

An aerial, black and white photograph of a village built on a hillside. The houses are small and clustered together, with some having corrugated metal roofs. The surrounding landscape is hilly and covered with sparse vegetation and trees. The sky is overcast and grey.

RIFT VALLEY INSTITUTE | USALAMA PROJECT  
**GOVERNANCE IN CONFLICT**  
POLITICAL SETTLEMENTS RESEARCH PROGRAMME

# CONTESTING AUTHORITY

ARMED REBELLION AND MILITARY  
FRAGMENTATION IN WALIKALE AND  
KALEHE, NORTH AND SOUTH KIVU

RIFT VALLEY INSTITUTE | USALAMA PROJECT

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**Contesting Authority**  
Armed rebellion and military  
fragmentation in Walikale and Kalehe,  
North and South Kivu

KOEN VLASSENROOT, EMERY MUDINGA  
AND KASPER HOFFMANN



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#### THE USALAMA PROJECT

The RVI Usalama Project is a field-based, partner-driven research initiative examining armed groups and their influence on society in the Democratic Republic of the Congo.

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COVER: A bird's eye view of the town centre of Bitale, Kalehe.

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Map 1. The eastern DRC, showing area of detailed map on the following page



Map 2. Approximate area of influence of Mai-Mai Kifuafua in Waloa-Loanda, May 2016

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# RVI Usalama Project publications

## Phase I: Understanding Congolese armed groups (2012–2013)

### REPORTS

*From CNDP to M23: The Evolution of an Armed Movement in Eastern Congo*  
*North Kivu: The Background to Conflict in North Kivu Province of Eastern Congo*  
*PARECO: Land, Local Strongmen, and the Roots of Militia Politics in North Kivu*  
*Ituri's UPC: The External Militarization of Local Politics in North-Eastern Congo*  
*Ituri: Gold, Land, and Ethnicity in North-eastern Congo*  
*Raia Mutomboki: The Flawed Peace Process in the DRC and the Birth of an Armed Franchise*  
*FNI and FRPI: Local Resistance and Regional Alliances in North-eastern Congo*  
*Banyamulenge: Insurgency and Exclusion in the Mountains of South Kivu*  
*Mai-Mai Yakutumba: Resistance and Racketeering in Fizi, South Kivu*  
*South Kivu: Identity, Territory, and Power in Eastern Congo*  
*The National Army and Armed Groups in the Eastern Congo: Untangling the Gordian Knot of Insecurity*

### BRIEFINGS

*M23's Operational Commander: A Profile of Sultani Emmanuel Makenga*  
*Strongman of the Eastern DRC: A Profile of General Bosco Ntaganda*  
*The Perils of Peacekeeping without Politics: MONUC and MONUSCO in the DRC*

## Phase II: Governance in Conflict (2015–2016)

### REPORTS

*A Microcosm of Militarization: Conflict, governance and armed mobilization in Uvira*

### BRIEFINGS

*Understanding Armed Group Proliferation in the Eastern Congo*  
*The Ebb and Flow of Stabilization in the Congo*  
*Recycling Rebels? Demobilization in the Congo*  
*Women, Conflict and Public Authority in the Congo*

All titles are also available in French.

## Preface: The Usalama Project

The eastern Democratic Republic of the Congo (DRC) has been mired in violence for two decades and continues to be plagued by dozens of armed groups. Yet, these groups—and how they interact with their social and political environment—remain poorly understood. The Rift Valley Institute’s Usalama Project (Usalama means ‘safety’ or ‘security’ in Swahili) is a field-based, partner-driven research initiative that aims to examine armed groups and their influence on Congolese society.

While the first phase of the Usalama Project (2012–2013) focused on ‘understanding armed groups’, the second phase (2015–2016) investigates ‘governance in conflict’. It is guided by a series of questions: How do armed actors affect conflicts related to public authority? How, in turn, do local authorities shape patterns of armed group organization? And what are the effects of armed group presence on governance and service provision? The research also examines government policies and external interventions aimed at reducing armed group activity and improving the quality of local governance and conflict resolution.

The project takes a primarily qualitative approach, drawing on extensive fieldwork by both international and Congolese researchers. It traces the trajectories of armed groups and analyses the contexts in which they operate by means of interviews with a wide range of actors—including local authorities, representatives of civil society, small and large-scale business interests, and members of armed groups. It also draws upon available historical and administrative sources, reports and scholarly work by Congolese and international researchers and organizations.

Many of the interviews for this report were conducted on condition of anonymity. Therefore, identifying information is limited to a number assigned to each informant with a location and a date, e.g. Usalama II project interviewee #75, Bukavu, 15 October 2015. However, where indicating the location is suspected to reveal the identity of the informant, no place is given to guarantee anonymity. In the course of the research,



accounts of potentially disputed events were confirmed by multiple sources with first-hand knowledge of the events under discussion.

The 'Governance in Conflict' phase of the Usalama Project is part of the Political Settlements Research Programme (PSRP), led by the University of Edinburgh's Global Justice Academy and funded by the UK Department for International Development (DFID).

# Summary

For more than 20 years, Kalehe and Walikale, two territories connecting the provinces of North and South Kivu, have been characterized by a proliferation of armed groups. The first of these groups emerged during the Masisi war in North Kivu, which pitched autochthonous<sup>1</sup> and migrant communities against each other and affected ethnic cohabitation in Kalehe and Walikale. During the Congolese wars, these armed groups evolved into one of the leading Mai-Mai groups, which occupied vast parts of both territories and installed its own structures of dominance. The start of the peace process in 2003 did not put an end to the local process of militarization. While in Walikale part of the former Mai-Mai movement transformed into the Mai-Mai Kifuafua, the successful campaigns of the Raia Mutomboki against the *Forces démocratiques de libération du Rwanda* (FDLR, Democratic Forces for the Liberation of Rwanda) in Shabunda eventually also spread to Kalehe and Walikale. Although the FDLR has been largely ousted from both territories, the Raia Mutomboki continues to be a key player in the local political and military landscape and has become deeply involved in different domains of public life, including the provision of protection, conflict resolution and taxation.

This report analyses the involvement of these armed groups in public life in the territories of Kalehe and Walikale, which is the outcome of the intersection of a number of local historical processes with larger national and regional dynamics. The current political and military landscape in these territories, defined by the presence of armed groups and the consequent fragmentation of local authority, is mainly caused by unresolved tensions between and within communities over territory, authority and resources; the lack of capacity of the Congo's state services to provide protection; and the limited success of reintegration efforts. The report explores how these armed groups are embedded in

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1 Autochthony is the idea that a community was the first to inhabit a certain place, thus entitling it to land and the exercise of customary power.

local communities, how they are connected to local power struggles and how they are involved in the exercise of local authority, including in the fields of security, dispute resolution and revenue generation. Armed groups are able to mobilize popular support by evoking two issues of existential importance to local communities—marginalization and security. While the former revolves around the historical marginalization of local communities in politics and governance, the latter frames local communities as in need of protection. These issues give meaning to armed groups' bids for local authority and legitimize their engagement in a wide range of governmental practices normally ascribed to the state, such as taxation and the provision of justice and security.

Armed groups have evolved into dominant power brokers, which are deeply involved with ruling territory, people and resources. They have become part and parcel of local and sometimes national power dynamics, have colluded with local and national political and customary leaders, and have developed different techniques and strategies to impose or sustain their authority. The end result is further militarization and fragmentation of public space and social interactions.

In order to reverse this dynamic and promote a demilitarization of public life in Walikale and Kalehe, it is first essential to address the civilian support networks of armed groups. It is then equally important to deal with more structural causes of militarization, including the conduct of the security forces, and to promote more transparent and accountable state institutions. Two other issues that are interconnected and require specific attention are the return of refugee populations and disputes over landownership. These cannot be resolved without a genuine national land reform process, which requires the mobilization of the necessary political will and technical capacity.

# 1. Introduction

Today's proliferation of armed groups in the territories of Kalehe (South Kivu) and Walikale (North Kivu) is intimately related to a wide spectrum of sources of contestation. Although diverse in scope and form, they all seem to revolve around the issues of *who* has the right to rule *where*, over *whom* and *what*.<sup>2</sup>

In 1992, intensified political competition—as part of an announced national process of democratization and struggles over land—led to the first eruption of violence between different ethnic communities in Walikale. These clashes soon affected neighbouring Kalehe and set in motion a long-term process of armed group mobilization that still continues. During the two Congo Wars (1996–1997, 1998–2003), armed groups merged into a large and well-organized Mai-Mai resistance movement fighting against Rwandan occupation. The movement, headed by Padiri Bulenda, eventually succeeded in occupying large parts of Kalehe and Walikale, along with neighbouring territories. It was more than just a resistance movement. It also projected a form of state power. The group's leadership mixed local demands for self-rule with a discourse of defence of the nation state against foreign aggression, garnering massive popular support.

The transition period (2003–2006) failed to put an end to armed group proliferation and restore state authority. In most cases, Mai-Mai leaders lacked the necessary bargaining power, internal cohesion and privileged entry to patronage networks in Kinshasa to get access to high-ranking positions within the post-war security forces. This partly explains why pockets of armed resistance remained active in several areas. Elsewhere, Mai-Mai combatants who joined military integration or disarmament,

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2 This report is based on extensive and long-term fieldwork carried out by the authors and on specific PSRP field research carried out by a team of field researchers in October and November 2015. Interviews were conducted with customary chiefs, security services, armed group members, civil society members and the local population. In addition, archives and documents were consulted.

demobilization and reintegration (DDR) processes did so with limited success. Those who reintegrated into local society often found themselves marginalized and with limited economic opportunities.

At the end of 2011, the arrival of the Raia Mutomboki from the Shabunda territory set in motion a new process of armed mobilization. The success of its often brutal campaigns against the FDLR ensured its vast popularity. Supported by local customary chiefs, many youth were mobilized to join the fight against the FDLR. The movement also provided an attractive alternative to demobilized ex-Mai-Mai combatants, who gradually took over control of the movement in Kalehe. Once the area was cleared of the FDLR, the Raia Mutomboki consolidated its power and represented itself as the only legitimate provider of protection. The movement also became increasingly involved in local struggles over power and customary rule. Existing armed groups, which initially saw no other option than to cut their links with the FDLR and join the struggle of the Raia Mutomboki, increasingly resisted the new movement's dominance. In August 2014, following an operation of the Congolese army against it, the Raia Mutomboki began to fragment.

These dynamics have led to a pronounced fragmentation of the political and military landscape in Kalehe and Walikale, with numerous often small and semi-autonomous armed groups exercising power over local populations. This report concentrates on a number of these groups and focuses on their links with struggles over public authority in four different *groupements* (a subdivision of a chiefdom governed by a customary chief appointed by the *mwami*)—Mubuku, Kalima and Kalonge in Kalehe, and Waloa-Loanda in Walikale.

