

War Making and State Making in Central Africa

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Continued conflict in the Democratic Republic of the Congo has resulted, not from the “failed-state syndrome,” but from the continuing struggle to establish viable states on the ruins of repressive colonial states. Starting with Tilly’s account of the process of statemaking in Europe, I argue that while control over resources and the means of violence is a crucially motivating factor, the largely forgotten questions of membership in political communities are at the core of the conflict.

Introduction

The amount of instability, conflict, and human suffering that has characterized the Democratic Republic of the Congo (DRC) since 1997, when Mobutu’s rule ended, has been staggering, even in light of the tumultuous history of that country. The failure of democratic transition, be it under Mobutu during the early 1990s (Young 1994) or since his demise, has led many observers to conclude that the DRC is emblematic of the “failed-state syndrome.”

Although one would assume the meaning of the term to be fraught with complexities, Rotberg (2003), in a recent account of “failed states,” provided a rather simple explanation: “Failed states can no longer provide positive political goods to their inhabitants.” He adds that positive political goods revolve around the expectations and obligations that inform political culture and the social contract underlying the state. More specifically, security is a key political good, the lack of which, in turn, is a strong indicator of a “failed state.” And providing security means:

to prevent cross-border invasions and infiltrations, and any loss of territory; to eliminate domestic threats to or attaches upon the national order and social structure, to prevent crime and any related dangers to domestic human security; and to

enable citizens to resolve their disputes with the state and with their fellow inhabitants without recourse to arms and other forms of physical coercion. (Rotberg 2003:3)

The concept of the “failed state” is thus based on the idealized Weberian model of the rational state (Jackson and Rosberg 1982). One compares African states to this model and finds that they come up short. If the gap between the ideal and the real is judged to be extraordinarily large, the African state in question is thought to have “failed.” Commentators differ on what may cause “state failure” but they agree that failed states do not live up to their notion of what a state ought to be. Although “failed states” have featured more prominently in popular (Kaplan 1994) and academic circles (Zartman 1995) since the end of the Cold War, the concept has long been applied to the African continent. Debates over “weak,” “bloated,” “impotent,” or “soft” states have occurred since the late 1970s, with varying degrees of critical questioning of the term itself (Fatton 1989).

Despite its widespread popularity, the idea of the “failed state” in Africa has not been without criticism. Fatton (1989:172), for example, pointed out that with the process of class formation on the continent being incomplete, African states tend to be repressive, rather than hegemonic, but nevertheless fully functioning *for the purposes of the class alliance in power*. Efficiency, as stressed in the Weberian model, is not a necessary prerequisite for a functioning state. Similarly, Bayart (1999:105–106, 1993:20–22) stresses that the African role in the global system is not one of marginalization or dependence, but one of extraversion, through which elites have long constructed external relations to strengthen their power within their own spheres. That these relations have been asymmetrical does not detract from the fact that they worked well for these elites. Chabal and Daloz take this argument further and conclude that the postcolonial state in Africa was *meant* to be ineffective, and that “its usefulness is greatest when it is least institutionalized” (1999:14). If there is a common theme to these critiques of the “failed-state concept,” it is the assertion that the state in Africa is *not* different from states anywhere else; it fulfills its function, albeit one that may not be in accordance with widely held ideal notions of statehood.

Much of the current writing on the DRC falls within the “failed-state category” of analysis, and, like the writing on the state in Africa in general, it started out with debates over the decline of the state. In an encompassing analysis of Zaire, Young and Turner (1985:12–46) began with an expanded but essentially Weberian definition of the state and evaluated attempts to create such a state in the area of the Congo since the establishment of colonial rule. They admitted that there was little theoretical guidance with regard to state decline, but concurred with Jackson and Rosberg (1982) that since 1974, the state in Zaire has been at best empirical. Herbst (1996/1997) took state failure for granted and explored alternative forms of social organization within the framework of the modern state system and outside. Lemarchand (2002) tellingly entitled his contribution to a special issue of the *Review of African*

Political Economy "The Tunnel at the End of the Light." A year later, he considered "state failure" a given and explored possible strategies for overcoming it. Interestingly, he no longer considered the history of Belgian colonial rule and the Cold War patronage of the United States as significant factors in the unraveling of the DRC. Instead, it was Mobutu's ability to institute his personal rule and, by extension, the rule of money that provided the key ingredient in the "hollowing out" of the state in the DRC (Lemarchand 2003:31). Young (1994), finally, outlined three attempts to create an integral state in the DRC, ranging from the colonial period to Lumumba's interlude and ending with Mobutu's era. He concluded that despite more than a century of effort to impose an integral state, the recent decline has highlighted such gaps between state and civil society that the likelihood of success for any new effort at state building was difficult to predict.

