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Rachel Sweet

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ABSTRACT

State-Rebel Relations During Civil War: Institutional Change Behind Frontlines

Rachel Sweet

This dissertation develops a theory of rebel-state engagement during armed conflict that links these varied interactions to processes of institutional change in the state in which they unfold. Conventional wisdom portrays conflict zones as lacking institutions or pitting armed groups and states as competitors. Yet, this dissertation finds that rebels and state agents often negotiate to leverage organizational resources and realize interests on both sides. Drawing on new data from armed conflict in the Democratic Republic of Congo, this dissertation examines how state agents maintain institutions that collect revenue, monitor resource flows, and allocate property in rebel-held territories. Through subnational case comparison, it identifies four sets of accommodations between these actors—collusion, cooptation, entrenchment, and displacement—that differ according to rebels’ use of the state apparatus and where authority resides.

The theoretical framework builds in two steps to explain this variation. First, it traces how rebels engage the state apparatus in their strongholds to appropriate administrations as their own institutional levers of control. Second, it identifies how state agents adapt administrative functions to redirect rebel governance strategies. How rebels link up with the state apparatus during war holds enduring legacies into its aftermath: rebels that convert state institutions into sources of support can upend post-conflict political settlements, while trajectories of institutional change during conflict affect the capital’s ability to reintegrate national territory at war’s end

Analytical focus is placed on how these institutional settlements are forged as rebels and state agents administer the political economy of war. Specifically, I trace how these interactions in wartime systems of taxation in local economies and cross-border trade.

The argument is illustrated and assessed through new data gathered from the internal records of rebel administrations. These data include records of rebels' financial transactions and correspondences with business partners and government agencies, as well as mining reports, security updates, budgets, payrolls, and tax ledgers. These unusually comprehensive records provide data to trace the social relationships that governed resources during civil war and offer unprecedented insights into the inner workings of rebel organization.

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List of Abbreviations

Armed Groups

AFDL	<i>Alliance des Forces Démocratiques pour la Libération du Congo</i> Alliance of Democratic Forces for the Liberation of Congo
ANC	<i>Armée Nationale Congolaise</i> National Congolese Army (armed wing of the RCD and RCD-G rebel group)
APC	<i>Armée Populaire Congolaise</i> Popular Congolese Army (armed wing of the RCD/K-ML rebel group)
CNDP	<i>Congrès National pour la Défense du Peuple</i> National Congress for the Defense of the People
FAPC	<i>Forces Armées du Peuple Congolais</i> Armed Forces of the Congolese People
FLC	<i>Front pour la Libération du Congo</i> Front for the Liberation of Congo
FNI	<i>Forces Nationalistes et Integrationnistes</i> Nationalist and Integrationist Forces
M23	<i>Mouvement du 23 Mars</i> Movement of the 23 March
MLC	<i>Mouvement pour la Libération du Congo</i> Movement for the Liberation of Congo
RCD	<i>Rassemblement Congolais pour la Démocratie</i> Rally for Congolese Democracy (used pre-August 1999)
RCD-G	<i>Rassemblement Congolais pour la Démocratie-Goma</i> Rally for Congolese Democracy-Goma (used post-August 1999)
RCD/K-ML	<i>Rassemblement Congolais pour la Démocratie/Kisangani-Mouvement de la Libération</i> Rally for Congolese Democracy/Kisangani-Movement for Liberation
UPC	<i>Union des Patriotes Congolais</i> Union of Congolese Patriots

State Agencies

ANR	<i>Agence Nationale de Renseignement</i> National Intelligence Agency
CNE	<i>Centre Nationale d'Expertise</i> Center for National Expertise

DGC	<i>Direction Générale des Contributions</i> Direction General of Contributions
DGI	<i>Direction Générale des Impôts</i> Local Tax Department
DGRAD	<i>Direction Générale des Recettes Administratives-Judicaires Domaniales et de Participations</i> National Revenue Department (Direction General of Administrative and State-Owned Revenue)
OCC	<i>Office Congolais de Contrôle</i> Congolese Office of Control
OGEFREM	<i>Office de Gestion du Fret Maritime</i> Office for the Management of Maritime Freight
ONC	<i>Office National du Café</i> National Coffee Office
OFIDA	<i>Office des Douanes et Assises</i> Office for Customs and Excise Taxes
RVA	<i>Régie des Vols Aériennes</i> Agency of Airtime Transportation
SNEL	<i>Service Nationale d'Electricité</i> National Electricity Service
Else	
FEC	<i>Fédération des Entreprises du Congo</i> Federation of Enterprises of Congo
MPR	<i>Mouvement Populaire de la Révolution</i> Popular Movement of the Revolution
NGO	Non-governmental organization
SOMIGL	<i>Société Minière des Grands Lacs</i> Mineral Society of the Great Lakes
UN	United Nations
UPDF	Ugandan People's Defense Force

*“You can listen.
You can always listen
to people who want a chance
to talk about how they see the world.”*

-MJS

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“I deplore this state of affairs... put an end to the fraudulent exportation of our resources and ensure that the financial and customs fees are paid.”
 - Office of the President, RCD, 18 March 1999, Goma

Chapter 1.

INTRODUCTION

Hemorrhaging revenue in the midst of armed conflict in Democratic Republic of the Congo, local governors made stopgap efforts to clamp down on parallel trade. Wartime taxation records warned of “anarchy” and “administrative disorder”¹ as trafficking slipped out of hand. Across rebel-held cities in the borderlands of eastern Congo, intermediaries “pocketed fees”² and “deliberately maintained confusion” in collecting taxes.³ To curb leakages, authorities petitioned informal traders to “put an end to the fraudulent exportation of our resources” and to route cross-border trade through official checkpoints and the formal banking system.⁴ Efforts aimed to make parallel economies legible and build inroads of control in what governors termed the “shadowy zones” of the conflict economy.⁵

Civil wars increasingly spill across national borders, linking up with transnational arms and resource flows that seem to erode the foundations of territorial statehood (Clunan and Trinkunas 2010; Cunningham 2007; Kaldor 2007; Salehyan 2009).⁶ The competitions described above appear typical of armed actors’ ability to profit from their fluid organizations to

¹ Governor of North Kivu, ‘Postes frontaliers’ [letter to AFDL Commissaire General Chargé de l’Economie et des Finances], 22 March 1997, Goma. The Governor listed fourteen agencies were present at Goma’s *Grand Barrière*, although only four agencies were authorized to operate at borders.

² Chef du Département de l’Agriculture et du Développement Rural, “Note Technique à l’Intention de la Commission Economo-Financière du Comité Exécutif du RCD,” 23 May 2002, Goma.

³ Letter number 001/027/DIVIPMEA/P.I./2001, Head of the Provincial Division of IPEMA-Ituri [Letter to the heads of the IPMEA sub-bureaus in the five districts of Ituri: Aru, Mahagi, Mambasa, Djugu, Irumu], 23 May 200, Bunia.

⁴ “Object: Accusé de réception” Bureau du Président du RCD [Letter to businessman Mr. X (omitted for confidentiality)] 18 March 1999, Goma.

⁵ RCD Chef du Département de l’Economie, Plan, Industrie et Commerce, “Concerne: Note Explicative sur la Haute des Prix à Bukavu” [Note to the Secretary General of the RCD], 22 November 2000, Goma p. 6.

⁶ Cunningham (2007) et al. estimate that 55% of contemporary civil wars involve cross-border incursions.

“arbitrage” across institutional bounds and escape state oversight (Ahram and King 2012; Andreas 2004). And yet, the cast of characters proves puzzling. Local “governors” in these exchanges were rebel cadres, who struggled to control conflict economies vis-à-vis local state administrators that redirected revenue streams away from armed groups’ coffers. In the midst of Congo’s prototypical war economy (Le Billon 2001; Nest 2006), state institutions persisted and transformed into frontlines of competition. More than just compete, state agents provided bargaining partners for rebels, sometimes colluding to share resource flows, manage joint tax systems, and co-administer noncombatants.

These interactions draw attention to state-building processes that unfold as armed actors and local officeholders negotiate for control in rebel strongholds. They problematize standard theories of armed conflict that cast rebels as organizing “beyond the state” or in areas where institutions have broken down (Fearon and Laitin 2003; Menkhaus 2006/7). Standard frameworks often portray rebels as using coercion to carve out territory beyond state influence to forge systems of “governance without government” that provide alternatives to states in “liberated zones” (Arjona 2014; Guevara 1969; Mao 1978; Menkhaus 2006/7; Olson 1993; Sinn 2009; Wickham-Crowley 1987).⁷ These approaches often cast rebels and states as zero-sum competitors operating from distinct organizational forms and territorial bases (Martens 2006/7). And yet, state formation often unfolds as armed actors repurpose and reform preexisting administrative structures, as studies of early modern state building show (Centeno 2002; Spruyt 1994). Rather than emerge from scratch, the ingredients of taxation systems and state administrations emerge as wielders of coercion bargain with preexisting institutions.

⁷ On “governance without government,” see Menkhaus (2006/7), for “safe havens” see Sinn (2009) and on liberated zones, see Guevara (1969). Interestingly, Che Guevara journeyed to Congo as part of his insurgency campaigns (Guevara 1969; Carbone 2000; Gálvez 1999).

Similarly, contemporary warzones are often less stateless than they appear. Evidence from a diverse range of armed conflicts illustrates that rebels face consequential choices of how to engage the state apparatus within their military holdings. Public administrations formed the basis of insurgent networks in Eritrea (Pool 2001), rebel goods provision and monitoring in Sri Lanka (Klem 2012; Stokke 2006), and armed smuggling economies in the Caucuses (Kukhianidze et al. 2004). Warlords in Afghanistan used coercion to serve as governing outposts for the central government in Kabul (Mukhopadhyay 2014). Armed actors in post-Soviet Georgia parceled out positions in the state bureaucracy to keep sub-commanders loyal during the transition from military to political rule (Driscoll 2015). Similarly, Pakistani state security forces cooperated with urban insurgents in Karachi, and Indian forces struck tacit deals with Kashmiri insurgents to target common enemies (Staniland 2012b: 249). In southern Sudan, the Sudan People's Liberation Army became customs officers at state border posts (De Vries 2013a), while rebels in Côte d'Ivoire incorporated cocoa and taxation agencies into their own systems of revenue extraction (Airault 2006a; Amuri n.d.; Englebert 2009: 43). Surveying these dynamics across African civil wars, Englebert (2009) concludes that rebels often behave as “state custodians” who preserve rather than eclipse the official governing apparatus.

These diverse relations between states and rebels problematize images of states and rebels as territorially segmented or organizationally distinct, and they open possibilities that these actors manage populations and resources in tandem. These observations are critical to understanding contemporary armed conflict, in which political competition does not follow simple dividing lines (Staniland 2012b). They are also important to enduring questions of state-building as wielders of coercion bargain with preexisting authorities to tax populations (Levi 1988; Tilly 1992). How armed groups and state administrators negotiate and pursue possibilities

of mutual gains shifts forms of rebel organization and the substance of state institutions alike. Moreover, how armed groups link up with the state apparatus hold enduring legacies: these relations can affect the capital's ability to reintegrate national territory and shape distributions of power within the post-conflict state apparatus. Civil wars raise fundamental questions of who can use state machinery and profit from its resources. Yet little is known about these varied patterns of state-rebel relations.

A New Conflict Research Agenda: State-Rebel Relations

This dissertation calls attention to a new research agenda for the study of armed conflict, state authority, and institutional continuity under conditions of fragility and violence. It responds to this gap in extant research by highlighting a new set of questions for studies of civil wars and state building. What do rebels gain by partnering with state institutions? What explains the varied formats that these relationships take? This agenda organizes around two key sets of puzzles and associated research tasks.

A first puzzle centers on *how* state institutions shape political behavior. Standard frameworks demonstrate that institutions should take effect when they are high quality and effectively mobilize collective action (Arjona 2014; North 1990; Ostrom 2000, 1990). Yet, conflict zones lack basic ingredients necessary for state survival: administrations are cut off from central rule and face direct coercion from rebels. Meanwhile, porous boundaries and transnational economies common in contemporary war should reward rebels' ability to cross state lines, build rear bases, and tap into parallel markets—further weakening institutional channels of governance (Ahram and King 2012; Andreas 2004; Kaldor 2007; Salehyan 2009). And yet, the state apparatus often endures in the face of violent rebels, resource looting, and

foreign military invasions. This reveals new mechanisms of institutional continuity and the potential that these institutions influence formats of rebel organization. What mechanisms of institutional continuity explain state endurance under conditions of armed conflict and central retreat? What institutional resources do state administrations leverage and rebels seek to appropriate?

Second, evidence from diverse conflict zones reveals a variety of patterns of state-rebel engagement within rebel strongholds. Instead of waiting to take the capital, armed groups often formulate decisions over the use and functions of state apparatus over the course of war, behind frontlines. In some areas, state agents and armed groups partner and recombine their organizational bases, realizing mutual gains to pass goods to international markets and monitor economic exchange. In others, they persist as rivals, seeking to displace the other from regulating social life and local economies. Rebels face a consequential choice of how to engage branches of state administrations that persist in their territory. What explains the varied formats that rebel-state relations take, and what processes of institutional change do they entail?

I take up these questions within the political economy of armed conflict. Because revenue generation is a primary need for armed groups, wartime systems of economic regulation illuminate strategic points of contact between rebel goals and state interests. Relations surrounding economic governance are at the core of political command, both in the formation of the early modern state and institutional design (Centeno 2002; Levi 2002, 1988; Spruyt 1994; Tilly 1990). Understanding how administrations and violent networks intersect in war economies illuminates contemporary applications of these processes.

Argument

This dissertation develops a theory of the politics of rebel-state engagement behind frontlines that addresses these questions and the empirical puzzles that underlie them. Drawing on insights from research on civil war (Arjona 2014; Arjona, Kasfir and Mampilly 2015; Kalyvas 2006; Olson 1993; Parkinson 2013; Reno 2011; Staniland 2012a, 2012b; Weinstein 2007), Historical Institutionalism (Pierson 1996; Thelen 1999; Thelen and Mahoney 2010), and state authority (Boone 2003; Herbst 2000; Mann 1986; Migdal 1988; Reno 1998; Soifer 2008), it recasts rebels as players in long-term processes of institutional change in the states where they organize. The theory proceeds in two steps. The first examines mechanisms of institutional continuity during war, tracing how state administrations persist and identifying the resources they bring to bargaining tables with non-state actors. The second assesses and explains variation in how rebels and state agents compete and collude to administer war economies. It conceptualizes these patterns as institutional settlements that vary according to the *infrastructure* of rule—whether rebels incorporate preexisting state institutions into their governing strategies—and the *content* of rule—who makes regulatory decisions that structure noncombatant daily life? How these questions are resolved shapes state building processes over the course of civil war.

Mechanisms of Institutional Continuity

This theoretical framework builds from the premise that state institutions are animated by a more variegated set of actors than central interests alone (Boone 2003; Eaton 2006, 2004; Gibson 2005; Migdal 2001; Migdal and Schlichte 2005). Standard frameworks link state institutions to the preferences and capacities of central rulers, so expect institutional effects to follow patterns of central control (Herbst 2000; Mann 1986; Soifer 2008). In this view, mechanisms of institutional continuity weaken in areas beyond central reach, where power shifts

to non-state authorities. Hence, retracted central rule should yield weakened state institutions that lack direct effects on rebel decision-making and wartime governance.

Expanding the range of mechanisms of endurance, this dissertation takes seriously the observation that institutions often persist in conditions that differ from their original creation (Clemens and Cook 1999; Thelen 1999). A Historical Institutionalist perspective reveals that reversing conditions of institutional genesis (here, replacing state strength with state weakness) is not sufficient for institutional retrenchment (Pierson 1996). Instead, processes of institutional continuity and retrenchment differ from processes of institutional creation, such that institutions must be actively unmade or reformed.⁸ This is because institutions often create new classes of actors who gain from their continuity, and who seek to maintain institutions under changing circumstances (Mahoney and Thelen 2010). Instead of fade away as central power wanes, an administrative class that gains from institutional continuity often seeks to maintain the structures that provide them platforms for personal enrichment (Bierschenk and Oliver de Sardan 2014; Englebert 2009; Feldman 2008; Hull 2012; Klem 2012). Taken in aggregate, the actions of these administrators provide forces for institutional endurance.

State institutions harbor distinct sets of resources that endure under rebel rule and clarify mechanisms of institutional continuity. These resources derive from core properties of the modern territorial state, which scholars define through three core attributes: coercion, sovereignty, and an administrative infrastructure or bureaucracy (Clapham 1999; Krasner 2001, 1999, 1995; Mann 1986; Soifer 2008; Spruyt 1994; Tilly 1992; Weber 2009). More than only

⁸ By corollary, emergence of order in civil war is analytically distinct from the causes of the breakdown or shifts in preexisting state institutions. This point builds on Spruyt's (1994) argument on institutional sequencing in the rise of the sovereign territorial state and decline of the feudal system.

compete over coercion, the other two properties—sovereignty and administrative infrastructure—also offer valuable resources for rebel agendas.

Sovereignty provides resources of international recognition useful to negotiate political settlements as well as fronts of legality that are strategic to navigate international markets. A state-like image proves useful to armed groups' objectives of securing recognition as state actors and gaining favorable positions in negotiations with international delegations (Mampilly 2011; Reno 2015; Uyangoda 2011). Moreover, sovereignty makes state institutions materially important for dealing with foreign firms and navigating international markets (Reno 2001, 1998). While sovereignty flows from external recognition (Krasner 2001; Spruyt 1994), this recognition is often tied to the contours of the state apparatus (Englebert 2009). Sovereignty differentiates rebels from capitals, but access to state infrastructure allows armed groups to close this gap. Armed groups that partner with state institutions can earn potential windfall profits by using official authorizations and exemptions to whitewash transactions and interfacing with an influx of humanitarian deployments in warzones. Instead of undermine the utility of the state, contemporary warfare places a premium on statehood to manage relations with foreign partners.

Administrative infrastructure offers resources for rebels to meet basic needs of mobilizing revenue and gathering credible intelligence (Kalyvas 2006; Weinstein 2007; Wood 2003). Administrations provide ready-made means of taxation and information gathering that regularize economic exchange and relations with civilians without costly investments in alternative systems of rule (Mampilly 2011). State infrastructure also provides organizational raw material that promises to outlast war, offering a means of organizational durability to rebels who partner with administrations. The self-referential and repetitive characteristics of

bureaucracy provide vehicles for enduring state authority and can contribute to the organizational durability of armed groups.

Armed groups that partner with state institutions can gain from these resources, while transforming state offices into violent institutions that shore up rebel rule. Rather than juxtaposing state and non-state orders, these resources clarify how armed groups can gain from administrative durability and veneers of legal compliance to shore up their organizational survival. They also call attention to an expanded range of political competitions for statehood that unfold over during beyond simple contests to control coercion. Instead of casting rebel governance as autonomous proto-states, this approach situates rebels within the governing structures embedded within their broader political environment. Beyond armed conflict, it illuminates continued functions of state resources and authority useful to understanding shifts in the international system that globalization entails.

Institutional Choice in Civil War

Armed groups face consequential choices about how to engage branches of state administrations that persist in their territory. Rebels that repurpose administrations can turn formal institutions against central governments and have lasting influence on the balance of power within state administrations into the post-conflict period. A second step of the argument identifies varied patterns of how rebels and states compete and collude during war. The spectrum between state and non-state is often blurred, described in various ways as “hybrid” orders, “informal institutions,” and “twilight” institutions (Boege et al. 2008; Helmke and Levitsky 2004; Lund 2006). This present research agenda hones conceptual precision by

developing a framework to explain variation along clear dimensions, and to link these varied state-rebel engagement patterns to differential effects on the post-conflict state.

Patterns of interaction between rebels and state agents are conceptualized as institutional settlements, or negotiated agreements on whether to share political authority and control over material resources. Variation organizes along two dimensions. The first pertains to the *infrastructure* of rebel rule, asking whether armed groups incorporate the state apparatus into their governing strategies or seek to dismantle it. The second dimension focuses on the *content* of rules used in actual practice. It asks whether rebels abide by state procedures, or vice-versa, by observing whose rules regulate economic exchange and noncombatant behavior.

These dimensions produce four ideal-typical patterns of rebel-state relations, or institutional settlement outcomes. Rebels that share authority with state agents to perform tasks such as taxation and that adopt administrative practices as their own rules form collaborative relations of institutional *collusion*. This outcome provides mutual gains from placing organizational forms in tandem. Karbi militias in northeast India that realized mutual gains with state revenue officials by enforcing land claims provide one example of this relationship (Vandekerckhove 2011). Collusion blurs lines between rebels and state organizations and builds up mutual interests in the others' survival, with the potential to embed violent networks in the state apparatus over the long term.

Under *cooptation*, rebels also work through state institutions, but seek to reform them to better fit rebel agendas. This was the case in Sri Lanka, where the Liberation Tigers of Tamil Eelam (LTTE) grew “parasitic” in their use of the state apparatus (Philipson 2011: 108). Under cooptation, armed groups aim to dominate institutions, engaging administrations not as partners but charging them with implementing rebel rules. While collusion may be conceptualized as

power-sharing between rebels and states, cooptation looks to assert rebel rule over and through state infrastructure.

Alternatively, rebels and states may relate as rivals. Armed groups may *displace* state institutions from their holdings, violently tearing down or bypassing administrations to set their own rules in their zones of influence. Displacement reflects common expectations that rebels build control against the state to create “liberated” zones beyond its reach (Marten 2006/7). Under displacement, for instance, bureaucrats “treaded very carefully” in zones of India controlled by the United Liberation Front of Assam, limiting activities to times and areas where they would not directly confront armed actors (Staniland 2012b: 251). Armed groups may meet pushback in their attempts at displacement, however, as state agents continue to regulate populations and economies under institutional *entrenchment*. Under entrenchment, administrators maintain institutions as a functional alternative to rebel governance. This proved the case in areas of Democratic Republic of Congo (hereafter, Congo) where government agencies remained active in managed lucrative diamond and tin markets even as rebels worked to supplant them.

This dissertation assesses the diverse pathways to these varied outcomes. As it demonstrates, varied state-rebel relations develop through active processes of state building and institutional reform in conflict zones. State-building occurs as administrators develop interests in official institutions, while rebel-state interactions shape the type of rules that these institutions implement and the power distributions within them.

Pathways to varied institutional outcomes proceed across two key steps. In a first step of *institutional selection*, rebels resolve a consequential choice of whether to work through branches of the state apparatus via *cooptation* or to undercut them via *displacement*, adjudicating between

the two as a result of their time horizons. This step establishes whether rebels route their infrastructure of rule via state administrations or beyond them.

A second stage of *institutional negotiation* shapes the content of rule in conflict zones. In this stage, state agents seek to maintain institutional bases of authority, including their ability to exercise discretion over how administrations are used.⁹ To maintain influence, agents leverage sovereignty and administrative infrastructure to build coalitions with non-state actors who benefit from continued state functions. For instance, state agents may recruit support from informal traders or international firms who benefit from the ability to whitewash transactions from conflict zones, or from parallel command chains within armed groups by providing intelligence to transform rebels' interests. Where successful, this stage operates via a *preference alignment* mechanism. Through this mechanism, coalition building can shift settlements to more favorable outcomes for state agents: from cooptation to collusion, or from displacement to entrenchment. Where state agents lack coalition partners, they may safeguard pockets of authority through tacit noncompliance strategies, but do not shift the architecture of institutional relations with armed groups.

This second stage also carries the potential to reshape the rules of state institutions as armed groups and administrative projects converge under collusion, or as state apparatus grows more closely linked with other third party networks, under entrenchment. Regularized interactions with state administrations can also reshape the form of rebel organization. Where state and rebel interests are joined, they mutually invest in the other to build their sphere of influence. Hence, this second stage illuminates processes of state building and mechanisms of institutional continuity during armed conflict.

⁹ Institutions incentivize beneficiaries to maintain them under changing circumstances (Pierson 1996).

Institutions, State Institutions, and Governance

This dissertation distinguishes *institutions*, or predictable means of exercising control, from *governance*, often defined in terms of goods provision or popular rule (Arjona 2014; Arjona, Kasfir, and Mampilly 2015; Mampilly 2011; Olson 1993; Weinstein 2007). Institutions represent the range of informal and formal practices, bargains, and accommodations that structure procedures for economic exchange, and they carry sanctions for violation (Hall and Taylor 1996; Helmke and Levitsky 2004; North 1990). Armed groups, like other rulers, often use institutions as strategic tools to serve agendas with uneven distributional effects that need not imply goods delivery or broad popular support (Thelen 1999). This approach breaks from frameworks that view institutional durability and effects as a function of their legitimacy (Arjona 2014; Levi 1988).

I define *state* institutions as the branches of an official governing apparatus that derive authority from formal claims to sovereignty, and the range of negotiations that animate its daily practice. This conceptualization includes the administrative machinery that regulates and enforces laws, and the procedures and agencies for taxing and controlling populations (Levi 2002; Mann 1986; Soifer 2008). It encompasses the formal attributes of official administrations and symbols of state authority, such as letterhead, stamps, and uniforms. These infrastructural elements meld with the patronage networks and social solidarities that animate administrations and form the de facto “rules of the game” of institutional practice (Geddes 1994; Kitschelt and Wilkinson 2007; North 1990; van de Walle 2001).

I observe state institutions via government agencies, such as revenue collections offices and customs bureaus (Englebert 2009; Levi 2002; Trefon 2007). State agents include the “street-level” bureaucrats and administrators that are charged with exercising state authority in day-to-

day practice (Bierschenk and Olivier de Sardan 2014; Blundo 2006; Lipsky 1980). Local officeholders often preserve their own bases of authority by maintaining state administrations across variety of weak states, from Pakistan (Hull 2012), to Sri Lanka (Klem 2012), to Congo (Englebert 2009; Trefon 2007). These bureaucrats, however, need not be technocrats: their goal to maintain administrative bases for personal enrichment can contribute to institutional continuity out of self-interest rather than political loyalty. Official markers distinguish them from other attributes of civilian social structure, although they may partner with non-state actors to benefit from retooling official posts.

Observing state effects behind rebel frontlines via administrative practices makes institutions more readily identifiable than conceptualizations such as Boone's (2003) that define state institutions as bargains between central rulers and social actors at peripheries. This approach is a practical step to demonstrate the existence of an empirical phenomenon that has gone overlooked—states in warzones—and to establish a theoretical basis to develop hypotheses about the functions of other types of state institutions

Significance of the Research Agenda

Research focused on rebel-state relations advances understandings of political order under conditions of uncertainty in scholarship and policy. This research agenda refocuses on the historical relationship between states, coercion, and organized crime (Tilly 1992, 1985). National armies are often complicit with rebel groups (Licklider 2014), and politicians organize private militias (Eaton 2006; Reno 2011: ch. 6), and the state itself functions as a protection racket (Stanley 1996). Yet scholars lack a structured theory of these interactions in zones of

rebel control and a clear framework of how preexisting state institutions shape directions of rebel organization.

These relationships are relevant to policy agendas aimed at stemming armed conflict and building inclusive political order. Institutional breakdown is viewed as a permissive factor enabling violence because it weakens sanctions (Fearon and Laitin 2003). Policy programs focus on state weakness as a causal input of violent conflict and a key contemporary security challenges. In 2010, Secretary of Defense Robert Gates warned against security imbroglios stemming from institutional weakness, noting:

In the decades to come, the most lethal threats to the United States' safety and security... are likely to emanate from states that cannot adequately govern themselves or secure their own territory. Dealing with such fractured or failing states is, in many ways, the main security challenge of our time" (Gates 2010).

In a similar vein, the United Nations (UN) emphasizes "restoring state authority" as a prerequisite to protect civilian populations and build predictable political processes (UN 2010).

These approaches follow a view of rebels as filling in for institutional weakness, modeling state institutions and armed actors as dichotomous organizations. Yet this conceptualization often fails to capture empirical patterns of state-rebel engagement. Figure 1.1 illustrates this conceptual trap. The figure reproduces a counterinsurgency map from an ongoing UN military campaign against an armed group in northeastern Congo.¹⁰ Of relevance in the figure are not the specific names or locations of the armed group in question, but the analytical framing of violence that it illuminates. As it demonstrates, extant security approaches evaluate rebel groups and security threats through a clearly delineated state-versus-rebel prism. This

¹⁰ From the counterinsurgency campaign known as "Operation Sukola I," which officially targets the Allied Democratic Forces (ADF). Operation Sukola I joins the Congolese national army with the "Force Intervention Brigade" of the UN peacekeeping mission, which is authorized to launch military offensives to neutralize armed groups. This campaign features as one of the highest-stakes efforts of the UN peacekeepers, since it features the UN's only armed unit able to launch military offensives.

framework leads to straightforward policy implications of expanding green areas of state authority and of attacking red areas under rebel rule.

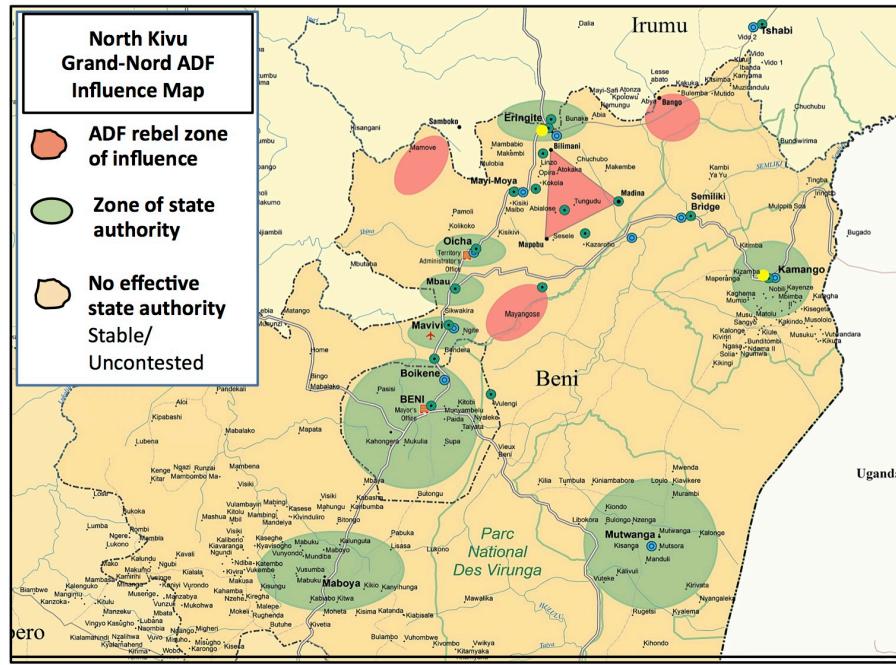


FIGURE 1.1. United Nations Peacekeeping Mission, Military Intelligence Map, Depicting Zones of Rebel (red) versus State (green) Authority, 2015

SOURCE: “ADF-Mayi Mayi Update Map” Force Intervention Brigade, United Nations Observation and Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), Beni (North Kivu), 1 October 2015

State-rebel interactions create a different security challenge for international deployments and policymakers, who must disentangle violent networks from the state apparatus itself. Instead of removed, rebels often encounter state administrations behind frontlines, within their zones of military influence. Through these encounters, they can retool state resources and official institutions toward violent ends. State administrations can shape how rebels build their support apparatus, intervene into resource flows, and administer territory. Given these encounters, policy efforts to invest in state institutions that collude with rebels can have unintended effects of

funneling resources toward violent networks. Moreover, attacking rebel zones will not eliminate the support networks built within state institutions or shift the institutional incentives that officeholders face. This is important because standard prescriptions for more state institutions and to “restore state authority” may multiply the mechanisms that incentivize predation, rather than curb them (UN 2010).

Understanding the functions of state institutions in conflict zones advances understandings of obstacles to post-conflict peace settlements and state-building. Much extant research and policy is devoted to identifying how national-level political settlements can deescalate violence, reduce incentives for defection, and make peace durable (Hartzell, Hoddie, and Rothchild 2001; Fortna 2004; Tull and Mehler 2005; Walter 2004, 2002). These efforts aim to construct viable post-conflict administrations that provide effective checks against a return to armed conflict (Paris, Roland and Timothy Sisk, eds. 2009). Policy debates on state-building and institutional design center on how to construct national agreements that integrate armed factions as well as the role of third-party enforcers in assisting former combatants to build stakes in political processes (Hoddie and Hartzell 2003; Robert 2004; Zartman, 1995; UN 2010; Walter 2002, 2004).

Efforts to build durable state institutions, however, cannot succeed without understanding the competitions that shaped how they operated and changed over the course of armed conflict. Competitions for institutional control are played out *during* civil war, behind rebel frontlines. Restricting evaluations of incentives for political integration at war’s end overlooks how rebels reconfigure state institutions over the course of conflict. State-rebel relations can shape armed groups’ incentives for demobilization and the capital’s ability to incorporate populations and violent networks into a cohesive post-war settlement. For instance, rebels that successfully build

control over state institutions through cooption or collusion may be less threatened by transitions to political rule because they already possess institutional footholds and experience relying on administrations to procure resources and gather intelligence. Those lacking durable bases lack these political safety nets.

Wartime negotiations for control within state administrations can also shape the institutional makeup of the post-conflict state. State-rebel relations can influence subnational distributions of power within the state apparatus and the ability of national rulers to reintegrate national territory. State-building is often conceptualized as a process reestablishing center-periphery linkages in order to bring rebels under state control. Central rulers and international missions are tasked with reestablishing state authority by supporting an administrative apparatus that penetrate rebel territory to incorporate armed actors into national politics (UN 2010; Walter 2004)—or as one longtime UN analyst put it, to “roll out the state” (de Vries 2015). Yet where rebels coopt or collude with state agents, armed actors may be able to control these administrative linkages. These interactions can also shape the subnational distributions of power within the state apparatus. Where rebels collude with state agents, the state apparatus can provide an institutional foothold for persisting violent networks into war’s aftermath, maintaining state institutions as mechanisms of control vis-à-vis the capital. The following section overviews the research design used to examine these processes.

Research Design

This dissertation adopts a two-level research design to illustrate and assess the nature of state-rebel relations during civil war. I evaluate patterns of state-rebel engagement through structured case study comparisons in a common conflict environment that features high levels of

subnational variation. Within-conflict analysis provides a common environment to assess effects of relationships that can be difficult to observe through quantitative or cross-national study. Most comparative research on rebel governance analyzes armed groups across different states or explains variations in a single group's behavior across territory (Kalyvas 2006; Metelits 2010; Mampilly 2011; Weinstein 2007; Wood 2013). Studying multiple groups in the same conflict allows me to observe a variety of outcomes. It also permits me to hold factors such as political institutions and GDP constant that can act as confounding variables in cross-national comparison. Systematic within-conflict, cross-group comparison also builds knowledge of multi-player civil wars that are common in contemporary warfare but that are understudied (Kalyvas and Balcells 2010).

Specifically, I assess the argument through subnational comparisons of rebel taxation in the Democratic Republic of Congo, an ideal-typical weak state in which institutional endurance would appear most surprising. Within Congo, I select eleven subnational cases that express variation in patterns of rebel-state relations. Cases permit me to observe the effects of factors conventionally used to explain armed governance that stand as rival explanations to the current argument, namely, access to material resources and transnational political economies (Andreas 2004; Collier and Hoeffler 2004; Reno 2015, 2011; Weinstein 2007), and ties to non-combatants (Arjona 2014; Parkinson 2013; Staniland 2012a). I evaluate pathways to distinct institutional settlement outcomes of collusion, cooptation, entrenchment and displacement across these cases.

Subnational Variation in a Crucial Case: the Democratic Republic of Congo

Congo provides an ideal setting to observe lessons of institutional durability. Given its extreme state weakness, findings that the state apparatus endured provide insight into

mechanisms of institutional continuity and the foundations of state authority. Congo is often referred to as a “warlord” state that features difficult political geography that obstructs the capital from integrating national territory into a coherent program of rule (Herbst 2000; Reno 1998, 2001). Congo’s “personalized” and “criminalized” institutions prop up an ideal-typical “juridical” or “quasi” state, so should hold little sway over domestic political outcomes (Chabal and Daloz 1999; Jackson 1987; Jackson and Rosberg 1982; Newbury 1984). Indeed, Evans (1995) describes Congo’s institutions as so broken down and predatory as to be barely distinguishable from informal practices. Consequently, extant studies of rebel governance have described Congo as a zone of “limited state penetration” (Mampilly 2011).

Rankings of Congo’s government effectiveness confirm its weakness. Table 1.1 situates cases of civil war within measures of state capacity ranging from strong (2.5) to weak (-2.5).¹¹ Data is provided for 1996, five years after the end of the Cold War that saw a wave of contemporary wars and new trends in armed conflict (Kaldor 2007; Kalyvas and Balcells 2010; Reno 2011).¹² Congo’s score of government effectiveness, -2.07, places it substantially below the civil wars average (-1.42) and ranks it as nearly the weakest state in the world (181 out of 184).

¹¹ Measures are taken from the World Bank Governance Dataset, and reflect composite scores of five variables: Political Stability, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. I omit the “Voice and Accountability” variable because it is a measure of regime type rather than governing capabilities. A more robust measure would regress measures of administrative presence on government effectiveness scores in order to show that the two have no linear correlation. However, standard conceptualization and measurement procedures of the presence and effectiveness local state institutions prevent data on these two indices from being gathered separately. Existing measures of the *presence* of the state administration are combined into a single measure of state *strength* rather than collecting data on central strength and administrative presence separately. This is because standard concepts of infrastructural power use the presence of the state bureaucracy as an *indicator* of central state strength (Centeno 1997; Fearon and Laitin 2003; Mann 1986; Soifer 2008). This conceptualization and measurement procedure prevents researchers from detecting scenarios in which the state apparatus outlasts declines in central control. The Democratic Republic of Congo is a well-documented case in which this theoretical mismatch is empirically observed (Englebert 2009; Trefon 2007).

¹² Kaldor (1999) notes a shift toward a set of new wars marked by increased prevalence of transnational war economies and a discounted role on local populations. While Kalyvas (2003) critiques this argument, Kalyvas and Balcells (2010) an increase in the prevalence of symmetric nonconventional war over irregular asymmetric warfare. Reno (2011) also notes a structural shift toward more predatory warlord conflicts following the end of the Cold War.

Since Congo's First Rebellion broke out in 1996, its score reflects of attributes of pre-conflict state weakness, rather than civil war. Two years later, at the onset of the Second Rebellion in 1998, Congo ranked lowest in state capacity in the world (-2.30, or 184 out of 184).

TABLE 1.1 Government Effectiveness among States in Civil War, 1996

Rank	State in Civil War	Score
103	India	-0.32
110	Sri Lanka	-0.38
126	Colombia	-0.62
152	Cambodia	-0.84
159	Algeria	-1.05
172	Sierra Leone	-1.43
177	Sudan	-1.58
178	Tajikistan	-1.66
179	Burundi	-1.75
180	Iraq	-1.78
181	Democratic Republic Of Congo (Zaire)	-2.07
182	Liberia	-2.08
183	Afghanistan	-2.11
184	Somalia	-2.25
<i>Civil Wars Mean</i>		-1.42
<i>Mean (all states)</i>		-0.04
<i>Standard Deviation (all states)</i>		0.96

SOURCE: Civil wars list From Correlates Of War, rankings from World Bank Governance Data.

Observing variation in patterns of state-rebel engagement under these conditions strengthens the argument that state institutions harbor strategic resources for rebel rule. In light of Congo's extreme weakness, many scholars expect its institutions to be absent, and to take little or no effect on rebel rule (Mampilly 2011). And yet, other scholars show that Congo's state apparatus did not fade away (Englebert 2009; Trefon 2007). Characteristic of a range of other fragile states, officeholders collected revenue, enforced customs procedures, and delivered licenses even under conditions of central weakness (Bierschenk and Olivier de Sardan 2014; Blundo 2006; Lund 2006). Rebels dealt with state administrators in cities as well as borderlands,

in trade flows in diamonds and gold, as well as in coffee and palm oil. These characteristics quality Congo as “crucial case” for theory testing (Mahoney and Goertz 2012), in which expected inputs or state strength are lacking of an observed outcome of administrative continuity. These interactions draw attention to mechanisms of institutional continuity that often go overlooked and provide settings to observe how rebels strike distinct patterns of relations with state administrations.

Within Congo, I standardize case comparisons by focusing on state-rebel engagement during the Second War (1998-2003). The political timing of this war provides a strong test of wartime institutional functions. It immediately follows the First War (1996-97), in which rebels swept across Congo, captured the capital, and installed a precarious governing pact that quickly broke down. Observing state effects during the Second War would require administrations to remain active over decades of state decline (1973-96), a first civil war (1996-97), contested political settlement (1997-98), and into the subsequent conflict that is this dissertation’s focus.¹³

To further standardize comparisons of state-rebel relations, I place analytical focus on how institutional settlements are forged in administering the political economy of war.¹⁴ Specifically, I trace how rebels tax local economies and manage cross-border trade. This focus contributes another layer of theoretical leverage for my argument. Congo’s war is often described as part of a growing trend of resource- or network-oriented wars feature high levels of clandestine cross-border flows and foreign involvement (Nest et al. 2006; UN Group of Experts 2001, 2002, 2010). Porous boundaries and transnational economies should favor rebels’ ability to

¹³ This period precedes a national settlement and transnational government (2003-2006) that marked a concerted international effort to rebuild state institutions. Thus, information gathered during the second war should mark the culmination of a long period of central decline that is distinct from efforts to rebuild state authority.

¹⁴ For a review of literature and debates on conflicts and resource governance, see Cuvelier, Vlassenroot, and Olin (2014). See Ross (2004) for an analysis of mechanisms.

arbitrage across national lines to build rear bases and tap into these markets, in ways that state institutions are less adept (Ahram and King 2012; Andreas 2004; Kaldor 2007; Salehyan 2009).¹⁵ Tracing variation and enduring institutional resources under these circumstances lends support to the contention that state building emerges through the intersect of how armed actors engage and reform prior administrative structures.

Within Congo's Second War, I focus on four armed groups across eight towns. Armed groups include the *Rassemblement Congolais pour la Démocratie* (Rally for Congolese Democracy, RCD), which launched the rebellion with backing from an array of neighboring countries including Rwanda. A second armed group formed as a splinter faction in the RCD, breaking off as the *Rassemblement Congolais pour la Démocratie/Kisangani-Mouvement pour la Libération* (Rally for Congolese Democracy/Kisangani-Movement for Liberation, RCD/K-ML) in August 1999 and establishing itself in northern North Kivu province and southern Ituri with the political backing of Uganda. Its RCD parent group remained in southern North Kivu, influencing vast areas of eastern Congo from its headquarters in Goma (taking on the appellation RCD-Goma or RCD-G to distinguish it from the RCD/K-ML faction). A merger of the RCD/K-ML and another Ugandan armed proxy formed the *Front pour la Libération du Congo* (Front for the Liberation of Congo, FLC) that took over RCD/K-ML holdings. Finally, a subsequent splinter faction in this same area formed the breakaway *Union des Patriotes Congolaises* (Union of Congolese Patriots, UPC) that controlled the Ituri district of Orientale Province.

I assess subnational cases of rebel-state engagement in Congo by using original rebel records to reconstruct wartime taxation systems. These rare records include rebels' financial transactions and correspondences with business partners and government agencies. Other data

¹⁵ These attributes place Congo's conflict in a trend of "new wars" that move away from conventional emphases on territorial rule and public goods toward economic logics of control (Kaldor 2007; Keen 1998; Reno 2011).

include mining reports, security updates, budgets, payrolls, and tax ledgers. These unusually comprehensive records allow me to trace the social relationships that governed resource extraction and cross-border trade during civil war. As time-stamped sources, they provide tools to overcome problems of memory or post-hoc interpretation associated with interview and survey data and offer unprecedented insights into the day-to-day workings of rebel organization. (Kalyvas 2006). Data at this level of detail are unavailable in existing cross-national data sets and most within-conflict case studies.

The argument draws on thirty months of field experience in eastern Democratic Republic of the Congo from 2009-2017. Fourteen of these months were dedicated to the research in this dissertation. The dissertation also draws on 120 interviews conducted with rebel commanders, rank-and-file recruits, former combatants, business owners, and traders. Interviews with community leaders, traditional authorities, and religious leaders helped to construct the social background of the towns under study.

Overview of Chapters

This dissertation is organized into two core parts. The first part (chapters 1-4) builds a theoretical foundation to analyze patterns of state-rebel engagement and the second (chapters 5-9) illustrates and assesses this analytical framework through structured subnational case comparisons from armed conflict in Congo. This introductory chapter has demonstrated the need for a research agenda to probe on how political institutions shape civil war governance.

Chapters two and three develop the theoretical foundations to evaluate state-rebel relations. Chapter two focuses on the theoretical task of concept-building, needed for subsequent steps of analyzing the causal logic of state-rebel engagement in conflict. It surveys existing

approaches to state-rebel interactions and discusses the methodological challenges of disaggregating state effects on conflict from other structural factors such as civilian organization. It identifies subnational mechanisms of institutional continuity and the state resources that administrators leverage in their dealings with armed actors. The chapter contributes a theoretical justification for why these effects should be interpreted as the *state*.

Chapter three identifies the varied formats that patterns of state-rebel relations, or institutional settlements, take in armed conflict and the analytical dimensions of content and infrastructure of rule that distinguish them. It develops a causal theory to explain these varied outcomes that pairs macro-level institutional effects with a micro-level argument of rebel decision-making and administrative resources in conflict zones.

Chapter four explains the research design and introduces cases under study. It discusses the analytical leverage gained by an analysis of a medium-N number of cases and of nesting subnational case comparisons within a common conflict. The chapter sets the background to Congo's conflict by tracing the institutional development of the Congolese state. This trajectory helps to demonstrate that, while Congo is coded as an extreme case of state weakness, the actual functions of its administration make it representative of mechanisms of institutional endurance, fitting a broader range of conflict environments and fragile states.

Chapters five through eight examine the four institutional settlement outcomes of cooptation, collusion, entrenchment, and displacement. Chapter five probes the state-rebel engagement pattern of *collusion*. It explores how RCD/K-ML armed group in Beni selected strategies of cooptation that gave way to collusion as state agents and armed actors built coalitions in the face of mutual challengers. Relationships forged with local administrations remained independent of these ties forged with the capital. Chapter six examines the

institutional settlement outcome of *cooptation*, tracing how rebels seek to fashion institutions into more effective levers of control, and officeholders resist changes that undermine their authority. The chapter explores the RCD-G armed group across five towns: Goma (North Kivu), Bukavu (South Kivu), Kalemie (Katanga), Kindu (Maniema) and Lodja (Kasai Orientale).

Chapter seven focuses on the institutional settlement outcome of entrenchment, tracing the pathway from rebel attempts to displace institutions, to institutional survival. *Entrenchment* illuminates state-building processes in rebel-held zones as state agents build coalitions and recruit new interests to ensure administrative survival. The chapter focuses on the RCD-G in Kisangani, as well as in Bukavu and Goma during a price hike in a lucrative tin. These cases are compared with entrenchment under the nascent RCD/K-ML commanders, which clarifies that social ties are not determinative of state institutional functions. Chapter eight traces successful institutional displacement in the Ituri district of northeastern Congo, which culminated with UPC takeover. Across these outcomes, data is presented alongside information on variables associated with alternative hypotheses, including resource endowments and foreign sponsorship, internal organization, and rebels' social ties with civilian networks.

Chapter nine traces the effects of these varied state-rebel engagement patterns on the institutional foundations of the post-conflict state. It demonstrates that trajectories of institutional change during war set the parameters for future armed group remobilization and shape how violent networks remained linked with the state apparatus into the aftermath of armed conflict. Chapter ten concludes by discussing insights into institutional analysis, civil war processes, and state building. It discusses the policy implications and agendas for further research. The dissertation concludes by situating rebel governance to the broader processes of political change and institutional development in the conflicts in which they emerge.

*"Monsieur le Président... I have the honor to inform you that an oversight seems to have slipped in your formulation of [the mining code]."*¹⁶
 -- Letter from rebel-held Kisangani, 1998

Chapter 2.

STATE AUTHORITY AND INSTITUTIONAL CONTINUITY IN CONDITIONS OF FRAGILITY

Conventional views of state building and civil war depict armed groups at peripheries contending with central rulers for political control. During war, rebels carve out areas beyond central reach and fashion alternative governance systems that eclipse state institutions (Arjona 2014; Kalyvas 2006; Olson 1993; Weinstein 2007). The quotation that opens this chapter appears to capture these struggles well. Here, actors in rebel-held eastern Congo contest mining reforms in diamond markets. Read through standard views of conflict, rebels in control of mines appear to resist the capital's efforts to retake strategic territory and resources. Yet, a different power struggle is at play. State agents behind frontlines contested rebel tax systems. Seeking to preserve control of resource extraction, bureaucrats informed the President of the ruling Rally for Congolese Democracy armed group that rebels' export procedures bypassing government offices stood in violation of legal codes. On this basis, state agents declared rebel rules null and void.

These competitions to regulate wartime diamond markets draw attention to an often-overlooked set of interactions between state administrators and rebel governors over questions of whose rules govern. As these interactions show, rather than states as actors in far-off capitals, rebels dealt directly with administrations in their military holdings. These interactions challenge standard images of rebels as organizing "beyond the state" and highlight a need for closer attention to mechanisms of institutional continuity in settings of state fragility and violence.

¹⁶ Letter to the Chef de Département des Finances du RCD from the Chef de Division Provinciale des Mines et Géologie, Goma, 4 December 1998.

This dissertation takes up these questions by developing a framework of state-rebel relations during war and the trajectories of institutional change that they imply. This chapter develops the theoretical foundations this project through two key contributions. First, it assesses mechanisms of institutional continuity, placing analytical focus on the agents manning subnational branches of state administrations. By placing research on Historical Intuitionism and subnational state authority in conversation with work on civil war, it demonstrates the theoretical foundations of institutional endurance in areas separated from the capital. This analytical focus does not imply that bureaucrats act as technocrats, but simply that administrative actions provide observable indications of processes of institutional change that unfold over the course of war.

A second task of this chapter is to identify the institutional resources that state administrators wield and that rebels seek to appropriate. Identifying these resources, derived from properties of statehood, addresses methodological dilemmas of distinguishing state from non-state institutions and clarifies the stakes of rebels' choice of how to engage the state apparatus. These properties of statehood draw from a cannon of work on state authority that spans diverse regimes and regions, ensuring that they reflect general attributes that should be observable across a variety of conflict zones.

The chapter proceeds as follows. It first situates this research agenda within existing work by surveying research on governance in conflict zones. Special focus is given to tracing how existing frameworks define inputs into wartime order and treat relations between rebels and states. Second, drawing on research on institutions and bureaucratic authority, it identifies mechanisms of institutional continuity that illumine how state administrations persist and structure political behavior and economic exchange in areas removed from central control. A

final section joins these analyses with scholarship on armed conflict by identifying how properties of statehood—sovereignty and administrative infrastructure—endow the state apparatus with a specific set of resources that prove valuable to rebel agendas. With these contributions, this chapter lays the groundwork for a subsequent theory-building task of Chapter 3 to examine the emergence of state-rebel institutional settlements during civil war.

States, Rebels, and Institutions: Research on Governance in Civil War

Scholarship on wartime political order can be divided into three broad approaches to state-rebel interactions. These approaches cast state institutions as dissolving in rebel-controlled zones, persisting as readily coopted tools for rebel governance, or taking indirect effects from pre-conflict periods or from capitals.

Institutional Dissolution: Rebel Governance as an Alternative to the State

A first approach to wartime governance views state institutions as fading away or losing importance in areas beyond the capital's reach. This approach is grounded in a view of the state that links institutional effects with central rule, so that declines in central state capacity trigger institutional retrenchment and lead to a break down of state authority (Herbst 2000; Mann 1986; Soifer 2008). Uneven state presence provides rebels with sanctuaries to organize beyond central reach (Fearon and Laitin 2003). Rebels convert these areas into “liberated zones” or “safe havens” where they displace state institutions and install new rules that align civilian life with insurgent objectives (Guevara 1969; Mao 1978; Sinno 2009).

Monopolies of coercion that enable rebels to displace states as recognized rulers are seen as a necessary condition for wartime political order. Clearly delineated zones of control are

necessary to focus rebels on long-term returns to order over short-term gains from predation, which build incentives for predictable relations with noncombatants and to forge new institutions (Kalyvas 2006; North 1990; Olson 2000, 1993; Wantchekon 2004).¹⁷ Territorial bases beyond state control are key for basic tasks, such as caring for injured troops and establishing predictable bases of material support and supply chains (Sinno 2009). Olson (1993) shows that “roving” rebels who lack these bases are disposed to short-term extraction, while “stationary” rebels are able to benefit from longer-term benefits from governance.¹⁸ They allow rebels to build “guerilla governments” to capture civilian support and transfer popular loyalties from states to insurgent movements via such strategies as public goods provision (Wickham-Crowley 1987). Hence, this approach supports views of rebels and states as territorially segmented, meeting in militarized disputes and competing for civilian compliance.

Clear delineations between state- and rebel- forms of order can support a rational choice view of institutional change that emphasizes shifts between distinct equilibria. As war erodes leaders’ ability to broker rewards and sanctions, it yields “temporary declines in the state’s social constraints” that create conditions for institutional change (Centeno 1997: 1567). Armed conflict creates a “dislocation” that offers rare moments to rebalance distributions of state and social control between local strongmen and central rulers (Bates 2008; Migdal 1988). As a result, civil war is often modeled as a moment of opportunity for political entrepreneurs to forge new institutional equilibrium (Weingast 2002; Levi 2008; Bates et al. 1998).¹⁹ Non-state actors can exploit these areas of institutional weakness, displacing state systems to build alternative forms of control.

¹⁷ Metelits (2010) advances an analytically similar argument that holds that armed groups must not face active rivalry in order to invest in reciprocal relations with civilian populations.

¹⁸ Bates (2008) and Roessler (2011) show that time horizons hold the same effects for political incumbents.

¹⁹ On critical junctures, see Capoccia and Kelemen (2007) and Katzenelson (2003).

Other studies of rebel governance as an institutional alternative to the state do not require rational choice foundations. Scholars who draw distinctions between rebel and state rule often emphasize the continuities of informal networks and civilian institutions between pre-conflict and conflict periods (Arjona 2014; Menkhaus 2006/7; Parkinson 2013; Raeymaekers 2014; Staniland 2012a; Weinstein 2007). These programs illustrate that state institutions often merge with societal patterns of control over and grow indistinct from attributes of civilian communities where they are based over processes of central decline (Boege et al. 2008; Bratton 1994; van de Walle 2001).²⁰ Weakening state constraints shift governance to local non-state structures, such as social ties and informal trading networks. These “organic” structures later prove influential in shaping how rebels build organizations and public order.

Drawing on evidence from Lebanon, for instance, Parkinson (2013) shows that the nature of relations between rebels and civilian networks shapes armed group capacity to sustain rebellion overtime. Supply chains proved more durable in areas where rebels held overlapping social ties to effectively mobilize preexisting noncombatant networks. Likewise, In South Asia, Staniland (2012a) finds that levels of noncombatant cohesion or fragmentation are refracted into armed groups’ internal structure. Social ties may be comprised of kinship networks, as was the case in Somalia (Menkhaus 2006/7). Here, Renders (2007) demonstrates that clan elders not only continued in their previous roles during war but expanded their influence to a broader set of political issues such as security provision. They may also consist of informal economic networks (MacGaffey 1991; Meagher 2010; Roitman 2005). For instance, scholars noted that Congo’s state weakness left informal economic networks as “the only remaining economic realities on the ground” (Vlassenroot and Romkema 2002), which later grew influential in

²⁰ Accordingly, scholars often highlight informal or patrimonial networks embedded within bureaucracies to critique state-centric views of political order.

shaping rebel financing (Raeymaekers 2014). These studies show that rebels are not autonomous groups but embedded organizations reflecting societal attributes. Through cross-national comparison, Weinstein (2007) incorporates this insight into a theory of how rebels' social ties shape their channels to access to material resources and hence levels of predation against civilians.

However, this conceptualization of wartime order can artificially heighten a rebel-state divide. Civil wars scholarship often adopts definitions of social order that presuppose the absence of the state. For instance, Menkhaus describes wartime governance as “more ‘organic’ forms of public order and rule of law” (2006/7: 74). Similarly, working from the expectation that warlords and states are organizationally distinct, Marten (2006/7) defines warlordism as transferring authority toward “localized” forms of order. In her comparative analysis of rebel governance in Africa, Meagher (2012) defines her outcome of interest as “non-state order.” Order may vary to the degree of predation or protection of civilians (Mampilly 2011; Meagher 2012; Metelits 2010), and the extent to which rebels reshape civilian affairs (Arjona 2014), yet the concept is often *defined* in non-state terms. This definition conflates descriptive attributes of order (predictability in social interaction and economic exchange) with hypothesized causal inputs (lengthened time horizons from monopolistic rebel control). It merges the constitutive elements of order and what it does (Goertz 2005).

Findings of clearly demarcated rebel- and state-administered zones may also reflect the theorized process of wartime order rather than an empirical probe of how state administrations operate in these areas. When monopolistic territorial control is viewed as a necessary condition for order (Olson 1993), state effects in rebel territory are sufficient to indicate disorder. For instance, Kalyvas (2006), Metelits (2010) and Arjona (2014) define areas where states and rebels

exercise mixed influence as zones of “disorder” in which contested access to information, civilian support, and resources shorten rebel time horizons. Defining order as an *a priori* non-state condition, however, disposes researchers away from observing the empirical effects and continued actions that state actors may perform in rebel-held zones.

Institutional Endurance without Effects: Rebel Governance and State Compatibility

A second approach to wartime governance places rebels in direct relation with state administrations in their military holdings. This approach relaxes assumptions that rebels displace states as a part of their military campaigns, but expects that state institutions endure without independent causal effects on rebel behavior.

Arjona’s (2014) work on wartime institutions is informative. Arjona examines how preexisting civilian institutions shape the form of social order that rebels construct and the degree to which they intervene into local affairs. She recognizes that state administrations existed in conflict zones such as in Colombia and India. Yet, her analysis expects that state institutions take effects via the same *mechanisms* as their non-state counterparts: the ability to coordinate collective action. State institutions also take effects under the same conditions as non-state institutions. Drawing on evidence from the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia, FARC) and paramilitary groups in Colombia, Arjona finds that institutions exercise influence when they are high-quality and recognized as legitimate. High-quality institutions challenge rebel control by drawing on stores of legitimacy to coordinate collective behavior, while low-quality institutions lack legitimacy and fail to mobilize resistance. This relationship remains stable regardless of whether institutions represent state or non-state sources of authority. Thus, state institutions remain present in rebel-held territory but

take no direct effects on conflict processes. This approach to identify institutional strength and legitimacy as necessary conditions for effects finds support in other studies of institutions and wartime governance (Klem 2012; Levi 1988).²¹

These approaches expect that the exigencies of civil war affect state institutions in similar ways as other forms of civilian governance. This is the case because other factors shaping social action during war, such as levels territorial control, trigger the same effects regardless of whether civilians are in or out of bureaucratic uniform. Kalyvas (2006) illustrates this logic by tracing patterns of side switching during conflict. For instance, in the Macedonian war, local administrations became Greek or Bulgarian based on changes in military rule over villages (Kalyvas 2006: 132). Similarly, in Sri Lanka, Klem (2012) and Stokke (2006) trace how state administrations persisted throughout conflict and provided services across rebel- and government-controlled zones. Here, bureaucrats were “simultaneously the tentacles of the government’s attempt to preserve the Sri Lankan unitary state, and the go-between for the direct opposite: a separate LTTE state” (Klem 2012: 706). Since patterns of allegiance can be inferred from military control, state administrations do not independently shape rebel behavior. Rather, officeholders respond similarly by cooperating with rebels to avoid sanctions, while rebels may loot public coffers to build their own base of support (Arjona 2014: 13).

Consequently, this research finds little value in state from non-state institutions in war. Arjona (2014) illustrates this view by aggregating the effects of state and non-state institutions into a single measure of civilian institutional strength.

²¹ Similarly, Klem (2012) expects that administrations endured in conflict in Sri Lanka as a reflection of central strength. Klem notes that: [u]nlike some of the oft-cited examples in the debate around state failure, Sri Lanka does not have large areas with thinly spread bureaucrats whose rule relies on co-opting whatever forms of local authority they encounter. Its fine-grained civil service stretches out to the village level across the entire country (2012: 700).

Independent Effects of States in War: State influences on Rebel Governance

A third research program foregrounds state effects on wartime order. This approach, however, often shifts focus away from interactions within rebel strongholds to indirect effects from pre-conflict periods or capitals.

A first strand of this approach focuses primarily on how pre-conflict state institutions have enduring, structural effects on how rebels govern. For example, Mampilly (2011) argues that the degree of state penetration, measured through the presence of administrative apparatus prior to war, shapes the quality of rebels' public good provision. Civilians that encounter an expansive state apparatus prior to war develop bargaining skills with state agents that can be used to make demands of rebels during conflict. Engaged civilians promote rebel administrations that are attentive to populations and more equipped to mobilize support. Writing on interstate war, Centeno (1997, 2002) likewise shows that pre-war state administrations shape how institutions are forged during conflict. He finds that, “[w]ars can only make states if they are preceded by at least a modicum of political organization” (1997: 1570).²²

Within this same stream of scholarship, Reno (2011) shows that the key distinction to state effects is not the *presence* of administrations but the nature of these pre-conflict institutions. For Reno, rebel organization reflects the nature of the preexisting state. Post-Cold War state fragmentation yields fragmented rebel groups that discount order and civilian welfare. For instance, warlord rebels that devalue civilian populations and do not invest in governance

²² Centeno explains that, “Wars provide an opportunity for those political organizations that are able to capitalize on it; they cannot create them. The consolidation of central authority and the creation of a modicum of bureaucracy appear to have preceded the state-making stage of war in England, France, and Prussia. The venality of the Spanish bureaucracy and the financial leakage of tax farming in a variety of other countries represented critical obstacles to state development” (1997: 1570). Spruyt (1994) makes a similar argument that coercion alone cannot account for the other attributes of statehood: administrative infrastructure and sovereignty.

organize in warlord states where incumbents also held power by breeding societal competition rather than providing public goods.²³

These approaches critique studies that overlook how the pre-conflict state shapes variables endogenous to the process of war (Arjona 2014; Kalyvas 2006; Meagher 2012; Weinstein 2007) and challenge assumptions that states and rebels are organizationally distinct (Marten 2006/7). For instance, research notes that armed groups with decentralized and fractured organizations are more violent because they face difficulties disciplining troops and curbing predation (Humphreys and Weinstein 2006; Johnston 2008). Yet, if both social structure and rebel organization are fragmented as a result of the preexisting state, wartime variables are less explanatory of how rebels govern or sow disorder.

This program lays the theoretical groundwork to show that state attributes shape rebel strategy. Yet it portrays states as pre-conflict forces rather than strategic actors who actively contest resource allocations or political authority during war. This challenge is expressed when trying to discern *how* states shape rebel behavior. Often, the theorized mechanisms by which states shape rebel strategy have little to do with state authority. For instance, in Mampilly's analysis, states take effects by shaping civilian experiences prior to war. By endowing civilians with practice levying demands on states, an expansive apparatus provides civilians with tools to influence rebels.

Reno (2011) also limits state effects to non-state mechanisms. States with high political fragmentation produce fractured social structures. When rebels organize in this environment, their internal organizations are subject to splits and infighting. This effect holds not because

²³ Elsewhere, Reno (2010) shows that many rebel leaders are former politicians who carry their political networks to the battlefield. Leaders that were formerly members of national governments have wider networks of resources and more organizational tools, so are less disposed to building reciprocal relations with civilians. Leaders with less pre-war prominence rely more directly on noncombatants.

rebels engage states directly, but because the effects of state fragmentation are refracted through the structure of noncombatant societies. In fact, Staniland (2012a) makes an analogous argument to Reno's (2011) without mentioning the state. Staniland shows that rebels reflect the nature of the noncombatant community in which they organize: rebels that organize atop fragmented networks incorporate these divisions into a fractious internal structure. Reno's contribution is to show that state practices are antecedent conditions that shape the nature of civilian organization in advance of war. Yet he does not explain how states directly shape rebel behavior.

These studies do not provide the analytical leverage needed to demonstrate that state institutions should be treated distinctly from other components of civilian organization when tracing inputs into wartime governance. They do little to uncover the mechanisms of how states actively shape rebel behavior over the course of conflict itself. Moreover, they offer little guidance of when state effects should override other variables or push in similar directions. Given a broad range of influences on conflict, such as resource access, social ties, and territorial control, it is unclear how the state's structural, pre-conflict effects could be identified as more influential than other variables in shaping rebel governance decisions at a particular moment. Even if internal organization and resource access are shaped by the pre-conflict state, these other factors evidently do matter for rebels' day-to-day decision-making. State effects limited to the pre-conflict period should have stable, structural effects that shape subsequent political organizations in similar ways. Stable state effects cannot explain variation in rebel strategy during war, or why different rebel groups organizing in the same environment may adopt different governing procedures.

New directions in civil wars research move beyond structural effects to strategic interaction. This program is still at its inception. Staniland (2012b) takes up this project by

developing a descriptive typology of how states and rebels share, contest, and distribute wartime political order. He identifies six forms of engagement that vary according to whether state and rebel cooperation is active or nonexistent and how sovereignty is shared. For instance, in some areas, rebels and states actively co-administer territory or form tacit arrangements to trade off control in the day and night. Distributions of authority that follow clear state-versus-rebel demarcations represent a minority of conceptual categories. Staniland's typology challenges assumptions that rebels monopolize political control in their military holdings, that monopolistic territorial control is a universal goal for rebels, and that active state presence necessarily shortens rebel time horizons.

Mukhopadhyay (2014) supplies a similar analysis. She develops the concept of “warlord bureaucrat” to describe coercive rulers at Afghanistan’s frontiers who build power by implementing Kabul’s programs. Rather than zero-sum relations, warlords can build political control in state peripheries by joining their governing programs with those of the capital.

These studies open analytical space to examine a wider range of rebel-state relations that shape wartime governance over the course of conflict. Yet, Mukhopadhyay and Staniland define the state in terms of political incumbents in the capital. Models of rebel-state relations that restrict focus on the state to central rulers will overlook a more variegated set of interactions that play out over the state apparatus and the institutional changes that they entail.

An emerging research program on public authority in war analyzes the day-to-day functions of states in areas of violence.²⁴ This approach, stemming primarily from European scholarship, draws attentions to the persisting manifestations state authority in conflict zones. For instance, the Sudan People’s Liberation Army co-administered border posts with customs

²⁴ See Hoffman and Kirk (2013) for a literature review. This research program shows that weak or “twilight” institutions shape a broad range of forms of organized violence..

officials (De Vries 2013). Vigilante groups in South Africa incorporated police procedures and official codes to control crime into their own informal processes for monitoring activity on the streets (Buur 2006). Raids in northern Ghana targeted the ‘administrative regalia’ of statehood in by looting “official documents, stationary and rubber stamps, as well as registers and court books” from a local council (Lund 2006: 690). Likewise, government agencies in Congo continued to tax long after Kinshasa’s control faded (Trefon 2007). And in Somalia, illustrates how state images continue to affect currency and statues in public spaces (Hagmann 2014). Accordingly, Raeymaekers et al. warn against “denying authority to the state altogether” and urge scholars to “to take its organizations and mixed institutions seriously” (10).

Yet this rejoinder offers primarily narrative accounts of manifestations of the state in rebel-held territory. Little evidence suggests that instances of official continuity shift rebels’ governing tactics. For instance, observing symbols of statehood in Somalia does not establish that the state shaped rebel strategy in definable ways, or clarify the mechanisms by which states may take these effects. These approaches are subject to critiques that state administrators switch sides to amplify the power of military rulers (Kalyvas 2006) and that their effects are indistinct from non-state actors (Arjona 2014). These accounts fit well with observations from scholars such as Arjona who note a “great variation in the intensity of state presence in conflict zones” (2014: 13) but who discount a causal role for states. Without identifying direct mechanism of influence on wartime governance, calls to theorize state authority in conflict cannot demonstrate an empirical need to accord states a more significant role.

Summary

Civil wars research is moving toward a more robust view of state-rebel relations. Yet a number of challenges remain. Extant research has not integrated observations of state presence in warzones into a clear framework of how states shape rebel behavior during conflict. If states are important for shaping conflict processes, their effects should be discernible over the course of war, through direct interaction with rebels in their zones of control. Approaches that limit a causal role for states to pre-conflict periods or orders emanating from capitals cannot demonstrate an empirical need to treat states as strategic actors in proximity to rebels. Moreover, descriptive accounts of institutional endurance do not provide analytical tools to clarify when these interactions shift rebel strategy and when they do not. Research must demonstrate that rebels behaved in ways that would otherwise be unexpected *because* of the state and account for *how* states take these effects in rebel strongholds. The two sections that follow take up these tasks by identifying processes of institutional continuity that rebels confront directly in their areas of influence and by identifying the resources that distinguish state institutions from other forms of civilian governance.

Institutional Continuity of the State Apparatus

Standard conceptualizations of the state link the presence and effects of the state apparatus to the capabilities and preferences of the capital. This view is expressed by the concept of infrastructural power, which describes the bureaucratic reach of state administrations as the arms of central influence at peripheries (Mann 1986; Soifer 2008; Soifer and vom Hau 2008).²⁵ Expectations that state authority radiates outward from the center mean state presence

²⁵ On the theme of state infrastructural power, see the special issue in *Studies in Comparative International Development* Vol 43, Numbers 3 – 4, 2008.

grows weaker as distance from the capital increases (Herbst 2000). As a result, scholars may look at scenarios of weak central rulers and deduct that the state apparatus is absent at peripheries (Mampilly 2011). This view of state authority underlies expectations that retracting central control leads to administrative breakdown and peripheries, and that states fade away in warzones.

Yet, a Historical Institutionalist approach clarifies that reversing conditions of institutional formation (here, replacing state strength with weakness) is not sufficient to trigger institutional retrenchment (Pierson 1996).²⁶ This occurs as uneven distributional outcomes of institutions create “institutional winners” who have incentive to maintain the sources of their gains under changing conditions (Hall and Taylor 1996). Here, state institutions create a new category of agents—an administrative class—that is gains from implementing the day-to-day practices of statehood, such as extracting taxes and regulating civilians. Since this class derives authority to regulate and extract from its official affiliation with the state, it holds interests in preserving institutions even when central power wanes (Clapham 1996; Englebert 2009; Feldman 2008; Hull 2012).²⁷

Hence, mechanisms of institutional continuity reside with a more variegated set of actors than central incumbents alone. Studies of bureaucratic authority support this proposition. As these research programs point out, “bureaucratic authority is, and was, different from the legitimacy of a specific government” (Feldman 2008: 17). The “reiterative networks of filing”

²⁶ Applying necessary and sufficient conditions: state strength is necessary to build an official apparatus. The logical corollary of this is that lack of state strength (state weakness) is sufficient for *not building* an official apparatus. Thus, the logical corollary is *not* that lack of state strength is sufficient for institutional retrenchment. This logical error underlies substantial work on state institutions that assumes that central strength and effects via an official apparatus rise *and fall* together. See Goertz and Mahoney (2012) on the logic of necessary and sufficient.

²⁷ Clapham (1996) describes this in how state produces new social categories “Many Africans were, by the time of independence, already working within the bureaucracies that colonial officialdom had established, as central and regional administrators and junior army officers, and thereby acquired an interest in their preservation” (35).

and “repetitive habits of civil servants” that characterize bureaucracy create their own conditions for self-reproduction (Feldman 2008: 15). Because reiteration is central to authority, the continuity of practice itself provides a vehicle to maintain state institutions (Trefon 2007). Moreover, state agents often take advantage of reduced central control to expand their discretion over institutional functions and search for new ways to exercise authority at peripheries (Vandekerckhove 2011). Expectations that states do not take effect because institutions are weak cloud inquiries on the actual functioning and roles of administrations behind frontlines. Rather than using the fact *that* institutions are weak to infer that they lack political effect, I examine empirical functions in rebel holdings.

These approaches illustrate that state influence is not limited to central preferences or capabilities, but animated by diverse actors who perform state functions (Migdal and Schlichte 2005). Hence, scholars note that the surprising durability of the official apparatus in conditions of extreme weakness (Bierschenk 2010; Englebert 2009; Olivier de Sardan 2008). This observation also finds support in research on subnational institutions, which emphasizes that incumbents in capitals often hold interests and capabilities that vary from state actors at peripheries (Boone 2003; Eaton 2006, 2004; Gibson 2005).

Applying these insights to armed conflict, I observe state actions and capabilities through the practices of this administrative class occupying official institutions behind frontlines. This approach has the benefit of operationalizing the state into an identifiable set of actors—local officeholders—whose daily practices maintain the foundations of institutional endurance (Trefon 2007). These agents hold posts in national state administrations, rather than locally-derived governance structures. The key attribute distinguishing administrators as *state* actors is that their exercise of political power is contingent on their official affiliation with the sovereign state.

Their authority is linked to performing state functions, such as collecting tax revenue, implementing economic regulations and fees, issuing official authorizations, distributing citizenship cards, and brokering exemptions and exonerations—however strategically they may do so.

The rational-legal versus patrimonial quality of state institutions (Evans 1995; Evans and Rauch 1999; Kohli 2004; van de Walle 2001) does not determine institutional continuity or qualify or disqualify officeholders as *state* actors. So long as their formal office and affiliation with the state remains the *source* of authority that allows them to do, they persist as *state* actors. A bureaucrat who exits her official post is no longer a state actor and loses her base of political power. This is consistent with standard practice of recognizing presidents who use “warlord” tactics to undermine formal institutions and extract international resources as state actors because their authority derives from international recognition of state sovereignty (Reno 1998). Opportunistic bureaucrats act as state actors in the same way that presidents do by converting sovereignty into a political rent. If state authority is not important to local political outcomes, the power of this class fades.²⁸

Observing state effects behind rebel frontlines via administrative practices makes institutions more readily identifiable than conceptualizations such as Boone’s (2003) that define state institutions as bargains between central rulers and social actors at peripheries. For Boone, subnational state institutions represent negotiations between central authorities and peasant communities. Yet identifying communal structure as an input of state institutions is vulnerable to critiques that effects are not unique to the state itself, which can increasingly blur in settings of

²⁸ Reflecting the attribute of bureaucracy in which agents act in the name of a higher, state source of authority. From her study of state administrations in Gaza, Feldman (2008) emphasizes that “citational practice” is an important feature of bureaucracy, in which files are authoritative not “the status of their author” but the ability to exercise authority “in the name of others” (35, Citing Michel de Certeau 1984: p. 198).

violence and state fragility that characterize armed conflict. In this conceptualization, retracted central control creates the impression that only social structure remains in the wake of a weakened capital, without accounting for the social transformations that the state machinery entailed.

Placing causal emphasis on the actions of local state officials in shaping the trajectory of state institutions takes seriously findings that institutions are never fully formed (Mahoney and Thelen 2010), that bureaucrats manage the exercise of state authority (Feldman 2008; Hull 2012; Lipsky 1980), and that agents negotiate and manage processes of change on institutions' behalf (Boix 1999; Pierson 1996). This analytical approach expects that local officeholders reflect preferences and tools commensurate with the state institutions that endow them authority, so that their actions provide a valid lens for observing state practices (Bierschenk and Olivier de Sardan 2014; Englebert 2009). Hence, administrative actions provide observable indications of processes of institutional change that unfold over the course of war. The following section develops a set of mechanisms of state influence on wartime governance through a set of institutional resources that reflect core properties of statehood.

Resources Of State Institutions

States provide valuable resources to solve practical governing challenges that other forms of political organization cannot. Scholars describe modern states as defined by three core properties: coercion (Downing 1992; Ertman 1997; Tilly 1992; Weber 2009), administrative infrastructure (Levi 2002; Mann 1984; Soifer 2008; Weber 2009), and sovereign recognition (Krasner 2001, 1999; Reno 2001; Spruyt 1994). Standard theories of civil war limit focus to rebels' efforts to control coercion, although armed groups engage in competitions for political

recognition and seek authority over the state as a whole (Reno 2001). Other attributes of statehood offer tangible benefits to rebels that prove influential in their tasks of rule. Rebels able to contest other core attributes of statehood mount a more comprehensive challenge to the government's claim to rule.

More than symbolic, these properties of statehood provide valuable resources to solve practical challenges for governance that other forms of political organization cannot. Sovereignty enables state officials to delineate lines of legality useful to navigate international markets and peace accords (Clapham 1999; Reno 2015, 2001, 1998; Uyangoda 2011), while administrative infrastructure provides routinization, whitewashing, intelligence gathering, and taxation tools (Feldman 2008; Hull 2012; Klem 2012; Lipsky 1980; Schatzberg 1988). State institutions embedded behind frontlines enable rebels to tap into these resources even before setting foot in the capital and challenge central rulers' claims to control state machinery. This section identifies that resources of rule that derive from state properties of sovereignty and administrative infrastructure.

Resources of Sovereignty: Recognition and Legality

Sovereignty provides veneers of legality that pay dividends in transnational markets, ease access to foreign firms, and provide platforms to negotiate with international deployments (Clapham 1996; Reno 2001, 1998; Uyangoda 2011).²⁹ Since sovereignty flows from external recognition, scholars often view it as restricted to central incumbents (Herbst 1989; Jackson 1987; Krasner 2001; Reno 1998; Spruyt 1994). For this reason, Reno (2001) argues that rebels

²⁹ This argument builds closely on Englebert (2009) who describes the domestic functions of sovereignty.

make control over capitals and sovereignty a key goal.³⁰ Yet, sovereignty is not limited to central rulers in capitals. As Englebert (2009) clarifies, “sovereign roles are parceled out down to the lowest and most local levels of officialdom” (63). International recognition of sovereignty extends throughout the state apparatus.

This relationship enables rebels to tap into resources of sovereignty by appropriating state institutions in their military strongholds. Specifically, sovereignty offers two core resources: international recognition and legal arbitrage. Both are put into action through rebels’ external relations.

First, sovereignty offers external recognition, which eases negotiations with foreign deployments during war. A growing proportion of post-conflict settlements and government posts are allotted through peace deals with international interventions (Englebert and Tull 2008), access to international recognition is increasingly key to armed groups’ political success. Accordingly, armed groups and local militias often don images of statehood in order to bolster their claims to legitimate rule to earn recognition from foreign diplomats. For instance, the Liberation Tigers of Tamil Eelam presented itself as a “state in the making” in Sri Lanka and made sovereignty claims to the sea and skies in its zones of influence (Uyangoda 2011). Uyangoda (2011) describes this tendency in Sri Lanka, where the LTTE placed a premium on appearing state-like to secure favorable bargaining position:

³⁰ Even as they subvert the central government, rebels often maintain linkages to the capital and formal institutions. As Reno explains, “international recognition of sovereignty offers material and political advantages to insurgents that exceed the resources that come with *de facto* control over a specific territory” (203). For instance, Laurent Kabila in Zaire and the Revolutionary United Front in Sierra Leone aimed at control of the state, not just of trading networks and economic lucrative patterns of exchange. Consequently, even secessionist insurgents such as the Liberation Tamil Tigers of Eelam (LTTE) in Sri Lanka and the Eritrean People’s Liberation Front in the Horn of Africa used the state apparatus to govern their zones of military control (Klem 2012; Pool 2001; Stokke 2006), while breakaway rebellions that do succeed often organize new territories according to preexisting administrative bounds (Zacher 2001). Hence, rather than enemies, states represents the prize that rebels fight central governments, and one another, to claim (Englebert 2009; Reno 2001). This choice forms part of a broader trend against violent territorial revisionism, part of an international norm of state integrity (Fazal 2004; Herbst 1989; Zacher 2001).

The LTTE did not consider itself a mere ‘non-state actor’ in Sri Lanka’s conflict or the peace process. The LTTE’s self-representation during the 2002-2003 peace process was that it was representing a ‘regional state’ of the ‘Tamil nation’ or a ‘state in the making.’ The LTTE expected the Sri Lankan state as well as the international community to acknowledge this claim and accord it a status of equality with the Sri Lankan state (30).

Armed groups across diverse civil wars exploit this image of sovereignty. Similarly, armed youth in northern Ghana sought to control the “administrative regalia” of the state by looting “official documents, stationary and rubber stamps” (Lund 2006: 690). The National Patriotic Front of Liberia (NPFL) in Liberia and the Rally for Congolese Democracy in Democratic Republic of Congo also bedecked themselves in tropes of statehood (Reno 2015; Tull 2003).³¹ As Reno (2015) explains, NPLF leader “[Charles] Taylor still wanted to convince diplomats and other outsiders that he ought to be recognized as the sovereign ruler” (279). He did so in part by taking on appellations that invoked state authority, such as “His Excellency, President Charles Taylor” and by referring to himself as “president” in his correspondences.

Yet, on their own, armed groups lack these resources of recognition that state institutions carry. Armed groups require access to state institutions in order to effectively access this resource. For instance, LTTE leadership reflected that: “We already have a massive permanent administrative structure in the areas under our control. What we need is international legitimacy so we can coordinate and work with the Government of Sri Lanka and the international community” (Philipson 2001: 111). This also grew evident in Liberia, for instance, where the NPFL could not offer the same sovereign resources as state administrations and failed to recruit its intended support. As Reno (2015) explains, the “government in Monrovia had access to the courts of foreign countries (...) where it was recognized as a sovereign authority and could

³¹ Reno (2015) and Sarvananthan (2007) point out that these images have questionable bearing on the quality of governance for civilians in the rebel territory.

demand enforcement of contracts. Without international recognition, [the rebel's civil administration] could not" (278).

By contrast, the RCD's ability to work through state institutions in its territorial holdings contributed to its "equal footing" with the capital in an international ceasefire and political settlement.³² Façades of statehood help to interface with an increasingly diverse cast of international players in warzones, enabling, for instance, rebels in eastern Congo to tax humanitarian deployments, purchase aircraft insurance from Ukraine, issue research permits to international scholars, and offer tax exemptions for international science expeditions.³³ Hence, the sovereignty resources statehood offer rebels tangible benefits for resource access and political gains.³⁴

Second, armed groups that work through state institutions gain access to a second resource of sovereignty: legal arbitrage. International firms often prefer to work through state channels, even for questionable transactions, to access better juridical guarantees (Reno 2015, 2001). Tapping into resources of legal compliance pays dividends navigating international markets in contemporary "criminalized" war (Andreas 2004; Kaldor 2007). State administrations in rebel-held zones allow international buyers to interface with government

³² Tull (2003) here notes the continuities between the pre-conflict and rebel "state" in eastern Congo: "both Mobutu and the RCD made efforts to sustain a fiction of formal statehood, with the primary aim, it seems, of courting international recognition and the financial benefits that this could be expected to bring... Mobutu, it is well known, profited handsomely from his control of a notional state in the era of Cold War politics. The RCD, for its part, has reaped the benefits of maintaining an illusion of statehood by being placed on an equal footing with Kabila in the Lusaka ceasefire agreement of 1999." Similarly, Reno argues that these institutions are forged with the primarily intent of garnering international recognition, rather than forging effective mechanisms to administer populations or deliver services. As he describes in Liberia, "the presence of state administrations in rebel-held territory allows similar rent-seeking opportunities. Even the minimal civil administrations rebel build are often "intended to achieve outside recognition, not serve local inhabitants... The NPFL used NPRAG to present the appearance of regular rules of governance, on paper at least, to argue that it was the real sovereign authority in Liberia by virtue of de facto control" (NPFL 269, 280). Mampilly (2011) supports this point.

³³ Accompanying the protocol as Witnesses included UPDF Brig. Gen. Kazini, Maj. Mayombo, Col. Otafire, and Amb. Marwa.

³⁴ Likewise, LTTE rebel leadership reflected that: "We already have a massive permanent administrative structure in the areas under our control. What we need is international legitimacy" (Philipson 2001: 111).

agencies that can offer important markers of legal compliance that carry weight in international regimes. The ability to do so is important in light of growing sanctions on financially supporting rebels and economic exchanges in war zones (Naylor 1999).

This distinction is illustrated in the findings of an international body tasked by the United Nations Security Council to investigate illicit commercial dealings in war economies. For instance, a UN Panel of Experts' evaluation of the activities of foreign firms in rebel-held eastern Congo demonstrates the importance of the state's legalizing functions:

The Panel has found [the firm] complied with all the regulations in effect. It currently pays its taxes at the same bank as it did before the area came under rebel control. It also deals with the same customs officials as it did before the rebels took control. The Panel has learned that a bimonthly check is conducted by the local Congolese authorities to ensure [it] is complying with the terms of licenses granted to it" (UNSC 2001b: para 73).

This firm's appearance of legality through routinized dealings with state institutions masked its natural resource trade with multiple armed groups.³⁵ While an uneasy substitute, regularized interactions with local branches of state administrations can provide a legitimizing gloss of legal compliance that carries weight in international regimes. This Security Council report to international sanctioning bodies demonstrates that the legality of state-sanctioned transactions was not reserved for central rulers, but extended throughout the contours of the state apparatus even in rebel-held territory beyond the capital's reach.

Consequently, rebels that take over state institutions can profit from legal arbitrage linked with sovereignty even before they take the capital. This resource of legality proves particularly

³⁵ Including the RCD-G and the RCD/K-ML. On the RCD-G, see Chapter 5. On the RCD/K-ML: "Concerne: Demande de permis d'utilisation de la carrière de KYATSABA/BINGO, Accusé de réception." [Letter to His Excellency Monsieur le Commissaire Générale dur RCD/ML] Commissariat aux Infrastructures, Travaux Publics et Aménagement du territoire, RCD/K-ML, 31 May 2000, Beni (North Kivu Province). "Objet: V. Demande de permis d'utilisation de la carrière Kyatsaba/Bingo, 'Accusé de réception'" [Letter to Monsieur the Director of the Cabinet, Bureau d'Assemblée et Commission Général à Beni], Territorial Administrator of Beni, 15 June 2000, Oicha (North Kivu Province).

important as growing clandestine markets and cross-border trading circuits prove increasingly key to rebel survival (Duffield 2001; Kaldor 2007; Reno 2011; Salehyan 2009). As Andreas (2004) starkly puts, “[m]ilitary success often hinges on entrepreneurial success in the murky underworld of smuggling” (30). Yet this unfolds alongside tightening sanctions regime on financial exchanges with rebels (Naylor 1999).³⁶ If rebels’ success is based on the ability to arbitrage across international lines (Ahram and King 2012), state institutions prove important assets in this task.³⁷

Administrative Resources: Organization, Whitewashing, Taxation, and Surveillance

Administrative infrastructure also provides a set of valuable resources for rebel agendas. To be sure, there is substantial variation in how bureaucracies operate and link states to society (Evans 1995; Evans and Rauch 1999; Kang 2002; Kohli 2004). Yet research across diverse settings and regime types spanning the United States (Lipsky 1980), Sub-Saharan Africa (Bierschenk and Olivier de Sardan 2014; Blundo 2006; Englebert 2009; Trefon 2009, 2007), the Middle East (Feldman 2008), and South Asia (Hull 2012; Klem 2012; Vandekerckhove 2011) describes how bureaucracy endows state agents with a similar toolkit of institutional resources, which in turn prove valuable to rebel rule. These include organizational resources, whitewashing, and mechanisms for taxation and intelligence gathering that prove helpful to build control over noncombatants and economies.

³⁶ Ahram and King (2010) also argue that the “primary factor contributing to the success of warlords is the ability to take advantage of a price differential for political, economic, and cultural goods across terrains” (170). This is particularly important in light of Andreas (2004) observation that of the growing “criminalization of a conflict, creating an economic opportunity structure for clandestine commerce, and making the competing side’s more reliant on cross-border smuggling channels” (30).

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Organizational Resources

First, state administrations can amplify armed groups' power by providing them with ready-made mechanisms to build their organizations and reach across territory. Administrations provide frameworks for repeat interaction and regularized extraction over time. Bureaucracy is, at its core, a repetitive form of rule with authority grounded in its claims to routinized and standardized control (Weber 2009). Weber depicted this attribute of modern statehood with the recurrent practice of filing. Similarly, Feldman's (2008) work on administrative endurance in absence of central rule in Gaza illustrates that standardization is at the basis of institutional authority: "All bureaucracies depend on such repetition" (15), and these files must appear like each other to "fit the mold" (16). Regularity between files creates grounds for authoritativeness (Feldman 2008: 15, 33). More than simply strong states, these features endure across tenuous environments lacking clear government rule in Gaza (Feldman 2008), Pakistan (Hull 2012), sub-Saharan Africa (Bierschenk and Olivier de Sardan 2014; Blundo 2006, 2001; Trefon 2007), and South Asia (Klem 2012; Stokke 2006). They do so not because of the technocratic precision that these attributes sometimes imply, but because the ability to project a technical image carries tangible benefits for officeholders.

These features can provide the raw material for rebel rule. Armed groups seek to regularize interactions with civilians, but this can require costly investments in territorial control and forging new systems (Olson 2000,1993). Bureaucracy's roles of standardizing and regularizing interaction can solve practical organizational challenges that rebels face, without costly investments in new systems of control. As Weinstein (2007) observes, rebel governance requires that, "institutions within or outside of [the armed group's] military to manage relations with the civilian population, and....institutions set in place a series of formal or informal rules

that define a hierarchy of decision-making and a system of taxation” (134). Bureaucracy’s core attribute of routinization can solve practical organizational challenges of how to build systems of taxation and meet foreign trading partners’ preferences for guarantees of iterative play (Olson 1993; Reno 2015).

These attributes can also address important challenges of liaising with international buyers. Bureaucratic structure can also provide a structure to regularize interactions for contracts, rather than haphazard buying and selling of war materiel. The ability to delivery repeat interactions is important to guarantee investments for international firms in rebel-held territory. In Liberia, for example, the predatory NPFL coaxed investors to set up activities in rebel-held areas, but failed to guarantee the potential for long-term profits. As Reno notes, amidst looting in Liberia’s timber industry, “this relationship required elements of a predictable bureaucratic administration to limit the nature of violence of the patronage network and personal rule” (275). Bureaucracy’s in-built routinized functions can play these roles for armed groups without costly investments in new systems of control.

Whitewashing through “rendering technical”

Second, administrative features that present an image of standardized information and practice empower state agents to take on veneers of legal compliance to whitewash a range of side practices. This law-making function of the state apparatus enables agents at all levels of bureaucracy to participate in regulatory authority (Lipsky 1980). Scholars recognize this as a core characteristic of “street-level” bureaucracies that enable local agents to exercise state authority and shape policy across variations in states and regime types (Blundo 2006).

Regularity between files and the need to exercise authority in the name of the state can also deflect attention from personal deviations (Feldman 2008). Recourse to official duties legitimizes actions and deflects attention from a potentially large range of side deals. As Lipsky's (1980) seminal study of "street-level" bureaucracy in the United States reveals, this exercise of discretion is an inbuilt attribute of how officeholders distribute state resources. Some "slippage" between hierarchies and bureaucrats is inevitable, as agents are "interested in processing work consistent with their own preferences" (19).³⁸ Describing the same trend, Mahoney and Thelen (2010) note that agents draw on ambiguity to convert institutions to new functions and goals. Hence, officeholders who draw on their posts to "hide behind bureaucratic façades" have both the ability to create and conceal this slippage (Klem 2012: 706).

These slippages enable administrators to whitewash their side deals as well as the questionable transactions of others. Exercising discretion in the performance of official tasks extends legal cover to a range of parallel practices. Hence, Blundo (2006) shows that bureaucrats in Senegal draw on "technico-bureaucratic knowledge," to conceal the "real functioning of the public administration," which consists of "compromises, negotiations, invention of new rules of the game and monetized powers" (807-8).³⁹ Likewise, as Klem (2012) notes from his study of public administrators in rebel-held zones of Sri Lanka, the routinized nature of bureaucracy allowed officeholders to "render technical what may be very political, thus legitimizing or disguising the particular agendas they propagate" (698-9).

³⁸ And those that higher-ranking authorities can coerce (*ibid*).

³⁹ As Blundo explains the choices bureaucrats face: "One can punish a smuggler or close one's eyes if the value of the goods is modest. One can still decide to sanction him, and come to an agreement on the amount of the fine... the monopoly of technico-bureaucratic knowledge, combined with the weak sense of accountability of the agents with respect to their public, permits the daily negotiation of the powers of administration. This opacity and the selective application of the regulations" allows state agents to maneuver institutional rules to their own ends (807-808).

Rebels that draw on state institutions in their military holdings can similarly benefit from this whitewashing function. This can occur as officeholders use administrations to conceal rebel practices. As Klem (2012) illustrates from Sri Lanka, officeholders in LTTE strongholds obscured collaboration with rebels by emphasizing that they were complying with “standard procedure.” For instance, as the LTTE installed their own personnel in village councils, bureaucrats disguised their dealings with rebels by explaining: “We have to consult with the GSs [village officeholder]. That’s the normal procedure. You can’t change that set up.” Hence, as Klem observes, “a typical governance term... is used to rationalize collaboration with a proscribed organization” (707). Through these practices, “Civil servants thus maintained a framework of bureaucratic order to enable transgressive, or even illegal, practices, whilst preserving their own position” (*ibid*).

Administrators’ whitewashing toolkit also proves useful for rebels, enabling them to conceal questionable resource chains and transactions. For instance, as a former rebel cadre in Congo explained, bureaucrats transformed arms deals into mundane petrol imports or “second hand goods” with a simple redaction to an administrative file.⁴⁰ As one customs official recalls,

I remember that in 2008, we passed 12 tons of heavy arms and ammunition that came from Uganda. This operation was coordinated by X, who was in the CNDP [*Congrès National pour la Défense du Peuple*]... These arms and ammunition had been declared at the customs at [the] Kasindi [border post] as “sugar” coming from Zambia.⁴¹

Likewise, in Sri Lanka’s armed conflict, bureaucrats in LTTE territory redacted evidence of armed group activity from official records in order to “keep the files clean” (Klem 2012: 706). Routing transactions through the state apparatus can deflect attention from rebel operations, providing an important source of protection from prosecution.

⁴⁰ Personal Interview with former RCD/K-ML cadre member, 22 January 2016, Butembo.

⁴¹ Congo Research Group Interviewee Z-6, 29 November 2016, Kasindi.

Mechanisms for Taxation

Bureaucratic administrations also provide rebels with a ready-made institutional frameworks to manage extraction. As Englebert (2009) shows, sovereignty takes on a domestic “exchange value” that benefits officeholders by legalizing extraction from civilians. By the same token, working through state institutions provides rebels access to public treasuries (Tull 2005). In the (perhaps rare) cases in which the capital continues to transfer funds for service provision to state administrations in rebel-held territory, these transfers provide rebels predictable access to financing (Klem 2012).

In addition to ready-made taxation systems, the contours and complexity of the state apparatus enable agents to multiply opportunities for extraction. As Lipsky (1980) notes in the United States, rules imposed by a central government or agency “may be so voluminous and contradictory that they can only be enforced or invoked selectively” (14). Opportunities for private extraction flourish in weaker states prone to civil war. For instance, in post-Soviet Georgia, administrators exploit bureaucratic complexity to demand payments for official documents or for turning a blind eye to allow businesses to circumvent the restrictions (Kukhianidze et al. 2004). In the smuggling economy, “[t]here are various types (ranging from 6 to 14 depending on the product) of numerous documents (various certificates, special permissions of transportation, declarations, invoice etc.) that are to be submitted to customs organs” (54).⁴² Similarly, in Gaza, “bureaucratic red tape and a use of procedural mechanisms to obstruct the citizens’ efforts to receive services” and extract fees (Feldman 2008: 77).

⁴² As authors continue: “It is argued that there is too much documentation required by customs; and this creates obstacles that subsequently drive many businesses into shadow arrangements. It would be more effective to use only several documents under strict administrative control” (Kukhianidze et al. 2004: 54)

These practices provide opportunities for rebel enrichment. For instance, as Reno notes in Liberia, the NPFL “understood well the multitudinous opportunities to exploit bureaucratic rules as tools to require expensive work permits, residence permits, conservation fees, industrialization incentive fees, and so forth to be extracted” (2015: 277). More than simple enrichment, control over distribution networks in the state apparatus serves a key political purpose for rebels. Incumbents draw on these same features of bureaucracy to use administrations as patronage tools (Bratton 1994; Bratton and van de Walle 1997; van de Walle 2001; Reno 1998).⁴³ Rebel that take over state institutions can erode the capital’s ability to cultivate a political clientele, launching a more comprehensive challenge to the government’s mechanism of rule.

Surveillance and Intelligence Gathering

Routinized data gathering functions endow institutions with specialized knowledge that make them important assets for rebels’ tasks to enforce compliance, monitor populations, and gather intelligence (Kalyvas 2006). Bureaucratic surveillance and information transmission create dense “information networks” packaged into an authoritative official record (Schatzberg 1988: ch. 3). As Schatzberg describes, state administrations play these functions even when it is unclear how, or whether, reports will be used. Neither are these attributes dependent on strong or functioning institutions; Schatzberg writes from the height of the predatory regime in Zaire. Likewise, in Gaza, the “accumulation and reiteration of mundane detail in files help produce facticity and potency” (Feldman 2008: 35). The compilation of reports that monitor populations,

⁴³ Central rulers often use the state apparatus to create “administratively-generated rents” that can be transferred to loyal followers (Bates 1981). As Bates explains, presidents in sub-Saharan Africa used the state apparatus to build patronage networks, because “[o]ther measures would have given no comparable chance for the exercise of discretion, and thus no comparable opportunity for creating a political clientele” (103).

resource flows, and deviant administrators can perform critical information-gathering functions for rebels, particularly when grounded in a repetitive filing culture of bureaucracy. State agents develop relations in lucrative sectors and specialized knowledge of clandestine exchanges that proves useful to rebels' governing tasks during war. Administrative reach and common side deals also provide state agents specialized knowledge of economic exchange across their jurisdiction.

Hence, core properties of statehood—sovereignty and bureaucracy—embedded within state institutions deliver resources that carry tangible value for rebels. By working through state administrations, rebels gained platforms of international recognition and financial extraversion in negotiating ceasefires and peace accords (Tull 2003). Armed groups that repurpose state institutions gain access to these resources of sovereignty that deliver tangible benefits for rebel agendas. These institutional resources are not dependent on central control, since they are not predicated on regime loyalty but on agents' self-preservation to maintain the state apparatus as the basis for their own power (Feldman 2008; Trefon 2007).

Conclusion

Interactions between rebels and state agents manning national administrations contain the seeds for institutional change. As a Historical Institutionalist approach demonstrates, since state agents are “charged with implementation, interpretation, and enforcement, [they] have large roles to play in shaping institutional evolution” (Mahoney and Thelen 2010: 13-4). This observation has given rise to the emphasis on “bureaucrats at work” to trace the everyday practices of state authority and enactment of institutional procedures that redefine, challenge, and reinvent official codes (Bierschenk and Olivier de Sardan 2014). Identifying institutional resources also provides

a test for assessing the validity of claims that administrators continue in their role as *state* agents in conflict zones.

This chapter has developed the analytical foundations to show that even as states weaken, they often maintain important effects that cannot be reduced to society or non-state influences. Indeed, if states persist in “negotiated” or “hybrid” form, observable elements of statehood must be present alongside alternative bases of authority. State institutions in rebel strongholds enable armed groups to gain from resources of sovereignty and administrative infrastructure before setting foot in the capital. Empirical observations of these resources provide a test for the continuity of the state apparatus in conflict zones. Non-state authorities should not wield these levers of influence.

Institutional resources that derive from properties of statehood clarify that rebels face an *institutional* choice about whether or not to work through the state apparatus.⁴⁴ Hence, this decision turns around access to the institutional resources and the organizational structure of rule, rather than partnership with the specific individuals that occupy these offices.

The following chapter takes up the task of theory building. It develops the concept of institutional settlements between states and rebels to describe the variety of formats that these relationships take. Institutional settlements form through repeat interactions between rebels and state administrators as both sets of actors seek to control the same material resources and noncombatant networks in conflict zones.

⁴⁴ This is particularly the case since key personnel are often replaced when rebels take over institutions. In some cases rebels remove agents from the official apparatus and implant them within the rebel administration. This illustrates that the choice is about institutional forms rather than personnel; rebels may shift personnel to new institutions, or keep the institutions and change personnel, as frequently occurs under cooptation. This also indicates that personnel do not own the resources of statehood; properties of bureaucracy and sovereignty remain tied to the official state apparatus distinct from the individual agents that occupy it. As Kalyvas (2006) shows, the political loyalty of administrators is subject to change with territorial control. Yet the resources of statehood persist. These institutional resources are not dependent on central control in a given area, since they are not predicated on political loyalty to a central regime but on administrative preferences to maintain the state apparatus for personal enrichment.

*Chapter 3.***INSTITUTIONAL CHANGE IN CIVIL WAR: BUILDING A THEORY OF REBEL-STATE RELATIONS**

What happens to state institutions under conditions of fragility and armed violence? Do they fade away and lose constraint? Or, do they reinvent themselves in the face of changing circumstances? Standard theories of civil war often discount state effects in shaping the causal logic of rebel governance. These frameworks often cast rebels and states as competitors, operating from opposed forms of political organization and seeking to build control at the expense of the other (Ahram and King 2012; Marten 2006/7; Salehyan 2009). Yet, nuanced looks into warzones reveal a broader set of interactions at play. Civil administrations form the basis of armed organizational networks in Eritrea (Pool 2001), goods provision in Sri Lanka (Klem 2012; Stokke 2006), and revenue generation in Côte d'Ivoire. These observations problematize standard portraits of rebels as operating beyond the control of weak states (Fearon and Laitin 2003), and they call attention to an often-overlooked set of contests over the nature of the state apparatus. Instead of waiting for peace accords or military victory, they reveal that questions surrounding control over state institutions are resolved in rebel strongholds, over the course of war.

This chapter develops a theory of the politics of state-rebel engagement that identifies the varied formats these interactions take and assesses their legacies for the institutional foundations of post-conflict states. Unexplained variation in relations between rebels and states provides the empirical point of entry for the study. I identify four patterns of negotiation that emerge as these actors distribute power during conflict. Variation organizes along two dimensions. The first pertains to the *infrastructure* of rebel governance, asking whether armed groups incorporate the

state apparatus into their governing strategies or seek to dismantle it. The second dimension focuses on the *content* of rules used in actual practice.⁴⁵ It asks whether rebels abide by state procedures, or vice-versa, by observing whose rules regulate economic exchange.

The traverse of these dimensions yields four institutional settlement outcomes. Rebels that share authority with state agents to perform tasks such as taxation and that adopt administrative practices as their own form collaborative relations under institutional *collusion*. Karbi militias in northeast India that colluded with state revenue officials to realize mutual gains by enforcing land claims provide one example of this relationship (Vandekerckhove 2011). Under *cooptation*, rebels also work through state institutions, but seek to dominate and reform them to better fit rebel agendas. This was the case in Sri Lanka, where the Liberation Tigers of Tamil Eelam (LTTE) grew “parasitic” in their use of the state apparatus (Philipson 2011: 108). Alternatively, rebels may *displace* state institutions from their strongholds and reserve rule-making authority for themselves, reflecting common expectations that rebels build control against the state (Marten 2006/7). Armed groups may meet pushback in their attempts to do so, however, as state agents continue to regulate populations and economies under institutional *entrenchment*. This proved the case in areas of Democratic Republic of Congo (hereafter, Congo) where government agencies remained active in managing lucrative diamond and tin markets even as rebels worked to supplant them.

Varied state-rebel engagement strategies develop through active processes of state building and reform in conflict zones. This chapter traces pathways to these institutional outcomes across two key steps. In a first step of institutional selection, rebels resolve a

⁴⁵ Areas of state fragility often feature a wide variety of rule-making authorities. Traditional authorities, religious leaders, and informal institutions play important regulatory functions. This dissertation focuses on the interchange between armed groups and states as the two main protagonists conventionally seen as competing for influence vis-à-vis the other. Empirical chapters weigh these effects against interactions with alternative, non-state modes of rule.

consequential choice of whether to work through branches of the state apparatus via cooptation or to undercut them via displacement, adjudicating between the two as a result of their time horizons. This choice is consequential because state institutions harbor resources of sovereignty and administrative infrastructure that prove valuable for rebels to build power vis-à-vis governments, compete with rival armed groups, and navigate international markets and deployments.

In a second stage of institutional negotiation, state agents draw on these resources to safeguard their authority in the face of armed encroachment. Institutions endow agents with preferences and tools to maintain them under changing circumstances (Feldman 2008; Pierson 1996). State agents forge pathways for institutional survival by leveraging these resources to build coalitions that recruit new interests to benefit from state authority. Coalition building operates through the mechanism of preference alignment that can shift settlements to outcomes that are more favorable to state agents: from cooptation to collusion, or from displacement to entrenchment. Where state agents lack coalition partners, they may safeguard pockets of authority through tacit strategies of noncompliance, but do not shift the architecture of institutional relations with armed groups. This stage illuminates processes of state building during war and mechanisms of institutional continuity that persist in areas where central rulers are weak.

Nuanced understandings of these properties of institutional change carry important implications for scholarship and policy on armed conflict and state reconstruction. A theory of how armed actors engage the state apparatus is relevant to policies aiming to forge viable post-conflict administrations to prevent a return to armed conflict (Paris and Sisk 2009; Walter 2002). Debates on state-building and institutional design center on how to fashion political settlements that reduce incentives for defection by integrating armed factions into states (Hoddie and Hartzel 2000; Tull and Mehler 2005; UN 2010; Walter 2004). Yet efforts to build durable state

institutions after war cannot succeed without an understanding of how they operated and changed during conflict. Moreover, relationships forged between state agents and rebels hold enduring political legacies. Close wartime collaboration can embed violent networks within the state apparatus, providing armed groups with institutional modes of control that promise to outlast conflict. New coercive partners for state agents can also enable administrators at peripheries to shift distributions of control vis-à-vis capitals, shaping subnational distributions authority and resisting territorial reintegration over the long term. Finally, rebel-state relations clarify properties of institutional change by illustrating how different organizations layer atop one another and recombine in incremental ways, rather than by changing via jumps between distinct institutional equilibria.

This chapter proceeds in three parts. A first part maps the theoretical range of variation in state-rebel relationships in conflict zones. The second examines pathways to these outcomes by identifying how state institutional resources intersect with rebel agendas. A third part assesses alternative explanations of state authority and wartime institutions, identifying observable implications to weigh against this present theory. The chapter concludes that how state agents preserve institutions in changing circumstances shape the challenges, opportunities, and tools available to rebels during war.

Outcome of Interest: Variation in State-Rebel Relations

Civil war opens states to redefinition. As non-state armed actors challenge governments, the intersect of state and non-state modes of political organization creates moments for institutional change. This section develops a descriptive typology to express variation in wartime state-rebel relations.

Patterns of deal making and competition between state agents and armed groups in conflict zones can be conceptualized as *institutional settlements*. These interactions represent *settlements* because they emerge from iterated negotiations between interested actors who seek control over similar resources and populations (Axelrod 1984). They are *institutional* because they address basic questions of the nature of the state apparatus, set the “rules of the game” for processes such as taxation foundational to statehood and rebellion, and are costly to violate (Helmke and Levitsky 2004; Levi 2002, 1988; North 1990). Pathways to institutional settlements illustrate how states and rebels reshape the substance of each over the course of war.

This framework observes state effects in armed conflict through the actions of local state officials. Doing so takes seriously findings that rank-and-file state agents carry out the day-to-day exercise of state authority (Bierschenk and Olivier de Sardan 2014; Lipsky 1980; Mann 1986; Migdal and Schlichte 2005). It also builds on observations from Historical Institutionalism that agents seek to maintain the institutions that work to their advantage (Pierson 1996), and that characteristics of institutions themselves bound how agents manage these processes of continuity and change (Mahoney and Thelen 2010). This approach operationalizes states into strategic agents whose actions and interactions with non-state groups such as traditional authorities and economic elites can be identified and mapped. Rather than lose affiliation with the state, I expect that state agents negotiate and combine with rebels in strategic ways that preserve institutional function and as central power wanes. If state authority is not important to local political outcomes, the power of this administrative class fades.

Institutional settlements between these state agents and armed groups vary along two core dimensions that can be conceptualized as differences between the *infrastructure* and *content* of rule. The first dimension pertains to whether rebels incorporate state institutions as tools to build

control or undercut them in favor of alternative systems of rule that engage civilians directly. Rebels decide whether to route informal networks and patronage politics through state institutions, as central rulers often do (Bates 1981; Bratton 1994; Bratton and van de Walle 1997; Geddes 1994; Kohli 2004; van de Walle 2001), or to build alternative systems of extraction or reciprocity that bypass institutional intermediaries (Marten 2006/7; Menkhaus 2006/7). Rebels that build control by repurposing the state apparatus seek to tap into the resources it harbors. They use official administrations to build internal control: revenue generation bureaus transfer funds to rebel coffers, surveillance branches furnish intelligence, and sovereignty whitewashes questionable transactions and eases relations with foreign interests. Alternatively, rebels may approach state institutions as rivals and displace them from these arenas. This dimension focuses on the governance structures used during war and can also be expressed in terms of whether rebels treat state agents as potential collaborators or rivals in their tasks of rule.

A second dimension of variation pertains to where authority resides in rebel strongholds. It asks whether state administrators influence the content of rules as territory falls to rebels, or whether rebels set their own rules. Armed groups working through state institutions may dominate them and impose new rules or accommodate preexisting administrative practices. This dimension reflects whether state agents or rebels determine how institutions are used, distinguishing between scenarios in which rebels dictate procedures, versus where officeholders manage the state apparatus with more autonomy. These differences can be observed by asking whose procedures for daily tasks such as taxation and economic exchange are used in actual practice by the noncombatants that rebels and states mutually seek to govern. This dimension opens possibilities that state institutions may operate at cross-purposes with armed groups within their strongholds.

These two dimensions create four theoretical institutional settlement outcomes: collusion, cooptation, entrenchment, and displacement. Table 3.1 describes these outcomes, discussed in further detail below. The framework presents these dimensions in typological format to ease conceptual clarity. However, the empirical reality will often express dimensions as spectrums rather than definitive categories in which cases have full membership.

TABLE 3.1 Descriptive Typology of Institutional Settlements

		Content of Rule:	
		State agents maintain rule-making authority	
		<i>Yes</i>	<i>No</i>
Infrastructure of Rule:			
Rebels use state institutions to govern	<i>Yes</i>	Collusion	Cooptation
	<i>No</i>	Entrenchment	Displacement

Under **collusion**, rebels engage state officials as partners, routing their governing programs through the state apparatus and sharing authority with administrators. This outcome highlights the possibility of mutual gain by placing distinct organizational structures in cooperation. Armed groups that collude with state agents govern in tandem with them and accommodate preexisting rules, sharing revenue streams and political control. Rebels adapt their governing structures to *complement* the state apparatus rather than displace it or take it over as under cooptation. For instance, armed actors may harness international linkages with patrons and use coercion to enforce state rules, while local officials contribute specialized knowledge of parallel markets and collect taxes on rebels' behalf. Doing so limits ambiguity in institutional rules and incentivizes states and rebels to share rather than conceal resources.

With this relationship, rebels and states experience possibilities for mutual gains and losses. Since state agents retain authority and armed groups do not seek to undercut institutions, collusion poses low threats to officeholders. These conditions can synchronize the preferences of both parties, recruit state interests to rebel programs (and vice-versa), and promote interdependence between the two. This preference alignment mechanism in turn can erode organizational distinctions between state institutions and armed groups. These relations can provide rebels with institutional vehicles for coercive control that can last into the aftermath of war and create subnational differences in state institutions over time.

Expectations that rebel organization is opposed to states can make collusion a puzzling outcome for civil wars research (Ahram and King 2012; Marten 2006/7; Saleyhan 2009). Yet the outcome is observable across diverse conflicts. For instance, in eastern Congo, the Rally for Congolese Democracy/Kisangani-Movement for Liberation armed group accessed revenue by creating conditions that favored customs officials' access to smuggling. As cadre members explain, the group built control by “institutionalizing fraud”⁴⁶ and “profiting” alongside state agents, recruiting institutional bases of support that maintained an armed sphere of influence after war drew to a close.⁴⁷ Similarly, Vandekerckhove (2011) illustrates that militias collaborated with state revenue officials in northeast India by providing “necessary back support” to enforce land claims (770) and forged “mutually interdependent interests” in the process (775). As his findings show, “the entry of the Karbi militia as a key institutional player eager to tighten its grip on the local population of Singhason generated very little institutional

⁴⁶ Personal Interview with RCD/K-ML cadre member, 22 January 2016, Butembo (North Kivu), Democratic Republic of Congo.

⁴⁷ Personal Interview with local businessperson, 22 June 2011, Beni (North Kivu), Democratic Republic of Congo; Interview with local businessperson, 5 July 2011, Beni (North Kivu), Democratic Republic of Congo.

competition with the state” (775). Similar exchanges across Congo and India’s distinct conflicts paired state-rebel organizational resources such that both shared political control.

Since classic conflict analysis overlooks the potential for state-rebel accommodations, it is likely that the full range of cases of collusion is yet to be identified.⁴⁸ Research on violent entrepreneurship can provide another conceptual springboard. Armed actors often leverage connections with states to traverse parallel markets. For instance, warlords in Southeast Asia and mafia networks in post-Soviet states do not simply exploit the interstices of state authority, as is sometimes argued (Ahram and King 2012; Reno 2002), but often recruit state actors as institutional partners in these practices. Clandestine exchange in the South Caucuses unfolds with close ties to state institutions (Cornell and Starr 2006). Here, violent entrepreneurs rely on ties with “officials of law enforcement bodies from both sides of the conflict” pass goods on parallel markets (Kukhianidze et al. 2004: 10). Likewise, Lacher (2012) reveals that state officials in the African Sahel extorted rents and transported drugs alongside clandestine trade networks that later provided organizational bases for rebellion. These interactions suggest that success in sustaining violence reflects not simply the ability to evade the state, but to harness its resources through accommodations with its agents.

Transferring these interactions to state-rebel dynamics in armed conflict does not require much conceptual stretching. Like wartime political economies, trafficking also occur in conditions of state weakness, organizes atop influential kinship networks, and traverses black markets in contraband (Cornell and Starr 2006; Kukhianidze et al. 2004). The increasing criminalization and privatization of contemporary war and the role of violent economic exchange

⁴⁸ This point builds from Vandekerckhove’s (2011) observation in India, where: “the entry of Karbi militia as a key institutional player eager to tighten its grip on the local population of Singhason, generated very little institutional competition with the state. This contrasts sharply with what classical conflict experts such as Fearon and Laitin (1999) or Mampilly (2009) might have predicted.”

in historical state building lends further theoretical grounding to support cross-fertilization (Duffield 2001; Kaldor 2007; Ross 2004; Reno 2011; Tilly 1992, 1985). Familiar instances of collaboration between governments and paramilitaries provide another conceptual point of overlap in which armed actors and states gain from mutual relations (Eaton 2006).⁴⁹

Cooptation differs from collusion in the distribution of rule-making authority between rebels and state agents. Under cooptation, rebels also engage state agents as collaborators by working through institutions, but dictate commands to fashion them into more effective arms of rebel control. Rebels reform administrations to better fit their needs, such as by replacing personnel, providing selective incentives to collaborators, and sanctioning uncooperative agents (Kalyvas 2006; Mampilly 2011; Sarvananthan 2007; Tull 2005). With these changes, rebels seek to work through government agencies to build economic control and benefit from organizational networks and specialized knowledge that these institutions contain. For instance, taxation bureaus shore up rebel coffers and intelligence agencies monitor compliance with armed groups' governing programs.

Cooptation represents a more limited form of cooperation between rebels and states than collusion because it fashions institutions into fronts for rebel rule. These processes contribute to the “criminalization” of the state apparatus, as armed or informal networks “engage systematically in organized criminal activity while exercis[ing] decisive influence over government institutions” (Cornell and Starr 2004: 43). Yet, since cooptation impinges on agents’ authority and does not provide them new benefits, rebels may be less able to recruit institutional support over the long term. The strategy can incentivize noncompliance, transforming the administrative apparatus into an arena of competition during war.

⁴⁹ These observations are supported by a growing body of literature that illustrates how capitals often strike deals with rebel groups to administer territory over the course of civil war (Mukhopadhyay 2014; Staniland 2012b).

Institutional cooptation is common in armed conflict. Rebels often work through state institutions to save on costs of building new governing systems from scratch (Mampilly 2011). For instance, the Eritrean People’s Liberation Front built its capacity through organizing around preexisting public administrations (Pool 2001). Similarly, cocoa marketing agencies operated, customs agencies collected duties, and schools administered state exams during conflict in Côte d’Ivoire (Englebert 2009, originally Airault 2006a, 2006b; Amuri n.d.). As Tull (2005) demonstrates in eastern Congo, rebels repurposed the state apparatus as a patronage framework, using it to extract public revenue to fuel their own distributional networks. Consequently, as Englebert’s (2009) comparative study of African states summarized, rebel groups often behave as “state custodians” who preserve rather than dismantle the administrative apparatus.

The separatist Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka provide a classic case of cooptation. As the LTTE took over as new authorities, it converted state administrations into its own tools of control (Stokke 2006). It instructed bureaucrats on resource allocations and handed down new rules while relying on institutions to implement its own governing procedures (Klem 2012; Shanmugaratnam and Stokke 2005). In this relationship, the LTTE depended on institutions to continue in many of the same monitoring and goods provisions functions as they had before war. The arrangement led to close inter-linkages between armed groups and the state apparatus, but required agents to comply with rebel rules. As one observer described:

At the district level, the LTTE staff coordinate their activities with the Government Agent (GA) and his staff. No decisions that concern the welfare of the people or the land are taken by the GA’s office or government offices or committees without consultation with LTTE officers responsible for the sector and/or area. In effect the GA’s office, except for the routine government affairs such as salaries, pensions, and other such matters, is used as an arm of the LTTE government. (Stokke 2006: 1030, quoting Nadesan 1996: 2).

This arrangement illustrates the uneven distributions of regulatory control characteristic of cooptation as the LTTE repurposed institutions while curtailing agents' authority. It expresses the bifurcated nature of state-rebel collaboration: although taking commands from rebels, the capital recognized these administrations persisting branches of state bureaucracy throughout the war (Klem 2012).

Under collusion and cooptation, armed groups generally engage state agents as collaborators, working through institutions rather than undercutting them. Alternatively, rebels and states can compete openly for authority and resources. Under **displacement**, rebels engage state agents as rivals. Armed groups build control by dismantling or undermining state institutions in their zones of influence. This outcome best expresses conventional expectations that war pits rebels against states in zero-sum competitions and operate from distinct forms of political organization (Ahram and King 2012; Fearon and Laitin 2003; Marten 2006/7; Salehyan 2009). Rebels seek to usurp the role of states and shift control to alternative governing frameworks. Taxation passes through new structures or personal relations, or simply through looting, to bypass institutional intermediaries.

This outcome may take the form of predatory relations with civilians or reliance on informal linkages to install rebel rule. In India, bureaucrats supportive of United Liberation Front of Asom rebels "treaded very carefully" in zones of insurgent control, limiting their activities to times and areas where they would not directly confront armed actors (Staniland 2012b: 251). A different setting conflict in Sri Lanka furnishes another example, where the Sinhala nationalist movement, Janatha Vimukthi Peramuna (People's Liberation Front), destabilized state agencies as part of its insurgency strategy (Stokke 2006). Rebels refused to share governing structures with agents seen to represent the central state rivals. Classical insurgencies, such as Mao (1969) and

Guevara (1978) describe, that build alternative structures of service provision through popular support can also feature displacement. These rebels installed new frameworks to manage economies and transactions based on an alternative logic of rule grounded in personal ties with civilians (Marten 2006/7).

Finally, under **entrenchment**, officeholders regulate economies or noncombatants in conflict zones even as rebels seek to undercut state institutions. State agents preserve their hold in markets and politics in the face of alternative rebel procedures. This scenario is often antagonistic. For instance, state agents may offer authorizations and licenses to civilian traders and international partners to confer veneers of legality behind the backs of rebels. Or, they may apply tax codes that run parallel to rebel procedures. Officeholders defy rebel regulations, claim political authority, and divert resources from rebels. Entrenchment can be differentiated from displacement by observing whose rules noncombatant populations such as smugglers follow. This outcome illustrates the possibility that state institutions operate strategically and at cross-purposes with armed groups, challenging expectations that compliance is endogenous to territorial control (Kalyvas 2006).

Varied state-rebel relations can shape the institutional foundations of post-conflict states. Outcomes featuring close collaboration, such as collusion, can transform institutions into enduring bastions of rebel authority. As armed groups build their organizations around preexisting administrations and experience mutual gains with local state agents, they can cultivate new bases of support and incorporate the state apparatus into their survival toolbox into the post-conflict period. These relations also afford local state agents an armed option to preserve autonomy from central encroachment at war's end. Doing so can convert the

subnational state apparatus into an effective site of resistance to central programs to reestablish control throughout national territory.

Modest levels of collaboration under cooptation forge more tenuous partnerships that may more easily succumb central programs of national reintegration. Antagonistic relationships under displacement or entrenchment limit opportunities for cross-fertilization between rebels and states. Yet, displacement can also weaken state institutions during war, making it difficult for central governments to rebuild control in its aftermath. Moreover, bureaucrats who maintain institutions through entrenchment expand their own discretion in the use of the state apparatus and gain incentives to protect these pockets of vis-à-vis central rulers at war's end (Lipsky 1980).

This range of state-rebel engagements is theoretically possible across all cases of civil war. Yet, it often goes overlooked. This may not be the case because state institutions lose effect in rebel strongholds, but because common conceptualizations and measures of state authority emphasize central capabilities and preferences. This focus can obscure the ability to observe manifold state practices in action at peripheries. Pathways to varied institutional settlements outcomes of collusion, cooptation, entrenchment, and displacement can broaden understandings of daily practices of state authority as well as rebel strategies for political control.

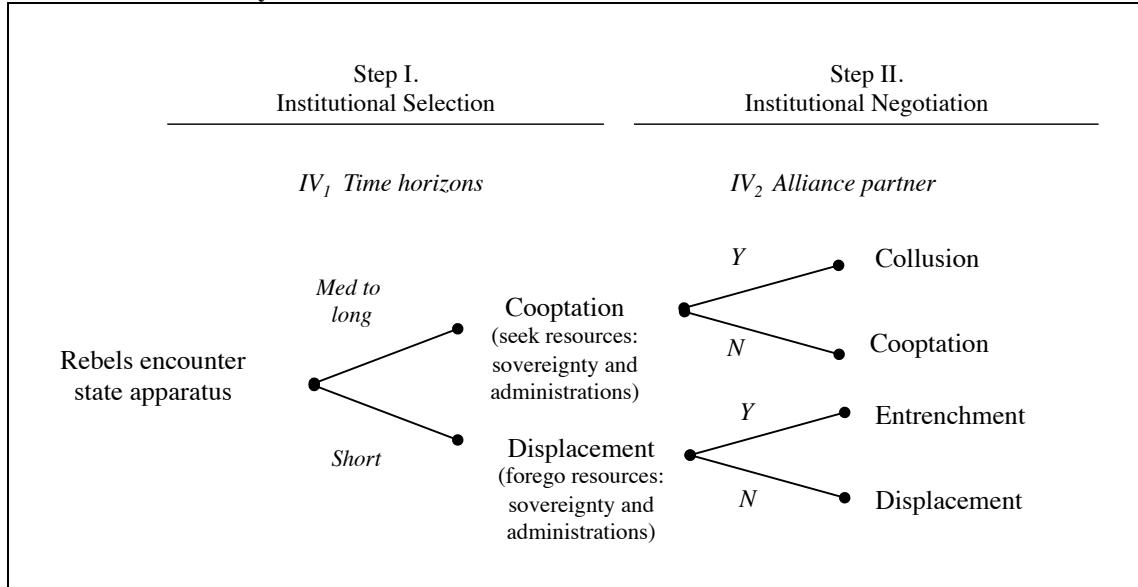
Pathways to Institutional Settlements

Pathways to varied state-rebel relations unfold across two key steps. In the first, rebels face a consequential choice of how to engage branches of the state apparatus that persist in their military holdings. Rebels initially select whether to work though state institutions via cooptation or to undercut them via displacement, adjudicating between the two strategies as a result of their time horizons. In a second step, officeholders draw on institutional resources to safeguard their

authority and redirect the course of rebel strategy. State agents successfully shift institutional outcomes by recruiting allies and targeting administrative functions to pressure rebel needs.

Figure 1 visually depicts this sequence.

FIGURE 3.1 Pathways to Institutional Settlements



Step One: A Consequential Choice

In a first step, rebels face a consequential choice of how to engage the state institutions that persist in their military holdings. Armed groups initially select whether to treat state agents as collaborators through strategies of *cooptation* or as rivals through *displacement*. Rebels select between cooptation and displacement because these strategies would provide them most expansive control in their strongholds. Following Arjona (2014), I expect that rebels adjudicate between these two strategies that would provide them more direct control, but may shift to less dominant relations as a result of civilian practice.

Standing at the core of this choice between cooptation and displacement is a tradeoff between access to lucrative institutional resources or the ability to directly control populations and economic exchange without interference from an administrative class. States provide valuable resources to solve practical governing challenges that other forms of political organization cannot, as Chapter 2 describes. These are linked to resources associated with core properties of statehood, namely sovereignty (recognition and legal compliance) and administrative infrastructure (organizational resources, whitewashing, taxation mechanisms, and intelligence gathering frameworks). State institutions in rebel strongholds enable armed groups to access these resources before setting foot in the capital. These resources, derived from properties of statehood, clarify that rebels face an *institutional* choice about whether or not to work through the state apparatus.⁵⁰ This decision for institutional cooptation or displacement turns around institutional resources and the organizational structure of rule, rather than partnership with the specific individuals that occupy these offices.

Explanatory Variable 1: Armed Group Time Horizons

The choice to treat state institutions as rivals or collaborators reflects an armed group's time horizons in a given area or resource chain. Rulers, whether armed groups or governments, require long time horizons to lay down cooperative relations with civilians (Levi 1988; Olson 1993). As Bates (2008) and Geddes (1994) show, leaders of weak states often discount future

⁵⁰ This is particularly the case since rebels often replace key personnel when they take over institutions. This illustrates that the choice is about institutional forms rather than personnel; rebels may shift personnel to new institutions, or keep the institutions and change personnel, as frequently occurs under cooptation. This also indicates that personnel do not own the resources of statehood; properties of bureaucracy and sovereignty remain tied to the state apparatus apart from the individual agents that occupy it. As Kalyvas (2006) shows, the political loyalty of administrators is subject to change with territorial control. Yet institutional resources are not dependent on central control in a given area, since they are not predicated on political loyalty to a central regime but on administrators' preferences to maintain the state apparatus as the basis for their own control (Feldman 2008; Trefon 2007).

gains, making cooperation unlikely. By contrast, rulers with an encompassing interest in their areas of influence aim to regularize their rate of extraction (Olson 2000). As Olson points out, this regularization need not imply a social contract with civilians, but responds to incentives for material gain.⁵¹ In a similar way, armed groups with long time horizons anticipate payoffs from iterative play with civilian administrations. Those with long time horizons opt for institutional *cooptation*, treating administrators as collaborators in accessing revenue and intelligence. Those with shortened time horizons select institutional *displacement*, seeking immediate gains from looting treasuries, foregoing returns to sovereignty and administrative resources gained through repeat interactions.