The proliferation of armed groups and the resulting fragmentation of public authority in these areas is the threefold result of unresolved inter and intracommunal tensions. The first of these tensions is over territory, authority and resources. The second is due to the inability of state security forces to protect the population and the concomitant demands for protection. The third stems from flaws in army integration and the different DDR processes, which have pushed many ex-combatants back into armed groups.

## 2. Dynamics of conflict

The relationship between territory, identity and authority figures prominently in conflict narratives in Kalehe and Walikale. Community leaders and armed groups tend to employ nativist narratives framed around claims of autochthony to legitimize their rights to authority over territory, resources and people. Currently, for instance, armed groups and leaders from the Batembo populated areas of Kalehe are fiercely protesting the return of Tutsi populations to the *Hauts Plateaux* (the middle-range and higher altitude mountains of the Mitumba range) of Ziralo and Mubuku, where they had lived for decades before fleeing to Rwanda as a consequence of the conflicts in the 1990s. The prospect of the return of the Tutsi has provided armed groups and community leaders a key argument in making their claims to authority.

This, however, is only one of many struggles over who has the right to rule over territory, resources and people. Such contests are also inextricably linked to the exclusion of the Batembo from access to political and customary power, which dates back to the colonial period.<sup>3</sup> This marginalization remains a major source of mobilization in Batembo areas, where Batembo political and military leaders call for the state to recognize their right to administrative and customary autonomy from their neighbours. Finally, as in many parts of the Congo, nativist narratives also figure prominently in unresolved struggles over customary authority, centred around customary parallelism<sup>4</sup> and succession.

### Territory, identity and claims to self-rule

One of the main vectors of conflict in Kalehe is the aspiration among the Batembo that the Congolese state recognize the right of the Batembo people to rule their native region by creating a Batembo

3 Kasper Hoffmann, 'Ethnogovernmentality: The Making of Ethnic Territories and Subjects in Eastern Congo', PhD thesis, University of Roskilde, Roskilde, 2014.

4 Customary parallelism refers to the simultaneous claim of different individuals to customary power as a result of their appointment by rival political or military structures.

politico-administrative entity. Belgian colonial native policy is at the origin of this conflict. In order to govern native populations, the Belgian colonial administrators from their arrival in the early 20th century onwards, attempted to gather them into ethnically homogenous territorial units called *chefferies* (chiefdoms) or *secteurs* (sectors), ruled by a *mwami* (paramount customary chief). These units, however, did not resemble existing polities, which were not ethnically homogenous, territorially bound or centralized chiefdoms. This was particularly the case for the people living in the forested western parts of Kalehe and Walikale, such as the Batembo and Banyanga people who lived in independent yet interconnected small-scale polities. In contrast, the Bahavu in the eastern part of Kalehe were influenced by an inter-lacustrine political culture<sup>5</sup> and consequently developed a more centralized and hierarchical political structure based on a sophisticated system of land tenure and tributes.

While the colonial authorities were able to collaborate with the Bahavu chiefs, the Batembo chiefs were less compliant. Consequently, the Belgian colonizers did not recognize the Batembo chiefs as independent customary chiefs, unlike the Bahavu chiefs who were, instead, incorporated into the Bahavu chiefdom and ruled by its *mwami*. This decision was informed by a variety of factors, including the Belgian administrative policy of amalgamating small chieftaincies into larger ones, the continuous insubordination of the Batembo chiefs, the incessant in-fighting between the chiefs, their lack of labour and food contributions, and the region's reputation as being savage and unruly.<sup>6</sup>

This set in motion a strong contestation of colonial rule amongst Batembo chiefs. Realizing the failure of their policy to rule the Batembo through the Bahavu chiefs, the authorities created Bunyakiri, a colonial administrative post in Kalima *groupement* in 1934.

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5 This term denotes an ensemble of similar cultures stretching from Lake Albert, the Victoria Nile, and Lake Victoria, in the north and east, to Lake Edward and the Mitumba Mountains (west of Lake Kivu) in the west, and to Burundi and Buha (in Tanzania, just south of Burundi) in the south. David Newbury, *Kings and Clans: Ijwi Island and the Lake Kivu Rift, 1780–1840*, Madison: The University of Wisconsin Press, 1991, p. 330–1.

6 Hoffmann, 'Ethnogovernmentality'.

In 1945, the first administrative map of Kalehe territory was produced. At the same time, and perhaps not coincidentally, the idea of an independent Batembo territory emerged among Batembo elites.<sup>7</sup> Subsequently, Batembo elites from Kalima and Mubuku campaigned for the institution of a separate Batembo chiefdom, bringing all Batembo together into one administrative entity.<sup>8</sup> Following Congolese independence one year later, Batembo leaders continued their struggle, which bore fruit in November 1961, when the Provincial Assembly of Kivu created the Batembo Chiefdom. Nonetheless, a conflict soon emerged between Batembo customary and political elites about which *chef de groupement* (customary chief of a *groupement*) should be elevated to be the chief of the Batembo Chiefdom. In 1967, President Mobutu Sese Seko's government revoked all the new administrative subdivisions that had been created since 1960, which consequently implied the end of the Batembo Chiefdom.<sup>9</sup>

The democratization process announced in April 1990 was marked by turbulence and the resurgence of nativist political claims. Sensing the dawn of better things, the Batembo elites decided, in 1991, that the time was right to call again for the creation of a Batembo territorial unit. After examining the matter, a commission of inquiry recommended the creation of a separate *zone rurale* (rural zone) in the Kalehe territory that encompassed the Batembo-populated *groupements*, which would simultaneously be granted the status of chiefdoms distinct from the Bahavu Chiefdom.<sup>10</sup> These recommendations, however, never materialized, largely because of the turbulence of the democratization period. The start of the First Congo War in 1996 and the subsequent fall of Mobutu provided yet another opening for the Batembo elites. Led by Katora Ndalemwa, the *mwami* of Mubuku, these elites re-launched their

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 7 Action pour la Paix et la Concorde (APC), *Analyse de contexte du territoire de Kalehe*, Bukavu: APC, 2009.

8 APC, *Analyse de contexte*.

9 Hoffmann, 'Ethnogovernmentality'.

10 Hoffmann, 'Ethnogovernmentality'.



struggle, which eventually became connected to larger political and military contests.

### Struggles over land

A second dynamic of local conflict is the struggle over land. The central importance of authority over territory is tightly linked to the fact that agriculture constitutes the primary economic activity of the populations of Mubuku, Kalima, Kalonge and Waloa-Loanda. The vast majority of peasants acquire rights to cultivate land in return for paying tribute to chiefs. The last decades, however, have seen increased competition over land, which sometimes has led to virulent conflict. In some cases, competition over land is connected to existing conflicts over boundaries of *groupements*. With the exception of the boundary conflict between Kalonge and Nindja, which led to the killing of ten people in 2012, most of these are low-intensity tensions. More important is the rise in conflicts between individual farmers, who see their access to land becoming gradually limited, mainly because of land grabbing by local business elites and politicians. In Bunyakiri, for example, a provincial minister has been involved in a land conflict with local families and the Catholic church in Kando for more than five years. In Kalonge, a member of parliament grabbed land from farmers in 2012. The same politician was also involved in a dispute over a land concession with a local church and its school.<sup>11</sup> In the Katasomwa village in Mubuku, there is a conflict between local farmers and mining concessionaires which results in regular outbursts of violence.

An additional land-related source of tension is the return of Tutsi communities to Kalehe. At present, land disputes are the result of an imbroglio caused by the departure of these communities to Rwanda in 1994 as a consequence of growing attacks by Hutu armed groups and the arrangements they made about their land concessions prior to their departure. Some sold their land, others just abandoned it and still

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 11 Usalama II project interviewee #309, Cifunzi, 17 October 2015, and #319, Fendula, 10 October 2015.

others entrusted their plots to custodians or guards. In many cases, new claimants gained access to these lands during the absence of the Tutsi landowners and their return has provoked new disputes over land ownership. These land disputes have rekindled long-standing animosities and reinvigorated the discourse of autochtony both of which are having a deleterious effect on inter-ethnic cohabitation. Growing frustration around the return of Tutsi landowners helps to explain the persistence of armed groups such as the Nyatura, a Hutu group operating on Kalehe's *Hauts Plateaux*, and the Raia Mutomboki, insofar as they reinforce a reciprocal logic of self-protection. This also reconnects security issues to the nexus of land, identity and power, which is at the heart of conflict dynamics in Kalehe and Waloa-Loanda.

The re-emergence and activism of the Nyatura armed group seem to be partly inspired by insecurity of tenure for Hutu populations, due to the expected return of Tutsi refugees, and by an increasing number of land grabbing acts by customary chiefs and politico-economic elites. Current clashes between the Nyatura and Batembo-led Raia Mutomboki and growing mistrust between communities resemble the dynamics of the 1990s. In addition, suspicions are growing about collaboration between the Nyatura and the FDLR to prevent the return of the Tutsi. This is inspired by the fact that land formerly owned by Tutsi is now either occupied or has been bought by Hutu farmers, who refuse to return it to its previous owners. Because the Raia Mutomboki are siding with the Batembo in these land struggles, a need for self defence against this additional threat reinforces the claims of the Hutu Nyatura. To a considerable extent, however, these claims connect to deeper historical dimensions of self-defence for the Hutu community in Kalehe.

### Customary power conflicts

Another driver of local conflict is the struggle over customary rule. Two intertwined factors help to explain the rise in customary power conflicts: disputes around the succession and legitimacy of customary chiefs, and customary parallelism. While such disputes have been integral to politics at the local level since before the colonial era, they were aggravated

during the Second Congolese War, when the *Rassemblement congolais pour la démocratie* (RCD, Congolese Rally for Democracy) appointed alternative customary chiefs after the start of the RCD military campaign in 1998, in order to gain a foothold in the Batembo areas that were generally hostile towards the RCD.

As regards customary parallelism, in the *groupement* of Kalima, a bitter succession conflict has been going on since 1995. At its core lies the contestation of the authority of the current *chef de groupement*, Claude Ngalamira Musikami, by his brother, Jacques Musikami Nzibiro. At his death in 1985, their father designated Nzibiro, the elder of the two brothers, as his successor. The late *mwami*'s testament, however, included a clause stating that in case Nzibiro was an inept chief, Claude should take his place. In 1994, after nine years of rule, the *gardiens de coutume*<sup>12</sup> deposed Nzibiro on grounds of mismanagement and incompetence. Consequently, rule of the *groupement* was entrusted to Claude; this was also approved by the interior ministry. Nzibiro tried to oppose his younger brother's appointment but without success. In 1998, when the RCD arrived in the area, Nzibiro appealed to the rebel movement. With RCD help—and taking advantage of the fact that his brother had left the area to join the Mai-Mai struggle against the RCD—he took back power. In 2003, when the political entities put in place by the RCD were abolished, the transitional government in Kinshasa reinstated Claude. Despite his legal appointment, however, the conflict with his brother continues, contributing to social and political unrest in Kalima.

