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Indirect Rule in Armed Conflict: Theoretical Insights from Eastern DRC

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Erratum

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The authors regret that one author was omitted from the manuscript. The correct author list is as follows:

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Summary

Recent literature has shown that the study of armed conflict can be highly informative to understand processes of state-building. One of the fundamental choices that states or other military actors face when occupying new territories and populations is whether to administer them by developing novel administrations (direct rule), or by devolving rule to pre-existing local authorities (indirect rule). The literature on the political and economic legacies of colonial rule has shown that this choice can have far-reaching consequences in terms of state capacity and legitimacy, affecting long-term development trajectories. Yet the conditions under which indirect rule emerged in the colonial period are very difficult to observe and analyse. Building on the analogy between armed factions in contemporary conflict settings and states in the making, this paper explores the conditions under which indirect rule emerges in contexts of armed conflict, and the consequences that this governance arrangement has on local governance institutions and legitimacy.

The paper adopts a historical and qualitative perspective, building on fieldwork and interviews carried out in the eastern Democratic Republic of the Congo (DRC). It provides a theoretical discussion of the strengths and limitations of the comparison between armed factions and proto-states, and develops novel analytical tools to understand 'indirect rule' governance arrangements by armed factions. The paper is a theoretical and qualitative companion to a separate paper based on a quantitative analysis of indirect rule (Sanchez de la Sierra, Henn and Marchais 2017). Importantly, this is an early draft of this paper, as its empirical section will be completed with additional qualitative fieldwork to be carried out in 2018, and the paper adjusted following the results of the quantitative study.

Keywords: governance; conflict; indirect rule; Democratic Republic of the Congo.

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Acronyms

AFDL	Alliance of Democratic Forces for the Liberation of Congo
APCLS	Alliance of Patriots for a Free and Sovereign Congo
DRC	Democratic Republic of the Congo
ECAS	European Conference on African Studies
FARC	Revolutionary Armed Forces of Colombia
FDLR	The Democratic Forces for the Liberation of Rwanda
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NDC	Nduma Defense of Congo
RCD	Rally for Congolese Democracy
SDC	Swiss Agency for Development and Cooperation

Practice summary

Recent literature has shown that the study of armed conflict can be highly informative to understand processes of state-building. One of the fundamental choices that states or other military actors face when occupying new territories and populations is whether to administer them by developing novel administrations (direct rule), or by devolving rule to pre-existing local authorities (indirect rule). The literature on the political and economic legacies of colonial rule has shown that this choice can have far-reaching consequences in terms of state capacity and legitimacy, affecting long-term development trajectories. Yet the conditions under which indirect rule emerged in the colonial period are very difficult to observe and analyse. Building on the analogy between armed factions in contemporary conflict settings and states in the making, this paper explores the conditions under which indirect rule emerges in contexts of armed conflict, and the consequences that this governance arrangement has on local governance institutions and legitimacy.

The paper adopts a historical and qualitative perspective, building on fieldwork and interviews carried out in the eastern Democratic Republic of the Congo (DRC). It provides a theoretical discussion of the strengths and limitations of the comparison between armed factions and proto-states, and develops analytical tools to understand 'indirect rule' governance arrangements by armed factions. The paper is a theoretical and qualitative companion to a separate paper based on a quantitative analysis of indirect rule (Sanchez de la Sierra, Henn and Marchais forthcoming). The paper has several implications with regards to working in zones that are, or have been, under the control of non-state armed groups.

First, **governance configurations in zones of armed conflict vary significantly**, which calls for a careful analysis of their characteristics before designing any project in such areas. Several factors need to be taken into account in such an analysis: the revenue streams of the armed groups, and their taxation practices; the social basis of the armed groups in the areas of control (which can vary from village to village); the level of devolvement of administration of the group's rule to local authorities, and the level of centralisation; and how local authorities are perceived by local populations.

The legitimacy of local authorities varies significantly. SDC has a policy of working with local authorities, in particular decentralised state entities. In conflict or post-conflict zones, 'indirect rule' by armed groups considered to be illegitimate can significantly reduce the legitimacy of local authorities. Working with them can therefore undermine the perceived legitimacy and role of SDC and its partners.

