

# Democratic Republic of the Congo: undoing government by predation

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*This paper draws on two periods of field research, conducted in 2004, to consider the state of governance in the Democratic Republic of the Congo (DRC). The first measures the paralysing impact of illegal taxation on riverine trade in the western provinces; the second documents civilian attempts to seek safety from violence in the troubled east, and evaluates third-party efforts to provide protection and security. Analysis of study findings suggests that the DRC's current governance crisis is neither historically novel nor driven exclusively by mineral resources, extraction rights or trafficking. Rather, government by predation is an endemic and systematic feature of the civil and military administration, ensuring the daily economic survival of soldiers and officials, who are able to wield their authority in a 'risk-free' environment, without oversight or accountability. The paper's conclusion tries to make sense of the persistence of corruption in social and political life, and assess the capacity of ordinary citizens to reverse their predicament.*

**Keywords:** anti-corruption, civilian protection, governance, resource management, security sector reform

## Introduction

Based on field research conducted in 2004, this paper depicts the ongoing governance crisis in the Democratic Republic of the Congo (DRC) as driven by predatory, albeit self-sustainable, dynamics that have persisted throughout its turbulent history. Contrary to a view common among Congo observers, the current predicament is not entirely reducible to deliberate mismanagement of the country's natural wealth nor, by extension, are its governance problems insolvable. The paper's supporting research and analysis reveal an administrative logic that is both ostensible and measurable in output and effect, but which in no way furthers the prosperity of ordinary civilians or serves any collective interest. Although reversible, its current *modus operandi* will continue to undermine Western-style development initiatives until ordinary citizens cease to accept the *de facto* informality and unaccountability of the civil and military administration.

The presentation of the study findings follows a brief consideration of the historical continuity of the DRC's governance crisis, its provincial reach and daily practice, all of which exceed the mismanagement of natural resources. The consequences of the two primary modes of predation deployed today and presented here—trade-crippling illegal taxation and violent coercion and deprivation by armed forces—underscore the extent to which predatory tactics and *débrouillardisme* ('fend-for-yourself' ethos) have eroded provincial administrative structures. For their economic survival, local administrators and their military counterparts rely on the direct appropriation of cash and produce from rural farmers and traders.

Potential for a reversal of the crisis is demonstrated by the formation of local anti-corruption committees in Bandundu and Equateur provinces, whose membership includes local administrators, traders and producers. The committees unanimously demand the cessation of illegal taxation and ad hoc commercial regulations. In the east, the terror of military predation in Ituri and North and South Kivu persists as soldiers remain unpaid and uncontrolled, leaving victims no recourse to effective legal or physical protection. With more than 17,000 troops, the United Nations Mission in Congo (MONUC) is the largest in the world, and yet exactions against civilians remain widespread, particularly in the eastern provinces, despite the war having waned significantly since 2004 when this research was conducted.

## Methodology

The first of the two research efforts informing this article is the product of time spent as a consultant to Washington, DC-based Innovative Resources Management (IRM). I was commissioned to study the obstacles to economic recovery along the Congo River and its tributaries in Equateur and Bandundu provinces. I joined a team of Congolese researchers who were applying qualitative and quantitative methods to understand why riverine commerce, once the backbone of the DRC's rural economy, had atrophied to the point where Kinshasa imports basic foodstuffs while rural produce rots in nearby villages. Study findings were presented to government officials and members of civil society at the regional and national level, and more widely disseminated through a series of anti-corruption workshops, conflict resolution training programmes, press releases and academic studies. Research, analysis and training programmes were conducted in Equateur, Bandundu and Kinshasa provinces from May–July 2004.

The Humanitarian Policy Group of the London-based Overseas Development Institute (ODI) commissioned the second body of research informing this paper. The assignment involved documenting and evaluating the primary causes of acute insecurity in Eastern DRC, the ways in which people seek their own safety, and the role of humanitarian actors and others in protecting them or creating a more secure environment. Undertaken between August and October 2004 as part of a global ODI evaluation of theories and practices of civilian protection by humanitarian actors, the DRC country study was based on a literature review and field research, including more than 50 interviews with humanitarian actors, United Nations (UN) officials, donors, diplomats, and members of Congolese civil society. The methodology was largely ethnographic, combining interviews, document research and field observation.

## A history of illegitimacy

Neologisms born of criminal state activity—‘predatory governance’ in particular—require a historical context if they are to have meaning. In the case of the DRC, a number of recent studies have sought to link the dynamic of political violence in the

east to mismanaged mineral wealth (see, for example, Vlassenroot and Raeymaekers, 2004). Others extend this position to argue that the nexus of resource extraction and political violence is itself no historical novelty in the DRC, and has varied little over the past 120 years (Global Witness, 2004). Some remarks on the historical continuities of predatory governance are warranted, before considering its relation to the plundering of minerals and other natural resources in Ituri and the Kivus.