In addition to academic observers, numerous transnational human-rights NGOs have addressed aspects of the conflict in the DRC. Amnesty International, Human Rights Watch, the International Crisis Committee, and other NGOs have consistently reported on the human consequences of the conflict there, and have documented, sometimes in horrific detail, the suffering of many ordinary people.¹ Their analyses tend not to focus on the "failed-state syndrome," but instead call on the international community and international organizations such as the United Nations to take steps and implement policies geared toward ameliorating the effects of conflict. Such demands have included the sending of sufficient peacekeeping troops to enforce cease-fires, the prohibition of arms sales to the combatants, the imposition of sanctions against corporations involved in the illegal exploitation of natural resources, and the institution of mechanisms to hold perpetrators of human-rights violations accountable. At one level, NGO activities blur the line between the global and the national, thus breaking down this artificial divide. They advocate a more layered approach toward the protection of human rights and the alleviation of human suffering by focusing on context and responsibilities at various levels; however, while apparently agnostic on the debate over failed states, their calls for international and transnational action tend to reinforce the notion of the failed state, if only in the minds of the political decisionmakers and the public in the West.

The suffering of ordinary human beings at the hand of the state in many parts of Africa is a continuing crisis, which demands attention from all levels of the global community; however, I reject the "failed-state concept" as a useful approach toward this problem. Instead, I place the current conflict in the DRC and the difficulties in ending it in the context of a political transition, that is, the painful and difficult efforts of developing a new form of political community from the shards of a repressive colonial state. In doing so, I advocate an intellectual space in which alternative forms of rule and political community can be explored, forms that might have a longer staying power than the mostly failed attempts to create the veneer of a liberal democracy through which the palimpsest of the repressive colonial state remains visible.

Such a position puts me at odds with the majority of commentators, for whom the modern state form, for better or worse, is a given and thus beyond debate; however, the degree of presentism (Booth 1999:32–36) that marks this position is astonishing. It manifests itself either in persistent calls to maintain the “territorial integrity” of the conflict-ridden state in question, or, if that proves impossible, the partition of territory to accommodate the conflicting ethnicities whose leaders similarly can only imagine the fulfillment of their ambitions in territorial terms, as Campbell (1998) has shown in the case of Bosnia. Newbury (1997:213–214) has pointed out that such a position hardens ethnic boundaries in the name of dissolving territorial boundaries. That such partitions only create new territorial boundaries, now even harder as they coincide with ethnic boundaries, goes without saying. This article therefore analyzes the conflict in the DRC by focusing on the long process of state building, a process of political transition that is measured by long and hard struggles to form a workable political community (Osaghae 1995).

The first section of the article explores the work of Charles Tilly on the process of state formation in medieval Europe. The next section examines the relevance of Tilly’s model to understanding the current situation in the DRC—which is followed by two sections exploring the global and ethnopolitical dimensions of the conflict. The conclusion highlights possible alternative strategies to be pursued.

The State as a Racketeer

In a provocative essay, Charles Tilly compared the process of state formation in early modern Europe with the actions of a neighborhood mobster.

To the extent that the threats against which a given government protects its citizens are imaginary or are the consequences of its own activities, the government has organized a protection racket. Since governments themselves commonly simulate, stimulate, or even fabricate threats of external war and since the repressive and extractive activities of governments often constitute the largest current threats to the livelihoods of their own citizens, many governments operate essentially in the same ways as racketeers. (Tilly 1985:171)

For Tilly, this representation of European history approximated the reality of state formation much more closely than lofty invocations of social contracts and the consent of the governed.

War making and extracting resources to finance them were crucial factors in the formation of modern states in Europe. While it was not the intention of powerholders to create modern states, such states were nevertheless the outcome of an effort to control competing powers and “enjoy the advantages of power within a secure or expanding territory” (Tilly 1985:172). To the

extent that this activity relied on access to capital to finance the war efforts, statemakers “developed a durable interest in promoting the accumulation of capital, sometimes in the guise of direct return to their own enterprises” (Tilly 1985:172). In this system, a monopoly profit accrued to the powerholder in the form of tribute extracted from the population that exceeded the cost of providing protection. A protection rent accrued to merchants to the extent that they were protected against competitors. If the tribute paid by merchants was lower than that of their competitors in different lands, then the powerholder provided effective protection to the merchants. In a class-based society, the relative value of that rent depended on the relative autonomy of the powerholders vis-à-vis the merchants and other interests.