The capacity of local authorities to organise collective action varies significantly. Projects and interventions in conflict-affected areas often rely on local authorities to organise collective action – whether to execute a project, raise awareness around it, or mobilise the population to participate. Yet, in many cases, local authorities may have lost the capacity to organise collective action as a result of their implication in the armed conflict – such as when local authorities are perceived as having collaborated with illegitimate armed actors, or have been tied in to 'indirect rule' types of governance arrangements. In such cases, lack of capacity of local authorities is not due to lack of technical or financial capacity but instead to a lack of popular legitimacy. Such situations need to be better incorporated into the design of projects.

1 Introduction

In recent years, scholarship on armed conflict and civil wars has paid substantial attention to the governance arrangements, political and social orders, and forms of authority that emerge during armed conflict (Arjona 2016; Arjona, Kasfir and Mampilly 2015; Hoffmann, Vlassenroot and Marchais 2016; Kalyvas 2006). Such attention has allowed scholars to challenge longstanding and deeply ingrained tropes about the chaotic nature of political order during armed conflict (often imbued with essentialist or racist undertones) and instead focus on the 'open moment' of political and social transformation which armed conflicts often represent (Lund 2016).

One of the key questions guiding this literature concerns the causes and effects of the governance arrangements that are struck between armed actors and local civilian populations during armed conflicts. Such arrangements have been shown to have wide-ranging consequences, explaining the variations in patterns of violence against civilians during armed conflict (Arjona 2016; Arjona *et al.* 2015; Hagmann and Peclard 2010; Kalyvas 2006; Mampilly 2011). They have also been shown to have profound effects on the social and institutional organisation of societies subjected to armed group rule, which carry on well beyond the formal end of armed conflict (Gáfaró, Ibáñez and Justino 2014; Arjona 2016), as well as the nature and character of post-conflict political regimes (Huang 2016). Yet the causes of the emergence of certain types of governance arrangements are not well understood. In particular, understanding of why armed factions decide, in certain cases, to devolve and delegate power and administration to pre-existing political entities (which we will refer to as 'indirect rule') or, in other cases, develop their own integrated administrations to supplant existing governance structures (direct rule), is still in its early phases. The dense and rich literature on colonial indirect rule has shown that this particular mode of governance has had profound consequences on African states, affecting their post-colonial political and economic trajectories (Acemoglu *et al.* 2014; Mamdani 1996; Young 1994; Mamdani 2011). Wartime institutional configurations are therefore likely to have similar long-lasting effects in zones of protracted armed conflict, as well as in post-conflict settings, affecting state legitimacy, the nature and quality of collective action, and the capacity to effectively organise and deliver services.

The study of this institutional configuration can also provide valuable insights into state-building processes. In contemporary armed conflicts,¹ some of the core processes of state-making can be observed, albeit often in embryonic and short-lived forms. Warring factions that establish military control over territories and populations often develop the rudimentary features and functions of states, including resource mobilisation capacities, the provision of collective/public goods, and numerous forms of regulation of economic, social and political life. Since Charles Tilly's seminal work on the coercive origins of the state (Tilly 1990), and Mancur Olson's 'stationary bandit' hypothesis of state formation (Olson 1993), a growing literature has sought to analyse warring factions, criminal organisations and other organisations specialised in coercion, to identify the early stages of state formation processes, which are often difficult to observe in the context of advanced modern states (Sanchez de la Sierra, forthcoming). Albeit often in much less sophisticated and durable forms than long episodes of rule such as colonial rule, armed factions nevertheless face the fundamental dilemma of whether to develop their own institutions to administer territory and

¹ The Uppsala Conflict Data Program defines conflict as 'a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths' (Gleditsch *et al.* 2002).

populations, or whether to enrol pre-existing authorities and political structures. The burgeoning academic literature on governance by military actors in conflict-affected areas provides ample evidence that this dilemma is at the heart of most governance endeavours by armed factions in contemporary conflicts (Arjona 2016; Arjona *et al.* 2015; Mampilly 2011; Sanchez de la Sierra, forthcoming; Gáfaró *et al.* 2014). Hechter and Kabiri (2004) have shown that the United States faced the same constraints as colonial states during its invasion and military occupation of Iraq, and developed 'indirect rule' systems of governance that resembled those imposed by colonial Britain (Hechter and Kabiri 2004: 3). Similarly, Veit (2010) has shown that the United Nations peacekeeping operation in eastern DRC – another type of military actor that engages in various forms of governance – followed similar patterns of rule through intermediaries that reproduced longstanding colonial practices of indirect rule.