Time horizons are the operative factor in this choice in part because the routinized nature of state administrations pays dividends over time. This is also due to inherent costs implied with partnership with state agents. Bureaucrats—who derive authority from formal affiliation with the state—may only rarely behave as *technocrats*—rule-bound agents that enforce procedure dictated by superiors (Evans and Rauch 1999). State agents often implement procedure and offer routes around it, using the space between regulation and enforcement to build their own discretion (Bierschenk and Olivier de Sardan 2010; Blundo 2001; Mahoney and Thelen 2010).⁵² This exercise of discretion is an inbuilt feature of “street-level” administrations that empower agents to exercise state authority in ways that support their own preferences (Englebert 2009; Lipsky 1980). These conditions entail base levels of losses for hierarchies, including armed groups that direct administrations. Given possibilities that agents will use institutions in ways that deviate from their preferences, rebels are more likely to accept losses if they anticipate

⁵¹ Levi (1988) makes a similar point in the development of tax infrastructure.

⁵² As Blundo (2001) explains, they may often “brandish the administrative norm while hinting at ways to bypass it” (87). Mahoney and Thelen (2010) identify this ambiguity between procedure and enforcement as a basic motor of institutional change.

longer-term payoffs. Armed groups with short time horizons are less likely to tolerate these costs, so may view institutions as competitors. In these scenarios, rebels are more likely to pursue strategies of displacement.

Time horizons are derived from levels of active military or economic rivalry that rebels face (Levi 1988; Metelits 2010). Rivalry must constitute an immediate security threat to the military or economic survival of an armed group to qualify time horizons as short. It may derive from internal principal-agent problems that threaten to rent the group apart, from rival armed groups who storm territory, or from preponderant losses within resource chains at the hands of political-economic rivals. Competition generates uncertainty and pushes leaders to focus on the short-term, driving rebels toward displacement.⁵³ Survival becomes more paramount, and armed groups may grab resources to preempt their rivals.⁵⁴ Displacement may deliver one-time windfalls of profit from looting treasures, but loses out on resources and information sources that institutions can procure over the long term. Limited rivalry extends rebels' time horizons and focuses them on gains over time (Kalyvas 2006; Olson 1993). Low rivalry permits armed groups to "study" how to operate within local societies, providing time to develop contractual relations with civilians (Arjona 2014; Metelits 2010). Similarly, rebels who select cooptation must decide how to reform institutions in order to shift relations of authority within them.

Given the utility of institutional resources, and that repurposing preexisting administrations affords a ready-made solution for basic rebel needs such as taxation, armed

⁵³ Certain geographic attributes can also shape decision-making (Le Billon 2001). As Arjona (2010) explains: some "territories are highly valuable because of their geographic location; for instance corridors the group needs to control in order to bring in weapons, export illegal resources, or connect factions deployed across the country" (10). These areas require tight control so are likely to dispose rebels to elide preexisting systems of rule. Under these conditions, rebels aim to curb losses by eliminating middlemen and directly regulating transactions.

⁵⁴ The causal pathway to cooptation versus displacement works in tandem with pathways to analytically similar governing outcomes such as disorder, in which short time horizons contribute to predatory relations with civilians.

groups should prefer to work through the state apparatus in most circumstances (Mampilly 2011). Repurposing administrations does not require the investments needed to forge systems anew. Hence, rebels' time horizons need not be as long term as in studies of wartime social order, which focus on monopolistic territorial control, may suggest (Arjona 2014; Kalyvas 2006; Metelits 2010; Olson 1993). For this reason, rebels should prefer cooptation over displacement (Mampilly 2011). Based on this proposition, we can expect that rebels should select strategies of displacement when circumstances are dire. The key question is whether rivalry is sufficiently high that armed group survival is on the line.

Rebels' choice between cooptation and displacement need not be decided upon at war onset. Temporal variation in shifts in territorial control and competition within resource chains may encourage rebels to revise strategies over the course of conflict.

Step Two: Institutional Negotiation

In a second step along pathways to institutional settlements, state agents seek to safeguard their authority by redirecting rebel strategy to accommodate a more expansive role for the state. This occurs as retreating central control expands opportunities for agents at peripheries to directly shape the functions of state administrations.⁵⁵ Agents seek to maintain state authority in rebel strongholds not out of political loyalty to capitals, but to preserve the institutional bases on which their own authority depends. Since state agents "win" from administrations able to tax civilians and regulate economies, they have interests to maintain them under changing

⁵⁵ This was observable, for instance, in northeast India where the arrival of militias provided an "opening to the state officials" and in Sri Lanka where conflict afforded bureaucrats a "counterweight to government policy and interference from local political entrepreneurs" (Klem 2012; Vandekerckhove 2011: 775). In Sri Lanka, "[a]lmost all bureaucrats agreed they could get some things done, because the war 'insulated' them" from "political interference" from the capital (Klem 2012: 708).

circumstances (Boix 1999; Hall and Taylor 1996; Pierson 1996; Trefon 2007). This expectation rests on the premise that state agents maintain *preferences* commensurate with institutional survival and draw *tools* to defend them from their posts.⁵⁶ This does not imply that agents derive a singular source of identity from bureaucracy (i.e., bureaucrats need not be technocrats), but that they act in their self-interest to preserve the source of their authority.⁵⁷

This stage illuminates the negotiation processes that underlie state-rebel relations and mechanisms of institutional change unfolding during conflict. It illustrates that rebel preferences for displacement do not simply trigger institutional collapse, and cooptation does not automatically fashion institutions into tools for rebel rule. Rather than jumping from equilibrium to equilibrium, institutions change as conflict introduces armed groups as new sets of actors who may interact with preexisting rules and structures in a variety of ways (Centeno 2002; Hall and Taylor 1996; Kohli 2002; Mahoney and Thelen 2010; Thelen 2004, 1999).⁵⁸

State agents may invest in institutional continuity in one of two ways. First, they may continue preexisting *noncompliance* practices that build discretion in the performance of administrative tasks to influence distributional outcomes in ways favorable to their own interests

⁵⁶ This argument builds on Mahoney and Thelen's observation that, "the basic properties of institutions contain within them possibilities for change" (2010:14).

⁵⁷ In this way, the actions of local state agents illuminate trajectories of institutional continuity change during war. Scholars describe similar mechanisms of institutional continuity to illustrate that institutions remain over-resilient despite changing power coalitions that should shift the balance of institutions. Pierson (1996) illustrates this to be the case with the British welfare state. Because policies created new special interests groups, welfare retrenchment occurs through a different process than welfare development. Likewise, Boix (1999) highlights how power distributions resulting from new institutions create winners who blocked the installation of a new electoral system when other conditions would permit the change. Clapham (1996) illustrates the same processes with African bureaucrats who maintained official administrations in changes from colonial period to independence. In this sense, state survival is analytically distinct from political loyalty to a central government because the functions of bureaucracy are not tied to a given government (Englebert 2009; Feldman 2008; Trefon 2007).

⁵⁸ This is the case because, "[o]nce rooted, institutions mold behavior. Political outcomes are thus partially path-dependent, influenced by institutions of an earlier origin, forcing state-society scholars to be sensitive to the impact of the past on the present" (Kohli 2002: 90). Extant civil war research applies this lesson in due form to trace effects of preexisting informal networks and civilian institutions on processes of conflict (Arjona 2014; Menkhaus 2006//7; Parkinson 2013; Staniland 2012a; Vlassenroot and Raeymaekers 2008). Yet it is less often applied it to probe effects of the state apparatus itself, which rebellion organizes to control (Mampilly 2011).

(Lipsky 1980; Mahoney and Thelen 2010). Local state agents, or “street-level bureaucrats” across varied regime types often apply quotidian strategies of noncompliance to cultivate autonomy vis-à-vis hierarchies (Lipsky 1980).⁵⁹ Although they work within a delineated framework of rules, rules invite room for “creative leeway” (Sheingate 2010) and administrators make judgments on distribution of state resources.⁶⁰ For instance, administrators often apply “personal tastes and standards” in distributing public resources, willfully “misplace” applications or files, and exploit loopholes (Lipsky 1980: 21, 23).⁶¹ Bureaucrats are often only “interested in processing work consistent with their own preferences” (Lipsky 1980: 19)⁶² and draw on opacity

⁵⁹ Bureaucrats regularly take on roles as incipient rule makers as a result of the “relatively high degrees of discretion and relative autonomy from organizational authority” that are inbuilt features of their positions in large administrations (Lipsky 1980: 13). As Lipsky continues in his analysis of street-level bureaucracy in the United States, “unlike lower-lever workers in most organizations, street-level bureaucrats have considerable discretion in determining the nature, amount, and quality of benefits and sanctions provided by their agencies.” Perhaps surprisingly, Weber (2009) acknowledges a similar relationship of relative autonomy, noting that “officeholders, on the whole, do not feel their dependency on those at the top” (203), since an officeholder’s understanding of the right of her bureau to operate is independent of the personnel to hold higher-ranking offices. As Lipsky clarifies: “Lower-level participants in organizations often do not share the perspectives and preferences of their superiors and hence in some respects cannot be thought to be working toward stated agency goals. (...) One can expect a distinct degree of noncompliance if lower-level workers’ *interests* differ from the interests of those at higher-levels, and the incentives and sanctions available to higher levels are not sufficient to prevail. Sometimes different levels of organizations are more appropriately conceived as intrinsically in conflict with each other rather than mutually responsive and supportive. At times it is more useful to view lower-level workers as having distinctly different interests and the resources to pursue those interests. Here discrepancies between policy declarations and actual policy would be expected and predictable” (1980: 16-7). Bureaucrats draw on these features to create permanent pockets of ambiguity in state institutions—a core motor of institutional change (Lipsky 1980; Mahoney and Thelen 2010).

⁶⁰ Such as clients’ access to state benefits from social welfare programs (Lipsky 1980). Sometimes they are tasked to apply discretion in their official duties, as is the case with police and judges (Epstein and Knight 1997), yet the discretion is not always prescribed. As Sheingate (2010) explains, “Rules also provide actors with creative leeway. Rules are at once constraining and empowering (168).” Studies of bureaucracy suggest that this leeway is a defining attribute of rank-and-file posts, proving agents with a “defined space of maneuver” to “bend the rules” and influence resource allocations (Feldman 2008: 17; Klem 2012).

⁶¹ Lipsky finds that “Unlike lower-lever workers in most organizations, street-level bureaucrats have considerable discretion in determining the nature, amount, and quality of benefits and sanctions provided by their agencies”.

⁶² Mahoney and Thelen (2010) describe these practices as instances of institutional convergence in which, “rules remain formally the same but are interpreted and enacted in new ways” (Mahoney and Thelen 2010: 17; Thelen 2003). In this pathway, the gap between rules and their enforcement “is produced by actors who actively exploit the inherent ambiguities of the institutions. Through redeployment, they convert the institution to new goals, functions, or purposes” (Mahoney and Thelen 2010: 17-8). See also Thelen (2004)

to conceal deviations (Blundo 2006).⁶³ These practices unfold as part of the normal functions of bureaucracy in times of peace. Under conditions of war, retracted central control can *expand* institutional ambiguity and the leeway bureaucrats enjoy in retooling their official posts. Officeholders “conspicuously create capacities to act with discretion and hang on to the discretionary capacities that they have enjoyed in the past.” (Lipsky 1980: 19). As rebels replace capitals at the head of administrative hierarchies, state agents can turn administrative discretion against armed groups through tacit strategies of noncompliance. During conflict, state agents may continue noncompliance strategies, such as by losing files, diverting revenue streams, and transmitting faulty information (Blundo 2006; Schatzberg 1988).

Alternatively, state agents may pursue pathways of *coalition building* through visible alliances with other strategic groups, such economic elites or rebels themselves. These third-party groups consist of non-state actors that stand to benefit from institutional endurance nonetheless. They may include foreign firms who seek to pass transactions through official institutions to curb images of dealing with armed groups, or parallel networks within armed groups who gain from intelligence functions of state administrations to report on principal-agent problems. They may also include traders who benefit from institutions to regularize transactions and rates of extraction over time.

As rebellion breaks out, state agents can search for coalitions partners to safeguard institutions in the face of change. Armed groups routinely form coalitions and balance against rivals in order to jockey for a favorable positions (Christia 2013; Tamm 2012). I expect that the same principle applies to the broader set of strategic actors seeking to build authority in conflict

⁶³ As Blundo explains, “The administrative services work on opacity. Linguistic barriers (codes and regulations written in French), weak publicity of administrative decisions, and the illiteracy of the users are all factors preventing the transparency of administrative procedures” (2006: 807).

zones. This expectation also reflects coalition-building patterns in the development of early modern states that involved a broader range of institutional actors (Spruyt 1994; Tilly 1992). Armed conflict expands room for state agents to redirect institutional resources to recruit local partners or balance against potential threats. State agents bring institutional resources to bear in these coalitions, leveraging access to sovereignty and administrative functions of extraction, surveillance, and whitewashing as counterweights or inducements to potential coalition partners.

The availability of an external ally shapes whether state agents carve out greater authority in regulating the content of rule in rebel strongholds by recruiting new interests through *coalition building*, or by pursuing more tacit *noncompliance* strategies. The availability of this coalition partner for state agents in turn requires the two key conditions: first, the presence of a third-party group of actors whose interests diverge from rebels. This third-party group can include other armed groups, foreign patrons, as well as local traders or smugglers. Points of tension may fall along external sponsors and armed groups, factions within rebel groups, or between rebels and noncombatants on which they depend for resources. The potential for a coalition partners emerges as lines of fragmentation form between armed groups and these patrons or smugglers on whom they otherwise rely for political or financial support.

Where identifiable points of tension between armed groups and a third interest set exist, state agents can exploit these to maintain or expand a role for state institutions in conflict zones. In these instances, agents preserve state authority and build coalitions via the mechanism of *preference alignment*. This mechanism illustrates the preference formation functions of institutions in zones of rebel control (Thelen 1999). Leveraging institutional resources as bargaining tools, state agents can shift institutional settlements to ones more favorable to their own interests (from displacement to entrenchment, or from cooptation to collusion). State agents

adapt the functions of the state apparatus to cultivate new partnerships, reshaping the course of state institutions in the process. Doing so promotes mutually interdependent interests between state agents and another interest group, expanding the range of actors benefiting from applications of state authority in rebel strongholds. Where an alliance partner is present, agents can shape institutional outcomes to ones more favorable to their interests, namely, from cooptation to collusion or from displacement to entrenchment.

In the absence of a clear coalition partner, state agents continue seek to preserve a role for institutions, but do so via a tacit mechanism of *noncompliance*. These strategies apply the day-to-day “discretion” and “slippage” in the state apparatus as a means to safeguard smaller pockets of control without shifting the overall architecture of the institutional settlement. Under these conditions, state-rebel relations remain at rebels’ choice of either cooptation or displacement.

Coalition Building and Institutional Adaptation: Pathways to Collusion and Entrenchment

Rebels’ initial choice of whether to coopt or displace institutions in turn shapes state agents’ choice of a coalition partner. Under cooptation, armed group seek close oversight mechanisms over administrations. Armed actors directly interact with civil administrations, so agents may evaluate costs to overt resistance, such as by coalition building with a third party, as high. In these circumstances, state agents expand their authority by seeking still closer relations with rebels through balancing against a third-party that poses a mutual threat to both. This may include uncooperative taxpayers or an overreaching patron. By demonstrating tangible benefits of institutional resources of sovereignty or administrative functions to better manage this source of threat, agents can realign rebel preferences for a more expansive role for states and shift outcomes from cooptation to collusion. When rebels’ time horizons are short and they seek to

displace institutions, state agents deploy institutional resources against rebels by seeking out an ally from a third set of actors against the armed group.

There is good reason to expect that state agents act strategically in their choice of coalition partner. For instance, Vandekerckhove (2011) illustrates the state officials built alliances and counter-alliances during conflict in northeastern India in order to balance against rebels and other claimants to public authority. Similarly, post-Soviet customs officials powerless to detain goods crossing the international borders, “allied with peacekeeping forces,” to carve out opportunities to participate in cross-border trade (Kukhianidze et al. 2004: 19). As Klem (2012) describes from the Sri Lankan civil war, “civil servants are themselves societal agents that broker strategic relations with a wide range of actors” (698). In scenarios of armed conflict, bureaucrats exercise their role as strategic actors in the defense of their positions. These processes illustrate how state agents act strategically to preserve authority by cultivating new interests in institutional survival.

FROM COOPTATION TO COLLUSION. Cooptation shifts to collusion as state agents strengthen relations with rebels and realign their preferences to mutual gains and losses through allying together against a third party. States agents must partner with rebels who work through state institutions to govern, but can shift patterns of engagement to a more favorable arrangement by illustrating the utility of institutional resources to rebels in the face of an external threat. This may include a rival armed group, uncooperative local traders, or foreign patrons who may exploit war economies at their client’s expense. Regularized relationships between states and rebels under cooptation also provide administrators with insight into growing between rebels and the patrons or strategic noncombatants on whom they depend. Hence, in similar ways to how rebels

“study” societies before formulating a strategy for engagement (Arjona 2014; Metelits 2010), state agents can also take note of particular points of vulnerability within armed groups.

The presence of a third party with diverging interests from rebels makes state agents more valuable partners and can align preferences between both actors to realize mutual gains. This preference alignment mechanism may operate in a variety of ways. State agents may demonstrate benefits that rebels accrue from the functions of state institutions. For instance, bureaucrats may interpose state machinery as tools to monitor troops and counterbalance patrons. They may use these resources to provide rebel leadership new information—as in the form of surveillance reports or official statistics. Coalition formation also entails processes of institutional change as state agents seek survival by fitting administrations to perform the needs of armed groups. These processes reflect agents’ ability to manage change within state institutions by tailoring administrative function to fit a specific organizational need (Feldman 2008). Given these practices, the transition from cooptation to collusion is strategic, since it is targeted to address rebel needs by gradually inserting state institutions into the interstices of armed governance. Where this occurs, state institutions become vehicles for rebel rule, in the same way that rebels can provide a source of control for local agents.

FROM DISPLACEMENT TO ENTRENCHMENT. As rebels with shortened time horizons seek to displace institutions from their zones of military influence, they are not guaranteed of success. State agents can exploit cracks or points of division between rebels and other powerful actors in conflict zones to forge pathways for state survival. By using institutional resources to build coalitions with other strategic players, state agents can apply pressure to specific rebel needs.

As in the pathway from cooptation to collusion, officeholders seek to place institutional survival on more sure footing. Securing effective institutional survival and function in the face of displacement requires an ally. Unable to turn to rebels, state agents look elsewhere. Using specialized knowledge of economies and social relations, state agents can detect tensions that pit various claimants to authority—armed groups, patrons, and smugglers—against one another. Moreover, conditions that incentivize displacement, such as competition for military control or resources, mean that such antagonistic relations are likely to abound. State agents exploit these points of vulnerability to ally with other actors against rebels that can be costly for rebels.

This path, for instance, may unfold as smugglers benefit from partnerships with state agents to maintain access to official documents needed to demonstrate veneers of legal compliance in war economies. Bureaucrats can use formal authorizations, contracts, and permits as resources to cultivate ties with smugglers alike to launder resources by acting in the name of the state. State agents that forge alliances with traders in a resource chain that rebels struggle to control can demonstrate tangible costs from displacing institutions. Where costs meet a given threshold of severity, rebels may shift preferences to tolerate institutions, shifting from displacement to entrenchment.

As institutional settlement outcomes shift to entrenchment, state administrators preserve an independent rule-making authority in markets and politics. In institutionalist terms, as rebels attempt to take regulatory command, bureaucrats aim to shift these strategies from displacement to layering, which installs new rules without eliminating preexisting ones (Mahoney and Thelen 2010). Evidence of their doing so can be observed through the presence of multiple regulatory structures governing a given area or resource stream. Hence, displacement creates opportunities

to observe mechanisms of institutional continuity as state agents search for pathways for institutional survival.

Administrative Noncompliance: Cooptation or Displacement

In the absence of a third party whose interests break with rebels, state agents seek to preserve control through more tacit forms of noncompliance. Specific features of the state apparatus allow them to do so. State administrations provide built in leeway in enforcement that delivers a “defined space of maneuver” to “bend the rules” and influence state outcomes by cultivating “opacity” in the performance of official duties (Blundo 2006; Feldman 2008: 17; Klem 2012; Sheingate 2010).⁶⁴ State agents can manage institutional change by using the “gap between rules and enforcement” (Mahoney and Thelen 2010).⁶⁵

NONCOMPLIANCE UNDER COOPTATION. As armed groups with limited rivalry aim to coopt institutions, they become the targets of the same practices of noncompliance that state agents earlier directed against administrative hierarchies.⁶⁶ Using institutions for their own activities requires rebels to reform the logic of control so that daily administrative practices shore up rebel command rather than preserve vehicles for state authority (Mampilly 2007). Since cooptation impinges state agents’ authority, it incentivizes noncompliance to preserve discretion regulating in economies and noncombatants.⁶⁷ These conditions create ambiguity in whose rules govern,

⁶⁴ As Blundo explains, “The administrative services work on opacity. Linguistic barriers (codes and regulations written in French), weak publicity of administrative decisions, and the illiteracy of the users are all factors preventing the transparency of administrative procedures” (2006: 807).

⁶⁵ As Lipsky emphasizes, since discretion is an in-built feature of bureaucracy, some “slippage” will always be present between policies and actual implementation (1980: 18).

⁶⁶ As rebels gain territory, public agencies function according to previous rules, but the hierarchies they serve are dependent on military control. Yet drift is only effective only when there is limited ambiguity in institutional rules (Mahoney and Thelen 2010).

⁶⁷ As Lipsky (1980) shows, state agents circumvent reforms that limit their discretion, p. 21.

who can adjudicate between the validity of competing codes, and can undermine rebels' claims regulatory command and in who adjudicates between the validity of competing codes (Sheingate 2010). As prior to the outbreak of war, state administrators aim to capitalize on this institutional ambiguity to build their own discretion, now in the face of rebel rules (Blundo 2006; Lipsky 1980). For instance, in northern India this played out as, "Local forest officials would strategically ignore certain UPDS [rebel] actions, hoping that these would strengthen their case in the eviction struggle" (Vandekerckhove 2011: 775).

Through noncompliance, bureaucrats can gradually shift cooptation to more favorable terms, but may not change the overall architecture of the outcome. This takes effect as similarly situated administrative posts can synchronize agents' preferences and the type of threats they are able to leverage (Lipsky 1980). Covert action makes it difficult to trace the source of resistance to any single officeholder (Feldman 2008). Administrative features, and the need to "fit the mold," can conceal the hand of non-compliant agents and exploit illegibility as "a reliable resource for political autonomy" (Scott 1998: 54). Since these practices depend on continuity of previous actions and flow from rebels' incentives to maintain their own authority, they do not impose new costs on bureaucrats as standard frameworks expect (Arjona 2014; Olson 1965). Cooptation forms multiple points of contact between rebel groups and state administrators through which armed groups may feel the effects of noncompliance and creates opportunities for organizational logics to transfer to armed groups.

More problematic for rebels, state agents can also apply noncompliance to exploit sources of fragmentation within rebel groups to create expanded roles of state authority. Close proximity between rebels and states under cooptation also provides state agents with established relationships with rebel cadre members and close knowledge of the internal dynamics and

potential cracks within armed groups. Incipient lines of fragmentation can lead parallel networks to develop interests that may diverge from other factions of the group. These tensions can lead individual commanders or networks to develop interests that diverge from other factions of the group.⁶⁸ These features of war can also dispose rebels to accept power-sharing accommodations with state authorities to sustain potentially fragile organizations. Rebels can grow caught up in turf wars and organizational scripts that create differences among various state agencies (Allison 1969). As these exchanges channel state resources to specific leaders, they can overlap with lines of internal division within armed groups to cultivate a larger role for state institutions.

Partnerships that install more favorable terms of cooptation differ from collusion because they are internal to armed groups and depend on specialized relationships between agents and rebels, rather than a general partnership with the group as a whole.

Hence, state institutions can reformulate armed group preferences and enhance fragmentation within them. These processes illustrate that cooptation is not a static outcome but ongoing negotiation procedure, bounded within an overall framework that maintains state institutions and subordinates them to rebel preferences.

DISPLACEMENT. Finally, under displacement, the immediate task facing bureaucrats is one of institutional continuity—maintaining the survival and daily functions of the administrative apparatus. In the absence of an alliance partner, state agents can often preserve institutions

⁶⁸ Scholars notes that armed groups featuring decentralized and fractured internal organizations are more violent because they face difficulties disciplining troops and curbing predation (Humphreys and Weinstein 2006; Johnson 2008). Rather than simply dispose rebels to predation, these points of weakness can create opportunities for other organizational structures to perform needed functions for leadership. Contemporary conflicts are increasingly likely to coincide with armed groups that more fragmented and less cohesive as a result of varied factors associated with expanded cross-border dimensions of conflict and changes in macro-historical settings of war (Kaldor 2007; Reno 2011; Salehyan 2009).⁶⁸

simply by showing up for their job. As Feldman (2008) illustrates in Gaza, bureaucracy endured as means of governance across changes in regimes, and periods of no central government, as a result of the aggregate practices of individual state agents. Her analysis finds support in Trefon's (2007) observation of the continued use of in southeast Congo, where bureaucrats continued to "justify the importance of their work and their own positions...by their diverse symbols of power including authorizations, attestations, certificates, stamps, and seals...bureaucrats have, in effect, succeeded in maintaining the value of these symbols through their own use of them" (26). With administrators able to sustain bureaucracy and sovereignty implicitly linked to the state apparatus, state institutions are able to endure even where governments are weak so long as bureaucrats hold incentives to sustain them (Englebert 2009). Under conditions of displacement, the practices constitute acts of noncompliance.

And yet, the *persistence* of the administrative apparatus does not indicate that it takes tangible effects in shaping daily governance outcomes. State agents may refuse to relinquish their posts at the same time that rebels effectively undermine their authority. Hence, residual institutions may still constitute displaced institutions. State agents who show up for work but are unable to oversee transactions or manage or extract revenue from populations are effectively displaced. In the absence of an ally, state authority is tenuous.

Scope and Alternative Explanations

This explanatory framework of varied state-rebel relations is possible across all cases of civil war. Its generalizability reflects agents' ability to draw on institutional resources derive from core properties of statehood so remain consistent across diverse settings. Its empirical relevance is bounded by the condition that rebels encounter remnants of state institutions as they

gain control over territory. The absence of state administrations in a given area does not call the overall argument of theory into question; there will inevitably be areas where the central state never laid the foundations of bureaucracy (Mann 1986). There is a natural in-built test of the argument: if state authority is not important to local political outcomes, the power of this administrative class should fade.

Standard expectations that state institutions do not take effect under conditions of weakness or rebellion make it likely that the full universe of cases of these relations is yet to be mapped. Initial evidence suggests that such oversights commonly occur. For instance, Mampilly (2011) conflates a weak central state with the absence of a state apparatus at peripheries. He categorizes eastern Congo as an area with “low state penetration.” Yet, armed groups and administrators he studied complained of the presence of *too much* state—with the governor of the province as his empirical focus describing hyperbolically that “no where in the world will you see so many agents at border posts!”⁶⁹ Other scholars conflate state and civilian institutions without considering how the unique properties of statehood shape the course of civil war (Arjona 2014). Moreover, in other areas it there is initial evidence that state institutions did endure throughout war, but their empirical effects on the process of conflict have gone unstudied, as appears the case with the NPFL in Liberia (Reno 2015).⁷⁰

⁶⁹ Letter from Governor of North Kivu to AFDL Commissaire General Chargé de l’Economie et des Finances, Goma, 22 March 1997. Describing the presence of bureaucrats at the lucrative Congo-Rwanda frontier at Goma’s *Grande Barrière*. Since this town, Goma, is the focal point of Mampilly’s argument in his Congo case study, this oversight forms part of a broader measurement and conceptualization issues surrounding state institutions.

⁷⁰ For instance, although Reno (2015) discusses primarily the construction of an NPFL administration as a “façade,” it appears that preexisting state institutions also remained in operation during Liberia’s war. This is evident in the brief mention of the ongoing role of the port authorities that monitored international traders’ shipments of logs in the lucrative timber industry that NPFL struggled to control. As Reno writes: “The NPFL continued to suffer losses into 1991. Port operators, for example, noted that some traders left ports without paying port fees, and therefore insisted on procedures to identify ships as they arrived at the port to avoid interlopers and require those allowed to dock to prepay for services” (275, citing “Payment” 1991). This brief passage can indicate an incipient institutional settlement outcome of *cooptation*, as the NPFL relied on state authorities to monitor trade. Or, it may indicate the

This present theory can be tested against three key alternative explanations. A first rival explanation focuses on the causal role of non-state, informal social ties and civilian institutions in shaping armed group outcomes. This explanation holds that state institutions should take no independent effect on armed groups (Arjona 2014; Kalyvas 2006). Administrative action should be defined by the social ties in which agents are embedded, without a distinct source of identity and preferences linked to the state. Patronage networks are routed through institutions, and may leave state administrations indistinct from the social interests that have captured them (Evans 1995; Evans and Rauch 1999; Kohli 2002; van de Walle 2001). These studies place causal emphasis on the non-equivalence of bureaucracy across different regimes.

This rival hypothesis reflects standard expectations that state institutions wither away or lose their state affiliation as central reach retracts (Mann 1986; Fearon and Laitin 2003; Soifer 2008). These frameworks expect that non-state governing systems fill in cracks of authority (Menkhaus 2006/7; MacGaffey 1991; Roitman 2005). They find support in the premise that institutions in “quasi-states” hollowed out by patronage networks lose empirical effects and persist as little more than façades for extraction (Jackson 1987; Jackson and Rosberg 1982; Reno 2015, 1998). A corollary to these approaches holds that state institutions are indistinct from society under conditions of state weakness or subject to shifts in rebel rule (Arjona 2014; Kalyvas 2006; Marten 2006/7; Menkhaus 2006/7).

Observations of the tools on which administrators draw can discriminate between whether state institutions warrant consideration as the *state* even during civil war. This present theoretical framework expects that administrative *tools* should derive from attributes of

attempts of *displaced* state authorities to search out pathways for institutional survival by using the surveillance functions of bureaucracy to exploit the NPFL’s vulnerable position vis-à-vis international traders by supplying information on the smuggling that bypassed rebel channels in order to recruiting interests within NPFL in institutional continuity and shift outcomes to *entrenchment*.

statehood—namely, sovereignty and administrative infrastructure—so should be observable across varied contexts of civil war (Lipsky 1980). Observations that administrators embedded within kinship networks with armed groups still deploy noncompliance or build coalitions with third-parties outside of these networks would also help to discriminate between whether the administrative class remains identifiable as a group of state actors.

A second alternative explanation pertains to resource distributions. Standard frameworks often pit institutions and extraction as opposite choices in war zones. For instance, Weinstein expects that rebels formulate choices of procuring resources from noncombatant populations *or* from readily available material endowments—such as lootable natural resources or foreign patrons (Weinstein 2007). Hence, the composition of resource endowments shapes the direction of rebels’ choice and should dispose rebels against working with state institutions. In a similar way, Arjona (2014) describes “lucrative areas” as an exception where civilian institutions are not influential in rebels’ governing decisions.

A stronger version of this alternative hypothesis references the shifting nature of armed conflict as globalization expands transnational economies and endows armed groups with external sources of support. These conditions should make “resource wars” increasingly common, disposing armed actors to build influence through arbitraging in transnational political economies, rather than cultivating close support bases from civilians in order to meet the needs of insurgency.

The mechanism underlying the two versions of this alternative hypothesis remains consistent: the choice in governing approaches emphasizes a social compact between armed groups and civilians (Arjona 2014; Olson 1993). As Reno (2011) argues, resource endowments and shifting global nature of conflict reduce the importance of civilians to rebel rule in the post-

Cold War era. Others point to the growing prominence of transnational markets and foreign patrons in directing the course of armed conflict, which appears to undercut conventional incentives for rebels to build order through reciprocal relations with civilians (Ballentine and Sherman 2003; Kaldor 2007; Keen 1998). These frameworks cast regularized domestic relations in rebel strongholds and war economies as zero-sum choices.

Another mechanism by which alternative routes of quick and easy resource procurement may shape institutional outcomes may be in driving the length of time horizons (Collier and Hoefer 2004; Keen 1998; Ross 2004; Weinstein 2007).⁷¹ As Metelits (2010) explains, competitions surrounding these resources are the driving factor that engenders uncertainty and disposes rebels to immediate gains.

A final alternative hypothesis references the *organizational architecture* of mechanisms of rule. Shifting forms of conflict should undermine the utility of state institutions in these forms of conflict. Attributes of contemporary war reward armed groups able to maneuver at the interstices of states (Ahram and King 2012; Reno 2011). Conflict in fragile states eases rebels' access to rear bases across borders and to international markets for local resources, intensifying cross-border resource flows and privatized uses of violence (Kaldor 2006; Keen 1998; Salehyan 2009). Macro-historical trends in the practice of war intersect with trends in globalization to undermine territoriality of modern statehood (Krasner 2004). Accordingly, standard theories predict that rebels' organizational structure places them at an advantage in arbitraging across state lines and linking resources to transnational networks and taking advantage of price

⁷¹ While some scholars argue that ready access to external sponsors and material endowments reduces reliance on local frameworks so undermines the development of reciprocal relations and institutions (Centeno 2002; Weinstein 2007), others show that these factors do not determine how resources are used (Parkinson 2013; Staniland 2012a)

differentials (Ahram and King 2012; Salehyan 2009).⁷² Hence, if rival expectations hold, macro-historical shifts in the nature of warfare should reward rebels that favor displacement and rebels should not amend their preferences and shifts in institutional outcomes toward entrenchment.

Observing how state agents build coalitions and the tangible payoffs of resources of statehood on international markets can provide evidence to discriminate. Given the resources embedded within state institutions, these administrations provide tools for domestic extraction as well as mechanisms to interface with foreign firms and international delegations. Hence, the present framework frames the choice before rebels as centering on the *tools* for control, rather than sources of support. This distinction foregrounds possibilities that institutions and war economies may go hand-in-hand. For instance, foreign patrons and international firms may also benefit from the presence of state institutions as a cover for their activities. Instead of eroding states, these same processes of arbitrage can be made *more* effective by collaborating with state officials. The framework can help to clarify why the rise of a new, network-oriented form of war may not itself sound the death knell for the state but signal new processes of state formation.

Evidence that state agents in rebel-held zones view their authority as commensurate with the reach of their office, and derive preferences and tools to implement authority from the attributes of their official post, can discriminate between these hypotheses and provide evidence that they continue in their role as state agents. Hence, conflict onset provides a moment to test the argument that states are animated by a more variegated set of actors than expressed by central preferences alone, and that they animate the day-to-day production of statehood from their posts at peripheries.

⁷² In Burma, Ahram and King (2012) find that, the “primary factor contributing to the success of warlords is the ability to take advantage of a price differential for political, economic, and cultural goods across terrains” (170).

Conclusion

This chapter has developed a conceptual framework to explain variation in interactions between rebels and states in zones of rebel control. Demonstrating these conceptual possibilities shows that order and state effects are not incompatible with armed group organization and clarifies how states exercise observable influences during war. By shedding light on these interactions, this typology corrects views of states as pre-conflict, structural forces alone (Mampilly 2011; Reno 2011) and responds to critiques that state institutions take no effects that are exclusive to sovereign authority (Arjona 2014; Kalyvas 2006). This framework corrects for conventional wisdom that portrays conflict zones as lacking institutions or pitting armed groups as competitors with states.

Local branches of state institutions are the primary point of contact with the government for most civilians. Wartime interactions suggest they may also form rebels' primary exposure to the state, rather than contests on battlefields or negotiated settlements with capitals alone. State institutions are critical to balances of political power, distributional outcomes, and procedures that govern social interaction and economic exchange. Sovereign authority makes state institutions materially important for accessing international markets, while administrative infrastructure and affiliated networks shape distributions of state resources and offer regularized relations with civilians and foreign interests. Building authority within state institutions can provide armed groups with predictable access to resource flows during war and enduring political footholds into its aftermath, with consequences for subnational distribution of political control. Accordingly, interactions between rebels and local state agents can reshape the institutional foundations of states over the course of armed conflict

The availability of state institutions behind frontlines provides rebels with important resources unavailable through other forms of political organization that can incentivize accommodations and make displacement costly. These resources suggest that the institutional environment in which rebels organize shapes the incentives, challenges, and tools that they face when building control. Negotiation pathways illustrate how preexisting forms of political organization bound directions of institutional change during war and draw attention to the application of tools of state authority in rebel zones.

Hence, rebellion provides a moment to view accommodations and contestations that emerge as different institutional forms that come into contact with one another. Retracted central authority can heighten contests around the use of the state apparatus. Local state agents take up roles as state-builders by building alliances to expand the range of interests in institutional resources. Yet, instead of building interests in long-term political stability, rebels' rapprochement with the state may coordinate interests in ways that join coercive networks and state institutions in the long run. These processes of institutional change during war can clarify why subsequent attempts to end conflict by incorporating rebels into the state apparatus may lack the anticipated transformative effects. Instead, wartime partnerships may ease rebels' transition peacetime to politicians by maintaining a fusion of armed networks and the state apparatus.

The following chapters illustrate and assess this argument in what appears a least likely case for institutional survival. Subnational comparisons of state-rebel engagement in Democratic Republic of Congo demonstrate the range of variation in these institutional settlement outcomes and illustrate the pathways and differential effects of associated patterns of institutional change.

*Chapter 4.***RESEARCH DESIGN :****METHODOLOGY, CASE SELECTION, AND DATA SOURCES**

This chapter describes the research design used to evaluate the emergence of varied rebel-state relations during civil war. Armed groups' institutional choice is assessed through a two-level research design that embeds structured subnational case comparisons within a common conflict environment. Civil war in the Democratic Republic of the Congo offers a "crucial" case for evaluating state-rebel relations because its extreme weakness should qualify it as a least likely environment for institutional endurance.⁷³ The argument is illustrated and assed with rare original records from rebels' internal administrations in Congo that provide data to evaluate armed groups' strategies for institutional engagement and examine systems of wartime taxation. These fine-grained data contribute an unprecedented view of the daily workings of rebel governance.

The chapter proceeds in three parts. It first introduces the research design, which studies a medium-N number of subnational case comparisons within a common conflict environment. Second, it introduces the cases and case selection procedure. A first component of case selection focuses on the conflict environment, identifying the sources of inferential leverage gleaned from selecting Congo as the setting of armed conflict. As a prototypical case of state failure with significant cross-border trafficking, Congo holds clear values on variables associated with alternative explanations of civil war processes, which discount a causal role for state institutions in shaping rebel governance. Against these conditions, Congo's functioning state apparatus

⁷³ Crucial cases lack a necessary condition but exhibit an outcome variable, or have a sufficient condition but lack the outcome variable (Mahoney and Goertz 2012). Here, extant scholarship treats state strength or institutional quality as a necessary condition for institutional endurance. Although this does not represent a necessary condition in this dissertation's theory, the presence of an expansive state apparatus in the absence of state strength qualifies Congo as a crucial case for evaluating extant theories of state authority.

sharpens understandings of not only of rebel strategy but also mechanisms of institutional continuity. To introduce the conflict environment, the section traces the institutional development of Congolese state over protracted central decline. It demonstrates that weakening central rule rebalanced power over the state apparatus between the capital and periphery, rather than simply shifting from state to non-state rule at the margins, clarifying processes of institutional change and causal roles of the administrative class in state continuity.

The third section describes case selection procedures for subnational cases of rebel-state engagement in Congo's Second War. It introduces the eleven cases under study, constructed as rebel-town dyads, and the armed groups that they involve. Armed groups include the Rally for Congolese Democracy-Goma (RCD-G), the Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML), the Front for the Liberation of Congo (FLC), and the Union of Congolese Patriots (UPC). The section introduces cases alongside information associated with rival explanations, such as resource endowments and rebels' social ties. It develops observable implications of state resources and explanatory variables of time horizons and coalition building that are tested against rebel records in subsequent empirical chapters.

A final section discusses the data sources used to evaluate the argument. Original rebel records gathered from armed groups' internal bookkeeping provide fine-grained tools to assess varied patterns of state-rebel engagement. Data sources used to illustrate and assess the argument make an important contribution to studies of armed conflict and state authority.

Research Design

A persuasive account of rebel-state relations that accounts for the causal effects of state institutions during rebellion must achieve two tasks. First, it must evaluate whether the

administrations with which rebels engage constitute *state* institutions, rather than other forms of civilian governance. Second, it must show that these institutions shift rebels' decision-making in ways that other variables related to social structure or military control do not explain.

To do so, this dissertation gathers systematic evidence of state-rebel engagement across eleven cases of wartime taxation in a conflict setting where these effects would be most surprising. Comparisons across a medium-N number of cases in a conflict environment that should be least likely for institutional endurance meet this first task by establishing the existence of a structural phenomenon that is common across them: institutional continuity and the "stateness" of the administrations under study. With a medium-N number of cases, I examine how specific variables operate in specific cases, gaining inferential leverage from close process tracing to meet the second task by showing how state resources—sovereignty and administrations—directly shape rebel decision making.

Medium-N analysis is conventionally used as a tool of causal inference to explain differing outcomes across a range of cases (Grzymala-Busse 2007; Mahoney 2010). Scholars may also use it with a most similar case selection in order to test for the presence of a theorized causal mechanism (Ross 2004), or combine it with set-theoretic tools of causal inference (Wickham-Crowley 1991).⁷⁴ My task here is different. Analyses such as Ross (2004) and

⁷⁴ It is often used with a case selection of "most likely" cases in order to test for the presence of a theorized causal mechanism (Ross 2003). Ross (2004) uses evidence from thirteen cases to test the hypothesized linkages between the presence of material resources and civil war outcomes including increased violence and prolonged war. Despite his use of thirteen cases, his published article describes his approach as a "small N." Yet a previous unpublished version of the article featuring the same cases, evidence, and analytical approach described the analysis as "medium N" and included a discussion on medium N methodology. Ross is indicative of a broader trend in political science to shy away from medium-N analysis in favor of either large-N datasets or detailed, small-N case studies. For instance, Goertz and Mahoney (2012) find in a review of articles from 2001-2010 that note that medium-N analysis, defined as using ten or more cases, is used in only 8% of qualitative articles (224). Recent work (Collier 2014; Lucas and Szatrowski 2014; Seawright 2014) critiquing medium-N approaches that apply QCA logic can explain part of this reticence. However, my use of a medium- N case selection to demonstrate the existence of unexpected effects at a structural level within broader cases in which these outcomes are most surprising illustrates a potential for new uses

Wickham-Crowley use variables such as looting or aggrieved social groups that are easily imagined in their cases. Their outcomes of interest, such as civil war duration or peasant support for rebellion, are also not controversial, though require sound measurement procedures. For my analysis, the *existence* of an explanatory input—state institutions in war—is controversial. For this reason, the argument gains support by illustrating the existence of a standard set of observable implications linked to the functions of the state apparatus, which would be surprising in a failed state, across a diverse range of cases of rebel organization in that setting. A medium-N set of cases enables me to draw inferences on properties of statehood that are distributed across an institutional environment rather than isolated to characteristics of civilian organization or internal rebel organization in a given case. Accordingly, rather than using within-conflict analysis to control for structural effects that fade to the analytical background, I use this medium-N case selection in Congo to bring these structural conditions into sharper relief.

Second, this approach allows researchers to retain a focus on carefully specified concepts. Given the nature of my argument, this task is particularly important. Like Tannenwald's (1999) study of the nuclear taboo, my analysis centers on establishing the *existence* of a phenomenon that is controversial. Tracing effects of state institutions during war requires distinguishing *state* effects from other attributes of civilian institutions and the social structure in which they are embedded. Disaggregating these inputs is often murky—and all the more so in weak states where institutions often merge with private agendas (Boege et al. 2008; Evans 1995; Kohli 1994; van de Walle 2001). Medium-N analysis provides a tool to retain close attention to how concepts are defined and ensure that cases are comparable. Large-N analysis often lacks the conceptual prevision. Evaluating cases within a single conflict environment also increases

for this analytical technique.

leverage of ensuring that difficult-to-measure concepts are assessed in standard ways.

Third, a single conflict environment with high levels of subnational variation provides a good test of the argument in light of the level of detail and sensitivity of the data required. These tasks require detailed information on rebel strategies to capture resource flows, administrative tactics to divert them, and clandestine negotiations between administrators, rebels, and informal traders. They also require insight into administrative practices in areas featuring varied levels of rebel military control and resource endowments. Data at this level of detail are unavailable in existing cross-national data sets. A large-N survey of towns through randomized sampling can often be unfeasible during conflict.⁷⁵ Neither do existing secondary accounts contain the level of detail in information on revenue streams and clandestine trade needed for a serious probe of the argument. Choosing a medium- rather than large-N selection of cases allows me to gather systematic data on the nature of state agent's kinship networks and their social ties with rebels, as well as other politically influential actors such as civilian trading networks and traffickers.

Within-conflict analysis provides a common environment to assess the emergence of relationships that can be difficult to observe through quantitative or cross-national study. It also offers a basis to distinguish state administrations from other attributes of civilian institutions and the social structure in which they are embedded. A large-N survey across Congo with randomly selected towns was not feasible, both due to security concerns and the level of specificity of data on rebel revenue streams needed to test the argument. Neither are existing secondary accounts on armed groups sufficient for information on revenue streams needed for this argument.

⁷⁵ Research in zones of ongoing, protracted conflict, such as Congo, can lead researchers to exclude important areas of concern due to security reasons, compromising the generalizability of inferences drawn from sample data. Many researchers rely on sampling procedures for large-N studies in conflict zones that do not rely on a randomized sampling procedure for this reason. Accordingly, they apply statistical tools to data that does not support generalizable inferences. Purposive case selection can be better suited to these circumstances (Seawright and Gerring 2008).

More generally, a medium-N approach is well suited to contemporary wars featuring multiple armed groups and protracted conflict (Christia 2012; Driscoll 2015; Fjelde and Nilsson 2012). Much comparative research on rebel governance analyzes armed groups across different states (Mampilly 2011; Metelits 2010; Johnston 2008; Weinstein 2007), or explains variation in a single group's behavior across territory (Kalyvas 2006; Wood 2003). Systematic within-conflict, cross-group comparison enhances our knowledge of multi-player civil wars that are common in contemporary warfare, but that are understudied.⁷⁶ Within-conflict analysis provides a common environment to assess effects of relationships that can be difficult to observe through quantitative or cross-national study. This analytical approach is well suited to contemporary wars that feature variation in rebel organizations.

Research designs that select a single rebel case within an armed conflict for comparisons with other cases of civil war also can overlook how institutional-level factors can motivate rebel decision-making outcomes. A medium-N approach provides a tool to explore similarities across cases and identify patterns in data that small-N approach would not. This number of cases allows me to distinguish between contingent and institutional effects on rebel governance at particular moments of conflict.

Case Selection I. “Crucial Case” Conflict Environment: Democratic Republic of the Congo

This design gains inferential leverage through observing variation in rebel-state relations in a conflict environment that would appear a *least* likely case for institutional endurance: the

⁷⁶ The increasing prevalence of symmetrical non-conventional warfare in which states and rebels compete from positions of relative parity (Kalyvas and Balcells 2010) also increases the number of rebel organizations, and conditions of state fragmentation produce rebels disposed to similar factions and splits (Reno 2011).

Democratic Republic of the Congo. Structural attributes of Congo's armed conflict provide it with clear values on factors associated with alternative hypotheses.

First, Congo's extreme state weakness appears to make it a least likely case in which to observe independent effects of state institutions during conflict. Congo features in studies of states and armed conflict as an ideal-type "privatized" (Newbury 1984), "criminalized" (Chabal and Daloz 1999), and "warlord" state (Reno 1998).⁷⁷ Often cited as "classic" case of state collapse that is "purposefully and deeply anti-bureaucratic" (Hentz and Blevins 2014: 62), Congo's pre-conflict "kleptocracy" systematically undermined formal institutions to shore up President Mobutu's personalized rule.⁷⁸ As Reno (1997) finds, over the course of Mobutu's slipping control, spending on social services and agriculture fell from 46.8 per cent of government expenditures in 1972 to 4 per cent in 1992, while presidential expenditures increased from 28 per cent to 95 per cent over the same period. Consequently, Evans (1995) describes Congo's political institutions as so broken down and predatory that they were barely distinguishable from social groups who repurposed them as tools of extraction. Herbst (2000) likewise describes Congo as an ideal-type "rimland" state, in which few roads linking the capital to highly populated peripheries obstruct central capacity to broadcast state authority (147).

Congo sets up a strong test of mechanisms of institutional continuity during armed conflict. As one of the weakest states in the international system, its intense state fragility should imply that weak domestic institutions hold little sway over political outcomes (Herbst 2000; Jackson 1987; Reno 1998, 2001). Retracting central control also saw the decline of

⁷⁷ For a critical review on the range of studies of Congo as a "failed" state, see Trefon et al. (2002).

⁷⁸ See Acemoglu, Robinson, and Verdier (2004) and Coolidge and Ackerman (2000) for a theoretical discussion of kleptocracy in African states.

infrastructure that conventionally indicate state strength, such as roads (Herbst 2000).⁷⁹ Derelict infrastructure and defunct formal institutions that proved ineffective for central rule should allow rebels to easily reconfigure prior patterns of authority (Fearon and Laitin 2003). Moreover, rebels held requisite tools for political control: targeted coercion and direct proximity to the administrations they sought to coopt. By contrast, officeholders are unarmed and often unpaid, wielding their administrative uniform, official authorizations, stamps, and seals. Observing variation in state-rebel relations in this conflict environment would lend strong support for the argument that state institutions harbor resources that prove consequential resources for rebels and engage in coalition-building processes to safeguard their authority.

Selecting Congo as a conflict environment in which to study rebel-state relations addresses a second rival explanation that the nature of the political economy of armed conflict undermines the value of state institutions to governance outcomes. Congo is characteristic of a wave of “new wars” or wars in very weak states in which transnational markets and cross-border trade transcends national bounds (Ahram and King 2012; Andreas 2004; Duffield 2001; Kaldor 2007; Keen 1998; Reno 2011).⁸⁰ These conflicts spill over state boundaries (Cunningham et al. 2007; Salehyan 2009). Scholars describe these changes as part of macro-historical shifts in the nature of state authority. As “shadow states” and transnational criminal networks undermine

⁷⁹ The road network deteriorated from an estimated 90,000km of roads at the debut of Mobutu’s presidency to 6,000km by the end of the 1970s (Evans 2012: 43) Citing the New York Times, November 11, 1979.

⁸⁰ The political economy of war has received increased attention in post-Cold War conflicts. In Afghanistan, cross-border trade in poppy pre-dated the onset of conflict and provided taxation opportunities for the Taliban as well as subnational governors (Goodhand and Mansfield 2010). In Bosnia, success in smuggling underlined rebel success (Andreas 2004; Kaldor 2007). Clandestine networks fuel rebel organizations by allowing them to tax local traders and international humanitarian organizations (Keen 1998; Kaldor 2007; Berdal and Malone 2000; Duffield 2001). For instance, the SPLA in southern Sudan diverted large amounts of resources from international non-governmental organizations and humanitarian assistance programs. These economies make use of multiple forms of violent and criminal organizations and often blur lines with conventional forms of rebellion. For instance, local militias may operate alongside full-fledged rebel groups to compete or collude in local taxation rackets. Smuggling networks allow rebels to sustain military campaigns, control noncombatants, and construct a support apparatus.

institutions (Reno 2002), the non-territorial or “network” logic challenges ordering foundations of sovereign territorial statehood (Duffield 2001), weakening the relevance of state institutions. These processes should deepen as rebels leverage ties with foreign patrons, international businesses, international NGOs and UN peacekeeping missions (Andreas 2004). Among depictions of rebels as kingpins in of illicit activity (Berdal and Malone 2000; Kaldor 2007; Keen 1998), Congo’s wars are particularly notorious for violent extraction of natural resources, conflict minerals, and clandestine cross-border flows (Le Billon 2001; Nest et al. 2006; UNSC 2001, 2002, 2010). These attributes place Congo’s conflict within a trend of wars that appear to undermine territorial rule and devalue civilian support as rebels seek gains from transnational economies. Within Congo, I focus analysis on how rebels build political control by working to govern these clandestine markets. Observations of continued state functions in this context would increase theoretical leverage for the hypothesized mechanisms of institutional endurance.

Congo’s extreme weakness and cross-border economies qualifies it as a “crucial case” for theory testing (Mahoney and Goertz 2012), in which a state apparatus persisted when seemingly necessary conditions of central strength went unmet.⁸¹ Examining a prototypical case of state collapse where existing frameworks expect that official institutions should hold little effect provides theoretical leverage in establishing the *existence* of a broader phenomenon that is controversial. As a crucial case, Congo provides a conflict environment in which to study these mechanisms of institutional endurance and engagement with armed groups to develop theory that researchers can test and compare with other contexts of civil war. Understanding these processes in Congo can inform how we think of conflict and state-building in other states where durable institutions are less surprising.

⁸¹ Crucial cases lack a necessary condition but exhibit an outcome variable, or have a sufficient condition but lack the outcome variable (Mahoney and Goertz 2012).

Before introducing the subnational cases used to evaluate the theory of rebel-state relations, the following section briefly overviews the development of the state apparatus in Congo. Doing so helps to situate subnational case comparisons within longer-term processes of institutional change and highlights institutional properties that are representative of a broader population of weak states and civil wars.⁸² Congo's extreme values that make it a prototypical case of state failure provides theoretical leverage for the argument. Yet, this value assignment overlooks the *processes* of institutional development and change that hold similarities with other cases and that boost inferences for generalization to a broader universe of conflict cases and weak states.⁸³

Pre-Conflict Institutions in Congo

As President Joseph-Désiré Mobutu (later, Mobutu Sese Seko) came to power, his state-building path fit conventional frameworks: subduing rebellions at peripheries while creating a state apparatus able to implement central preferences. President Mobutu came to power in 1965 on the heels of a civil war that divided Congo into four competing jurisdictions (from 1971-1997, Congo was known as Zaïre). During the immediate post-independence period preceding Mobutu's rule (1960-65), rival governments to the capital of Kinshasa formed in three other cities, proclaimed themselves capitals of the newly-independent state, and competed for international recognition. A secession attempt, subsequent civil war, foreign mercenaries, and military riots posed serious security threats to Kinshasa. These layered over power struggles

⁸² It also responds to the critique that “we still know very little about how institutions evolve within durable authoritarian regimes over time” (Slater 2010b: 133).

⁸³ As Seawright and Gerring (2008) discuss case selection procedures, cases that are representative yield leverage to generalize to a broader universe of cases.

within the executive branch. The newly installed ruling coalition fragmented into over 200 political parties (Young and Turner 1985: 49-52).

TABLE 4.1. Growth of the state apparatus during conflict, 1960-65

	1960	1963
Auxiliary workers	100,000	300,000 (1962)
Clerks	3,618	9,709
Chief Clerks	0	1,358
Statutory agents (South Kasai)	125	625
Auxiliary agents (South Kasai)	1,118	5,593
Statutory agents (Cuvette Centrale)	294	884
Auxiliary agents (Cuvette Centrale)	1,258	3,776

SOURCE: Willame, 1972: 30-32.

Conflict and weak central power in Kinshasa prior to Mobutu's coup were accompanied by *increases* in bureaucratic complexity (see Table 4.1).⁸⁴ The number of state clerks tripled over a two-year period while the portion of the GNP diverted to the civil service expanded from about 25% of government expenditures in 1958 to 62% by 1962 (Willame 1972: 29, 32).⁸⁵ Officeholders forged patronage opportunities. For example, “[i]n some provincial departments at Bukavu, it was not unusual for an auxiliary agent to kick back part of his salary to the patron-politician who found him his position in the civil service” (32). Employees remained on payrolls

⁸⁴ As Willame describes, “The coming of independence had little organizational effect on the Congo’s bureaucratic machine; the distinction between statutory and auxiliary employees was retained, through some low grades previously classified as auxiliary were made statutory after 1960. Until Mobutu’s takeover, however, the Congolese civil service was plagued by sharp increases in personnel and, more significantly, by the heavy drain this new personnel imposed on the national budget. Between June 1960 and June 1963, for instance, 8,000 statutory positions were added to the civil service rolls, partly because of the creation of 21 new provinces between August 1962 and May 1963... the increase in statutory posts was greatest in the lowest ranks of the administration, where pressure upon patronage-oriented political institutions was most keenly felt; indeed, the number of clerks in one category leapt form 3,618 to 9,709 between 1960 and 1963... According to Alois Kabangi, who became civil service minister in 1962, there were some 300,000 auxiliary workers in the beginning of that year, *three times more than in 1960...*” (Willame 1972: 30-21); italics added.

⁸⁵ Even prior to independence, Willame notes that “In the main the two categories of civil servant consumed about one-fourth of the Congolese GNP, which reached 48 million Belgian francs in 1958” (29).

years after leaving their positions.⁸⁶ This embedded agents with few qualifications within the state, transforming the administration into an economic resource.

As Mobutu took power in 1965 in a military coup, he searched to control a fractious country. Mobutu needed to build a state with a strong surveillance and control capacity while ensuring loyalty from administrators and curbing parallel networks that had already begun to emerge. His early presidency followed a pathway of institutional displacement, in which old rules of the game were removed and new ones instated (Mahoney and Thelen 2010). Working to centralize power, he declared a state of emergency and expanded executive powers. He abolished the office of the Prime Minister within a year, and the national parliament ceased to meet in the first years of his rule. He placed a five-year ban on political parties, ending what he described as “the stupid struggle for influence in which political parties were engaged” (Mobutu 1975).⁸⁷ At the same time, Mobutu *streamlined* the state administration, reversing fragmentation by reducing the number of provinces from twenty-one to eight and halting increases in administrative personnel (Willame 1972).⁸⁸ He dissolved provincial assemblies, removing institutional bases for side agendas, making governors directly dependent on central appointments, and coopting opponents into ministerial positions.

Mobutu coped with fragmentation by transitioning from a military regime to a single-party state.⁸⁹ He reversed his ban on political parties in 1967 to instate his *Mouvement Populaire*

⁸⁶ Wage increases were disproportionately focused on workers with low qualifications. Willame estimates that in the aftermath of trade union organization in 1963, highly qualified workers received a 13% wage increase compared to a 60% increase for workers with low qualifications (32-3).

⁸⁷ Speech cited in Young and Turner (1985: 55).

⁸⁸ In the immediate post-independence period, Congo's provinces had split from an original six to twenty-one (Young 1965: ch. 18).

⁸⁹ From the Binza group to the Presidential Brotherhood, the state was controlled by an inner-clique. Mobutu reshuffled his cabinet eight times from 1965-70), and it was rare for a minister to retain his post for over three years (Willame 1972: 143). Political survival was closely tied to Mobutu's changing tastes and security concerns.

de la Révolution (Popular Movement of the Revolution, MPR) as the only legal party.⁹⁰ He fused the state administration with the MPR party. At this point, Mobutu searched to again expand the reach of the state administration. The MPR infiltrated arenas of society that were previously autonomous from the state, bringing customary authority under the state (Young and Turner 1985).⁹¹ Characteristic of authoritarian regimes, Mobutu turned the population into informants. He installed the youth wing of the MPR onto university campuses and seminaries.⁹² As Callaghy (1984) described, “vigilance is the watchword” of the state (284). As a sub-regional commissioner implored administrators in his zone of control, you “cannot abandon any corner of your zone under the pretext that the road is not good. I expect your presence to be felt everywhere in your zones” (*ibid*).

Mobutu’s single-party system incorporated the bureaucracy, while Zaire’s low GDP and limited private sector employment made the state an important source of economic livelihood. Since most of the Congolese political leaders after independence had been employed as low-level bureaucrats in the colonial administration (Willame 1972: 27), official positions also provided a path toward political advancement. Mobutu drew on these associations to attract new recruits, incentivize denunciations of disloyal appointees, and maintain a close form of rule

⁹⁰ Mobutu’s MPR can be classified as a hybrid of single-party and personalized rule. On varieties of authoritarianism see Geddes (1999). Mobutu received 97.8% approval for his new constitution in 1967, demonstrating the new state’s capacity to mobilize its population.

⁹¹ New land laws in 1966 and 1973 privatized previously customary land, further eroding footholds of authority autonomous from Kinshasa. This Bakajika land nationalized lands and made the state the proprietor of land and the resources. Under the land tenure system, land could be individually bought and sold. More weight given to titles secured by the state than to customary land. However, many chiefs resisted chieftaincy reforms, *showing that Mobutuist state was not a complete autocracy*.

⁹² Known as the *Jeunesse du Mouvement Populaire de la Révolution* (JMPR). The country’s youth population remained a point of ongoing pressure and potential threat to Mobutu’s rule. Following a student revolt at Lovanium University, Mobutu reshuffled the education system to place all universities under his party’s national supervision. To send a clear message to potential dissenters, he conscripted all students at Lovanium into the national army (Young and Turner 1985: 62).

based on central surveillance and favor.⁹³ Mobutu placed importance on the “exaltation of the prestige and grandeur of the state” (Willame 1972: 144), leading to his famous invocation of *l'état c'est moi*. In this period, the state became the extension of the Mobutuist regime and ideology. While never as complete control as the regime purported—pervasive smuggling escaped state control, particularly in the east—Mobutu worked to standardize forms of rule (Young and Turner 1985).

Shifts in world commodity prices constricted regime time horizons and changed Mobutu’s strategies of political survival. Spikes in oil prices 1973 alongside steep falls in the price of copper in 1974 increased costs of imports and reduced revenue from a critical commodity. The crisis of public revenue left Mobutu unable to fuel the patronage system and administrative structure he had constructed and spurred Mobutu toward decentralization (Fairhead 1992). He maintained control by drawing on ethnic antagonisms and fragmenting the state apparatus to deprive opponents of platforms of resistance (Reno 1998). Reallocations of government expenditures away from public goods to the Office of the President illustrated the personalization of rule (Reno 1997). As part of this transformation, Mobutu maintained power “converting political loyalty into economic assets” (Vlassenroot and Romkema 2002) and announced that state representatives were to find their own sources of funding. This “fend-for-yourself strategy” became the unofficial *Article 15* of the constitution and pillar of the state ideology of *Mobutuisme*. These processes reflect constricting time horizons that dispose central incumbents away from investing in institutions (Bates 2008; Migdal 1998; Roessler 2011).

As Mobutu’s power declined, state agents at peripheries took advantage of waning central rule to use laws and official posts to fill in for constricted central control. Instead of shift

⁹³ The emergence of a class of *évolués* under Belgian colonial rule earlier linked political and social status to administrative office. See Willame (1972: 24-33).

to organic or non-state forms of rule, declining central rule shifted balances of power over the state apparatus from the capital toward peripheries (Fairhead 1992; Leslie 1987; Newbury 1984).⁹⁴ As Fairhead (1992: 26) describes, “decentralization has been accompanied by a proliferation of authorities which inhabitants must endure.” As in earlier periods of central state weakness, the late Mobutu period coupled the capital’s limited influence with an expanding state infrastructure. Fairhead (1992) captures part of these shifts:

...in July 1982, popularly elected councils at the level of *Collectivité*, the zone and the region were established in Kivu (Newbury 1984a). In 1988, MPR “MOPAP” representatives at the groupement level were appointed. In 1988, new *Cités* were created and new chiefs installed in them. In 1989, Kivu was divided into three regions.... and new administrative personnel and infrastructure had to be built. To raise revenue, new taxes have been introduced and old ones increased, especially at the level of the *collectivité...*”

An expanding state apparatus also corresponded with increased numbers of taxes (Newbury 1984: 112). As one businessman in North Kivu described, “[t]axes during Mobutu’s time were about multiplicity. Everyone had his own tax due to the nature of disorder in the administration.”⁹⁵ Mobutu himself reflected on this scenario, observing that “the possession of an ordinary parcel of public power constitutes a veritable currency of exchange against the illicit acquisition of money or of a material or moral value, or moreover, the evasion of all sorts of obligations.”⁹⁶ This trend endures in contemporary Congo, where the possession of an official

⁹⁴ Slater (2010b) identifies consequences of such reversals in the direction of authority and public revenue. In Slater’s terms, this decline prompted the transition away from “ordering power” in which resources flow from societal elites and actors toward the government, to a weaker form of rule in which power is decentralized and revenue and authority flow from a political incumbent toward elites and social actors.

⁹⁵ Personal Interview with Nande trader, June 26, 2011. Butembo.

⁹⁶ Quoted in Schatzberg (2001: 172).

uniform and a rope is sufficient to construct a do-it-yourself road block that masquerades as an official toll road stop.⁹⁷

Shifting balances of control over the state apparatus between center and periphery created new coalition structures between state agents and other social elites (Newbury 1986). Even as civilians exited the formal economy (MacGaffey 1991; Vlassenroot and Romkema 2002), new agencies organized to help businesses navigated an expanding and selectively applied tax code. Expressing Englebert's (2009) observation that one needs the state to circumvent it, smuggling networks sought a formal front or protection against bureaucratic fees (Vwakyanakazi 1991). A new class of agents claiming public authority organized—*déclarants*—who participated in an alternative form of protection racket by offering protection from the predatory state, for a fee.⁹⁸

Across Congo, revenue collections officers and customs agents continued to use official “authorizations, attestations, certificates, stamps, and seals” to collect taxes long after Kinshasa no longer controlled these systems (Trefon 2007: 26). Describing this process, Trefon (2007) demonstrates that:

The survival of agents depended also on the perpetuation of the state apparatus. They justify the importance of their work and their own positions by their services delivered, however minimal, and by their diverse symbols of power including authorizations, attestations, certificates, stamps, and seals... The bureaucrats have, in effect, succeeded in maintaining the value of these symbols through their own use of them.⁹⁹

Official documents remained necessary to perform basic tasks and formed objects of political competition. The government formed the Guard of the Stamps, to control official state symbols.

⁹⁷ Author's personal observation, though multiple road trips in Congo.

⁹⁸ Rather than bargaining over parallel tax codes with specific agencies, businesses could hire these semi-public agencies to negotiate on their behalf. Over time, these “*déclarants en douanes*” became installed into the bureaucracy as semi-official status, with their own authority to interpret laws, evade statutes. Between 30-40 may be active at a given trading post in eastern Congo

⁹⁹ Similarly, cocoa marketing agencies operated, customs agencies collected duties, and schools implemented national curricula and administered state exams throughout conflict in Côte d'Ivoire (Englebert 2009: 43).

Administrators in the hinterland Walikale territory of North Kivu noted that rival authorities used imitation seals and stamps to authorize parallel regulations. To reserve these official markers for themselves, administrators issued bulletins displaying images of false and counterfeit, warning the population against entering agreements with counterfeit authorities. Similarly, members of the Masisi youth branch of the MPR party denounced their local leader to Kinshasa for distributing counterfeit membership cards to local chiefs and directors, who in turn sold these cards at inflated prices.¹⁰⁰ Figures 4.1 and 4.2 depict two of the many forms used in revenue collection at state peripheries (Figure 4.1) as well as continued personnel appointments proctored by Kinshasa (Figure 4.2).

Location véhicule 5% de 8000 Fr
Trafic Nord-Kivu - Goma
N° 41602 Date 23/4/83

NOTE DE PERCEPTION

1. — A REMPLIR PAR LE SERVICE ORDONNATEUR

- Acte génératrice (libelle) : **Jumpton**
- Article budgétaire : **location véhicule 5%**
- Nombre : **Un (1)**
- Taux et références du taux : **Assezé 5% sur les véhicules**
- Montant à payer - en chiffres : **400 FF**
- en lettres : **Quatre cent francs**
- Nom de l'ordonnateur : **BUNAGANA Adrien**
- Qualité : **Percepteur**
- Signature et Sceau : **[Signature]**

2. — A REMPLIR PAR LE COMPTABLE

- Code et désignation du bureau Comptable :
- Montant perçu - en chiffres : **400 FF**
- en lettres : **Quatre cent francs**
- Mode de paiement :
- a) - Espèces : **Sign. Seigneur : BANEXPRESS Agency**
- b) - Chèque bancaire n° de la banque

(biffer la mention inutile)

- Numéro de la quittance :
- Date de la perception :
- Nom du Comptable :
- Signature :

FIGURE 4.1 Tax collection form, *Mouvement Populaire de la Révolution*, for the Ministry of Interior at the Bunagana border, North Kivu

REPUBLICUE DU ZAIRE
Département des Finances
et Budget
Direction des Services Généraux

Commission No 32/000479/29

Le (la) Citoyen (ne) _____
Grade : **Adrien de Bureau de Goma**

Matricule : **1 5 3 1 1**

est mis à la disposition de **Gouverneur du Génie du Nord-Kivu**
pour exercer les fonctions de **Comptabilité publique** dans l'administration **de la Banque du Zaïre**

à partir du **14 Février 1989**
à **GOMA**

Lieu de résidence : **GOMA**

IMPUTATION : **00.30.05.0.00.00**

Cette désignation : donne/ ne donne pas droit à la prime d'intérêt
donne/ ne donne pas droit à l'indemnité de mutation
met fin à la commission n° ou
Ancienne affectation : **Comptabilité publique**

Fait à Kinshasa le **11 Mai 1989**

Le Gouverneur du Génie du Nord-Kivu,
Prof. KATUMBA

(1) Fomoli doit obligatoirement être prévu au cadre organique et au budget de l'exercice en cours
(2) Biffer les mentions inutiles
Le Président du CLN, le Gouverneur d'Etat à la Fonction Publique selon le cas

FIGURE 4.2 Government of Zaire, Department of Finances and Budget, Personnel appointments, Banque du Zaïre, Kinshasa, 1989

¹⁰⁰ 'Bulletin d'Information.' Militants CADER Vigilants du Nord Kivu. 23 April 1983, Masisi (Kivu).

Instead of disinvest from the state, the state apparatus remained part and parcel of central regime strategy, which could use official posts to maintain political loyalty and fragment potential competitors. As foreign aid dried up in the immediate aftermath of the Cold War, Mobutu declared a transition to democracy. Skyrocketing numbers of political parties heightened fragmentation corresponded with the onset of small-scale revolts. Mobutu's lost power as a weakened regime gave way to rebellion during the First Congo War (1996-97).

Analytical Implications

The development of Congo's state apparatus demonstrates the nature of its state weakness provides a fruitful arena to study institutional continuity and subsequent patterns of state-rebel engagement. While Congo is an extreme case of the level central weakness, it holds representative of features of a broader range of weak states and states prone to armed conflict. Central state weakness is not akin to the absence of state institutions, as studies on bureaucracy in weak states from Pakistan to Gaza, and from Sri Lanka to Ghana, reveal (Feldman 2008; Hull 2012; Klem 2012; Lund 2006; Stokke 2006). In Ghana, administrative stamps and seals also remained targets of competition at the subnational level, including for youth militias (Lund 2006). These processes indicate that Congo's institutional environment can be seen as representative of a broader set of country cases. Moreover, the process of institutional change is not unique: Slater (2010a, 2010b) describes that institutional complexity structured pathways of change in Indonesia, which proved key to the regime's undoing.¹⁰¹

¹⁰¹ Slater (2010) traces a similar process in Indonesia, where Suharto's steady personalization of the state created conditions for the regime's collapse when he could no longer manage fragmentation. Slater introduces *institutional complexity* as a variable that structured pathways of change and was key to Suharto's undoing.

The presence of an administrative apparatus indicates that Congo is more representative of a broader class of weak states and states prone to civil war than its extreme “anti-bureaucratic” label would suggest. These attributes make it comparable to other cases of civil war that may otherwise be seen in different categories of conflict, such as Sri Lanka. Sri Lanka does not fit into the “network-centric” or resource-oriented version of warfare that Congo’s is often labeled, yet its LTTE rebellion encountered and bargained with state institutions in similar fashions to Congo’s. Klem’s study of administrative endurance in LTTE holdings in Sri Lanka conditions the scope of his argument on states with durable institutions, describing Sri Lanka’s “fine-grained civil service,” in contradistinction to “the oft-cited examples in the debate around state failure” (2012: 700).¹⁰² Hence, the characteristics of administrative durability expand the dimensions of comparison between Congo and other conflicts unfolding in other regions and other diagnoses of state weakness (see Table 1.1).

Case Selection II. Subnational Case Comparisons of Rebel-State Relations

Within Congo, I examine state-rebel relations over eleven subnational cases that express variation in the nature of rebels’ social ties, resource chains, and town’s administrative status, providing a basis to test the hypothesized pathways to these varied outcomes against rival explanations. To ensure comparability among cases, I examine state-rebel relations at a standard political moment in institutional development and conflict in Congo, through a focus on the Second War (1998-2003).¹⁰³ The political timing of this war provides a strong test of the theory. Observing state effects during the Second War would require administrations to remain

¹⁰² As Klem writes: “Unlike the oft-cited examples in the debate around state failure, Sri Lanka does not have large areas with thinly spread bureaucrats whose rule relies on co-opting whatever forms of local authority they encounter. Its fine-grained civil service stretches out to the village level across the entire country (2012: 700).

¹⁰³ For a comprehensive account of the war, see Prunier (2009) and Stearns (2011).

active over decades of state decline (1973-96), a first civil war (1996-97), contested political settlement (1997-98), and into the subsequent conflict that is this article's focus (1998-2003). The conflict immediately follows the First War (1996-97), in which rebels swept across Congo, captured the capital, and installed a precarious governing pact that quickly broke down. This period precedes a national settlement and transnational government (2003-2006) that marked a concerted international effort to rebuild state institutions. Thus, information gathered during the second war should mark the culmination of a long period of central decline that is distinct from exogenous efforts to rebuild state authority. This timing also allows me to observe how wartime patterns of state-rebel engagement shape the institutional development of the post-conflict state.

Wartime systems of taxation provide an arena to analyze the intersection between state institutions and rebel rule. Specifically, I trace how rebels tax local economies, import-export processes, and natural resources. Because revenue generation is a primary need for armed groups, wartime systems of economic regulation provide insight into a strategic point of contact between rebel goals and entrenched political interests. Relations surrounding economic governance are at the core of political command, both in the formation of the early modern state and institutional design (Centeno 2002; Levi 1988; Spruyt 1994; Tilly 1990). Rather than treat resources as explanatory variables of rebel mobilization or predation (Collier and Hoeffler 2001, 2004; Weinstein 2007), I examine the relationships that govern resources and shape institutional development (Kurtz 2009; Raeymaekers 2014). Rather than opposed, this focus examines the possibility that state institutions and war economies go hand-in-hand.

Table 4.2 presents the subnational cases under study, constructed as rebel-town dyads. The table presents background information on each case, including the province in which it is situated, its administrative status (provincial capital, secondary town, or tertiary town), and the

armed group that controlled it. Cases include four armed groups across eight cities and towns. A single town may be ruled by multiple armed groups over the course of war. I select provincial capitals of each rebel territory (Kisangani, Goma, Bukavu, Kindu), and secondary towns that became administrative centers of rebellion (Beni, Bunia, Kalemie), as well as tertiary towns (Lodja, Kasindi). Cases are selected to control for variables associated with alternative explanations of rebel governance. Table 4.2 provides information on these variables, including the nature of rebels' social ties in each area under study and resource endowments in war economies. The table also provides information on factors linked with explanatory framework. For each case, it describes the institutional settlement outcome that resulted. Where rebels' time horizons shifted over the course of conflict in a given town that they administered, the "Secondary Institutional Settlement" outcome reflects this shift.

Cases include four armed groups: (1) the Rally for Congolese Democracy-Goma (RCD or RCD-G) that launched the Second Rebellion,¹⁰⁴ (2) its Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML) splinter faction, (3) the Front for the Liberation of Congo (FLC) that merged the RCD/K-ML with other Ugandan proxies, and finally the (4) Union for Congolese Patriots (UPC), itself a splinter of the RCD/K-ML. These armed groups include the major forces in eastern Congo during the Second War.

Sponsored by foreign backers and beholden to its image as a Rwandan puppet, the RCD-G launched the rebellion in August 1998 with an aim to topple Kinshasa. Its failure to do so resulted in a military stalemate for much of the war, with the group controlling approximately one-third of Congo's territory, extending throughout North and South Kivu, Maniema, parts of

¹⁰⁴ The RCD-G is also known simply as the Rally for Congolese Democracy, but took the "Goma" suffix when an internal branch of the rebellion split to form the RCD-K (later the RCD/K-ML) in 1999. For clarity, I refer to both the original RCD parent group and its same networks that remained in Goma after the split as the RCD-G.

TABLE 4.2. Subnational Case Comparisons: Rebel-State Relations in DR Congo

Case	Alternative Hypotheses				Explanatory Variables			Institutional Outcomes	
	Rebel-town Dyad (Province)	Rebel social ties	Key resources	Foreign sponsor	Proximity to Int'l border	Time Horizons	State Coalition Partner	Institutional Settlement	Secondary Institutional Settlement
1 RCD-G - Goma * (North Kivu)	3	Tins	Rwanda	0km	Extended (coltan trade: short)	No	Cooptation (Ch.5) (Ch.6)	Entrenchment (coltan trade) (Ch.7)	
2 RCD-G - Bukavu * (South Kivu)	2	Tins	Rwanda	0km	Extended (coltan trade: short)	No	Cooptation (Ch.5)	Entrenchment (coltan trade) (Ch.7)	
3 RCD-G - Kindu * (Maniema)	2	Gold, tin, wolframite	Rwanda	330km	Extended	No	Cooptation (Ch.5)	-	
4 RCD-G - Lobja # (Kasai Orientale)	2	Diamonds	Rwanda	620km	Extended	No	Cooptation (Ch.5)	-	
5 RCD-G - Kalemie † (Katanga)	3	Timber, tins	Rwanda	0km (via Lake Tanganyika)	Extended	No	Cooptation (Ch.5)	-	
6 RCD-G - Kisangani * (Oriente)	1	Diamonds	Rwanda, Uganda (via Kasindji)	750km/ Short		Yes	Entrenchment (Ch.7)	-	
7 RCDIK-ML - Beni, † Kasindi # (North Kivu)	4	Timber, coffee, gold	Uganda	75km/ 0km	Extended (prior to Aug. 1999; short)	Yes	Collusion (Ch.6)	Displacement to Entrenchment (Ch.7)	
8 FLC - Beni, † Kasindi # (North Kivu)	2	Timber, coffee, gold	Uganda	75km/ 0km	Extended	No	Cooptation (Ch.6)	-	
9 FLC - Bunia † (Ituri, Orientale)	1	Gold	Uganda	170km	Extended	No	Cooptation (Ch.8)	-	
10 RCDIK-ML - Bunia † (Ituri, Orientale)	3	Gold	Uganda	170km	Short	No	Displacement (Ch.8)	Cooptation (gave way to displacement) (Ch.8)	
11 UPC - Bunia † (Ituri, Orientale)	3	Gold	Uganda	170km	Short	No	Displacement (Ch.8)	-	

NOTES: *Administrative units*: * = Provincial capital; † = Secondary town or city; # = Tertiary town
Social ties: 1 = low overall ties within a fragmented community; 2 = low overall ties within a cohesive community; 3 = close ties to noncombatants within a generally cohesive community
 within a generally fragmented community; 4 = close ties to members of a single noncombatant network

Katanga and Kasai Oriental (Tull 2005: 106). The RCD was based out of its headquarters in Goma, North Kivu. The RCD/K-ML emerged through a split from the RCD-G early in the war, in 1999. The faction initially set its base in Kisangani, but after a military defeat reestablished its headquarters in Bunia (Ituri district, Orientale Province), and later in Beni (North Kivu). The FLC was founded as a Ugandan-backed merger of the RCD/K-ML and a fourth, more powerful, rebel group known as the Movement for the Liberation of Congo (MLC). The short-lived FLC was ousted in a military defeat from its headquarters in Beni, where the RCD/K-ML returned to and governed for the remainder of the war.

Across these rebel organizations, I select cases that provide for within-group and cross-group comparisons of each armed group. Cases provide comparisons across armed groups as well as to observe patterns of similarity and variation in how a given rebel group exercised control. For instance, comparisons of RCD-G in six towns (Goma, Bukavu, Kalemie, Kindu, Kisangani Lodja) provide insight into how a single armed group selected strategies of institutional engagement across vast territory and variation in social ties and resource endowments. Similarly, comparing how a single armed group shifted strategy within the same town over time (such as the case in the RCD/K-ML in Beni/Kasindi, as well as the RCD-G in Goma and Bukavu) allows me to observe causes of variation in areas where rebels' social ties remain stable.

These groups allow for comparisons across organizational differences conventionally used to explain rebel governance, such social ties and access to resource endowments from extractive economies and foreign patrons. First, armed groups express variation in social ties with noncombatant communities. While RCD leadership drew from disaffected politicians from various communities, its political and military core consisted of members of the Tutsi and Hutu

communities in Congo. This affiliation built on preexisting divisions between Banyarwanda living in Congo and communities considered indigenous, providing it low levels of social ties in areas beyond Goma.¹⁰⁵ FLC president, Jean-Pierre Bemba initiated rebellion in his family homeland in far-off Equateur, and transplanted to Beni at Uganda's request. Like the RCD-G, the FLC was perceived as an extension of an external force. While the FLC and RCD-G lacked close ties with many civilian communities they encountered, the RCD/K-ML was built on close social ties with civilian trading networks (Kabamba 2013; Raeymaekers 2014). RCD/K-ML

¹⁰⁵ In the 1930s, the colonial *Mission d'Immigration de Banyarwanda* imported cheap labor from Rwanda to Congo, disrupting land access and prior distributions of political power among local communities. Forced migration made Banyarwanda into the demographic majority in Rutshuru and Masisi territories of North Kivu, positioning them to take over local political structures at independence. Political competition between Banyarwandan and "indigenous" communities came to a head with questions of political access to the state at political independence (Mamdani 2001; Tegera 2003, 10). This tension culminated in the Kanyarwandan war in 1962-66 between the Banyarwanda and Hunde and Nande groups over access to land and citizenship (Lemarchand 2009: 13). Mobutu later instrumentalized this conflict by promoting Banyarwanda leaders to positions of political authority. His appointment of Bisengimana Rwema as Director the Presidential cabinet from 1969-1977 expanded Banyarwandan access to the central state. In 1972, Mobutu granted citizenship and the right to land ownership to all Banyarwandans with family in Congo prior to independence (June 30, 1960). Yet Hutu and Tutsi refugees from conflicts in Rwanda and Burundi make it difficult to differentiate more recent immigrants from those formally granted citizenship. Mobutu launched the *Mission d'Identification des Zaïrois au Kivu* in 1989 to settle the question of Banyarwanda and Banyamulenge citizenship, but was unable to implement the mission. Traditional authorities seeking to retain their influence over land allocations sought support from Banyarwanda connections. Mobutu's manipulations of citizenship policy and appointment of Congolese Tutsis to his administration continued tensions. Mobutu used the 1973 Zairianization campaign to distribute land to his political allies. In Kivu, the Banyarwanda were a chief beneficiary. The 1973 land law declared all land state property, reducing the authority of local chiefs over land allocation. The "minister of agriculture allocated former white concessions in Masisi to individuals on the basis of their political ties. The biggest ranch of Osso and most of the neighboring Kalonge passed into the hands of the Tutsi" (Mararo 1997: 537). As a result of Zairianization, Banyarwanda gained control over an estimated 90% of all land under the Comité National du Kivu (Vlassenroot and Huggins 2005: 135). In Kivu, where chiefdoms remained under indigenous control, this law had the added effect of shifting political control away from indigenous groups and toward the state and its Banyarwandan clients. Nande civil society continues to consider Mobutu as having robbed them of political influence in Kivu. A 1998 memo written by the Nande Kyaghanda civil society organization complained that, "despite their numerical importance, the Nande were quasi-absent from the major political posts under the Kasavubu and Mobutu regimes. These posts were monopolized by the allochthonous Tutsi population." ("Mémorandum du peuple Nande sur les multiples massacres." L'Association culturelle NANDE "KYAGHANDA." Brussels, 1998. Kasavubu, the first President of Congo, was ousted in a 1965 coup that brought Mobutu to power.) As the Conférence National Souveraine (CNS) convened in 1991 to promote democratization, Mobutu stipulated that provinces should only be represented by ethnicities autochthonous to the area (Jackson 2006: 102). This decision deepened tensions in North Kivu as Banyarwandans were excluded from participating on grounds of nationality. Tensions led to a massacre of 10,000 Banyarwanda in Masisi in May 1993 and further polarization (Lemarchand 2009, 213). For more on tensions between the Banyarwanda and other Congolese groups, see Lemarchand 2009 and Mamdani 2001. See also J-C Willame (1997) *Banyarwanda et Banyamulenge: Violences Ethniques et Gestion de l'Identitaire au Kivu*, Paris: L'Harmattan.

President Mbusa Nyamwisi was able to draw on the political popularity, of his elder brother, a long-time local politician under Mobutu whose assassination titled him the “martyr of democracy” and brought Mbusa to the political spotlight.

Table 4.2 describes the social base rebels met in each town, which scholarship expects should correspond with its own potential for social mobilization (Parkinson 2013; Staniland 2012a). The measure combines information on rebels’ social connections with local noncombatants (high/low ties) with the internal structure noncombatant networks in a given town (cohesive/fragmented).¹⁰⁶ This metric yields the possibility of rebels having high (or low) ties with noncombatant networks that are cohesive throughout an entire town, or high ties with one faction of noncombatants within a town in which overall networks are fragmented. These dimensions provide a four-point scale of mobilization potential ranging from 1 (low overall ties within a fragmented community), 2 (low overall ties within a cohesive community), 3 (high ties to members of a single noncombatant network within an overall fragmented community), and 4 (high ties to noncombatants within an overall cohesive community).

When categorizing noncombatants as fragmented or cohesive, I focus particularly on civilian trading networks that they are most consequential to rebels’ resource access and control. Cases in which armed groups revise an institutional strategy over the course of war, and in which armed groups with close social ties opt for institutional displacement, set up tests of the causal properties of this factor. Constructing cases as rebel-town dyads allows me to trace the social relations between state agents and changing armed groups in a given place.

¹⁰⁶ The social ties measure is drawn from Parkinson’s discussion of the overlap between combatant and noncombatant networks, which shapes rebels’ ability to tap into existing forms of collective action. Levels of local cohesion versus fragmentation integrate aspects of civilian social structure that should correspond with civilians’ ability to mobilize collective resistance (Arjona 2014) and rebels’ ability to build cohesive organizations (Staniland 2012b). Cohesion versus fragmentation also corresponds with the amount of competition between groups within a given community over access to resources such as land or economic primacy .

This case selection allows me to test pathways to varied institutional settlement outcomes against factors associated with rival expectation that resource endowments, including access to extractive economies and foreign patrons, shift rebels' focus away from domestic structures of rule. These factors are often used to indicate conditions under which armed groups may hold incentives to switch focus to networks or political economic orientations of control, discounting institutional avenues of governance (Reno 2011; Weinstein 2007). They are also used to observe implications associated with a third rival explanation that foregrounds macrohistorical shifts in changing the nature of warfare and eroding the foundations of modern territorial statehood. Table 4.2 provides information associated with these alternative hypotheses, including foreign sponsorship, lovable resources, and proximity to international borders. These indicators correspond with expectations that a growing set of "new" wars linked up to transnational economies undermine the utility of state institutions (Ahram and King 2012; Andreas 2004; Kaldor 2007; Keen 1998; Reno 2011).

Resources conventionally associated with weakened social constraints on rebels, such as gold, diamonds, and precious metals, were present across nearly all cases. This case selection encompasses resource supply chains that include resources conventionally associated with civil war (such as gold, diamonds, and precious metals) as well as less-commonly considered products (including commercial agricultural products such as coffee and timber). Case studies examine imports of petrol and a range of consumer goods from basic foodstuffs to motorcycles. They also include key nodes of other trade such as in gold (Bunia), diamonds (Kisangani, Lodja), and precious minerals such as tins (Goma, Bukavu). Rebels often organize at trading posts in order to take over these nodes of control, rather than to establish cohesive insurgencies that built rural bases and broad civilian support. Towns include border posts that capture these nodes of trade

with direct access to international markets (Beni-Kasindi, Goma, Bukavu). Kalemie is also a port city with direct access to Tanzania via Lake Tanganyika.

With this case selection, the study focuses on areas that are most lucrative and most important to rebel survival. Studies of civilian influence on rebel governance expect that otherwise effective constraints break down in “high value” territories such as those with abundant resources (Arjona 2010: 81). Consequently, these areas should be most strategic to rebel agendas—attributes that extant scholarship identifies as disposing rebels away from mutual relations with noncombatants and toward predation (Arjona 2014; Metelits 2010). Observing variation in rebel-state patterns of engagement and the persistence of institution under these conditions would constitute strong support for the theory.

Across the board, armed groups held support from foreign backers, but varied in the level of predictability in its sponsorship. For example, the RDC-G held strong patronage support from Rwanda. Ugandan dissatisfaction with its RCD/K-ML proxy led to its forged merger with the MLC, installing the FLC in power. The FLC would afford Uganda a single point of concentrated control within Congo, from a headquarters in Beni. Access to foreign sponsors should dispose all three groups against cultivating close ties to mobilize resources.

Alongside cases and alternative hypotheses, Table 4.2 also lists the explanatory variables and institutional settlement outcomes observed across these cases. A column labeled “secondary outcomes” is used to express instances in which an armed group switched its institutional strategy over time within the same case. This occurred, for instance, in particularly lucrative resource chains in cities under RCD-G control.

Data Sources

The argument draws on twenty-eight months of field experience in eastern Congo from 2009-2017, of which fourteen were dedicated to this research. During this time, I gathered information on rebel taxation systems primarily by gaining access to classified internal records of various armed groups. These records include tax ledgers, audits of revenue losses, minutes of meetings with government agencies and business partners, as well as internal financial and security memos. Reconstructing tax regimes and the types of rebel disputes and interactions with state agents and business partners across varied subnational cases allows me to draw inferences about patterns of state-rebel engagement.

The strategic nature of these records provides a rare look into the inner workings of rebel administrations. Data illuminate armed groups' day-to-day governance strategies and struggles. Correspondences with international firms and foreign sponsor provide robust information to evaluate variables associated with rival explanations foregrounding the role of the political economy and transnational resource flows. Similarly, correspondences with local trading partners as well as records of rebels' internal payrolls allow provide me sound estimates of patronage ties and rebels' social linkages with noncombatant communities.

The internal validity of these data depends on two key conditions. First, records must be produced for internal use, as part of armed groups' real efforts to project power and control economic exchange. Records are gathered from internal rebel administrations and business partners with whom they dealt, so meet this condition. These records were not developed for external consumption—that is, they are not produced with the intent of cultivating a favorable image in the eyes of international partners or researchers. Data are kept in guarded locations and are not available for public consultation. Rebels' records went unexamined for nearly a decade after conflict, indicating that they were not created for uses other than immediate governance.

A second condition requires that the type of data not be transmitted in a fashion with systemic bias. Because I was granted unrestricted access to these collections of data, without an intermediary to curate the records I did or did not see, this data collection procedure meets requirements to avoid systematic bias. Images 4.1 and 4.2 illustrate one of the data collection sites of the armed group records.



IMAGES 4.1 and 4.2 Rebel “organization”

Using records developed as part of rebels’ daily governing practices, rather than data transmitted to external researchers, boosts the inferential leverage of this dissertation’s findings. These data allow me to avoid problems of former combatants editing the historical record for external researchers. This problem is well noted in qualitative research, particularly on sensitive

topics pertaining to civil war (Weinstein 2007; Kalyvas 2006).¹⁰⁷ These time-stamped sources offer methodological gains of enabling careful sequencing. Records reflect real-time information on revenue extraction that allow me to trace debates and disagreements within rebel hierarchies.

Reconstructing tax regimes and rebel disputes and interactions with state agents, business partners, and international deployments allows me to draw conclusions about how state institutions shape rebel organization. Rebels do not have clear incentives to exaggerate the political salience and financial threats that states pose to them. Financial transactions and exact revenue estimates may reflect inaccuracies in rebel data collection.¹⁰⁸ However, I can infer that these documents themselves represent the governing tools transmitted to rebel hierarchies and administrative as if they were true—that is, even falsified statistics themselves provide insight into the nature of principal-agent problems within armed groups.

Other methodological approaches, such as surveys or experiments, could not provide a comparably robust estimate of rebel organization or engagements with state administrators needed to evaluate patterns of state-rebel relations. Rank-and-file combatants available for surveys do not have access to elite decision-making or financial information offered by direct rebel records. Access to direct internal data such as budgets, payrolls, and financial transactions provide more robust indicators of wartime governance with added precision about clandestine relations that may not be easily disclosed to external sources. Time-stamped records provide information on sequencing and timing of events that can be difficult to recall in survey designs.

¹⁰⁷ Interviews can be problematic for learning about strategic decision-making and armed actors during conflict: Do participants in wars tell it as it really was? Or do they say things that put them in a good light vis-à-vis the way things came out? To resolve this problem, researchers seek to triangulate between data sources and cross-check information with available secondary sources such as NGO records, and make efforts to elicit candid responses. Weinstein's (2007) Appendix A discusses efforts to solve problems of data quality in his research on the functions of social and material resources to armed group organization and predation. Kalyvas (2006) critiques this method.

¹⁰⁸ Mirroring bureaucratic files of the Congolese state (Schatzberg 1988).

Extensive field research was necessary to negotiate access to these records and develop local trust networks that allow me to cross check the accuracy of my data. Ongoing discussions with former combatants provide me insight to interpret how rebels constructed these records and the negotiation processes that went into their creation. Fieldwork was also necessary to gather data on relational configurations across sub-national variations that are needed for a serious probe of my argument but unavailable in existing research. 120 interviews with former combatants, business networks, and administrators supplement rebels' internal records.

Looking Ahead

The following empirical chapters draw on these data sources to illustrate and assess the pathways to varied patterns of state-rebel engagement in civil war. Chapters address four institutional settlement outcomes of collusion (chapter 5), cooptation (chapter 6), entrenchment (chapter 7), and displacement (chapter 8). Chapter 9 develops foundations to link these varied state-rebel relations to the institutional development of the post-conflict state apparatus.

"Mbusa [the RCD/K-ML president] was institutionalizing fraud"
 - RCD/K-ML political cadre member,

Chapter 5.

PATHWAY TO STATE-REBEL COLLUSION

Collusion between armed groups and states joins rebel governance with formal institutions in their military strongholds. In this pattern of state-rebel engagement, armed groups build control by working through institutions to mobilize resources and regulate noncombatants. Rather than dominate institutions, armed groups adapt their strategies to fit administrative practices, engaging state agents as partners. Rebel governance accommodates preexisting institutions, such as by enforcing contracts or making taxation systems more lucrative. Armed groups can convert institutions into vehicles for rebel rule via a preference alignment mechanism that joins rebels and state agents in an integrated program of rule.

The nature of this rebel-state relationship creates possibilities to realize mutual gains and losses. This interchange erodes organizational segmentation between the state apparatus and armed groups in ways that can shape the institutional foundations of the post-conflict state. As violent networks become closely linked with the state apparatus, armed groups can convert institutions into tools for rebels' influence and provide state agents mechanisms to maintain autonomy from the capital at war's end. Hence, collusion can hold lasting effects for the subnational distribution of state authority.

This chapter illustrates the conditions under which collusion emerges, its effects on rebel organization, and the processes of institutional change that it entails for the state apparatus. It traces these processes in the case of the Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML) armed group, which was based in northeast Congo over much of the war and maintained armed and political sway there into its aftermath. Facing internal fissures

and uneasy relations with its foreign patron, the RCD/K-ML secured lasting influence in part by partnering with state institutions. Collusion followed from coalition building as state agents and rebels balanced against mutual challenges from foreign patrons and powerful trading networks. Facing these challengers, the RCD/K-ML gained financial support by expanding state influence in parallel markets. Doing so provided rebels bases of institutional support that outlasted war.

As this chapter demonstrates, a focus on the emergence and effects of collusion sharpens theoretical understandings of the nature of state authority, central state decline, and the commonly assumed organizational segmentation of states and rebels. Collusion illustrates how state resources take tangible effects on political organization even where the capital lacks control. This chapter evaluates the RCD/K-ML's collusion against prior rebel-state engagement strategies in the area. Comparisons reveal that collusion built a surer base for political and economic control than armed groups' efforts to displace institutions or heavily reform them.

The chapter proceeds in four parts. The first provides a background for the present case and the contributions to understanding of state authority in light of alterative explanations of causal inputs of rebel governance. The second traces the emergence of state-rebel collusion. The following section evaluates the tangible effects of state institutions by assessing the effects of collusion against two rival armed groups that operated in the same area but pursued other state engagement strategies. Findings illustrate that collusion proved a better institutional fit to build durable political and economic control. A final section concludes by drawing out theoretical implications for studies of state authority and rebel governance.

Theoretical Dimensions of Collusion and Background to the Case

Pathways to collusion unfold as rebels with extended time horizons coopt state administrations to build their own power base. Cooptation shifts to collusion as state agents and

rebels build coalitions, often to balance against a third party that presents a mutual challenge to both. The nature of this state-rebel combination operates via a preference alignment mechanism that can join armed groups and subnational state institutions over the long-term. Yet the cooperative relationship does not imply public goods outcomes that are commonly used to assess civil war governance (Arjona, Mampilly and Kasifir 2015). Instead, collusion can be compared with an organized criminal racket or paramilitary, in which officials receive kickbacks and use administrative posts to facilitate violent activity. Armed groups provide new levers of control to state agents to control local economies and populations, while state institutions provide lasting mechanisms for resource access and facades of legal compliance for violent networks.

The northern reaches of North Kivu Province provide an empirical point of entry to assess the emergence of collusion and the processes of institutional change it entails. Comprised of the territories of Beni and Lubero and colloquially known as the “Great North,” this area offers analytical leverage across two key dimensions. First, it is often seen to typify informality and non-state transformations over central state decline, so represents an unlikely case to observe institutional effects during conflict. Second, changing patterns of armed group control in the area expand the range of cases to examine the emergence and effects of collusion.

Along the first dimension, the nature of rebel-civilian social ties and its borderland geography make the Great North an unlikely place for institutional survival. Standard literature describes the nature of noncombatants’ linkages with armed groups as a core driver of wartime governance and the organizational structure of rebellion (Arjona 2014; Kalyvas 2006; Parkinson 2013; Staniland 2012a). Reflecting this expectation, extant research identifies close linkages knitting RCD/K-ML commanders with area economic elites as grounding rebels’

survival in informal economies reinforced through kinship ties (Kabamba 2013; Raeymaekers 2014).

Specifically, scholars identify the RCD/K-ML's ties with an elite group of cross-border traders built around a Nande ethnic affiliation as a key ingredient of armed group organization. Traders' prominence pre-dated conflict, growing in an informal gold trade in the 1980s that took off as President Mobutu's grip on power waned.¹⁰⁹ Their dominance of parallel trade throughout northeast Congo and trade routes extending to Jakarta, Hong Kong and Dubai made the Great North one of the most lucrative frontiers in Congo.¹¹⁰ Consequently, scholars often describe the area as epitomizing a center-periphery axis of competition (MacGaffey 1991, 1987; Raeymaekers 2014), pitting the state as an external interest against "organic" modes of political and economic relations at peripheries (Herbst 2000; Mann 1986; Soifer 2008). Raeymaekers' (2007, 2014) seminal work exemplifies this image. Reflecting on the tumultuous period of the transition to multi-party rule in the 1990s in the lead up to war, he notes that:

Nande entrepreneurs became increasingly outspoken about the "fiscal terrorism" of the state against their business, which they described as parasitic, corrupt, and exogenous to their culture of hard work. Particularly the looting army further convinced Nande businessmen that the state apparatus was filled with corruptible and rampant outsiders who only sat out there to "eat" the Nande's commercial profits. In popular imagery, the state – and, by consequence, everyone who worked in its vast army and bureaucracy – became the typical representative of this outside threat and menace against the Nande's indigenous economic development. (2007: 90-1)¹¹¹

¹⁰⁹ And as fluctuating commodity prices—specifically, declining copper prices and increasing petrol prices in the 1970s—led to a widespread exit from the formal economy. Nande traders built around the salt trade from the Katwe salt mines in Lubero.

¹¹⁰ trade linked exports such as coffee and gold to international markets in areas such as Dubai, Jakarta, and Hong Kong and boosted profits and local sway by importing consumer goods and petrol (Raeymaekers 2014).

¹¹¹ Traders viewed any attempt to appropriate resources, including by their own business association, as a form of state predation. As Raeymaekers (2007) notes, 60% of traders viewed the civilian business association, *Fédération des Entreprises du Congo* (FEC) as a form of state predation- the *l'état receveur*. Raeymaekers (2014, 2007) vacillates between the image of the state as an external force and in a negotiated relationship with the Nande traders.

With an informal economy set against a central state, extant research focuses on this relatively cohesive group of traders as the foundations of rebel financing and governance.

The area's political geography along the Uganda-Congo border also facilitated transnational support networks and lootable resources commonly expected to undermine state institutions and territorialized control (Collier and Hoefer 2004; Herbst 2000; Le Billon 2001; Ross 2004).¹¹² As war broke out, military commanders associated with the RCD/K-ML's foreign sponsor, Uganda, occupied northeast Congo and developed smuggling conduits that plundered its diverse resources including timber and gold (Fahey 2011; Human Rights Watch 2001; UN 2002). Coupled with diluted access to the far-off capital, these exchanges deepened the Great North's integration into regional economies and should qualify it as an unlikely area to observe state institutions at work. They provide theoretical leverage to weigh effects of state resources against standard expectations that state institutions fade away in contemporary war.

Shifting patterns of armed group control and corresponding changes in state-rebel engagement strategies over the course of war endow the Great North with a second dimension of theoretical leverage. Comparisons across varied armed groups in the area provide opportunity to observe differential effects of institutional resources on rebel performance. Table 5.1 overviews the progression of armed group control in the area over the course of armed conflict.

In the opening days of war, the Rally for Congolese Democracy (RCD) was the first armed group to take control of the Great North, where it pursued a strategy of institutional *cooptation*. Internal fragmentation and competition among its foreign sponsors gave way to the breakaway RCD/K-ML faction that installed itself in the area with Ugandan support. Before this split, precursor networks of the RCD/K-ML built control vis-à-vis the RCD by investing in

¹¹² These cross-border linkages also reflect the area's Nande demographic majority that stretches across the Congo-Uganda border. The Bakonjo are the cross-border cousins to the Nande.

armed trafficking that *displaced* state institutions. Comparisons with its pre-split strategy illustrate that social ties did not predetermine rebel-state collusion and draw attention to processes of coalition formation in shifting these relations.

TABLE 5.1 Armed group control over the Great North in the Second Congo War

<i>Period</i>	<i>Armed Group</i>	<i>Engagement Strategy</i>
1998-1999	Rally for Congolese Democracy (RCD) *And parallel network within RCD (precursor of RCD/K-ML)	Cooptation *Displacement
1999-2001	Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML) (Breakaway faction of RCD. RCD renamed RCD-Goma after split.)	Collusion
2001	Front for the Liberation of Congo (FLC) (Short-lived merger of RCD/K-ML and MLC Ugandan proxy)	Cooptation
2001-2003	Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML)	Collusion

NOTES: The RCD/K-ML in Ituri is discussed as a separate case, in Chapter 8.

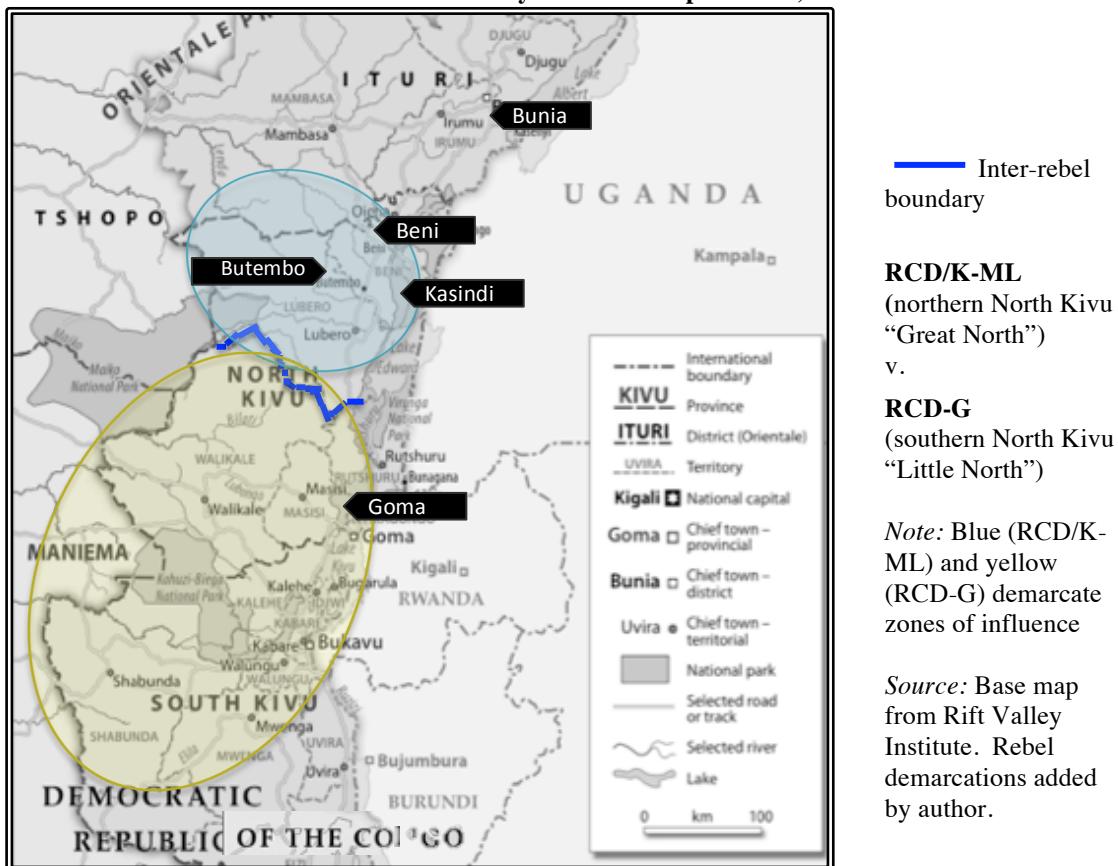
* Chapter 7 discusses the move from institutional displacement to entrenchment, via a state partnership with rival interests in the RCD hierarchy

As the RCD/K-ML broke off and established its own territorial base, it shifted to a strategy of *cooptation* in the Great North that reflected its lengthened time horizons. Power imbalances vis-à-vis foreign patrons and local trading elite provided grounds for the RCD/K-ML to collude with state agents to build their influence in tandem. Patterns of coalition formation provide analytical leverage to assess the role informal linkages or social ties against the causal effects of state institutions.

Observable effects of collusion are sharpened through comparisons with other state-rebel engagement strategies in the Great North throughout the war. Map 5.1 illustrates the division of North Kivu province into competing rebel groups following the RCD/K-ML's split from its parent group. A first comparison places the RCD/K-ML's collusion strategy against RCD-G cooptation in the surrounding areas, presenting findings that state collusion favored the RCD/K-

ML revenue mobilization systems vis-à-vis the RCD-G (Chapter 6 discusses RCD-G cooptation in further depth). A second comparison focuses on the RCD/K-ML's brief merger with another Ugandan proxy to form the Front for the Liberation of Congo (FLC). The FLC merger illustrates consequences of a renewed attempt at displacement. Comparisons reveal that collusion proved a more effective means of managing local markets and gleaning support. They provide a structured test of the claim that state resources pay dividends to armed groups and illustrate how these interactions shape patterns of institutional change over the course of war. Finally, the chapter compares post-conflict organizational effects and trajectories of institutional change. It finds that collusion more effectively recruited state interests to rebel programs than other

MAP 5.1 Division of North Kivu Province by Armed Group Control, 1999-2003



Pathway to Collusion in the Great North

Wartime governance systems draw on preexisting civilian institutions and social networks (Arjona 2014; Mampilly 2011; Parkinson 2013; Raeymaekers 2014; Staniland 2012). Many scholars identify these structures in the Great North as shaped most strongly by informal trading networks that stand against the central state (Kabamba 2013; Raeymaekers 2014). However, a common tendency to observe state effects through the preferences and capabilities of central rulers left a broader range of political competitions at peripheries overlooked. Surveying the institutional backdrop of rebellion clarifies the role of the pre-conflict state at periphery in the Great North and the origins of subsequent rebel-state relations during war.

Institutional Background of Pre-Conflict State Decline

Though geographically removed from the capital, the state apparatus persisted in the Great North. Instead of an external interest or outside force set against local, “organic” forms of rule, state agents adapted institutions to changing circumstances and maintained them to exercise authority from the periphery. State agents used official posts as tools to tax and regulate civilians, acting in the name of the state. This grew evident as central influence retracted in the waning days of Mobutu’s presidency as the Nande trading elite in the Great North expanded its influence. As Englebert (2009) observes, “one often needs the state to bypass it” (65). Fitting this description, instead of circumventing the state, traders negotiated directly with its agents to secure needed authorizations and the guise of legal compliance to transit goods in neighboring countries (Vwakyanakazi 1991).¹¹³ Traders sought out the “complicity of certain officials” to pass goods such as ivory and cocoa to international markets (Vwakyanakazi 1991: 53-4). As

¹¹³ Person Interview with Nande trader, 1 October 2013, Bunia.

Vwakyanakazi (1991) finds, “customs agents at official border crossings often actively participate in clandestine trade themselves and falsify their reports” (47).¹¹⁴ Raeymaekers also acknowledges that “the growing coercion by Zairian armed forces motivated traders to become more complicit with state officials” based in the Great North (2007: 82).¹¹⁵

As Mobutu’s regime collapsed and the First Congo War erupted, a new government took power in the capital and sought to consolidate its hold in part by raising taxes. A memo from affiliates of this trading elite bemoaned the price hikes: “In the time of the regime of dictator Mobutu, to import a container of diverse merchandise, one paid around \$5,000 in taxes. Today, the same operation costs from \$15,000 to \$18,000 US!”¹¹⁶ The trading elite based out of the commercial center of Butembo viewed tax hikes with suspicion as the government’s effort to tap into their economic power.¹¹⁷ Yet the image of the capital reaching to extract from the periphery is less apt than the state as a variegated set of actors embedded at different levels throughout society (Migdal and Schlichte 2005). Local agents translated the state’s search for economic inroads to use their positions for legalized extraction. The memo on behalf of the Nande traders describes the range of local state officials they dealt with in a routine import procedure:

In unloading in Butembo, a plethora of predatory [state] agencies are present (OCC,¹¹⁸ TRIPAIX, OFIDA,¹¹⁹ ANR,¹²⁰ DEMIAP,¹²¹ Hygiene,¹²² Territorial police, Police

¹¹⁴ Vwakyanakazi (1991) notes, the larger-scale the smuggler, the more likely to work with local administrators.

¹¹⁵ Raeymaekers’ vacillates on the place of the state. He ultimately concludes that Butembo’s informal trading elite filled in for the role of the state (in this approach, he appears to define the state in terms of public goods provision). Reflecting on the waning years of Mobutu’s presidency, he also noted that, “instead of letting them [state agents] plunder, they [Butembo traders] organized collective donations to keep them out of Butembo’s businesses” (2007).

¹¹⁶ “Mémorandum du peuple Nande sur les multiples massacres et violations des droits de l’homme par Kabila et ses alliés, à Beni, à Butembo et au Kivu en général, en République Démocratique du Congo.”, Kambale Katahwa, KYAGHANDA Yira, 18 May 1998, Brussels. Kyaghanda-Yira, a self defense association spanning economic, security, and cultural activities.

¹¹⁷ *Ibid.*

¹¹⁸ *Office Congolais du Contrôle* (Congolese Office of Control, a quality control agency monitoring cross-border trade).

¹¹⁹ *Office des Douanes et Accises* (Office of Customs and Excise Taxes, a customs revenue agency).

¹²⁰ *Agence Nationale des Renseignements* (National Intelligence Agency, intelligence-gathering wing of the state).

d'intervention rapide,¹²³ Office de renseignement police,¹²⁴ Office de renseignement militaire,¹²⁵ Immigration,¹²⁶ OFIDA Beni,¹²⁷ OFIDA Butembo¹²⁸...). It is required to pay between \$40 to \$100 to each one of these agencies, according to the humor of the agent—and without any receipt, understand. Note also that all these agencies are represented at the border post of Kasindi and, thus, an importer must pay double: the legal and parallel taxes.¹²⁹ In addition to all this, it is necessary to pay \$300 to an auditor of OFIDA, \$100 to the toll road [and] another \$100 for the tax on containers and \$40 to parking¹³⁰ in Beni.¹³¹

Counting thirteen agencies levying import taxes, this memo illustrates that the state remained intimately involved at peripheries throughout central decline, recasting the state not as external or aloof, but locally embedded (Englebert 2009).

Many of the same state agents to collect taxes and attract traders' complaints were also members of the Nande ethnic group. State institutions produced crosscutting interests that layered atop ethnic identity and social structure to shape behavior in distinct ways. Instead of the central state against “organic” forms of governance at peripheries, state affiliation provided the ability to extract from local populations, including from traders sharing close social ties with individual agents.¹³² Nande in the state sought to use official posts for gain vis-à-vis Nande in trading networks. In fact, the bulk of this business memo is geared toward exposing abuses of local, co-ethnic bureaucrats using the state as a platform for extraction. This administrative

¹²¹ Military intelligence.

¹²² Office of Hygiene, one of the four agencies formally recognized as holding the authority to monitor cross-border trade at border posts.

¹²³ Rapid Intervention Police.

¹²⁴ Office of police intelligence.

¹²⁵ Office of military intelligence.

¹²⁶ State immigration bureau (likely, the Direction Generale de Migration, DGM).

¹²⁷ The Beni-based bureau of the OFIDA customs bureau.

¹²⁸ The Butembo-based bureau of the OFIDA customs bureau.

¹²⁹ Literally translated, the “true” and “false” taxes.

¹³⁰ Here, “Parking” refers to the body that regulates transit of taxis and commercial vehicles along the Beni-Butembo road.

¹³¹ “Mémorandum du peuple Nande sur les multiples massacres et violations des droits de l'homme par Kabila et ses alliés, à Beni, à Butembo et au Kivu en général, en République Démocratique du Congo.”, Kambale Katahwa, KYAGHANDA Yira, 18 May 1998, Brussels.

¹³² Which itself could be leveraged in striking side deals with traders (Vwakyanakazi 1991).

landscape formed the backdrop of the rebellion, and became building blocks of wartime governance as the Second Congo War followed closely on the heels of the first.

War Onset: Balancing Displacement and Cooptation

At the onset of war, the Rally for Congolese Democracy (RCD) took over the Great North as part of its broader push across Congo. Lacking a direct rival in the area, it pursued a strategy of institutional cooptation.¹³³ Cracks soon grew and nascent parallel networks formed, later giving way to the RCD/K-ML. While still a parallel network in its RCD parent, commanders that formed the RCD/K-ML ran armed trafficking networks that siphoned funds from RCD leadership and displaced state institutions (see Chapter 7).¹³⁴ This first stage of war provides an opportunity to test alternative expectations that weak central rule leaves state institutions indistinct from other social linkages. Although the RCD/K-ML later shifted to cooptation and collusion as it broke from the RCD, examining its initial engagement strategy of displacement illuminates that social ties do not over-determine state engagement.

As the RCD took over, local state officials continued in their tasks, now transmitting revenue and information on economic exchange to the rebel hierarchy rather than the capital. Close knowledge of parallel exchange reinforced the importance of state institutions for rebel agendas. For instance, in key commercial centers such as Butembo, revenue collections offices transmitted reports to the RCD as early as September 1998, the month after the rebellion was launched.¹³⁵ State agents provided the armed group important details about the local economy and its lucrative cross-border trade, including information on agency personnel, and import-

¹³³ As opposed to areas of mixed influence and dispute such as Kisangani. See Chapter 7.

¹³⁴ Specifically, Kakolele Bwambale.

¹³⁵ Such as OCC “Concerne: Nos Rapports d’Activités Mois de Septembre 98,” Office Congolais de Contrôle [Letter to Monsieur le Chef du Département des Finances du R.C.D. à Goma], 29 October 1998, Butembo. In 1998-10-08.

export statistics in booming parallel markets.¹³⁶ Statistics enabled the RCD to monitor exchange from its headquarters in Goma, and daily and monthly administrative reports created a profile of trade. Administrators sent budget projections to the RCD Department of Finance, providing needed estimates of the economy.¹³⁷

Information flows in these exchanges are noteworthy. Intelligence and tax revenue followed the contours of state administrations, accruing to RCD leadership that controlled the bureaus. This point is salient in the Great North, where state agents were embedded in Nande coethnic ties with the same RCD/K-ML commanders and Butembo trading elite whose information they transmitted to the RCD. At the same time, the Nande held souring relations with a Kinyarwanda-speaking ethnic minority that dominated RCD leadership.¹³⁸ Yet, as the flow of institutional information and resources remained tied to the administrative hierarchy, state agents transmitted resources and intelligence to ethnic rivals.

Figure 5.1 illustrates this information transmission. It depicts the transfer of an excerpt of revenue reports from the *Office Congolais du Contrôle* (OCC) cross-border trade monitoring agency to the RCD's Department of Finance, based out of Goma. While the Nande had a leader represented within on the RCD leadership council at the time (Mbusa Nyamwisi), financial reports transferred instead to the head of the Department of Finance, a member of the Kinyarwanda-speaking minority who held family linkages with members of the Rwandan

¹³⁶ Coffee is one of the staple exports in the Great North.

¹³⁷ “Planning du Tresorerie 4e Trimestre 1998 Octobre-Novembre-Decembre/98” Office Congolais de Contrôle “O.C.C.” [Report transmitted to the Département des Finances de RCD], 15 October 1998, Butembo. A seven-fold increase in border traffic and twofold increase in exports over expectations. “Budget de Tresorerie Mois de Septembre 98,” Office Congolais de Contrôle “O.C.C.” 9 October 1998, Butembo. Raeymaekers (2014) likewise describes this increase.

¹³⁸ The war and the volatile political changes preceding it saw the area’s Nande demographic majority mobilize local militias against Kinyarwanda-speaking minority groups that were largely associated with the RCD hierarchy.

government.¹³⁹ Along with customs bureaus based in Beni, administrators also transmitted detailed reports tracking activities of trading elites, rebel commanders, and estimates of volumes of goods traversing the frontier.

O.C.C. OFFICE CONGOLAIS DE CONTROLE

DEPARTEMENT PROVINCIAL DU NORD / KIVU
AGENCE DE BUTEMBO

B.P. 410-BUTEMBO
Conc. C. S. A. O.
OK

Bunembo, le 29/OCTOBRE/98

A MONSIEUR LE CHEF DU DEPARTEMENT
DES FINANCES DU R.C.D A GOMA

N/R/R: A.BEO/RKK/KM/KK/5AO/98

V/R/R:

CONCERNE: NOS RAPPORTS D'ACTIVITES MOIS DE
SEPTEMBRE /98

EXCELLENCE MONSIEUR LE CHEF DE DEPARTEMENT,

Nous avons l'honneur de soumettre à votre haute autorité nos rapports d'activités comptant pour le mois de Septembre 98.

Nous vous en souhaitons bonne réception et meilleure exploitation.

Daignez agréer, Excellence Monsieur le Chef du Département, l'expression de notre très haute considération.

- POUR L'OFFICE CONGOLAIS DE CONTROLE/BUTEMBO =

LE CHEF DE SERVICE ADMIN. & FIN. : KITAMBA MULANGA C.S.A.O. IN CHIEF D'AGENCE
RATOND KAMANZI KABONGO IN CHEF DE SERVICE

CO : - DEFRONKI.

PRODUCTION : 3^e REALISATION EN CHANCES PAR ELEMENTS GENERATEURS SEP/98.

DESIGNATION	PREVISIONS		REALISATIONS		ECARTS EN %	
	PROD.BRUITE	CCA	PROD.NETTE	CCA	PROD.NETTE	CCA
- PRODUCTION LACIAIRE	1.120	1.20	110	110	110	0
- TRANSACTIONS LOCALES	37	6	31	31	31	0
- IMPORTATIONS	14.600	2.227	12.373	8.896	1.357	-59
- EXPORTATIONS	7.000	-	7.000	3.105	5.105	+56
- CONTROLE TECHNIQUE	-	-	-	-	-	-
- ANALYSE PHYSIQUE-CHIMIQUE	-	-	-	-	-	-
- CONSTATS D'AVARIES	-	-	-	-	-	-
- TRAFICS FRONTALIERS	145	22	124	1.152	1.75	+69
- STATISTIQUES	-	-	-	-	-	-
- SILS	-	-	-	-	-	-
- AUTRES PRODUCTIONS	-	-	-	-	-	-
TOTAL	21.913	2.275	19.638	13.151	11.618	-34
						-33
						-41

FAIT A BUTEMBO, LE 16/11/1998

POUR L'OFFICE CONGOLAIS DE CONTROLE
LE CHEF DE SERVICE ADMIN. & FIN. : KITAMBA MULANGA C.S.A.O.

LA CHEF D'AGENCE
RATOND KAMANZI KABONGO C.S.A.O.

CHIEF DE SERVICE

FIGURE 5.1 Excerpts of revenue reports, transmitted from the Butembo branch of the OCC (Congolese Office of Control) trade monitoring agency to the RCD Department of Finance in Goma

At first blush, compliance with armed groups may indicate that cooperation follows territorial control (Kalyvas 2006), yet institutional takeover did not simply fashion institutions

¹³⁹ At the time, Emmanuel Kamanzi was the Chief of the Department of Finance of the RCD. "Decision No 002/DPF/RCD/98 Relative au Mode de Paiement des Dettes Envers l'Etat" Département des Finances du RCD, 20 October 1998. Signed by Emmanuel Kamanzi, Chef du Département des Finances. On Kamanzi's family linkages to members of Kigali administration, via Major Dan at the Congo Desk, see the UN Panel of Experts (UNSC 2001: para. 133).

into mechanisms of rebel rule. State agents adapted strategies to different institutional challenges. Cooptation evoked administrative noncompliance as state agents sought to maintain the pockets of autonomy in the face of rebel rule that they had gained vis-à-vis the capital.¹⁴⁰ As the RCD took over, agents transmitted statistics that did not add up, reflecting a common practice in the pre-conflict Congolese (then Zairian) bureaucracy (Schatzberg 1988). They also maintained side deals with traders to pass goods at reduced rates behind the backs of rebels.¹⁴¹

Meanwhile, an emerging parallel network in the RCD built inroads in the area, constituted of Nande commanders later included in the RCD/K-ML breakaway.¹⁴² While the RCD pursued a strategy of *cooptation*, this precursor network to the RCD/K-ML pursued institutional *displacement*. They did so by working hand-in-hand with Ugandan military commanders that dominated the war economy in much of northeast Congo.¹⁴³ War saw a broader shift in the political economic environment, due in part to an uptick in foreign interests in the area, and Nande commanders capitalized on these relations to profit from trafficking.¹⁴⁴ They bypassed state institutions, sidelining prior tax structures for militarized trade.

State agents that gained from institutional continuity rather than simply profits accruing to co-ethnic commanders coped with shifting lines of control by seeking closer relations with the

¹⁴⁰ “Street-level” bureaucrats often cultivate pockets of discretion over the exercise of official state duties through a range of practices such as fudging information or misplacing file (Blundo 2006; Lipsky 1980).

¹⁴¹ “Objet: Immixtion de la FEC/Beni-Butembo dans la perception des droits d’autres et frais OCC” RCD Département du Commerce et de l’Industrie, [Letter to Monsieur le Président Provincial de la Fédération des Entreprises du Congo (FEC) in Goma], 23 June 1999, Goma. As this document illustrates, upfront payments of \$3,000 started before the RCD/K-ML split. The RCD also lost out on payments through these practices, failing to collect the full tax rates it levied on agencies including OCC and OGEFREM, the toll road tax, and the BIC tax.

¹⁴² Notably, Kakolele Bwambale. Kakolele later became a member of the Presidential Protection Unit (PPU) of RCD/K-ML President Mbusa Nyamwisi. As one local observer tightly linked with the rebellion described of Kakolele: “He was not chief of security. *Instead he was in charge of fraud, bringing coffee to Uganda.*” Personal Interview with local notable and RCD/K-ML supporter, 23 June 2011, Beni.

¹⁴³ On Uganda, see Human Rights Watch (2001), Fahey (2011), and Perrot (1999).

¹⁴⁴ Hence, despite social linkages within the Great North, the RCD/K-ML precursor built early control through armed channels that narrowly distributed profits with cross-border elite interests, rather than forging public programs to cultivate broad support. This problematizes standard expectations of the role of social linkages (Parkinson 2013; Staniland 2012; Weinstein 2007).

RCD.¹⁴⁵ Customs and immigrations officials manning the lucrative Kasindi border at the Congo-Uganda frontier gathered intelligence on the smuggling.¹⁴⁶ Meticulously documenting names of co-ethnic armed actors and Ugandan military commanders, agents in customs (OFIDA) and immigrations (DGM) bureaus noted the time and location of movements, license plates of trucks involved in the smuggling, and transmitted information to erstwhile ethnic rivals in the RCD hierarchy.¹⁴⁷ The RCD used the intelligence to inform its approach to build control in the Great North (see Chapter 7).

Noncombatants also recognized institutions as counterweights to coercion. State agents built coalitions with Beni-based traders who struggled to compete in trafficking and who were less powerful than Butembo's prominent businesses. Traders who lost out from trafficking looked to state administrations to level the playing field. State institutions could regularize exchange and mitigate commanders' use of coercion for profit, they reasoned. For instance, in early 1999, the Beni chapter of the national entrepreneurs' organization, the Federation of

¹⁴⁵ See Chapter 7 for more on this episode of institutional displacement and entrenchment.

¹⁴⁶ More specifically, Lubiria.

¹⁴⁷ As Tegera and Johnson (2007) describe this ethnic rivalry: "On a provincial level, the Congo war manifested itself in attempts by the Banyarwanda and the Nande to consolidate their hold on their respective areas of greatest influence, including control over trade routes and trade incomes. This was the background to the division of North Kivu during the war between the RCD (dominated by Banyarwanda and supported by Rwanda) in Goma with control over Goma trade and the RCD-K/ML (dominated by Nande and supported by Uganda) in Beni with control of Kasindi trade" (17). On transmissions of information to the RCD from local bureaucrats in the Grand Nord: "Rapport Circonstancie de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 18 November 1998, Kasindi ; « Rapport Circonstancie de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed a l'Attention de Monsieur l'Inspecteur Chef local de l'OFIDA Beni, in Beni], 26 November 1998, Kasindi ; "Rapport Circonstancie de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 24 December 1998, Kasindi ; Rapport de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 24 December 1998, Kasindi ; Rapport de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 30 December 1998, Kasindi ; "Rapport de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 30 December 1998, Kasindi ; « Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report Transmitted to Beni office of OFIDA], 14 January 1999, Kasindi ; « Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed to the attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni, in Beni], 15 January 1999, Kasindi.

Congolese Enterprises (FEC) catalogued activities of Ugandan military officers who “crossed customs without completing any formalities,” smuggling gold, timber, coffee, and petrol “without any papers.”¹⁴⁸ Local businesses expressed concern that Ugandans bypassed customs to sell petrol in Congo at prices that undercut their own and profited from reduced taxes across the border when smuggling Congolese coffee to Uganda.¹⁴⁹ Beni-based traders wrote to the Ugandan military to complain of undisciplined officers: “it is as if they think that our country Congo had no administration, no regularities, no law etc... Coffee, papaine, wood, gold and anything having a certain value is being exported to Uganda without legal documents and without taxes.”¹⁵⁰

For local traders sidelined from the exchange, the state apparatus provided an economic barrier to balance parallel trade. Members of FEC-Beni petitioned the immigration bureau the General Direction of Migration (DGM) to “open its eyes and be vigilant” and subject foreign actors to Congolese administrative regulations. In turn, state agents documented smuggling and transmitted information to traders and the RCD. Likewise, the president of Beni’s entrepreneurial association (FEC) denounced wood exporters that did not work with Congolese banks and reported on trucks that crossed the border “without paying a sole tax to the Congolese state.”¹⁵¹

¹⁴⁸ For instance, in the petrol sector, local traders noted that, “Ugandan businessmen make arrangements with the Ugandan military officers.” “Plainte de la FEC/Beni contre crime économique.” President de la FEC-Beni [Letter to the Conseil de Sécurité du Territoire de Beni], 20 February 1999, Beni.