Indeed, the synergy of today's violence and resource exploitation in Ituri and the Kivus shares a direct lineage with a long history of unchecked plunder that has rarely benefited ordinary citizens. Initiated by King Leopold II of Belgium and his Congo Free State (1884–1907), and subsequently expanded under Belgian colonial rule (1908–60), the pattern of unregulated yet state-sanctioned resource extraction was inherited and pursued by the ruling elite of President Mobutu Sese Seko's one-party—the Popular Movement of the Revolution (MPR) (1965–97)—state. Following Mobutu's ouster in May 1997, the informalisation of resource appropriation continued under Laurent Kabila. Natural wealth was redistributed to a new set of clients, the foreign backers of his short-lived Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) (1997–2001) regime, including Angola, Namibia and Zimbabwe. When Kabila reneged on his debts to Rwanda, his initial backer, he provoked Rwanda's subsequent invasion and acquisition of concessions and extraction routes across the east.<sup>1</sup>

Mobutu's firmly established precedent of neo-patrimony and cronyism has been maintained under the current administration led by Laurent Kabila's son, Joseph, whose transitional government controls the diamond mines of Kasai and Katanga. The most lucrative and militarised predation documented in 2004, however, occurred in the volatile eastern provinces. In the Kivus, Congolese Rally for Democracy (RCD) commanders and their Rwandan patrons were the primary beneficiaries, whereas rival militia groups and their Ugandan backers dominated the lucrative parallel markets and mining concessions in the Ituri district of Orientale province.

Besides these historical continuities, another important, but often overlooked, insight emerges from the purported causal link between political violence and natural resources. This is the correction of common readings of the second Congolese 'war of liberation' (1998–2003) and ongoing turmoil as a descent into an intractable barbarism of unchecked greed, ethnocide and even cannibalism (Bergner, 2003). The socio-economic networks generated by the synergy of resources and political violence, although very real, are not better understood when cast as the last gasps (recall 'The Coming Anarchy') of a doomed socio-political order. Macabre allusions to the proverbial 'heart of darkness', surprising in a publication such as the *New York Times Magazine* (Bergner, 2003), illuminate nothing of the causes or mechanics behind the DRC's current predicament.

Important as it is to recognise predation as an abiding aspect of Congolese governance, this should in no way imply that the political class is inherently incapable of serving the greater good. Nor, by extension, is the current crisis incorrigible, its consequences irreversible. Rather, this paper aims to correct the common assumption that today's quandary is the culmination of historical precedents, further entrenching the notion that poor governance is historically inevitable and thus irretrievable. Precedents include the kleptocracy of Mobutu's neo-patrimonial reign, its cronyism (*clientélisme*) both

within and without—the country served as a ‘client state’ to Western interests throughout the Cold War—and finally the ‘fend-for-yourself ethos’ (*débrouillardisme*) inculcated from independence in 1960 to the present day. Illegitimate authority, instantiated by fiat instead of consensual process, is a hallmark of the contemporary phantom state, where functionaries, soldiers and police officers exact their daily pound of flesh much as the former administrators of the Congo Free State, over a century ago.

This paper will not add to existing research on these historical continuities, which are developed in more detail elsewhere. The aim here is to delineate the particular logics and practices of predation as a mode of governance—that is, the use of one’s position of authority to ensure the complicity of one’s subordinates in acts of exploitive, non-consensual gain; to subdue political subjects using undue cruelty and in a manner without legal precedent.

## Beyond the resource/violence argument

Beside the historical continuities it asserts, the research referenced above also advocates the conventional—and compelling—view that the DRC’s problems are due to an intractable synergy of mineral wealth and violence. This view has received further legitimacy from reports by the UN Security Council Panel of Experts investigating the links between resource exploitation and continued violence in the east, and the role of multinational companies therein (UN Security Council, 2001; 2002; 2003). Because natural resources are presumed to be the predominant catalyst of ongoing political violence, their proper management is advocated as the royal road to sustainable peace and Western-style development in the DRC. Yet there is much more to the country’s governance crisis than subterranean treasures and trafficking: such a view ignores widespread forms of predation by the civil and military administration in many spheres of human exchange, down to the basic subsistence practices of Congolese farmers. Understanding predatory governance requires a grasp of these additional exploitive practices and how they flourish in the absence of legitimate governance.