The provocative sketch provided in this piece was backed up by a more detailed analysis in a later volume (Tilly 1990), in which Tilly described the coordinated efforts of states to control the means of violence within their territory and thus both to pacify that territory for capital accumulation and to expand their warmaking capacity against other powerholders (Tilly 1990:67–91). In this context, the expansion of European powers beyond the confines of that continent was important in more ways than one: “[T]he character of the European state governed the form of its expansion outside Europe, and the nature of empire significantly affected the metropole’s operation” (Tilly 1990:94). Tilly distinguished between coercion-intensive and capital-intensive expansion, positioning the Dutch Republic at the capital-intensive and Spain at the coercion-intensive end of the scale. Although not mentioned in this context, the brutality by which King Leopold acquired control of the area defined today as the Congo was certainly an example of coercion-intensive expansion, with millions of deaths resulting from the imperial ambitions of the head of a small European state (Hochschild 1998).

Tilly (1985) acknowledged that the violence and racketeering nature of early modern European states was always subject to opposition, not only from other states or powerholders, but also in the form of popular resistance, which forced powerholders and states to concede protection at more acceptable rates and limited their ability to impose policies. This aspect of the argument is crucial, in that it places the emergence of democratic rule in Europe in the context of popular struggles to achieve the same, rather than the fictional notion of the social contract.

Finally, Tilly stressed that his analysis did not apply to states that had emerged through decolonization or other rearticulations of territory; the process of decolonization, he claimed, did not experience the dynamics of mutual give-and-take among powerholders, capitalists, and popular resistance, which resulted in the mutual restraint of each over time: “To the extent that outside states continue to supply military goods and expertise in return for commodities, military alliance or both, the new states harbor powerful, unconstrained organizations that easily overshadow all other organizations within their territories” (1985:186).

Herbst expanded on this part of the argument and highlighted the differences between European and African state formation. He argued that

the general absence of interstate wars in Africa since decolonization has been responsible for the absence of the organizational and bureaucratic rationalization such wars force onto states. The external support of African states, in effect, made such rationalization unnecessary. He acknowledged the increasing levels of armament among African states, but in the end dismissed the likelihood that small states like the Gambia, Djibouti, or even Benin and Togo would be the objects of territorially ambitious neighbors: instead, modern Africa was more likely to continue as a continent characterized by the “presence of permanently weak states” (Herbst 1990:137), which were unlikely to disappear from the political landscape as their European counterparts had centuries earlier.

Warmaking, Statemaking, and Organized Crime in Central Africa

Reading the Reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo (United Nations 2001, 2002) transports the reader into a realm usually reserved for spy mysteries. The actors—the government of the DRC, various rebel movements, and the governments and armed forces of Rwanda, Uganda, and Zimbabwe, and, to a lesser extent, Angola, Namibia, and Chad—all conspired in one form or another, directly or through proxies, to profit from the mineral and other wealth available in the areas under their control. They did and do so by exploiting mineral and other resources through stealing stockpiles, entering into agreements with transnational corporations (TNCs) to produce, procure, and sell these resources in a global market, and accumulating the profits.² The descriptions of plunder, of the intricate organizational structures created to facilitate this plunder, and of the manner in which private and public or military interests collaborated to facilitate this are fascinating reading—that is, until one realizes that these are not the flights of imagination in the latest bestseller, but actual events and actions, which, in reality, leave large numbers of broken limbs and lives.

The nature of plunder and its close connection to military force highlight what seems to be more than just a passing resemblance to Tilly’s account of statemaking. We see the use of state power to provide protection for business interests in which state agents may or may not have a direct stake and the expansion of territory under a specific state’s control. The assumption that this, had it happened 200 years ago, would represent another example of statemaking as outlined by Tilly does not seem farfetched; however, the word *illegal* in the title of the expert panel indicates that the times have changed and that the actions described in the reports violate the spirit, if not the letter, of the principles upon which today’s state system rests. Indeed, the panel of experts exemplified the term *illegal* in this phrase: “[A]ll activities—extraction, production, commercialization and exports—taking

place in the Democratic Republic of the Congo without the consent of the legitimate government are illegal" (United Nations 2001: para. 15). In short, the passage of several hundred years does make a difference. The principle of sovereignty, established during the times analyzed by Tilly, makes today's actions, although very similar, illegal.

The key question here, however, is whether or not the invocation of sovereignty and other principles of the modern state system is at all useful in this context. The activities of the Zimbabwean interests in the DRC, for example, do not fall under this definition of illegality, as its activities are, at least overtly, sanctioned by the current government of the DRC. At the same time, these activities—mining diamonds, cobalt, and other minerals through joint ventures in which the foreign participants strip the assets of their state-owned partners—are no different from those engaged in by Rwandan and Ugandan interests in the areas under their respective military control (United Nations 2002).

