2009). Yet, in a bid to maintain an appearance of legality, most traders also sell small amounts of gold on the legal market to appear credible as registered gold dealers in case of controls, and to navigate the thin line between legality and contraband. Traders thus actively avoid state controls along official, formal supply chains. Interestingly, many clandestine traders avoid dealing with registered ones, since doing so would lead to delays and a higher risk of controls. To avoid such risks, trading is based on trust at all stages (Granovetter 1985). Many of the traders who buy gold at the mines or at small commercial centres receive cash advances to purchase on behalf of larger buyers and *comptoir* owners in Butembo. Most of the latter care more about quality and availability than the actual origin of gold. *Comptoir* owners usually set the local price for gold. One small-scale gold trader explained this system as follows:

I personally had my own small *comptoir* before I joined this ‘house’ [*comptoir*]. Everyone who was my customer automatically became a customer of my new employer. Here, we also offer preferential conditions to our loyal customers so that they don’t have problems purchasing gold. That way, we try to keep our customers loyal.<sup>10</sup>

Extracted in often remote mining sites, most of Lubero’s gold is sold in small local trading hubs before being brought to Butembo. There, most of the gold is resold (and sometimes melted) to either clandestine gold *comptoirs* or – to a lesser extent – officially registered trading companies, such as Glorym.

## **THE G17 AND THE “SILENT” GOLD TRADE IN BUTEMBO**

This section looks at the social structure of Butembo’s urban gold trade. Butembo is the most important commercial hub in North Kivu. Its main

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<sup>9</sup> Interview with a gold trader, Muhanga, May 2021.

<sup>10</sup> Interview with a gold trader, Butembo, July 2021.

business sectors include the import of retail goods, agricultural products, livestock, real estate, hotels and petrol stations, infrastructure and transport. To increase their range, several of the major gold entrepreneurs based in Butembo run buying houses, the aforementioned *comptoirs*, elsewhere in North Kivu, Ituri and beyond. They also run smaller points of purchase across the region's mining areas. Usually, a few larger businesses control and regulate the configuration of trade and dominate its logistics. Certain of Butembo's heavyweight entrepreneurs are also involved in infrastructure projects or health services or invest in transport or electricity. At the same time, Butembo has

only nine km of paved roads for a million inhabitants, but a handful of powerful, discrete millionaires. None of them appear in Forbes' ranking of the richest Africans. Yet the reputations of these businessmen stretch from Johannesburg to Shenzhen, via East Africa's main ports. They are content to rule this dusty town in North Kivu, which has survived so many wars, surrounded by coffee and cocoa fields and hillsides still infested with armed groups (Tilouine 2017).

Much of this trade is unrecorded and organized beyond state oversight and control, or even abetted by state officials. This is particularly true for gold trading, which remains a key economic sector in town. The gold arriving in Butembo is bought by traders associated with larger trading companies, such as Glorym or defunct commercial entities such as Kambale Kisoni's Congocom or Congo Metal, and often undergo a first melting process into so-called *doré* bars before being exported to Uganda and beyond (Fahey 2008).<sup>11</sup> In Butembo, mineral trade as well as a range of associated businesses such as transport companies, are held by a small comprador elite, a situation similar to other gold towns such as Bunia or Ariwara, where major kingpins such as Ozia Mazio, James Nyakuni and others played a similar role to Kisoni's (Fahey 2008, UN 2005).

