Articulation of modes of political production

(patience Kabamba)

Recent ethnographic work on the state has exposed a crack in one of the founding myths of modern political power. Despite the state’s transcendental claim to wielding absolute, exclusive authority within national territory, scholars have shown that in much of the world there are, in fact, “too many actors competing to perform as a state,” sites where various power blocs “are acting as the state and producing the same powerful effects” (Aretxaga 2003: 396, 398). Achille Mbembe (2001: 74), writing of the external fiscal controls imposed upon African countries during the late 1980s, has termed this a condition of “fractionated sovereignty”—the dispersal of official state functions among various non-state actors. There is, as Mbembe (ibid) suggests, “nothing particularly African” about this situation. Around the world, the power of various “shadow” organizations like arms dealers and para-military groups seems increasingly to depend upon their ability to out-perform the state in many of its definitive functions, from the provision of security and welfare to the collection of taxes and administration of justice (Nugent 1999, Nordstrom 2004, Hansen 2005). These observations present a serious challenge to conventional state theory. They force us to consider whether such conditions of fragmented, competitive statecraft might be better understood not as deviant exceptions to otherwise centralized political systems but, rather, as the way that government is actually experienced in much of the world today. It is only by historicizing the state that one might understand the current transformative processes and its subsequent relations to ethnicity. Is the current recourse to ethnicity in Africa a result of involution or frustration (Chretien 1991, Mbembe 1987) or is it dictated in part by some endogenous rationalities and are therefore expressions of distinct historicities? The
expansion of ethnicity transnationally calls for a reconceptualization and reconfiguration of kinship as the key to understanding “ethnicity” as precisely not essential or tranhistorical, but rather as the ever-contradictory historically specific production of social relations. In this sense, there is indeed a postcolonial afterlife of ethnic differences in the future of African state formation. And of course they get re-formed/re-invented.

This paper traces the production of a privatized arena of governance in the north Kivu region of the Democratic Republic of the Congo by Nande entrepreneurs. It suggests a way of attending to the more nuanced political struggles that may underlie economic restructuring initiatives around the globe, particularly those occurring in the so-called “margins” of the state (Das and Poole 2004). Reports from these “border zones” generally show transformative processes or capitalistic modes, rather than absence, of investment by non-state actors in local affairs, but demand that we appreciate the rather informal forms in which state power might be manifested in them (Gupta and Sharma 2006). In this contested field of claims, the study explores who makes the claim and who resists it. How can different regimes of claims be articulated in terms of distinct sovereignties?

Nande Trading Networks a non-state sovereignty?

In the past ten years endemic conflict has given rise to the collapse of public authority and the brutal disintegration of the formal state in the Democratic Republic of the Congo (DRC). The facts about this are well known – four million dead, entire zones of the country controlled by foreign armies, the withdrawal of the state from effective presence in multiple regions. In the midst of this chaos, however,
certain ethnic groups have been able to take advantage of the absence of state in order to prosper and institute new forms of order and development. The question then arises: what happens when, in the absence of effective state sovereignty and national government and in the presence of numerous armed contenders for power, traders manage to build and protect a self-sustaining, prosperous transnational economic enterprise in eastern Congo?

To assess such questions, the following analysis builds upon an emerging scholarship of what are often called “para-” or “quasi-” state formations in post-colonial societies (Jackson 1990, Gill 2009), yet suggests that the distinction between these forms and presumably more “authentic” and “official” state institutions may be considerably blurred in practice. The DRC situation is that of no one center, but of interlocking and competing, multiple, fragile, and contested centers of military might, welfare provision, ethno-religious and local loyalties that claim sovereignty over people. This is set against a particular “fiction of the state,” which claims effective legal sovereignty and a monopoly over violence and reacts in the name of national and popular will. Indeed, as Hansen and Stepputat (2006) put it, a key feature of the colonial world was that different registers of sovereignty coexisted and overlapped. In many postcolonial societies sovereign power has remained historically fragmented and distributed among informal, but effective networks of local authority. To appreciate such ambiguities, this paper works toward understanding the continued importance of more “informal” ways of creating political order and economic management in sub-Saharan Africa. This is not so much a reaffirmation or a rejection of the African state as such, but rather a detailed analysis of societal responses to processes of state implosion, elementary insights into how institutions are created and the processes required, etc...

Nande Entrepreneurs in Butembo in 2005

1 In Iraq, during the US occupation, the state was sub-contracted.
When I arrived in Butembo\textsuperscript{2}, in August 2005, there was a “strange” atmosphere of peace and security on the Lubero-Beni axis, in which Butembo is centrally located. To the north of this axis is the Ituri Region with its well documented troubles and massacres\textsuperscript{3}. To the south are the remaining territories of the North Kivu province, including Masisi, Walikali and Rutshuru. These three territories are home to many armed groups. Dissident General Nkundabatware is based in Masisi with 2,000 armed militia men; Rutshuru is dominated by the presence of the Forces Démocratiques pour la Libération du Rwanda (FDLR)\textsuperscript{4}, and Walikali is still marred by ethnic tensions between Hunde and residents of Rwandan origin.

At the geographic center of the troubled North Kivu region and neighboring Ituri, Butembo was truly a safe haven.

The impression of generalized security was reinforced by the apparent security of commodity trading. Butembo is a veritable warehouse\textsuperscript{5} where hundreds of tons of merchandise are stored. From interviews and observations, I concluded that through persistent enterprise and occasional communication with other (non-Nande) traders, the Nande have slowly developed business alliances and friendly relations that sometimes resemble an enduring sense of “family”. Regardless of peace or war, Nande traders have the financial capital and trust to borrow containers of goods from traders in Dubai, Hong Kong

---

\textsuperscript{2} The Nande are mainly agriculturalists and pastoralists, but since the 1980s and 1990s, they have been extremely dynamic in transnational trade. In 2005, more than 80\% of the active population in Butembo was self-employed. The majority are agriculturalists and traders. The latter could be small scale traders or transnational businessmen. Transborder trading became very important in the 1990s (Macgaffey, 1996; Mirembe 2004) and was most often family enterprises based on networks of social relations that channel local and long distance flows of information. According to field observation, when one assimilates friendship to familial relations, one observes that 80\% of employees belong to the same extended family as their employer; 70\% of employees are hired on an oral contract while 30\% have a written agreement, 60\% of employees are male and 40\% female, 52\% are single. The average wage is $20 per month while an average family of three spends $50 a month. The hours of work are not fixed. There is lots of overtime due to the ambulatory character trade activities have taken due to insecurity in the surrounding areas.

\textsuperscript{3} Human Rights Watch report 2005, and MONUC report on human rights abuse in Ituri, 2005

\textsuperscript{4} FDLR is a political organization representing Rwandan Hutu refugees in eastern Congo. It was created in 2000 in opposition to the Kagame regime and included many Rwandan refugees who had been present on Congolese territory since 1994. Propaganda of the current Rwandan government wants people to believe that FDLR is formed by “ex-FAR/Interahamwes” suggesting that it is a criminal group of “genocidaires” (Auteserre, 2006) Actually, FDLR is an inclusive term regardless of affiliation to any armed groups, innocent as well as guilty of the 1994 genocide.

