

The Past in the Present

ETHNICITY, CONFLICT AND POLITICS IN EASTERN CONGO

Kasper Hoffmann,
Codefroid Kihangu Muzalia,
Cesar Muhigirwa Tungali
and Alice Mugoli Nalunwa

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The Insecure Livelihoods Series publishes independent and field-driven information and analysis on the complexity of conflict and security in the Democratic Republic of Congo. Its reports are based on independent, non-partisan and collaborative research.

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Executive Summary

Since colonization and throughout the independence period, ethnic identity has played a major role in the politics and conflicts of the Democratic Republic of Congo. This report investigates how issues of ethnic identity intersect with politics and conflicts in eastern Congo, and particularly Kalehe territory and on Idjwi Island, South Kivu Province. It demonstrates that these connections are anchored in long-term historical processes. We make two main points: First, we argue that colonial policies of ethnic territorialization and indirect rule have strongly shaped today's politics of identity and territory in eastern Congo. We show how colonial policies of ethnic territorialization and indirect rule changed the means and ends of political authority in eastern Congo in profound ways. The overall effect of these policies was that the purpose of political authority gradually pivoted towards the extraction and accumulation of resources, the capture and amassing of authority, and ensuring the support of state authorities. Furthermore, we argue that, in the long run, the idea of ethnic territories came to shape how elites and the masses understood politics and its stakes in Congo, resulting in ideas of ethnic identity and territory becoming more salient in political struggles. Second, we argue that the colonial legacy of resource accumulation, ethnic territorialization, and the concentration of authority has produced an inequitable and fragmented political order, which is conducive to conflict. As a result, our main recommendation is that a fundamental reckoning with the most destructive legacies of Congo's colonial legacy – resource extraction, the centralization of authority, and ideas about bounded and homogenous ethnic identities – should be a main priority of the efforts of the people of Congo to establish a sustainable political order.

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Introduction

In recent years there has been a resurgence of territorial claims by local political and military elites in South Kivu in eastern Congo. They demand state recognition of their right to a greater degree of self-rule over their ethnic homeland. These claims did not appear suddenly or out of nowhere. They are, rather, the latest acts in a long series of struggles for authority over resources, people, and territory. The ability to define the history and borders of these territories as well the identity of the people inhabiting them is a major stake in these struggles.

In this report we explore the politics of ethnic identity and territory in the eastern Congo through case studies of the territories (*territoires*) of Kalehe and Idjwi Island, South Kivu. We make two main points. First, we argue that colonial policies of ethnic territorialization and indirect rule have strongly shaped today's politics of identity and territory in eastern Congo. We show how colonial policies of ethnic territorialization, and indirect rule changed the means and ends of political authority in eastern Congo in profound ways. Before the colonial period the principal objectives of political rule were internal legitimacy of the community and communal cohesion. During the colonial period this changed when indigenous rulers were forced to provide resources and labour to the colonial overlords. The overall effect of colonial intervention was that the purpose of political authority gradually pivoted towards the extraction and accumulation of resources, the capture and amassing of authority, and ensuring the support of state authorities.

Furthermore, we argue that, in the long run, the idea of ethnic territories came to shape how elites and the masses understood politics and its stakes

in Congo. Whereas prior to colonization collective political identities were generally heterogenous and fluid, during the colonial period ideas about territorially bound ethnic communities gradually became more salient politically. This means ideas of ethnic identity and territory gradually became more salient in political struggles. Related to this we argue that there is an overlap between ethnic identity politics and patron-client relationships insofar as political leaders are expected to act as protectors of their kinspeople and their home territories (*territoires d'origine*). When they fail to do so, they can lose the support of their clients. Second, we argue that the colonial legacy of resource accumulation, ethnic territorialization, and the concentration of authority has produced an inequitable and fragmented political order, which is conducive to conflict. As a result, our main recommendation is that a fundamental reckoning with the most destructive legacies of Congo's colonial legacy, that is, resource extractivism, the centralization of authority, and ideas about bounded and homogenous ethnic identities, should be a main priority of the efforts of the people of Congo to establish a sustainable political order.

The history and culture of Kalehe and Idjwi are thoroughly intertwined. Kalehe is an administrative territory (*territoire*), which was first created in 1945 by the colonial authorities. Kalehe contains two chiefdoms, Buhavu and Buloho, 15 subdistricts (*groupements*) and 97 villages (*localités*). In ethnic terms, most of the population identify as either Havu, Tembo, Rongeronge, or Hutu. However, people from other groups also live there in large numbers, including Shi, Bembe, Nande, Tutsi, Rega, Nyanga, Twa/Mbuti, and Hunde. Idjwi is a large island situated in the middle of Lake Kivu. It was part of Kalehe territory until 1974, when it became an independent administrative territory (*territoire*). Idjwi Island is roughly 40 kilometres long and at most 10 kilometres wide. It is divided into two chiefdoms: Ntambuka in the south and Rubenga in the north. Ntambuka has three subdistricts (*groupements*): Mugote, Mpene and Nyakalengwa, and 50 villages. Rubenga also contains three groupings: Bugarula, Bunyakiri¹ and Kihumba, and it has 33 villages. The inhabitants of Idjwi are referred to collectively as Bany'Idjwi. In ethnic terms, the vast majority of the inhabitants identify as Havu, and there are

¹ Bunyakiri grouping in Rubenga is not to be confused with Bunyakiri in Kalehe, which refers to the Tembo areas of Kalima, Mubuku, Buloho, and Ziralo.

about a dozen different clans. However, the population is neither historically nor culturally homogenous. Lastly, a small number of Twa/Mbuti, who are not counted among the Bany'I djwi, inhabit the island.

Kalehe has been hard hit by conflict since the early 1990s and remains one of the areas in Congo that is affected the worst by conflict and insecurity. There are significant numbers of refugees, food shortages, lack of basic health services, and about a dozen armed groups active in the area. These armed groups produce insecurity and conflict: from daily harassment and extortion, to clashes, to collateral damage, to targeted killings. Most of these armed actors are deeply embedded in certain ethnic communities (Vlassenroot, Mudinga, and Hoffmann 2016). Furthermore, they are part of the wider economic, social and military power struggles for control over territory, resources, people and political authority, which have marked the Great Lakes Region for two and half decades. In addition to these community-based armed groups, there are bandits in the area attacking people and destroying and plundering property. Lastly, there is a significant presence of Congolese security forces tasked with restoring law and order. However, they are ill-equipped and poorly paid and must funnel resources to their superiors in the military hierarchy. As a result, the security forces also end up contributing to the daily harassment and extortion in the area (Muzalia et al. 2022; Bouvy, Bisimiwa, and Batumike 2021).

Ethnic identity intersects with Kalehe's conflicts on many levels, from land disputes between individuals, to large-scale conflicts over resources, such as minerals, forests, fields and pastures, to conflicts for control over access to infrastructure, such as roads and markets, to control over political and administrative units, such as chiefdoms, groupings, towns and territories, to political representation at the provincial level and national level, and all the way up to regional and international geopolitics.² Idjwi Island is not marked by violent conflict in the same way. However, identity politics does play a

² "Land" and "territory" are overlapping concepts and socio-material realities. In this report we distinguish between the two. We understand land to be a *relation of property*, a finite resource that is distributed and owned, and a resource over which there is competition. Territory, on the other hand, we understand as *political space*. It is broader than land, as it is simultaneously legal, political, economic, social, cultural and affective (Elden 2010).

role, although it is rarely articulated in ethnic terms. The exception to this is a conflict between Mbuti/Twa and Bany'Idjwi. The other main identity fault lines are north-south relations on Idjwi and relations between Rwandans and Bany'idjwi.

Historians David and Catharine Newbury and Gillian Mathys argue that in order to avoid reproducing present-day conflict narratives that establish enmity and antagonism between identities, it is necessary to take a long-term historical perspective on the violent conflicts of the Great Lakes (Newbury and Newbury 2000, Mathys 2017). We take a similar approach in this report, as we try to show how the past is connected to the present in the politics of ethnicity and territory in South Kivu, and specifically in Kalehe and on Idjwi.

The report draws on long-term research in the region as well as new research carried out specifically for this report. This latter research was carried out at four sites: Bukavu, Kinshasa, Kalehe and Idjwi. In total, 82 semi-structured interviews were carried out with a variety of different people. In Bukavu and Kinshasa the focus was on political elites including politicians and leaders of ethnic associations. In Kalehe and Idjwi we interviewed a variety of people including customary authorities, civil society representatives, displaced people, businesspeople, administrators, intelligence agents, farmers, herders, members of ethnic associations and more.

2 |

Ethnic Identity and the Political Economy of Conflict

Our understanding of ethnicity departs from a constructivist understanding of collective identity. This implies that we understand collective identities to be dynamic, constructed, and flexible rather than static, bounded, and homogenous entities. By this we mean that collective identities are never fixed but continuously defined and redefined through political struggles (Brubaker 2009, 22–24; Bourdieu 1991; Brubaker and Cooper 2000; Hall and du Gay 1996). However, this does not mean that they are easily manipulated, or changed, or that all aspects of a given community’s identity are equally important in political terms. Our claim is, precisely, that for historical reasons ethnic identities are particularly salient in the Congo’s conflicts and politics. More so, for instance, than religious identities, though there are overlaps. Moreover, even though ethnic identities are dynamic, constructed and flexible, they still generate strong feelings of belonging, attachment, pride, and loyalty. Lastly, ethnic identities are not easily circumvented, as they are imposed through laws and institutions. Often, political and legal rights are bound up with people’s ethnic identity. Issues of identity therefore are not just emotional and ideological phenomena. They are also deeply embedded in the political economy of conflict. In Africa, Mamdani has argued, people’s political and legal rights are conditioned by their ethnic identity. In some postcolonial contexts, being part of a customary chiefdom is a precondition to be fully recognized as citizens by the state. Since many people are not part of state-recognized customary chiefdoms, their citizenship rights are challenged (Mamdani 1996). This was particularly the case with migrant workers and refugees, but also nomadic people.

The question of citizenship and customary land rights is particularly conducive to conflict in eastern Congo. Large groups of Kinyarwanda-speaking populations have settled in eastern Congo before, during and after colonization (Bucyalimwe Mararo 1997; Mathieu and Willame 1999; Willame 1997). Some of these populations have arrived there as migrant workers, others as refugees, others as politico-military groups, others as traders, and still others have been in the area since long before colonization. After colonization the citizenship status of some of these groups was challenged and it remains so today (Jackson 2007; Verweijen et al. 2021). Indeed, there is a deep conflict between communities who have lived in eastern Congo for centuries and Kinyarwanda-speaking communities. The former often consider the latter foreigners and do not recognize their political and legal rights, regardless of when they arrived. As a result, the latter often struggle for recognition and access to resources and the right to hold office, which is often the crux of the matter. Officially, a 2004 law on Congolese nationality provides an inclusive framework for citizenship based on birth and de facto ties of belonging. However, at the same time, it continues to rely on ethnicity as a basis on which nationality can be claimed. Specifically, it provides that a person is Congolese by birth (*congolais d'origine*) if he or she belongs to one of the “ethnic groups and nationalities of which the population and the territory constituted a part of what became Congo at independence”.³ This reliance is further underscored by Article 10 of the country’s 2006 Constitution,⁴ which still refers to ethnicity as the core criterion of national identity. However, the law has left several legal ambiguities, which can be used to deny Kinyarwanda-speaking groups citizenship rights. For example, the law does not define what ethnic groups inhabited Congo at independence (Jackson 2007). Such a definition was omitted in order to avoid inflaming tensions between groups. However, it has left this important issue unaddressed. Hence, the law on Congolese nationality is ambiguous, and the struggle of who has what rights in eastern Congo is very much fought on the ground between different groups.

³ Loi N° 04/024 du 12 novembre 2004 relative à la nationalité congolaise, art. 6, Kinshasa, 2004. <http://www.leganet.cd/Legislation/Droit%20Public/Divers/AM.261.04.07.2006.nat.htm>.

⁴ Constitution de la République démocratique du Congo, art. 10, Kinshasa, 2006. <http://www.leganet.cd/Legislation/JO/2006/JO.18.02.2006.pdf>.

The Formation of Ethnic Identities in Eastern Congo

During the colonial era a particular understanding of ethnic identity was institutionalized in the area that is Congo today. This understanding drew on European anthropological science, which framed peoples as bounded and discrete races or ethnic types. This understanding was at a significant variance from existing political institutions, socio-political identities and cultures. Indeed, prior to colonial occupation, Congo was home to a set of highly diverse communities and political systems, which varied significantly in size and organization. Importantly, in the majority of these cultures socio-political identities, and boundaries were more fluid and inclusive than those imagined by the colonizers (Ndaywel è Nziem 1998; Vansina 1990; 1966).

The colonial process of state formation transformed these cultures and their political systems drastically. The Belgian colonial state tried to organize Congo's indigenous populations into territorially bound ethnic units, called chiefdoms (*chefferies*). These units were incorporated into the territorial structure of the colonial state and headed by customary chiefs (*chefs coutumiers*) appointed by the colonial authorities (Jewsiewicki 1989; Bawele 1995; Young 1965). Colonial intervention did not change cultures and identities overnight. Rather, it was a drawn out and uneven process, which played out differently in different regions. Yet, there were certain commonalities. Often, customary chiefs were appointed without respecting existing customary rules of accession to power. Instead, they were recognized based on their willingness to collaborate, their openness to progress and civilization, and their ability to impose order and provide the resources and labour demanded by the state (Hoffmann 2021; Newbury and Newbury 1982). The extraction of resources

was extremely violent. Violent extraction reached its zenith during the period of the Congo Free State (1885-1908) under the suzerainty of King Leopold II. In search of immediate profit, the Congo Free State and concession companies violently forced the inhabitants of the Congo Basin to collect primary commodities, especially rubber and ivory. Hence, in essence, the creation of chiefdoms was done in order to facilitate resource extraction.