¹⁴⁹ Selling coffee as “Made in Uganda.” *Ibid.*

¹⁵⁰ “To the army commandant UPDF at Beni” [Letter] Comité Café- FEC Beni. Rep. Dem. du Congo, 25 February 1999, Beni. As the letter continues: “This is a gang of smugglers who are taking coffee without processing it in our legalized factories. They dodge our ONC (the National Coffee Board) and our fiscal system. Automatically all those factories and offices are not operational. Their workers are jobless and our country is losing a lot of money which could land in the pockets of our poor population... We are not blaming all the officers present here. You are good friends of ours. We appreciate your services very much.” The letter also discusses the implication of “a well organized group of some Congolese businessmen, protected by high ranking Congolese army officers and probably by one or many politicians, is being financed from Kampala or somewhere else.”

¹⁵¹ FEC/Beni. “Plainte de la FEC/Beni contre crime économique. » [Letter to the Conseil de Sécurité du Territoire de Beni], 20 February 1999, Beni.

These interactions illustrate coalition-building processes involving the state apparatus triggered by military and economic shifts in the Great North at the onset of conflict. They demonstrate that local traders unable to compete with burgeoning trafficking looked to state institutions to regulate exchange and impose taxes. As rebels vied for economic control in a conflict predicated on military success in “the murky underworld of smuggling” (Ahram and King 2012; Andreas 2004 (quoted); Reno 2015), state institutions remained on the frontline of competition.

Institutional Cooptation: The RCD/K-ML Breakaway

Mounting tensions between foreign sponsors shifted the balance of military control within the Great North. As the RCD/K-ML broke from the RCD, the split divided the groups respectively between Ugandan and Rwandan patronage.¹⁵² (The RCD parent group remained in Goma and is often referred to as the RCD-G after the split.) Following a failed attempt to take power in Kisangani, the RCD/K-ML shifted headquarters to the Great North and Ituri districts Congo along the Ugandan border (see map, above). The breakaway provided the RCD/K-ML with a territorial stronghold and lengthened its time horizons in the Great North, shifting strategies from institutional displacement to cooptation.

State institutions had already demonstrated the utility of their surveillance functions, including their ability to turn against rebels who sidelined them and recruit support from other groups such as local traders. Meanwhile, exogenous factors also placed a premium on access to the state. Macro-historical shifts in the international system are often seen to undermine the

¹⁵² At the initial split, the RCD/K-ML was called the RCD/Kisangani, in order to reflect the town it anticipated would become its new headquarters. Although it was quickly chased out of Kisangani, it retains the Kisangani “K” until the present day, despite no direct holds in the city since 1999. The RCD/K later added the “Movement for Liberation” addendum, making its name into the RCD/K-ML.

political salience of states, particularly in conflicts such as Congo's where military competition dovetails with transnational war economies (Kaldor 2007; Keen 1998; Saleyhan 2009). Yet rebels in contemporary wars often make international recognition a core objective (Reno 2001; Uyangoda 2005, 2011).¹⁵³ Growing trends for third-party enforcement of post-conflict settlements (Walter 1997, 2004) and international involvement in proctoring power-sharing arrangements between governments and armed actors (Tull and Mehler 2005) make it increasingly important for rebels to earn recognition on the international stage. As scholars note, images of statehood and official veneers can be instrumental to this goal (Reno 2015; Tull 2003).

The political timing of the RCD/K-ML's emergence as a distinct armed group brought these considerations to the fore. As the RCD fragmented, international negotiations were underway for the 1999 Lusaka Ceasefire Agreement. The agreement brought states party to the conflict and Congolese armed groups to a ceasefire aimed (unsuccessfully) to end the conflict.¹⁵⁴ It made an emphasis on statehood explicit, calling for the "re-establishment of the state administration over the territory of the Democratic Republic of Congo."¹⁵⁵ It recognized rebels'

¹⁵³ And as Reno (2001) shows, sovereignty is a key goal for rebels: while subverting government, rebels maintain linkages to the capital and formal institutions. For instance, Laurent Kabila in Zaire and the Revolutionary United Front in Sierra Leone aimed at control of the state, not just of trading networks and economic lucrative patterns of exchange. This demonstrates that "international recognition of sovereignty offers material and political advantages to insurgents that exceed the resources that come with *de facto* control over a specific territory" (203). Moreover, the NPLF in Liberia bedecked itself in a similar image: the NPLF leader "Taylor still wanted to convince diplomats and other outsiders that he ought to be recognized as the sovereign ruler. This ambition was reflected in *The Patriot*, a Gbarnga-based journal that carried advertisements hailing "His Excellency, President Charles Taylor" on the occasion of the anniversary of Liberia's independence... Moreover, Taylor called himself "president" in his correspondence" (Reno 2015). Reno (2015) and Sarvananthan (2007) point out that these images have questionable bearing on the quality of governance for civilians in the rebel territory. This is a common goal across armed groups, as Uyangoda (2011) notes in Sri Lanka. Uyangoda expresses the importance to the LTTE of appearing state-like: "The LTTE did not consider itself a mere 'non-state actor' in Sri Lanka's conflict or the peace process. The LTTE's self-representation during the 2002-2003 peace process was that it was representing a 'regional state' of the 'Tamil nation' or a 'state in the making.' The LTTE expected the Sri Lankan state as well as the international community to acknowledge this claim and accord it a status of equality with the Sri Lankan state" (30).

¹⁵⁴ States signing included Uganda, Rwanda, the DRC, Angola, Burundi, Zimbabwe, and Namibia.

¹⁵⁵ "Annex: Ceasefire Agreement" In *Letter Dated 28 July 1999 from the Permanent Representative of Zambia to the United Nations Addressed to the President of the Security Council*. S/1999/815.

jurisdictions as official ceasefire lines and placed signatories on equal footing with the government.¹⁵⁶ As Tull (2003) notes, the RCD-G benefited from its institutional cooptation to bolster its state-like image during negotiations, earning an equivalent political standing with the capital once it eventually signed.¹⁵⁷

Uganda sought a similar image for its proxies. Days after Uganda signed the ceasefire, it responded to the accord's appeal for the "reestablishment of the state administration" by calling its proxy groups to a little-known meeting to do just that. At the time, the burgeoning RCD/K-ML was one of two proxies that Uganda sponsored in Congo, alongside the *Mouvement pour la Libération du Congo* (Movement for the Liberation of Congo, MLC). Ugandan military officers and Congolese proxies hashed out an agreement to build their image of statehood.¹⁵⁸ Signed by the heads of these rebel groups, along with high-ranking Ugandan military commanders, the agreement integrated state administrations into rebel governance by formulating a plan to coopt state institutions and distribute public revenue between its proxies.¹⁵⁹ Specifically, the inter-rebel accord partitioned rights to "fiscal revenue, customs duties and non-fiscal sources of revenue" across Ugandan-held "liberated" territory in Congo.¹⁶⁰ As the agreement, depicted in part in Figure 5.2, read :

¹⁵⁵ The MLC signed the Lusaka Ceasefire Agreement August 1, 1999, Chapter 6.

¹⁵⁶ "Annex: Ceasefire Agreement" In *Letter Dated 28 July 1999 from the Permanent Representative of Zambia to the United Nations Addressed to the President of the Security Council*. S/1999/815. Heads of state signed a draft accord on July 11, 1999 (Prunier 2009: 225).

¹⁵⁷ The RCD-G signed the accord on August 31 (Prunier 1999).

¹⁵⁸ The RCD/K-ML was not permitted to sign. "Protocole d'Accord," signed between Jean Pierre Bemba of the Mouvement pour la Libération du Congo and Ernest Wamba dia Wamba of the Rassemblement Congolais pour la Démocratie," 30 July 1999, Dar Es Salaam, Tanzania. The UN Panel of Experts (2002) describe these individuals as belonging to the "elite network" of Ugandan interests. Para 98.

¹⁵⁹ Signing for the MLC, Jean-Pierre Bemba. For the RCD/K-ML, Wamba-dia-Wamba. This occurred one month before the MLC signed the Lusaka Agreement

¹⁶⁰ "Protocole d'Accord," signed between Jean Pierre Bemba of the Mouvement pour la Libération du Congo and Ernest Wamba dia Wamba of the Rassemblement Congolais pour la Démocratie," 30 July 1999, Dar Es Salaam, Tanzania. Witnesses included UPDF Brig. Gen. Kazini, Maj. Mayombo, Col. Otafire, and Amb. Marwa.

Protocole d'Accord

Between the Rally for Congolese Democracy, RCD in abbreviation, represented by Ernest Wamba dia Wamba, president of one part,¹⁶¹ and

The Movement for the Liberation of Congo, MLC in abbreviation, represented by Jean-Pierre Bemba, chairman, for the other part: (...)

Considering the will of the Parties to proceed with an equitable and amiable sharing of public resources with a view to reinforce the administrative and military management of the liberated territories... Considering the imperious necessity to maximize, in the entirety of the liberated territories, the mobilization of public revenue (...)

Article 1. A mechanism will be put in place to determine the needs and assure an equitable sharing of fiscal revenue, customs, and non-fiscal revenue. (...)

Article 3. ... looking to implement this sharing of public resources, the Parties commit to immediately dismantle all the parallel circuits in the collection of State revenue. In the liberated territory, all the fiscal revenue, customs dues, and non-fiscal revenue mobilized by financial agencies, such as the Office of Customs and Excise Taxes (OFIDA), the General Direction of Contributions (DGC) and the General Direction of Administrative and State-Owned Revenue (DGRAD), will be deposited in the Account of General Treasury. (...)¹⁶²

Article 6. Put in place the mechanisms of control and the supervision of the financial agencies, OFIDA, DGC, DGRAD, aiming for their re-dynamization. Propose all necessary measures for the maximization of revenue, ensure the supervision of expenditures, dam up fiscal and customs fraud and eradicate corruption in the entirety of the occupied territories. (...)¹⁶³

The agreement reflected core attributes of cooptation. It aligned rebel interests with an ongoing role for the state apparatus by converting institutions to revenue-generation tools for

¹⁶¹ At the initial stage of the breakaway, Uganda continued to refer to the RCD/K-ML as simply the “RCD,” representing an attempt to continue to control the RCD brand, although the wing under Wamba-dia-Wamba’s control had already broken from the RCD parent group under Rwandan support. Wamba was in dispute with Emile Ilunga for the head of the RCD. Only Wamba’s faction (becoming the RCD/K-ML) signed the Ugandan-brokered accord with the MLC.

¹⁶² *Office des Douanes et Accises* (OFIDA), *la Direction Générale des Contributions* (DGC) et *la Direction Générale des Recettes Administratives et Domestiques* (DGRAD).

¹⁶³ “Protocole d’Accord,” signed between Jean Pierre Bemba of the Mouvement pour la Libération du Congo and Ernest Wamba dia Wamba of the Rassemblement Congolais pour la Démocratie,” 30 July 1999, Dar Es Salaam, Tanzania. Accompanying the protocol as Witnesses included UPDF Brig. Gen. Kazini, Maj. Mayombo, Col. Otafire, and Amb. Marwa.

rebel's own ends (also requiring state institutions to generate enough revenue to cover their expenses and salaries, to be transmitted as reimbursements from rebel coffers).¹⁶⁴ As the accord stipulated, state resources would support rebels by funding "training and instruction, equipment and logistics as well as the operations aimed at the supervision of military forces." The language of the agreement reflects expectations of long-term institutional control. It addressed common problems in transforming the state apparatus into a source of fiscal gain, including calls to dismantle "parallel circuits" and to "dam up" fraud to cut out side deals and place fiscal exchange under rebel control.

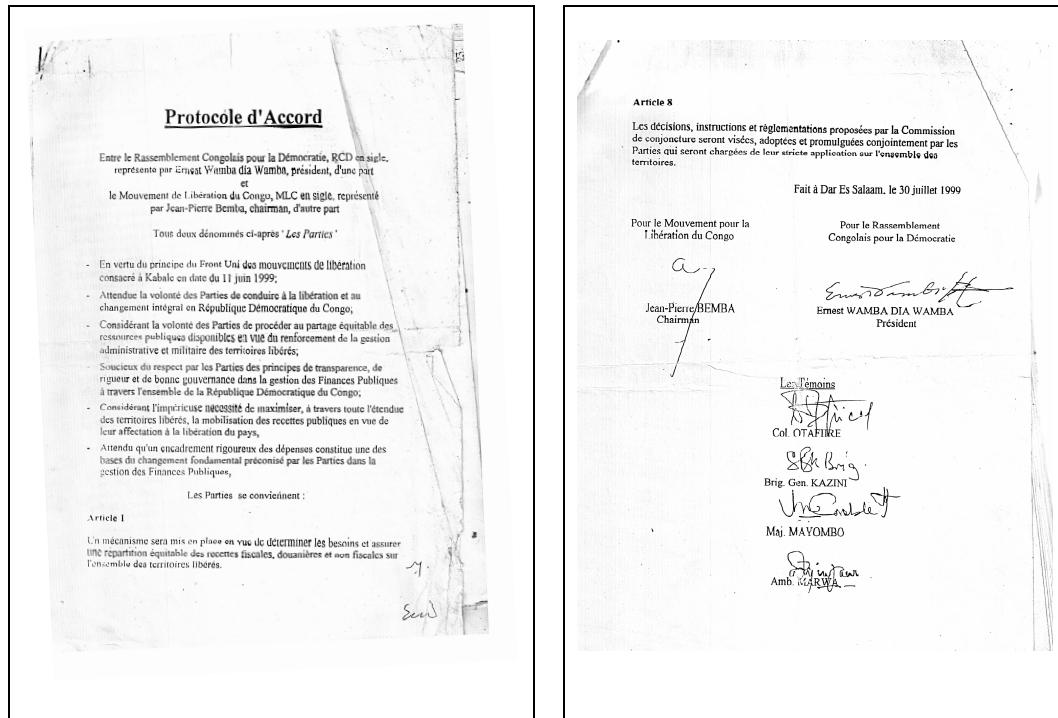


FIGURE 5.2
*Protocol
d'Accord
between RCD
and MLC,
signed by
Ugandan
officers
(p. 1 and 4 only)*

¹⁶⁴ Under the agreement, rebels would reserve a proportion of monthly revenue generated by state agencies to pay bureaucratic salaries, bank fees, and daily administrative expenses. The terms stipulated that this transfer would not exceed 15%. The construction of the FLC merger in 2001 was the culmination of this power sharing agreement between the two groups. It is of note that Rwanda made similar overtures to bureaucratic endurance in Congo. Although evidence is not viable to differentiate Kisangani specifically from other holdings, printed administrative receipts and official forms in Kigali, for delivery to bureaucrats in Congo. Moreover, its own revenue "oversight" agency to train and work with its Congolese counterpart, the Congolese Control Authority (*Office Congolais de Contrôle*, OCC) active in monitoring cross-border transactions.

The accord cultivated an image of statehood and an eased platform for international recognition. The MLC signed the internationally-proctored Lusaka ceasefire two days after it signed this agreement brokered by Uganda.¹⁶⁵ Institutional cooptation would also enable Uganda to maintain influence in Congo through less detectable channels to match its own need for outward compliance with the ceasefire. Uganda's continued use of front companies to extract from Congo reflected a similar aim (Fahey 2011; UNSC 2001), along with its appointments of hand-picked leaders to state administrations in Ituri (UNSC 2001).¹⁶⁶

The RCD/K-ML also pursued cooptation on its own terms, using the state apparatus to build influence. It relied on a spectrum of state agencies to collect taxes and monitor economic exchange, particularly on customs revenue generated from cross-border trade.¹⁶⁷ As one member of the Butembo-based trading elite recounted, “there was a whole administration, with export taxes and customs.”¹⁶⁸ Branches of the state apparatus such as the customs bureau (OFIDA), migration agency (DGM) and import-export monitoring agencies (OCC) operated alongside the office of state-owned revenue (DGRAD) and Direction General of Contributions tax agency (DGC). Hence, as one cadre member described, “power structures remained the same, during, before and after in *Mobutuisme*.¹⁶⁹ As a local businessman recalled rebels’ reliance on the state:

the same administration [continued] as before the war under Mobutu, but changed the name on the receipt when businesses were paying taxes. Taxes had the same name.

¹⁶⁵ The RCD/K-ML, or the RCD branch under Wamba, was not permitted to sign. Prunier (2009: 225) notes that MLC President Bemba refused to sign the Lusaka ceasefire until the two branches of the RCD did. In this sense, the Ugandan-brokered accord can also be seen as an attempt to reconcile the RCD of Wamba and the MLC to convince the MLC to sign the Lusaka ceasefire. In July, the negotiators of the ceasefire agreement had agreed that Wamba of the RCD/K-ML faction could sign, but the RCD/K-ML ultimately did not (*ibid*).

¹⁶⁶ For instance, the same month, Kazini instructed the MLC to recognize the monopoly of trading company (Victoria) in their territory Victoria Group was important source of taxes for MLC.

¹⁶⁷ In this sense, it is not the structure of the economy that determined governance. Le Billion (2001) argues that political geography and rebel groups close to borders discount populations and take up predatory exchange. As the RCD/K-ML demonstrates, this exchange does not preclude institutions.

¹⁶⁸ Interview with Nande Trader, ets. tsongo, 27 June 2011, Butembo.

¹⁶⁹ Interview with former RCD/K-ML cadre member, 9 June 2011, Beni.

There was an official relationship between the businesses and the administration as if it were a state.¹⁷⁰

One particularly strategic vehicle for these exchanges was the largest revenue collections agency in Congo: the Office of Customs and Excise Taxes (OFIDA).¹⁷¹ The RCD/K-ML installed relatives of rebel leadership at OFIDA (Tegera and Johnson 2007). Mbusa Nyamwisi headed the RCD/K-ML branch in the Great North (as an RCD/K-ML Vice President, at the time). As one RCD/K-ML cadre member explained of OFIDA, “[Mbusa] worked with the administration in place. He added some members of the RCD/K-ML to be his spies and to ensure the loyalty of others.”¹⁷² In this manner, the RCD/K-ML reflected basic principles of cooptation, using institutions to rule and installing basic reforms to reshape institutions to rebel ends.

Pathway from Cooptation Collusion: Forging a State-Rebel Coalition

Cooptation shifted to collusion as challenges to the RCD/K-ML created inroads for state agents to exercise a greater role in directing economic exchange. Two mutual sets of challengers contributed to state-rebel coalition building, syncing interests between violent networks and official institutions. One of these stemmed from uneasy support from Uganda, which promoted rival armed groups and internal fissures within the RCD/K-ML. A second reflected the RCD/K-ML’s ambivalent relations with Butembo’s trading elite. These challenges also constituted threats to institutional survival of state agents and contributed to a growing collusion with rebels.

Mutual Power Imbalances

¹⁷⁰ Interview with local businessperson, 22 June 2011, Beni.

¹⁷¹ Interview with local businessperson, 22 June 2011, Beni

¹⁷² At the time, the RCD/K-ML President was Mbusa Nyamwisi. Interview with RCD/K-ML cadre member, 22 January 2016, Butembo.

Along the first dimension of challenge, Ugandan support for the RCD/K-ML proved unsteady. The RCD/K-ML played second string to Uganda's larger and more powerful proxy, the MLC in northwestern Congo. Consequences of this junior role grew evident from the group's inaugural days. For instance, the 1999 agreement signed between the two (Figure 5.2, above) joined them in an overall framework of institutional cooptation, yet it granted a privileged position to the MLC. Under Ugandan brokerage, the agreement channeled 70% of state earnings to the MLC, compared with only 30% to the RCD/K-ML.¹⁷³ And yet, the important cross-border exchange in the Great North made RCD/K-ML territory the more lucrative area. The accord threatened to funnel state resources away from the RCD/K-ML toward the MLC. Moreover, Uganda signaled its intent to join its proxies.¹⁷⁴ When this unfolded briefly two years later in 2001, Uganda placed the MLC leader at the head of the merger and downgraded the RCD/K-ML President to a secondary role.

The Great North branch of the RCD/K-ML found itself at the short end of the stick in internal dealings with Uganda. At its creation, the group operated from a dual command structure, with one administration based in Beni town (Great North of North Kivu Province) and a second run out of Bunia (Ituri district) (see map, above).¹⁷⁵ This arrangement originally designated two Vice Presidents, Mbusa Nyamwisi (Beni) and John Tibasima (Bunia), to run the respective administrations. Both struggled to build power against the group's president, Wamba-dia-Wamba, leading to his subsequent ouster. As Mbusa claimed the RCD/K-ML presidency in

¹⁷³ "Protocole d'Accord," signed between Jean Pierre Bemba of the Mouvement pour la Libération du Congo and Ernest Wamba dia Wamba of the Rassemblement Congolais pour la Démocratie," 30 July 1999, Dar Es Salaam, Tanzania.

¹⁷⁴ "Protocole d'Accord," signed between Jean Pierre Bemba of the Mouvement pour la Libération du Congo and Ernest Wamba dia Wamba of the Rassemblement Congolais pour la Démocratie," 30 July 1999, Dar Es Salaam, Tanzania.

¹⁷⁵ Beni is the name of the primary administrative center and town, located in Beni territory also by the same name.

2000, he faced a growing threat from the group's Ituri branch. Ugandan backers and military commanders worked closely with this Ituri faction in their financial dealings,¹⁷⁶ which faction subsequently drove the RCD/K-ML out of Ituri in August 2002.¹⁷⁷

Ambivalent backing from Uganda and internal strife within the RCD/K-ML refocused its Great North leader, Mbusa Nyamwisi, on building reliable local support. Meanwhile, Uganda's militarized trade constituted a standing threat to state agents. As one memo explained, trafficking networks of Ugandan commanders eclipsed Congolese state institutions: "since in Uganda the import taxes are too expensive, they forge documents in the name of the DRC with the complicity of Ugandan customs officers."¹⁷⁸ State agents had already demonstrated the utility of their surveillance function in the parallel economy, having transmitted information to a rival rebel hierarchy to seek protection against displacement.¹⁷⁹ A memo from the OFIDA customs bureau exemplifies these practices, informing the RCD that: "an officer of Ugandan military intelligence, crossed the Ugandan border and facilitated the fraudulent entry of his

¹⁷⁶ For instance, as Uganda set up front companies across northeastern Congo, Fahey (2011) noted of one of the key companies, that it: "was profiting from Uganda-Congo trade, including the trade in Ituri's gold, but it was not clear if this was benefiting the RCD-ML group (as it was supposedly intended to do), or simply benefiting Tibasima, other Hema businessmen in Ituri, and Ugandan officers" (126). Specifically, Trinity. Citing UNSC (2002: paras. 120-121). Uganda's interference also militarized these ethnic and economic divisions between these two branches, enmeshed in inter-ethnic economic competition pitting Hema-Gegere traders in Ituri against Nande businessmen in the Great North. A growing faction within the group, known as the Union of Congolese Patriots (UPC), formed in Ituri (Tamm 2013). During this time, the RCD/K-ML and Nande traders "were progressively threatened by the commercial-military alliance that developed between UPDF General James Kazini, the UPC...and the competing [Hema]-Gegere traders" (Raeymaekers 2004: 66). As Raeymaekers (2004) continues, "the tacit cooperation between the RCD-ML leadership and certain Nande businessmen started to represent interesting similarities with the pre-war period, when Nande entrepreneurs used their relationships with predatory state officials to maintain their stake in the region's trans-border trade networks" (66). At this point, Thomas Lubanga was the head of the UPC. Kazini was one of signatories of the earlier agreement between the RCD/K-ML and MLC to divide power over state administrations.

¹⁷⁷ At this point, the UPC had emerged as its own armed group. The RCD/K-ML coped with its rocky relations by shifting allegiance to Congo's president in Kinshasa

¹⁷⁸ "Plainte de la FEC/Beni contre crime économique. » [Letter to the Conseil de Sécurité du Territoire de Beni], 20 February 1999, Beni.

¹⁷⁹ Chapter 7, Entrenchment, examines this process in further depth.

merchandise onto Congolese soil, leaving OFIDA and the police commander stupefied.”¹⁸⁰

Hence, Uganda formed an area of overlapping interests between rebel and state interests, while reporting and intricate knowledge of parallel economies made state agents important collaborators for rebels.¹⁸¹

A second dimension of challenge rose from the powerful trading elite based in Butembo. For many observers, these Nande traders formed the lifeblood of the RCD/K-ML (Johnson and Tegera 2007; Kabamba 2013; Raeymaekers 2014, 2007, 2004). RCD/K-ML President Mbusa Nyamwisi was well positioned to tap into his social ties with traders to mobilize resources and build a political following. He benefited from his family’s stature as local political heavyweights and relied on these traders to transport needed goods and personnel on behalf of the rebellion.

Yet, social ties represented only one dimension of identity.¹⁸² On the one hand, traders’ linkages with Mbusa enabled protection deals and payment schemes (Raeymaekers 2014). On the other, businesses searched to safeguard their interests against rebel encroachment and extortion (*ibid*). To this latter end, some sponsored local militias, known as Mayi-Mayi, that openly clashed with the RCD/K-ML. As one combatant described, “Mayi-Mayi from Butembo came to sensitize us against the RCD/K-ML.”¹⁸³ This Butembo-based trading elite also drew support from a powerful backer based in the same town—the Catholic Church, which holds considerable political influence and social sway in Congo. As one RCD/K-ML cadre member described, the Church’s alleged support for Mayi-Mayi militias and the trading elite made it into

¹⁸⁰ 1999-03-05 – RCDG – DFBP – Illicit

¹⁸¹ RCD/K-ML commanders continued to collaborate with Uganda throughout the course of the conflict.

¹⁸² Standard theories of rebel governance expect that social ties with well-organized noncombatant base should enable rebels to build cohesive organizations (Parkinson 2013). The RCD/K-ML is often portrayed as simply an extension or even a weaker partner to Butembo’s powerful traders. For instance, as Tegera and Johnson (2007) described the RCD/K-ML “the rebellion was basically created by the local traders to protect their own interests, it was natural that such a system should emerge; it corresponded to the flourishing system of unrecorded trade which had already characterized the economy of the region during the time of the Mobutu dictatorship” (64).

¹⁸³ Personal Interview with former RCD/K-ML officer, 12 January 2016, Beni.

the “biggest local security threat” facing the armed group.¹⁸⁴ With these powerful interests based in neighboring Butembo, the RCD/K-ML’s ascendency in its headquarters in Beni provoked what one member described as a “battle of leadership” between the towns.¹⁸⁵ The powerful financial elite comprised mixed threats and opportunities for rebels and state agents alike, and a state-rebel coalition helped to increase predictable returns for both.¹⁸⁶

Moreover, civilian authorities saw war as an opportunity to redefine access to the state, placing state institutions as key objects of political competition. A growing push among Beni’s leaders emerged 1999 to restore their state access, in part to use institutions to balance Butembo’s commercial prominence.¹⁸⁷ Posts under dispute spanned customs bureaus and town administrations. As one community leader explained, “all the administrative posts were occupied by the diaspora of Butembo,”¹⁸⁸ so local leaders “started to reclaim these posts, even during the rebellion, for the original population of Beni.”¹⁸⁹ These movements aimed to preserve state authority as a vehicle of legalized extraction and institutional lever of control in a burgeoning war economy, as well as to ensure local access to wield this resource. For the RCD/K-ML, shoring up the state apparatus provided a means to strengthen taxation. For state agents in turn, collaboration provided a means to bolster state institutions as vehicles of legalized extraction.

¹⁸⁴ Personal Interview with local businessperson, 26 June 2011, Butembo. Mbusa Nyamwisi played several double games. While benefiting from Uganda, he was a close ally of the anti-Ugandan insurgency, the Allied Democratic Forces/National Army for the Liberation of Uganda (Congo Research Group 2017). He also included many high-ranking commanders from Butembo and Catholics in his administration. Lines of social division formed points of tension that shaped rebel strategy in some way but were smoothed over or overlooked to promote other goals as needed. Personal Interview with local notable and RCD/K-ML supporter, 23 June 2011, Beni.

¹⁸⁵ Divided local traders, including in Butembo: Interview with RCD/K-ML cadre member, 19 June 2011 Beni; Interview with local civil society member, 28 June 2011, Beni.

¹⁸⁶ Interview with RCD/K-ML cadre member, 19 June 2011, Beni.

¹⁸⁷ The search for power corresponded with Beni’s reputation as an administrative center, distinguished from Butembo’s commercial prominence. It also responded directly to what it perceived as the threat of the Catholic Church in Beni, which changed its name to foreground Butembo during the war. Personal Interview with former combatant, 24 December 2015, Beni.

¹⁸⁸ Interview with community leader and former customs official, Beni, 9 January 2016.

¹⁸⁹ Personal interview with former RCD/K-ML supporter, 27 February 2016, Beni.

Collusion: Building State Authority and “Institutionalizing Fraud”

Cooptation shifted to collusion as the RCD/K-ML garnered support of state agents by extending their influence within parallel markets. First, RCD/K-ML expanded the state administration, performing a role often reserved for central rulers by building layers of bureaucracy. Building on efforts to bolster local access to the state, rebel leadership redesigned state administrations to build its own political power. As one of the first orders of business, rebel president Mbusa Nyamwisi upgraded Beni and neighboring Butembo from towns (*cité*) to cities (*ville*) in 1999 (Mwanawavene 2010).¹⁹⁰ Following Congolese law, the decree created new administrative positions reflecting this upgraded status. For instance, the decree created new *bourgemestre* positions mandated for Congolese cities, and the RCD/K-ML arranged elections to fill the positions.¹⁹¹ Creating offices and embedding them within the formal apparatus expanded the range of state agents and enabled them to invoke official authority to tax populations, creating forms of self-pay.¹⁹² Since new administrators owed their posts to RCD-K/ML decrees, acting in their roles as new state agents implicitly promoted rebel authority. These synergies provide a first step toward eroding boundaries between state and rebel organizations.¹⁹³ At the end of war, the capital recognized the decree and officially accepted Beni and Butembo’s upgraded status as cities, reinforcing what was seen as the armed group’s ability to reshape institutions.¹⁹⁴

¹⁹⁰ Beni’s sister city, Butembo, in Lubero territory, was also promoted from a *cité* to a *ville* under RCD-K/ML leadership. Personal Interview with RCD/K-ML political cadre member, 22 June 2013, Beni.

¹⁹¹ Interview with local *bourgemestre*, 11 July 2013, Beni.

¹⁹² Although certain members maintain that base levels of salaries were paid. As one cadre member described of the ability to use positions, it allowed new appointees to “make their way in their own small kingdoms.” Cite interview

¹⁹³ Personal Interview, Beni, 19 June 2011.

¹⁹⁴ One cadre member described this in more general terms, “the central government accepted even the administrative acts [of the RCD/K-ML… the acts that the rebels proposed must be considered by the government.” Interview with RCD/K-ML cadre member and former mayor of Beni, 4 July 2011, Beni (North Kivu).

Alongside this decision, the RCD/K-ML fit the rebel administration to the state apparatus by building its internal organization in a way that mimicked official posts not yet installed in Beni (rather than replicating or displacing preexisting ones, as the RCD-G did to the south).¹⁹⁵ For instance, the RCD/K-ML declared the Great North a “Province,” installing a Governor and Commissariat of Finance and Budget. Doing so mirrored positions in provincial and national administrations. Upgrading the status of the Great North by declaring it a “province” in turn implicitly promoted state agents to working in a provincial capital, creating mechanisms of support for the group.

A second core characteristic of state-rebel collusion unfolded as the RCD/K-ML not only expanded the administrative layers of the state, but also extended state influence in parallel markets. One arena in which this was evident was rebel taxation, in which the RCD/K-ML adopted administrators’ preexisting parallel deals as the official structure of its economy. The RCD/K-ML often promulgated taxes and issued exemptions through official channels¹⁹⁶ and collected revenue through the formal banking system.¹⁹⁷

A tool of fiscal evasion known as *prefinancing* crowned the strategy.¹⁹⁸ Born of mutual benefit to state agents and smugglers over the protracted period of state decline, prefinancing

¹⁹⁵ In contrast to the RCD-G’s strategy of cooptation that created similar branches, but in an area (Goma, a provincial capital) where they were already present, duplicating rather than complementing state posts.

¹⁹⁶ “Objet: Taxe conjoncturelle sur les importations et le traffic aérien” Cabinet of the Governor of North “Province” [Letter to the Provincial Inspector of OFIDA/North Kivu in Beni and the Responsables of Air Companies in the Province of North Kivu], 3 November 2000, Beni. The RCD/K-ML declared the Grand Nord its own province. The governor under the RCD/K-ML, Bwanakawa Masumbuko Nyonyi, is the current mayor of Beni town.

¹⁹⁷ This does not imply that all transactions passed through bank, but that the armed group systematically used official banks in its resource management systems.

¹⁹⁸ For example, standard practice of IPMEA in Ituri. ; During Mobutu: . 1 October 2013, Bunia. This is one form of an array of practices to pass goods at lower costs. As Tegera and Johnson (2007) explain: “In general, it can be said that anybody who should be paying any kind of tax has the option to come to a private arrangement with the person collecting the tax instead, whereby they agree to reduce or annul the tax levy and share the profits. Import and export fraud mainly involves systematic undervaluation of goods in order to pay less, or even being escorted by

developed as a means to under-declare goods and collect upfront side payments. Rather than apply differential tax rates to imported or exported merchandise as official regulations stipulated, evaluations under prefinancing ran via lump-sum taxation, applying a single price to a container of goods regardless of its content.¹⁹⁹ These practices allowed state agents and smugglers to profit from evaded taxes. They provided traders legal documents and authorizations needed to pass goods on international markets and transport goods in neighboring countries.²⁰⁰ Upfront, reduced payments provided smugglers an effective *carte blanche* to transit goods and quantities that deviated from official records. In turn, state agents benefited from under-declaring trade by pocketing differences in payments owed, earning predictable rents from business partners and becoming gatekeepers of exchange with a close knowledge of parallel economies.²⁰¹

paid military in order to bypass civilian customs services altogether. Entire containers of goods can thus pass without leaving any official trace. Networks of political and military authorities can force state agents to let goods through without registration, and agents who know the law can manipulate it in favour of certain traders against payment. Each operation of informal trade involves “informal earnings” for all parties concerned. As these informal earnings are not passed on to the state but pocketed or shared by the agents involved, this prospect provides an incentive for state agents to allow, encourage or even demand the bypassing of the law by the trader and thus systematic fraud” (33). In this scenario, “Legal and illegal trade coexist within the same economic sphere in which there is no clear demarcation between formal and informal sector either.... thus typically smuggling in North Kivu involves not too few state actors (and thus a lack of control), but too many, some whom are earning money simply by being there when they shouldn’t.” (34).

¹⁹⁹ This is also known as *forfaitaire* evaluation.

²⁰⁰ It reflected one means by which state agents adapted institutions to changing circumstances to maintain day-to-day applications for state authority in local economies while increasing autonomy from the capital.

²⁰¹ These efforts followed the close relationship of competition and negotiation developed over the pre-conflict period also positioned state institutions within parallel exchange to access international markets at reduced rates (Vwakyanakazi 1991). By contrast, Raeymaekers emphasizes how traders skirt OFIDA, rather than work alongside it. As he writes: “Transporters use several tricks to cheat agents from the Office Congolais de Contrôle (OCC) and Office de Douanes et Accises (OFIDA). For example, some fuel trans-porters place metal strips in the measurement tanks to minimize the content. Another trick is to transfer fuel and other goods from big trucks to smaller boxes that are then loaded on different trucks (a practice known as *mixage* or *pele mele*), which makes it more difficult to control exact volumes. A strategy commonly used by importing businessmen is to unload trucks in Uganda and pay porters to carry the merchandise over the river illegally. Working in groups, these porters work collectively to avoid pay-offs to controlling officials (for example, by distracting them while leaving their friends a free passage in the meantime), while they assume the personal risk of getting caught individually. Peasants who carry their food and cash crops over the border sometimes use the same tactic towards the hygiene department and migration officers who officially tolerate their traffic in return for a *jeton*: the entry fee to access the cross-border market: Observations, Kasindi, October 2006 and January 2008.” (36, footnote 12).

In the pre-war period, this practice siphoned funds from national treasuries, spurring concern from the capital. One of the primary agencies applying these evasion practices were local branches of the most lucrative revenue-generating body in Congo, Office of Customs and Excise Taxes (OFIDA).²⁰² In the waning days of President Mobutu's tenure, the head of the national OFIDA bureau instructed agents in eastern Congo to end these systematic side deals.²⁰³ It declared a “fight against the fraud by the under-declaration of value and by the practice of *forfaitaire* [upfront, lump-sum] evaluation.”²⁰⁴

War threatened these deals. First, Uganda threatened to cut out this means of exchange by relying on Ugandan agents to launder authorizations. Second, the RCD parent group’s strategy of cooptation also threatened to clamp down on these fiscal evasion practices to streamline revenue flows to its hierarchy. The group sought to convert state institutions into tools for rebel rule. When the RCD gained control of the Great North, it documented these prefinancing practices. To reinforce its control, the RCD cracked down on prefinancing and threatened to restrict commerce in the Great North if it continued, seeking to install revenue streams that were easier for the armed group to monitor and control.²⁰⁵ As the head of the RCD’s Department of Commerce and Industry described of prefinancing:

²⁰² Although evidence suggests prefinancing was more generalized. For instance, the use of prefinancing by a range of state agencies including IPMEA, DGC, and OCC throughout the war across different rebel territory suggests that these practices may have been in broader application prior to the outbreak of war.

²⁰³ “Concernre: Mise à jour et harmonisation de la list des prix moyens de référence (valeurs FOB minimales)” [Memo à l’attention de Monsieur le Président-Délégué Général a.i.] Office des Douanes et Accises, Département Technique, 28 March 1996, Kinshasa. These problems included “la fraude par minorations de valeur et par la pratique de l’évaluation forfaitaire” [prefinancing]. The memo explicitly noted its concern for imports in to South Kivu, North Kivu, and Haut-Zaire (Orientale Province).

²⁰⁴ Raeymakers (2014) describes the evolution of one intention of this practice in the Great North over the course of the Second Congo War.

²⁰⁵ Specifically, warning FEC-Beni and FEC-Butembo. This was part of a heavy-handed approach characteristic of cooptation. FEC-Beni petitioned RCD authorities to lower taxes for commodities such as coffee, papine, and sawn timber in order to cut out price differentials that proved a boon to armed smugglers and threatened local businesses’

[this] illegal behavior leads to an enormous profit loss for the [rebel] State.²⁰⁶ An upfront payment of \$3,000 is withheld per container without taking into consideration either the capacity of the container, the value there within, the quality or even the type of the merchandise transported.²⁰⁷

Cooptation transferred administrative noncompliance to RCD systems of control, with its Department of Finance, rather than the capital, now decrying the “unknown destination” of public funds.²⁰⁸

As the RCD/K-ML built control in the Great North, it reversed this position, adopting prefinancing as its official means of mobilizing revenue. As one cadre member explained, the armed group built its economic base and political control by “institutionalizing fraud.”²⁰⁹ The RCD/K-ML regularized tools of fiscal evasion as the group’s accepted form of revenue generation. It passed taxation through the state apparatus. Rather than cut out prefinancing or restricting agents’ ability to exercise authority, the RCD/K-ML made these deals more profitable and brought them new heights.

Figure 5.3 illustrates the institutionalization of prefinancing. Struck directly between a local trader and the RCD/K-ML’s Commissariat of Finance and Budget, it illustrates that rebels obliged traders to pass contributions through state institutions. The agreement mentions particularly the General Direction of Contributions (DGC) state revenue collections agency. Although this agreement was signed between one trader and the armed group (as described in

ability to compete. “Plainte de la FEC/Beni contre crime économique.» [Letter to the Conseil de Sécurité du Territoire de Beni], 20 February 1999, Beni.

²⁰⁶ The RCD-G often referred to itself as the State in its correspondence.

²⁰⁷ “Objet: Immixtion de la FEC/Beni-Butembo dans la perception des droits d’autres et frais OCC” RCD Département du Commerce et de l’Industrie, [Letter to Monsieur le Président Provincial de la Fédération des Entreprises du Congo (FEC) in Goma], 23 June 1999, Goma. As this document illustrates, upfront payments of \$3,000 started before the RCD/K-ML split. The RCD also lost out on payments through these practices, failing to collect the full tax rates it levied on agencies including OCC and OGEFREM, the toll road tax, and the BIC tax.

²⁰⁸ *Ibid.*

²⁰⁹ Personal Interview with RCD/K-ML cadre member, 22 January 2016, Butembo (North Kivu); Interview with community leader, 9 January 2016, Beni (North Kivu). By contrast, Raeymaekers (2014) portrays this as a “parallel bureaucracy” (104)

covering letter prefacing it), the form illustrates that the prefinancing agreement was a *template*: it makes no reference to the particular firm. This omission suggests that prefinancing system was institutionalized to a point that rebels used a *generic* form to sign their agreements, rather than tailored to specific individuals as is often the case of side deals. Likewise, Raeymaekers (2014) notes the growing institutionalization of the RCD/K-ML's protection deals with Butembo-based traders.

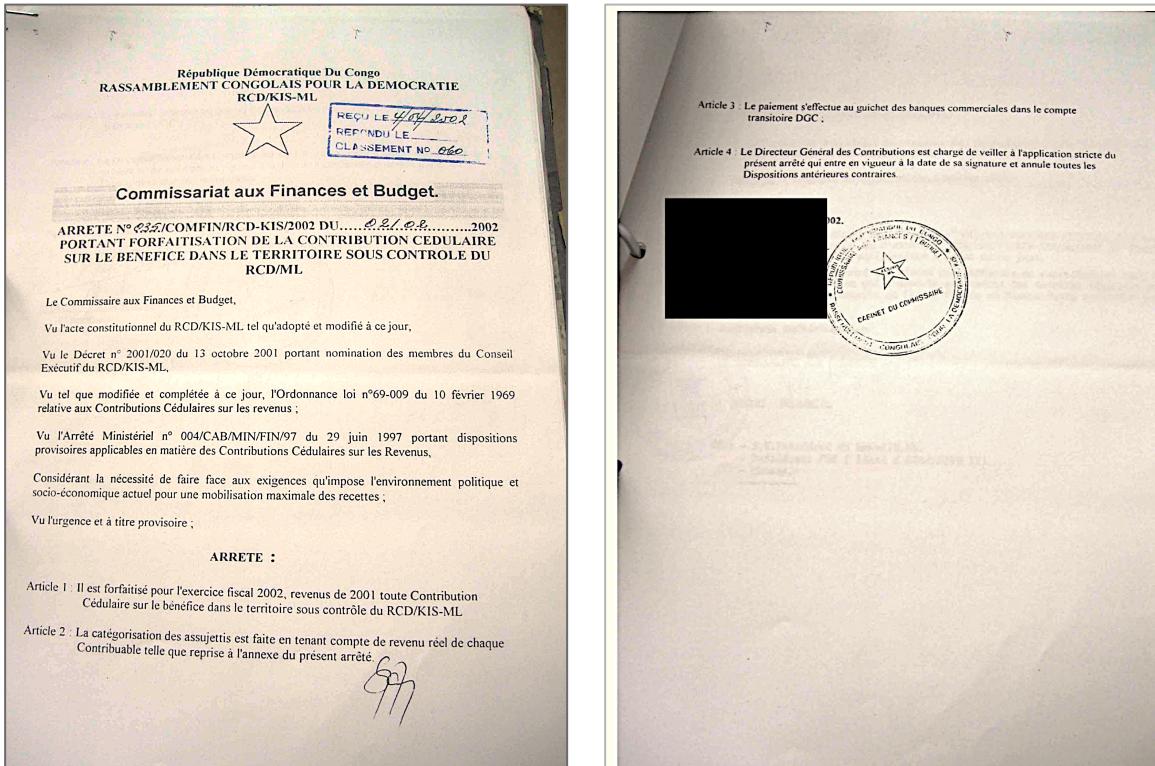


FIGURE 5.3 Prefinancing agreement, issued by the RCD/K-ML Commissariat of Finance and Budget

Terms of prefinancing remained stable. As prior to war, these deals ran largely through the OFIDA customs bureau, passing goods through the Kasindi border.²¹⁰ The group adopted

²¹⁰ Personal interview, 19 June 2011, Beni (North Kivu); Raeymaekers (2004).

parallel rates for imported goods—fixed sums at \$3,000 per container, regardless of contents—as its own level of payment (Raeymaekers 2014; Tegera and Johnson 2007).²¹¹ These prices undercut official regulations and tariffs of neighboring armed groups, as Table 5.2 illustrates. The table provides selections from the RCD-K/ML’s tax regime in comparison with taxes elsewhere. Hence, as one cadre member described, perhaps in hyperbolic terms: “we controlled the customs.... I tell you, the customs prices that were lowest in the world were the customs controlled by the RCD/K-ML.”²¹²

TABLE 5.2 Select comparative tax rates, RCD/K-ML and official rates

	<i>Great North</i>	<i>Comparison</i>
<i>Imported tissue and fabric</i>	\$6,000	\$45,000 (official rate)
<i>Unspecified content</i>	\$3,000	\$15,000-18,000 (1998)
<i>Container of 55m³ diesel</i>	\$5,000	\$13,838 (2007 official rate)

SOURCES: Johnson and Tegera (2007: 18); Raeymaekers (2014, 2007); “Mémorandum du peuple Nande sur les multiples massacres et violations des droits de l’homme par Kabila et ses alliés, à Beni, à Butembo et au Kivu en général, en République Démocratique du Congo.”, Kambale Katahwa, KYAGHANDA Yira, 18 May 1998, Brussels.

Institutionalized tax reductions expanded trade opportunities and increased the volume of goods passing through the Great North. Although RCD/K-ML leadership struck private deals guaranteeing members of the elite Nande trading network favorable terms of trade (Raeymaekers 2014), reduced tax rates via institutions created widespread tax reductions that enabled the RCD-K/ML to build its popularity.²¹³ Low prices spurred economic activity throughout the Great North. Reducing the price of imports expanded the volume of trade passing through the border, expanding rebel profits and agents’ opportunities for taxation in tandem.

²¹¹ Johnson and Tegera (2007) describe “*système forfaitaire*,” in which “fixed sums were levied on each cargo at arrival at [the] Kasindi border post without precise regards to their content” (18).

²¹² Personal Interview with RCD/K-ML cadre member, 22 June 2013, Beni (North Kivu).

²¹³ Reduced prices of imports enabled many civilians in Beni to exchange grass roofs on their houses for more durable, water-resistance tin roofs—an enduring point of popular support for the rebellion.

Reduced tax rates associated with prefinancing also allowed rebels to take advantage of price differentials in RCD-G territory and incentivize smugglers from neighboring areas to transit resources through RCD/K-ML holdings. Watching with alarm, the Department of Finance of the rival RCD-G traced how Goma-based businesses diverted trade routes toward northern zones under RCD-K/ML control in search of lower tax rates.²¹⁴ Internal RCD-G security and financial memos noted with concern that “importations are done more and more in that direction.”²¹⁵ Recognizing the impact of trade diversions, the RCD-G Department of Finance warned in financial reports that transporters of lucrative commodities including petrol, timber, and minerals shifted nearly 40% of their fleets to the RCD/K-ML’s headquarters. It estimated that trade diversions toward RCD/K-ML holdings resulted in revenue losses of nearly 30% for the RCD-G treasury in Goma—redirecting profits to its primary rival.²¹⁶

Through mutual gains in wartime taxation, RCD/K-ML cadre members and state administrators came to see their preferences as aligned. As one rebel cadre member described, “money gave life to the rebellion. The payments to customs made the [RCD/K-ML] administration function.”²¹⁷ Mirroring this sentiment, a businessperson reflected that, “[RCD/K-ML President] Mbusa worked with OFIDA [customs bureau] in order to finance the rebellion... OFIDA and the soldiers profited together.”²¹⁸ In this area, it is commonplace for other RCD/K-ML supporters, administrators, and informal traders to describe that Mbusa shared profits with

²¹⁴ Traders also ran flights and exchange across the territory of the two abutting rebel groups, crossing rebel-brokered visa systems that divided their jurisdiction. Interview with local businessperson, 22 June 2011, Beni; “Objet: Information et demande de confirmation” [Letter to Monsieur le Commissaire aux Transports et Communication du RCD/KIS-ML] Anonymous businessperson, 30 May 2002, Beni.

²¹⁵ Departement des Finances, “Transmission documents” [Letter to the RCD President] 30 March 2000, para 1.4.

²¹⁶ Collected via the Goma branch of OFIDA, which was charged with delivering the majority of funds (73%) for the RCD-G treasury. OFIDA Nord-Kivu “Evolution Comparative des Recettes/OFIDA/(1995-2000) en USD (Inspection de Goma Uniquement)” in RCD Département des Finances, Budget et Portefeuille, *Budget du Mois de Mars 2000* [Letter transmitted to Monsieur le Président du RCD], 2 March 2000, Goma.

²¹⁷ Personal Interview with RCD/K-ML cadre member, 4 July 2011, Beni (North Kivu).

²¹⁸ Personal Interview with local businessperson, 22 June 2011, Beni (North Kivu).

OFIDA: another businessman echoed that Mbusa shared profits with OFIDA,²¹⁹ while another elite trader described that OFIDA was “built in Beni” during the rebellion.²²⁰ Hence, the RCD/K-ML realized mutual gains with state agents by institutionalizing evasion.

Doing so recruited bases of support within the state apparatus and aligned rebel and state preferences by harnessing administrative discretion for mutually beneficial ends, rather than reforming administrations to bend them to rebel rule as under cooptation. For instance, as one cadre member described, RCD/K-ML President Mbusa Nyamwisi gained loyalty by allowing many authorities, such as police, to “make their way in their small kingdoms.”²²¹ In this way, local observers could describe Beni’s administration as a site of “100 percent corruption,” while rebels and state agents mutually benefited from these practices.²²²

Mutual gains eroded organizational segmentation between the RCD/K-ML and the state. Collusion shaped trajectories of institutional change over the course of war by building the state apparatus and violent networks into the mutual composition of the other. Figure 5.4 visually demonstrates this trend by depicting the close relationship between the RCD/K-ML and the OFIDA customs bureau. It illustrates that rebel systems of rule fused with the state, operating from the same official forms and letterhead. Viewed alongside Figure 5.5, it demonstrates how collusion enabled the RCD/K-ML to maneuver between outright affiliation with the state institutions and concealing its presence in wartime economic exchange. Figure 5.5 depicts a common taxation form used to collect taxes on behalf of the RCD/K-ML, yet official stationary listing OFIDA as a beneficiary, it erased the rebels’ involvement in the tax procedure.

²¹⁹ Personal Interview with Nande cross-border trader, 27 June 2011, Butembo (North Kivu).

²²⁰ Personal Interview with local businessperson, 5 July 2011, Beni (North Kivu).

²²¹ Interview with RCD/K-ML cadre member, 19 June 2011, Beni (North Kivu).

²²² Personal Interview with former RCD/K-ML cadre member, 22 June 2011, Beni (North Kivu).

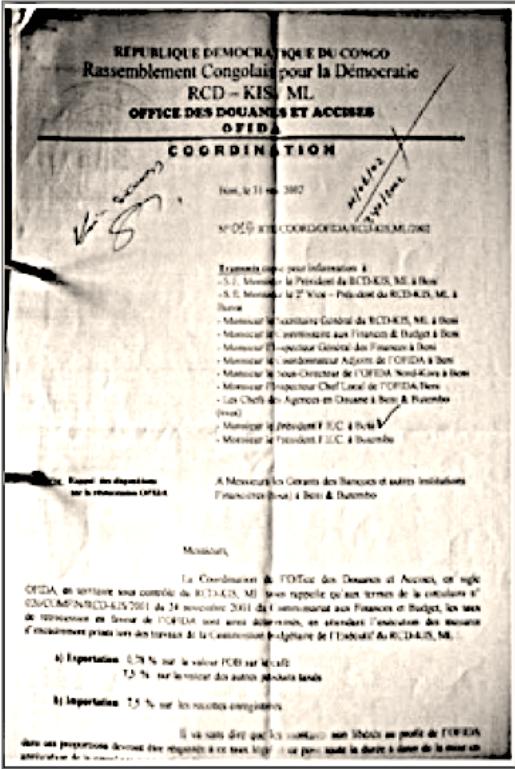


FIGURE 5.4 Joint state-rebel letterhead: RCD/K-ML and OFIDA customs bureau



FIGURE 5.5 “*Recettes OFIDA*” (OFIDA Revenue), erasing rebel involvement

Through these relationships, the RCD/K-ML guaranteed state agents lasting bases of authority in war and greater predictability in their exchange. State institutions provided inroads into the parallel economy for rebels, who tapped into agents' side deals with businesses to grow their own influence. Colluding with state agents enabled the RCD/K-ML to solve practical challenges it faced over the course of conflict. The armed group met continued ambivalence with the Butembo-based trading elite, who invented ways to bypass rebel control, such as by selling import permits to one another (Raeymaekers 2014). As Raeymaekers explains, "rebels' increasing bureaucratization and documentation of taxation claims was partly motivated by their inability to control ongoing tax evasions by these same cross border traders" (105).

State institutions provided a means to mitigate some of these negative effects.²²³

Throughout the war, the OFIDA customs bureau monitored cross-border movements, recording the names of the traders, license plates, and dates of transactions.²²⁴ Supporting these functions, the RCD/K-ML bolstered these administrative offices at the Kasindi border. The RCD/K-ML moved administrative offices closer to the border to improve monitoring (from Kasindi to Lubiriha immediately adjacent to the Congo-Uganda border) in 2000.²²⁵ As Mwanawavene notes, “this new arrangement permitted the massive population concentration around this new customs [declaration] center” (140). Cadre members describe that the armed group improved the standing of state agents by constructing new administrative buildings for the police, OFIDA, and OCC at the Kasindi border.²²⁶

Meanwhile, the RCD/K-ML also added some new taxes to preexisting codes. One such included the *taxe conjoncturelle*, which levied new fees on imports and air transit.²²⁷ The

²²³ Control over state institutions also formed a point of division within the RCD/K-ML itself. The Governor of “North Kivu Province” (the Great North only), Nyonyi Bwanakawa, under the RCD/K-ML wrangled with Mbusa for control. “At the center of this competition dividing the two camps was the collection and management of local taxes, and especially the customs revenue from Kasindi” (Mwanawavene 261). They competed at various points throughout the war for prominence within Beni territory. Nyonyi, with his short-lived RCD-*Populaire* armed group, stood at the forefront of the effort to restore administrative posts to the original inhabitants of Beni. Prior to Mbusa becoming the president of the RCD/K-ML, Nyonyi used Mbusa’s division with Wamba-dia-Wamba as lever of control. Mwanawavene also notes that those close to Mbusa staged an attack on the customs agency at the end of November 2000 in order to “financially asphyxiate” those loyal to Wamba-dia-Wamba and Nyonyi (261).

²²⁴ “Releve OFIDA/Beni. Releve OGEFREM a l’exportation du 01-01-2000 au 01-03-2000.” OFIDA Beni.

²²⁵ A state administrator in Goma noted this concern in the opening weeks of war. A joint meeting of representatives from the DGC, DGRAD, OFIDA revenue agencies, the entrepreneurs’ association (FEC) and the provincial ministries (or divisions) of Economy, of Commerce, and of Finance, noted with concern: “the geographic location of the market of Lubiria at Kasindi is a point of concern for the participants, given that this market is in the neutral zone between Uganda and our country. On this topic, it is proposed to ask the Territorial Administrator of Beni to study with his collaborators and the Chief of Ruzizi Sector, to find a propitious spot at the interior of our borders where this market can be installed, because the Ugandan market is located precisely on the other side of our borders.” Cited in: “Compte-Rendu de la Réunion Technique d’Examen du Taux de l’Imposition du Précompte BIC. Tenue le vendredi 21 aout 1998” Province du Nord-Kivu, Cabinet du Gouverneur de Province. 21 August 1998, Goma.

²²⁶ As well as constructing mayors’ offices. Personal Interview with RCD/K-ML political cadre member. 22 June 2013, Beni; Personal Interview with local notable and RCD/K-ML supporter, 23 June 2011, Beni.

²²⁷ “Objet: Taxe conjoncturelle sur les importations et le trafic aérien” Cabinet du Gouverneur du RCD/K-ML, 2 November 2000, beni... For instance, a single payment registered in June 2001 for a local airline was for \$21,204 from a local business. “Compte Rendu de la Réunion de la Commission de Gestion Taxe Conjoncturelle/Bei du

RCD/K-ML tasked the OFIDA customs bureau with collecting the *taxe conjoncturelle*, and extended the operations of customs agents to new sectors in the process. For instance, it looked to OFIDA to collecting tax revenue from imports of petrol, for which the bureau was not authorized in official codes.²²⁸ Although the RCD/K-ML announced the tax as a means to generate revenue to pay teachers, it quickly became a source of private finance for its “Governor” of the Great North.²²⁹ Since OFIDA agents collected it, the tax enabled rebel administrators and state agents to profit in tandem regardless of the end use of the funds. The Governor ordered that taxes be collected at key collection points in Beni and at Kasindi alone. The requirement aimed to ensure that taxes would funnel through official channels.²³⁰

Upgrading the status of administrative centers, institutionalizing prefinancing, and shoring up border posts formed part of a broader strategy to recruit institutional bases of support. The RCD/K-ML also worked through local bank branches (although not exclusively) to collect payments and levy taxes²³¹ and used the state administration to manage its mounting war

mardi 3/7/2001” Commission de Gestion de Taxe Conjoncturelle, 3 July 2001, Beni. The local entrepreneurs’ association, FEC-Beni played a collection and enforcement role for the tax. “Concerne: Commission d’enquête” Commission d’Enquête, Taxe Conjoncturelle, [Letter to anonymous local business, Beni] 12 November 2001, Beni.

²²⁸ Objet: Taxe conjoncturelle sur les importation et le traffic aérien” Cabinet du Gouverneur du RCD/K-ML, 2 November 2000, Beni; “Objet: Dispositions relatives à la perception de la taxe conjoncturelle” Commission de Gestion de la Taxe Conjoncturelle, Territoire et Ville de Beni [Letter to anonymous local business owner in Beni], 29 July 2001, Beni. In collecting and running the tax, he commission worked in conjunction with the formal banking system. “Rapport de Prise de Contact entre la Commission et le BIC” Commission de Gestion de Taxe Conjoncturelle, Territoire de Beni [Report], 26 June 2001, Beni.

²²⁹ After a one-time payment to teachers of \$12,5 for the month, leading to estimates that the total tax amounted to \$27,640 per month (Mwanawavene 314).

²³⁰ “Object: Perception de la taxe conjoncturelle sur les importations et le traffic aérien” Cabinet du Gouverneur de Province du Nord-Kivu* [Letter to Messieurs Inspectuer Provincial de OFIDA/Nord-Kivu à Beni, les Responsables des Compagnies Aériennes en Province du Nord-Kivu], 15 December 2000, Beni. *Great North only.

²³¹ For example, As is promulgated new taxes such as a “war effort” tax, alongside the “taxe conjoncturelle” and a “development tax,” it relied on official banks to collect and house funds . “Reçu de Versement Espèces, Pièce Comptable” Banque Internationale de Credit-BENI.” In ; Also for the “development tax”: “N/Réf.: BIV/PWM/KZ/0154/2002” [Letter to His Excellency MOnseieur Commisaire aux Finances et Budget, RCD KIS-ML in Beni] Banque Internationale de Credit, 19 April 2002, Butembo. For the “war effort tax”: “N/Réf.: BCC/MJK/MT No 672” [Letter to His Excellency Monsieur le Gouverneur du Nord-Kivu à Beni] Banque Centrale

expenses. Rebels' reliance on traders to transport soldiers²³² and lodge cadre members in their hotels²³³ proved costly. Rebel leadership often lacked funds to make promised payments, so turned to OFIDA to help with compensation by routing debt payments through tax discounts at import-export procedures.²³⁴ The rebels' Commissar of Finance wrote to OFIDA to transmit information on traders' debts to compensate at customs.²³⁵ As a local businessperson explained, "all the debt was paid by compensation at the level of customs."²³⁶ A broader range of agencies, such as the coffee inspection office (ONC), import-export verification services (OCC), and maritime freight office (OGEFREM), also continued in their official roles over the course of conflict.²³⁷

These practices transformed the state administration into a vehicle of RCD/K-ML control while increasing rebels' dependence on state institutions. Moments at which the RCD/K-ML overstepped these patterns illustrate how state agents also leveraged institutions as checks against rebels. One key moment emerged in September 2001, when the RCD/K-ML's Executive Council required customs agents to make down payments of \$15,000 to the RCD-K/ML (rather

du Congo, 31 December 2002, Beni. These taxes were collected jointly with the local entrepreneurs' association, FEC-Beni, as well. In the case of the development tax, FEC-Butembo participated as well.

²³² Interview with cross-border trader

²³³ Interview with local businessperson, 29 June 2013, Beni.

²³⁴ The RCD-G pursued this same tactic as well.

²³⁵ "Concerne: Paiement dette de Monsieur X (name omitted for anonymity) [Letter No 213/COMFIN-BU/RCD/KIS-ML/2002, to the Controller of OFIDA-Kasindi, at Kasindi] Thomas Mathew Kombi, Commissariat aux Finances et Budget, 26 September 2002, Beni.

²³⁶ Interview with local businessperson in air transportation sector, 29 June 2013, Beni. In a similar way, as Tegera and Johnson (2007) describe: "Traders conducting imports or exports were asked to contribute financially to the 'war effort', and in exchange they received tax exemptions (lettres d'exonérations) for the same amount—payments to the rebel movements were thus in fact tax deductible" (64). Another strategy used to handle mounting war expenses was the issuance of letters of "debt," which were legally mandated to be compensated by the central government. Later sent the debt to Kinshasa, using the state to write off the debt. Interview with local businessperson in air transportation sector, 29 June 2013, Beni.

²³⁷ "Appercu liste des taxes café Robusta Marchand 18.000kgs valides à 0.60\$ le kilo" FEC-Beni, 20 March 2000, Beni.

than OFIDA as usual).²³⁸ The decision affected agents operating under the OFIDA umbrella as intermediaries between local traders and the customs bureau.²³⁹ Customs agents denounced the fee as a “usurpation and expropriation”²⁴⁰ and argued that rebels’ new procedures violated official codes. Agents invoked their affiliation with the broader state apparatus to invalidate the armed group’s policies. They reminded the RCD/K-ML that OFIDA held authority to collect and direct the public revenue due to its formal affiliation with the state. Customs agents invoked this image state compliance, reminding rebels that “all the fees are received by Kinshasa.”²⁴¹ Although revenue flows to national administrative hierarchies had dried up, state agents still invoked official affiliation as a lever of control against rebels that distinguished the source of their authority as beyond rebel command. Customs officials protested: “we believe that this stands in contradiction to the Lusaka Accords and the republican Pact..that recognizes that the Democratic Republic of Congo is one and indivisible.”²⁴² Agents never paid the mandated fee.²⁴³

²³⁸ Letter number N/Ref: ADGN/002/CHR/SVB/01 from the Association de Déclarants du Grand Nord, dated 1 Oct 2001. Letter No ADGN/006/E.NG/SVB dated 10 Nov 2001 from the Association de Déclarants du Grand Nord-Inspection Local de l’OFIDA à Beni to the Secrétaire Général of the RCD/Kis-ML entitled “Réaction à la letter No 146/CAB/PRES/RCD-KIS/2001.” The amount of this *caution* was set prior to the RCD organizing. The RCD-K/ML invokes pre-war tax rates.

²³⁹ Raeymaekers (2014) describes this relationship of customs agents to OFIDA. He also notes these agents (*déclarants en douane*) held growing relations with elite Butembo traders over the course of war. As also indicated by “OFIDA” on their letterhead. As Raeymaekers (2014) notes, the number of private customs agencies increased over the course of war and worked under the “umbrella” of OFIDA (108). Yet the state also served as a mechanism of protection for them. When the RCD/K-ML aimed to collect taxes directly from these private customs agencies, which were largely linked to powerful traders, they protested, requiring fees to operate under the OFIDA structure. Hence, for traders as well, the state apparatus functioned as a counterweight to rebels.

²⁴⁰ “Objet: Réaction à la letter no 146/CAB/PRES/RCD-KIS/2001” Association de Déclarants du Grand Nord, Inspection Locale de l’OFIDA [Letter to His Excellency Monsieur General Secretary of RCD/Kis-ML, in Bni], Beni, 10 November 2001.

²⁴¹ This describes the formal requirements. It conceals the fact that Kinsahsa did not receive money from customs bureaus held under armed group control. “Letter number N/Ref: ADGN/002/CHR/SVB/01. of Association de Déclarants du Grand Nord, dated 1 Oct 2001.

²⁴² The down payment remained unpaid as of March 2002. At this time, the commissariat aux Finances of the RCDKML tried to shut down the ADGN, but ADGN protested and asked the Commissariat to speak with the present of ADGN. At the same time, the declarants wrote directly to Mbusa on March 27 to ask him to stop the downpayment. “Objet: Réaction à la letter no 146/CAB/PRES/RCD-KIS/2001” Association de Déclarants du Grand Nord, Inspection Locale de l’OFIDA [Letter to His Excellency Monsieur General Secretary of RCD/Kis-ML, in Bni], Beni, 10 November 2001. “For his part, the RCD/K-ML Director of Cabinet challenged the customs

At other points, customs agents used state legislation to block the RCD/K-ML from collecting taxes and economic data. This occurred again as the RCD/K-ML's Police of Exterior Commerce aimed to requisition customs documents. Officials insisted that the police were not legally authorized to collect the documents.

Institutionalized mechanisms of taxation also eased rebels' relations with traders by committing to predictable terms, and traders held rebels to these terms when they deviated. Similar patterns emerged as RCD/K-ML attempted to charge traders for authorizations that state agents usually provided.²⁴⁴ Local traders held rebels to respect state law. As one wrote to the RCD/K-ML's Division of Exterior Commerce, "I would like for you to clarify for me, is North Kivu another Congo, or another country?"²⁴⁵

These exchanges placed the state apparatus at the fulcrum of relations between the RCD/K-ML and the trading elite, guaranteeing institutions lasting places in war economies. Collusion recruited state agents as an interest group incentivized to monitor exchange and implement rebel codes. Further payoffs of collusion are observable when placed in comparative perspective with neighboring armed groups' strategies, as the following section describes.

workers, stipulating that "there is a partition of the country, and consequently, all the institutions and documents of Kinshasa must be questioned." Concerne: Recours Administratif" [Letter N/Ref: ADGN/002/CHR/SVB/01 to Excellence Monsieur le Secrétaire Général du RCD/KIS à Beni], 1 October 2001, Beni.

²⁴³ At the same time, the head of the Direction Générale des Contributions began requiring a Fiscal Attestation before any customs operation could take place. Doing so would establish a mechanism to notify the central rebel administration *prior* to a customs transaction "Concerne: Recours Administratif" [Letter N/Ref: ADGN/002/CHR/SVB/01 to Excellence Monsieur le Secrétaire Général du RCD/KIS à Beni], 1 October 2001, Beni.

²⁴⁴ As the law stipulated, this import-export authorization would be paid on an annual basis, yet the RCD/K-ML imposed a new series of payments

²⁴⁵ "Objet: Accusé de réception" [Letter No 170/DMM/2001 to the Division du Commerce Extérieur], Local businessperson, 13 July 2001, Beni; "Concerne: Votre Note de Service du 13 Novembre 2001" [Letter N/Ref. ADFN/008/ENG/SVB/OI] to Monsieur le Directeur Provincial de la Police du Commerce Exterieur du Nord/Kivu à Beni] Association de Déclarants du Grand Nord, 22 November 2001, Beni.

Effects of Collusion: The State on the Frontlines of Rebel Competition

Comparisons with neighboring rebellions illustrate how preferential access to state resources under collusion enabled the RCD/K-ML to build its organization and control economic markets. After the RCD's split, the RCD-G and RCD/K-ML continued to compete for prominence in North Kivu. As with many contemporary armed conflicts, competition centered largely on controlling parallel trade (Kaldor 2007; Keen 1995; Reno 2011).²⁴⁶ Ethnic trading networks partnered with armed groups to dominate economies and politics vis-à-vis rivals, joining militarized exchange with social identity (Tegera and Johnson 2007).²⁴⁷ Fitting common descriptions of contemporary war, rebel success reflected the ability to harness arbitrage and exploit price differentials across international borders (Ahram and King 2012; Andreas 2004; Soleyhan 2009). This new or network-oriented nature of wartime competition usually is seen to support standard arguments that state institutions lose ground to more fluid forms of political organization (Ballentine and Sherman 2003; Keen 1998; Reno 2011).²⁴⁸ Yet state institutions stood at the center of these competitions.

²⁴⁶ Various personal conversations, Beni, 2009-2010; 2011; 2013.

²⁴⁷ (Vlassenroot and Romkema 2002): "This geographical position also explains why the eastern provinces of Zaire always have been a transit-zone for regional trading routes. Different trade networks linked local markets in eastern Congo to markets in eastern and southern Africa, but also in Dubai and the Far East. The first major route linked the north-eastern parts of Congo to Uganda via Beni and Butembo, which were two of the most vibrant commercial centres of eastern Zaire. The second route was used primarily for the exchange of agricultural and manufactured products between Bukavu and Kampala via Goma and Rutshuru. The third trading route carried goods and people between Uvira and the Burundian capital Bujumbura. The last route linked the main ports along Lake Tanganyika (Uvira and Kalemie in Congo) to Zambia or to Tanzania (via Kigoma)."

²⁴⁸ This network-oriented version of competition expanded beyond trade to other economic dimensions including exchange rate and currency stores. For instance, the RCD-G aimed to build its control by reducing Kinshasa's control over currency markets. The rebel group secured access to steady flows of forged Congolese francs through links with a counterfeiters' ring based in Nairobi, Kenya. Consequently, the Panel of Experts report noted the government's response, finding that: "Officials in the Central Bank of Kinshasa have informed the Panel that [these] counterfeit activities are politically motivated and designed to deliberately destabilize the present regime by weakening the currency" (UN 2002, para 73). In a similar way, the RCD-G President drew on his close connections with a Kigali-based businessman to finance the RCD-G with 6 million New Zaire banknotes (*ibid*).

Synchronizing interests with state administrators expanded RCD/K-ML economic control and forged inroads into rival armed group's zones of control. At war onset, the RCD benefited from cooperation from state agents who delivered intelligence and resources to its hierarchy in order to undercut RCD/K-ML attempts at institutional displacement. After the split, the RCD (now, the RCD-G) maintained its cooptation strategy in its military holdings. As the RCD/K-ML shifted strategy to collusion just further north, regularized evasion provided it a leg up on its RCD-G rival.

The RCD/K-ML's strategy to "institutionalize fraud" yielded financial payoffs. Colluding with state agents to recognize parallel administrative practices as RCD/K-ML policy expanded trade volumes in its zone of control. This occurred as adjusting rebel policies to de facto rates significantly reduced taxes in the Great North (Table 5.2, above).

Reduced tax rates associated with prefinancing also allowed rebels to take advantage of price differentials in RCD-G territory and incentivize smugglers from neighboring areas to transit resources through RCD/K-ML holdings.²⁴⁹ Attributing losses to the disparity between its tax regime and the lower-price RCD/K-ML, the Department concluded that "the uneven curve of revenue proves the economic instability in the space under the control of the RCD.... given the [RCD/K-ML], it is practically impossible to obtain the figures registered in the course of the year considered as that of reference [prior to war]."²⁵⁰ While collusion created a more lucrative environment for the RCD/K-ML, customs agents, and traders participating in the reduced rates,²⁵¹ the RCD-G felt the consequences more broadly across its territory. As an inspection

²⁴⁹ All borders had a different tax- Kasindi, Aru, Mahagi all different levels. 1 October 2013, Businessman in Bunia

²⁵⁰ Departement des Finances, Budget et Portefeuille, "Transmission documents" [Letter to Monsieur le President of RCD] 30 March 2000, para 1.5.

²⁵¹ Trade volumes were increasing anyways from the onset of war. Raeymaekers (2014: 110, footnote 11) describes a similar increase: "According to official statistics of the OFIDA and the OCC, the number of containers imported

mission across North and South Kivu provinces found: “in regard to the unfair competition following from the important quality of merchandise imported at reduced prices at the Kasindi [border] post (Beni) that regularly inundates the markets in Goma and Bukavu” (respectively, the capitals of North Kivu and South Kivu).²⁵²

The RCD-G met similar threats to control over the diamond trade in the lucrative markets of Kisangani, the capital of Orientale province. Traders redirected their export chains toward RCD/K-ML, producing what the RCD-G described as a “hemorrhage” of diamonds.²⁵³ The RCD-G described the base of this shift in trade: “the conditions to obtain a purchasing authorization (*comptoir d'achat*) to buy and export of artisanal mined diamonds in Beni are far more supple than those in application in Kisangani.”²⁵⁴ Diamond traders in arrears to the RCD-G defended their deficit on the basis of shift, informing its Department of Finance that, “diamonds

at Kasindi increased by 28 percent between 1998 and 1999 and by 30 percent between 1999 and 2000, a total of 68 percent. Between 1996 (the outbreak of the first Congolese war) and 2000, this number doubled. At the inauguration of the transitional national government in 2003, Kasindi handled 2.25 times more containers than in 1996. Similarly, the number of vehicles (other than containers) grew by 4.6 times between 1996 and 2000 and by 6 times between 1996 and 2003. Petroleum imports doubled between 1998 and 2001. In a country like the DR Congo, such statistics of course have to be read with care. Usually they are reported as representing 30–50 percent of actual trade.” Yet the relative loss of the RCD-G to the benefit of the RCD/K-ML indicates that differential policies also contributed to the continued increase in trade volume.

²⁵² “Objet: Application des tarifs douaniers” [Letter to Monsieur le President Provincial de la Federation des Enterprises du Congo (F.E.C.) du Sud-Kivu à Bukavu] RCD Département des Finances, Budget et Portefeuille, 6 June 2000, Goma.

²⁵³ “Concerne: Propositions de réaménagement des conditions d'octroi de l'agrément au titre de comptoir d'achat et d'exportation du diamant de production artisanale à Kisangani” Département des Terres, Mines, et Energie, RCD [Note Technique No 035/RCD/DTME/NKM/2002] 20 May 2002, Goma. In Kisangani, the RCD-G applied heavier-handed techniques that diverted resources through rebel systems that cut out state administrators. Also, “Concerne: Marché des Diamants à Kisangani” DANA Diamond [Letter to the Chef de Département des Terres, Mines, et Energies à Goma], no date [marked as received 22 March 2002 in Goma], Kisangani.

²⁵⁴ “Concerne: Propositions de réaménagement des conditions d'octroi de l'agrément au titre de comptoir d'achat et d'exportation du diamant de production artisanale à Kisangani” Département des Terres, Mines, et Energie, RCD [Note Technique No 035/RCD/DTME/NKM/2002] 20 May 2002, Goma.

continue to exit fraudulently, in large part toward the town of Beni.... today nothing can be done to stop this fraud that continues to harm us, and consequently, the RCD-G movement.”²⁵⁵

The nature of the relationships forged between rebels and state institutions played a causal role in distinguishing gains for the RCD/K-ML from losses for the RCD-G. Collusion provided the RCD/K-ML more predictable access to state resources—administrative infrastructure and sovereignty—that proved beneficial to tasks of rebellion. The core causal factor distinguishing gains for the RCD/K-ML from losses for the RCD-G was the specific, rather than tax rates. Although the RCD/K-ML held lower taxes, this outcome itself reflected derived from a strategy to collude with the state by accommodating administrative practices, rather than dominate them as the RCD-G had attempted under cooptation. Moreover, comparisons of both armed groups’ trafficking underlies the role for state institutions, and that the ability to more effectively wield institutions under relations of collusion built RCD/K-ML’s influence and placed the RCD-G at a disadvantage.

Economic competition was key to the armed rivalry. Attempting to secure economic control, the RCD-G adjusted its tax rate to be in line with the RCD/K-ML across varied sectors. Charts 5.1 and 5.2 illustrate this strategy for coffee exports and imports of general merchandise and printed cloth—categories that could serve as a cover to transit a broader range of goods such

²⁵⁵ In Beni, export fees and taxes were reduced, with the redevances paid placed at \$5,000 and the export taxes at 2% (compared with 5% for the RCD-G). Beni’s reduced rates reflected what one diamond purchaser described as the “quasi inexistence of diamond taxes” in Kampala, Uganda, where some diamonds transiting through Beni could be sold to international buyers. “Objet: Demande d’autorisation d’achat et d’exportation de diamant à Goma,” [Letter to the Secretary General of RCD in Goma] Haidar Mohamed, 24 March 2001, Goma. High diamond taxes in Kisangani imposed by RCD-G and Rwanda instead “ultimately resulted in diamonds mined in the area being redirected to Kampala, where lower tax rates prevail” (UN 2001b, para 44). Expressing this, negotiants in Kisangani, explained that they failed to meet payments to the RCD-G as a result of the “fraudulent exportation practiced by certain is all justified by the preferential conditions of the market” in selling abroad. “Compte Rendu de la Journée du Lundi 29 Mars 1999 de la Mission Officielle de Monsieur le Chef de Département des Mines à Kisangani” Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani.

as arms.²⁵⁶ Likewise, in diamond markets, the RCD-G Department of Land, Mines, and Energy called for a reduction of fees and export taxes, as well as for the “immediate implantation” of the rebels’ auditing body in the area.

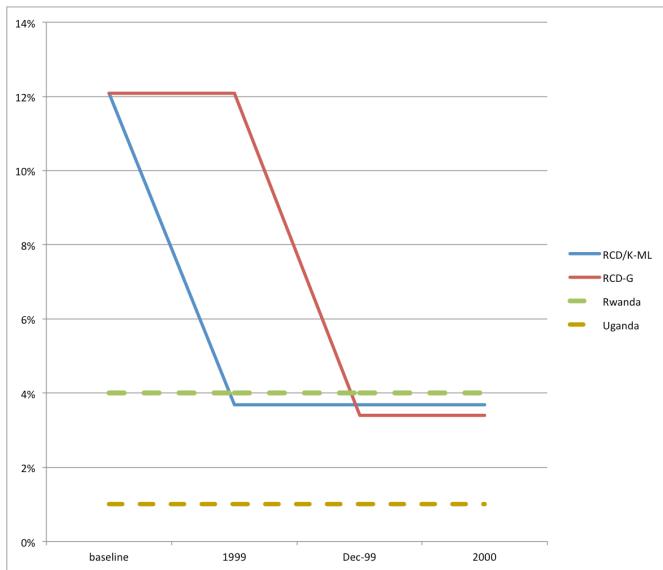


CHART 5.1
Economic competition
Taxes on coffee

SOURCES: Département des Finances, Budget, et Portefeuille, “Concerne: Transmission différentes points à discuter à la réunion interdépartementale sur des mesures d’encadrement financier,” [Letter to Monsieur Président du R.C.D.], 10 December 1999, Goma; FEC-Beni Professional Committee of Coffee, “Aperçu Liste des Taxes Café Robusta Marchand 18.000 kgs valides à 0.60 \$ le Kilo,” 20 March 2000.

²⁵⁶ In printed cloth, the RCD-G moved taxes from \$10,000 to \$5,000 (suggestion was for \$6,000), then later increased again. Rebels set the level of import fees on printed cloth from \$5,000 for a 20-foot container, paid strictly in US dollars in 1999. By the Arrêté Départemental no 043/DEBP-RCD/JEB/99 du 16 December 1999. This rate was subsequently increased to \$21,600 in 2000 to mobilize revenue from customs fees for the cash-strapped rebel administration (By the Arrêté Départemental no 29/DPFBP-RCD/2000 of 7 October 2000). However, rather than increased overall revenues, this higher rate occasioned a “drastic reduction of import revenue and a generalized fraud,” given lower rates in nearby RCD/K-ML territory. Importers found this increase to be “inconvenient.” 1999-Dec-19? Recognizing that disparities in tax regimes bolstered the RCD/K-ML’s relations with importers, the RCD-G cut its own taxes to \$5,000 in order to compete with lower rates in Beni (\$4,000). Arguably, the difference in transport costs between direct imports through the Goma post, versus transporting goods through the Kasindi post, through Beni, Butembo, along the road to Goma, and across an enforced frontline between the RCD/K-ML and RCD-G, would compensate for the \$1,000. Letter no 096/DPFBP-RCD/AG/JMEE/2001 of 20 February 2001. Letter from the Chef de Département des Finance, Budget et Portefeuille. ; The contest targeted not only the level of fees, but the currency in which it transferred. Importers agreed to pay \$8,000, provided they could pay 70% in national currency and 30% in dollars, or a flat fee of \$5,000 completely in US dollars. Président du Comité Professionnel des importateurs de tissus imprimés, « Mémorandum des Operateurs Economiques Membre de la FEC Sud-Kivu du Secteur de l’Importation des Tissus Imprimés en Provenances du Sud Est Asiatique à l’Attention de Son Excellence Monsieur le Secrétaire Général du RCD en Séjour à Bukavu » Bukavu, 28 March 2001.

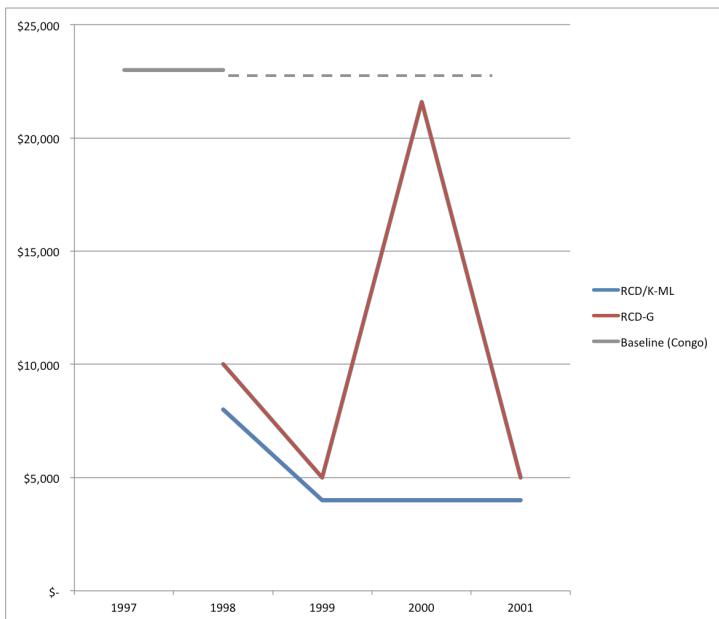


CHART 5.2

Economic competition:
Taxes on “second hand
goods”

SOURCES: Arrêté Départemental no 043/DEBP-RCD/JEB/99 du 16 December 1999; Arrêté Départemental no 29/DPFBP-RCD/2000 of 7 October 2000; Letter no 096/DPFBP-RCD/AG/JMEE/2001 of 20 February 2001. Letter from the Chef de Département des Finance, Budget et Portefeuille ; and Président du Comité Professionnel des importateurs de tissus imprimés, « Mémorandum des Operateurs Economiques Membre de la FEC Sud-Kivu du Secteur de l’Importation des Tissus Imprimés en Provenances du Sud Est Asiatique à l’Attention de Son Excellence Monsieur le Secrétaire Général du RCD en Séjour à Bukavu, 28 March 2001.

The RCD-G also relied on state institutions to collect revenue. Like the RCD/K-ML, it relied heavily on the OFIDA customs bureau, tasking the agency with providing 73% of its internal budget used for political and armed wings in 2000.²⁵⁷ Figures 5.6 and 5.7 provide examples of the export chain from commodities in RCD-G areas of influence (Figure 5.6) and the RCD/K-ML zones of control (Figure 5.7), illustrating that both armed groups used the state apparatus. As Feldman (2008) describes in her work on bureaucracy, “files must not only *be* like other files, but also *appear* like them” (16). Working with state administrators enabled both the RCD-G and the RCD/K-ML to pass goods through official channels, whitewashing their involvement. Accordingly, armed groups’ success in mobilizing revenue reflected not only the

²⁵⁷ “Budget du RCD Exercice: 3ème Trimestre 2000,” Département des Finances, Budget et Portefeuille, July 2000, Goma.

tax rates that they imposed, but also state agents' compliance in enforcing them and transmitting revenue from collections points to rebel treasuries.

This is a scanned copy of an import declaration form from the Office des Finances et Accises (OFIDA) of the République Démocratique du Congo. The document is titled "DECLARATION POUR L'IMPORTATION DEFINITIVE (ID)" and includes various fields for commodity details, shipping information, and tax calculations. A large handwritten signature is visible across the top left. At the bottom right, there is a stamp and handwritten text: "FBIK = 10.008 F", "FTI = 11.133 F", and "DGI = 3.428 F". The total value is listed as "QUATRE MILLE DEUX CENT SET TOME CONGOLAIS".

FIGURE 5.6
OFIDA Customs Agency,
under RCD-G control
(import declaration)

This is a scanned copy of another import declaration form from the OFIDA Customs Agency. This version is specifically noted as being under RCD/K-ML control. The form contains similar sections for commodity details, shipping, and taxes. A large handwritten signature is present at the top. The bottom right shows a stamp and handwritten calculations: "FBIK = 10.008 F", "FTI = 11.133 F", and "DGI = 3.428 F", with the total value again listed as "QUATRE MILLE DEUX CENT SET TOME CONGOLAIS".

FIGURE 5.7
OFIDA Customs Agency,
under RCD/K-ML control
(import declaration)

In these exchanges, state institutions became channels of rebel competition. Yet varied strategies of engaging in institutions yielded differential effects. For instance, in the coffee sector, the RCD-G studied comparative coffee taxes and production outputs, evaluating its high

tax rate of 12.09% inherited from the Congolese state against rates at the RCD/K-ML border posts (3.68%) and in neighboring countries.²⁵⁸ Chart 5.1 illustrates this strategy. The RCD-G adjusted its tax rate on coffee to 3.4%, designed to just barely undercut the RCD/K-ML, as Chart 5.1 illustrates. As the RCD-G described, this decision was also intended to “imitate the neighboring countries.... It was hoped that this manner would reduce fraud.”²⁵⁹

Institutional takeover did not deliver automatic results. RCD-G efforts to address financial threats from the RCD/K-ML though adjusted taxes undercut the interests of state agents who faced reductions in their earnings.²⁶⁰ New rates cut out prominent revenue generation bodies in Congo, such as the OFIDA customs bureau and the DGC. Yet the RCD-G was unable to enforce the new rates. As it noted, “after one semester of observations, it appears unfortunately that the fraud continue to gallop and there has been no significant increase observed in the volume of exports.”²⁶¹ The RCD-G failed to realize increased trade volumes because the changes jeopardized state agents interests and could not be enforced.²⁶²

Institutional cooptation that reduced the discretion of state agents incentivized noncompliance, making its tax code more difficult to enforce. The same held true across varied state institutions operating in diverse sectors. For instance, although the RCD-G tasked the OFIDA customs bureau with providing the majority of its funds, it frequently complained of noncompliance issues. In lucrative petrol imports, the RCD-G complained of the “arbitrary and

²⁵⁸ The RCD-G compared coffee production and taxes in Vietnam and Congo, coffee production per hectare of 1.55 tons in Vietnam to 0.16 tons in Congo, or a “charge fiscal et parafiscale” of 1% versus 12.09%.

²⁵⁹ “Note Technique Argumentant l’Augmentation du Taux de la Commission de l’ONC à l’Exportation du Café.” RCD-G Department of Agriculture and Rural Development, 4 April 2000.

²⁶⁰ 1999-12-10-RCDG-DFBP-Impo

²⁶¹ “Note Technique : l’Augmentation du Taux de la Commission de l’ONC à l’Exportation du Café.” RCD-G Department of Agriculture and Rural Development, 4 April 2000.

²⁶² This does not imply that bureaucrats were enforcing the official rates, but rather that higher tax rates provided bureaucrats more leeway to negotiate with the trading partners they encountered. See Oliver de Sardan (), Trefon (2007), and Blundo (2006) for discussions of the everyday functions of the state apparatus in conditions of central state fragility.

illegal taxation of petrol products by OFIDA [that]... applied its own tax structure toward an unknown end but one certainly contrary to the respect of the movement.”²⁶³ The RCD-G met similar noncompliance problems through its territory (see Chapter 6).

The state apparatus transformed into an arena of competition. Routing taxation via the state apparatus also provided armed groups with veneers of legality in export chains. One example of competition emerged as the RCD-G’s misfortune deepened as a volcanic eruption devastated its headquarter city of Goma in 2002. The episode provides a test of institutional effects. Demonstrating that the eruption destroyed stores and warehouses, the RCD-G the OGEFREM state agency to negotiate tax breaks with another sovereign state, Kenya, to allow local traders to store their goods destined for import to Goma at the Kenyan port on the Indian ocean. Working through the official maritime trade agency, the RCD-G reached out to the Congolese embassy in Kenya and secured a special dispensation from tax rates on goods in Kenya en route to the city.²⁶⁴

More competitive rates in Goma threatened the RCD/K-ML’s advantage and encouraged traders to route goods through RCD-G territory to exploit price differentials. Although goods en route to the Great North bypassed the area affected by the volcanic eruption, so lacked credible reason to claim an exemption, the RCD/K-ML secured the same exemption for its trading partners for their goods shipped through Kenya.²⁶⁵ Working through the same state agency that

²⁶³ Chef du Département de l’Economie, RCD-G, “Taxation arbitraire et illégale des produits pétroliers par l’OFIDA Goma” [Letter to the Chef du Département des Finances, Budget, et Portefeuille], 23 July 1999, Goma.

²⁶⁴ Commercial Attaché of OGEFREM requested that the Kenya Revenue Authority waive the rent of customs warehouses at the port of Mombasa for goods in transit to Goma. Ambassade de la République Démocratique du Congo au Kenya, Section Commerciale de Mombasa “Ref: Waiver of Customs Warehouse Rent” [Letter to the Deputy Commissioner-Southern Region, Kenya Revenue Authority], 22 January 2002, Mombasa, Kenya;

²⁶⁵ Kenya Revenue Authority, Customs and Excise Department, “Re: Waiver of Cutsoms Warehouse Rent,” [Letter to the Commercial Attaché of the Embassy of the Republic of Congo [sic]], 1 March 2002; Reprinted in “l’Ogefrem obtient l’exemption des frais d’entreposage pour les opérateurs de Goma,” Les Coulisses No 107-108, 15 April-15 May 2008, Beni.

the RCD-G used to interface with the Congolese embassy and Kenyan authorities, the RCD/K-ML assured traders in its holdings that “the same efforts are underway for a global revisions of transport fees” in the Great North.²⁶⁶ Figures 5.8 and 5.9 depict these respective exemptions, illustrating that competition between rebel groups played out via the state apparatus. They demonstrate that working through the state provided an official platform interface with sovereign states in ways for which direct rebel correspondences were less suited.

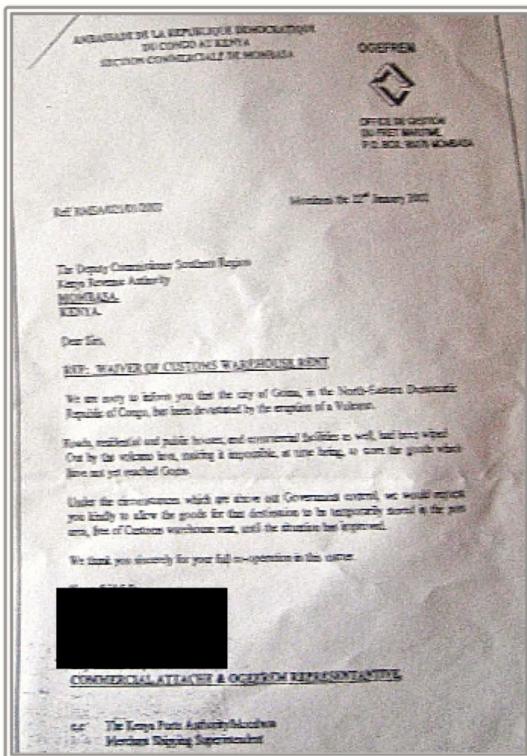


Figure 5.8 RCD-G Letter of Exemption, OGEFREM, 22 January 2002

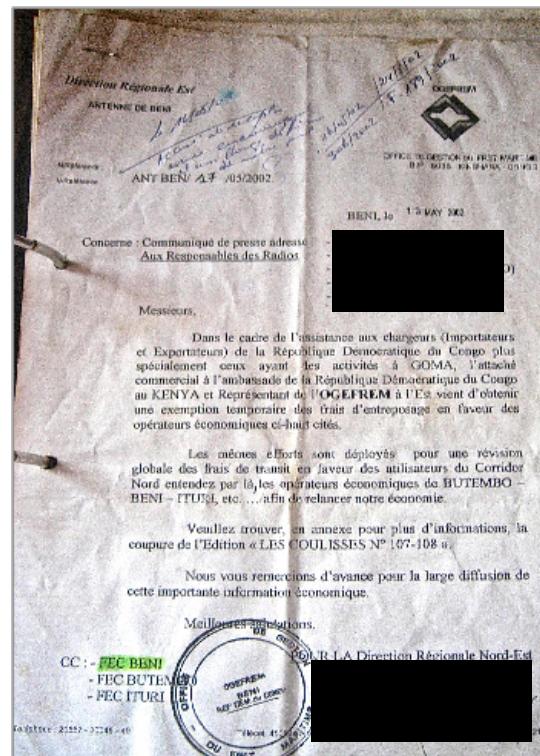


Figure 5.9 RCD/K-ML Reaction: Letter of Exemption, OGEFREM, 13 May 2002

²⁶⁶ Office de Gestion du Fret Maritime, “Concerne: Communiqué de press addressé aux Responsables des Radios” [Letter to Radio Muungano, Graben FM, Radio Moto-Butembo, FEC Butembo, and Candip in Bunia], 13 May 2002, Beni.

The RCD/K-ML's regularized fiscal evasion gave it an edge against RCD-G strategies of cooptation that incentivized noncompliance. By "institutionalizing" fraud, fiscal evasion in RCD/K-ML holdings that simultaneously built state agent and rebel interests.

Front for the Liberation of Congo: Restricting State Authority

The RCD/K-ML's short-lived merger with another Ugandan proxy provides a final dimension of comparison. Under Ugandan brokerage, the RCD/K-ML joined with the MLC, a stronger rebel group and less subject to internal fissures. The merger created the Front for the Liberation of Congo (FLC), which laid down its headquarters in Beni.²⁶⁷ The MLC President, Jean-Pierre Bemba, took over at the head of the FLC, which quickly fell apart six months later in Beni (enduring from January-June 2001).²⁶⁸ As Bemba took over, his MLC cadre replaced many of the RCD/K-ML members from the armed group's internal administration (Mwanawavene 2010), hence earning the FLC the analytical distinction as a separate rebel case.

As the FLC took power, it enjoyed extended time horizons, owing in one part to its clear support from Uganda and in other to the already lengthened horizons of its MLC and RCD/K-ML constituent groups. Taking over the Great North, FLC leadership under Bemba revised the terms of state-rebel engagement from institutional *collusion* to *cooptation*, a more limited form of collaboration with state agents.

State institutions were at the forefront of political competition under the FLC, and its leadership eyed the lucrative revenue streams passing through the Kasindi border post. As FLC illustrates, state institutions were compatible with extraction in blossoming clandestine markets.

²⁶⁷ Signed on 27 December 2000.

²⁶⁸ The merger called for a rotating presidency, of which Jean-Pierre Bemba of the MLC took the first round, although it is unclear if the presidency would have reverted to the RCD/K-ML at a later juncture. The FLC continued a few months longer in Ituri.

In line with cooptation, the FLC aimed to use state institutions into as effective mechanisms of extraction to serve its agendas. The FLC merger itself represented the culmination an earlier accord between the RCD/K-ML and MLC, which called for an arrangement to funnel revenue from state agencies in RCD/K-ML territory to the MLC (see Figure 6.1, above).²⁶⁹ As the FLC set up its headquarters in Beni, it looked to implement the spirit of this prior accord. As one local researcher describes, the group “pocketed taxes from merchandise entering and exiting via customs at Kasindi. Bemba placed his men at the head of coffee and timber enterprises, and at customs” (Mwanawavende 2010). At a March 2001 roundtable meeting with local militias whose support it aimed to earn, Bemba estimated receiving \$1 million per month from revenue from customs posts at Kasindi (*ibid*). In contrast to the “institutionalized fraud” of the RCD/K-ML, the FLC raised tax rates to increase its profits (Carayannis 2008; Nest 2006).²⁷⁰

Reverting from collusion to cooptation curtailed the influence of state agents from arenas in which they had gained authority under the RCD/K-ML. While the RCD/K-ML expanded agents’ influence in tandem with rebels, the FLC aimed to control revenue generation bureaus with a heavier hand, ensuring that rents ended up in rebel coffers. As such, FLC takeover provides insight into common trend for state agents to safeguard their pockets of administration discretion built up within institutions (Lipsky 1980).

As part of its aim to take over the area’s lucrative parallel markets, the FLC cracked down on administrations to transform the state apparatus into a more efficient mechanism of revenue generation for the rebel hierarchy. Reversing the RCD/K-ML’s approach, it restricted

²⁶⁹ Mwanawavende (2010) also makes this latter point. In this sense, Mbusa Nyamwisi’s later alliance with Kinshasa was also about a way to ensure control over the administrative revenue.

²⁷⁰ For instance, as part of its aim to take over the area’s lucrative parallel markets, the FLC increased taxes and severely restricted the leeway of state institutions in collecting them. Scholars often identify high taxes as the reason for the group’s unpopularity, noting, for instance, “the high taxes imposed by the MLC, in some cases double-digit, caused resentment among local businesspeople” (Carayannis 2008; Nest 2006).

activities of state agents and limited their discretion over economic exchange. As part of its policy, the FLC banned the cornerstone of RCD/K-ML success: prefinancing.²⁷¹ As the FLC took over, it also instructed banks in the Great North that managed the RCD/K-ML treasury to close their accounts and activities until further notice.²⁷² The group now required state agencies to make direct deposits of all revenue collected into its own “Public Treasury.”²⁷³ To clamp down on diverted funds, the FLC’s Department of Exterior Commerce prohibited state agents from “mak[ing] expenditures... at the source” and mandated that: “No tax-collecting agent is authorized to spend the night at his or her house with the money collected.”²⁷⁴ The FLC also attempted to place the business-run toll road system directly under the rebel control.²⁷⁵

Reforms that constricted agents’ room for maneuver spurred resistance. As scholars of institutions and bureaucracy note, agents seek to preserve the distributional benefits they accrue from institutions and the discretion that they hold in directing them (Lipsky 1980; Pierson 1996). Collusion had created new interest groups who obstructed institutional retrenchment. State agents had seen gains from the RCD/K-ML’s prefinancing strategy, and mutual gains had also

²⁷¹ Although the FLC vacillated on its total elimination versus restriction, and the geographic zones of its restriction Radio Message no 013/DG/OFIDA/FLC/2001 [From OFIDA Beni to Monsieur le Sous Directeur de l’OIFDA/Ituri] (month/day not specified) 2001, Beni; “Concerne: Suspension des apurement de préfinancements.” Federation des Enterprises du Congo-FEC [Letter to Monsieur le Directeur Général de l’OFIDA in Beni], 12 July 2001, Bunia. In a follow up meeting the FLC coordinator clarified that the suspension was only for the areas on the Great North (not extending to its holdings in Ituri this divided interests between OFIDA Beni, which tried to maintain control in Bunia and crack down on prefinancing there. Reportedly this had followed a meeting on 16 June 2001 with the Assistant Coordinator of Finance, Economy, and Public Purse with local businesses “centered on the dossier of prefinancing.”

²⁷² « Transmission, Acte et Instructions, » Le Coordinateur Adjoint de l’Exécutif, Front de Libération du Congo, Gbadolite, le 22 janvier 2001, n°. 001/Coord. - Adj./FEP/FLC/01/2001. Cited in Mwanawavene (264).

²⁷³ “Note de Service No 003/FLC/CE/CAB/2001 Portant Directives Spécifiques des Finances Publiques” Front de Libératioin du Congo, Commerce Exterieur [Agency Note], 14 February 2001.

²⁷⁴ *Ibid.* The directive, issued from Bunia, extended to all agents operating in the towns under its control.

²⁷⁵ 2001-04-27; 2001-05-03 FEC stated they were not opposed to the rebels taking over the toll road system if they would provide this service but the businesses did not judge the rebel state competent to do so. The FLC required it to submit its budget to the armed group for approval: “Note de Service No 003/FLC/CE/CAB/2001 Portant Directives Spécifiques des Finances Publiques” Front de Liberatioin du Congo, Commerce Exterieur [Agency Note], 14 February 2001.

helped to align preferences between rebels and state agents. Moreover, the institutional relationship with traders who looked to state agents as allies also persisted, forming a coalition counterweight that contributed to the breakdown of the FLC.

These relations grew evidence in lucrative timber sector. Rich and expansive forests surrounding Beni made the timber one of the hallmarks of the area's trafficking commodities, with rebel commanders and Ugandan military officers participating. Likewise, the new FLC administration aimed to control profits in the timber trade. To do so, the FLC imposed its own taxes on the trade (Nest 2006), but cut state administrators out of the revenue streams, citing the "continuous fraud" in the sector as a cause. Yet, as a timber exporters' committee noted, the FLC "only suspended the taxes of the state"—leaving the rebels' war effort taxes in place.²⁷⁶ Despite FLC suspensions, timber exporters opted to "continue to motivate" OFIDA agents who cleared wood through customs. To safeguard more predictable patterns of exchange, they solicited the OFIDA customs bureau to require a receipt from the exporters' agency when crossing timber through border posts. In addition, it recommended, "consolidating the collaboration" with the forestry agency.

With these relations, agents maintained a role of state authority that counteracted FLC measures, creating noncompliance issues for the rebel group. Table 6.3 demonstrates noncompliance practices by presenting the range of taxes that state agents continued to collect even after they had been suspended by the FLC.

Revisions to the tax regime and the suspension of prefinancing contributed to the FLC's expulsion from the area (Nest 2006). Assessing the situation, one local researcher noted,

²⁷⁶ Concerne: Transmission compte-rendu du C.A./APENB et candidat Gérant du COVEB/Beni" Association Professionnelle des Exploitants et Négociants de Bois, 'A.P.E.N.B.' [Letter to Messieurs le Superviseur de l'Environnement, Pêche et Forêts/Territoire de Beni à Oicha, and Président de la FEC/Groupement Territorial de Beni] 28 April 2001, Beni, p. 4.

“dismantling of financial circuits portended a decimation of the area if preventative measures were not taken quickly” (Mwanawavende 2010: 263).²⁷⁷ A military campaign ousted the FLC from Beni in June 2001.²⁷⁸

TABLE 6.3 Resistance to FLC cooptation: taxes in violation of rebel policy

<i>Timber sector</i>
Ministry of Environment
Provincial taxes
Territory taxes
Collectivity taxes
Congolese Office of Control (OCC)
Direction General of Taxes (DGI)
Military taxes
<i>Air transport and import-exports</i>
Taxe Conjoncturelle (OFIDA) ²⁷⁹
<i>General Imports</i>
<i>Prefinancing</i>

SOURCE: Concerne: Transmission compte-rendu du C.A./APENB et candidat Gérant du COVEB/Beni” Association Professionnelle des Exploitants et Négociants de Bois, ‘A.P.E.N.B.’ [Letter to Messieurs le Superviseur de l’Environnement, Pêche et Forêts/Territoire de Beni à Oicha, and Président de la FEC/Groupement Territorial de Beni] 28 April 2001, Beni.

²⁷⁷ For instance, traders protested the decision to suspend prefintancing. Suspending the administrative practice would also remove an institutionalized lever of control and predictable for civilian traders engaged in risky cross-border trade. As a group of traders wrote to the FLC: “We remind your authority that prefintancing... constitutes an inalienable **RIGHT** [sic] for [traders] and not a favor. Besides, these debts that you continually ignore constitute a substantial contribution for the implantation of the RCD/ML... the platform FLC (RCD/ML-MLC) must naturally inherit the liabilities and assets of the RCD/ML.” Although from Ituri, it represents a common reaction among businesses. Concerne: Suspension des apurement de préfinancements.” Federation des Enterprises du Congo-FEC [Letter to Monsieur le Directeur Général de l’OFIDA in Beni], 12 July 2001, Bunia.

²⁷⁸ A broad coalition of Mayi Mayi, soldiers from the RCD/K-ML, as well as allied armed groups including the Allied Democratic Forces (ADF) united to chase Bemba and his MLC troops from Beni.

²⁷⁹ On the Tax Conjoncturelle: 2001-02, 2001-06-26 For FLC President Bemba recognized the composition of the commission de Gestion de Taxe Conjoncturelle (in the territory and town of Beni) in his letter from June 21. BIC was chosen to hold the account of the conjunctural tax. 2001-07-14. The Insepcteur Chef Local de OFIDA (Muhindo wa Ndele) told the assembly that, despite the suspension of the tax conjuncturelle by the president of FLC during his meeting in Feb 2001, this tax continued being collected conforming to the resolution of a meeting held at the National Secretariat of Finances. He said that the sum collected must be restituted to the committee who was officially designated to manage it. (See 2003-07-26.) Months later, the FLC reinstated the tax, only to find that it had been collected throughout the suspension period. When the FLC reinstated the tax, it maintained its heavy-handed approach to curb agents’ discretion and install reforms. The FLC President required the RCD/K-ML-appointed Governor of North Kivu to take an inventory of the tax every night (Mwanawavende 2010: 315). In the midst of the power reversal, the RCD/K-ML cited institutional shifts as a reason to eliminate the FLC, noting the “diversion of public [funds], tangible proof of which was the location of the funds from the *tax conjoncturelle*” (315).

As the RCD/K-ML regained power, it again relied on state institutions to enforce a return to its rules.²⁸⁰ For instance, OFIDA helped reinstate RCD/K-ML authority by ensuring that businesses used exonerations or regulations issued by the RCD/K-ML, rather than those instated under FLC leadership.²⁸¹ For example, in one instance it suspended the Butembo-based transportation company who used stamps and signatures from the FLC to claim tax exonerations. In tandem, the OFIDA customs bureau regained the ability to collect taxes, such as the *taxe conjontorelle*, as the RCD/K-ML was restored to power.²⁸²

Conclusion

Collusion recruited support bases within state institutions and aligned preferences between states and rebels. Unlike the central government, the RCD, or the FLC, the RCD/K-ML did not threaten administrative discretion—“street-level” agents’ key mechanism of control (Lipsky 1980; Blundo 2006)—but collaborated to turn discretion to mutually beneficial ends. RCD/K-ML policies to “institutionalize fraud” yielded increased benefits to state agents by increasing the volume of transactions under their purview. The RCD/K-ML also upgraded their administrative status, reducing incentives for state agents to enforce armed group’s version of authority. The RCD/K-ML adopted preexisting administrative practices and tools of fiscal evasion as their own policies by institutionalizing fraud. Aligned preferences with state agents also converted institutions into support bases for the armed group. This process provided the

²⁸⁰ “Concerne: Recours à notre suspension” [Letter to Monsieur le Directeur Général Adjoint Chargé de l’Administration et des Finances de l’OFIDA à Beni] (agency to remain anonymous), 18 October 2001, Beni.

²⁸¹ “Concerne: Recours à notre suspension” [Letter to Monsieur le Directeur Général Adjoint Chargé de l’Administration et des Finances de l’OFIDA à Beni] (agency to remain anonymous), 18 October 2001, Beni.

²⁸² OFIDA said it would begin collecting the tax as of 2 July 2001, although other signs indicate the tax remained in effect over the course of the FLC, but perhaps behind the backs of the rebels. In July 2001, OFIDA state agents along with local businesses’ in Beni revised the nomenclature set in place under the RCD/K-ML in November 2000.

RCD/K-ML with resources from administrative infrastructure, including the capacity to regularize extraction and monitor economies.

Comparisons with other armed group strategies in the Great North lend support to the argument that rebels gain from appropriating institutions as levers of, rather than working against them. Tracing the emergence of collusion through processes of coalition formation over the course of conflict and examining how states and rebels realized mutual interests provides insight into the nature of statehood and properties of institutions during civil war.

A first dimension centers on the nature of statehood. Extant scholarship often views state power and competition as refracted through the preferences and capabilities of the capital. Collusion challenges conventional expectations that state institutions fade away in areas beyond the capital's reach. The state apparatus remained on the frontlines of competition. State institutions provided agents a crosscutting source of identity and set of interests driven by (the appearance of) official procedure that was not simply reducible to informal ties or ethnic affiliation. These day-to-day practices of the state apparatus in warzones clarify the tangible effect of state resources that are not directly contingent on central penetration into peripheries.²⁸³ And as comparisons between RCD/K-ML collusion and RCD-G cooptation reveal, state institutions formed the frontlines of conflict in contemporary war, in which the ability to recruit institutional bases of support provides rebels with levers of influence in armed rivalry with one another. These exchanges recast the state not as a foreign or aloof entity, but as embedded at peripheries (Englebert 2009).

²⁸³ As scholars typically portray infrastructural power (Mann 1986; Soifer 2008). Raeymaekers describes that these relationships unfolded “in a situation where cooperation between entrepreneurs and the Congolese state in Butembo had reached bottom levels,” enabling traders to fill in for the state (110).

As this chapter has illustrated, war also created a moment to resolve consequential questions about who controlled the state apparatus and its resources. Retracted central control refocused social competition over access to the state, and the RCD/K-ML gained new partners by supporting this process.

Second, findings clarify properties of institutions that studies of civil war often overlook. The presence of institutions and related concepts such as order or regularized interactions between noncombatants and armed groups are often conflated with governance, or the delivery of public goods to the same population (Arjona 2014; Tull 2003). In a similar fashion, Mampilly conflates the state apparatus with its expected positive effects, such as more effective political voice (2011). Yet rebels may seek out institutional levers of control for their own benefit and direct profits to narrow agendas. Institutions can regularize extraction and offer predictability, but often hold uneven distributional consequences (Thelen 1999). Institutions owe their continuity to their ability to promote power of some social grouping often at the expense of others. Hence, rather than test for the presence of often normative attributes such as legitimacy or public goods in conflict zones to derive the presence of institutions, scholarship may be better suited to identify the presence of institutions in varied formats

*“Certain statistics that I discover are simply baffling...
[Official] structures have transformed themselves into fiscal parasites.”*

- Department of Finance and Budget,
Rally for Congolese Democracy, Goma, 1999²⁸⁴

Chapter 6.

INSTITUTIONAL COOPTATION: TAKEOVER, REFORM AND RESISTANCE

Civil war raises fundamental questions of who controls the state. Scholars often focus on these contests through the prism of armed battles waged against central governments, yet this competition plays out on a broader scale. As rebellion carves out territory from the capital's reach, it creates opportunities to redefine state access to even within rebel strongholds. State institutions in conflict zones harbor valuable resources for new rulers: sovereignty eases access to international markets and recognition, while administrative infrastructure carries promises for regularized extraction and information gathering. Rebels that appropriate institutions and access these resources can turn the state apparatus against central incumbents—launching a more comprehensive challenge to governments—while linking their organizations to structures with credible guarantees to outlast armed conflict. More than immediate resource access, the potential to shape lasting subnational distributions of state control is on the line.

With these stakes, rebels face a consequential choice of how to engage state institutions in their zones of military control. As armed groups gain territory, they select whether to work through institutions and treat officeholders as collaborators, or to displace them to govern (or predate) directly. This chapter examines the conditions under which armed groups coopt institutions and the competitions over state authority that this choice triggers. It traces these properties of institutional change as emerging armed actors seek to repurpose the state apparatus.

²⁸⁴ Address from the Chef du Département des Finances, Budget, et Portefeuille RCD, to Federation des Entreprises du Congo, 20 December 1999, Goma.

This chapter examines institutional cooptation through comparisons of five cases of state-rebel relations in areas under the control of the Rally for Congolese Democracy-Goma (RCD-G). Under cooptation, armed groups seek to build control over institutions, reforming them into more effective arms for rebel agendas. The RDC-G struck a tempered form of collaboration with state agents, reshaping institutions toward its own goals of taxation, intelligence gathering, and interfacing with international firms and humanitarian deployments. Institutional reforms in turn provoked state agents with varied social ties with rebels to safeguard their authority. Unable to turn cooptation to more favorable outcomes of collusion in the absence of a mutual threat to spur coalition building, administrators turned noncompliance tactics against rebels to maintain autonomy over how institutions were used. These political competitions transformed the state apparatus into an arena of contestation behind frontlines, calling attention to new mechanisms of institutional continuity and functions of statehood in rebel strongholds.

This chapter proceeds in four parts. The following section develops the theoretical contributions of cooptation by setting it against alternative hypotheses that state intuitions take no direct effect on conflict. Subsequent sections trace processes of institutional cooptation over a first stage of institutional choice as rebels takeover and reform administrations, and a second stage of negotiation and administrative resistance. A third section identifies effects of cooptation by examining how state institutions reshaped the nature of armed group organization. The chapter concludes by drawing implications for properties of institutional change during war.

Theoretical Dimensions of Institutional Cooptation

Pathways to cooptation emerge as rebels seek to benefit from ready-made structures for taxation and access international markets and deployments. A necessary condition for

cooptation is that armed groups hold time horizons that are not short term. Rebels seek to gain from predictable exchange rather than looting in areas where they are not immediately threatened with rivalry that calls their military or economic survival into question. Yet, cooptation demands less comprehensive control or lengthened time horizons than scholars expect are needed to fashion wartime order. This is because the institutional task set before rebels under cooptation differs: instead of *forming* institutions, rebels *reform* existing ones. Working through preexisting infrastructure provides a cost-saving option for armed groups to access resources that does not require investments in fashioning alternative systems of control.

As armed groups repurpose institutions for new agendas, cooptation in turn triggers competitions over political authority. Under cooptation, state and rebel preferences align over the *infrastructure* of rule, but diverge over who regulates its *content*. Institutional takeover can spur power struggles with state agents who seek to maintain control over administrations and distributional benefits. Officeholders need not defend their posts out of political loyalty to the government, but to preserve the institutions on which their own sources of enrichment and authority depend (Feldman 2008; Trefon 2007). Cooptation entails iterative struggles between armed groups and state agents to shift the balance of control over institutions. These struggles transform the state apparatus into an arena of political competition throughout armed conflict.

State agents draw on tactics to safeguard their interests that illustrate institutional properties of statehood. Agents continue to draw on administrative tools to safeguard their control over institutions that they use even to stake out opportunities for discretion and personal enrichment vis-à-vis capitals. As Lipsky (1980) notes, “street-level” bureaucrats influence state practices by exercising discretion in which rules they enforce and how. Since agents are “interested in processing work consistent with their own preferences,” some “slippage” between

policy and implementation is inevitable (19). This commonly occurs even in strong states, as administrators apply “personal tastes and standards” in distributing public resources, willfully “misplace” applications or files, and exploit loopholes to build discretion over state authority (Lipsky 1980: 21, 23).²⁸⁵ Opportunities for deviation flourish in fragile states and can expand during civil war (Vandekerckhove 2011). As Klem (2012) shows in Sri Lanka, officeholders draw on their posts to “hide behind bureaucratic façades” while pursuing other programs (706). Analogously, in post-Soviet Georgia, administrators use “complicated bureaucratic procedures” to demand payments for official documents or for turning a blind eye for businesses to circumvent the restrictions (Kukhianidze et al. 2004: 54). And in Gaza, “bureaucratic red tape and the use of procedural mechanisms to obstruct the citizens’ efforts to receive services” provided tools to extract fees (Feldman 2008: 77).²⁸⁶ Agents often fudge rules, divert funds, strike side deals, and use illegibility to carve out control vis-à-vis hierarchies (Blundo 2006; Lipsky 1980; Scott 1998). These mundane strategies may appear powerless in warzones. Yet, armed groups that coopt state institutions become vulnerable to administrative contests that can carry influence rebel organization in unanticipated ways, while the material benefits that state institutions offer provide administrators with levers of influence vis-à-vis rebels.

These competitions can be weighed against a first alternative hypothesis that military control reshapes institutions to rebel ends so that states take no direct effects on wartime governance. Kalyvas (2006), for instance, contends that noncombatant cooperation follows

²⁸⁵ Other studies of state administrations likewise illustrate that agents build their political influence by cultivating “opacity” in the performance of official tasks (Blundo 2006: 807).

²⁸⁶ These practices also hold in “strong” states, but the degree to which they create opportunities for discretion may be diminished. As Lipsky (1980) notes from the US, official rules “may be so voluminous and contradictory that they can only be enforced or invoked selectively” (14). During armed conflict, these practices provide opportunities for rebel enrichment. As Reno notes in Liberia, the NPFL “understood well the multitudinous opportunities to exploit bureaucratic rules as tools to require expensive work permits, residence permits, conservation fees, industrialization incentive fees, and so forth to be extracted” (2015: 277).

changing patterns of territorial control: as rebels take over local administrations, civilians in and out of bureaucratic uniform should comply with new rulers. Since village administrations changed political loyalties with shifting distributions of political control, he suggests that preexisting institutions have no direct effect on rebel decision making. Reflecting this logic, Reno (2015) likewise describes rebels as easily exploiting symbols of statehood for their own use without incurring checks on their political control. Since state institutions are subject to the preferences of changing military actors, they take no independent effects on conflict.

A second alternative hypothesis holds that administrations in weak states are constituted by the social environments in which they are embedded, so take no direct *state* effects. In this view, central state retreat characteristic of civil war shifts control from state to “organic” forms of rule (Menkhaus 2006/7). Under these conditions, states should not take distinct effects from civilian institutions, social structure, or informal networks, which shape insurgent organizational structure and resource access (Arjona 2014; Staniland 2012a; Weinstein 2007). If this expectation holds, the state apparatus should not offer rebels unique resources or mechanisms of rule. Administrative action and preferences should mirror the informal networks and social structure in which their agents are embedded.

These expectations can be tested against the present argument that institutions continue to shape the preferences and capabilities of their agents. Following literature on Historical Institutionalism (Pierson 1996; Thelen 1999) and studies of state administrations (Feldman 2008; Lipsky 1980; Hull 2012) that demonstrate that agents maintain institutions under changing circumstances, this chapter explains how state agents maintain discretion over institutional resources even as armed groups appropriate institutions for their own goals.

This chapter examines institutional cooptation and the competitions it triggers through

five sub-national case comparisons across territory held by the Rally for Congolese Democracy-Goma (RCD-G) armed group (from August 1998-August 1999, it was simply called the Rally for Congolese Democracy or “RCD”). As an armed group that is commonly considered to lack attributes necessary to build predictable relations with civilians, the RCD-G provides a good test for the argument. Backed by Rwandan sponsorship and comprised of leaders from a contested Kinyarwanda-speaking ethnic minority, the RCD-G is often seen as lacking local investment at best, and as a looting mechanism for foreign interests at worst. As Tull (2003) describes, the RCD “felt it unnecessary to gain a popular following in Kivu, let alone political legitimacy” (433). Limited popular support couples with the “plunder logic” in Congo’s wartime economy that should dispose rebels away from institutions and subvert state boundaries. The RCD-G appeared an archetype of gaining from a violent political economy (UN 2001, 2002; UN 2010: 153-206), and lacked firm territorial control over its holdings. It met threats from local self-defense militias known as “Mayi Mayi” in rural areas (Vlassenroot and van Acker 2001a, 2001b). Moreover, Mampilly (2011) argues that the *lack* of a preexisting state apparatus in RCD-G zones of controlled played a causal role in rebels’ predatory behavior. Standard frameworks would expect these attributes to discount a causal role for institutions in shaping rebel behavior.

Yet even with these characteristics, the RCD-G made efforts to coopt and reform state administrations. Table 6.1 summarizes the five cases of cooptation within RCD-G-held zones and factors associated with alternative hypotheses. Cases span variation in social relationships and administrative status of towns, while all feature trade in lootable resources that would be expected to undermine the utility of institutions. Drawing on available correspondences between armed groups and officeholders, the table estimates the number of agencies with which the RCD-G held regular contact. Cases also represent varied proximity to international borders and rebel

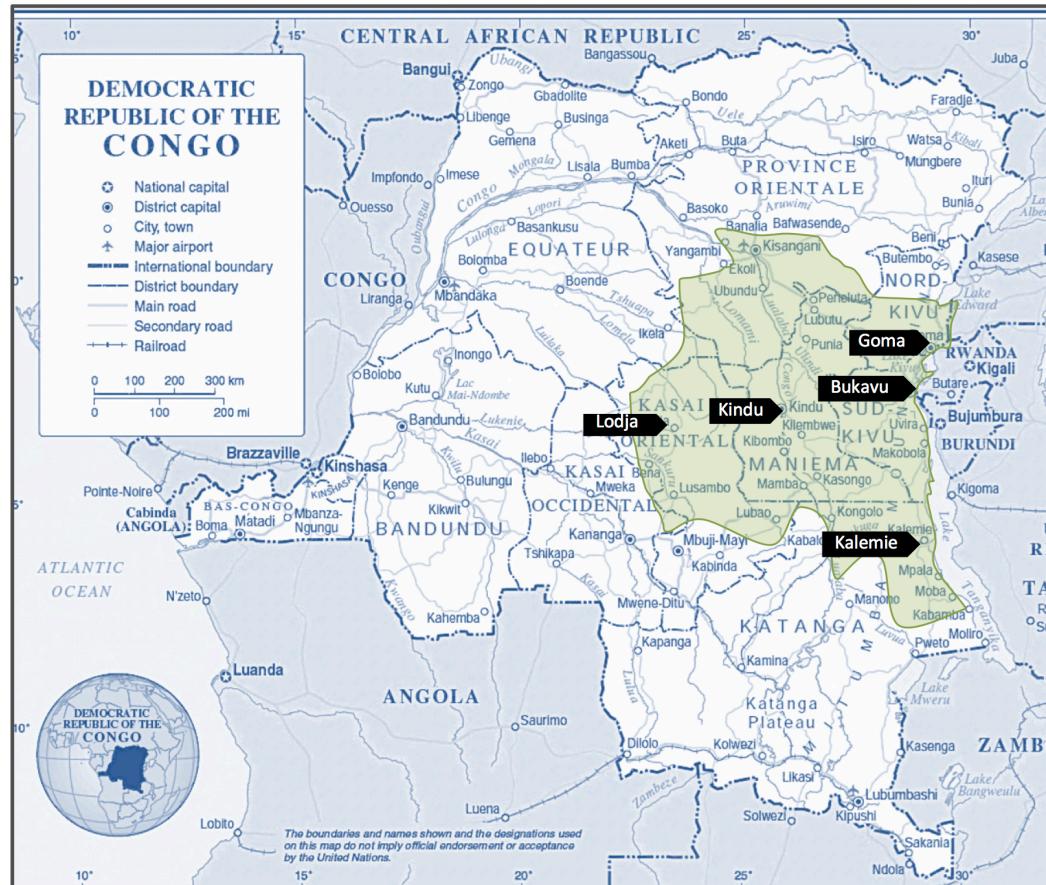
headquarters. Map 6.1 (below) illustrates the location of cases and the features of political geography that distinguish them.

A first case includes the RCD-G's headquarter city of Goma, the capital of North Kivu province. Here, RCD-G leadership held kinship ties with traders of a Banyarwanda ethnic minority. To the immediate south, the capital of South Kivu Province, Bukavu, was marked by stronger social resistance, reflecting the Catholic Church's influence. State administrations were most developed in these two provincial capitals. Situated immediately along international borders, the political geography of both proved more strategic than a third provincial capital, Kindu, in Maniema province. A landlocked interior and deteriorated roads made Maniema primarily accessible by air. Its natural resource exports passed to international markets via other border posts such as Bukavu, or from direct flights to Rwanda, the RCD-G's foreign sponsor.

TABLE 6.1. Subnational cases of cooptation in RCD-G held territory

City, Province	Administrative status	# State agencies	Alternative Hypotheses		
			Rebel-civilian social ties	Neighboring country, distance to int'l border	Key resources
(1) Goma North Kivu	Capital	24	3	Rwanda 0km	Cassiterite, coffee, coltan
(2) Bukavu South Kivu	Capital	19	1	Rwanda 0km	Minerals
(3) Kindu Maniema	Capital	12	3	Via plane 330km	Tins, gold, wolframite
(4) Lodja Kasai	Secondary town	5	2	Via plane 620km	Diamonds
(5) Kalemie, Katanga	Secondary town	8	3	Tanzania (via lake Tanganika)	Timber, tins

NOTE: Rebel-state social ties: 1 = low overall ties within a fragmented community; 2 = low overall ties within a cohesive community; 3 = close ties to members of a single noncombatant network in a generally fragmented community; 4= close ties to noncombatants in a generally cohesive community

MAP 6.1. Cases of Cooptation in RCD-G zones of influence

NOTE: Green indicates RCD-G territory (after split with RCD/K-ML)

Second-tier cities, including Lodja (Kasai Orientale) and Kalemie (Katanga), provide variation in the level of pre-conflict administrative development. Lodja, in Kasai Orientale Province, lay far from RCD-G headquarters. Accessible primarily by plane, it stood closer to fault lines along government-held territory.²⁸⁷ Throughout war, the RCD-G's hold over Kalemie and Lodja was tenuous, and its Department of Finance met “difficulties tied to communication and financial means” in these areas.²⁸⁸ These areas illustrate how mechanisms of institutional

²⁸⁷ The RCD invested in additional planes to run these routes: “Calcul de Rentabilité d’un An 32” RCD, 5 January 2002, Goma. Routes included flights from Goma to Lodja.

²⁸⁸ “Conférence de Concertation sur les Problèmes Urgents et Prioritaires des Directions Provinciales de l’I.N.S.S. en Territoires Libérés: Rapport des Travaux” 28 August 1999, Goma; “Concerne: Situation Compte Général du

continuity were grounded in the state apparatus rather than dependent on rebel investments.

This variation provides opportunities to weigh the emergence of state-rebel relations of cooptation against informal ties, resource endowments, and other factors commonly held to shape rebel governance outcomes. Across these cases, this chapter presents evidence that the RCD-G worked through preexisting state institutions to perform strategic functions. The following sections trace these processes across a first stage of institutional takeover, surveying the RCD-G's general strategy, and a second stage of institutional negotiation, examining specific cases for how administrators leverage state resources to resist rebel encroachment.

Pathway to Institutional Cooptation

The Rally for Congolese Democracy (RCD or RCD-G) turned to cooptation after the dust settled from an initial military campaign that opened rebellion with plunder and armed clashes. The Second Congo War (1998-2003) followed quickly on the heels of the First War (1996-7) and launched the RCD to power across stretches of eastern Congo. During the first rebellion, *Alliance des Forces Démocratiques pour la Libération du Congo* (AFDL) rebels had marched from eastern Congo to the national capital to topple President Mobutu's regime. The RCD, with its headquarter in the same city of Goma, expected to replicate the quick march on Kinshasa and easy victory of the First War.

Time Horizons

Cooptation was not over determined. War onset in August 1998 corresponded with an initial phase of looting and attempted displacement by foreign backers supporting the RCD.

Trésor" [Memo from the Director of the Cabinet, Département des Finances, Budget et Portefeuille to the Chef de Département des Finances, Budget et Portefeuille], 20 March 2000, Goma.