\textsuperscript{5} These ‘storage places’ are recognizably ‘warehouses’ as a European and a North American would see them
Kong or Taipei, sell them in the region, and return the initial investment as hard currency to the owners\(^6\). This is indeed paradoxical as a political economy on the edge of the edge. Nande show stability, creativity and innovation within a broad context of formal non-governance. It unfolds in a way that is both transformative and reshaping the issues of political struggle between DRC state, the UN and the local entrepreneurs and elites. This creates tension not only to the conventional narrative of African political economy, but also to the regime of expectations of the international community about the state and its capacity and what happens on the ground.

Nande traders are able to create such an extensive transnational environment of trust and partnership partly because of their homogeneous ethnicity and kinship. The homogeneity of the population and especially the trading community is striking in Butembo. Out of hundreds of small and big businessmen, I knew of only one who was not a Nande. This ethno-linguistic homogeneity has helped to insulate the entire Nande group from the civil war in the surrounding country. This homogeneity is demonstrated in a “vast network of tributes” and relationships that find its contemporary expression in the Nande’s economic organization as this study will show. Ultimately, the economic activities taking place in the current informal sphere is to be understood foremost as a particular expression of the social dynamic of the societies that develop them: economic agents mobilize and use resources for economic development in function of their insertion into a plurality of social networks, primarily of family and kin, but also friends, neighbors and other members of the community.

**Background history of Nande transformative capabilities**

The name Nande is of relatively recent origin. Elderly people in the region do not remember the term being used in their youth, and it is thought to have been introduced by the Belgians, or possibly by Arab slave and ivory traders who penetrated the northern Mitumba Mountains region at the end of the

\(^6\) From interview with Ndijito, the president of FEC/Butembo (Federation des Entrepreneurs du Congo)
nineteenth century. The term *Yira* was used to speak of the Kinande-speaking people in general, but this term took on derogatory connotations during the colonial period, when it was used to refer to backward, uncivilized persons. *Yira* is sometimes used to refer to the lower social strata of the population (Bergmans 1970:8). Rather than a cultural definition, anthropologists such as Bergams (1970) and Remotti (1993) see in the term *Yira* a reflection of the Yira’s socio-economic status of ‘opposition’, first against the pastoralist ruling class of the *Hima* (– this division is also present in other traditional interlacustrian kingdoms, such as Toro, Ankole and Bunyoro –) then as agriculturalists in opposition to the land-owning aristocracy (in the Nande’s traditional society) and finally as the “primitives” in opposition to civilized in the context of colonial society. This status was also traditionally linked to customary authorities’ tolerance of others engaging in private commerce. The acceptance of private initiative apparently stimulated a spirit of “constructive competition”, according to which individuals measured their success to that of others (Sarata 2002:40). This was in sharp contrast to surrounding communities where the customary chiefs had the tendency to strangle merchant initiatives. In the Hunde community from Bwiti and Bwisha in North Kivu, for example, a vassal was not allowed to be richer than the local chief (*Mwami*) (Kasay 1988).

The common language used by Nande people –Kinande - is shared by the Konjo people living in foothills of the Ruwenzori Mountains in Western Uganda. Though oral traditions in the region suggest that there were successive migrations from the Ruwenzori region across the Semliki Valley to the Mitumba Mountains since the end of the sixteenth century (Randall Packard: 1981), the Yira traced their origin to the kingdom of Kitara, in today’s Uganda.

---

7 The term “wonda” is more accurate designation, as opposed to “kama”, or ruling class, among whom the “bami” were the chiefs (Nelson 1992:27).

8 Researching among the Bashu clan of Nande people during the mid-1970s, Randall Packard challenged this view, finding that Konjo people have oral traditions that speak of their ancestors having migrated from the West. Packard, in turn, proposed that both groups may have been made up of people fleeing other areas, perhaps both North and South, who settled in the Semliki Valley region and later moved into the mountains on both sides of the valley. Recurring famine, and, possibly sleeping sickness may also have forced them out of the lowlands. They were not the first people to occupy the northern Mitumbas, however, as the area had been sparsely populated previously by the
According to Packard Nande social organization was only loosely based on descent, with clans having “very little corporate identity” as they are neither “geographically cohesive, nor are they totemic or exogamous units”. The forms of territorial leadership that emerged seem to have been based on ritual control of rainmaking by use of rainstones. This was in turn altered, at least in the Isale region studied by Packard, when Hima-Bito pastoralists (who apparently had been able to survive an earlier famine in the valley) began migrating into the mountain regions during the early part of the nineteenth century. What Packard documented in the Isale region was a history of alliance building, rather than open conflict, whereby pastoralist groups, utilizing their cattle as a greater economic resource and co-opting the support of existing ritual leaders (rainchiefs, original clearers of the forest, diviners, and healers), were able to broaden spheres of political control. Tribute payments were the primary form of exchange between dominated groups and ruling classes. The rights of the original occupants (Bakonde) continued to be respected, annual tributes payments were maintained, and the ritual authority of rainchiefs continued to be a factor in politics. To this was added a system of tribute payments to the new chiefs (Bwami) and an enhanced ideology of their consolidated ritual control over nature and the wellbeing of society.

The basic principal of a tribute payment was to avoid accumulation at the producer’s level beyond the needs for simple reproduction, but rather to redistribute the surplus to sustain the network of dependent relations. As Van Aker (2005) points out, the result is a complex structure of rights where nobody has complete property rights, but few – if any – have no rights at all. For a peasant family, the system trades social integration, and hence security, for loyalty and tribute to the “mwami,” who receives power in exchange for granting non-alienable use rights over the customary domain. The system was not feudal in the sense of social immobility; it allowed social mobility in return for expansion of the collective domain. By clearing virgin land or forest, a man could extend the collective domain while gaining use rights to the cleared land. To the extent that use rights were further divisible, they allowed

so-called Busumba (bantu groups such as the Bapere, Bapakombe, Babira, Baamba, as well as Bambuti) (Packard 1981: 56-58)
him to exact tribute, propelling him higher into the hierarchy as the head of new lineage (mugula) (Van
Aker 2005:82). Even immigrants could obtain access to land as long as they also acquired the status of
client. This underscores the basic nature of land as a common good; no social actor can be refused the
right to access and use land, as long as they respect the principles that ensure social integration.
Nevertheless, political influence in the entire region remained very much in flux. The configurations of
political spheres continued to shift with the successes and failures of the efforts of political players
building alliances and attempting to legitimize their rule with claims to more effective control over
ecological factors (Southall 1953; Salim 1985).