Crucially, indigenous people were not without agency in these processes. The chiefdoms and their boundaries were constructed in collaboration with indigenous elites and drew upon precolonial social identities and histories. It is, therefore, factually incorrect to claim that the customary chiefdoms were invented by the colonizers. Instead, by appealing to indigenous values and institutions in addition to their own, the colonizers harnessed African elites' ambitions for power, resources, and status, to rule indigenous populations (Spear 2003). Hence, the politics of ethnic identity was a ruling strategy put in place to facilitate resource extraction, which served both the interests of certain indigenous leaders and the colonizers.

3.1 The Politics of Identity in Kalehe and Idjwi Island during the Colonial Period

These general dynamics of colonial state formation also played out in Kalehe and on Idjwi Island. Prior to colonial penetration, the political landscape in Kalehe and Idjwi Island consisted of an assortment of interconnected polities, which straddled two vast cultural areas. To the west were the forest cultures of the Congo Basin where people lived in small, independent, but highly interactive polities, such as the Tembo, the Rega, the Bakano, and the Nyanga, and to the east were the more centralized highland states of the interlacustrine cultures, such as the Shi and the Havu (Biebuyck 1957; Newbury 1991, 43–47; 2009, 2–3). In the polities of the forest cultures a high degree of individual mobility meant that contacts among different groups were frequent, but not enduring. Therefore, ideas and material items travelled extensively, and political identities and spaces were flexible and fluctuated. Executive power was dispersed among many groups, individuals and families. They arrived at decisions and performed their functions communally. This meant that a very high proportion of families were directly tied to the ritual or executive

complex of a given polity. Importantly, therefore, status was defined more by ritual function and proximity to royal status than by descent (Newbury 1991, 51–52).

The interlacustrine cultures constituted a cultural complex that stretched from Lake Albert, the Victoria Nile and Lake Victoria, in the north and east, to Lake Edward and the Mitumba Mountains in the west, and to Burundi and Buha (in Tanzania, just south of Burundi) in the south. Though heterogeneous, these cultures were characterized by highly centralized political organizations, a high degree of social differentiation within individual polities, and mixed economies based on cattle keeping and seed agriculture (Newbury 1991, 330–31). The vast cultural complex included a series of powerful states such as Buganda, Bunyoro, Ankole (in present-day Uganda), Karagwe (in present-day Tanzania), Rwanda, and Burundi. However, the differences between the forest cultures and the interlacustrine cultures should not be overstated (Newbury 1991, 16–17). Indeed, as late as the mid-18th century, societies around Lake Kivu shared many of the general characteristics of the forest cultures (Newbury 1991, 43). However, over the course of the 18th and 19th centuries, the characteristics of the interlacustrine political cultures gained ground on Idjwi Island and on the mainland west of Lake Kivu as well. The initial impetus of this change was the expansion of Rwandan state power through the Abanyiginya dynasty towards the west. Therefore, the areas that are known today as Kalehe and Idjwi Island constituted a transition zone of the two major political cultures of Central Africa.

COLONIAL CONQUEST AND RULE IN KALEHE AND ON IDJWI ISLAND

The Kivu region was the last to be explored and conquered by the Belgian colonizers, who did not arrive there until 1894 (Kopytoff 1987; Newbury 1987; Njangu 1973; Mathys 2014). When they arrived, the region was already in considerable turmoil due to recent Rwandan invasions and raiding by Zanzibari and local slave and ivory traders. Therefore, the colonial conquest became part of an existing context of violence. Furthermore, the governments of Belgium, Britain, and Germany disputed the positioning of their colonial borders in this area. Due to these imperial tensions the Belgians focused on defending the state's borders. They subjected a vast area between Beni in the north and Kalembelembe in the south to military rule (Louis 1963;

Vandewoude 1959). In this context of violence and imperial rivalry, the Belgian colonizers needed local allies.

In Kalehe, they allied with two chiefs: Rushombo and Sangara Bigirumwami. Rushombo and Bigirumwami were sons of Mwami Ntale II, the second king of the Basibula dynasty, the ruling family of the Havu. They were descendants of the founding father of the Buhavu Kingdom: Muhande. Rushombo's domain was called Mpinga and situated in the present-day subdistricts (*groupements*) of Mpinga-Sud and Mpinga-Nord on the western shores of Lake Kivu. Bigirumwami's domain was situated just north of Mpinga. The colonizers considered these polities as feudal chiefdoms, which depended on the centralized Abanyiginya kingdom in neighbouring Rwanda, which the colonial rulers admired and believed could serve as civilizing mediators to local cultures, which they considered more "savage" and "primitive" (Hoffmann 2021; Newbury 1978). In particular Bigirumwami, who had lived at the Rwandan court, was considered a model customary chief (*chef coutumier*) devoted to progress and civilization (Shanyungu 1974, 64). In stark contrast they considered the people living in the forested areas as exceedingly primitive and devoid of effective political institutions. Furthermore, they were confronted with a rebellion in the area, which was put down in 1912–13 (Hoffmann 2021). Hereafter, to better control the people of the forests, the colonizers created four Tembo chiefdoms. However, they only existed on paper, as the colonizers did not have much contact with these populations and did not officially recognize their chiefs. They also faced recurrent resistance from the Tembo, who could not provide the resources provided, especially during the Belgian offensive against the Germans in East Africa during the First World War (Shanyungu 1988a; Mapendano Pindo 1977).

Prior to colonial rule Idjwi contained a single independent kingdom, whose rulers descended from the Basibula dynasty on the mainland. However, colonial and local elite politics would eventually divide the island into two chiefdoms: one in the north and one in the south. Today, the two chieftaincies are known as Ntambuka (south) and Rubenga (north) chiefdoms respectively.

In the late 18th century, the Basibula dynasty was located at Nyabihungwe, near the south end of Lake Kivu. Following a schism in the royal family, the

senior line under Kamerogosa moved further north to Kalehe. In the early 19th century, the junior line under Mwendanga moved to Idjwi. The rest of the population descends from immigrants that arrived about the same time as the Basibula. They arrived independently from the royal family and from each other and came from different areas. However, over time, a segment of the royal family – under Tabaro – which had been sent to the north to administer the area, developed increased administrative autonomy from the royal court in the south. A series of Rwandan attacks and intermediary rule during the last quarter of the 19th century divided the two sides further, as Tabaro tried to take advantage of the Rwandan presence to extend his authority further south. The death of the Rwandan conqueror King Rwabugiri in 1895 on Lake Kivu, in an ambush orchestrated by Havu, restored sovereignty for the Basibula dynasty. However, independence did not last long. The island was part of the border dispute between Belgium and Germany (1899–1910), but eventually ended up as part of the Belgian Congo. Belgian officers established a military post on Idjwi in 1912.

When the Belgians arrived on Idjwi, Ndogosa was the legitimate *mwami* of Idjwi. He had succeeded Mwendanga's son Kabego (died c. 1875) to the throne. At first, the Belgians recognized Ndogosa as the customary chief (*chef coutumier*) of Idjwi. However, during the next couple of decades relations between Ndogosa and the Belgians deteriorated. Belgian demands for resources and exactions were the source of this worsening relationship. They were impossible to comply with, exceedingly brutal and destabilized Idjwi's populations and institutions, especially in the south. Ndogosa tried to resist colonial demands by going into hiding with parts of the population. However, this led to military occupation and reprisals and more onerous demands (Newbury and Newbury 1982).

In 1921 the colonizers tried to reinforce and extend the power of the Mwami of Mpinga. On 13 August they created the Buhavu chiefdom with Rushombo as "Grand Chef" (Newbury and Newbury 1982). Buhavu chiefdom included several hitherto independent chiefdoms in Kalehe and on Idjwi. After Chief Rushombo died in May 1927, they further weakened the chiefs of the chiefdoms of Nakalonge (Kalonge), Bigirumwami (Buzi), Mihigo (Idjwi), and Mubuku, as their chiefs were demoted to subchiefs of Rushombo's heir,

Bahole (Mapendano Pindo 1977, 107–17; Shanyungu 1988b, 5). These attempts to centralize authority in the hands of the Havu king were a strategy to quell continued resistance on both Idjwi Island and mainland Kalehe so that labour and resources could be requisitioned with less friction than had been the case hitherto. However, the centralization of authority in Buhavu did not lead to a more efficient administration of Kalehe and Idjwi. Nor did it reinforce the authority of the Havu king.

Bahole had very little legitimacy beyond the core Havu area in Mpinga and the colonizers were generally not very satisfied with his rule. The Tembo refused to recognize his authority and evaded taxation, food levies, labour recruitment, and village relocation programmes. Several Tembo chiefs refused to recognize Bahole's authority and were deported. Only when the colonizers built an administrative post in Kalima and constructed a road in the 1930s did they succeed in gaining a measure of control and then only through intermediary Tembo chiefs (Hoffmann, Vlassenroot, and Mudinga 2020).

On Idjwi things did not go smoothly either. Ndogosa turned himself in to the Belgian authorities in 1923. However, the restoration of his authority did not yield better results for the Belgians and by 1926 Idjwi was again subjected to military occupation and Ndogosa was deported to Rutshuru, where he died in 1928. The rest of the royal family was deported as well. In need of local allies, they reached out to Bera, a descendant from the northern line who had consolidated his rule in the north. Unlike Rushombo on the mainland, the Belgians were satisfied with Bera's rule, and they named him chief of the entire island upon Ndogosa's exile in 1926. However, Bera did not have a strong local power base, as his authority was imposed by the colonizers. His willingness to collaborate with the colonizers and effectuate their demands made him unpopular on the island, especially in the south. So too did his disregard for the local political culture of widespread participation in the execution of power. Instead, he named his favourites as authorities. As a result, troubles broke out and large numbers of people migrated to neighbouring areas, much to the dismay of the Belgians, as it jeopardized the extraction of resources and shook their understanding of public order. In this sense, the naming of Bera as chief of all Idjwi backfired much like the extension of Bahole's authority over the Tembo areas did on the mainland. In both cases

they lacked legitimacy and were faced by strong collective political identities and resistance. Indeed, Bera's rule epitomized "customary authority" as practised by the colonial state (Newbury and Newbury 1982, 33).

When Bera died in 1936 they installed his son Rutishereka as chief, but he did not live up to Belgian demands for resources or to expectations of how a chiefdom should be ruled. As a result, he was also deported. To replace him, the Belgians brought back Ndogosa's exiled son Ntambuka in 1937. However, he was only granted control over the south. The north was placed under the control of Rubenga, another son of Bera who had close ties to Bigirumwami the chief of Buzi on the mainland.

The colonizers were not satisfied with Ntambuka's efforts either and deported him in 1943. They replaced him with his half-brother Muhamiriza. Muhamiriza had good relations with Rubenga in the north and the new mwami of the Havu on the mainland, Kamerogosa (Kamerogosa had succeeded Bahole as chief of Buhavu in 1942). However, Muhamiriza was not a mwami and he did not possess the regalia of kingship, which remained with Ntambuka his whole life (Newbury and Newbury 1982, 237).

In conclusion, colonial intervention transformed the relations between people and space dramatically. It produced new ideas of identity, territory, and authority. But the colonial state was not a hegemonic leviathan imposing its laws and knowledge on a passive native population, as some indigenous elites collaborated with the colonial authorities. Protected by their new powerful allies these elites were able to strengthen their position vis-à-vis local competitors. As such, colonial intervention territorialized ethnicity in eastern Congo, not by unilateral imposition, but by introducing it and taking sides in existing political struggles. At the same time, European social evolutionist ideas naturalized hierarchies of rule. This process did not happen at the same time for everybody and did not simply replace existing cultures and institutions, but it did succeed in reconfiguring the relationship between place, people, and authority so that to a greater degree it became defined as a territory-ethnicity-sovereignty constellation. This constellation shaped Congo's politics profoundly in the postcolonial period.

3.2 The Politics of Ethnic Identity during the Independence Period

Towards the end of colonization indigenous political leaders in Congo began mobilizing their kinsmen in preparation for the upcoming elections to urban councils in the provincial capitals in 1957 and 1958⁵ To this end they created ethnic associations. Since the colonizers did not permit political parties, ethnic associations became the focal point of electoral mobilization across the country. These associations evoked recently constructed ethnic identities, which had emerged in the urban contexts (Lemarchand 1964, 175–84). Political competition revolved around capturing positions of authority in the urban centres for leaders who were expected to represent the interests of their home territories and ethnic kin (Young and Turner 1985, 143; Weiss 1967).