Conflicts over customary power are also present in Mubuku and Kalonge. These are rooted in the customary regency system and the local scramble for power. In Mubuku, similar dynamics could be observed to those in Kalima, with customary parallelism being reinforced by the arrival of the RCD. Customary power in Mubuku remains fragile and is often exploited by political and military leaders, who seek to gain advantage from the old power struggle between Mai-Mai and the RCD.

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 12 Sages who oversee customary structures of power and are responsible for ensuring their proper functioning.

In Kalonge, the conflict goes back to the 1970s, when two sons of the deceased *mwami* laid claim to the throne of the *groupement*. In 1993, the conflict between the two turned violent and eventually forced one of the parties, Christophe Mirindi, into exile in Bukavu. Mirindi's two sons—one a member of parliament at the national level and the other at the provincial level—have used their positions to influence social and political dynamics in Kalonge to their advantage. The current crisis of customary leadership in Kalonge has roots in this long-lasting feud within the royal family. Yet, it is also the result of a larger social and political dynamic that goes beyond this customary rivalry: the 2006 election results and the consequent shifts in the local power balance to the advantage of the Mirindi sons play a critical role.<sup>13</sup> This crisis in customary leadership is further exacerbated by the *mwami*'s backing of the political adversaries of the two Mirindi brothers. The antagonism is also fuelled by the mysterious murder of Chifunzi Teso Ndarubibi, the village chief, on 10 May 2013, which triggered an intense political crisis. The population is currently divided into a pro-Mirindi and a pro-Nakalonge camp, which feeds into the uncertainty and turbulence within the customary power structures in Kalonge.

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13 Emery Mushagalusa Mudinga, 'Un chef coutumier abattu : des spéculations à la crise sociopolitique en groupement de Kalonge, territoire de Kalehe', Usalama II blog post, 25 February 2016. <http://riftvalley.net/news/un-chef-coutumier-abattu-des-sp%C3%A9culations-%C3%A0-la-crise-sociopolitique-en-groupement-de-kalonge>.

### 3. History of armed rebellion

#### The first armed groups (1993–1996)

The formation of armed groups in the territories of Kalehe and Walikale goes back to the period leading up to the conflict generally known as the *Guerre de Masisi* (1993–1994).<sup>14</sup> First were the Katuku. A Banyanga village chief called Kaganda mobilized the group in opposition to the Banyarwanda self-help organization *Mutuelle des agriculteurs de Virunga* (MAGRIVI, cooperative of farmers of Virunga).<sup>15</sup> When the Congolese army killed Kaganda, Kiroba Mulembezi, the head of the Wanianga sector,<sup>16</sup> and Joseph Batende Muhombe, a local administrator, took over the leadership of the group that was opposing Banyarwanda militias.<sup>17</sup>

Violence erupted for the first time in March 1993, when self-styled autochthonous militias composed of Banyanga, Bahunde and Batembo attacked Banyarwanda at the market of Ntoto.<sup>18</sup> This incident triggered large-scale interethnic violence in the Masisi Highlands, leaving thousands of people dead and many more displaced. The evocation of ethnic stereotypes incited violence on a grand scale. The power of these stereotypes is illustrated in the name of the Katuku and its use during combat. In Kinyanga, *'katutu'* or *'katuko'* refers to *'katuko ka muroba'*, meaning

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14 The *Guerre de Masisi* was a conflict between the Banyarwanda and autochthonous communities in Masisi.

15 Although MAGRIVI was established in 1980 in Kinshasa, it only became effective in 1992 in North Kivu, after it garnered the full support of Léonard Nyarubwa, who was its acting president in North Kivu and political adviser to Governor Kalumbo Mbogho. See: Stanislas Mararo Bucyalimwe, 'Land, Power, and Ethnic Conflict in Masisi (Congo-Kinshasa), 1940s–1994', *International Journal of African Historical Studies* 30/3 (1997): 532.

16 Kiroba was considered locally as a great fighter, chief and practitioner of *dawa ya asili*, the medicine that the Katuku and later the Mai-Mai used to protect themselves from bodily and spiritual injury (fieldnotes recorded between 2005 and 2010 by one of the authors of the report).

17 Usalama II project interviewees #266 and #267, Chambucha, 14 March 2014.

18 Jason Stearns, *North Kivu: The background to conflict in North Kivu province of eastern Congo*, London: Rift Valley Institute, 2012; Bucyalimwe, 'Land, Power, and Ethnic Conflict'.

'*autochthone*'. During combat, fighters would yell 'katuko?' Only those who responded with '*ka muroba*' ('I am autochthonous') were spared.<sup>19</sup>

The violence in Masisi quickly spread to neighbouring territories, including Walikale and Kalehe. In the Waloa-Loanda *groupement* of Walikale, Batembo youth were mobilized and joined the Katuku. Among these were Damiano Mbaenda and other commanders of the current Kifuafua armed group. Faced with the growing popularity of the Katuku, the *chef de groupement* of Waloa-Loanda, Shebirongo Kakungu Nzaki, called on all Banyarwanda to leave the area for safety.<sup>20</sup> The chief of Mubuku, Katora Ndalemwa, and his councillors forged an alliance with the Katuku.<sup>21</sup> Batembo chiefs from Walikale and Masisi also created a committee to defend their community against Banyarwanda attacks and mobilized support from the Mai-Mai Kasindiens, a Nande armed group from the *Grand Nord* (the northern part of North Kivu). This alliance established its headquarters in Biriko, Waloa-Loanda but operated in different *groupements*, including Ziralo in Kalehe. Here, Kirikicho Mirimba, the current commander of the Mai-Mai Kirikicho, joined the movement. Combatants killed prominent local Hutu leader Bugabo and targeted Hutu populations in the villages of Chambombo, Lumbishi, Numbi and Ngungu, on Kalehe's *Hauts Plateaux*. These killings were triggered by the refusal of the Banyarwanda to recognize and pay tribute to the Mutembo chief of Ziralo. They instead sought to have their own customary entity. To achieve this, they allied with the Muhavu chief of the *groupement* of Buzi.<sup>22</sup> A cycle of retribution attacks that targeted civilians forced large numbers of people to flee and resettle, leading to a spatial separation of the Batembo and Bahutu populations. Whereas Batembo populations fled towards urban centres in Bunyakiri, Minova and Waloa-Loanda, Hutu populations mainly stayed on the *Hauts Plateaux*.

19 Usalama II project interviewees #266 and #267, Chambucha, 14 March 2014.

20 Usalama II project interviewee #268, Chambucha, 14 March 2014.

21 Kasper Hoffmann, 'Myths Set in Motion: The Moral Economy of Mai-Mai Governance', in *Rebel Governance in Civil War*, eds. Ana Arjona, Nelson Kasfir and Zachariah Mampilly, Cambridge: Cambridge University Press, 2015.

22 Hoffmann, 'Ethnogovernmentality'.

At the end of 1993, President Mobutu Sese Seko installed a more ethnically balanced provincial government of North Kivu, with a number of Banyarwanda in key positions. He also deployed his presidential guard to quell unrest, while civil society organizations tried to foster a truce between different ethnic communities and rival armed groups. In Walikale, the presidential guard succeeded in dismantling the headquarters of the Kasindiens.

The fragile calm, however, was short-lived. The arrival of more than one million Rwandan Hutu refugees, including between 50,000 and 65,000 ex-*Forces armées rwandaises* (ex-FAR, Rwandan Armed Forces) soldiers and *Interahamwe* youth militias, reshuffled existing alliances and had a dramatic effect on the local configuration of power. Hutu-Banyarwanda started to collaborate with these armed elements, exchanging weapons for food, to increase their military capacity.

Violence resumed and increasingly targeted the Congolese Tutsi, who saw no other option than to leave their homes on the *Hauts Plateaux* and flee to Goma or Rwanda. Seeking a truce, Batembo and Bahutu leaders requested the vice-governor of South Kivu to facilitate a mediation effort. Consequently, a meeting in Kalehe in 1995 instituted a joint pacification commission mandated to facilitate the return of displaced populations.<sup>23</sup> It did not, however, succeed in disarming armed groups. Furthermore, despite being an attempt to restore security, Operation *Kimia* (peace)<sup>24</sup>, carried out by the Zairian army in early 1996, provoked renewed violence and facilitated armed groups' access to weapons and ammunition.

## The Congo Wars (1996–2003)

The presence of militarized Hutu refugees and their cross-border attacks on Rwanda triggered the creation of a regionally supported insurgency that launched its first operations around Uvira in September 1996. Led

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 23 APC, *Analyse de contexte*.

24 This military operation of the Zairian army aimed at disarming combatants and restore order. It was the first step in a larger effort to bring back peace to the region. The operation was launched in Goma on 11 April 1996, and followed a visit to the city by a delegation of ministers.

by Laurent-Désiré Kabila, the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL, Allied Democratic Forces for the Liberation of Congo-Zaire) ousted Mobutu from power in less than eight months, while also provoking new armed mobilizations in the Kivus.

For the Katuku, the presence of large numbers of Banyamulenge and Banyarwanda in the AFDL, as well as the military dominance of the new Tutsi-led Rwandan army, which backed the AFDL, proved that this rebel movement was nothing more than a Tutsi invasion. A new coalition of Batembo customary chiefs, ex-FAR, *Interahamwe* and remnants of the Mobutu army was formed to stop the AFDL's march from the east towards Kisangani. *Mwami* Katora Ndalemwa asked Damiano Mbaenda to post his troops along *la route nationale* 3 (Bukavu-Kisangani road), from the exit of the Kahuzi-Biéga National Park in Bitale to Bakano in Walikale. Damiano appointed Padiri Bulenda as his S4 (officer in charge of logistics), based at his military headquarters in Kambale in the Kalima *groupement*.

Fierce resistance by Batembo combatants forced the AFDL into negotiations in early December 1996. During the negotiations, Kabila convinced the Batembo that the insurgency was a liberation force. In the document sealing the deal, known as the 'Bitale Agreement', Batembo leaders pledged to join the AFDL in the 'combat against the enemy Mobutu'<sup>25</sup>. In return for their support, they asked for the creation of the Bunyakiri territory in South Kivu and the inclusion of young Batembo intellectuals in Kabila's new government, after the fall of the Mobutu regime.<sup>26</sup> Consequently, several thousand combatants integrated into the AFDL, most of who came from Bunyakiri. Those from Walikale, however, were increasingly frustrated that the Batembo from Bunyakiri presented themselves as the initiators of the armed resistance. Moreover, they felt marginalized within the alliance because of Katora's authoritarian leadership and decided to return home.