Observers sometimes cast the war as triggered by regional interests, with the RCD an afterthought. Indeed, the RCD did not fully form or take on a name until two weeks after war's onset, pulling together a leadership council after rebellion was already underway (Tull 2005). War was originally intended as a *coup d'état* rather than prolonged rebellion, so investment in local forms of rule appeared unnecessary. The RCD initially held short time horizons as an armed group, expecting a quick military turnover that would flow from external support and not require organizational durability. At the same time, invasions of multiple foreign armies and local militias corresponded with intense rivalry to control the local political economy and resource chains. Foreign states invaded, looted, and sponsored Congolese proxies (Clark 2002; Longman 2002; Prunier 2009; Turner 2002). In the opening months of war, members of the Rwandan and Burundian armies pillaged hospitals and humanitarian agencies (UNSC 2001). The Rwandan army cleared out central bank reserves in Bukavu and Goma (UNSC 2001), while Uganda and Rwanda developed regional plunder economies assisted by foreign firms.²⁸⁹

Once formed, RCD leadership assembled prior political elites under the Mobutu regime, including a group of Congolese Tutsi leaders who colored the group's image as a Rwandan pawn, despite its multiethnic composition (Tull 2005). As the RCD's Vice President admitted, "we are conscious of a certain unpopularity of our movement among the population" (132).²⁹⁰ This corresponded with military attacks directed at the RCD headquarters in the opening month of war. Acting on an anti-RCD sentiment amongst noncombatants, local Mayi-Mayi self defense

²⁸⁹ Moreover, the preceding rebellion had introduced a new class of traders in Goma and Bukavu, linked with Rwanda and Burundi that further appeared to undercut territorially-delimited state institutions. As Vlassenroot and Romkema (2002) note, "their success in accessing the Congolese market was largely due to their ability to bypass the customs facilities at the borders. This new class of businessmen did in fact replace the Congolese middlemen that were used by the Mobutu elite to access local markets."

²⁹⁰ "Rebel-Held Territory to Be 'Showpiece' of Good Management, Karaha Says," *BBC Monitoring*, 7 Sept. 1998. Also, "Rebel Leader on Foreign Armies, Rebel's Reception in Conquered Towns," *BBC Monitoring*, 16 Sept 1998.

militias and Hutu rebels attacked Goma was attacked in September (Tull 2005: 130). Joining in looting, the RCD requisitioned stocks of minerals such as cassiterite (including from powerful co-ethnic traders)²⁹¹ and exploited gold to supply themselves with arms.²⁹² The national army followed suit and requisitioned minerals (such as coltan and cassiterite) held by state agencies (UNSC 2001).²⁹³

Mechanisms of Institutional Continuity

And yet, many state agents sought to preserve institutions in the midst of looting. Doing so did not imply political commitments to central rulers or to service provision, but to reinforce bases of agents' authority and enrichment in a changing political environment. The opening months of rebellion clarify that institutions persisted without rebel investment; state administrations endured because agents show up for their job (Feldman 2008; Trefon 2007).

For instance, rather than a breakdown of state infrastructure, the Governor of North Kivu noted that a “plethora” of state agencies continued to tax cross-border trade in the opening weeks of the RCD’s control over Goma.²⁹⁴ Maintaining his functions, the Governor remained in contact with provincial administrators to standardize exchange rates and petrol prices across the province—maintaining core functions of states in standardizing measures for exchange (Spruyt

²⁹¹ In October. “N/Réf: RMA/V-NG/PDG/0089/99. Concerne: Réquisitions no 001 et 002/RCD/CD/98 du 09 octobre 1998” ” Ressources Minérales Africaines “RMA” [Letter to Monsieur le Coordonnateur du Comité Exécutif du RCD à Goma] 4 May 1999, Goma.

²⁹² “RCD requisitioned its stock of cassiterite and of South Kivu where the rebels exploit subterranean mines of gold at Kamituga and at Lugushwa to supply themselves with arms.” Memo of Governors to RCDG President. This followed after Kabila dissolved SAKIMA and RMA and replaced them with SOMICO.

²⁹³ Specifically, SOMINKI. Likewise, in Maniema, RMO, SOMICO stopped activities because

²⁹⁴ “Concerne: Agents en mission officielle” [Letter à l’attention de tous les Responsables de Services Étatiques et Paraétatiques ouvrant au Nord-Kivu] Province du Nord-Kivu, Cabinet du Gouverneur de Province. 22 September 1998, Goma. Specifically, the *chef de cité* in Butembo, Beni, and Kiwanja. See also “Communiqué de Presse” Province du Nord-Kivu, Cabinet du Gouverneur de Province, Commission de Fixing, 9 October 1998, Goma.

2002; 1994).²⁹⁵ Even as foreign armies and local militias invaded the city, he placed stricter controls on monitoring import-export procedures and reinforcing administrative lines control in the absence of central power.²⁹⁶

Administrators adapted their posts to changing circumstances to preserve their regulatory power over economic exchange. For instance, agents at the Office of Customs and Excise Taxes (*Office des Douanes et Accises*, OFIDA) bureau in South Kivu saw new opportunities in the widespread pillaging. These agents sold “Certificates of Losses of Merchandise” to local businesses to document the losses. In these certificates, customs agents attested to the “systematic pillage [of imported goods] during the war” by providing official documentation to traders who held (perhaps misplaced) hopes of eventual restitution.²⁹⁷

Other agents took advantage of waning central influence to rebalance their control of the state apparatus vis-à-vis the capital. In another instance, the OFIDA customs bureau in Goma used war as an opportunity to annul exonerations that the capital had issued for export taxes—shifting state authority over resource flows to the periphery.²⁹⁸ Also seeking to safeguard their

²⁹⁵ Spruyt (2002) notes that this standardization process was a distinguishing marker of early modern states: “Monarchs also worked to regulate their economies through standardization of coinage, weights, and measures” (139). The ambiguity surrounding taxation in Congo, however, distinguished it from the modern state, in which “Rather than multiple and competing taxation, central authority standardized the type and level of exactions” (*ibid.*).

²⁹⁶ Specifically, the “loading and unloading of merchandise.” Only OFIDA (Office des douanes et accises), OCC (Office Congolais de Contrôle) and the civilian intelligence agency would be authorized. “Concerne: Plethora des services qui assistent au chargement et au déchargement des marchandises” [Letter à l’attention de tous les Responsables de Services Étatiques et Paraétatiques ouvrant au Nord-Kivu] Province du Nord-Kivu, Cabinet du Gouverneur de Province. 22 September 1998, Goma.

²⁹⁷ “Attestation de Perte des Marchandises” Office des Douanes et Accises (OFIDA) Direction Provinciale du Sud-Kivu, Inspection d’Uvira, Bureau Recettes de Kalundu. 18 August 1998, Uvira. By contrast, the OFIDA bureau in Kalemie suspended the “Fund for the Promotion of Industry” tax in August 1998 since the funds and the official collections forms were pillaged during these events. According to a follow-up commission a year later, there was no similar loss certification process in Kalemie as agents had organized in Uvira. “Rapport de Mission Effectuée à Kalemie: du 30/07 au 21/08/1999” [Commission du Département du Commerce et de l’Industrie, Rassemblement Congolais pour la Démocratie] 21 August 1999, Kalemie (Katanga).

²⁹⁸ As described in: “Concerne: Règlement Droits de Sortie sur Notre Café à l’Exportation” [Business to remain anonymous. Letter to Monsieur le Directeur Provincial OFIDA Nord-Kivu à Goma] 14 October 1998, Goma. The national bureau of OFIDA as well as the national Minister of Plan and Development, both located in Kinshasa, had

authority in the midst of uncertainty, heads of several state revenue collection agencies met in Goma in the opening weeks of war to assess their control of parallel markets.²⁹⁹ As the *Direction Générale des Contributions* (Direction General of Contributions, DGC) agency estimated, 70% of business transactions eluded official taxation.³⁰⁰ Seeking to “increase the financial plate” through inroads into parallel markets, these agency heads revised tax rates to encourage traders to work through official channels. They amended official taxes from 3% to 1% for traders operating formally and levied a 5% fine on informal transactions.³⁰¹ Agents applied the tax to a broader range of activities than before the war, expanding the application of state regulations in the process.³⁰² Raising the perennial question of “how to distinguish formal from informal,” the commission judged that certification from the DGC agency “would suffice to justify whether a business operator was acting formally. Those found without it will be in the informal group.”³⁰³ Hence, administrators sought to maintain the value of state markers as war broke out.

Conflict expanded opportunities for administrators to shift the balance of power over the

earlier authorized these exonerations. “Objet: Exportation en exonération du café ouvré ou semi-ouvré” Office des Douanes et Accises OFIDA [Letter to business to remain anonymous, cc'd to OFIDA-North Kivu], 24 July 1998, Kinshasa. “Objet: Validité Arrêté Interministériel CAB/PLAN & RN/FIN/071/96” Ministère du Plan et Développement, Commission des Investissements, [Letter to anonymous business], 3 November 1997, Kinshasa.

²⁹⁹ “Compte-Rendu de la Réunion Technique d’Examen du Taux de l’Imposition du Précompte BIC. Tenue le vendredi 21 aout 1998” Province du Nord-Kivu, Cabinet du Gouverneur de Province. 21 August 1998, Goma. Representatives from the DGC, DGRAD, OFIDA revenue agencies, the entrepreneurs’ association (FEC) and the provincial ministries (or divisions) of Economy, of Commerce, and of Finance, were present.

³⁰⁰ Other state agencies also note this concern for parallel financial circuits. For instance, as heads of the OCC bureau enumerated its “common problems” across South Kivu, North Kivu, and Orientale Provinces, it listed “the quasi-totality of imports and exports is done outside the banking circuit.” Note Technique au Chef de Département des Finances du R.C.D.” Office Congolais de Contrôle ‘OCC’ Départements Provinciaux Est [Sud-Kivu], Nord-Kivu et Orientale. 13 October 1998, Goma. Signed by the heads of the provincial departments of Orientale Province, of the East [South Kivu], and of North Kivu Province.

³⁰¹ Specifically discussing the Précompte BIC tax. It declared, “every businessperson, producer, importer, and exporter, is affected by this imposition in the goal of fighting against fiscal evasion.” The president of the Federation des Entreprises du Congo (FEC) noted his support. “Compte-Rendu de la Réunion Technique d’Examen du Taux de l’Imposition du Précompte B.I.C Tenue le Vendredi 21 Aout 1998.” 25 August 1998, Goma.

³⁰² From commercial transactions to businesses’ income taxes more broadly.

³⁰³ The price of this attestation would be reduced from \$50 to \$20 to incentivize businesses working informally to put themselves in good legal order.

state apparatus while maintaining it as a means of exercising control. Administrators anticipated that changes that could persist at war's end. For instance, governors from provinces across RCD holdings gathered to recommend amendments to managing economic flows, expecting these changes would be “render[ed] *legal and liable* to be one day adopted at the national level.”³⁰⁴ The timing indicates that officeholders’ preferences and capabilities mechanisms of continuity and instated new rules that shaped directions of institutional change.

Cooptation: Appropriating Institutional Levers of Control

As the RCD’s military campaign failed to deliver its anticipated takeover of the capital, the group settled into tasks of holding territory.³⁰⁵ Lengthening time horizons did not eliminate looting or deliver reciprocal relations with noncombatants—the RCD remained widely noted for its systems of extraction, in conjunction with its Rwandan patron (UN 2010; UNSC 2001, 2002). Nonetheless, as the dust settled and the RCD faced a longer task of controlling noncombatants and cross-border exchange, it looked to state administrations as mechanisms to build influence and access revenue.

In addition to tailoring strategies to specific cases, the RCD promulgated general codes on how to engage state institutions across its zone of influence. This section surveys tactics that the RCD applied across its holdings in a first stage of institutional takeover; the following breaks these down by case and examines subsequent processes of institutional negotiation.

One of the first steps toward cooptation appeared two months into rebellion. The RCD

³⁰⁴ This unfolded prior to the negotiation of the Lusaka accord that recognized armed groups as de facto rulers in their zones of control. The meeting assembled governors of North Kivu (Léonard Knyamuhanga Gafundi), South Kivu (Norbert Basengezi Katintima), Orientale (Théo Baruit Amissi), and Maniema (Nestor Kiyimbi Mutangi). “Mémorandum des Gouverneurs des Provinces sous Contrôle du RCD à Leurs Excellences Messieurs le Président et les Membres du Directoire du RCD.” Governors 30 December 1998, Goma.

³⁰⁵ Three weeks into war, Kinshasa regained control over the strategic Kitona military base. See Prunier (2009) and Stearns (2011) for an overview of the conflict.

looked to carve out zones of influence vis-à-vis the capital, such as by reversing presidential decrees on mineral exports.³⁰⁶ To do so, it formulated an engagement protocol with state administrators across its zones of influence, seeking to use the state apparatus as a tool against the central government.³⁰⁷ The RCD's Department of Finance defined procedures to synchronize revenue flows in state agencies with the armed group's coffers (Figure 5.1). The instruction, laid out in October 1998, defined clerks' duties, mandated official paperwork for economic transactions, spelled out a payment schedule for state agencies, and defined the days the month that revenue would be "centralized" into rebel accounts.

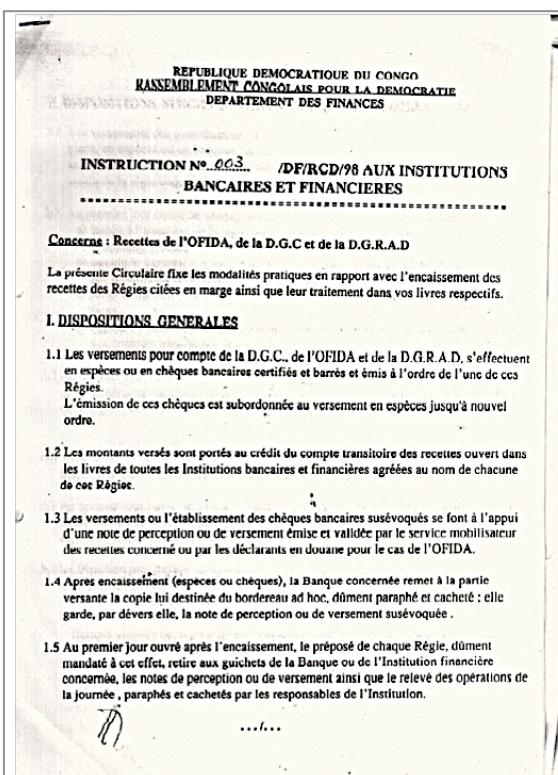


FIGURE 6.1

"Instruction No 003/DF/RCD/98 to Banking and Financial Institutions, Concerning: Revenue from OFIDA, DGC, and DGRAD"

RCD Department of Finance, p. 1

³⁰⁶ Cited in "Concerne: Dossier SAKIMA Sarl/RMA Sprl" Ressources Minerales Africaines "RMA" [Letter to Docteur Emile Ilunga, Président du Rassemblement Congolais pour la Démocratie] 28 April 2000, Goma, p. 6.

³⁰⁷ "Instruction No 003/DF/RCD/98/Aux Institutions Bancaires et Financières" Rassemblement Congolais pour la Democratie, Département des Finances, 20 October 1998, Goma. The RCD stipulated that 25% of earnings would be refunded to Provincial governments from banks. The instruction was to come into effect from November 1st.

Figure 6.1 depicts the first page of this instruction. It pertained to three state agencies that boasted the largest revenue holdings: the Office of Customs and Excise Taxes (OFIDA) customs bureau and the General Direction of Contributions (DGC) and General Direction of State Owned Revenue (DGRAD) revenue collections agencies. Issued from RCD-G headquarters in Goma, the instruction was applicable across agency branches throughout its territory. Rebels' minute detail regulating these transfers mirrored the bureaucratic complexity of the institutions they took over. For instance, as one line of the instruction read: "On the first day of each week, the balance of the centralized account of each Agency is to be leveled for the profit of the general account of the [RCD] Treasury, opened at the central Bank, or to its intermediary institution, in each county seat of the Province."

Cooptation extended more broadly across the state apparatus, and the RCD took over institutions wholesale. Table 6.2 provides examples of some of the state agencies it incorporated and the functions they served to the group, described in further detail below.

Using state institutions did not imply a commitment to goods provision. Yet neither did the RCD appropriate institutions simply with the goal of quick enrichment. Public treasuries had been plundered in the initial round of looting. As the RCD turned to cooptation, it shared profits with administrators, indicating stakes in actual institutional functions.³⁰⁸ The RCD-G reimbursed agencies from revenue they collected and transmitted to rebels. Subsequent bank statements throughout the war illustrate that these transfers occurred in actual practice. Through cooptation,

³⁰⁸ At the outset of cooptation in October 1998, the RCD instructed commercial banks to reimburse 10% of agencies' total revenue, as well as to retain 1.5% of the revenue as a commission. It instructed branches of the central bank of Congo in the provinces under its control to calculate a 25% reimbursement to the province. Evidence of refunds delivered includes: "Rapport Financier sur la Gestion de la Retrocession de Novembre 98 à Avril 99" Office des Douanes et Accises (OFIDA), Direction Provinciale du Sud Kivu, 30 April 1999, Bukavu. At various moments throughout war, it paid bureaucrats. One instance of this included: "Concerne: Rapport réunion du comité de suivi budgétaire du 24 décembre 1999" Directeur de Cabinet du Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille à Goma], 29 December 1999, Goma.

the RCD aimed to profit from institutional resources of taxation, intelligence gathering, whitewashing, and sovereignty.

TABLE 6.2. Institutional Cooptation: Examples of State Agencies Active in RCD-G holdings

Agency	Function	Cases operative	Revenue flow (RCD-G categorization: important/intermediate /insufficient)
CNE	Monitoring of precious minerals; statistics, controlling movements of transportation and exports	(1) Goma (2) Bukavu (3) Kindu	n/a
DGC <i>Direction Générale des Contributions</i>	Collect tax revenue; Transmit statistics	(1) Goma, (2) Bukavu (3) Kindu,	Important
DGRAD <i>Direction Générale des Recettes Administratives-Judiciaires Domaniales et de Participations</i>	General Direction of State-Owned Revenue, taxation bureau; statistics “facilitate the collection of taxes and dues.”	(1) Goma (2) Bukavu (3) Kindu (4) Lodja (5) Kalemie	Important
DGM <i>Direction Générale de Migration</i>	Immigration control and detentions	(1) Goma (2) Bukavu (4)Lodja	
OCC <i>Office Congolais de Contrôle</i>	Furnish statistics on cross-border economic transactions; Monitors cross-border trade for “quality control”	(1) Goma (2) Bukavu (3) Kindu (4) Lodja (5) Kalemie	Important
OFIDA <i>Office des Douanes et Assises</i>	Customs bureau; Collect tax revenue Transmit statistics	(1) Goma (2) Bukavu (3) Kindu (4) Lodja (5) Kalemie	Important
ONC <i>Office National du Café</i>	Monitoring coffee exports, taxation	(1) Goma (2) Bukavu (3) Kindu (4) Lodja	Intermediate
RVA <i>Régie des Vols Aériennes</i>	Air transit regulatory agency; Monitor flights and goods in “liberated territory”	(1) Goma (2) Bukavu (3) Kindu (4) Lodja	Important
SNEL <i>Service Nationale d'Electricité</i>	Public Electricity provider	(1) Goma (2) Bukavu (5) Kalemie	Important

Taxation

Administrative infrastructure provided the RCD a mechanism for regularized extraction.

Armed groups often study the towns and institutions they take over to tailor a governing strategy (Arjona 2014; Metelits 2010). As the RCD took over institutions, it studied their revenue-generating capacity. This occurred at regular intervals throughout war, including in early 1999 as the RCD called an interdepartmental meeting to address its finances.³⁰⁹ The RCD’s Executive Committee commissioned financial reports from heads of the armed group’s “Departments,” or ministries, to establish a nomenclature of taxes to identify avenues to increase profits and better leverage state revenue for military use.³¹⁰ Similarly, in 2000, the RCD-G president created a tiered ranking of the strategic importance of varied state agencies, classifying their cash flows as “important,” “intermediate, or “insufficient” (indicated in Table 5.2).³¹¹ The sprawling OFIDA customs agency boasted the largest treasury. The RCD-G charged it with supplying the majority of its budget (73% of expenses for 2000).³¹² In doing so, OFIDA took on an important role for rebel security; the majority of agency funds (60% in 2000) were used for the rebel’s armed branch (known as the *Armée Nationale Congolaise*, ANC).

As Trefon (2009) describes, despite the “arbitrary” nature of the Congolese bureaucracy, “the administrative machine ‘works’ when it comes down to generating income” (15). In fact, local branches of state agencies dealt in revenue streams that rivaled the RCD’s budget. For instance, as the RCD-G contemplated cutting back the budget for its political wing to \$44,250

³⁰⁹ “Rapport de la Commission Interdépartementale sur la Politique Financière du R.C.D.” RCD, February 1999, Goma. Included among these were the Department of Finance and Budget (serving as President of the Commission), Department of Economy, Exterior Commerce, and Industry (serving as Rapporteur for the commission), Department of Public Works and Territorial Adjustment, Department of Land Affairs, Urbanism, and Habitat, Department of Transport and Communication, Department of Rural Development, Department of Mines, and Department of Energy.

³¹⁰ Département de l’Economie, du Commerce Extérieur et de l’Industrie, “Rapport de la Commission Interdépartementale sur la Politique Financière du RCD,” February 1999.

³¹¹ Le Président du RCD, Dr Emile Ilunga Kalamba, “Catégorisations des Entreprises Publiques et des Régies Financiers.” 23 March 2000, Goma.

³¹² “Budget du RCD Exercice: 3ème Trimestre 2000,” Département des Finances, Budget et Portefeuille, July 2000, Goma.

per month in 2000, the Bukavu branch of the *Office Congolais de Contrôle* (Congolese Office of Control, OCC) agency, charged with monitoring cross-border trade, generated a monthly average of \$100,000 for the same period.³¹³ Likewise, compared to the RCD-G's monthly budget of \$1.5 million,³¹⁴ the Goma branch of the OFIDA customs agency announced an increase in its minimum monthly earnings from \$1 million to \$1.365 million.³¹⁵

The RCD-G exploited the state apparatus to transfer revenue to state coffers and to tax cross-border trade. Bureaucratic procedures required revenue agencies to deposit earnings with banks. In the same way, the RCD integrated banks across, including in Goma, Bukavu, Kindu, and Lodja, into its own coffers.³¹⁶ Following procedures, it mandated that taxation bureaus transfer revenue to banks, which the RCD-G took over as its "Public Treasury." Exploiting built-in monitoring procedures, the armed group required banks to draw up monthly reports of revenue flows received from each state agency. Special emphasis was given to funds from three

³¹³ In fact, in 2000, the Department of Finance, Budget, and the Public Purse noted that at least \$44,250 was necessary for the functioning of the RCD political branch, in comparison to \$260,687 to pay the salaries of bureaucrats and agents of the state. "Budget du R.C.D. Exercice: 3ème Trimestre 2000," Département des Finances, Budget et Portefeuille, July 2000, Goma; p.3. Compare also to the amount that the RCD-G devoted to troops in the same areas. "Montant Alloué aux Unités Enclavés en Opération, Mois d'Avril 99," (1999-05-28- RCDG-ANC).

³¹⁴ The budget of \$1.5 million appeared in 1999 and 2000. "Objet: Convocation d'une réunion interdépartementale" Département des Finances, Budget, et Portefeuille, RCD [Letter to Monsieur le Président du RCD à Goma] 30 November 1999, Goma; "Budget du RCD Exercice: 3ème Trimestre 2000," Département des Finances, Budget et Portefeuille, July 2000, Goma. The RCD-G budget does not reflect the full extent of resource extraction from its zone of influence. The RPA through its Congo Desk extracted vast quantities of natural resources that accrued to the Rwandan regime. Yet the RCD-G aimed to exert its own political influence its Congo.

³¹⁵ "Objet: Nouvel objectif budgétaire des recettes." Office des Douanes et Accises "OFIDA" Coordination [Letter to the Chief of the Département des Finances, Budget et Portefeuille], 3 October 20001, Goma. Although revenue fell substantially in the transition from the pre-war to war period, with the South Kivu (Bukavu) branch of OFIDA reporting a monthly average in revenue collection of \$801,655 over the seven months preceding the war (January-July 1998), compared to \$325,191 over the first five months of war (August-December 1998). This Bukavu branches noted a slight rebound after the initial shock of war, increasing to monthly averages of \$401,092 January-August 1999. "Statistiques des Recettes: Situation Recettes de Janvier à Juillet 1998, Août à Décembre 1998" and "Statistique des Recettes: Janvier à Août 1999" OFIDA Sud-Kivu, in "Objet: Situation des Recettes du 01 au 25 Septembre 1999" OFIDA [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille, RCD] 28 September 1999, Goma. As Raeymaekers (2014) usefully points out, reported figures are likely to substantially deviate from reality. Nonetheless, they help to construct comparative trends.

³¹⁶ Data from Kalemie is not available.

state agencies with the most sizeable budgets: OFIDA, DGC, and DGRAD.³¹⁷

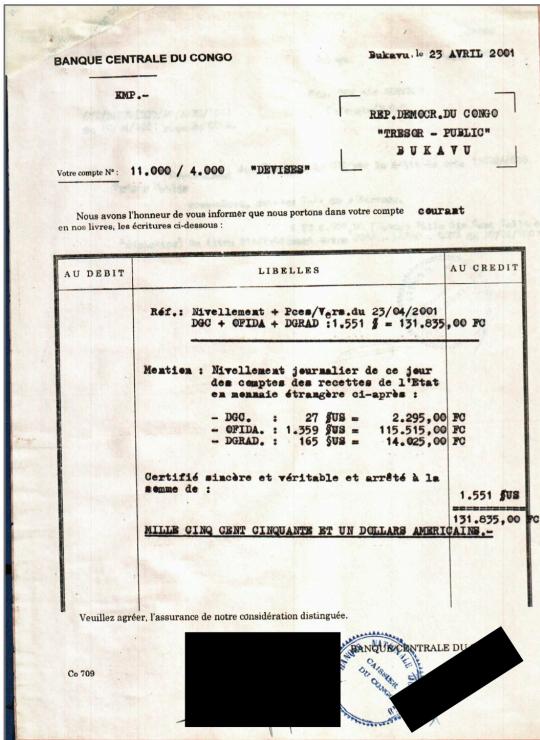
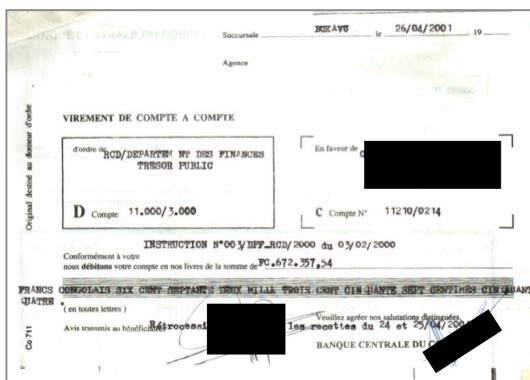


FIGURE 6.2 (left)

Central Bank of Congo, Bukavu branch daily bank statement of deposits from three state agencies (DCG, OFIDA, DGRAD) into the RCD-G "Public Treasury."

FIGURE 6.3 (below)

Money transfer from "Public Treasury" of the RCD Department of Finance



Banks managed the RCD-G's day-to-day deposits and drew up daily reports of its financial statements.³¹⁸ Figures 6.2 and 6.3 depict an example. Presenting bank records from Bukavu that representative of statements across its territory, Figure 6.2 illustrates that the city's branch of the central bank (*Banque Centrale du Congo*) collected payments from key revenue agencies (DGC, DGRAD, OFIDA). It also illustrates that the bank transferred funds into the

³¹⁷ Similarly, the Department of Finance, Budget, and Public Purse required other state agencies, including OCC and ONC, to pass required documents for exportation and tax revenue through the banking sector. "Instruction No 046/DPFBP-RCD/99" Département des Finances, Budget et Portefeuille, RCD [Letter to Provincial Directors of OCC and ONC and all the Managers of Banks], 20 December 1999, Goma.

³¹⁸ During the First War, AFDL also relied on banks as counter-verification mechanisms, tasked with monitoring agencies' reporting and furnishing statistics on cross-border trade. "Concerne: Présence OZAC dans les postes frontaliers" Alliance des Forces Démocratiques pour la Libération du Congo A.F.D.L. Département de l'Economie et des Finances [Letter to Monsieur le Gouverneur de Région du Nord-Kivu à Goma] 10 February 1997, Goma

rebels' "Public Treasury." As the expense sheet (Figure 6.3) clarifies, this "Public Treasury" belonged to the RCD-G Department of Finance. It represented one of several bank accounts that the RCD-G held, including a separate "war effort" account. The RCD-G used revenue generated from agencies toward expenses of its military branch and its political wing.³¹⁹

Intelligence and Surveillance

Administrations also provided mechanisms to monitor economic exchange. Figure 6.2 also exemplifies this monitoring function. As it depicts, branches of the Congo Central Bank monitored daily deposits and expenditures for the RCD's "Public Treasury" (*Tresor Public*).³²⁰ The statement (left) illustrates a daily bank report to the RCD-G of revenue deposited into the Bukavu holdings of its "Public Treasury" by three taxation agencies in the city. These banking slips represent one example of a vast array of financial reports furnished to rebels. With these procedures, the RCD-G deployed certain official structures to monitor others.

Surveillance took advantage of organizational resources. Continuing prior administrative practices, the RCD required agencies to transmit economic data to the armed group's Department of Finance and Department of Economy. As an internal RCD-G budget commission described in mid-2000, "lacking an appropriate cadre, which would cost much in terms of time and fees if we had to gather the statistics from all the Enterprises and Agencies of the State in the liberated territory," the group opted to rely on the three top revenue generation agencies to access information on economic exchange.³²¹ State administrations across RCD-G holdings furnished

³¹⁹ "Budget Recettes et Dépenses en USD (mars 2000) (1.200.000 USD)" In "Objet: Transmission documents" Département des Finances, Budget et Portefeuille du RCD[Report delivered to Monsieur le Président du RCD in Goma] 2 March 2000, Goma.

³²⁰ Formerly, Banque du Zaire. Throughout the war, bank branches continued to use "Banque du Zaire" letterhead.

³²¹ "Note Explicative de l'Elaboration de Prévisions Budgétaires du Troisième Trimestre 2000" Département des Finances, Budget et Portefeuille, RCD [In Budget du R.C.D. Exercice: 3ème Trimestre 2000], 31 July 2000, Goma.

detailed reports of cross-border transactions and economic activity in their areas of operation, including profiles of smugglers and combatants in economic exchange.³²² For instance, branches of the sprawling OFIDA customs bureau reported on daily cross-border movements and revenue payments, including the names of civilian traders and undisciplined rebel officers participating in trafficking behind the back of the RCD-G hierarchy.³²³

Similarly, the OCC agency, officially tasked with “quality control” of cross-border trade, furnished export statistics as well as background information on civilian traders, agency personnel and budgets.³²⁴ The RCD-G relied on these agencies for export statistics on minerals such as coltan, gold, and tin, as well as staple commercial agricultural products including coffee.³²⁵ OCC branches also kept track of exports to foreign markets such as Pakistan, India, Russia, and Europe. Statistics—even if of dubious quality—provided a basis to cross check information on local traders who concealed operations to avoid rebel fees.

The RCD-G also relied on the state immigration agency, the *Direction Générale de*

³²² “Concerne: Situation de trésorerie de l’Office Congolais de Contrôle” [Letter to Monsieur le Chef de Département des Finances du RCD à Goma] 19 October 1998, Goma; “Office Congolais de Contrôle : Situation de Trésorerie, Département Provincial du Nord/Kivu, Département Province Orientale » October 1998.

³²³ “Relevé des Versements par Banque, Mois de: Janvier 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 26 January 2003, Bunagana; “Relevé des Versements par Banque, Mois de: Février 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 25 February 2003, Bunagana; “Relevé des Versements par Banque, Mois de: Mars 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 25 March 2003, Bunagana; “Relevé des Versements par Banque (B.C.C.) Mois: Avril 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 25 April 2003, Bunagana; “Relevé des Versements par Banque Mois: Mai 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 31 May 2003, Bunagana.

³²⁴ “Planning du Trésorerie 4e Trimestre 1998 Octobre-Novembre-Décembre/98” Office Congolais de Contrôle “O.C.C.” [Report transmitted to the Département des Finances de RCD], 15 October 1998, Butembo. (In 1998-10-08); “Concerne: Nos Rapports d’Activités Mois de Septembre 98,” Office Congolais de Contrôle [Letter to Monsieur le Chef du Département des Finances du R.C.D. à Goma], 29 October 1998, Butembo.

³²⁵ In a meeting on leakages on coltan and gold taxes, a Congolese businessperson suggested the RCD-G “collaborate with the neighboring countries in order to have export statistics to compare with the weight [of mineral exports] declared by the Comptoirs” (p. 5). Even if statistics were wrong, estimates provided a basis that rebels could use to compare with import statistics of neighboring countries, and export statistics of resources not found in their territory so smuggled from Congo. “Compte-Rendu de la Réunion du 26 Juillet 2000, Présidée par le Chef du Département des Terres, Mines et Energie a l’Intention des Agents et Opérateurs Economiques du Secteur Minier de Bukavu,” 26 July 2000, Bukavu.

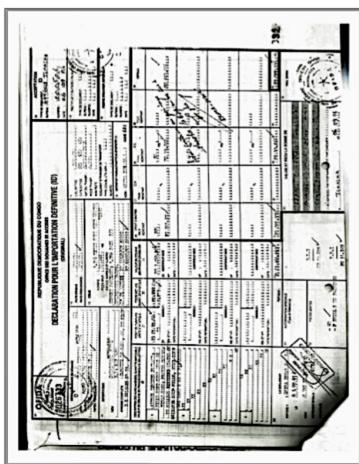
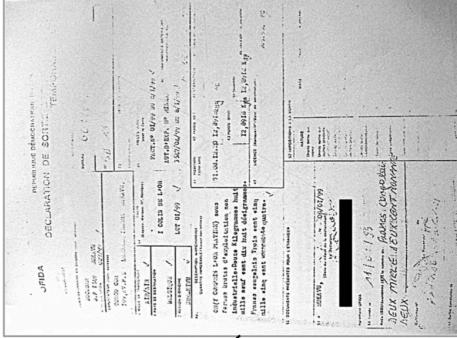
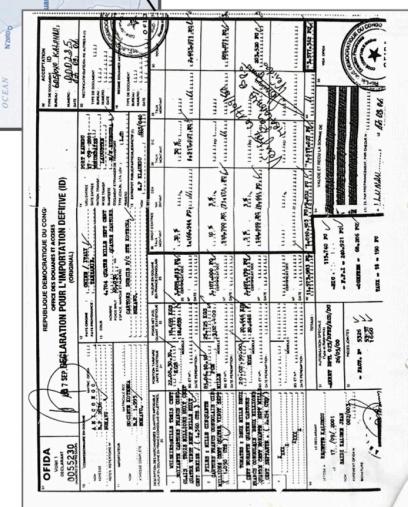
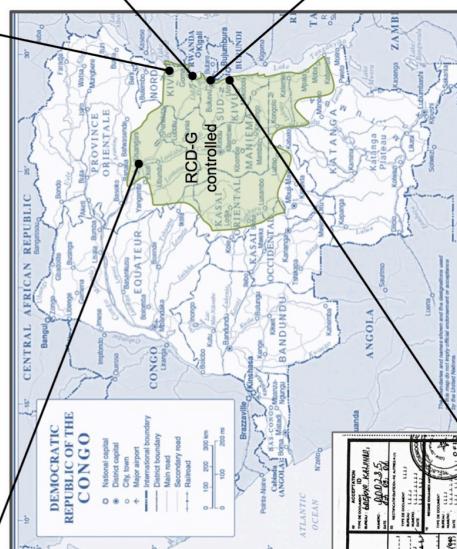
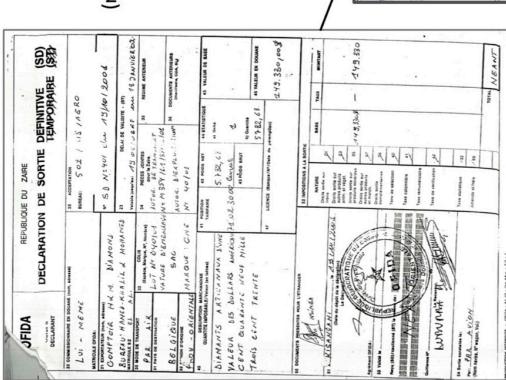
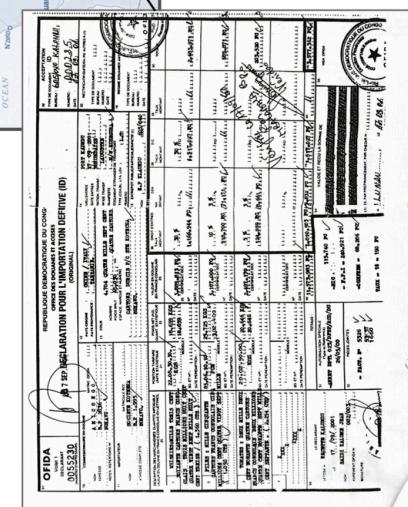
Migration (General Direction of Migration, DGM) to enforce restrictions on population movements. As Human Rights Watch (2000) reported, on the instructions of the RCD-G, “Border guards have stopped civil society activists as they have tried to leave the country and authorities have notified many church and NGO leaders, either formally or informally, that they were not free to leave the country.”³²⁶ Coopted state institutions provided RCD-G access to needed information about noncombatants and economic exchange throughout its holdings.

Rebels gained from routinized extraction and monitoring particularly when coupled with another core feature of the state apparatus: administrative reach. Because the RCD-G could draw on agents’ self-interest to maintain their bureaus and official posts for extraction, institutional cooptation provided a mechanism for the group to penetrate areas where it was military weak. Administrations also enabled the RCD-G to standardize aspects of its control across vast territory without the need to invest in institution building.

Boxes 6.1 and 6.2 depict the utility of the reach of state administration to rebels. Compiling documentation of rebel financial transactions passing through the state apparatus across a range of resource markets, the boxes present economic transactions across RCD-G territory that were managed through the OFIDA customs bureau and the banking system. They illustrate the utility of administrative equivalency over territory. Equivalency does not imply uniform or technocratic action, but that varied branches performed similar functions that offer rebel rulers access to similar types of information and taxation procedures. Boxes illustrate that the RCD-G appropriated agencies for similar ends, spanning headquarters as well as hinterlands.

³²⁶ The report continues, “RCD officials and soldiers have used travel restrictions increasingly to prevent eastern Congolese leaders from participating in the consultative political processes meant to help end the war, such as that organized by the All-African Conference of Churches in Kinshasa in September 1999. At that time, they kept the president of Promotion of Democracy and Protection of Human Rights (Promotion de la Démocratie et Protection des Droits Humains, PDH) in Goma, Joseph Dunia Ruyenzi, from leaving for Bujumbura, apparently because they believed he would go on to Kinshasa for the meeting.”

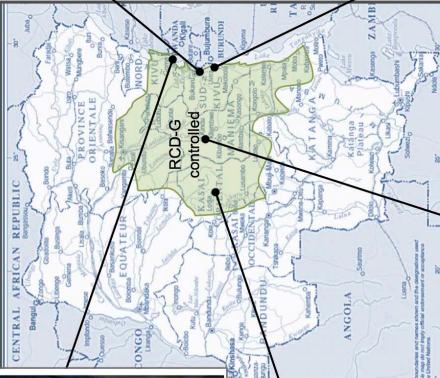
BOX 6.1 RCD-G Uses of OFIDA Customs bureau across its zones of influence

<p>Bunagana border post (near Goma, North Kivu)</p> <p><i>Imported merchandise</i></p> 	<p>Goma (North Kivu)</p> <p><i>Imports from the United Arab Emirates</i></p> 	<p>Uvira (South Kivu)</p> <p><i>Imports from China and Italy</i></p> 
		
<p>Kisangani (Oriental)</p> <p><i>Diamond exports to Belgium</i></p> 	<p>Bukavu (South Kivu)</p> <p><i>Gold exports to Belgium</i></p> 	

BOX 6.2 RCD-G Use of Banks across its zones of influence

Goma (North Kivu)

Bukavu (South Kivu)



Bukavu (South Kivu)

Uvira
(South Kivu)

Vindu (Manjima)

Box 6.1 illustrates RCD-G uses of the OFIDA bureau across its area of influence. The RCD-G both adopted preexisting administrative practices, using the agency to collect revenue on cross-border trade, and fit it to new rebel needs. Routing payments through official channels provided the RCD-G a means to compensate for its weakness. One of these included compensating civilian traders for the movement's mounting war debt (Table 6.3). The RCD-G relied on prominent Congolese businesses to import goods for its armed branch, but was often unable to meet expenses.³²⁷ Unable to pay, the RCD-G risked losing influence over traders.

TABLE 6.3 RCD-G Estimates of its Mounting Internal Debt³²⁸

<i>Month</i>	<i>RCD-G debt estimate</i>
April 1999	\$11,857,885
October 1999	± \$36,000,000 *
July 2000	± \$38,000,000

NOTES: * As the report read, "Dette intérieure du RCD : Au 15 octobre 1999, elle s'élevait à ± \$36,000,000 USD sur 14 mois de guerre. Soit une moyenne d'endettement mensuel de 2.57.429 \$ US."

SOURCES: April 1999: "Plan d'Action Du Département des Finances" Département des Finances et Budget, RCD 17 April 1999, Goma; Oct 1999: Commentaires" In "Objet: Transmission documents" Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie [Report delivered to Monsieur le Président du RCD in Goma] 2 March 2000, Goma; Note Explicative de l'Elaboration de Prévisions Budgétaires du Troisième Trimestre 2000" Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie In "Budget du R.C.D. Exercice: 3ème Trimestre 2000" Département des Finances, Budget et Portefeuille, R.C.D., July 2000, Goma p. 4

As a solution, the RCD-G exploited administrative procedures to pay off its debt.³²⁹ As its Department of Finance, Budget, and Public Purse decided: "Certain debts will be gradually

³²⁷ "Concerne: Achat boîtes de conserves et savons pour nos militaires" Département des Activités Militaires, Rassemblement Congolais pour la Démocratie [Letter to His Excellence Monsieur le Coordonateur du RCD in Goma], 20 April 1999, Goma.

³²⁸ At war's end, the RCD-G transferred its debt to Kinshasa. "Concerne: Règlement de la dette publique contractée par le RCD Mouvement Politico-militaire" Rassemblement Congolais pour la Démocratie, Cabinet du 2ème Vice-Président [Note Technique No 012/RCD/SSG/CAB-2e VP/PM/2004, 11 February 2004, Goma.

³²⁹ "Décision No 002/DPF/RCD/98 Relative au Mode de Paiement des Dettes Envers l'Etat" Département des Financements, RCD, 20 October 1998. Through a tool known as prefinancing

liquidated by direct compensation for the fees and taxes of OFIDA, DGC, and DGRAD.”³³⁰

OFIDA played similar roles across territory—for instance, as in Bukavu as in Kalemie—to compensate money owed by the armed group.³³¹ In doing so, rebels used state institutions into their medium of exchange.

The RCD-G routed its Public Treasury through banks across its territory (Box 6.2).³³²

Banks made disbursals and kept track of rebel earnings and expenses. The RCD-G’s Department of Finance, Budget, and Public Purse used banks to pay Governors, rebel administrators, and for air transportation.³³³ For instance, the RCD-G used banks in Lodja, Goma, and Bukavu to pay military commanders.³³⁴ To build support, the RCD-G directed special payments to coordinators of key revenue agencies, the court system, and the intelligence agency.³³⁵

Table 6.4 provides another window of insight into the promise of this reach function for

³³⁰ “Note Explicative de l’Elaboration de Prévisions Budgétaires du Troisième Trimestre 2000” Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie In “Budget du R.C.D. Exercice: 3ème Trimestre 2000” Département des Finances, Budget et Portefeuille, R.C.D., July 2000, Goma p. 4.

³³¹ “Objet: Compensation” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur the Provincial Director of OFIDA/South Kivu in Bukavu] 19 April 2000, Goma. On Kalemie : “Concerne: Mise en disposition de fonds” Chef Adjoint de Département des Finances, Budget et Portefeuille” [Letter to Monsieur le Gérant de la Banque Centrale du Congo à Goma] 17 December 1999, Goma. In “Objet: Demande de compensation” (Businessperson to remain anonymous)[Letter to Monsieur le Chef du Département des Finances, Budget et Portefeuille à Goma] 24 December 2000, Kalemie (Katanga).

³³² The RCD also worked with banks in Rwanda to make payments for various items such as transportation costs. “Objet: Escompte des effets Electrogaz SNEL-Kivu en faveur de la société EXCEL” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur the President and Director General of the BCDI Bank in Kigali, Rwanda] 12 April 2000, Goma.

³³³ “Revelés de Valeurs à payer: Tireur du Cheque ou Donneur d’ordré du Transfert: Département des Finances, Budget et Portefeuille” Banque du Zaïre, 22 June 2001, Goma. Funds transferred to varied locations such as the intelligence agency in Bukavu (South Kivu), DGC hotel costs in Bunyakiri (South Kivu), and sponsored flights from Goma to Kisangani, transportation fees to Kigali, Rwanda.

³³⁴ On Bukavu and Goma: “Concerne: Mise à disposition de fonds” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur the Manager of the Central Bank of Congo (Banque Centrale du Congo)], 30 November 1999, Goma; The Department of Finance, Budget and Public Purse corresponded directly with the *Banque du Congo* in Lodja for payments to its military commanders. “Concerne: Paiement O.P.Réf.0751/DPFBP-RCD/LPM/TK/2000 du 23/09/2000 du 23/09/2000 de l’ordre \$US 4.500” Banque du Congo, Réf 13500/7893/KM/TAB/0031/2000 [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille de et à Goma] 27 September 2000, Lodja. The Governor of Kasai-Oriental in CC. RCD also used the formal banking system in Lodja. “Beneficiary: Functioning of RCD/Province of Kasai Orientale,” 8 June 2001.

³³⁵ “Revelés de Valeurs à payer: Tireur du Cheque ou Donneur d’ordré du Transfert: Département des Finances, Budget et Portefeuille” Banque du Zaïre, 22 June 2001, Goma.

armed groups. The RCD-G devoted one of its internal ministries, the Department of Civil Service, Work, and Social Planning, to monitoring state personnel. Based on departmental reports, Table 5.4 presents RCD-G estimates of the number of active state agents its territory. Data reflect the scale of the administration two years after war onset. For comparison, the table provides data from the RCD armed branch of the number of troops deployed across the same areas.³³⁶ As the table shows, state agents outnumbered RCD troops. It indicates that the RCD saw itself a commanding two armies: a rebel military and a civilian bureaucratic branch tending to support functions.

TABLE 6.4 State Institutions in War: RCD-G estimates of state agents versus rebel troop deployments

<i>Case</i>	<i>RDC-G troops deployed on mission</i>	<i>RCD-G estimate of state agents active in its territory</i>
	April 1999	December 2000
North Kivu (1) (Goma)		13,180 (5,613)
South Kivu (2) (Bukavu)	n/a	18,192 (11,529)
Maniema (3) (Kindu)	1,459	15,618 (5,414)
Kasai Oriental (4) (Lusambo, Lodja, Lubao)	4,929 (410)	13,263 (5,354)
Katanga (5) (Kalemie, Kongolo, Moba)	12,947	4,242 (4,242)

NOTES: No estimate of agents in Kalemie and Lodja is given apart from those in different towns in the same province.

SOURCES: “Montant Alloué aux Unités Enclavés en Opération, Mois d’Avril 99” in Armée Nationale Congolaise, Commandement des Operations, G4, “Objet: Demande de fonds.” [Letter to the President of the RCD in Goma], 28 May 1999, Goma; “Rapport de la Commission Interdépartementale de Paie de la Prime aux Agents et Fonctionnaires des Services Publics de l’Etat du Territoire Sous Contrôle du R.C.[D] pour le mois de janvier 2001,” Cabinet du Chef de Département, Département de la Fonction Publique, Travail et Prévoyance Sociale, 8 March 2001 ; « Objet : Demande des fonds » Commandant en Second des Opérations, Armée Nationale Congolaise [Armed branch of RCD ; Letter to Excellence Monsieur le Président du Rassemblement Congolais pour a Démocratie in Goma] 28 May 1999, Goma.

Whitewashing

³³⁶ “Montant Alloué aux Unités Enclavés en Opération, Mois d’Avril 99” in Armée Nationale Congolaise, Commandement des Operations, G4, “Objet: Demande de fonds.” [Letter to the President of the RCD in Goma], 28 May 1999, Goma;

The state apparatus also facilitated the RCD-G's access to international markets by providing a means to whitewash transactions with armed groups. Because it profited alongside agencies, the RCD-G encouraged its business partners to pass their activities, at least in part, through the state administration. Figure 6.4 provides one example of a partnership contract signed between the armed group a prominent Congolese businessperson and mineral smuggler running transnational trade. As it shows, the contract specified revenue requirements and authorized under-the-table payment schemes, but required the business to route payments through two state agencies: the OFIDA customs bureau and the DGRAD tax revenue agency. These agencies would help monitor the terms of the contract (Article 4). With these deals, the RCD-G used institutions for actual tasks of economic control



FIGURE 6.4

“Contract of Partnership” between the RCD and a Bukavu (South Kivu)-based business, obliges businessperson to work with OFIDA and DGRAD state agencies (Article 4)

Passing foreign firms' dealings through state administrations also laundered transactions.

A contract with a foreign timber trading company, DARA Forest, is illustrative (Figure 6.5). As typical of many of its regulations, the RCD-G's terms of engagement required the company to "conform to economic, social, and fiscal legislation" in place.³³⁷ The RCD-G Department of Economy, Planning, and, Industry and Commerce required this company to "submit all importations and exportations to the control of the *Office Congolais du Contrôle, OCC*" and to "accept all controls and surveillance from the part of the Administration." Figure 6.4 depicts excerpts from this contract, illustrating the RCD-G's projected image of officialdom in its international dealings.

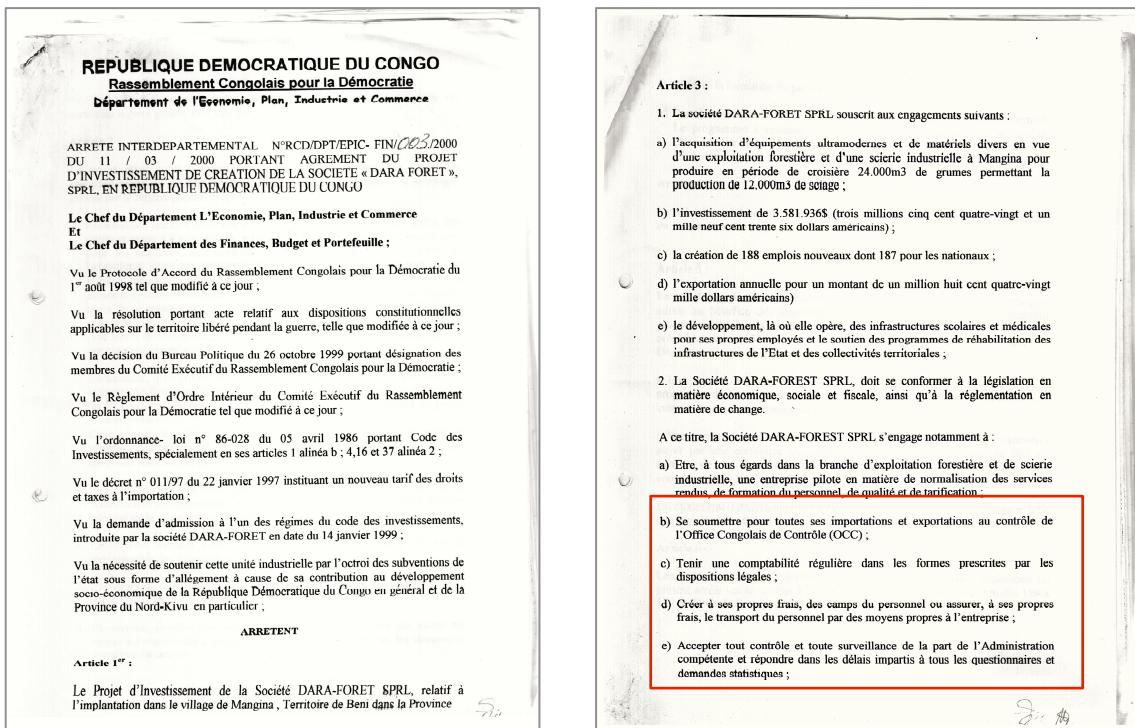


FIGURE 6.5 Whitewashing functions: Contract between RCD-G Department of Economy, Plan, Industry and Commerce with DARA Forest (p. 1 and 3 pictured)

³³⁷ "Arrêté Interdépartemental NoRCD/DPT/EPIC-FIN/003/2000 du 11/03/2000 Portant Agrément du Projet d'Investissement de Création de la Société 'DARA FORET' SPRL, en RDC" Département de l'Economie, Plan, Industrie et Commerce et le Département des Finances, Budget et Portefeuille, RCD. 11 March 2000, Goma.

Routing exchange (at least partially) via official channels enabled the RCD-G to broker an image of legality for trading partners. More than a façade, this paid off for the timber firm in short order. Congo's war economy had attracted international scrutiny, and the Security Council dispatched an investigatory panel to document illicit transactions and resource chains fueling the conflict. Yet working through customs bureaus and taxation agencies enabled international firms to whitewash deals with armed groups. In the case of this timber firm, quotidian dealings with the state administration in rebel-held zones earned it a label as legally compliant—despite its direct exchanges with the RCD-G (depicted in Figure 5.4). For instance, the terms of the timber company's contract with the RCD-G required it to "accept all controls and surveillance from the Administration." Accordingly, investigating the activities of this same timber firm, the Security Council team described :

The Panel has found DARA Forest to have complied with all the regulations in effect. It currently pays its taxes at the same bank as it did before the area came under rebel control. It also deals with the same customs officials as it did before the rebels took control of the area when it exports its products and imports production equipment. The Panel has also learned that a bimonthly check is conducted by the local Congolese authorities in North Kivu to ensure that [the firm] is complying with the terms of licenses granted to it. (UNSC 2001b: para 73).³³⁸

Regularized interactions with state personnel provided a legal basis for firms to obscure financial support to rebels, in this case earning DARA Forest a judgment as compliant with state regulations. This episode also illustrates that the international community recognized local branches of state administrations as performing *state* functions even from behind rebel lines. Doing so supports the claim that international recognition extends throughout the contours of the state apparatus, beyond the capital.

³³⁸ However, DARA Forest was cited in a subsequent report as not meeting OECD standards (UN 2002, Annex III).

Sovereignty

Finally, the RCD-G also looked to the state apparatus to exploit a second core property of statehood: sovereignty. By working through state institutions, RCD-G gained international recognition, observed through access to international deployments. Working through the OFIDA customs bureau, for instance, the RCD-G taxed and provided exonerations for humanitarian missions.³³⁹ The RCD-G levied fees on the United Nations (UN) peacekeeping force, charging a 5% import fee for the UN and international non-governmental organizations (NGO) for medicine and equipment (Tull 2005).³⁴⁰ Figure 6.6 depicts one of these tax exonerations. Issued on joint state-rebel letterhead that joined the OFIDA customs agency with the RCD-G, the armed group provided tax exemptions to an international NGO. As international NGOs secured permission for exemptions, they implicitly recognized the legitimacy of rebel claims to the political economy and to diplomatic roles of interfacing with foreign donors that are often reserved for capitals.

Similarly, UN peacekeepers wrote to the RCD-G's Department of External Relations to "request authorization" to amend flight patterns and "transport personnel and cargo" for the peacekeeping mission.³⁴¹ Figure 6.7 depicts this request. The RCD-G in turn asked UN peacekeepers to transport rebels' business partners on its flights.³⁴²

³³⁹ "Objet: Demande d'exonération" [Letter to Monsieur le Directeur Provincial de l'OIFDA/Nord-Kivu à Goma] Rassemblement Congolais pour la Démocratie et Office des Douanes et Accises "OFIDA" Coordination, 22 August 2000, Goma. On this date in August 2000, the joint RCD-G and OFIDA bureau sent multiple request letters on behalf of different NGOs. "Concerne: Demande d'exonération" World Vision Eastern DRC [Letter to Madame le Chef de Département des Affaires Sociales, Femme et Famille à Goma], 5 November 2002, Goma.

³⁴⁰ "With decline in world coltan prices between 2000 and 2001, RCD targeted INGOs and UN organizations to pay 5% in custom duties to import medicine, equipment, etc." (Tull 2005: 166)

³⁴¹ "Objet: Demande d'autorisation de survol et d'atterrissage" United Nations Organization Mission in the Democratic Republic of Congo (MONUC) [Letter to the Chef de Département des Relations Extérieures et de la Coopération, RCD Goma] 7 July 2003, Goma.

³⁴² "Objet: Facilités de Voyage" Department of External Relations and Cooperation, RCD [Letter to Monsieur Chef de Bureau/MONUC à Goma] 20 May 2003, Goma.

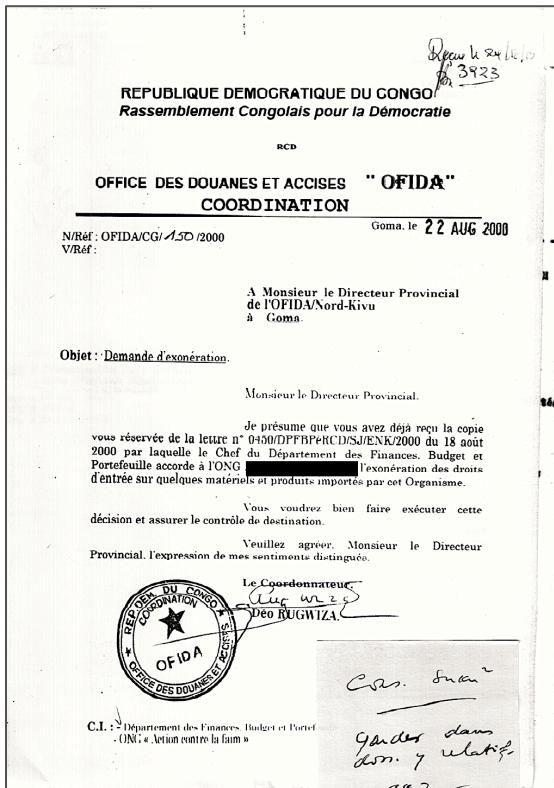


FIGURE 6.6
RCD-G grants tax exonerations for an international NGO, via the OFIDA customs bureau

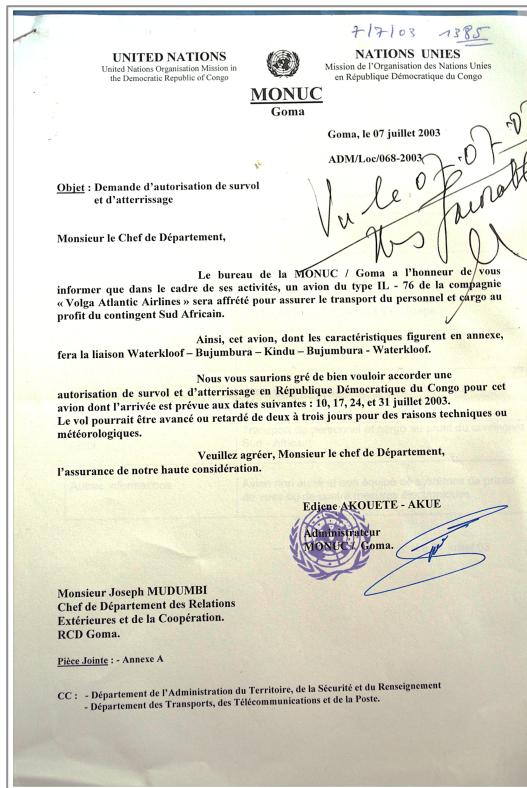


FIGURE 6.7
UN Peacekeeping Mission (MONUC) requests RCD-G permission to amend air transportation patterns

Armed groups often seek images of statehood to bolster negotiation positions with international deployments (Uyangoda 2011). The RCD-G also drew on state institutions to benefit from another attribute of sovereignty—juridical guarantees for its contracts and financial transactions. Scholars show that this is the primary differential criterion distinguishing capitals from their armed challengers (Reno 2015, 2001, 1998). Reno (2015) illustrates this principle in Liberia, where international firms met obstacles dealing with the NPFL that could not offer the same legal resources as official state administrations. As he explains, the “government in Monrovia had access to the courts of foreign countries (...) where it was recognized as a sovereign authority and could demand enforcement of contracts. Without international

recognition, the NPFL could not” (278).

And yet, the RCD-G took advantage of its repeated interactions with state administrations to blur this line in its contracts with foreign firms. Agreements contained provisions for legal recourse that dispose firms to deal with states directly, stipulating that the State guaranteed foreign investors receive legal benefits from the official Investment Code in case of needed recourse should activities turn sour. As one indicative contract read:

the State guarantees to foreign investors the transfer of their revenue in proportion to their initial share in foreign currency or in assets designated of equal value. The State guarantees the transfer of the principal, interest, and charges related with payment by a Congolese enterprise admitted under the general regime, *au titre de services* of the debt contracted à foreigner in view of a complementary financing of the investment. All indemnities of exportations due to foreigners are also transferable, as stipulated by Article 5 of the Investment Code.³⁴³

By passing contracts through the state administration, the RCD-G invoked sovereign guarantees typically reserved for the capital. These exchanges demonstrate that the RCD-G sought to gain from institutional resources associated with properties of statehood in order to build its own systems of rule.

Comparative Cases of Cooptation and Institutional Negotiation

This section traces the competitions that cooptation sparked over the composition of state institutions across five cases. It evaluates expectations that institutions shape the preferences and capabilities of their agents by providing evidence that administrators across diverse areas and linkages with rebels acted in similar ways to defend their influence over institutions.

³⁴³ “Arrêté Interdépartemental NoRCD/DPT/EPIC-FIN/003/2000 du 11/03/2000 Portant Agrément du Projet d’Investissement de Création de la Société ‘DARA FORET’ SPRL, en République Démocratique du Congo” Département de l’Economie, Plan, Industrie et Commerce et le Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie. 11 March 2000, Goma.

As each case demonstrates, rebels sought to tip the balance of authority in their favor as they appropriated state institutions. Toward this end, the RCD-G sought to constrict room for administrative maneuver by reducing the institutional ambiguity that rank-and-file agents could exploit to divert revenue and proctor their own side deals. To ease monitoring over state agents and revenue flows, it sought to streamline personnel and reduce tax collection points, consolidating rebels' ability to use the state as a patronage tool.³⁴⁴

Within-case evidence demonstrates that, as the RCD-G sought to gain from similar institutional resources, state agents applied similar tools to maintain discretion over the state apparatus. As the RCD-G replaced Kinshasa at the head of state administrations, it also replaced the capital as a target of administrative evasion. Rebel takeover incentivized officeholders to seek to “hang on to the discretionary capacities that they have enjoyed in the past”—a common practice across bureaucracies (Lipsky 1980: 19).³⁴⁵ State agents drew on similar sets of administrative tools to divert revenue flows. Stability in the *type* of tools across variation in territory administrative status, and resource chains express properties of statehood embedded within institutions. The RCD-G devoted many internal records to cataloguing these diversion practices. This section traces noncompliance practices across cases of cooptation, transforming the state apparatus into an arena of wartime competition.

(1) Goma (North Kivu): RCD-G Headquarters

³⁴⁴ This decision reflected common scenarios in fragile states. As Kukhianidze et al. (2004) describe in the South Caucasus: “too much documentation required by customs... creates obstacles that subsequently drive many businesses into shadow arrangements. It would be more effective to use only several documents under strict administrative control” (54). Heeding this prescription, the RCD-G aimed to boost its control over resource flows by streamlining bureaucracies and reducing redundancies in tax codes to weed out opportunities for evasion.

³⁴⁵ In the post-soviet smuggling economy, “[t]here are various types (ranging from 6 to 14 depending on the product) of numerous documents (various certificates, special permissions of transportation, declarations, invoice etc.) that are to be submitted to customs organs” (Kukhianidze et al. 2004). (SEE 1999-08-21)

The RCD-G took over the preexisting state infrastructure in its headquarters in Goma. For the most part, the RCD kept preexisting taxes on the books (Tegera and Johnson 2007: 18; Tull 2005), but aimed to reduce discretion in how these were implemented and redundancies in tax codes. As the RCD-G took over state institutions in Goma, one of its first orders of business was to designate a “single counter” (*guichet unique*) for tax collection in October 1998.³⁴⁶ Doing so created a system to declare customs and pay fees at a single site, in contrast to disperse payment points. This reform aimed to improve rebels’ monitoring of state institutions and constrict administrators’ ability to divert revenue flows. (It reiterated these efforts in 2002.³⁴⁷) Around the same period, the armed group eliminated three-quarters of the taxes that provincial bureaucracies³⁴⁸ were authorized to collect (across Maniema, North Kivu, and South Kivu).³⁴⁹ Reforms reduced the number of tax collections agencies and aimed to centralize revenue streams into RCD-G coffers.

Efforts to streamline administrations were met by administrative pushback. While the RCD-G and state agents’ interests converged on the use of administrative infrastructure to monitor and tax conflict economies, they diverged over the content of rule. For instance, the RCD-G restricted the number of state agencies authorized to collect revenue at the lucrative border posts in its Goma headquarters to curb administrative side deals. Central state decline had

³⁴⁶ Ironically, RCD-G efforts to fashion institutions into more effective mechanisms of rebel authority reflected measures to strengthen institutions by cleaning up administrative action. This reflected the same position as Kinshasa after the war, particularly with the push for a *guichet unique*. On the RCD-G: By instruction no 010/DF/RCD/98 du 20 octobre 1998 of the Chef du Département des Finance, Budget et Portefeuille. Cited in “Instruction No 01/038/CAB/GP-NK/2002 du 26 Nov 2002 Portant Crédit et Fonctionnement d’un Guichet Unique de Perception des Recettes Non-Fiscales et E.A.D. aux Postes Frontaliers et Portuaires” Cabinet du Gouverneur de Province du Nord-Kivu. 26 November 2002, Goma.

³⁴⁷ *Ibid.*

³⁴⁸ Known as Decentralized Administrative Entities, or EADs.

³⁴⁹ Also in Orientale. Governors of North Kivu (Léonard Kynyamuhanga Gafundi), South Kivu (Norbert Basengezi Katintima), Orientale (Théo Baruit Amissi), and Maniema (Nestor Kiyimbi Mutangi), “Mémorandum des Gouverneurs des Provinces sous Contrôle du RCD à Leurs Excellences Messieurs le Président et les Membres du Directoire du RCD.” 30 December 1998, Goma.p. 8.

increased administrators' discretion over taxation (Fairhead 1992; Newbury 1984), and this trend built over the first war. This had led the Governor of North Kivu to warn the RCD-G's predecessors in hyperbolic terms that: "Nowhere in the world will you find so many public agencies at border posts... Here, we have a name of this state of affairs: disorder, anarchy, and above all, administrative trickery."³⁵⁰ To curb "administrative trickery," the RCD-G enforced a law that the Kinshasa government had placed on the books that limited the number of state agencies at border posts at only four. The RCD-G implemented the law, with the joint approval of its Departments of Security, Economy, Territorial Administration, and Finance.³⁵¹ The RCD-G called to reduce the number of state personnel and appointed an "Anti-fraud brigade" to monitor the implementation. Yet, administrators safeguarded their positions. Despite RCD-G

³⁵⁰ The Governor warned rebels to only retain the OFDIA customs bureau and immigration officials at borders in order to restore "hierarchy and discipline." "Postes Frontaliers" Governor of North Kivu Province [Letter to Monsieur le Commissaire General Chargé de l'Economie et des Finances à Goma] 22 March 1997, Goma. During the first war, AFDL authorized administrative functions and turned official legal codes against the central government, citing two laws from 1974 on the creation of OZAC. Arbitrating a dispute with the Governor, AFDL agreed that the OCC agency monitoring cross-border exchange (the Congolese Office of Control, OCC) would continue to "function at all the official points of entry and exit of products or merchandise inside of the liberated territory... for a trial period of 3 months, after which it can be evaluated whether these services truly are indispensable." "Concerne: Présence OZAC dans les postes frontaliers" Alliance des Forces Démocratiques pour la Libération du Congo A.F.D.L. Département de l'Economie et des Finances [Letter to Monsieur le Gouverneur de Région du Nord-Kivu à Goma] 10 February 1997, Goma. AFDL relied on agents such as customs officials to collect taxes and used money from banks to fund its war expenditures and purchase needed commodities such as petrol. "Concerne: V/letter no 014.DIR/[sic] du 25 février 1997" Alliance des Forces Démocratiques pour la Libération du Congo A.F.D.L. Commissariat Général de l'Economie et des Finances [Letter to private businessperson to remain anonymous] 14 April 1997, Goma. Specifically, OFIDA, OGEFREM, CNE, OZAC and SEP. Source: "Conclusions des Concertations entre ANEZA-l'APENOKI et les Services Etatiques et Paraétatiques," Alliance des Forces Démocratiques pour la Libération du Congo-Zaire. 24 April 1997, Goma; "Concerne: Structure du Prix JET-A-1" Alliance des Forces Démocratiques pour la Libération du Congo-Zaire. Commissariat Général de l'Economie et des Finances, 30 April 1997, Goma.

³⁵¹ Specifically, limiting only OFIDA and OCC to operate at border posts to control the movement of merchandise, and only DGM and the Hygiene Agency to control cross-border population movements. Arrêté Interdépartemental no 040/RCD/99 du 13 Dec 1999 Portant Désignation des Services Autorisés Aux Postes Douaniers » Département de l'Administration du Territoire, Département de la Sécurité et Renseignements, Département des Finances, Budget et Portefeuille, Département du Plan, Economie, Industrie et Commerce, 13 December 1999, Goma. The idea was suggested a few days in advance: Chef de Département des Finances, Budget et Portefeuille, 3 "Transmission différents points à discuter à la réunion interdépartementale sur des mesures d'encadrement financier." [Memo to the President of the RCD], 10 Dec 1999, Goma.

restrictions, over twenty agencies continued to levy fees at the *Grande Barrière* border post in Goma (Tegera and Johnson 2007).

The RCD-G targeted reforms to particularly important revenue collection agencies. The OFIDA customs bureau boasted the most significant revenue streams, and its lucrative posts provided patronage opportunities to its members. Inflated rosters enabled administrators to conceal revenue and to use public resources toward ends that escaped RCD-G oversight.³⁵² To reserve patronage opportunities for itself, the RCD-G aimed to monitor and limit OFIDA personnel, prohibiting the Goma branch of the bureau in 1999 from paying personnel not officially registered with agency.³⁵³ It also revoked exonerations that administrators offered that did not meet rebel approval, while reserving for itself the ability to use the same OFIDA bureau to issue preferential rates to its own trading partners³⁵⁴

In an attempt to convert administrations into reliable resources of revenue generation, the armed group appointed a cadre member—Deo Rugizwa, a Tutsi with kinship ties to rebel leadership—to head of the largest fiscal agency, North Kivu office of the OFIDA bureau.³⁵⁵ Yet administrators continued to derive preferences that aligned with the agency's functions over and against rebels. Despite an RCD-G cadre heading OFIDA, agents stopped collecting new rebel-issued taxes they found contrary to their own advantage and suspended the collection of new rebel-issued taxes in 1999.³⁵⁶ The RCD-G's Department of Economy complained that OFIDA

³⁵² “Concerne: Limitation d'effectifs des agents OFIDA/Nord-Kivu” Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie [Letter to Monsieur le Directeur Provinciale l'OFIDA/Nord-Kivu à Goma] 27 November 1999, Goma.

³⁵³*Ibid.*

³⁵⁴ Département de l'Economie, du Commerce Extérieur et de l'Industrie, “Rapport de la Commission Interdépartementale sur la Politique Financière du RCD,” February 1999, Goma.

³⁵⁵ And at another point, Alexis Gisaro was appointed interim head of OFIDA. “Arrêté Départemental No 042/DFBP-RCD/JEB/99 du 15 Dec 1999 Portant Désignation des Coordinateurs ad Intérim des Régies Financières” Département des Finances, Budget et Portefeuille, 15 December 1999, Goma.

³⁵⁶ 1999-08-21

continued to “applied its own tax structure toward an unknown end but certainly one contrary to the respect of the [rebel] movement.”³⁵⁷ As head of RCD-G’s Department of Finance, Budget, and Public Purse reported, “Certain statistics that I discover are simply baffling... [official] structures have transformed themselves into fiscal parasites.”³⁵⁸

One of the important trafficking circuits involved the lucrative petrol sector. Congo’s inland location made controlling these imports an important financial source, while petrol fueled the trucks and private airlines that transported RCD-G officers, troops, and resource exports. To support deliveries of petrol by air—“the only remaining way of supplying the hinterland with petrol”—³⁵⁹ the RCD-G’s Department of Land, Mines, and Energy eliminated requirements for administrative formalities on airfreight deliveries.³⁶⁰ However, OFIDA continued to operate and interpose itself into transactions that the RCD-G had not authorized. The bureau taxed Rwandan business partners of the RCD-G that imported petrol and exported minerals.³⁶¹

In another effort to curb revenue losses and diversions in petrol, RCD-G leadership ordered a census of importers at various points throughout conflict and dispatched members “from station to station” in Goma in mid-1999 to gather information.³⁶² Finding that taxes on petrol imports and sales permits did “double work” with other authorizations, the RCD-G

³⁵⁷ Chef du Département de l’Economie, RCD-G, “Taxation arbitraire et illégale des produits pétroliers par l’OFIDA Goma” [Letter to the Chef du Département des Finances, Budget, et Portefeuille], 23 July 1999, Goma.

³⁵⁸ Address from the Chef du Département des Finances, Budget, Portefeuille to the Federation des Enterprises du Congo, 20 December 1999.

³⁵⁹ “Concerne: Transport des produits pétroliers” Département des Terres, Mines, et Energie, RCD [Letter to Messieurs the Heads of Air Freight Agencies (Chefs d’Agence de Frêt Aérien) in Goma] 21 November 2002, Goma.

³⁶⁰ Cutting out the provincial Energy Service from collecting fees.

³⁶¹ The importer asked the RCD-G to instruct OFIDA to remove the fees, as a means of recovering the money owed to it by the RCD-G’s debt. “Concerne: Créances des Ets [anonymized]” [Note Interne to the assistant Chef de Département des Finances, Budget et Portefeuille] 1 October 1999, Goma.

³⁶² “Concerne: Taxe annuelle sur l’autorisation d’importation, d’exploitation et de commercialisation des produits pétroliers: Exercice 1999” Chef de Département de l’Energie, RCD [Letter to the APENOKI petrol importers’ association] 3 June 1999, Goma.

eliminated these administrative fees.³⁶³ Yet the following month, the group again decried the “arbitrary and illegal taxation” in petrol, signaling out the OFIDA customs agency as responsible for the diversions.³⁶⁴

Administrative noncompliance spanned resource sectors and state bureaus. RCD-G leadership also noted revenue leakages in the mineral sector with alarm. The RCD-G implanted a new structure with its Rwandan backers to monitor border posts jointly. This decision had a stated aim to “ensure a control of the border and customs posts,” and an unstated end of increasing Rwandan control over tax collection at mines.³⁶⁵ At the same time, the armed group noted its difficulties controlling administrators’ involvement in this sector. As the Department of Finance warned in an internal memo to the group’s President:

the level of revenue collection (at OFIDA in particular) is disastrous. The measures that were taken (intervention of the army, specialized services) perturbed businesspersons, aggravated the situation, and exacerbated the existing disorder... at mines, revenue is squandered and there is practically no control.³⁶⁶

Similar diversions spanned to other state agencies based in Goma, illustrating a structural pattern across varied branches of the state administration.

For instance, this trend also surfaced in diamond markets. The RCD-G relied on the “DGRAD” revenue collection agency in Goma to monitor and tax diamond sales. Doing so formed part of its efforts to bring resource systems under closer surveillance: the armed group had relocated payment sites from Kisangani’s far-off diamond markets to its headquarters in Goma (see Chapter 7). Diamond purchasers paid taxes to DGRAD, which was in turn tasked with sending the

³⁶³ *Ibid.*

³⁶⁴ “Taxation arbitraire et illégale des produits pétroliers par l’OFIDA Goma” Chef du Département de l’Economie, RCD-G [Letter to the Chef du Département des Finances, Budget, et Portefeuille], 23 July 1999, Goma

³⁶⁵ Of particular concern for the RCD-G was how to pay the army and its mounting war debt. “Concerne: Transmission différents points à discuter à la réunion interdépartemental sur des mesures d’encadrement financier.” Département des Finances, Budget et Portefeuille, RCD, 10 December 1999, Goma.

³⁶⁶ “Concerne: Transmission différents points à discuter à la réunion interdépartemental sur des mesures d’encadrement financier.” Département des Finances, Budget et Portefeuille, RCD, 10 December 1999, Goma.

collected revenue to the RCD-G. Yet Figure 6.8 reveals evidence of administrative noncompliance in rebel booking in the diamond sector. As this tax slip illustrates, DGRAD transmitted records that did not add up. In this instance, DGRAD agents deducted \$5,000 from a single payment. The RCD temporarily suspended activities such as at DGRAD at various moments throughout war, “in order to permit us to clearly see the true destination of funds.”³⁶⁷



FIGURE 6.8 Administrative noncompliance in rebel bookkeeping: $\$30,000 + \$5,000 + \$25,000 = \$55,000$ in diamond exports

In a similar way, the import-export supervisory agency (Congolese Office of Control, OCC) also transmitted faulty statistics. The northern reaches of North Kivu province fell under RCD-G control in the first year of rebellion. One sub-branch branch obscured nearly half of its funds in 1998, reporting total holdings valued at \$238,095 to the RCD-G, instead of \$431,869.³⁶⁸

³⁶⁷ “Objet: Suspension des perceptions de la DGRAD à OCPT/Goma” RCD Coordination, Office of Posts and Telecommunication [Letter to the Directeur Provincial a.i. de l’OCPT/Nord Kivu à Goma] 10 May 2000, Goma.

³⁶⁸ OCC Agence de Beni” Réalisations Mensuelles De Trésorerie de Janvier à Juin 1998,” in “Situation de Trésorerie de l’Office Congolais de Contrôle” [Letter to the Chief of the Department of Finance of RCD in Goma], 19 October 1998, Goma.

The RCD-G received official statistics, but internal contradictions enabled administrators to conceal revenue flows from rebels.

Similar practices carried in less strategic trading circuits such as coffee, which require large volumes to turn a profit so should be more difficult to divert (Ross 2004). In Goma's coffee trade, the RCD-G also catalogued a “Diversion of revenue from the treasury... unjustified under-declaration of fees...pocketing of taxes at the source of collection with no receipt of what took place....[and] creation of fictive expenses.”³⁶⁹

The RCD-G Department of Finance wrote to the provincial director of the OCC cross-border surveillance bureau in Goma in 1999 “to remind you that the level of the tax for control of merchandise” approved by the RCD-G was half what the agency had been collected.³⁷⁰ Administrators in this agency safeguarded their institutional posts throughout the war. For instance, in 2002 the head of the cross-border monitoring agency, OCC, in North Kivu had warned rank-and-file agents to reign in “illicit” personnel.³⁷¹ To gain control, the RCD-G prepared to implant new teams of bureaucrats. Yet preexisting agents protested these attempts:

we would like you bring to your attention that the aforementioned agency notes were not favorable to our personnel. The latter were indignant and surprised to notice that no copy was reserved for the hierarchy of the Movement to inform them of these weighty decisions.³⁷²

Agents blocked hierarchies operating under rebel instructions from installing new members, pointing out that the procedure to install new members had not “not respected the necessary procedures,” such as “presenting a CV, passing medical examinations, passing psychological

³⁶⁹ Chef du Département de l'Agriculture et du Développement Rural, “Note Technique à l'Intention de la Commission Economo-Financière du Comité Exécutif du RCD,” 23 May 2002, Goma.

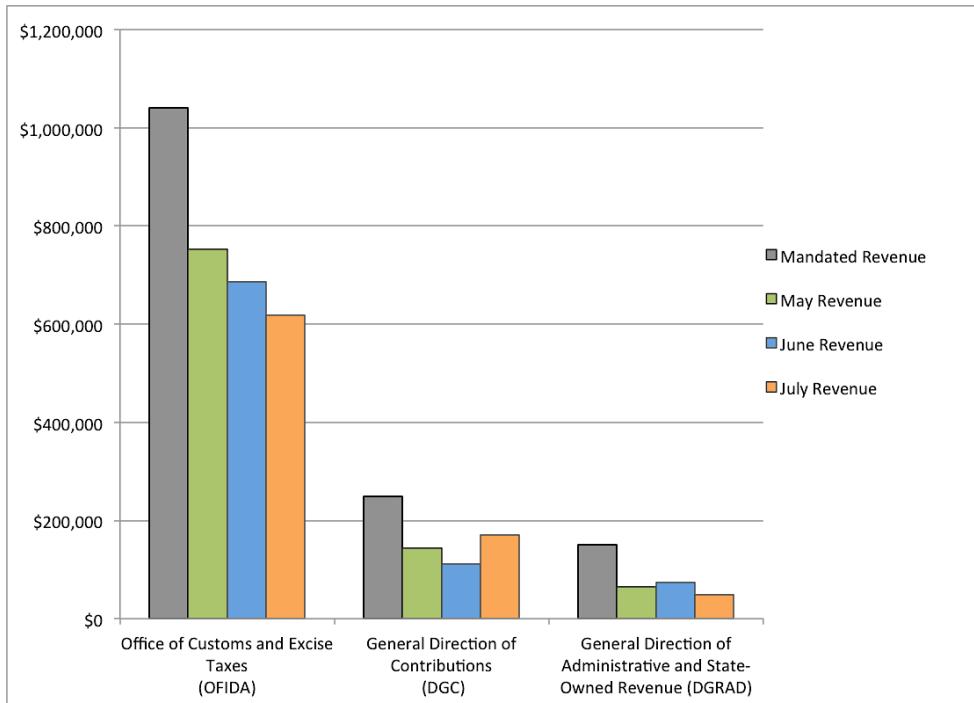
³⁷⁰ 1999-12-07.

³⁷¹ Cited in “Concerne: Réaction du personnel OCC/Goma aux Notes du Service No 001&002/RCD/Coord/OCC/RKB-MEO/2002 du 31 mai 2002” Office Congolais de Contrôle-OCC Département Provincial du Nord-Kivu “DEPRONOKI” Délégation Syndicale Goma [Letter to Monsieur le Coordinateur de l'OCC à Goma] 8 July 2002, Goma.

³⁷² *Ibid.*

tests..."³⁷³ These exchanges illustrate that gents continued to make recourse to official rules and regulations to protest unfavorable rebel reforms.

CHART 6.1. Comparative revenue deliveries and shortfalls to the RCD-G by agency, 2000



SOURCE: "Rapport Financier" Département des Finances, Budget et Portefeuille. *Rassemblement Congolais pour la Démocratie*. May, June, July 2000, Goma.

Chart 6.1 provides a systematic estimate of these deviations. The chart compares shortfalls in North Kivu at the peak of armed conflict. Combined revenue data from three top revenue collections agencies illustrate shortfalls in mandated quotas. It demonstrates the total performance requirements the RDC-G placed on three agencies (OFIDA, DGRAD, DGC) and compares it with revenue transmitted to the armed group over a three-month period in 2000. The RCD-G collected only 60% of its mandated revenue over May (63.7%), June (60.4%) and July (58.2%). Data illustrate that state agencies siphoned revenue from revenue coffers at roughly

³⁷³ *Ibid*, p. 3.

similar rates. Over this period, the amount siphoned by agency averaged to OFIDA (34.2%), DGC (43.4%) and DGRAD (58.5%).

Contests between rebels and state administrators persisted throughout conflict, even as both maintained preferences to maintain preexisting state institutions. Four years into the war, the RCD-G still attempted to suspended taxes on middle and small-businesses across the provinces it controlled, in order to cut out taxes that escaped the group's oversight and "fraudulent" permit sales.³⁷⁴

Yet, by working through the state apparatus and profiting from its operations, the RCD-G also gained interests in institutional functions and endurance. The RCD-G levied a 40% tax on revenue that administrators collected and required requiring that they transmit it to the armed group.³⁷⁵ Accordingly, in spite of diversions, the group benefited from the continued functions of the revenue bureaus. Illustrating its institutional interests, the RCD-G called to "rehabilitate" the OCC cross-border trade monitoring agency "to increase the profitability of the structure." Similarly, goods movements and resource exploitation in Congo depended largely on flights from hinterland areas to urban centers in light of impassable roads. Consequently, the RCD-G encouraged the air monitoring agency to take measures to "maximize" its own revenue from tax collection, as a means to increase profits for the armed group in turn.³⁷⁶ In other instances, it

³⁷⁴ "Le permis d'ouverture d'une activité économique est octroyé pour une activité bien précisé et reste individuel, ne peut être cède à un autre". "Objet: Suspension taxe" Cabinet du Chef de Département de l'Economie, Plan, Industrie et Commerce [Letter to Messieurs the Governors of all the Provinces] 2 September 2002, Goma.

³⁷⁵ With the exception of provincial administration and agencies including OFIDA, DGRAD, and DGC, which sent all revenue to the RCD-G and received a 24% "rétrocession" or commission.

³⁷⁶ "Objet: Maximisation des Recettes" Cabinet du Chef de Département des Transports, Postes, et Télécommunications [Letter to Monsieur le Coordonnateur de la RVA] 7 December 2000, Goma.

sought to route exports through the banking systems in North Kivu³⁷⁷ to ease monitoring of cross-border trade.³⁷⁸

Although controlling headquarter city in Goma directly, the RCD-G governed alongside and through state institutions. Administrators safeguarded their own ability to influence taxation, working out of a concern to preserve access to the structures that endowed them with the authority to profit from regulating transactions.

(2) Bukavu, South Kivu

The RCD-G's rule was more contested in the provincial capital of South Kivu, Bukavu. Here, it lacked close overlapping ties with the civilian population it sought to govern and faced a stronger resistance from the area's Catholic Church, a powerful social institution in Congo. The RCD-G looked to institutions in Bukavu for similar goals as it had in Goma.

The OFIDA customs bureau in Bukavu furnished detailed statistics on economic activities.³⁷⁹ Likewise, agents at the cross-border monitoring agency, the OCC, collected daily import statistics on petrol, marking the business names, volume of petrol imported, and its corresponding value.³⁸⁰ Reports included documentation of import and export fees paid at border post,³⁸¹ including on prominent smugglers operating along this frontier.³⁸² The RCD-G routed transactions through the state apparatus, relying on administrations to collect revenue on

³⁷⁷ Province du Nord-Kivu, Commission Provinciale de Fixing, "Compte Rendu de la Réunion de la Commission de Fixing Tenue le Mardi 15 June 1999," Goma., p. 5.

³⁷⁸ RCD Chef du Département de l'Economie, Plan, Industrie et Commerce, "Concerne: Note Explicative sur la Hausse des Prix à Bukavu" [Note to the Secretary General of the RCD], 22 November 2000, Goma p. 4

³⁷⁹ "Rapport Financier sur la Gestion de la Rétrocession de Novembre 98 à Avril 99" Office des Douanes et Accises, Direction Provinciale du Sud-Kivu, 30 April 1999, Bukavu.

³⁸⁰ For instance: "Rapport des Importations des Produits Pétroliers du Janvier au 11 Avril" OCC Département Provincial/Est, Siège du Département, Bukavu, Office Congolais de Contrôle, 11 April 2002, Bukavu; "Rapport Annuel des Statistiques: Année 2002" Office Congolais de Contrôle, Siège de Bukavu.

³⁸¹ Specifically, Ruzizi I and Buhozi.

³⁸² Such as Kotecha and DATCO. "Annex III: Ventilation du Compte 42 de Novembre 2002 à Juin 2003 en FC Bukavu" Office Congolais de Contrôle, Bukavu.

its behalf. Likewise, facing counterfeit bills in circulation, the RCD-G recommended that state agencies create “search points for packages passing borders and airports into South Kivu.”³⁸³

While the RCD-G worked through the state apparatus in Bukavu, the city’s administrators aimed to maintain control institutions in a similar way as Goma. The RCD-G noted that the lack of control over taxation grew particularly worrisome in South Kivu.³⁸⁴ Mirroring efforts to streamline the administration in Goma, the RCD-G unsuccessfully attempted to reign in personnel rosters. In late 1999, the RCD-G Department of Finance wrote to the Bukavu branch of OFIDA “enjoining” it to “suspend and put an immediate end to the fees and services of all personnel who are not regularly employed at OFIDA, or of all personnel who do not meet the required criteria.”³⁸⁵ The RCD-G resisted attempts to expand administrations, accusing state agents of an “abusive exercise of authority.”

Personnel restrictions had little immediate effect, however. As an audit of a border post near Bukavu described, the RCD-G faced revenue losses from administrative complexity, in contrast with the more streamlined and disciplined Rwandan administration at the same border crossing:

The multiplicity of state agencies leads to a large dissipation of resources, as well as constituting a supplementary source of harassment for businesspersons. Recent lived examples testify to the intolerable situation. At Ruzizi II [border post], there is a Rwandan customs post [with] 5 agents. In Congo, for the same movement of merchandise, there are more than 40 agents.³⁸⁶

³⁸³ RCD Chef du Département de l’Economie, Plan, Industrie et Commerce, “Concerne: Note Explicative sur la Hausse des Prix à Bukavu” [Note to the Secretary General of the RCD], 22 November 2000, Goma p. 4

³⁸⁴ Referring to Rwanda as “the allies.” “Concerne: Transmission différents points à discuter à la réunion interdépartemental sur des mesures d’encadrement financier.” Département des Finances, Budget et Portefeuille, RCD, 10 December 1999, Goma.

³⁸⁵ At the same time as a separate letter was sent to the head of OFIDA Goma. “Concerne: Limitation du Personnel” Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie [Letter to Monsieur le Directeur Régional de l’OFIDA du Sud-Kivu à Bukavu] 22 November 1999, Bukavu.

³⁸⁶ Chef de Département des Finances, Budget et Portefeuille, “Transmission différents points à discuter à la réunion interdépartementale sur des mesures d’encadrement financier.” [Memo to the President of the RCD], 10 Dec 1999, Goma.

In the same report, the RCD-G found that “nearly 20 agencies coexist” within a single customs declaration site in Bukavu. It concluded that, “Such a situation is evidently totally out of control.” Echoing this finding, another RCD-G audit in South Kivu found at least 900 ghost employees on rebel payrolls.

As conflict progressed, the RCD-G found that provincial authorities in the governor’s office collected 68 taxes untapped by rebels. Local businesses reported the figure to be higher.³⁸⁷ Similarly, in 2000, it also described the mineral sector as riddled with “fraud and anarchy. Some businesses illegally pass minerals through customs or declare less than is exported”³⁸⁸

Another set of competitions focused on the use of official forms. The RCD-G regularly commissioned audits. One focused on agencies in South Kivu, targeting the Office of State-Owned Revenue (DGRAD).³⁸⁹ Results illustrated that revenue collections agents placed a significant number of parallel receipts (1,450) into circulation. Marketing access to these forms enabled state agents to bypass rebel regulations through under-the-table side deals to civilian traders.³⁹⁰ The RCD-G audit traced a systemic use of parallel papers by revenue collections officials across agencies spanning precious metals to coffee.³⁹¹ It denounced the “complicity in the circulation of parallel payment slips and diversions of public money.”³⁹² The audit, nearly

³⁸⁷ Provincial Director and President of the Provincial Conseil of FEC-South Kivu, “Concerne: Taxes à percevoir par les E.A.D. du Sud-Kivu, [Letter to the Governor of South Kivu], 28 August 2000, Bukavu; “Arrêté Interdépartemental No 035/RCD/99 du 13 Dec 1999 Portant Révision de la Décision No 015/DPF/RCD/99 à la Nomenclature des Taxes Autorisées aux EAD et Règlement de leur Perception” RCD, 13 December 1999, Goma.

³⁸⁸ Département des Terres, Mines et Energie, Rassemblement Congolais pour la Démocratie, ‘Compte-Rendu de la Réunion du 26 juillet 2000 Présidée par le Chef du Département des Terres, Mines et Energie a l’Intention des Agents et Operateurs Economiques du Secteur Minier de Bukavu » 26 July 2000, p. 6.

³⁸⁹ Specifically, a financial audit of the Provincial Direction of Contributions.

³⁹⁰ “Objet: Demande de suspension des agents impliqué dans la mise en circulation de 1450 quittances parallèles et le détournement des deniers publics” Inspection des Finances, Commission d’Audit Financier: OFIDA-DGM-DGC-Division des Transports et Communication, Rassemblement Congolais pour la Démocratie [Letter to Monsieur le Chef de Département des Fances [sic], Budget et Portefeuille à Goma] 12 April 2000, Bukavu.

³⁹¹ Société Nationale des Chemins de Fer au Congo (SNCC), Office National de Café (ONC).

³⁹² *Ibid.*

two years into conflict (April 2000) illustrates that administrative noncompliance turned to maintain discretion in the face of rebels. The state administration itself became a frontline of competition.

(3) Kindu, Maniema

The political geography of Maniema province in Congo's interior was less strategic than its counterparts along international borders, but its cassiterite and mineral deposits made it an important site of resource extraction. To control resources, the RCD-G coopted infrastructure it found in place, including public banks and revenue collections agencies (such as OFIDA, DGC and DGRAD). The RCD-G periodically paid administrative salaries.³⁹³

Working through state institutions provided the RCD-G with information on foreign sponsors. Given Congo's dilapidated road system, the majority of natural resources, troops, and supplies were transported via plane. Consequently, RCD-G relied on the national air traffic agency (*Régie des Vols Aériennes*, RVA) to transmit information on business transactions and goods movements, prominently of private flights linking mining areas to export routes. Agents within this bureau informed RCD-G leadership of side deals cut between other authorities based near Kindu and representatives of Rwanda in the area to transport resources via air. The RVA wrote to the RCD-G Department of Finance describing the under-the-table deals, warning that: "This situation did not only start today, and continues to disturb not only the good functioning of

³⁹³ For instance, providing a \$5/agent bonus for year end 2001. It noted that \$2,150 was set aside as "secret funds" to investigate the Mayi Mayi militia that had attacked Kindu during the visit of the RCD-G President. "Rapport de la Paie de la Prime de Fin d'Année 2001 aux Fonctionnaires et Agent de l'Etat du Maniema" Cabinet du Gouverneur de Province, Province du Maniema, n.d. 2002, Kindu, In: "Cabinet du Gouverneur de Province, Province du Maniema [Letter to His Excellence Monsieur the Chief of the Département de la Fonction Publique, Travail, et Prévoyance Sociale] 1 February 2001, Kindu.

the airport, but also and above all the contribution to the war effort.”³⁹⁴

State agents in the provincial capital, Kindu, applied similar diversion techniques vis-à-vis the RCD-G as in Goma and Bukavu. As across its territory, RCD-G required agents to deposit revenue into bank accounts that would funnel into its Public Treasury. Yet, Kindu-based administrators met revenue requirements by delivering bills deemed “improper” for use. Bureaucrats paid rebels in the *Nouveau Zaïre* currency. Depleted in value by speculation and inflation, the *Nouveau Zaïre* no longer served as a meaningful currency of exchange. The rebellion had used the newly instated *Congolese Franc* or foreign currency from the onset of its operations in 1998³⁹⁵ and required that transfers be made in “hard currency.” A new and stronger national currency was already widely used, and the growing number of US dollars in circulation rapidly became another basis of exchange.³⁹⁶ As it was reported to the RCD-G in 2001:

state bureaucrats in Maniema have proven themselves incapable of enacting [RCD-G] ministerial decisions promulgated to maximize revenue, or to even simply respect them as law. We have observed for more than two years that revenue... is remitted in a fashion prohibited by the RCD: only unusable bills are sent, others are withheld at the source.³⁹⁷

Transfers of *Nouveaux Zaïres* provided a means to project compliance to rebels while offloading worthless currency and maintaining a foothold on authority over fiscal transactions. These practices left resulted in a vexing glut of 7.8 billion *Nouveaux Zaïres* and, as one RCD tax

³⁹⁴ “Objet: Relevé de la facturation aéronefs Rwandais-Kigali. Dos: Aéro-Punia (Accusé de réception)” Régie des Voies Aériennes, Coordination [Letter to the Chef de Département des Finances, Budget et Portefeuille, RCD] 1 March 2001, Goma. Revenue the agency collected from fees on air transit was sent to the RCD-G’s “War Effort” account. “Objet: Maximisation des Recettes” Cabinet du Chef de Département des Transports, Postes, et Télécommunications [Letter to Monsieur le Coordonnateur de la RVA] 7 December 2000, Goma.

³⁹⁵ “Compte-Rendu de la Réunion du Comité de Fixing du Taux de Change et du Prix de Carburant Tenu les 06 et les 07 Octobre 1998” Cabinet of the Governor of North Kivu Province, Commission of Fixing, 17 October 1998. In this meeting in October, the RCD committee decided on a rate of 2.4 Congolese francs to 1 USD.

³⁹⁶ As it had the former currency, the *Zaire*. The early 1990s saw the remarkable hyperinflation of the *Zaire*, with a cumulative increase of prices by 6.3 billion percent from October 1990 to December 1995 (Fahey 2011: 62, citing Akitoby 2004: 226). Reno (1998: 159) places the value of the *Zaire* to the US dollar in 1993 at 110 million *Zaires* : 1 USD. The *Nouveau Zaïre* was meant to replace the *Zaire* as a new currency. Coping with these pressures during war, the RCD formed various “Committees to fix the Exchange Rate” to monitor exchange rates across its holdings.

³⁹⁷ “Objet: Nos doléances” Banque Centrale du Congo, Agence de Kindu [Letter to Monsieur le Coordinateur des Régies Financières à Goma], 21 June 2001, Kindu.

collections outpost described, “the usurpation of [our] functions by bureaucrats of the State.”³⁹⁸ State agents retained usable bills for their own use.³⁹⁹ Other bank agents noted that bureaucrats siphoned off tax revenue at collections points.⁴⁰⁰ Hence, transfers of *Nouveaux Zaires* provided a means to project compliance to rebels while offloading worthless currency and maintaining a foothold on authority over fiscal transactions.⁴⁰¹

Likewise, the Kindu branch of the Congolese Office of Control (OCC), a quality control agency for cross-border transactions, resisted RCD-G procedures to transfer minerals.⁴⁰² It appears the RCD-G aimed to cut out the Kindu-based branch of the OCC from the export circuit, restricting exports to specified border posts. Kindu’s interior location remained far from such exit points.⁴⁰³ Yet, Kindu’s bureaucrats aimed to monitor resources destined for export chains

³⁹⁸ DGC and DGRAD in Kindu appeared the worst offenders, while OFIDA withheld revenue altogether. In Kindu, the memo noted the “problems with which we are confronted, following the usurpation of [our] functions by bureaucrats of the State in Maniema who demonstrate themselves to be incapable of putting into practice the [RCD] ministerial decisions dictated for the maximization of revenue.” Reporting revenue holdings in light of taxes collected from OFIDA, DGC, and DGRAD agencies from November 2000-June 2001, the bank showed that usable bills in the amount of 92,264fc (\$1,113) paled to “unusable” francs 359,701fc (\$4,231) and 7,811,178,000NZ (\$8,222; actual value is likely to be less since conversion is based on December 1999 1 USD: 950,000 NZ rate, but holdings are in 2001). “Objet: Nos doléances” Banque Centrale du Congo, Agence de Kindu [Letter to le Coordinateur des Régies Financières, in Goma], 21 June 2001, Kindu.

³⁹⁹ Reiterated in “Rubrique: Trésorerie: Envoi de Fonds” Banque du Zaïre / Banque Centrale du Congo, Agence de Kindu [Note to B.C.C. Bukavu] 22 August 2001, Kindu.

⁴⁰⁰ “Rubrique: Trésorerie: Envoi de Fonds” Banque du Zaïre / Banque Centrale du Congo, Agence de Kindu [Note to B.C.C. Bukavu] 22 August 2001, Kindu.

⁴⁰¹ Another example of this technique occurred in Lodja (Kasai Orientale). Here, the bank managing the RCD-G treasury (the *Banque du Congo*) explained to rebels that, “the balance of your accounts are constituted in part by mutilated bills, that is to say: destroyed, cut into bits, discolored, dirty, etc... not acceptable in the consumer market. These bills are sent to us by certain Responsables of the services [state bureaus] that generate public revenues.” Although in this case, the “unusable” bills, some “cut into bits,” were dilapidated Congolese francs rather than *Nouveaux Zaires*, the practice of meeting revenue requirements in unusable bills holds constant. Source: “Réf.: 13500/7893/KM/TAB/0009/2002” Chef de Bureau Gérant a.i., Banque du Congo, Agence de Lodja [Bank statement transmitted to the Département des Finances, Budget, et Portefeuille, RCD, in Goma], 31 May 2002, Lodja (Kasai Orientale). Here, it is also interesting to note that the bank statement continues to use the “Banque du Zaïre” stamp, with the local agent correcting for the new name of the country by writing in pen “Congo” over the “Zaire.”

⁴⁰² This paragraph draws on: “Instruction Relatives au Transfert des Produits Miniers” Office Congolais de Contrôle [Letter to Son Excellence Monsieur le Chef de Département des Terres, Mines et Énergie de et à Goma] 12 June 2000, Kindu.

⁴⁰³ Other evidence indicates that “certain fraudulent exportation” was done directly via plane from Kindu (as well as Punia, Walikale, and Kalima) to international markets. “La commercialisation du Coltan dans le Territoire sous Contrôle du RCD” Département des Terres, Mines, et Énergie, RCD [Note Technique] 17 November 2000, Goma.

before they arrived at borders. OCC agents invoked state authority vis-à-vis rebel rules, reminding rebels of the official export procedures: “we dare to believe that we still reserve the right to control mining products in the preliminary phase [of exportation from Maniema], to be finalized in Goma or Bukavu according to the case.”

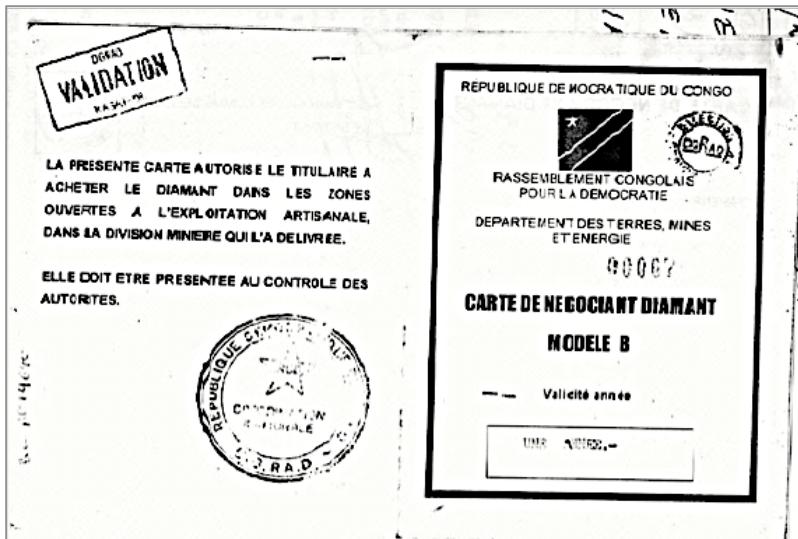
(4) Lodja (Kasai Orientale)

As provincial capitals and border posts, Goma, Bukavu, and Kindu were bottlenecks of exchange. Yet the RCD-G also registered similar diversion techniques in remote Lodja, a hinterland area at the margins of the group’s influence with a less developed state apparatus.

State agents initially fled their posts in Lodja with the wave of pillage that marked the opening days of war.⁴⁰⁴ As they fled, new agents took up their posts, viewing vacancies as an opportunity to gain from taxation and regulatory functions. As time horizons lengthened, the RCD-G turned to state infrastructure in Lodja to build its influence in the area. It relied on the bank system for payouts to military commanders and rebel leadership on visits to the area.⁴⁰⁵ The group also worked with state agents in Lodja to monitor diamond markets. It joined with the State Owned Revenue Agency, DGRAD, to issue diamond purchasing permits and to distribute and monitor licenses, tracking which traders were active in the area.

⁴⁰⁴ “Rapport de Mission Effectuée au Ressort DGRAD Kasai Orientale” Département des Finances, Budget et Portefeuille du RCD, Direction Générales de Recettes Administratives, Judicaires, Domaniales et de Participations (DGRAD) [Report on a Mission to Lodja], 15 July 2000, Goma.

⁴⁰⁵ The Department of Finance, Budget and Public Purse corresponded directly with the *Banque du Congo* in Lodja for payments to its military commanders. “Concerne: Paiement O.P.Réf.0751/DPPBP-RCD/LPM/TK/2000 du 23/09/2000 du 23/09/2000 de l’ordre \$US 4.500” Banque du Congo, Réf 13500/7893/KM/TAB/0031/2000 [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille de et à Goma] 27 September 2000, Lodja. The Governor of Kasai-Oriental in CC. Other indications of RCD uses of the banking system in Lodja include: “Beneficiary: Functioning of RCD/Province of Kasai Orientale,” 8 June 2001. “Rubrique: Trésorerie, Concerne: Dépense engagées par Son Excellence Monsieur le Président du R.C.D./P/C du Trésor Public en nos livres.” Banque du Zaïre [Note au Département des Finances, Budget et Portefeuille de et à Goma], Lodja, 10 April 2001.

**FIGURE 6.9**

Jointly issued artisanal diamond mining permit, RCD-G Department of Land, Mines, and Energy and DGRAD state revenue agency (stamped).

Lodja, Kasai Orientale.

Figure 6.9 depicts the RCD-G diamond license, which was jointly issued through the rebels' Department of Land, Mines, and Energy and the State Owned Revenue Agency, DGRAD. The license reads, "this present card authorizes the holder to purchase diamonds in the zones open to artisanal exploitation. It must be presented to the check points and control of the authorities."

As in Goma and Bukavu, the RCD-G replaced the capital as the target of administrative evasion. This grew evident in the diamond markets regulated with the Lodja branch of the DGRAD taxation agency.⁴⁰⁶ The RCD-G had aimed to integrate DGRAD into its revenue generation systems by replacing its Goma headquarters with Kinshasa at the head of the administrative hierarchy. Doing so involved supporting day-to-day functions by delivering official (counterfeit) documents and permits, as well as monitoring the numbers of authorizations

⁴⁰⁶ This paragraph and the following draw on: Département des Finances, Budget et Portefeuille, Direction Générales de Recettes Administratives, Judicaires, Domaniales et de Participations, "Rapport de Mission Effectuée au Ressort DGRAD Kasai Orientale" 15 July 2000, Goma.

in use. Tracking the number of licenses issued was a needed step to control revenue streams and ensure that active diamond purchasers complied with rebel regulations.

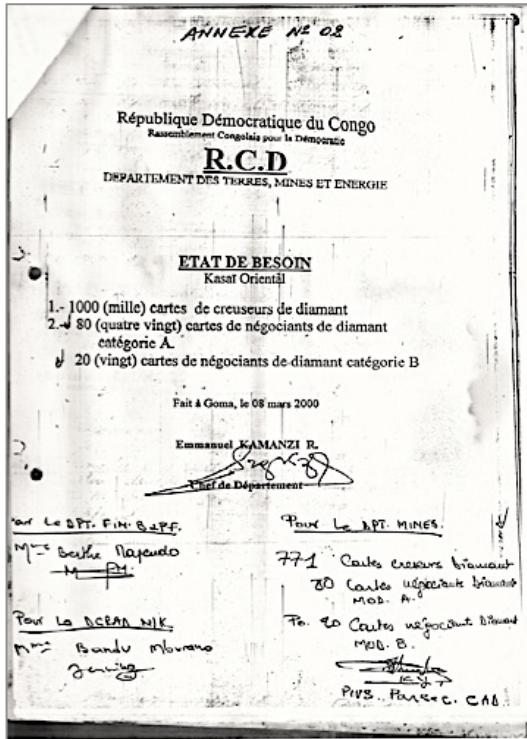


FIGURE 6.10

RCD Department of Lands, Mines, and Energy, authorizations transferred to DGRAD at Kasai Orientale- Lodja: 1000 cards for diamond diggers, 80 cards authorizing “Category A” diamond *négociants* (purchasers), 20 cards authorizing “Category B” diamond *négociants* (purchasers), March 2000

Yet, DGRAD agents forged their own documents beyond those that the RCD-G issued. By issuing their own licenses, agencies placed diamond transactions beyond RCD-G oversight. As Lodja-based officeholders drew up parallel forms, the RCD-G noted with concern that “the products of sales may or may not be sent to the [RCD-G] public treasury.” With parallel forms, the DGRAD bureau could evade requirements to revenue statistics to the RCD-G, tipping the balance of authority over institutions and markets in its favor. The RCD-G Department of Lands, Mines, and Energy monitored the number of diamond permits it sent to the DGRAD office (see Figure 6.10), but noted that administrations had also issued these to purchasers without informing the rebel hierarchy, pocketing the fees for themselves. In response, the RCD-G

dispatched a surveillance mission to Lodja, focused in part on the licenses and permits standing behind these parallel revenue flows. Policing the number of authorizations that DGRAD received provided a needed mechanism to estimate the value of financial transactions, since administrators were answerable to the rebel hierarchy to deliver the monetary value represented by a given form.

Other bureaus in Lodja also took advantage of parallel licensing and authorizations circuits to resist rebel oversight. For instance, other state agents used forms from the Direction General of Migration (DGM) immigration agency to regulate population movements.⁴⁰⁷ However, Lodja was lodged in Congo's interior, far from the international borders that the agency was officially tasked with policing. Nonetheless, DGM authorizations, sold for \$100, creating sources of revenue for their brokers that were managed behind the backs of the RCD-G. Other administrators paid themselves twice for transactions. The RCD-G verification mission to Lodja aimed to identify the number of authorizations in circulation and the monetary value that each represented, noting, "the concern of all is to harmonize the collection of revenue for the profit of the RCD." The RCD-G concluded that administrative practices produced a "quasi-total confusion of the relations of subordination" of who the agency responded to during war.

Noncompliance persisted. Over a year later, the Department of Finance of the RCD-G commissioned a subsequent investigation in Lodja to again study the question of missing authorizations in the diamond sector. The RCD-G accused administrators of the "lack of respect of the procedure to manage the official documentation," the use of parallel authorizations, the "diversions of official documents sent to Lodja," and the "lack of respect for the procedures to

⁴⁰⁷ This paragraph draws on: Département des Finances, Budget et Portefeuille, Direction Générales de Recettes Administratives, Judiciaires, Domaniales et de Participations, "Rapport de Mission Effectuée au Ressort DGRAD Kasai Orientale" 15 July 2000, Goma.

stamp the official documents.”⁴⁰⁸ Diamond purchasers used these licenses on parallel markets to represent transactions as legal, but without the benefit to the RCD-G of controlling transactions. Uncontrolled forms created parallel revenue chains beyond rebel reach, bringing about revenue losses. Across broader sectors in Lodja, the RCD-G noted with alarm that official documents had been sold under the table. An investigatory mission including the RCD-G’s “Inspector of Finances” noted:

Disappearance of official documents and authorizations... fraudulently injected in the mining sector... and parallel economy. The Province collects some taxes owed to the [RCD] Public Treasury, especially in the mining sector... The delegation was surprised to notice that forms of the Provincial Office of DGRAD/Kasaï Oriental at Lodja were mission, and these forms are the tool at the base of managing inventory. This anomaly renders it difficult, indeed impossible, to follow the movement of the stocks of the official documents. Does this unawareness of the elementary principles of management represent negligence, or a deliberate act to conceal the situation of the official documents?⁴⁰⁹

In response, the RCD-G monitored the movements of official authorizations and state documents, and punished agents who failed to comply with its oversight. The RCD-G, for instance, suspended the head of the DGRAD bureau accused of organizing the parallel extraction. It called him to a confrontation with the military tribunal of the group’s armed wing (the ANC) and its President.

Competitions over the ability to create and market authorizations formed part of broader noncompliance tactics. In other instances, officials in revenue-generating agencies complied with the minimal performance requirements that the RCD-G mandated they collect. However, agencies transmitted taxes dues in unusable bills. As the bank managing the RCD-G treasury in Lodja (the *Banque du Congo*) explained to rebels:

⁴⁰⁸ Again with special focus on DGRAD. This paragraph draws on: “Objet: Ma suspension” Coordonnateur Adjoint de la DGRAD [Letter to Monsieur le Secrétaire Général du RCD à Goma] 21 November 2001, Goma; “Rapport de Mission d’Inspection des Finances Effectuée à Lodja du 29 Septembre 2001 au 5 Octobre 2001”

⁴⁰⁹ *Ibid.*

the balance of your accounts are constituted in part by mutilated bills, that is to say: destroyed, cut into bits, discolored, dirty, etc... not acceptable in the consumer market. These bills are sent to us by certain Managers of the agencies that generate public revenues.⁴¹⁰

Iterated contests over authority in resource chains in rebel-held territory transformed the state apparatus into an object of competition.

(5) Kalemie, Katanga

In Katanga province, Kalemie lies along Lake Tanganyika, with Tanzania bordering on the opposite side of the lake. The RCD-G noted that Katanga was of importance as the home province of President Kabila, and it identified the area as a potential target of government military strikes.⁴¹¹

The RCD-G sought to take over functional state institutions, but to hem in administrative discretion. One of these in Kalemie included OFIDA. The RCD-G's armed branch had looted and requisitioned merchandise in Kalemie the opening days of war,⁴¹² and, nearly a year into war, some OFIDA taxes still went uncollected.⁴¹³ An RCD-G budget study urged that they

⁴¹⁰ “Réf.: 13500/7893/KM/TAB/0009/2002” Chef de Bureau Gérant a.i., Banque du Congo, Agence de Lodja [Bank statement transmitted to the Département des Finances, Budget, et Portefeuille, RCD], 31 May 2002, Lodja (Kasai Orientale). Here, it is also interesting to note that the bank statement continues to use the “Banque du Zaire” stamp, with the local agent correcting for the new name of the country by writing in pen “Congo” over the “Zaire.”

⁴¹¹ “Compte Rendu de la Réunion du Rassemblement Congolais pour la Démocratie du Samedi 1er Aout au Dimanche 16 Aout 1998 à Goma,” 16 August 1998, Goma.

⁴¹² “Objet: Transmission Compte-rendu de la réunion de concertation entre les créanciers de l’ANC et le Commandant OPS” Cabinet du Gouverneur, Province du Katanga [Letter to His Excellency Monsieur le Chef de Département des Finances, Budget et Portefeuille in Goma] 13 April 2001, Kalemie (Katanga).

⁴¹³ This was part of lengthening time horizons. The Department of Commerce and Industry noted that the key industry in Kalemie, the Interlac cement production center, required assurance that there would be no further requisitioning of products by the RCD and that previous stocks requisitioned be repaid. Hence, in reinstating taxation, the RCD-G also signaled a move toward more predictable forms of interaction with businesses, using state infrastructure as a point of interaction. “Rapport de Mission Effectuée à Kalemie: du 30/07 au 21/08/1999” [Commission du Département du Commerce et de l’Industrie, Rassemblement Congolais pour la Démocratie] 21 August 1999, Kalemie (Katanga).

reopen.⁴¹⁴ The group relied on the OFIDA customs bureau to manage its internal debt and to compensate traders who supplied rebels for their military operations.⁴¹⁵ Businesspersons also worked through the provincial government to follow up with demands that the RCD-G reimburse them for earlier requisitioned goods.⁴¹⁶ Similarly, the provincial branch of the Central Bank of Congo in Kalemie (Katanga) made funds available for the group⁴¹⁷ and compensated trading partners for petrol provided to its armed branch.⁴¹⁸

The RCD-G also turned to administrators in Kalemie for sovereignty functions. Provincial Governos interfaced with the UN peacekeeping mission and gather security information on armed rivals. For instance, in Kalemie, the governor corresponded with UN peacekeepers regarding armed groups that formed enemies of the RCD-G, including groups originating in Burundi and Rwanda as well as the Congolese national army.⁴¹⁹ The Governor asked the UN peacekeeping mission to verify security information, and then transmitted the information to the RCD-G.⁴²⁰

⁴¹⁴ “Plan d’Action du Département des Finances” Département des Finances et Budget Rassemblement Congolais pour la Démocratie, 17 April 1999, Goma p. 3.

⁴¹⁵ “Concerne: Mise en disposition de fonds” Chef Adjoint de Département des Finances, Budget et Portefeuille” [Letter to Monsieur le Gérant de la Banque Centrale du Congo à Goma] 17 December 1999, Goma. In “Objet: Demande de compensation” (Businessperson to remain anonymous)[Letter to Monsieur le Chef du Département des Finances, Budget et Portefeuille à Goma] 24 December 2000, Kalemie (Katanga); “Objet: Demande de compensation” Office des Douanes et Accises “OFIDA” Coordination, RCD [Letter to Monsieur le Contrôleur Chef local de l’OFIDA/Kalemie à Kalemie] 22 June 2000, Goma.

⁴¹⁶ The local chapter of FEC estimated that the RCD-G armed branch (the ANC) requisitioned over \$1 million worth of goods from businesses over the course of its operations. “Objet: Doss. Creance FEC/Katanga, Département de l’Administration du Territoire, Sécurité et Renseignements [Letter to Monsieur le Secrétaire Général du RCD à Goma] Goma, 24 February 2003.

⁴¹⁷ “Concerne: Mise en disposition de fonds” Chef Adjoint de Département des Finances, Budget et Portefeuille” [Letter to Monsieur le Gérant de la Banque Centrale du Congo à Goma] 17 December 1999, Goma. In “Objet: Demande de compensation” (Businessperson to remain anonymous)[Letter to Monsieur le Chef du Département des Finances, Budget et Portefeuille à Goma] 24 December 2000, Kalemie (Katanga).

⁴¹⁸ “Objet: Paiement carburant 3ème Brigade ANC” RCD Province du Katanga, Vice Gouverneur [Letter to Monsieur le Gérant de la BCDC] 11 February 2003

⁴¹⁹ “Objet: Infiltation des éléments FAC, FDD et Interahamwe” Province du Katanga, Cabinet du Gouverneur [Letter to Monsieur le Commandant Secteur de la MONUC à Kalemie. Transmitted in copy to the Secretary General of the RCD] 7 June 2001, Kalemie.

⁴²⁰*Ibid.*

State agents sought to safeguard institutional control vis-à-vis rebels. One year into war, the RCD-G Department of Commerce and Industry dispatched a surveillance mission to evaluate the revenue at the OFIDA customs bureau and the OCC agency that monitored cross-border trade in Kalemie.⁴²¹ It noted principal-agent problems, warning of, "capricious exonerations due to interference from local authorities, civil as well as military, the fraud has not been abated...."⁴²² The RCD-G complained that OFIDA "pillaged" funds and official documents. The RCD-G voiced calls to "avoid the plethora of agents in the Public administration" and to "discourage administrative and police harassments" by defining tax nomenclatures.⁴²³ Seeking to boost its control over revenue streams, the RCD-G funneled taxes on petrol imports to its "war effort" account, reformulating the tax code so that it received 50% of tax revenue (compared to 4% respectively for OFIDA and OCC)."⁴²⁴

Meanwhile, administrators took advantage of retracted central power to rebalance their control over the state apparatus. The RCD-G had sought to curb these actions early in the war, to create administrations that synchronized revenue collection rather than siphoning funds to individual agencies beyond rebel oversight. For instance, the DGRAD office in Kalemie increased its role at the expense of other branches of national bureaus (such as Exterior Commerce). The Vice Governor wrote to the provincial head of the state intelligence agency "exhorting" him to instruct his agents monitoring cross-border trade at the city's port to

⁴²¹ "Rapport de Mission Effectuée à Kalemie: du 30/07 au 21/08/1999" [Commission du Département du Commerce et de l'Industrie, Rassemblement Congolais pour la Démocratie] 21 August 1999, Kalemie (Katanga).

⁴²² *Ibid.*

⁴²³ Département de Finances, Budget, et Portefeuille, Rassemblement Congolais pour la Démocratie [Katanga Mission Finance Report], 31 August 1999, Kalemie (Katanga), p. 16. The RCD-G also called

⁴²⁴ "Objet: Répartition Parafiscalité sur Produits Pétroliers" Chef de Service de l'économie Nationale et de L'Industrie du Tanganiika [Letter to Monsieur le Gérant de la Banque Commerciale du Congo in Kalemie], 22 August 2000, Kalemie (Katanga).

“maximizing revenue by placing a heavy hand on revenue generation agencies charged with collecting taxes due for exports.”⁴²⁵

Cross-Case Comparisons

Cross-case comparisons of state-rebel relations in Goma, Bukavu, Kindu, Lodja, and Kalemie illustrate that administrators met RCD-G cooptation with preferences to maintain influence over institutions and a similar set of diversion techniques to do so.

As the RCD-G pursued cooptation, it needed to map out the extent of the administrative infrastructure in its holdings. To this end, the RCD-G created its internal Department of Civil Service, Work, and Social Planning to monitor and audit coopted state agencies and personnel. The RCD-G left in place many of the administrators inherited from Mobutu’s bureaucracy (Tull 2003). To control administrations, the RCD-G aimed to gain a better handle on the personnel operating within them. This department collected this data at the provincial-level and mandated administrators to transmit monthly reports of numbers of paid and unpaid state personnel.

As the RCD-G coopted the state apparatus, administrations shaped the organizational challenges that the armed group faced. Table 6.5 provides the results of some of these audits. As it demonstrates, principal-agent problems transferred to the RCD-G. Here, administrative complexity provided institutional room for maneuver. The RCD-G paid bureaucrats at various points throughout war,⁴²⁶ collected personnel rosters prior to salary transfers. As the table reports, estimates of bureaucratic personnel varied wildly. The RCD-G complained that the

⁴²⁵ “Objet: Instruction” Vice Gouverneur de Province de Katanga [Letter to Monsieur le Directeur Provincial du DSR/Katanga à Kalemie] 12 September 2000, Kalemie (Katanga).

⁴²⁶ In one example, the RCD-G instructed the Central Bank branch in South Kivu to pay 144,989 Congolese francs to Maniema bureaucrats. “Concerne: Mise à disposition de fonds” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur le Directeur Provincial de la BCC/Sud-Kivu à Bukavu] 30 December 1999, Goma.

numbers of administrators were “not verified.”⁴²⁷ As an example, in January 2001, the provincial commission of Maniema reported 13,418 agents in operation, yet the month prior had reported and requested funds for 20,000 agents.⁴²⁸ By comparison, a subsequent report one year later found only 1,792 agents in Kindu.⁴²⁹ The RCD-G Department head concluded that for “each report that concerns statistics of personnel, new numbers, in total contradiction to previous one, are produced.”⁴³⁰ Contradictions in reported numbers of personnel obstructed rebels from mapping out administrations and monitoring revenue flows through them.

TABLE 6.5 State Institutions in War: RCD-G estimates of state agents across its territory

	July 2000	December 2000	January 2001
North Kivu (1) (Goma)	17,239	13,180 (5,613)	12,324
South Kivu (2) (Bukavu and Uvira)	27,223	18,192 (11,529)	23,374
Maniema (3) (Kindu)	12,753	15,618 (5,414)	13,418
Katanga (4) (Kalemie, Kongolo, Moba)	4,242	4,242 (4,242)	3,088*
Kasai Oriental (5) (Lusambo, Lodja, Lubao)	13,263	13,263 (5,354)	16,548

NOTES: * In addition to an unknown number of unpaid bureaucrats. RCD-G estimates are based on Provincial Commission reports from each other provinces under its control. Katanga is for Tanganika District only. Kasai includes Sankuru and Kabinda (Lubao). In South Kivu, the RCD-G noted a lack of information on the interior of the province for active administrators. North Kivu estimates are only for territories in the *petit nord* under RCD-G control, including Goma, Nyiragongo, Rutshuru, Masisi and Walikale. The report notes that notes that the two northernmost territories in North Kivu, comprising the *grand nord*, Beni and Lubero, “were taken hostage” by a rival armed group.

SOURCES: Rapport de la Commission Interdépartementale de Paie de la Prime aux Agents et Fonctionnaires des Services Publics de l’Etat du Territoire Sous Contrôle du R.C.[D] pour le mois de janvier 2001” Cabinet du Chef de Département, Département de la Fonction Publique, Travail et Prévoyance Sociale. 8 March 2001; “Montant Alloué aux Unités Enclavés en Opération, Mois d’Avril 99” Armée Nationale Congolaise, Commandement des Operations, G4; “Note Technique sur le Payement de la Prime aux fonctionnaires des Services Publics de l’Etat” Cabinet du Chef de Département de la Fonction Publique, Travail, et Prévoyance Sociale du RCD [Technical Note on the Payments] 16 December 2000, Goma.

⁴²⁷ 1999-06-15

⁴²⁸ Ibid.

⁴²⁹ La Commission Provinciale, de Paie, Province du Maniema, Cabinet du Gouverneur de Province, “Transmission rapport paie de la prime de décembre 2001” [Letter to the Chef de Département de la Fonction Publique, Travail et Prévoyance Sociale, in Goma], 1 February 2002, Kindu.

⁴³⁰ “Rapport de la Commission Interdépartementale de Paie de la Prime aux Agents et Fonctionnaires des Services Publics de l’Etat du Territoire Sous Contrôle du R.C.[D] pour le mois de janvier 2001 » Cabinet du Chef de Département, Département de la Fonction Publique, Travail et Prévoyance Sociale. 8 March 2001, p. 10.

To pay personnel, the RCD-G transferred funds to provincial heads of state agencies for distribution to rank-and-file employees. Even minimal amounts of salary were viewed as a tool to incentivize state agents to enforce rebel taxes and rules.⁴³¹ One instance of this unfolded in January 2001. However, RCD-G leadership lacked capacity to direct revenue streams, as Table 6.6 shows.⁴³² The group transmitted revenue to officeholders at the head of provincial administrations to in turn pay rank-and-file bureaucrats. Yet, 57% of revenue went missing once it left the RCD-G treasury and arrived in the hands of administrators charged with distributing it.⁴³³ The RCD-G failed to control administrative action in its headquarters of Goma at a similar rate (33.6%) to remote Kindu (30.1%) and Kalemie (24.6%). In distant Kasai Orientale at the far reaches of RCD-G territory as well as in more tightly controlled Bukavu, 100% of funds went missing.

Table 6.6 RCD-G revenue transmitted to pay administrative salaries, January 2001 (USD)

Case	Funds transmitted	Funds missing or unaccounted	% Funds missing or unaccounted
(1) North Kivu (Goma)	\$47,970	\$16,100	33.6%
(2) South Kivu (Bukavu)	\$66,070	\$66,070	100 %
(3) Maniema (Kindu)	\$56,730	\$17,500	30.1%
(4) Katanga (Kalemie)	\$15,400	\$3,795	24.6%
(5) Kasai Oriental	\$48,280	\$48,280	100%
<i>Total</i>	<i>\$297,110</i>	<i>\$171,755</i>	<i>57.8%</i>

SOURCE: “Rapport de la Commission Interdépartementale de Paie de la Prime aux Agents et Fonctionnaires des Services Publics de l’Etat du Territoire Sous Contrôle du R.C.[D] pour le mois de janvier 2001” Cabinet du Chef de Département, Département de la Fonction Publique, Travail et Prévoyance Sociale, 8 March 2001

⁴³¹ This is also evident in the increasing levels of retrocessions the RCD-G paid to state agencies over the course of conflict. See Chapter 6 for a discussion.