National elections were held in May 1960 to choose members of the future independent, national and provincial governments. Political leaders mobilized along ethnic lines. As it was, the Congo's national independence movement was largely made up of a fragile alliance of ethno-regional political parties, which not only sought independence from the colonizers, but also ethnic self-rule. The support base of these parties was concentrated in their ethnic homelands. Some of the most famous of these are the *Confédération des associations tribales du Katanga* (CONAKAT), and the *Alliance des Bakongo* (ABAKO). In Kivu's Central Province, the new Provincial Assembly was hijacked by the politics of ethnicity (Verhaegen 1966; Willame 1964). For instance, seeking to escape Shi and Kusu dominance, a Rega political party, the *Union des enfants du peuple Rega* (UNEREGA), demanded the creation of an independent Rega province called "Elila". Similarly, Batembo leaders created the *Union d'entraide Tembo* in 1956 to defend Batembo interests and especially to obtain an independent Batembo chiefdom (Shanyungu 1988b; Vlassenroot 2002; Hoffmann 2021). The exception to the rule was the *Mouvement nationale Congolais*, led by Patrice Émery Lumumba, Congo's first Prime Minister, which had supporters across Congo. Lumumba was famously assassinated in a plot concocted by Western governments, coup leader and future president Joseph Mobutu, and separatist forces in Belgian intelligence agents in collaboration with Moïse Tshombe, the leader of

⁵ Interview with a Tembo leader, Bukavu, 20 August 2021.

Katanga's separatist party, CONAKAT. Lumumba's offenses, in the eyes of Western leaders, consisted of agitating for economic nationalism, especially for the negotiation of a better deal from the Belgian and British-owned copper and cobalt mines in Katanga, and of appealing, fruitlessly, to the Soviet Union for support (Phimister 2011; Kalb 1982; Trapido 2015). Thus, once more aspirations for ethnic autonomy among Congo's elites was mobilized by Western elites to ensure that they could continue to reap economic profits and maintain a dominant political position.

THE POLITICS OF TERRITORY AND IDENTITY IN KALEHE AND IDJWI

In Kalehe territory, including Idjwi, various groups started to demand separation from the Buhavu chiefdom. Claims for independence were put forth in Buzi, Idjwi, Kalonge, Kalima, Ziralo, and Mubugu. These reclamations created a conflict over the territorial organization of Buhavu, which contained four main groups:

- A separatist Tembo group. The group proposed the creation of a united greater Tembo chiefdom, which should be attached to a newly created province of North Kivu led by Chief Shebirongo (Walowa-Loanda), Chief Mwandula (Buloho chiefdom) and Antoine Kayumba, a delegate in the Provincial Assembly of Kivu.
- A second separatist Tembo group. This group also demanded the creation of a united Tembo chiefdom, which should be attached to the Kivu Central Province. This group was led by Chief Bakondjo Musikami (Kalima). Both proposals entailed the separation of all Tembo groups from their present customary authorities and their subsequent (re)unification in an ethnic territory.
- A separatist Havu group. This group sought to dismember Buhavu chiefdom into its former autonomous chiefdoms.
- A conservationist Havu group. This group argued for maintaining the integrity of Buhavu chiefdom.

After independence, on 28 September 1960, Antoine Kayumba, a Tembo delegate in the Provincial Assembly, proposed the creation of an autonomous Tembo chiefdom, and on 14 November 1961 the Provincial Assembly created a Tembo chiefdom (Mapendano Pindo 1977, 141; Shanyungu 1988b). The creation of the Tembo chiefdom constituted the first act of scission of the former Havu chiefdom. But the dismemberment of the former Buhavu chiefdom did not stop there. The process was precipitated by the assassination of Havu Chief Kamerogosa on 12 February 1961. It set in motion a succession conflict opposing two individuals who claimed the throne in Buhavu: Ntale Hamuli and Jules Kamirogosa (Kasi 1971, 49). In the end, the camp supporting Hamuli prevailed, largely because it was supported by the *bajinji* (the ritual specialist of the court) of Mpinga.⁶

This succession conflict weakened the authority of the Mpinga authorities and set in motion more separatist claims. Vice-President of the Provincial Assembly Kalegamira, who was also a councillor of the chiefdom council in Buhavu chiefdom on the mainland, tried to gain support from the Provincial Assembly to partition what remained of Buhavu into autonomous chiefdoms, based on the pre-1927 division (Willame 1964, 140). In order to achieve this, he rallied the chiefs of Idjwi south and Idjwi north, Kalonge and Buzi, to the cause. It was argued that only colonial intervention had deprived them of their freedom (Shanyungu 1988b, 32). The chiefs of Buzi and Idjwi argued that it was their right to have their groupings upgraded to chiefdoms because their ancestors had equal status as princes of the founding father of the Basibula dynasty. The proposal was opposed by several deputies, notably Binombo Kertipe, who was allied with the customary authorities of Buhavu from Mpinga (i.e., the *Bajinji*, the interim regent of Buhavu Ferdinand Magadju and the Mwamikazi⁷ Mwa Nzobe). But the Provincial Assembly voted in favour of the bill Buhavu chiefdom was divided into several independent chiefdoms and with that a new large Tembo chiefdom was created (Shanyungu 1988b, 32–41).

⁶ The *Bajinji* wanted to ensure that the ruling family originated from Mpinga. Jules Kamerogosa's mother Mwa Nyundo was from Idjwi and they feared that since Jules was a minor, she would be able to facilitate the dominance by the chiefs of Idjwi of Buhavu (Shanyungu 1988b).

⁷ Mwamikazi means Queen Mother of the reigning Mwami.

However, the new Tembo chiefdom was far from a homogenous culturally, politically and historically, and its creation produced a series of conflicts between rival factions. The major source of the conflicts was the competition over who should hold the title of paramount chief: Bakondjo Musikami (chief of Kalima grouping) or Shebirongo (chief of Walowa-Loanda grouping). Eventually the conflict fragmented the chiefdom. By 1964 the Tembo chiefdom was reduced from its initial ten subdistricts (*groupements*) to four: Kalima, Mubuku, Ziralo, and Bufumandu (Mapendano Pindo 1977, 151).

Why did all these claims to ethnic and territorial independence break out at independence? It should be understood in light of the specific configuration between ethnicity, territory and authority, which was instituted during the colonial era. During colonization authority over territory, people and resources was concentrated in the figure of the customary chief (*chef coutumier*). The economic and political advantage of ruling a chiefdom was therefore considerable. It entailed the creation of independent customary courts and as such the creation of an independent customary jurisdiction allowing chiefs to adjudicate more freely in matters pertaining to customary law. It also implied a state-sanctioned right to conduct the administration of the chiefdom, which not only allowed the customary leadership of the new entities to deal directly with the higher echelons of public authority, but also enabled it to demand customary tribute for land, collect taxes, manage the finances of the chiefdom, effectuate policing, conscript labourers, command obedience, etc. In short, the stakes of capturing the seat of power were greater than ever.

3.3 The Politics of Ethnicity during the Mobutu Regime

The situation in Kalehe changed when Mobutu Sese Seko took power on 25 November 1965. Later, in 1970 the Mobutu regime made a concerted effort to strengthen a common national identity and pride under the banner of *recours à l'authenticité* (recourse to authenticity). *Authenticité* promoted a uniquely Congolese trajectory to modernity inspired by Bantu wisdom (Dunn 2003; Schatzberg 1988). One of the characteristic features of *recours à l'authenticité* was that it mimicked the model of the colonial customary chief. It propagated the notion that only a strong ruler can guarantee order and maintain the unity of the state. Like a monarch, Mobutu had almost unlimited

personal powers. The mythical model of the paternal, all-powerful, authentic African chief reached its ultimate expression in 1974 when “Mobutuism” was declared the national “ideology”, which further expanded Mobutu’s rights as sovereign. Mobutuism was framed as a state religion: “God has sent a great prophet, our prestigious Guide Mobutu – this prophet is our liberator, our Messiah” (Young and Turner, 1985, 169).

As part of *authenticité*, Mobutu tried to ban “tribalism” in Congo (Schatzberg 1988; Young and Turner 1985; Callaghy 1984). However, ethnic and regional identities and antagonisms smouldered beneath the surface. Indeed, Mobutu himself undermined his policy of national unity, by appointing people from his home province of Equateur, particularly, but not only, the Ngbandi, in key institutions and positions (Young and Turner 1985; Schatzberg 1988). As part of the regime’s campaign to suppress “tribalism”, it returned to office all chiefs who had been deposed since colonization. As a result, the Buhavu chiefdom created during colonization was reconstituted (Mapendano Pindo 1977, 154). However, in 1974 and 1991 Tembo elites tried to obtain state recognition for an independent Tembo territory, but without success.

At the close of the Cold War, the authority of the Mobutu regime had significantly eroded. Yielding under the pressure from donors and the internal political opposition, the regime launched a nominal democratization process in 1990, which led to the *Conférence nationale souveraine* (CNS, Sovereign National Conference) – a national dialogue that lasted nearly two years. However, in an attempt to cling to power the regime stoked ethnic tensions (de Villers and Tshonda 2002). This strategy spiralled out of control and a series of violent conflicts broke out, especially in the east.⁸ The CNS also produced tensions on Idjwi. The Mwami of Ntambuka chiefdom in the south participated in the CNS. According to our sources, during his absence a group of disgruntled nobles assembled in an organization called “Zuka Bany’idjwi” in collaboration with certain church leaders and tried to overthrow the Mwami. However, the attempt failed.⁹

⁸ The cases of Rutshuru and Masisi are illustrative of this dynamic, see: Sungura et al. 2021.

⁹ Anonymous, unpublished document.

3.4 Ethnic Identity and Conflict in Kalehe and Idjwi

The politics of ethnicity turned violent in Kalehe in the early 1990s as Tembo and Banyarwanda militias began fighting each other as part of a bitter dispute over land and territory in Kalehe. The history of this dispute is important to understand the present-day conflict between Hutu and Tembo militias in Kalehe (Muzalia et al. 2022).¹⁰ The dispute has roots in the colonial period. As noted, Bigirumwami had particularly good relations with the Belgians. One of the reasons for that was that he sold off large tracts of land for capitalist agricultural production to colonial settlers without considering the rights of the indigenous populations. In the 1920s and 1930s the colonial authorities and Bigirumwami installed Hutu populations from Masisi in Buzi-Ziralo chiefdom in order to *mettre en valeur* (enhance the value) of the area by providing labour for agriculture and livestock production (Shanyungu, 1991, 168). Just as in Masisi, this created tensions between indigenous and Hutu populations. Furthermore, Ziralo had been attached to Buzi during the reorganization of Buhavu chiefdom in 1928. Rambo, the western part of Ziralo, was populated mainly by Tembo and governed by Tembo chiefs who did not want to be subjected to Bigirumwami's rule. During the 1950s, more migrants were brought in to work on the colonial plantations (tea, coffee, and quinine).

Over the years Hutu labour migrants made individual agreements with local Havu and Tembo chiefs in order to access land. They paid customary tribute and engaged mainly in livestock farming. In 1959 another wave of "Rwandophone" immigrants, primarily Tutsi, arrived in Kalehe following the so-called Social Revolution in Rwanda, during which many Tutsi were killed. Like previous Hutu migrants they also engaged in livestock farming and paid tribute to the local chiefs. The increasing numbers of Hutu and Tutsi led to increased competition for land between Tembo and Hutu and Tutsi (Action pour la paix et la concorde 2009, 16–17). Hence, the conflict that turned violent in 1993 had been simmering for a long time.

¹⁰ For an overview of the history of conflict and militia formation in Kalehe see: Vlassenroot, Mudinga and Hoffmann, 2016.

The violence in the Hauts Plateaux (highlands) of Kalehe in 1993 was triggered by a massacre in Masisi territory in North Kivu in March the same year when militias composed of Nyanga, Hunde and Tembo youth attacked Banyarwanda at the market of Ntoto in Walikale. The Ntoto massacre was the culmination of decades of conflict and political struggles between Banyarwanda and Tembo, Nyanga, and especially Hunde for access to and control over land. The massacre set in motion large-scale interethnic violence in the Masisi highlands, leaving thousands of people dead and many more displaced (Stearns 2013a). Quickly, the conflict spread to neighbouring Kalehe.

Having witnessed the rising tensions in North Kivu, the Banyarwanda of Kalehe had sought recognition for an independent territory, which included the mineral rich hills of Numbi, Shanje, Luzirandaka, Lumbishi and Ngandjo in Ziralo, known as the “five hills”. They refused to recognize and pay tribute to the Tembo chief of Ziralo, Tchabangwa Chaanda. Instead, they joined forces with the Havu chief of Buzi, Hubert Sangara, the heir of Sangara Bigirumwami, who offered to recognize the customary and territorial autonomy of the Banyarwanda, if they accepted to be part of Buzi. Hubert Sangara’s ambitions went even further. He wanted to establish Buzi-Ziralo as an independent chiefdom as it had been before 1929. However, the “five hills” had already been recognized as part of the domain of the Tembo chiefs in 1978 by the Mobutu regime. In 1984 Sangara’s claim was turned down by the council of Buhavu chiefdom. Thus, officially all of Ziralo remained a Tembo subdistrict (*groupement*) within Buhavu chiefdom. However, de facto the “five hills” remained under the control of Sangara and his Banyarwanda allies.¹¹ In the heightened tensions of 1993 this old conflict led to a series of clashes between Banyarwanda militias and a Tembo militia called “Katuku”. Many were killed, entire villages were burned down and most of the livestock was pillaged (Action pour la paix et la concorde, 2012). The violence forced large numbers of people to flee, leading to the separation of Tembo and Hutu populations. Whereas Tembo populations fled towards urban centres in Bunyakiri and Minova and to Waloa-Loanda subdistrict (*groupement*), Hutu populations mainly stayed in the highlands in Buzi and Ziralo.

¹¹ The case was transmitted to the *Tribunal de Kalehe* (Kalehe Territory Court) in 1984 and the *Tribunal de Grande Instance de Bukavu* (Court of First Instance) in 1985. The case was decided in favour of the Tembo, but the authorities lacked the means to implement the decision, leaving the conflict unsettled.