The commercial monopolies held by Nande entrepreneurs are intimately connected with the inefficacy of state institutions and shape each other mutually. In a context of state weakness and armed conflict, Nande businesspeople

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<sup>11</sup> Doré bars are the result of pre-refining. Bullion bars have 99.99 percent purity and are produced in industrial facilities such as AGR.

invest in local infrastructure projects and thereby acquire both influence and legitimacy in matters of local governance. This business elite has thus managed to establish a growing network of social relations that has allowed them to become the economic and political regulators of the Congolese-Ugandan border area, in part by relying on agreements with armed groups, such as the RCD-K/ML during the Second Congo War (Sweet 2020). A closer look at the gold trade in Butembo shows that transactions in the city are carried out discreetly and silently. Those comptoirs visibly through signs represent only a small percentage of the total trade, whereas numerous unmarked (including unregistered) *comptoirs* channel the majority of gold. As one of our interlocutors explained, only insiders know where and how the gold is traded:

Almost all the big traders in Butembo buy, if not gold, other minerals. Officially they sell a variety of items, but if you do a rigorous inspection, you will find that there are gold scales in almost every shop. Some others do it at home, clandestinely, but known by business partners. There is also a coded language that allows for gold traders to perform a transaction even publicly without that bystanders will ever understand what they are talking about.<sup>12</sup>

While the state's mining agencies, such as SAEMAPE and CEEC, aim to regulate the gold business in Butembo, a majority of commercial transactions are carried out clandestinely, raising doubts of whether controllers and other officials, including in the security sector, may be involved in covering up transactions. In short, the economic footprint of Butembo's most important entrepreneurs is large enough for them to have a say in all things related to trade, transport and infrastructure in Butembo and North Kivu. Hence, they often operate in parallel and in competition with state agencies, influencing local politics. In Butembo, this has led to a precarious peace that has endured through the era of RCD-K/ML to the present day. While targeted killings and popular demonstrations in town are not uncommon, Butembo is rarely involved in actual armed conflict, since it is in everyone's interest for violence and insecurity to remain in rural areas and thereby not influence the city's economic life. This aligns with the following explanation by one of our interlocutors:

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<sup>12</sup> Interview with a mine supervisor, Butembo, July 2021.

In Congo, when a town is run by traders, it prospers and escapes war. In Butembo, 17 merchants made their fortunes during the Congo wars. Now they rule this town in spite of Goma or Kinshasa.<sup>13</sup>