⁴³² Moreover, even in areas where agents were paid, the RCD-G was often unable to enforce the *rate* of pay. The RCD-G’s Department of Finance mandated that functionaries be paid at a rate of \$10, but a follow-up report from the Department of Civil Service found that payments were made at \$5 instead, leaving half of the money available for appropriation.

⁴³³ Since these records were made for rebels’ internal use and kept internal to their administration, not external consumption, it is dubious that these documents were made to give a false impression of goods provision. Moreover, since these statistics reflect reports by provincial commissions close to local provincial governors, they are likely to *over exaggerate* the amount of rebel revenue used to pay salaries.

The nature of the state apparatus blocked the RCD-G from realizing positive corollaries to territorial control. Instead of positive reputations for public salaries, state employees blamed the RCD-G for their lack of pay. Scholars also critique the RCD-G's limited public goods provision. Researchers notes that, "bureaucrats were left to their own devices to raise revenue, essentially through extraction from the local population" (Mampilly 2010: 223). Tull's (2003, 2005) more thorough analysis of the RCD-G similarly finds that "[p]ublic employees receive virtually no salaries and no efforts are being made to improve the socio-economic well-being of the population the RCD is meant to be governing" (2003: 435).⁴³⁴ This contrasted with the RCD-G's grandiose self-description that it took on "numerous tasks traditionally assumed by the state: payment of bureaucrats and teachers, medical costs for soldiers, military pay, maintenance of schools, hospitals, and other social infrastructure, maintenance of roads, etc."⁴³⁵ State agencies that used the RCD-G as a source of rent played a role in this outcome.

Across its holdings, the RCD-G set clear monthly payment targets that aimed to curb agents' leeway to conceal revenue flows. Yet, state administrations also concealed resource flows from rebels. For instance, agents cut side deals with civilian traders to offer exonerations from rebel rules.⁴³⁶ Across the same three-month period in 2000, 30% of revenue went missing in the RCD-G headquarters in Goma (case 1), compared with just over 45% of funds in Bukavu (case 2) and 100% in Maniema (Kindu, case 4).⁴³⁷ RCD-G records for the top four revenue-generating agencies indicate that the RCD-G recorded similar threats from administrative noncompliance across all of the major revenue agencies present across these cases (including

⁴³⁴ Titeca and de Herdt (2011) nuance this conventional narrative of non-governance in Congo by tracing the delivery of education as a result of state and non-state negotiation. Indeed, roughly one-third of the money the RCD-G transferred to provinces in Table 5 was earmarked for education. See also Trefon (2009).

⁴³⁵ 1999-03-31

⁴³⁶ Département des Finances du RCD, [Letter to the Provincial Directors of OCC] 7 December 1999, Goma.

⁴³⁷ 2000 Budget of the R.C.D.. in "Objet: Transmission documents." Département des Finances, Budget, et Portefeuille [Letter to Monsieur le Président du RCD], 20 March 2000, Goma. Also, 2001 budget meeting.

OFIDA, DGC, DGRAD, and the OCC). With these practices, administrators treated rebels as they had the central government prior to war—maintaining parallel tax rates and innovating rules to interpose themselves in resource chains (Schatzberg 1988).

Institutional Effects on Armed Group Organization

Rebel and state organizations blurred over the course of institutional cooptation. As the RCD-G appropriated state administrations, institutions shaped its own structure and preferences. It became more difficult for the RCD-G to separate itself from state forms of rule.

First, RCD-G organizational structure mimicked state institutions. Doing so reflected in part the need to monitor and reform the preexisting apparatus. As one of its first steps toward appropriating and reforming institutions, the RCD created parallel structures to monitor the state apparatus in 1998. Its own ministry, the “Department of Territorial Administration,” would manage the “Territorial Administration” of the state apparatus by the same name. These “deliberative” bodies would serve as “advisory” mechanisms to the armed group and operate under the authority of the RCD leadership.⁴³⁸ As the Department of Territorial Administration described, these rebel-installed bodies were designed to operate “at every political-administrative echelon of the country” to monitor the varied levels of the administrative hierarchy.

Table 6.7 illustrates this pairing. For instance, the decree created the RCD-G Provincial Assembly to monitor the Provincial Government, city council for the Mayor or District head, the Communal or Territorial Consul for the Commune or the territory, the Advisors for “customary” positions in the Chefferie or Sector, as well as councils for sub-entities (*groupements*). The RCD

⁴³⁸ Chef de Département de l’Administration du Territoire, “Note des Motivations pour la Création et l’Institution des Organes Délibérants en Territoire Libéré” and Coordonnateur, “Décision Portant Crédit et l’Institution des Organes Délibérants sur Toute l’Etendue du Territoire Libéré” 1998, Goma. (month and date not specified)

charged these new bodies with tasks of “surveillance and control” and to “provisionally settle the accounts” of state counterparts. State- versus rebel- born institutions would collaborate, but contingent on rebel rules.⁴³⁹ This relationship also provided the RCD a mechanism to endow its procedures with legal authority. Decisions reached in RCD bodies would be transmitted and published by the corresponding state body—providing a means to formally codify rebel rules and inscribe them with state legitimacy.⁴⁴⁰

TABLE 6.7 Organizational Mimicry and Institutional Cooptation

State Administrative Body <i>Territorial Administration</i>	RCD-G Administrative Body <i>Department of Territorial Administration</i>
Provincial Government	Provincial Assembly
Mayor or District	Town Council
Commune	Communal Council
Territory	Territorial Council
Secteur	Secteur Council
Chefferie	Chefferie Council
Groupement	Groupement Council
Village	Village Council
Quartier (neighborhood)	Quartier (neighborhood) Council

SOURCE: Chef de Département de l’Administration du Territoire, “Note des Motivations pour la Création et l’Institution des Organes Délibérants en Territoire Libéré” and Coordonnateur, “Décision Portant Crédit et l’Institution des Organes Délibérants sur Toute l’Etendue du Territoire Libéré” 1998, Goma.

⁴³⁹ To ensure that these bodies worked for the RCD-G, the group required that minutes of meetings be transferred to its Department of Territorial Administration.

⁴⁴⁰ Illustrating institutional negotiation, As the RCD aimed to convert the state apparatus to its own use, state agents pushed back. State agents looked both to maintain their autonomy from the rebel group and improve their own authority over institutions vis-à-vis the capital. Provincial Governors “saluted” the RCD’s initiative to work with the state, but reserved the right to manage administrative reforms. Governors proposed “correcting” the RCD’s plan by reducing the proportion of rebel-appointed delegates to the supervisory bodies from 2/5 to 1/5 that would fall “under cooptation by the RCD.” They also looked to increase the portion of appointees that governors could nominate from 3/5 to 4/5, and declared that they must be involved in decisions on financial matters in their jurisdictions. It also stipulated that the DGRAD revenue collections agency should feed into the accounts under provincial control and not into the rebels’ public treasury. At the same moment, Governors called on rebels to double the percentage of tax revenue remitted to local officeholders—increasing from the central government’s stated level of 24% to now 50%. This increase would secure governors the support of sub-branches of the state’s territorial administration, safeguarding administrative control as war introduced new political rulers and heightened uncertainty. “Memorandum des Gouverneurs des Provinces sous Contrôle du RCD à Leurs Excellences Messieurs le Président et les Membres du Directoire du RCD.” 30 December 1998, Goma. This memo joined the Governors of North Kivu (Léonard Kinyamuhanga Gafundi), South Kivu (Norbert Basengezi Katintima), Orientale (Théo Baruit Amissi), and Maniema (Nestor Kiyimbi Mutangi).

The RCD-G affected a state-like image more broadly. The group explicitly referred to itself as “the State” in its correspondences, reinforcing its claim to public revenue and taxation systems. As Tull (2005) observes:

The movement has made important efforts to display the formal attributes of a state administration. For example, it has transformed Kinshasa’s decentralized government units into its own ‘ministries’ (*départements*). It also celebrates national holidays, displays its own flag and letter-heads, undertakes formal promotions of its administrative and political staff, regulations travel, customs or markets, receives and sends diplomatic missions and so on. In short, the RCD vigorously displays the state symbols and trademarks in the manner of any other ‘state.’ (Tull 2005: 435).

Reinforcing it’s state-like image, the RCD-G’s President’s office was physically located on what had been the property of President Mobutu.⁴⁴¹

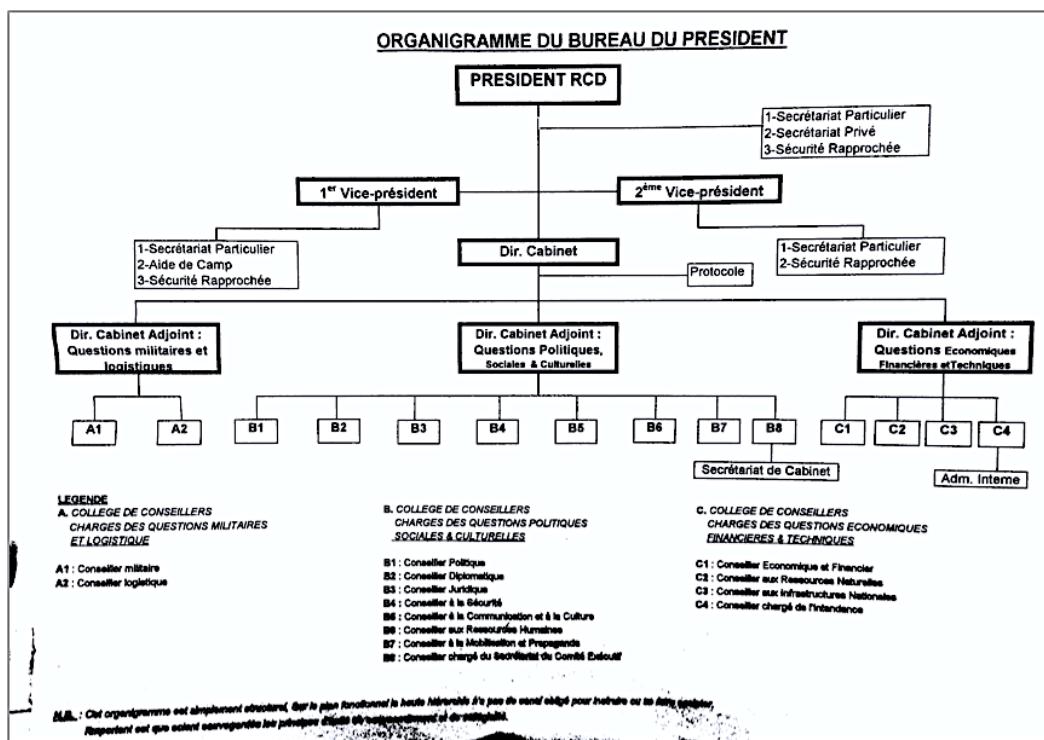


FIGURE 6.11 “Organizational structure of the bureau of the President,” RCD-G, n.d.

⁴⁴¹ In the headquarters of today’s provincial government. “Objet: Convocation d’une réunion interdépartementale” Département des Finances, Budget, et Portefeuille, RCD [Letter to Monsieur le Président du RCD à Goma] 30 November 1999, Goma.

Mimicking the predatory logic of Congo's bureaucracy, the RCD-G internal organization also grew into a patronage structure, distributing offices to key members. One means the RCD-G mirrored this state logic through a proliferation of offices. Figure 6.11 demonstrates the structure of one bureau of the movement's administration: the office of its President.

Although these uses of state symbols could be strategic (Reno 2015), rebels' internal organizational shifts indicate processes of recombination that were not simply veneers. The RCD-G carefully considered its internal structure, as Figure 6.12 illustrates.⁴⁴² The figure illustrate provide excerpts from one of the group's early initiatives to revise its organizational structure. Handwritten amendments indicate that the RCD-G took its organization seriously as an important component of its broader strategy and internal power sharing among its members.

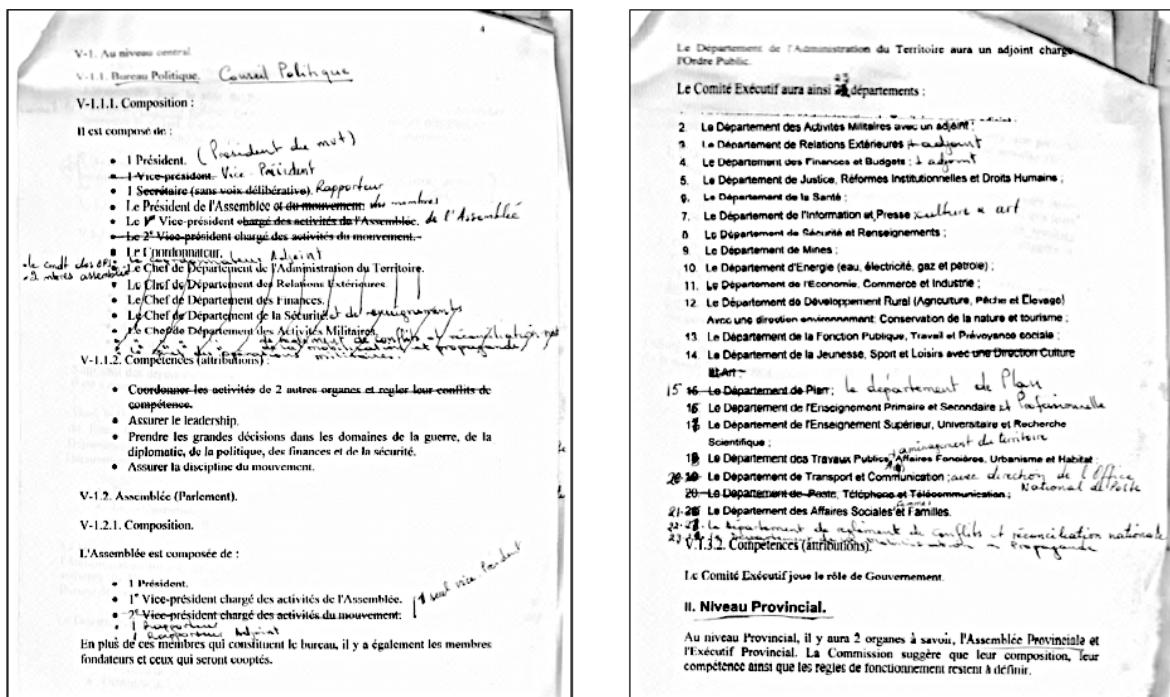


FIGURE 6.12 Excerpts from “Restructuring Committee,” Rally for Congolese Democracy, December 1998

⁴⁴². “Rapport de la Commission” Commission de la Restructuration, RCD, 29 December 1998.

The RCD-G gained tangible interests in the institutions that it coopted that corresponded with shifts in its internal organization that were not simply strategic. As the RCD-G worked through state institutions throughout war, it took on administrative concerns and attended to the day-to-day needs of the state apparatus. For instance, to route taxation at least in part through the state apparatus, the RCD-G grew concerned with producing bureaucratic forms and official authorizations. The armed group recognized the need for state revenue “collections agencies to have official forms” in order to collect taxes.⁴⁴³ Its Department of Economy called for a means to make these forms available.⁴⁴⁴ Similarly, the Department of Mines noted that the collection of taxes and fees owed in the artisanal mining sector was “conditioned on the availability in administrations of official forms.”

Official documents were necessary for tax collection to maintain the image of statehood in rebel financing. These forms were needed in practical functions to enable state agents to carry perform their taxation duties. They also produced the whitewashing effects needed to conceal rebels’ hand in financial transactions. For instance, to this end, some authorizations, such as for the DGM immigrations bureau, were printed in Kigali.⁴⁴⁵ Doing so also protected the RCD-G’s foreign backer, Rwanda, from taking on an even more explicit image in the war economy. These interactions illumine paradoxical processes of state-building, in which the RCD-G armed group gained an interests in institutional continuity and adapted its own practices to ensure that official requirements were met.

⁴⁴³ Département de l’Economie, du Commerce Extérieur et de l’Industrie, “Rapport de la Commission Interdépartementale sur la Politique Financière du RCD,” February 1999.

⁴⁴⁴ Département de l’Economie, du Commerce Extérieur et de l’Industrie, “Rapport de la Commission Interdépartementale sur la Politique Financière du RCD,” February 1999. The commission concluded that the needs of various RCDG departments for official documents would be assessed and furnished by using DGRAD as an intermediary.

⁴⁴⁵“Concerne: Transmission différents points à discuter à la réunion interdépartemental sur des mesures d’encadrement financier.” Département des Finances, Budget et Portefeuille, RCD, 10 December 1999, Goma. p. 2.

Illustrating real interests in institutional continuity as mechanisms of its own influence, the RCD-G also reallocated the percentage of revenue it shared with state administrations over the course of conflict. Facing noncompliance, the RCD-G gradually amended terms of cooptation to incentivize cooperation. As the RCD-G Finance Chief reasoned, increasing the amount of revenue shared with administrators would better induce compliance, provide a means of “fighting against fraud,” and “motivate[e] tax collectors.”⁴⁴⁶

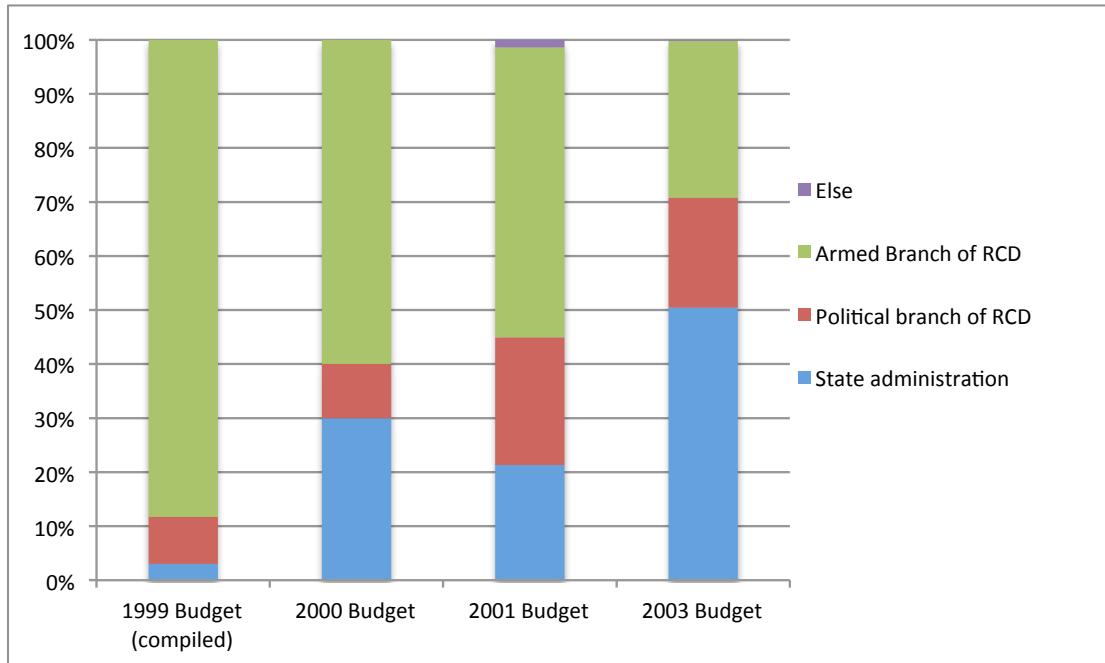
Chart 6.3 illustrates this decision in practice by comparing the percentage of RDC-G internal budget allocated to the movement’s military, political wing, and state agencies in its areas of control. Comparative budget allocations over the course of rebellion illustrate that the RCD-G increased revenue shared with state administrators over time. As it shows, revenue sharing with state institutions increased to nearly half of its 2003 budget, while the budget for its military wing constricted. (This shift over time also reflects its waning military importance with the signing of international ceasefire agreements, and the utility of diplomatic tools to gain a favored place at the negotiation table.)

State institutions also affected the RCD-G’s internal structure in ways that compromised the group’s interests. It replaced agency heads in coopted administrations with supporters, using the state apparatus as ready-made structure for patronage distribution (Tull 2005). For instance, in December 1999, the RCD-G replaced the heads of the three largest state revenue collections bureaus.⁴⁴⁷ Replacing agency heads with loyal cadre members aimed to convert administrations into reliable resources of revenue generation and ensure compliance.

⁴⁴⁶ Objet: Transmission documents.” Département des Finances, Budget, et Portefeuille [Letter to Monsieur le Président du RCD], 20 March 2000, Goma

⁴⁴⁷ Including Robert Kabangu Bidinga as the interim coordinator of DGC, Alexis Gisaro at OFIDA and Roger Rachidy at DGRAD. “Arrete Departemental No 042/DFBP-RCD/JEB/99 du 15 Dec 1999 Portant Designation des Coordinateurs ad Interim des Regies Financières” Département des Finances, Budget et Portefeuille, 15 December

CHART 6.2 Cooptation: Comparative RCD-G Budget Allocations, distribution of funds among rebel branches, by percentage (%) of total budget



NOTES: The 1999 budget allocations are compiled from various internal financial records and budgets including. In June 1999, the ANC armed branch estimated monthly needs of \$1,727,642 (a). However, the RCD-G aimed to limit its overall budget to \$1,500,000, as of December 1999 (b). The RCD-G held separate budgets for the Provincial Divisions and its internal Departments (c). Elsewhere internal documents note in 1999, 25% to state administration. For comparison, a December 1998 document notes that the RCD opened its accounts for revenue from Public Enterprise, and remitted a reduced percentage (20%) of revenue than stipulated in their constitutive articles. The 2000, 2002, and 2003 budgets are drawn from budget documents from respective years that treat all branches together in a single budget discussion and allocation procedure. Figures for 2000 represent the average of May-July. Actual expenditures totaled 61% for the ANC armed branch, 25.7% for the RCD-G political branch, and 13% for the state administration. 2000 and 2003 specify for RCD-G headquarters of North Kivu province only.

SOURCES: For 1999: (a) "Objet: Demande de fonds" République Démocratique du Congo, Armée Nationale Congolaise, Commandement des Opérations" [Letter to the President of the Rassemblement Congolais pour la Démocratie] 28 May 1999, Goma; (b) Objet: Convocation d'une réunion interdépartementale" Département des Finances, Budget, et Portefeuille, RCD [Letter to Monsieur le Président du RCD à Goma] 30 November 1999, Goma; (c) "Tableau 8: Répartition du Budget Total des Dépenses" in "Plan D'action Du Département des Finances" Département des Finances et Budget, RCD 17 April 1999, Goma; "Tableau 1: Prévisions 1999 (en dollars USD)" "Prévisions des Dépenses de Fonctionnement des Départements de Comité Exécutif du RCD" Cabinet du Chef de Département de l'Agriculture et du développement Rural, Rassemblement Congolais pour la Démocratie RCD, 28 January 2000; Based on "Tableau 8: Répartition du Budget Total des Dépenses." For 10% in 1999: "Plan D'action Du Département des Finances" Département des Finances et Budget, RCD 17 April 1999, Goma. For 2000: For 2001, figures are based on actual 2001 expenditures, found in a 2002 budget planning document: "II. Dépense de la Période Considérée" in "Prévisions Budgétaires du Rassemblement Congolais Pour la Démocratie pour le Premier Trimestre de l'Année 2002" Département des Finances, Budget et Portefeuille, RCD, 2 January 2002, Goma.

1999, Goma. At another point, Deo Rugizwa, a Tutsi with close co-ethnic ties to rebel leadership, was appointed head of the largest fiscal agency, OFIDA.

However, institutions socialized new entrants into organizational scripts. Instead of transform the agency into an arm of rebel command, cadre members took on interests that reflected new institutional posts. As the RCD-G’s Department of Finance, Budget, and Public Purse found, the provincial directors that it had appointed to OFIDA, DGC, and DGRAD now used positions in state agencies to broker side deals with civilian traders.⁴⁴⁸ The group’s internal revenue monitoring bureau found its appointee at the head of the Office of State-Owned Revenue (DGRAD) to be “implicated in embezzlement.”⁴⁴⁹ In a similar case, the RCD-G Office of the President found its Department of Commerce and Industry to be “complicit” with fraud driven by the OCC cross-border monitoring agency in Bukavu.⁴⁵⁰

Rebel cadre members appointed to state agencies also gained interests in managing the revenue flows of their designated institutions that provided them sources of enrichment. The RCD-G parceled out control over state agencies to its internal departments, which were charged with monitoring and revenue collection the administrative branches. Instead of concentrating control in rebel leadership, this arrangement built departments’ interests in the agencies with which they were charged—sometimes at the expense of the RCD-G’s overall welfare. For instance, the RCD-G’s Department of Agriculture was allotted control over the National Office of Coffee (ONC). When the RCD-G Executive Committee reduced coffee taxes from 12% to 3%, to bring the level in line with taxes collected in neighboring countries, this protested that it should be reinstated. Since the Department collected taxes through the ONC, its Agriculture Department defended higher tax rates that would undercut the group’s overall revenue flows.

⁴⁴⁸ Known as prefinancing agreements.

⁴⁴⁹ “Objet: Irrégularités sur les preuves de paiements détenues par les pétroliers” Coordonnateur du Direction Générale des Recettes Administratives-Judiciaires Domaniales et de Participations DGRAD [Letter to Monsieur le Coordonnateur de l’OPRP à Goma] 16 April 2003, Goma.

⁴⁵⁰ 1999-08-09 – RCDG – PSG – DCI complicit with OCC and FPI in Bukavu

These relationships embroiled the RCD-G in inter-agency turf wars. Just outside of the RCD-G headquarters in Goma, two taxation agencies competed for rights to tax cross-border trade. The OFIDA customs bureau agency refused to implement the procedures specified by another revenue collections agency, DGRAD.⁴⁵¹ As DGRAD wrote of OFIDA members, “after following the financial situation... I have the honor to deplore the collection procedure of funds.” DGRAD used its relationship with the RCD-G’s Department of Economy to enforce its claims to revenues collection vis-à-vis OFIDA. The RCD-G internal command structure became embroiled in this dispute. Its Department of Finance worked with OFIDA, and sided with the state agency against the RCD-G’s Department of Economy. As rebel leadership and ministries looked to state agencies to deliver resources under institutional cooptation, respective sponsorship of these agencies created new sources of enrichment and transformed rebel interests.

As these patterns of rebel-state engagement illustrate, the state apparatus transformed into an arena of political competition between rebels and state interests. Institutional cooptation provided the RCD-G new mechanisms of mobilizing revenue and arbitraging with international partners, while also reshaping its own internal organization.

Conclusion

Instead of opposed, the RCD-G appropriated state administrations as tools of control, gaining interests in preserving institutions in the process. Evidence from rebel taxation shows that state institutions remain important in even at lucrative nodes of war economies and in close proximity to international borders. Repeat interaction and administrative reach fashioned institutions into crucial resources of control. Yet cooptation was not a static equilibrium.

⁴⁵¹ Bunagana and Ishasha posts in Rutshuru. ‘Ministère de Finance, Direction Générale des Recettes Administratives, ‘Recouvrement taxe sur Péage route’ [Letter to OFIDA at Bunagana and Ishahsa], 26 November 2001, Goma.

Diverse cases illustrate that administrative noncompliance transformed state institutions into arenas of wartime competition. Across differences in administrative status and rebels' social bases, state agents maintained and exploited discretion over resource flows. These exchanges across RCD-G territory call attention to three core insights for standard theories wartime governance.

First, findings shed light on the production and practice of state authority. Standard theories expect that central influence and administrative function rise and fall together (Arjona 2014; Kalyvas 2006; Mann 1986; Soifer 2008). Declines in central control that cut bureaucrats from capitals should reduce the political constraints that rebels encounter at war onset (Fearon and Laitin 2003). This expectation reflects a particular view of institutions as dependent on central incumbents (Mann 1986; Soifer 2008), so that changing patterns of territorial control shape them to new ends and "organic" or alternative forms of rule eclipse state administrations (Menkhaus 2006/7; Raeymaekers 2014). Findings from RCD-G holdings illustrate that this approach fails to account for the mechanisms of continuity embedded throughout the state apparatus, as administrators seek to preserve the institutions that endow them with authority to tax and regulate civilians (Trefon 2007). This occurs through an alternative set of mechanisms of institutional continuity. Institutions need not be efficient or high quality to endure in the face of change, as conventional rubrics expect (Arjona 2014). State agents, searching to preserve bases of authority, often maintain administrations even where central rulers are weak (Feldman 2008; Trefon 2007). Consequently, limiting focus on the capital detracts attention from the competitions and opportunities around reshaping state authority that central retreat engenders.

Rebel governance is often assessed—and observed—by the quality of public goods that they provide (Mampilly 2011; Meagher 2012). Yet, instead of opposed, institutions present

armed groups with strategic structures whose uneven distributional outcomes are targets of control (Thelen 1999). This chapter has illustrated that the ability to liaise with the state provides armed groups mechanisms to benefit from regularized extraction and intelligence without investing in goods provision. Institutional cooptation did not translate into reciprocal relations with noncombatants.⁴⁵² For the RCD-G, institutions provided ready-made structures of rule that eased the need to invest in organic forms of resource generation and control. Working through institutions, the RCD-G harnessed agents' search to preserve their authority to exploit mechanisms of continuity that did not require daily rebel maintenance.

Decisions to invest in institutions in predictable forms of rule and in public goods delivery need not coincide. Creating winners and losers, institutions may benefit a narrow segment of the population, such that working through the state apparatus does not guarantee benefits for broader populations. In fact, institutional constraints made it difficult for the RCD-G to govern in classic means of public goods delivery. Even when RCD-G attempted to pay bureaucratic salaries, it was unable to succeed in this outcome. RCD-G was shaped by and deepened the predatory logic of the state apparatus. Rebels use state administrations instrumentally. Used for patronage and to dole out resources to extensive payrolls of rebel personnel, the RCD-G benefited from institutions that were able to shore up their coffers. RCD-G cooptation illustrates a broader set of take over strategies in varied rebellions. Similar processes surfaced in Sri Lanka, where LTTE rebels grew "parasitic" in its use of the state apparatus (Philipson 2001). Delinking these attributes of rebel governance is important to

⁴⁵² Instead, as Tull notes, "Once the Lusaka terms had established the *equal footing between Kabila and the rebels within the framework of the inter-Congolese dialogue*, political support on the ground lost currency again, since it was expected that inter-elite bargaining would determine the outcome of the process" (433).

illustrate how the confluence of violent networks and state institutions deepens the predatory nature of the state apparatus, shaping potential for post-conflict institutional development.

Rebels' claims to statehood move beyond simple façades for alternative systems of control. Institutional resources proved valuable for the RCD-G. The RCD-G carefully considered its internal structure and tailored reforms to build its authority via institutional channels. It also appears that the RCD would have been unlikely to build institutions in their own right, and the group generally limited itself to reforming preexisting institutions in place. Institutions provided means to lengthen rebel time horizons over repeat interaction. New forms of political organization, even violent, build power in negotiation with preexisting institutions (Arjona 2014). Varied cities under RCD-G control illustrate that institutions are not neutral structures that armed groups can readily retool for new ends.

Strategies for institutional takeover and reform illustrate tangible benefits from working through state administrations. They placed armed groups in roles of "state builders" by installing reforms to streamline power and use institutions for de facto rule, out of a desire to maximize profits (Olson 1993). These efforts indicate the rebels pursued an institutional strategy tailored to administrative characteristics as a means to regularize extraction and route distribution through channels that appeared legal. They highlight another area of difference between *cooptation* and *collusion*. At each level, the RCD-G aimed to assert authority over its state counterpart. The rebel administration mimicked but did not displace the state apparatus; they would ensure the state worked for armed group ends. The following chapter examines conditions under which state and rebel interests converge.

*Chapter 7.***INSTITUTIONAL ENTRENCHMENT:
STATE-BUILDING BEHIND REBEL FRONTLINES**

Rebellion, common knowledge holds, pits armed groups against governments in a game of absolutes. In their search to control populations and resources, armed groups stamp out remaining vestiges of state authority from their military holdings and lay foundations for alternative frameworks of rule. Challenging this expectation, this dissertation illustrates a more variegated range of relations between rebels and states. This present chapter however, explores the conditions in which rebels *do* seek to displace state institutions, working to cut out the state apparatus from their zones of influence.

This outcome, it would seem, bears little mystery. Standard frameworks portray displacement as rebels' dominant method of building control. Unlike cooptation in which rebels work through the contours of the state apparatus, this strategy clearly expresses the antagonistic relationship that opposes rebels and governments. It also reflects conditions that contribute to war: rebels tend to organize where weak institutions lose levers of constraint (Fearon and Laitin 2003). Zero-sum relationships in conditions of state weakness should leave rebels masters of their territory, contending with informal networks, rather than bureaucrats, to organize economies and populations (Arjona 2014; Parkinson 2013; Staniland 2012a).

Yet displacement is more complex than it appears. Rebellion challenges central governments for control over the state; it rarely challenges states themselves (Englebert 2009). Armed groups that control institutions gain from attributes of statehood linked to bureaucracy (Mann 1986; Weber 2009) and sovereign recognition (Jackson 1987; Krasner 1999, 2001; Spruyt 1994) so can mount more comprehensive challenges to the government's claim to rule. These

attributes also harbor important resources for rebel rule. The administrative apparatus solves practical organizational challenges of how to regularize interactions with civilians (Olson 1993), extract resources (Weinstein 2007), and gather intelligence without costly investments in new systems of control (Mampilly 2011). It also provides ready-made structures to direct rent-seeking and patronage distribution and (Bates 1981; Klem 2012; Tull 2005). The ability to use the state apparatus also provides access to sovereignty resources, which pay dividends navigating international markets and negotiating with humanitarian deployments (Uyangoda 2011).

Rebels that eliminate state institutions forego access to these resources, making the choice of institutional displacement more puzzling. Yet, as this chapter shows, rebels do not always succeed in displacing institutions even when they set out to do so. As rebels circumvent institutions, state agents fight for their survival by maintaining administrative functions in rebel strongholds. Pathways to institutional entrenchment illuminate mechanisms of institutional continuity and state survival in difficult conditions. Through three structured case study comparisons, this chapter traces how rebel preferences for displacement spur state agents to form *coalitions* with other actors who benefit from institutional survival, leveraging state resources to build partnerships that ensure lasting footholds for administrations. The shift from attempted displacement to entrenchment succeeds when coalition-building realigns rebel preferences with the continued functions of state institutions.

This chapter explains the causal sequence that underlies rebels' choice to displace state institutions and the mechanisms by which officeholders shift rebel preferences to forge pathways of institutional continuity. It organizes into three key components. First, it examines theoretical underpinnings of this choice and the negotiations it spurs. The following sections analyze three diverse cases of displacement across rebel-held eastern Congo that uncover mechanisms of

institutional endurance and state survival. Variation across armed groups, social ties, and resource chains weighs state effects against rival explanations. The final section concludes with insights these exchanges reveal about state formation at peripheries during armed conflict.

Theorizing Institutional Displacement and Entrenchment

Pathways to institutional displacement and entrenchment share a similar starting point. Following Mahoney and Thelen's (2010) work on institutions, displacement is defined as a mode of change that entails "the removal of existing rules and the introduction of new ones" (15). Under displacement, "insurrectionists" install new rules that eclipse preexisting institutions. This definition is fruitfully applied to civil war to express conditions under which rebels forge new systems to extract resources and manage noncombatants that remove prior rules governing these exchanges. Displacement may take the form of the physical elimination of markers of statehood: burning government offices and tearing down military barracks, police stations, and remnants of state authority. Or, rebels may simply cut out state machinery from resource chains, undermining institutions from disuse. In this sense, rebels need not eliminate the physical state apparatus, but render it ineffective by applying new regulations that abrogate earlier ones.

Armed groups turn to institutional displacement when their time horizons are short, reflecting high levels of rivalry around material resources or military competition that threaten organizational survival (Arjona 2014; Kalyvas 2006; Metelits 2010). Emphases on short term gains dispose rebels to engage state institutions as rivals rather than collaborators. Truncated time horizons make bureaucratic discretion in implementing rules costly (Blundo 2001; Englebert 2009; Lipsky 1980) and dissuade rebels against longer-term administrative benefits from iterative play and regularized extraction (Feldman 2008; Weber 2009).

Armed groups may not succeed in displacing institutions, however. As rebels with shortened time horizons pursue institutional displacement, state agents often search to safeguard their authority.⁴⁵³ State agents succeed in this task where they recruit new interests in institutional survival, shifting outcomes from displacement to *institutional entrenchment*. In this coalition-building process, agents leverage the institutional resources of the state apparatus to partner with a third-party group, such as informal trading networks or parallel command chains in fragmented armed groups. Where these coalitions place tangible costs or benefits on rebels, they can shift armed group preferences to ones more conducive to administrative continuity. Coalition building operates via a preference alignment mechanism that reveals wartime state-building processes as new actors benefit from institutions.

State agents safeguard their posts by leveraging administrative tools: bureaucracy and sovereignty. Administrative infrastructure, or bureaucracy, endows agents with surveillance functions and intelligence gathering roles. It provides agents platforms to exploit ambiguities in the gap between law (rebel or state) and enforcement toward new ends (Lipsky 1980; Klem 2012; Mahoney and Thelen 2010).⁴⁵⁴ State agents apply these resources to cultivate third party support and realign rebel preferences with institutional survival. This approach describes administrators as exercising state authority at peripheries. These processes can be weighed against standard expectations that state institutions are absent or eroded once cut off from central rule (Fearon and Laitin 2003; Mann 1986; Soifer 2008), lack constraints independent of the societies in which they are embedded (Arjona 2014) and provide no check on rebel rule (Ahram and King 2012; Kalyvas 2006; Reno 2015; Salehyan 2009).

⁴⁵³ The step illustrates mechanisms of state endurance as institutions create categories of agents with interests in maintaining institutions under changing circumstances (Pierson 1996).

⁴⁵⁴ Discretion is analytically similar to institutional ambiguities that agents exploit by changing the “enactment of existing rules due to their strategic redeployment” (Mahoney and Thelen 2010: 16).

To test whether these are general relationships that expand beyond a particular location or set of rebel-civilian interactions, this chapter examines three structured subnational case studies. Cases express variation in factors commonly used to explain rebel behavior, such as the composition of social ties linking rebels to civilians (or bureaucrats). They also differ in the level of state institutions in a given area, spanning provincial capitals that had held direct communication with Kinshasa to the lowest rungs of small-town state administration (testing claims that branches closer to capitals operate more like the state). All hold resource endowments that should dissuade rebels from working with institutions. Table 7.1 overviews the cases discussed in this chapter and the dimensions of comparison that distinguish them.

TABLE 7.1 Overview of Cases of Institutional Entrenchment

<i>Case</i>		<i>Rival explanations</i>			<i>Explanatory Variables</i>	
<i>Armed Group</i>	<i>Town</i>	<i>Resource Chain</i>	<i>Foreign Sponsor(s)</i>	<i>Rebels' Social Ties</i>	<i>Short Time Horizons</i>	<i>Coalition partner</i>
RCD-G	Kisangani, Orientale (province capital)	Diamonds	Rwanda & Uganda (1998-99), Rwanda (1999-2003)	Ethnic outsiders	Competing sponsors, internal rivalry	Rebel parallel command chain
RCD/K-ML (parallel network in RCD-G)	Kasindi, “Great North” of North Kivu (tertiary town)	Timber, coffee, petrol (import)	Rwanda & Uganda (1998-99)	Ethnic insiders (RCD/K- ML) outsiders (RCD-G)	Internal rivalry	Rebel parallel command chain
RCD-G	Bukavu, South Kivu (province capital) Goma, North Kivu (province capital)	Coltan	Rwanda	Ethnic outsiders Ethnic insiders	Competition over resource chain of extreme value	Foreign firms, civilian traders

Across these cases, this chapter probes for the presence of the following observable implications in the pathway to institutional entrenchment: (1) rebels take action to displace state institutions; (2) state agents draw on tools derived from their posts—administrative infrastructure and sovereignty—to maintain institutions as the sources of their authority; (3) rebel preferences realign with institutional survival; and (4) rebels amend their behavior.

Cases draw from two armed groups: the Rally for Congolese Democracy-Goma (RCD or RCD-G) and a nascent network affiliated with its subsequent splinter faction, the Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML). These groups are active across resource economies in eastern Congo, producing three cases described in Table 7.1. Across these, rebels with truncated time horizons express a clear preference to bypass state institutions to control taxation while administrators maintain day-to-day functions of state institutions in rebel-held territory.

The first case takes up competition in the lucrative diamond markets in Kisangani, the capital of Province Orientale. Although rebels aimed to cut out state institutions to directly control diamond exports, state agents exploited rebels' relative weakness vis-à-vis external patrons to secure an enduring role for institutions. Intelligence gathering functions provided information that reshaped rebel preferences, sowed cracks in their relations with patrons, and laid a basis for institutional survival.

A second episode of entrenchment illustrates how surveillance shifts rebel preferences. Moving from Kisangani to Kasindi shifts focus from a large provincial capital to a small border town and a different composition of rebel social ties. Facing displacement by armed trafficking, customs officials supplied information on clandestine exchange to ethnic rivals in the RCD hierarchy, cultivating interests in institutional functions across volatile lines of social division

Finally, as prices of a rare tin skyrocketed on global markets, RCD-G rebels scrambled to capture profits by cutting state institutions out of the export chain in Bukavu and Goma. Rebels declared a monopoly on trading circuits in the tin. State agents raised costs for the RCD-G by obscuring information and providing smugglers alternative channels of exchange that bypassed rebel rules. They partnered with civilian traders and international buyers, who petitioned rebels to restore state administrations to maintain needed façades of legal compliance.

Institutional Displacement to Survival: Rebels, Patrons, and Administrative Interference in Kisangani's Diamond Markets

Vast and resource-rich Orientale Province sat at the epicenter of fierce competition during Congo's consecutive rebellions (Perrot 1999; UNSC 2002; Vlassenroot and Raeymaekers 2004). Armed groups and black-market traders converged at the crossroads of a lucrative diamond trade in its capital city, Kisangani. Foreign sponsors also concentrated here to funnel resources to neighboring capitals. Kisangani assembles contested territorial holdings, rivalry over lootable resources, and deep principal-agent problems—features that truncate rebels' time horizons (Arjona 2014; Metelits 2010; Ross 2004; Weinstein 2007). Facing a precarious position, state agents demonstrated tangible benefits from institutional survival through surveillance and adapting sovereignty to influence bounds of legality. These functions offered rebels tools to improve standing vis-à-vis foreign patrons and shifted institutional displacement to entrenchment, striking contentious but accommodating relations with state actors.

Time Horizons

From war's onset, Kisangani quickly became an epicenter of competing foreign patrons and fierce military rivalry, creating shortened time horizons. Rwandan and Ugandan armies

converged in Kisangani one month into rebellion while their newly born Rally for Congolese Democracy (RCD) proxy struggled to find its footing. Foreign armies struck an uneasy joint command over the city. Both profited through front companies, diamond extraction, and captured local markets to make them dependent on neighboring regimes.⁴⁵⁵ As the United Nations investigatory Panel of Experts put bluntly, “the diamond market was the prize Rwanda fought Uganda to have for its own” (UN 2002, para. 83). On the Ugandan side of the sponsorship coalition, military elites and close relations of President Museveni ran war economy networks (Perrot 1999). Ugandan military commanders set up commercial offices and front companies in Kisangani (Perrot 1999; Vlassenroot and Raeymaekers 2004).⁴⁵⁶ Vying to control the same resource chains, Rwanda likewise set up trading posts to manage diamond exports. Direct flights channeled resources to neighboring countries, bypassing customs checks and border posts, with airlines often owned by patrons’ affiliates.⁴⁵⁷ Simmering tensions between the two sponsors to control diamond markets flared up into periodic bouts of urban warfare.

⁴⁵⁵ Sponsors’ competition for economic control extended to commodities not commonly associated with war economies, such as palm oil and coffee. For instance, “Palm oil producers in Kisangani are compelled to sell their produce to Rwandan intermediaries below the market price (Mwanasali 2000: 142). As the UN Panel of Experts explains, Uganda and Rwanda also restructured significant aspects of the local economy to make them dependent on imports and manufacturing in neighboring countries (UNSC 2002). This included bringing the activities of the textiles factory based in Kisangani, SOTEXKI, to a standstill (UNSC 2002 para. 87).

⁴⁵⁶ Such as Salim Saleh and James Kazini. Salim Saleh is the half brother-in-law of Museveni. Saleh was charged with “indiscipline” in 1988, reappointed presidential counselor in 1991, and then as a “supervisor” in Uganda’s ministry of defense in 1998—a post created specifically for him (Perrot 1999:67-8). Saleh illustrates the logic of accumulation of a military entrepreneur and regime insider, as an important shareholder of mining companies with concessions in Uganda. Another key member of the elite network was Brigadier General James Kazini, whom the UN Panel of Experts describes as, “the master in the field; the orchestrator, organizer and manager of most illegal activities related to the UPDF presence in north and north-eastern DRC” (para 89). Kazini was promoted to General in December 1997, then chief of staff of the UPDF, and commanded the Ugandan troops at Kisangani during the First War. Front companies established included Caleb International, Trinity International, and Victoria Diamonds. Vlassenroot and Raeymaekers (2004) note that the first was named “after Saleh’s birth name Caleb Akandwanaho. Saleh and Kazini also used insecurity in northeast Congo to maneuver lucrative defense contracts.

⁴⁵⁷ Including by “Air Alexander,” owned by the wife of Salim Saleh, which Perrot notes held a “quasi-monopoly” on air traffic in Kisangani (Perrot 1999: 70). The crash of the Tropical Airways flight in Beni, North Kivu in October 1998, resulted in the death of a De Beers affiliate working closely with Ugandan defense “advisor” Salim Saleh, revealing Uganda’s involvement in resource chains. (Perrot 1999: 70; Vlassenroot and Acker 2001: 74, ff 20).

These channels of extraction reflected earlier ones laid in Kisangani during the First Rebellion in which rivalry also truncated time horizons. Rwanda and Uganda had set up military bases and competing diamond export systems in Kisangani during the First War, and military invasion transformed into a commercial enterprise (Perrot 1999). Diamonds flowed from Kisangani to Rwanda for sale to international firms.⁴⁵⁸ The city had also featured prominently in rebel leader-turned-President Laurent Kabilas strategy to fund rebellion by stripping state assets.⁴⁵⁹ Kabilas granted foreign buyers a monopoly on Kisangani's diamonds exports to secure up-front capital for his movement (Cahn 1997; Fahey 2011: 93).⁴⁶⁰

Reflecting these persisting competitions, the RCD's struggle to control resources and manage competitors and internal fissures during the Second War likewise came to a head in Kisangani. Competing sponsors pulled RCD leadership in opposed directions, with cracks widening into a later split and episodic mutinies (UN 2003; Human Rights Watch 2002). From the early days of the rebellion, internal RCD communiqés warned of the “explosive situation” in Kisangani's diamond sector.⁴⁶¹ Rival armed movements and traffickers escaped rebel oversight and intensified uncertainty of long-term payoffs.

⁴⁵⁸ Diamonds were sold to DeBeer's in Kigali, the capital of Rwanda (Fahey 2011, citing Maykuth 1997a).

⁴⁵⁹ Laurent-Désiré Kabilas was President from 1997-2001. Upon his assassination in 2001, his son, Joseph-Désiré Kabilas, took over the office. He remains the current president of Congo. Laurent Kabilas granted the monopoly to American Diamond Buyers (a subsidiary of America Mineral Fields) which provided the rebel movement over \$1 million in upfront payments on export taxes. This formed part of a broader strategy selling state assets across Congo. Laurent Kabilas struck similar contracts in the copper and cobalt sectors, notably at Kolwezi near the Zambian border (Fahey 2011: 93). MIBA mines near Lubumbashi also illustrates the roles of neighboring governments in drawing profits from extraction: “Out of \$43.5 million in diamond sales by MIBA between April and August 1997, which were handled by a bank in Kigali, approximately \$25.5 million was paid to the governments of Rwanda, Uganda, Burundi, Eritrea, and Tanzania; this money was reportedly compensation for those governments' support of the AFDL. The remaining \$18.1 million went to the AFDL” (Fahey 2011).

⁴⁶⁰ The city proved a barometer of governance within the country. As the rebellion stormed Congo's capital, Kabilas took up former president Mobutu's “warlord” strategies (Reno 1998), reinforcing deals with external financiers as the basis of state economic policy and rebel supply.

⁴⁶¹ The first war disrupted authority structures, as troops and local militias continued to control mines. Provincial authorities bemoaned that they “seemed to make the law” and “deliberately created confusion on the ground.” “Rapport Circonstance a l'Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de

Selecting Institutional Displacement

Facing competing patrons and constricted time horizons, the RCD looked to carve out direct control over Kisangani's mineral sector by displacing institutional intermediaries. Surveying resource chains at the onset of rebellion, the RCD replaced state-brokered mining authorizations with new rebel licenses. An internal RCD memo noted the "imperious need to adapt the legal texts and regulations regarding mines in the liberated territory of the DRC to the current situation of war."⁴⁶² In the first few weeks of the rebellion, the group issued new identification cards for artisanal miners (*creusers*, or diggers) in the province.⁴⁶³ These cards replaced provincial authorizations. These measures placed the first stages of the extraction chain under rebel control and sidelined administrators from their role in managing the trade.⁴⁶⁴

New RCD export and licensing procedures further sidelined state institutions from diamond exports. Prior to war, large trading posts (known as *comptoirs*) that purchased diamonds for export passed these chains through provincial mining administrations.⁴⁶⁵ Within the first three months of war, the RCD changed these procedures: the armed group now required that *comptoirs* journey to rebel headquarters in Goma in North Kivu Province to obtain authorizations and pay operations fees.⁴⁶⁶ Payments would be made as upfront fees, collected

"l'Administration Minière de Province Orientale," Division Provinciale des Mines et Géologie, 1 February 1999, Kisangani, p. 4.; "Réquisition d'Information," Parquet General de Kisangani, 6 February 1998, Kisangani.

⁴⁶² "Concerne: Dossier éclaircissement suspension comptoir diamant," RCD Department of Finance [Internal Note to the Head of the Department of Finance], 13 November 1998, Goma.

⁴⁶³ "Objet: Transmission Note explicative" Province Orientale, Division des Mines et Géologie, [Letter to Monsieur le Gouverneur de Province à Kisangani], 20 November 1998, Kisangani.

⁴⁶⁴ "Réquisition d'Information," Parquet General de Kisangani, 6 February 1998, Kisangani.

⁴⁶⁵ Rapport Circonstance a l'Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l'Administration Minière de Province Orientale," Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani, p. 5.

⁴⁶⁶ "Concerne: Dossier éclaircissement suspension comptoir diamant." [Internal Note to the Head of the Department of Finance], 13 November 1998. This document also illustrates businesses' recourse to other rebel groups, volatility of exchange rates, and need for hard currency served as levers of control against rebels.

exclusively “by and in Goma.”⁴⁶⁷ These changes aimed to establish direct control over Kisangani’s resources. Doing so annulled codes that enabled Kisangani’s agencies monitor final steps of export chains.⁴⁶⁸

These changes aimed to redistribute control to benefit rebels. Changes in licensing and payment procedures for diamond exports subordinated Kisangani to Goma, redesigning the contours of the state apparatus. These changes placed diamond exports beyond the administrative reach of Kisangani’s state agents, whose jurisdiction was limited to Orientale Province.⁴⁶⁹ New policies cut out institutions in areas such as Kisangani that were difficult for the armed group to control militarily in light of fierce competitors, investing instead in areas such as Goma where the RCD faced less uncertainty and expected greater administrative compliance.

New rules reduced the influence of state institutions in Kisangani. RCD extraction systems for Kisangani’s mining sector eliminated some taxes and reduced the volume of transactions that state agents could oversee.⁴⁷⁰ The RCD reduced kickbacks that provincial administrators gained from mining and declared that other “contributions” would be reserved for the armed group to “serve us to finance the war.”⁴⁷¹ These changes diminished roles for state institutions in managing exchange.

⁴⁶⁷ “Objet: Décision no 031/DPF/RCD/98 of 19/11/98,” [Letter from the Chef de Division Provinciale des Mines et Géologie to the Chef de Département des Finances du RCD in Goma], 4 December 1998, Kisangani.

⁴⁶⁸ *Ibid*; Rapport Circonstance à l’Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l’Administration Minière de Province Orientale,” Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani, p. 5.

⁴⁶⁹ Under the RCD, Goma, as the headquarters of rebel-held territory, replaced Kinshasa as the capital.

⁴⁷⁰ The new nomenclature took effect in October 1998. “Rapport Circonstance à l’Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l’Administration Minière de Province Orientale,” Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani, p. 3.

⁴⁷¹ “Concerne: Rétrocession de 25% sur la taxe ad valorem” Chef de Département des Finances, Budget et Portefeuille [Letter to the Governor of Orientale Province in Kisangani], 20 February 1999, Goma.

The RCD also recruited institutional “insurrectionists” motivated to stake out change within the mining sector.⁴⁷² These included John Tibasima, former head of the state-owned gold mining company in Orientale’s resource-rich Ituri district, (UN 2010b: para 225).⁴⁷³ Prior to war, the Kisangani-based Governor of Orientale complained that state agents in Tibasima’s home Ituri district diverted information and revenue from mining administrations in Kisangani.⁴⁷⁴ A founding member of the RCD, Tibasima became Head of the RCD Department of Mines in January 1999 (Fahey 2011: 123). His appointment enabled the RCD to circumvent institutional channels, since he had direct access to Ituri’s markets as what the RCD described as “a son of Ituri.”⁴⁷⁵ Tibasima provided the RCD a direct line into Ituri’s gold markets, which would otherwise administratively report to the provincial mining administration Kisangani.

As the RCD divested from institutions in Kisangani, it looked to gain from patrons’ military-commercial extraction. Tibasima illustrates this institutional shift. Working closely with the Ugandan commander in charge of Kisangani (Brigadier General James Kazini), Tibasima played key roles in Ugandan front companies in diamond and gold (specifically, Victoria Diamonds and Trinity Investments).⁴⁷⁶ He used his post at the head of the Department of Mines

⁴⁷² Mahoney and Thelen (2010) describe agents within institutions pursuing strategies of displacement as insurrectionists. Insurrectionists seek to install new rules and remove preexisting ones.

⁴⁷³ Former director of OKIMO, the state-owned mining company to exploit gold in Ituri’s Kilo-Moto mines. Human Rights Watch (2001: 16) also notes he was a former member of parliament in Bunia. Tibasima later defected to join the breakaway RCD/K-ML faction (see Chapter 8).

⁴⁷⁴ “Réquisition d’Information,” Parquet General de Kisangani, 6 February 1998, Kisangani.

⁴⁷⁵ Le Coordonnateur du RCD-District de l’Ituri, Bunia [Speech delivered on the occasion of official visits from John Tibasima and Bwambale Kakolele], 17 February 1999, Bunia.

⁴⁷⁶ As the UN Panel of Experts described these companies and their involvement in Ugandan elite networks, “The elite network operating out of Uganda is decentralized and loosely hierarchical, unlike the network operating out of Rwanda. The Uganda network consists of a core group of members including certain high-ranking UPDF officers, private businessmen and selected rebel leaders/administrators (...). Other members include the Chief of Military Intelligence, (...) private entrepreneurs (...) and rebel politicians and administrators (...) The network continues to conduct activities through front companies such as the Victoria Group, Trinity Investment, LA CONMET and Sagricof. Each of these companies may concentrate on one or two commercial niches, though these may change. The role of the companies is to manage their respective niche activities by assembling the personnel, logistics and

to issue an agreement between the RCD and the Victoria diamond company.⁴⁷⁷ As Fahey (2011) describes, these companies “collected fees from businessmen that allowed them to avoid paying customs fees at the Uganda-Congo border.”⁴⁷⁸

New systems to reroute resources through RCD headquarters in Goma coupled with close participation in foreign channels of extraction to undercut state institutions in Kisangani. The RCD no longer looked to state bureaus for revenue collection and transfer or to regulate trade.

State Agents as Institutional Defenders

New strategies for violent accumulation did not imply that preexisting institutions were destroyed, however. Institutional breakdown is often a contested process, as institutions create new classes of interests who seek to maintain them in the face retrenchment (Mahoney and Thelen 2010; Pierson 1996). This section traces how attempts to displace state institutions from the diamond trade placed rebels in conflict with administrators, who took on roles as institutional defenders to maintain their offices. Observations that administrators drew on tools of statehood

occasionally the financing for the operations. The network generates revenue from the export of primary materials, from controlling the import of consumables, from theft and tax fraud.” (UN 2002: 19-20)

⁴⁷⁷ Issuing the *protocole d'accord* for Victoria Diamond. Both Victoria and Trinity Investments were founded in 1999. Following RCD’s subsequent split and the breakdown in relations between Uganda and Rwanda, these companies remained focal points of elite Ugandan trading networks. “Arrêté Départemental No 010/DPT.MIN/99 du 18 Mars 1999 portant agreement de la Société Victoria Diamond S.P.R.L. au Titre de Comptoir d’Achat de Diamant de Production Artisanale.” RCD Département des Mines.” 18 March 1999, Goma.

⁴⁷⁸ Specifically, Trinity active in Ituri. However, as Fahey notes, “it is not clear if this money benefited Tibasima and his associates or the RCD group, or both.” Fahey cites Uganda (2002) and Engola (2001). Another lynchpin in Uganda’s elite network, Adèle Lotsove, took over the vice governorship, and also supported affiliated companies that circumvented state institutions. Adèle Lotsove became Vice Governor of Orientale in 1998, although the month is not known to this author. It would appear these appointments took place with the hand of foreign sponsors. Although scholars do not widely recognize Lotsove’s role as Vice Governor, Lotsove describes herself in a handwritten Swahili note as, “Mama Adèle Lotsove Mugisa, Vice-Gouverneur ya Province Orientale.” Untitled handwritten letter, Adèle Lotsove,17 [month not stated] 1998, Bunia. The letter is attached to an order for timber planks dated 31 December 1998. Lotsove appears to have replaced the former Vice Governor of Orientale, Noël Obotela Rashindi, in this role. “Objet: Dos. jud. RMP.1863/PG/ESW Aff.MP c/Bugumba Isiaka” Vice Gouverner of Province Orientale, Cabinet of the Gouverner [Letter to Monsieur le Procureur Général près la Cour d’Appel de Kisangani], 23 January 1998, Kisangani. Following the split with RCD-G, Ugandan Brigadier General James Kazini appointed Lotsove as the Governor of the newly-created “Province de Kibali-Ituri” (Tamm 2013: 17).

to maintain footholds for entrenchment can be weighed against rival hypotheses that state institutions no longer function as the *state* once severed from central rule.

Attempted displacement prompted agents to defend their bases of power. The head of Orientale's Provincial office of Mines and Geology was especially threatened by the RCD's new systems of extraction, and he tackled them directly.⁴⁷⁹ He demanded that rebels recognize the legal right of the bureau of Mines and Geology to regulate the diamond trade and that preexisting laws in the sector remain operative. As he explained to the RCD Department of Finance in Goma, new rebel rules violated state legislation and the group lacked the authority to amend officials codes:

I have the honor to inform you that an oversight seems to have slipped in the formulation of Article 13 [of the RCD mining code].... In effect, in terms, the regulatory texts on the matter (Ordinance no 84-056 and 082 of 18 February and 30 March 1984 and the Ministerial Statute 00208/CAB/Min.Mines/92 of 28 February 1992), all operations are conducted under the authority and the supervision of the Agency of Mines who countersigns the reports with CNE [diamond verification agency] and/or OFIDA [customs bureau]. Moreover, only the Agency of Mines is empowered, at the end of all these procedures, to authorize *comptoirs* [trading posts] to transport and export the parcels stamped in this manner.⁴⁸⁰

The division head went on to explain to the RCD that legal strictures required the rebels to notify *him* on payments made. Doing so sought to reverse the flow of authority from the rebel group toward state structures from which he benefited.

State administrators drew on their official posts to treat legal questions and to regulate trade, even in areas beyond central reach. These functions express Weber's description of bureaucracy in which offices, rather than hierarchies, endow their holder with authority:

⁴⁷⁹ The office of Mines and Geology functions under the national ministry of mines.

⁴⁸⁰ "Objet: Décision no 031/DPF/RCD/98 of 19/11/98," [Letter from the Chef de Division Provinciale des Mines et Geologie to the Chef de Département des Finances du RCD in Goma], 4 December 1998, Kisangani.

“officials, on the whole, do not feel their dependency on those at the top” (2009: 203).⁴⁸¹

Agents’ understanding of the right of their office to function provides “street-level” bureaucrats with organizational autonomy (Lipsky 1980). Since administrative functions demarcate the boundaries within which agents can operate and forge their own deviations, a bureau’s demotion also curtailed administrators’ capacity for extraction. In this sense, advocating for state reinstatement promoted private agendas and institutional continuity at the same moment.

Consequently, other agents took steps not only to preserve, but also to *expand*, the reach of their offices during war. As Kinshasa’s influence retracted, agents used war an opportunity to upgrade their status in the administrative hierarchy. These processes surfaced in Kisangani over how to regulate mining in areas now beyond the capital’s reach. Official codes stipulated that mining companies pass through the national Ministry of Mines to secure authorizations for exploitation, mining zone approvals, and signatures from various national-level ministries. War begged the question of who would confer authorizations.

State agents converted ambiguity to their advantage. Kisangani’s Provincial Division of Mines and Geology treated the question with bureaucratic care, commissioning an investigative study.⁴⁸² The study’s official decision read: “An exceptional situation, an exceptional solution. It is childish to believe that in this period of war, and given the urgent necessity to maximize

⁴⁸¹ As Weber points out, within bureaucracy, “officials, on the whole, do not feel their dependency on those at the top.” (203). Lipsky (1980) also observes that bureaucrats hold basic levels of organizational autonomy.

⁴⁸² The RCD rebel administration did so as well, consulting an independent juridical council on the question of mining contracts Kabila brokered. “Concerne: Dossier KIMIN, OKIMO, R.R.G., Ashanti. Avis et considérations.” [Letter from the Juridical Advisor to the Head of the Department of Finance in Goma], 17 November 1998, Goma, p. 5. Citing letter no 882/CAB.MINES/KKM/JCA/MN/97, Government of DRC Ministry of Mines, 15 September 1997. Elsewhere, RCD-G internal documents cited these companies, previously operating under authorization from Kinshasa, as patterns or as enterprises to contact on the course of its “diplomatic missions” to Belgium, Germany, and South Africa. “Plan d’Action Trimestriel: Mars-Avril-Mai” p. 2 in “Plan d’Action du Département des Finances,” RCD Département des Finances et Budget, 11 April 1999, Goma.

revenue, that this procedure could be respected to the letter.”⁴⁸³ The administration decided that trading companies should still be bound by official regulations— or, that they “be covered by an Official Document in good and due form.”⁴⁸⁴ With the capital unable to deliver this “Official Document,” provincial authorities declared themselves—rather than rebels—heirs of this executive function.⁴⁸⁵ In the absence of the national Ministry of Mines, the provincial division took over the ability to draft agreements, define tax rates, and delineate mining zones. As in its earlier correspondence, petitions called for a more comprehensive restoration of state institutions. The provincial mining administration admonished rebels to respect the functions of the diamond verification agency (the Center for National Expertise, CNE) and the Office of Customs and Excise Taxes (OFIDA) customs bureau in overseeing diamond transactions.

Instead of retract, state practices filled the interstices in authority left in the absence of central oversight. Administrators used ambiguity to direct institutional change to their advantage and invoked their rights to interpret and apply law as an enduring lever of influence amidst changes in political control. Underlining their official source of authority, administrators laced correspondences with the formal, polite language of bureaucracy that portrays disputes as matters of technical procedure rather than private interest (Feldman 2008).⁴⁸⁶ As Klem explains from his work on wartime Sri Lanka, doing so was more than a mere rhetorical gesture. As he finds, the “institutional structures of the state” allow administrators to “render technical what may be very political, thus legitimizing or disguising the particular agendas they propagate”

⁴⁸³ “Note Technique No M.354/1/002/PO/98 A L’Intention de Monsieur le Gouverneur de Province” [Division Provinciale des Mines et Géologie], Kisangani, 12 December 1998.

⁴⁸⁴ *Ibid*; Capitalization follows original source.

⁴⁸⁵ Although, as the UN Panel of Experts points out, in some cases extractive companies operating in rebel zones complied both with local administrations, paying taxes (which fed into rebel treasuries) while also maintaining relations with Kinshasa. On the case of DARA Forest, see 2001b para. 73.

⁴⁸⁶ As Feldman discusses of bureaucracy in Gaza, “the folios of a file represent the formal discussion of policy, and expressions of disagreement tend to be polite” (2008: 39).

(2012: 699). Cloaking disputes in the language of bureaucratic rationality maintains impersonal façades that conceal power plays and promote agents' authority over rebels. Instead of comply with rebel rules "out of fear" (Sarvananthan 2007: 1190) or avoid direct interactions with armed actors, state agents maintained alternative sources of authority to depoliticize these interactions.

These strategies reflected in disputes that pit state administrators against the RCD over who held rights to issue licenses to diamond trading posts. Congo's legal code empowered provincial mining administrations to issue authorizations "safe passage" to foreign traders in Congo. Since all major trading posts in Kisangani's diamond trade were foreign, this represented an important source of influence in regulating markets. The head of the Provincial Division of Mines and Geology transmitted copies of the Zairian mining code to the RCD to remind rebels of his legal prerogative. The text showed that rebels stood in violation of the state codes and that the group owed provincial authorities nearly half of the revenue it had collected from license sales.⁴⁸⁷ To prevent the mining administration from regulating the sector, the RCD physically withheld official documents—transforming state insignia into a battleground of competition.⁴⁸⁸

Not dissuaded, the mining administration declared RCD-issued licenses invalid. The rebel group participated in a range of para-statal or front companies for mineral trading (Nest 2006; UNSC 2002). In at least one instance, the Kisangani mining administration voided rebel contracts. The RCD Coordinator had formed an agreement with the SAROPA company to authorize it to transport diamonds.⁴⁸⁹ The mining administration pushed back, pointing out that

⁴⁸⁷ "Note à l'Intention de Monsieur le Chef de Département des Mines" Division Provinciale des Mines et Géologie, 31 March 1999, Kisangani.

⁴⁸⁸ RCD did so throughout its territory, keeping track of the number of official documents that state bureaus held.

⁴⁸⁹ To issue a Note de déchargeement. Rapport Circonstance à l'Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l'Administration Minière de Province Orientale," Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani, p. 4.

the business lacked necessary documents for exploitation—including the authorization, permit, and accord. Without these licenses that the province conferred, SAROPA could not operate.

As the first six months of rebellion drew to a close, the RCD continued to clash with state agents. Rebels insisted that only traders in good order with the armed group were permitted to work in the mining sector.⁴⁹⁰ Yet administrators' refusal to relinquish state positions meant that rebel strictures layered over, rather than replaced, preexisting regulations. Demonstrating this effect, the Provincial Division of Mines called on the rebel's analogous Department of Mines to synchronize regulations in a common framework that would reincorporate the state :

Expecting the eventual meltdown of the National Mining Law, the new regulatory arrangements to provisionally govern the mining sector must be clearly defined and codified, in a manner that is known and respected by all. This step is a priority for us in order to avoid the current friction in the application of the legal and regulatory arrangements in place.⁴⁹¹

State agents would appear to hold little sway in the face of coercion and rebels' foreign backing. Administrators could not coerce diamond traders to pay into protection rackets as military commanders did (Stearns 2011). Neither could they dream to mobilize the sums of money to induce armed actors to shirk patrons in favor of administrative endurance. They also faced a weak position in Kisangani, where expatriate traders dominated trade and Ugandan and Rwandan military commanders ran economic exchange. The following section describes how administrators mitigated these issues by applying their posts to realign rebel preferences with institutional continuity.

⁴⁹⁰ These included N & Frères SPRL and Super Star SPRL. "Concerne: Les comptoirs d'achat et d'exportation de diamant autorisés en Province Orientale" RCD Département des Finances, Budget, et Portefeuille [Letter to Monsieur le Chef de Division Provinciale des Mines à Kisangani] 4 February 1999, Goma. This is consistent with the RCD's earlier concern in noting that comptoirs found other ways to continue exports to circumnavigate rebel procedures. "Concerne: Dossier éclaircissement suspension comptoir diamant," RCD Department of Finance [Internal Note to the Head of the Department of Finance], 13 November 1998.

⁴⁹¹ "Rapport Circonstance a l'Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l'Administration Minière de Province Orientale," Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani, p. 6

Institutional Survival via Coalition Building and Preference Alignment

As war continued, state agents influenced institutional change. The RCD faced multiple fronts of competition with civilian traders, rival armed groups, and heavy-handed patrons, which administrators turned to their advantage. Through intelligence-gathering functions, state agents provided positive inducements to build coalitions with networks within the armed group to balance against growing sources of threat, realigning preferences with institutional survival.

The RCD viewed its inability to control diamond traders as a security threat. Disgruntled diamond traders took to the streets in Kisangani in the opening months of the war to protest RCD regulations that required them to pay export taxes via circuitous routes in Goma.⁴⁹² Meanwhile, Uganda had trained a second rebel proxy that loomed near Kisangani, stoking tensions with Rwandan forces in the city and placing the RCD on uneasy footing.⁴⁹³ Internal RCD correspondences warned that the “unbearable tension” among Kisangani’s diamond traders could provide a foothold for its rival group to foment a “social explosion” in the city.⁴⁹⁴ Yet the RCD lacked mechanisms to monitor the diamond trade: its leadership lacked significant social ties to Kisangani or the informal routes that linked the city to surrounding mines in the province.⁴⁹⁵ Over the war, informal trading networks rerouted diamond exports out of Kisangani toward the territory of yet another rival armed group that offered more competitive rates.⁴⁹⁶

⁴⁹² “Concerne: Dossier éclaircissement suspension comptoir diamant,” RCD Department of Finance [Internal Note to the Head of the Department of Finance], 13 November 1998, Goma.

⁴⁹³ The *Mouvement pour la Libération du Congo* (MLC),

⁴⁹⁴ “Concerne: Dossier éclaircissement suspension comptoir diamant,” RCD Department of Finance [Internal Note to the Head of the Department of Finance], 13 November 1998. Uganda tasked the MLC with implementing its diamond monopoly, while the RCD maintained Rwandan interests.

⁴⁹⁵ Tibasima could draw on relationships in Ituri district of Orientale, but it was unclear whether his arrangements and deals with Ugandan officers benefited this narrow network versus fed the RCD broadly (Fahey 2011)

⁴⁹⁶ Toward RCD/K-ML territory in “Great North” of North Kivu. Concerne: Marché des Diamants à Kisangani” DANA Diamond [Letter to the Chef de Département des Terres, Mines, et Energie à Goma], no date [marked as received 22 March 2002 in Goma], Kisangani ; “Concerne: Propositions de réaménagement des conditions d’octroi

The precarious position vis-à-vis patrons provided a point of mutual threat for administrators and for RCD profits. Administrators exploited this common threat, using the monitoring attributes of the state apparatus to turn it to their advantage. Official reports demonstrated to the RCD that foreign patrons jeopardized rebel earnings. For instance, while the RCD Department of Finance authorized only two diamond exporters in Kisangani, the provincial mining administration demonstrated that a third exporter operated in defiance of rebel restrictions—with support from foreign sponsors.⁴⁹⁷ Multiple reports over several months in early 1999 informed rebels that the trading post “operates clandestinely.”⁴⁹⁸ Trading posts (*comptoirs*) and front companies run by Ugandan and Rwandan elite networks bypassed RCD taxes.⁴⁹⁹ State agents gathered intelligence to illustrate that patrons’ activities often disadvantaged the RCD, and used this synergy as a foothold of influence with the group.

Administratorss detailed cross-border smuggling networks that operated through relations with Uganda and Rwandan commanders, and transmitted information to the RCD.⁵⁰⁰ An excerpt from one report, quoted at length below, illustrates this surveillance function in action:

de l’agrément au titre de comptoir d’achat et d’exportation du diamant de production artisanale à Kisangani” Département des Terres, Mines, et Energie [Note Technique No 035/RCD/DTME/NKM/2002] 20 May 2002, Goma.

⁴⁹⁷ On two diamond exporters : “Concerne: Les comptoirs d’achat et d’exportation de diamant autorisés en Province Orientale” RCD Département des Finances, Budget, et Portefeuille [Letter to Monsieur le Chef de Division Provinciale des Mines à Kisangani] 4 February 1999, Goma; On a third exporter functioning: “Rapport Circonstance à l’Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l’Administration Minière de Province Orientale,” Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani.

⁴⁹⁸ “Rapport Circonstancie a l’Intention de Monsieur le Chef de Département des Mines. Concerne: Exportation frauduleuse de diamant.” Chef de Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani; “Tableau No2: Statistiques des Achats Effectués par les Comptoirs Agrées. Source: P.V. de Scellage du C.N.E.” Division Provinciale des Mines et Géologie, Kisangani, 31 March 1999.

⁴⁹⁹ Including the Victoria Company affiliated with elite Ugandan networks and Monsieur Philippe who later held a close position with Rwanda’s “Congo Desk” (UNSC 2002). “Evaluation des Performances Minimales Exigées aux Comptoirs d’Achat et d’Exportation” Division Provinciale des Mines et Géologie, 31 March 1999, Kisangani. “Evaluation Comptable des Activités des Comptoirs d’Achat du Diamant de Production Artisanale en Province Orientale.” Département des Mines, RCD, 26 July 1999, Goma.

⁵⁰⁰ “Rapport Circonstance a l’Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l’Administration Minière de Province Orientale,” Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani, p. 5.

STATE OF THE PROBLEM. (....)

In clear terms, there are two (2) networks in Kisangani that feed this problem. The first network is animated by Monsieur Philippe⁵⁰¹ of *comptoir AMIR* who uses national *négociants*, to whom he gives important sums of money in national currency and/or American dollars so that they purchase [diamonds] on his behalf, or even better for the account of his protectors. The diamonds [are sourced from] different local trading centers (*centre de négoces*) and Foyers Miniers of Buta, Bafwasende, and Banalia [towns in Orientale Province].

The *négociants* [middle-men traders] concerned, as well as Monsieur Philippe, work under the protection of the elements of the Ugandan army and the diamonds purchased flow toward Kampala. The following *négociants*, among others, work with Monsieur Philippe: 1. Shadal. 2. François;⁵⁰² 3. Alan (not otherwise identified), 4. Sami (not otherwise identified), and 5. Mao.

The second network operates under the supervision of Mr. A, and he manages his action toward Kigali in Rwanda. The following known *négociants* are the large suppliers of the market. It concerns particularly Misters B and C, who frequently travel to Kigali at the invitation, they say, of the Rwandan Government for “business contracts.”

It is also important to signal that, equally, concerning the fraudulent exit of coltan from the Kisangani airport to Kampala [Uganda], the exit is managed by Monsieur D. and his wife E, managers of Hotel F, under the protection and responsibility of Ugandan soldiers. There is even a certain Madame G, who passes herself as the youngest sister of [RCD deputy leader] Bizima Karaha.

It is becoming more and more evident that this situation does not escape the officials of the two partner countries, given the movement of those concerned, if not all, who operate often, if not always, under the benediction of the high military authorities of Uganda and/or Rwanda based in Kisangani.⁵⁰³

Descriptions of mineral flows from mining sites to Kisangani, sales of diamonds to elite regional networks, and movements to neighboring countries captured the exchange at various

⁵⁰¹ This dissertation includes names of individuals cited elsewhere by UN investigatory reports as abetting conflict and war economies in Congo, and excludes names and/or identifying information of individuals not publically mentioned elsewhere. In ambiguous cases, it omits identifying information. In this case, see UN 2002: para 84.

⁵⁰² Names appearing in this sentence have been changed.

⁵⁰³ “Rapport Circonstancie a l’Intention de Monsieur le Chef de Département des Mines. Concerne: Exportation frauduleuse de diamant.” Chef de Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani.

nodes along the export chain. State agents maintained their roles in intelligence gathering and transmission, and their information proved credible. Findings are often borne out in subsequent UN Panel of Experts reports that described the same front companies and elite connections with neighboring states (UNSC 2002).⁵⁰⁴ Divergences between patrons' and rebels' financial benefits in the trade are also corroborated. International researchers estimate that Uganda and Rwandan extraction from Kisangani mounted to a monthly value of \$20 million in uncut diamonds (Stearns 2011: 241). This can be compared with the \$200,000 the RCD president described receiving each months from diamonds (Cuvelier and Raeymaekers 2002:10).⁵⁰⁵

Drawing on the “information network” attributes of bureaucracy (Schatzberg 1988, ch. 3), the mining administration demonstrated that rebels benefited from only a fraction of actual diamond production and exports. Statistics passed from local bureaucrats (as in the Center for National Expertise or CNE, the state diamond verification agency) to the provincial mining administration to the RCD Department of Mines or Finance.⁵⁰⁶ Administrative reports noted that intermediary traders (or *négociants*) shirked rebels' \$1,000 operations fee, while other purchasing houses (*Maison d'Achat*) selling abroad evaded rebel licenses.⁵⁰⁷ Information illustrated tangible effects for rebels. The Provincial Division of Mines and Geology tracked and delivered performance targets and revenue transfers of Kisangani's trading posts. Reports traced a trader's performance, noting production stops, and the estimated value of actual diamond

⁵⁰⁴ Interestingly, the UN Panel of Experts' own reliance on rebel documents indicates the international community's indirect use of these bureaucratic statistics in order to furnish recommendations on sanctions regimes. With this information transmission role, bureaucrats contributed in indirect but traceable ways to the performance of international norms. The same process is evident in the case of the SOMIGL coltan monopoly, below.

⁵⁰⁵ The quoted figure of \$200,000 that Cuvelier and Raeymaekers (2002) note that Onusumba cites was in fact a vacillating quota the RCD aimed to impose for its collection in Kisangani's diamonds. It was received atop required monthly transaction ranging from \$500,000 to \$800,000.

⁵⁰⁶ “Tableau No2: Statistiques des Achats Effectués par les Comptoirs Agrées. Source: P.V. de Scellage du C.N.E.” Division Provinciale des Mines et Géologie, Kisangani, 31 March 1999.

⁵⁰⁷ “Compte Rendu de la Journée du Lundi 29 Mars 1999 de la Mission Officielle de Monsieur le Chef de Département des Mines à Kisangani” Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani.

exports versus tax payments sent to the RCD. It showed that rebels were sorely under their anticipated revenue quotas, collecting only 19% of the tax payments they had mandated.⁵⁰⁸ Data allowed for estimates of the volume of transactions that bypassed RCD systems.

These reports addressed rebels' security concerns. As the Head of the RCD Department of Mines expressed, "how can it be understood that, on one hand the *comptoires* [trading posts] work, but on the other the [rebel] State does not receive the full of its due, since contracts signed with the *comptoires* set minimum performance requirements?" These functions also illustrated that state institutions could usefully boost influence vis-à-vis patrons and traders. Mining agents recommended to the RCD that transactions be "placed under the control of an official cooperative mechanism in order to formalize [the trade] and make [it] official..." Administrators argued that preferential tax regimes for Congolese traders, working in the "formal sector" through state institutions, would expand the proportion of trade under the mutual control of rebels and the state vis-à-vis foreign interests.

Administrators provided new information demonstrating material losses to rebels and illustrating a role for state institutions in stopping leakages. Preference alignment appeared successful. Sharing concerns, the head of the rebels' Department of Mines travelled to Kisangani to address the issue.⁵⁰⁹ Taking meetings with heads of state agencies, he urged bureaucrats to "search for and to find the pathways and the means to generate revenue in the artisanal mining sector and to put it at the disposition of the [RCD Ministry of] Finance."⁵¹⁰

⁵⁰⁸ Of a total of \$1,200,000 mandated, RCD-G documented received only \$229,000. "Evaluation des Performances Minimales Exigées aux Comptoirs d'Achat et d'Exportation" Division Provinciale des Mines et Géologie, 31 March 1999, Kisangani.

⁵⁰⁹ These included CNE, DGRAD, OCC, and OFIDA, as well as the provincial administration of Mines and Geology. John Tibasima was the Head (*Chef*) of the RCD Department of Mines at this time.

⁵¹⁰ The correspondence specified mobilize money through OFIDA, DGRAD, and DGC. "Compte Rendu de la Journée du Lundi 29 Mars 1999 de la Mission Officielle de Monsieur le Chef de Département des Mines à Kisangani" Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani.

State agents used the meeting to provide information on affiliates of Rwanda and Uganda whose elite smuggling networks “operated on the margins of legality.” Administrators were not simply conciliatory. Agency heads blamed RCD policies for revenue shortfalls. As one reprimanded the RCD: “all the confusion comes from Goma.”⁵¹¹

Shortly thereafter, the head of the RCD Department of Mines met with trading posts (*comptoirs*) and intermediaries (*négociants*) to address tax arrears, highlighting the “need to reflect together how to enter money into the treasury of the State.” The RCD Department head “deplored” traders that exported to Uganda and Rwanda directly, which “benefits foreign countries.” The Department head “underlined with force that this practice is illegal.”⁵¹²

And yet, key figures in rebel leadership were also deeply implicated in these rackets. Illustrating the duplicitous nature of these engagements, the head of the Department of Mines running these meetings, John Tibasima, was the same close affiliate of Uganda who facilitated its diamond extractions.⁵¹³ State agents tackled the duplicity. Administrative memos to the RCD hierarchy implicated members of rebel leadership directly in the clandestine diamond trade. For instance, the report excerpted above explained the role of family connections of one of RCD founding member and deputy leader Bizima Karaha in collaborating with patrons’ elite networks.⁵¹⁴ Moreover, at the same time that Tibasima was signing licensing forms for front

⁵¹¹ The head of DGRAD in Kisangani.

⁵¹² Diamond traders responded that “fraudulent exportation practiced by certain is all simply justified but the preferential conditions of the market” in selling abroad.

⁵¹³ “Arrêté Départementale No 010/DPT.MIN/99 du 18 Mars 1999 Portant Agrément de la Société Victoria Diamond S.P.R.L. au Titre de Comptoir d’Achat de Dimant de Production Artisanale” R.C.D. Département des Mines, 18 March 1999, Goma. The agreement is signed by Tibasima Mbogemu Atenyi.

⁵¹⁴ Karaha is Banyamulenge. Former Kabila’s Foreign Minister. Former AFDL member. Close links to Kigali. Following his earlier appointment in Kabila’s government Karaha was nominated as the head of the Department of Foreign Relations (Département des relations extérieurs) in the opening weeks of rebellion, and later became the head of the RCD’s Department of Territorial Administration, Security, and Intelligence, holding this position at the same time that Azarias Ruberwa Manya was RCD President. “Compte Rendu de la Réunion du Rassemblement Congolais pour la Démocratie du Samedi 1 Août au Dimanche 16 Août 1998 à Goma.”

companies for Ugandan backers, state agents were busy gathering information on the company's trade.⁵¹⁵ Bureaucrats transmitted data on Victoria Diamond and other elite trading posts to RCD leadership, which in turn adopted the information as the official facts and figures of the rebel administration. Using official reports to calculate arrears in tax payments and traders' compliance with performance targets, an RCD study found that the Victoria Diamond front company failed to pay 56% of the taxes owed. Similarly, the rebel study found that the AMIR trading post under vacillating Ugandan and Rwandan supported (of Monsieur Philippe, above) withheld over 90% of its payments.⁵¹⁶

Hence, state agents drew on the tools of their posts (here, surveillance) to supply information to the RCD that shaped how the group articulated its interests. This transferal indicates this preference alignment mechanism, cultivating rebel interests in institutional continuity. Information transmitted on RCD complicity also lends evidence to support that argument that state agents guarded their own interests, rather than acting as neutral actors easily swayed with shifts in territorial control.

Shifting Strategies

Meanwhile, widening fault lines between foreign sponsors created divisions within the RCD. Under Ugandan tutelage, a splinter faction peeled off in May 1999, christening itself "RCD-Kisangani." The original RCD (now, RCD-Goma or RCD-G) remained under Rwandan sponsorship. Kisangani divided into competing zones of military influence between the two

⁵¹⁵ The following report is constructed based off of statistics bureaucrats gathered in the first trimester of 1999, when Tibasima was present in Kisangani and launched Victoria Diamond. "Evaluation Comptable des Activités des Comptoirs d'Achat du Diamant de Production Artisanale en Province Orientale." Département des Mines, RCD, 26 July 1999, Goma.

⁵¹⁶ As Déo Rugwiza, the then-Director of the Cabinet of RCD Department of Land, Mines, and Energy explained in his report: "La présente évaluation a tenu compte des statistiques communiqué par la Division Provinciale des Mines et Géologie de la Province Orientale pour la 1ere Semestre 1999." Source : "Evaluation Comptable des Activités des Comptoirs d'Achat du Diamant de Production Artisanale en Province Orientale." Département des Mines, RCD, 26 July 1999, Goma. Arrears of Victoria Diamond mounted to \$227,443, and for Amir to \$530,667.

groups and Rwandan and Ugandan commanders (Stearns 2011: 240). Clashes erupted in August 1999 that pitted the two sponsors against each other, driving out the Ugandan-backed faction.⁵¹⁷ Ongoing tensions persisted in Kisangani until mid-2000. As clashes drew to a close, Rwanda redoubled its control over resource markets (UN 2002: para. 83).⁵¹⁸ In its own turn, the RCD-G also sought to expand the portion of the trade it controlled vis-à-vis Rwanda (Vlassenroot and Romkema 2002). Efforts to expand its grasp over economic exchange saw a continued role for state information gathering. Administrators converted mutual sources of challenge it faced in conjunction with RCD leadership to preserve a role for state institutions.

Internal Monitoring

For instance, one means by which the RCD-G sought to shore up economic influence was through a newly organized “Financial Brigade” that operated under the group’s armed branch. The Brigade began operations in Kisangani in August 2000 and took on self-proclaimed mission of the “control and verification of mining activities.”⁵¹⁹ Yet, commanders deployed far from RCD-G headquarters took advantage of distance to forge side deals, extorting protection payment from traders in the mining sector. These rackets also threatened state administrators. Brigade commanders took over the activities of state agencies, assigning themselves the task of re-registering diamond buyers and trading posts in Kisangani (a task that positioned the brigade to collect fees and bribes from unlicensed members). It also usurped institutions by reserving for itself the ability to recover “all the taxes of the state” from the mineral purchasers.

⁵¹⁷ The stalemate pitted Ugandan General James Kazini against a Rwandan Colonel. The RCD/K-ML left Kisangani in October 1999 to set up its new headquarters in Bunia, later moving to Beni.

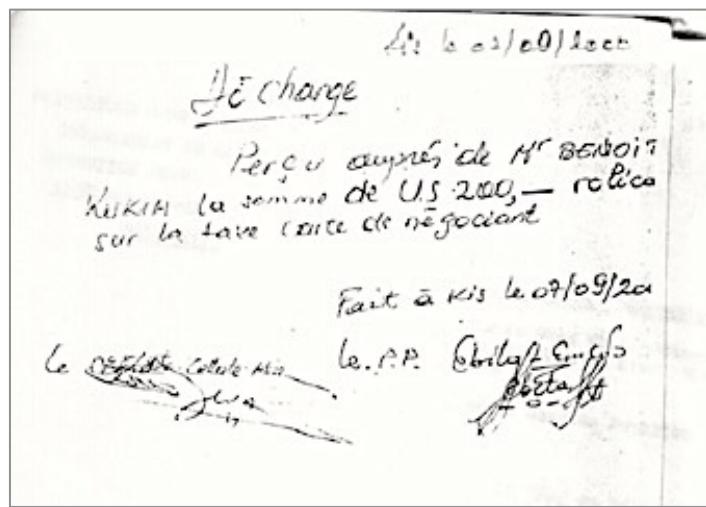
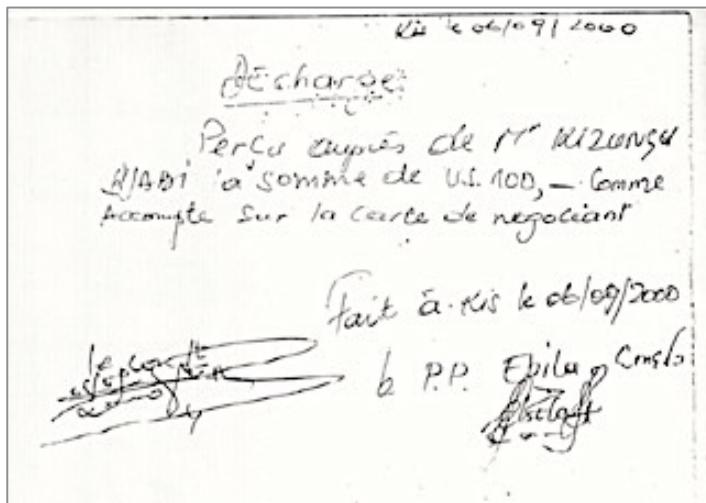
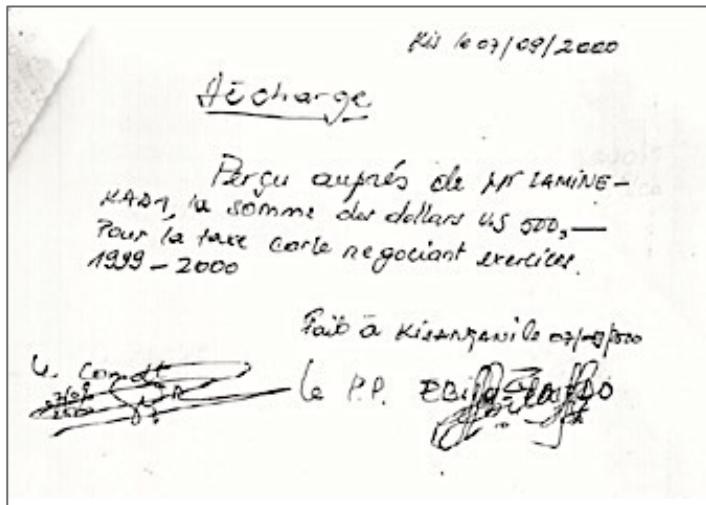
⁵¹⁸ Uganda had similarly provided monopoly rights over diamond trade to its own favored traders. Kazini instructed the MLC in July 1999 that one of its partners would hold monopoly rights to the trade.

⁵¹⁹ “Objet: Déploiement d’une équipe de contrôle et vérification des activités minières” Commandant de la Brigade Financière-Province Orientale François Kasa, Armée Nationale Congolaise Etat-Major General G1 Brigade Financière [Letter to the Governor of Province Orientale], 22 August 2000, Kisangani.

State agents exploited diverging interests within the RCD-G, informing rebel leadership in Goma of these rackets. Administrators notified the head of the RCD-G Department of Land, Mines, and Energy that, “instead of working in collaboration, [the Financial Brigade] seems to want to evolve in confrontation with the traditional [state] services involved in collecting taxes on minerals.”⁵²⁰ The state apparatus had played this “ombudsman” role before the outbreak of war: under Mobutu’s regime, administrators compiled reports, often secret, of activities of other authorities and transmitted information up their administrative hierarchy (Schatzberg 1988: ch. 3). Now administrators applied information-gathering functions to principal-agent problems in the RCD, providing a means to monitor rebel officers. The Provincial Division of Mines and Geology recorded evidence of parallel fees collected by RCD-G officers in Kisangani.⁵²¹ Administrators gathered parallel receipts that military commanders issued from extortion (Figure 7.1) and transmitted them to the head of the RCD-G’s Department of Land, Mines and Energy in Goma. These illustrated that certain commanders privately collected fees from purchasers (*Maisons d’Achat*) of “precious materials.” As administrators pointed out, these fees flowed to commanders’ pockets rather than the rebel hierarchy. Administrators argued that indiscipline jeopardized rebels and state agents in tandem and reported the deals to RCD-G hierarchy.

⁵²⁰ Citing the DGRAD and the Mining Administration as “traditional services.” “Objet: Perception taxes minières par la “Brigade Financière/Secteur Minier/ANC” Chef de Division Provinciale des Mines et Géologie [Letter to Monsieur le Chef de Département des Terres, Mines, et Energie du RCD à Goma], 13 September 2000, Kisangani.

⁵²¹ *Ibid.*

**FIGURE 7.1**

Surveillance Function:
Unauthorized taxes levied by RCD commanders, receipts collected
Kisangani state administrators and transmitted to RCD hierarchy

SOURCE: "Objet: Perception taxes minières par la "Brigade Financière/ Secteur Minier/ANC" Chef de Division Provinciale des Mines et Géologie [Letter Chef de Département des Terres, Mines, et Energie du RCD à Goma], 13 September 2000, Kisangani.
Author's private archives.

Whereas opportunistic commanders pocketed revenue, state agents maintained that they collected taxes for the “Public Treasury” that fed RCD coffers demonstrated that administrative functions were beneficial to rebel agendas.

Monitoring Foreign Sponsors

Meanwhile, administrators continued to furnish information on elite trafficking networks, while the RCD-G increasingly aimed to carve out autonomy vis-à-vis its sponsor. As part of Rwanda’s strategy to control diamonds markets, high-ranking government officials established the “Congo Desk” as a unit of the Rwandan Ministry of Defense. The UN Panel of Experts described this Congo Desk as the “commercial wing” of the Rwandan national army (UNSC 2002). The Congo Desk set up trading posts in Kisangani and issued monopoly rights to export diamonds to favored traders, requiring local diamond traders to sell to one principal trading post (UNSC 2002: para. 83). Agreements between the RCD-G and Rwanda required traders to funnel diamonds through the rebel administration en route to Kigali, providing Congolese rebels a share of the profits. Yet, as state agents demonstrated to rebels, the arrangement often worked to the benefit of Rwanda over its proxy group.

Activities of one diamond firm to hold monopoly buying privileges exemplify these tensions. Rwanda granted the monopoly to the H&M Diamond *comptoir* in October 2001 (UNSC 2002: para. 84).⁵²² With this specialized relationship, the trader represented the most

⁵²²The monopoly transferred from Aziz Nassour to Israeli Philippe Surowicz (“Monsieur Phillippe, above), to Hamad Khalil. Khalil, the Lebanese owner of H&M diamond comptoir which operated the Bakayoko bureau. Although the UN Panel of Experts identified Bakayoko as the name of the comptoir. Bakayoko was a single purchasing bureau associated with the H&M trading post. “Object: Fermeture” Hamad Khalili, pour le Comptoir d’Achat H&M Diamond SPRL [Letter to His Excellency Monsieur le Chef de Département des Mines, Terre, et Energie, à Goma], 16 March 2002, Kisangani. The RCD notified Khalil that it had abolished an earlier purchasing monopoly

significant diamond trafficker in Kisangani at the time. As part of this arrangement, H&M signed a contract with the RCD-G committing to monthly performance quotas.⁵²³ Yet as state agents showed, the diamond trader dealt with Rwanda behind the backs of the RCD-G. H&M met its minimum quota, but payments to the RCD-G did not reflect the full scale of its exports. Administrators estimated the gaps between the traders' quota and actual production and exports and transmitted information to the RCD-G on the losses the accrued as a result.⁵²⁴

The RCD-G used administrative statistics to assess Kisangani's diamond sector,⁵²⁵ and information transmission shaped how rebels formulated preferences. Consequently, a UN investigatory panel noted the RCD-G's assessment that international sponsors fleeced the group:

His poor performance raised the suspicion that the [Kigali-based, Rwandan office] Congo Desk was using Mr. Khalil [Head of H&M diamond comptoir] to divert revenues that might otherwise accrue to the RCD-Goma administration.... RCD-Goma determined that Mr. Khalil was undervaluing the diamonds, and the consequence was a reduction in taxes payable to RCD-Goma's public treasury as well as a greater margin of profit for Mr. Khalil and the Congo Desk. The study concludes that 'The public treasury would have four times the present revenue from diamonds were it not for fraudulent practices and the under-valuation of diamonds' (UN 2002, para 85).⁵²⁶

in 2000. In opening, the RCD required Khalil provide an upfront payment of \$1.5 million "at minimum, in liquid [assets] and immediately available" as well as a monthly tax payment of \$100,000 (later revised to \$500,000). This tax payment was exclusive of fees owed to CNE and CTCPM, which rebel authorities stipulated the *comptoir* was liable. "N/Réf 1036/RCD/CE/DTME/NK/FR/NS/00" RCD Département des Terres, Mines, et Energie [Letter to Monsieur Hamad Khalil, Responsable du *comptoir* HAMAD à Kisangani], 6 November 2000, Goma.

⁵²³ In the amount of \$500,000. "Arrêté Départemental No 075/RCD/CAB/DTMA/2001 du 10 Octobre 2001 Portant Agrément d'un Comptoir d'Achat et d'Exportation du Diamant de Production Artisanale de Kisangani" Département des Terres, Mines, et Energie, 10 October 2001, Goma.

⁵²⁴ "Situation Paiement de la Taxe Rémunératoire/CTCPM par le Comptoir H&M Diamant pour la Période du 11 Novembre au 10 Décembre 2001" Division Provinciale des Mines et Géologie, 3 December 2001, Kisangani.

⁵²⁵ As made clear in : "Evaluation Comptable des Activités des Comptoirs d'Achat du Diamant de Production Artisanale en Province Orientale." Département des Mines, RCD, 26 July 1999, Goma.

⁵²⁶ Exporting diamonds valued at \$576,380 over 27 days, compared to a potential of \$2 million (UNSC 2002: para. 85). The UN Panel of Experts notes that the RCD-G placed the potential value of diamond exports through Kisangani at \$2 million. However the RCD-G's May 2002 placed the value at just \$1 million ("Autorisation d'Achat et d'Exportation du Diamant de Production Artisanale dans la Province Orientale N° 001/2002, Rassemblement Congolais pour la Démocratie, Départent des Terres, Mines, et Energie, 29 May 2002, Goma). The UN investigatory Panel noted, "A similar inspection of diamond production in the Sankuru and Lodja areas of Northern Kasai the week before had also revealed that [Rwandan National Army] RPA officers were clandestinely taking large quantities of diamonds out of Northern Kasai directly to the Congo Desk in Kigali" (para 85).

Rebels' ability to tap into information and revenue streams now corresponded with a growing role for state institutions.

The following figures depict evidence of the shift toward institutional entrenchment. Continuing with the example of the H&M diamond trader, they illustrate the functions of state institutions in the diamond export chain through the authorizations, registrations, and payments to open the post, purchase, transport, and export diamonds for sale on international markets. The first stages of the chain unfolded in RCD-G headquarters in Goma, where the RCD-G ran the monopoly through state licensing requirements (Figures 7.2-7.9). H&M procured authorizations from town administrations, public notaries, courts, as well as provincial ministries that operated in tandem with rebels.

Passing from Goma, the diamond export chain turned over to bureaus in Kisangani (Figures 7.10-7.18). Here, the same state agencies that provincial administrators had petitioned rebels to reinstate now played key roles in monitoring diamond exports. For instance, as Kisangani's mining administration had lobbied the RCD-G in late 1998: "all operations are conducted under the authority and the supervision of the Agency of Mines who countersigns the reports with CNE [mining agency] and/or OFIDA [customs bureau]."⁵²⁷ Now in mid-2001, both the Center for National Expertise diamond verification agency as well as the OFIDA customs bureaus played active roles in diamond exports, as Figures 7.10-7.13 (CNE) and Figure 7.18 (OFIDA) demonstrate. Offices tracked shipments and provided authorizations for export to markets in South Africa and Belgium (Figures 7.12 and 7.18, respectively). These state institutions catalogued the chain in minute detail, including reports on the "Proceedings for the

⁵²⁷ "Objet: Décision no 031/DPF/RCD/98 of 19/11/98" [Letter from the Division Provinciale des Mines et Géologie to the Chef de Département des Finances du RCD in Goma], 4 December 1998, Kisangani. The provincial mining division also called for OFIDA to be reinstated in: "Note Technique No M.354/1/002/PO/98 A L'Intention de Monsieur le Gouverneur de Province" [Division Provinciale des Mines et Géologie], 12 December 1998, Kisangani.

Unwrapping and Removal of Packages of Diamonds” (Figure 7.12) upon diamonds’ arrival in Kisangani, not to be confused with the “Report of Proceedings for Sealing a Package of Diamonds,” co-signed by the both CNE and OFIDA bureaus prior to exportation (Figure 7.13). Authrozations bear proud markers of officialdom, such as the emblematic diamond on the logo and stamp of the CNE diamond agency. Some documents remained consistent with those used prior to war, still describing transfer as arriving in the national capital of Kinshasa (Figures 7.10-7.11).

The RCD-G now required monopoly export holders to pass through Kisangani’s state apparatus. Its contract with H&M stipulated in two places that the trader “submit to controls” managed by the Provincial Division of Mines and Geology—a requirement that had not featured in contracts in the opening days of war.⁵²⁸ Moreover, years prior as war broke out, the provincial director had earlier admonished rebels that: “only the Agency of Mines is empowered, at the end of all these procedures, to authorize *comptoirs* [trading posts] to transport and export the parcels stamped in this manner.”⁵²⁹ Now, the mining division was not only active, but carried out the functions it had struck out to reclaim. It brokered “authorizations for transportation” (Figure 7.15) and “Export Authorizations” (Figure 7.16), in addition to collecting other taxes (Figure 7.14, 7.17). Three years into armed conflict, the mining administration’s earlier petitions that rebels reincorporate institutions into diamond export chains were met.

⁵²⁸ For H&M: “Autorisation d’Achat et d’Exportation du Diamant de Production Artisanale dans la Province Orientale N° 001/2002, Rassemblement Congolais pour la Démocratie, Département des Terres, Mines, et Energie, 29 May 2002, Goma. For Victoria diamond as a comparison: Arrêté Départementale no 010/DPT.MIN/99 du 18 Mars 1999 Portant Agrément de la Société Victoria Diamond S.P.R.L. au Titre de Comptoir d’Achat de Diamant de Production Artisanale,” RCD Département des Mines, 18 May 1999, Goma.

⁵²⁹ “Objet: Décision no 031/DPF/RCD/98 of 19/11/98,” [Letter from the Chef de Division Provinciale des Mines et Geologie to the Chef de Département des Finances du RCD in Goma], 4 December 1998, Kisangani.

FIGURES 7.2-7.18: State-Rebel Deal making In The War Economy, Sample Documents From “H&M Diamond” Exporter

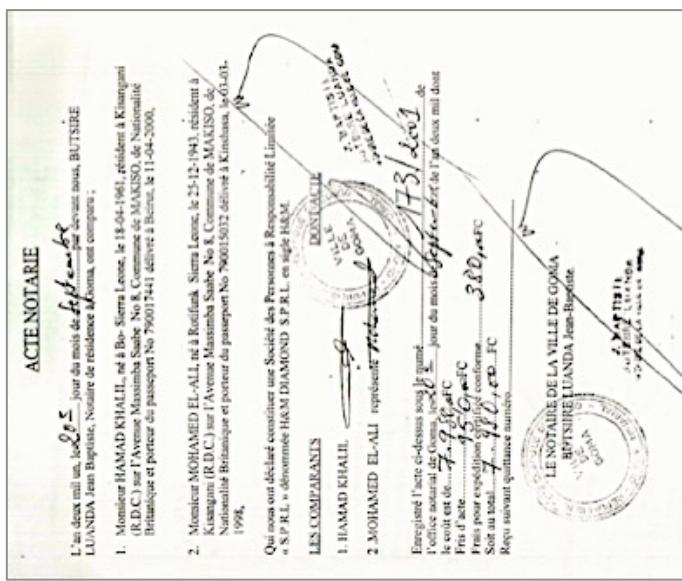
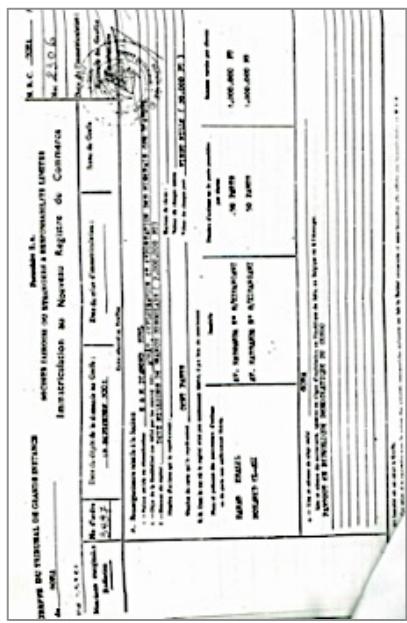


FIGURE 7.3 (Bottom left)
“Notary of the Town of Goma, North Kivu Province
Recognizing official registration and Constitutive
Articles of H&M Diamond Comptoir.”

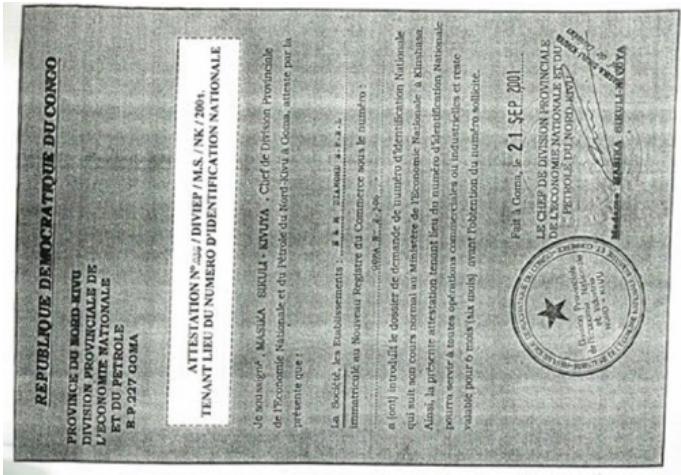


FIGURE 7.4 (Above)

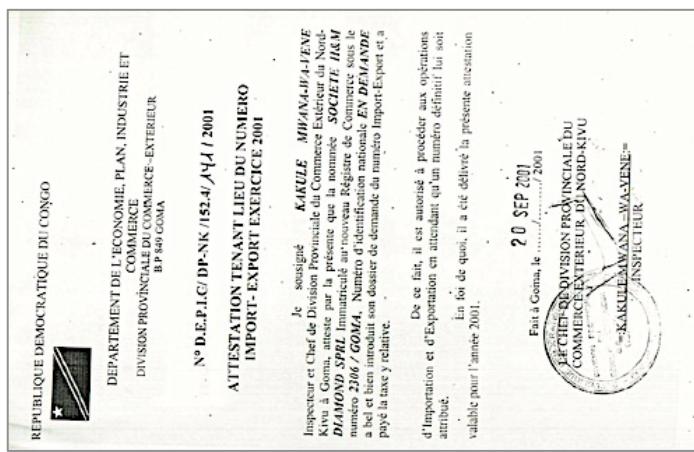


FIGURE 7.5 (Above)
“Attestation for the Replacement of the
National Identification Number, Import-
Export 2001,” Provincial Division of
Exterior Commerce of North Kivu

308

FIGURES 7.6-7.9 DGRAD, Goma.

(clockwise from top left)

7.6. "Receip" for Tax
on the National
Identification Number,
collected by DGRAD-
Goma for the RCD-G
"Public Treasury"

7.7. Receipt for currency exchange, to pay Tax on the National Identification Number

- 7.8. "Memo of Tax Collection" DGRAD.
Attesting payment of advance monthly tax to RCD-G Public Treasury, authorized by the National Bank of Congo, Goma branch (Oct 2001)

7.9. "Memo of Payment"
DGRAD collects the diamond export tax, authorized by the National Bank of Congo, to send to RCD-G treasury

FIGURES 7.10-7.13
National Expertise Center
(CNE), Kisangani

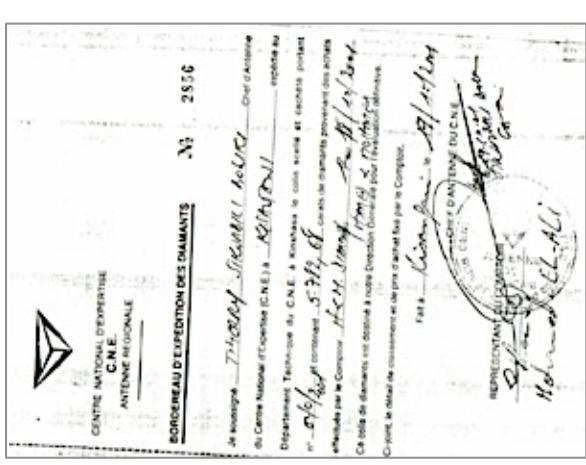


FIGURE 7.10
“Memo of Diamond
Shipments.”
 No 2855, for 8,749 carats, 12
 Oct 2001
 (left)

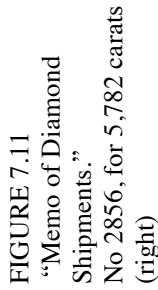


FIGURE 7.11
“Memo of Diamond
Shipments.”
 No 2856, for 5,782 carats
 (right)

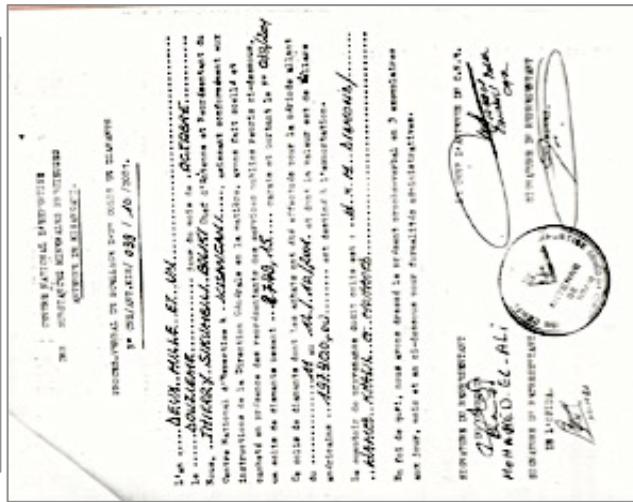


FIGURE 7.12
“Report of Proceedings for the
Unwrapping and Removal of
Packages of Diamonds”
 Anomolies:
 Republic of South Africa, for
 transaction No 2855
 (left)

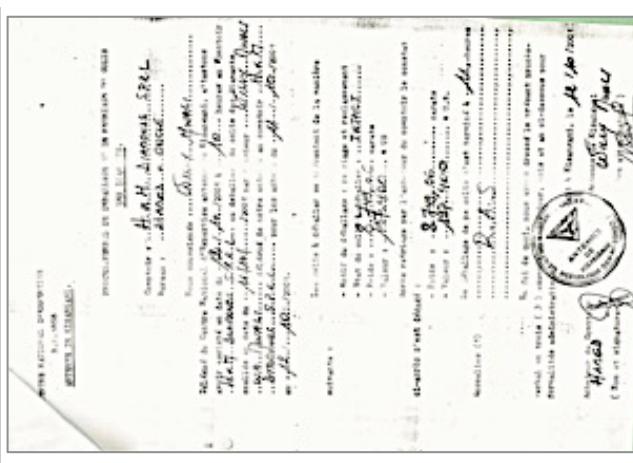
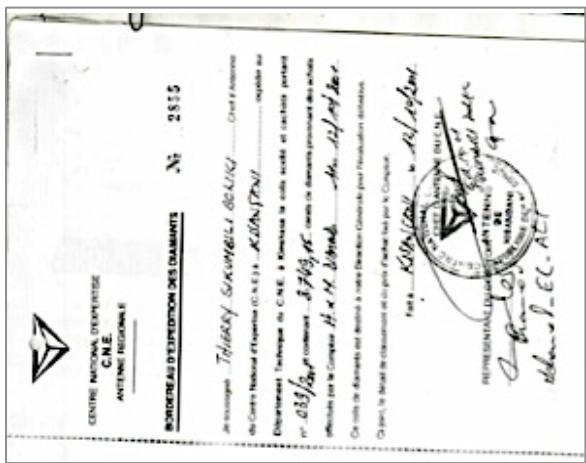


FIGURE 7.13
“Report of Proceedings for
Sealing a Package of
Diamonds.”
 Co-signed by CNE and
 OFIDA customs bureau,
 Kisangani

FIGURES 7.14-7.17
Provincial Ministry
of Mines and
Geology for
Oriental Province,
Kisangani

(clockwise from top left)

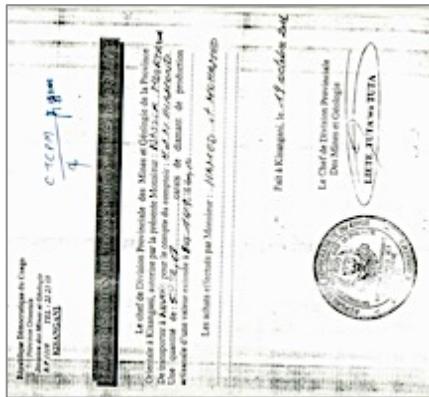


FIGURE 7.14.
Receipt, Orientale
Province

FIGURE 7.15.
"Authorization for
Transportation" from
the Provincial
Division of Mines
and Geology,
Kisangani

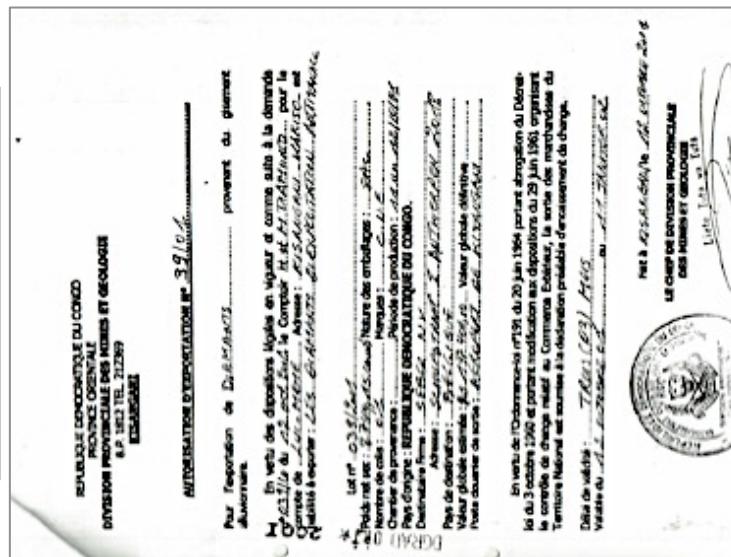


FIGURE 7.16.
"Export
Authorization No
39/01" to export
alluvial diamonds

FIGURE 7.17.
Taxes Collected from
diamond comptoir,
by the Provincial
Division of Mines
and Geology,
Kisangani

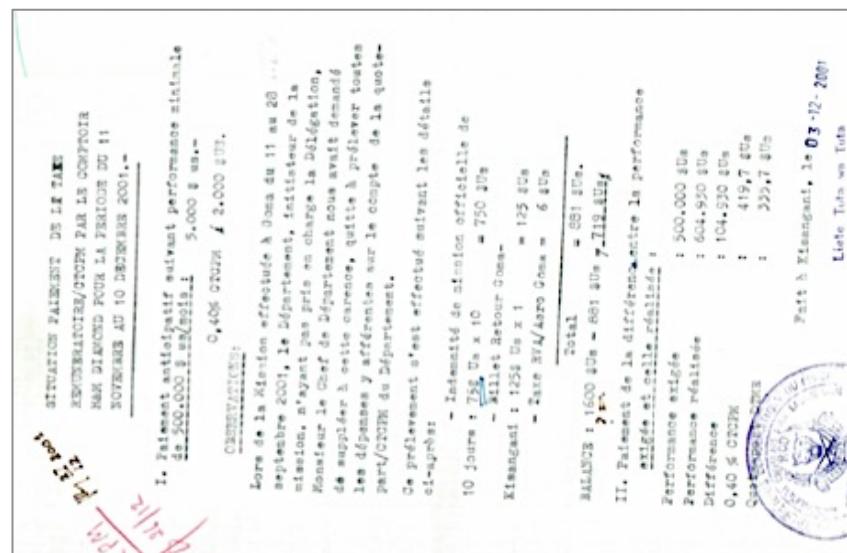
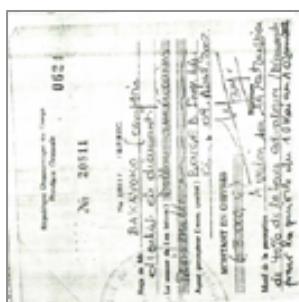


FIGURE 7.18.
“Declaration of Definitive Exit”
Authorizing H&M diamond
exports to Belgium, valued at
\$149,330

Omissions from the documents reveal another property of statehood. State institutions played a whitewashing function for international buyers. Nowhere does it appear that H&M made payments to rebels *directly*—a distinction that carried importance in international markets. Even payments made to the RCD-G “public treasury” passed through the local branch of the National Bank of Congo (Figure 7.6, 7.9). Likewise, authorizations, permits, and export documents bear no mention of Rwanda’s hand in the trade. The accumulation of documents in trafficking illustrated institutional entrenchment provided a means to cover other interests.

Even with the shift toward institutional entrenchment, state administrators guarded autonomy from the RCD-G and operated for their own benefit when at odds with rebels. Some bureaus maintained side deals with traders beyond rebel oversight. For instance, agents at the CNE diamond verification agency maintained “pirate purchases” and parallel taxes for diamond

buyers operating without RCD permission.⁵³⁰ Likewise, agents in another tax collections bureau used their official posts to offer private tax exemptions for favored diamond buyers.⁵³¹ Similarly, as rebels issued another office to take the place of the large OFIDA, customs bureau, it faced “serious difficulties” in establishing itself in Kisangani in light of administrators’ “excessive centralization of customs activities.”⁵³²

Amidst uncertainty in Kisangani, state institutions facilitated taxation for the RCD-G. A growing role for state institutions in performing internal functions for the RCD-G revealed continued surveillance functions for administrators. As bureaucracy matched files to the “concrete requirements of administration” (Feldman 2008: 45), it provided rebels with warning systems if the economy grew out of its control. This case illustrates how institutions shaped preferences by creating new classes of beneficiaries, exploiting RCD-G divisions vis-à-vis foreign patrons, and aligning preferences with state administrators. Yet Kisangani also illustrates the limits to institutional continuity. Other bureaus unable to build coalitions did not survive.⁵³³

⁵³⁰ “Objet: Reconnaître les conditions d’agrément d’un comptoir d’achat de diamant.” H&M Diamond SPRL Import-Export [Letter to His Excellence Monsieur le Président du Rassemblement congolais pour la Démocratie de et à Goma], 21 December 2001, Kisangani.

⁵³¹ In one case in early 2002, Kisangani-based administrators brokering exonerations for cross-border fees in diamond purchases instructed counterparts in their Goma branch to honor the exoneration. The RCD-G’s Ministry of Finance and Budget voiced his surprise upon uncovering the deal. Specifically, the *Office Congolais de Contrôle* (OCC) office in Kisangani, brokering exonerations for MARADONA. Letter from the Chef de Division Administrative et Financière d’OCC Kisangani et le Chef de Département de la Province Orientale to the Coordonnateur de l’OCC à Goma, entitled “Instruction Exoneration,” dated 16 January 2002, Kisangani.

⁵³² Concerne: Comportement de Monsieur Luboya, Sous-Directeur de l’OFIDA dans la Province Orientale.” Rapport a l’Attention de son Excellence Monsieur le Chef du Département de l’Administration du Territoire, Sécurité et Renseignements” Governor of Orientale Province, 18 November 2002, Kisangani.

⁵³³ For instance, OCC personnel in Kisangani looked for ways to be transferred to Goma, where the bureau was still in operation and could sustain itself from cross-border trade: “The personnel of OCC/Goma are informed that the Department of Province Orientale has neither importation, exportation, border traffic, or transactions to the West. All its units of revenue generation are either halted or on the edge of bankruptcy. The revenue is no longer regular, this is why the personnel of Kisangani claim over 10 months of unpaid salaries.” “Concerne: Réaction du personnel OCC/Goma aux Notes du Service No 001&002/RCD/Coord/OCC/RKB-MEO/2002 du 31 mai 2002” Office Congolais de Contrôle-OCC Département Provincial du Nord-Kivu “DEPRONOKI” Delegation Syndicale Goma [Letter to Monsieur le Coordinateur de l’OCC à Goma] 8 July 2002, Goma, p. 2.

Two further case comparisons illumine mechanisms at play in shifting from institutional displacement to entrenchment.

Trafficking and Institutional Survival in the Great North

Far from Kisangani's diamond markets, another theater of conflict reflected a similar pattern of institutional entrenchment in the face of attempted displacement. In the northern stretches of North Kivu Province, rebel commanders and foreign military officers ran cross-border trafficking circuits that threatened to eclipse state institutions.⁵³⁴ Unfolding in the opening months of rebellion in an area colloquially known as the "Great North," this episode illuminates mechanisms of institutional continuity and provides a test for the causal role of social ties in shaping institutional outcomes.

Shifting focus from Kisangani to a "dusty border town" in the Great North, we move from a provincial capital to the lowest rungs of the state apparatus, where administrators manned a sub-branch of the OFIDA state customs bureau (Raeymaekers 2014). The comparison tests the foundations of state authority: if the efficacy of state institutions depends on power radiating outward from the capital (Herbst 2000; Mann 1986; Soifer 2008), the weak grasp of the Congolese state should be most diminished at the Kasindi border, a small town separated from the capital by vast stretches of territory.

Unlike in Kisangani where expatriate traders colluded with foreign buyers to dominate markets, bureaucrats in the Great North held close kinship ties with local rebels and a (relatively) cohesive group of Nande civilian traders involved in smuggling. Embedment within informal networks and diluted access to the central state should qualify the border post as a least likely

⁵³⁴ The "Great North" or *Grand Nord* is comprised of Beni and Lubero territories.

area to observe effects of state institutions. And yet, state agents behaved in similar ways as in Kisangani. They applied intelligence-gathering roles to deliver information to a rival rebel hierarchy, crossing volatile ethnic dividing lines to forge a pathway for institutional survival. The present case focuses on state-rebel interactions at war onset when the area fell under the control of the RCD prior to its split.

Institutional Displacement

An important informal trade route made the Kasindi border post along the Congo-Uganda frontier one of the most lucrative in Congo. The area is often regarded as a site of non-state regulation, a reputation earned prior to war as a powerful group of Nande traders drew on kinship ties to dominate the parallel economy (Raeymaekers 2014; MacGaffey 1991, 1987; Vwakanazi 1991). Alongside these civilian traders, a notorious local warlord took advantage of rebellion to forge his own deals with regional militarized networks. This warlord, Bwambale Kakolele, drew on his earlier cross-border linkages with Ugandan armed politics to run an elite smuggling racket during the Second Rebellion.⁵³⁵ Eclipsing trade in resources such as timber, coffee, and petrol imports critical to rebellion's survival, Kakolele and his counterparts in the Ugandan military trafficked goods across border posts free of customs fees.⁵³⁶ The racket operated as a parallel network within a larger RCD armed group that struggled to build cohesive

⁵³⁵ Frank Bwambale Kakolele is a sanctioned individual by the UN Security Council. He is often referred to by his alias "Aigle Blanc." He has held a number of posts in various armed groups including the RCD, RCD/K-ML, MRC, CNDP. He was a liaison with the Ugandan-born ADF within Beni. See UNSC (2016, para. 193).

⁵³⁶ The Ugandan army created a more decentralized system of extraction than Rwanda. Perrot (1999) describes irregularities and diversions of funds within the Ugandan army, as elite interests used the military apparatus for personal extraction during the rebellions. Fahey (2011) also notes that Uganda imported significant amounts of coffee and timber during this opening phase of the Second War. For instance, "UPDF General Kazini ordered Ugandan troops to allow the Victoria Group- which paid taxes to Bema's MLC rebel group- to engage unimpeded in the trade of coffee (and diamonds and gold) (Uganda 2002, 84), suggesting that plant products helped to sustain and prolong the war by funding armed groups" (122-3). See also UNSC (2001a: para. 34-5).

command over this area.⁵³⁷ The increasingly militarized trade made use of extensive informal cross-border linkages that incorporated the local Nande majority with the same kinship networks as western Uganda, foregrounding local social ties to a degree unseen in Kisangani.

Armed smuggling networks alarmed customs officials at the border. These bureaucrats were far from straight-laced technocrats concerned with augmenting the state's treasury. Prior to the war, their own diversions contributed to the capital's denunciation of the "fraud" ran out of the borderlands of eastern Congo.⁵³⁸ Kinshasa accused rank-and-file agents manning local branches of the state's largest revenue collections agency, the Office of Customs and Excise Taxes (OFIDA), of diverting revenue from national treasuries by under-declaring goods and collecting up-front side payments.⁵³⁹ Hence, bureaucrats' alarm was not directed toward clandestine exchange itself, but at increasingly militarized trade that sidestepped state institutions and threatened agents' ability to direct revenue. Kakolele's smuggling racket provoked local OFIDA customs officials to find a means to rebalance their control.

Institutional Defense and Preference Alignment

State agents played on internal divisions within the RCD to build coalitions and cultivate pathways for institutional survival. At the time, the Goma-based RCD laid claim to the Beni territory where the smuggling network operated.⁵⁴⁰ Although it maintained a firm hold in its headquarters in the south of the province, internal divisions and dominant Ugandan commanders

⁵³⁷ The RCD controlled the Great North until Wamba-dia-Wamba formed the RCD/K-ML in May 1999. The movement later installed itself in the town of Beni under the command of Great North native, Mbusa Nyamwisi.

⁵³⁸ "Concerne: Mise à jour et harmonisation de la liste des prix moyens de référence (valeurs FOB minimales)" Office des Douanes et Accises (OFIDA), Département Technique [Memo à l'Attention de Monsieur le Président-Délégué Général], 27 March 1996, Kinshasa.

⁵³⁹ *Ibid.* The memo notes concern for imports in South Kivu, North Kivu, and Haut-Zaïre (Orientale Province).

⁵⁴⁰ Another ethnic champion of the Great North, Mbusa Nyamwisi, ranked among the founders of the RCD and held a seat on its Executive Committee. Yet rifts between his Ugandan-backed group (under the leadership of then-RCD President Wamba-dia-Wamba) and the Rwanda-supported faction would soon boil over in the group's internal split.

depleted the group's control in the Great North. These divisions overlapped with growing rivalry between Rwandan versus Ugandan-backed RCD factions and increasing tensions between Kinyarwanda speaking minorities associated with the former and a demographic Nande majority that controlled the northern reaches of the province. Customs officials excluded from trade worked to restore state institutions by crossing ethnic dividing lines to ally with RCD leadership and furnish information on smuggling networks with which they held kinship ties. In this case, the state bureaucracy supplied RCD leadership information on the trafficking, substituting for social networks or "informal bridges" that scholars expect would serve as levers to access information and induce compliance but that the RCD hierarchy lacked (Parkinson 2013). State agents delivered information to the RCD on clandestine resource flows, which in turn incentivized rebels to work with these institutions vis-à-vis an emerging parallel network.

Day-to-day functions of bureaucracy illustrate that officeholders acted in their capacity as state agents to preserve state institutions. Local agents manning branches of the OFIDA customs bureau—Congo's largest revenue-generating body—maintained their surveillance and intelligence gathering functions and deployed them to monitor new wartime interests. Threatened by Kakolele's smuggling, customs officials documented the racket and transmitted information to rival interests in the RCD rebel hierarchy. Bureaucrats furnished detailed accounts of the parallel economy, including names and relationships of participating rebel commanders, license plates of vehicles involved, timing and locations of transactions, and estimates of the value of goods passing through clandestine channels.⁵⁴¹

⁵⁴¹ "Rapport Circonstancie de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 18 November 1998, Kasindi ; « Rapport Circonstancie de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed a l'Attention de Monsieur l'Inspecteur Chef local de l'OFIDA Beni, in Beni], 26 November 1998, Kasindi ; "Rapport Circonstancie de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the

Administrative characteristics formed practices of information production, packaging, and transmission. Officeholders' monitoring and information transmission roles were standardized and routinized. Border officials catalogued the smuggling and transmitted information to their administrative hierarchy. Report contents from this conflict zone reveal bureaucratic precision:

Today, the 26th November 1998, at around 11:30am, we received information concerning a Ugandan military truck loaded with merchandise for a third-party account. It was hoped that the nature of the merchandise in this truck would be obscured, passing it for supplies for soldiers... we learned that this merchandise belonged to Congolese. The latter, in order to conceal themselves from payments of customs fees, benefited from the services of the Ugandan military. At around 12:00pm precisely, an Isuzu truck of the color white, semi-covered with a tarp, license plate H 464-005 presented itself at the border... Mustapha, a Ugandan military intelligence officer, opened the Ugandan frontier.⁵⁴²

Reports continued throughout the following months. They remained consistent in expressing core attributes of the bureaucratic file, including standardized language and striking detail.⁵⁴³ Bureaucrats persisted in their "information network" role, transmitting reports even without clear indications of their eventual use (Schatzberg 1988, ch. 3). Sometimes, officials transmitted multiple reports over the course of a single day. Comparisons with a subsequent report from the same OFIDA customs agency months later reveal these similarities:

Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 24 December 1998, Kasindi ; Rapport de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 24 December 1998, Kasindi ; Rapport de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 30 December 1998, Kasindi ; "Rapport de Service" OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 30 December 1998, Kasindi ; « Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report Transmitted to Beni office of OFIDA], 14 January 1999, Kasindi ; « Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed to the attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni, in Beni], 15 January 1999, Kasindi.