The situation got worse after the arrival of more than one million Rwandan Hutu refugees, including between as many as 100,000 *ex-Forces armées rwandaises* (ex-FAR, Rwandan Armed Forces) soldiers and Interahamwe youth militias (Halvorsen 1999, 315). Their arrival had a dramatic effect on the local power structure as Congolese Hutu started to collaborate with these armed elements. Violence resumed and increasingly targeted the Congolese Tutsi, who saw no other option than to leave their homes on the highlands and flee to Goma or Rwanda.

The presence of heavily armed Rwandan Hutu combatants and their cross-border attacks on Rwanda led a regional coalition, including Rwanda and Uganda, to launch an insurgency in Congo in 1996. Headed by Laurent-Désiré Kabila, the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL, Allied Democratic Forces for the Liberation of Congo-Zaire) ousted Mobutu from power in less than eight months. The outbreak of the insurgency had a dramatic impact in Kalehe. Not only did it lead to the empowerment of armed actors in the area, it also changed ethnic relations and alliances. Until this point the divide had been mainly between local communities and both Hutu and Tutsi “Banyarwanda”. However, for the local militias, the presence of large numbers of Banyamulenge and RPA troops in the AFDL, proved that this rebel movement was really a Tutsi invasion. This led to the formation of a new alliance between Tembo customary chiefs and militias, ex-FAR, Interahamwe and remnants of the army of the Mobutu regime. And so, for some time an alliance was formed between Tembo militias and Hutu fighters. It was largely a circumstantial alliance and was justified in ethnic terms as a “Bantu” alliance against the invading “nilo-hamitic Tutsi” (Vlassenroot, Mudinga, and Hoffmann 2016).

During the wars the militia of General Padiri Bulenda gradually became dominant in Kalehe and eventually became one of the largest and most powerful in all of South Kivu, fighting against the rebellion of the *Rassemblement Congolais pour la Démocratie-Goma* (RCD-Goma, Rally for Congolese Democracy-Goma), which – supported by Rwanda – broke out in 1998. The group claimed to be a nationalist movement defending the Congolese nation state from foreign invaders. However, the group’s Tembo leaders also wanted to capitalize on their military strength to create a Tembo territory (*territoire*).

Meanwhile, in 1999, the RCD-Goma rebel government recreated a Tembo territory in Kalehe, which it called “Territoire de Bunyakiri”. In this way it accommodated the long-running demand of Tembo elites. This was done in order to gain a modicum of support in the Tembo areas where it was deeply resented due to its heavy-handed counter-insurgency methods and its association with Rwanda. Moreover, it converted Kalima, Mubuku, and Ziralo into independent chiefdoms in 2003.¹² At the same time, the RCD-Goma created the “Territoire de Minembwe” in the south of South Kivu, to garner support among the Tutsi-Banyamulenge. Moreover, the RCD-Goma replaced the existing customary chiefs, many of whom had taken refuge with Padiri’s militia in the forest, with chiefs that were willing to collaborate with them. Prominent chiefs such as Jacques Nzibira in Kalima and Katora Ndalemwa in Mubuku worked with the RCD-Goma. The creation of the new territory and chiefdoms contributed to dividing different Tembo elites, which would be split along a Mai-Mai/RCD-Goma fault line long after the wars.¹³ Meanwhile, Hubert Sangara in Buzi and Rubenga on North Idjwi also collaborated with the RCD-Goma. There is an interesting historical link here, as the rulers of Buzi and North Idjwi have always had close links with each other and Rwandan power. Both Sangara Bigirumwami in Buzi and Rubenga on northern Idjwi (and his predecessors) had sought to take advantage of Rwandan expansion and Belgian colonial occupation to separate from their rulers.

The Banyarwanda, both Hutu and Tutsi, rallied massively to the RCD-Goma.¹⁴ They installed a Local Defence Force (LDF) on the “five hills”.¹⁵ Furthermore, the RCD-Goma upgraded Buzi to a chiefdom on 7 August 2001.¹⁶ The customary authorities of the Havu protested to the rebel government of the

¹² Arrêté Départemental nr. RCD/014/DATSR/BK/2003 du 27/02/2003.

¹³ Arrêté départemental Nr. 001/MJ/DAT/MB/ROUTE/1999 du 9 septembre 1999.

¹⁴ In order to increase their support among Congolese Hutu, the Rwandan regime and the RCD-Goma rebel authorities crafted an alliance of Hutu and Tutsi leaders who would work to reconcile the two communities. Popular slogans such as *bene mugab’umwe* (“sons of the same father”) and *ubumwe* (“unity”) exemplified this conciliatory approach (Stearns 2013b). As a result, a non-profit organization, *Tous pour la paix et le développement* (TPD, All for Peace and Development), was launched in October 1998, which was put under the leadership of Hutu strongman Eugène Serufuli.

¹⁵ Since 1996, the authorities in Goma in North Kivu had begun to set up Local Defence Forces (LDF). They were modelled on similar security forces in Rwanda (Stearns 2013a, 20).

¹⁶ Arrêté nr. 029/RCD/DATSR/BK/2001 du 7 août 2001 portant création de la chefferie de Buzi en Territoire de Kalehe dans la Province du Sud-Kivu.

RCD-Goma, but in vain.¹⁷ On 28 December 2002 the RCD-Goma also created the Mianzi subdistrict (groupement) under the authority of Banyarwanda customary chiefs from land which had previously belonged to Ziralo and Buzi, notably the mineral-rich “five hills”. Mianzi was included in the newly created Buzi chiefdom.¹⁸ This formalized the existing relations between Banyarwanda, the RCD-Goma and the customary authorities of Buzi. Under RCD-Goma rule the Banyarwanda population became customary subjects of Chief Hubert Sangara, who in return for their tribute and the protection of the RCD-Goma recognized their right to the “five hills”. This hardened the conflict between on the one hand the customary authorities of Buhavu and the Tembo chiefs of Ziralo, and on the other the Banyarwanda and the customary authorities of Buzi, which allied with the RCD-Goma. The control of Kalehe’s highlands by the LDF and the new Banyarwanda customary authorities was important for the RCD-Goma, which could thus control the exploitation of the mineral resources of the “five hills”.

¹⁷ Letter of 28 July 2001 to the Governor of South Kivu Province. “Protestations contre la création de Buzi et le nouveau découpage de la chefferie Buhavu”. Signed by “les notables, gardiens de la coutume et les membres de la société civile du Territoire de Kalehe”.

¹⁸ Décision nr. 0020b/RCD/CUPSG/2002 du 28 septembre 2002 portant modification des limites du Territoire de Bunyakiri dans la province du Sud-Kivu.

Ethnic Identity Politics in Kinshasa and South Kivu after 2003

In 2006, Joseph Kabila was elected president of the Congo following a transition period between 2004 and 2006. Over time the Kabila regime was able to consolidate power, by distributing positions, resources and opportunities, to the major contending power networks (Congo Research Group and Pulitzer Center on Crisis Reporting 2017). As his time in office continued Kabila's economic resources grew. Following the war, the Congo's economy began to recover from its catastrophic dive during the wars. Most of the new wealth was concentrated in the mining sector, where production rose sharply. Kabila and his associates sold the majority of Congo's mineral assets to foreign companies and Chinese parastatals. The profits generated by the sell-off were embezzled by people in Kabila's inner circle. While some of these profits were used to assure the loyalty of a growing clientele, the majority was siphoned off to tax havens (Trapido 2015). Meanwhile, living conditions deteriorated across the country and conflict and violence continued relentlessly in the eastern provinces.

4.1 The Kabila Period

The core of the Kabila regime formed a sort of parallel government. Many in this government originated from the then Katanga Province, Kabila's province of origin (Verweijen 2016). The regime was able to build up these parallel networks in the different provinces through persuasion, co-optation, and coercion. A good example of this form of politics was the "election" of the governor of South Kivu, Marcellin Cishambo, in April 2010.¹⁹ According to local

¹⁹ Group interview with politicians, Bukavu, 7 July 2010; interview, civil society leader, Bukavu, 24 July 2010.

sources a majority vote in the Provincial Assembly for Cishambo was only secured after severe pressure from a delegation of prominent regime figures headed by Évariste Boshab, the then president of the National Assembly. Even then, the delegation had to resort to bribery (allegedly \$5,000) in order to get the deputies to vote for Cishambo.²⁰ As one civil society leader expressed it:

This allegiance to Kinshasa is problematic, the governors [of South Kivu] are not decentralized in their heads and you get a feeling that Kinshasa will resolve everything, and besides, the system functions in such a way that each governor knows that he owes everything to Kinshasa ... you get a sense through Cishambo's communications that he is totally loyal to his boss.²¹

For the regime it was important to have a person in charge that they could trust, given that South Kivu was one of most volatile provinces, harbouring a number of armed groups opposed to the regime and which, furthermore, bordered its geopolitical rival in Rwanda.²² After the 2006 elections ethnicity became further institutionalized in Congo. A new Constitution was adopted in 2006, which consecrated decentralization as the defining principle of government. The Constitution and a 2008 law on decentralization instituted the principle of representativeness in government, which entailed that “the composition of the government takes national representativeness into account”.²³ While not further elaborated, representativeness was generally understood to refer to the necessity of regional and ethnic balancing in the formation of national and provincial governments, regardless of political affiliations (Englebert, Calderon, and Jené 2018).

In South Kivu, representativeness was taken seriously. This was the case during the Kabila regime as it is now during the regime of Tshisekedi. When ministries and positions in the provincial government in Bukavu are distributed all territories are represented. If this territorial principle is not considered, governing the province would become almost impossible.²⁴

²⁰ Group interview with politicians, Bukavu, 7 July 2010.

²¹ Interview with a civil society leader, Bukavu, 24 July 2010.

²² Field notes, July 2010.

²³ Constitution de la République démocratique du Congo, art. 90, Kinshasa, 2006. <http://www.leganet.cd/Legislation/JO/2006/JO.18.02.2006.pdf>.

²⁴ Interview #17, civil society leader, 24 July 2010, Bukavu; group interview, politicians, 7 July 2010, Bukavu; interview #27, chairman of a Tembo association, 23 August 2010; interview #44, leading member of “*Mutuelle d'entraide Fuliru*”, ca. September 2011, Bukavu, personal communication, University Professor, 11 November 2021.

4.2 The Tshisekedi Presidency

The Kabila regime was widely criticized for its authoritarianism, nepotism, clientelism, regionalism, and embezzlement of public resources. There was hope, therefore, that the new government of Félix Tshisekedi would bring about meaningful change. However, suspicions of fraud continue to hover over the election result. Many observers believed that the real winner of the presidential elections was in reality Martin Fayulu,²⁵ including the National Episcopal Conference of the Congo of the Catholic Church and its affiliated citizens observer group, the Justice and Peace Commission, which had deployed some 40,000 election observers to the country's 21,699 polling centres (The Carter Center, n.d.).

Nevertheless, having been declared president, Tshisekedi's parliamentary group *Cap pour le changement* (CACH, Course for change) sealed a coalition with its predecessor, Joseph Kabila's *Front commun pour le changement* (FCC, Joint Front for Change). However, the FCC held the majority in the provincial and national assemblies and in two thirds of cabinet positions, which limited CACH's ability to rule. Unable to rule effectively, Tshisekedi started to chip away at the power of his predecessor. In July 2020 he blocked a Kabila ally's appointment as electoral commission head; three months later he pushed through the appointment of three Constitutional Court judges against the former president's wishes. Then, after having co-opted many of Kabila's supporters into his own camp, he announced the dissolution of his coalition with the former on 6 December 2020. He followed that up by facilitating a vote of no confidence in the prime minister, the Kabila ally Sylvestre Ilunga Ilunkamba, on 27 January. According to a politician, the logic of Tshisekedi's party, the *Union pour la démocratie et la progrès social* (UDPS, Union for Democracy and Social Progress): "Get out of here so that we can take over!"²⁶

In April 2021, Tshisekedi announced the formation of a new government coalition: the *Union sacrée pour la nation* (USN, Sacred union for the nation) in

²⁵ Fayulu was the candidate of the Lamuka ("wake-up" in Lingala) coalition, which included several major political leaders, notably Adolphe Muzito, Moïse Katumbi and Jean-Pierre Bemba.

²⁶ Interview with a politician, Kinshasa, 16 July 2021.

which he held a fragile majority. It included major opposition figures, such as Jean-Pierre Bemba and Moïse Katumbi, and former Kabila allies, such as Bahati Lukwebo. With the creation of the new coalition, Tshisekedi could work on his government's priorities of fighting corruption and promoting human rights and the rule of law. However, in terms of the functioning of the political system, little seems to have changed. Members of Tshisekedi's entourage are allegedly squandering state funds and enriching themselves rapidly. Furthermore, since he now depends on former Kabila supporters, Tshisekedi needs to extend patronage to them in order to keep them loyal (International Crisis Group 2021).