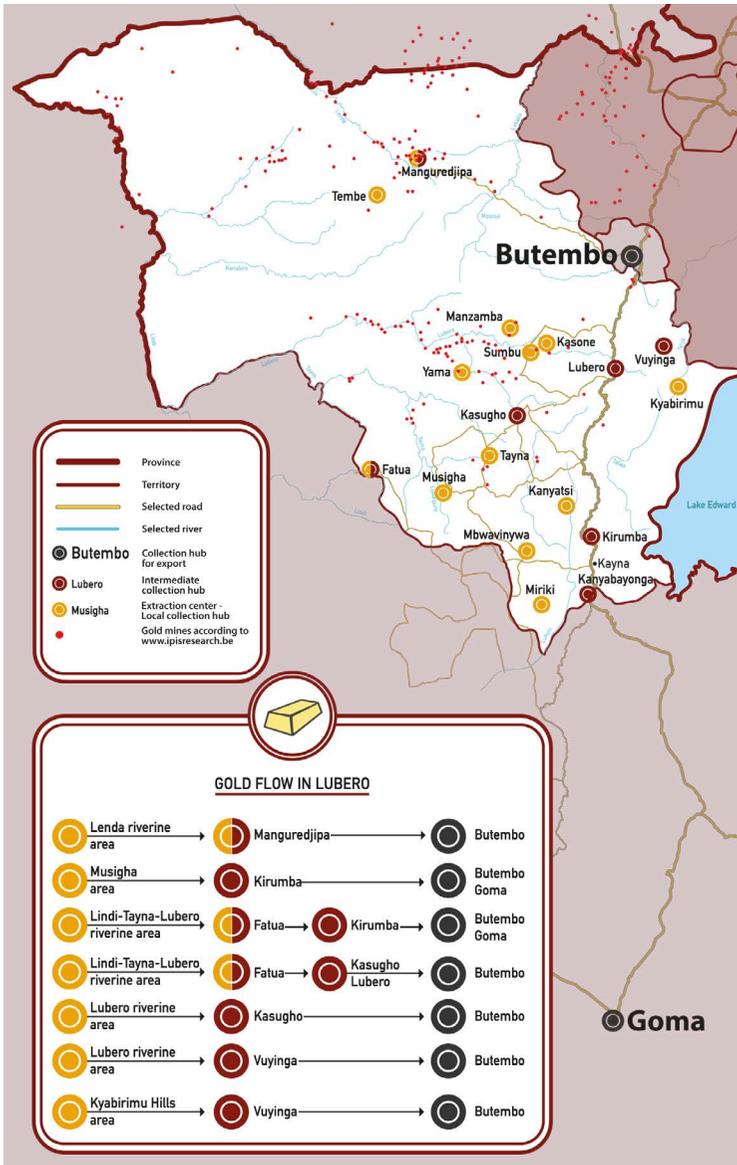
The emergence of the G17, previously known as the G8, illustrates how powerful, self-made trade elites turned Butembo into a driver of the regional economy, despite the surrounding conflicts (Tilouine 2017, Raeymaekers 2014). Yet Butembo's prosperity correlates with war. As documented by UN Group of Experts reports in the early 2000s, some of the town's trading heavyweights were involved in arms trafficking and supported rebel groups in exchange for a foothold in gold and other markets. Between 1999 and 2003, the G17 even had a formal accord with Mbusa Nyamwisi's RCD-K/ML, pre-financing the rebellion in exchange for clear and foreseeable taxes and export regulations at RCD-K/ML-controlled border crossings to Uganda (UN 2002, Sweet 2020). While such deals exacerbated armed mobilization, they contributed to certainty for traders. Butembo's entrepreneurs bankrolled these agreements, resulting in a position of strength even after the RCD-K/ML had gone. The subsequent monopolizing of the clandestine gold trade relegated government officials to a marginal position (Raeymaekers 2010). While many of Butembo's commercial elites emerged during the Mobutu era, they have been able to create global trade connections (covering minerals as well as coffee and retail goods) and acquired significant real estate and holding assets throughout Congo.<sup>14</sup>

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<sup>13</sup> Interview with a member of the provincial government, Bunia, July 2021.

<sup>14</sup> A group of businesspeople founded a cooperative called *Cultures générales du Kivu* (CUGEKI), which is officially involved in the coffee trade but alleged to be a means for laundering money from the minerals trade.

Figure 4: The Flow of Lubero's Gold<sup>15</sup>



<sup>15</sup> Although the IPIS web-mapping is the most comprehensive existing database of mining sites, some gold mines may be missing.

## THE ROAD TO UGANDA

Most of the gold that leaves Butembo used to pass through *comptoirs* managed by the G17. One of the major *comptoirs* used to be Congocom, owned by Kisoni Kambale, who controlled much of the gold trade in North Kivu and Ituri before being sanctioned by the UN in 2007 and killed by gunmen shortly thereafter (Fahey 2008).<sup>16</sup> With proceeds from the gold trade and the support of Ugandan-based partners, Congocom had set up its own smelter in Butembo, producing “made in Congo” ingots for export to Uganda. When Congocom ceased to exist, other *comptoirs* continued to operate, as the gold trade between Butembo and Kampala turned yet more opaque due to the shutdown of those few companies that used to report part of their goods to Congolese and Ugandan customs. When exporting to Uganda, most of the *comptoirs* rely on transport companies managed by their very same owners. With land transports and private airlifting services at their disposal, Butembo’s entrepreneurs have significant control over a vast part of the supply chain on the Congolese side.<sup>17</sup> Contraband also crosses Lake Edward or Lake Albert via decentralized networks of intermediaries. Yet clandestine gold trade remains a risky operation. One interlocutor highlighted the specific dangers of travelling with gold:

Gold itself doesn’t like noise. Nowhere will you hear someone who has gold telling you they have minerals. When you travel you don’t inform anyone, and you have to travel with people you know, and you trust in.<sup>18</sup>