⁵⁴² « Rapport Circonstancie de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed a l'Attention de Monsieur l'Inspecteur Chef local de l'OFIDA Beni, in Beni], 26 November 1998, Kasindi (North Kivu).

⁵⁴³ By comparison, Feldman discusses files of police and the Security Administration in Gaza: " Many reports give, in considerable detail, accountings of incidents that seem entirely trivial. For example, according to one such report, several people drove cars to Khan Yunis and stopped at a school for several hours before leaving the town. The cars and their passengers are described in detail. The times of their movements are carefully noted" (2008: 47).

To inform you that on this day, today the 24th December 1998, at 16 hours, 50 minutes [4:50pm], the RCD commander Monsieur Kakolele Bwambale passed [the border] at Kasindi, coming from Beni... A few instances later (around 10 minutes), a 26/44 Mercedes Benz truck, of the color yellow, license plate number KV 3278C, presented itself at the barrier [to cross the Uganda border]. The escort of this truck was a Ugandan soldier. The latter presented us with a note signed by Kakolele Bwambale, RCD commander. This note was composed in Swahili and addressed to the neighbors in Uganda, and it had the character of a *laissez-passer*.⁵⁴⁴

Administrators gathered details that could allow rivals to trace the trade, devise a strategy to curb it, or clamp down on undisciplined commanders. They policed invalid uses of documents, such as Kakolele's privately-issued *laissez passer* that bypassed the state administration. Local branches of the national migration agency monitored similar transactions in the timber sector that passed the border covertly thorough the influence of Kakolele and Ugandan military officials.⁵⁴⁵

Procedures of information transmission support the argument that state institutions continued to shape the preferences and actions of their agents (that is, that bureaucrats remain *state actors*). As Figures 7.19-7.22 illustrate, agents channeled information flows through the administrative contours of the state apparatus. Reports originated at the unassuming Kasindi border, where the OFIDA customs bureau carried out the day-to-day functions of surveillance, at times "furtively" following military commanders to track the course of goods. From Kasindi, OFIDA agents transmitted the report to the next step in the bureaucratic hierarchy in the nearby administrative center in Beni town (Figure 7.19). And from Beni, the report made its way one further step upward to the OFIDA provincial headquarters in Goma (Figure 7.20). From here, OFIDA agents transmitted reports to the Department of Finance of the RCD armed group based in the same town (Figure 7.21).

⁵⁴⁴ "Rapport Circonstancie de Service" OFIDA Kasindi sub-branch, Customs Brigade [Report to the Attention of Monsieur l'Inspecteur Chef local de l'OFIDA/Beni in Beni], 24 December 1998, Kasindi

⁵⁴⁵ The Direction General of Migration, DGM. "Message Officiel; DGM/PNK/K/LUB018/R04 du 23.4.99" [Message transmitted from DGM in Lubiria to DGM at Kasindi], 23 April 1999, Lubiria (North Kivu). Lubiria is located directly at the border, while Kasindi is just kilometers further into Congo on the road to Beni.

OFIDA
INSPECTION LOCALE DE
SUCURSALE DE KASINDI
BRIGADE DUTAINE

RAPPORT DE SERVICE

Il y a environ depuis un certain temps un certain mouvement suspect quatri-épidémie à Kasindi. Il s'agit notamment de l'introduction ou la sortie illégale des marchandises transportées par des hommes en armes. Rumeurs démenties, cendres imprévisibles à toute au meurtrier.

Retrouvé en et ainsi, le lundi 29/12/1998 aux environs de 23h40 minutes, un camion Heracles avec 260 kg, plaque KV 18328, couleur orange, appartenant à Karsava Kipava, arrivé à la barrière de Kasindi.

Ce camion était chargé de café et escorté par une compagnie militaire double cabine 107 militaires également. Ces derniers voulaient faire traverser leur Onganda le camion avec toute ses garnitures. Il y a donc heurté à un ruisseau de la part du conducteur complaisant en fonction de nuit à la barrière.

Le lundi 30/12/1998 vers matin, alerté par nos services le conducteur du camion nous déclare avoir chargé 90 sacs de café.

Aux environs de 16 heures 30 minutes, se présentent à nos bureaux deux agents ougandais dont un certain KIWAGA (Général adjoint Ougandais).

Selon leur déclaration, ce café est parti de Butembo. Une fois à Beni, il était alors distribué par le Commandant du R.C.D. Kikwitse. Pendant la marchandise a été arrêté au niveau du T.C. Beni. Le camion n'a été relâché que sur ordre du Commandant Kikwitse.

Ils ont demandé que ce dernier devait venir en personne mais n'a pas pu le faire pour cause de fatigue (pasques de retour d'un voyage).

Et leur part sont venus nous venir pour solliciter le passage du camion.

Dans leur demande, ils se sont référés à notre règle pour leur accorder tout compréhension au quel document document le camion ne peut passer. Cela étant, il fallait un document. Nous leur demanderons d'aller déclarer leur café à Beni.

Fait à Kasindi, le 30/12/1998
Le Commandant de la brigade

= REPUBLIQUE DEMOCRATIQUE DU CONGO =

O F I D A
INSPECTION DE BENI

Beni , le 25/01/1999 . -

N° DR-N.I.V/INSP-BEN/OFIDA/01/01/99

RECUE LE 25/01/1999
SOUS LE N° 10000000000000000000000000000000

Annexes : 7

A Monsieur le Directeur Provincial
de l'OFIDA/NORD-KIVU
à GOMA . -

Objet : Trafic illicite opéré à KASINDI par les hommes en armes . -

Monsieur le Directeur ,

Il me revient de constater de plus en plus la recrudescence des importations et exportations opérées au mépris de la législation douanière par des hommes en uniforme au poste frontalier de Kasindi .

Ces derniers recourent à des menaces et intimidations de toutes sortes pour sévir le moral des agents œuvrant à KASINDI .

Craignant pour leur vie , ils lancent un appel auprès des autorités Provinciales afin que ce genre de pratiques puissent cesser et leur sécurité garantie .

Veuillez agréer , Monsieur le Directeur , l'assurance de ma considération distinguée . -

REPUBLICHE DEMOCRATIQUE DU CONGO
Inspection Proviniciale
code Courriel : beni.ofida@congo.com
NORD - KIVU
Rue de Denain

M. B. MULENGWA Albert =
Signature

FIGURES

7.19-7.22

Journey from bureaucratic file to rebel policy: trafficking surveillance

FIGURE 7.19
Report from
OFIDA
Kasindi sub-
bureau, to
OFIDA Beni
(left)

FIGURE 7.20
Report from
OFIDA Beni
to OFIDA
provincial
headquarters
in Goma
(right)

REPUBLICA DEMOCRATICA DO CONGO

République Démocratique du Congo
Gouvernement d'unité pour la Révolution

FIGURE 7.21
Report from
OFIDA Goma
to the RCD
Department of
Finance in
Goma (left)

FIGURE 7.22
“Fraudulent traffic of merchandise by armed men based in Beni and Kasindi.” Report of the RCD Department of Finance to the RCD Executive Committee (right)

These practices illustrate that state institutions continued to shape the interests and actions of the agents manning them. Instead of support Kakolele's trade or shut down in the face of armed takeover, bureaucrats maintained the operations of state institutions by performing their official duties (Trefon 2007). Administrators in turn wielded the state as a lever of influence in their dealings with non-state actors. As in Kisangani, state agents built coalitions with armed actors who lost out from smuggling, demonstrated through the preference alignment mechanism that matched state functions to rebel goals.

Preference Alignment

Bureaucrats aligned RCD leadership's preferences with institutional survival by demonstrating that trafficking routes that bypassed the state apparatus imposed tangible losses on the rebel hierarchy. In their reports on Kakolele's smuggling ring, customs officials described how the trade endangered not only official bureaus but also RCD leaders. For instance, state agents described Kakolele in the following terms: “[he] asks Ugandan authorities to grant him free passage of this truck transporting merchandise *that should be sold for the financial needs of the operations of the RCD*” (emphasis added).⁵⁴⁶ Smuggling that bypassed customs bureaus led to a significant revenue loss for the RCD, bureaucrats argued, since traffickers pocketed profits without kickbacks to rebel leadership.

Quantified loss estimates illustrated the real value of the trade that escaped rebel oversight. As an example, state agents transmitted detailed statistics of the “profit losses on fees

⁵⁴⁶ “Rapport Circonstancie de Service” OFIDA Beni, Kasindi succursale, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 24 December 1998, Kasindi.

and taxes” that the RCD bore from the “fraudulent” cross-border trade.⁵⁴⁷ Over a weeklong period, bureaucrats tabulated value losses to the RCD at \$71,400 from evaded fees on petrol imports alone.⁵⁴⁸ In this calculation, state agents counted their own revenue losses as missing tax dollars in the RCD treasury. The simple formula—losses for bureaucrats, losses for rebels; gains for bureaucrats, gains for rebels—demonstrated a clear logic of preference alignment between rebel goals and state institutions.

Intelligence gathering performed a second, monitoring function for the RCD. As in Kisangani, state agents played an “ombudsman” role to alert the rebel hierarchy to internal principal-agent problems that risked overshadowing RCD command. While growing his personal influence, Kakolele held an appointment as one of the core RCD officers in the Great North. Bureaucrats furnished evidence that his private deals and partnerships with external sponsors compromised the RCD’s ability to discipline troops and manage revenue. These included descriptions of how Kakolele used Ugandan connections to bypass Congolese customs and his relationships with specific members of Ugandan military intelligence. They mapped out these tacit relationships between Kakolele and identified civilian traders and members of security services who joined the racket to pass goods across the border untaxed. Information served as an early warning sign for the RCD not only that the economy was slipping out of its control, but also portending the internal split occurring months later.

State intelligence structured how RCD leadership articulated its interests in the economy and formulated actions to reclaim control. The head of the RCD Department of Finance drew

⁵⁴⁷ “Manque à Gagner Généré par la Soustraction Frauduleuse des Produits Pétroliers Entreposés sous Douane à Beni.” Table in “Trafic illicite opéré à Kasindi par les hommes en armes” OFIDA Inspection de Beni [Letter to Monsieur le Directeur Provincial de l’OFIDA/Nord-Kivu à Goma], 25 January 1999, Beni.

⁵⁴⁸ “Note au Comité Exécutif du Rassemblement Congolais pour la Démocratie. Concerne: Trafic frauduleux des marchandises par les hommes en armes basés à Beni et à Kasindi” Département des Finances, Budget, et Portefeuille, 26 February 1999, Goma.

heavily from bureaucratic memos to make strategic recommendations for the armed group's highest governing body, the Executive Council (see Figure 7.22). This internal Department of Finance report formulated rebel interests in terms that mirrored bureaucratic language. For example, rebels noted with alarm that: "The armed men immersed in fraudulent traffic of merchandise—both through entering and exporting goods—deprive the RCD of its customs revenue."⁵⁴⁹ As the Chief of the Department of Finance warned, "this merchandise escapes the payment of import fees!"

Information prompted RCD action, leading to an investigatory commission that reinforced the role of the customs bureau to rebel strategy. The rebel report concluded that, "given that certain architects in these cases of fraud are identified, it would be inadmissible not to react after the verification of the facts denounced in reports by OFIDA." Rebel leadership recommended summoning RCD Commander Kakolele "and his accomplices" to Goma to give an account of his practices. Civilian traders would be required to pay backlogs in customs fees owed to the OFIDA bureau.⁵⁵⁰ With this recommendation, the RCD expressed a goal of rerouting trade through state institutions. It also proposed a dispatching its Military Activities and Security and Intelligence branches to Kasindi for further verification and monitoring. In doing so, rebels took measures that benefited local bureaucrats.

These interactions highlight mechanisms of institutional continuity and rebel-state preference alignment. Social ties bent in puzzling ways in these exchanges. The prominent warlord, Kakolele, was a native of the Great North and had built up an important military capacity in the area. Kakolele's Nande ethnic identity placed him within the same kinship

⁵⁴⁹ "Concerne: Trafic frauduleux des marchandises par les hommes en armes basés à Beni et à Kasindi." RCD Département des Finances, Budget, et Portefeuille. [Note au Comité Exécutif du Rassemblement Congolais pour la Démocratie (RCD)]. 5 March 1999, Goma.

⁵⁵⁰ *Ibid.*

networks as the customs officials manning the border. These kinship ties should provide him ready access to informal information-gathering channels to induce compliance or learn of the identities of agents who lobbied against him (Parkinson 2013; Staniland 2012). Yet, these endowments, which underlined his ability to mobilize rebellion over the decades to come, did not amount to control the state apparatus. State institutions endowed their agents with a unique source of authority that provided a crosscutting identity distinct from informal ties.

Transmitting information through administrative hierarchies followed official procedure but contradicted informal relations of obligation. Powerful Congolese traders participating in the racket—particularly in running petrol imports—also held the co-ethnic ties with bureaucrats. Yet bureaucrats catalogued their activity and transmitted their names, vehicle descriptions, and evaded fees to a rival rebel hierarchy that not only fell outside of kinship networks, but that directly opposed the trading network in other ways. As reports arrived in Goma, they traversed ethnic lines and arrived on the desk of the RCD Finance Minister, whose family connections with Rwanda's extractive apparatus positioned him firmly on the opposite of a growing cleavage dividing Great North "natives" from "Rwandophone" minorities in RCD leadership (UN 2001a).⁵⁵¹ Increased tensions between Kinyarwanda-speaking traders and their Nande counterparts for economic supremacy in the province became a hallmark of the war (Raeymaekers 2004). Hence, state institutions created new classes of agents with identities and preferences reflecting official post and able to act in contradistinction to other social ties to

⁵⁵¹ Emmanuel Kamanzi acted as the head of the RCD's Department of Finance at the time, and later as the head of the Department of Public Work and Territorial Management, Urbanism and Habitat. As the UN Panel of Experts notes, Kamanzi is related by marriage to Major Dan who worked at the "Congo Desk" out of Kigali, managed under the Rwandan Department of Defense (UN 2001a, para. 133). This connection places Kamanzi as a key player in Rwanda's extractive apparatus.

safeguard their authority. These crosscutting identities in turn provided a foothold for armed actors operating outside of networks of reciprocity to maintain leverage in parallel trade.

Paradoxically for civil wars research, state administrations functioned as tentacles linking RCD hierarchy to sensitive information on day-to-day local exchange.⁵⁵² Rebel hierarchies representing ethnic minorities at odds with the demographic majority of the Great North provided partners for local bureaucrats seeking to preserve their official posts. Although information originated from Kasindi, reports flowed up the appointed chain of command, rather than to the ethnic champion of the area who also held an RCD cabinet post.⁵⁵³ These exchanges illustrate bureaucratic surveillance as a source intelligence and revenue for rebels than could counterbalance internal systems of data gathering potentially compromised by elite commanders. Hence, bureaucrats searched to guarantee an ongoing place for the institutions that enabled them to tax lucrative cross-border trade. Ultimately, RCD control over the area proved temporary. As the conflict progressed, the breakaway RCD/K-ML faction learned from this and amended practices to siphon resources through customs bureaus in order to gain from collaboration with state agents (see Chapter 5).

Controlling Coltan in the Kivus: Sovereignty at Work

The above cases demonstrate how state agents create paths for institutional survival by building coalitions with actors who also lose out from institutional displacement. In Kisangani

⁵⁵² Social ties and informal procedures are not exclusive with the logic of bureaucratic function. It is likely that in the first step of transmission, from Kasindi to Beni, kinship ties uniting bureaucrats may have reinforced information-gathering functions.

⁵⁵³ Namely, Mbusa Nyamwisi. Mbusa cultivated ties with Kakolele as well, eventually making Kakolele an elite member of his Presidential Protection Unit after taking over the presidency of the RCD/K-ML rebellion. Although reports do not provide evidence that the ethnic champion was not also receiving information through other channels, it does illustrate that bureaucracy was sufficient to perform an information transmission role, and that informal ties were not sufficient to stop bureaucratic function.

and the Great North, this occurred through coalition building and preference alignment between state agents and armed actors. A final case of institutional displacement in the Kivu's lucrative tin markets illustrates mechanisms of continuity where state agents build coalitions with an interest set external to the armed group. In the coltan economy, coalitions between state agents and civilian traders to preserve mutual gains from the sovereignty functions of the state apparatus preserved a role for state institutions behind military frontlines. State agents deployed their posts against rebels, through murky information and concealing transactions, and balanced with traders against the RCD-G armed group, imposing costs that led rebels to reinstate institutions.

Selecting Displacement: A Revised Strategy

Across its holdings in North and South Kivu, the RCD-G generally applied a strategy of institutional cooptation (see Chapter 6), in which rebels used the state apparatus to collect taxes for the group's "public treasury." In 2000, the dizzying increase in the price of a lucrative tin, coltan, on global markets led the RCD-G to reevaluate these partnerships. Coltan (short for columbo-tantalite) is a rare metal that operates as a conductor in cell phones, computers, and a variety of other goods in high-tech and aerospace industries (UN 2001b, para. 16). With increased demand from these industries, coltan prices saw a tenfold increase from a base of \$30-\$40 per pound in January 2000 to \$380 by the same December (Cuvelier and Raeymaekers 2002: 8).⁵⁵⁴ At this time, an estimated 64% of global coltan reserves were located in the Kivu and Maniema provinces of eastern Congo, under RCD-G influence.⁵⁵⁵

⁵⁵⁴ As authors note, "This increase was caused by an overvaluation of the technology market triggered by a new generation of mobile phones (UMTS) and a rush on computer games (Sony Playstation II), causing a sudden and steep rise in the demand for tantalum powder. However, the coltan boom was short-lived and prices rapidly decreased. In April 2001, coltan was priced around 150 USD/lb, in July 2001, around 100 USD/lb and in October 2001, coltan prices were back to where they were before the coltan gold rush, i.e. around 30 USD/lb." The UN Panel of Experts quotes slightly different prices: from an "all-time high of more than \$300 per pound in 2000, prices

The armed group scrambled to capture the profit.⁵⁵⁶ Internal decision-making to shift strategies to institutional displacement reveals that rebels calculated the costs of working through state intermediaries. The RCD-G Department of Land, Mines, and Energy studied the question, concluding that the coltan market was riddled with “numerous maneuverings and trickery, massive and systematic fraud.”⁵⁵⁷ Findings showed that the armed group was unable to meet its performance quotas by collecting tin through the state apparatus: rebels collected only 40 tons of coltan per month, compared with its quota calling for 95 total tons.⁵⁵⁸ By comparison, estimates placed total “fraudulent” coltan exports at 80 tons per month—alarming results that two-thirds of all exports escaped rebel taxes! Sudden increases in potential profits made losses intolerable, shortened rebel time horizons, and prompted a change in strategy.

The RCD-G traced the source of “fraud” in part to the side deals between state agents and civilian traders. As coltan prices rose, bureaucrats struck private agreements with traders to under-declare exports and undervalue goods, pocketing the profits of the fudged transactions. One way this played out, the department reported, was through parallel tax rates. For example, as coltan reached \$50/kg on global markets, administrators offered traders reduced rates

plummeted during the first six months of 2001, leveling off at (...) \$20 to \$30 per pound” (UN 2001b, para. 17).

⁵⁵⁵ Cuvelier and Raeymaekers (2002: 8) note that an estimated 80% of world reserves in coltan are in Africa, and that DRC’s reserves comprise 80% of African reserves. Australia held the largest active coltan mines at the time.

⁵⁵⁶ The UN Panel of Experts also suggests that a motivating goal behind the RCD-G’s change of tactic was the preponderant role of Rwanda. As it noted prior to the change, “Coltan has permitted the Rwandan army to sustain its presence in the Democratic Republic of the Congo. The army has provided protection and security to the individuals and companies extracting the mineral. These have made money which is shared with the army, which in turn continues to provide the enabling environment to continue the exploitation” (UN 2001a, para. 130). Hence, SOMIGL represented the “efforts of RCD-Goma to raise revenue for its own purposes” (UN 2002, para. 74).

⁵⁵⁷ “La Commercialisation du Coltan dans le Territoire sous Contrôle du RCD” Note Technique, Chef de Département des Terres, Mines et Energie, 17 November 2000, Goma.

⁵⁵⁸ The RCD-G had required each of 19 licensed comptoirs to meet a monthly export quota of 5 tons. Their internal audit found that “in reality, the comptoirs officially export +/- 40 tons/month (30 tons from Bukavu, and 10 tons from Goma), or an underperformance of 55 tons.” Statistics cited in: “La Commercialisation du Coltan dans le Territoire sous Contrôle du RCD” Note Technique, Chef de Département des Terres, Mines et Energie, 17 November 2000, Goma. By comparison, the UN Panel of Experts estimated that Rwanda was able to export at least 100 tons of coltan per month, which could be sold for an estimated \$20 million per month (UN 2001a, para. 130). The time frame corresponds with the same period that the RCD-G would have carried out this internal study.

calculated instead by pricing coltan's value at only \$15/kg in Goma and \$8/kg in Bukavu. Through preferential taxes, state agents incentivized traders to work with them directly, slipping past RCD-G systems and cashing in on administrative discretion.

In light of the findings, the internal study recommended bypassing institutional channels to create an alternative system of collections. Days later, the RCD-G shifted its strategy, declaring a new monopoly on coltan exports that cut out state administrations from export chains in November 2000.⁵⁵⁹ The monopoly aimed to place economic exchange squarely under the control of rebel leadership by creating a new company: the Mineral Society of the Great Lakes (*Société Minière des Grands Lacs*, SOMIGL). SOMIGL would function as the only licensed coltan exporter in RCD-G territory.⁵⁶⁰ In exchange, it would provide the rebel group a monthly fee of \$1 million (or 10% of the value of coltan exports, if exceeding \$1 million). This new system permitted civilian traders to purchase coltan from miners as usual, but required them to sell stocks exclusively to the rebel-backed SOMIGL. Traders could no longer count on private exchanges with customs officials to transit minerals to external markets.

Table 7.2 lists the state agencies that lost rights to collect taxes as a result. Although the RCD-G banned state agencies from collecting taxes directly, it promised bureaucrats a token kickback from payments received from SOMIGL.⁵⁶¹ This downstream role in the process

⁵⁵⁹ The report was presented on 17 November 2000. RCD-G declared monopoly rights for SOMIGL on 20 November 2000 through Arrêté Interdépartemental no 043/RCD/CE/DFBP, DTME, and DEPIC of 20 November 2000. The monopoly joined the RCD-G Departments of Land, Mines, and Energy, Department of Finance, Budget, and Public Purse, and the Department of Economy, Planning, Industry, and Commerce. The SOMIGL monopoly began operation in Bukavu the following week, on 24 November 2000, and in Goma on 30 November 2000. “Transmission de rapport d’activités de la SOMIGL. Mois de Décembre 2000.” Société Minière des Grands Lacs “SOMIGL” [Letter to the President of the RCD in Goma], 29 December 2000, Bukavu.

⁵⁶⁰ Arrêté Interdépartemental no 043/RCD/CE/DFBP, DTME, and DEPIC, RCD Department of Finance, Budget, et Portefeuille, Département de Terre, Mines, et Energie, and Département de l’Economie, Plan, Industrie et Commerce, of 20 November 2000, Goma.

⁵⁶¹ The new system shifting the relations with state agencies is described in “Concerne: Exportation de Coltan, - Uniformisation du Tarif OCC, -Retour à 2% pour les frais de contrôle à l’Import, -Evolution en grade et promotion

eliminated agents' discretion to control and direct resource flows, however, impinging a core resource of bureaucratic authority (Blundo 2006; Lipsky 1980). Hence, state agents fought not only for institutions to *endure*, but for the ability to actively regulate exchange.

TABLE 7.2. State agencies eliminated from trade by the SOMIGL coltan monopoly

<i>State Agency</i>	<i>Associated tax</i>
Provincial administration	1%
Office of Customs and Excise Taxes (OFIDA)	1-3-5%
BIC (bank fees)	1%
Office for the Management of Maritime Freight (OGEFREM)	0.59%
Congolese Office of Control (OCC)	1.18%
DGRAD authorization	1% + \$20/lot
DGC (renewal of the attestation fiscal, required 3-4 times/year)	\$20
Exterior Commerce (Renewal fee for a National Import-Export Number)	\$250
CNE (National Center for Expertise, mining certification agency)	Not specified
CTCPM	0.5%
CCA	3%

NOTE: The table lists only agencies previously authorized to participate in the trade.

SOURCE: "Concerne: Comptoir MDM" [Letter to the Chef de Département des Mines et Energie à Goma/Nord-Kivu], 24 November 2000, Bukavu.⁵⁶² "Relevé des Taxes et Redevances Payées sur Exportation Coltan, 2000" SOCOMI SPRL, Bukavu, In "Concerne: Comptoir SOCOMI" [Letter to Monsieur le Chef de Département des Terres, Mines et Energie du Rassemblement Congolais pour la Démocratie à Goma], 2 December 2000, Bukavu.

Searching for Survival

The monopoly bore mixed results. Although it enabled the RCD-G to meet its military expenses for the first time, it failed to build anticipated control over economic exchange.⁵⁶³ Facing a resolute rebel hierarchy, bureaucrats held their ground by using the state administration to conceal and divert resources flows against the monopoly. Instead of recruit rebels as coalition

du personnel OCC" [Note Technique a l'Attention du Chef de Département de l'Economie, Plan, Industrie et Commerce, à Goma] OCC Département Provincial du Nord-Kivu, 19 April 2001, Goma.

⁵⁶² MDM reported \$814 per ton in taxes under this regime, although RCD laws called for \$750/ton.

⁵⁶³ Cuvelier and Raeymakers (2002) find that as a result of the SOMIGL monopoly, the RCD-G was able to independently meet its own military expenses for the first time. The ability to do so lends evidence to support the interpretation that SOMIGL was founded in part to increase the RCD-G's share in governing resources vis-à-vis its foreign sponsor, on which it relied for military support and training. Previously, rebels also relied on state institutions such as OFIDA to fund the armed branch, and relied on troops to "pay themselves" through looting to meet financial requirements (see Chapter 6). Hence, in some ways, SOMIGL seemed to provide a mechanism that could build internal capacity and alleviate some of factors underlying the group's reputation for predation.

partners by demonstrating benefits to collaboration, they deployed bureaucracy against rebels. Similar diversion tactics unfolding simultaneously across the capitals of North and South Kivu provinces (respectively, Goma and Bukavu). Displacement confronted diverse administrators with similar threats, and agents deriving similar preferences from institutional posts drew on similar sets of administrative tools to partner with civilian traders and pressure the RCD-G.

In its first monthly report, the Goma office of SOMIGL warned the RCD-G that the company faced substantial problems in the town. In its terms, bureaucrats maintained a “generalized fraud” in the sector.⁵⁶⁴ Through ongoing side deals with civilian traders, state agents circumnavigated rebel orders by passing coltan exports as lower-value cassiterite—another tin not subject to the monopoly. Bureaucrats transmitted official forms to the RCD-G that disguised coltan as cassiterite. Facing resistance, SOMIGL warned rebels that, “all of the trading posts mercilessly oppose the execution of this statute... we have learned that all the trading posts have decided to sabotage SOMIGL.” Decrying the “contempt” toward the monopoly, the Goma office of SOMIGL warned rebels that, “all the agencies operating in exportation seem to understand the spirit of the statute, but work with negligence and heaviness to the point that the exports to be done always risk being delayed.” Certain agents such as in the OFIDA customs bureau went so far as to demand that SOMIGL pay employees “extraordinary” work fees as compensation. Hence, as Vlassenroot and Raeymaekers (2002) described, traders drew on established mining networks to purchase and export coltan “behind the backs of RCD authorities” (14).

⁵⁶⁴This paragraph draws from: “Rapport d’activités du mois de décembre.” Société Minière des Grand Lacs “SOMIGL” Agence de Goma [Letter to the President of the RCD], 6 January 2001, Goma.

Bureaucrats in Bukavu likewise shirked compliance with the monopoly. The South Kivu office of SOMIGL noted a similar “difficulties” in its monthly reports to the RCD-G.⁵⁶⁵ Here, the head of SOMIGL warned that a “shadowy zone” surrounded the question of payments to state agencies that had previously taxed coltan. Mirroring difficulties in Goma, it described that “all the other agencies intervening in export operations of columbo-tantalite, among which include OFIDA and OCC to only cite a few, have not been cooperating with SOMIGL since its debut.” Customs officials went so far as to physically block SOMIGL’s exports. Bureaucrats held up 45.3 tons of coltan at the border post dividing Bukavu from Rwanda—representing \$435,000 in rebel taxes, or nearly half of SOMIGL’s required monthly dues. The standoff ended only after SOMIGL called in military reinforcements from Goma to enable passage.⁵⁶⁶

In its turn, the rebel-backed company declared a “fight” against state agents’ “fraud.”⁵⁶⁷ SOMIGL construct loss estimates accrued from uncooperative bureaucrats.⁵⁶⁸ Turning to the RCD-G, SOMIGL requisitioned statistics from provincial mining administrations to inform their own estimates. Hence, even in displacing state institutions, rebels still leaned on administrations’ information-gathering role to map diversions escaping rebel control. Loss estimates calculated from these statistics showed that collusion between one exporter and the North Kivu provincial mining division alone concealed an estimated 7.5 tons of coltan from

⁵⁶⁵ This paragraph draws from: “Transmission de rapport d’activités de la SOMIGL. Mois de Décembre 2000.” Société Minière des Grands Lacs “SOMIGL” [Letter to the President of the RCD in Goma], 29 December 2000, Bukavu.

⁵⁶⁶ The memo notes this was the case for exports on December 4 and 8, 2000. RCD-G also dispatched soldiers to traders’ warehouses to seize coltan stocks.

⁵⁶⁷ “Transmission de rapport d’activités de la SOMIGL. Mois de Décembre 2000.” Société Minière des Grands Lacs “SOMIGL” [Letter to the President of the RCD in Goma], 29 December 2000, Bukavu.

⁵⁶⁸ Security services took hold of the information from the Provincial Division of Mines on these diversions. Rebels seized information held within the mining administration, which illustrated that GBC withheld over 10 tons of coltan, MH International 4.12 tons, Eagles Wings 102kg and Savana over 2 tons. “Rapport d’activités du mois de décembre.” Société Minière des Grand Lacs “SOMIGL” Agence de Goma [Letter to the President of the RCD], 6 January 2001, Goma.

SOMIGL, compared to a mere 1.5 tons delivered.⁵⁶⁹ The future of SOMIGL, agents wrote, depended on the “firmness” of RCD authorities.⁵⁷⁰ With these actions, state agents demonstrated to rebels tangible costs from displacement.

Leveraging Sovereignty: the Material Value of Legal Compliance

Apart from the ability to profit from tax loopholes, rebels’ SOMIGL monopoly spurred state agents to form coalitions with civilian traders to retain access to a pivotal resource—legal compliance. State agents’ capacity to redeploy sovereignty through issuing official licenses provided a needed veneer of legality to pass minerals from conflict zones to international markets. Deprived of this resource, traders preferred to stop production or continue under-the-table deals with bureaucrats rather than jeopardize activities by selling directly to rebels. Their synchronized resistance contributed to the eventual breakdown of the monopoly.

Sovereignty took a clear exchange value in international markets, where legal compliance paid dividends, and traders fought to maintain it. Prior to the SOMIGL monopoly, traders who purchased minerals from rebel-held territory could launder resources by obtaining proper export authorizations at government agencies. As Cuvelier and Raeymaekers (2002: 15) describe, “Before the monopoly, local traders had continued to pay taxes to the old government institutions. Although these taxes now ended up in the pockets of the RCD, they allowed the local traders to show their international partners that they were acting legally.” The coltan monopoly violated this principle. Deals with SOMIGL represented clear transactions with rebels. International buyers treated this as a central point of concern and wrote to the RCD-G

⁵⁶⁹ The GBC trading post.

⁵⁷⁰ “Rapport d’activités du mois de décembre.” Société Minière des Grand Lacs “SOMIGL” Agence de Goma [Letter to the President of the RCD], 6 January 2001, Goma.

President to protest the monopoly. As the powerful business association warned rebels, the monopoly created an “obstacle in the good commercial relations... with foreign partners... all over the world, notably in Belgium, the United States, Britain, and [post-] Soviet states.”⁵⁷¹

The monopoly created an obstacle indeed with foreign partners. International firms preferred their local partners to pass deals through state agencies rather than rebel channels. Of course, nearly all companies operating in eastern Congo supported rebels indirectly through local partners’ payments to state agencies, which in turn provided revenue to rebels. Yet, this revenue stream was indirect and enabled traders to claim facades of legal compliance by working with government agencies. A rebel monopoly blew the cover open. International firms changed purchasing behavior in light of fears of potential sanctions from direct deals with rebels. Facing exposure, foreign companies suspended operations. Following suit, important local traders shut down, or found new workarounds, rather than agree to the new terms of the trade.⁵⁷²

One of Belgium’s largest transnational corporations affords an example. As the RCD-G announced new monopoly rules, SOGEM accepted profit losses rather than deal directly with rebels. It suspended trade with its local partner, one of longest-standing civilian traders based out of Bukavu (UN 2001b, para. 18).⁵⁷³ As an international research team confirmed, SOGEM

did not enter into commercial transactions with the rebel’s SOMIGL monopoly. When [its] partner in Bukavu was forced out of business by SOMIGL, [it] did not seek to negotiate directly with SOMIGL or the RCD to release the stocks to which it was entitled or to make alternative business arrangements (Cuvelier and Raeymaekers 2002: 14).

⁵⁷¹ “Memo des Operateurs Economiques du Secteur Minier (Coltan), Appuyés par les Autres Secteurs Economique ainsi que Toutes les Couches Sociales Ouvrant en Faveur de la Population de la Province du Sud-Kivu” FEC Bukavu [Memo addressed to the President of the Movement of RCD, the Secretary General of RCD, the Governor of South Kivu Province, and the heads of the following RCD Ministries: the Department of Interior, the Department of Foreign Relations, the Department of Mines and Energy, and the Department of Finance, Budget, and Public Purse] 25 November 2000, Bukavu.

⁵⁷² As Cuvelier and Raeymeakers (2002) point out, “two renowned trading posts,” or *comptoirs*, in Bukavu halted their activities as a result of the SOMIGL monopoly. These included MDM trading and Kotecha group (p. 10-11).

⁵⁷³ See also SOGEM [Letter from Bruno Deliens to M. Mudekereza Namegabe, Ets. MDM, in Bukavu], 23 November 2000, Brussels, Belgium.

Writing to its local partner, SOGEM expressed its hope the coltan monopoly would be broken, lest the new set of rules “discourage eventual partners from mineral production.”⁵⁷⁴

In contrast to SOMIGL, routing transactions through the state apparatus could whitewash goods as legal, even in rebel-held territory. International firms clung to this distinction. This grew evident as a British company, Afrimex, was called before a parliamentary investigatory committee in the United Kingdom to answer for illegal coltan purchases in Congo (UN 2002, Annex III). During hearings, the company pointed to its cooperation with state agencies and conformance with official regulations to cast its activities as legal. When pushed on Afrimex’s connections with RCD-G rebels, the company’s representative invoked legal compliance as a protection against sanction, as the exchange before the investigatory committee illustrates:

Parliamentary Investigatory Committee: “With respect, it was not the usual import and export situation any more, law and order had broken down and I would be interested to know who could sign the licenses for you to trade; was it the Government or the armed groups that gave you license?”

Afrimex’ Trading Partner: “No, it was the regional government based in Goma who are the people who are signing all the documents. Again, as was mentioned previously, we were going into the same offices to get the documents signed, but possibly the people in there were not from the previous government; that is all.”

(...) *Parliamentary Investigatory Committee:* “Did Afrimex, at any time, make any payment to the RCD-Goma as a political party or as a military organization or anything in between... Was Afrimex approached by RCD-Goma or any other political party or military organization to make payments to it...”

Afrimex’ Trading Partner: (interrupting) “No, not at all; no.”

Parliamentary Investigatory Committee: “Are you aware that the UN Panel reported that it was virtually impossible for companies to operate in eastern DRC during the period

⁵⁷⁴ SOGEM [Letter from Bruno Deliens to M. Mudekereza Namegabe, Ets. MDM, Bukavu], 23 November 2000, Brussels, Belgium.

you operated in DRC without dealing with one of the military groups, most probably the RCD-Goma?"

Afrimex' Trading Partner: The minerals that were coming out to us were all coming out on an FOB basis [established in Congolese law], so all the documentation, whatever had to be done, was based on an ex-border basis, so Afrimex was working more in going and getting the documents signed and getting the documents obtained.⁵⁷⁵

For these partners, the ability to claim legal compliance was commensurate with the entirety of the state apparatus, even behind rebel lines, rather than a unique attribute of the capital.⁵⁷⁶

Hence, international firms recognized the *stateness* of these administrations, and in turn the ability of local branches of the state apparatus to redeploy sovereignty.

Recognition for local branches of bureaucratic administrations as *state* actors generalized more broadly across the international stage. The UN Panel of Experts, charged with investigating illegal wealth extraction in conflict zones, applied a similar standard in determining which companies were legally compliant. Comparisons with another international firm operating at the same time, in the same RCD-G-held territory, but in a different sector (timber) that did not oblige firms to route transactions via rebel channels are fruitful. Discussing the activities of an international firm in the timber trade, the Panel described that working through local state bureaus rendered the company legally compliant (see Dara Forest, Chapter 6).⁵⁷⁷

In the case of the coltan monopoly, institutional displacement eliminated the buffer of legal compliance and extended the argument it beyond credulity. SOMIGL spurred pressure to return to an export regime that would once again direct trade through state institutions. Civilian

⁵⁷⁵ House of Commons paper, 2005/06, no. 923; International Development Committee, Great Britain Parliament, House of Commons. Volume 2: Evidence, p. 100-103. Available online at www.worldcat.org/title/conflict-and-development-peacebuilding-and-post-conflict-reconstruction/oclc/74815251. Société Kotecha, based out of Bukavu, was the trading partner of Afrimex on the stand.

⁵⁷⁶ This extends Reno's (2001) points that firms tend to relax ideas of sovereignty in weak African states.

⁵⁷⁷ However, DARA Forest was later cited in a subsequent report as failing to comply with OECD standards (UN 2002, Annex III). The same UN Panel of Experts later labeled SOGEM and Afrimex as non-compliant.

traders petitioned rebels to reinstate the previous framework or create another that would not subject traders to the monopoly requirements.⁵⁷⁸ In no uncertain terms, Bukavu's chapter of the powerful Federation of Congolese Enterprises wrote to rebels warning that, "If there had been some imperfections that the [rebel] authorities may have critiqued existing trading posts for to have made this arrangement, we believe that the organization that has been chosen for the monopoly will not be spared from these either."⁵⁷⁹

The monopoly eventually crumbled as prices plummeted. A tenfold fall in prices, stabilizing at \$20-\$30 per pound in April 2001, made SOMIGL's quota unsustainable and losses from cooperating with institutions less costly. Yet, as the UN Panel of Experts also notes, international firms' desire for legal compliance may have played a role in sparking the rapid fall in prices. Prices fell as the demand for coltan dropped off. And as the Panel found, there is evidence that "part of the decrease in demand resulted from manufacturers' desire to dissociate themselves from what became known, following the release of the [Panel's earlier] report, as 'blood tantalum'" (UN 2001b, para 17).⁵⁸⁰ Hence, the need for international firms to avoid

⁵⁷⁸ "Memo des Operateurs Economiques du Secteur Minier (Coltan), Appuyés par les Autres Secteurs Economique ainsi que Toutes les Couches Sociales Ouvrant en Faveur de la Population de la Province du Sud-Kivu" Comptoirs de SOCOMI, MDM, Muyeye, Mbanzabugabo, ATP, SOGERMI, and NTALE and two Chefs des Collectivités [Memo addressed to the President of the Movement of RCD, the Secretary General of RCD, the Governor of South Kivu Province, and the heads of the following RCD Ministries: the Department of Interior, the Department of Foreign Relations, the Department of Mines and Energy, and the Department of Finance, Budget, and Public Purse], 25 November 2000, Bukavu.

⁵⁷⁹ RCD-G authorities underlined this sentence upon receiving and reading the report. "Memo des Operateurs Economiques du Secteur Minier (Coltan), Appuyés par les Autres Secteurs Economique ainsi que Toutes les Couches Sociales Ouvrant en Faveur de la Population de la Province du Sud-Kivu" FEC Bukavu [Memo addressed to the President of the RCD, the Secretary General of RCD, the Governor of South Kivu Province, and the heads of the following RCD Ministries: the Department of Interior, the Department of Foreign Relations, the Department of Mines and Energy, and the Department of Finance, Budget, and Public Purse] 25 November 2000, Bukavu.

⁵⁸⁰ As the UN Panel of Experts also noted, other companies subsequently cancelled their orders of coltan following the introduction of a bill in September 2001 in the US House of Representatives to suspend coltan imports from countries such as Congo involved in the conflict (UN 2001b, para. 18). Australian coltan miners also increased production, contributing to the price fall (UN 2001b, para. 17).

obvious transactions with armed groups contributed to the eventual breakdown of the monopoly, and realigned rebel preferences with working through state institutions.

The coltan monopoly confirmed that sovereignty remained unique to the state—rebels could offer armed protection but not the façade of legal compliance. It illustrates the need for rebels to restrict behavior to enable sustained access to this sovereignty resource.

Conclusion

This chapter has analyzed three cases in which armed groups attempted but failed to displace state institutions. Cases point to similar mechanisms in negotiations between rebels and states behind frontlines. As armed groups set out to eclipse state functions, state agents took on roles as institutional defenders to preserve administrative functions. Across diverging theaters of conflict, state agents manning institutions sought to preserve their authority to tax, defending their own interests and institutional functions in tandem. Attributes of state institutions—bureaucracy and redeployed sovereignty—realigned rebel preferences with institutional survival by illustrating material effects of displacement. Rebels' initial choice of displacement expressed shortened time horizons, as when exchange is particularly lucrative or rivalry particularly fierce. In turn, administrators built coalitions with other actors mutually threatened by economic or military shifts that accompanied displacement. Doing so paved the way for institutional survival.

These cases illustrate the tangible effects of institutional resources to armed groups to navigate conflict environments. In both of Kisangani's diamond markets and trafficking in the “Great North,” administrative functions of intelligence gathering reshaped rebels’ perceptions of economic exchange and aligned preferences with institutional survival. State agents sidelined by militarized smuggling along the Congo-Uganda border in the “Great North” of North Kivu

Province used their surveillance functions to deliver information to the armed networks' rivals, the RCD-G. In the third case, of the RCD-G's coltan monopoly, foreign firms' losses of legal compliance synchronized preferences with state administrators to resist new rebel rules, contributing to the monopoly's breakdown.

Coalition building processes that shifted institutional outcomes from displacement to entrenchment shed light on state-building and institutional continuity behind frontlines. Consistencies across episodes of institutional entrenchment support the argument that state agents act as "institutional defenders" to expand the range of participants with interests in its preservation. Institutional effects did not simply follow changes in patterns of territorial control, but agents drew on institutional resources to cultivate new interests to change their environment. Cases demonstrate that the state is animated by a broader set of agents than central rulers alone.

Of course, institutional displacement does not always end in failure. The following chapter probes final case of displacement illustrates conditions under which rebels succeed in removing state institutions from effective governance. It traces these interactions in the tumultuous Ituri district in southeastern Orientale Province, marked by bitter rivalries among armed movements and recurrent splits within them. Shifting lines of command left state administrators without a clear coalition partner or target for realigning preferences to preserve a meaningful role for state institutions.

“In all the countries of the world, when a war breaks out, bombs and heavy arms destroy cities and infrastructure. But alas, in our dirty war of Ituri, that is not the case... This war spared neither individuals nor the State, nor the churches or developmental organizations. EVERYTHING was systematically destroyed and pillaged without pity.”

- Federation of Congolese Enterprises, 18 March 2003, Bunia⁵⁸¹

Chapter 8.

INSTITUTIONAL DISPLACEMENT

A final pattern of state-rebel relations reveals the limits of state endurance. Under institutional displacement, armed groups bypass state institutions to establish alternative systems to manage noncombatants and resources. This outcome expresses standard expectations that civil war pits rebels against states as competitors. Institutions fade away as predictable spheres of interaction and exchange.

Displacement illuminates the role of time horizons in shaping rebels' institutional choice. This chapter examines pathways to institutional displacement in northeast Congo, where a steady stream of armed groups struggled to control Ituri district and its capital city of Bunia. As elsewhere, the state apparatus formed an object of competition in Ituri, featuring in competition for land access prior to war and as a flashpoint of competition for tax revenue (Cuvelier and Marysse 2004; Pottier 2010). Yet recurring internal rivalry and direct implication of Ugandan commanders in looting Ituri's resources stoked competition and constricted time horizons, shifting state-rebel engagement from cooptation to displacement. While bureaucrats looked to maintain state administrations that provided opportunities for enrichment, persistent armed rivalry left them unable to recruit reliable support from coalition partners for institutional survival. Institutions faded from meaningful mechanisms to manage revenue, gather intelligence, or influence transnational trade.

⁵⁸¹ “Rapport de la FEC/Ituri sur la Dégradation Complete du Tissu Economique de la Province de l'Ituri” Fédération des Entreprises du Congo, 18 March 2003, Bunia.

Ituri's volatile theater of conflict offers a robust arena to weigh hypothesized causal processes of institutional displacement against rival explanations for this outcome. First, the chapter's argument that displacement followed from restricting time horizons combined with a lack of institutional coalition partners is weighed expectations that ready access to natural resources and foreign patrons drove this outcome. Ituri's intense levels of violence, with an estimated 50,000 killed and hundreds of thousands displaced (Amnesty International 2003; Fahey 2013, 2011; Human Rights Watch 2001, 2003, 2005), featured all these factors. The Ugandan military invaded Ituri and dominated its lucrative gold trade. By tracing the shift in armed group strategy over time from institutional cooptation to displacement, as foreign sponsorship and resource allocations remained stable, this chapter distinguishes between alternative pathways.

Second, Ituri illuminates the role of social ties as shaping rebel-state engagement. The elite Hema ethnic minority gained from disproportionate state access prior to war and held leadership roles in the area's armed groups during the rebellion. In this context, social ties would appear to transform the state apparatus into a natural tool of rebel control. Yet, as armed groups split and grew more ethicized, Hema rebels turned further from institutions, illustrating that use of the state was not endogenous to social identity.

The chapter proceeds first with a background to conflict in Ituri. It introduces the patchwork of its armed groups during the Second Congo War, placing empirical focus on the Union of Congolese Patriots (UPC) armed movement and the parent groups that preceded it, tracing the pathway to institutional displacement through 2003. Subsequent sections analyze the shift from institutional cooptation to displacement as rivalries created uncertainty and disposed rebels to direct extraction rather than iterative forms of institutional engagement.

Introduction to Armed Groups in Ituri

Persistent armed rivalry during the Second Rebellion led to institutional displacement. Without aiming for a comprehensive political analysis of Ituri district, this chapter traces how armed competitions to control local resources and populations refracted over the use and functions of the state apparatus.⁵⁸² Box 1 describes the shifting lines of armed group control in Ituri over the course of the Second War.

BOX 8.1 Changing Tides in Rebel Control over Ituri District (through 2003 only)

<i>Time Period</i>	<i>Armed Group</i>	<i>Institutional Strategy</i>
Aug. 1998-June 1999	RCD <i>Rassemblement Congolais pour la Démocratie</i>	Cooptation
Sept. 1999	RCD/K-ML <i>Rassemblement Congolais pour la Démocratie/Kisangani-Mouvement pour la Libération</i> Establishes headquarters in Bunia, with branch in North Kivu	Cooptation
Jan.-Nov. 2001	FLC <i>Front pour la Libération du Congo</i> Merger of RCD/K-ML and another Ugandan proxy, the MLC Headquarters in Beni (North Kivu) with Ituri branch	Displacement to entrenchment
Nov. 2001-Aug. 2002	RCD/K-ML <i>Rassemblement Congolais pour la Démocratie/Kisangani-Mouvement pour la Libération</i>	Cooptation to Displacement
April 2002-Aug. 2002	UPC mutiny against RCD/K-ML. Bunia city is divided into two between UPC and RCD/K-ML	
Sept. 2002-Mar 2003	UPC <i>Union des Patriotes Congolaises</i>	
2003	UPC split into UPC-Lubanga and UPC-Kisembo . Split between UPC and PUSIC (Chief Kahwa Mandro)	Displacement
<i>NOTES:</i> Tamm (2013) cites RCD/K-ML headquarters in Bunia as in August 1999; Human Rights Watch (2001) cites it as September 1999. (UPC formed as “political party” within the RCD/K-ML in September 2000). The FLC merger continued until November 2001 in Bunia but dissolved months prior, in June 2001, in the Great North just to the immediate south of Ituri.		

⁵⁸² For more comprehensive studies of Ituri district during the Second War, see Amnesty International (2003), Cuvelier and Marysse (2004), Fahey (2013, 2011), Human Rights Watch (2001, 2003, 2005), Pottier (2003, 2010), Tamm (2013), and Vlassenroot and Raeymaekers (2003, 2004).

Pathways to institutional displacement in Ituri involved four armed groups: (1) the Rally for Congolese Democracy-Goma (RCD or RCD-G) that launched the rebellion, (2) its Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML) splinter faction, (3) the Front for the Liberation of Congo (FLC) that merged the RCD/K-ML with other Ugandan proxies, and finally the (4) Union for Congolese Patriots (UPC), itself a splinter of the RCD/K-ML. Uganda sponsorship for these groups occurred under heavy military presence from its national army (the Ugandan People's Defense Force, UPDF) in northeast Congo, which joined direct armed control with commercial ventures.

At war onset in August 1998, the RCD pursued institutional cooptation in Ituri. Rebellion exacerbated preexisting ethnic tensions, with RCD appointments and Ugandan sponsorship favoring the area's Hema minority. Doing so created a lasting source of rivalry among Ituri's armed groups that militarized preexisting ethnic disputes and economic competitions. As the RCD fragmented in mid-1999, the RCD/K-ML splinter took over Ituri and maintained the search for institutional control. In its search to extract Ituri's resources, primarily gold, Uganda's militarized commercial presence increasingly sidelined institutions. Yet rebel administrators also looked to state administrations such as customs bureaus as mechanisms to collect revenue. Internal fissures again divided rebel leadership, and Uganda intervened to create a more reliable proxy in northeast Congo by joining the RCD/K-ML with another group to form the FLC merger. The unpopular FLC soon gave way and RCD/K-ML control was restored. Yet recurrent rivalry constricted rebel time horizons, shifting institutional engagement to displacement. Another round of infighting triggered a subsequent split as the UPC emerged, weakening predictability and leading to institutional decay.

Background to the Rebellion: State Access and Social Conflict in Ituri

The fate of the state apparatus during Ituri's rebellion reflected disparities in administrative access prior to the war, which shaped the nature of governance in the area. Despite Kinshasa's inability to implement coherent programs of rule across national territory (Herbst 2000), state posts held important distributional effects in pre-conflict Ituri. Under the Belgian colonial administration, land seen as vacant had become state property, while state-owned companies gained control over resources such as gold, making livelihoods and land contingent on state access (Fahey 2011; Schouten 2016; Vlassenroot and Raeymaekers 2004a).⁵⁸³ Laying foundations for future conflict, colonial administrators favored Ituri's Hema ethnic minority and promoted them disproportionately to administrative posts, often at the expense of the larger Lendu ethnic group (Human Rights Watch 2003).⁵⁸⁴

Hema maintained lucrative positions in the state bureaucracy at independence.⁵⁸⁵ From these posts, they "continued as the administrative, land owning, and business elite" (Human Rights Watch 2003: 18). This provoked conflict soon after independence, with Lendu attacking the Hema-dominated state administration in the mid-1960s (Vlassenroot and Raeymaekers 2004a: 390). As elsewhere in Congo, President Mobutu favored Ituri's minority groups.⁵⁸⁶ Exchanging state access for political loyalty, Mobutu appointed Hema to "management positions in the farming, mining, and local administrative sectors" (Human Rights Watch 2003: 18).

⁵⁸³ State-owned mining companies reshaped access to resources and authority structures. Namely, the *Société des Mines d'Or de Kilo-Moto* (SOKIMO). See Fahey (2011) and Schouten (2016).

⁵⁸⁴ IRIN (2003) reports that census data illustrated that 150,000 Hema lived in Ituri compared with 700,000 Lendu prior to the war. For ethnic stereotyping of the Hema and Lendu in the colonial period, see Pottier (2010). As Vlassenroot and Raeymaekers (2004a) usefully point out, neither group was native to this area, complicating narratives of original ownership that later surfaced at the height of armed conflict. By contrast, Lobho (1971) contends that Lendu benefited politically from the colonial administration.

⁵⁸⁵ Other administrative positions, including a disproportionate number of *collectivités-chefferies* in Ituri—hybrid positions joining state and customary power—also fell under Hema leadership (Pottier 2003: 3).

⁵⁸⁶ Initially, the territory of Kibali-Ituri.

Through privileged state access, Hema benefited from new laws that privatized customary land, including the 1966 Bakajika land reform and Zairianization policy in 1973 (Young and Turner 1985). As Pottier (2010) describes, this Bakajika law, “still in force today, allows ancestral land to be appropriated by state functionaries for the purpose of private sale” (26). Some Hema drew on this law to reallocate land that Lendu considered as their traditional holdings (Cuvelier and Marysse 2004: 179; Tamm 2013).⁵⁸⁷ Lendu maintained that new purchasers “collude[ed] with Hema administrators in Bunia, Ituri’s capital, to buy land” (Pottier 2010: 26). Meanwhile, Hema touted state authority as the basis of land claims. One Hema scholar describing Ituri’s land tensions is illustrative of this tendency:

Often, the [Lendu] population is not informed about the law. People still believe that they can inherit ancestral land. Hence, no sooner has the occupier left or died than people think they can recover the land for settlement without any formality whatsoever. When the state decides otherwise and allocates concessions to new owners, the people rise up in surprise (Pottier 2010: 26, originally Djugudjugu 1980: 68).

Favorable access to state positions helped to promote Hema interests in other realms, including business prominence as commercial traders and pastoralists in the district (Pottier 2010). Tensions remained largely peaceful under Mobutu, but surfaced anew as war broke out (Human Rights Watch 2001), making state institutions into an arena of competition.⁵⁸⁸

Onset of Rebellion: the Rally for Congolese Democracy

⁵⁸⁷ As Tamm (2013: 14) explains, “Certain Hema elites use this legislation and their privileged access to the state bureaucracy to acquire land that many Lendu consider as having belonged to their ancestors. As the law stipulations that these land titles only become valid two years after their purchases, the buyers often do not divulge that they possess the title until it is too late to contest it. The Hema leaders do not deny that certain members of their community have recourse to this practice, certain among them also express empathy to the Lendu revendication. ‘Imagine the Lendu,’ declared one of them, ‘they lose their hill, they take the complaint to the judicial authorities, and the Hema win each time.’”

⁵⁸⁸ “Hema and Lendu fought small battles over land and fishing rights on several occasions after independence, but in general customary arbitration, backed by the state, contained the incidents” (Human Rights Watch 2003: 18).

With the onset of the Second Rebellion in 1998, the Rally for Congolese Democracy (RCD) was the first armed group to take over Ituri. In keeping with its broader strategy, the RCD appropriated state administrations as tools of control. While tensions between two of the groups' foreign sponsors—Rwanda and Uganda—escalated into open fighting in the provincial capital, they were diluted in Ituri, where Uganda held primacy. As the RCD took over Ituri, it designated Bunia as the its second military operational zone and set about a program of institutional cooptation.⁵⁸⁹

The RCD appropriated key state agencies, including the customs office, immigration bureaus, and various revenue collections bureaus. For instance, the immigration bureau (the General Direction of Migration, DGM) documented cross-border movements and parallel taxation rackets and transmitted information to the RCD.⁵⁹⁰ Despite meager funds, the Agency of State-Owned Revenue (DGRAD) reported activities of administrative branches in Ituri to rebel leadership.⁵⁹¹ Agencies reported to the movement's headquarters in Goma (North Kivu Province), providing a means to benefit from institutional reach, transmit information, and monitor exchange across broad swaths of territory.

⁵⁸⁹ "De l'Organisation de l'Armée: Organisation Pendant la Guerre, Commandement des opérations" Commission des Textes Fondamentaux Rassemblement Congolais pour la Démocratie n.d. [recovered among the RCD founding documents from 1998].

⁵⁹⁰ "Rapport sur la Direction Générale de Migration- Poste Principal de l'Ituri" In "Objet: Transmission rapport sur la DGM/Ituri" Rassemblement Congolais pour la Démocratie (RCD) District de l'Ituri Bunia [Letter to His Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

⁵⁹¹ On DGRAD: Rapport d'Activités: Avril 1999" Ministère des Finances, Direction Générale des Recettes Administratives, Judicaires, Domaniales et de Participations DGRAD, Division Provinciale, Province Orientale, 19 October 1999, Kisangani; Rapport d'Activités: Mai 1999" Ministère des Finances, Direction Générale des Recettes Administratives, Judicaires, Domaniales et de Participations DGRAD, Division Provinciale, Province Orientale, 19 October 1999, Kisangani. In the subsequent reports from June 1999 and after, the Ituri bureau of DGRAD is not included in the Provincial reports, reflecting that it is cut off from the administrative hierarchy with the emergence of the RCD/K-ML branch. "Objet: Contrat programme DGRAD/PO Département des Finances du RCD" Direction Générale des Recettes Administratives, Judicaires, Domaniales et de Participations DGRAD, Division Provinciale, Province Orientale [Letter to His Excellence Monsieur le Chef du Département a.i. des Finances au RCD à Goma] 6 September 1999, Kisangani.

As the RCD took over institutions, it gained mechanisms to broadcast and enforce rules.

This occurred as RCD Department of Finance announced new procedures to collect taxes on goods and services spanning from petrol imports, tourism, and mineral inspection.⁵⁹² As the RCD sent new tax codes from the group’s headquarters in Goma to Ituri, Ituri’s administrators in turn disseminated these throughout administrative sub-branches.⁵⁹³ Once disseminated, officeholders called on local businesses to pay taxes to the RCD. For instance, Ituri’s Bureau of Tourism wrote to local businesses to “remind” them of taxes owed in the air transportation sector—one of the primary means of moving goods during the war. For each ticket sold, airline companies were to pay fees to the RCD’s “public” treasury.⁵⁹⁴

Parceling out positions in the bureaucracy and state-owned companies also provided the RCD with a ready-made patronage tool in Ituri.⁵⁹⁵ As in surrounding theaters of conflict, war saw a growing effort to secure state access for populations seen as “original” to a given area.⁵⁹⁶ In Ituri, this unfolded in part through divisions between communities considered original to the district and those that had moved northward to the area from neighboring North Kivu Province. Kivu-based populations had developed considerable influence over Ituri’s markets through long-

⁵⁹² “No 012 de RCD/98/Règlementant le Recouvrement des Recettes Relevant du Budget pour Ordre et Autres Fonds Spéciaux en Province.” [Chef du Département des Finances, Rassemblement Congolais pour La Démocratie] 25 October 1998, Goma ; « Annexe à la Décision No 012/DF/RCD/98 Règlementant le Recouvrement des Recettes Relevant du Budget pour Ordre et Autres Fonds Spéciaux en Province.” [Chef du Département des Finances, Rassemblement Congolais pour La Démocratie] 25 October 1998, Goma.

⁵⁹³ “Objet: Transmission Arrêté 003 et lettre no 29” [Service de l’Economie Nationale et de Pétrole, Bunia” [Letter to Messieurs les Chefs de Service de Territoire de l’Economie nationale et du Pétrole (TOUS) à Aru, Mahagi, Djugu, Irumu, Mambasa] 10 February 1999, Bunia.

⁵⁹⁴ “Objet: Ingéraient P.P.T. dans le out de billet vendues” Bureau de Service du Tourisme, District de l’Ituri [Letter to Monsieur Chef de Compagnie Tx. Sun Air à Bunia”] 9 February 1999, Bunia.

⁵⁹⁵ As Tull (2005) points out the RCD also did in Goma.

⁵⁹⁶ As Human Rights Watch (2003: 14) notes, “With ethnic identity of growing importance, a new group has emerged, the ‘non-originaires’ that is, ‘outsiders’ who were not born in Ituri. The Nande of north Kivu represent the most prominent of the ‘non-originaires’” Similar dynamics unfolded in the Nande stronghold in the Grand Nord to the immediate south.

distance cross-border trade (MacGaffey 1991; Vwakyanakazi 1991).⁵⁹⁷ The RCD tapped into these competitions to build support by reshuffling personnel. As an immigrations' bureau report noted that, "most of the agents of this bureau have been unilaterally moved from their posts by the interim [head] under the motive that they were suspected of... being original to Kivu. And for that they were presumed to have been appointed by the previous agency head."⁵⁹⁸ This proved an important tactic for the RCD to gain currency in Ituri, as it was itself composed largely of political figures from North Kivu. Hence, at war onset, rebels used the state apparatus as a tool to stir up and channel ethnic conflicts.

State institutions were not reducible to changing patterns of coercive control. As in other theaters of conflicts in Congo and beyond, state agents used retracted central control to maintain and expand discretion over institutions (Klem 2012; Vandekerckhove` 2011). The RCD met the typical challenges of noncompliance from coopted state agencies. Administrators diverted revenue from rebel coffers. The RCD's Ituri Coordinator listed this problem among the "very pressing difficulties" the group met in managing the district.⁵⁹⁹ As he warned in February 1999, "revenue-generating government agencies" were riddled with "diversions and schemes of all sorts."⁶⁰⁰ To minimize leakages, the RCD coordinator recommended positive inducements: "the payment of state agents."⁶⁰¹

⁵⁹⁷ Primarily the Nande. As one observer noted, "the quality of the goods they trade is so high and the price so low that they eliminate competition... "their boutiques have the best displays because as well as the usual consumer goods they include rarer articles of clothing and beauty products"" (Vwakyanakazi 1991: 58, quoting from Mateso Mande 1985: 168).).

⁵⁹⁸ Specifically, the report notes that immigration bureau, DGM, had transformed into an Alur agency. "Rapport sur la Direction Générale de Migration- Poste Principal de l'Ituri" In "Objet: Transmission rapport sur la DGM/Ituri" Rassemblement Congolais pour la Démocratie (RCD) District de l'Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

⁵⁹⁹ Coordinator of RCD Ituri [Speech delivered to the Commissariat of Ituri District, the Members of the Security Committee, pastors, university faculty, and other "companions in the RCD's struggle"], 17 February 1999, Bunia.

⁶⁰⁰ *Ibid.*

⁶⁰¹ *Ibid.*

Indicating a more general trend to use official posts to ends that escaped rebel oversight, the migrations office (Direction General of Migration, DGM) installed its own parallel taxes.⁶⁰² The RCD attempted to monitor state administrators to track these deviations. An RCD report on the immigration bureau described the proliferation of “parallel migration documents”⁶⁰³ and warned that this “constituted an obstacle that led to customs fraud in their territory.”⁶⁰⁴ In these interactions, rebels and state administrators vied to control authorizations able to whitewash cross-border smuggling, transforming markers of statehood into objects of contention.⁶⁰⁵ By issuing these taxes, agents adapted institutions to changing circumstances. With the Ugandan army and an influx of Ugandan businesses in Ituri, the immigrations bureau taxed foreigners, with the supposed “motive of looking for money to pay the salaries of the DGM agents.”⁶⁰⁶

Institutional continuity reflected in the preferences and actions of state agents. RCD takeover raised questions of political control, and state administrators looked to demonstrate that their authority to set and collect taxes remained valid even under rebel rule. Across Ituri, administrators retained extensive tax codes, including on marriage celebrations and land transactions.⁶⁰⁷ As before war, they transmitted budgets, tax structures, and information on revenue streams from Ituri’s administrative sub-units (or territories) to the provincial capital for

⁶⁰² “Rapport sur la Direction Générale de Migration- Poste Principal de l’Ituri” In “Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

⁶⁰³ *Ibid.*

⁶⁰⁴ *Ibid.* Of primary concern was the Mahagi border post along the Congo-Uganda frontier.

⁶⁰⁵ “Rapport sur la Direction Générale de Migration- Poste Principal de l’Ituri” In “Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

⁶⁰⁶ *Ibid.*

⁶⁰⁷ “Liste des Taxes à Percevoir lors d’Ouverture des Crédits Provisoires” Administrateur du Territoire d’Irumu, 8 February 1999, Irumu; “Objet: Transmission Décision no 321/01/Bur/AT/IR/99 du 03/02/1999 Portant Ouverture des Crédites Provisoires 1999” Administrateur du Territoire d’Irumu [Letter to Messieurs les Receveurs-Comptables du Territoire et de la Cité de Bunia, Territoire Irumu] 9 February 1999, Bunia.

approval.⁶⁰⁸ Doing so maintained an administrative hierarchy in parallel to rebel structures and not contingent on rebel approval. This was important, for instance, as RCD-led personnel changes in the mining administration sparked disputes with provincial administrators over who could broker appointments and exercise state authority.⁶⁰⁹

Agents maintained state institutions not only vis-à-vis the RCD, but also against other armed actors who threatened to eclipse state authority. This intention grew clear in the petrol sector, over which Uganda gradually consolidated control (UNSC 2002). The Ituri office of the National Economy and Petrol Agency rallied administrators to maintain official taxes.⁶¹⁰ Writing to branches of the customs bureau (OFIDA) and the Office of State-Owned Revenue (DGRAD), it mandated that petrol importers pay official taxes that pre-dated war. It threatened those in “contempt of all the legal clauses and the recovery of the taxes of the State” with “the pain of being struck with exemplary sanctions.”⁶¹¹ Administrators required taxes to be paid “solely to the bank” and revenue reported to “the public bookkeepers.” They also maintained bureaucratic procedures involved in these transactions, reminding importers: “on the base of the *bordereau de*

⁶⁰⁸ “Nomenclature des Recettes Rétrocédées à l’EAD, Territoire de Djugu [sic] pour l’Exercice 1999” In “Objet: Exécution du Budget exercice 1999 du Territoire de Djugu” Administrateur du Territoire de Djugu, District de l’Ituri [Letter to Messieurs les Gestionnaires des crédits du Territoire de Djugu et de 2 Cités Mongbwalu et Djugu, Le Mandataire du Budget du Territoire à Djugu, les Receveurs-Comptables du Territoire et de 2 Cités de Mongbwalu et de Djugu] 11 June 1999, Djugu.

⁶⁰⁹ “Objet: Pétition” Province Orientale, Bureau des Mines et Géologie du District de l’Ituri [Letter to Monsieur le Commissaire de District de l’Ituri à Bunia] 2 January 1999, Bunia; “Rapport sur la Direction Générale de Migration-Poste Principal de l’Ituri” In “Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

⁶¹⁰ Objet: Redevance sur importation des produits pétroliers pour compte CSS” Service de l’Economie Nationale et du Pétrole, District de l’Ituri [Letter to Messieurs les Importateurs des produits pétroliers (TOUS)] 17 March 1999, Bunia.

⁶¹¹ Objet: Redevance sur importation des produits pétroliers pour compte CSS” Service de l’Economie Nationale et du Pétrole, District de l’Ituri [Letter to Messieurs les Importateurs des produits pétroliers (TOUS)] 17 March 1999, Bunia.

versement at the bank and the notes de perception of the bookkeepers, you will receive as compensation a receipt, modèle unique, as required by the legal procedures.”⁶¹²

In these exchanges, agents that maintained administrative procedures for their own livelihoods doubled as mechanisms of institutional continuity (Trefon 2007). However, growing seeds of armed rivalry within Ituri sparked a progressive shift toward institutional displacement.

Seeds of Displacement

As the RCD looked to coopt institutions, Uganda’s foreign sponsorship spurred two processes that shaped the functions of the state apparatus in Ituri. In the first, Ugandan sponsorship offered new means of enrichment along ethnic lines, providing new mechanisms to address preexisting local disputes by partnering with foreign military commanders. This sowed the seeds of displacement by exacerbating rivalries that would divide armed groups in the future. Yet, foreign sponsorship did not set a linear path toward displacement. As in areas of Rwandan patronage, Uganda’s involvement in Ituri’s resource chains spurred certain actors to turn to state institutions as counterweights against unfavorable economic shifts linked with foreign meddling.

In a first process, institutional cooptation under the RCD belied seeds of displacement sown through militarizing ethnic disputes, which later injected new sources of rivalry into the armed group. This dynamic drew on divisions between Ituri’s Hema minority, and the Lendu majority. The Hema had enjoyed disproportionate representation in administrative posts under colonial rule and Mobutu’s regime, which contributed in turn to their success as pastoralists and businessmen (Pottier 2010). At war’s onset, Hema also gained important appointments within

⁶¹² Objet: Redevance sur importation des produits pétroliers pour compte CSS” Service de l’Economie Nationale et du Pétrole, District de l’Ituri [Letter to Messieurs les Importateurs des produits pétroliers (TOUS)] 17 March 1999, Bunia.

the RCD. As the Ugandan army occupied Ituri, it meddled in ethnic politics by treating Hema as privileged partners in gold trafficking and supported their land access (Fahey 2011). Uganda set up front companies and decentralized smuggling rackets that looted Ituri's resources including its gold, and looked to Hema rebel leaders to manage these. Doing so provided Hema elites new channels of economic by partnering with foreign military commanders and stoked rivalry between Hema and Lendu.

One noteworthy appointment, of John Tibasima as the Chief of the RCD's Department of Mines in January 1999, illustrates this joining of ethnic politics with cross-border trafficking into Uganda (Fahey 2011: 123). Tibasima stood as "a leader of the economically and politically influential Hema community," and had been the director of the state-owned gold agency in Ituri and a member of parliament in Bunia prior to war (Human Rights Watch 2001: 16).⁶¹³ At the same time, the RCD Coordinator of Ituri District was also Hema.⁶¹⁴ This Coordinator publicly lauded Tibasima for his contributions to Ituri, which he described as "spoken well of and known to all."⁶¹⁵ He presented Tibasima as the intercessor between Ituri's population and the RCD, reinforcing Hema control through a new rebel administration.

⁶¹³ Specifically, OKIMO. See also UN 2010b: para 225. The RCD looked to OKIMO and its foreign partners to launch its economic viability in the area. Such as Ashanti gold and Barrick. Looking to launch OKIMO from its rate of production of "hardly 1 kilo of gold per month" to an average production of 30kg of gold per month. "Plan d'action du Département des Finances" Département des Finances et Budget, Rassemblement Congolais pour la Démocratie, 17 April 1999, Goma.

⁶¹⁴ The RCD coordinator at the time (February 1999) was Ruhigwa Baguma, a Hema from Irumu. It is unclear of whether Tibasima managed this appointment himself. Source for Baguma's role as RCD-Ituri Coordinator: Coordinator of RCD Ituri [Speech delivered to the Commissariat of Ituri District, the Members of the Security Committee, pastors, university faculty, and other "companions in the RCD's struggle"], 17 February 1999, Bunia. Baguma later served as the Governor of the Ituri-Kibali province from 2002-2003. Source for Baguma's ethnic affiliation and governor appointment: "Tableau 7: Quelques élites dominantes de l'Ituri en temps de guerre" Masudi (2009).

⁶¹⁵ Citing, for example, Tibasima's implementation of Radio-CANDIP, schools in Irumu, and the "transfer of school fees to numerous students." In this speech, the coordinator lauds Tibasima with rhetoric characteristic of Schatzberg's descriptions of political rhetoric in "middle Africa" as using metaphors for a political leader include him as the provider, supporter, teacher and fatherly-figure. Discussing the state administration invokes these terms: "The RCD Ituri remembers that it is with him [Tibasima] during very difficult and tumultuous moments that we

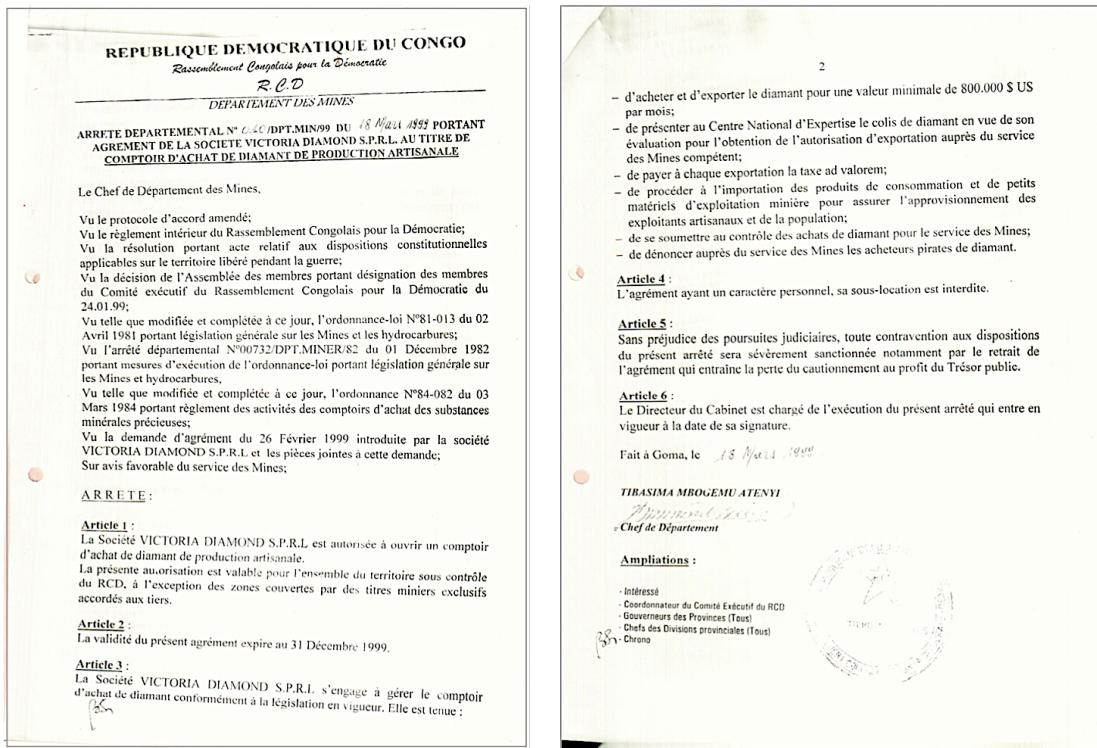


FIGURE 8.1 Ugandan Front Companies and RCD Rebel Administrators

Tibasima's appointment to the RCD Department of Mines provided Hema another lever of political and economic access. From this post, Tibasima took on a key role in managing Ugandan front companies in Ituri, including Victoria Diamond (see Figure 8.1) and Trinity Investment (Fahey 2011; UN 2001a).⁶¹⁶ The latter served as a front company to extract gold for high-ranking members of the Ugandan army (UN 2001: para 97; UN 2002).⁶¹⁷ Tibasima's appointment created a flashpoint of tension with the majority Lendu (Human Rights Watch 2001). Moreover, foreshadowing later shifts to displacement, agents in Ituri's mining division

created the branch of R.C.D. Ituri (...) to install the spirit of democracy, defend the rights and goods of all the Congolese, to promote national unity, construction, protection of our natural resources, respect of all humans, and the reinvigoration in the treasure the state by the collection of the dues of the state according to a legal procedure and in the respect of man.”

⁶¹⁶ The future Hema Governor of Ituri, Adèle Lotsove, also played a managing role. Another co-director of Trinity was Manu Soba, a gold trader from Ituri who was also Hema (Fahey 2011: 123).

⁶¹⁷ Specifically, Salim Saleh, relative of Ugandan President Yoweri Museveni Uganda 2002; UN 2001a: para. 81).

noted their slipping control over the artisanal mining sector, as key nodes of the trade directed by rebels “escaped” their control.⁶¹⁸

Yet foreign sponsorship spurred a second process. Amidst the influx of cross-border military and commercial interests, state administrators formed new taxes targeted to these foreign actors.⁶¹⁹ This entailed using state institutions as means to manage the shifting economic structures. Administrators also sought out their own relationships with Ugandan commanders that could be leveraged against the RCD.⁶²⁰ According to the RCD Coordinator in Ituri, some agents were working to “intoxicate the Ugandan soldiers” to eliminate ethnic rivals and issue and authorizations that influence economic exchange behind the back of the RCD.⁶²¹ Hence, rather than a one-way path away from institutions, foreign sponsorship spurred some to maintain administrative levers of control while also providing new levers of enrichment and contributing to ethnic rivalries. As discussed above, these should be held in the background to the RCD’s broader efforts to appropriate institutions at the time.

Ituri’s period of RCD control provides insight into the sequencing of institutional displacement. With the arrival of foreign sponsorship and Ugandan troops, state agents maintained preferences for institutional continuity. Moreover, the RCD largely sought to gain from pairing channels of institutional control with Ugandan support. Cooptation represents an

⁶¹⁸ Including the Bunia airport taken by rebels. “Rapport Succinct des Activités du Serve des Mines et Géologie de District de l’Ituri à Bunia à l’Intention de Son Excellence Monsieur le Chef de Département des Mines en Mission Officielle en Ituri” Chef du Bureau des Mines et Géologie de District de l’Ituri, 11 February 1999, Bunia.

⁶¹⁹ See above: “Rapport sur la Direction Générale de Migration- Poste Principal de l’Ituri” In “Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

⁶²⁰ In this case, Alur administrators drew on co-ethnic ties with some Ugandan soldiers to strike side deals in cross-border trade. For instance, officials in the DGM immigration bureau allowed Ugandan elites to enter Ituri without formalities. Pottier (2010) points out that Hema also drew on similar coethnic ties with Ugandan commanders to gain from transnational trade.

⁶²¹ Notably, agents of the Alur ethnic group. “Rapport sur la Direction Générale de Migration- Poste Principal de l’Ituri” In “Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

iterative process of negotiation to shape institutional effects. Ituri's rapid turnover between armed groups, however, obstructed benefits from iterative play.

Rally for Congolese Democracy/Kisangani- Movement for Liberation (RCD/K-ML): Internal Rivalry and Ambivalent Cooptation

RCD influence in Ituri soon gave way. A pending ceasefire agreement in mid-1999 promised international recognition for signatories, and the RCD splintered over who would represent the group. Meanwhile, brewing tensions between foreign backers escalated. This culminated in June 1999 as armed clashes broke out between Uganda and Rwanda for political influence in northeast Congo and control over diamond markets (Nest 2006).⁶²² Tensions divided the RCD, with the creation of the breakaway Rally for Congolese Democracy/Kisangani-Movement for Liberation (RCD/K-ML) faction. The RCD/K-ML set up headquarters in Bunia in September 1999 with Ugandan support.⁶²³

RCD/K-ML Time Horizons

Internal rivalry within the RCD/K-ML constricted its time horizons from the outset. As Tamm (2013) describes, the RCD/K-ML “was never a coherent movement... it was riddled with internal quarrels, political interference from the exterior, and a lack of consensus on its objectives” (19). Similarly, as Human Rights Watch noted, Ituri was marked by “constant leadership disputes [that] produced political and administrative confusion” (2001: 13).

⁶²² The confrontation over Kisangani centered on access to diamond markets as well as which RCD faction (the Goma-based or Kisangani-based breakaway group) would sign the Lusaka accord. As Human Rights Watch noted, “During the battle, Wamba and other leaders of the RCD-Kisangani miraculously escaped death during a Rwandan assault on a hotel they used as a residence and headquarters... because neither faction could be eliminated and because neither would acknowledge the legitimacy of the other, all fifty founding members of the RCD flew to Lusaka to sign on behalf of the “RCD.” The founders affixed their names to the treaty in alphabetical order to avoid further squabbles on who should sign first.”

⁶²³ After being chased from Kisangani by the RCD and Rwandan backers.

The organizational structure of the RCD/K-ML reflected this “confusion.” The RCD/K-ML divided between one branch in Ituri and another to the immediate south in the “Grand Nord” of North Kivu Province (Beni and Lubero territories), and it “developed parallel political and administrative structures” in these respective zones (Human Rights Watch 2001: 13).⁶²⁴ The RCD/K-ML relied on two deputies to administer its Ituri and Grand Nord branches, who held kinship ties to their respective areas of influence. The Hema businessman-turned-rebel cadre Tibasima took over as the effective head in Ituri. As the RCD/K-ML’s Commissionnaire of Budget, Finance, and Mines, he maintained an analogous role to his earlier appointment as the head of the RCD’s Department of Mines (Tamm 2013: 20). With this post, he ranked among the three top commanders of the RCD/K-ML. The second deputy, Mbusa Nyamwisi, drew on ethnic and business linkages in the Grand Nord to head the RCD/K-ML branch there. He was appointed as General Commissar, or Prime Minister, of the RCD/K-ML.

Straddling these divides, the RCD/K-ML president held a “nominal” role within the group, with tenuous sway over its members.⁶²⁵ Mutual ambitions between Tibasima and Mbusa led to a string of coup attempts against the RCD/K-ML president, Wamba-dia-Wamba. These deputies “tried three times in 2000 to unseat Wamba from the helm of the RCD[K/]ML, thus generating permanent combat between their respective militias in Bunia” (International Crisis Group 2003: 4).

Fomenting internal rivalry, the Grand Nord and Ituri branches of the RCD/K-ML tapped into growing land and ethnic conflicts in Ituri build their respective interests. The RCD/K-ML’s

⁶²⁴Armed branches of the rebellion fell along these divisions, with parallel recruitment campaigns following ethnic lines. The Beni-based faction, under Mbusa Nyamwisi, would also exploit the Hema-Lendu divide to partner with Lendu (or Ngiti) militias against Hema influence.

⁶²⁵Wamba-dia-Wamba. Human Rights Watch (2001: 13) describes Wamba as “nominally” the President of the RCD/K-ML. Wamba-dia-Wamba had fled to Kampala after narrowly escaping militarized disputes in Kisangani.

split from the RCD in mid-1999 had coincided with growing militarization in the land conflict between Hema and Lendu.⁶²⁶ The pressure erupted in June 1999 as Lendu accused the Hema minority of grabbing land. On the eve of the RCD/K-ML rule, state channels still provided tools for these competitions. Lendu alleged that Hema used privileged relations with local officials to seize traditionally Lendu land (Pottier 2003). From the Lendu perspective, “Hema landowners, supported by local officials, were said to have come... with false land titles” (Vlassenroot and Raeymaekers 2004a: 391). Officials in the land registry allegedly issued new ownership documents, providing a legal basis to evict Lendu (UN 2010, para.).⁶²⁷ Uganda dispatched soldiers, who exacerbated land conflict by extorting protection payment from landholders (Tamm 2013: 16-18; UN 2010, para. 365).⁶²⁸ In addition to reconfiguring land patterns, it shifted the role of the state in these procedures. While official regulations guaranteed two years’ notice prior to removing land, Ugandan commanders with co-ethnic ties to Hema removed this waiting period, making evictions immediate (Pottier 2010: 26).

As the RCD/K-ML came to power in Ituri, it tapped into these disputes to bolster its power. Land disputes spurred the creation of local militias (Vlassenroot and Raeymaekers 2004b), which RCD/K-ML branches aimed to use to build control vis-à-vis the other. As the head of the Ituri branch, Tibasima mobilized combatants from his Hema ethnic group and created training camps for Hema militias. He held Ugandan support in doing so, as high-ranking Ugandan military commanders with ties to Tibasima armed Hema militias and in some cases

⁶²⁶ This paragraph discusses conflict occurring primarily in Djugu territory of Ituri district. Vlassenroot and Raeymaekers (2004a: 391) present a broader range of interpretations surrounding the land grabs and evictions. For a comprehensive treatment of changes in land access and conflict during the Second Rebellion, see Fahey (2014).

⁶²⁷ As the United Nations (2010) describes, the Hema-Gegere had “a few years previously acquired new concessions from the land registry...[and] took advantage of the new political situation [during conflict] to enforce their rights” (para. 365). Landowners had also partnered with Ugandan commanders to carry out a first wave of evictions in May 1999 (United Nations 2004).

⁶²⁸ UPDF Colonel Peter Kerim was particularly noted for doing so.

joined the RCD/K-ML Ituri branch to attack Lendu (Tamm 2013: 16-18; UN 2010, para. 405-7; Vlassenroot and Raeymaekers 2004a).⁶²⁹ The Grand Nord branch trained Lendu militias in Ituri as a counterweight.⁶³⁰

RCD/K-ML Cooptation, Ugandan Displacement

Heightened uncertainty from intermediate time horizons created an ambiguous role for state institutions in Ituri. One the one hand, militia politics and Ugandan intervention created an ambivalent basis for institutions and provided the RCD/K-ML with alternatives mechanisms to extract resources. On the other, the state apparatus continued to provide channels to influence economic exchange. The RCD/K-ML pursued cooptation as Ugandan financial networks in Ituri worked to displace them. These dual processes illustrate how rebels both looked to gain from their relationship with a foreign patron, while at the same time using state institutions as a counterweight to wield influence against it.

The RCD/K-ML's Governor of Ituri illustrates this ambiguous role. Appointed to this post by a Ugandan General, Adèle Lotsove seemed to embody the political rifts that replaced local institutions with foreign sponsorship.⁶³¹ As the Panel of Experts describe, Lotsove formed

⁶²⁹ Particularly between January and February 2001 in Djugu.

⁶³⁰ The RCD/K-ML aimed to benefit from recruiting support around this dispute, but also tried to keep the conflict manageable. To this end, the RCD/K-ML created a Committee of Pacification and Follow-Up (August 1999) and a Commission for Security and Peace (October 1999) (Vlassenroot and Raeymaekers 2004a). At this point in the conflict, the RCD/K-ML branches also looked to militias around local disputes as building up alliance partners, rather than as simple spoilers. In this sense, building up militia proxies represented an investment, indicating that time horizons had not yet collapsed.

⁶³¹ Following the split with RCD-G, Ugandan Brigadier General James Kazini appointed Lotsove as the Governor of the newly-created “Province de Kibali-Ituri” (Tamm 2013: 17). Lotsove and Tibasima are both members of the Hema ethnic group based in Ituri district. Adèle Lotsove earlier held a post Vice Governor of Orientale in 1998 under the RCD. Although scholars do not widely recognize Lotsove’s role as Vice Governor. Lotsove describes herself, in a handwritten note in Swahili authorizing timber purchases as, “Mama Adèle Lotsove Mugisa, Vice-Gouverneur ya Province Orientale.” (Source: Untitled handwritten letter, Adèle Lotsove, 17 [month not stated] 1998, Bunia.) The letter is attached to an order for timber planks dated 31 December 1998. Lotsove appears to have replaced the former Vice Governor of Orientale, Noël Obotela Rashindi, in this role. “Objet: Dos. jud.

an integral part of Uganda's financial networks, facilitating the illegal exit of natural resources, primarily gold, toward Uganda (UNSC 2001a: para 71).⁶³² Her appointment also illustrates Uganda's meddling in local conflicts to consolidate its influence (Vlassenroot and Raeymaekers 2004a). As a Hema, Lotsove's post as Governor exacerbated ethnic tensions, and she was accused as facilitating land transfers from the Lendu toward Hema (UNSC 2001a: para 71). Consequently, Lotsove provides a test of the role of institutions at this juncture of conflict.

Governor Lotsove incorporated institutions into the RCD/K-ML's repertoire of rule. Her earlier positions in the Mobutu and Kabila administrations had likely already familiarized her with using institutional channels for side deals (UNSC 2001a: para 71). As Governor, Lotsove incorporated the extensive official tax code that promulgated regulations in minute detail, ranging from fees on mining permits to refrigerator repair.⁶³³ The RCD/K-ML applied these rates in its day-to-day functions, using taxes as a basis for budgeting.⁶³⁴ New tariff rates invoked

RMP.1863/PG/ESW Aff.MP c/Bugumba Isiaka" Vice Governor of Province Orientale, Cabinet of the Governor [Letter to Monsieur le Procureur Général près de la Cour d'Appel de Kisangani], 23 January 1998, Kisangani. RCD/K-ML President Wamba dia Wamba replaced Lotsove with a more neutral Governor, Ernest Uringi Padolo, an Alur, a few months after her appointment. Uringi had earlier held this post earlier, before Lotsove's appointment. "Tableau 7: Quelques élites dominantes de l'Ituri en temps de guerre" Masudi (2009).

⁶³² According to the United Nations Panel of Experts: "The illegal exploitation of natural resources is facilitated by the administrative structures established by Uganda and Rwanda. Those countries' leaders directly and indirectly appointed regional governors or local authorities, or, more commonly, appointed or confirmed Congolese in these positions. Typical examples are, on the Ugandan side, the appointment of the Governor of Ituri Province. On 18 June 1999, Ugandan General Kazini appointed as Governor of this Province Adele Lotsove, a Congolese who had already been employed by the Mobutu and Kabila administrations. Information gathered clearly indicates that she was instrumental in the collection and transfer of funds from her assigned administrative region to the Ugandan authorities in 1999. According to some sources, she also contributed to the reallocation of land from Lendus to Hema" (UNSC 2001a: para. 71).

⁶³³ "Nomenclature des Taxes du Trésor Public à Percevoir par le Bureau Provincial des Petites, Moyennes Entreprises et Artisanales, Exercice 1999" Cabinet de Gouverneur de Province d'Ituri, 21 September 1999, Bunia ; "Nomenclature des Taxes Provinciales pour l'Exercice-Budgétaire 2000" Cabinet du Gouverneur, Rassemblement Congolais pour la Démocratie R.C.D./Kisangani, Province de l'Ituri; "Arrêté No 01/UPC/014/CAB/GP8/2000du 14/04/2000 Portant Ouverture des Crédits Provisoires sur la Perception de Certaines Taxes Provinciales au Courant de l'Exercice Budgétaire 2000", 14 April 2000, Bunia.

⁶³⁴ *Ibid.* At this point, the Governor of Ituri was Ernest Uringi Padolo, who replaced Adèle Lotsove at this post. In December 2000, a Ugandan commander in the national army "removed Ernest Uringi Padolo, a staunch supporter of Wamba, from his post as Ituri governor" (Human Rights Watch 2001: 18).

preexisting taxes. As one businessman recalled of taxes in the air transportation sector in which he worked, “the rebel government ate the taxes, but we had the same taxes and rates.”⁶³⁵

At the same time, high-ranking Ugandan military commanders worked with Congolese rebel administrators and businesses to control Ituri’s gold trade (UNSC 2001a, 2002). In this capacity, Governor Lotsove held a managing post at Ituri’s most important gold company, Trinity Investment, which provided a front for Ugandan interests (Fahey 2011).⁶³⁶ One means through which the company moved goods across borders was through “prefinancing” agreements, which allowed traders to pay advances on customs duties at reduced rates.⁶³⁷ Under prefintancing, businesses prepaid for documents that authorized uncontrolled quantity of imports for a fixed period.⁶³⁸ Revenue financed rebels’ war effort.⁶³⁹ Trinity’s deals exempted the company from paying customs fees to export gold into Uganda (Fahey 2011: 124).⁶⁴⁰

Yet, exemptions for Ugandan companies threatened to displace state institutions and grew into a point of dispute. Administrators in Congo’s bureaucracy cancelled the prefintancing

⁶³⁵ Paid to the official civil aviation authority (the Régie des Voies Aériennes, RVA), then funneled to rebel coffers. Personal Interview with businessman in the air transportation sector, 26 June 2013, Beni. On RVA, see also UNSC (2004, paras 48-50).

⁶³⁶ Lotsove joined the leader of Ituri’s RCD/K-ML branch, Tibasima, and Manu Soba, a Hema businessman from Ituri, in leadership roles (Fahey 2011: 123; Uganda 2002). All three were Hema, illustrated the ethnicized character of Ugandan’s commercial networks. Ugandan regime insider, Salim Saleh, was a member of President Museveni’s family and also worked with Trinity (UN 2001a, para. 81).

⁶³⁷ Described as “Préfinancement TRINITY.” “Objet: Régularisation Dossier d’Importation, Exploitation, Commercialisation, Stockage et Transport des Produits Pétroliers” Chef de Bureau de l’Energie, Province de l’Ituri, Ministère de l’Energie, Division Provinciale de l’Energie [Letter to Monsieur le Président de la F.E.C. in Bunia], 22 February 2000, Bunia. Similar agreements had been struck with the Victoria Group. When the RCD-K/ML was still in power in Ituri, the Ugandan Victoria Group had benefited Hema traders, who set up pre-financing agreements with Tibasima and “used this new power relation to extend their economic operations both within and beyond Ituri’s borders” (Vlassenroot and Raeymaekers 200a3: 21).

⁶³⁸ In Ituri, Cuvelier and Marysse (2004: 191-2) note that transactions often exchanged \$50,000 for three months.

⁶³⁹ “Mémorandum des Operateurs Economiques de l’Ituri Adressé à Son Excellence Monsieur le Président de l’Exécutif du FLC” Les Opérateurs Economiques de l’Ituri, 17 July 2001, Bunia.

⁶⁴⁰ As Fahey notes, “it is not clear if this money benefited Tibasima and his associates or the RCD group, or both.” Fahey cites Uganda (2002) and Engola (2001).

agreements procured for Trinity Investments.⁶⁴¹ Lotsove also looked to benefit from coopting, rather than displacing, customs officials. The lucrative Mahagi border post along the Uganda-Congo frontier was an important site to of cross-border trade (Cuvelier and Marysse 2004), and Lotsove looked to use institutions to collect revenue. Siding with customs officials, Lotsove decided she “could no longer support that trucks from Uganda and Kenya would cross the border without payments, she ordered that all vehicles belonging to owners who did not want to pay the taxes to be burned by the customs officials” (Cuvelier and Marysse 2004: 192).⁶⁴² Hence, in spite of Ugandan presence, state institutions remained the preferred point of access to import duties—which were just as fiscally important to armed groups as exported resources (UNSC 2002: 114).

This episode highlights important points of divergence between Congolese rebels and their Ugandan sponsor. This was an important moment as Ugandan dominated Congo’s markets: Human Rights Watch (2001) noted that the “Ugandan army’s sector commanders in fact exercised ultimate authority over all military and security matters in each district...[Even] where RCD-ML administrative power was concentrated, UPDF sector commanders overshadowed the Congolese political and military leaders” (17), while Ugandan soldiers established private taxes in gold mines parallel taxes to RCD/K-ML tariffs (Cuvelier and Marysse 2004; UNSC 2001a: para. 59).⁶⁴³ Ugandan importers also flooded local markets in Congo, making the local economy dependent on purchasing foreign products. The RCD/K-ML aimed to expand its share of profits vis-à-vis Uganda, with heads of both branches embezzling an estimated \$13 million from Uganda in 1999 (UNSC 2001: para. 23).

⁶⁴¹ “Objet: Régularisation Dossier d’Importation, Exploitation, Commercialisation, Stockage et Transport des Produits Pétroliers” Chef de Bureau de l’Energie, Province de l’Ituri, Ministère de l’Energie, Division Provinciale de l’Energie [Letter to Monsieur le Président de la F.E.C. in Bunia], 22 February 2000, Bunia.

⁶⁴² Citing the testimony of Adèle Lotsove at the Porter Commission, 28 March 2002.

⁶⁴³ For more on gold, see Fahey (2011) and Pottier (2003). Ugandan officers imposed their own “toll barriers and export taxes” (UNSC 2002: para. 116) and set up extortion rackets, offering protection to Congolese ranchers against attacks the officers organized in exchange for regular payments of livestock (UNSC 2002, para. 117).

In this sense, imposing customs fees on Ugandan importers provided mechanisms to collect revenue from and assert authority vis-à-vis a foreign sponsor that threatened to eclipse rebel rule. At stake in the dispute over prefinancing was not the practice of prefinancing itself, but who would control it—state administrators with whom the RCD/K-ML could partner, or Ugandan commanders who brokered exemptions themselves. As Cuvelier and Marysse (2004) point out, prefinancing maintained an institutional foothold for state agents.⁶⁴⁴ Businesses that benefited from the exemption out-performed those who did not (Cuvelier and Marysse 2004: 192), maintaining the importance of state administrators in choosing winners and losers.⁶⁴⁵

Accordingly, state administrators who annulled Trinity’s prefinancing agreements reissued the exonerations through institutional channels. This manifested in prefinancing agreements around duties on petrol imports, including for Trinity. The head of the Ituri branch of the state Ministry of Energy grumbled that traders no longer obtained authorizations or licensing permits for petrol imports.⁶⁴⁶ As he noted, “certain businesspersons have been involved in the petrol industry many years without the necessary prior authorization.” In response, the Ministry of Energy levied a 5% tax on petrol, striking down prefinancing exemptions. The Minister instead required that traders “enter into contact with technical agencies” to receive exonerations, subject to the approval of the Provincial Division of Energy.⁶⁴⁷ To support this decision, he quoted at length from a 1993 Zairian state code that elaborated procedures to obtain

⁶⁴⁴ Citing the testimony of Sam Engola at the Porter Commission, 5 September 2001.

⁶⁴⁵ Exonerations divided the business, with those benefiting from the exemption reportedly organizing pressure for Lotsove’s dismissal from Governor (Cuvelier and Marysse 2004: 192).

⁶⁴⁶ Moreover, the Minister of Energy also noted at the end of February 2000 that since the beginning of the new year no petrol importer had renewed the necessary license. “Objet: Régularisation Dossier d’Importation, Exploitation, Commercialisation, Stockage et Transport des Produits Pétroliers” Chef de Bureau de l’Energie, Province de l’Ituri, Ministère de l’Energie, Division Provinciale de l’Energie [Letter to Monsieur le Président de la F.E.C. in Bunia], 22 February 2000, Bunia.

⁶⁴⁷ In conformance with Article 1 of the December 1991 Ordonnance, especially the chapter “Agrément des électriciens, électrification, et des entreprises des services d’électrification.” Head of the Provincial Division of Energy [Letter to the Representative of the Groupement of Economic Operators in Mambasa] 24 March 2000.

the “Authorization of Importation, Exploitation, Commercialization, Stocking, and Transport of Petrol Products.” The Minister admonished traders: “[with] repetition being the mother of science, and within the framework of the mobilization and maximization of revenue of the State,” petrol imports must be declared to state agencies.⁶⁴⁸ This doubled as a means of influence vis-à-vis the RCD/K-ML, whose Commissariat of Defense often collected petrol from traders directly to facilitate rebels’ movements of goods and troops.⁶⁴⁹

In this sense, RCD/K-ML interests converged in some areas with state administrators, who also looked to balance against external threats to their control. Among these threats included Ugandan commanders. Agents adapted bureaus to practical threats against state authority in parallel economies by directing surveillance functions against smugglers that refused to make official payments.⁶⁵⁰ For instance, agents in Ituri’s official toll roads system compiled detailed reports documenting Ugandan trafficking.⁶⁵¹ Reports detailed the names of individuals involved and the vehicles used. As one report read:

On the date of 2 May 2000, around 2 o’clock in the morning of the night of 3 May 2000, a small truck of the type “STOUT,” license plate number HZ 4107C, color white, belonging to Mr. X⁶⁵² violated our toll road barrier at the Lopa (Gina) post, following a declaration of the chauffeur that this Ugandan military Officer had taken place...

⁶⁴⁸ “Objet: Régularisation Dossier d’Importation, Exploitation, Commercialisation, Stockage et Transport des Produits Pétroliers” Chef de Bureau de l’Energie, Province de l’Ituri, Ministère de l’Energie, Division Provinciale de l’Energie [Letter to Monsieur le Président de la F.E.C. in Bunia], 22 February 2000, Bunia.

⁶⁴⁹ “Objet: Remerciement pour 50l (Essence)” Commissariat de la Défense Rassemblement Congolais pour la Démocratie, R.C.D./Kisangani, Quartier Général de Bunia [Letter to Président de la Fédération des Entreprises du Congo/Ituri de et à Bunia] 23 June 2000, Bunia.

⁶⁵⁰ As the Police Spéciale de Roulage (PSR) commander described to the Governor of Ituri, this represented a “very difficult period; the users of the roads have become very stubborn, impolite, and recalcitrant, even managing to administer blows to the police,” and the “formed a riotous mob at the office of the PSR in each case of issuing a ticket or an accident.” “Objet: Contraite payement pénalités Camionnette Hilux No HZ 2023 C”Police Spéciale de Roulage (PSR) Commander [Letter to the Governor of the Province of Ituri], 15 October 2000.

⁶⁵¹ The toll road was created prior to the rebellion as a joint initiative of the Governor of the Province and the FEC business association. “Arrête Provincial No 01/JYS//036/Rte/CAB/PROGOU/P.O/93 Portant Crédit de Droit de Péage sur toutes les Routes d’Intérêt Commun de la Province Orientale” Gouverneur de la Province Orientale, 1993. “Action Tous pour la Route: Comité de Gestion des Routes, District de l’Ituri,” 21 April 1998, Bunia.

⁶⁵² Names are omitted to maintain anonymity.

On the date of 5 May 2000, a small truck of the HILUX kind, of the color blue, license plate number 10S UPP, a Ugandan plate and the second vehicle still of the HILUZ kind, color black, license plate 358 UCB, with a license plate belonging to Ugandan soldiers did not pay the fees of the toll road. This is the son of Y, responding to the name of Z.⁶⁵³

Agents' reports noted similar difficulties with Ugandan officers across the district. At Mongbwalu, agents noted that "Ugandan...military escorts never cease to handicap us,"⁶⁵⁴ while in Gina and Bunia others reported that "vehicles of UPDF [Ugandan military] agents circumventing toll road barriers at the border and at the Airport of Bunia" compromised "the level of revenue" collected.⁶⁵⁵ Reports were transferred to the RCD/K-ML Commissariat of Infrastructure, Public Works, and Territorial Management.⁶⁵⁶ While reports illustrate Uganda's use of force to restructure the economy of northeast Congo, they also indicate institutional resistance to this change. Similar bureaucratic reports systematically gathered and transmitted information from posts spread across Ituri.

Rebels also invested in internal mechanisms of control. To better monitor commercial transactions, RCD/K-ML prohibited importers from unloading trucks at night. Rebels worked through the local bureau of the state intelligence agency to monitor these transactions.⁶⁵⁷ Hence, the RCD/K-ML viewed state institutions as counterweights to balance to Ugandan influence.

Amidst shifting social structures and new militias, state agents also maintained institutions independently from RCD/K-ML attempts to do so. A broad range of administrative

⁶⁵³ "Rapport de Service au Poste de Peage Lopa (Gina) allant du 29/04/2000 au 14/05/2000," 14 May 2000, Bunia

⁶⁵⁴ "Rapport de Poste de Peage de Mongbwalu Pour La Période de 27 Mai au 10 Juin 2000" Comite de Gestion des Routes, Poste de Gina, 10 June 2000, Bunia.

⁶⁵⁵ "Rapport de Service pour la Période du 28.05 au 10.06.2000" Comite de Gestion des Routes, Poste de Gina, 11 June 2000, Bunia.

⁶⁵⁶ Inferred from practices in the Grand Nord. "Objet: Accusé de réception" Cabinet du Commissariat aux Infrastructures, Travaux Publics et Aménagement du Territoire [Letter to Monsieur le Vice-Président du Comité Inter-Provincial du Péage Routes] 31 May 2000, Beni.

⁶⁵⁷ The Agence Congolaise de Renseignement, ACR. "Objet: Interdiction de déchargement après 18 heures" Chef de Poste Principal/Ville Bunia, Agence Congolaises de Sécurité et Renseignement [Letter to Monsieur le Président Provinciale de la Fédération des Entreprises du Congo de l'Ituri] 10 March 2000, Bunia.

branches endured, including the medical inspector and office of hygiene and the security and intelligence bureau.⁶⁵⁸ These maintained pre-conflict tax codes on items crossing the border.⁶⁵⁹

New Ugandan financial circuits benefited Hema businesses, yet other traders sided with administrators to maintain official channels. In one instance, the RCD/K-ML restricted the number of agencies able to collect taxes in lucrative sectors such as petrol. Doing so triggered pushback from traders, who complained: “Can more than ten customs agencies be sacrificed with all their personnel for the profit of one sole private customs agency?”⁶⁶⁰ Traders benefited from maintaining an administrative counterweight to rebels, over which they held more influence and more predictable guarantees of cooperation.

Competitions among state agents remained focused on institutional channels. One instance manifested in conflict between agency heads over tax collection procedures.⁶⁶¹ “Street-level” bureaucrats raced against one another and bureau heads to collect taxes from traders before funds dried up. For instance, the head of the state bureau regulating small and medium enterprises (IPMEA) noted that rank-and-file agents cut deals with businesses to collect advanced taxes at reduced rates (a form of prefinancing in domestic commerce). He called on traders to “stop this once and for all” and required businesses to seek authorizations from the

⁶⁵⁸ On the Office of Hygiene: “Objet: Paiement des Taxes au Service de l’Hygiène Frontalière. Le Médecin-Inspecteur de District de l’Ituri [Letter to Messieurs les Chefs d’Entreprises Commerciales et d’Associations sans but lucratif chargé d’importation et d’exportation du District de l’Ituri] 6 October 1999, Bunia; On the Intelligence bureau: “Objet: Interdiction de déchargement après 18 heures” Chef de Poste Principal/Ville Bunia, Agence Congolaises de Sécurité et Renseignement [Letter to Monsieur le Président Provinciale de la Fédération des Entreprises du Congo de l’Ituri] 10 March 2000, Bunia.

⁶⁵⁹ “Objet: Paiement des Taxes au Service de l’Hygiène Frontalière. Le Médecin-Inspecteur de District de l’Ituri [Letter to Messieurs les Chefs d’Entreprises Commerciales et d’Associations sans but lucratif chargé d’importation et d’exportation du District de l’Ituri] 6 October 1999, Bunia.

⁶⁶⁰ Head of the agency for the National Commission of Energy (CNE) in Bunia. [Letter to the petrol importers in Bunia] 15 March 2000, Bunia.

⁶⁶¹ “Objet: Avance payée sans quittance par la Division de l’IPMEA/Province de l’Ituri Exercice 99”Chef de Division Provinciale de l’IPMEA [Letter to Monsieur le Président de la Fédération des Entreprises du Congo/Centre de Nyamwavi à Nyamav] 12 February 2000, Bunia; “Objet: Doléances” Chef de Ituri Provincial Division of IPMEA [Letter to the President of FEC-Kasenyi] 2 October 2000, Bunia.

agency directly,⁶⁶² and make payments at banks,⁶⁶³ in contrast to those who “held disdain for legal texts.”⁶⁶⁴ The bureau head grumbled that uncontrolled advanced taxation left the legitimate “tax collectors of IPMEA are qualified as thieves.” He “demand[ed] the immediate restitution of money collected and already sent to the account of the Public Treasury,”⁶⁶⁵ but the race among agents to collect taxes first continued.⁶⁶⁶

Hence, as Uganda consolidated its hand in Ituri, the RCD/K-ML looked to both benefit from participating in its sponsor’s illegal cross-border trade and to appropriate institutional revenue collection channels.⁶⁶⁷ This ambivalent strategy of cooptation unfolded against a spike in militarization among local militias and the RCD/K-ML’s perennial internal rivalry. Both features led to a temporary end to the RCD/K-ML.

FLC: Institutional Displacement and Entrenchment

Surveying the RCD/K-ML’s internal fissures and Ituri’s growing militarization, Uganda attempted to create a more reliable proxy in late 2000. To do so, it merged the RCD/K-ML with

⁶⁶² “Objet: Doléances” Chef de Ituri Provincial Division of IPMEA [Letter to the President of FEC-Kasenyi] 2 October 2000, Bunia.

⁶⁶³ Provincial division of energy for the province of Ituri [Letter to a petrol importer], 23 August 2000.

⁶⁶⁴ “Head of the Ituri Provincial Division of IPMEA [Letter to the heads of the sub-offices in the five territories of Ituri and to the mayor], Bunia, 17 March 2000.

⁶⁶⁵ Specifically in Djugu, the heart of the Hema-Lendu conflict. Letter from IPMEA-Djugu, Post of the center of negotiation Tchomia [Letter to the head of IPMEA in Bunia.] 20 July 2000

⁶⁶⁶ For example, the head of the Ministry of Industry, Small, Middle and Artisanal businesses office in Ituri noted this trend again in January 2001, complaining of principal-agent problems within the bureau. As one correspondence warned: “It is regrettable to face the confusion that some among you deliberately maintain with the complicity of certain businesses who pay taxes via small advances. It is vital to take you by the ear for the last time to tell you that this practice troubles and pollutes the agency and reflects multiple interpretations of the tax code that further feed this confused situation. This practice must be proscribed, for it hardly profits the state but rather the individual actors that initiate it.” Agents continued the “illicit collection of taxes” on business permits, while the administrative hierarchy aimed to “confront the nomenclature of ad hoc taxes to definitively remove this ambiguity.” Chef de Division Provinciale IPMEA Ituri [Letter to President of FEC-Mambasa], 15 January 2001, Bunia.

⁶⁶⁷ In recruiting troops, RCD/K-ML committees across Ituri to directly collected funds from civilians, organized private vehicles to transport combatants, and purchased arms and ammunition (Tamm 2013: 17).

other proxy groups, creating the joint Front for the Liberation of Congo (FLC).⁶⁶⁸ The merger aimed to stave off further fragmentation among armed groups in northeast Congo, in the face of yet another emerging splinter faction within the RCD/K-ML (Tamm 2013; UN 2010),⁶⁶⁹ and to rein in economic control in Ituri's increasingly volatile political situation.

The FLC took a heavy-handed approach to cooptation, looking to reform institutions into more effective governing tools. The goal was to establish a more effective plunder mechanism, both for Uganda and FLC leadership. The FLC enjoyed clear Ugandan support, and Ugandan backing seemed to offer the group a predictable future. The FLC President, Jean-Pierre Bemba, was brought from western Congo (Equateur) to northeast Congo. Bemba's objective was to efficiently maximize extraction.

Eying more far-reaching control, the FLC eliminated structures that did not directly serve rebel ends and pressured a core set of remaining agencies to more effectively implement rebel rules.⁶⁷⁰ It aimed to push out noncompliant administrators from cross-border trade.⁶⁷¹ Taking control over Bunia's crossroads of gold trade, the FLC set about financial audits. It opened new

⁶⁶⁸ Including Jean-Pierre Bemba's Mouvement pour la Libération du Congo and Roger Lumbala's Rassemblement Congolais pour la Démocratie-Nationale.

⁶⁶⁹ The emerging Union for Congolese Patriots (UPC). Describing the intent behind this merger, the UN (2010) noted that it aimed “to restore calm to Ituri and avoid new splinter groups developing” (2010, para. 408). The FLC was designed to stem the tide of the emerging UPC branch, which was excluded from signing the merger agreement (Tamm 2013: 24). Meanwhile, the UPC’s own “offices were vandalized, its flag burned, and documents destroyed” (Tamm 2013: 24), and the UPC went underground as a clandestine armed movement. Yet leaders affiliated with the UPC, such as Tibasima, gained key roles in the FLC armed movement. Tibasima maintained a similar role to his position in earlier RCD and RCD/K-ML, becoming the FLC’s General Secretary in charge of mining (Tamm 2013). Another UPC leader, Thomas Lubanga, took a role in the FLC as an Assistant General Secretary in charge of Youth, Sports and Leisure (Tamm 2013: 24). MLC President Jean-Pierre Bemba became FLC president. In the Great North, RCD/K-ML stalwart Mbusa Nyamwisi took on a secondary role, expressing his discontent with the merger by leaving the country.

⁶⁷⁰ Such as the OFIDA customs bureau and the OCC quality control agency.

⁶⁷¹ By contrast, in the Great North and its headquarters in Beni, the FLC aimed to take control *over* the state apparatus, particularly the customs bureaus at the Kasindi border crossing. As Mwanawavene (2010) describes, “En fait, le FLC empochait des taxes à l’entrée comme à la sortie des marchandises via la douane de Kasindi. JP Bemba avait placé ses hommes à la tête des entreprises de café et de bois, même à la douane. Par mois, le seul poste douanier de Kasindi, faisait entrer plus d’un million USD dans les caisses rebelles (265).

customs bureaus and closed preexisting ones that siphoned off revenue. At the same time, the FLC requisitioned statistics from state bureaus to benefit from their surveillance functions.⁶⁷² With these, it sought to calculate the revenue lost from under-declaring cross-border trade, with a stated aim to “recover evaded fees and taxes.”⁶⁷³ The FLC also defined new import-export taxes on customs payments and related fees in its holdings, instructing agents to “scrupulously conform” to these new strictures, “under the penalty of disciplinary corrective measures.”⁶⁷⁴

Taxation on cross-national trade at border posts provided an important source of financing (Cuvelier and Marysse).⁶⁷⁵ The nearest border along the Congo-Uganda frontier, Mahagi, was far from its headquarters in Bunia and enabled goods to slip past rebel taxes. In response, the FLC Finance Commissariat shut down the customs bureau at the Mahagi border.⁶⁷⁶

The instruction read:

Given the massive fraud in the customs declarations procedures at the Mahagi border post, where certain merchandise disappears before reaching the warehouse at Bunia, the lack of transparency in the management of revenue generated by this bureau, characterized by the quasi-total absence of a clear accounting, the lack of respect for customs tariffs in application on the one hand and the failure to transfer revenue to the Bank on the other...⁶⁷⁷

⁶⁷² Specifically, the FLC went to Bunia’s Parquet de Grande Instance to requisition statistics on the trade. “Manque à gagner du Trésor Public,” Front de Libération du Congo, Inspection Générale des Finances, [Letter to Monsieur le Procureur de la République Près du Parquet de Grande Instance de l’Ituri à Bunia] 1 June 2001, Bunia.

⁶⁷³ *Ibid.*

⁶⁷⁴ “Objet: Application de la Tarification OCC” Front de Libération du Congo [Letter to the Responsible of OCC/Ituri in Bunia], 4 September 2001, Beni.

⁶⁷⁵ Personal interview with importer, 1 October 2013, Bunia.

⁶⁷⁶ The Mahagi border post is situated roughly 160km outside of Bunia. “Mémorandum des Operateurs Economiques Adressé à Son Excellence Monsieur le Commissaire aux Finance et Budget du RCD/ML” Fédération des Entreprises du Congo, Chambre de Commerce et d’Industrie, Syndicat Patronat [Letter to His Excellence Monsieur le Commissaire aux Finances et Budget du RCD/ML in Bunia], 20 February 2002, Bunia.

⁶⁷⁷ *Ibid.*

It instructed traders to unload and declare merchandise inland in Bunia, under the FLC's direct surveillance.⁶⁷⁸ It enforced the decision by opening a post of the rebels' own commerce police to verify "statistical data and the proofs of payments" reported to the customs bureau.⁶⁷⁹

The FLC also built control by suspending fiscal evasion deals involving state bureaus. As Cuvelier and Marysse (2004) point out, prefinancing arrangements to import goods with prepaid customs fees required businesses to maintain good relations with states officials, since their enforcement would "depend on the good will of the customs agents" (192).⁶⁸⁰ These agreements benefited the tax agents who pocketed fees and traders who earned lower tax rates. They represented one tool businesses used to regularize extraction in the waning days of the regime, vis-à-vis soldiers who extorted "rations" to pass goods along roads, as well from administrators who forged documentation to expand opportunities for taxation in Ituri.⁶⁸¹ Prefinancing endured during conflict,⁶⁸² and rebels appropriated these agreements to compensate their debt to traders. Armed groups contracted loans with businesses, which were reimbursed as exemptions from import fees. As a memo from Ituri's business elites explained, "this loan called 'prefinancing' is done in either in paper bills by the requisition of funds or in the nature of goods... prefinancing was a way to participate voluntarily or under duress in the face of pillage

⁶⁷⁸ "Objet: Crédation un Sous-Poste Douanier à Lopa." Le Secrétaire National Adjoint aux Finances et Budget, Front de Libération du Congo "F.L.C." [Letter to the Director General of OFIDA in Bunia] 29 October 2001, Bunia.

⁶⁷⁹ *Ibid.*

⁶⁸⁰ Citing the testimony of Sam Engola at the Porter Commission, 5 September 2001.

⁶⁸¹ Local administrators in Magahi continued to use documents that the Governor of Haut-Zaire had rejected, notably in the IPMEA agency. As businesses noted, "certain documents are not well filled out and are consigné par après par les services concernés." Source: " Rapport de l'ANEZA Zone de Mahagi: Mois d'Octobre et de Novembre 1995" ANEZA Mahagi, 5 December 1995. On more general extraction to pass goods or use roads, see Fairhead (1992).

⁶⁸² Personal Interview with importer, 1 October 2013, Bunia; "Concerne: Lettre no EGIREX/DG/BIA/O14/2001/du 15/Mai/2001 Des Agents d'EGIREX" Inspecteur des finances et Ancien Inspecteur de Finances, Egirex [Letter to His Excellency Monsieur le Coordonnateur Adjoint chargé des Finances, Economie et Portefeuille du Front de Libération du Congo à Beni] 23 May 2001, Bunia; "Objet: Interdiction formelle de payement fractionnel des taxes" DRC Ministère de l'Industrie, Petites Moyennes Entreprises et Artisanat, province de l'Ituri [Letter to the heads of the sub-bureaus in the five districts of Ituri: Aru, Mahagi, Mambasa, Djugu, Irumu], 23 May 2001, Bunia.

and violence.”⁶⁸³ Since exonerations passed through official taxation and customs bureaus, state administrators managed prefinancing in conjunction with rebels and traders.

Inheriting these administrative practices in Ituri, the FLC declared an end to this prefinancing system that regulated parallel markets.⁶⁸⁴ It restricted the OFIDA customs bureau from these practices, favoring direct systems of collecting payments from traders. It required OFIDA to show receipts to better track revenue flows.⁶⁸⁵

Suspending prefinancing threatened agents’ discretion over institutions. For traders, suspensions also signaled less influence over tax payments, declining predictability in financial deals, and heightened risks of extortion from rebels. At stake for traders was the institutional recognition of the money that rebels owed to them. As rebels requisitioned goods, or borrowed trucks or planes for transportation, traders could write off these costs as debt, to be reimbursed by tax exemptions through state agencies. Suspending prefinancing eliminated this institutional recourse. Hence, in a joint memorandum, Ituri’s leading businesses wrote to the FLC, warning:

the relations between economic operators and the FLC movement have never been well established. And the principal point of discord is evidently the prefinancing files...When it comes to money, the FLC always privileges its own interests... if this is how the population is treated still halfway along the path to the Capital, what will it be like when you are in Power in Kinshasa?... As an example, multiple past attempts to misrecognize, pure and simple, the existence of the debts owed to us, or to do away with the account “Public Debt” have already taken place.... In light of the preceding, we demand the immediate lifting of the measures that suspend prefinancing.⁶⁸⁶

⁶⁸³ “Clarification de la F.E.C./Ituri sur le Rapport des Experts du Conseil de Sécurité sur la R.D.C.” Comité de la F.E.C., District de l’Ituri, 30 September 2005, Bunia. p. 1-2.

⁶⁸⁴ “Mémorandum des Operateurs Economiques de l’Ituri Adressé à Son Excellence Monsieur le Président de l’Exécutif du FLC” Les Opérateurs Economiques de l’Ituri, 17 July 2001, Bunia.

⁶⁸⁵ “Objet: Continuité apurement Préfinancement pour Ituri.” Coordonnateur Adjoint de l’Exécutif Chargé des Finances, Economie et Portefeuille [Letter to the Sub-director of OFIDA in Bunia] 6 April 2001, Bunia.

⁶⁸⁶ As they continued, “Besides, it is fortunate that you evolved also in the holdings of RCD/ML, which could plead our cause. In reality, the MLC must greatly rejoice of its marriage with RCD/ML, for the benefit that it receives from it is enormous. It does not escape anyone that that this one [MLC] found here enormous resources that it never would have had if it rested in its traditional fief (Bas-Uélé and Equateur). This is the essential reason for which to honor the RCD/ML and in order to correctly clear its debts that it contracted before the marriage.” Conventionally, traders could collect debts owed by rebels via prefinancing agreements. “Mémorandum des Operateurs

Traders maintained that prefinancing was their “inalienable right.”⁶⁸⁷

Facing mutual losses from the FLC’s decision, the suspensions spurred coalition building between bureaucrats and Congolese traders. Traders reached out to the OFIDA bureau in the FLC’s headquarter town for help.⁶⁸⁸ They complained to rebels that conflicting standards created confusion over whose rules governed economic exchange.⁶⁸⁹ Facing resistance, the FLC reinstated prefinancing near the end of its tenure (in August 2001 in Bunia).⁶⁹⁰ The FLC’s short tenure illustrated that administrators could still cultivate support from an important coalition partner, cross-border traders, to maintain institutions under conditions of mutual threats from rebels.

The FLC soon gave way. The unpopular merger ended in an uprising, owing in part to disputes over customs revenue at the Congo-Uganda border posts (Cuvelier and Marysse 2004).⁶⁹¹ RCD/K-ML troops in the Grand Nord turned on the FLC in mid-2001 in a campaign that sent the FLC fleeing. Rallying military support from their counterparts in Ituri, the RCD/K-

Economiques de l’Ituri Adressé à Son Excellence Monsieur le Président de l’Exécutif du FLC” Les Opérateurs Economiques de l’Ituri, 17 July 2001, Bunia.

⁶⁸⁷ “Mémorandum des Operateurs Economiques de l’Ituri Adressé à Son Excellence Monsieur le Président de l’Exécutif du FLC” Les Opérateurs Economiques de l’Ituri, 17 July 2001, Bunia, p.2 ; “Concerne: Suspension des apurement de préfinancements” Président du Conseil Provincial de la FEC/Ituri [Letter to Monsieur le Directeur Général de l’OFIDA à Beni], 12 July 2001, Bunia.

⁶⁸⁸ “Concerne: Suspension des apurement de préfinancements” Président du Conseil Provincial de la FEC/Ituri [Letter to Monsieur le Directeur Général de l’OFIDA à Beni], 12 July 2001, Bunia. The source cites the radio message no 013/D.G./OFIDA/FLC/2001, addressed to the Sub Director of OFIDA-Ituri.

⁶⁸⁹ “Mémorandum des Operateurs Economiques de l’Ituri Adressé à Son Excellence Monsieur le Président de l’Exécutif du FLC” Les Opérateurs Economiques de l’Ituri, 17 July 2001, Bunia.

⁶⁹⁰ Yet it did so with more restricted terms. For instance, the FLC Finance Secretary wrote to the OFIDA customs office in Bunia: “to eliminate multiple expenditures taken on a daily basis, [and] for the good functioning of the Front [for the Liberation of Congo], I have decided, dating from today, to reduce to 25% the level of debt that can be paid off by compensation” (see Figure 2, below). Doing so maintained institutional guarantees, but at a rate that reduced the payments the group owed to traders. (Source: “Objet: Nouveaux taux d’Apurement par compensation” Cabinet du Secrétaire National Adjoint, Secrétariat National aux Finances et Budget, Front de Libération du Congo [Letter to Monsieur le Sous-Directeur de l’OFIDA/Ituri in Bunia] 25 September 2001, Bunia). By this time, the FLC had already been driven out of the Grand Nord by forces loyal to Mbusa Nyamwisi.

⁶⁹¹ At Mahagi.

ML mounted a second effort to reclaim control of Ituri, joining both of its branches in against the FLC. Bemba's troops withdrew from Ituri in November 2001,⁶⁹² and the RCD/K-ML regained power. Yet as it did so, infighting again left it with an unsteady tenure.

Renewed RCD/K-ML Control: March Toward Institutional Displacement

After routing the FLC in November 2001, the RCD/K-ML restored influence in Ituri. Yet internal rivalry escalated and splinter factions broke out, shortening time horizons and leading to institutional displacement. Comparisons between the FLC and subsequent moves toward institutional displacement under the RCD/K-ML and UPC illustrate the role of coalition building in differentiating pathways to institutional entrenchment from displacement. As time horizons shortened, earlier ethnic and commercial disputes among noncombatant networks in Ituri also led some to look to Ugandan military commanders as new levers of control, and deprived state institutions of stable coalition partners

Internal rivalry within the RCD/K-ML organized across two core dimensions. The first included the preexisting divide between the Ituri and Grand Nord factions. As the RCD/K-ML regained power, the presidency of the group transferred to the leader of the Grand Nord branch, Nande politician MbUSA Nyamwisi. Meanwhile, Tibasima remained at the head of the Ituri branch, preserving the Hema flavor of the group. A second dimension of rivalry brewed within the RCD/K-ML branch in Ituri, where Tibasima's influence was waning. A splinter faction in Ituri (known as the Union of Congolese Patriots, UPC) was growing under the guise of another

⁶⁹² When the new RCD/K-ML president (MbUSA Nyamwisi) ousted Bemba from Beni, he reached out to Tibasima and Lubanga for help expelling the MLC troops from Bunia (Tamm 2013: 25).

Hema leader, Thomas Lubanga. Meanwhile, Tibasima's control over the mining sector was slipping.⁶⁹³ Armed bands proliferated and extorted payments along the roads.⁶⁹⁴

Reflecting shortened time horizons, the RCD/K-ML shifted to a strategy of institutional displacement in Ituri. In early 2002, the RCD/K-ML issued "an across-the-board exoneration... which ensured Ugandan commercial operators complete exoneration from all taxes in the area under their control" (UNSC 2002: 114), sidelining state administrations from revenue collection.⁶⁹⁵ As one component of this shift, the group maintained the FLC's prohibitions restricting traders from working with the customs bureau at the lucrative Mahagi border on the Congo-Uganda frontier.⁶⁹⁶ At the same time, it required Congolese businesses to pay heavy import fees to the rebel group, which were in large part transferred to Ugandan military interests (UNSC 2002: para. 115).⁶⁹⁷

A search for predictability spurred incipient coalition formation between state agents and civilian traders. Many traders relied on partnerships with customs agents to secure favorable terms for importation (Cuvelier and Marysse 2004), and petitioned the RCD/K-ML to reinstate the bureau to importation circuits. As a memorandum joining Ituri's businesses expressed:

⁶⁹³ A July 2002 email from Ituri governor Jean-Pierre Molondo to Tibasima alerted him that his personal assistant and director of the cabinet and the general director of the state-owned OKIMO gold company were working in their personal interests rather than Tibasima's instructions (Cuvelier and Marysse 2004: 188-9).

⁶⁹⁴ "Rapport de la FEC/Ituri sur la Dégradation Complete du Tissus Economique de la Province de l'Ituri" Fédération des Entreprises du Congo, 18 March 2003, Bunia.

⁶⁹⁵ The Protocole d'Accord was issued by the RCD-K/ML on 22 February 2002.

⁶⁹⁶ "Mémorandum des Operateurs Economiques Adressé à Son Excellence Monsieur le Commissaire aux Finances et Budget du RCD/ML" Fédération des Entreprises du Congo, Chambre de Commerce et d'Industrie, Syndicat Patronat [Letter to His Excellency Monsieur le Commissaire aux Finances et Budget du RCD/ML in Bunia], 20 February 2002, Bunia.