In this paper, we seek to identify the conditions under which indirect rule emerges in the context of contemporary armed conflicts and the mechanisms that underpin this particular mode of rule, by analysing the institutional arrangements established by armed factions to rule over territories and populations in contemporary eastern DRC. Furthermore, we identify some of the consequences of indirect rule for the legitimacy of local institutional and authority structures.

We argue that the conditions under which indirect rule emerges in times of war are similar to those identified by Boone (2003) as determining the emergence of indirect rule in the colonial era. The first of these is the nature of the tax and resource base, which determines the types of strategies that armed groups establish to extract revenue, and whether or not they can rely on local authorities to extract these revenues. These vary substantially according to whether or not a given area contains high-value natural or agricultural resources (such as minerals or cash crops) or whether the main source of revenue for the armed factions is the civilian population's regular economic activity. The second condition is the level of centralisation and relative power of pre-existing political authorities over a given area. This variable has multiple effects on an armed group's decision to enrol pre-existing authorities. On one hand, armed groups that are considered to have no legitimacy to rule (i.e. whose presence and actions are not endorsed by local authorities and populations) often attempt to neutralise or dismantle the power of pre-existing authorities, which can represent significant challenges to their rule and can lead to organised resistance. This, however, is often a last resort solution, as armed factions first attempt to co-opt such leaders and take hold over their mobilisation capacity, which represents a particular 'technological' advantage for groups seeking to maximise the mobilisation of taxes and labour. The third and final condition is the nature of the armed group's social basis. When armed groups are backed by a significant class of people who stand to benefit from their rule, armed groups tend to follow pressures for these groups to modify property rights in the favour of this ruling class, and then enforce these novel property rights through their coercive apparatus, and the development of a novel administrative apparatus – direct rule.

We then show that the effects of indirect rule in wartime governance are similar to those identified by Mamdani in his seminal study of colonial indirect rule – in particular, that it distorts local governance by thwarting the direction of accountability of local authorities, who are forced – or sometimes strategically or opportunistically inclined – to be accountable to their ruler rather than their populations (Mamdani 1996). As a result, local authorities see their authority and legitimacy erode, although this is neither a linear nor uniform effect (nor one that happens only in situations of armed conflict). Such effects, however, depend closely on the relation between the armed factions and local populations – in particular, the

perception of the armed group's legitimacy, which depends on their social and ethnic constitution, and the perceived legitimacy of their claims to rule.

Furthermore, we show that violent conflict imprints specific characteristics to the 'indirect rule' type of governance arrangements that emerge. In particular, the establishment of direct or indirect forms of rule is dictated as much by military objectives as economic ones and, more specifically, counter-insurgency measures designed to exert close control over civilian populations. These constitute one of the central differences between wartime governance arrangements and the institutional arrangements that emerge in relatively stable political contexts over long periods of time. Such differences also affect, and are visible in, the effects of wartime indirect rule. The acute social polarisation caused by the violence – a distinctive feature that can be found across civil wars (Wood 2008) – tends to enhance and accelerate the erosion of local legitimacy caused by indirect rule.

The paper begins by discussing the theoretical strengths and limitations of the comparison between indirect rule as a practice of government and the types of institutional arrangements that emerge between armed factions and local socio-political entities. Bearing in mind that governance during war does not emerge from a historical vacuum, and following recent contentions that more attention should be paid to the continuities between peacetime and wartime processes (Richards 2005; Munive 2011; Hoffmann, Marchais and Vlassenroot 2016), the next section looks at the historical origins of indirect rule in eastern DRC, during the colonial era, and the changes brought to this form of rule by the post-colonial states. The third section focuses on the governance arrangements that have emerged in the eastern provinces of the DRC during the 20-year armed conflict of the late twentieth and early twenty-first century, focusing on the determinants of the emergence of 'indirect rule' types of arrangements between armed factions and local authorities and institutions, as well as on their effects on local governance structures.