The political climate of the region was being changed as well during the last decades of the
nineteenth century by the incursions of Arab slave and ivory hunters based in the Maniema region of
Kivu. They raided as far as north Beni, with incursions into the Mitumba Mountains from the Semliki
Valley, taking captives to transport ivory back to Maniema. Pitched battles were fought with Karakwezi
for control of the region. This competition for export resources and the introduction of firepower had
severe effects on the political climate in the area, resulting in the emergence of new political figures who
had not cultivated a traditional legitimacy or a network of social alliances. By allying themselves to ivory
traders and acquiring firearms, these new leaders were able to introduce new terror tactics into the region,
raiding and killing extensively among the Nande. According to Packard’s interpretation of this period, the
result was the deterioration of the Isale region, with livestock completely disappearing and subsequent
famine conditions further increasing the harshness of life. This eventually led to a reaffirmation of
traditional claims to authority based on ritual control over ecological factors and forms of alliance
building. The end result was the consolidation of the widest political formations in the area during the
first two decades of the twentieth century, up to the point when Belgian colonial hegemony was extended
over the region in the 1920s.
It is important to note that the Yira never seem to have organized into a centralized government. On the one hand, their community remained historically divided between the Nande and the Kondjo, two branches of the Yira community that live respectively in today’s DRC and Uganda. On the other hand, the Nande community is also divided between several clans or sub-clans: the Nyisanza, Bashu, Baswagha, Batangi and Bamate. This political dispersion resulted in the maintenance of a certain degree of autonomy even though they were integrated into a single kingdom. For Bergmans (1970), the Nande political system contains in itself the seed of a fragmentation of power. The Nande political system also contained important centrifugal tendencies that were directed more towards expansion and conquest than territorial consolidation (Raeymaeker 2007). This is indeed an illustration that the claim of ‘sovereignty’ rather than being an expression of a single ruler or actor finds its expression in the system of codes and rules that govern a particular social domain. In the Nande community, ‘sovereignty’ was traditionally instituted in two figures: the Mwami, the chief, and the ‘Mughula’, a kind of anti-power figure that intervenes in crucial phases of the Mwami’s life. Indeed, this ‘sovereignty’ is expressed specifically in the “vast network of tributes” that makes it possible to individuate particular links between different clans and individuals (Remotti 1993: 45).

The contemporary production of the Nande trading network should be sought in these evolutions as a response to the ever changing historical contexts. Nande were excluded from the political economy of the colonial power and also that of the Zairian state. However, capitalizing on the exodus of many European traders and settlers during the period of political turmoil in the later 1950s and the early 1960s, the Nande quickly learn to take advantage of the decline of state controls on the region’s economy. What resulted is the rise of a new class of traders and the development of a widespread “parallel economy.” Smuggling gold (locally mined by primitive methods), as we will see, out of the country became a means of raising capital for more legitimate businesses that could be established later on (e.g., coffee production and export, transport of local grown vegetables to urban markets, and construction contracting). Gold has also provided access to hard currency with which to purchase import merchandise and pharmaceutical
goods to meet the demand of a growing market in eastern Congo. The central thesis of MacGaffey’s work (1987) is that entrepreneurs like the Nande in North Kivu who are not closely tied to the state have contributed significantly more to local development than the state “parasites” who drain off the region’s wealth without giving much in return. The Zairian parasitic⁹ state is part of what we have qualified as material and ideological origins of the Nande trading networks; ideological because it constitutes part of the context and conditions of possibilities of the emergence of Nande trading networks within new political arrangement. The question then, is how such “socio-political and economic order” gets produced?

**Nande in the “national state”**

Following Abrams’ (1988 [1977]: 80) maxim that “the only plausible alternative… to taking the state for granted is to understand it as a historical construct,” the remainder of this paper traces the blurring frontier between the legal and the illegal in the Nande region from the colonial era to the present. It pays particular attention to the ways that merchants, the Catholic Church and the militia have modeled their performances of regional authority and class status on the dominant conventions of statecraft of their era.

For visitors arriving in Butembo for the first time, the “border city” appears big. The main streets connecting the city from north to south are lined with brick buildings, full of shops and stores. Some buildings are in blue marble surfaces and give Butembo the impression of a wealthy city. Taxi buses, trucks and motocycles drive people and goods in and out of the market and surrounding stores. The climate is a mix of high altitude (1200 to 1400 meters) and the tropical forest. Butenbo is located between

---

⁹ Mobutu’s Zaire was a parasitic state; yet, the structure of a state was fictively maintained by the enormous aid from his cold War allies. However, the DRC is a quasi non-state
the Albertine rift valley in the east and a vast mineral rich forest in the west, which extends to Kisangani in Central Congo. This forest contains gold, diamonds and tin ore. The mountains have a heavy rainy season with Rwenzori reaching to 5.109 meters of altitude at the highest point (point Marherite). Despite its climatic conditions, Butembo’s demography has increased over the last ten years. From 1970 to 1980, the population of Butembo went from 28.103 to 65.000 (Vwakyanakazi 1982).

Table 2; Demographic evolution of the city of Butembo

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Population</th>
<th>Population</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1957</td>
<td>1958</td>
<td>1965</td>
<td>1975</td>
</tr>
<tr>
<td>Population</td>
<td>10 916</td>
<td>11 189</td>
<td>19 975</td>
<td>50 921</td>
</tr>
<tr>
<td>Population</td>
<td>83 001</td>
<td>137 621</td>
<td>143 493</td>
<td>600 000</td>
</tr>
</tbody>
</table>

Source: Mayor office/Butembo

From 1957 to 1998, population growth was around 6.4 % annually, resulting in a remarkable growth to roughly thirteen times its population over four decades. In the eight year period from 1998 to 2006, however, the total population more than quadrupled. The population increase was due to the growing insecurity in and around, but also to the expansion of the city limits in 2003, when Butembo grew from 25 to 196 square kilometers. The latter shows that the sudden rise in population is partly an illusion because a much larger area is now included as part of its municipal jurisdiction. Nonetheless, the recent history of Butembo is one of remarkable and rapid growth.
The phenomenal increase of the population is visible at the Butembo Central market area, which is stuffed with mini-shops, shops, and boutiques selling various items ranging from Chinese plastics to motorcycle spares or textiles from Bangkok or the USA. Around the market stand “nganda” (popular bars) where Primus beer sustains conversations, and roasted chicken or goat meat is sold. During the last five years, hotels and guest houses have been constructed. Hotel Butembo has provided a modern alternative to the town’s oldest hotel, l’Auberge. “Joli Reve” (sweat dreams) is a guest house known for its cuisine. These new hotels belong to Nande traders. L’Auberge belongs to Pay Pay wa Swaksighe, formerly Mobutu’s governor of the Zairian Central Bank. The neighborhoods in Butembo look like interconnected villages. Vwakyanakazi contends that the Nande’s use of the space is dictated more by economic incentives rather than family organization (1982: 92). In lieu of traditional huts built around the “Chef du village” (village headman) home, Butembo’s compounds are dominated by commercialism, usually small shops where cigarettes, drying manioc, coffee or tea are sold. The same spaces serve as the home dwellings of extended families. Most of the time, traders have two or three buildings, which serve respectively as kitchen, family home, and commercial building. Except the MGL, a neighborhood named after the former Belgian mineral company in the Kivu and where some traders live, rich and poor inhabit Butembo side by side. However, the size of the buildings differentiates families’ status. Madrabi, a Nande trader who owns Hotel Butembo, has a mansion with 28 bedrooms, 8 living rooms and three kitchens.