⁶⁹⁷ As the UN Panel of Experts finds, "Equally lucrative is access to the taxes themselves, monopolized by the network that uses the rebel administration's facade of a public treasury and its collection agents to raise revenue from local businessmen and the population at large. Hundreds of containers are imported each month into the Butembo, Beni and Bunia areas, and importers are obliged to pay an average of \$8,000 per container. Revenue from these import duties can be considerable. Some revenue is also diverted through prefinancing arrangements, which provide discounted import duties in exchange for kickbacks to rebel politicians. The Panel's sources insist that the revenues generated from import duties and prefinancing payments are diverted to UPDF officers" (UNSC 2002, para. 115).

It is with indignation that we, economic operators have learned... about the prohibition to to unload goods and pass customs at the border post (OFIDA/Mahagi). Not only does this decision violate the customs legislation in place (Confère decree of 29 January 1949 and ordinance-law no 33/9 of 6 January 1950 and its article 23 on free practice)..."⁶⁹⁸

This memo overtly supported the OFIDA customs bureau, underlining its authority through references to official codes. As traders described, "OFIDA is a technical agency, well structured that must reinforce the control through its brigade in order to abate the supposed fraud."⁶⁹⁹ Traders urged the RCD/K-ML to also respect other institutions, such as banks: "the principle of paying all the taxes due to the State through banking channels be respected." Of course, OFIDA was deeply implicated in fraud.

At stake for traders was whether side deals would pass through institutional channels—with the potential for predictable exchange and guaranteed investments—or through rebel channels that proved more volatile. This preference grew evident as the recurrent armed group turnover corresponded with vacillating tax rates and acute uncertainty for traders. Ituri's leading business association explained to the RCD/K-ML the obstacles faced from shifting rebel control:

...personal conflicts inside the [RCD/K-ML] Movement carry negative repercussions on economic activities at each change. A file that is handled and recognized by one institution must not be made the object of contestation when the head of the institution changes.⁷⁰⁰

⁶⁹⁸ "Mémorandum des Operateurs Economiques Adressé à Son Excellence Monsieur le Commissaire aux Finance et Budget du RCD/ML" Fédération des Entreprises du Congo, Chambre de Commerce et d'Industrie, Syndicat Patronat [Letter to His Excellence Monsieur le Commissaire aux Finances et Budget du RCD/ML in Bunia], 20 February 2002, Bunia.

⁶⁹⁹ *Ibid.*

⁷⁰⁰ "Mémorandum des Operateurs Economiques Adressé à Son Excellence Monsieur le Commissaire aux Finance et Budget du RCD/ML" Fédération des Entreprises du Congo, Chambre de Commerce et d'Industrie, Syndicat Patronat [Letter to His Excellence Monsieur le Commissaire aux Finances et Budget du RCD/ML in Bunia], 20 February 2002, Bunia, p. 2.

Exasperated traders noted rebels' inability to guarantee terms of contracted loans, asking the RCD/K-ML "why would we continue to help the Movement with prefinancing that will later be contested?"⁷⁰¹ Institutions that outlasted rebels' tenures promised more reliable engagement.

However, the elite network comprising Ugandan officials and RCD/K-ML administrators benefited some civilian traders handsomely, dividing traders and undercutting a coalition base for waning administrations. Competitions between RCD/K-ML branches took on commercial dimensions that mapped onto divides among Ituri's trading networks.

Specifically, the Grand Nord branch of the RCD/K-ML was closely affiliated with a powerful group of Nande traders. Nande had moved northward and grown influential in Ituri prior to the rebellion (MacGaffey 1991; Vwakanazi 1991), where they competed with Hema (specifically, the Hema-Gegere sub-clan) for control over markets.⁷⁰² At war's onset, the Hema-Gegere, sharing ethnic origins with RCD/K-ML leadership in Ituri, held commercial power and controlled most of the transport companies in Ituri (UN 2002; UNSC 2002, para 120). Yet war tipped this balance in favor of the Nande. As Raeymaekers (2004) notes, "the Nande became the most important trading community vis-à-vis local Hema and Gegere traders, who were consequently pushed out of local markets" (64).⁷⁰³ Economic competition heightened ethnic divisions. As the RCD/K-ML regained power and a Nande assumed its presidency, Human Rights Watch (2003) noted that this "raised the profile of the Nande in Ituri. Hema elites seeking

⁷⁰¹ *Ibid.*

⁷⁰² For instance, as of the mid-1980s, ten Nande traders featured among the most elite businessmen in Bunia (Vwakanazi 1991). MacGaffey (1991) notes that Nande Traders were historically strong in Ituri, operating in Buni, Aru and Mahagi. The Nande trading network, based out of Butembo in the Great North, had made significant inroads into Province Orientale over the course of Mobutu's Presidency.

⁷⁰³ Gegere is a sub-group of Hema. As the UN (2010, para. 365, footnote 600) describes, "the term Hema-Gegere or Hema-Nord refers to the Hema in the northern part of the [Ituri] district and speaking the same language as the Lendu. Until 2002, they were allied to the Hemas living in the southern part of the district (sometimes called the Hema-Sud) although the latter did not speak the same language as them." The Hema-Sud are also known as the Banyoro (Cuvelier and Marysse 2004).

to assert or protect their control of the political and economic spheres in Ituri tend to consider the Nande as direct competitors” (14).⁷⁰⁴

Ugandan financial networks offered Hema-Gegere businessmen a mechanism to preserve economic control vis-à-vis Nande competitors. Uganda “openly favored the interests of the Hema community,” (UN 2010: para. 364), and built its economic base through force (UNSC 2002: para. 101), providing new levers of influence to Hema partners. As the UN Group of Experts finds, Hema traders “transport shipments of primary products from Ituri across the border to Uganda under the protection of UPDF troops and return with gasoline, cigarettes and arms, all exempt from taxation. They benefit from the trade and the generous profit margins” (UNSC 2002, para. 121). Hema also benefited from Ugandan front companies, such as the favorable tax agreements through Victoria Group, and “used this new power relation to extend their economic operations both within and beyond Ituri’s borders” (Vlassenroot and Raeymaekers 2003: 21). The Ugandan militarized commercial network set up taxes for local enterprises (UNSC 2002: para. 105),⁷⁰⁵ but exempted its own members from payments (UNSC 2002: para. 104).⁷⁰⁶

Meanwhile, Ugandan partnership offered Hema a direct means of control vis-à-vis Nande rebel leaders. At the same time, Ugandan officials turned against the Nande RCD/K-ML President, Mbusa Nyamwisi (UNSC 2002: para. 103).⁷⁰⁷ Hema traders likewise aimed to

⁷⁰⁴ Lubanga accused Mbusa Nyamwisi in April of preparing a coup for Nande power in Bunia (Tamm 2013: 26). To gain power, Mbusa appointed a new Governor of Ituri, Lompondo, but “the Hema were distrustful of Lompondo, who they accused of having planned the massacres in Irumu with Lendu self-defense groups” (Tamm 2013: 260). A mutiny of Hema officers exacerbated leadership conflicts within the RCD/K-ML.

⁷⁰⁵ Ugandan officers collected taxes under the pretexts of licensing fees, taxes, and import export duties (UNSC 2002: para. 101).

⁷⁰⁶ The prominent Savo family organized the transportation needs of Ugandan front company Trinity Investment in Ituri, benefiting in turn from Ugandan-imposed taxes on toll roads and exports (UNSC 2002, para. 116).

⁷⁰⁷ According to the Panel, “Lt. General Saleh and Mr. Horn consulted President Joseph Kabila to obtain support for this covert operation. Its primary objective has been to replace Mbusa Nyamwisi with Roger Lumbala as head of

overthrow Mbusa in order to “secure greater control over the spoils” that the rebel group controlled (UN 2002, para. 121).

Hence, Ugandan financial networks provide means to address economic competition that overlapped with ethnic disputes in Ituri.⁷⁰⁸ Benefits from Ugandan criminal networks undercut the value of state administrations to Hema traders, whose preferences shifted to institutional displacement to gain from partnerships with Ugandan officials. These conditions fragmented the base of coalition partners on which state administrators could draw and weakened the demands of other traders to reinstate official agencies. Some state bureaus remained operational, such as the cadaster, the national migration agency, the OFIDA customs bureau and agencies taxing cross-border trade.⁷⁰⁹ Yet they largely shifted to façades. With waning control, they competed for a foothold in controlling the official documents to regulate the imports they still taxed.⁷¹⁰

Culminating earlier fissures, the RCD/K-ML’s Ituri and Grand Nord branches permanently split. Internal tensions within the RCD/K-ML divided Bunia into competing zones from April-August 2002, launching a period of urban warfare. Clashes ended with the movement’s split between the Grand Nord branch, still known as the RCD/K-ML, and the UPC splinter that took control of Bunia. The UPC forced RCD/K-ML troops to evacuate Bunia in August 2002 (Tamm 2013: 12).

RCD-K/ML in order to ensure access to the diamond-rich areas around Buta and Isiro controlled by Mr. Lumbala’s rebel group, RCD- National.”

⁷⁰⁸ Although Uganda armed both sides, including Lendu militias.

⁷⁰⁹ “Objet: Accusé de réception” Rassemblement Congolais pour la Démocratie RCD/Kis-ML, Conseil Exécutif, Commissariat aux Affaires Foncières, Urbanisme et Habitat”[Letter to Monsieur le Chef de Division du Cadastre/Bunia], 8 February 2002, Bunia; “Objet: Service autorisé à prester pour le pointage des marchandises” Direction Générale de Migration D.G.M. Province de l’Ituri [Letter to the President of FEC-Ituri in Bunia], 22 August 2002, Bunia.

⁷¹⁰ “Objet: Service autorisé à prester pour le pointage des marchandises” Le Directeur General de la D.G.M.-Ituri [Letter of Monsieur le Président de la F.E.C.-Ituri] 22 March 2002, Bunia.

UPC: Institutional Displacement

UPC takeover cemented the move toward institutional displacement, and the state apparatus retreated amidst spiraling violence against civilians.⁷¹¹ During its tenuous six-month stay in power, the UPC established a system of direct extraction from civilians and cross-border traders that bypassed institutional regulations.⁷¹²

Paradoxically, the state apparatus, historically under disproportionate Hema control, should have provided a natural tool for UPC's dominance, itself under the control of "Hema hardliners" and sponsored by rich Hema businesspersons (Pottier 2010: 28; Tamm 2013: 32).⁷¹³ Yet, escalating competition within the UPC and threats from surrounding militias truncated rebels' time horizons. Threats came from the RCD/K-ML toward the south and another RCD faction, the RCD-National, from the North (UN 2002). The UPC's ascent to power coincided with escalating violence and ethnic purges, and tensions rose between Hema and Lendu (Tamm 2013: 35-7). Seeking to reestablish an inroad into its lost territory, the RCD/K-ML armed Lendu militias in Ituri against the UPC (Tamm 2013: 36).

⁷¹¹ UPC formation had been a long time in coming. At the head of the Ituri branch, Tibasima had supported the creation of a new armed faction within the RCD/K-ML in 2000 (Tamm 2013: 20). His Hema bloc congealed into a self-described "political party" within the RCD/K-ML that was known as the Union for Congolese Patriots (UPC). The UPC emerged openly in September 2000. As Tamm (2013) notes, Tibasima did so in response to Wamba-dia-Wamba's alleged preference of Lendu from Ituri inside of his armed group. This Hema force took on the name "Force mobile Chui" or FMC, also called the "Force mobile léopard." Belying political appearances, the UPC maintained an armed wing (Tamm 2013: 23). The UPC itself was symptomatic of the environment of armed fragmentation in Ituri. At its creation, it held "neither a clear organizational structure, nor a single leader," though Tibasima was influential (Tamm 2013: 22). One of the commanders that Uganda deployed to prop up Hema militias, Thomas Lubanga, was named president of the UPC party (Tamm 2013: 22). The head of the RCD/K-ML Grand Nord branch, Mbusa Nyamwisi, refused to allow Lubanga to formally participate in the UPC, but Lubanga searched for a pathway to expand his power (Tamm 2013: 25). When the RCD/K-ML regained control, the role for the Ituri branch, led by Tibasima and Lubanga, had grown. Mbusa appointed Lubanga to an upgraded role as the new Commissaries of Defense for the RCD/K-ML.

⁷¹² See UN (2002) for the humanitarian consequences of Ituri.

⁷¹³ Hema Adèle Lotsove was appointed to the ministry of finance, although was later replaced for misallocating funds (Tamm 2013: 30). As Tamm points out, the multiethnic composition of the UPC ministers was a façade (Tamm 2013: 31-32).

Amidst uncertainty, the UPC bypassed institutions in favor of direct control. The executive bureau of the UPC took on an expansive role in Ituri (Tamm 2013: 30).⁷¹⁴ As Thomas Lubanga assumed the UPC presidency, he issued direct edicts to businesses, stating that “we demand you obligatorily to contribute (...) in a substantial manner.”⁷¹⁵ The UPC collected taxes directly or used them as a loose template for extraction. The group took over taxes formerly collected by provincial administrators.⁷¹⁶ UPC leadership dispatched rebel cadre member to collect taxes directly “for the profit of the movement,” without the role of state intermediaries.⁷¹⁷

Unlike cooptation, in which state agencies collected taxes directly and transferred revenue to rebels’ Public Treasuries, the UPC bypassed government agencies. As one local businessman recalled this shift in strategy:

Under the UPC, you needed to give a contribution. It was a “voluntary” contribution, but there were consequences if you didn’t pay. The UPC would go to every home to collect the contribution. But there was no set tax, they would ask for different levels of contributions from different people. If you don’t contribute, things can go badly.. at the border, there was no nomenclature applied. No new text was made or used. They used the old tax, but all used it as play.⁷¹⁸

The UPC instructed Bunia-based business association to ensure that businesses had their tax payments ready.

⁷¹⁴ Officially the UPC was a mixed administration with 6/27 “National Secretary” or Minister positions belonging to Hema, however as Tamm (2013) points out, “the circle of decision-makers was essentially Hema, notably with the Chef d’état major of Lubanga” (Tamm 2013: 31). As he continues, “the multi-ethnic character of the executive bureau of the UPC should be considered as a simple façade: certain non-Hema executive members joined the movement after having been subject to threats, while the traditional chiefs and administrators of other ethnic groups were assassinated when their loyalty to the UPC came into doubt.”

⁷¹⁵ “Concerne: Demande d'aide financière pour achat des vivres à nos militaires.” Cabinet du Président, Union des Patriotes Congolais, [Letter addressed to “Tous les Hommes de bonne volonté, tous les opérateurs économiques”], 6 December 2002, Bunia.

⁷¹⁶ “Objet: Perception Taxes Provinciales” Cabinet du Secrétaire National, Secrétariat National a l’Intérieur et aux Affaires Coutumiers, Union des Patriotes Congolais [Letter to Monsieur le Président Provincial de la FEC, in Bunia], 30 July 2003, Bunia.

⁷¹⁷ “Objet: Perception Taxes Provinciales” Cabinet du Secrétaire National, Secrétariat National a l’Intérieur et aux Affaires Coutumiers, Union des Patriotes Congolais [Letter to Monsieur le Président Provincial de la FEC, in Bunia], 30 July 2003, Bunia.

⁷¹⁸ Personal Interview with importer, 1 October 2013, Bunia.

Under UPC rule, one local importer recalled that “all of the leadership of OFIDA and other agencies feared to work with rebels because they knew that the rebels could not work with them.”⁷¹⁹ The importer contrasted displacement with how other armed groups interfaced with administrators elsewhere, noting that the same OFIDA bureau continued working in the Grand Nord. As one Ituri-based customs agent described, administrators of Bunia’s OFIDA bureau showed up to work: “They did not close their doors. But, there was nothing to do, no businesses would come so they could not get paid. The UPC was fierce and would kill easily.”⁷²⁰ The UPC assassinated administrators with doubtful loyalty to the group, as was the case for the UPC-appointed Ituri governor (Tamm 2013: 31-32).

Under these conditions, civilian traders reached out to UPC leadership for protection against the group’s own commanders.⁷²¹ This left traders excluded from Uganda’s elite commercial-military network with little recourse. The UPC aimed to reinstate a prefinancing system with traders, but routed it beyond state institutions. The system proved risky for traders, since rebels could revoke agreements at anytime and could not ensure that customs agents would respect papers granting free movement (Cuvelier and Marysse 2004). Without institutional bases to regulate transactions, the UPC’s ad hoc agreements lacked the same staying power.

Even the UPC’s external facades of statehood grew less convincing. Figures 8.2 through 8.4 compare documents from three of Ituri’s rebel movements: the RCD/K-ML, FLC, and UPC, penned on “official” rebel letterhead. These visually capture the change in armed group’s internal functions over time. The RCD/K-ML letter, addressed to the cadaster’s office of Bunia

⁷¹⁹ Personal Interview with local importer, 7 October 2013, Bunia.

⁷²⁰ Personal Interview with OFIDA (currently DGDA) agent, 18 October 2013, Aru.

⁷²¹ “Objet: Sécurité des Opératateurs Economiques non Ressortissants de l’Ituri” Directeur de Cabinet de la Presidence, [Letter to Monsieur le Chef EMG/FLPC, armed branch of the UPC], 3 February 2003, Bunia.

(Figure 8.2), and the FLC (Figure 8.3) feature characteristic markers of statehood, placing a range of local authorities in copy on rebel correspondence.

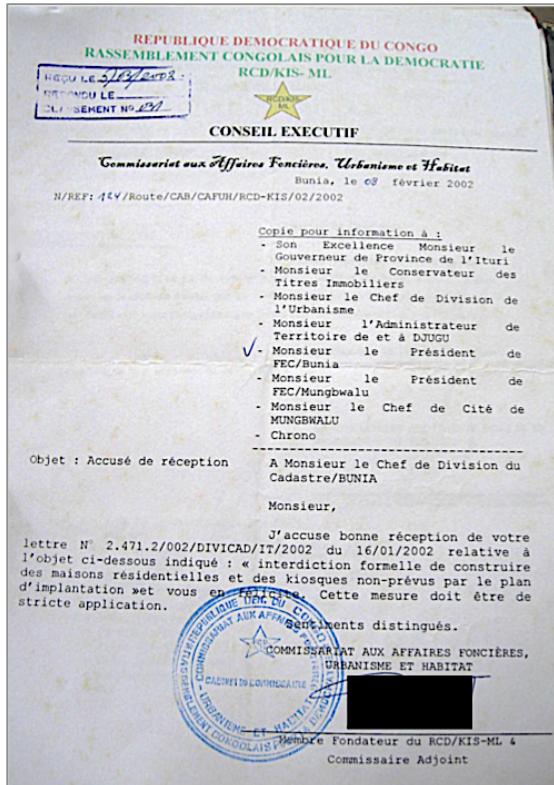


FIGURE 8.2 RCD/K-ML in Bunia

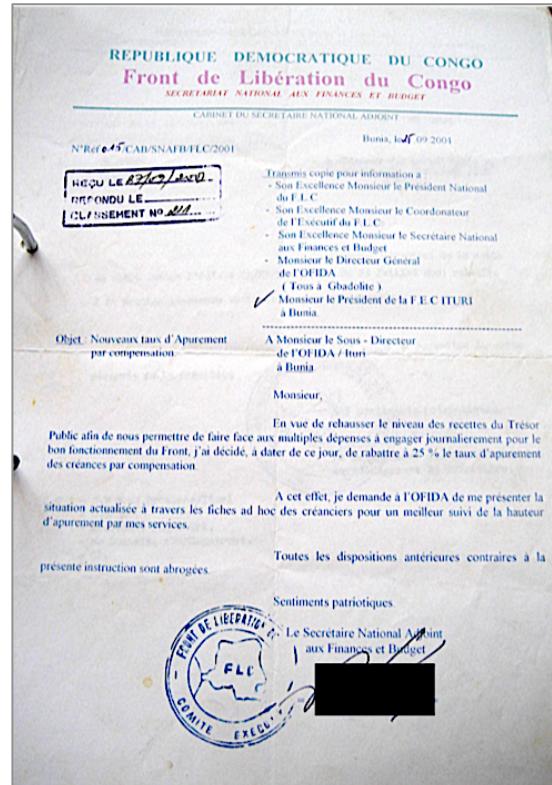


FIGURE 8.3 FLC in Bunia

By contrast, the UPC's tax instruction breaks from the repetitive culture of bureaucracy. Its abnormally large print and unusual omissions of state bureaus in copy signal departures from the regular façade of statehood. The language of its correspondences breaks from the characteristic state-like claims of its counterparts. As the RCD/K-ML's Commissariat of Finance and Budget addressed revenue collections agencies and traders, it used the expected formalities: "it is brought to the attention of all the State, Para-State Services and Economics

Operators of Ituri..." (Figure 8.2).⁷²² The RCD/K-ML cites previous laws in issuing its own statutes. By contrast, UPC correspondences (Figure 8.4) lack these common features. Issued directly to "all the men of good will" and "all the economic actors" in Bunia, the UPC threatened that, "the survival of everyone depends" on payments made to the rebel group. No state agencies were included in copy.⁷²³ By this point in war, even administrative façades had withered in trappings of formality.

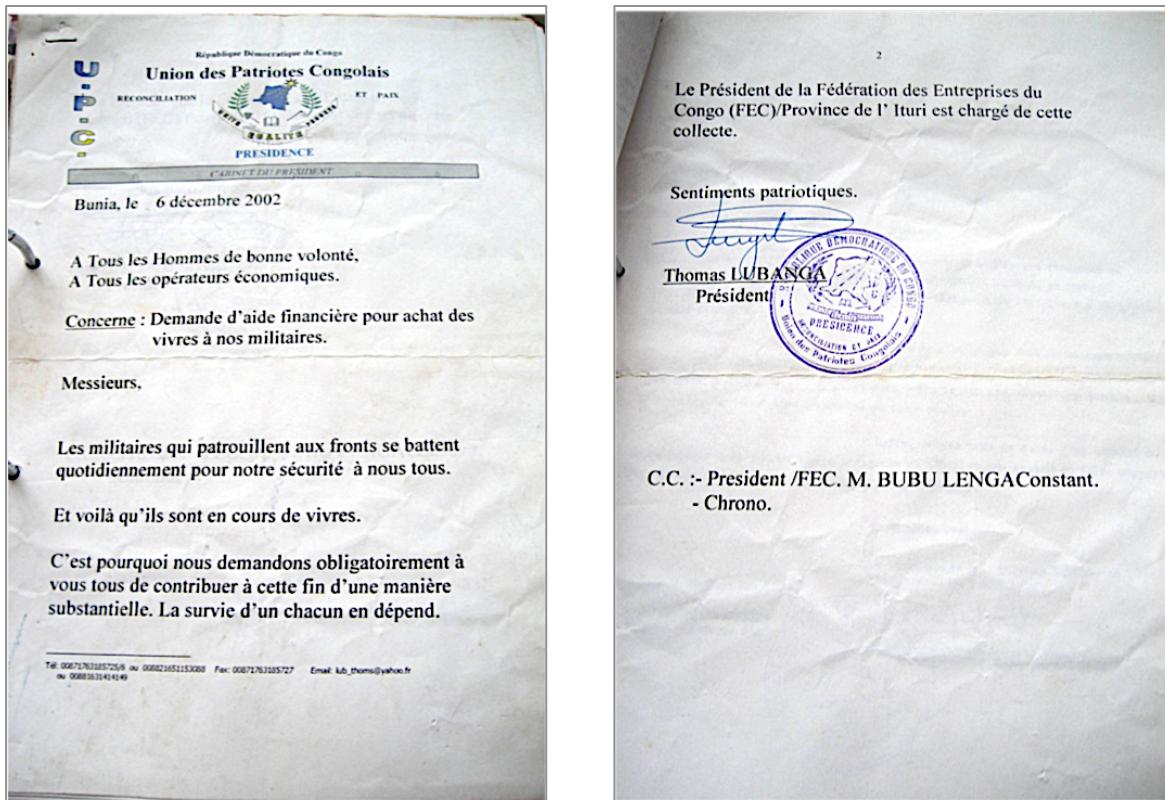


FIGURE 8.4 UPC in Bunia

⁷²² "Circulaire No 045/CAB/CAF/RCD-KIS.ML/2001." Rassemblement Congolais pour la Démocratie Mouvement de Libération "RCD-KIS/ML" Commissariat aux Finances et Budget, Cabinet du Commissaire Adjoint [Memorandum], 10 December 2001, Bunia.

⁷²³ "Concerne: Demande d'aide financière pour achat des vivres à nos militaires." Cabinet du Président, Union des Patriotes Congolais, [Letter addressed to "Tous les Hommes de bonne volonté, tous les opérateurs économiques"], 4 December 2002, Bunia. ; "Objet: Perception Taxes Provinciales" Cabinet du Secrétaire National, Secrétariat National a l'Intérieur et aux Affaires Coutumiers, Union des Patriotes Congolais [Letter to Monsieur le Président Provincial de la FEC, in Bunia], 30 July 2003, Bunia.

UPC Breakdown and Spiraling Fragmentation

Internal tensions within the UPC repeated the cycle of fragmentation. The UPC's time in power lasted for six months before it fell prey to the infighting that plagued its predecessors.⁷²⁴ Ugandan support for the UPC waned, and its leader, Lubanga, reached out to Rwanda for support, which competed with Uganda to control resources in northeast Congo (Tamm 2013: 37).⁷²⁵ Organized as a Hema group, the UPC fragmented along clan lines (between the Hema-Gegere group and the Hema-Sud) after Lubanga allied with Rwanda. While Lubanga's UPC faction controlled Bunia and some surrounding areas, the Hema-Sud faction fought with the UPC in Bunia in December 2002 (UN 2002).⁷²⁶ Uganda supported the rival PUSIC. Uganda officially withdrew from Congo in May 2003, but maintained influence (Fahey 2011). As the UPC split into two factions, its grip over Bunia weakened.⁷²⁷ In early 2003, officers of the Ugandan army threatened the UPC, arming Lendu militias to take over Bunia and defeat Lubanga's UPC (Tamm 2013: 40).⁷²⁸

The UPC's ascent and dissolution launched Ituri into new spiral of conflict, corresponding with a spike in violence against civilians (Amnesty International 2003).⁷²⁹ Local

⁷²⁴ UPC divided into two key groups between March and December 2003, the UPC-Kisembo and UPC-Lubanga.

⁷²⁵ UPC troops received training in Rwanda as the UPC declared an alliance with its proxy group, the RCD-G.

⁷²⁶ By Party for the Unity and Safeguarding of the Integrity of Congo (PUSIC), led Kahwa Mandro,

⁷²⁷ the Front pour l'intégration et la paix en Ituri (FIFI), which formed as an coalition of PUSIC and the Front nationaliste et intégrationniste (FNI) as well as the Forces de resistance patriotique d'Ituri (FRPI), constituted primarily of the Lendu ethnic group embroiled in disputes with the Hema, as well as the Force popularise pour la démocratie du Congo (FPDC) in Aru and Mahagi.

⁷²⁸ UPC branches also fought over the use of front companies and financial networks. One of these included Sacrifco in the timber sector (UNSC 2002, para. 116). Sacrifco formed part of Ugandan's "elite network" of military, rebel, and commercial interests (UNSC 2002). As the UPC took over and subsequently fractured, the General Bosco Ntaganda (of the UPC-Lubanga faction) aimed to use Sacrifco to export his private timber, but Sacrifco favored his rival General Floribert Kisembo (UPC-Kisembo). Ntaganda threatened the family "to return my timber planks because I would not want to slight you, in my capacity as the Responsible of the Movement UPC/RP." "Objet: Demande remise des planches" Bosco Ntaganda, le Chef d'Etat Major de l'UPC/RP, Union des Patriotes Congolais pour la Réconciliation et Paix, Force Patriotique pour la Libération du Congo [Letter to Monsieur le Représentant de la Famille SACGRICOF] 23 December 2003, Largu (Ituri).

⁷²⁹ Amnesty International (2003) estimated that 5,000 were killed from July 2002 through early 2003.

traders catalogued the destruction of markets, hospitals, and schools.⁷³⁰ In a report entitled the “Complete Degradation of the Economic Fabric of Ituri,” the association of Ituri businesses described,

in all the countries of the world, when a war breaks out, bombs and heavy arms destroy cities and infrastructure. But alas, in our dirty war of Ituri, that is not the case... This war spared neither individuals nor the State, nor the churches or developmental organizations. EVERYTHING was systematically destroyed and pillaged without pity.⁷³¹

Amidst local militias, splintering rebel groups, and shifting lines of patronage support, Ituri’s armed groups continued to fragment and compete, building on the institutional displacement laid from the progression from the RCD to UPC.

Conclusion

Institutional displacement emerged as recurrent rivalry threatened armed groups’ survival. Under these conditions, Ituri’s state apparatus provides a strong test for the hypothesis that agents exercise preferences and capacities that reflect their posts. It demonstrates, that amidst what Vlassenroot and Raeymaekers (2004) describe as the “disintegration of local society” (392), institutions remained stickier than they should.

The pathway to institutional displacement tests the expectation that institutions create new classes of interests against two common alternative explanations. First, foreign sponsors are commonly held to lay the foundations for displacement, by offering alternative mechanisms of enrichment that bypass local social relationships or institutions (Ross 2004; Weinstein 2007). At first blush, Uganda’s predatory extractive regime in Ituri would appear to support this pathway,

⁷³⁰ Specifically listing the *centres de négoces* in Linga, Jiba, Bali, Libi, Kalo, Gobu, Kparganza, Nyapala, Resto, Maze, Dhedja, Mongbwalu, Kilo, Pluto, bule, Dhera, Kobu, Mbidjo, Jina, Mabanga, Nizi. “Rapport de la FEC/Ituri sur la Dégradation Complete du Tissus Economique de la Province de l’Ituri” Fédération des Entreprises du Congo, 18 March 2003, Bunia.

⁷³¹ “Rapport de la FEC/Ituri sur la Dégradation Complete du Tissus Economique de la Province de l’Ituri” Fédération des Entreprises du Congo, 18 March 2003, Bunia.

with members of various proxy groups seeking enrichment by participating in its elite cross-border trafficking networks. However, this was not sufficient for institutional displacement. Rebel proxies appointed as Ugandan cronies maintained relationships with customs bureaus, while customs officials balanced against displacement through connections with local traders. Amidst recurrent change in rebel movements, traders petitioned for the endurance of official avenues of taxation in order to build predictability in extraction.

A second alternative explanation holds that state administrations are indistinct from other civilian institutions or social structure, particularly under conditions of state weakness. Yet as armed groups split and grew more ethicized, rebels turned further from the administrators with whom they held co-ethnic ties, illustrating that use of the state is not endogenous to social forces.

Displacement emerged over through a protracted process of contestation, rather than a one-off dismantling of state structures. State agents derived preferences from institutional bases of authority to maintain institutions as levers of influence, since private enrichment was linked to institutional endurance. The pathway to displacement also illustrates that preferences shift piecemeal, clarifying properties of institutional change that occur over gradual processes instead of jumps between equilibria, even under conditions of political volatility. This reflects in part the range of interests invested in institutional survival: rebel preferences are not sufficient for displacement in the presence of other coalition partners who ally with state agents to maintain institutions at the height of war. In the early stages of war, state institutions provided an important counterweight to less predictable patterns of rebel influence. Administrators maintained their posts and continued to show up for their jobs. Yet, as war progressed, internal mechanisms of institutional continuity were unable to maintain independent bases of authority without a reliable coalition partner in the face of enduring armed competition.

*Chapter 9***POST-CONFLICT EFFECTS OF STATE-REBEL RELATIONS**

This chapter examines how the engagement patterns forged between armed groups and state agents during civil war shape the institutional foundations of the post-conflict state. How armed groups link up with the state apparatus during conflict can have lasting effects on who controls administrative action into its aftermath. Political competitions between central rulers and armed groups continue as capitals seek to reintegrate national territory and regain influence over state machinery that previously fell within rebel strongholds. Whether these branches of state institutions provide mechanisms for central rulers or armed groups to exert influence remains a question.

Vestiges of armed group systems of rule may persist at war's end. Indeed, wartime state-rebels were slow to fade away in Congo, where subnational branches of the state apparatus transformed into arenas of political competition between the central state and former rebel rulers. The Second War drew to a close with the implementation of the Transitional Government from 2003-2006. During this period, the central state unrolled "significant efforts" to increase revenue generation at border posts (UNSC 2005b: para. 58). Yet, as of 2005, the national director of the OFIDA customs office in Kinshasa estimated that only 5 per cent of potential taxes accrued to the central government (UNSC 2005b: para. 58).⁷³² As Vlassenroot (2004) noted one year into the Transitional Government, "even if most armed groups are participating in the transition process, the systems of economic control set up by rebel leaderships continue to be the ruling practices" (54). Some customs agents who had been installed by armed groups continued to contribute to armed groups financially even after the groups no longer held military control,

⁷³² Other independent studies suggested the rate of uncollected taxes stood at 80 per cent or 60 per cent (UNSC 2005b: para. 58).

while other state agents maintained personal rackets that enriched import-export networks alongside former combatants (ICG 2008). State agents at border posts provide revenue needed for armed actors to purchase weapons and finance military operations, as well as to take over logistical supply chains (UNSC 2005a: para. 95). National reintegration raises questions of who controls the administrative machinery of the state in former rebel strongholds. State-rebel relations can influence the distribution of authority over the subnational branches of the state apparatus at war's end.

Armed groups and state administrators face new opportunities and challenges in the post-conflict environment. This chapter demonstrates that the nature of wartime collaboration shapes whether local administrators and armed groups resolve these challenges together or independently. Rebel-state relations influence the levers of control that rebels and local administrators wield to safeguard political influence. This occurs by two mechanisms of that shape *administrative preferences* and *rebel organizational tools*.

A first dimension pertains to administrative preferences. War creates an opening for local state agents to use posts in ways that deviate from central interests. At war's end, their discretion over use of state resources generally constricts as central rulers regain control over national territory (Klem 2012; Vandekerckhove 2011). Yet, administrators often seek to safeguard prior pockets of discretion that they build (Lipsky 1980). Partnerships with armed actors can afford state administrators a source of autonomy vis-à-vis capitals.

Second, the nature of state-rebel relations struck over the course of armed conflict can shape the organizational repertoires that armed groups use to maintain political sway at war's end. Armed groups often seek to preserve a sphere of influence at war's end. This may play out through national posts and by maintaining pockets of influence within their wartime strongholds.

Armed groups that partner with state institutions during conflict, as through settlement outcomes of cooptation or collusion, are accustomed to routing violence through the contours of the state. Hence, they are organizationally primed to turn to institutions to support future remobilizations. Where institutional settlement outcomes of displacement or entrenchment are observed, armed groups lack these organizational repertoires and do not exert authority over the local state apparatus at war's end.

Wartime state-rebel collusion can transform state institutions into lasting vehicles for rebel influence. This occurs as collusion links violent networks with the state apparatus via a mechanism of preference alignment. Preference alignment during war shapes interests of administrations as well as the organizational repertoire of armed groups. Since rebels rules installed during conflict benefited state agents and rebels in tandem, administrators can gain from implementing them in the post-conflict period, continuing to use state administrations in ways that resist central rule. Preference alignment incentivizes state agents to implement rebel rules even independent of continued rebel coercion or intimidation, since administrators gain privately from wartime arrangements. Collaboration with rebel networks can also provide sources of autonomy vis-à-vis capitals as central rulers seek to reassert authority over the state apparatus. In turn, armed groups can gain lasting footholds of influence over the subnational state apparatus in the areas they controlled during civil war.

Institutional cooptation during war creates a more limited form of collaboration that does not align state and rebel preferences. Administrators may look to partnerships with local militias and parallel networks to maintain influence over the performance of state authority and safeguard autonomy from the capital. Yet unlike collusion, administrators do not provide vehicles for armed group influence. Administrative preferences can remain linked with the

armed groups that directed the area so long as these relations provide tools to safeguard influence vis-à-vis hierarchies or if armed groups remain in a position to apply continued coercion, but do not independently shore up rebel influence. Cooptation shapes the strategies on which rebels draw to exert post-conflict control. They are likely to continue to try to control the state institutions that they held during war. Moreover, armed groups that relied on administrative sources of revenue are likely to reprise the strategies in subsequent waves of mobilization. Yet these levers of influence are dependent on a prior mobilization rather than embedded into the institutional fabric of the state apparatus, as under relations of collusion. Once this occurs, state administrators may gain by collaborating with armed actors to shore up their autonomy from capitals.

This sequencing underlines an important difference between the post-conflict effects of collusion versus cooptation: whereas collusion may ground armed group influence within the state apparatus, cooptation does not afford this same basis for the durability in the absence of direct rebel control. Only after armed networks remobilize that they may overtly reprise organizational relationships with state agents at peripheries. These distinct effects are observable in the rules that state administrators enforce. Collusion makes institutions into independent sources of post-conflict rebel influence, cooptation can make them levers of influence, but dependent on recreating scenarios of coercion and direct control similar to war.

Institutional displacement and entrenchment do not incorporate state institutions into rebels' organizational repertoire. State agents may return to their posts, or capitals reinstate administrators at war's end. Administrators may hold incentives to collaborate with capitals given their lack of other coalition partners to support their influence. Antagonistic relationships between state agents and rebels over the course of war may dispose central incumbents toward

reinvesting in that area, given reduced risks that armed groups convert institutions for ends that deviate from the capital's preferences.

This chapter examines these effects as follows. It divides into two main sections. A first compares differences in post-conflict effects of collusion versus cooptation with a focus on North Kivu province. It explains how wartime collusion with state agents converted institutions into enduring vehicles for the RCD/K-ML at war's end. Effects of institutional cooptation are examined in Goma, where RCD-G networks seeking remobilization (namely, the *Congrès National pour la Défense du Peuple*, National Congress for the Defense of the People, CNDP and the *Mouvement du 23 Mars*, Movement of March 23, M23) reprised prior organizational strategies to seek revenue from state agencies. Cooptation during the rebellion built state administrations into the armed group's repertoire of rule. Yet, cooptation, which sought to reform institutions and curtail agents' authority to make them more profitable to rebel leadership, lacked the lasting transformative effect observed under collusion as it failed to recruit institutions to their programs. To test the argument that state institutions provide bases of organizational durability that outlast conflict that armed groups otherwise lack, the section also compares the fate of new rebel institutions that the RCD-G had tried to establish over the course of the Second Rebellion. RCD-G-installed institutions for revenue collection faded away despite leaders' continued preferences for their endurance, illustrating divergent sources of continuity and the organizational benefits of embedding programs within the state apparatus.

A second section compares post-conflict effects of collusion, displacement, and entrenchment in Province Orientale. With a special focus on Ituri district, it compares how reintegrating of national territory pit authorities in Kisangani (wartime entrenchment) that sought to reassert authority and Bunia (wartime displacement) that reprised preexisting administrative

practices over Aru (wartime collusion), where Armed Forces of the Congolese People (*Forces Armées du Peuple Congolais*, FAPC) forged a relationship of collusion with state agents late in the war that persisted after the group's official demobilization.

Processes of post-conflict collusion in Ituri under the FAPC and in the Grand Nord of North Kivu province under the RCD/K-ML reveal similar mechanisms of continuity, as state agents continued to provide weapons and revenue to former rebel officers and resisted central attempts to reincorporate these areas under national rule. In both cases of collusion, it finds that the same bureaus and state agencies colluding with rebels during war maintained under-the-table financial transfers that generate revenue for weapons procurement and armed spheres of influence in its aftermath. Throughout, the chapter develops observable implications that can be tested against a broader range of conflict environments.

The relevance of these post-conflict effects is bounded to a set of wars that end when an armed group is not the sole authority to take over the central government (i.e., in wars that do not end through a successful military campaign of a single armed group). Wars in which a rebel coalition takes the capital, will be relevant, so long as varied coalition partners controlled subnational administrations in different areas. Civil wars are increasingly resolved through power sharing agreements or negotiations that integrate rebels into national governments.

Post-Conflict Effects in North Kivu: Comparing Collusion and Cooptation

Competitions for authority rolled out over the state apparatus. As Kinshasa regained control over national territory, it ordered a series of reforms to build its influence, including administrative appointments, tax reforms, and declaring an end to wartime practices that funded rebels, such as prefinancing (Tegera and Johnson 2007). The capital transmitted lengthy tax

codes to govern the import and exports tailored to replace indiscriminate, undervalued taxation.⁷³³ For instance, the Ministry of Agriculture transferred instructions for 225 taxes.⁷³⁴

COLLUSION: VIOLENT INSTITUTIONS AND INSTITUTIONALIZED REBELLION

Although it transitioned to a political party at independence, the RCD/K-ML maintained a foothold in the lucrative cross-border trade by relying on partners within state administrations to continue the same functions they had as during war. At the transition, the RCD/K-ML President Mbusa Nyamwisi was appointed to the Minister of Regional Cooperation, and the armed group-turned-political party was provided seats in the national parliament as part of the political settlement. Although holding national posts, the RCD/K-ML looked to maintain a sphere of influence in its wartime strongholds. For the rebel group, maintaining a mechanism for armed influence was a means of survival. As one member explained the transition: “one never knows, if it failed, we would have nothing left, we needed to be prudent.”⁷³⁵

Collusion provided lasting relations between armed networks affiliated with the former RCD/K-ML and state administrators that provided a basis to maintain influence over the group’s wartime holdings. Administrators preserved RCD/K-ML authority as part and parcel of state institutions, maintaining the group’s influence over local markets vis-à-vis central rule. Owing expanded markets to rebel decrees, customs officials and city administrators held incentives to practice the RDC/K-ML’s *brand* of authority. Since state agents maintained the same

⁷³³ Tegera and Johnson (2007) describe aspects of this subnational variation. OFIDA at the Kasindi border post monitored timber, while their counterpart in Goma did not (Tegera and Johnson 2007: 24). Similarly, OFIDA registered sawn timber at Kasindi but OCC did not (Tegera and Johnson 2007: 24).

⁷³⁴ “Annexe à l’Arrêté Interministeriel No 005/CAB/MIN/AGRI/et No 155/CAB/MIN/FIN/2004 du 22/10/2004” 22 October 2004, Kinshasa.

⁷³⁵ Personal Interview with former RCD/K-ML cadre member, 22 January 2016, Butembo, (North Kivu).

institutional footholds, administrative continuity provided the RCD/K-ML an enduring means of influence and resource extraction.⁷³⁶

A contentious instance of this surfaced as the capital declared an end to the prefinancing system that had earned the RCD/K-ML its funding and local popularity (Tegera and Johnson 2007).⁷³⁷ As a December 2003 instruction issued by the Ministry of Finance in Kinshasa read, “prefinancing will be put into oblivion.”⁷³⁸ Yet state-rebel collusion shaped the post-conflict functions of institutions, and these financial networks continued underground. OFIDA customs officials enforced RCD/K-ML wartime decrees. State administrators maintained the prefinancing agreements they had struck during rebellion even after war’s end.⁷³⁹ Some inspectors of the OFIDA bureau brought this to the attention of sub-director of the agency, writing:

the local head Inspector of OFIDA/Beni and the customs controller of OFIDA/BENI continue to apply the prefinancing tariff, with all of the customs officials (*déclarants en Douane*) in place, to the detriment of the public treasury: it is them who fix the value of merchandise, usurping both the attributions that are reserved for us by the law.⁷⁴⁰

Inspectors alerting the sub-director of these activities feared that “we could be punished” for unveiling the continuity of prefinancing.

Collusion also offered bureaucrats a measure of autonomy from national programs. Administrators issued authorizations on rebel letterhead years after the formal end of war, for instance. The OFIDA customs bureau maintained the wartime stamps listing the “OFIDA”

⁷³⁶ “Concerne: Votre Demande de Prefinancement” [Letter to Monsieur l’Attributaire de l’axe routier Beni-Oicha-Eringeti à Beni] 5 October 2004, Beni.

⁷³⁷ By the Note Circulaire No 009/CAB/MIN/FINANCES/2003 of 29 December 2003, Kinshasa. Cited in: “Concerne: Planification organisationnelle du mécanisme de dédouanement” Association des Transitaires et Commissionnaires en Douanes (ATCD) [Letter to Monsieur l’Inspecteur Chef Local de l’OFIDA/Beni] 27 January 2004, Beni.

⁷³⁸ *Mise dans les oubliettes*.

⁷³⁹ Raeymaekers 2014: (123) also takes note of this continuity.

⁷⁴⁰ “Objet: Usurpation des attributions et non application des instructions” OFIDA auditors, Office des Douanes et Accises Sous Direction de Beni, Section de la Verification, Beni [Letter No 001/VERIFICATION/2004 to the Sub-director of OFIDA in Beni], 8 July 2004, Beni.

agency alongside the “RCD/K-ML” within the same official seal, as Figure 9.1 depicts. This letter, written two years after the end of conflict and after many RCD/K-ML combatants demobilized or integrated into the national army, continues to feature joint letterhead between the official OFIDA customs bureau and the RCD/K-ML.⁷⁴¹ Similar practices extended across a fuller range of state agencies. For instance, the coffee board continued to implement wartime regulations. As Figure 9.2 illustrates, in 2005, the Beni branch of the National Office of Coffee (ONC), in charge of managing exports still self-referred as the “Coordination of ONC RCD/KIS-ML,” indicating an ongoing sense of jointly-held rebel and state authority.⁷⁴²

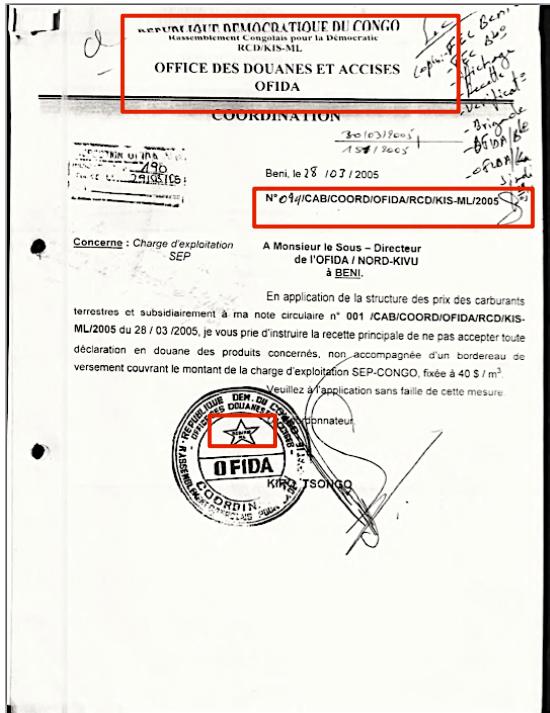


FIGURE 9.1 Joint RCD/K-ML and OFIDA letterhead and official stamp, two years after war, March 2005.

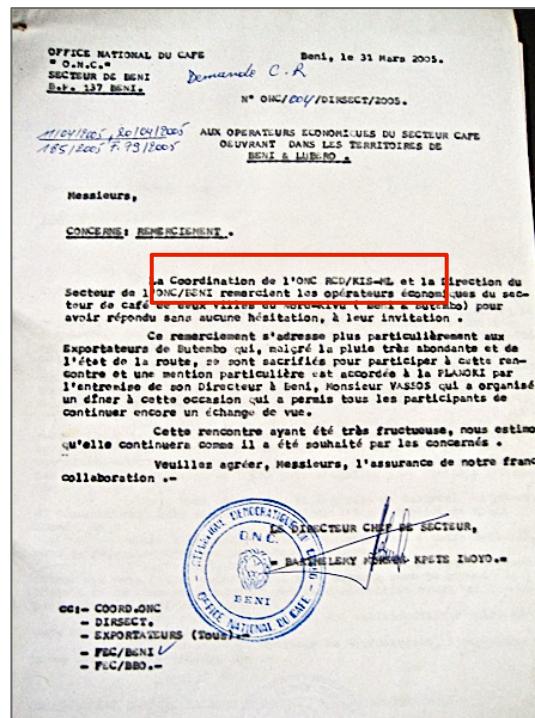


FIGURE 9.2 Coffee agency describes as “Coordination ONC RCD/K-ML,” two years after war, March 2005

⁷⁴¹ “Charge d’exploitation SEP,” Office des Douanes et Accises (OFIDA), 28 March 2005, Beni; “Note Circulaire No 103/CAB/COORD/OFIDA/RCD/KIS-ML/2004” RCD/K-ML Office des Douanes et Accises OFIDA Coordination, 15 May 2004, Beni (North Kivu).

⁷⁴² “Concerne: Remerciement” Directeur Chef de Secteur, Office National du Café ONC, Secteur de Beni [Letter to Economic Operators in the Coffee Sector Operating in the Territories of Beni and Lubero] 31 March 2005, Beni.

State institutions enabled influential RCD/K-ML commanders to maintain an armed sphere of influence, while balancing the group's new need to externally conform to its political image. More than a basis to influence economic policy, these bureaus provided access to weapons and goods to maintain an armed sphere of control. Customs fraud passing through the Kasindi border post remained important to the network for trafficking,⁷⁴³ including to facilitate the entry of arms and ammunition.⁷⁴⁴

One year into the Transitional Government, an investigatory panel found that “vehicles carrying arms and ammunition have continued entering the DRC via Kasindi after the inauguration of the Transitional Government... there are strong indications that a network of high ranking [RCD/K-ML] officers and civilian authorities” participate (APPG 2004: 27). These weapons trafficking circuits through the Kasindi border post maintained routes for military deliveries that had served the RCD/K-ML and their allies during the war (*Ibid*). Armed men at the border continued to enable imports of goods such as petrol, continuing similar violent networks laid during war,⁷⁴⁵ and soldiers who remained in Beni maintained customs fraud.⁷⁴⁶

⁷⁴³ Personal Interviewee with former RCD/K-ML cadre, 22 January 2016, Butembo, (North Kivu); Personal Interview with former RCD/K-ML officer D-10-A, Beni, date; Congo Research Group Interviewee D-11, Beni, 12 January 2016; Congo Research Group Interviewee F-6-A, Beni, 27 February 2016; Congo Research Group Interviewee T-8, Butembo, 21 January 2017; Congo Research Group Congo Research Group Interviewee X-4-B, Murambi, 28 January 2017; Congo Research Group Interviewee X-31, Lume, 27 February 2017; Congo Research Group Interviewee Z-5, Kasindi, 30 November 2016; Congo Research Group Interviewee Z-6, Kasindi, 29 November 2016; Congo Research Group Interviewee Z-9-C, Kasindi, 18 February 2017.

⁷⁴⁴ Congo Research Group Interviewee D-12, Butembo, 22 January 2016; Congo Research Group Interviewee T-8, Butembo, 21 January 2017; Congo Research Group Interviewee Z-6 date.

⁷⁴⁵ “Concerne: votre dossier contentieux” OFIDA Sous-Direction de Beni [No DG-NK/SD-BENI/OFIDA/096/2006], 11 May 2006, Beni. Moreover, at this time, businesses based in the Grand Nord complained of a total of 48 parallel fees paid informally on petrol imports, beyond the taxes official required. “Frais Intervenant Hors Structure des Produits Pétroliers” In “Objet: Mesure d’encadrement structure de prix/produits pétroliers” Association des Pétroliers Importateurs en Territoire de Lubero, Ville de Butembo [Letter to His Excellency Monsieur le Vice-Gouverneur de Province du Nord Kivu] 9 March 2005, Butembo.

⁷⁴⁶ “Concerne: Réponse pour Avis de Paiement de \$15,470 US” Rwenzori Transit Agency [Letter to His Excellency Monsieur le Gouverneur du Nord-Kivu à Goma] 13 July 2005, Beni.

Aligned preferences between rebels and state agents shifted institutional practice. Administrators' roles now extended to actively supporting the armed branch. This is part of a broader conversion of institutions to rebel agendas. As one RCD/K-ML member explained,

the operations changed uniforms and took on civilian dress, but they are not truly civilians. The auditors, the civilians, the people who are active in the political and military life of the [RCD/K-ML's armed branch, the] APC. Among these people, we find the people at OCC, OFIDA.⁷⁴⁷

As another cadre member explains, Beni maintained the “*politique*” of Mbusa Nyamwisi, “but through the persons put in DGM and OFIDA at Kasindi [border post] and Beni, they facilitated the entry of arms and ammunition for the [military branch of the RCD/K-ML, the APC] at a military level.”⁷⁴⁸ As he continues, “these are the people who served as a bridge between the [RCD/K-ML political] leaders in Kinshasa and the combatants still in the forest.”⁷⁴⁹ Other institutions such as banks, courts, a social security agency, and an anti-corruption bureau participated in persisting racketeering as well.⁷⁵⁰ According to International Crisis Group, “mafia networks” of civilian and military timber traffickers benefited from a bank account in Beni, and recommended closing the account to increase transparency (ICG 2008: 14).

Supporting these networks meant that control over state institutions maintained a strategic military goal for former RCD/K-ML networks. To this end, the RCD/K-ML aimed to maintain its personnel in active state positions. For instance, as Raeymaekers (2014) describes, the post-conflict transition in 2003 saw civilian traders across the Great North “lobby hard for the brother of Mbusa Nyamwisi, Martin, to be given the job of the customs control in Kasindi”

⁷⁴⁷ Personal Interview with former combatant, 25 October 2015, Beni (North Kivu).

⁷⁴⁸ Personal Interview with RCD/K-ML cadre member, 22 January 2016, Butembo

⁷⁴⁹ Personal Interview with RCD/K-ML cadre member, 22 January 2016, Butembo

⁷⁵⁰ Personal Interview with cadre member, 4 March 2016, Beni.

(123).⁷⁵¹ When Martin was later replaced by a new head of OFIDA in Kasindi in 2005, local customs agents protested the transfer “with much sorrow,”⁷⁵² citing an Official Memo issued from the joint OFIDA and RCD/K-ML office in 2004 to support their case.⁷⁵³

The RCD/K-ML incorporated the local state into its post-conflict survival strategy in other ways. After the Sun City accords concluded in 2002 and paved the way for national reintegration, armed groups paid their future state affiliation forward by issuing “certificates of public debt” (Figure 9.3). The capital agreed to assume responsibility for the war debts of armed groups. This policy and promise of official appointment for rebels provided civilian traders interests in continuing to recognize the authority of armed groups in order to access reimbursements. In some cases, rebels and local businesses collaborated to exploit state affiliation by increasing their declared level of debt as a means to procure financing from the central government.

For instance, state affiliation during war enabled the RCD/K-ML to continue to take on debt in the expectation that this would be covered by the capital. Businesspersons used these notices of public debt to petition the government for reimbursement, continuing to recognize armed group’s authority (although traders explain that nearly half the debt remains outstanding, a decade after war’s end).⁷⁵⁴ As the Certificate of Public Debt read, “The Transition Commission of the RCD/KIS-ML, charged with preparing the reincorporation of the Territory under control

⁷⁵¹ Raeymakers describes this only for Butembo.

⁷⁵² Namely, of Martin Katembo Nyamwisi. “Objet: Protestation de Retour de Mr. Kibondo Ntumba comme contrôleur chef-local de l’OFIDA à Kasindi” Bureau Control de Kasindi, Section de Vérification, Office des Douanes et Accises (OFIDA) [Letter to the Sub-Director of OFIDA] 18 February 2005, Kasindi.

⁷⁵³ Namely, Note Circulaire No 103/CABC002D/OFIDA/RCD/KIS-ML 2004, RCD/K-ML Office des Douanes et Accises OFIDA Coordination, 15 May 2004, Beni (North Kivu).

⁷⁵⁴ “Objet: Rappel du solde Paiement de 850\$” [Letter to his Excellency Monsieur le Vice-Gouverneur Chargé des Finances à Goma] 12 August, 2004, Beni.

of the RCD/KIS-ML with the government, certifies that the RCD/KIS-ML, *acting in the name and for the account of the Congolese State, owes...*⁷⁵⁵

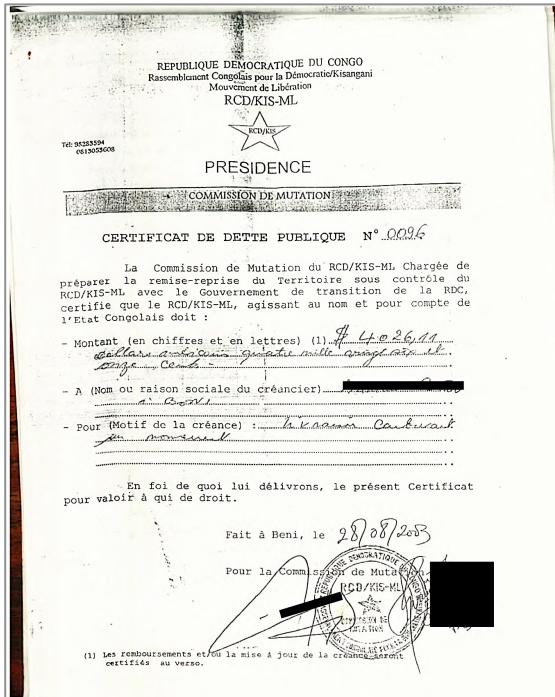


FIGURE 9.3

“Certificate of Public Debt” Issued by the Office of the President of the RCD/KIS-ML, August 2003

FACTURE N° 634			
Cit: Mr.	DESIGNATION	P Unit	P TOTAL
ou R.C.D./KIS-ML			
	loyer depuis le 08/09/2003	2400\$	
	Jusqu’aujourd’hui	1100\$	
			4300\$

FIGURE 9.4

Receipt No. 634, Issued to the “Republican Guard” of the RCD/KIS-ML, August 2004.

These practices persisted into the post-conflict period. Expenses from the armed group’s president’s inner ring, the Republican Guard, such as renting an office for its headquarters, were also charged and could be written off as debts of the state.⁷⁵⁶ Local businesses in Beni created a

⁷⁵⁵ “Certificat de Dette Publique N° 0096” Commission de Mutation, Présidence du RCD/KIS-ML [Public Debt Certificate], 23 August 2003, Beni.

⁷⁵⁶ “Garde Republicaine du R.C.D./KIS-M.L.” [Bill Number 634], 3 August 2004, Beni. Written: “rent since 2 September 2003 until today.” Coupled with the day of the issuance of the “public debt” certificate, this indicates one example of how the RCD/K-ML used its state authority as an asset to continue its armed influence. “Certificat de Dette Publique N° 0166” [RCD/KIS-ML Precedence: Commission de Mutation] 2 September 2003, Beni.

list totaling \$1.73 million owed to them now by the Congolese state.⁷⁵⁷ Economic elites wrote to RCD/K-ML president Mbusa Nyamwisi in his post as Minister of Regional Cooperation in Kinshasa to inform him of war debts and demand official certificates of public debt even after the Transitional Government had taken over.⁷⁵⁸

Collusion helped to facilitate RCD/K-ML influence in other ways. As one member of Beni's town administration explained, the same logic applied to local state posts, at the political transition, the RCD/K-ML provided Kinshasa with the names of state agents it had promoted during war, who were in turn issued official worker numbers. This local authority explains: "the personnel put in [administrations] during the rebellion were recognized by Kinshasa. They were given the *matricule* numbers."⁷⁵⁹ He stands as an example, retaining his post, and pro-RCD/K-ML affiliation, a decade into war's aftermath. Relationships with agents in the town administration proved fruitful for maintaining RCD/K-ML influence. Some troops remained as active "reserves" in and around Beni town.⁷⁶⁰ As a "major" in the RCD/K-ML's armed reserves explain, some troops remained in urban centers under civilian guise but maintaining ranks in the RCD/K-ML reserves. As he describes. "We just stayed quite well in town, we weren't worried, because the whole government [of Beni] was for the RCD/K-ML."⁷⁶¹

Statecraft and Regime Strategy

⁷⁵⁷ "Dettes Publiques Déposées au Bureau de la FEC/Beni" Fédération des Entreprises du Congo, Groupement Territorial de Beni, 2005 (n.d.), Beni.

⁷⁵⁸ "Objet: Demande d'un Certificat de dette Publique" (Butembo-based business to remain anonymous) [Letter to His Excellence Monsieur Mbusa Nyamwisi, Président National du RCD-Kis/ML et Ministre à la Coopération Régionale à Kinshasa] 6 August 2004, Beni.

⁷⁵⁹ Personal Interview with RCD/K-ML cadre member, 6 August 2013, Beni (North Kivu).

⁷⁶⁰ Personal Interview with former RCD/K-ML officer, 12 January 2016, Beni (North Kivu).

⁷⁶¹ Personal Interview with former RCD/K-ML officer, 12 January 2016, Beni (North Kivu).

Wartime state-rebel relations shaped how the central state crafted its strategy to assert control. Rebuilding central control required dismantling these subnational rebel-state networks. In North Kivu, regime strategy intersected enduring rivalry between financial networks associated with the former RCD-G and RCD/K-ML.

Reunification reintegrated RCD/K-ML holdings into the province and national territory, bringing new challenges to the RCD/K-ML by placing its holdings under the provincial authority of former members of its RCD-G rival. In the meantime, RCD-G appointed Governor of North Kivu, Eugene Serufuli, retained his post at transition, becoming the only rebellion-era governor to retain his post. Governor Serufuli looked to take control over the Grand Nord, which generated 60% of the tax revenue from customs in the province (ICG 2005). The RCD/K-ML protested efforts of provincial ministers who threatened to constrict its control over wartime holdings. As one of the group's Beni-based officials wrote to provincial authorities, "I remind you that the discontinuation of the Executive of the RCD/K-ML in Beni is not the end of our Power in DRC!"⁷⁶² As the letter protested provincial attempts to regulate the economy in Beni, "you have neither the quality nor the mandate to address yourself directly to the managers of banks to contradict the terms of an [RCD/K-ML] authority's decision."⁷⁶³ As the politico-military cadre explained, the Governor of North Kivu "was never made a Prime Minister of

⁷⁶² "Objet: V/lettre no 072/IPADR/NR/2003" Cadre Politico-Militaire de la Direction Politique du RCD/KIS-ML à Beni [Letter to the Division Provinciale de l'Agriculture et Elevage, Travaux Publiques et Administration de Territoire, Province du Nord-Kivu à Beni], 11 July 2003, Beni.

⁷⁶³ As it continues: "I hope that the Managers of the banks and other authorities having received the copy of your letter understand this excess of zeal and will not take into account or be duped by the baseness of its spirit. The [agents managing and taxing] roads, the FEC/Beni and Butembo, Governor of the province, and the members of the transitional commission are sufficiently informed as to the intention and the motivation of this stricture. I ask the Governor of the province of North Kivu, who reads me in copy, to take strict measures to prevent the circulation of power in the streets and especially to discipline his collaborators who seize power and inflate themselves." "Objet: V/lettre no 072/IPADR/NR/2003" Cadre Politico-Militaire de la Direction Politique du RCD/KIS-ML à Beni [Letter to the Division Provinciale de l'Agriculture et Elevage, Travaux Publiques et Administration de Territoire, Province du Nord-Kivu à Beni], 11 July 2003, Beni.

President of the Executive [body] of the RCD/KIS-ML, or the Division Chiefs a substitute for [RCD/K-ML] Ministries.”

Kinshasa drew on these competitions and promoted the RCD-G’s head of the OFIDA bureau during rebellion, Déo Rugwiza Magera, as the national head of OFIDA in Kinshasa in 2005.⁷⁶⁴ From this post, Kinshasa could draw on competition between former RCD-G and RCD/K-ML interests by using Déo to enforce OFIDA orders over former RCD/K-ML holdings in Beni and Butembo.⁷⁶⁵ Meanwhile, the end of conflict had reopened the internal border within North Kivu that had separated RCD/K-ML and RCD-G territory. Doing so both threatened to place RCD/K-ML holdings under provincial institutions controlled by former RCD-G members (ICG 2005), but it also opened the RCD/K-ML’s prefinancing system to a wider range of use (Tegera and Johnson 2007). Doing so spurred worries that wartime evasion practices would contribute to a post-conflict financial dominance of Grand Nord networks over Goma. Eased travel between the two former armed group territories could flood markets once under RCD-G control with merchandise from the Kasindi border, in light of the RCD/K-ML’s lower rates (Tegera and Johnson 2007).

⁷⁶⁴ Déo maintained his role in leading the OFIDA bureau Goma in the immediate post-war period, and was promoted to Kinshasa in August 2005. The Goma administration had remained largely under Tutsi control and resistant to central takeover (ICG 2005).

Déo’s appointment to Kinshasa: “Note de Service au Personnel et aux Usagers de la Douane. Concerne: Valeurs de base à l’exportation pour la période du 15 décembre 2007 au 31 mars 2008” Administrateur-Délégué General, Office des Douanes et Accises, OFIDA [Service Note, transmitted to OFIDA-North Kivu in Goma] 21 December 2007, Kinshasa. Also, citing August 2005, L’Observateur (2016).

⁷⁶⁵ “Message Phonie No DG/DA/ADT/ADG/047/2006” Administrateur-Délégué General, Office des Douanes et Accises, OFIDA in Kinshasa [Official Instructions Transmitted to the Provincial Director of OFIDA/North Kivu in Goma] 27 February 2006, Kinshasa.

Kinshasa transmitted orders regarding the Beni offices of OFIDA explicitly.⁷⁶⁶ Déo ordered OFIDA in Goma to curb the activities of the customs agents in Beni. The province tried to monitor and quantify customs fraud of armed actors⁷⁶⁷ and to restrict the influence of the OFIDA customs bureau located at the Kasindi border post along the Congo-Uganda frontier.⁷⁶⁸ For instance, the provincial bureau of OFIDA⁷⁶⁹ wrote to the OFIDA offices in Beni and Kasindi to restrict the amount and type of merchandise that could be unloaded at Kasindi,⁷⁷⁰ which remained under RCD/K-ML influence. It noted that customs agents at Kasindi had “abusively” maintained prefinancing—using a simplified fee structure for imports regardless of the type of goods.⁷⁷¹ It restricted OFIDA agents from collecting taxes in lucrative sectors such as petrol,⁷⁷² which remained central to armed trafficking networks linked with networks associated with former RCD/K-ML officers.

Competition from Kinshasa, the provincial capital of Goma, and local interests in the Grand Nord for control of the subnational state apparatus in RCD/K-ML holdings waged over who controlled economic flows and the armed networks they supported. State agencies in the

⁷⁶⁶ “Message Phonie No DG.ADT/DCX/IA/238/2005” Administrateur-Délégué General, Office des Douanes et Accises, OFIDA in Kinshasa [Official Instruction Transmitted to the Provincial Director of OFIDA/North Kivu in Goma], 15 November 2005, Kinshasa.

⁷⁶⁷ “Concerne: Réponse pour Avis de Paiement de \$15,470 US” Rwenzori Transit Agency [Letter to His Excellence Monsieur le Gouverneur du Nord-Kivu à Goma] 13 July 2005, Beni.

⁷⁶⁸ “Concerne: Encadrement de la Succursale de Kasindi” Office des Douanes et Accises (OFIDA) Direction Provinciale du Nord-Kivu, Inspection du Contentieux [Note de Service No 095/DP/NK/2005 to the Sub-Director of OFIDA at Beni, the Receveur Principal de l’OFIDA à Beni, Contrôleur Chef Local de l’OFIDA à Kasindi] 14 November 2005, Goma.

⁷⁶⁹ Bontengo Kebea Pierre, who held the post at least in early RCD period. “Compte-Rendu de la Réunion Technique d’Examen du Taux de l’Imposition du Précompte B.I.C Tenue le Vendredi 21 Aout 1998” Province du Nord-Kivu, Cabinet du Gouverneur de Province [Meeting Notes] 25 August 1998, Goma.

⁷⁷⁰ “Concerne: Encadrement de la Succursale de Kasindi” Office des Douanes et Accises (OFIDA) Direction Provinciale du Nord-Kivu, Inspection du Contentieux [Note de Service No 095/DP/NK/2005 to the Sub-Director of OFIDA at Beni, the Receveur Principal de l’OFIDA à Beni, Contrôleur Chef Local de l’OFIDA à Kasindi] 14 November 2005, Goma.

⁷⁷¹ *Ibid.*

⁷⁷² Reserving a monopoly of taxation for the SEP Congo company. “Objet: Transmission” Office des Douanes et Accises (OFIDA) Direction Provinciale du Nord-Kivu, Inspection des Comptabilités, à Goma [Letter to Monsieur le Sous-Directeur de l’OFIDA/Beni à Beni] 22 December 2005, Goma.

Grand Nord were caught at the crosshairs. Under pressure, the sub-director of the OFIDA bureau implemented orders from provincial and national hierarchies to curb petrol smuggling, issuing letters of infraction to RCD/K-ML business partners.⁷⁷³ As a local newspaper reports, this, former RCD/K-ML officers threatened the sub-director with death as a result, and tires were burned in front of his OFIDA customs office in Beni (Les Coulisses 2005).⁷⁷⁴ In this instance, the RCD/K-ML protected its ability to influence over customs with force. As the newspaper wrote, “is the state incapable of putting an end to the harm that those who substitute for it inflict?”

Institutionalizing Rebellion: Violent Networks and State Access

Since the close of the rebellion, many RCD/K-ML cadre members have been transferred away, or switched political affiliation. Yet some state agents continue to perform important roles for sustaining the group’s post-conflict influence, such as by continuing whitewashing, revenue collections. Facilitating trafficking, some agents transformed weapons into mundane imports of “second hand goods” with a simple redaction to an administrative file. As one customs official explains his continued dealings with former RCD/K-ML officers:

I remember that in 2008, we passed 12 tons of heavy arms and ammunition that came from Uganda. This operation was coordinated by X and Y [two former RCD/K-ML officers]... These arms and ammunition had been declared at the customs at Kasindi as “sugar” coming from Zambia.⁷⁷⁵

In a similar way, another cadre member explained that the group maintained its armed influence “through the persons put in DGM [immigration] and customs bureaus. They facilitate the entry

⁷⁷³ “Objet: Payement de droits et taxes dus.” OFIDA Sous-Direction de Beni. [Letter to businessperson to remain anonymous] 11 April 2005, Beni; “Procès Verbal d’Infraction en Matière Douanière” Office des Douanes et Accises, 29 March 2005, Beni ; “Concerne : Votre Dossier Contentieux” OFIDA, Sous-Direction de Beni [Letter No DP-NK/SD-BENI/OFIDA/096/2006] 11 May 2006, Beni.

⁷⁷⁴ As well as in front of SEP Congo, which received monopoly taxation rights.

⁷⁷⁵ Congo Research Group Interviewee Z-6, 29 November 2016, Kasindi.

of arms and ammunition for the RCD/K-ML at a military level... and serve as a bridge between our RCD/K-ML leaders in Kinshasa and the troops in the forest.”⁷⁷⁶

The militarization of the state apparatus structured subsequent patterns of remobilization of armed networks linked with the RCD/K-ML. As the President of the RCD/K-ML, Mbusa Nyamwisi, traded his leadership of the armed group for headship of the RCD/K-ML political party, he initially enjoyed prominent ministerial posts in Kinshasa. However, in the advance of national elections in 2011, Mbusa shifted to the political opposition, postulating for the presidency of the country. His shift to the political opposition, and failed presidential run, also corresponded with a defection and remobilization of some of the armed networks that had been active during the RCD/K-ML rebellion period. Leadership drummed up support by tapping into mobilizing narratives that had developed during earlier rebellions to shore up recruitment. Rebel-state collusion during armed conflict, and some enduring relations in its aftermath, incorporated access to local branches of the state apparatus into the organizational repertoire of remobilizing RCD/K-ML networks. Recruitment narratives in 2010 reprised these ideas, and called for remobilization in order to defend local access to state positions.

Figure 9.5 depicts a recruitment tract dropped in Beni in May 2010, during this remobilization period. It illustrates that access to the local state apparatus transformed into a mobilization technique for rebellion as the incipient phases of defection came underway. As the tract reads:

The children [natives] of Beni do not even occupy 10% of command posts in state offices and agencies. In our own town, we cannot tolerate such nonsense. Nowhere in this country are the autochthones so minimized in their own fief. The Nande cannot occupy a leadership post in the state enterprises in their own area; we cite: OGEFREM, SONAS, INSS, BCDC, the Army, PNC, DGI, OCC, D[GRAD], ANR, RVA, DGDA [OFIDA

⁷⁷⁶ Personal Interview with former RCD/K-ML cadre member, 22 January 2016, Butembo.

converted to DGDA], DGRNK, FPI, *Office des Routes, Titres Immobiliers*, TRANSCOM, Tourism, TRIPAIX, *Parquet, Auditorat*, and others. The list is not exhaustive. Dear brothers and sisters, it is time to act, to liberate ourselves.

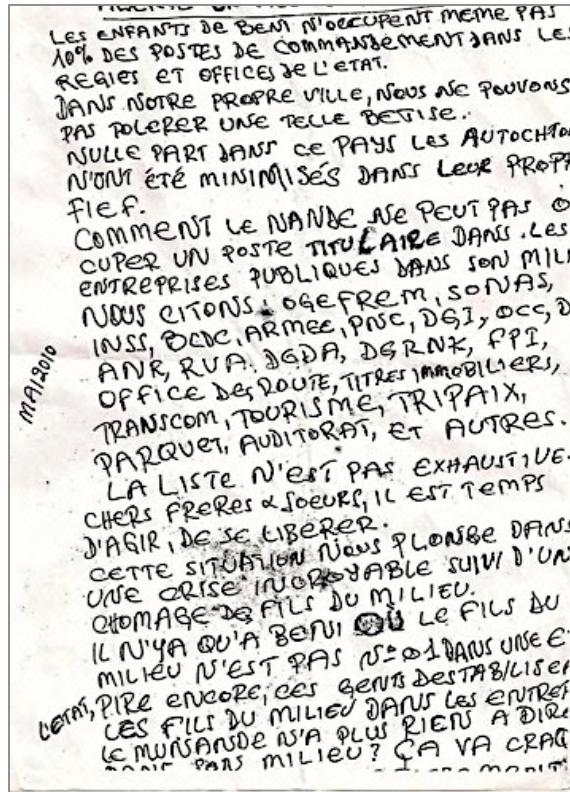


FIGURE 9.5 Armed Group Recruitment Tract, calling to retake control over the local state apparatus May 2010, Beni

Rather than mobilize against these state institutions, mobilization aimed to place them under a more firm control by local actors linked with armed actors.

Armed networks linked with the RCD/K-ML used violence to preserve access to the state apparatus after the central government installed new personnel. Similarly, armed groups allied with the former RCD/K-ML officers also promised their cadre members that they would work at

OFIDA.⁷⁷⁷ Another customs official recalls this period, invoking access to the state as a mobilizing narrative:

The [RCD/K-ML-appointee to head OFIDA] Honorable Kiro Tsongo, the cadre of the RCD/K-ML who was at OFIDA (Office de Douane et Assises) was appointed in Katanga, but the Katangans chased him away. He returned to Kinshasa even the same day as his arrival, he didn't even leave the airport. We have many examples that anger good consciences.⁷⁷⁸

Control over the state apparatus remained central to RCD/K-ML objectives into the aftermath of war. Doing so also provided a means to use the state apparatus itself to as to maintain influence vis-à-vis the capital.

Over a decade after the end of conflict, some customs officials and former RCD/K-ML commanders report similar arrangements for arms trafficking and weapons transfers to the RCD/K-ML via state agencies at the Kasindi border post. As one former RCD/K-ML commander explained in 2016, “You know that many customs agents were appointed during the époque of the RCD/K-ML. They must contribute to the actions and the projects of the movement.”⁷⁷⁹ Supporting this commander’s description, a customs agent also explained that he was expected to continue to support the RCD/K-ML financially, even in 2017: “The party assigned me to OCC [cross-border taxation agency]. *As a member of RCD/K-ML, we are obligated to help the party function through our dues.*”⁷⁸⁰ As he explains, the RCD/K-ML require minimal payment transfers from state agents whose tenure in official administrations it had supported. These came as informal dues to the party that were not sent to the central state. Also illustrating the carry over of certain of these wartime relations, the capital launched a military counterinsurgency campaign in the area in 2014, which was coupled with a wave of

⁷⁷⁷ Personal Interview with community leader, 8 November 2015, Beni, North Kivu.

⁷⁷⁸ Congo Research Group Interviewee Z-4, Mutwanga, 15 November 2016

⁷⁷⁹ Congo Research Group Interviewee Z-10-B, Beni, 19 February 2017.

⁷⁸⁰ Emphasis added. Congo Research Group Interviewee Z-8, Mutwanga, 30 November 2016.

arrests of customs officials at organizations such as OFIDA who appeared to operate within the RCD-K/ML's orbit of influence (Sweet 2015).⁷⁸¹

State-rebel collusion during rebellion shaped post-conflict state institutions by transforming the functions of the sub-national state apparatus from one of contested loyalty to the central regime to one of persisting obligations to armed networks. Through this strategy, local branches of state institutions converted to lasting tools of rebel rule. Since wartime rules proved beneficial to state agents, enduring armed influence did not depend the RCD/K-ML's direct oversight at the end of conflict. Mutual gains and aligned preferences within the state apparatus and recruiting agents as supporters provided the armed group an ongoing vehicle of control that was not directly dependent on rebel rule. Hence, armed groups exploit state authority to maintain a post-conflict standing by influencing economic exchange in their wartime strongholds.

POST-CONFLICT EFFECTS OF INSTITUTIONAL COOPTATION

Cooptation provided less of a wholesale conversion of state institutions than collusion. Accordingly, institutions do not function for rebel agendas in the absence of direct armed influence. Nonetheless, institutions enter into armed groups' organizational repertoires, prompting subsequent remobilizations or violent networks linked with the parent group to turn to similar relations with state administrators to exert influence into the post-conflict period.

Organizational Scripts for Renewed Rebellion

⁷⁸¹ By this point, the OFIDA customs bureau had changed its name to DGDA.

The RCD-G remobilized via cycles of rebellion sponsored from Rwanda, rather than from a lasting bargain struck with administrators. Nonetheless, as networks of former RCD-G combatants defected from the national army in ways of remobilization, they incorporated previous organizational scripts that drew on institutions into the fabric of rebel rule. Subsequent rebellions organizing in the area built on the basis of RCD-G networks and reprised similar cooptation tactics. These tactics reprise in the defections and remobilizations of the *Congrès National pour la Défense du Peuple* (CNDP) (2006-2009) and the M23 movements (2012-2013), which drew on officers and command structures from the former RCD-G.

The CNDP organized in 2006 on the basis of some of the networks of the Rwandan-backed RCD-G. The RCD-G had held political and economic prominence in Goma and surrounding areas during the war, but its influence faded during the Transitional Government as Nande networks affiliated with the former RCD/K-ML gained power at the provincial level vis-à-vis minority Banyarwanda networks (Stearns 2008).⁷⁸² As the CDNP organized, it incorporated some of the financial structures that its RCD-G parent group had laid years earlier to meet part of its funding needs.⁷⁸³ The CNDP laid down its zone of influence just north of Goma. Kinshasa had sent Presidential Guards to the border at Goma to build its influence there (Stearns 2008: 259). CNDP holdings encompassed the Bunagana border post near intersect of Congo, Rwanda, and Uganda, where smuggling had shifted. As was the case for its parent RCD-G group, the CNDP relied in part on taxes from cross-border exchange for financial support,

⁷⁸² For a more comprehensive discussion of the CNDP, see Stearns (2008).

⁷⁸³ In addition to organizing contributions from the Congolese Tutsi community, possible mineral smuggling (Stearns 2008: 258-9).

imposing taxes on businesses' imports and exports.⁷⁸⁴ It incorporated revenue generation agencies into its internal systems of resource mobilization. As a UN investigatory panel finds, "revenues from the Bunagana customs operation, which is controlled by CNDP, is an important source of its financial base" (UNSC 2008b, para. 33).

Government agencies remained active in CNDP holdings included the OFIDA customs bureau, the OCC cross-border trade monitoring agency, the DGRAD "Office of State-Owned Revenue," as well as the DGM immigration bureau (UNSC 2008a, para. 36). As was the case for the RCD-G, the CNDP Minister of Finance was placed in control of regulating customs agencies (OCC, OFIDA).⁷⁸⁵ Reprising the RCD-G's earlier practices of auditing the state administrations that it coopted, the "CNDP officials inspected the registries [of these state agencies] once a week and forced them to share revenues" (UNSC 2008a, para. 37). Consequently, the UN Group of Experts found that the CNDP earned at least \$700,000 from taxes at the Bunagana border over a twelve-month period (September 2007-2008), "and has strong indications that it made much more" (UNSC 2008a, para. 35).

Figure 9.6 illustrates a transfer of revenue from the OFIDA customs bureau to CNDP.⁷⁸⁶ As the note reads, "\$800 dollars collected for the toll road were transferred to the account of the ANC"—the account name opened under the RCD-G parent group. The transfer indicates revenue sharing systems between state institutions and armed actors reprised. Administrators

⁷⁸⁴ "Tarif de Taxes CNDP: Copie conforme au manuscrit original du CNDP" 28 November 2008, Kibumba ; "Procès-Verbal de la Réunion du Conseil Provincial Elargi de la FEC/Nord-Kivu Tenue à Goma le Mardi 02 Décembre 2008" 2 December 2008, Goma.

⁷⁸⁵ "An officer under Makenga's command, Major Castro Mbera, was put in charge of gathering revenues from the border crossing and was named finance commissioner of CNDP in October 2008." para. 36.

⁷⁸⁶ The nature of these slips can also be compared to the tax receipts issued by officers of its RCD-G parent group during the Second Rebellion (Chapter 7, Figure 7.1).

contributed to continuity by invoking preexisting “ANC” account, indicating that revenue sharing with armed groups shaped the institutional practice of the agencies.



Figure 9.6 Tax payment from the OFIDA customs bureau to the CNDP
SOURCE : United Nations Security Council. Final Report of the Group of Experts on the Democratic Republic of the Congo. S/2008/773, Annex 2.

The CNDP took up the quota system developed by its RCD-G parent to manage state institutions, installing a 50% quota on revenue sharing for the OCC (para. 39).⁷⁸⁷ Similarly, CNDP imposed a quota of \$200 per week on DGM from “immigration fees” (para. 40). Although it is difficult to estimate the exact increase in transactions, the Group noted that OFIDA in Kinshasa reported that “revenues received by OFIDA from Bunagana during CNDP occupation there rose more than at other customs posts during the same period” (para. 41).⁷⁸⁸

⁷⁸⁷ “OCC documents show that between September 2007 and August 2008, \$399,841 was given to CNDP.”

⁷⁸⁸ “CNDP claims that OFIDA collected 1,956,510,520 Congolese francs between September 2007 and July 2008 at Bunagana, and that CNDP has not taken any OFIDA revenues. Nonetheless, the Group has evidence from

The CNDP replaced personnel from DGRAD and police, which operated alongside its own cadre members (para. 36). Through personnel replacements, the group did not aim to eliminate institutions, but to shift the relations of authority that governed it. DGRAD officials estimated that this bureau in rebel-held territory collected an estimated \$120,000 in revenue at the Bunagana post between September 2006 and September 2007 (UNSC 2008a, para. 38).

The CNDP's cooptation of state institutions led to a contest between the armed group and the central government over control of these bureaus. Local businesses described that the Government "decreed" the closure of the Bunagana border post during the CNDP. Businesses preferred to maintain institutional routes of exchange, urging the central government to reopen the bureau and explaining that "the CNDP has competent cadres in the matter of customs who can collaborate with those of the Government."⁷⁸⁹

While the CNDP sought to benefit from state institutions in place, it depended on administrations' internal mechanisms of institutional continuity as means to mobilize revenue, instead of providing new forms of support to state agents. In this sense, the CNDP maintained the RCD-G's preference for cooptation over collusion.

As the CNDP rebellion came to a close in 2008, it did not signal the end of persisting armed networks. Former members of the RCD-G and CNDP remobilized rebellion again in 2012, maintaining Rwandan backing and taking on the name of the "M23."⁷⁹⁰ Reprising earlier organizational tactics, the M23 again drew on state institutions as part of its financial strategy, albeit in a less comprehensive fashion. An internal M23 document taking up the question of the

interviews that CNDP took a percentage of OFIDA taxes at Bunagana, but has not been able to establish how much this amounted to." para. 41.

⁷⁸⁹ "Compte Rendu de la Rencontre de la FEC/Nord-Kivu avec le Leader du CNDP à Rwanguba/Rutshuru le Jeudi 27 Novembre 2008" *Fédération des Entreprises du Congo*, 27 November 2008, Goma.

⁷⁹⁰ On the transition between the CNDP and M23, see Stearns (2012).

movement's financing, identifies a range of administrative taxes and fees it aimed to control in order to fund rebellion. These included "state-owned and administrative revenue," and revenue collected from the DGM immigration agency.⁷⁹¹

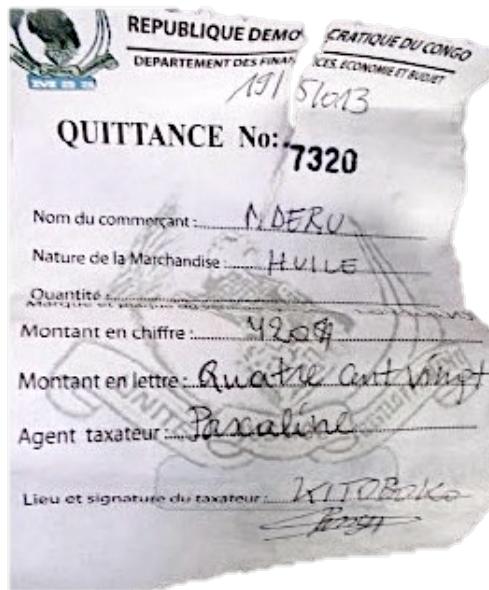


FIGURE 9.7 M23 tax slip, 19 May 2013,
"Department of Finances, Economy, and Budget"
SOURCE: Annex 22 S/2013/433

Reflecting previous tactics of its RCD-G and CNDP parent, the M23 made at least preliminary efforts to cultivate an image of statehood. Figure 9.7 depicts an M23 tax slip. As it demonstrates, the M23's receipt portrayed the revenue as accruing to the 'Department of Finance, Economy, and Budget' of the "Democratic Republic of Congo," rather than listing the M23 movement directly. However, while the M23 laid out plans for long-term institutional engagement where its control was less challenged, it looted state bureaus during its short-lived occupation of Goma.⁷⁹²

⁷⁹¹ Report of the Group of Experts on the Democratic Republic of the Congo, S/2013/433, 2013, Annex 23.

⁷⁹² Extract of DRC Government report on lootings of border offices committed by M23 during their occupation of

Post-Conflict Effects in Orientale Province: Displacement, Entrenchment, and Collusion

Ituri district of Orientale Province provides an arena to compare post-conflict effects of institutional displacement, entrenchment, and collusion. Opportunities for comparison emerge as the post-conflict period attempted to reintegrate Ituri into national administrative reach. This unfolded as the capital of Orientale, Kisangani, which had experienced entrenchment in the diamond markets, now again responded to Kinshasa, rather than RCD-G control in Goma. Kisangani in turn sought control in the capital of Ituri district, Bunia, which had featured institutional displacement under shifting armed groups including the UPC. Meanwhile, new armed groups organizing in Ituri's persisting violence provide opportunities for comparison. These include the Nationalist and Integrationist Forces (*Forces nationalistes et intégrationnistes*, FNI), which maintained displacement as an institutional engagement strategy (2003-2007), as well as the Armed Forces of the Congolese People (*Forces Armées du Peuple Congolais*, FAPC) organizing in Aru territory in northeast Ituri's frontier with Uganda (2003-2005).⁷⁹³ FAPC's collusion with state agents in Aru intersected with national and provincial attempts to build control over the area, and illuminate similar processes of post-conflict continuity of rebel-state relations as featured in RCD/K-ML collusion in the Grand Nord.⁷⁹⁴ Contrasting areas of Ituri shifting to institutional displacement during war (see chapter 8) with Aru territory marked by collusion provide a test of the effects of wartime state-rebel relations in shaping post-conflict uses of state institutions.

Goma "M-23, source: Final Report of the Group of Experts on the Democratic Republic of the Congo, S/2013/433, Annex 2 (p. 52)

⁷⁹³ On FAPC, see Human Rights Watch (2005), Titeca (2011), and UNSC (2005).

⁷⁹⁴ On the FNI, see Tamm (2013b).

Persistent Displacement

Displacement reflected in weak connections between central rule and Ituri. As the transitional government took over power, a UN Panel of experts found that customs revenue transmitted from Ituri to the Congo Central Bank totaled only \$14,000 for the year of 2004 (UNSC 2006a: para. 51).⁷⁹⁵ Based on estimates from local officeholders, the value of revenue diverted from central government could be placed at \$350,000, or a total shortfall of \$4 million (UNSC 2006a: para. 52).⁷⁹⁶ Yet, as the transitional government continued, contested linkages between Bunia and central rule began to build. As the UN panel found, “a small percentage of customs revenue is starting to trickle back to Bunia along official channels” as of 2005 (UNSC 2005b: para. 59). Administrations posed similar challenges as the pre-conflict environment, but without incentives or institutions significantly transformed, reflecting a lack of coalition partners. The central government encountered logistical challenges, including lack of official paperwork and authorizations (UNSC 2005b: para. 59). The administration remained weak outside of Bunia’s urban center (ICG 2008). For instance, the head administrative post in the district remained vacant for six months in 2008 (ICG 2008)s.

Effects of institutional displacement do not build administrations into armed groups’ repertoires, shaping continued violence in a similar direction. Armed conflict persisted in Ituri after it had dissipated in other areas of eastern Congo. Persistent armed groups provide insight into how institutional displacement shapes the organizational repertoire of subsequent stages of rebellion. Some customs bureaus in Ituri remained shut down due for security-related concerns (UNSC 2005b: para. 59). Reflecting attributes of more broad-based displacement, customs

⁷⁹⁵ And \$28,000 for the first ten months of 2005.

⁷⁹⁶ The \$350,000 estimate is based on statements that \$70,000 was collected at Aru, which officials estimated “should be the same or even higher” for Ituri’s other customs posts. The Panel of Experts names five other customs bureaus, of which one (Kassindi) appears to be in North Kivu rather than Ituri. Para. 51.

officials on the Ugandan side of the border (Paidha, across the border from Mahagi, which serves Bunia) also described their “powerlessness to stop the regular nocturnal movements of trucks across the border into the Democratic Republic of the Congo in blatant violation of normal customs, immigration, and police procedures” (UNSC 2004: para. 31). Wartime networks joining members of the Ugandan military and Congolese traffickers persisted, smuggling illicit goods and regular items (UNSC 2004: para. 34). Other industries such as timber operated beyond the state. A local NGO estimated that thirty percent of Ituri’s lumber agencies had been officially declared (ICG 2008: 14), although illegal timber exports proceed with the complicity of government agencies.

The FNI, active from 2003-2007 after the Transitional Government had been established, illuminates these processes. The FNI set contested UPC control in Bunia in early 2003, but the city reverted to the UPC (Tamm 2013b). It set up a limited administration in Bunia.⁷⁹⁷ Its persistent disputes with the UPC and other local militias⁷⁹⁸ contributed to institutional displacement. The FNI maintained its close linkages with foreign military commanders of the Ugandan army. The group ran cross-border trafficking circuits in goods such as timber, coffee, petrol, and minerals, exchanging goods for arms (UNSC 2006b: para. 180-1). Yet, unlike the close relations of collaboration that profited state agents and rebels in tandem elsewhere, the UN investigatory Group of Experts found that “Customs officials... do not dare to intercept, check or seize these trucks of timber for fear of reprisal” (UNSC 2006b: para. 182). In contrast to the administrative paper trails that accompanied and whitewashed rebel financing under outcomes of cooptation and collusion, the Group of Experts found that “no document legalizing this transport

⁷⁹⁷ “Objet: Indignation” Assemblée Spéciale Intérimaire, Administration Spécial Intérimaire de l’Ituri” [Letter to Monsieur le Président du FNI à Bunia] 12 December 2003, Bunia.

⁷⁹⁸ Including the FRPI and PUSIC.

accompanied the merchandise” that the FNI trafficked (UNSC 2006b: para. 182). These rackets were run in conjunction with Ugandan networks, particularly a Ugandan soldier and timber merchants (IGG 2008: p. 13).

These conditions also shaped how the central state worked to establish economic inroads in Ituri. In the gold sector, the capital “surreptitiously” provided exporting licenses to select gold purchasers. These gold buyers held the authorizations from the Office of the President in Kinshasa to directly export gold to Tanzania, bypassing official customs bureaus at the border (ICG 2008: 16).

Comparison: Collusion in Aru Territory of Ituri District

Within Ituri’s violent theater of conflict, Aru territory in the northeast of the district developed a different dynamic with the emergence of a new rebellion in the midst of armed fragmentation. Based in Aru, the FAPC illustrates the continuity of relationships between violent networks and the state apparatus into the post-conflict period following wartime state-rebel collusion.

At the onset of war, the OFIDA customs bureau and DGM immigrations agency remained operative in Aru. Aru experienced the same pressure from Uganda as characteristic of other borderland areas, and the Territorial Administrator documented the entry of Ugandan national army, UPDF, soldiers via Aru early in the conflict.⁷⁹⁹ With shifting tides of armed group control, Aru, like Ituri district more broadly, was first controlled by the RCD. Customs officials diverted funds from the RCD treasury in a similar way to their counterparts elsewhere.

⁷⁹⁹ Particularly by Col. Mugeni of the UPDF. “Objet: Affaire de 48 fûts de gasoil pris par le Commandant de Brigade MUGENI” Chef de Division, l’Administrateur du Territoire, Territoire d’Aru, District de l’Ituri, Province Orientale [Letter to the General Headquarters of the UPDF in Kampala, Republic of Uganda] 25 September 1998, Aru.

In one instance, diversions responded to requisitions by the UPDF. Following a wave of looting by members of the Ugandan army, revenue and migrations officials in Aru's OFIDA and DGM agencies discussed how to maintain their importance by compensating local petrol importers for requisitions. The affair was resolved by according the businesses the equivalent value of petrol in exonerations on subsequent import taxes, deducting the sum from the RCD without evidence of rebels' permission for the transfer.⁸⁰⁰ At this early point in the conflict, local branches remained in contact with the administrative hierarchy in Bunia.

As war continued, Aru follow the broader trajectory of Ituri's armed groups, changing hands between the RCD, RCD/K-ML, FLC rebellions, and UPC rebellions. As it did, Ituri's broader institutional development (see chapter 8) also applied to Aru, shifting from initial periods of cooptation toward displacement. The FAPC organized in March 2003 with support from Uganda (UNSC 2004b: para. 28).⁸⁰¹ Commanded by Jérôme Kakwavu,⁸⁰² it emerged as an internal network within the UPC, sparking economic contention within the UPC centering on control over gold, diamond, timber, and customs revenue (UNSC 2004b: para. 133).

State-rebel relations forged during this period illustrate the move toward collusion. As the UPC sought to exert control, it pursued institutional displacement as it had elsewhere in Ituri. Local administrators tell a narrative about this period demonstrating the role of coalition building. The UPC held uneasy control, and raided the OFIDA customs bureau. As local administrators recall, UPC combatants chased out twenty-four customs officials from the agency.

⁸⁰⁰ "Objet: Recommandation Mr. Mutombo-Tshimakanda" Chef de Poste Principal, Direction Générale des Migrations DGM, Post Principal de l'Ituri, Territoire d'Aru [Letter to Monsieur le Collector of OFIDA/Aru at Aru] 23 December 1998, Aru; In Mahagi. "Rapport sur la Direction Générale de Migration- Poste Principal de l'Ituri" In "Objet: Transmission rapport sur la DGM/Ituri" Rassemblement Congolais pour la Démocratie (RCD) District de l'Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

⁸⁰¹ Kakwavu took control over the area earlier, in September 2002, on behalf of the UPC (UNSC 2004b: para. 133).

⁸⁰² Kakwavu was a former commander of the RCD/K-ML.

Resisting displacement, one OFIDA employee recalled that, “these twenty-four administrators who were chased away [by the UPC] fled to Jerome [Kakwavu], who gave them weapons to fight the UPC.”⁸⁰³

The relationship between the newly organizing FAPC, based out of Aru, and state officeholders, paved the way for collusion between the FAPC and state administrators that shaped customs procedures into the aftermath of war. The FAPC provided predictability in economic exchange in its area of control, building off of close relations with a local trading network (Titeca 2011).⁸⁰⁴ It did so by working alongside customs bureaus, taxing cross-border trade through partnerships with state agents (UNSC 2005a: para. 97). Traders passing through these bureaus paid taxes, which supported the FAPC militarily (UNSC 2005a: para. 111). As the UN Group of Experts detailed FAPC collusion with customs officials:

In the areas controlled by Commandant Jerome and FAPC, however, customs and immigration revenues are channelled into the coffers of FAPC and used to pay for its military infrastructure. For instance, the Group is in possession of a letter from Commandant Jerome indicating that money for the purchase of motorcycles for FAPC militia members was taken from border customs revenues. In addition, the Group has obtained 40 handwritten withdrawal slips signed by FAPC commanders for such contingencies as “military emergencies” and “combat rations”. These slips were presented to FAPC customs officers in Aru and Mahagi to obtain cash... FAPC has masterminded a customs revenue apparatus that mimics the official customs regime, in which customs officials are instructed not to release or permit the passage of goods until confirmation of revenue payment by the trader has been received. (UNSC 2005a: para. 109-110).

As occurred in the *Grand Nord*, the FAPC lowered tax rates and instated the popular prefinancing system for its close affiliates (UNSC 2005a: para. 110; UNSC 2005b: para. 69).⁸⁰⁵

⁸⁰³ Personal interview with DGDA (formerly, OFIDA) employee, 15 October 2013, Aru.

⁸⁰⁴ Local businesses also describe that Aru was “spared from the pillage and other violence.” “Clarification de la F.E.C./Ituri sur le Rapport des Experts du Comité du Conseil de Sécurité sur la R.D.C.” 30 September 2005, Bunia.

⁸⁰⁵ “Clarification de la F.E.C./Ituri sur le Rapport des Experts du Comité du Conseil de Sécurité sur la R.D.C.” 30 September 2005, Bunia.

The relationship provided FAPC business partners favorable tax rates and reduced customs duties (UNSC 2005b: para. 68). This relationship provided the FAPC with tax revenue for military operations and weapons purchases. Through this relationship, an FAPC business partner estimated that the armed group had diverted 70 per cent of tax revenue in Aru territory in 2004 (UNSC 2005b: para. 70). Trafficking facilitated cross-border weapons flows between Congo, Uganda, and Sudan (UNSC 2005b: para. 70). Collusion delivered similar benefits as in the *Grand Nord*. Prior to the onset of conflict, it was common for businesspersons to share costs of a single truck for imports, in comparison with high-volume trade through the North Kivu border posts.⁸⁰⁶ Levels of trade increased under the FAPC system. Rebel social ties did not determine this outcome, as Titeca describes, “the FAPC consisted mainly of people foreign to the area under its control” (2011: 50).

State-rebel collusion shaped the institutional character of the post-conflict state in Aru. The FAPC came to a close in 2005, surrendering to the UN peacekeeping mission in the area. Kakwau integrated into the national army and left the area (UNSC 2005b: para. 73).⁸⁰⁷ Although ex-FAPC forces were no longer in direct control over the border Aru post (UNSC 2005b: para. 39), these state-rebel relationships persisted after the FAPC no longer held military control.

State institutions arenas of competition between the central state and persisting rebel influence. As the Transitional Government came to power, the central government targeted the Aru customs post in Ituri in particular (ICG 2008; UNSC 2006a). The capital aimed to reassert control over Aru territory, in part through a small deployment of the national army to the area and appointing new political and administrative agents (UNSC 2005b: para. 71). The head

⁸⁰⁶ Personal interview with DGDA (formerly, OFIDA) employee, 15 October 2013, Aru.

⁸⁰⁷ Kakwau, remained influential over high-ranking FAPC officers that integrated into the national army. Many ex-FAPC officers were transferred to Beni and Kisangani (UNSC 2005b: para. 63), while many combatants remained in Ituri (Titeca 2011).

OFIDA office in Kinshasa tracked losses from OFIDA complicity with armed smuggling rings in Aru (UNSC 2005b: para. 74). Finally, as in the *Grand Nord* under the RCD/K-ML, the central state sought to limit prefinancing in Aru. In March 2005, the Governor of Orientale province instructed that prefinancing activities end (UNSC 2005b: para. 72).

Yet, with aligned preferences, this collusive relationship between rebels, local officeholders, and smugglers built its own mechanisms for continuity. Despite the “wide-scale disarmament” of FAPC forces, ex-FAPC officers remained influential in customs posts (UNSC 2005b: para. 63). As the UN Group of Experts found, “ex-FAPC-designated Customs officers are forcibly accompanying vehicles” to border posts to extort money (UNSC 2005b: para. 60). An estimated 104 ex-FAPC officers participated in the extortion, run in relationship with customs bureaus (UNSC 2005b: para. 60).⁸⁰⁸ Resisting government-installed appointees, local businesses organized a blockade of the Aru border posts that lasted several weeks, choking state access to customs revenue (UNSC 2005b: para. 72). As an investigatory panel of the UN found investigating customs in Aru,

customs collectors and their deputies continue to resist central authority. Pressured by certain businessmen, in March 2005, they hired a group of armed men to repeal and threaten a commission of inquiry sent by the Central Bank in Bunia to audit the accounts after the funds had disappeared. (UNSC 2006a: para. 53).

In order to tap into taxation, the central state and provincial administrators would need to tolerate the parallel deals within state institutions that worked to the benefit of ex-FAPC officers.

State institutions also provided a means to maintain prefinancing by transferring FAPC debt to the government. Businesses demanded reimbursements for prefinancing rights under the FAPC. As occurred in the Grand Nord, businesses demanded that the Transnational Government

⁸⁰⁸ The Group also finds that “In former PUSIC-held territory, in particular Tchomia and Kasenyi, some Customs officers have maintained ties with PUSIC. Some Customs-generated revenue continues to be diverted to PUSIC, despite the imprisonment of the former leader, Chief Kahwa” (UNSC 2005b: para. 60).

in Kinshasa compensate them for debts that the FAPC had accrued (UNSC 2005b: para. 73; compare with Figure 9.3, above). Promises of reimbursements from the government contributed to incentives to maintain these holdover systems from wartime, although the payments did not materialize.⁸⁰⁹

As was the case with the RCD/K-ML, the specter of remobilization coincided with state institutions and tax revenue. In 2005, civilians and authorities in Aru warned that networks affiliated with the ex-FAPC may remobilize, “with a view to restoring more favorable taxation and tariff regimes” (UNSC 2005b: para. 65). Remained influential in cross-border gold together with the same businesspersons with whom Jérôme dealt during war.⁸¹⁰

In 2007, the Governor commissioned a special financial inspection to Aru to investigate the OFIDA customs bureau, the National Revenue Department (DGRAD) and the Local Tax Department (DGI), and changed the head of DGRAD (ICG 2008). The commission recommended suspensions, rotations, and legal proceedings be brought against agents (ICG 2008).⁸¹¹ DGRAD and DGI continued to operate at border posts in spite of Kinshasa’s restrictions of legally authorized agencies at frontiers to four others.⁸¹² The Governor appointed his son to head the OFIDA bureau in Aru, aiming to influence the trafficking networks passing through there.⁸¹³ In 2009, Aru’s businesses again restated the central government’s attempts to

⁸⁰⁹ As of 2009, Aru’s businesses advanced claims for \$2 million in compensation. “Concerne: Mise en Application de L’Arrêté Interministériel No 009/CAB/MIN/ECONAT&COM/2008 et No 281/CAB/MIN/FINANCE/2008 du 5/12/2008 Portant Fixation des taux à l’initiation du Ministre du commerce Extérieur” Mémorandum des Operateurs Economiques du Territoire d’Aru, District de l’Ituri en Province Orientale [Memorandum addressed to the Minister of National Economy and Commerce and the Minister of Finance in Kinshasa], 14 January 2009, Aru.

⁸¹⁰ Namely, Ozia Mazio. See UNSC 2005b, paras. 66-73.

⁸¹¹ Citing “Report from the Economic and Financial Inspection Mission in the district of Ituri from 18 April to 12 May 2007” Provincial Assembly of the Province Orientale.

⁸¹² Kinshasa issued a Presidential Decree during war on 28 March 2002 authorizing only OFIDA, OCC, DGM, and the Office of Hygiene to be present at border posts throughout the country. This decree promulgated the same rules as had been on the books of the central government prior to war.

⁸¹³ Governor Autsai.

install a more developed tax code in the area, petitioning to maintain a simplified structure characteristic of the FAPC era.⁸¹⁴

Preliminary findings from Ituri district reveal differences in post-conflict effects of institutional displacement, entrenchment, and collusion. As was the case in collusive state-rebel relations in the RCD/K-ML's holdings in the *Grand Nord*, deals struck between the FAPC and customs officials endured after the group demobilized and its leader left the area. By contrast, another armed group and ally to the FAPC, the FNI, followed strategies of displacement elsewhere in Ituri, reprising the organizational repertoire of the area's prior armed groups that increasingly excluded the state apparatus from its internal revenue procurement systems. Meanwhile, the provincial government in Kisangani and in Bunia looked to rebuild linkages with Aru in order to promote their own administrative authority.

Conclusion

Preliminary findings indicate that state-rebel relations shape the nature of state institutions and distributions of subnational state authority at war's end. For instance, where state-rebel relations were collusive during war, state agents continue to gain in tandem from persisting rebel authority into its aftermath. In the case of the RCD/K-ML in Kasindi and FAPC in Aru, an ongoing relationship with customs bureaus provided rebels predictable sources of support and access to public revenue. Collusion transformed the state itself into a vehicle for the armed group's enduring influence. Transforming state institutions into tools for enduring violent

⁸¹⁴ “Concerne: Mise en Application de L'Arrêté Interministériel No 009/CAB/MIN/ECONAT&COM/2008 et No 281/CAB/MIN/FINANCE/2008 du 5/12/2008 Portant Fixation des taux à l'initiation du Ministre du commerce Extérieur” Mémorandum des Operateurs Economiques du Territoire d'Aru, District de l'Ituri en Province Orientale [Memorandum addressed to the Minister of National Economy and Commerce and the Minister of Finance in Kinshasa], 14 January 2009, Aru.

networks, however, in turn obstructs the ability of the central state to reintegrate national territory. As central political incumbents seek to reassert control over territories, the state apparatus itself functioned as continued bureaus for continued rebel activity. How rebels link up with the state apparatus during war can thus illuminate another reason why central rulers may view building control via formal institutions as costly, if these institutions themselves are already captured by their military and political rivals.

By contrast, contests over how to share authority and co-govern the state apparatus under institutional cooptation obstruct rebels from cultivating new class interests over the long-term from their authority. In the post-conflict period, administrations provide rebels little long-term base of local political control aside from what they can extract directly through military presence. However, armed groups that mobilized revenue by coopting state institutions during war may be disposed to resume the partnerships at later periods. Doing so can also provide state agents with levers of influence vis-à-vis the capital, if the capital suspects that agents may partner with potential armed rivals as they emerge. These processes also highlight new mechanisms for continuity between conflict and post-conflict periods.

Chapter 10.

CONCLUSION

In the midst of growing trends toward armed conflicts that traverse national boundaries and increasingly concentrated in settings of extreme fragility, state institutions remain at the forefront of political competition. As this dissertation has demonstrated, questions of who directs state authority and who controls the machinery of the state often played out over the course of war, behind rebel frontlines. Wartime relations between armed groups and the administrative branches they encounter within their zones of influence can be distilled into four main patterns of state-rebel relations, or institutional settlement outcomes: cooptation, collusion, internment and displacement. Pathways to these varied outcomes reflect a combination of rebels' time horizons and state administrators' coalition-building potential, by leveraging institutional resources linked with properties of statehood.

Findings of the continued relevance of the state apparatus should not appear counterintuitive to studies of state authority and the international system, however. Armed groups challenge central governments for control over the state, yet they rarely challenges *states* themselves (Englebert 2009; Reno 2001).⁸¹⁵ Even secessionist insurgents such as the Liberation Tamil Tigers of Eelam in Sri Lanka and the Eritrean People's Liberation Front in the Horn of Africa used the state apparatus to govern their zones of military control (Klem 2012; Pool 2001;

⁸¹⁵ This choice forms part of a broader trend against violent territorial revisionism, part of an international norm of state integrity (Fazal 2004; Herbst 1989; Zacher 2001). Standard theories of civil war expect that one of the consequences of this norm deprives states of regular pathways to consolidation through war-making so leaves domestic institutions hollow and levering few *de facto* governing constraints (Herbst 2000; Jackson 1987; Jackson and Rosberg 1982). And as Reno (2001) shows, sovereignty is a key goal for rebels: even as they subvert the state, rebels maintain linkages to the capital and formal institutions. For instance, Laurent Kabila in Zaire and the Revolutionary United Front in Sierra Leone aimed at control of the state, not just of trading networks and economic lucrative patterns of exchange. This demonstrates that "international recognition of sovereignty offers material and political advantages to insurgents that exceed the resources that come with *de facto* control over a specific territory" (203).

Stokke 2006), while breakaway rebellions that do succeed often organize new states according to preexisting administrative bounds (Zacher 2001). Rather than enemies, states represent the prize that rebels fight central governments, and one another, to claim.⁸¹⁶

As this dissertation has demonstrated, state institutions were on the frontlines of battles for wartime economic control. Table 10.1 summarizes the varied patterns of state-rebel relations across subnational case comparisons in Congo. As it demonstrates, cooptation formed the modal preference of armed groups, reflecting the ability to profit from taxation and intelligence functions at low-costs. Turning to cooptation, the RCD-G in five towns and the FLC in Beni and Bunia looked to local branches of the same national state agencies to fund internal coffers. Partnerships with state institutions provided rebels a means to realize gains from whitewashing involvement in resource chains, improving access to international markets.

Collusion with state institutions proved integral to the RCD/K-ML's ability to access revenue during conflict as well as to control parallel markets vis-à-vis its rival, the RCD-G. Although both the RCD-G and RCD/K-ML (in Beni-Kasindi) worked through the same state agencies, comparisons of cooptation under the RCD-G and collusion under the RCD/K-ML reveal the differential effects from varied strategies of institutional engagement. Despite the group's relative military weakness, cooperative relations between the RCD/K-ML and state officials increased certainty in the area's markets and regularized extortion, enabling it to outperform its military rivals economically.

Although the RCD-G sought to displace state institutions in the midst of competition in Kisangani's diamond markets, and once prices in lucrative mineral chains sharply increased and

⁸¹⁶ Although Staniland (2012b) and Mukhopadhyay (2014) demonstrate that armed groups and governments have a more variegated set of relations.

constricted its time horizons, state administrators forged mechanisms of institutional continuity. State agents in Beni-Kasindi followed suit with nascent RCD/K-ML trafficking networks did likewise. Across these varied territories, state agents sought to shift institutional settlements from displacement to entrenchment, drawing on sovereignty resources as well as bureaucratic repetition in monitoring procedures to recruit new bases of support of institutional endurance.

TABLE 10.1 State-Rebel Institutional Outcome, by Type

<i>Cooptation</i>	<i>Collusion</i>	<i>Entrenchment</i>	<i>Displacement</i>
1. RCD-G - Goma* (North Kivu)	1. RCD/K-ML in Beni-Kasindi (post Aug. 1999)	1. RCD-G - Kisangani (Orientale)	1. RCD/K-ML in Bunia (Ituri, Orientale)
2. RCD-G - Bukavu* (South Kivu)	(RCD-G in Kasindi pre-Aug. 1999)	2. RCD/K-ML in Beni-Kasindi (until Aug. 1999)	2. UPC in Bunia (Ituri, Orientale)
3. RCD-G-Kindu (Maniema)		3. RCD-G- Goma (coltan economy)	
4. RCD-G-Lodja (Kasai Orientale)		4. RCD-G- Bukavu (coltan economy)	
5. RCD-G-Kalemie (Katanga)			
6. FLC –Beni (North Kivu)			
7. FLC –Bunia (Ituri, Orientale)			

These varied patterns of state-rebel relations reveal that disputes over how to manage resources and govern economies during civil war often bring questions of the use of state machinery to the fore. Instead of at odds with state building, these economies and resource chains double as sites of institutional reconstitution. In Congo, state collapse marched hand-in-

hand with state preservation, and rebels also drew on the state apparatus itself as a tool of control. Institutional endurance did not mean good governance, but the mutual transformation of locals state agents and rebel groups.

Examining these relations across a medium-N case selection demonstrates the existence of a phenomenon that has gone unstudied or considered controversial—state endurance in conflict zones. Using rare original records from rebel armed groups to examine subnational case studies comparisons, this dissertation’s findings make three key contributions to build scholarly and policy understandings of armed conflict, institutional continuity, and state authority.

A first contribution centers on the endurance of the state and the scale of politics on which it is practiced. Standard theories model the effects of state institutions as commensurate with the influence of the central state (Mann 1986; Fearon and Laitin 2003; Soifer 2008). As a corollary, they often describe political order in areas where central governments are weak as derivative of non-state actors, civilian institutions and informal networks (Martens 2006/7; Menkhaus 2006/7). In these programs, branches of the state apparatus need not break down in these areas, but should operate in ways that are indistinct from the societies in which they are embedded (Arjona 2014; Kalyvas 2006).

Challenging these expectations, cases of institutional displacement and survival demonstrate new mechanisms of institutional continuity that are not delineated by the preferences and capabilities of central actors alone. As rebels bypassed administrations, bureaucrats continued in their work as agents of state institutions, deriving preferences and tools for implementation from official roles. Administrators take advantage of retrenched central control as an opportunity to *expand* the functions of their office, adjusting the state apparatus to

fill new gaps in authority. State agents' reliance on *state* sources of authority is underlined by the continued use of official authorizations, stamps, and seals, as well as the use of the contours of the state administration to monitor resource flows and transmit intelligence.

These findings lend empirical support for historical institutionalist approaches that show that institutions shape how agents define and implement preferences, even under changing circumstances (Pierson 1996). In the aggregate, administrative actions became a force for maintaining state institutions in settings of state fragility and violence (Feldman 2008; Trefon 2007). Consistencies in internal mechanisms of administrations across varied cases illustrate that institutions retain organizational properties of statehood that proved useful even in armed conflict. State institutions monitored clandestine exchange, transmitting license plate information and names of rebel commanders and foreign military officers involved in the trade. Administrators played out "information network" or "ombudsman" functions of bureaucracy in order to preserve their bases of authority (Schatzberg 1988: ch. 3). These functions held across small towns and large cities, spanned Congo's varied theaters of conflict beyond immediate cases.

Second, these cases contribute to understandings of the contested relationship between macro-historical shifts in the international system and practices of warfare. Scholars tend to view contemporary war as rendering states secondary to new forms of political order and predation (Andreas 2004; Kaldor 2007; Reno 2011). In this view, rebels' fluid organizational structure provides preferential access to resources in contemporary war, eroding foundations of states (Ahram and King 2012; Salehyan 2009). Yet cases illustrate that rebels can profit in cross-border smuggling economies by drawing on attributes of statehood. Access to official

forms from bureaucracy which regularized relationships and concealed the hand of armed groups in resource transfers proved useful tools for rebels' extraction in conflict zones.

Instead of fading away from economies marked by smuggling or the exchange value of sovereign recognition, local officeholders could satisfy the preference to deal with states even in rebel holdings by continuing to deal in the currency of administrative forms. As findings show, international actors also recognize this scale of statehood by recognizing the legal quality of states. This occurred both in foreign firms' refusal to work with rebel coltan monopoly, in RCD-G taxation on international organizations, and the use of official forms to whitewash armed circuits at the height of diamond smuggling in Kisangani.

Finally, findings shed new light on processes of contemporary state-building. As local administrators drew on resources from their official posts to cultivate support from rebels, or to demonstrate costs from institutional displacement, they reveal that state-building that do not rest on coercion alone. Just as the presence of an administrative apparatus was a necessary component for war to build modern states (Centeno 2002; Spruyt 1994), state agents draw on existing administrative infrastructure to support their own private claims to extraction. Moreover, as the RCD-G made efforts to coopt institutions across varied cities, the armed group also included efforts targeted institutional reform that were designed to streamline institutions, cut out pockets of administrative discretion, and render them more effective. The armed group's actions in doing so mirrored the practices of early modern state-builders, who were likewise motivated by new exigencies of war to invest in existing institutional resources.

In these interactions, state institutions and foreign patrons or transnational resource economies were not substitutive. Instead, foreign patronage transformed into sources of

competition for Congolese armed groups at varied moments throughout war. Doing so spurred groups such as the RCD-G to reinvest in state institutions. Civilian traders who acted as coalition partners for state administrators in areas such as Beni-Kasindi did likewise in the face of new trafficking circuits that threatened to eclipse their own profits. However, contemporary state-building processes in armed conflict may differ not simply because of access to international financing sources (Herbst 1989; Centeno 2002), but because local state agents now wield additional sovereignty resources unavailable to them in earlier eras of state formation. As state agents apply bureaucracy and redeployed sovereignty as implicit checks on rebel behavior, they illustrate that coercion is not the only lever of control shaping distributional outcomes and institutions (Luong and Weinthal 2004).

Insights into levels of political organization at which statehood is practiced and the tools that agents deploy in turn clarifies how state-building processes unfold in areas removed from central rule. Standard expectations describe state building as a center-periphery contestation and accommodations (Boone 2003; Herbst 2000; Mukhopadhyay 2014). Yet cases here illustrate that state actors guarding posts at the periphery also contribute to state formation by aligning interests of new sets of actors with state endurance. Agents acted strategically in identifying which relations to exploit and to target administrations to rebel needs, even as state institutions structured their own interests, levers of control, and information flows. In the process, their actions also reshaped the substance of state institutions.

These findings can be fruitfully applied to contemporary policy approaches that emphasize state-building as a post-conflict phenomenon that unfolds as rebels integrate into national politics. State building projects build formal institutions that link peripheries to the

capital. Where formal institutions are lacking, elite deals between interests in the capital and warlords at state margins can build state power by coopting informal brokers into official governing frameworks (Boone 2003; Mukhopadhyay 2014). State building links areas of rebel-governed order with official frameworks via an administrative architecture. Armed groups that work through state institutions during war can gain influence over how these linkages are shaped into the aftermath of conflict.

References

- Acemoglu, Daron, James A. Robinson, and Thierry Verdier. 2004. "Kleptocracy and Divide-and-Rule: A Model of Personal Rule." *Journal of the European Economic Association*. Vol. 2 (2-3): pp. 162-192.
- Ahram, Ariel I. and Charles King. 2012. "The Warlord as Arbitrageur." *Theory and Society*. Vol. 41(2): pp. 169-186.
- Airault, Pascal. 2006a. "Où va l'argent du cacao?" *Jeune Afrique*. No. 2365 (7 May) pp. 32-33.
- _____. 2006b. "La Vie au Nord: Mode d'Emploi." *Jeune Afrique*. No. 2382. (3-9 September) pp. 38-40.
- All Party Parliamentary Group on the Great Lakes Region (APPG). 2004. "Arms flows in Eastern DR Congo." Report pursuant to Security Council Resolution 1533. APPG-03-04. December.
- Amnesty International. 2003. "A Need for Protection, A Thirst for Justice." (21 October).
- Amuri, Sid and Alain Gourdon. N.d. "Etude diagnostic des organisations et des procédures de la filière café-cacao de Côte d'Ivoire." Rapport réalisé pour le compte du gouvernement de Côte d'Ivoire sur financement de l'Union Européenne.
- Andreas, Peter. 2004. "The Clandestine Political Economy of War and Peace in Bosnia." *International Studies Quarterly* Vol. 48 (1): pp. 29-52.
- Arjona, Ana M. 2014. "Wartime Institutions: A Research Agenda." *Journal of Conflict Resolution*.: 1-30.
- _____. 2010. "Social Order in Civil War." Ph.D. Dissertation, Yale University.
- Arjona, Ana, Nelson Kasfir and Zachariah Mampilly. 2015. *Rebel Governance in Civil War*. Cambridge: Cambridge University Press.
- Axelrod, Robert. 1984. *The Evolution of Cooperation*. New York: Basic Books.
- Ballentine, Karen and Jake Sherman, eds. 2003. *The Political Economy of Armed Conflict: Beyond Greed and Grievance*. Boulder: Lynne Rienner.
- Bates, Robert H. 2008. *When Things Fall Apart*. Cambridge: Cambridge University Press.
- _____. 1981. *Markets and States in Tropical Africa: The Political Basis of Agricultural Policies* Berkeley: University of California Press.

BBC Afrique. 2015. "Burkina: gel des salaires de 1.200 agents." (27 July). Available online at: www.bbc.com/afrique/region/2015/07/150727_burkina_salaries.

BBC Monitoring. 1998a. "Rebel-Held Territory to Be 'Showpiece' of Good Management, Karaha Says." 7 September.

_____. 1998b. "Rebel Leader on Foreign Armies, Rebel's Reception in Conquered Towns.", 16 September.

Bellina, Séverine, Dominique Darbon, Stein Sundstøl Eriksen, and Ole Jacob Sending. 2009. "The Legitimacy Of The State In Fragile Situations." Oslo: Norwegian Agency for Development Cooperation.

Bellows, J. and E. Miguel, 2009. "War and Local Collective Action in Sierra Leone." *Journal of Public Economics* Vol. 93 (11-12): pp. 1144-1157.

Berdal, Mats and David M. Malone. 2000. *Greed and Grievance: Economic Agendas in Civil Wars*. Boulder, CO: Lynne Rienner.

Bierschenk, Thomas and Jean-Pierre Olivier de Sardan. 2014. *States at Work: Dynamics of African Bureaucracy*. Leiden: Brill.

_____. 1998. "Les Arènes Locales Face à La Décentralisation et à La Démocratisation : Analyses Comparatives en Milieu Rural Béninois." In Bierschenk, T. and de Sardan, J. P. Eds. *Les Pouvoirs Au Village : Le Benin Rural entre Démocratisation et Décentralisation*. Paris: Karthala: pp. 11-51.

_____. 1997. "Local Powers and a Distant State in Rural Central African Republic." *The Journal of Modern African Studies* Vol. 35 (3) pp: 441-468.

Blundo, Giorgio. 2006. "Dealing with the local state: The informal privatization of street-level bureaucracies in Senegal" *Development and Change* Vol. 37 (4): pp. 799-819.

_____. 2001. "Négocier l'Etat au quotidien: agents d'affaires, courtiers et rabatteurs dans les interstices de l'administration sénégalaise." *Autrepart*. Vol. 20: pp. 75-90.

Bøas, Morten. 2015. *The Politics of Conflict Economies: Miners, Merchants and Warriors in the African Borderland*. New York: Routledge.

Boege, V., A. Brown, K. Clements and A. Nolan. 2008. On Hybrid Political Orders and Emerging States: State Formation in the Context of "Fragility." Berlin: Berghof Research Centre for Constructive Conflict Management.

- Boix, Carles. 1999. "Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies." *American Political Science Review*, 93: 609-624.
- Boone, Catherine. 2003. *Political Topographies of the African State: Territorial Authority and Institutional Choice*. Cambridge: Cambridge University Press.
- Bratton, Michael. 1994. Neopatrimonial Regimes and Political Transitions in Africa. *World Politics*, 46(4), 453-489.
- Bratton, Michael and Nicolas van de Walle. 1997. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press.
- Bull, Hedley. 1995. *The Anarchical Society: A Study of Order in World Politics*, 2nd ed. London: MacMillan.
- Buur, Lars. 2006. "Reordering Society: Vigilantism and Expressions of Sovereignty in Port Elizabeth's Townships." *Development and Change*. Vol. 37(4): pp. 735-57.
- Cahn, Diana. 1997. "U.S. mining venture capital firm signs three deals with rebels." Associated Press (16 April).
- Callaghy, Thomas. 2001a. *Intervention and Transnationalism in Africa: Global-Local Networks of Power*. Cambridge: Cambridge University Press.
- _____. 2001b. From Reshaping to Resizing a Failing State? The case of Congo/Zaire. In O'Leary, B., Lustick, I.S. and Callaghy, T. eds. *Right-Sizing the State. The Politics of Moving Borders*. Oxford, Oxford University Press.
- Callahan, Mary P. 2003. *Making Enemies: War and State Building in Burma*. Ithaca, NY: Cornell University Press.
- Carbone, Carlo. 2000. "Ernesto Che Guevara e la Storia del Congo." *Africa: Rivista trimestrale di studi e documentazione dell'Istituto italiano l'Africa e l'Oriente*. Vol 55 (3): pp. 423-431.
- Capoccia, Giovanni and R. Daniel Kelemen. 2007. "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism." *World Politics*. Vol. 59(3): pp. 341-369.
- Centeno, Miguel. 2002. *Blood and Debt: War and the Nation-State in Latin America*. Philadelphia: Penn State Press.
- _____. 1997. "Blood and Debt: War and Taxation in Nineteenth-Century Latin America." *American Journal of Sociology*. Vol. 102 (6): pp. 1565-1605.

- Chabal, Patrick and Jean-Pascal Daloz. 1999. *Africa Works: Disorder as Political Instrument*. Bloomington: Indiana University Press.
- Christia, Fotini. 2012. *Alliance Formation in Civil Wars*. Cambridge: Cambridge University Press.
- Clapham, Christopher. 1999. "Sovereignty and the Third World State." *Political Studies*. Vol. 47: pp. 522-37.
- _____. 1998. "Degrees of Statehood." *Review of International Studies*. Vol. 24(2): pp. 143–57.
- _____. 1996. *Africa and the International System: The Politics of State Survival*. Cambridge: Cambridge University Press.
- Clark, John. 1999. "Explaining Ugandan intervention in Congo: Evidence and Explanations." *Journal of Modern African Studies* Vol. 39 (2): pp. 261-287.
- Clemens, Elisabeth S. and James M. Cook. 1999. "Politics and Institutionalism: Explaining Durability and Change." *Annual Review of Sociology*. Vol. 25: pp. 441-66.
- Clunan, Anne, and Harold A. Trinkunas. 2010. *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty*. Stanford: Stanford University Press.
- Collier, David. 2011. "Understanding Process Tracing." *PS: Political Science and Politics*. Vol. 44(4): pp. 823-830.
- Collier, David, Henry E. Brady, and Jason Seawright. 2010. "Sources of Leverage in Causal Inference: Toward an Alternative View of Methodology." In David Collier and Henry E. Brady, eds., *Rethinking Social Inquiry: Diverse Tools, Shared Standards*. 2nd ed. Plymouth, UK: Roman & Littlefield Publishers.
- Collier, Paul. 2000. "Rebellion as a Quasi-Criminal Activity." *Journal of Conflict Resolution*. Vol. 44(6): pp. 839-853.
- Collier, Paul and Anke Hoeffler. 2004. "Greed and Grievance in Civil War." *Oxford Economic Papers*. 56 (4): pp. 563-595.
- _____. 1998. "On Economic Causes of Civil War." *Oxford Economic Papers* (50): pp. 563-573.
- Coolidge, J. and S. Rose-Ackerman. 2000. "Kleptocracy and Reform in African Regimes: Theory and Examples" in K. R. Hope and B. C. Chikulo, eds. *Corruption and Development in Africa. Lessons from Country Case-Studies*. New York: St. Martin's Press. pp. 57–86.

Cornell, Svante E. and S. Frederick Starr. 2006. "The Caucasus: A Challenge for Europe." Central Asia-Caucasus Institute, Silk Road Studies Programme. Washington, DC: Johns Hopkins University-SAIS.

Côte d'Ivoire: "Interview de S.E. Laurent Gbagbo après la présentation des Vœux de Nouvel an 2006." 2006. [Ivory Coast: Interview of His Excellency Laurent Gbagbo after the new year greetings ceremony], <http://ambaci-dakar.org/arc0-2006.html>.