2 Theoretical considerations: the causes and consequences of indirect rule

Indirect rule as a practice of government is as old as empires, and has been described in the writings of Thucydides and Aristotle. Machiavelli identifies the dilemma of direct vs indirect rule as one of the most crucial ones faced by rulers conquering territory and populations, and opens *The Prince* by discussing it. During the European colonisation of Asia and Africa, indirect rule became a cornerstone of the doctrine of government over conquered territories and populations, and was extensively theorised and formalised. Long considered to be a superior form of rule, it supposedly minimised the costs of colonial government while preserving indigenous political and social structures.

In this section, we briefly highlight the factors that have been advanced in the literature to explain both the emergence of indirect rule and its consequences. We focus mostly on colonial indirect rule, as this constitutes one of the most extensive and recent occurrences of this practice of government, and one that bears particular relevance to our case study, as the Congolese state was structured by colonial indirect rule. However, we also seek to bring in other examples and other literature to bear on the analysis, as there have been numerous manifestations of indirect rule configurations of government. The degree to which highly heterogeneous forms of rule and power-sharing agreements can be subsumed under the

binary categories of direct vs indirect rule is, of course, debatable, yet, as Gerring *et al.* argue, it serves as a useful heuristic device to categorise forms of power, and should be conceived as a continuum, from full direct rule to full indirect rule (Gerring *et al.* 2011: 378).

2.1 The determinants of colonial and other forms of indirect rule

Studies of colonial indirect rule have traditionally explained its emergence as resulting from the political cultures and preferences of the metropolises, identifying it as a distinctively British mode of imperial rule (Crowder 1964). The term was coined by Lord Lugard, a British colonial administrator who developed and theorised this particular mode of rule, which was then adopted throughout the British Empire from the mid-1920s (Lugard 1965). Recent studies, however, have shown that similar forms of rule through 'native' authorities were also practised in the French, Belgian and Portuguese colonial empires, and that there existed significant 'internal' variation as to the degree of direct vs indirect rule implemented in these empires (Boone 2003; Hoffmann 2014). Looking at variations in the 'political topography' of African states in West Africa, Boone (2003) showed that it was the interplay of several factors that explained whether the colonial authorities chose to establish more direct/indirect modes of administration of different areas. Here, we review the different factors that have been identified in several contexts as playing a role in the establishment of this particular type of rule.

2.1.1 Revenue and resources

This hypothesis posits that the governance arrangements imposed by the ruling actor will depend on the types of revenue generation activities it can establish in the ruled territories (Gerring *et al.* 2011: 378). This relates to a range of potential revenue streams, such as the capacity to control the extraction of natural resources, the capacity to tax different forms of economic activity or to tax the population, as well as the capacity to directly control markets or appropriate economic assets. The literature on colonial rule has thoroughly documented how the nature of the extractive economies established in the colonies has shaped governance arrangements. Boone (2003) showed that colonial states were more likely to invest in the development of a 'direct' administration in areas with high-value extractable resource, such as mineral deposits or cash crops. In such areas, the development of state administrations served the purpose of ensuring enhanced control over these resources, but also of enabling and enforcing the transfer of property (and particularly land) rights to the European colonial class, through the establishment of 'statist' land tenure regimes (Boone 2014).

2.1.2 Centralisation of pre-existing political entities

Second, the level of political centralisation of the pre-existing polities is another significant factor in explaining the emergence of direct or indirect rule, albeit one whose effect is neither linear nor uniform (Boone 2003). Gerring *et al.* also argue that this is the central factor which, *ceterus paribus*, explains the adoption of indirect rule as a strategy of government (Gerring *et al.* 2011: 378). On one hand, the larger and more centralised the pre-existing political entity, the more indirect rule constitutes an appealing strategy for external rulers as the enhanced mobilisation capacity and legitimacy of such entities can be co-opted, at least in the short term. Such entities, however, can also constitute serious obstacles for rule, as they have higher capacity for contentious and insurgent collective action. The larger and more centralised kingdoms and empires on the African continent often deployed the fiercest resistance during the colonial conquest and early colonial era, which in many cases led to the assassination, imprisonment or deportation of the rulers of these entities and the dismantlement of their governance institutions. Similarly, in their attempts to build the post-

independence African states, the leaders of African independence movements often attempted to suppress or reduce the power of customary chiefs, as these could represent a significant impediment to their power and state-building projects.²