In other words, the notion of sovereignty and territoriality derived from the statemaking period in Europe now serves to legitimize one set of actions while delegitimizing others. The panel of experts seems to have recognized the arbitrary nature of this distinction, but it was nevertheless bound by its own definitions. When its 2002 report listed the names of individuals and TNCs actively engaged in these activities irrespective of their relationship to the government of the DRC, the Security Council passed resolution 1457 (2003), which asked the panel to review and verify the information gathered for the previous report and to "clear parties named in the Panel's previous reports with a view to adjusting accordingly the lists attached to these reports" (United Nations 2003b: para. 9). To facilitate dialogue, the resolution requested that the panel share with the named parties all information and documentation that linked those parties to the illegal exploitation of resources. In its final 2003 report, the panel delisted many individuals and TNCs, indicating that questions regarding their role in the DRC had been resolved (United Nations 2003a).

Samset (2002) highlighted these problems by pointing out that the discussion of legality and illegality is often informed by assumptions related to their impact on the conflict and its continuation; however, the idea that illegal actions add fuel to the conflict while legal actions do not is untenable. The "legal" exploitation of diamonds by Zimbabwean forces supports the continuation of the conflict as much as the "illegal" exploitation of coltan (columbite-tantalite ore used in electronic components) by Rwandan forces. Similarly, an "illegal" activity such as smuggling manioc flour across the border in an effort to make a living is not in itself likely to further the conflict (Jackson 2002).

A complication of this problem lies in the notion expressed by the Security Council that the "natural resources of the Democratic Republic of the Congo should be exploited . . . to benefit the country and its people" (United Nations 2003b: para. 4). It is, however, exceedingly difficult to determine the concrete meaning of this notion. Samset (2002:467) concluded

that any activity, illegal or not, that prolongs war and does not provide “just remuneration” to “the groups of people concerned” cannot be thought of as benefiting the DRC. There is, then, sufficient evidence presented in the various reports issued by the panel of experts that supports the notion that almost all the deals struck, sales made, and materials exported did not benefit the people of the DRC and, one could therefore presume, not the country either.

It is obvious that such definitional problems derive directly from the territorial assumptions that represent “common sense” about international relations. A key argument against this territorial “common sense” lies in the presence of transnational elite networks, identified by the panel and other observers as the core actors behind this extraction of resources. These networks consist of “a small core of political and military elites and business persons and, in the case of the occupied areas, selected rebel leaders and administrators”; such networks use their control over the means of violence to ensure the viability of their ventures and form businesses as a front to carry out these ventures (United Nations 2002: para. 21). Yet even in the face of clear evidence that territorial assumptions are not useful in attempting to deal with the conflict, they inform most efforts to come to grips with it.

Since the signing of the Lusaka accords, in 1999, and the nominal agreement of Uganda and Rwanda to withdraw their troops, the nature of these elite networks has changed to accommodate the new circumstances. The panel of experts determined in its 2002 report that both militaries made sure to maintain their influence through the arming and support of local groups, the use of their own currencies, and the issuing of false passports to select troops to facilitate their incorporation into the Congolese army or the armed wings of local clients. Similar actions regarding Zimbabwean troops have also been reported (United Nations 2002: para. 13–21).

Tilly cautioned against the application of his model to the newly decolonized states because such states had in effect been created through European expansion, and by definition could not have experienced the same statemaking processes. He saw the external supply of support in military and nonmilitary terms as a problem in that it permitted the development of a military apparatus divorced from the struggle in a specific territory, a military that then would have a degree of unchecked power.

The dangers inherent in transplanting a theoretical model from one era and place to an entirely different set of circumstances are obvious, but Callaghy (1984), for example, followed this strategy when he applied concepts derived from the French absolutist state of the seventeenth century to the rule of Mobutu Sese Seko in Zaire. His conclusions were problematic: we now know that the Zairian state never reached as far into society as he suggested, and its rapid dissolution, once it was challenged by Laurent-Desiré Kabila, showed the superficiality of the comparison. It is, however, not obvious that such models ought not to be valued for the insight they might provide. I suggest here that Tilly fell victim to his own sense of fixed territoriality. He assumed decolonized states to be fully formed and thus subject

no longer to struggles to define their ultimate shape, but only to struggles to define their interior makeup. There is, however, increasing evidence that the pictures on the map that give us the illusion of fixed statehood are just that—pictures. A broad literature on social space and political geography that highlights the shortcomings of this fixed view has emerged (Agnew 1994; Brenner 1999; Campbell and Shapiro 1999; Lefebvre 1991).