The two other, less documented modes of predation, detailed below, are more widespread and deeply entrenched than resource-related violence. This is because, unlike rare gems and minerals whose extraction and trafficking are localised, highly guarded activities, the predatory practices described here entail direct interference in the day-to-day existence of ordinary citizens across the nation. The first of these two modes is purely administrative, and is seen in the invented fees and arbitrary taxes exacted by civil servants throughout the country against petty traders and producers (*‘tracasseries’* in local parlance). Much like the parallel economy of resource smuggling that developed in the shadows of Mobutu’s reign, today’s civil servants impose fictitious taxes and opportunistic regulations on commercial agents, reducing their profit margins and stifling trade by discouraging investment. Not only is riverine commerce of agricultural produce in Bandundu and Equateur provinces paralysed as a result, but minimal river traffic threatens food security in Kinshasa as basic foodstuffs must be imported, making them prohibitively expensive for the capital’s indigent masses.

The second form of predatory governance, equally commonplace but concentrated in the militarised environment of the eastern provinces, entails the rape and murder of civilians as well as physical assault and armed robbery by unaccountable and uncontrolled military troops. Unpaid government soldiers and militia members prey on local populations, from whom they forcibly extort their ‘salary and benefits’. This mode of predation is condoned by military authorities as compensation for services rendered; they are in no position to guarantee a regular salary or benefits of any kind. Exacerbated by endemic impunity and a dysfunctional judiciary, military predation is a primary cause of the grave protection crisis and humanitarian emergency across Eastern DRC.

Taken together, these two spheres of structural and physical violence offer a more complete understanding of governance challenges facing the current administration. The resource–violence nexus in the east is one important aspect of today’s predatory regime but, being extremely localised it cannot alone capture the entire scope of governance problems crippling the country. Administrative *tracasseries* and armed abuses by uncontrolled military troops are the more widespread and fundamental features of the governance crisis, and are readily documented in Kinshasa, provincial capitals, rural villages and trading centres.

Finally, the continuing absence of legitimacy currently characterising Congolese governance needs explaining, as does the apparent intent of its leaders to deny ordinary people access to health care, security and livelihood. As the following section demonstrates, behind its corrupt, seemingly inept or mismanaged adventures is in fact a highly dextrous application of disorder as an economic and political instrument. Let us be clear: unfettered anarchy it is not. ‘If it looks like anarchy’, runs the more accurate take on Congolese politics, ‘you don’t understand what you’re seeing’.

## Less law, more lucre

Under the guidance of Laurent and Joseph Kabila since 1997, Congolese governance has retained Mobutu’s infamous disdain for civic duty and public works, pioneered and perfected during his 32-year reign. His classic instruction to civil servants, ‘*Population baza bilanga ya bino*’ (the population is your provider), abides as the unwritten principle of low-level functionaries, soldiers and police. Because of the war, the erosion of state institutions has reached a new nadir, but the population is not been ‘abandoned’, a charge often heard in Mobutu’s era. Today’s administrators, along with the police and armed forces, oscillate with careful precision between a targeted neglect of public services and a more active pursuit of civilian resources to siphon, divert and expropriate.

Occasionally, executive heads do roll. In November 2004, Joseph Kabila fired 10 executives of state-owned companies and suspended six ministers for accepting illegal payments and according themselves exorbitant salaries (between USD 8,000 and USD 32,000 per month). The average civil servant makes an irregular USD 30 per month. High-profile sackings may strike a positive chord with international donors, but anti-corruption watchdogs remain unfazed. According to Transparency International’s 2004 Corruption Perceptions Index, the DRC registered as the world’s twelfth most corrupt country.

Analysis of corruption in public institutions shows that predatory governance is faultlessly avaricious and rarely negligent—‘abandoning the populace’ is a luxury no corrupt regime can afford. And while qualitative overviews of Congolese kleptocracy exist (Bayart and Hibou, 1999), far more rare are concrete microanalyses of institutionalised corruption and its consequences for human development. One exception is the research of IRM, funded by the United States Agency for International Development (USAID), on the obstacles to economic recovery along the Congo River and its tributaries in Bandundu and Equateur provinces.

Estimated in 1993 to channel more than 80 per cent of the country’s domestic produce, the DRC’s waterways were once its primary commercial artery (Tollens et al., 1994; 2001). Closed when war erupted in August 1998, the Congo River reopened to commercial traffic in February 2003. Despite the gradual advent of peace, riverine commerce failed to regain its former vitality, agricultural produce remained unsold at the village level, and food prices continued to rise in Kinshasa. In mid-2003, IRM began to investigate factors preventing the recovery of riverine trade.

While post-bellum commercial traffic on the world’s second largest river was next to nil, IRM found that trade was still active on its smaller tributaries deep within Bandundu province. During the war, traders shifted their activities to Bandundu to avoid the concentration of military troops in Equateur province, where the frontline stood north of its capital, Mbandaka. The fact that Bandundu was spared conflict, IRM reasoned, explained why the number of commercial boats registered in Bandundu rose by 89 per cent between 1996 and 1999. In Equateur, by contrast, the number of registered boats dropped by 68 per cent during the same period. The number of riverine operators registered in Kisangani (Orientale province), cut off from river trade by the war, declined from 42 in 1996 to zero in 1999 (Bescoplan/GRET, 2000).