These studies provide strong insights into the factors that influence these governance arrangements, but the study of the emergence of indirect rule arrangements in the colonial setting remains limited by methodological constraints and the scarcity of sources. Indeed, while they often provide detailed accounts of the choices faced and made by colonial administrators, colonial archives tend to leave out the point of view of those subjected to colonial rule (Mitchell 2002). The understanding of the role of the characteristics of 'indigenous' societies in the emergence of indirect rule arrangements therefore remains limited by the scarcity of empirical evidence beyond the (limited) colonial archives and oral history sources.

2.1.3 The consequences of indirect rule

The effects of colonial indirect rule were progressively uncovered in post-colonial writings on political development on the continent. In his seminal book on the legacies of colonial rule, Mamdani (1996) has shown that one of the most perverse effects of indirect rule was to thwart basic mechanisms of political accountability, making local chiefs enrolled by the colonial state accountable to the colonial officials rather than to their constituencies, for whom they became 'decentralised despots' (*ibid.*). This caused a progressive erosion of the legitimacy of both local chiefs and the colonial state, which in turn affected the legitimacy of post-colonial states on the continent which, in many cases, reproduced and extended colonial practices of government. Similarly, Young (1994) argued that colonial practices of rule and governance were re-appropriated and re-produced by post-colonial leaders. Yet the experience of indirect rule during the colonial era does not in itself guarantee that the post-colonial states will remain locked in its structural legacy, as this depends on the political choices of the independence and post-independence leaders. The weakening legacy of colonial indirect rule on post-colonial states is particularly strong in countries where the post-colonial leaders preserved or reinforced it as a mode of governance, such as in Sierra Leone, where leaders were highly involved in the building of the post-colonial state, and further institutionalised the indirect rule configuration of governance – albeit with strong regional variations (Acemoglu *et al.* 2014).

3 Identifying wartime indirect rule: definitions and mechanisms

3.1 Indirect rule and exogeneity

While comparing the modes of governance of armed factions with those of fully fledged states (and, in particular, the colonial state) is a useful heuristic device to highlight core governance mechanisms and choices, the comparison also has several limitations, which are important to identify up front.

First, it is necessary to clarify the definition of indirect rule and the defining features of that particular institutional configuration, and its applicability to contexts of war. What

² This was the case, for example, in Uganda where Milton Obote drove the King of Buganda (the Kabaka) out of power in 1966 and attempted to break the institutional basis of his power (Reid 2002).

differentiates indirect rule from devolved or decentralised governance? Rather than a clearly identifiable institutional configuration of government, indirect rule was a *doctrine* of rule developed and theorised by colonial administrators – an ideological framework to guide interactions and rule over ‘indigenous’ populations. Erecting this historically situated doctrine of government into an analytical category to be used to describe particular institutional configurations thus requires deciding on its distinctive features. Indirect rule, as has been analysed in the colonial context, occurs when a state that conquers territory relies on the pre-existing structures of authority and political organisation of that territory in order to rule. It is therefore a form of devolved or decentralised government, with the distinctive characteristic that the conquering actor bears a form of ‘exogeneity’ to politics and societies that are subjected to its rule. Before the conquest and immediately after, the coercive apparatus of the conquering actor, as well as its administration and institutions, are not tied to the political and social organisation of the conquered territory (i.e. not endogenous). The conquered populations are thus part of political and social systems that are separate from those of the conquering entity.