In the case of the DRC, Dunn (2003:175) has shown that sovereignty and territoriality are created not through the actual establishment of exclusive control in a territory but through representational practices that “maintain the myth of the state.” As a result, the state of the Congo experienced many permutations of representation until its current version. While, as Dunn points out, the current conflict exposes the fiction of the coherent state in the DRC, the fiction itself has existed for much longer. In the daily reality of the DRC, the different parts of the country have always been closely integrated into regional and global circuits, more often than not beyond the control of the government in Kinshasa (MacGaffey 1991). More generally, Bayart (1998:62–63) highlights the parallels between the genesis of the absolutist state in Europe and the process of state formation in the DRC, particularly, the interpenetration of public and private spheres. Though he cautions that one should not assume that the same causes bring forth similar effects, he concludes that one cannot exclude such linkages from the analysis.³

We can therefore reject Tilly’s wholesale objection against applying his model to the DRC and focus on the similarities. He identified four activities that powerholders engage in:

1. War making: Eliminating or neutralizing their own rivals outside the territories in which they have clear and continuous priority as wielders of force.
2. State making: Eliminating or neutralizing their rivals inside those territories.
3. Protection: Eliminating or neutralizing the enemies of their clients.
4. Extraction: Acquiring the means of carrying out the first three activities—war making, state making, and protection (1985:181).

Evidence presented in the panel of experts’ reports, Clark (2001), Jackson (2002), Nest (2001), Samset (2002), and the numerous reports of human-rights NGOs shows that the parties to the conflict in the DRC have engaged, and continue to engage, in all four of these activities. Uganda and Rwanda are engaged, and have been engaged, in attempts to eliminate rivals outside their respective territories that actively obstruct efforts at statemaking (the Allied Democratic Forces (ADF) in the case of Uganda and the genocidaires and former Rwandan Army remnants in the case of Rwanda).⁴ To achieve this goal, they have attempted to extend state control and a monopoly over the means of violence beyond their own territory, thus ignoring existing

borders. The Kabila government (both father and son), in turn, has tried, and continues to try, to eliminate its internal and external rivals and establish its position as a dominant wielder of force in the territory formerly designated as the DRC. All parties have engaged in protecting clients, be they private business interests, leaders of rebel forces, or agents from other governments, and all have engaged in extraction in order to be able to finance the other activities. At the core of this conflict, then, is the struggle over the extent of state control, the elimination of rival sources of violence, and the protection of commercial clients—in short, the process of statemaking.

Global Dimensions of the Conflict

Before drawing this conclusion, I must account for dissimilarities. A difference between Tilly's account of European statemaking and the current conflict in the DRC lies in the global set of dynamic forces that, for better or worse, are usually described as globalization. The conflict in the DRC does not take place in a vacuum. The extraction that continues to take place is intricately linked to global markets for commodities. Not that this is a recent development: as Bayart (1999) pointed out, state formation in Africa has been characterized by an extraversion since the earliest contact with Europe. Similarly, European state formation was not separate from global processes. Both Wallerstein (1974) and Braudel (1979) provided evidence that showed the existence a set of intricate overlapping networks of trade and finance broader than Europe itself, which provided a backdrop for the processes of state formation. Furthermore, larger European powers obviously interfered in the state formation of later and smaller powers; however, today's systems of globalization are larger in quantitative terms and more comprehensive in qualitative terms.

Diamonds and coltan, for example, have a value only to the extent that they are linked through commodity chains to global markets. Such chains today are on average longer than four hundred years earlier, and products move along the chains with higher speed: in late 2000, when the demand for coltan suddenly expanded, the price paid for the metal shot up from \$30–\$40 a pound to \$300 a pound, leading to the complete monopolization of the coltan production by the Rwandan army in the territory it controlled. Once the price had dropped again, less than a year later, there was no relaxation of that control: instead, the degree of exploitation intensified (Jackson 2002:522–525; Raeymaekers 2002:19).

Similarly, the flow of money into and out of the conflict area has accelerated. Global financial transactions using a complex set of intervening institutions and individuals allow combatants to mobilize resources quickly and pay off their obligations. Nowhere is this more apparent than in the ease with which the means of violence are becoming available to all parties to the conflict. All observers have noted the linkage between the extraction of resources and the flow of weapons. The most recent analysis of these flows

again points to the global network of supplies that, as with the global commodity chains for minerals, influence and drive the nature of warring (APPG 2004a). The APPG report points out that supply by air continues to be an important source for weaponry, enabling a fast turnaround time between the sale of minerals and the purchase of weapons, often transported by the same aircraft from the same airfield.

The role of external powers represents a significant addition to Tilly's account of the European experience. The presence of United Nations peacekeeping forces throughout the DRC probably best exemplifies Tilly's caution against the application of his model to this conflict. The assortment of external actors is multilayered, ranging from the Southern African Development Community as a regional actor to the African Union as the continental actor, to the European Union, France, Belgium, the United States, and the United Nations as global actors (Ngolet 2000; Smis and Oyatambwe 2002). Each of these actors is driven by different calculations and differing capacities to influence the parties to the conflict. This is not the place to parse their motivations, although one can imagine that security (Ayoob 1995:191) is a key factor, at least for the DRC's African neighbors. Although most influential when acting in unison, even individually, they can have an impact. When President Bush invited Joseph Kabila to the White House, shortly after the assassination of his father, he provided the new leader of the DRC with a global legitimacy that L. D. Kabila had never enjoyed under the Clinton administration (Smis and Oyatambwe 2002:422).