Formerly active traders in Equateur and Orientale provinces spoke of armed ambush by military troops stationed along the Congo River, where little civil administration remained. Yet in the major port towns around Lake Mai Ndombe, and along the Kasai and Kwilu Rivers in the comparatively peaceful Bandundu province, extortion and illegal taxation by rural administrators was rampant. Unlike Equateur and Orientale provinces, few military troops were present. IRM surveys determined that river traders in Bandundu were required to pay fees and obtain obligatory stamps and signatures at an average of 24 administrative offices in each port. According to Congolese law, however, only four such services are authorised to operate.<sup>2</sup> A general inventory of these various taxes showed that 92 per cent of collected fees went towards the unauthorised but obligatory services, leaving a mere eight per cent for state coffers (Ngwala, 2003).<sup>3</sup>

In subsequent studies of a single commercial route, the Kinshasa–Kiri axis (on Lake Mai Ndombe), IRM found that riverboats are forced to call, on average, at 187 control posts. Such administrative delays turn a two to three week journey into a three-month odyssey (Pembe, 2003). Among the 57 riverboats surveyed, the average profit margin was a mere three per cent.<sup>4</sup> For an average round trip, the total paid in illegal taxes varied between USD 3,000 and USD 4,000. Under such pressures, river traders are forced to raise sale prices in Kinshasa to compensate for the high costs of corruption up river.



## From analysis to action

In early 2004 IRM developed a project to reduce illegal taxation in commercial ports in Bandundu and Equateur. It hypothesised that a reduction in illegal fees and taxes would increase trade-related revenue for three classes of beneficiaries: village farmers, river traders and state authorities. By 'deregulating the market' and minimising *tracasseries*, an increase in economic activity would stimulate commerce and competition, potentially decreasing costs to consumers in Kinshasa markets and increasing cash flow in rural areas.

IRM approached the problem of illegitimate administration and taxation in port towns by establishing a dialogue between officials accused of *tracasseries* and the traders, boat owners and producers forced to pay their arbitrary duties and fees. To government officials and ministers at the national level, IRM presented the financial losses to state coffers due to illegal taxation in river ports. The reality of irregular salaries and the lack of accountability of rural administrators was also explained to Ministry of Interior officials in Kinshasa, who endorsed IRM's plan to publicise taxation regulations in ports as a trial strategy to reduce illegal taxation and stimulate economic recovery. At no point did IRM label local or national officials 'corrupt', or pronounce governance dysfunctional. A collaborative position was adopted, with the aim of rejuvenating the situation of economic paralysis caused by illegal taxation in Equateur, Bandundu and Orientale provinces.

By mid-2004, locally organised assemblies involving river traders, village farmers and government officials were established in river ports to discuss constraints to riverine trade. Teams of rural animators from IRM facilitated these events, whose focus was the diffusion of official regulations governing the taxation of riverine trade. By projecting pre-recorded video explanations of tax laws and fees by Kinshasa ministers, the conflicting interpretations of these core regulations were addressed and settled once and for all. Throughout years of isolation due to conflict, illegal taxation was allowed to flourish unchallenged as the central government had little presence in Congo's vast interior. After eight years of war, finally a tangible 'peace dividend' was at hand. Citizens and administrators were at last witness to an authoritative account of relevant legal codes and tax laws from the central government along with their scope of implementation, including disciplinary measures for civil servants operating outside the law.

An early upshot of these rural information campaigns was the spontaneous formation of local anti-corruption committees, whose membership reflected the audience at IRM-sponsored assemblies. Farmers, fishermen, traders, boat owners and port officials continue to meet periodically to discuss and resolve disputes related to taxation and commerce. These committees still share a record of their activities with IRM, but IRM does not finance or direct their actions in any way.

In the wake of its publicity campaigns and the unexpected formation of anti-corruption committees in port communities, IRM conducted a survey (in 2004) to measure any augmentation of riverine commerce and corresponding reductions in illegal taxation. Researchers learned that amounts paid to various administrative services operating in ports had decreased by 49 per cent in six months. The number of obligatory, unauthorised services had diminished, but IRM discovered that many of these agencies had

left the ports to set up operations in trading centres away from the rivers, further inland. Asked what they believed was causing the reduction in illegal taxation, 52 per cent of respondents in Bandundu port towns cited the 'policing' impact of local anti-corruption committees (Ngwala, 2004).