This was mostly the case during the initial periods of colonial rule on the African continent: The political organisation and characteristics of the European states were fairly distinct from the local ‘indigenous’ political systems (although their economies had become interdependent as a result of the slave trade, among other factors). This separation and distinction between two separate social, political and cultural spheres became the cornerstone of the indirect rule doctrine and ideology, which the colonial state sought to enforce throughout the colonial era (Mamdani 1996). In practice, this separation was much less clear-cut, as the institutions of colonial rule became tied to local political structures, and the conquered populations became subjected to the colonial system. As Mamdani (1996) and Boone (2014) have shown, the idea that indirect rule somehow ‘preserved’ native institutions and cultures by keeping them separate was an illusion entertained by colonial administrators and academics who had provided the intellectual justification for indirect rule. Rather than being a continuation of pre-colonial systems, the institutions that emerged to rule over the native populations were integral parts of the colonial system itself. Yet this idea of initial ‘exogeneity’, and of separation between political systems, remains an important theoretical and analytical feature of indirect rule.

Conceptualising the indirect rule institutional arrangements that emerge between armed actors and local authorities in contexts of warfare therefore relies on this assumption of ‘exogeneity’. Yet, as we will show, knowledge of the institutional origins of armed factions in conflict zones such as eastern DRC does not usually allow this assumption to be made. In cases where the conquering military actor is a full-fledged state with a political and administrative capacity that is independent (at least at the onset) from the conquered entities, the comparison bears immediate relevance. This is the case, for example, with the United States (US) and coalition military occupations of Iraq, as the US military and administrative capacity bore a strong level of ‘exogeneity’ to the institutions of the occupied countries, generating a situation very similar to the early phases of colonial military occupation (Hechter and Kabiri 2004). This argument has also been made in the case of international military intervention in eastern DRC, in particular with regard to the United Nations peacekeeping operation (Veit 2010).³ The prerequisite for characterising such a configuration as indirect rule, however, is the international intervention’s ‘detachment’ – i.e.

³ Veit argues that the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO), a large-scale military operation, ended up having to resort to intermediaries to achieve its objectives because of the legacy of colonial indirect rule in the region, thus reinstating similar – but of course, not equal – types of governance arrangements (Veit 2010).

the fact that it drew its resources and legitimacy from outside, thus supposing a form of 'exogeneity' (*ibid.*: 17). Such configurations, however, are quite exceptional. In most contemporary conflicts, it is difficult to consider the conquering and ruling entity as exogenous to conquered entities. Even in the case of international military interventions and occupations, such as French military interventions on the African continent, a closer look at the institutional, military and administrative history shows that the assumption of exogeneity does not hold. In configurations that have been characterised as 'neocolonial', epitomised by France's relation with its former colonies, the interdependence of the former metropolises' economic and social structures with those of its former colonies makes the assumption of 'exogeneity' difficult to sustain. The institutional architecture of the French government and administration, but also the military and administrative capacity of the former French colonies, are intimately imbricated and co-dependent. France's capacity for military intervention, for example, is institutionally and culturally embedded in several West African national military administrations (Luckham 1982).

The case is even less clear in contemporary civil wars, where occupying and ruling entities are often historically part of the same polities, countries and societies as occupied and ruled entities. Indeed, in many cases, armed groups emerge as social or political movements that eventually adopt violent tactics and develop armed branches. Many of these armed groups have deep social and institutional bases in the societies in which they emerged and evolve, and are part of larger power networks that span political, economic and military spheres. Thus, the assumption of exogeneity does not necessarily hold, as the pre-existing political institutions which can be subjected to armed group rule do not necessarily pre-date the armed groups, and both can be part of larger forms of rule and political control. Thus, conceptualising armed groups as unitary military actors, akin to states, which decide on whether or not to enrol local authorities to maximise revenue extraction, while perhaps useful to single out the choices made by armed actors, does not fully account for the fact that the armed groups can themselves be dependent on these local authorities, or be part of larger networks or institutional configurations of power. This constitutes an important caveat to the analysis of indirect rule in wartime configurations.