Cuvelier, Jeroen and Stefaan Marysse. 2004. "Économiques du Conflit en Ituri." In *L'Afrique des Grands Lacs. Annuaire 2003-2004*, F. Reyntjens and S. Marysse, eds. Paris: L'Harmattan.

Cuvelier, Jeroen and Timothy Raeymaekers. 2002. "Supporting the War Economy in the DRC: European Companies and the Coltan Trade. Five Case Studies" (Jan): International Peace Information Service.

Cuvelier, Jeroen, Koen Vlassenroot, and Nathaniel Olin. 2014. "Resources, Conflict, and Governance: A Critical Review." *The Extractive Industries and Society*. 1: pp. 340-350.

de Certeau, Michel. 1984. *The Practice of Everyday Life*. Berkeley: University of California Press.

De Failly, D. 2001. "Coltan : pour comprendre..." L'Afrique des Grands Lacs. Annuaire 2000-2001. Paris, L'Harmattan.

De Herdt, T. et Marysse, S. 1996. L'économie informelle au Zaïre: (Sur)vie et Pauvreté dans la Période de Transition. Cahiers CEDAF, n° 21-22, s.p.

de Vries, Hugo. 2015. "Going Around in Circles: The Challenges of Peacekeeping and Stabilization in the Democratic Republic of Congo." Clingendael: Netherlands Institute of International Relations. CRU Report (July).

de Vries, Lotje. 2013a. "Pulling the Ropes: Convenient Indeterminacies and the Negotiation of Power at Kaya's Border Checkpoint" in C. Vaughan, M. Schomerus and L. de Vries (eds) *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave Macmillan. pp. 153-72.

_____. 2013b. "Facing Frontiers: Everyday Practices of State-Building in South Sudan." Ph.D. Dissertation, Wageningen University, Wageningen, Netherlands.

Djugudjugu, Jean-Piere Lobho Lwa. 1980. *Société et politique en Afrique traditionnel: Bahema et Walendu du Zaïre*. Presses Universitaires du Zaïre, Kinshasa.

Downing, Brian. 1992. *The Military Revolution and Political Change*. Princeton: Princeton

University Press.

Driscoll, Jesse Russell. 2015. *Warlords and Coalition Politics in Post-Soviet States*. Cambridge: Cambridge University Press.

_____. 2009. "Exiting Anarchy: Militia Politics After the Post-Soviet Wars." Ph.D. Dissertation, Stanford University.

Duffield, Marc. 2001. *Global Governance and the New Wars: The Merging of Development and Security*. London: Zed Books.

Eaton, Kent. 2006. "The Downside of Decentralization: Armed Clientelism in Colombia." *Security Studies* 15, no. 4 (2): 533.

_____. 2004. *Politics beyond the capital: The design of sub-national institutions in South America*. Stanford: Stanford University Press.

Englebert, Pierre. 2009. *Africa: Unity, Sovereignty, Sorrow*. Boulder, CO: Lynne Rienner.

Englebert, Pierre and Deni Tull. 2013. "Contestation, Négociation et Résistance: L'État Congolais au Quotidien." *Politique Africaine*. No. 129. March. Paris: Karthala.

Engola, Sam. 2001. Testimony to the *Judicial Commission of Inquiry into Allegations into Illegal Exploitation of Natural Resources and other forms of Wealth in the Democratic Republic of the Congo 2001 (May 2001-August 2002)*. CW/05/03. Kampala: Government of Uganda (June 2002; testimony of 5 September 2001).

Ertman, Thomas. 1997. *Birth of the Leviathan*. New York: Cambridge University Press.

Evans, Peter and James E. Rauch. 1999. "Bureaucracy and Growth: A Cross-National Analysis of the Effects of the 'Weberian' State Structures on Economic Growth." *American Sociological Review*. 64(5): 748-765.

Evans, Peter. 1995. "Predatory, Developmental, and Other Apparatuses," *Sociological Forum*. Vol. 4(4): pp. 561-87.

Fahey, Daniel. 2014. "This Land is My Land: Land Grabbing in Ituri (DRC)." In An Ansoms and Thea Hilhorst, *Losing Your Land: Dispossession in the Great Lakes*. Boulder, CO: James Currey.

_____. 2013. *Ituri: Gold, Land, and Ethnicity in North-eastern Congo*. London: Rift Valley Institute.

_____. 2011. *Rethinking the Resource Curse: Natural Resources and Polywar in the Ituri*

District, Democratic Republic of the Congo. PhD Thesis, (University of California, Berkeley, Berkeley).

_____. 2008. 'Le Fleuve d'Or: the Production and Trade of Gold from Mongbwalu, DRC' *l'Afrique des Grands Lacs - Annuaire 2007-2008* (pp. 357-384). (Paris: l'Harmattan).

Fazal, Tanisha. 2004. "State Death in the International System." *International Organization*. pp. 311-44.

Fearon, James. 2005. "Primary Commodity Exports and Civil War." *Journal of Conflict Resolution*. Vol. 49(4): 483-507.

Fearon, James D. and David Laitin. 2003. "Ethnicity, Insurgency, and Civil War." *The American Political Science Review*. 97(1): 75-90.

_____. 1999. "Weak States, Rough Terrain, and Large-Scale Ethnic Violence since 1945." Paper presented at the Annual Meetings of the American Political Science Association, Atlanta, GA (2-5 September).

Fearon, James, and Alexander Wendt. "Rationalism versus Constructivism: A Skeptical View" in *Handbook of international relations*, edited by Walter Carlsnaes, Thomas Risse-Kappen, and Beth A. Simmons (2003)

Feldman, Ilana. 2008. *Governing Gaza: Bureaucracy, Authority, and the Work of Rule, 1917-1967*. Durham, NC: Duke University Press.

Fjelde, Hanne and Desirée Nilsson. 2012. "Rebels against Rebels: Explaining Violence between Rebel Groups." *Journal of Conflict Resolution*. Vol. 56 (4): pp. 604-628.

Freese, Theresa. 2005. "Georgia's War against Contraband and Its Struggle for Territorial Integrity." *SAIS Review*. Vol. 25 (1) pp: 107-121.

Fuglerud, O. 2009. "Fractured Sovereignty: The LTTE's State-Building in an Inter-Connected World." in C. Brun and T. Jazeel (eds) *Spatialising Politics: Culture and Geography in Post-Colonial Sri Lanka*. London: Sage. pp. 194–215.

Gálvez, William. 1999. *Che in Africa: Che Guevara's Congo Diary*. Melbourne: Ocean Press.

Gates, Robert M. "Helping Others Defend Themselves: The Future of US Security Assistance." *Foreign Affairs*, May/June 2010.

Gambetta, Diego. 1993. *The Sicilian Mafia: The Business of Private Protection*. Cambridge, MA: Harvard University Press.

- Geddes, Barbara. 2003. *Paradigms and Sand Castles: Theory Building and Research Design in Comparative Politics*. Ann Arbor: The University of Michigan Press
- _____. 1999. "What Do We Know about Democratization after Twenty Years?" *Annual Review of Political Science* Vol. 2: pp. 115–44.
- _____. 1994. *Politician's Dilemma: Building State Capacity in Latin America*. Berkeley: University of California Press.
- Gellner, D. (2007) (ed.) *Resistance and the State: Nepalese Experiences*. New York: Berghahn.
- Jackson, Robert H. 1987. "Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World." *International Organization*. 41:4 (Autumn): 519-49.
- Gibson, Edward L. 2005. "Boundary Control: Subnational Authoritarianism in Democratic Countries." *World Politics*. Vol. 58(1): pp. 101-132.
- Glassmyer, Katherine and Nicholas Sambanis. 2008. "Rebel-Military Integration and Civil War Termination." *Journal of Peace Research*. 45(3): pp. 365-84.
- Goertz, Gary. 2005. *Social Science Concepts: A User's Guide*. Princeton: Princeton University Press.
- Goertz, Gary and James Mahoney. 2011. *A Tale of Two Cultures: Qualitative and Quantitative Research in the Social Sciences*. Princeton: Princeton University Press.
- Goodhand, Jonathan and Bart Klem. 2005. *Aid, Conflict and Peace building in Sri Lanka: 2000-2005*. Colombo: Netherlands Ministry of Foreign Affairs, Swedish International Development Cooperation Agency, The Asia Foundation, Government of the United Kingdom and Northern Ireland, World Bank.
- Goodhand, Jonathan and David Mansfield. 2010. "Drugs and (Dis)order: A Study of the Opium Trade, Political Settlements, and State-Making in Afghanistan." Working Paper No. 83, Crisis States Working Papers Series No. 2. Crisis States Research Centre. London.
- Grais, Rebecca F., Francisco J. Luquero, Emmanuel Grellety, Heloise Pham, Benjamin Coghlan, and Pierre Salignon. 2009. "Learning lessons from field surveys in humanitarian contexts: a case study of field surveys conducted in North Kivu, DRC 2006-2008." *Conflict and Health*. 3:8 (September).
- Great Britain. 2006. "4 July 2006. Mr. Ketan Kotucha." In *Conflict and Development: Peacebuilding and Post-conflict Resolution*. Parliament: House of Commons: International Development Committee. Sixth Report of Session 2005-06.

- Grzymala-Busse, Anna. 2007. *Rebuilding Leviathan: Party Competition and State Exploitation in Post-Communist Democracies*. Cambridge: Cambridge University Press.
- Guevara, Ernesto. 1969. *Guerrilla Warfare*. New York: Vintage Books.
- Hagmann, Tobias. 2014. Presentation at the Conflict Research Group, University of Ghent, September.
- Hale, Aaron Zachariah. 2009. "In Search of Peace: An Autopsy of the Political Dimensions of Violence in the Democratic Republic of the Congo." Ph.D. Dissertation, University of Florida.
- Hall, Peter and Rosemary Taylor. 1996. "Political Science and the three new institutionalisms" *Political Studies*. XLIV, 936-967
- Hagmann, T. and D. Péclard .2011. *Negotiating Statehood: Dynamics of Power and Domination in Africa*. Malden, MA: Wiley-Blackwell.
- Hartzell, Caroline. 1999. "Explaining the Stability of Negotiated Settlements to Intrastate Wars." *Journal of Conflict Resolution*. Vol. 43(1): pp. 3–22.
- Hartzell, Caroline and Matthew Hoddie. 2003. "Institutionalizing Peace: Power Sharing and Post- Civil War Conflict Management." *American Journal of Political Science*. Vol. 47(2): pp. 318–332.
- Hegre, Havard and Nicholas Sambanis. 2006. "Sensitivity Analysis of Empirical Results on Civil War Onset." *Journal of Conflict Resolution*. 50(4): 508-535.
- Helmke, Gretchen. and Levitsky, S. 2004. 'Informal Institutions and Comparative Politics: A Research Agenda'. *Perspectives on Politics*, 2 (4): 725-740.
- Hentz, James J. and Thomas Blevins. 2014. "States, boundaries, and regional collapse in Sub-Saharan Africa" In James J. Hentz, ed., *Routledge Handbook of African Security*. New York: Routledge.
- Herbst, Jeffry. 2000. *States and Power in Africa: Comparative Lessons in Authority and Control*. Princeton: Princeton University Press.
- _____. 1989. Creation and Maintenance of National Boundaries in Africa." *International Organization*. Vol. 43(4): pp. 673-92
- Hoddie, Matthew and Caroline Hartzell. 2003. "Civil War Settlements and the Implementation of Military Power-Sharing Arrangements." *Journal of Peace Research* 40(3): 303–320.
- Hoffman, Kasper and Tom Kirk. 2013. "Public Authority and the Provision of Public Goods in

Conflict-Affected and Transitioning Regions.” The Justice and Security Research Programme. London: London School of Economics.

Huber, Evelyne and John D. Stephens. 2001. *Development and Crisis of the Welfare State: Parties and Policies in Global Markets*. Chicago: University of Chicago Press.

Huber, Gregory A. 2007. *The Craft of Bureaucratic Neutrality*. Cambridge: Cambridge University Press.

Hull, Matthew S. 2012. *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan*. Berkeley: University of California Press.

Human Rights Watch. 2005. «Le éau de l’or: République démocratique du Congo», 2 juin.

_____. 2003. «Ituri: ‘Couvert de sang’: Violence ciblée sur certaines ethnies dans le nord-est de la RDC,» Juillet.

_____. 2002. “Democratic Republic of Congo – War Crimes in Kisangani: The Response of Rwandan-backed Rebels to the May 2002 Mutiny.” Vol. 14, no. 6 (G), August 10, 2002.

_____. 2001. “Uganda in Eastern DRC: Fueling Political and Ethnic Strife.” March.

_____. 2000. “Eastern Congo Ravaged: Killing Civilians and Silencing Protest.” Vol 12 (3A). May.

Humphreys, Macartan and Jeremy Weinstein. 2006. “Handling and Manhandling Civilians in Civil War.” *American Political Science Review*. Vol. 100 (3): pp. 429-447.

International Crisis Group (ICG). 2008. “Congo: Four Priorities for Sustainable Peace in Ituri.” Africa Report No 140. 13 May.

_____. 2005. “The Congo’s Transition is Failing: Crisis in the Kivus.” Africa Report No. 91. March 30.

_____. 2003a. “Congo Crisis: Military Intervention in Ituri.” ICG Africa Report No. 64. June 13. New York.

_____. 2003b. “The Kivus” The Forgotten Crucible of the Congo Conflict.” ICG Africa Report No. 54. 24 January. Nairobi.

International Peace Information Service (IPIS). 2003. “Trackstar tricked by the RCD: A new episode in the scramble for the Sominki concessions.” 3 November

_____. 2002. “Network War: An Introduction to Congo’s Privatised War Economy.” (Oct.)

- IRIN. 2003a. "IRIN Web Special on Ituri." www.irinnews.org/webspecials/Ituri/srep7.asp.
- _____. 2003b. "DRC: Fighting erupts between RCD-K/ML and Mayi-Mayi in Butembo." 4 July. UN OCHA.
- _____. 1999. "Rebels restructure Their Movement" 21 January 1999. www.irinnews.org/Report/4602/DRC-Rebels-restructure-their-movement
- _____. 1998. "DRC: Rebel authorities appoint new governors" 23 December 1998. www.irinnews.org/Report/4256/DRC-Rebel-authorities-appoint-new-governors.
- Jackson, Robert H. 1987. "Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World." *International Organization*. 41:4 (Autumn): 519- 549.
- Jackson, Robert and Carl Rosberg. 1982. "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood." *World Politics* 35: pp.1-24.
- Jackson, Stephen. 2006. "Sons of Which Soil? The Language and Politics of Autochthony in Eastern D.R. Congo." *Africa Studies Review*. 49(2): 95-123.
- _____. 2003. "Fortunes of War: The Coltan Trade in the Kivus." In Sarah Collinson, ed. *Power, Livelihoods and Conflict: Case Studies in Political Economy Analysis for Humanitarian Action*. HPG Report 13. February 2003.
- _____. 2002. *Fortunes of War: Structure and Dynamics of the Coltan Trade in the Kivus*. London: ODI Political Economy of War Project.
- Johnston, Patrick. 2008. "The Geography of Rebel Organization and its Consequences for Civil Wars: Evidence from Liberia and Sierra Leone." *Security Studies* 17 (1): pp. 107-37.
- Kabamba, Patience. 2013. *Business of Civil War. New Forms of Life in the Debris of the Democratic Republic of Congo*. Dakar, Senegal: Council for the Development of Social Science Research (CODESRIA).
- _____. 2008. "Trading on War: New Forms of Life in the Debris of the State." Ph.D. Dissertation, Columbia University.
- Kaldor, Mary. 2007. *New and Old Wars: Organized Violence in a Global Era*. 2nd Edition. Stanford: Stanford University Press.
- Kalyvas, Stathis. 2006. *The Logic of Violence in Civil War*. Cambridge: Cambridge University Press.

_____. 2003. “‘New’ and ‘Old’ Civil Wars: A Valid Distinction?” *World Politics*. 54:1 (Oct): pp. 99-118.

Kalyvas, Stathis N. and Laila Balcells. 2010. “International System and Technologies of Rebellion: How the End of the Cold War Shaped Internal Conflict.” *American Political Science Review*. Vol. 104(3): pp. 415-429.

Kang, David. 2002. “Bad Loans to Good Friends: Money Politics and the Developmental State in South Korea.” *International Organization*. 56(1): pp. 77-207.

Kasfir, Nelson, 2005. "Guerrillas and civilian participation: the National Resistance Army in Uganda, 1981-86." *Journal of Modern African Studies* Vol. 43, No.2, pp. 271-296.

Keen, David. 1998. *The Economic Functions of Violence in Civil Wars*. Aldephi Paper No. 320. London: Oxford University Press for the Institute of Strategic Studies.

Kitschelt, Herbert, and Steven Wilkinson, eds. 2007. *Patrons, Clients, and Policies: Patterns of Democratic Accountability and Political Competition*. Cambridge: Cambridge University Press.

Klem, B. 2012. “In the Eye of the Storm: Sri-Lanka’s Front-Line Civil Servants in Transition, *Development and Change*. 43(3): 695-717.

Kohli, Atul. 2004. *State-Directed Development: Political Power and Industrialization in the Global Periphery*. Cambridge: Cambridge University Press.

_____. 2002. “State, Society and Development.” In Katznelson, Ira and Helen Milner. *Political Science: The State of the Discipline*. New York: W.W. Norton.

Korf, B., M. Engeler, T. Hagmann (2010) ‘The Geography of Warscape’, *Third World Quarterly* 31(3): 385–99.

Krasner, Stephen D. 2004. “Sharing Sovereignty: New Institutions for Collapsed and Failing States.” *International Security*. Vol. 29 (2): pp. 85-120.

_____. 2001. “Abiding Sovereignty.” *International Political Science Review*. Vol. 22 (3): pp. 229-251.

_____. 1999. *Sovereignty: Organized Hypocrisy*. Princeton: Princeton University Press.

_____. 1995. “Sovereignty and Intervention.” In Lyons, Gene and Michael Mastanduno. *Beyond Westphalia: State Sovereignty and International Intervention*. Baltimore: Johns Hopkins Press.

Kukhianidze, Alexandre, Alexandre Kupatadze, and Roman Gotsiridze. 2004. “Smuggling

through Abkhazia and Tskhinvali Region of Georgia.” Tbilisi: American University, Transnational Crime and Corruption Center, Georgia Office.

Kurtz, Marcus. 2009. “The Social Foundations of Institutional Order: Reconsidering War and the ‘Resource Curse’ in Third World State Building.” *Politics and Society*. Vol. 37(4): pp. 479-520.

Lacher, Wolfram. 2012. “Organized Crime and Conflict in the Sahel-Sahara Region.” Washington, DC: Carnegie Papers.

Le Billon, Philippe. 2005. *Fuelling War: Natural Resources and Armed Conflict*. New York: Routledge.

_____. 2001. “The Political Ecology of War: Natural Resources and Armed Conflicts.” *Political Geography*. 20(5): pp. 561-584.

Leloup, Bernard. 2005. “Le Rweanda et ses voisins: Activisme militaire et ambitions regionals.” *Afrique contemporaine*. 3(215), p. 71-91.

Lemarchand, René. 2009. *The Dynamics of Violence in Central Africa*. Philadelphia: University of Pennsylvania Press.

Les Coulisses. 2005. “Dédouanement des produits pétroliers à Beni: le Sous-Directeur de l’OFIDA Menacé de Mort” Les Coulisses, No 155, 20 September 2005.

Leslie, Winsome J. 1993. *Zaire: Continuity and Political Change in an Oppressive State*. Boulder, CO: Westview Press.

_____. 1987. *The World Bank and Structural Transformation in Developing Countries: The Case of Zaire*. Boulder, CO: Lynne Rienner.

Levi, Margaret. 2002. “The State of the Study of the State,” in Ira Katznelson and Helen V. Milner, eds., *Political Science: The State of the Discipline*. Centennial Edition. New York: W.W. Norton. pp. 33-55.

_____. 1988. *Of Rule and Revenue*. Berkeley: University of California Press

Lichbach, Mark, 1995. *The Rebel's Dilemma*. Ann Arbor: The University of Michigan Press.

Licklider, Roy, ed. 2014. New Armies from Old Merging Competing Military Forces after Civil Wars. Georegtown University Press.

Lipsky, Michael. 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.

- Lobho, Jean-Pierre. 1971. "L'influence du régime foncier coutumier sur l'organisation socio-politique des collectivités locales chez les Bahema et les Walendu du Territoire de Djugu." *Congo-Afrique* Vol 3., pp. 563–72.
- Loveman, Mara. 1998. "High-Risk Collective Action: Defending Human Rights in Chile, Uruguay, and Argentina." *American Journal of Sociology* 104:477–525.
- Lund, Christian. 2006. "Twilight Institutions: An Introduction." *Development and Change*. 37(4): pp. 673-684.
- Luong, Pauline Jones and Erika Weinthal. 2004. "Contra Coercion: Russian Tax Reform, Exogenous Shock, and Negotiated Institutional Change." *American Political Science Review*. 98(1): pp. 139-54.
- Lyons, Gene and Michael Mastanduno. 1995. *Beyond Westphalia: State Sovereignty and International Intervention*. Baltimore: Johns Hopkins Press.
- MacGaffey, J. 1991. *The Real Economy of Zaire: The Contribution of Smuggling and Other Unofficial Activities to National Wealth*. London and Philadelphia: James Currey and University of Pennsylvania Press.
- _____. 1987. *Entrepreneurs and Parasites: The Struggle for Indigenous Capitalism in Zaire*. Cambridge: Cambridge University Press.
- Mahoney, James and Kathleen Thelen. 2010. "A Theory of Gradual Institutional Change." in *Explaining Institutional Change: Ambiguity, Agency, and Power*, edited by James Mahoney and Kathleen Thelen. Cambridge: Cambridge University Press. pp. 1-37
- Mamdani, Mahmood. 2001. *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton, NJ: Princeton University Press.
- Mampilly, Zachariah Cherian. *Rebel Rulers: Insurgent Governance and Civilian Life During War*. Ithaca: Cornell University Press.
- _____. 2007. *Stationary Bandits: Understanding Rebel Governance*. PhD. Dissertation. Political Science. Los Angeles, UCLA.
- Mann, Michael. 1986. *The Sources of Social Power, Vol. I*. Cambridge: Cambridge University Press.
- Mao Zedong. 1978. *On Guerrilla Warfare*. New York: Anchor Press.
- Mararo, Stanislas Bucyalimwe. 2004. "Le TPD à Goma (Nord-Kivu): Mythes et Réalités." In S.

Marysse and F. Reyntjens, eds, *L'Afrique des Grands Lacs. Annuaire 2003-3004.* Paris: L'Harmattan.

_____. 2000. ‘La guerre des chiffres: une constante dans la politique au Nord- Kivu’, in Filip Reyntjens and Stefan Marysse (eds), *L'Afrique des Grands Lacs. Annuaire 1999–2000* Paris: L'Harmattan, pp. 225–62.

_____. 1997. “Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s-1994. *The International Journal of African Historical Studies.* Vol. 30 (3): pp. 503-538.

Marchal, Roland. 1997. “Warlordism and terrorism: how to obscure an already confusing crisis? The case of Somalia.” *International Affairs.* Vol. 83 (6): pp. 1091-1106.

Marten, Kimberly. 2006/07. “Warlordism in Comparative Perspective.” *International Security.* Vol. 31 (3): pp. 41-73.

Masudi, Edocin Ponea Tekpibele. 2009. “Guerres et circulation des élites politiques en province orientale de la République Démocratique du Congo.” Diplôme d’Etudes Supérieures (DES), Université de Kisangani.

Mateso Mande 1985. “La Fonction Commerciale dans la Ville de Bunia: Cas du Quartier Sukisa” ISP-Bunia.

Mathieu, P., P. J. Laurent, A. Mafikiri Tsongo and S. Mugangu. 1999. “Cohabitations imposées et tensions politiques au Nord-Kivu, 1939-1994 : une trajectoire conflictuelle.” in P .Mathieu and Jean-Claude C. Willame, eds. *Conflits et guerres au Kivu et dans la région des Grands Lacs.* Cahiers Africains. (39-40).

Maykuth, Andrew. 1997a. “Outside mining firms find Zaire an untapped vein.” *The Philadelphia Inquirer* (11 May).

Mbembe, A. 2001. *On the Postcolony.* Berkeley: University of California Press.

Meagher, K. 2012. “The Strength of Weak Stats? Non-State Security Forces and Hybrid Governance in Africa.” *Development and Change.* Vol. 43(5): pp. 1073-101.

_____. 2010. *Identity Economics: Social Networks and the Informal Economy in Africa.* Oxford: James Currey.

Menkhaus, K. (2006/7) ‘Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping’, *International Security* 31(3): 74–106.

_____. 2008. ‘The rise of a mediated state in Northern Kenya: the Wajir story and its implications for state-building’. *Afrika Focus*, 21 (2): 23–38.

- Metelits, Claire. 2010. *Inside Insurgency: Violence, Civilians, and Revolutionary Group Behavior*. New York, N.Y.: New York University Press.
- Migdal, Joel S. 2001. *State in Society: Studying How States and Societies Transform and Constitute One Another*. New York: Cambridge University Press.
- _____. 1988. *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*. Princeton: Princeton University Press
- Migdal, Joel. S. and Klaus Schlichte. 2005. ‘Rethinking the State’. In; Schlichte, K. Ed. *The Dynamics of States: The Formation and Crises of State Domination* . Aldershot: Ashgate: 1-40.
- Mirembe, Omer Kambale. 2005. “Échanges transnationaux, réseaux informels et développement local : Une étude au Nord-Est de la République démocratique du Congo.” Ph.D. Dissertation, University of Louvain.
- Mukhopadhyay, Dipali. 2014. *Warlords, Strongman Governors, and the State in Afghanistan*. Cambridge: Cambridge University Press.
- Musila, Cyril. 2007. “Annex II – Economic Anthropology of South Kivu, North Kivu and Katanga.” *Resources and Trade Flows in the Great Lakes Region: Annexes*. Kigali:Initiative for Central Africa.
- Mwanasali, Musifiky. 2000. “The View from Below,” in Mats Berdal and David Malone (eds.), *Greed and Grievance: Economic Agendas in Civil Wars*. Boulder, CO: Lynne Rienner.
- Mwanawavene, Roger Kasereka. 2010. “Dynamiques locales et pressions extérieures dans la conflictualité armée au Nord-Kivu: Cas des territoires de Beni-Lubero.” Ph.D. Dissertation, University of Ghent, Conflict Research Group.
- Naylor, R.T. 2008. *Patriots and Profiteers: Economic Warfare, Embargo-Busting, and State-Sponsored Crime*. McGill-Queen’s University Press.
- Nest, Michael. 2006. *The Democratic Republic of Congo: Economic Dimensions of War and Peace*. Boulder, CO: Lynne Rienner.
- Newbury, Catherine. 1986. “Survival Strategies in Rural Zaire: Realities of Coping with Crisis.” In Nzongola-Ntalaja, ed., *The Crisis in Zaire: Myths and Realities*. Trenton, NJ: Africa World Press.
- _____. 1984. “Dead and Buried or Just Underground? The Privatization of the State in Zaire.” *Canadian Journal of African Studies*. Vol. 18 (1): pp. 112-14.

- North, Douglass C. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.
- North, Douglass C., Wallis, J., Webb, S. and Weingast, Barry. Eds. 2012. *In the Shadow of Violence*. Cambridge: Cambridge University Press.
- L'Observateur. 2016. "Reconduit à la tête de la DGDA, Deo Rugwiza." 19 November.
- Olivier de Sardan, Jean-Pierre. 2008. "Researching the Practical Norms Of Real Governance In Africa." *Discussion Paper Overseas Development Institute*. (5): pp. 1-22.
- Olson, Mancur. 2000. *Power and Prosperity*. New York: Basic Books.
- _____. 1993. 'Dictatorship, Democracy, and Development'. *The American Political Science Review*, 87 (3): 567-576.
- _____. 1965. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Harvard University Press.
- Omasombo, Jean and Erik Kennes, 2006. *République démocratique du Congo: Biographies des acteurs de la Transition (juin 2003-juin 2006)*. Tervuren: Musée royal de l'Afrique central.
- Ostrom, Elinor, 2000. "Collective Action and the Evolution of Social Norms." *Journal of Economic Perspectives* Vol. 14 (3).
- _____. 1990. *Governing the Commons: the Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Paris, Roland and Timothy Sisk, eds. 2009. *The Dilemmas of State building: Confronting the contradictions of postwar peace operations*. London: Routledge.
- Parkinson, Sarah Elizabeth. 2013. "Organizing Rebellion: Rethinking High-Risk Mobilization and Social Networks in War." *American Political Science Review* 107(3): 1-15.
- Perrot, Sandrine. 'Entrepreneurs de l'insécurité: la face cachée de l'armée ougandaise', *Politique africaine* 75 (October 1999), pp. 60-71.
- Peters, B.G. and J. Pierre. 1998. "Governance without Government? Rethinking Public Administration." *Journal of Public Administration Research and Theory*. Vol. 8(2): pp. 223-43.
- Philipson, Liz. 2011. "Whose war? Whose peace? The LTTE and the politics of the northeast." In Jonathan Goodhand, Jonathan Spencer, and Benedikt Korf, eds. *Conflict and Peacebuilding in Sri Lanka: Caught in the Peace Trap?* New York: Routledge.

- Pierson, Paul. 1996. "The New Politics of the Welfare State." *World Politics*. 48(2): jan. pp. 143-179.
- _____. 1995. *Dismantling the Welfare State: Reagan, Thatcher, and the Politics of Retrenchment*. Cambridge: Cambridge University Press.
- Pool, David. 2001. *From Guerrillas to Government: Eritrean People's Liberation Front*. Athens, OH: Ohio University Press.
- Pottier, Johan. 2010. "Representations of Ethnicity in the Search for Peace: Ituri, Democratic Republic of Congo." *African Affairs*. Vol 109 (434): pp. 23-50.
- _____. 2007. "Rights violations, rumor, and rhetoric: making sense of cannibalism in Mambasa, Ituri (Democratic Republic of Congo)." *Journal of the Royal Anthropological Institute*. 13: pp. 825-843.
- _____. 2003. "Emergency in Ituri, DRC: Political Complexity, Land and Other Challenges in Restoring Food Security" Paper at the FAO International Workshop on 'Food Security in Complex Emergencies: building policy frameworks to address longer-term programming challenges' Tivoli, 23-25 September 2003.
- Prunier, Gérard. 2009. *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe*. Oxford: Oxford University Press.
- _____. 2004. "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-1999)," *African Affairs* 103(412): pp. 359-83.
- Raeymaekers, Timothy. 2014. *Violent Capitalism and Hybrid Identity in Eastern Congo: Power to the Margins*. Cambridge: Cambridge University Press.
- _____. 2007. "The Power of Protection: Governance and Transborder Trade on the Congo-Ugandan Frontier." Ph.D. Dissertation, Ghent University.
- _____. 2004. "The Political Economy of Beni-Lubero." In Koen Vlassenroot and Timothy Raeymaekers, *Conflict and Social Transformation in Eastern DR Congo*. Gent: Academia Press.
- Raeymaekers, Timothy, Ken Menkhaus, and KoenVlassenroot. (2008). "State and Non-State Regulation in African Protracted Crises : Governance without Government?" *Afrika Focus*, 21(2): pp. 7-21.
- Reeves, Madeline. 2014. *Border Work: Spatial Lives of the State in Rural Central Asia*. Ithaca, NY: Cornell University Pres.
- Rémy, Jean-Philippe. 2003. "A Béni, en RDC, la prospère entente entre grades fortunes et

rebellions.” *Le Monde*. 20 February.

Renders, M. 2007. “Appropriate ‘governance-technology’? – Somali Clan Elders and Institutions in the Making of the ‘Republic of Somaliland.’” *Afrika Spectrum*. Vol. 42 (3): pp. 439-459.

Reno, William. 2015. “Predatory Rebels and Governance: The National Patriotic Front of Liberia, 1989-1992.”

_____. 2011. *Warfare in Independent Africa: New Approaches to African History*. Cambridge: Cambridge University Press.

_____. 2009. “Illicit markets, violence, warlords, and governance: West African cases.” *Crime, Law, and Social Change*. 52: 313-322.

_____. 2007. “Patronage Politics and the Behavior of Armed Groups.” *Civil Wars*. Vol. 9(4): pp. 324-342.

_____. 2004. “Order and Commerce in Turbulent Areas: 19th Century Lessons, 21st Century Practice.” *Third World Quarterly*. Vol. 25 (4): pp. 607–25.

_____. 2002. “Mafiya Troubles, Warlord Crises.” In Mark Bessinger and Crawford Young, eds., *Beyond State Crisis? Postcolonial Africa and Post-Soviet Eurasia in Comparative Perspective*. Baltimore, MD and Washington, DC: JHU & Brookings.

_____. 2001. ‘How Sovereignty Matters: International Markets and the Political Economy of Local Politics in Weak States’. In; Callaghy, T. M., Kassimir, R. and Latham, R. Eds. *Intervention and Transnationalism in Africa: Global-Local Networks of Power*. Cambridge: Cambridge University Press: 197–215.

_____. 1998. *Warlord Politics and African States*. Boulder, Colorado. Lynne Rienner Publishers.

_____. 1997. “Sovereignty and Personal Rule in Zaire.” *African Studies Quarterly*. Vol. 1 (3).

Roeder, Paul and Donald Rothchild, eds., 2005. *Sustainable Peace: Power and Democracy after Civil War*. Ithaca, NY: Cornell University Press

Roessler, Philip. 2011. “The Enemy Within: Personal Rule, Coups, and Civil War in Africa.” *World Politics*. Vol. 63 (2): pp. 300-46.

Roland, Paris and Timothy Sisk, eds. 2009. *The Dilemmas of State building: Confronting the contradictions of postwar peace operations*. London: Routledge.

- Ross, Michael. 2004. "How Does Natural Resource Wealth Influence Civil War: Evidence from 13 Cases." *International Organization*. 58 (Winter): pp. 35-67.
- Rotberg, Robert I., ed. 2004. *When States Fail: Causes and Consequences*. Princeton: Princeton University Press.
- Salehyan, Idean. 2009. *Rebels Without Borders: Transnational Insurgencies in World Politics*. Ithaca: Cornell University Press.
- Sarvananthan, M. 2007. "In Pursuit of a Mythical State of Tamil Eelam: A Rejoinder to Kristian Stokke" *Third World Quarterly*. Vol. 28 (6): pp. 1185–95.
- Schatzberg, Michael G. 2001. *Political Legitimacy in Middle Africa: Father, Family, Food*. Bloomington: University of Indiana Press.
- _____. 1988. *The Dialectics of Oppression in Zaire*. Bloomington: University of Indiana Press.
- Scott, James. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale University Press.
- Schouten, Peer. 2016. "Extractive Orders: a political geography of public authority in Ituri, DR Congo." JRSP Paper 30, Justice Research and Security Programme, London School of Economics.
- Seawright, Jason and John Gerring. 2008. "Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options." *Political Research Quarterly*. 61(2): pp. 294-308.
- Sen, A. 2007. "Everyday and Extraordinary Violence: Right-wing Women and Raw Justice in the Bombay Slums" in D. Pratten and A. Sen (eds) *Global Vigilantes: Perspectives on Violence and Justice*. London: Hurst. pp. 69–92.
- Shah, A. and J. Pettigrew. 2009. "Windows into a Revolution: Ethnographies of Maoism in South Asia." *Dialectical Anthropology*. Vol. 33: pp. 225–51.
- Shanmugaratnam, N. and K. Stokke. 2004. "Development as a Precursor to Conflict Resolution: A Critical Review of the Fifth Peace Process in Sri Lanka." Working Paper, University of Life Sciences. Aas, Norway.
- Sheingate, Adam. 2010. "Rethinking Rules: Creativity and Constraint in the U.S. House of Representatives." in *Explaining Institutional Change: Ambiguity, Agency, and Power*, edited by James Mahoney and Kathleen Thelen, eds. Cambridge: Cambridge University Press, pp. 168-203.

- Sinno, Abdulkader H. 2008. *Organizations at War in Afghanistan and Beyond*. Ithaca, NY: Cornell University Press.
- Slater, Dan. 2010a. *Ordering Power: Contentious Politics and Authoritarian Leviathans in Southeast Asia*. Cambridge: Cambridge University Press.
- Slater. 2010b. "Altering Authoritarianism: Institutional Complexity and Autocratic Agency in Indonesia." In James Mahoney and Kathleen Thelen, eds. *Explaining Institutional Change: Ambiguity, Agency, and Power*. Cambridge: Cambridge University Press.
- Soifer, Hillel. 2008. State Infrastructural Power: Approaches to Conceptualization and Measurement." *Studies in Comparative International Development*. Vol. 43 (3-4): pp. 231-51.
- Soifer, Hillel and Matthias vom Hau. 2008. "Unpacking the Strength of the State: The Utility of State Infrastructural Power" *Studies in Comparative International Development*. Vol. 43 (3-4): pp. 219 – 230
- Spruyt, Hendrik. 2002. "The Origins, Development, and Possible Decline of the Modern State." *Annual Review of Political Science* Vol 5: pp. 127-49.
- _____. 1994. *The Sovereign State and Its Competitors*. Princeton: Princeton University Press.
- Staniland, Paul. 2012a. "Organizing Insurgency: Networks, Resources, and Rebellion in South Asia." *International Security*. Vol. 37(1): pp. 142-177.
- _____. 2012. "States, Insurgents, and Wartime Political Order." *Perspectives on Politics*. Vol. 10 (2): pp. 243-264.
- Stearns, Jason K. 2011. *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa*. New York: Public Affairs.
- _____. 2012. "From CNDP to M23: The Evolution of an Armed Movement in Eastern Congo." Usalama Project: Understanding Congolese Armed Groups. London: Rift Valley Institute.
- _____. 2008. "Laurent Nkunda and the National Congress for the Defense of the People (CNDP)." In S. Marysse, F. Reyntjens et S. Vandeginste, eds. *L'Afrique des Grands Lacs*. Paris: L'Harmattan. pp. 245-67.
- Stokke, Kristian. 2006. "Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-Controlled Areas in Sri Lanka." *Third World Quarterly*. Vol. 27 (6): pp. 1021–40.

- Tamm, Hennig. 2013a. "UPC in Ituri: The Externalization of Militarization of Local Politics In North-Eastern Congo." Usalama Project: Understanding Congolese Armed Groups. London: Rift Valley Institute.
- _____. 2013b. "Le FNI et la FRPI: Résistance locale et alliances régionales dans le nord-est du Congo." Usalama Project: Understanding Congolese Armed Groups. London: Rift Valley Institute.
- Tannenwald, Nina. 1999. The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use." *International Organization*. Vol. 53 (3): pp.: 433-68.
- Tegera, Aloys. "North Kivu: A Rebellion within a Rebellion?" Democratic Republic of Congo: Peace Tomorrow? (March) Goma: The Pole Institute.
- Tegera, Aloys and Dominic Johnson. 2007. "Rules for Sale: formal and informal cross-border trade in Eastern DRC." Regards Croises, Revue Trimestrielle. No. 19 (May). Goma: The Pole Institute.
- Thelen, Kathleen. 2004. *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan*. Cambridge University Press.
- _____. 2003. "How Institutions Evolve: Insights from Comparative Historical Analysis," in Mahoney and Rueschemeyer, eds., *Comparative Historical Analysis in the Social Sciences*. Cambridge: Cambridge University Press: pp. 208-240.
- _____. 1999. "Historical Institutionalism in Comparative Politics." *Annuie Review of Political Science*. 2: pp. 369-404.
- Thies, Cameron G. 2010. "Of rulers, rebels, and revenue: State capacity, civil war onset, and primary commodities." *Journal of Peace Research*. Vol. 47(3): pp. 321-332.
- Tilly, Charles. 2003. *The Politics of Collective Violence*. Cambridge University Press, Cambridge.
- _____. 1992. Coercion, Capital, and European States, ad 990-1990. Oxford: Blackwell Publishers.
- _____. 1985. 'War Making and State Making as Organized Crime'. In; *Bringing the State Back In.*, Evans, P., Rueschemeyer, D. and Skocpol. T. Eds. Cambridge: Cambridge University Press.
- Titeca, Kristof. 2011. "Access to Resoruces and Predictablity in Armed Rebellion: The FAPC's Short-Lived 'Monaco' in Eastern Congo." *Africa Spectrum*. Vol. 46(2): pp. 43-70.
- Trefon, Theodore. 2009. "Public Service Provision in a Failed State: Looking Beyond Predation

in the Democratic Republic of Congo.” *Review of African Political Economy*. Vol. 36 (119): pp. 9-21.

_____. 2007. *Parcours Administratif dans un Etat en Faillite: Récits Populaires de Lubumbashi (RDC)*. Paris: L’Harmattan.

Trefon, Theodore, Van Hoyweghen Saskia and Stefaan Smis. 2002. “State Failure in the Congo: Perceptions & Realities (Le Congo entre Crise et Régénération).” *Review of African Political Economy*. Vol. 29 (93/94): pp. 379-388

Tull, Denis M. 2007. “The Democratic Republic of Congo: Militarized Politics in a ‘Failed State’” In Morten Bøäs and Kevin C. Dunn, eds., *African Guerrillas: Raging Against the Machine*. Boulder: Lynne Rienner, pp. 113-130.

_____. 2005. *The Reconfiguration of Political Order in Africa: A Case Study of North Kivu (DR Congo)*. Hamburg African Studies: Etudes Africaines Hamboisees. Institut für Afrika-Kunde. Hamburg.

_____. 2003. “A reconfiguration of political order? The state of the state in North Kivu (DR Congo)” *African Affairs*. Vol. 102: pp. 429-46.

Tull, Denis M. and Andreas Mehler. 2005. “The Hidden Costs of Power-Sharing: Reproducing Insurgent Violence in Africa.” *African Affairs*. Vol. 104 (416): pp. 375–398.

Uganda, Republic of. 2002. *Judicial Commission of Inquiry into Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo 2001 (May 2001 to November 2002) Final Report*. Kampala: Government of Uganda (November).

United Nations. 2010a. “Reconstructing Public Administration after Conflict: Challenges, Practices, and Lessons Learnt.” World Public Sector Report. www.eldis.org/cf/rdr/?doc=57130&cm=030211&sub=gov [accessed November 2014]

_____. 2010b. High Commission for Human Rights. “Rapport du Projet Mapping concernant les violations les plus graves des droits de l’homme et du droit international humanitaire commises entre mars 1993 et juin 2003 sur le territoire de la République démocratique du Congo.” August 2010.

_____. 2003. Report of the United Nations High Commissioner for Human Rights to the Security Council, S/2003/216, February 13, 2003;

_____. 2002. Office for the Coordination of Humanitarian Affairs (OCHA) and Integrated Regional Information Network (IRIN). “DRC: Special report on Ituri District, northeastern DRC.” (December 18).

_____. 2000. "Report of the inter-agency assessment mission to Kisangani." S/2000/1153 New York (4 December).

United Nations Security Council. 2013. S/2013/433. New York

_____. 2012. Final Report of the Group of Experts on the Democratic Republic of the Congo. S/2012/843. New York (15 November).

_____. 2008a. Final Report of the Group of Experts on the Democratic Republic of the Congo. S/2008/773. New York.

_____. 2008b. Report of the Group of Experts on the Democratic Republic of the Congo. S/2008/772. New York.

_____. 2006a. "Report of the Group of Experts on the Democratic Republic of the Congo." S/2006/53. (17 January).

_____. 2006b. "Report of the Group of Experts on the Democratic Republic of the Congo." S/2006/525. (18 July).

_____. 2005a. "Report of the Group of Experts on the Democratic Republic of the Congo." S/2005/30. New York (1 January).

_____. 2005b. "Report of the Group of Experts on the Democratic Republic of the Congo." S/2005/436. New York (26 July).

_____. 2004a. Report of the Group of Experts on the Democratic Republic of the Congo. S/2004/551. New York (15 July).

_____. 2004b. "Rapport Spécial sur les Evénements d'Ituri (Janvier 2002-Décembre 2003)." S/2004/573. New York (16 July).

_____. 2002. "Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo." S/2002/1146. New York (16 October).

_____. 2001a. "Report of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo." S/2001/357. New York (12 April).

_____. 2001b. Addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. S/2001/1072. New York (13 November).

- Uyangoda, Jayadeva. 2011. "Government-LTTE Peace Negotiations in 2002-2005 and the Clash State Formation Projects." In Jonathan Goodhand, Jonathan Spencer, and Benedikt Korf, eds. *Conflict and Peacebuilding in Sri Lanka: Caught in the Peace Trap?* New York: Routledge.
- _____. 2005. *Conflict, Conflict Resolution, and Peace*. Colombo, Sri Lanka: University of Colombo.
- van de Walle, Nicolas. 2001. *African Economies and the Politics of Permanent Crisis, 1979-1999*. Cambridge: Cambridge University Press.
- Vandekerckhove, Nel. 2011. "The State, the Rebel and the Chief: Public Authority and Land Disputes in Assam, India." *Development and Change*, 42(3), 759–779.
- van Acker, Frank and Koen Vlassenroot. 2001a. "Les 'Mai-Mai' et les Fonctions de la Violence Milicienne dans l'Est du Congo." *Politique Africaine* 84(103): pp. 16.
- _____. 2001b. "War as Exit from Exclusion? The Formation of Mayi-Mayi Militias in Eastern Congo." *Afrika Focus*. Vol. 17 (1-2): pp. 51-77.
- Vlassenroot, Koen. 2002. "Citizenship, Identity Formation in South Kivu: The case of the Banyamulenge. *Review of African Political Economy*. (93-94): pp. 499-515.
- Vlassenroot, Koen and C. Huggins. 2005. "Land, Migration, and Conflict in eastern DRC." In Chris Huggins and Jenny Clover, *From the Ground Up: Land Rights, Conflict, and Peace in Sub-Saharan Africa*. African Centre for Technology Studies and the African Security Analysis Programme of the Institute for Security Studies pp. 115-194.
- Vlassenroot, Koen and Han Romkema. 2002. "The Emergence of a New Order? Resources and War in Eastern Congo." *The Journal of Humanitarian Assistance*. www.jha.ac/articles/a111.htm
- Vlassenroot, Koen and Timothy Raeymaekers. 2008. "New political order in the DRC Congo? The transformation of regulation." *Afrika Fokus*. 21(2): 39-52.
- _____. 2004a. "The Politics of Rebellion and Intervention in Ituri: The Emergence of a New Political Context?" *African Affairs* 103, no. 412: 385-412.
- _____. 2004b. "Emerging Complexes in Ituri." In *Conflict and Social Transformation in Eastern DR Congo*, ed. Koen Vlassenroot and Timothy Raeymaekers, 177-196. Gent: Academia Press.
- _____. 2004c. "Divisé en Deux: Or et Identité Sociale à Kamituga (Sud-Kivu)" In *L'Afrique des Grands Lacs, Annuaire 2003-2004*, F. Reyntjens and S. Marysse, eds. Paris: L'Harmattan.

- _____. 2003a. "Le Conflict en Ituri." *L'Afrique des Grands Lacs Annuaire 2002-2003*. Paris. L'Harmattan. pp. 208-233.
- _____. 2003b. "The Formation of New Political Complexes: Dynamics of Conflict in Ituri, Democratic Republic of Congo." Occasional Paper: Centre of African Studies, University of Copenhagen. (October)
- Volkov, Vladim. 2002. "Who is Strong When the State Is Weak? Violent Entrepreneurship in Russia's Emerging Markets." In Mark Bessinger and Crawford Young, eds. *Beyond State Crisis: Postcolonial Africa and Post-Soviet Eurasia in Comparative Perspective*. Baltimore: John Hopkins.
- Vwakanakazi Mukohya. 1991. "Import and Export in the Second Economy in North Kivu." In Janet MacGaffey, *The Real Economy of Zaire: The Contribution of Smuggling & Other Unofficial Activities to National Wealth*. London: James Currey.
- Walter, Barbara F. 2004. "Does Conflict Beget Conflict? Explaining Recurring Civil War." *Journal of Peace Research*. 41(3):371–388.
- _____. 2002. *Committing to Peace: The Successful Settlement of Civil Wars*. Princeton, NJ: Princeton University Pres.
- _____. 1997. "The Critical Barrier to Civil War Settlement." *International Organization* Vol. 51 (3): pp. 335-64.
- Wantchekon, Leonard. 2004. "The Paradox of 'Warlord' Democracy: A Theoretical Investigation." *American Political Science Review*. Vol. 98(1): pp. 17-33.
- Weber, Max. 2009. *From Max Weber: Essays in Sociology*. Trans., H. H. Gerth and C. Wright Mills. London: Routledge.
- Weingast, Barry R. 2002. "Rational-Choice Institutionalism." In Ira Katznelson and Helen V. Milner, eds. *Political Science: State of the Discipline*. New York: W. W. Norton.
- Weinstein, Jeremy. 2007. *Inside Rebellion: The Politics of Insurgent Violence*. Cambridge, MA: Cambridge University Press.
- Wickham-Crowley, Timothy P. 1991. "A Qualitative Comparative Approach to Latin American Revolutions." *International Journal of Comparative Sociology*. Vol. 32 (1/2): pp. 82-109.
- _____. 1987. "The Rise (And Sometimes Fall) of Guerrilla Governments in Latin America." *Sociological Forum* 2 (3): 473-499.
- Wildavsky, Aaron. "Choosing Preferences by Constructing Institutions: A Cultural Theory of

Preference Formation" APSR 81, no. 1 (March 1987) p. 3 – 18

Willame, Jean-Claude. 1997. *Banyarwanda et Banyamulenge: Violences ethniques et gestion de l'identitaire au Kivu (Zaire, années 90s)*. Paris: L'Harmattan.

Wood, Elisabeth, 2003. *Insurgent Collective Action and Civil War in El Salvador*. New York, Cambridge University Press.

Wood, Reed M. 2010. "Rebel Capacity and Strategic Violence against Civilians." *Journal of Peace Research*. Vol. 47(5): pp. 601-614.

Young, Crawford. 1995. *Politics in the Congo: Decolonization and Independence*. Princeton, NJ: Princeton University Press.

Young, Crawford and Thomas Turner. 1985. *The Rise and Decline of the Zairian State*. Madison: University of Wisconsin Press.

Zacher, Mark. 2001. The Territorial Integrity Norm: International Boundaries and the Use of Force. *International Organization*.

Zahar, Marie-Joëlle. 2001. "Protégés, Clients, Cannon Fodder: Civil-Militia Relations in Internal Conflicts." In Simon Chesterman, ed. *Civilians in War*. Boulder, CO: Lynne Rienner.

Zartman, William, ed. 1995. *Collapsed States: The Disintegration and Restoration of Legitimate Authority*. Boulder, CO: Lynne Rienner.

References of Primary Source Documents

Includes documents accessed from armed group archives, 2013-2015. References are cited by chapter and date. Sources are stored in the author's personal archive. Redacted versions of documents are available on request.

Chapter 1. Introduction

“Postes frontaliers” Governor of North Kivu, [letter to AFDL Commissaire General Chargé de l’Economie et des Finances], 22 March 1997, Goma.

“Object: Accusé de réception” Bureau du Président du RCD [Letter to businessman Mr. X (omitted for confidentiality)] 18 March 1999, Goma.

“Concerne: Note Explicative sur la Hausse des Prix à Bukavu” RCD Chef du Département de l’Economie, Plan, Industrie et Commerce [Note to the Secretary General of the RCD], 22 November 2000, Goma.

“Letter number 001/027/DIVIPMEA/P.I./2001” Head of the Provincial Division of IPEMA-Ituri [Letter to the heads of the IPMEA sub-bureaus in the five districts of Ituri: Aru, Mahagi, Mambasa, Djugu, Irumu], 23 May 2001, Bunia.

“Note Technique à l’Intention de la Commission Economo-Financière du Comité Exécutif du RCD,” Chef du Département de l’Agriculture et du Développement Rural, 23 May 2002, Goma.

Chapter 2. Theory I. State Authority and Institutional Continuity under Fragility

“Objet: Décision no 031/DPF/RCD/98 of 19/11/98,” [Letter from the Chef de Division Provinciale des Mines et Géologie to the Chef de Département des Finances du RCD in Goma], 4 December 1998, Kisangani.

“Protocole d’Accord,” signed between Jean Pierre Bemba of the Mouvement pour la Libération du Congo and Ernest Wamba dia Wamba of the Rassemblement Congolais pour la Démocratie,” 30 July 1999, Dar Es Salaam, Tanzania.

“Concerne: Demande de permis d’utilisation de la carrière de KYATSABA/BINGO, Accusé de réception.” [Letter to His Excellency Monsieur le Commissaire Générale dur RCD/ML] Commissariat aux Infrastructures, Travaux Publics et Aménagement du territoire, RCD/K-ML, 31 May 2000, Beni

“Objet: V. Demande de permis d’utilisation de la carrière Kyatsaba/Bingo, ‘Accusé de réception’” [Letter to Monsieur the Director of the Cabinet, Bureau d’Assemblée et Commission Général à Beni], Territorial Administrator of Beni, 15 June 2000, Oicha.

Chapter 4. Research Design and Methodology

‘Bulletin d’Information.’ Militants CADER Vigilants du Nord Kivu. 23 April 1983, Masisi (Kivu).

“Note de Perception” Mouvement Populaire de la Révolution, Republique du Zaire, Departement de Ministere de l’interior, Service de Comptabilité, Region du Nord Kivu, Ville de Bunagana [Tax collection slip] Bunagana, 28 July 1987.

“Commission No. 0059/89” Banque du Zaire, Departement des Finances et Budget, Kinshasa, 1 May 1989.

Chapter 5. Pathway to State-Rebel Collusion

1996

“Concernre: Mise à jour et harmonisation de la list des prix moyens de reference (valeurs FOB minimales)” [Memo à l’attention de Monsieur le Président-Délégué Général a.i.] Office des Douanes et Accises, Département Technique, 28 March 1996, Kinshasa.

1998

“Mémorandum du peuple Nande sur les multiples massacres et violations des droits de l’homme par Kabila et ses alliés, à Beni, à Butembo et au Kivu en général, en République Démocratique du Congo.”, Kambale Katahwa, KYAGHANDA Yira, 18 May 1998, Brussels. Kyaghanda-Yira

“Decision No 002/DPF/RCD/98 Relative au Mode de Paiement des Dettes Envers l’Etat” Département des Finances du RCD, 20 October 1998.

“Concerne: Nos Rapports d’Activités Mois de Septembre 98,” Office Congolais de Contrôle [Letter to Monsieur le Chef du Département des Finances du R.C.D. à Goma], 29 October 1998, Butembo.

“Planning du Tresorerie 4e Trimestre 1998 Octobre-Novembre-Decembre/98” Office Congolais de Contrôle “O.C.C.” [Report transmitted to the Département des Finances de RCD], 15 October 1998, Butembo.

“Rapport Circonstancie de Service” OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 18 November 1998, Kasindi

« Rapport Circonstancie de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA Beni, in Beni], 26 November 1998, Kasindi

“Rapport Circonstancie de Service” OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 24 December 1998, Kasindi

“Rapport de Service” OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 24 December 1998, Kasindi

“Rapport de Service” (A) OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 30 December 1998, Kasindi

“Rapport de Service” (B) OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 30 December 1998, Kasindi

1999

« Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report Transmitted to Beni office of OFIDA], 14 January 1999, Kasindi

« Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed to the attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni, in Beni], 15 January 1999, Kasindi

“To the army commandant UPDF at Beni” [Letter] Comité Café- FEC Beni. Rep. Dem. du Congo, 25 February 1999, Beni

“Plainte de la FEC/Beni contre crime économique. » [Letter to the Conseil de Sécurité du Territoire de Beni], 20 February 1999, Beni.

“Compte Rendu de la Journée du Lundi 29 Mars 1999 de la Mission Officielle de Monsieur le Chef de Département des Mines à Kisangani” Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani

“Objet: Immixtion de la FEC/Beni-Butembo dans la perception des droits d’autres et frais OCC” RCD Département du Commerce et de l’Industrie, [Letter to Monsieur le Président Provincial de la Fédération des Enterprises du Congo (FEC) in Goma], 23 June 1999, Goma.

“Protocole d’Accord,” signed between Jean Pierre Bemba of the Mouvement pour la Libération du Congo and Ernest Wamba dia Wamba of the Rassemblement Congolais pour la Démocratie,” 30 July 1999, Dar Es Salaam, Tanzania.

Chef du Département de l’Economie, RCD-G, “Taxation arbitraire et illégale des produits pétroliers par l’OFIDA Goma” [Letter to the Chef du Département des Finances, Budget, et Portefeuille], 23 July 1999, Goma

2000

“Releve OFIDA/Beni. Releve OGEFREM a l’exportation du 01-01-2000 au 01-03-2000.” OFIDA Beni.

“Evolution Comparative des Recettes/OFIDA/(1995-2000) en USD (Inspection de Goma Uniquement)” in RCD Département des Finances, Budget et Portefeuille, *Budget du Mois de Mars 2000* [Letter transmitted to Monsieur le Président du RCD], 2 March 2000, Goma

Département des Finances, Budget et Portefeuille, “Transmission documents” [Letter to Monsieur le President of RCD] 30 March 2000

“Aperçu liste des taxes café Robusta Marchand 18.000kgs valides à 0.60\$ le kilo” FEC-Beni, 20 March 2000, Beni.

Département des Finances, Budget et Portefeuille, “Transmission documents” [Letter to Monsieur le President of RCD] 30 March 2000

“Note Technique Argumentant l’Augmentation du Taux de la Commission de l’ONC à l’Exportation du Café.” RCD-G Department of Agriculture and Rural Development, 4 April 2000.

“Objet: Application des tarifs douaniers” [Letter to Monsieur le Président Provincial de la Fédération des Entreprises du Congo (F.E.C.) du Sud-Kivu à Bukavu] RCD Département des Finances, Budget et Portefeuille, 6 June 2000, Goma.

Arrêté Départemental no 29/DFBP-RCD/2000, Département des Finances, Budget, et Portefeuille, RCD, 7 October 2000.

Objet: Taxe conjoncturelle sur les importation et le trafic aérien” Cabinet du Gouverneur du RCD/K-ML, 2 November 2000, Beni

“Objet: Taxe conjoncturelle sur les importations et le trafic aérien” Cabinet of the Governor of North “Province” [Letter to the Provincial Inspector of OFIDA/North Kivu in Beni and the Responsables of Air Companies in the Province of North Kivu], 3 November 2000, Beni

“Object: Perception de la taxe conjoncturelle sur les importations et le trafic aérien” Cabinet du Gouverneur de Province du Nord-Kivu* [Letter to Messieurs Inspecteur Provincial de OFIDA/Nord-Kivu à Beni, les Responsables des Compagnies Aériennes en Province du Nord-Kivu], 15 December 2000, Beni

2001

Radio Message no 013/DG/OFIDA/FLC/2001 [From OFIDA Beni to Monsieur le Sous Directeur de l’OIFDA/Ituri] (month/day not specified) 2001, Beni

Letter no 096/DPFBP-RCD/AG/JMEE/2001 of 20 February 2001. Letter from the Chef de Département des Finance, Budget et Portefeuille.

“Note de Service No 003/FLC/CE/CAB/2001 Portant Directives Spécifiques des Finances Publiques” Front de Liberation du Congo, Commerce Extérieur [Agency Note], 14 February 2001.

“Objet: Demande d’autorisation d’achat et d’exportation de diamant à Goma,” [Letter to the Secretary General of RCD in Goma] Haidar Mohamed, 24 March 2001, Goma

« Mémorandum des Opérateurs Economiques Membre de la FEC Sud-Kivu du Secteur de l’Importation des Tissus Imprimés en Provenances du Sud Est Asiatique à l’Attention de Son Excellence Monsieur le Secrétaire Général du RCD en Séjour à Bukavu » Bukavu, 28 March 2001

“Rapport de Prise de Contact entre la Commission et le BIC” Commission de Gestion de Taxe Conjoncturelle, Territoire de Beni [Report], 26 June 2001, Beni

“Objet: Dispositions relatives à la perception de la taxe conjoncturelle” Commission de Gestion de la Taxe Conjoncturelle, Territoire et Ville de Beni [Letter to anonymous local business owner in Beni], 29 July 2001, Beni

Concerne: Suspension des apurement de préfinancements.” Fédération des Entreprises du Congo-FEC [Letter to Monsieur le Directeur Général de l’OFIDA in Beni], 12 July 2001, Bunia.

“Objet: Accusé de réception” [Letter No 170/DMM/2001 to the Division du Commerce Extérieur], Local businessperson, 13 July 2001, Beni.

Letter number N/Ref: ADGN/002/CHR/SVB/01 from the Association de Déclarants du Grand Nord, dated 1 Oct 2001

Concerne: Recours Administratif” [Letter N/Ref: ADGN/002/CHR/SVB/01 to Excellence Monsieur le Secrétaire Général du RCD/KIS à Beni], 1 October 2001, Beni

“Concerne: Recours à notre suspension” [Letter to Monsieur le Directeur Général Adjoint Chargé de l’Administration et des Finances de l’OFIDA à Beni] (agency to remain anonymous), 18 October 2001, Beni.

“Objet: Réaction à la letter no 146/CAB/PRES/RCD-KIS/2001” Association de Déclarants du Grand Nord, Inspection Locale de l’OFIDA [Letter to His Excellency Monsieur General Secretary of RCD/Kis-ML, in Beni], Beni, 10 November 2001.

“Concerne: Votre Note de Service du 13 Novembre 2001” [Letter N/Ref. ADFN/008/ENG/SVB/OI] to Monsieur le Directeur Provincial de la Police du Commerce Exterieur du Nord/Kivu à Beni] Association de Déclarants du Grand Nord, 22 November 2001, Beni.

2002

Ambassade de la République Démocratique du Congo au Kenya, Section Commerciale de Mombasa
“Ref: Waiver of Customs Warehouse Rent” [Letter to the Deputy Commissioner-Southern Region, Kenya Revenue Authority], 22 January 2002, Mombasa, Kenya

“Concerne: Marché des Diamants à Kisangani” DANA Diamond [Letter to the Chef de Département des Terres, Mines, et Énergies à Goma], no date [marked as received 22 March 2002 in Goma], Kisangani

“N/Réf.: BIV/PWM/KZ/0154/2002” [Letter to His Excellency Monsieur Commissaire aux Finances et Budget, RCD KIS-ML in Beni] Banque Internationale de Crédit, 19 April 2002, Butembo

“Objet: Information et demande de confirmation” [Letter to Monsieur le Commissaire aux Transports et Communication du RCD/KIS-ML] Anonymous businessperson, 30 May 2002, Beni.

“Concerne: Propositions de réaménagement des conditions d’octroi de l’agrément au titre de comptoir d’achat et d’exportation du diamant de production artisanale à Kisangani” Département des Terres, Mines, et Energie, RCD [Note Technique No 035/RCD/DTME/NKM/2002] 20 May 2002, Goma

Office de Gestion du Fret Maritime, “Concerne: Communiqué de presse adressé aux Responsables des Radios” [Letter to Radio Muungano, Graben FM, Radio Moto-Butembo, FEC Butembo, and Candip in Bunia], 13 May 2002, Beni.

“Concerne: Paiement dette de Monsieur X (name omitted for anonymity) [Letter No 213/COMFIN-BU/RCD/KIS-ML/2002, to the Controller of OFIDA-Kasindi, at Kasindi] Thomas Mathew Kombi, Commissariat aux Finances et Budget, 26 September 2002, Beni

“N/Réf.: BCC/MJK/MT No 672” [Letter to His Excellency Monsieur le Gouverneur du Nord-Kivu à Beni] Banque Centrale du Congo, 31 December 2002, Beni

Chapter 6. Institutional Cooptation: Takeover, Reform, Resistance

1997

“Concerne: Présence OZAC dans les postes frontaliers” Département de l’Economie et des Finances, Alliance des Forces Démocratiques pour la Libération du Congo A.F.D.L. [Letter to Monsieur le Gouverneur de Région du Nord-Kivu à Goma] 10 February 1997, Goma

“Postes Frontaliers” Governor of North Kivu Province [Letter to Monsieur le Commissaire General Chargé de l’Economie et des Finances de A.F.D.L. à Goma] 22 March 1997, Goma.

“Concerne: V/letter no 014.DIR/[sic] du 25 février 1997” Alliance des Forces Démocratiques pour la Libération du Congo A.F.D.L. Commissariat Général de l’Economie et des Finances [Letter to private businessperson to remain anonymous] 14 April 1997, Goma.

“Conclusions des Concertations entre ANEZA-l’APENOKI et les Services Etatiques et Paraétatiques,” Alliance des Forces Démocratiques pour la Libération du Congo-Zaire (AFDL), 24 April 1997, Goma

“Concerne: Structure du Prix JET-A-1” Commissariat Général de l’Economie et des Finances, Alliance des Forces Démocratiques pour la Libération du Congo-Zaire (AFDL), 30 April 1997, Goma.

“Objet: Validité Arrêté Interministériel CAB/PLAN & RN/FIN/071/96” Ministère du Plan et Développement, Commission des Investissements, [Letter to anonymous business], 3 November 1997, Kinshasa.

1998

“Objet: Exportation en exonération du café ouvré ou semi-ouvré,” Office des Douanes et Accises OFIDA [Letter to business to remain anonymous, cc’d to OFIDA-North Kivu], 24 July 1998, Kinshasa

“Attestation de Perte des Marchandises” Office des Douanes et Accises (OFIDA) Direction Provinciale du Sud-Kivu, Inspection d’Uvira, Bureau Recettes de Kalundu, 18 August 1998, Uvira.

“Compte Rendu de la Réunion du Rassemblement Congolais pour la Démocratie du Samedi 1er Aout au Dimanche 16 Aout 1998 à Goma,” RCD, 16 August 1998, Goma.

“Compte-Rendu de la Réunion Technique d’Examen du Taux de l’Imposition du Précompte BIC. Tenue le vendredi 21 aout 1998” Province du Nord-Kivu, Cabinet du Gouverneur de Province, 21 August 1998, Goma.

“Concerne: Agents en mission officielle” [Lettre à l’attention de tous les Responsables de Services Étatiques et Paraétatiques ouvrant au Nord-Kivu] Province du Nord-Kivu, Cabinet du Gouverneur de Province, 22 September 1998, Goma.

“Concerne: Pléthore des services qui assistent au chargement et au déchargement des marchandises” [Letter à l’attention de tous les Responsables de Services Étatiques et Paraétatiques ouvrant au Nord-Kivu] Province du Nord-Kivu, Cabinet du Gouverneur de Province, 22 September 1998, Goma.

“Concerne: Règlement Droits de Sortie sur Notre Café à l’Exportation” [Business to remain anonymous. Letter to Monsieur le Directeur Provincial OFIDA Nord-Kivu à Goma] 14 October 1998, Goma.

“Planning du Trésorerie 4e Trimestre 1998 Octobre-Novembre-Décembre/98” Office Congolais de Contrôle “O.C.C.” [Report transmitted to the Département des Finance du RCD], 15 October 1998, Butembo.

“Compte-Rendu de la Réunion du Comité de Fixing du Taux de Change et du Prix de Carburant Tenu les 06 et les 07 Octobre 1998” Cabinet of the Governor of North Kivu Province, Commission of Fixing, 17 October 1998.

“Réalisations Mensuelles De Trésorerie de Janvier à Juin 1998,” in “Situation de Trésorerie de l’Office Congolais de Contrôle” [Letter to the Chef du Département des Finances du RCD à Goma], 19 October 1998, Goma.

“Instruction No 003/DF/RCD/98/Aux Institutions Bancaires et Financières” Département des Finances du RCD, 20 October 1998, Goma.

“Decision No 002/DPF/RCD/98 Relative au Mode de Paiement des Dettes Envers l’Etat” Département des Financements du RCD, 20 October 1998, Goma.

“Concerne: Nos Rapports d’Activités Mois de Septembre 98,” Office Congolais de Contrôle [Letter to Monsieur le Chef du Département des Finances du R.C.D. à Goma], 29 October 1998, Butembo.

“Concerne: Situation de trésorerie de l’Office Congolais de Contrôle” [Letter to Monsieur le Chef de Department des Finances du RCD à Goma] 19 October 1998, Goma

“Office Congolais de Contrôle: Situation de Trésorerie, Département Provincial du Nord/Kivu, Département Province Orientale” [Transmitted RCD], October 1998.

“Rapport de la Commission” Commission de la Restructuration, Office du Président, RCD, 29 December 1998.

“Mémorandum des Gouverneurs des Provinces sous Contrôle du RCD à Leurs Excellences Messieurs le Président et les Membres du Directoire du RCD,” Governors of North Kivu, South Kivu, Orientale, and Maniema Provinces [Memorandum to the RCD] 30 December 1998, Goma.

“Note des Motivations pour la Création et l’Institution des Organes Délibérants en Territoire Libéré” Chef de Département de l’Administration du Territoire, RCD, 1998 (month and date not specified), Goma.

“Décision Portant Crédit et l’Institution des Organes Délibérants sur Toute l’Etendu du Territoire Libéré” Chef de Département de l’Administration du Territoire, RCD, 1998 (month and date not specified), Goma.

1999

“Rapport de la Commission Interdépartementale sur la Politique Financière du RCD,” Département de l’Economie, du Commerce Extérieur et de l’Industrie du RCd [Interdepartmental Report on the Political Financing of the RCD], February 1999, Goma.

“Tableau 8: Repartition du Budget Total des Dépenses” in “Plan d’action du Département des Finances” Département des Finances et Budget, RCD 17 April 1999, Goma.

“Plan d’Action du Département des Finances” Département des Finances et Budget, RCD 17 April 1999, Goma.

“Rapport Financier sur la Gestion de la Rétrocession de Novembre 98 à Avril 99” Office des Douanes et Accises (OFIDA), Direction Provinciale du Sud Kivu, 30 April 1999, Bukavu.

“N/Réf: RMA/V-NG/PDG/0089/99. Concerne: Réquisitions no 001 et 002/RCD/CD/98 du 09 Octobre 1998” Ressources Minérales Africaines “RMA” [Letter to Monsieur le Coordinateur du Comité Exécutif du RCD à Goma] 4 May 1999, Goma.

“Montant Alloué aux Unités Enclavés en Opération, Mois d’Avril 99” in “Objet: Demande de fonds” Armée Nationale Congolaise, Commandement des Operations, G4 [Letter to the President of the RCD in Goma], 28 May 1999, Goma.

“Objet: Demande de fonds,” Second in Command of Operations, Armée Nationale Congolaise (ANC, Armed branch of RCD) [Letter to Excellence Monsieur le Président du RCD in Goma] 28 May 1999, Goma.

“Concerne: Taxe annuelle sur l’autorisation d’importation, d’exploitation, et de commercialisation des produits pétroliers: Exercice 1999” Chef de Département de l’Energie, RCD [Letter to the APENOKI petrol importers’ association] 3 June 1999, Goma.

“Compte Rendue de la Réunion de la Commission de Fixing Tenue le Mardi 15 June 1999” Commission Provinciale de Fixing Goma, Provincial Government of Nord-Kivu, 15 June 1999, Goma.

“Taxation arbitraire et illégale des produits pétroliers par l’OFIDA Goma” Chef du Département de l’Economie, RCD [Letter to the Chef du Département des Finances, Budget, et Portefeuille du RCD], 23 July 1999, Goma.

“Concerne: Achat boîtes de conserves et savons pour nos militaires” Département des Activités Militaires, Rassemblement Congolais pour la Démocratie [Letter to His Excellence Monsieur le Coordonnateur du RCD in Goma], 20 April 1999, Goma.

“Rapport de Mission Effectuée à Kalemie: du 30/07 au 21/08/1999,” Commission du Département du Commerce et de l’Industrie du RCD [Report of Kalemie Mission] 21 August 1999, Kalemie.

“Conférence de Concertation sur les Problèmes Urgents et Prioritaires des Directions Provinciales de l’I.N.S.S. en Territoires Libérés: Rapport des Travaux” Cabinet du Chef de Département, Département de la Fonction Publique, Travail, et Prévoyance Sociale RCD [Letter to His Excellence, Monsieur le Président du RCD à Goma], 28 August 1999, Goma

“Katanga Mission Finance Report” Chef Adjoint de Département de Finances, Budget, et Portefeuille, RCD, 31 August 1999, Goma.

“Statistiques des Recettes: Situation Recettes de Janvier à Juillet 1998, Août à Décembre 1998” OFIDA Sud-Kivu in “Objet: Situation des Recettes du 01 au 25 Septembre 1999” OFIDA [Revenue Statistics, Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille, RCD] 28 September 1999, Goma.

“Statistique des Recettes: Janvier à Août 1999” OFIDA Sud-Kivu in “Objet: Situation des Recettes du 01 au 25 Septembre 1999” OFIDA [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille, RCD] 28 September 1999, Goma.

“Concerne: Créances des Ets [anonymized]” and “Certification des Dettes” Département des Finances, Budget, et Portefeuille du RCD [Internal Note to the Assistant Chef de Département of Finances, Budget et Portefeuille du RCD] 1 October 1999, Goma.

“Concerne: Limitation du Personnel” Département des Finances, Budget et Portefeuille du RCD [Letter to Monsieur le Directeur Régional de l’OFIDA du Sud-Kivu à Bukavu] 22 November 1999, Bukavu.

“Concerne: Limitation d’effectifs des agents OFIDA/Nord-Kivu” Département des Finances, Budget et Portefeuille du RCD [Letter to Monsieur le Directeur Provincial de l’OFIDA/Nord-Kivu à Goma] 27 November 1999, Goma.

“Objet: Convocation d’une réunion interdépartementale” Département des Finances, Budget, et Portefeuille, RCD [Letter to Monsieur le Président du RCD à Goma] 30 November 1999, Goma

“Concerne: Mise à disposition de fonds” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur the Manager of the Central Bank of Congo (Banque Centrale du Congo)], 30 November 1999, Goma

“Lettre aux Directeurs Provinciaux du OCC” Département des Finances, Budget, et Portefeuille du RCD, 7 December 1999, Goma.

“Concerne: Transmission différents points à discuter à la réunion interdépartemental sur des mesures d’encadrement financier,” Département des Finances, Budget et Portefeuille du RCD, [Memo to the President of the RCD], 10 December 1999, Goma.

“Arrêté Interdépartemental no 040/RCD/99 du 13 Dec 1999 Portant Désignation des Services Autorisés Aux Postes Douaniers” Département de l’Administration du Territoire, Département de la Sécurité et Renseignements, le Département des Finances, Budget et Portefeuille, et le Département du Plan, Economie, Industrie et Commerce du RCD [Interdepartmental order, RCD], 13 December 1999, Goma.

“Arrêté Interdépartemental No 035/RCD/99 du 13 Dec 1999 Portant Révision de la Décision No 015/DPF/RCD/99 à la Nomenclature des Taxes Autorisées aux EAD et Règlement de leur Perception,” Département des Finances, Budget et Portefeuille du RCD, [Interdepartmental order, RCD], 13 December 1999, Goma.

“Arrêté Départemental No 042/DFBP-RCD/JEB/99 du 15 Dec 1999 Portant Désignation des Coordinateurs ad Intérim des Régies Financières” Département des Finances, Budget et Portefeuille du RCD, 15 December 1999, Goma.

“Concerne: Mise en disposition de fonds” Chef Adjoint de Département des Finances, Budget et Portefeuille du RCD [Letter to Monsieur le Gérant de la Banque Centrale du Congo à Goma], 17 December 1999, Goma.

“Instruction No 046/DPFBP-RCD/99,” Département des Finances, Budget et Portefeuille du RCD [Letter to Provincial Directors of OCC and ONC and all the Managers of Banks], 20 December 1999, Goma.

Address from the Chef du Département des Finances, Budget, Portefeuille to the Federation des Enterprises du Congo, 20 December 1999, Goma.

“Concerne: Rapport réunion du comité de suivi budgétaire du 24 décembre 1999,” Directeur de Cabinet du Département des Finances, Budget et Portefeuille du RCD [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille du RCD à Goma], 29 December 1999, Goma.

2000

“Tableau 1: Prévisions 1999 (en dollars USD)” in “Prévisions des Dépenses de Fonctionnement des Départements de Comité Exécutif du RCD,” Cabinet du Chef de Département de l’Agriculture et du Développement Rural du RCD, 28 January 2000. Goma.

“Budget Recettes et Dépenses en USD (mars 2000) (1.200.000 USD)” In “Objet: Transmission documents” Département des Finances, Budget et Portefeuille du RCD [Report delivered to Monsieur le Président du RCD in Goma] 2 March 2000, Goma.

“Oct 1999: Commentaires” In “Objet: Transmission documents” Département des Finances, Budget et Portefeuille, Rassemblement Congolais pour la Démocratie [Report delivered to Monsieur le Président du RCD in Goma] 2 March 2000, Goma

“Arrêté Interdépartemental NoRCD/DPT/EPIC-FIN/003/2000 du 11/03/2000 Portant Agrément du Projet d’Investissement de Création de la Société ‘DARA FORET’ SPRL, en République Démocratique du Congo” Département de l’Economie, Plan, Industrie et Commerce et le Département des Finances, Budget et Portefeuille du RCD [Interdepartmental Order, RCD] 11 March 2000, Goma.

“Objet: Transmission Documents.” Département des Finances, Budget, et Portefeuille du RCD [Letter to Monsieur le Président du RCD], 20 March 2000, Goma.

“Concerne: Situation Compte Général du Trésor” Le Comité de Suivi Budgétaire : Director of the Cabinet of the Département des Finances, Budget et Portefeuille du RCD, Représentant de l’ANC [Memo to the Chef de Département des Finances, Budget et Portefeuille du RCD], 20 March 2000, Goma.

“Catégorisations des Entreprises Publiques et des Régies Financiers” RCD, 23 March 2000, Goma.

“Objet: Demande de suspension des agents impliqué dans la mise en circulation de 1450 quittances parallèles et le détournement des deniers publics” Inspection des Finances, Commission d’Audit Financier: OFIDA-DGM-DGC-Division des Transports et Communication du RCD [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille du RCD à Goma] 12 April 2000, Bukavu.

“Objet: Escompte des effets Electrogaz SNEL-Kivu en faveur de la société EXCEL” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur the President and Director General of the BCDI Bank in Kigali, Rwanda] 12 April 2000, Goma.

“Objet: Compensation” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur the Provincial Director of OFIDA/South Kivu in Bukavu] 19 April 2000, Goma.

“Concerne: Dossier SAKIMA Sarl/RMA Sprl” Ressources Minérales Africaines (RMA) [Letter to Docteur Emile Ilunga, Président du Rassemblement Congolais pour la Démocratie] 28 April 2000, Goma.

“Objet: Suspension des perceptions de la DGRAD à OCPT/Goma” RCD Coordination OCPT [Letter to Monsieur le Directeur Provincial a.i. de l’OCPT/Nord Kivu à Goma] 10 May 2000, Goma.

“Instruction Relatives au Transfert des Produits Miniers” Office Congolais de Contrôle [Letter to Son Excellence Monsieur le Chef de Département des Terres, Mines et Energie de et à Goma] 12 June 2000, Kindu.

“Objet: Demande de Compensation” Chef du Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur le Coordonnateur de l’OFIDA à Goma], 15 June 2000, Goma .

“Objet: Demande de Compensation” Office des Douanes et Accises “OFIDA” Coordination, RCD [Letter to Monsieur le Contrôleur Chef local de l’OFIDA/Kalemie à Kalemie] 22 June 2000, Goma.

“Rapport de Mission Effectuée au Ressort DGRAD Kasai Orientale” Département des Finances, Budget et Portefeuille du RCD et la Direction Générales de Recettes Administratives, Judicaires, Domaniales et de Participations, 15 July 2000, Goma.

“Compte-Rendu de la Réunion du 26 juillet 2000 Présidée par le Chef du Département des Terres, Mines et Energie du RCD a l’Intention des Agents et Operateurs Economiques du Secteur Minier de Bukavu” RCD 26 July 2000, Bukavu.

“Budget du RCD Exercice: 3ème Trimestre 2000,” Département des Finances, Budget et Portefeuille du RCD, July 2000, Goma.

“Rapport Financier: Mai, Juin, Juillet 2000” In “Budget du R.C.D. Exercice: 3ème Trimestre 2000” Département des Finances, Budget et Portefeuille, R.C.D., July 2000, Goma.

Note Explicative de l'Elaboration de Prévisions Budgétaires du Troisième Trimestre 2000" Département des Finances, Budget et Portefeuille, RCD In "Budget du R.C.D. Exercice: 3ème Trimestre 2000" Département des Finances, Budget et Portefeuille, R.C.D., July 2000, (2000-07-31) Goma.

"Objet: Répartition Parafiscalité sur Produits Pétroliers" Chef de Service de l'Economie Nationale et de l'Industrie du Tanganika [Letter to Monsieur le Gérant de la Banque Commerciale du Congo in Kalemie], 22 August 2000, Kalemie.

"Objet: Demande d'exonération" Rassemblement Congolais pour la Démocratie (RCD) et Office des Douanes et Accises "OFIDA" Coordination, [Letter to Monsieur le Directeur Provincial de l'OIFDA/Nord-Kivu à Goma], 22 August 2000, Goma.

"Concerne: Taxes à percevoir par les E.A.D. du Sud-Kivu," La Fédération des Entreprises du Congo, [Letter to the Governor of South Kivu], 28 August 2000, Bukavu.

"Objet: Instruction" Vice Gouverneur de Province de Katanga [Letter to Monsieur le Directeur Provincial du DSR/Katanga à Kalemie] 12 September 2000, Kalemie.

"Concerne: Paiement O.P.Réf.0751/DPFBP-RCD/LPM/TK/2000 du 23/09/2000 du 23/09/2000 de l'ordre \$US 4.500" Banque du Congo, Réf 13500/7893/KM/TAB/0031/2000" Banque du Congo-Lodja [Letter to Monsieur le Chef de Département des Finances, Budget et Portefeuille du RCD à Goma] 27 September 2000, Lodja.

"La commercialisation du Coltan dans le Territoire sous Contrôle du RCD" Département des Terres, Mines, et Energie du RCD [Note Technique], 17 November 2000, Goma.

"Concerne: Note Explicative sur la Hausse des Prix à Bukavu" Chef du Département de l'Economie, Plan, Industrie et Commerce du RCD [Note to the Secretary General of the RCD], 22 November 2000, Goma.

"Objet: Maximisation des Recettes" Cabinet du Chef de Département des Transports, Postes, et Télécommunications du RCD [Letter to Monsieur le Coordonnateur de la RVA] 7 December 2000, Goma.

"Note Technique sur le Payement de la Prime aux Fonctionnaires des Services Publics de l'Etat" Cabinet du Chef de Département de la Fonction Publique, Travail, et Prévoyance Sociale du RCD [Technical Note] 16 December 2000, Goma.

"Objet: Demande de compensation" (Businessperson to remain anonymous) [Letter to Monsieur le Chef du Département des Finances, Budget et Portefeuille du RCD à Goma] 24 December 2000, Kalemie.

“Concerne: Mise à disposition de fonds” Département des Finances, Budget et Portefeuille, RCD [Letter to Monsieur le Directeur Provincial de la BCC/Sud-Kivu à Bukavu] 30 December 1999, Goma.

2001

“Rapport de la Commission Interdépartementale de Paie de la Prime aux Agents et Fonctionnaires des Services Publics de l’Etat du Territoire Sous Contrôle du R.C.[D] pour le mois de janvier 2001” Cabinet du Chef de Département, Département de la Fonction Publique, Travail et Prévoyance Sociale du RCD [Interdepartmental Report of RCD], 8 March 2001, Goma.

“Rubrique: Trésorerie, Concerne: Dépenses engagées par Son Excellence Monsieur le Président du R.C.D./P/C du Trésor Public en nos livres.” Banque du Zaire [Note au Département des Finances, Budget et Portefeuille du RCD à Goma], Lodja, 10 April 2001.

“Objet: Transmission Compte-rendu de la réunion de concertation entre les créanciers de l’ANC et le Commandant OPS” Cabinet du Gouverneur, Province du Katanga [Letter to His Excellency Monsieur le Chef de Département des Finances, Budget et Portefeuille du RCD in Goma] 13 April 2001, Kalemie.

“Objet: Infiltration des éléments FAC, FDD et Interahamwe” Province du Katanga, Cabinet du Gouverneur [Letter to Monsieur le Commandant Secteur de la MONUC à Kalemie. Transmitted in copy to the Secretary General of the RCD] 7 June 2001, Kalemie.

“Concerne: Infiltration des éléments FAC, FDD et Interahmawe. Référence: Lettre no RCD/CAB.Gouv/PK/CO/572/KB/2001” Military Advisor and Commander, RCD [Technical Note to the General Secretary of the RCD] 27 June 2001, Goma.

“Beneficiary: Functioning of RCD/Province of Kasai Orientale,” RCD, 8 June 2001.

“Objet: Nos doléances” Banque Centrale du Congo, Agence de Kindu [Letter to le Coordinateur des Régies Financières du RCD, in Goma], 21 June 2001, Kindu.

“Révèlés de Valeurs à payer: Tireur du Cheque ou Donneur d’ordre du Transfert: Département des Finances, Budget et Portefeuille” Banque du Zaire [Leter to RCD], 22 June 2001, Goma.

“Rubrique: Trésorerie: Envoi de Fonds” Banque du Zaire / Banque Centrale du Congo, Agence de Kindu [Note to B.C.C. Bukavu] 22 August 2001, Kindu.

“Rapport de la Paie de la Prime de Fin d’Année 2001 aux Fonctionnaires et Agent de l’Etat du Maniema” Cabinet du Gouverneur de Province, Province du Maniema, n.d. 2002, Kindu, In: “Cabinet du Gouverneur de Province, Province du Maniema [Letter to His Excellency Monsieur the Chief of the Département de la Fonction Publique, Travail, et Prévoyance Sociale] 1 February 2001, Kindu.

“Objet: Relevé de la facturation aéronefs Rwandais-Kigali. Dos: Aéro-Punia (Accusé de réception)” Régie des Voies Aériennes, Coordination [Letter to the Chef de Département des Finances, Budget et Portefeuille, RCD] 1 March 2001, Goma.

“Objet: Nouvel objectif budgétaire des recettes.” Office des Douanes et Accises “OFIDA” Coordination [Letter to the Chief of the Département des Finances, Budget et Portefeuille du RCD], 3 October 2001, Goma.

“Rapport de Mission d’Inspection des Finances Effectuée à Lodja du 29 Septembre 2001 au 5 Octobre 2001” RCD [Mission Report], October 2001, Goma.

“Objet: Ma suspension” Coordonnateur Adjoint de la DGRAD [Letter to Monsieur le Secrétaire Général du RCD à Goma] 21 November 2001, Goma.

“Recouvrement taxe sur Péage route,” Ministère de Finance, Direction Générale des Recettes Administratives (DGRAD), [Letter to OFIDA controllers at Bunagana and Ishasha], 26 November 2001, Goma.

2002

“Table II. Dépenses de la Période Considérée” in “Prévisions Budgétaires du Rassemblement Congolais Pour la Démocratie pour le Premier Trimestre de l’Année 2002” Département des Finances, Budget et Portefeuille, RCD, 2 January 2002, Goma.

“Calcul de Rentabilité d’un An 32” RCD, 5 January 2002, Goma.

“Transmission rapport paie de la prime de décembre 2001” [Letter to the Chef de Département de la Fonction Publique, Travail et Prévoyance Sociale du RCD, in Goma], 1 February 2002, Kindu.

“Rapport des Importations des Produits Pétroliers du Janvier au 11 Avril” OCC Département Provincial/Est, Siège du Département, Bukavu, Office Congolais de Contrôle, 11 April 2002, Bukavu.

“Concerne : Coordonnateur de l’ONC en Suspension” in “Note Technique à l’Intention de la Commission Economico-Financière du Comité Exécutif du RCD” Cabinet du Chef de Département de l’Agriculture et du Développement Rural du RCD[Technical Note to the Financial Executive Committee of the RCD] 23 May 2002, Goma.

“Réf.: 13500/7893/KM/TAB/0009/2002” Chef de Bureau Gérant a.i., Banque du Congo, Agence de Lodja [Bank statement transmitted to the Département des Finances, Budget, et Portefeuille, RCD, in Goma], 31 May 2002, Lodja.

“Concerne: Fermeture [business to remain anonymous] par l’OPRP” Directeur Provincial, Fédération des Entreprises (FEC) du Congo/Nord-Kivu [Letter to Monsieur le Chef de Département de l’Economie, Plan, Industrie et Commerce au RCD à Goma] 1 June 2002, Goma

“Objet: Votre notification” Office de Protection des Recettes Publiques (OPRP) du RCD [Letter to anonymous businessperson] 5 June 2002, Goma.

“Concerne: “Corriger les anomalies dans la structure des prix des produits pétroliers no RCD/DPT-EPIC/001/2002 du 07/01/2002” du Département des Terres, Mines, et Energie du RCD [Note Technique No 042/RCD/DTME/LNC/2002], 12 June 2002, Goma.

“Concerne: Réaction du personnel OCC/Goma aux Notes du Service No 001&002/RCD/Coord/OCC/RKB-MEO/2002 du 31 mai 2002” Office Congolais de Contrôle-OCC Département Provincial du Nord-Kivu “DEPRONOKI” Délégation Syndicale Goma [Letter to Monsieur le Coordinateur de l'OCC à Goma] 8 July 2002, Goma.

“Objet: Suspension taxe” Cabinet du Chef de Département de l'Economie, Plan, Industrie et Commerce du RCD [Letter to Messieurs the Governors of all the Provinces] 2 September 2002, Goma.

“Concerne: Transport des produits pétroliers” Département des Terres, Mines, et Energie, RCD [Letter to Messieurs the Heads of Air Freight Agencies (Chefs d'Agence de Fret Aérien) in Goma] 21 November 2002, Goma.

“Instruction No 01/038/CAB/GP-NK/2002 du 26 Nov 2002 Portant Crédit et Fonctionnement d'un Guichet Unique de Perception des Recettes Non-Fiscales et E.A.D. aux Postes Frontaliers et Portuaires” Cabinet du Gouverneur de Province du Nord-Kivu, 26 November 2002, Goma.

“Rapport Annuel des Statistiques: Année 2002” Office Congolais de Contrôle, Siège de Bukavu, 2002.

2003

“Relevé des Versements par Banque, Mois de: Janvier 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 26 January 2003, Bunagana

“Objet: Paiement carburant 3ème Brigade ANC” Vice Gouverneur du Province du Katanga, RCD [Letter to Monsieur le Gérant de la BCDC] 11 February 2003

“Objet: Dossier Crédit FEC/Katanga” Département de l'Administration du Territoire, Sécurité et Renseignements du RCD [Letter to Monsieur le Secrétaire Général du RCD à Goma] 24 February 2003, Goma.

“Relevé des Versements par Banque, Mois de: Février 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 25 February 2003, Bunagana

Relevé des Versements par Banque, Mois de: Mars 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 25 March 2003, Bunagana

“Irrégularités sur les preuves de paiement détenus par les pétroliers” Office de Protection des Recettes Publiques (OPRP) du RCD [Letter to the Chef de Département des Terres, Mines et Energie du RCD], 11 April 2003, Goma.

“Objet: Irrégularités sur les preuves de paiements détenues par les pétroliers” Coordonnateur du Direction Générale des Recettes Administratives-Judiciaires Domaniales et de Participations DGRAD [Letter to Monsieur le Coordonnateur de l’OPRP à Goma] 16 April 2003, Goma.

“Relevé des Versements par Banque (B.C.C.) Mois: Avril 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 25 April 2003, Bunagana

“Relevé des Versements par Banque Mois: Mai 2003” Office des Douanes et Accises “OFIDA” Direction Provinciale du Nord-Kivu, Recette de Bunagana, 31 May 2003, Bunagana.

“Annex III: Ventilation du Compte 42 de Novembre 2002 à Juin 2003 en FC Bukavu” Office Congolais de Contrôle, Bukavu.

2004

“Concerne: Règlement de la dette publique contractée par le RCD Mouvement Politico-militaire” Rassemblement Congolais pour la Démocratie, Cabinet du 2ème Vice-Président [Note Technique No 012/RCD/SSG/CAB-2e VP/PM/2004, 11 February 2004, Goma.

Chapter 7. Institutional Entrenchment

1996

“Concerne: Mise à jour et harmonisation de la liste des prix moyens de référence (valeurs FOB minimales)” Office des Douanes et Accises (OFIDA), Département Technique [Memo à l’Attention de Monsieur le Président-Délégué Général], 27 March 1996, Kinshasa.

1997

Letter no 882/CAB.MINES/KKM/JCA/MN/97, Government of DRC Ministry of Mines, 15 September 1997.

1998

“Objet: Dos. jud. RMP.1863/PG/ESW Aff.MP c/Bugumba Isiaka” Vice Gouverner of Province Orientale, Cabinet of the Gouverner [Letter to Monsieur le Procureur Général près la Cour d’Appel de Kisangani], 23 January 1998, Kisangani.

“Réquisition d’Information,” Parquet General de Kisangani, 6 February 1998, Kisangani.

“Compte Rendu de la Réunion du Rassemblement Congolais pour la Démocratie du Samedi 1 Aout au Dimanche 16 Aout 1998 à Goma” (2003-02-24) .

“Compte-Rendu de la Réunion du Comité de Fixing du Taux de Change et du Prix de Carburant Tenu les 06 et les 07 Octobre 1998” Cabinet of the Governor of North Kivu Province, Commission of Fixing, 17 October 1998.

“Concerne: Dossier éclaircissement suspension comptoir diamant,” RCD Department of Finance [Internal Note to the Head of the Department of Finance], 13 November 1998.

“Concerne: Dossier KIMIN, OKIMO, R.R.G., Ashanti. Avis et considérations.” [Letter from the Juridical Advisor to the Head of the Department of Finance in Goma], 17 November 1998, Goma, p. 5. Citing letter no 882/CAB.MINES/KKM/JCA/MN/97, Government of DRC Ministry of Mines, 15 September 1997.

“Rapport Circonstancie de Service” OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 18 November 1998, Kasindi

“Objet: Transmission Note explicative” Province Orientale, Division des Mines et Géologie, [Letter to Monsieur le Gouverneur de Province à Kisangani], 20 November 1998, Kisangani.

Rapport Circonstancie de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed a l’Attention de Monsieur l’Inspecteur Chef local de l’OFIDA Beni, in Beni], 26 November 1998, Kasindi

“Rapport Circonstancie de Service” OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 24 December 1998, Kasindi

“Objet: Décision no 031/DPF/RCD/98 of 19/11/98,” [Letter from the Chef de Division Provinciale des Mines et Géologie to the Chef de Département des Finances du RCD in Goma], 4 December 1998, Kisangani.

“Note Technique No M.354/.1/002/PO/98 A L’Intention de Monsieur le Gouverneur de Province” [Division Provinciale des Mines et Géologie], Kisangani, 12 December 1998, Kisangi.

“Rapport de Service” OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 24 December 1998, Kasindi

Governors of North Kivu (Léonard Kaynyamuhanga Gafundi), South Kivu (Norbert Basengezi Katintima), Orientale (Théo Baruit Amissi), and Maniema (Nestor Kiyimbi Mutangi), “Mémorandum des Gouverneurs des Provinces sous Contrôle du RCD à Leurs Excellences Messieurs le Président et les Membres du Directoire du RCD.” 30 December 1998, Goma.

Rapport de Service” OFIDA Beni, Kasindi sub-branch, Brigade Douanière [Report to the Attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni in Beni], 30 December 1998, Kasindi

Untitled handwritten letter, Adèle Lotsove, 17 [month not stated] 1998, [The letter is attached to an order for timber planks dated 31 December 1998], Bunia.

1999

“Manque à Gagner Généré par la Soustraction Frauduleuse des Produits Pétroliers Entreposés sous Douane à Beni.” Table in “Trafic illicite opéré à Kasindi par les hommes en armes” OFIDA Inspection de Beni [Letter to Monsieur le Directeur Provincial de l’OFIDA/Nord-Kivu à Goma], 25 January 1999, Beni.

« Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report Transmitted to Beni office of OFIDA], 14 January 1999, Kasindi

« Rapport de Service » OFIDA, Inspection locale de Beni, succursale de Kasindi, Brigade Douanier [Report addressed to the attention of Monsieur l’Inspecteur Chef local de l’OFIDA/Beni, in Beni], 15 January 1999, Kasindi.

“Rapport Circonstance a l’Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l’Administration Minière de Province Orientale,” Division Provinciale des Mines et Géologie, 1 February 1999, Kisangani.

Rapport Circonstance a l’Intention de Monsieur le Chef de Département des Mines: Etat de Fonctionnement de l’Administration Minière de Province Orientale,” Division Provinciale des Mines et Géologie, 2 February 1999, Kisangani..

“Concerne: Les comptoirs d’achat et d’exportation de diamant autorisés en Province Orientale” RCD Département des Finances, Budget, et Portefeuille [Letter to Monsieur le Chef de Division Provinciale des Mines à Kisangani] 4 February 1999, Goma.

“Concerne: Régularisation du dossier comptoir de diamant ‘N & Frères SPRL’” Chef de Département des Finances, Budget et Portefeuille [Letter to the Chef de Département des Mines/RCD] 15 February 1999, Goma.

“Concerne: Régime fiscal unique dans le secteur minier.” Chef de Département des Finances, Budget et Portefeuille [Letter to the Chef de Département des Mines], 15 February 1999, Goma.

Le Coordonnateur du RCD-District de l’Ituri, Bunia [Speech delivered on the occasion of official visits from John Tibasima and Bwambale Kakolele], 17 February 1999, Bunia.

“Concerne: Rétrocession de 25% sur la taxe ad valorem” Chef de Département des Finances, Budget et Portefeuille [Letter to the Governor of Orientale Province in Kisangani], 20 February 1999, Goma.

“Note au Comité Exécutif du Rassemblement Congolaise pour la Démocratie. Concerne: Trafic frauduleux des marchandises par les hommes en armes basés à Beni et à Kasindi” Département des Finances, Budget, et Portefeuille, 26 February 1999, Goma.

“Concerne: Trafic frauduleux des marchandises par les hommes en armes basés à Beni et à Kasindi.” RCD Département des Finances, Budget, et Portefeuille. [Note au Comité Exécutif du Rassemblement Congolais pour la Démocratie (RCD)]. 5 March 1999, Goma.

“Arrêté Départemental No 010/DPT.MIN/99 du 18 Mars 1999 portant agreement de la Société Victoria Diamond S.P.R.L. au Titre de Comptoir d’Achat de Diamant de Production Artisanale.” RCD Département des Mines.” 18 March 1999, Goma.

“Compte Rendu de la Journée du Lundi 29 Mars 1999 de la Mission Officielle de Monsieur le Chef de Département des Mines à Kisangani” Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani.

“Evaluation des Performances Minimales Exigées aux Comptoirs d’Achat et d’Exportation” Division Provinciale des Mines et Géologie, 31 March 1999, Kisangani.

“Note à l’Intention de Monsieur le Chef de Département des Mines” Division Provinciale des Mines et Géologie, 31 March 1999, Kisangani.

“Memorandum des Agents de la SOMICO aux Autorités du R.C.D.” Kalemie, 31 March 1999.

P.V. de Scellage du C.N.E.” Division Provinciale des Mines et Géologie, Kisangani, 31 March 1999.

“Rapport Circonstancie a l’Intention de Monsieur le Chef de Département des Mines. Concerne: Exportation frauduleuse de diamant.” Chef de Division Provinciale des Mines et Géologie, 30 March 1999, Kisangani

“Tableau No2: Statistiques des Achats Effectués par les Comptoirs Agrées. Source: P.V. de Scellage du C.N.E.” Division Provinciale des Mines et Géologie, Kisangani, 31 March 1999.

“Message Officiel,: DGM/PNK/K/LUB018/R04 du 23.4.99” [Message transmitted from DGM in Lubiria to DGM at Kasindi], 23 April 1999, Lubiria (North Kivu)

“Plan d’Action Trimestriel: Mars-Avril-Mai” p. 2 in “Plan d’Action du Département des Finances,” RCD Département des Finances et Budget, 11 April 1999, Goma.

Arrêté Départementale no 010/DPT.MIN/99 du 18 Mars 1999 Portant Agrément de la Société Victoria Diamond S.P.R.L. au Titre de Comptoir d’Achat de Diamant de Production Artisanale,” RCD Département des Mines, 18 May 1999, Goma.

“Evaluation Comptable des Activités des Comptoirs d’Achat du Diamant de Production Artisanale en Province Orientale.” Département des Mines, RCD, 26 July 1999, Goma.

“La présente évaluation a tenu compte des statistiques communiqué par la Division Provinciale des Mines et Géologie de la Province Orientale pour la 1ere Semestre 1999.” In, “Evaluation Comptable des Activités des Comptoirs d’Achat du Diamant de Production Artisanale en Province Orientale.” Département des Mines, RCD, 26 July 1999, Goma.

“Instruction No 034/DPFBP-RCD/99: Taux de référence pour les opérations en compte du Trésor” [Instruction to the Provincial Directors and Agency Heads of the Central Bank and the to the Directors and Heads of the Financial Agencies], 13 December 1999, Goma.

“Concerne: Votre lettre no 0779/DPFBP-RCD/JEB/99” Chef de Département Adjoint, Département des Terres, Mines, et Energie, [Letter to Monsieur le Chef du Département des Finances, Budget et Portefeuille], 29 December 1999.

2000

“Objet: Deploiement d’une équipe de contrôle et verification des activités minières” Commandant de la Brigade Financière-Province Orientale François Kasa, Armée Nationale Congolaise Etat-Major General G1 Brigade Financière [Letter to the Governor of Province Orientale], 22 August 2000, Kisangani.

“Objet: Fonctionnement Brigade Financière.” Chef de Division Provinciale des Mines et Geologie [Letter to Monsieur le Chef de Département des Terres, Mines, et Energie du RCD à Goma], 8 September 2000, Kisangani.

“Objet: Situation de crise économico-sécuritaire prévalenat à Kisangani,” Chef du Département de l’Economie, Plan, Industrie et Commerce [Letter to the Governor of Orientale Province in Kisangani], 12 September 2000, Goma.

“Objet: Perception taxes minières par la “Brigade Financière/Secteur Minier/ANC” Chef de Division Provinciale des Mines et Geologie [Letter to Monsieur le Chef de Département des Terres, Mines, et Energie du RCD à Goma], 13 September 2000, Kisangani.

“Concerne: Revendications” President and Secrétaire de la Délégation Syndicale du Centre National d’Expertise C.N.E., Antenne de Kisangani, [Letter to Monsieur le Chef de Département de Terres, Mines, et Energie à Goma], 9 October 2000, Kisangani.

Arrêté Interdépartemental no 043/RCD/CE/DFBP, DTME, and DEPIC, RCD Department of Finance, Budget, et Portefeuille, Département de Terre, Mines, et Energie, and Département de l’Economie, Plan, Industrie et Commerce, of 20 November 2000, Goma.

“La Commercialisation du Coltan dans le Territoire sous Contrôle du RCD” Note Technique, Chef de Département des Terres, Mines et Energie, 17 November 2000, Goma.

“Memo des Operateurs Economiques du Secteur Minier (Coltan), Appuyés par les Autres Secteurs Economique ainsi que Toutes les Couches Sociales Ouvrant en Faveur de la Population de la Province du Sud-Kivu” FEC Bukavu [Memo addressed to the President of the Movement of RCD,

the Secretary General of RCD, the Governor of South Kivu Province, and the heads of the following RCD Ministries: the Department of Interior, the Department of Foreign Relations, the Department of Mines and Energy, and the Department of Finance, Budget, and Public Purse] 25 November 2000, Bukavu.

“N/Réf 1036/RCD/CE/DTME/NK/FR/NS/00” RCD Département des Terres, Mines, et Energie [Letter to Monsieur Hamad Khalil, Responsable du *comptoir* HAMAD à Kisangani], 6 November 2000, Goma.

SOGEM [Letter from Bruno Deliens to M. Mudekereza Namegabe, Ets. MDM, in Bukavu], 23 November 2000, Brussels, Belgium.

“Transmission de rapport d’activités de la SOMIGL. Mois de Décembre 2000.” Société Minière des Grands Lacs “SOMIGL” [Letter to the President of the RCD in Goma], 29 December 2000, Bukavu.

2001

“Rapport d’activités du mois de décembre.” Société Minière des Grand Lacs “SOMIGL” Agence de Goma [Letter to the President of the RCD], 6 January 2001, Goma.

“Objet: Relevé de la facturation aéronefs Rwandais-Kigali. Dossier: Aéro-PUNIA (Accusé de réception)” Régie des Voies Aériennes, Coordination [Letter to the Chef de Département des Finances, Budget et Portefeuille à Goma] 1 March 2001, Goma

“Concerne: -Exportation de Coltan, -Uniformisation du Tarif OCC, -Retour à 2% pour les frais de contrôle à l’Import, -Evolution en grade et promotion du personnel OCC” [Note Technique à l’Attention du Chef de Département de l’Economie, Plan, Industrie et Commerce, à Goma] OCC Département Provincial du Nord-Kivu, 19 April 2001, Goma.

“Arrêté Départemental No 075/RCD/CAB/DTMA/2001 du 10 Octobre 2001 Portant Agrément d’un Comptoir d’Achat et d’Exportation du Diamant de Production Artisanale de Kisangani” Département des Terres, Mines, et Energie, 10 October 2001, Goma.

“Objet: Reconnaître les conditions d’agrément d’un comptoir d’achat de diamant.” H&M Diamond SPRL Import-Export [Letter to His Excellence Monsieur le Président du Rassemblement congolais pour la Démocratie de et à Goma], 21 December 2001, Kisangani.

“Situation Paiement de la Taxe Rémunératoire/CTCPM par le Comptoir H&M Diamant pour la Période du 11 Novembre au 10 Décembre 2001” Province Orientale, Division Provinciale des Mines et Géologie, 3 December 2001, Kisangani.

2002

Letter from the Chef de Division Administrative et Financière d’OCC Kisangani et le Chef de Département de la Province Orientale to the Coordonnateur de l’OCC à Goma, entitled “Instruction Exoneration,” dated 16 January 2002, Kisangani.

Concerne: Marché des Diamants à Kisangani” DANA Diamond [Letter to the Chef de Département des Terres, Mines, et Energie à Goma], no date [marked as received 22 March 2002 in Goma], Kisangani

“Concerne: Propositions de réaménagement des conditions d’octroi de l’agrément au titre de comptoir d’achat et d’exportation du diamant de production artisanale à Kisangani” Département des Terres, Mines, et Energie [Note Technique No 035/RCD/DTME/NKM/2002] 20 May 2002, Goma.

“Object: Fermeture” Hamad Khalili, pour le Comptoir d’Achat H&M Diamond SPRL [Letter to His Excellency Monsieur le Chef de Département des Mines, Terre, et Energie, à Goma], 16 March 2002, Kisangani.

“Autorisation d’Achat et d’Exportation du Diamant de Production Artisanale dans la Province Orientale No 001/2002, Rassemblement Congolais pour la Démocratie, Départent des Terres, Mines, et Energie, 29 May 2002, Goma.

“Concerne: Réaction du personnel OCC/Goma aux Notes du Service No 001&002/RCD/Coord/OCC/RKB-MEO/2002 du 31 mai 2002” Office Congolais de Contrôle-OCC Département Provincial du Nord-Kivu “DEPRONOKI” Delegation Syndicale Goma [Letter to Monsieur le Coordinateur de l’OCC à Goma] 8 July 2002, Goma

“Concerne: Comportement de Monsieur Luboya, Sous-Directeur de l’OFIDA dans la Province Orientale.” Rapport a l’Attention de son Excellence Monsieur le Chef du Département de l’Administration du Territoire, Sécurité et Renseignements” Governor of Orientale Province, 18 November 2002, Kisangani.

Chapter 8. Institutional Displacement

1993

“Arrête Provincial No 01/JYS//036/Rte/CAB/PROGOU/P.O/93 Portant Crédit de Droit de Péage dur toutes les Routes d’Intérêt Commun de la Province Orientale” Gouverneur de la Province Orientale, 1993.

1998

“Action Tous pour la Route: Comité de Gestion des Routes, District de l’Ituri,” 21 April 1998, Bunia.

“De l’Organisation de l’Armée: Organisation Pendant la Guerre, Commandement des opérations” Commission des Textes Fondamentaux Rassemblement Congolais pour la Démocratie n.d. [recovered among the RCD founding documents from 1998].

“Objet: Dos. jud. RMP.1863/PG/ESW Aff.MP c/Bugumba Isiaka” Vice Governor of Province Orientale, Cabinet of the Governor [Letter to Monsieur le Procureur Général près la Cour d’Appel de Kisangani], 23 January 1998, Kisangani.

“No 012 de RCD/98/Règlementant le Recouvrement des Recettes Relevant du Budget pour Ordre et Autres Fonds Spéciaux en Province.” [Chef du Département des Finances, Rassemblement Congolais pour La Démocratie] 25 October 1998, Goma

« Annexe à la Décision No 012/DF/RCD/98 Règlementant le Recouvrement des Recettes Relevant du Budget pour Ordre et Autres Fonds Spéciaux en Province.” [Chef du Département des Finances, Rassemblement Congolais pour La Démocratie] 25 October 1998, Goma.

1999

“Objet: Pétition” Province Orientale, Bureau des Mines et Géologie du District de l’Ituri [Letter to Monsieur le Commissaire de District de l’Ituri à Bunia] 2 January 1999, Bunia

“Liste des Taxes à Percevoir lors d’Ouverture des Crédits Provisoires” Administrateur du Territoire d’Irumu, 8 February 1999, Irumu; “Objet: Transmission Décision no 321/01/Bur/AT/IR/99 du 03/02/1999 Portant Ouverture des Crédites Provisoires 1999” Administrateur du Territoire d’Irumu [Letter to Messieurs les Receveurs-Comptables du Territoire et de la Cité de Bunia, Territoire Irumu] 9 February 1999, Bunia.

“Objet: Ingéraient P.P.T. dans le out de billet vendues” Bureau de Service du Tourisme, District de l’Ituri [Letter to Monsieur Chef de Compagnie Tx. Sun Air à Bunia] 9 February 1999, Bunia.

“Objet: Transmission Arrêté 003 et lettre no 29” [Service de l’Economie Nationale et de Pétrole, Bunia” [Letter to Messieurs les Chefs de Service de Territoire de l’Economie nationale et du Pétrole (TOUS) à Aru, Mahagi, Djugu, Irumu, Mambasa] 10 February 1999, Bunia.

“Rapport Succinct des Activités du Serve des Mines et Géologie de District de l’Ituri à Bunia à l’Intention de Son Excellence Monsieur le Chef de Département des Mines en Mission Officielle en Ituri” Chef du Bureau des Mines et Géologie de District de l’Ituri, 11 February 1999, Bunia

Objet: Redevance sur importation des produits pétroliers pour compte CSS” Service de l’Economie Nationale et du Pétrole, District de l’Ituri [Letter to Messieurs les Importateurs des produits pétroliers (TOUS)] 17 March 1999, Bunia.

“Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

“Rapport sur la Direction Générale de Migration- Poste Principal de l’Ituri” In “Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

“Nomenclature des Recettes Rétrocédées à l’EAD, Territoire de Djugu [sic] pour l’Exercice 1999” In “Objet: Exécution du Budget exercice 1999 du Territoire de Djugu” Administrateur du Territoire de Djugu, District de l’Ituri [Letter to Messieurs les Gestionnaires des crédits du Territoire de Djugu et de 2 Cités Mongbwalu et Djugu, Le Mandataire du Budget du Territoire à Djugu, les Receveurs-Comptables du Territoire et de 2 Cités de Mongbwalu et de Djugu] 11 June 1999, Djugu.

“Nomenclature des Taxes du Trésor Public à Percevoir par le Bureau Provincial des Petites, Moyennes Entreprises et Artisanales, Exercice 1999” Cabinet de Gouverneur de Province d’Ituri, 21 September 1999, Bunia

“Objet: Paiement des Taxes au Service de l’Hygiène Frontalière. Le Médecin-Inspecteur de District de l’Ituri [Letter to Messieurs les Chefs d’Entreprises Commerciales et d’Associations sans but lucratif chargé d’importation et d’exportation du District de l’Ituri] 6 October 1999, Bunia.

2000

“Objet: Régularisation Dossier d’Importation, Exploitation, Commercialisation, Stockage et Transport des Produits Pétroliers” Chef de Bureau de l’Energie, Province de l’Ituri, Ministère de l’Energie, Division Provinciale de l’Energie [Letter to Monsieur le Président de la F.E.C. in Bunia], 22 February 2000, Bunia.

“Objet: Interdiction de déchargement après 18 heures” Chef de Poste Principal/Ville Bunia, Agence Congolaises de Sécurité et Renseignement [Letter to Monsieur le Président Provinciale de la Fédération des Entreprises du Congo de l’Ituri] 10 March 2000, Bunia.

“Nomenclature des Taxes Provinciales pour l’Exercice-Budgétaire 2000” Cabinet du Gouverneur, Rassemblement Congolais pour la Démocratie R.C.D./Kisangani, Province de l’Ituri; “Arrêté No 01/UPC/014/CAB/GP8/2000du 14/04/2000 Portant Ouverture des Crédits Provisoires sur la Perception de Certaines Taxes Provinciales au Courant de l’Exercice Budgétaire 2000”, 14 April 2000, Bunia.

“Rapport de Service au Poste de Peage Lopa (Gina) allant du 29/04/2000 au 14/05/2000,” 14 May 2000, Bunia.

“Objet: Accusé de réception” Cabinet du Commissariat aux Infrastructures, Travaux Publics et Aménagement du Territoire [Letter to Monsieur le Vice-Président du Comité Inter-Provincial du Péage Routes] 31 May 2000, Beni.

“Rapport de Poste de Peage de Mongbwalu Pour La Période de 27 Mai au 10 Juin 2000” Comite de Gestion des Routes, Poste de Gina, 10 June 2000, Bunia.

“Rapport de Service pour la Période du 28.05 au 10.06.2000” Comite de Gestion des Routes, Poste de Gina, 11 June 2000, Bunia.

“Objet: Remerciement pour 50l (Essence)” Commissariat de la Défense Rassemblement Congolais pour la Démocratie, R.C.D./Kisangani, Quartier Général de Bunia [Letter to Président de la Fédération des Entreprises du Congo/Ituri de et à Bunia] 23 June 2000, Bunia.

“Objet: Avance payée sans quittance par la Division de l’IPMEA/Province de l’Ituri Exercise 99” Chef de Division Provinciale de l’IPMEA [Letter to Monsieur le Président de la Fédération des Enterprise du Congo/Centre de Nyamwavi à Nyamavi] 12 February 2000, Bunia; “Objet: Doléances” Chef de Ituri Provincial Division of IPMEA [Letter to the President of FEC-Kasenyi] 2 October 2000, Bunia.

Objet: Contraite payement pénalités Camionnette Hilux No HZ 2023 C” Police Spéciale de Roulage (PSR) Commander [Letter to the Governor of the Province of Ituri], 15 October 2000.

2001

“Objet: Continuité apurement Préfinancement pour Ituri.” Coordonnateur Adjoint de l’Exécutif Chargé des Finances, Economie et Portefeuille [Letter to the Sub-director of OFIDA in Bunia] 6 April 2001, Bunia.

“Objet: Interdiction formelle de payement fractionnel des taxes” DRC Ministère de l’Industrie, Petites Moyennes Entreprises et Artisanat, province de l’Ituri [Letter to the heads of the sub-bureaus in the five districts of Ituri: Aru, Mahagi, Mambasa, Djugu, Irumu], 23 May 2001, Bunia.

“Concerne: Suspension des apurements de préfinancements” Président du Conseil Provincial de la FEC/Ituri [Letter to Monsieur le Directeur Général de l’OFIDA à Beni], 12 July 2001, Bunia.

Mémorandum des Operateurs Economiques de l’Ituri Adressé à Son Excellence Monsieur le Président de l’Exécutif du FLC” Les Opérateurs Economiques de l’Ituri, 17 July 2001, Bunia.

“Objet: Application de la Tarification OCC” Front de Libération du Congo [Letter to the Responsible of OCC/Ituri in Bunia], 4 September 2001, Beni.

“Objet: Nouveaux taux d’Apurement par compensation” Cabinet du Secrétaire National Adjoint, Secrétariat National aux Finances et Budget, Front de Libération du Congo [Letter to Monsieur le Sous-Directeur de l’OFIDA/Ituri in Bunia] 25 September 2001, Bunia

“Objet: Crédit un Sous-Poste Douanier à Lopa.” Le Secrétaire National Adjoint aux Finances et Budget, Front de Libération du Congo “F.L.C.” [Letter to the Director General of OFIDA in Bunia] 29 October 2001, Bunia.

2002

“Mémorandum des Operateurs Economiques Adressé à Son Excellence Monsieur le Commissaire aux Finance et Budget du RCD/ML” Fédération des Entreprises du Congo, Chambre de Commerce et d’Industrie, Syndicat Patronat [Letter to His Excellence Monsieur le Commissaire aux Finances et Budget du RCD/ML in Bunia], 20 February 2002, Bunia.

“Objet: Service autorisé à prester pour le pointage des marchandises” Le Directeur General de la D.G.M.-Ituri [Letter of Monsieur le Président de la F.E.C.-Ituri] 22 March 2002, Bunia.

“Objet: Accusé de réception” Rassemblement Congolais pour la Démocratie RCD/Kis-ML, Conseil Exécutif, Commissariat aux Affaires Foncières, Urbanisme et Habitat”[Letter to Monsieur le Chef de Division du Cadastre/Bunia], 8 February 2002, Bunia

“Objet: Service autorisé à prester pour le pointage des marchandises” Direction Générale de Migration D.G.M. Province de l’Ituri [Letter to the President of FEC-Ituri in Bunia], 22 August 2002, Bunia.

“Concerne: Demande d'aide financière pour achat des vivres à nos militaires.” Cabinet du Président, Union des Patriotes Congolais, [Letter addressed to “Tous les Hommes de bonne volonté, tous les opérateurs économiques”], 4 December 2002, Bunia. “

2003

“Objet: Sécurité des Opératuers Economiques non Ressortissants de l’Ituri” Directeur de Cabinet de la Presidence, [Letter to Monsieur le Chef EMG/FLPC, armed branch of the UPC], 3 February 2003, Bunia.

“Rapport de la FEC/Ituri sur la Dégradation Complete du Tissue Economique de la Province de l’Ituri” Fédération des Entreprises du Congo, 18 March 2003, Bunia.

Objet: Perception Taxes Provinciales” Cabinet du Secrétaire National, Secrétariat National a l’Intérieur et aux Affaires Coutumiers, Union des Patriotes Congolais [Letter to Monsieur le Président Provincial de la FEC, in Bunia], 30 July 2003, Bunia.

“Objet: Demande remise des planches” Bosco Ntaganda, le Chef d’Etat Major de l’UPC/RP, Union des Patriotes Congolais pour la Réconciliation et Paix, Force Patriotique pour la Libération du Congo [Letter to Monsieur le Représentant de la Famille SACGRICOF] 23 December 2003, Largu (Ituri).

Chapter 9. Post-Conflict Effects of State-Rebel Relations

1998

“Compte-Rendu de la Réunion Technique d’Examen du Taux de l’Imposition du Précompte B.IC Tenue le Vendredi 21 Aout 1998” Province du Nord-Kivu, Cabinet du Gouverneur de Province [Meeting Notes] 25 August 1998, Goma.

“Objet: Affaire de 48 fûts de gasoil pris par le Commandant de Brigade MUGENI” Chef de Division, l’Administrateur du Territoire, Territoire d’Aru, District de l’Ituri, Province Orientale [Letter to the General Headquarters of the UPDF in Kampala, Republic of Uganda] 25 September 1998, Aru.

“Objet: Recommandation Mr. Mutombo-Tshimakanda” Chef de Poste Principal, Direction Générale des Migrations DGM, Post Principal de l’Ituri, Territoire d’Aru [Letter to Monsieur le Collector of OFIDA/Aru at Aru] 23 December 1998, Aru.

1999

“Rapport sur la Direction Générale de Migration- Poste Principal de l’Ituri” In “Objet: Transmission rapport sur la DGM/Ituri” Rassemblement Congolais pour la Démocratie (RCD) District de l’Ituri Bunia [Letter to Son Excellence Monsieur le Chef du Département de la Sécurité et Renseignement à Goma], 29 April 1999, Bunia.

2003

“Objet: V/lettre no 072/IPADR/NR/2003” Cadre Politico-Militaire de la Direction Politique du RCD/KIS-ML à Beni [Letter to the Division Provinciale de l’Agriculture et Elevage, Travaux Publiques et Administration de Territoire, Province du Nord-Kivu à Beni], 11 July 2003, Beni.

Note Circulaire No 009/CAB/MIN/FINANCES/2003 of 29 December 2003, Kinshasa. In: “Concerne: Planification organisationnelle du mécanisme de dédouanement” Association des Transitaires et Commissionnaires en Douanes (ATCD) [Letter to Monsieur l’Inspecteur Chef Local de l’OFIDA/Beni] 27 January 2004, Beni.

“Certificat de Dette Publique No 0096” Commission de Mutation, Présidence du RCD/KIS-ML [Public Debt Certificate], 23 August 2003, Beni.

“Certificat de Dette Publique No 0166” [RCD/KIS-ML Precedence: Commission de Mutation] 2 September 2003, Beni.

“Objet: Indignation” Assemblée Spéciale Intérimaire, Administration Spécial Intérimaire de l’Ituri” [Letter to Monsieur le Président du FNI à Bunia] 12 December 2003, Bunia.

2004

“Concerne: Planification organisationnelle du mécanisme de dédouanement” Association des Transitaires et Commissionnaires en Douanes (ATCD) [Letter to Monsieur l’Inspecteur Chef Local de l’OFIDA/Beni] 27 January 2004, Beni.

“Note Circulaire No 103/CAB/COORDO/OFIDA/RCD/KIS-ML/2004” RCD/K-ML Office des Douanes et Accises OFIDA Coordination, 15 May 2004, Beni.

“Objet: Usurpation des attributions et non application des instructions” [Letter No 001/VERIFICATION/2004 from OFIDA auditors, Office des Douanes et Accises Sous Direction de Beni, Section de la Verification, Beni to the Sub-director of OFIDA in Beni], 8 July 2004, Beni.

“Facture No 634” Charged to the Garde Républicaine du R.C.D./KIS-M.L., 3 August 2004, Beni.

“Objet: Demande d’un Certificat de Dette Publique” (Butembo-based business to remain anonymous) [Letter to His Excellence Monsieur Mbusa Nyamwisi, Président National du RCD-Kis/ML et Ministre à la Coopération Régionale à Kinshasa] 6 August 2004, Beni.

“Concerne: Votre Demande de Préfinancement” [Letter to Monsieur l’Attributaire de l’axe routier Beni-Oicha-Eringeti à Beni] 5 October 2004, Beni.

“Annexe à l’Arrêté Interministeriel No 005/CAB/MIN/AGRI/et No 155/CAB/MIN/FIN/2004 du 22/10/2004” 22 October 2004, Kinshasa.

2005

“Dettes Publiques Déposées au Bureau de la FEC/Beni” Fédération des Entreprises du Congo, Groupement Territorial de Beni, 2005 (n.d.), Beni.

“Objet: Protestation de Retour de Mr. Kibondo Ntumba comme contrôleur chef-local de l’OFIDA à Kasindi” Bureau Control de Kasindi, Section de Vérification, Office des Douanes et Accises (OFIDA) [Letter to the Sub-Director of OFIDA] 18 February 2005, Kasindi.

“Frais Intervenant Hors Structure des Produits Pétroliers” In “Objet: Mesure d’encadrement structure de prix/produits pétroliers” Association des Pétroliers Importateurs en Territoire de Lubero, Ville de Butembo [Letter to His Excellence Monsieur le Vice-Gouverneur de Province du Nord Kivu] 9 March 2005, Butembo.

“Charge d’exploitation SEP,” Coordonnateur d’Office des Douanes et Accises (OFIDA) [Letter to the Sub-Director of OFIDA/North Kivu] 28 March 2005, Beni

“Procès Verbal d’Infraction en Matière Douanière” Office des Douanes et Accises, 29 March 2005, Beni.

“Concerne: Remerciement” Directeur Chef de Secteur, Office National du Café ONC, Secteur de Beni [Letter to Economic Operators in the Coffee Sector Operating in the Territories of Beni and Lubero] 31 March 2005, Beni.

“Objet: Payement de droits et taxes dus.” OFIDA Sous-Direction de Beni. [Letter to businessperson to remain anonymous] 11 April 2005, Beni

“Concerne: Réponse pour Avis de Paiement de \$15,470 US” Rwenzori Transit Agency [Letter to His Excellence Monsieur le Gouverneur du Nord-Kivu à Goma] 13 July 2005, Beni.

“Clarification de la F.E.C./Ituri sur le Rapport des Experts du Comité du Conseil de Sécurité sur la R.D.C.” 30 September 2005, Bunia.

“Concerne: Encadrement de la Succursale de Kasindi” Office des Douanes et Accises (OFIDA) Direction Provinciale du Nord-Kivu, Inspection du Contentieux [Note de Service No

095/DP/NK/2005 to the Sub-Director of OFIDA at Beni, the Receveur Principal de l'OFIDA à Beni, Contrôleur Chef Local de l'OFIDA à Kasindi] 14 November 2005, Goma.

“Message Phonie No DG.ADT/DCX/IA/238/2005” Administrateur-Délégué General, Office des Douanes et Accises, OFIDA in Kinshasa [Official Instruction Transmitted to the Provincial Director of OFIDA/North Kivu in Goma], 15 November 2005, Kinshasa.

“Objet: Transmission” Office des Douanes et Accises (OFIDA) Direction Provinciale du Nord-Kivu, Inspection des Comptabilités, à Goma [Letter to Monsieur le Sous-Directeur de l'OFIDA/Beni à Beni] 22 December 2005, Goma.

2006

“Message Phonie No DG/DA/ADT/ADG/047/2006” Administrateur-Délégué General, Office des Douanes et Accises, OFIDA [Official Instructions Transmitted to the Provincial Director of OFIDA/North Kivu in Goma] 27 February 2006, Kinshasa.

“Concerne: votre dossier contentieux” OFIDA Sous-Direction de Beni [No DG-NK/SD-BENI/OFIDA/096/ 2006], 11 May 2006, Beni.

2007

“Note de Service au Personnel et aux Usagers de la Douane. Concerne: Valeurs de base à l'exportation pour la période du 15 décembre 2007 au 31 mars 2008” Administrateur-Délégué General Office des Douanes et Accises, OFIDA [Service Note, transmitted to OFIDA-North Kivu in Goma] 21 December 2007, Kinshasa.

2008

“Compte Rendu de la Rencontre de la FEC/Nord-Kivu avec le Leader du CNDP à Rwanguba/Rutshuru le Jeudi 27 Novembre 2008” Fédération des Entreprises du Congo, 27 November 2008, Goma.

“Procès-Verbal de la Réunion du Conseil Provincial Elargi de la FEC/Nord-Kivu Tenue à Goma le Mardi 02 Décembre 2008” 2 December 2008, Goma.

“Tarif de Taxes CNDP: Copie conforme au manuscrit original du CNDP” 28 November 2008, Kibumba.

2009

Concerne: Mise en Application de L'Arrêté Interministériel No 009/CAB/MIN/ECONAT&COM/2008 et No 281/CAB/MIN/FINANCE/2008 du 5/12/2008 Portant Fixation des taux à l'initiation du Ministre du commerce Extérieur” Mémorandum des Operateurs Economiques du Territoire d'Aru, District de l'Ituri en Province Orientale [Memorandum addressed to the Minister of National Economy and Commerce and the Minister of Finance in Kinshasa],14 January 2009, Aru.