One thing that strikes me is the way of life in these palaces. One day I was invited to dinner by a prominent trader to watch the World Cup soccer final between Italy and France. I arrived at Kisoni’s place around 7 p.m. It was already very dark and Kisoni’s house was surrounded by beautiful marble and a fountain was lit by colorful lights. It was reminiscent of the shores of Bermuda. It was very beautiful, and I was so impressed that I thought that with this kind of house, one should expect some French *coq au vin* or *caviar* or *foie gras* for the dinner, the kind of cuisine to which only French chefs hold the secret. When the dinner was served, to my surprise, it was exactly what every family eats in Butembo in the evening: cassava bread (*fufu*) and some beef and vegetables. Despite their wealth, rich Nande remain very
much culturally rooted in their culinary tradition. The simplicity of appearance is also part of this cultural heritage. It is part of their moral economy not to demonstrate their richness, but instead to live soberly and abstemiously, except for the grand buildings and the spectacular marriages, as we will see.

Indeed, if one stands on any hilltop of Butembo, one will observe the growing wealth of the city. New villas are rising up all over Butembo; they are constructed by traders. As Raeymaeker and myself each undertook the exercise of counting new villas in the central commune of Bulenghera (12 kilometers square) in 2006, 10 new buildings could be discovered per square kilometer, representing a value of USD 200,000 to USD 350,000. The “gallery Tsongo Kasereka” reportedly cost around 3 million USD. The total value of the real estate in Butembo can be estimated roughly between 20 to 35 million USD. Real estate has skyrocketed during the recent years. A friend of mine, who is the son of a prominent trader in Butembo and holds a bachelor’s degree from a school in Boston in the United State, is engaged in a construction which will net 400,000 USD when it is finished next year. All the construction materials are imported from China. His swimming pool will be one of the biggest in the city.

The question one asks immediately is: where does the money come from? How do they accumulate so much? I would like to argue that the emerging property market in Butembo comes from an illustration of the “embeddedness” of economic activity in the local community. Unlike the capital flight we see in the rest of the DRC and other African countries, in Butembo, houses are built, and profits are invested in the same environment where they are being made. The specificity of Butembo (and the interest of this study) is that there is no legal system of certificate and capital representation to protect the Nande property as would be true in a “Westerner” capitalist environment. What protects it is an “invisible” and “informal” system of insurance and relationships that I called “trust.” How that ‘trust’ extend to the global world affairs?

Nande entrepreneurs in the global world
Nande traders continue to engage in various ways with the global economy, primarily as intermediaries between sub-national and transnational economic arenas. Their role as commercial power brokers put them at the centre of the emerging transnational economic “order” in the Great Lakes region. As I will show, the horrendous civil wars that have racked the DRC are, in fact, also opportunities for the cynical restructuring of the global capital accumulation in places where global capital requires effective access to valuable resources.

Paul Collier’s (2000) uses ‘greed’ as an explanation for Africa’s wars and focuses on the ‘honey pot’ effect of Africa’s mineral resources to the bee-like instincts of African warlords (de Soysa 2000:124). The evidence suggests, however, that the same honey pot attracts multinational corporations.

The UN panel for illegal exploitation of the DRC’s resources [UN Panel] established that economic transactions such as the production and exports of diamonds, coltan, gold and timber generate value-added for those who are directly conducting the war. The fact that exports leave the Congo via Kampala or Kigali is in itself not proof of illegal exploitation of resources. In fact, merchandise exported from Eastern Congo naturally proceeds via these trade routes irrespective of wartime or peacetime. As S. Marysse (2003) argues, the problem lays not so much in the illegal exploitation of goods, but in the control and theft of part of the value-added that in peacetime would have benefited the Congolese people. Marysse proposes to use the word “plunder” instead of “illegal exploitation”. For him, plunder occurs when an economic resource, after a deduction of the value added has been spent in the country, leaves the country without compensation through the importation of goods or money (Marysse and Andre 2001:314). In this respect, data from the UN Panel shows that warring stakeholders steal profits and impose ad-hoc ‘taxes’, which consequently do not benefit the Congolese. However, what the Panel did not do is determine the size of the portion of value-added withheld by military-commercial groups. Nor does it tell us how much is invested in the continuation of war and how much disappears into the pockets of the ‘stakeholders’, be they military personnel or international traders.
With respect to the global political economy, two dynamisms of change can be recognized. The first involves the repayment and servicing of national debts by the developing world. The inability of developing countries to service their debts has been exacerbated by the fall of prices in raw materials and rising level of governmental corruption. To respect repayment schedules, International Financial Institutions (IFIs) compel countries to apply three unpopular decisions: 1) to reduce government expenditure drastically in the social sectors, including education and health care; 2) to privatize state enterprises; and 3) to devalue the currency.

The second dynamic involves changing strategies and tactics for both mining corporations and states of the developing ‘South,’ and it relates to the recent significant increase in the privatization of state mining enterprises, which has benefitted the multinational corporations immensely. While the 1970s were characterized by the nationalization of industries, especially those linked with the exploitation of natural resources, present dynamics reveal an inverse movement towards the privatization of the mining sector. In 1993, 18.5 percent of global mining production (except oil) was in the hands of state enterprises. By 1994 this percentage declined to 16 percent and it was expected to be just over 14 percent at the end of 1996 (Moore 2003). The privatization of mines has been very important in developing countries: from June 1995 to May 1996, 2.2 billion US dollars were spent on the acquisition of state-owned mines in African countries.

At the time of Laurent Desire Kabila’s move into Kinshasa, Zairian privatization was the order of the day. The structure of the global gold mining industry was indicative of the new power that multinational mineral corporations have at their disposal. Prominent mining companies have argued about concessions of gold in the Oriental Province of DRC for a long time, which is why this province was a strategic domain in all wars of conquests in the Congo. The monopoly by the Public Office of Gold of Kilomoto (OKIMO) of over 82 square kilometers with reserves valued at 100 tons, never stopped aggravating the big transnational mining corporations. In August 1996, under the Mobutu regime, the
OKIMO had already given up the monopoly to the Barrick Gold Corporation (BGC), which has President George Bush and former Canadian Prime Minister Brian Mulroney on its board of directors (Moore 2003). When Laurent Kabila reneged on the process of privatization, the mineral corporations must have been perturbed. Some analysis suggests that Kabila’s withdrawal from many concessions agreements made while he was fighting his way to Kinshasa was enough for multinationals to give the green light to their host states, Uganda and Rwanda, to turn against him.

US foreign policy discourse on Africa has often combined economic interests and fear and wrapped them up in a policy package emphasizing ‘security’ and market-driven ‘development’. Given the conflict in the DRC and the US-supported Rwanda and Uganda invasions, the DRC has become a ‘pariah’ state. If indeed the Rwandan Patriotic Army (RPA), which accompanied and led Laurent Kabila into Kinshasa, is responsible for the genocide of nearly 232,000 Rwandan Hutu refugees (not including up to 8,150 in Kibeho and Kanama) (Emizat, 2000), then the new Rwanda is indeed a ‘pariah’ state of comparable rank to its predecessor. It executed a quarter to one half the number that the Interahamwe slaughtered during the 1994 genocide, yet very few voices have uttered the word ‘genocide’ about the massacres in Congo.