While IRM cannot draw a direct causal link between the impact of the anti-corruption committees and the reduction in *tracasseries*, the commitment of port residents and traders to combat administrative harassment serves to remind ordinary Congolese and analysts that popular mobilisation for change is neither impossible nor inconsequential in rural DRC where the reach of central government is limited.

Key to the operation's success was the voluntary inclusion of the administrators themselves in the anti-corruption effort. By choosing to join the nascent committees, local administrators demonstrated that public accountability was of greater import than continued profiteering in ways publicly acknowledged as illegal. In different terms, long-term political survival trumped short-term illicit gain. Legitimacy in the eyes of the community was suddenly relevant, in some areas. Elsewhere, administrators for whom public pressure was not dissuasive relocated their predatory schemes to untried areas where popular ignorance of tax codes could still be exploited. Other analysts have argued that a 'politics of disorder' under the guise of legitimate public administration is instrumental to illicit economic gain (Chabal and Daloz, 1999), and the experience of IRM confirms this as the root cause of the commercial paralysis on Congo's rivers. When viewed as an experiment in the laboratory of rural development schemes, IRM's initiative to publicise the official regulations governing riverine trade led, ultimately, to a localised reduction in fraudulent governance. It also proved that popular awareness and opposition are essential components of such change.

In addition to its salutary impact on commerce and local governance, IRM's purely quantitative strategy of defining the crisis signals a break with the prescriptive tactics ('naming and shaming') common among humanitarian agencies and human rights campaigners. At the national and local level, Congolese officials claimed to value IRM's approach because it offered a solution to the dysfunction crippling the DRC's vast and potentially lucrative riverine economy.<sup>5</sup> Generating legitimacy and accountability at the central government level, however, remains a challenge of another order.

## **Governance in Eastern Congo: 'your gun is your salary'**

In late 2004 as the second period of research informing this paper was concluding, 2.3 million civilians were displaced despite the conclusion of a number of ceasefire agreements since 1999 and the inauguration of the resultant 'Transitional Government of National Unity' in 2003.<sup>6</sup> Regularly subject to armed violence and predation by unaccountable armed actors, civilians were forced to flee, often remaining beyond the reach of humanitarian relief supplies and services. A mortality survey conducted in 2004 in Eastern DRC estimated that as many as 31,000 lives are lost each month, the majority of which are due to indirect causes, such as illness resulting from forced displacement, rather than combat-inflicted injury (IRC, 2004). 'Is this because of 32 years of Mobutu?'



asked a representative of the International Committee of the Red Cross (ICRC). 'Impossible to know', he continued, 'because the situation is incomprehensible on all levels. Clearly the absence of state authority, impunity, desperate poverty, culture of corruption, rampant insecurity and staggering degree of arms proliferation all combine to create the disaster that is North Kivu today'.<sup>7</sup>

The cycle of civilian predation at the hands of armed forces is a vicious one. On the one hand, a fledgling and under-resourced national army—the Armed Forces of the Democratic Republic of the Congo (FARDC)—struggles to dominate recalcitrant armed groups or to control its own dissident factions. UN peacekeepers assist efforts to assert government control over national territory, acting as a buffer between armed elements and civilians, and supporting the national government in its transition process and monitor ceasefire implementations. MONUC is not, however, mandated to defend the national army or the Congolese state against armed attack. Rogue militias and dissident FARDC troops sense the impotence of both peacekeepers and government forces and, throughout 2004, led numerous attacks on civilians in North and South Kivu.

When asked about the capacity of Congolese forces of law and order to stem the cycle of impunity and corruption within their ranks, a senior UN official in Bunia described the local aversion to information sharing among administrators at all levels. In Ituri, he explained, matters of governance are kept secret; inscrutability appears to ensure political survival. As a result, essential information is guarded by those at the top, creating an atmosphere in which suspicion, distrust and rumour form the basis of institutional politics. 'This opacity enables the abuse of power', he added. 'Together they form the royal road of corruption'.<sup>8</sup> Lower administrative echelons, such as police and military commanders, imitate the practices of their superiors, because 'no one knows any different'.

While administrative structures in Eastern Congo are as informal and unaccountable as in the western provinces described earlier, two months of interviewing civilians, humanitarian actors and UN officials in Ituri and the Kivus in late 2004 suggests that the primary protagonists of predatory governance are the armed forces: FARDC, ethnic militias, popular defence forces (that is, *Mayi Mayi*) and Rwandan insurgents (Democratic Liberation Forces of Rwanda (FDLR)). Military discipline is unlikely when soldiers are not provided with salaries or benefits. 'Even if you punished every soldier in this town by cutting off their right hand', another ICRC representative observed, 'they would still have to find a way to feed themselves'.<sup>9</sup> Unable to meet the economic needs of their soldiers, military commanders routinely inform them that 'your gun is your salary'. Civilian resources such as crops, livestock and manpower (*main d'oeuvre*) are requisitioned to meet troops' needs for material sustenance and manual labour (porters, cooks and scouts). UN Secretary-General Kofi Annan acknowledged the impact of these practices in a March 2004 report: 'Across the Democratic Republic of the Congo, looting, armed robberies, extortions, illegal taxation, arbitrary arrest and illegal detention continue to be key means of subsistence for unpaid soldiers' (UNSC, 2004).