3.2 The old order or the new? The constitution of political and social order in war

Recent academic literature on armed conflict and civil wars has revealed a particular tension in how the social and political 'orders' that emerge in contexts of armed conflict are conceptualised. On one side, recent scholarship has strongly emphasised the *novelty* of the political and social orders that emerged in times of war, conceived as deep ruptures and reconstitutions of such orders (Arjona 2016; Vlassenroot and Raeymaekers 2004; Arjona *et al.* 2015; Gáfaró *et al.* 2014; Kalyvas 2006; Mampilly 2011). While recognising the contested, incomplete and often temporary nature of the political and social orders that emerge in civil wars, their novelty has generally been attributed to two particular factors. First, the radical or revolutionary character of the projects envisioned and enacted by certain armed groups such as the Revolutionary Armed Forces of Colombia (FARC) or the Islamic State, who establish radical reform of property rights, judicial and legal systems, ideologies and social norms, etc. Second, the more gradual transformation induced by the presence and centrality of military actors – a process known as militarisation – that affects all aspects of economic, social and political life in conflict-affected areas, and forms the basis of the emergence of new political and social orders (Wood 2008; Verweijen 2013; Bernazzoli and Flint 2009). On the other hand, such a focus on the rupture and novelty of the political orders that emerge in zones of protracted conflict has tended to overlook the continuities between such orders and pre-war legacies (Lund 2016).

Arguing against the strict separation between wartime and peacetime orders, recent authors have sought to show the continuities between the two (Richards 2005), and how long-term structural features of political organisation shape the characteristics of warfare, such as the mobilisation of combatants by armed factions (Munive 2011). Recent studies have shown that, despite being predominantly characterised as a weak or failed state, the Congolese state remains the central regulating actor and template for political organisation in the country (Englebert and Tull 2013). This is even the case in the conflict-affected eastern provinces, where several of the rebel factions use the Congolese state as their central ideological and organisational template (Hoffmann and Vlassenroot 2014). This tension between the generation of novel political and social configurations, and the structuring legacy of longstanding forms of rule, is therefore one of the defining characteristics of the current situation in eastern DRC. It surfaces, for example, in the patterns of taxation that emerge in contemporary eastern DRC: while in the context of warfare and contested authority a large range of actors seek to impose taxes and make claims to legitimate political authority, the ways in which they do so display strong similarities and continuities with longstanding modes of taxation and rule (Hoffmann *et al.* 2016). 'Indirect rule', and what Hoffmann (2014) calls 'ethnogovernmentality', therefore remain among the most enduring and structuring templates of political organisation and rule in the region, which continue to prevail despite numerous attempts to suppress or alter them (Hoffmann 2014; Mamdani 2011).

4 Indirect rule in eastern Congo

4.1 A brief history of indirect rule in eastern Congo

Before examining the governance arrangements established by armed groups in the contemporary context of protracted conflict in eastern DRC, we start with an overview of the history of eastern Congo's 'political topography', to trace in particular the genealogy of indirect rule in the region. We will show that, while the region was marked until the mid-nineteenth century by decentralised lineage-based forms of rule, external powers started establishing military and political control over the region in the nineteenth century, using local chiefs and leaders as intermediaries – setting the first precedent for indirect rule in the region's recent history. The colonial state significantly extended such practices, making indirect rule an official doctrine, and enshrining local chiefs as key intermediaries of the state. These events presented deep and durable historical templates of rule in the region, and were largely continued and reinforced in the post-colonial era.

Up until the mid-nineteenth century, at the moment of the arrival of the first exploratory European expeditions that would pave the road to colonial expansion, the region that now constitutes the provinces of North and South Kivu was marked by political fluidity, dominated by lineage-based systems, and connected through the inter-lacustrine trade networks, which aggregated into several chiefdoms such as Bushi, Buhavu, Butembo or Buhunde, and, further to the east, the great 'Rega cluster' formed of a constellation of smaller and semi-autonomous 'forest societies' (Biebuyck 1973; Newbury 1992). While some of the chiefdoms displayed signs of political centralisation and social stratification, in particular Bushi, they were incomparable to the much more structured, centralised and socially stratified 'states' that were consolidating on the eastern shores of the Great Lakes, in particular the Kingdom of Rwanda (Newbury 2009: 69). This, however, did not mean that notions of territorialised authority and political competences were absent in eastern Congo (Chretien 2000: 149).

While political authority was centred on the figure of the chief, it was elaborately balanced along lineage groups, and political competition concentrated on succession to the thrones of these entities (Newbury 1992). These polities displayed little signs of large-scale resource mobilisation and accumulation.