Furthermore, it appears that Tshisekedi and his party, the UDPS, is creating a system very similar to those of previous regimes, in which they control the important organs of power and rule the country through shifting alliances. For instance, in July 2021, Tshisekedi suggested creating a bill to restrict the presidency to people with two Congolese parents, the so-called "Tshiani" bill. The proposal is widely perceived as a strategy to exclude Tshisekedi's main competitors from challenging him in the 2023 elections, including key members of the USN, notably Moïse Katumbi and Jean-Pierre Bemba. Katumbi's party, *Ensemble pour la République* (Together for the Republic), has already announced that it will quit the coalition if the bill is passed. Katumbi's spokesperson, Olivier Kamitatu, called it "a clear manoeuvre by those who want to hold on to power" (Reuters 2021). In addition, the law is seen as targeting not only former Kabila collaborators, but also "easterners" in general, who, allegedly, are perceived to be "Rwandans" by the UDPS. These suspicions are fuelled by the trial and subsequent imprisonment of Vital Kamerhe, the leader of the UNC and Tshisekedi's chief of staff, on charges of embezzlement, aggravated corruption, and money laundering in April 2020. Kamerhe is from South Kivu and arguably the province's most popular politician and his arrests sparked outrage and protest in eastern Congo. It is important to note that politics at the national level in Congo has always been thought of in ethno-regional terms defined by linguistic zones. In the political imagination there are four major linguistic zones: the "Baswahili", the "Bangala", the "Bakongo" and the "Baluba". In a very simplistic manner, the years of Mobutu's rule are considered the Bangala period, while the years of Laurent-Désiré and Joseph Kabila are considered the Baswahili period. The present is considered the Baluba period.

According to our sources, the UDPS has been taking part in the politics of ethnic and regional identity for decades. In the 1990s the UDPS was considered the frontrunner of democracy mainly because it challenged Mobutu. It was run by a group of men from the country's politically most important regions in order to create a broad ethno-regional support base: Etienne Tshisekedi (for Kasai), Marcel Lihau (for Equateur), Frédéric Kibasa Maliba (for Katanga), and Mbwakien Nerolien (for Bandundu). Furthermore, this group built an entire network of local leaders in each province. The UDPS of the 1990s promoted federalism. It was inspired by the Constitution of Lualaba, which was created in order to appease the autonomist tendencies across the country in the aftermath of independence.²⁷

Ethnic identities remain very important to the political dynamics in Kinshasa and to ruling the country. Most parties have an ethno-territorial base and political elites are expected to defend the interests of their *territoire d'origine* (home territory). It is considered the responsibility of the political elites to court the leaders of major political parties, such as Tshisekedi, Katumbi, Kabila, and Bemba, in order to serve the interests of their respective ethnic communities. The UDPS, for instance, is famously considered the party of the Baluba. The ethno-territorial basis of parties is explicit in South Kivu, where the *Union pour la nation congolaise* (UNC, Union for the Congolese nation) is seen as the party of the Shi from Walungu territory, the *Alliance des forces démocratiques du Congo* (AFDC, Alliance of the democratic forces of Congo) is considered the party of the Shi from Kabare territory, the *Partie nationale pour la démocratie et la république* (PANADER, National Party for Democracy and the Republic) is considered the party of the Rega from Mwenga and so on and so forth. Indeed, the president of PANADER, Jean-Marie Bulambo Kilosho, is a national deputy elected in the district of Bukavu and there is little doubt about who he represents. Kilosho is a Rega from Mwenga and the former president of the Rega *mutuelle* Lusu-Rega as well as the president of the Olympic Club Muungano soccer team, which is seen as Bukavu's Rega soccer team.

²⁷ Interview with a UDPS politician, Kinshasa, 14 July 2021.

In South Kivu the logic of ethno-regional power competition and sharing remains in place. The negotiation for power usually takes place between the provincial government and the ethnic associations called *mutuelles*, or *mutualités* (syndicates). These organisations are vehicles of political mobilization and pressure. Today, much like during the immediate aftermath of independence, these associations connect urban-based members of ethnic groups to their *territoire d'origine*. They are often divided into different sections and, generally, their main objectives are to further the interests of their community and assist in developing their *territoire d'origine*, but they may also have other objectives such as mutual assistance and the conservation of the community's culture. According to a provincial deputy from Kalehe, the political involvement of the ethnic syndicates tends to create ethnic division and tribalism.²⁸

While there is an unofficial policy of ethnic power-sharing among ruling elites in the government in South Kivu, there are still deep grievances and conflicts among them. At the provincial level these grievances are first and foremost directed against the Shi and to a lesser extent the Rega, who are the most populous and dominant groups in South Kivu.²⁹ Ethnic competition over positions goes far beyond the allocation of posts in the government. According to one leader from the Tembo community:

In South Kivu Province, the positions are reserved for the majority. The minorities do not have access to the common weal. It is above all Kabare and Walungu that govern, and this frustrates the minority communities, of which we are part.³⁰

In fact, ethnic competition permeates the entire fabric of society, including public institutions, NGOs, churches, universities, schools and businesses. This points to the overlap between the politics of ethnicity and patron-client networks. When community members acquire positions there are expectations that they use their power and influence to help their own kin, both in the restricted sense of their family members, but also people belonging to the

²⁸ Interview with a provincial deputy, Bukavu, 17 August 2021.

²⁹ Interview with a provincial deputy, Bukavu, South Kivu, 17 August 2021.

³⁰ Interview with a Tembo leader, Bukavu, South Kivu, 25 September 2021.

same clan or ethnic group. This form of kin-based patronage has several vernacular expressions, such as “collinism” (hill-ism),³¹ “nduguisim” (brotherism), and “tribalism”. It is a widespread social practice, which affects many aspects of life, so much so that it is seen as an inevitable fact of life. In the words of one of our interlocutors: “I don’t think that tribalism is a good thing, but we don’t have a choice. We try to live with it. I have seen my sister fail in a job application because she was not Muzibaziba. They appointed a Muzibaziba rather than give it to a competent Muhavu.”³²

4.3 Elections and Ethnic Identity Politics

As we have shown, historically, ethnic identities have played a major role in electoral processes. This remains the case today. According to the Carter Center, most of the 599 registered political parties for the 2018 election had an ethnic or regional component (The Carter Center, n.d., 17). This is partly due to the fact that the limits of rural constituencies coincide with those of the administrative territories (*territoires*), which often coincide with those of one or more customary units. For instance, Walungu territory contains the two Shi chiefdoms of Ngweshe and Kaziba. By contrast, the borders of Kalehe territory coincide with the borders of the chiefdoms of Buhavu and Buloho. The former is a Havu chiefdom, and the latter is a Tembo chiefdom. The overlapping between ethnic territories and electoral districts means that the internal identity politics of these entities tend to predominate during elections. Candidates for parliamentary elections for provincial and national legislative assemblies are almost always “originaire”³³ (native) to their constituencies and their elections campaigns overwhelmingly revolve around defending the interests of their ethnic kin at higher levels of government.

³¹ Literally: “hill-ism”. It is a term sometimes heard in the vernacular in Bukavu. This term expresses the favouritism that people who are from the same *colline* (hill) accord each other. Historically-speaking, each extended family used to own customary land rights to a certain hill and its surrounding areas. It is therefore not just a place-based form of mutuality, but also one which is based on shared kinship.

³² Interview with a Havu leader, Bukavu, South Kivu, 20 August 2021. “Muzibaziba” refers to a person from the Shi chiefdom of Kaziba.

³³ Every Congolese person is legally attached to a chiefdom or sector of “origin”, and people generally consider chiefdoms and sectors culturally homogenous entities where one’s ancestors hail from.

Such tendencies can also be observed in Kalehe. As an electoral district Kalehe has four seats in the national parliament. They are occupied by two Tembo, Adolphine Yayuwa Muley and Anselme Enerunga; one Havu, Vital Banyawesize Mukuza Muhini; and one Hutu, Tite Hakiz'uwera Ndabagera. In the province, Kalehe has five deputies. One Hutu, Augustin Nkundamayungo, and four Havu, Koko Cirimwami, Jacques Amani Kamanda, Nestor Maliana, and Cosmos Kusimwa. It is difficult to ascertain without a broader survey, but our research indicates that the ethnic identities of candidates played a major role in determining people's voting behaviour:

I think that several tribes supported their brother in order to win the elections in in 2018. We told ourselves that the victory of our brother is our own victory. It is in this sense that we won the provincial and national elections through our Havu brothers. The Tembo and the Hutu did the same thing. That's how it is.³⁴

However, for some people, ethnicity was not the deciding identity-based criteria. Instead, more localized, and narrow communal identities seemed to guide their voting. For instance, some people voted for people from their own subdistrict (*groupement*), chiefdom (*chefferie*), or clan, rather than simply a co-ethnic. As a village chief from Ntambuka chiefdom (*chefferie*) in Idjwi south said:

We have a minister Marcellin Bahaya who is Musibula, and two deputies in the province in Ntambuka and Maisha. Ntambuka is from the south and Maisha is from the north. We cannot vote for the deputies in the north because if we do so we will not be represented.³⁵

Another indicator that ethnic identity politics played an important role during the election process in Kalehe is that Tembo and Hutu candidates adhered to different political parties. As a Tembo intelligence agent said: "We all put ourselves on the same list. But the Hutu put themselves on their list. No Tembo has ever been on the same list as a Hutu."³⁶ This voting behaviour should be seen in relation to the prevalent practices of patronage and protection.

³⁴ Interview with a Havu leader, Bukavu, 20 August 2021.

³⁵ Interview with a Bany'Idjwi village chief; Rambo, Ntambuka, Idjwi, 31 July 2021.

³⁶ Interview with a Tembo intelligence agent, Bunyakiri, Kalehe, 4 September 2021.

Local elites are seen as leaders in their *territoire d'origine* and are expected to protect and care for their kinspeople and communities. However, if they are no longer able to assume their role as protectors of the community, their legitimacy and status can be challenged.

In Kinshasa we have deputies and other people working in the government. Even if the governor still has not done anything for us, he is still a son of Idjwi territory. I don't know his father or his mother, but I have heard that he is from here [...]. The governor is a big liar.³⁷

We have shown how the politics of identity became entangled with electoral processes in Kalehe and Idjwi. Nevertheless, for several reasons, one should be careful not to overstate its importance. Firstly, the official 2018 election results have never been released and have been widely criticized for being tainted by significant fraud. Hence, it is difficult, if not impossible, to verify whether the currently elected deputies won the elections by fair means. Secondly, in Congo people can register to vote where they want, which means that many people do not vote in their *territoire d'origine*; a tendency which is amplified by the displacement of millions of people fleeing conflict and violence.

Indeed, during the elections many people preferred to vote in cities rather than rural areas. Still others preferred to vote in neighbouring provinces or territories. For instance, an administrator in Buzi lamented that 2018 election materials had arrived very late, which meant that people from Buzi registered in North Kivu instead.³⁸ Similar complaints were heard on Idjwi.³⁹ This is an issue for politicians since seats allocated to individual territories in the legislative assemblies are distributed according to the number of registered voters. Lastly, it should be made clear that ethnic identities were one among many criteria that people used to select their preferred candidate. Political party affiliation, development and employment seem to have been important considerations as well.

³⁷ Interview with a Bany'Idjwi farmer, Idjwi, Ntambuka, Idjwi, 1 August 2021.

³⁸ Interview with an administrator, Minova, Kalehe, 1 September 2021.

³⁹ Interview with a Bany'Idjwi farmer, Kashara, Rubenga, Idjwi, 1 August 2021.

One aspect which seems to have been particularly divisive in Kalehe is the election of two Hutu candidates from Kalehe, Tite Hakiz'uwera Ndabagera to the National Assembly and Augustin Nkundamayungu to the Provincial Assembly. Apparently, their elections have provoked fears and suspicion among the Tembo in the area. In their view, the voter registration process was compromised, as several Rwandan Hutu registered to vote even though they were not entitled to do so. For some Tembo this kind of fraud constitutes yet another attempt by the Banyarwanda to take over land and power in the highlands.

4.4 The Politics of Ethnicity and Territory in Kalehe

In recent years there has been a resurgence of territorial claims by local political and military elites in South Kivu. They claim state recognition of their right to more self-rule for their ethnic homeland. These claims are linked to perceptions among these elites and the masses that they suffer from political and economic marginalization and lack of development opportunities. While most of these claims have historical precedents, their re-emergence today should also be understood in the context of the unfulfilled promises of the successive Kabila and Tshisekedi regimes. Worsening security in the east, a generalized decline in social and economic conditions, and continued self-enrichment by regime elites have fuelled local claims for more ethno-territorial autonomy by leaders from Fizi, Uvira, Idjwi, Kalehe and Shabunda. For instance, the leaders of the Rega syndicate "Lusu Lega" want to create "Elila", an autonomous province regrouping all Rega populated areas. While Rega leaders claim an entire Balega Province, increasing claims to self-rule in chiefdoms and territories are also common, including in Kalehe where Tembo leaders are stilling struggling for the recognition of a Tembo territory and several Tembo chiefdoms. Meanwhile, Hutu leaders and their constituents continue their long struggle for a Hutu territory in the highlands.

THE CONTINUING STRUGGLE FOR TERRITORY

The end of the war brought major changes to the territorial organization of Kalehe territory. With the Rwandan forces gone, the parallel administrative structures of Bunyakiri (RCD-Goma and Mai-Mai) merged. In 2004 the transitional government suspended all the decisions and laws created by

the rebel authorities.⁴⁰ As a result Bunyakiri territory, Buzi chiefdom and Mianzi grouping were suspended. Chief Hamuli Ntale Kamirogosa of Buhavu chiefdom pleaded for the reconstitution of Buhavu chiefdom. On 15 July 2003 he wrote a protest to the Minister of the Interior, Decentralization and Security against what he called *découpages anarchiques* (anarchic carve-outs) of Buhavu chiefdom.⁴¹ The final decision was taken to revoke Bunyakiri territory in 2008, despite the recommendations of the government's own commission in 2005.⁴² The post-war legislation related to chiefdoms has in some ways raised the stakes of their recognition, since chiefdoms are considered decentralized territorial entities (*entités territoriales décentralisées*). Decentralized entities have juridical personality, administrative freedom and managerial autonomy with regard to their economic, human and financial resources, which includes the right to raise local taxes (such as on trading licences, road traffic, the consumption of alcohol and tobacco, and market stalls, and a land tax on mining and forestry concessions).⁴³ This means that, officially, chiefs and their administrations enjoy significantly more autonomy and authority over resources compared to previous legislation.