Civilian abuse in the form of violence, coercion and deprivation is thus primarily a response to persistent material lack and the pressures of daily survival among the Congolese military, although two other factors contribute. First, a dearth of political

will to assert control over poorly paid and ill-disciplined troops stems from the mismanagement of human and material resources within the national military. In a 2005 statement to a Kinshasa newspaper, *Le Potentiel*, commending the Ituri Brigade (FARDC) for its bravery in combating militia, MONUC warned that the government's USD 8 million monthly allocation for troop salaries was 'not reaching the soldiers for whom it is intended'. Such professionalism and sacrifice should be compensated, MONUC argued; it was 'urgent' that the Minister of Defence provide the Ituri Brigade with essential matériel and logistics support (*Le Potentiel*, 2005). Advocating for more troop control, however, is not easy and can backfire. 'From a [civilian] protection point of view', a senior UN official complained, 'we can never say too loudly that the government has no troop control, because they [sic] will use this to distance themselves from the atrocities [the troops] commit'.<sup>10</sup>

Second, military predation is allowed to continue unchecked thanks to a nascent but still inert judiciary system. An effective judiciary, whose edicts and codes are enforced by the services of public order (police, prisons), is essential to ensuring civilian protection. Yet popular confidence in the administrative structures of the eastern provinces, particularly the judiciary, tends to be low (Human Rights Watch, 2005). Regarding rampant military predation, government officials maintain two distinct discourses. Officially, there is recognition of the governance crisis, of unchecked military exactions against civilians, and the culture of impunity. Unofficially, there is greater interest in keeping local police and judiciary weak and ineffective. 'Too many high level people are involved in resource extraction', a Congolese researcher in Goma explained. 'They realise that mafia rackets are far more lucrative than effective bureaucracy could ever be'.<sup>11</sup>

## Predator and prey in the east

In the eastern provinces, predation by military troops of all ages and stripes targets different groups in different ways. The consequences for civilians are worth recounting briefly, as they suggest additional analytical categories through which Congolese governance in its predatory mode can be understood. In such a militarised environment, the distinction between perpetrator and victim, or predator and prey, is sometimes blurred.

The 'child soldier' phenomenon has been a persistent feature of Congolese conflict since 1996. Despite the global and inclusive accords of 2002, the United Nations Children's Fund (UNICEF) claims that few children associated with armed groups have been released and that all armed groups continue to engage in forced recruitment. Of those having received official attestations of their demobilised status, many are still harassed and forcibly re-recruited by the very authorities that issued their papers. As no other authorities are available for appeal, the use of children as combatants and forced labour by armed groups remains widespread.

In late 2004, UNICEF cited a 'working figure' of 6,000 children associated with militias in Ituri district alone, but was unable to confirm this estimate as militia leaders under-report the numbers of minors in their ranks. Such dissemblance suggests, according to some, an anxiety about current war crimes investigations by the International Criminal

Court (AFP, 2004).<sup>12</sup> As of March 2005, however, nearly 2,000 boys and 500 girls had been registered with MONUC's demobilisation team in Bunia. Not all were combatants. 'Some may have been sexual slaves, others forced to work for the rebels', reported a UN military observer in Bunia (IRIN, 2005).<sup>13</sup> For the majority of combatants, even the youngest, armed predation constitutes their livelihood, their sole 'income-generating skill'. Reported executions by militia leaders in December 2004 of child soldiers who had consented to undergo demobilisation did not bode well for the process (IRIN, 2004b). As forced conscripts unto a hierarchy whose livelihood is procured through armed violence and coercion—thus predatory by definition—children associated with armed groups become both objects and agents of predation.

Victims of sexual and gender-based violence, meanwhile, constitute another victim group, subject to predation by military forces across Eastern DRC. Although precise figures are unavailable, the Joint Initiative on the Fight Against Sexual Violence Towards Women and Children has assembled statistics from various agencies working with rape survivors. More than 40,000 cases of sexual abuse against women and girls were recorded as of March 2004 (IRIN, 2004a; USAID, 2004). Between August 2004 and January 2005, Médecins Sans Frontières (MSF)–Switzerland documented 807 cases of rape in Bunia. Armed combatants were behind 78 per cent of these incidents; 80 per cent of cases involved weapons (MSF, 2005). Similarly, between July 2003 and April 2004 in the town of Baraka, South Kivu, other MSF sections reported 620 rapes, all perpetrated by men in uniform (MSF, 2004).