Although most of these external actors would recognize the territorial integrity of a state as nonnegotiable, the peace process initiated by the 1999 Lusaka Agreement broke a pattern in being silent on the matter of territorial integrity and aggression:

All states involved in the conflict—those invited by the Kinshasa government and those not—are placed on the same footing. Lusaka runs counter to established rules that allow legitimate governments—and the Kinshasa government had been recognized as legitimate even by the belligerent states—to seek and receive (military) assistance while rebel movements are legally excluded from such assistance. (Smis and Oyatambwe 2002: 418–419)

The outcome of this strategy was the *de facto* legitimization of the rebels and, by extension, their sponsors, while delegitimizing any other group not present at the negotiations. Furthermore, the agreement spells out a timeline and sequence of actions that “leads to the war being somehow legitimized as an attempt to push the Congolese to a dialogue that must lead to a new political dispensation; a dialog in which the foreign countries dictate the agenda” (Smis and Oyatambwe 2002: 419). In other words, the role of outside actors is crucial, if not in the conduct of the warfare, then certainly in the attempts to bring that conduct to a conclusion. The interplay of a global set

of state, interstate and nonstate forces in the DRC therefore adds an important dimension to this conflict. It does not invalidate the conclusion that the conflict in the DRC is one of state formation rather than “state failure”; however, it highlights the additional complexity of the state formation in a global age.

Race, Ethnicity, and Citizenship in Central Africa

A more significant difference between Tilly’s account of European statemaking and the process of statemaking in Central Africa is the role of ethnopolitics as a driving force behind much of the conflict. Again, this is not to say issues of ethnicity were irrelevant in early modern Europe; however, the intervening rise of modern nationalism has given ethnopolitics a role that increasingly counteracts attempts at large-scale state formation.

The notion of ethnic conflict is, of course, not new. In the post-Cold War era, especially in the context of the conflict in the Balkans, ethnopolitical conflicts have received increased attention. On the African continent, the ethnic dimension of the conflicts in Liberia, Sierra Leone, Ethiopia, and elsewhere, have similarly brought this issue to the forefront; however, careful analysis of the Rwandan genocide quickly highlighted that established notions of ethnicity and ethnic-group politics could not really be utilized to understand the nature of the conflict and the depth of violence generated by it. The designation of Hutu and Tutsi eluded any clear definition in terms of historical origin and practice (Newbury 1998:83–88). More importantly, the larger context of the conflicts in the Great Lakes region highlights the failures of prior state-building efforts.

Mamdani (2002) organizes his analysis of the conflict in the Great Lakes region around the concepts of citizenship, race, and ethnicity as they relate to the Banyarwanda, literally “those coming from Rwanda” (Vlassenroot 2002:501), a cultural group that speaks a common language, Kinyarwanda, and constitutes the largest ethnic group in the region. Key settlements outside Rwanda and Burundi include Uganda and the Congo. The history of the dispersal of the Banyarwanda throughout the region is subject to debate, but is generally assumed to have occurred throughout the nineteenth century, with large settlements in Uganda and the Congo being established by about 1900.⁵

During the establishment of formal colonial rule, Britain and Belgium utilized a complex pattern of incorporation to determine who would be eligible for what status in their respective colonies. In Uganda, those who could demonstrate their presence in the territorial confines of the colony before the establishment of direct colonial rule were considered an ethnic group of the colony and thus governed under the principles of indirect rule with a native authority (Mamdani 2002:494–495). In the Congo, the Belgian version of indirect rule, although similar to the British, made exceptions in the eastern part of the colony and experimented with multiple administrative

groupings, in which the Banyarwanda were able to run their own affairs next to other ethnic groups (Vlassenroot 2002:502–503); however, Banyarwanda who migrated to these respective areas during the colonial period were not considered “indigenous” and thus received a different status, which made them directly subject to the rule of the colonial state. In Mamdani’s words, they were considered a race, rather than an ethnicity.

It should not come as a surprise that these designations were maintained in the postcolonial period. Of the three major groups of Banyarwanda living in the Kivu provinces of the Congo, only the Banyarutshuru in North Kivu were considered indigenous, while the Banyamasisi in North Kivu and the Banyamulenge in South Kivu were not. Although there had always been the possibility of designating citizenship rights in the postcolonial state on the basis of residence, ancestry became that determinant, and the dividing line between who was considered indigenous and who was not was colonial rule itself (Mamdani 2002:495). The violent conflicts in Rwanda and Burundi during the early period of independence added to this mix the category of Banyarwanda refugees, who had even fewer rights than those considered indigenous.