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 25 Bitale Agreement, 4 December 1996, Usalama Project archive.

26 Hoffmann, 'Ethnogovernmentality', 219; APC, *Analyse de contexte*.



After signing the Bitale Agreement, the AFDL was given free passage through the Kahuzi-Bièga Park, but a considerable force of Batembo fighters stayed behind in Bunyakiri. Among them was Padiri, who refused to join the AFDL because of the large Tutsi presence. He retreated to the forest and started a guerrilla campaign with the help of ex-FAR and *Interahamwe* fighters. After the AFDL had taken over power in Kinshasa in May 1997, Kabila, now president, initiated a demobilization exercise. Padiri's group, however, continued its resistance and created a political movement, the *Forces unies pour la libération des Bantus* (United Forces for the Liberation of the Bantu), with the *Forces armées pour la libération* (Armed Liberation Forces) as its military wing.

The start of the RCD insurgency in August 1998 provoked renewed mobilization of Batembo combatants and also caused tension among the leaders of their community. Not only did the Banyarwanda support the RCD, several Batembo leaders also joined the movement. Divisions within the Batembo community further intensified when, in June 1999, the RCD succeeded in taking control of the centre of Bunyakiri and the main road towards Kisangani. The RCD established the long wanted *territoire de Bunyakiri* and replaced those customary chiefs who had followed Padiri's troops into the forest. This caused new divisions and conflicts around customary leadership, which still remain a major source of local tension and popular division.<sup>27</sup>

Two weeks after the start of the RCD rebellion, customary leaders from Batembo, Nyanga and Hunde communities and commanders of the armed resistance met in Lwana in Bunyakiri, where they elected Padiri as the overall leader of the Mai-Mai movement. Padiri appointed Delphin Mbaenda as the commander of the second brigade responsible for military operations and control of the territory of Walikale. While the RCD controlled the main routes, urban centres and mining sites, Padiri's

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 27 The RCD also recognized Hutu claims and created the *groupement* of Mianzi, consisting of territory taken from Ziralo and Buzi *groupements*, which were both transformed into *chefferies*. In doing so, control over land was taken away from Bahavu and Batembo customary chiefs and Hutu-Banyarwanda were able to appoint their own customary chiefs (APC, *Analyse de contexte*).

troops operated mostly in the countryside where they established their own structures of control. The group created its first headquarters in the forest around Mangaa in the *groupement* of Kalima. From there, it developed a new strategy to further involve civilians in its struggle. Katuku leaders were sidelined and a new governance structure called the *administration des forêts* (bush administration) was installed in order to ‘mobilize civilians to resume their daily activities and provide the Mai-Mai with taxes and food’.<sup>28</sup> Customary chiefs, civil administrators and intellectuals who fled RCD-controlled areas were integrated into this structure, which reflected the official state administration. Like the colonial and postcolonial state, the Mai-Mai model of governance was highly centralized and authoritarian, stressing the importance of obedience to the state.

By November 1998, Padiri was widely recognized as the leader of a considerable number of Mai-Mai groups. Although these groups remained only loosely connected, Padiri became the symbol of nationalist armed resistance, attracting new recruits from other ethnic communities. Nevertheless, in 2001, several commanders from Walikale, including Jules Nabii, Damiano and his brother Delphin, left Padiri’s group and installed their headquarters in Usala in the Wanianga *secteur* of Walikale. In 1999, President Kabila appointed Padiri brigadier general and supreme commander of all military operations in the eastern Congo, after which Padiri’s group started receiving arms and ammunition from Kinshasa. While this was a clear attempt by Kinshasa to integrate Padiri’s troops into the Congolese army (which did not operate in the Kivus at that time) and to increase its military capacity against the RCD, the Mai-Mai kept its own command structure and autonomy.<sup>29</sup> When Rwanda withdrew its direct military support to the RCD and sent its troops back home in October 2002 as a result of an agreement between Kigali and Kinshasa, Padiri’s Mai-Mai expanded its control and administration over Bunyakiri

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28 Hoffmann, ‘Myths’, 165.

29 Kasper Hoffmann and Koen Vlassenroot, ‘Armed groups and the exercise of public authority: the cases of the Mayi-Mayi and Raya Mutomboki in Kalehe, South Kivu’, *Peacebuilding* 2/2 (2014): 202–220.

and other places previously held by the RCD, thereby becoming the de facto rulers of the entire region.

### Failed demobilization (2003–2011)

The adoption of the Sun City Agreement in 2003, which announced a formal end to the Second Congo War, paved the road to an internationally supported transition process. For the Mai-Mai under the command of Padiri, this power-sharing deal was enough to disband most of its power structure. Several commanders and political representatives were given positions in the new political, administrative and military institutions. Mai-Mai combatants either demobilized or joined the newly created mixed brigades. Mai-Mai leaders, however, often lacked the bargaining power, internal cohesion and the necessary access to patronage networks in Kinshasa, as well as the military education, to obtain influential and lucrative positions in the new security services. This left many reintegrated Mai-Mai combatants marginalized and without any prospect of benefitting from the peace deal. Other Mai-Mai commanders, such as Kirikicho, who got frustrated with the integration process because it did not meet expectations, refused to join the new Congolese military forces and preferred to stay in their own region to maintain their local power positions.

The Mai-Mai forces headed by Delphin Mbaenda in Walua-Loanda were reluctant to join the new armed forces. While some commanders responded to the awareness raising efforts of the transitional government and integrated into the *Forces armées de la République démocratique du Congo* (FARDC, Armed Forces of the Democratic Republic of Congo), Delphin distrusted the process. At the announcement of the Amani Peace Process in Goma in 2008, Delphin renamed his group Mai-Mai Kifuafua. Several failed attempts at integration into the FARDC followed this peace process. In December 2009, the group became the first to engage in a new reintegration process facilitated by the International Security

and Stabilization Support Strategy.<sup>30</sup> In early 2010, approximately 475 Kifuafua combatants registered for army integration in Walikale,<sup>31</sup> yet by June they had abandoned the process, claiming that no real progress had been made.

The failed integration process provoked a fragmentation of the movement into different autonomous factions, some of which resumed their collaboration with the FDLR. In January 2011, Kifuafua leaders agreed to accept Lucien Saddam Mastaki as the new overall commander of the Kifuafua. Several officers of the group did not agree with this appointment and formed their own autonomous factions. These factions tried to create a new umbrella structure of armed groups operating in Walikale. Mastaki's group agreed to integrate into the FARDC and in June 2011 became part of a regimentation exercise (the reshuffling of the Congolese army forces into regiments).<sup>32</sup> When Mastaki was appointed deputy regiment commander and Delphin was left without an official post and sent to the Rumangabo training centre, he deserted and returned to the forest, where he joined forces with other former Kifuafua units.<sup>33</sup> Delphin tried to unify these factions into a new military structure but some Kifuafua resisted this strategy and continued to operate autonomously. A meeting with the local population followed during which

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30 This strategy supports the Democratic Republic of Congo's Stabilization and Reconstruction Plan for War-Affected Areas (STAREC), which was launched in June 2009. It comprised five fields of intervention: security, political dialogue, state authority, return, reintegration and recovery and sexual violence.

31 United Nations, Security Council, 'Thirty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo', 30 March 2010, S/2010/164.

32 United Nations, 'Letter dated 6 June 2011 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council', 6 June 2011. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/337/63/PDF/N1133763.pdf>.

33 United Nations, 'Letter dated 29 November 2011 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council. <http://repository.un.org/handle/11176/16422>.

it was explained that the group was to take up military positions and impose taxes, thus confirming Delphin's Kifuafua dominance in the area.

### The arrival of the Raia Mutomboki (2011)

From 2011, the political and military landscape in Kalehe and Walikale changed as a result of events in Shabunda, where new atrocities by the FDLR provoked a resurgence of the Raia Mutomboki movement, which had initially emerged as a grassroots response against the FDLR in 2005. These attacks were a reaction to Kinshasa and Kigali's strategies to reduce security threats in the region. First, an agreement between Kinshasa and Kigali, signed on 23 March 2009, resulted in a series of military campaigns against the FDLR. In retaliation, the FDLR committed a number of atrocities against the local population. Second, in an attempt to break down existing parallel chains of command and patronage networks, the government restructured the army by creating new mixed units, the regiments. When army units were called back to Bukavu to take part in this regimentation process, new opportunities were opened up for the FDLR, which intensified its attacks against the local population. The Raia Mutomboki's first successes, in 2011, gained the movement immense popularity and led to the large-scale mobilization of local youths, often with support from customary chiefs. In search of retreating FDLR units, the movement soon spread to other areas, again enjoying extensive popular support.<sup>34</sup>

Inspired by its military successes against the FDLR in Shabunda and Mwenga, the Raia Mutomboki arrived in Kalehe in 2011 and in Walikale in 2012. Prior to this, the FDLR had several bases and controlled considerable parts of peripheral areas, including in Kalonge and around Hombo. Here, it remained one of the main security threats to the local population—even if in some areas forms of cohabitation had developed over time. At the end of 2011, retreating FDLR units from Shabunda sought refuge in Kalonge, with Raia Mutomboki elements in pursuit. The arrival of the FDLR spread fear of renewed violence among the population.

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 34 Hoffmann and Vlassenroot, 'Armed groups'.

Local youths were mobilized with the help of customary leaders, who responded to the call of the Raia Mutomboki to support its fight against the FDLR. Several successful but extremely brutal attacks against the FDLR were conducted, considerably increasing Raia Mutomboki's local popularity. Its use of *dawa ya asili* (customary medicine for spiritual protection on the battlefield) made it even more popular, which facilitated the mobilization of local youth.

In contrast to the Mai-Mai that had previously operated in the area, the Raia Mutomboki remained a loose structure, allowing youth to join and leave so that they could continue to undertake other daily activities outside the group. The lack of military skills among the Raia Mutomboki was compensated for by its patriotic discourse and capacity to provide much needed protection. Once the FDLR had been pushed out of Kalehe and Walikale, the Raia Mutomboki underwent several transitions. The movement's leadership gradually passed from Shabunda commanders to local ex-Mai-Mai combatants, such as Shukuru Enamae, Hamacombu, Butashibera and Mongoro. The latter groups saw the Raia Mutomboki as an opportunity for social advance and played a crucial role in the group's mobilization efforts.<sup>35</sup>

The presence of the Raia Mutomboki also produced a number of new challenges. For example, the still operational Kirikicho and Kifuafua Mai-Mai groups saw no other option but to cut their connections with the FDLR, not only because of the Raia Mutomboki's immense popular support and strength, but also out of fear of becoming targets themselves. These groups instead became local branches of the Raia Mutomboki, even if these alliances were short-lived. For the Kifuafua leadership, the arrival of the Raia Mutomboki provided an opportunity to reinforce their reputation, swell their ranks with new recruits and acquire new *dawa* to enhance their military power. At the same time, the changes in the political and military landscape made it possible for local leaders to develop new strategies aimed at strengthening their local and national

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 35 Jason Stearns et al., *Raia Mutomboki: The flawed peace process in the DRC and the birth of an armed franchise*, London: Rift Valley Institute, 2013.

political power.<sup>36</sup> These dynamics explain why the various local Raia Mutomboki fractions gradually broke ties with the original leaders from Shabunda and became key actors in political struggles in Kalehe and Walikale. Rejecting state authorities (in particular security services) and claiming to be the only legitimate provider of protection, they gradually imposed their power over local society.