Accusations of sexual violence against the military abound, yet trials and sentencing are rare. While the vast majority of accused members of the military are not held accountable, one exception was a military court in Mbandaka, Equateur, which sentenced a FARDC soldier to 36 months imprisonment for raping a five-year-old girl (UNSC, 2004). Despite a lack of political will to pursue military troops accused of rape, a Congolese human rights advocate observed that 'there is a [popular] will to go to justice' (Human Rights Watch, 2005, p. 38).<sup>14</sup>

Still, many women do not press charges for a variety of reasons. Lack of protection for victims, combined with the stigma of rape, is a common rationale for remaining silent. Fear of violent reprisal obstructs the judicial process before it can begin, and enables perpetrator immunity from crimes committed. 'Who will protect me if I say who it was who raped me?' a human rights advocate said. 'The men with guns still rule here. The UN [peacekeepers] only protect a small part of town and they will not help me if these men come to my door' (Human Rights Watch, 2005, p. 42).

The highly publicised scandal centring on MONUC peacekeepers, sexual exploitation and child prostitution adds another dramatic layer to the issue. MONUC officials tasked with solving the problem define it as a civilian protection crisis. Consensual or not, in their abuse of power and sexual conduct with minors, UN troops have repeated the 'horrible precedent' of sexual violence set by local armed groups. Equally unacceptable is the apparent ease with which protectors have become violators. The UN has been investigating the crisis since mid-2004, but claimed in a 2005 report that efforts to curtail the sexual abuse of local populations by MONUC peacekeepers were proving ineffective (UN News Service, 2005).

A dysfunctional judiciary is an important enabler of the modes of predatory governance practised in the east—armed coercion, deprivation, and physical and sexual abuse—because legal proceedings are readily deformed to protect the powerful, or to ensure immunity for the highest bidder. Wherever impunity fuels predation and vice versa, public recourse to a functional judiciary ceases to exist as an option when courts become a marketplace where legal judgments are bought and sold. The ‘business’ of impunity is in practice exceptionally lucrative. Civilian-directed violence in the east and illegal taxation in the west, both forms of predatory governance, are born of this marriage of lucre and lawlessness.

## Prospects for reform

Government by predation is not an immutable fate, its course can be corrected. Presidential elections in October 2006 will change little in the short term. While they offer an important opportunity to rectify the current state of governance for the Congolese people, positive change will not happen overnight. The slowness of reform in the DRC does not sit well with the country’s impatient voters. Reform at the national level will require a serious commitment by international donors and, primarily, the political class. Security sector reform (SSR), by way of example, is recognised as an essential step in reducing predation by the national military, and as an aid in the restoration of accountability and legitimacy to this once well-trained and disciplined institution. At present, however, the extensive donor investment required to train and modernise the armed forces is insufficient. Without a massive SSR initiative, the existing forces of order, unpaid and unaccountable, will continue to hinder reconstruction and undermine civilian livelihoods. Predation will remain sustainable provided violations are without repercussion and prey abundant and defenceless. Both conditions for the continuity of predation are well intact.

Related efforts to defuse the excessively militarised east by disarming and demobilising ex-combatants, many of them child soldiers, have been under way for at least five years in the eastern provinces. Donor support as of mid-2005 stood at USD 200 million. Finance for reforming and training the national army, though, is scant. Belgium, Congo’s former colonial occupier, and South Africa are the only nations supporting such programmes through the provision of training camps in Kamina and Kisangani. But if indeed USD 8 million per month is disappearing from army coffers, unpaid government soldiers will continue to use their weapons to survive. What alternative is there? ‘They know agrarian life’, remarked one aid official, ‘and see that guns are far more lucrative’.<sup>15</sup> Yet restoring security by financing a professional national army and by reigning in rogue military elements is not the only miracle panacea Congo needs.

Proper management of natural resources is contingent on a reformed military and a professional civil administration. But what incentives do authorities in the east have to end their predation? Recall that while the initial impetus for war in the DRC was not exclusively economic, conflict in the east continues largely over control of resources and their extraction via Uganda and Rwanda. Ituri and North Kivu are both sites of

lucrative and unregulated extraction activities, including of diamonds, gold, tantalum (coltan), tin ore (cassiterite) and tropical hardwoods. A 2003 study by the Humanitarian Policy Group (ODI) tracked the ways in which coltan mining in North Kivu 'both finances violence *and* provides an incentive for it' (Jackson, 2003). A similar case can be made for mining activities in Ituri, whose economic turf war based on illegal rent-seeking and forced labour in open mines remains undeterred by the UN peacekeeping presence (BBC Africa Online, 2004). Breaking the chains of lucre and lawlessness requires both external pressure and internal commitment, neither of which is currently present in sufficient measure.