The provincial and central authorities feared that the recognition of Bunyakiri territory would create a precedent, which could set in motion a whole range of ethnically based claims to territorial autonomy by community leaders across the country.⁴⁴ It should be noted that when the rebel authorities of the RCD-G created Bunyakiri territory in 1999 they also created Minembwe territory,⁴⁵ accommodating the long-standing aspiration of the Banyamulenge.

⁴⁰ Interview with an ex-Mai-Mai administrator of Bunyakiri territory, Bukavu, 11 July 2010.

⁴¹ Memorandum of 15 July 2003 to Minister of the Interior, Decentralization and Security: "découpages anarchiques de la chefferie de Buhavu". Signed by the Mwami and Chief of Buhavu chiefdom Hamuli Ntale IV Kamirogosa.

⁴² "Rapport de la commission chargée d'examiner les actes de création des entités territoriales pendant la guerre dans la province du Sud-Kivu". République Démocratique du Congo, Ministère de L'Intérieur, Décentralisation et Sécurité, Kinshasa, 5 December 2005.

⁴³ Loi organique N° 08/012 du 31 juillet 2008, t I, art 5. This is a change from the previous legislation which granted many of these rights to the territory.

⁴⁴ Interview with a head of office, Department of the Interior of South Kivu Province, Bukavu, 20 July 2010.

⁴⁵ Arrêté Départemental nr. 001/MJ/DAT/ROUTE/1999 du 9 septembre 1999 d'organisation administrative portant création du Territoire de Minembwe dans la Province du Sud-Kivu; Arrêté nr. 70/RCD/DATSR/2001 du 9 septembre 2001 portant création du Territoire de Minembwe dans la Province du Sud-Kivu; Arrêté nr. 059/DEP/ADM/TEM-MPDSG/2000 portant des Groupement Administratifs du Territoire de Minembwe en Province du Sud-Kivu.

The transitional government feared that recognition of Minembwe would reignite the long-standing conflict in the area over the status of the area and local authority between the Banyamulenge and their Babembe, Bafuliiru, and Banyindu neighbours in Fizi territory. The reaction of Babembe leaders and armed groups to the creation of the “Commune rurale de Minembwe”⁴⁶ with a Tutsi mayor in September 2019 seems to confirm this hypothesis. For them it was another way to create a Tutsi territory in the region.

Another reason was that several customary chiefs in South Kivu also opposed the creation of Bunyakiri territory, including perhaps the most powerful one, the Shi *Mwami* Désiré Kabare of Kabare chiefdom. There was concern among South Kivu’s customary chiefs that such moves could lead to more widespread practice of cutting up chiefdoms. Research carried out between 2005-11 shows that the revocation of Bunyakiri territory divided the leaders of the Tembo and the Havu. The customary authorities of Buhavu welcomed the decision. They denied that the Tembo had a legitimate claim to an independent territory on ethnic and cultural grounds. In addition they claimed that they had the law on their side since the “decoupage” was created illegally by the rebel authorities (Hoffmann 2021). This is hardly surprising since they stood to lose authority over the largest part of their territory if Bunyakiri were recognized as a territory with several independent Tembo chiefdoms. However, the cancellation of Bunyakiri territory created strong frustrations among the Tembo. For them it was proof of their marginalization. They felt trapped by the current system of ethnic territoriality:

All of Bunyakiri must suffer from [not having a territory], it is a political reality, which we do not know how to change with today’s system of governance, and one always has to use this system in order to gain independence. Buloho, Kalima, Mubugu, Ziralo, the whole area, is an area completely inhabited by the Tembo. It is only the coastline which is inhabited by the Havu.⁴⁷

The quotation is quite revealing as it shows that in order to get autonomy one has to play the game of ethnic territoriality. It speaks to the degree to which

⁴⁶ The 2008 decentralization reform stipulates that agglomerations of more than 20,000 people should be turned into rural municipalities.

⁴⁷ Interview with local NGO director, Bukavu, 9 July 2010.

ethnic identities have become embedded in Congo's politics of resource control and positions of authority. In fact, the situation has not changed much since 2010-11 for the Tembo. They are still in search of an autonomous ethnic territory and still feel marginalized in general, and in Kalehe in particular. According to Tembo leaders the Havu continue to dominate the Tembo in the Havu chiefdom. One of them argued that the Tembo are excluded from public administration in Kalehe: "You cannot even find a bailiff in the public administration. The Havu consider us subhumans. They collect taxes in our home, but they continue to treat us as subhumans."⁴⁸

According to one Tembo state security agent there is a "cold war" between the Tembo and the Havu in Kalehe. The Tembo feel that by being enclosed in Buhavu chiefdom and ruled by the Havu chief they are denied their right to political, cultural, and fiscal autonomy: "The *mwami* of the Havu does not give back anything to us, yet our grouping [Kalima] produces a lot of taxes for the chiefdom. This creates anger, which means that our chief does not participate in the meetings at the chiefdom."⁴⁹

The critique is not just about power and resources, it is also about culture and identity: "I think the culture of their bami [(pl. *mwami*)] is defective ... In terms of culture, we have nothing in common with the Havu. We have the culture of the 'kimbirikiti', while they have the culture of 'muganuro'. In fact, we have everything it takes to become a chiefdom or a sector".⁵⁰ These latter comments are revealing in terms of the ongoing construction of political identities. The two terms "kimbirigiti" and "muganuro" refer to ritual practices among forest and agricultural cultures respectively. Kimbirigiti or Kimbiligiti is a spirit of the forest, which is most often associated with Rega culture, but it is also worshipped among the Tembo. It is the central and edifying spirit of Rega culture, which plays an important role in youth rites of passage, called *bwali* or *yando*. These rites include not only circumcision, but also a general initiation of youth into Rega culture. It is also the most important spirit of the Bwami cult among the Rega, which is not to be confused with

⁴⁸ Interview with a Tembo leader, Bukavu, 25 September 2021.

⁴⁹ Interview with a Tembo administrator at Kalima grouping, Bunyakiri, Kalehe, 4 September 2021.

⁵⁰ Interview with a Tembo public administrator, Bunyakiri, Kalehe, 4 September 2021.

the Bami of the Havu, the Shi, the Fuliuro, and the Tembo. “Muganuro” is the First Fruits Ceremony, which is performed during the sorghum harvest (February-March) in various forms in many interlacustrine cultures. Referring to Idjwi, David Newbury describes it as the most important of the annual royal rituals: “In its basic structure, and in many of its details, it repeats the rituals of enthronement, and thus symbolizes the annual renewal of the Kingdom ... It represents both the historical continuity and the social dimension of kingship” (Newbury 1991, 331).

By evoking and juxtaposing these two cultural practices our Tembo interlocutor draws a clear boundary between Tembo and Havu identities, which is translated into a claim for territorial autonomy. The conflict between Tembo and Havu in Kalehe over who has the right to rule and govern Bunyakiri is the conflict with the largest territorial scope. Others include the conflict over the “five hills” between the customary authorities of Buzi and Ziralo; both camps use arguments based on ethnic identity to justify their claim to the area. Where the customary chiefs of Buzi argue that the “five hills” have Havu names, the Tembo claim that the names are derived Tembo language (Kitembo). In addition, the Tembo use administrative maps to show the limits between Ziralo and Buzi. However, both sides admit that the main reason for this conflict is the presence of valuable minerals in the “five hills” (Action pour la paix et la concorde 2012, 32). A similar conflict exists between the authorities of Mubugu and Mpinga-Sud. They disagree about who has the right to an area around the villages of Katasomwa and Bushaku, which have fertile grazing grounds, a cassiterite mine and the largest cattle market in Kalehe. The Tembo base their claims on the border drawn by the colonial authorities and decrees by the RCD-Goma rebel government. The Havu also base their claim on colonial borders, asserting that the border proposed by the Tembo was illegally created by the rebel government (Action pour la paix et la concorde 2012, 35). The conflict between the Tembo and the Banyarwanda in the highlands remains very active today, despite numerous attempts to bring peace and stability to the area. Decades of conflict seem to have entrenched enmity between communities and hardened ethnic boundaries (Bouvy, Bisimiwa, and Batumike 2021; Muzalia et al. 2022).

4.5 Conflict and Ethnic Identity in Kalehe

Much has been written already on the link between ethnicity and conflict in Kalehe after the war, which we will not repeat in detail here (Vlassenroot, Mudinga, and Hoffmann 2016; Hoffmann, Vlassenroot, and Marchais 2016; Hoffmann 2015; 2021; Stearns 2013b). A summary will suffice. After the war the main armed groups in the area, the Mai-Mai of General Padiri Bulenda and the RCD-Goma, disbanded, and partially integrated into the new Congolese army, the FARDC. However, like many other armed groups in eastern Congo, they maintained a core fighting force in their homelands, the RCD-Goma in Masisi and Rutshuru and Padiri's Mai-Mai in Bunyakiri. However, both groups quickly became dissatisfied with the new regime. This led to several rebellions by former RCD-G Tutsi leaders: the Nkunda-Mutebutsi mutiny (2004), the CNDP rebellion (2007-09), and the M23 rebellion (2012-13). In their absence, units of ex-FAR and Interahamwe – renamed and reorganized as the *Armée pour la libération du Rwanda* (ALIR, Army for the liberation of Rwanda), and later, the *Forces démocratiques de libération du Rwanda* (FDLR, Democratic Forces for the Liberation of Rwanda) – expanded their sphere of influence in Kalehe, demanding taxes and making exactions against Congolese civilians. This brought them into conflict with local communities, the Congolese army and Mai-Mai units. As a result, the former alliance based on a shared “Bantu” identity in opposition to so-called “nilo-hamitic Tutsi” invaders, fractured (see *supra.*), tension between Hutu and Tembo populations escalated, and an identity conflict between “Rwandophones” and “Tembo” was evoked by the Tembo, which shows how quickly boundaries between identity categories can change during conflict. The former term is broad and vacuous enough to encompass anyone with historical or cultural connections to Rwanda and mark them as rightless subjects.

The domination and exactions of the FDLR in Bunyakiri set the stage for the emergence of the Raia Mutomboki (“angry citizens”), a successor movement to the Mai-Mai, which arrived from Shabunda at the end of 2011. During 2012 Tembo ex-Mai-Mai fighters took charge of much of the movement in Bunyakiri. The movement succeeded in chasing most of the FDLR from Bunyakiri but also committed retaliatory atrocities against Hutu civilians (Hoffmann and Vlassenroot 2014; Vogel 2014). From the outset the Raia

Mutomboki was a fragmented movement and the various groups tried to carve out their own zones of influence. Meanwhile, in the highlands, new Banyarwanda militias emerged as well; they were the heirs of Local Defence Forces that fought the Katuku and the Batiri militias in the 1990s, consisted mainly of Congolese Hutu, and were first known under the umbrella term *Coalition des patriotes résistants congolais* (PARECO, Alliance of Resistant Congolese Patriots). Later, around 2011, many of these groups began calling themselves Nyatura, from the Kinyarwanda term *nyatura* (“hit hard”) (Stearns 2013a, 39).

In 2019 the *Conseil national pour la restauration de la démocratie* (CNRD, National council for the restoration of democracy), the largest splinter group of the FLDR, arrived in Kalehe. They quickly became involved in local land conflicts and the exploitation of resources and taxation. This led to the reactivation of several Tembo armed groups, which in turn brought about two major loose coalitions of groups connected to Hutu and Tembo communities respectively. The former is called Turarambiwe⁵¹ and includes Nyatura and CNRD elements, supported by the FDLR. Turarambiwe is based on mutual solidarity between Rwandan and Congolese Hutu groups in the face persecution in both Congo and Rwanda. The latter is constituted by different Mai-Mai and Raia Mutomboki groups and includes the Mai-Mai Kirikicho, the Raia Mutomboki of Hamakombo and the Mai-Mai of Butachibera. For these groups, the formation of the Turarambiwe represents yet another attempt to invade and steal their lands, subjugate or exterminate their community, and destroy their cultural traditions and identity. In April 2021 these two coalitions faced off against each other in a series of confrontations around Katasomwa, which had long been a site of tension between Banyarwanda and Tembo (Muzalia et al. 2022). It makes sense, therefore, that the interviews carried out for this report in August and September 2021 revealed strong tensions and disagreements between Hutu and Tembo. Just as in the 1990s the main sources of conflict are control over land and territory. According to a Tembo state intelligence agent:

⁵¹ Turarambiwe is an umbrella term used by several armed groups with links to Hutu communities in North and South Kivu. “Turarambiwe” means “We are tired [of being persecuted]”.