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36 Interviews with local civil society leaders, Bulambika, 4–6 October 2012.

## 4. A diversified military landscape

There are many similarities between the different *groupements* with respect to the local dynamics of armed mobilization, the relationship between armed groups and local communities, and armed groups' patterns of governance and claims to local authority. At the same time, however, these dynamics, relationships and patterns of governance also have diverse forms that vary from place to place. While the arrival of the Raia Mutomboki has had a major impact on existing processes of local political and military competition, local conditions also strongly shape these processes. In Waloa-Loanda, the Kifuafua armed group has established a relatively well-organized governance structure and conduct. The group has also developed distinct forms of cooperation with customary authorities, leading to a rather stable and predictable social and economic environment. In the *groupement* of Kalonge, the Raia Mutomboki originally received widespread popular support for liberating the area from the FDLR, but this support has waned over time. In the *groupements* of Kalima and Mubuku, the Raia Mutomboki has splintered into a number of different factions, each headed by a local commander who is in control of a number of villages. Here, these factions have gradually become part of local conflicts over customary and political power and resources, and have entered into fierce competition with the FARDC.

### A state within a state in Waloa-Loanda

The *groupement* of Waloa-Loanda is a remote area with very little state presence. The governance structures currently in place are customary authorities.<sup>37</sup> Since the early 1990s, the *groupement* has witnessed a constant proliferation of armed groups, with a continuous recycling of rebel leadership. Since 2003, attempts to demobilize and integrate local combatants have had limited success. Large numbers of combatants

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<sup>37</sup> State presence lasted until 2014. One state administrator was officially posted in Kilambo but for communication reasons was based in Chambucha.



continued to operate in the area, either as part of the Mai-Mai Kifuafua or as other units that defected. In early 2012, the arrival of the Raia Mutomboki pushed these armed groups to join its struggle against the FDLR. Once the FDLR were pushed out of Waloa-Loanda, however, the Mai-Mai Kifuafua started to resist the dominance of the Raia Mutomboki, leading to regular clashes over control of strategic areas. The Raia Mutomboki eventually retreated to Bakano, which helped the Mai-Mai Kifuafua to re-establish its territorial control over Waloa-Loanda.

Although the Kifuafua had previously been widely accused of atrocities, extortion and intimidation,<sup>38</sup> it is now largely accepted as a security and protection force. The group usually explains its continued presence by referring to four core issues.<sup>39</sup> First, because of the absence of the FARDC, it argues that there is popular demand for protection against a number of armed groups operating in neighbouring areas. Second, the group wants to receive compensation from the Congolese state for their efforts against the FDLR. Third, they want to protect the territory and the Batembo population against other armed groups operating in neighbouring areas. Finally, some Kifuafua combatants demand integration into the FARDC and to retain recognition of their ranks and deployment in their home areas in Waloa-Loanda.

Given the absence of state security services, the Mai-Mai Kifuafua is widely recognized as an *armée communautaire* (communal army). Despite being regularly harassed, local residents largely feel protected by the group.<sup>40</sup> It is considered an important authority capable of governing and protecting local communities, largely because it is strongly embedded within it. The group has developed a division of labour with customary chiefs and is increasingly involved in justice issues and development activities. Public authority in Waloa-Loanda, however, remains under

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 38 Usalama II project interviewees #276 and #278, Chambucha, 12 October 2015.

39 Observations by research assistant based on interactions with Kifuafua members and customary chiefs, Waloa-Loanda, October 2015.

40 Observations by research assistant based on interactions with local population, Waloa-Loanda, October 2015.

constant negotiation between different parties, including Kifuafua commanders, customary chiefs and civil society leaders.

The mutual recognition of authority by customary chiefs and rebel commanders creates a comparatively stable and secure environment in Waloa-Loanda. At each level of the customary administration, chiefs have reached some form of agreement with armed units, even if their relations are mostly characterized by a mixture of competition, cooperation and deterrence. As the *chef de groupement* states: ‘The collaboration with the Mai-Mai Kifuafua is good, because they are the children of our village. ... When I observe exactions [demands for payment], I call them.’<sup>41</sup> A village chief of Kiringa confirms the group’s positive impact on security conditions, saying: ‘Those who protect us [are] the Mai-Mai Kifuafua. As elders, we have good relations with [its] security services. ... At the time of the FDLR, we could not go out at night but now people start to frequent markets, even late at night.’<sup>42</sup>

The Mai-Mai Kifuafua is considered to be a local security force with a popular mandate to police and protect the population. The group recognizes customary chiefs as legitimate representatives of the state and invites them to its security meetings (except those on military operations). Chiefs also exert some influence on the conduct of individual combatants. In one instance, when some combatants committed too many acts of extortion, the chief of Waloa-Loanda requested that Delphin Mbaenda discipline his forces and order them not to carry weapons in urban centres. A division of labour between armed group commanders and customary chiefs has also been established on justice-related issues. Even if some competition exists, commanders send cases traditionally dealt with by customary chiefs to customary courts, while the armed group’s jurisdiction is recognized by customary chiefs for cases falling under the penal code of Congolese law.

Local traders, for their part, have also built a mutually beneficial relationship with the Mai-Mai Kifuafua. After the customary chiefs’

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41 Usalama II project interviewee #293, Busurungi, 16 October 2015.

42 Usalama II project interviewee #291, Busurungi, 16 October 2015.

intervention on behalf of local traders, businesspeople have largely been allowed to operate as long as they accept the armed group's instructions and authority:

In the past, Kifuafua combatants were involved in all sorts of exactions against traders. Things have changed, however. Because of the arrest of those combatants, we observe a positive evolution, with a decrease in the number of checkpoints. This is because customary chiefs have spoken with the rebel commander, who in 2014 gave the order to cease these checkpoints.<sup>43</sup>

This illustrates the existence of a certain space for negotiation in Waloa-Loanda and suggests that civilian actors can exert a degree of influence on the conduct of armed groups.

Nevertheless, the Kifuafua continues to be the most powerful force in society and remains a considerable burden for local institutions and the population. Checkpoints are still common and armed combatants are competing with chiefs over the right to tax trading activities, often resulting in arrangements that are most advantageous to armed group commanders. In October 2015, Major Mungwaere Sheanya, a Kifuafua battalion commander, announced that people would be forced to frequent the local market in Busurungi and those not respecting the order would be punished. This was part of a strategy to revive this market, which had seen a steady decrease in its commercial activity.<sup>44</sup>

The taxation of such commercial activities is one of the main sources of income for the Kifuafua. Here, too, competition exists over the right to impose taxes between the Kifuafua and customary chiefs, who have limited bargaining power. As the president of the market in Lukaraba explains, 'The Kifuafua negotiated with the chiefs, stating [it has] no means to get soap so [it is] claiming the taxes of the *secteur*. We have told

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43 Usalama II project interviewee #278, Chambucha, 12 October 2015.

44 Statement made by Major Mungwaere on 17 October 2015 and signed in Busurungi, Usalama Project archive.

[the Kifuafua that] the market belongs to the state. When [it] insisted, we no longer resisted and let [it] impose [its] taxes.<sup>45</sup>

While the Mai-Mai Kifuafua extracts its share of profits from economic activities by taxing markets and roads, it also attempts to attract development organizations to Waloa-Loanda and is involved in community development activities such as *salongo* (community labour). This illustrates the degree of its social integration and reproduction of state practices. It also shows how the group connects strategies of protection and developmentalism. In Busurungi, the *chef de groupement* has even called on all combatants to join these community activities.<sup>46</sup>

Mai-Mai Kifuafua elements participate in other social activities. For example, they attend church services and football games, provide assistance to vaccination campaigns and teach at schools. They are also members of local associations. As a local priest states:

We have to live with [the Kifuafua], so we need to collaborate. There are no real problems between the Church and the Kifuafua. [The group] listens to the Church and the Church sensitizes the combatants. No problems either between the Kifuafua and the health centre and schools.<sup>47</sup>

Arguably, the main concern of this local priest is to avoid trouble with the Kifuafua. As such, this form of social integration does not offset the group's position of power, which stems from its recognition as the official local security service.

## Military fragmentation and intra-Batembo rivalries in Kalima and Mubuku

A different reality is observed in Kalima and Mubuku. Here, the arrival of the Raia Mutomboki movement at the end of 2011 was enthusiastically welcomed by the local population. The massacre by the FDLR of more

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45 Usalama II project interviewee #281, Lukaraba, 14 October 2015.

46 Usalama II project interviewee #293, Busurungi, 16 October 2015.

47 Usalama II project interviewee #278, Chambucha, 12 October 2015.

than 30 people on 14 May 2012, in the village of Kamananga, triggered the mobilization of local Batembo youth. The fact that this massacre took place close to the local camp of the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) implicitly reinforced the popular idea of complicity between MONUSCO and FLDR forces, and legitimized the Raia Mutomboki in its attempt to combat the latter.<sup>48</sup>

Although MONUSCO was harshly criticized for its lack of protection, worsening security conditions were mainly due to the FARDC's internal dynamics. In 2012, FARDC numbers in Kalehe were progressively reduced as government forces were deployed against the rebellion of the *Mouvement du 23 mars* (March 23 Movement) in North Kivu. The local population took this as proof of the FARDC's complicity with armed groups operating in the area.<sup>49</sup>

Feeling abandoned by the state, the local population is willing to take things into its own hands. This local demand for self-protection, to which the Raia Mutomboki is a clear response, arises not only because of the FDLR presence but is also connected to what are considered long-term threats to local security. Besides the FDLR presence, these long-term threats include the Hutu Nyatura militias on the *Hauts Plateaux* of Kalehe and the expected return of Tutsi refugees,<sup>50</sup> which is in turn linked to local land competition. This is exemplified by local claims about the presence of Tutsi soldiers in the national army, who are perceived as invading forces. As a Raia Mutomboki leader, Sukuru, points out, 'I cannot venture myself in being part of an army infiltrated by Rwandans. What I do is only to distract the FARDC.'<sup>51</sup>

The discourse of autochtony explains the gradual shift in the objectives of the Raia Mutomboki. A general perception that the Congolese

48 Hoffmann and Vlassenroot, 'Armed groups'.

49 Interview with the *chef de centre* (head of the centre) of Karasi, Karasi, October 2015.

50 In Bunyakiri, when talking about the return of Tutsi refugees, reference is made to the possible return of the 45,000 Tutsi families who left the area during the 1990s and settled as refugees in Rwanda.