However, the risk of being detected does not discourage middlepersons from smuggling. In case of detection, clandestine traders may either bribe customs and security officials or draw on bespoke arrangements rooted in what Congolese often call “a political umbrella”, an assurance brokered usually at higher levels, such as between a powerful entrepreneur and senior government figures.<sup>19</sup> Following Kisoni’s death, his widow Jeanne Nzanzu Mbusa and her associates established “Glory Minerals” (aka Glorym) in 2008,

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<sup>16</sup> Interview with a mining engineer, Goma, July 2021.

<sup>17</sup> This occurred mostly during the era of defunct Butembo Airlines of the late Kisoni, or Cetraca Airlines in the 2000s (UN 2005).

<sup>18</sup> Interview with a gold trader, Butembo, July 2021.

<sup>19</sup> Several informants told us that customs control is only carried out on the Congolese side.

which continues to deal with his former business partners in Uganda and Dubai (UN 2008). Nowadays, most of the legal gold trade in Butembo is in the hands of traders associated with Glorym. Currently, some of the main traders working under the Glorym umbrella are Muhindo Muhiwa, Katina Kambale Mbayahi (“Dido”) and Edouard Kambale Vikalwe. They operate mainly independently, even though formally they work for Glorym. Glorym is one of the very few known companies with a formal permit to sell, refine and export North Kivu gold. In theory, this means that traders should sell to Glorym, but the reality is more complicated. Traders only sell minor quantities of gold to Glorym officially, usually to cover up clandestine trade. Glorym itself, according to our interlocutors, buys officially and in clandestine ways, to later melt gold of different origins into one and the same ingot. In this sense, Glorym participates in the “silent” trade, as described by one of our interlocutors:

All operations are done discretely, and our buyers don't worry about that. I can't tell you here how the material is transported, even at customs I can't declare it, especially with the insecurity, we are very careful.<sup>20</sup>

Glorym has Indian, Pakistani and Arab buyers, who resell the gold directly on the international market but also export it to Uganda, where since 2015 a refinery built by Alain Goetz has been operating alongside Kampala's more established Lodhia, Vaya and Bhimji gold families. Goetz is a Belgian-born gold trader and refinery owner known for his involvement with Burundian gold *comptoirs* in the 2000s; he has recently been sanctioned by the US Department of the Treasury.<sup>21</sup> Incidentally, Goetz told reporters that as of 2017, his Entebbe-based refinery had not managed to trace the exact origin of all the gold it buys. As the following section will outline, the cross-border, regional and international trade of Lubero's gold – as with that of Ituri or South Kivu – also remains largely clandestine and involves collusion with or escaping state controls and taxation (see Tilly 1986).

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<sup>20</sup> Interview with Glorym staff member, Butembo, July 2021.

<sup>21</sup> The refinery started operations at the end of 2015. Alain Goetz previously had commercial arrangements with Laurent-Désiré Kabila and Kisoni Kambale, making him an important gold buyer in most of eastern Congo during specific periods.

## 4.4 Regional and International Markets

Most of North Kivu's gold production is exported to Uganda. Lubero is connected to Uganda via Butembo through Lake Edward and the Kasindi border post. The importance of gold in Nande trade networks derives from its value per se, but also rests on other considerations. Gold facilitates transactions outside the official banking system and allows traders to make additional profit. They use their revenues to buy gold locally and sell it on the international market, exchanging Congolese francs for US dollars. US dollars, in turn, are used to buy commodities abroad. Major gold smugglers are often used as intermediaries in this process, which constitutes a major source of credit. To avoid large cash transfers, traders deposit cash with gold traders in Butembo and then act as smugglers, delivering gold to Uganda-based buyers who will pay back their deposits. This eliminates some risks associated with traveling with large sums of money. This closed and offline trading circle has formed the bedrock of Butembo's long-standing G17/G8 trading strategy (Tilouine 2017).