There are Hutu here in the chiefdoms of Kalima, Mubuku, and Ziralo. Since 1945 there have also been Tutsi, the majority of whom are in Mubuku and Ziralo. These Rwandan subjects came here asking for land from Tembo chiefs. They conformed to the customary rules of land tenure. From 1992-94 Tembo mixed with Hunde and Banyarwanda arrived here from Bufumandu I and II to fight the Banyarwanda. The Banyarwanda subjects tried to seize customary power in the Tembo entities, which they had no right to do. It was the end of peaceful coexistence. Eventually they were chased off by the Raia Mutomboki from Bunyakiri. But in 2016-17 they came back claiming to be refugees. The problem now is that they are no longer spread out all over the territory as they were before. Instead, they are concentrated in the highlands. When they came back, they started buying land at a very high price. Now they are already the majority in Mubuku and in Ziralo and in a part of Buzi. The war in March and April 2021 shows the consequences of their new policy of buying up land in Bunyakiri. It is sold by certain Tembo who have abandoned the old ways. They even sell land which has already been sold. This leads to violence. The Hutu and the Tutsi work together. The Hutu are middlemen for the Tutsi, who have a lot of resources.⁵²

Interviews with Hutu leaders confirm the tendency by Tembo landowners to sell land several times: "The Tembo always sell their fields to several people. We have our money; we are obliged to buy land because we don't have any. The customs preserve the rights of the Tembo to the fields, but they can sell them. We thank the Tembo and the Havu who received us here, but they should also give us peace and accept to live with us."⁵³ Whereas the Tembo aspire to turn Bunyakiri into a Tembo territory and Mubuku, Kalima, and Ziralo into chiefdoms, the Hutu aspire to have of their own subdistrict (*groupement*). As a Hutu leader put it:

In a meeting between the ethnic communities in front of the administrator of Kalehe, we asked for peace and the creation of a 'hyper-Hutu' subdistrict (*groupement*) in order to end the crisis in the highlands. This grouping shall be for the Hutu and others who want to live there, but we would not be part of the Tembo villages or subdistrict [*groupement*].⁵⁴

Hence, authority over land and territory remains at the core of the conflicts in Kalehe. However, ethnic tensions also play out in other aspects of daily life.

⁵² Interview with a Tembo intelligence agent, Bunyakiri, Kalehe, 4 September 2021.

⁵³ Interview with an Muhutu farmer/herder, Nyabibwe, Kalehe, 29 August 2021.

⁵⁴ Interview with a Muhutu leader, Nyabibwe, Kalehe, 30 August 2021.

A good example is a conflict for access to health care at the health centre in Ramba in Ziralo. Apparently, certain Tembo were angry that Hutu and Tutsi received preferential treatment compared to Tembo after clashes. At some point, a group of unidentified armed men attacked the hospital, looted it, and took hostages, who were later released.⁵⁵

4.6 Conflict and Identity on Idjwi

There are similarities between the politics of identity on Idjwi and in Kalehe. This is unsurprising since the culture and history of these two sites are tightly interwoven. Yet, at the same time, the formation of identities and lines of conflict on Idjwi is quite particular compared to that of mainland Kalehe.⁵⁶

As already mentioned, life on Idjwi Island has not undergone the same violent transformation as it has in other parts of Kalehe territory, in particular Bunyakiri. However, this does not mean that there are no conflicts or violence, but they are not on the scale experienced in Kalehe. While some violent conflicts on Idjwi Island do revolve around collective identities, they are rarely understood and framed in ethnic terms. In fact, our respondents on Idjwi frequently said that neither “tribalism” nor “violence” is part of Idjwi identity. As one farmer said, “There is no tribalism here. We’re all Bany’idjwi and we respect each other as such ... We are in a ‘paradise’ here. You won’t hear people talking about gunfire, rapes, or murder, apart from ‘kabanga’”.⁵⁷ “Kabanga” refers to murders by strangulation. Afterwards, the rope is believed to hold a special force and can be sold. This form of murder is also practised on the mainland in South Kivu.

Obviously, the above quotation presents a rosy picture of Idjwi. However, it does represent a common idea on Idjwi that the island is peaceful, especially in comparison to the mainland, which in this regard is seen as the constitutive “other” of Idjwi identity. The exception to this being a conflict between Mbuti/Twa and Bany’idjwi, which can become violent at times. In general,

⁵⁵ Interview with a Tembo vendor, Nyabibwe, Kalehe, Kalehe, 31 August 2021.

⁵⁶ For a masterful treatment of the emergence of Idjwi culture and identities see the work of David Newbury (Newbury and Newbury 1982; Newbury 1991; 1982; 2009).

⁵⁷ Interview with a farmer, Milimo, Ntambuka chiefdom, 1 August 2021.

violence is understood and explained as either criminal behaviour or a result of the manipulation of politicians, popular justice, interpersonal conflicts, especially land conflict, and conflicts over premarital pregnancies. In addition, violent behaviour is attributed to outsiders such as Congolese security forces, and in particular the Rwandan navy. The most salient conflicts framed in terms of identity encountered on Idjwi Island run along three main identity splits: a north-south or Rubenga-Ntambuka split; a Bany'Idjwi-Mbuti/Twa split; and a Bany'Idjwi-Banyarwanda split.

THE NORTH-SOUTH CONFLICT

Historically, as we have shown, there have always been tensions and competition between the north and the south on Idjwi. While it is generally agreed that the chief of Ntambuka in the south, Roger Ntambuka Mihigo II (henceforth: Ntambuka), is a legitimate mwami, there are disagreements about whether the chief of Rubenga in the north, Gervais Ndawenderundi Rubenga (henceforth: Rubenga), is a legitimate mwami. In their current form, the two chiefdoms were created in 1974 and both Ntambuka and Rubenga are recognized as the customary chief (*chef coutumier*) of their chiefdoms by the Congolese state.

However, according to our sources, among the customary authorities in the south, Rubenga is not a mwami but rather a “murhwali”, that is, a representative of the king in the north.⁵⁸ They claim that Rubenga chiefdom is an artificial administrative unit created by the colonizers. Moreover, they claim he cannot be a real mwami since he has not been enthroned according to the customary rules of succession and does not carry out the royal rituals, including the important “muganuro” ceremony. Lastly, they argue that Ntambuka is the only mwami on Idjwi since the royal insignia are kept in his traditional court in Buhoro in the south.⁵⁹ However, this was disputed by a customary judge from the north. According to him, both Ntambuka and Rubenga are

⁵⁸ A *Murhwali* is a direct descendant of the king, formally recognized as a royal representative of the court in a certain area.

⁵⁹ Interview #16 with an interim grouping chief, Rambo, Ntambuka chiefdom, 2 August 2021; interview with a ritual specialist (*mujinji*) at the royal court, Ntambuka chiefdom, Buhoro, 6 August 2021.

bami, as they each hold their own royal insignias of power.⁶⁰ It should be recalled, though, that historically northern Idjwi was a province of the mwami of Idjwi. It was only through Rwandan and later colonial intervention that its leaders were able to gain a form of independence. Furthermore, while it is possible that the customary leaders of northern Idjwi have created a new set of royal insignia, the original ones have always been held by the mwami of the senior line whose seat is in the south of the Island.

The competition between the north and the south is also very present in the field of politics. The competition mainly revolves around access to positions of power and both Rubenga and Ntambuka are very active in this domain. Ntambuka is a long-standing member of Joseph Kabila's *Partie du Peuple pour la Reconstruction et la Démocratie* (PPRD, the People's Party for Reconstruction and Democracy). He was elected to the Provincial Assembly, but his mandate was revoked as it was deemed incompatible with his position as customary chief (La Prunelle 2019). Until the 2018 elections he served as a so-called "co-opted" customary chief in the Provincial Assembly. Rubenga is also active in politics and is a member of the *Éveil de la conscience pour le travail et le développement* (ECT, The Awakening of the Conscience for Work and Development). The ECT is led by Boniface N'Kolo Balamage, a Bany'Idjwi from Rubenga. The ECT is part of the FCC. This implies that both Rubenga and Ntambuka are part of the FCC coalition of which Kabila remains the dominant political leader.

Though the two chiefs of Idjwi are part of the same parliamentary block, it seems that the competition between the north and the south during election periods is very intense. This is probably linked to the high stakes of elections. During election periods politicians from the north and south compete for the favour of the voters not only on their own behalf and on behalf of their political party, but also on behalf of their "*territoire d'origine*". As a "son of the soil" a given candidate is expected to defend the interests of his home region. Simply put, a vote for a candidate from either the north or the south is considered a vote for either Rubenga or Ntambuka chiefdom. Apparently, the competition can get so intense that politicians representing the north

⁶⁰ Interview with a customary judge, Rubenga chiefdom, 11 August 2021.

are not welcome to campaign in the south and vice versa. Those who try anyway may be met with threats and vandalism by youth mobilized by politicians from the home region.⁶¹

THE BANY'IDJWI-MBUTI CONFLICT

Currently, the conflict between the Bany'Idjwi and the Mbuti appears to be the only one on Idjwi that is cast in ethnic terms and has a violent dimension.⁶² Tensions revolve around access to land and its resources and discrimination against the Mbuti more broadly. Historically, the Mbuti lived in the forests of Idjwi as hunter-gatherers. Around 1980 they were evicted from their homes and Bany'Idjwi took over their land. Deprived of their traditional livelihood and land, they settled into camps and tried to survive by cultivating the non-arable lands on the coastal fringes. The Mbuti number 15,000, the Bany'Idjwi 300,000 (Autesserre 2021). The Bany'Idjwi interviewed for this report recognized that the Mbuti were the autochthonous population and that they play a role in royal rituals. However, they see problems of the Mbuti as being largely of their own making. They generally see them as lazy, primitive, drunk, violent and given to stealing. As one Bany'Idjwi customary authority put it: "There is another conflict here, which is about pygmies stealing and destroying our fields. The pygmies are lazy and passive. They don't like to work. Whenever the landowners went to their fields the pygmies attacked them with spears, they even killed. They are criminals."⁶³ The only respected Mbuti were those whose lifestyles had become assimilated to the Bany'Idjwi's. In the words of a Bany'Idjwi schoolteacher: "Some of them have a good lifestyle ... In the current evolution, one can find a television and solar panels in the house of a pygmy."⁶⁴

It seems that many Mbuti survive by working in the fields of Bany'Idjwi landowners. Others engage in fishing or pottery while those who have an education are better integrated into society. Another source of conflict are pregnancies that result from sexual intercourse between Bany'Idjwi men and

⁶¹ Interview with a court clerk, Bugarule, Rubenga chiefdom, 8 August 2021.

⁶² The conflict is sometimes also framed in racial-linguistic terms as a conflict between "Bantus" and "Twa/pygmies".

⁶³ Interview with an interim grouping chief, Rambo, Ntambuka chiefdom, 31 August 2021.

⁶⁴ Interview with a teacher, Ntambuka chiefdom, 5 August 2021.

Mbuti women. Bany'Idjwi men usually deny their fatherhood since having sexual relations with an Mbuti woman is considered a taboo. Therefore, children with Mbuti blood cannot be part of Bany'Idjwi families. As a result, they are raised by Mbuti families.⁶⁵ In order to avoid conflict, Bany'Idjwi parents sometimes buy some land for them.⁶⁶ According to a spokesperson for the Mbuti of Ntambuka chiefdom, they feel severely discriminated against by the Bany'Idjwi in almost all domains: politics, development, access to resources, etc. According to him the mwami gave them some land almost 30 years ago in Mugote grouping. But now the mwami and his family want them to leave on the pretence that they are stealing.

THE BANY'IDJWI-RWANDA CONFLICT

There is not the same degree of enmity against people of Rwandan descent on Idjwi as in Kalehe, and, particularly, in Bunyakiri. Indeed, many Bany'Idjwi acknowledge that some of their ancestors arrived from Rwanda long ago. Furthermore, the relationship between the approximately 40,000 Rwandan Hutu refugees who arrived on Idjwi following the genocide in Rwanda and the Bany'Idjwi were at least in part mutually respectful and beneficial. This was partly because the refugees worked in the fields of the Bany'Idjwi. However, among these refugees were also a large group of fighters who set up military camps, recruited local youths and launched attacks in Rwanda. The majority of the refugees and fighters left in 1996, chased out by the AFDL rebellion (Autesserre 2021, 28).

The current conflict between Bany'Idjwi and Rwandans seems to revolve around the issue of fishing rights in the groupings of Mugote and Nyakalengwa near the villages of Nkuvu, Muguza, Boza, Bwina, Buhangwa, and Muhumba, which are close to the Rwandan lake border.⁶⁷ This conflict is not primarily local. Rather, it is part of a larger conflict between Rwanda and Congo for control over Lake Kivu resources. The Rwandan maritime

⁶⁵ Interview with an Mbuti spokesperson, Kisiza, Ntambuka, 5 August 2021.

⁶⁶ Interview with a farmer-herder, Mazina, Ntambuka chiefdom, 2 August 2021; interview with a former soldier in the national army, Ntambuka chiefdom, 4 August 2021; interview with a village chief, Ntambuka chiefdom, 5 August 2021.

⁶⁷ Interview with officials of Ntambuka chiefdom, Rambo, Ntambuko, 3 August 2021; interview #14 with a farmer-herder, Lushindi, Ntambuka, 2 August 2021.

authorities accuse Congolese fishermen, including Bany'Idjwi, of two transgressions: fishing across the maritime border and using fishing nets, which are too fine-meshed (Musamba 2018). Indeed, Congolese fishermen use small-meshed gillnets called "Kaningini". They use these nets to catch sardines (*Limnothrissa miodon*), which were introduced from Lake Tanganyika in the late 1950s (Kaningini et al. 1999). Locally, the sardines are known as "sambaza".