51 Usalama II project interviewee #410, Kalima, 19 October 2015.

state has failed to respond adequately both to immediate and to deeper issues further legitimizes local self-defence. The Raia Mutomboki also saw its local power position bolstered when it started getting involved in local conflicts over customary power, either by providing mediation assistance or by supporting one of the conflicting parties.

A turning point in the local military landscape was the launch of a military operation against the Raia Mutomboki, on 11 August 2014, by the Congolese army. Such clashes have taken place since 2011 and can partly be attributed to fierce competition over the local monopoly of violence, and therefore over who provides security and can claim the right to revenue generation. The Raia Mutomboki persistently presents itself as the only legitimate provider of security.<sup>52</sup> The military operations of August 2014, led by the FARDC’s 902nd regiment, provoked a radical shift in the local balance of power because it inflicted considerable losses to the Raia Mutomboki and significantly weakened its military capacity.

The armed confrontation had some major consequences. First, it intensified already existing divisions within the Raia Mutomboki and produced new splinter groups; for example, in 2012, Shukuru left the movement to operate independently. In the Bunyakiri area, five different factions now operate, known by the name of their commander. Although some collaboration exists, these groups function more or less autonomously.<sup>53</sup>

<b>Commander</b>	<b>Military headquarters</b>	<b>Place of deployment</b>
Bwaare Hamakombo	Ekingi	<i>groupement</i> Kalima
Butachibera Mwiindja	Kachiri centre	<i>groupement</i> Mubuku
Shukuru Enamae	Mutorotoro	<i>groupement</i> Kalima
Mungoro Matafali	Lumendje	<i>groupement</i> Kalima
Mweeke Atobaibwa	Musenyi	<i>chefferie</i> de Buloho

Each group is active in its commander’s home region (*chefferie* or *groupement*). Political expectations, partly resulting from previous

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 52 Hoffmann and Vlassenroot, ‘Armed groups’.

53 Smaller groups also exist but they usually lack numbers and are not deployed in the field. Examples are the Muganza group in Kabenga (Kalima) and the Taiti and Makofi groups in Murangu (Mubuku).

dynamics of armed mobilization and demobilization, play a major role in this territorial organizational pattern. Some leaders of these entities seem to promote armed groups as a way to strengthen their position in preparation for potential political negotiations and competition. Raia Mutomboki leaders in Kalima, for instance, often state that this is their time,<sup>54</sup> referring to the feeling of having lost out during the peace talks of 2003, when mainly Mai-Mai leaders from Mubuku obtained government and military positions. Conflicts over power within customary structures, such as in Buloho, also influence how Raia Mutomboki commanders position themselves. De facto reintegration into broader governance structures appears all the more difficult as security issues are increasingly exploited by political, military and economic leaders at the local, provincial and national levels.

A second consequence of the confrontation of August 2014 is, paradoxically, a stronger presence of Raia Mutomboki combatants. After its military operation, the FARDC withdrew a significant number of its troops, opening new opportunities for the Raia Mutomboki to position its units. This is one of the reasons why the different Raia Mutomboki factions are increasingly seen as the only remaining security force in some areas. In practice, a sort of implicit agreement between the FARDC and the Raia Mutomboki has developed that is characterized by non-confrontation and spatial separation. The Raia Mutomboki control villages that the FARDC is unable to reach, while the FARDC is mainly deployed along the main route that goes from the Miowe river just outside of Kalima to the *chefferie* of Buloho up to Hombo Sud. In Kalima, the FARDC presence, next to the main trade centres, is notable. In most parts of Mubuku, however, almost no FARDC forces are left, with local Raia Mutomboki groups under the command of Butachibera controlling most of the area.

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54 In discussions with Raia Mutomboki commanders and combatants during fieldwork in Bunyakiri in October 2015, it was repeatedly stated that ex-Mai-Mai originating from Kalima did not have equal access to military or political positions during the peace process compared to those coming from Mubuku.

## Armed mobilization at the margins in Kalonge

In contrast to the Batembo, their neighbours, the Barongeronge, inhabiting the *groupement* of Kalonge have, historically speaking, neither been involved in the creation of armed groups nor have they adhered to existing ones. It was only when a customary conflict caused a deep socio-political crisis in Kalonge that politicians started mobilizing local youth in order to protect themselves and pressure their political opponents. While carrying names such as the *armée rouge* (Red Army), *Cheza Mbele* (Play in Front) and *Ntakalaba* (Dirty Peasants), these youth groups never fully developed into armed forces.

The lack of armed mobilization in Kalonge can partly be attributed to the experience of the Barongeronge with the Batembo-led armed groups prior to and during the Congo Wars. The Barongeronge's first contact with the Batiri/Katuku left them sceptical of armed movements. In 1993 and 1994, for example, the Batiri descended multiple times to Kalonge to loot cattle. The Barongeronge fought back with knives and other weapons, but they had no firearms, occasionally managing to recapture a few heads of cattle and other stolen goods only. The Batiri's actions persuaded the Barongeronge of the criminal nature of the group, which they came to see as a band of thieves rather than a politically or ideologically motivated group. This also explains why the Barongeronge largely stayed out of the Batembo-led Mai-Mai later on.

The Barongeronge have asked the state for protection rather than taking up arms themselves. Government forces returned to the area for the first time since 1992 in the post-settlement era, with the first FARDC units being deployed just before the 2006 constitutional referendum and elections, but their presence was minimal. This facilitated the presence of FDLR units, which built a number of camps in the area. Up until September 2015, there were only about 20 FARDC soldiers in the entire *groupement*—the majority in the centre of Cifunzi, six in the village of Fendula and only two in Rambo.

Unsurprisingly, when the Raia Mutomboki arrived in Kalonge in search of fleeing FDLR groups from Shabunda, it did not encounter any



resistance. Echoes of its success in Shabunda had already reached the local population, which welcomed the newcomers with relief.<sup>55</sup> Although the Barongeronge were happy that the FDLR had been chased away, in most cases local leaders did not endorse the Raia Mutomboki and local youths did not join the group. In fact, the Raia Mutomboki only attracted new recruits in those villages where the Batembo or Barega lived, such as the western and north-eastern parts of Kalonge. The presence of the Raia Mutomboki in the west of Kalonge may also be explained by the local commercial market, which connects Shabunda and other areas to the trading centres of Bukavu and Goma. Minerals coming from Shabunda are traded between Shabunda miners and buyers from Bukavu, Kabare and Goma, offering taxation opportunities to Raia Mutomboki commanders originating from Shabunda.

Most of the population in Kalonge experience the current presence of the Raia Mutomboki as a burden. The presence of the Raia Mutomboki in Kalonge is generally not considered legitimate in the area not only because the FLDR is long gone—thus there is no need for protection against it—but also because the Raia Mutomboki abuses and harasses the local population, and interferes in local power politics and issues of justice. The Raia Mutomboki attack against a FARDC camp in Nindja in December 2014 reinforced the idea that the movement had become a nuisance and that its presence in Kalonge was no longer justified. Some, however, still perceive the presence of the Raia Mutomboki as necessary because the FARDC is not capable of protecting them. At the same time, however, they also demand an end to the extortion on the population by the Raia Mutomboki. In response, the group justifies its presence by arguing that the state is still incapable of protecting the population from the FLDR; that the role they play in providing security at the local level has largely gone unrecognized; and that the government is failing to tackle the issue of returning Tutsi refugees.<sup>56</sup>

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 55 Jason Stearns et al., *Raia Mutomboki: The flawed peace process in the DRC and the birth of an armed franchise*, London: Rift Valley Institute, 2013.

56 Usalama II project interviewee #410, Kalima, 19 October 2015.

Just as in Mubuku and Kalima, the Raia Mutomboki branch in Kalonge is far from coherent or homogenous. Its members pursue a variety of objectives and collaborate with other Raia Mutomboki groups operating in Kabare, Idunga and Shabunda. While its fight against the FDLR was once a mobilizing factor for local support, this is increasingly undermined by the Raia Mutomboki's growing interference in local politics and the larger role the group plays in issues of justice and taxation of economic transactions.

## 5. Armed groups and local governance

In each of the different areas, armed groups are an inherent factor in local power politics. While they are connected to existing elites and easily drawn into their conflicts, they also try to impose their own rule. Their eagerness to be seen as legitimate providers of security and protection reflects a larger struggle over the right to rule territory, to authority and to resources. Armed groups have also increasingly become involved in the resolution of small-scale conflicts and have developed different strategies to strengthen their authority over local resources. This can be understood as attempts to reinforce their local power. The partial collaboration and support from the local population is also a recognition of these armed groups as local authorities. In the absence or malfunction of formal justice mechanisms and because of their relative local power, the population solicits armed groups to settle their disputes. At the same time, the imposition of their own taxation mechanisms—in many cases simply echoing state practices—is both seen as an act of oppression and met with some form of compliance. Taxes, therefore, constitute not only resources for authorities, they also entail a certain degree of recognition of their authority.

### Governing justice

In most cases, local conflicts are related to land or family disputes. Armed groups increasingly try to assert their right to mediate in these conflicts, as an inherent part of their asserted right to rule. While they argue that their involvement in matters of justice is due to a malfunction of the official justice sector, which is widely viewed as highly corrupt, expensive, non-transparent and inaccessible to ordinary people, it is also part of a larger strategy to impose and consolidate their own authority. Both Raia Mutomboki and Kifuafua commanders claim the right to be involved in justice issues and conflict mediation because they see themselves as the legitimate defenders of the population. In the end, however, the increased involvement of armed groups in the delivery of justice makes judgments

and sentences highly negotiable and unpredictable. At the same time, this is becoming a key revenue generation strategy for armed groups.

Before the Congo Wars, the customary courts were the main loci for the resolution of conflicts and the provision of justice, because of limited access to and the corruption of state courts. However, since the Congo Wars, armed groups have tried to compete with these courts and claim the right to intervene and mediate disputes themselves. This is also the case with the Raia Mutomboki. As one of its commanders states:

We are here to protect the population and to serve the population. All our combatants are sensitized and have the morality to do so. If our combatants have started to impose administrative acts, it is because it produces more objectivity in local justice.<sup>57</sup>

According to a local observer, ‘militias transform into judges, magistrates and judicial police officers in the zones under their control and in whatever domain’.<sup>58</sup>

One implication of the involvement of armed groups in conflict mediation is that this renders justice relatively inexpensive and quick compared to state justice. The latter’s lack of capacity and resources has led to the development of an alternative market for justice in which a wide range of non-state actors, including armed groups, are involved. In the eyes of many, such actors made the formal judicial process an expensive and unpredictable business. With security services and magistrates levying a variety of taxes, arrests and court cases have become a *fond de commerce* (business). The final verdict of judges is often based on the financial capacities of the litigants—those who can pay off police officers and judges or maintain close connections usually win the case.<sup>59</sup>

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57 Usalama II project interviewee #326, Chaminunu, 13 October 2015.