From Butembo, gold crosses the border in different ways, including clandestine shipment across the lake, pedestrian border-crossing with small amounts of gold and larger operations involving *doré* bars. Usually, traffickers are received close to the border area by their partners, who provide bespoke transport arrangements, or the journey is made overnight on foot. Smugglers often travel in small groups and usually remain with their clients. These operations rely on networks of trust brokered by experienced traders and their counterparts (Adams 1970, Boissevain 1974, Landa 1981). Based on a similar value-weight ratio, the cross-border gold trade between the Congo and Uganda follows a logic similar to that of smuggling diamonds from the Congo to Antwerp and other places in the early 2000s (see UN 2002). In Uganda, the gold from Butembo is resold legally on international markets and to traders based in South Africa, Europe (in particular Switzerland) and the Arab peninsula (most prominently in the UAE), but also to Indo-Pakistani buyers or Africans of Indian descent, such as the Lodhia family and their Uganda Commercial Impex (UCI), Machanga Ltd. company owned by the Rajendra Vaya family, and A.P. Bhimji Ltd. (Mthembu-Salter 2015). Ugandan formal exports increased in the early 1990s when Kampala became a hub for

both legal and illegal gold. In 1993, Uganda's central bank reduced restrictions on gold sales and eliminated export taxes. Five years later, the Ugandan army invaded eastern Congo and established control over a number of gold-rich areas in North Kivu and Ituri, most notably under the eyes of former UPDF generals Salim Saleh and (the deceased) James Kazini (Fahey 2008, UN 2001).

This led to a dramatic increase in gold exports from Uganda, even though the lion's share originated from the eastern Congo. The three families and their companies were estimated to control over 90% of the gold trade in Uganda during this period (Mthembu-Salter 2015). Between 1999 and 2006, the Ugandan government also ran an award scheme to recognize exporters for their efforts in promoting trade. However, the awards did not account for business relationships that the companies had with Congolese traders or armed groups: Lodhia, Vaya and Bhimji all won the award in the early 2000s, which was awarded over just a few years because it was cancelled for reputational reasons. Uganda's import and domestic gold production figures have been rather consistent over the past two decades. Yet its gold exports have fluctuated considerably over the same period. During the Second Congo War (1998–2003) gold exports steadily increased from US\$18 to 60 million overall, peaking after the war at US\$123 million in 2006. From 2007 to 2014, exports dropped dramatically to almost zero, while at the same time no smugglers were apprehended by Ugandan law enforcement. During the same period, the Ugandan Revenue Authority (URA), empowered by a 2011 regulation and perhaps in consequence to then new UN and OECD due diligence guidelines, started to request traders to offer proof of origin and produce export permits for gold (Mthembu-Salter 2015). Previously, gold was treated as a commodity in transit, requiring standard paperwork to transform fraudulent imports from Congo into legal exports from Uganda that were acceptable to global markets. Therefore, smuggling deeply intersects with other financial operations and money transfers that link Ugandan brokers and buyers with the G17/G8 in Butembo, making it even harder for legal operators to compete.