According to some of our interviewees, the Rwandan navy and civilians threaten, harass, arrest, and even kill Congolese fishermen and have even occupied the small island of Nkombo. However, the "Kaningini" nets are allowed in Congo and the Sambaza contribute to reducing poverty and improving food security and nutrition (Tessier et al. 2020). Therefore, Congolese fishermen do not want to use nets with a larger mesh. They also accuse the Rwandan navy and Rwandan bandits of stealing fishing nets, leading to hunger in the area.⁶⁸

However, it is difficult to know who kills the fishermen as there are different "patrols" including some Congolese ones.⁶⁹ Nevertheless, in terms of identity politics, it is interesting that at least some people insist that the killings are carried out by Rwandans. This is not an uncommon phenomenon in eastern Congo. Sometimes, when people do not know who the assailants are, they simply attribute the killings to Rwandans. This speaks to the tendency to blame Rwandans for the Congo's troubles and to think of the conflicts in Congo in crude identity terms even when the sources of the conflicts are much more complex. In sum, as in the other examples covered in this report, the conflict between Bany'Idjwi and Rwanda is connected to an underlying conflict over natural resources, authority, and rights, in this case, fishing rights.

⁶⁸ Interview with a village chief, Bwiru, Ntambuka chiefdom, 8 August, 2021.

⁶⁹ According to our sources, since 2006, 36 fishermen have been killed by unidentified patrols, or have drowned when they jumped in the water to escape. Interview with the president of a fishing site, Kishovu, Ntambuka chiefdom, 1 August 2021.

In this report we have researched ethnic identity politics in eastern Congo. We have argued against framing eastern Congo's conflict as ethnic conflicts *per se*, as this term replicates present-day conflict narratives, which establish and normalize enmity and antagonism between identity categories. Such conflict narratives tend to depict the conflicts as being between ancient ethnic enemies locked in a historical battle for survival, autonomy, and supremacy. For instance, the conflict between Kinyarwanda-speaking communities and other communities in the Kivus should not be understood as a battle between ancient ethnic enemies. Casting the conflict in this way frames the past through the perceptions and interests of today's conflict parties. To puncture these conflict narratives, we have analysed some of these conflicts historically. We have shown that prior to the colonial period the places known today as Kalehe and Idjwi Island constituted a transition zone between two cultural and ecological zones: the small societies of the forest cultures where power was widely shared and the interlacustrine cultures where power was more centralized. However, there was no firm boundary between these two broad cultural zones.

Shortly after independence Crawford Young reminded us that tribalism is not "a phenomenon of the primeval forest; the disastrous conflict between Lulua and Baluba at Luluabourg was in no sense the re-enactment of an obscure war in the mists of the pre-colonial past." Instead, he argued, that colonial experience not only superimposed a state but also profoundly affected pre-existing African societies (Young 1965, 234). Building on Young's

observation we argue that the institutionalization of ethnic territories called customary chiefdoms (*chefferies*) during the colonial period has been an important vector of the formation of what Bogumil Jewsiewicki has called “the political culture of ethnicity” in the Congo (Jewsiewicki 1989). Ostensibly, such chieftaincies reflected pre-existing indigenous polities and institutions. However, most of the chiefdoms created during the colonial period did not reflect indigenous political institutions. Instead, they were created at the instigation of the colonizers in order to extract resources and maintain order in rural areas (Watts 2004; Hoffmann 2021; Moore 2005). While these chiefdoms were poor imitations of precolonial political cultures and institutions, certain indigenous elites played significant roles in the transformation of society during the colonial period. These elites collaborated with the colonial authorities to define indigenous culture, values and norms and the histories of their people. This information was subsequently deployed to legitimize the reorganization of indigenous societies.

Without recourse to such indigenous testimonies – depoliticized as ethnographic facts – the colonial chiefdoms would have been devoid of legitimacy. In this sense the creation of chiefdoms was a strategy which reconstituted the past to meet the needs of the present of both (some) indigenous elites and the colonial authorities (Spear 2003). This should not obscure the fact that the rules of the political game changed fundamentally and that the scope of action of indigenous elites was heavily circumscribed by the colonial state. Generally, the indigenous leaders who profited from colonial rule were those who were willing to collaborate with the colonizers, such as Bera and Rubenga in the northern part of Idjwi and Rushombo in Mpinga and Bigirumwami in Buzi on the mainland. These leaders were recognized as customary chiefs (*chefs coutumiers*) of ethnic territories, which had little in common with pre-existing political cultures and institutions. Leaders who resisted, such as several Batembo chiefs on the mainland and Ndogosa, the *mwami* of Idjwi kingdom, were deported. Meanwhile, their populations were subjected to violent reprisals, onerous taxation and forced labour. This is important because it shows the extent to which colonial objectives of resource extraction and accumulation determined not only who was recognized as customary chiefs, but also the actual boundaries of chiefdoms. Thus, the territorialization of ethnicity was directly connected to Belgium’s

imperial ambitions and, therefore, to the forced integration of indigenous societies into the orbit of global capitalism.

But how precisely did the colonial state formation process contribute to the formation of the political culture of ethnicity in Congo? First, the territorialization of ethnicity contributed to the creation of an ethno-territorial template of political thought and action. This template has not only become ingrained in the territorial administrative framework of the state, but also in people's political identities, rights, imaginaries, and attitudes. In other words, it has produced an institutional and legal framework, which ties people to their ethnic identity, as well as an ethnicized understanding of the politics and conflict, and the stakes involved. Secondly, the colonial state formation process changed the rules of the political game in eastern Congo in crucial ways. Whereas prior to colonization, by and large, the main concern of political rule was the maintenance of internal legitimacy and communal cohesion, during the colonial period the customary chiefs had to focus on extracting and accumulating resources, maintaining order, and obtaining the recognition of the colonial state authorities. If they failed to achieve these objectives, they could be deported or worse. During this process, the institution of kingship changed character even as it was tied ever closer to ideas of tradition and ethnicity. Indeed, during colonial rule the institution of the *mwami* was largely recreated in the image of a European feudal lord.

While the colonial organization of the indigenous populations into chiefdoms was done to consolidate colonial hegemony, it proved highly unstable and produced resistance and conflict everywhere. Yet the foundation of this order has never been fundamentally challenged. Even recent legislation, such as the 2004 law on Congolese nationality, the 2006 Constitution and the 2008 law on decentralization, operate within the colonial ethno-territorial framework. In the context of the recent decades of multiple crises and violent conflicts in Congo, this ethno-territorial template has undoubtedly shaped the conflict. One of the striking long-term effects of the creation of colonial customary chiefdoms is that they have become vehicles for political claims and counterclaims, typically articulated as the need for cultural autonomy. Economic competition also enters the equation at this stage because territorial autonomy implies more control over economic resources, in particular land, labour, and taxes.

One of the major issues is that the Congo lacks a unifying identity capable of counteracting the powerful fragmentary impetus of exclusivist ethnic identity politics and resource extraction. During the Second Congo War, a patriotic and nationalist popular movement emerged in eastern Congo to fight Rwanda's army's invasion. The vanguard of this popular movement was the various Mai-Mai groups. At its core, the Mai-Mai movement was deeply ethnicized. It framed its main enemy as the "nilo-hamitic" Tutsi. However, after the Tutsi-dominated Rwandan army left in 2003, their enemy became anyone associated with Rwanda. Yet, the Congo is home to a large Kinyarwanda-speaking population whose citizenship rights are, therefore, continuously challenged. This leaves them chronically insecure of their citizenship rights, which, historically, has incentivized them to protect their interests through military means (Mamdani 1998; Stearns 2012).

For instance, in the highlands of Kalehe Banyarwanda and Tembo militias have been fighting over the mineral-rich "five hills" for decades. While the conflict between Kinyarwanda-speaking communities and other communities is one of the most serious and destructive in Congo, conflicts between so-called autochthones and allochthones is endemic at all levels of the state's territorial structure. This is partly so because beneath the territory (*territoire*), Congo is compartmentalized into a nested grid of customary territories (chiefdoms/sectors, *groupements*, villages, and even subvillages) whose social, political, and geographical boundaries have been created through often violent processes of exclusion and inclusion. These conflicts are part of people's collective memory and inform how they understand politics and conflict. This is part of the reason why, throughout its history, from the Congo Free State of Leopold II to the Democratic Republic of Congo of Félix Tshisekedi, the modern state in Congo has been wracked by factionalized conflict and violence tainted by ethnicity.

One of the most disturbing aspects of the current situation is that there does not seem to be much hope for change. Congo's political elite appears to be principally concerned with self-enrichment and the accumulation of authority. President Félix Tshisekedi has vowed to root out corruption and impunity, but while several high-profile court cases and arrests have been made, it does not, for the moment, appear as though the behaviour of

Congo's political elite has changed much. Self-enrichment and the amassing of power continue to be the main objectives of authority. Ethnic identity also continues to be a key strategy through which to achieve these core objectives. A large proportion of Congo's political elite claims to defend the interests of their home territories. Political leaders donate gifts to their supporters, who are often co-ethnics, to show their grandiosity, power, and care for the community. However, most often these acts remain tokenistic, as most rents derived from political office end up profiting only the elites themselves and their close social contacts. The revelation of the amassing and offshoring of huge sums of money by former President Kabila and his entourage in recent years is a case in point. Politics at the national level and at the local level are connected. Political leaders in local political arenas are part of large political coalitions and participate in the patron-client logics of the system. Local political leaders reproduce identity and patronage politics to capture power and resources. However, ultimately, the question is what this form rent-seeking politics has to offer the Congolese citizenry? Most Congolese live in unacceptable poverty and receive very little in return for their labour and the – mostly illegal – taxes they pay. Little to nothing exists in terms basic public services such health, education and security and justice. Instead, most of the resources accumulated are skimmed off by political and military elites and their international business partners. While the jury is still out on the Tshisekedi presidency there is a clear historical pattern in play. Since colonization the purpose of political authority has been to maintain order and facilitate resource accumulation. Ethnic identity and its territorialization have been used as a political strategy to ensure that this pattern can continue.

REFLECTIONS ON DECOLONIZING CONGO'S ETHNIC IDENTITY POLITICS

We do not think that it is appropriate to provide a set of short recommendations to an issue as complex and sensitive as ethnic identity politics in the Congo. This is not only because there is a risk in simplifying a highly complex set of issues, but also because we think that policies should be formulated mainly by those who are most adversely affected by the Congo's multiple crises: the people of Congo. Instead, what we would like to offer is a few reflections on how to move on from the current predicament.

As our report shows, the triple colonial legacy of ethnic territorialization, resource extraction and power centralization has not served the interests of the bulk of Congo's populations. In our view, therefore, it is pertinent to start thinking seriously about how to *decolonize identity politics* in Congo. We do not pretend that this can be done in a short period of time or that it can be done through a set of minor adjustments. One does not save the Titanic by rearranging its deck chairs. Given the poor track record of Congo's political system in ensuring the basic needs of its citizens, despite modest democratic gains, we cannot see how this can take place without fundamental structural changes to the politics of resource distribution and identity. Simply put, in our view, a much larger share of Congo's wealth in natural resources must be invested in the general well-being of Congo's citizens, through the creation of public institutions capable of providing basic services to people, such as education, health, security and justice. Similarly, the Congolese should be provided a much larger rate of return on the heavy, mostly illegal, taxation imposed upon them. In terms of ethnic identity politics, we do not think it is possible or desirable to try and ban it, like Mobutu did in the 1970s. We think that it would be unethical for us as researchers to suggest a ban on something as fundamentally important to people as their collective political identity. That said, we think that there is enough evidence to show that the sort of polarized identity politics that takes place in many parts of the Congo today is riddled with dangers and conducive to violence on a massive scale. So, we maintain that, to reduce the level of violence and conflict in Congo, it is necessary to rethink the meaning of ethnic identity and the role it may play in politics, including peacebuilding. Specifically, we suggest that the colonial legacy of territorially bound ethnic communities ruled by "decentralized despots" (Mamdani 1996) is particularly damaging to the prospects of peace and reconciliation. This template has too often been used to justify violence on a massive scale, power-grabbing, and resource extraction, not only in Congo, but in Central Africa in general. However, just because colonial ideas of ethnicity have been deployed to promote violence and exclusion does not mean that precolonial collective identities, institutions, values, and norms should be dismissed. On the contrary, there is plenty of historical evidence available, which shows that many of the Congo's indigenous precolonial political institutions and collective identities were much more inclusive, fluid, and equitable, including the ones in eastern Congo, than those which were crafted

during the colonial period. Might some of these be harnessed to promote a system which is more equitable and just in ethnic, social, environmental, and economic terms? We think their potential should be explored. However, the question is how realistic it is to “revive” and “re-actualize” precolonial values and institutions under the current conditions, as they challenge the *status quo*. Yet, to our knowledge, there exists enough local practices of solidarity and resource-sharing to be hopeful in this regard.

The international community has long desired, but failed, to stabilize the Congo. In our view, at this juncture, international aid organizations and governments that wish to support stabilization must accept that this will require a transformative change, which involves a strong element of *ex post facto* decolonization. In our view, international actors should focus their efforts on two issues: preventing capital flight and improving social justice. We therefore suggest that they should explore all legal avenues to prevent Congo’s political elite and its international partners from stowing away their fortunes in tax havens. As part of this effort, they should strive to make sure that the deals signed between the Congo’s political elites and international companies for the exploitation of the Congo’s immense wealth and its labour force benefit ordinary Congolese citizens to a much larger extent.

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