58 Usalama II project interviewee #346, Chaminunu, 13 October 2015.

59 Koen Vlassenroot and Hans Romkema, *Local governance & leadership in Eastern DRC*, Den Haag: Oxfam Novib, 2007; Benjamin Rubbers and Emilie Gallez, ‘Why do Congolese People go to Court? A Qualitative Study of Litigants’ Experiences in Two Justice of the Peace Courts in Lubumbashi’, *The Journal of Legal Pluralism and Unofficial Law* 44/66 (2012): 79–108.

Under these conditions, justice provided by armed groups can turn into an attractive alternative to state justice.<sup>60</sup> Litigants or accused persons tend to solicit the support of armed groups when they believe they have a fair chance of winning the case. Armed group commanders, however, often lack the necessary judicial knowledge.<sup>61</sup> According to a civil society leader, ‘Especially with state services no longer operating, they [armed group leaders] take advantage of this vacuum to impose their rule and provide justice without having the necessary capacity.’<sup>62</sup> As another respondent states, ‘They interfere in whichever issue. All that is needed to make them intervene is to simply inform them.’<sup>63</sup>

Another perceived advantage is that armed groups can be mobilized for one’s own case, as they tend to support the case of the person who solicits their intervention. This preferential treatment is a key reason why people no longer bring their cases to formal justice institutions or customary authorities:

Some people living in areas under the control of the Raia Mutomboki rely on [it] because [it] usually judges to the advantage of the one who solicits [its] support. [It does] not ask [for] any contribution in contrast to the formal justice.<sup>64</sup>

In most cases, a decision is made without investigation, which often results in a very flawed judgment. This form of justice provision also reinforces an existing spirit of revenge, which has led to the development of a tit-for-tat approach to dispute resolution and crime fighting. Such cycles of retaliation appear to validate the claims put forth by armed

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60 Usalama II project interviewee #439, Ramba, 15 October 2015.

61 Emery Mushagalusa Mudinga and An Ansoms, ‘Autorité publique et implication des forces armées dans les dynamiques foncières au Sud Kivu’, in *Conjonctures congolaises 2014: Politiques, territoires et ressources naturelles : changements et continuités*, eds. Stefaan Marysse and Jean Omasombo Tshonda, Cahiers Africains 86, Paris: L’Harmattan, 2015.

62 Usalama II project interviewee #338, Mule, 10 October 2015.

63 Usalama II project interviewee #336, Mule, 12 October 2015.

64 Usalama II project interviewee #337, Fendula, 10 October 2015.

groups that they are needed to install law and order, which in turn increases popular support for them.

In Waloa-Loanda, the Mai-Mai Kifuafua has established a functioning division of labour with customary chiefs on justice issues. Cases that are related to customary affairs are sent to customary chiefs even if they were first presented to the Kifuafua commander. Commonly, even in these cases, a tax is paid and the accused person is whipped with a *chicotte*, a heavy leather whip made of animal hide, before transferring the case. Customary authorities, in turn, recognize the Kifuafua as a legitimate justice provider with the authority to arrest people. ‘The Kifuafua do[es] not fully claim control over administrative acts but customary chiefs can call [it] ... to go and punish people who resist to follow rules.’<sup>65</sup> Another respondent recognizes Kifuafua authority in criminal cases, saying, ‘For those cases that include physical violence, it’s the Kifuafua that [is] claiming the right to intervene.’<sup>66</sup> Customary chiefs, however, tend to disapprove of its authority in such cases and have asked the population to no longer solicit the Kifuafua, albeit with limited success.<sup>67</sup>

The situation is more complicated in Mubuku and Kalima, where the Raia Mutomboki is involved in a fierce competition with customary chiefs and state administrators over the right to judge. Although the Raia Mutomboki tends to interfere in a number of different disputes (most related to land), some form of collaboration exists with the state security services, including the police. In Kalonge, the Raia Mutomboki puts on trial cases of witchcraft, a widespread accusation not recognized by Congolese law and thus not eligible for the formal justice system. There have been several cases of the Raia Mutomboki punishing women accused of witchcraft. Reportedly, some of these women barely escaped being burned alive inside their houses. The *chef de groupement* finally instructed the village chiefs to discourage local residents from presenting their cases to the Raia Mutomboki. They also prohibited the armed group

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65 Usalama II project interviewee #283, Busurungi, 16 October 2015.

66 Usalama II project interviewee #285, Kilambo, 18 October 2015.

67 Usalama II project interviewee #293, Busurungi, 16 October 2015.

from getting involved in dispute resolution or other forms of justice provision but in vain. In contrast to Waloa-Loanda, customary chiefs have only limited influence over the conduct of the Raia Mutomboki, which largely ignores the chief's demands.

The fact that these armed groups have become increasingly involved in local dispute resolution or have sided with conflicting parties affects both local forms of justice and social order. On the one hand, the dispute arrangements offered by armed groups provide an easy, quick and inexpensive alternative to state and customary justice<sup>68</sup> and further reduce the legitimacy of the formal justice system. On the other hand, these arrangements promote the negotiability and informalization of justice and thus lead to even less predictable outcomes.

### Generating revenues

A second field of competition over authority and a crucial component of armed groups' claims to rule is taxation of economic activities. Both the Raia Mutomboki and the Mai-Mai Kifuafua have developed different strategies to increase their capacity to extract resources and to position themselves as economic regulatory authorities. These strategies, however, include considerable use of violence or the threat thereof. They also mainly benefit armed group members and their supporters, despite the fact that the Kifuafua has adopted a discourse of rural development. This is not to say that taxes are simply being imposed at gunpoint. There is some level of negotiation involved, which has created a tolerable *modus vivendi* between armed groups and taxpayers.

When the Raia Mutomboki arrived in 2011 and 2012, most customary chiefs played a pivotal role in mobilizing local youths and providing spiritual guidance to combatants. They also rallied the necessary material support. Local traders and households were persuaded to support the youths in their fight against the FDLR and supply food, logistical support and other provisions. In Kalima and Mubuku, civilians offered their motorbikes to transport combatants and ammunition, while families

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68 Since 2013, state law no longer recognizes customary courts but they still operate.

and local traders contributed money and food supplies. The amount and frequency of such contributions varied but the widespread assistance on offer from local populations reflected the immense popularity of the Raia Mutomboki.

Following the end of the operations against the FDLR in 2012, popular contributions to the movement started to dwindle. In the local population's view, material support for the Raia Mutomboki was no longer justified now that its mission was accomplished: 'Why should we keep on offering material support when the FDLR has been defeated? What is the purpose that we should give our money and food for?'<sup>69</sup> For the Raia Mutomboki, however, its mission went beyond tracking the FDLR and was connected to a larger struggle of authority over territory, people and resources. As contributions faded, Raia Mutomboki members started extorting money from the local population, raiding local traders' vehicles and developing taxation mechanisms to ensure a steady flow of resources. In Waloa-Loanda, a more sophisticated fiscal bargain was established between the Kifuafua and the local population. There, taxes were largely seen as a civic duty, which people paid in return for order and protection.

The forms of resource generation deployed by armed groups are quite diverse. In general, they follow the blueprint of previous Mai-Mai techniques for resource control, which in turn are a partial emulation of the long-standing techniques used by state agents. The main difference resides in the fact that such taxes are more frequently negotiated between taxpayers and present-day armed groups than was the case with the Mai-Mai. This can be explained by four different factors. First, because armed groups aim to maintain their legitimacy among the local population, now that the FDLR has been forced out, taxpayers have more leverage. Second, these armed groups, in contrast to Padiri's Mai-Mai, are not at war against a powerful outside force. Third, the high level of involvement of armed groups in local politics acts as a restraint because they aim not to compromise popular support for local political actors.

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69 Usalama II project interviewee #347, Kambale, October 2015.



Finally, part of the population still considers the presence of armed groups as necessary, despite their acts of extortion, and thus prefers to cooperate with them rather than go against them—even if there are clear limits to this compliance with the imposed tax system.

The main source of income of all armed groups operating in the area is the taxation of agricultural production and other economic activities, such as the use of mills, fish farming, cattle herding, petty trade and trade in minerals. In addition, taxes are also collected through fines imposed on people seeking resolution of local conflicts. Taxes on agricultural produce are levied during both production and commercialization. A good example is the production and trade of palm oil. In Kalima and Mubuku, producers are obliged to pay seven litres of palm oil each time they use the local transformation facilities. When palm oil is brought to local markets, Raia Mutomboki members ask for a payment of CDF 500 (approximately USD 0.50)<sup>70</sup> for each 20-litre barrel of oil. In Waloa-Loanda, palm oil payments amount to two litres for each barrel produced at the transformation facility, while a tax of CDF 500 must be paid for each 20-litre barrel brought to the market. Other agricultural produce (cassava, peanuts and beans) is usually taxed in kind at the market entry barrier.<sup>71</sup> In Kalima, Mubuku and Kalonge, Raia Mutomboki members visit all significant sites of economic activity and production to collect tax; for example, at every mill, the manager gives them five kilos of cassava flour, in addition to the quantity that each trader pays at the barrier on market day.<sup>72</sup> Taxes on other agricultural produce vary between CDF 200 and CDF 500.

In Waloa-Loanda, the Kifufua also imposes taxes on minerals at road barriers. Payments of CDF 500 are demanded for each 50-kilo bag of

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70 USD 1.00 is approximately CDF 913, as of 6 April 2016 (calculated using <http://www.oanda.com/currency/converter/>)

71 Four pieces of cassava is paid per basket of produce, while one cup of peanuts or beans is paid for each sack of produce.