The aftermath of this determination of citizenship had far-reaching consequences: in Uganda, the attempts by Museveni’s National Resistance Movement (NRM) to utilize the residence principle as a basis for political participation quickly ran into opposition from “indigenous” residents of these areas, and in August 1990, the determination of political participation and citizenship reverted back to ancestry (Mamdani 2002:497–497). This decision caused the Banyarwanda cadres in the National Resistance Army (NRA) and the NRM to give up any hope of citizenship in Uganda. It is by no means an accident that in October, the first cadres of the Rwandan Patriotic Army (RPA) moved from Uganda to Rwanda and began their slow move toward Kigali. “No matter how much help the RPA received from the Ugandan side of the border, the underlying message was clear: do not come back” (Mamdani 2002:497). When they crossed that border, another aspect of their identity became dominant: in the context of Rwanda, they were Tutsi—more importantly, Tutsi without any claim to status in Rwanda (Mamdani 2002:498–500).

In the Congo, the status of various groups of Banyarwanda was similarly fluid. The Banyamasisi in North Kivu, mainly Hutus, were considered migrants and thus initially not eligible for their own native authority; the autonomy they achieved in the late colonial period was again revoked after independence (Mamdani 2002:502). Similarly, the tenuous autonomy of the Banyamulenge, mainly Tutsis, was ended when their native authorities were abolished and the population ruled through “indigenous” authorities (Vlassenroot 2002:503). Both groups struggled for their status as indigenous groups, with the Banyamulenge adopting their current name (“those coming from Mulenge”) purposely to stake a claim to citizenship rights on the basis of residence, rather than ancestry. The shifting policies of the Mobutu regime, often in response to the vagaries of local politics, further complicated

the issue (Newbury 1997:217–218). In 1972, Mobutu decreed that even the refugees from the independence conflicts in Rwanda and Burundi were eligible for citizenship. In 1981, another law again emphasized ancestry over residence (Mamdani 2002:503). In 1990–1991, when the national conference debated the process of democratization, the issue of citizenship emerged again and again. The Banyamulenge and other Banyarwanda in the Congo were not issued national identity cards, and were thus excluded from the political process. In response, young Banyarwanda began to join the Rwandan Patriotic Front, as they felt their position in the Congo marginalized (Vlassenroot 2002:508). In short, as the “social identities of Africans living in this region [became] increasingly important, often to a level of life and death[,] . . . they also became more contested” (Dunn 2003:143).

In this context, the policies of Rwanda and its leader, Paul Kagame, are further examples of statemaking. To the extent that threats to the Banyarwanda in the DRC—be they the genocidaires of the old Rwandan regime, Mobutu’s army, or the various local powerholders—were cited as the motivating factor for the intervention, Rwanda’s actions were an effort to extend its protection function, broadly conceived. Rwanda now “considers itself morally responsible for the safety and security of every living Tutsi everywhere, globally, not just in Rwanda” (Mamdani 2002:501). Such claims were based not only on ethnicity, but also on historical territorial claims, claims that are largely false, as Newbury (1997:215–217) points out.

In other words, the complexities of Central Africa, its “complicated web of socially constructed borders” (Dunn 2003:147), may not at all be so different from a similarly complex web of borders that constituted the Europe described in Tilly’s account. The fact that significant factions of the Banyamulenge in South Kivu were at best reluctant allies of the RPA and in the end opposed its attempt to assert regional hegemony (Bayart 1998:64; Vlassenroot 2002:510–513), even to point of armed opposition, highlights the fact that statemaking efforts are not based on ethnic kinship, even if such motives are cited as a justification. The sources of conflict in the DRC derive therefore to a significant extent from its nominal borders and questions of political community and belonging, rather than from the failure of the DRC to act like a “proper” state.

The Way Forward

A logical conclusion of applying Tilly’s account of state formation to the DRC would be to let the conspirators fight it out; however, this would constitute a misreading of my argument. Rather than focusing on “state failure” and therefore the need to construct a “better” state in or for the DRC, it is more helpful to consider this conflict another and hopefully final step in the process of political transition from a repressive colonial state to a truly postcolonial state. The form and shape of such a state must, in the end, be determined through the interplay of powerholders and ordinary

people. As I pointed out earlier, Tilly considered popular opposition to the machinations of powerholders an important factor in settling questions of state formation.