A cursory look at Congo's crisis reveals a wealth of research into the connection between conflict and resource extraction. Much of this argues that sound resource management is essential to establishing a sustainable peace and restoring legitimate governance. This is true to a point, as is the importance of better policy coherence between donor governments and an improvement in the practices of multinational companies involved in resource extraction in the DRC within their jurisdiction. Yet even the seemingly basic step of establishing proper resource management is impossible without prior creation of a national army and police force, and then training, equipping and modernising these forces of order. Such are the necessary preconditions of any effort to tame the lucrative synergy of violence and resource extraction in the east. Without security, the present mode of resource management will continue unabated.

Predatory governance in the DRC may be incontrovertible, but its practices can be unlearned with time. Deeply entrenched and immediately rewarding modalities of governance, such as cronyism, ossify into ingrained habits over time, displacing stigma to become norms. Like malformed bones, such practices must be fractured and reset if they are to grow true. In the case of predatory governance, the question is first how to break these practices. Second, who should lead the way? In their controversial book, *Africa Works*, Chabal and Daloz (1999) argue persuasively that clientelism, another long-standing aspect of Congolese governance, is a Janus-like custom that is both 'corrupt' and widely utilised in many societies despite it serving no public or collective interest. The redistribution of wealth, however meagre, is key to maintaining solidarity and building a support base among peers and subordinates. When raised and adapted to the challenges of administrative office, though, the international community considers cronyism-based governance to be 'corrupt'. In the DRC today, there is little questioning of cronyism at the individual level; logically, criticism of it in governance circles tends to be muted.

The same cannot be said of predation. Predation in the modes documented here (illegal taxation and rent-seeking, administrative *tracasseries*, physical violence, coercion and deprivation) may be a common feature of the contemporary Congolese administration, but ordinary citizens consider it exceptionally base and highly reprehensible. Popular resistance to and collective mobilisation against predation is evident along Congo's rivers. Improvements in the commercial environment are palpable, if localised. At the national level, other strategies will be required, but the element of popular ownership must be retained if the reform process is to gain traction. Imposition of reform strategies and formulas from without will likely prove impotent, precisely as has been the case for decades.

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## Endnotes

- <sup>1</sup> The presence of former members of the Armed Forces of Rwanda (FAR), political extremists and *génocidaires* in Eastern Congo was the official pretext.
- <sup>2</sup> Services mandated by the central government include customs and control (L'Office des Douanes et Accises and L'Office congolais de contrôle), hygiene (Bureau de sante et l'hygeine) and migration (Direction générale des migrations). Invented and/or unauthorised services that exact levies and fees on traders include the national army, civilian and riverine police, national intelligence service and Office of Tourism.
- <sup>3</sup> IRM studies further estimate that only four per cent of collected taxes are deposited in the National Treasury, meaning 96 per cent seemingly disappears unrecorded into the pockets of civil servants.
- <sup>4</sup> Further economic loss is due to exaggerated travel time, resulting in rotten produce unfit for resale. Administrative obstructions also entail profit loss on the producer's side, as fewer traders in port means that supply exceeds demand. Local producers must sell at a loss, if they sell at all.
- <sup>5</sup> Minister of the Interior Théophile Mbemba Fundu once remarked to IRM staff that calculating the costs of corruption in economic terms was far more constructive than the 'watchdog approach' of denunciation, with its attendant moral judgment.
- <sup>6</sup> The Lusaka Ceasefire Accord (1999), Luanda Agreements (2002) and the Inter-Congolese Dialogue (the Sun City/Pretoria Agreements of December 2002 and April 2003) comprise what is referred to as the 'global and inclusive accords'. These serve as the basis for the current transitional government.
- <sup>7</sup> Interview, Goma, 2004.
- <sup>8</sup> Interview, Bunia, 2004.
- <sup>9</sup> Interview, Goma, 2004.
- <sup>10</sup> Interview, Kinshasa, 2004.
- <sup>11</sup> Interview, Goma, 2004.
- <sup>12</sup> Although the prosecution of perpetrators in Ituri is important, UNICEF stressed that International Criminal Court investigations represent no concrete improvement in protection standards across the board.
- <sup>13</sup> The United Nations Development Programme (UNDP)'s demobilisation team in Bunia estimates that every disarming combatant is accompanied by an average of four dependants, including women and children, who support militia activities.
- <sup>14</sup> Human Rights Watch reports 10 cases of rape in Ituri and 30 cases in Goma, with 10 judgments handed down in Ituri between February and September 2004 (Human Rights Watch, 2005, p. 38).
- <sup>15</sup> Interview, Goma, 2006.

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