72 Usalama II project interviewee #352, Kambale, 13 October 2015; interviewee #405, Karasi, 20 October 2015.

cassiterite.<sup>73</sup> Moreover, the Kifuafua is trying to get directly involved in the production of gold and cassiterite by targeting mining sites previously controlled by the FDLR, so far with little success.<sup>74</sup> According to a local civil society leader, ‘Lately, General Delphin Mbaenda and his second-in-command, Shalio, spent a long time in Lukaraba in order to inspect the presence of gold in the rivers around the village with the aim of extracting [it].’<sup>75</sup> In Kalonge, control over the mineral trade by the Raia Mutomboki is well developed and takes place at the Chaminunu market. As the local administrator asserts, ‘Each time Ngandu (Raia Mutomboki commander from Shabunda) is here, it is to sell minerals to traders coming from Bukavu, Kabare, Goma, etc.’<sup>76</sup>

In Waloa-Loanda, all of the markets are controlled by the Kifuafua, which has gained a monopoly over the right to impose taxes. Every individual entering or leaving the market has to pay CDF 500, while between CDF 2,000 and CDF 3,000 is demanded for each cow entering the market and between CDF 1,000 and CDF 1,500 for each goat. Nevertheless, there is some room for manoeuvre. Both the Raia Mutomboki and Kifuafua negotiate taxes with local leaders, customary chiefs and economic actors. For example, traders using the route from Bukavu to Hombo negotiated a weekly tax of CDF 2,000 per trader with the Raia Mutomboki leader Shukuru, who used to raid vehicles that were passing through. As a local trader testifies, ‘We have adopted a strategy that hurts less. Luckily, we have identified the group that was pillaging our goods and the option to negotiate was there.’<sup>77</sup>

Producers of palm oil also came to an agreement in order to reduce tax demands during production. In Mubuku and Kalima, village leaders and traders negotiated the provision of food to the Raia Mutomboki units in order to prevent potential harassment. Such contributions are made

73 Cassiterite is a mineral, tin dioxide, which is the main ore of tin.

74 Judith Verweijen, *A Microcosm of Militarization: Conflict, governance and armed mobilization in Uvira, South Kivu*, London: Rift Valley Institute, 2016, 44.

75 Usalama II project interviewee #276, Lukaraba, 14 October 2015.

76 Usalama II project interviewee #340, Chaminunu, 13 October 2015.

77 Usalama II project interviewee #356, Bulambika, 13 October 2015.

through a system of rotation, where each village contributes when its turn has come: ‘Instead of letting them use force, it is better to reach a level of understanding and be a bit flexible in order to prevent the use of force. Everyone is aware that the best option is to contribute.’<sup>78</sup>

Regardless of the level of negotiation, these taxes remain forcefully imposed. By participating in an orderly way in the taxation system of armed groups, particularly in Waloa-Loanda, the local population is less exposed to random acts of violence, extraction and harassment. Beyond this, they also get a sense of contributing to the defence and development of the community. Nonetheless, civil society continually denounces these taxes as a form of abuse, particularly those imposed at market entrances. Customary chiefs, for their part, engage in negotiations in order to help their populations and to save face, but ultimately they comply with the armed groups. The armed groups, in contrast, do not consider imposing taxes a form of *tracasserie* (extortion). On the contrary, they consider all goods and money they extract from the local population a legitimate tax in exchange for the services they provide.<sup>79</sup> This perspective reflects their self-definition as local authorities with the right to rule and impose taxes.

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78 Usalama II project interviewee #270, Lukaraba, 14 October 2015.

79 Usalama II project interviewee #470, Bukavu, 13 November 2015.

## 6. Conclusion and policy considerations

A detailed history of armed groups since the end of the Second Congo War in parts of the territories of Kalehe and Walikale reveals that these groups have turned into central authorities deeply involved in ruling territory, people and resources. Armed groups have proliferated and enjoyed popular support in Kalehe and Walikale for more than two decades. Initially the impetus for the proliferation of armed groups was fuelled by numerous interconnected disasters, which occurred almost simultaneously in the early to mid-1990s, notably the Rwandan genocide, the collapse of the Zairian state and violent communal conflicts over land and power at the local level. During the Congolese Wars, local communal conflicts became sucked into the maelstrom of a multi-level geopolitical conflict, which led to the increased dominance of political and military power networks that included local armed groups.

The emergence of the Raia Mutomboki and the persistence of the Mai-Mai Kifuafua can be explained by a number of interrelated factors including: historic and unresolved intercommunity struggles over land and customary power; the weak performance and predatory behaviour of formal security and other state services; and a failed demobilization and reintegration process which has produced a reservoir of marginalized ex-combatants. These same groups have progressively become enmeshed in local power dynamics and, in their competition for local authority, have turned into powerful actors in their own right, colluding with local and national political and customary leaders. This gradual transformation is also illustrated by the shifts in their political strategies, which now go beyond community defence to include struggles to impose their authority in a broad spectrum of fields of governance usually ascribed to the state—justice, security and taxation.

Other reasons also help explain this perpetual remobilization of armed groups. The persistent presence of the FDLR, which continued to harass and abuse local populations, and the diminished power and resources of local authorities after the peace agreement in 2002, created

widespread feelings of distrust and disappointment with the Congolese state. This is compounded by the fact that many demobilized combatants find themselves in a difficult social position. For those deprived of social status, economic opportunities and protection, joining an armed group remains an attractive alternative. Also, armed groups have become vehicles for the personal interests of disgruntled officers who have not been able to share in the benefits of security sector reform and army integration. Finally, exclusive identity discourses revolving around the notion of community defence create an environment of mutual distrust between different communities and continue to block attempts to improve cohabitation between different groups.

Both the Mai-Mai Kifuafua and Raia Mutomboki have developed different techniques and strategies to impose or sustain their authority. There is both a shift over time and a regional difference in their popular acceptance. When the Raia Mutomboki combatants arrived in 2011, they were embraced as part of the community because they were seen as fighting a legitimate war of self-defence against the FDLR. Subsequently, relations between the armed groups and the local populations have become more ambiguous as a result of simultaneous processes of negotiation, contention and resistance. In Waloa-Loanda, the local community generally feels protected by what is considered to be an *armée communautaire*. The absence of state services in this *groupement* has provided the necessary space for armed groups to develop into legitimate security forces. At the same time, the Kifuafua's behaviour is also constrained by the relative power of customary authorities, which have been able to partly manage the group's conduct.

In contrast, the Raia Mutomboki is faced with varying levels of support from the population and local authorities. In Bunyakiri, it is in constant competition with state services and has become a key actor in local conflicts over customary power and political control. In Kalonge, the relationship between the Raia Mutomboki and customary chiefs is very tense due to the former's continued involvement in issues of justice and power struggles—despite resistance on the part of customary chiefs. Even if still seen as the lesser evil by the local population, the armed

group's abusive conduct is leading to growing popular resentment. In turn, Raia Mutomboki commanders respond with repressive measures. Paradoxically, the Raia Mutomboki is in high demand in cases of dispute resolution. This is explained by the absence of transparent and accessible state services and by the benefits of justice that are quickly and inexpensively dispensed. The overall result is a further militarization and fragmentation of the public space and social interaction. How, then, can this trend be reversed and the involvement of armed actors in local governance be reduced?

*Develop transparent and accountable state institutions*

An obvious response would be to reinstall state authority, as the power of armed groups is strongest in those areas where state services are scarce. Yet, state services are commonly experienced as sources of extraction. The ambition of armed groups to respond to the existing lack of effective governance through the imposition of their own structures and practices legitimizes their presence and conduct up to a degree. This should be taken seriously. State security services are seen as unable to provide protection and security, while army reshuffles often lead to additional security voids. Strengthening local state services can only achieve sustainable results as part of a larger governance reform leading to transparent and accountable state institutions. This is a long-term process that cannot be limited to the local level. It requires a national reform framework and the necessary political support.

*Facilitating refugee return and land reform*

Armed mobilization remains inherently linked to historical claims related to self-rule and control over land. Rumours about an eventual return of more than 40,000 Tutsi refugees to their home bases, including the *Hauts Plateaux* of Kalehe, are creating renewed animosity and leading to new divisions between and within local communities. More efforts are needed to disseminate accurate information on this return of refugees. Structures also need to be put in place to help reduce disputes over landownership.

*Supporting a land reform process*

These issues will never be completely resolved without a much needed national land reform process. Although such a process was initiated in 2012, it lacks political will and technical support. Civil society organizations can play a critical role in pushing this reform process forward, as they did during the revision of the *loi agricole* (agricultural law). Stronger and more inclusive advocacy frameworks should be established and supported both at the national and provincial levels so that the existing deadlock can be broken. To achieve the necessary results, this land reform needs to be entrenched in a well-designed and effective legal framework. It also requires a transformation of policy and the strengthening of the existing governance framework. In addition, it should be recognized that what is good for one part of the country is not necessarily a priority for other parts. Tailored strategies are thus needed. Finally, existing mediation efforts should be strengthened and more structures put in place so these can have an impact on larger land disputes and tackle their related collective and intercommunal aspects.

*Cutting the links between support networks and armed mobilization*

Armed groups strongly rely on civilian support networks, which include national and local politicians, customary authorities and community leaders. These elites are often responsible for the continued presence of armed groups and their involvement in power struggles. These links provide armed groups with additional legitimacy, while the same groups help to protect civilian leaders' local interests and influence. This contributes to the militarization of social relations. The prospect of new elections and the consequent electoral competition give armed groups an additional stimulus. Demobilization efforts, therefore, cannot succeed without addressing these civilian support networks. Even if legal action might have adverse effects, it should be considered as a way to counteract financial and political support to armed groups.

# Glossary of acronyms, words and phrases

AFDL	<i>Alliance des forces démocratiques pour la libération du Congo-Zaïre</i> (Democratic Allied Forces for the Liberation of Congo-Zaire)
<i>armée communautaire</i>	communal army
<i>chef de groupement</i>	customary chief of a <i>groupement</i>
<i>chefferie</i>	chiefdom
<i>dawa ya asili</i>	customary medicine for spiritual protection on the battlefield
DDR	disarmament, demobilization and reintegration
FAR	<i>Forces armées Rwandaises</i> (Rwandan Armed Forces)
FARDC	<i>Forces armées de la République démocratique du Congo</i> (Armed Forces of the Democratic Republic of Congo)
FDLR	<i>Forces démocratiques de libération du Rwanda</i> (Democratic Forces for the Liberation of Rwanda)
<i>groupement</i>	a subdivision of a chiefdom governed by a customary chief appointed by the <i>mwami</i>
<i>Hauts Plateaux</i>	the middle-range and higher altitude mountains of the Mitumba mountain chain
MONUSCO	<i>Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo</i> (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo)
<i>mwami</i>	paramount customary chief
RCD	<i>Rassemblement congolais pour la démocratie</i> (Congolese Rally for Democracy)



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**THANKS TO THE QUALITY AND CONTENT OF ITS STUDIES,  
THE USALAMA PROJECT SETS MILESTONES ON ITS WAY TO  
IDENTIFY THE ROOT CAUSES OF THE EXISTENCE OF ARMED  
GROUPS AND CONFLICTS IN THE EASTERN DEMOCRATIC  
REPUBLIC OF THE CONGO. SUCH RESEARCH, IN OUR VIEW,  
REMAINS A PREREQUISITE TO END THE CYCLICAL WARS  
RAGING IN THE REGION.**

**— EMMANUEL KABENGELE, NATIONAL COORDINATOR,  
RÉSEAU POUR LA RÉFORME DU SECTEUR DE SÉCURITÉ  
ET DE JUSTICE (RRSSJ)**



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