Colonial rule established territorial demarcations and put African states on the map. The 1963 decision by the Organization of African Unity to recognize these territorial divisions strengthened the image of the state system in Africa. The Cold War competition between two superpowers and a short-lived boom in commodity prices in the early 1970s made the adherence to this image of states relatively easy. The end of that global conflict and the resulting changes in how the continent relates to the world have brought the question of statemaking and state building back into the foreground. The struggle in Central Africa is not primarily over the failure to provide positive political goods, as advocates of the “failed-state syndrome” would lead us to believe: it is a fight over who constitutes the political community that serves as the basis of the state. Mamdani (2002:505) pointed out that the issue in the Great Lakes region of Africa is not access to resources, but “defining access to resources”—in other words, defining a political community in which people may participate in making decisions about the matters—including the distribution of resources—that affect their lives.

In the world’s imagination today, elections are the panacea for all political harm. Such elections are to be free and fair and, most importantly, free of violence; hence, for the Congo’s election on 30 July 2006 and the run-off election on 29 October 2006 the focus of UN, the United States, the European Union, and others was on the disarmament, cantonment, and integration of the various armed factions (APPG 2004b). Though the pacification and reintegration of combatants is indeed an important task, there seems to have been less emphasis on the crucial question of citizenship and thus who is allowed to vote. Some observers seem to have been aware of this issue (International Crisis Group 2004:6), but its depth continues to plague the DRC. North and South Kivu remain significant problem areas, where dissidents continue to resist the government:

The dissidents are hard-line Hutu and Tutsi from the RCD-G [Rassemblement Démocratique Congolais-Goma] who feel their interests are not served in the transitional government. They have created a new “rwandophone” identity in order to fuse Congolese Hutu and Tutsi together, while President Kabila’s party has roused anti-Rwandan sentiment. (International Crisis Group 2005:i)

In late September 2005, President Museveni of Uganda threatened to invade the Ituri province to expel fighters of the Lord’s Resistance Army that had fled there from the Sudan. The constitution adopted by the DRC’s transitional parliament in May 2005 prevents Congolese citizens from holding dual nationality. As a consequence, Tutsis holding dual nationality were prevented from registering to vote in Goma in September 2005 (IRIN 2005a,

2005b). In January 2007, renewed fighting in the Ituri and North Kivu provinces brought Rwanda back into the DRC in an effort to mediate between forces loyal to Laurent Nkunda, a dissident commander, and the DRC military. Nkunda claimed that he was protecting “his Tutsi people from persecution” (IRIN 2007).

The integrity of a territory is meaningless if the question of political community is not solved. Elections for national and regional assemblies are important, but the nature of electoral districts is such that the Banyamulenge in the eastern DRC will remain marginal (International Crisis Group 2006:19–20). In addition, policymakers, especially the external actors in the region, with the United Nations foremost among them, must advocate models of governance that make space for multiple and overlapping forms of participation, thus permitting ordinary individuals to play a role, not only in periodic elections, but also in deliberations over land tenure, access to resources, and the many local and regional institutions that affect individuals’ lives. Finally, no political community can exist without an open dialog on reconciliation, a dialog that aims to untangle the complex relationships between perpetrators and victims (International Crisis Group 2006:21).

The debate over who belongs and who does not—who is autochthonous and who is a stranger—is a new feature of globalization (Ceuppens and Geschiere 2005). It informs conflicts, not just in Africa, but the world over. Quite frequently, the terms of this debate are more flexible than one would assume, given the passion with which such definitions are being bandied about. If state formation in the Great Lakes region of Africa is to proceed in more peaceful terms than it has so far, then critical observers must remember this fluidity, even when it seems, at times, to have solidified—and they must support the formation of multilayered political communities that allow participation at multiple levels. Without such genuine features of popular democracy, elections are unlikely to free the DRC from what Basil Davidson (1992) has called the “curse of the nation-state.”

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NOTES

1. Many of these reports are available at the respective organizations' websites: <http://web.amnesty.org/library/eng-cod/index>, http://www.hrw.org/doc/?t=africa_pub&c=congo, and <http://www.icg.org/home/index.cfm?id=1174&l=1>.
2. In addition to the U.N. reports cited above, see Clark (2001), Jackson (2002), Nest (2001), and Samset (2002).
3. Young (1994) provides a useful history of the integral state in Zaire/DRC. From the beginning, European efforts at state building were sustained solely by force: Africans called it *Bula Matari*—the crusher of rocks (Young 1994:250). Lumumba's hope for maintaining such a hegemonic state under African leadership faded quickly when the structures of coercion that had sustained the Belgian colonial state disappeared. Mobutu attempted to create this hegemonic state through his program of Zairianization, but his efforts were short-lived and led to the collapse of 1997.
4. On Uganda and the ADF, see also Clark (2002); on Rwanda, see also Longman (2002:133–136). Bayart (1998:61–68) highlights the objectives that the parties to the conflict had sought.
5. For a discussion of the conflicting accounts of linkages between and political control of these settlements, see Newbury (1997).

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