A dramatic increase followed, with US\$340 million in 2016 alone and peaking in 2021, making gold one of Uganda's most important export products.<sup>22</sup> The major beneficiaries of eastern Congo's gold trade still remain the commercial network of Ugandan gold traders, even though UCI and Machanga were sanctioned by the UN Security Council in 2007. As often with sanctions, this led to the creation of new mirror and front outfits, and by 2015 "Congolese gold [was] now smuggled both into and out of Uganda", not just into Uganda, as it was previously (Mthembu-Salter 2015: 9). Moreover, smuggling out of Entebbe International Airport resembles that which occurs at other airports where both cargo and hand luggage transport of gold is frequent, including Lubumbashi or Nairobi airports (Mthembu-Salter 2015, UN 2017). Multiple UN reports hinted at the establishment of front companies by transnational gold trade groups in order to offer plausible deniability. Such deniability, coupled with governments' reluctance to sanction other governments, has for a long time saved Uganda and other countries involved in the trade from facing more headwind. Yet, in April 2022, the International Court of Justice (2022: 84) delivered its judgement in a case pitting Congo against Uganda, justifying reparations for the systematic and substantial Ugandan state involvement in the pillage and looting of Congolese gold. In conclusion, we will assess how these networked and militarized logics of extraction and cross-border trade represent a form of state escapism that thrives on a fuzzy demarcation, the de facto intermingling of formal and informal practices, and the prevalence of clandestine regional networks and powerful business consortia that participate actively in governing entire segments of social and economic life (see Raeymaekers 2009, Dobler 2016, Strazzari and Kamphuis 2012).

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<sup>22</sup> See Bank of Uganda, at <https://www.bou.or.ug/bou/bouwebsite/Statistics/Statistics.html>.

## State Formation through Escapism

This report has, across places, periods and contexts, pointed at a state-society relationship where the state is largely absent and other actors have taken its place by force or by chance. Yet, despite this seeming weakness and the decentralized distribution of authority, the state – or the idea of it – remains pivotal in the logics of conflict and accumulation in Lubero and the broader *Grand Nord* area. In simultaneously looking at the history of land and customary conflict and the evolution of armed politics and the mineral trade, this report highlighted a more durable patterns of Lubero's self-sustaining governance system, which allows for regular transfers of power and influence without changing underlying logics of rule and extraction. Intriguingly, efforts to mediate – that is, to keep at a distance without fully unmaking – the central government's grip have led to overlapping and quickly evolving claims to political authority and economic resources. These claims are expressed by armed groups, army units, and traders and entrepreneurs, and church, government and customary authorities. Going back to the three angles from which this report approached Lubero – custom, rebellion and trade – a few broader observations offer the possibility to approximate an analytical framework for understanding the volatile and violent character of business in Lubero, and the preponderance of Butembo's trade elites in the area's business flows. As Butembo's Catholic bishop once famously stated:

The secret of Butembo is a somewhat wild capitalism and a common conscience. Some big entrepreneurs became rich trough fraud, but God forgives. With them, and our protestant brothers, we're shaping an alternative model of development, unique to this country (Tilouine 2017).

Despite the insecurity and risks in pursuing clandestine trade, most stakeholders seem to prefer operating networks beyond state control that span different scales of business, politics and armed mobilization (Allen 2009, Raeymaekers 2014). The ambiguous relationship to statehood and centralized power that underpins these claims also resurfaces in the complex customary conflicts and the politicization of chieftaincy and chiefs. While customary authorities generally rely on provincial and central governments, and their prerogatives are specified in state laws, chiefs in Lubero also resent state encroachment and, notably through the wars, have found new opportunities for alliances by participating in the nationalist political momentum that emerged from regionalized conflict. In this sense, and given the duality of governance in Congo, customary structures play a key role in multiplying or undermining the reach of state institutions. Moreover, customary leaders entertain intricate connections with national elites through cultural associations, religious institutions and political parties. In turn, Nande politicians in Goma or Kinshasa also operate through an aura of remote *de facto* chiefs. In addition to mobilization by nationalist politicians, armed groups, religious and customary authorities, other factors contribute to an appetite for mediating statehood through escapism.