According to Philippe Biyoya, Laurent Kabila’s big mistake was to annul the deals he made with the mining corporations and to forget that the Cold War had ended. Mobutu has been able to ‘Africanize’ the whole Congolese economy and parcel it out to his friends and temporary allies because the US needed him to keep ‘communism’ away from the mines. Kabila thought he could go back to Mobutu’s policies of ‘Zairianisation’ with impunity and go against the interests of the corporations.

The relationships among various mining companies, rebels (turned into dictators), superpower governments and the UN are matters of agency. Investment priorities in the Congo suggest that corporations, aside from Banro, were creating joint ventures in the area in which Laurent Kabila had control and in areas under rebels’ control. Some of the same companies chafing at Kabila’s farce in 1997
also created joint ventures with Gecamines, the DRC mining state owned company. For example, American Mineral Fields (AMF – 11 per cent owned by Union Miniere), has recently signed a 60/40 deal with Gecamines to extract cobalt tailings from the Musonoi River. Once incensed with Kabila for ignoring their support during the ‘first rebellion’ and then signing a deal with the De Beers, AMF became more pragmatic. It also had a 50/50 deal with ZINCOR, owned by ISCOR, and Gecamines to rehabilitate the zinc and copper mine near Lubumbashi. AMF simultaneously supported the rebel movement Rally for Congolese Democracy (RDC), playing both sides in the hope that peace would come along the lines of the Lusaka agreement of August 1998. This situation is not at all new in the history of warfare. In World War II, the Ford Motor company was building engines for the German Fokker planes used by the “enemy”’s air force.

In September 2000, the American OM Group created a joint venture with the Belgian Group George Forrest International, investing $110 million in a tailing processing plant near Lubumbashi (which includes the world’s largest electrode oven). Such contracts suggest that global mining corporations saw the Lubumbashi area as safe enough to pursue their deal-making with the Kabila regime.

Needless to say international business is opportunistic. In the absence of a definitive intervention from other states, the multinationals will look for any indication of stability before investing a significant amount of capital. If the world dominant states are interested in the business of starting wars, opportunities still abound. There have been allegations against UN peacekeepers in many countries, including Haiti (Polman 2003), but in the DRC, the UN peacekeeping mission could be regarded as providing the material and practical conditions for state (re)formation (or perpetuated civil war), on the one hand, while also supplying the transnational military means for orchestrating capital accumulation and extraction in the absence of a reliable local (national) state, on the other. It is hardly surprising that in Kisangani, UN peacekeepers are derisively known as UN “war-keepers”.
This allegation appears to confirm the worst suspicions of those Congolese who believe that MONUC is perpetuating the war, especially in North Kivu and Ituri, in order to continue its business in gold, coltan, wofrem, and ivory. Moreover, it looks as though this is part of a process that goes beyond the UN. The UN seems to be another sort of ‘state,’ or part of an emerging ‘global state,’ that does not work very effectively at keeping the peace but does certainly help a few people to accumulate on the side. Of course, it is ostensibly creating a peace that will help big capital make a cleaner sweep. This is the primary role of global military governance. This is indeed, the kind of ‘state’ the Nande would like to have; a state whose role will be limited to creating opportunities for transnational business and not mingling in their “local” affairs. In order words, the Nande elite do not desire full autonomy or complete separation from the DRC state, and do not seek anything resembling a Nande “national” self-determination. Rather, they welcome the stabilization of the national state, but only insofar as it would be relatively a “weak” and unobtrusive one, because it leaves them unencumbered by state surveillance and the unwelcome taxation of their transnational and cross-border trade; in short, they prefer an arrangement not very different from the situation that has persisted in various forms throughout the recent decades (even back into the Mobutu era). A variation of the Hobbesian scenario of stateless-ness as a condition of ‘war of all against all’ might be the “communitarian” situation in which “ethnic” communities are characterized as permanently at odds with each other. Under conditions in which conflict between “ethnic” communities is devastating to the larger population, even a weak state might be seen as a means to secure some semblance of peace and stave off the prospect of all-out civil war. However, if there is indeed a normative liberalism that pervades these dominant discourses about the ostensible virtues of the state, one must carefully avoid falling into the trap of positing a simplified communitarian argument. Mobutu’s predatory cleptocratic state exploited communitarian identities in ways that served to aggrandize the dictator himself and his clique. This study does not suggest that Nande communitarianism is an alternative to the incapacities of the postcolonial state to secure peace and to deliver on the promises of liberalism. On the contrary, the research has critically suggested that a new neoliberal utopian vision in
which the supposedly self-governing and market-driven Nande networks – engaged in their own egoistic pursuits and enacting their own forms of governance without the presence of an arbiter state – presents itself only falsely as a panacea. It would be misleading to hold up the Nande model as a cheerful neoliberal one in which there prevails a king of inverted Hobbesian quasi-“state of nature” where communitarian egoism, as if orchestrated by an invisible hand, through its purportedly self-governing network forms of organization, pursues its own interests and magically produces the greatest good for the greatest number.

In a global order in which civil war disrupts capital accumulation-as-usual, and therefore must ultimately be contained - even if it may have provided some extraordinary occasions in the short-term for what Harvey calls “accumulation by dispossession” – a more pragmatic neoliberalism is being imposed on the peoples of the DRC to ensure the survival of the very large, already-existing, postcolonial regional (“national”) state against the prospect of disintegration and dissolution. In this context, the Nande present themselves ideologically as the paragons of peaceful capitalist development while also reinforcing and abetting the conflict they would seem to deplore. As the experience of the Kivus makes clear, local war is bad for business (local or global) except to the extent that it can be profitably managed. In this respect, this thesis has implications for the Great Lakes regional political economy, encompassing the DRC’s eastern neighbors: Burundi, Rwanda, and Uganda, and for the study of international political economy more generally. At the heart of this inquiry into the political economy of civil war, however, is a transnational production of “local” community and “ethnic” solidarity in the debris of the postcolonial state.

However, now, as economic “power brokers,” the Nande trust network is placed at the center of the transnational economic “order”. They have to find balance and equilibrium between different forces at play; they have to take into account each actor’s transnational deployments in the economic (and
sometimes political) sphere. The following graph could help visualize the kind of equilibrium Nande commercial entrepreneurs have to strive for in order to achieve success:

Source: Raeymaeker 2007

How, then, do the Butembo commercial entrepreneurs envision their activities with regards to the evolution of the DRC state? What kind of state they would like to see restored?

**Toward a Restoration of the State?**

As Bourdieu and Nordstrom suggest, the most elementary unit of state power, whether wielded by a president, a madman, or a plantation owner, is not an object but rather a *claim*. It is Weber who should receive credit for first noting this. Contrary to how he is often read, Weber did not define the state by its monopoly on legitimate force, but by its ability to back up *its claim* upon such a monopoly. As he wrote a century ago: “A compulsory political organization with continuous operations… will be called as ‘state’
insofar as its administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force in enforcement of its order” (Weber 1978: 54, emphasis in original). This subtle shift of emphasis encourages a new understanding of the state, for it pushes us to treat even the most brutally material manifestations of state power—the means of force, taxes, bureaucracies, border patrols—not as examples of the state’s true power but as merely the *evidence*, or “symbolic capital,” upon which such claims aspire to legitimacy (Bourdieu 1999). Philip Abrams (1988 [1977]: 77), echoing Weber, makes this point clearly: “Armies and prisons are the back-up instruments of the burden of legitimacy,” he argued. “The state for its part never emerges except as a *claim to domination*.” Different historical conditions will necessarily determine the sorts of proof that must be marshaled to make any such claim believable (and the consequences suffered if not): here an army, there a property regime, each a claim made in material form. The point, however, is that the state-as-such cannot be found in any of the ‘things’ that appear to reify it, but rather in the ever-dynamic synaptic relays of claim and recognition that insinuate state power into the material relations of everyday life. It is by intervening into these relations and substituting themselves in the location of ‘state’ that emergent power blocs have been most able to justify their command over local populations—this is the groundwork of the production of another form of social formation.

Bourdieu (1999: 72) referred to this fundamental feature of state formation as the “monopolization of the monopoly” or the “monopolization of the universal,” meaning at once the hoarding of material faculties carrying legitimation-effects—the canonization of law, the provisioning of services, the institutionalization of security, etc.—and the demand for a “submission to the universal” among administered populations—making, for instance, a transnational network simply a matter of common sense.

It is in this sense that we might better appreciate Hegel’s widely criticized depiction of the state as the terrestrial form of what he called the Totality, that metaphysical Whole that coordinates and grants
causality to all its constituent parts, if we heed Sartre’s (2004 [1960]: 45) caution that totalities are always just, in his words, projects, not achievements, better defined as desires for totalization which “can only exist in the imaginary.” As Jameson (1971) has suggested, the drive for totalization may be the political counterpoint to surplus accumulation in capitalist societies since, like capital’s compulsive need to turn ever-greater profit margins to survive, the act of political accumulation, once initiated, is always a “developing activity which cannot cease without the multiplicity reverting to its original statute” (Sartre ibid: 47)—in this case, populations that could, in fact, get by well enough without it. This provides an extremely important clue to understanding the art of political production in DRC. Could the compulsion to statecraft, with all its intended legitimation-effects, be understood even at this local scale as simply part of the security apparatus that gets trucked out when other projects (like profit making) seem fragile and unstable? In other words, what might the form be in which the DRC national state would make the persistence of the Nande’s distinctly transnational mode of self-sufficiency possible, difficult, or impossible?

After twelve months of field research from August 2005 to August 2006, I returned to Butembo after the October 2006 elections, the first elections in Congo in 40 years. The elections were organized by the UN, militarily backed by 17,000 UN peacekeeping forces funded by the US, and financially supported by the European Union’s aid of half a billion US dollars.

How did Nande traders, who managed to build and protect self-sustaining, prosperous transnational economic enterprises in the absence of effective national government, apprehend the restoration of a central state power?

I questioned a sample of 40 traders, chosen according to the relative importance of their business. Very quickly a line of division appeared between, on the one hand, small merchants who go to Dubai and China fairly regularly, who maintain one or two shops in Butembo and another in their village of origin,
and on the other hand, the members of the G8 (the eight richest traders in Butembo) and a fast-growing set of newcomers who have recently invested in oil and gold.

For the first group, the change in the political landscape is apprehended with fear and uncertainty because all their business has been built upon the dysfunction of the state. They evade taxes, bypass customs service controls, exaggerate prices on the market, bully peasants who try to resist them, etc. In short, they rely upon methods that would not be possible if there was a functioning state. They generally constitute, together with teachers, professors, and other professionals, the “middle class” between the rich traders, on the one hand, and the poor peasantry and urban working class on the other. The perspective of these smaller traders was well expressed by one who told me:

“If we are able to sell items cheaper in Butembo, it is because we don’t pay customs duties and bypass many other fiscal obligations. Were we to pay these taxes, the price of merchandise in the market wouldn’t be affordable for people.”

This argument was forcefully rejected by teachers who are well acquainted with traders going to Dubai and China. They argue that traders in Butembo generally inflate their price on the market, with some making profits well over 200%. For example, an item bought in Dubai at $0.50 may be sold in Butembo at $5. Therefore, some of my interlocutors rejected the argument that “fair” prices on the market were a valid reason for traders to bypass customs services. Others smaller traders argued that if they bypass customs services and other fiscal obligations as far as cross-border trade is concerned, it is because of the corrupt nature of the customs service agents. For each container of goods crossing the border into the Congo, there is an arbitrary fee of $8000. Merchandise is taxed not “ad valorem” but through an arbitrary fee by container. But, from this $8000 only $3000 goes to the state treasury, and the rest is pocketed by the customs service agents. The latter have many of the most beautiful houses and villas in the city of

---

10 With the exception of the Professional middle class that Poulantzas called ‘new petty bourgeois’ wants a functional state for them.
Beni. In addition, they have to send some money to their superiors in Kinshasa to bribe them so that they can remain on the job.

While staying with a trader, I observed that he brought 3 containers of textiles from China. At Kasindi, the border crossing city, he managed to pay $18,000 for the three containers instead of $24,000. But he told me that he was quite sure that $10,000 will go to the state treasury and the rest will disappear into the pockets of the customs officials. He was sure of that, because he was given a receipt of $10,000 rather than $18,000.

Thus, the argument goes, some traders would have respected the law if the customs service agents were not so corrupt. If businessmen could be sure that the money they pay would contribute to mending roads or other public services, they would have paid their due to the state. As one complained: “I cannot pay just to make these customs service agents rich”. These traders would appear to be looking forward to the restoration of state power, and especially to a refortified state, able to get rid of corrupted agents. Many are, nonetheless, skeptical that things will change for the better, and so remain complacent about profitably carrying on business as usual.

The bigger traders were very enthusiastic about the prospects for change and the restoration of a strong central state for multiple reasons. The first and most important one relates to security. Traders hope that the security situation will improve so that people from other regions can resume coming to Butembo for business, after a long interruption during which the violence and insecurity of civil war ensured that the business generated by customers from other provinces deteriorated enormously.