Adding to geographical and logistic governance challenges, high levels of formal state taxation as well as numerous and complex bureaucratic procedures discourage miners, transporters and traders from operating legally, including extortion (Schouten 2022). This impacts all economic sectors but in particular those with high rents such as timber markets and the gold supply chain. It begins in the mines, where workers grapple with prohibitive taxation by state agencies that offer few services in return for the cuts they take. Moreover, government agencies exercise little control, often due to insecurity and the remote location of mining areas. Miners, hence, navigate fluctuating military and regulatory control. Once out of the forest, gold is concentrated in the hands of urban commercial elites operating parallel legal and illegal channels (Abraham and van Schendel 2005). Deals are based on trust and relationships, with approval and kickbacks from so-called “incontournable” entrepreneurs who control infrastructural and commercial ventures and collude with state agencies, thereby reproducing a privatized form of sovereign power (Vogel 2021). Similarly, along the supply chain, traders try to

escape the state (Scott 2009) in order to avoid taxes (Vogel and Musamba 2017, Hoffmann, Vlassenroot and Marchais 2016, Schouten et al. 2017) and practice fiscal disobedience, dissimulating traces of recorded trade (Roitman 2005, Ellis and MacGaffey 1996).

Miners and local traders hence prefer to operate independent of state control, leading to arrangements with security operators who involve armed groups as much as army units, which offer protection in exchange for taxation, often at predatory levels. Some of these arrangements have roots in how Nande elites have held the Zairian state at a distance since the 1970s or how they co-opted the RCD-K/ML and smaller armed groups more recently; but in overall terms, centralized authority remains weak and contested (MacGaffey 1987, Callaghy 1984, Raeymaekers 2014). Finally, the radiance of Butembo's G17/G8 business elite further emboldens defiance and escapism across the region, given their moral and intellectual influence on politics and trade, and their – in the eyes of minor traders and miners – impressive success. In this sense, such instances of alternative state performance highlight that the Nande's attempt to resist and escape is not driven by anarchic ideology but rather by a broader feeling of abandonment that requires developing autonomy and believing in self-determination (without, however, questioning belonging to Congo), and by smooth political and economic operators who have bankrolled this sentiment in their justification of unrecorded trade and their pivotal position in Butembo's political and economic life. Yet this is no reason to romanticise any of these dynamics too far.

In recent decades, Lubero's fragile security and economic situation has led to multiple social crises that have negatively affected livelihoods and prospects for communities. Much of this is interconnected with the logics of business and trade in Butembo and across Lubero territory. As in other parts of eastern Congo, the lack of employment opportunities and the war-induced logics of displacement have made mining a lucrative, accessible, mobile opportunity to make ends meet. Moreover, formal employment and agriculture are static and characterized by low yields. These and other conditions have paved the way for rentier economies and, more important, the social acceptance of elite-driven unrecorded trade. This trade has intensified in parallel to the dismantling of the public sector and the drastic reduction in redistributive

spending since the 1980s, owing to the global wave of structural adjustment and the concomitant decay of the Zairian state. These evolutions forced many Congolese, not only but also in Lubero, to muddle through, as the infamous *article quinze* bonmot suggests – referring to Mobutu’s call for Zairians to make ends meet –, and manage their lives according to their ability to deal within a largely normalized “crisis economy” (Vogel 2022). Clandestine trade has thus become intertwined with local politics, for the kingpins of Butembo’s business are not always very visible but certainly able to transform commercial power into political clout as they engage with elected and appointed authorities.

As a result, a convoluted set-up of diverse and dynamic business partners dominates commercial practices and their socio-normative configuration in Lubero. These connections are rooted in robust networks that stretch into the realm of customary and religious power, and with links to armed groups. As important enablers of violent supply chain management, armed groups are tolerated despite their comparatively high costs for producers. While these are a risk for business elites, their interest lies in tying them into the broader networks of trade, making them dependents rather than threats to business. A characteristic of trade schemes involving added value (even if limited to purification and smelting) is that value increase is exponential. Congolese miners, middlemen and traders, Ugandan operators and international clients thus form a larger chain that generates the financial flow underpinning the armed politics and contraband in Lubero. In all of this, the predatory impact of armed actors is felt mostly at the mining level. Supply chain power relations and the broader logics of rule and extraction that frame state authority and escapism in Lubero thus allow for more powerful stakeholders to perpetuate and stabilize a business model otherwise considered fragile.

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