Another principal reason why the millionaire traders were looking positively toward the restoration of state authority is that they are eager to move forward with the industrialization of the region. They have come to the conclusion that almost everything they import from China or Dubai can be manufactured in Butembo. Instead of going to Dubai and China to buy things people purchase in
Butembo, they are confident that they could be producing the same items locally. Some of them are planning to build small production units and factories to manufacture clothes and other items that they have been bringing from abroad. One member of the G8 told me that he sent half a dozen people to China to acquire the “know how,” to study the technologies the Chinese use, in order to implement them in Butembo. When I asked about the availability of energy for such manufacturing endeavors, I was told that studies have been done on the possibility of hydro-electric power in the region since 1990. Pedeika and “Energie sans frontiers” investigated such prospects in the region in the 1990s. These studies are now being updated in relation to the project of industrialization. Traders are planning to imitate the work done by German engineers in Butuwe Barrage in the Congo in 1984. That dam is already providing electricity for a factory belonging to one member of the G8. Indeed, in 2004 traders from the G8 made a deal with Clarkson Power, a South African engineering company to build just such a hydro-electric dam to provide energy and light to the city of Butembo. On that occasion, however the supplier became disenchanted with the traders because they never provided the funds that they had been pledging publicly. They then used second-hand materials to build the dam, with disastrous consequences, furnishing electricity only a few days a week. The contract with Clarkson Power was terminated in 2006, and the presidential candidate Joseph Kabila, during the electoral campaign, promised to repair and renovate SENOKI (Société d’Electricité du Nord Kivu). In the meantime, he supplied a generator to furnish electricity to the entire city. Now in power, if the Kabila government can solve the energy question, traders will easily be able to proceed with their industrialization projects.

When I left Butembo in August 2006, there were 2 banks and 1 credit and savings cooperative (la Cruche). Nonetheless, many traders continued to deposit their money with one trader, Mr. Kisoni, who then channeled it to banks outside the country. He played the role of a virtual bank, receiving up to $1,000,000 a week from numerous traders. He bought gold with this money and moved the gold to Kampala or Dubai, where he sold it and deposited the money for each trader into bank accounts in Hong Kong.
During my last trips to Butembo in January 2007 and Mars 2008, I noted that the number of banks had tripled and many cooperatives have been created. The reason for this proliferation of banks is the promise of improved security improvement in the region, a promise related to the elections. Traders hope that with the restoration of state authority, they will be able to have confidence in financial institutions in order to deposit or borrow money for their businesses. They will no longer need to send money to foreign banks overseas.

Following this rise in confidence created by the recent elections, one Nande trader repatriated $40,000,000 from his account in Switzerland to invest in a construction project in Kinshasa. Mr. Padona, also known as Mangateso, the owner of Socoplast (Societe congolaise de plastique) in Kinshasa, is now the landlord of many buildings in Kinshasa. As the rumor goes, he was receiving $300,000 a month from his tenants. Another Nande trader, Mandrabi, who is the owner of an airline company in Butembo, has newly acquired three big boats for the transport of goods and persons from Kisangani to Kinshasa along the Congo River.

I raise these points to show that since the elections there has been evidence of a real desire among Nande traders to invest at home, and some of them are genuinely very optimistic about the prospect of positive change in the region. I was encouraged to return in five years to witness the anticipated transformations. There was also talk among traders of agribusiness. During the last decade, traders invested in cattle. Some own thousands of cows and are now thinking of expanding the dairy industry, to produce cheese, yogurt, etc. These ideas are not new, but the new context of state restoration seemed to make them imminently feasible. Agribusiness is actually possible only with an environment of peace and security.

The security question is indeed paramount to a region that has seen so much violence over the last decade. Now, however, the problem that traders were facing was the continued presence of militia groups associated with the rebellions. As I have indicated, there was an organic relationship between the largest
traders and the multiple militia groups in Butembo and its environs. The justification was that since there was no state able to protect their goods and businesses, traders made alliances with militia groups to protect themselves and their businesses. Mbusa Nyamuisi, the newly appointed “minister of foreign affairs” in the Kabila government, was the key political figure behind these traders-militia arrangements. Even though he is a Nande, traders in Butembo lobbied Kabila not to appoint him minister of defense because they knew that he would not be able to dismantle the militias that he created himself when he was a rebel leader.

Since the liberalization of the mining sector and the recent rebellions, each major trader has acquired a stake in the mining sector, becoming an owner of gold or coltan or cassiterite mines. Each G8 member exploits at least one mine and hires a group of militia to protect him against potential enemies and rivals. To equip these militias, traders import containers of textiles of other consumer goods, as well as some arms or light weapons for their respective security forces. The result is that there are many arms in the region, with uncontrolled militia involved occasionally in robberies and other criminal activities. Despite widespread public knowledge of this situation, there is as yet, no willingness on the side of traders to get rid of the militias. They are a kind of asset that the traders are not ready to abandon. It is an elementary part of their business. During negotiations for the new government, Nande traders lobbied for a friendly figure as Minister of defense. Some people argue that this was one of the decisive reasons that the government of Prime Minister Gizenga took so long to be established, as one newspaper in Kinshasa revealed (Le Potentiel November 2, 2006). With the assistance of political allies garnered during the pre-election period, including President Kabila himself, the Nande traders will likely be able to go on pursuing “business as usual” (including the “business of force”!) Finally, this situation confirms yet again the remarkable capabilities of Nande traders to adapt to diverse circumstances and challenges throughout the troubled political and economic history of the Congo. The “spirit of capitalism and entrepreneurship,” which Janet MacGaffey observed in Nande traders of the 1980s, has been distinguished by this versatility for adapting to changing socio-political contexts.
To conclude, my field research has led me to expand my focus from the transnational trading activities underlying the Nande model of prosperity and the insulation of their local community from violence, to a more sober acknowledgement of the Nande’s deep involvement in war as a mode of accumulation and in the proliferation of violence in the region. The last period of my field research pushed the envelope a bit far. Signs of increasing hostility towards my research activities surfaced. Some traders with whom I enjoyed very sympathetic relations during my first stay in Butembo now refused to be interviewed. The reason seemed to be that I might be attracting unwelcome attention to their private business in arms trafficking. On December 26, 2007, I was robbed at gunpoint by four heavily armed men with AK 47s in military uniform. I lost my laptop, digital camera, passport and money. It was around 7 p.m. at Kisalala, 15 minutes outside of Butembo. I was travelling in a taxi with four other people including the driver when we were suddenly stopped by a man standing in military fatigue in the middle of the road. Three others appeared soon and circled the car we were in. We were asked to leave the taxi and to hand over everything we had on us, especially money and mobile telephones. We all handed money and telephones, but one man took a laptop bag which contained not only the computer, but also a digital camera and my passport and airtickets. They let us go without any harm. The next morning, the driver come to my house with the airtickets telling me that one of the guys just threw it in the taxi before we left. No word about the passport or the laptop which contained all the information I had gathered during my field research. I still wonder if the second attack to which I felt victim may have been engineered by some of these traders. Indeed, there can be no doubt that many were puzzled by and plainly suspicious of my presence, the true purpose of my investigations, and especially by my US and UN connections.

The first attack happened on February 2006 on the road between Goma and Butembo, outside of a village called Kiwadja, at 10 miles from Goma. Twelve armed men shouted on the bus I was with fifty other passengers. The bus stopped and the gangs entered the bus and confiscated everything from watches to telephones and cellphones, and money. None of the passengers were killed. The day before our incident, a van was attacked and all the six passengers were killed because the driver did not stop.
Conclusion: coexistence or articulation of sovereignties

The absence of a national set of laws or interests does not mean that there are no rules governing society. Working against the Hobbesian understanding of the pre-state situation as an anarchic and disorganized powerless vacuum, for instance, Evans Pritchard famously characterized the Nuer as “organized anarchy”. Rather than recapitulating the primordialist notion of a kind of social order that ostensibly endures from the condition that Hobbes and others depicted as a “state of nature,” however, the task of critical social analyses is to discern possible and historically specific conditions for producing socio-political arrangements. Hansen and Stepputat (2006), for example, claim that a key feature of the colonial world was that different registers of sovereignty coexisted and overlapped. Likewise, in many postcolonial societies, sovereign power is historically fragmented and distributed among informal but effective networks of local authority.

Relations and interactions between the interdependent subjects of local, national, and trans-local networks, such as those of the Nande traders in this study, have intentionally or unintentionally led to a certain type of governance in the absence of a central government, to a kind of sovereignty outside of the state. The state has not vanished entirely, but some of its major functions – monopoly of violence, redistribution of resources, and a certain level of political representation – have been taken over, as we will see, by an alliance of traders, the Catholic Church, and the militias.

Nande traders still operate within the territorial jurisdiction of the DRC state. Their schools are accredited by the central government. Their doctors and lawyers receive permission to practice from the central government. Indeed, the Nande traders are enthusiastic about the reconstruction of the national state. This study shows that several sovereignties and property right systems coexist side by side. However, this multiplicity is inconceivable for those with a normative view of governmental institutions and state sovereignty. To make sense of the current situation in the Nande region, one has to integrate a longer historical perspective and to decipher the continuities of the political economic order in the Congo. The current situation in the DRC is one with no single center. Interlocking, competing, fragile centers of
military might, welfare concerns, as well as ethno-religious and local loyalties claim sovereignty over the people. This web of power ties is set against a particular “fiction of the state” that claims legal sovereignty and a monopoly over violence and reacts in the name of national and popular will.

The debates about sovereignty in political science and history tend to be oriented around the notion of national sovereignty. The concept of national sovereignty has remained hegemonic and has been routinely and notoriously used by dictators to suppress all forms of internal demand for reform. However, some scholars have examined the constructed nature of sovereignty claims (Agamben 1995/1998, 2003/2005) as well as the character of such claims in developing countries (Roitman 2001, Clapham 1996, Jackson 1990).

Giorgio Agamben situates his reflections on sovereignty in a kind of juridical limbo he calls “the state of exception.” For Agamben, it is precisely in its deliberations over “the exception” that the sovereign power of the state is constituted. He shows how the state of exception is normalized and arrangements are extended not despite but because they are devoid of “distinction between outside and inside, exception and rule, licit and illicit” (Agamben 1997: 110). In his *Homo Sacer: Sovereign Power and Bare Life*, Agamben defines the politicization of bare life, the reification of human life in the political realm, as the defining element of sovereign power (Agamben 1995). To understand Agamben’s point, it is important to read his work through Marx, as did De Genova (2008), distancing himself from the pervasive fetishization of “power” as synonymous with domination and from “sovereignty” as an exclusive right of the state. The concept of “power” rampant in this reification of notions of state and sovereignty is one defined as *potestas* – the unchallenged authority of a despotic ruler. It is the power of the sovereign state that captures and cannibalizes its subject. In rejecting a focus on sovereignty and state, Foucault (1996:93) contends that the latter are merely endpoints or crystallizations of relation of power that are understood to be ubiquitous and elemental and therefore must be seen from the bottom-up. Power

---

12 Nietzsche was known to question his interlocutors’ statements with the following interrogative phrase: “by this statement what are you running away from?”
as *potestas* characterizes the state of exception where the sovereign power of the state gives itself the right to dehumanize its subjects and turn their lives into “bare life”.

Power as *potestas* is opposed to power as *potentia*, the more elementary power through which human subjects deploy their productive capacities and possibilities. Power as *potentia* is the sort of power Foucault is concerned with when he writes, “Power is something that is acquired, seized, or shared, something that one holds on to or allows to slip away; power is exercised[…]Relations of power […] have a directly productive role, wherever they come into play. Power comes from below” (Foucault 1976:94).

This sort of power – *potentia* – which according to De Genova (2008) is an elementary facet of human possibility and productive capability—is ontologically prior to and ultimately autonomous of the reified power of the sovereign state that captures it. The category of bare life is not a simple biological given that ontologically precedes sovereign power, as if in a state of nature, but rather a “product of the [biopolitical] machine” (Agamben 2003; De Genova 2007: 14). The ideal for Agamben is a “life in which it is never possible to isolate something such as bare life.” The ideal life is no less than a restitution of human life to its own intrinsic, sovereign (inalienable) power, in a way that effectively suspends and transcends the very distinction between legal and illegal, and which thereby inhabits precisely the zone of indistinction where their opposition collapses (De Genova 2008). De Genova conceives the notion of sovereignty as an ontological attribute of the human species, anterior to state sovereignty. From this standpoint, sovereignty is never a monopoly of the state.

It is, therefore, possible to adapt the notion of sovereignty to entities such as the Nande traders or other social formations. This study shows that several sovereignties and property rights systems can coexist side by side. Therefore, the study’s ethnography constitutes an anthropological critique of conventional political science analyses that define sovereignty narrowly in terms of “the state”. Sovereignty, as I deploy it, is not just a feature of a state’s relation to other states, but also a social relation between the state and its own diverse population of ostensible “citizens”. I employ sovereignty to interrogate the extent to which a state dominates all other power structures within its purported territorial
jurisdiction. Even when something close to the Weberian ideal-type of statehood emerges, with a state exercising a monopoly over legitimate violence and serving as a guarantor of social order, the state organizations are still likely to be confronted with parallel or rival organizations that claim authority over certain domains of governance.

Finally, this paper has shown that in a chaotic situation or in a situation of protracted and proliferating fragmented violence, it is always possible to construct a sense of political and economic order, relying on agencies of governance other than the state. Indeed, new kinds of regulations and governance practices, which have emerged from the retreat of state power, are shaping the ongoing postcolonial state formation. In the case of Butembo, the administration of security in the absence of the DRC state has been overseen by the militias who act as junior partners to the traders. This is a microcosm of what happens on the global scale when capitalism goes hand in hand with various forms of military might. At the local level, the military side may be called May May, as in the Kivu, or may be called “Blackwater military contractors,” as elsewhere, but at the global level, this relation of coercive violence is figured as “politics”, and “the state” is its normative form, even though it is a contracted-state.

Bibliography


Agamben G. (2005), State of Exception, University of Chicago Press


Jackson M. (1990), Quasi-States, Sovereignty, International Relations and The Third World, Cambridge University Press

Jameson F. (1971), Marxism and Form: Twentieth Century Dialectical Theories of Literature, Princeton University Press


Sartre J.P. (2004), Critique of Dialectical reason, in Ree (ed.) Theory of Practical Ensembles, Verso