From the mid-nineteenth century, the relative isolation of the region and its political equilibriums were deeply shattered by several converging forces. The belligerent expansionism of the Rwandan Kingdom under Rwabugiri was projected onto the region as it carried out repeated military expeditions to expand its territory and force neighbouring kingdoms into vassalage. Superimposed on these military incursions was the expansion of ivory and slave trade networks into the region, which introduced large-scale accumulative modes of resource mobilisation and labour conscription, and the rudiments of 'indirect rule' types of governance arrangements. Indeed, the East African slave trade, dominated by the sultanate of Zanzibar and the 'Turks' of Khartoum, had been expanding throughout the Great Lakes along with ivory and other trades, targeting the weaker and more politically fragmented areas, including the Western Shores of Lake Kivu where slave-raiding expeditions intensified from the mid-nineteenth century. These expeditions relied on elaborate networks of intermediaries and columns of 'African' mercenaries recruited throughout the region, known as the *arabises*. Tippu Tip, representative of the sultanate of Zanzibar, established himself in Kasongo in eastern Congo, and progressively became the most powerful trader in the region, commanding large military expeditions and setting up the foundations of a regional empire. Under Tippu Tip's rule, local chiefs were enlisted as intermediaries and charged with mobilising resources, in particular taxes and labour to serve as soldiers or porters with the missionary army.

As in much of the African continent, the colonial conquest – and colonial rule – brought significant and durable changes to the political landscape of eastern Congo. The absorption of the region into the Congo Free State was a violent and gradual process. Tippu Tip's control over the eastern parts at the onset of the colonial conquest made him an advantageous interlocutor for the Belgians, and he was appointed as the governor of the eastern part of the Free State. This was the first manifestation of a practice that would become a hallmark of Belgian rule over the Congo, and of central African colonies more generally – the sub-contracting of rule over entire parts of the colonies to powerful intermediaries, from local power brokers in the early stages of colonial rule, to concessionary companies later on (Amin 1972; Mkandawire 2010).

After conquering the eastern regions and removing Tippu Tip from power, the colonial state soon developed institutional means to mobilise 'internal' resources and labour from its territory, which formed the first steps towards the institutionalisation of indirect rule. Legislation and decrees were passed as early as 1891–92 requiring African chiefs to provide *prestations* in food and *corvees* (compulsory unpaid work) to colonial agents, as well as soldiers to staff the colonial army, the *Force Publique* (Northrup 1988: 41). From the 1920s, a significant rise in private investments in eastern Congo changed the configuration of economic activity and the role of the state in ensuring that sufficient resources and labour were mobilised to ensure significant investments were made. The development of export agriculture, mining and trade, and the resulting increase in infrastructure investments, led to a sharp rise in the demand for labour. The role of the colonial state shifted from being the primary employer of labour to the primary provider of labour to the colonial private sector, as well as being responsible for modifying the legal and regulatory environment in order to favour the establishment of colonial capitalists. The state continued to oversee labour recruitment throughout eastern Congo, institutionalising it through legislation, and

establishing quotas to ensure a steady supply of labour. Although efforts were made to reduce the tax and conscription burden on local populations, the system remained highly coercive, with quotas of taxes and labourers being imposed on village chiefs, and several instances of revolts occurring as a result.

Colonial rule in eastern Congo was carried out through what Hoffmann (2014) calls 'ethnogovernmentality' – the organisation of mediated state power through the constitution of ethno-territories, which corresponded more or less to the pre-existing socio-political entities (Hoffmann 2014: 116). In eastern Congo, the creation of the native homelands and the imposition of what is known as indirect rule was a messy and violent process, giving rise to multiple resistance movements, but also setting the scene for internal infightings between different ethno-territorial groups. The institution of the chief was central in the colonial state's apparatus of resource mobilisation. As previously mentioned, chiefs had already been playing the role of mediators in the mobilisation of resources under Zanzibari rule, relied upon to conscribe slave soldiers and mobilise various forms of material contributions (Northrup 1988: 45). The colonial state extended, systematised and institutionalised the role of the chief, backed by a discursive justification inspired in part by the nascent discipline of anthropology, as well as pseudo-scientific justifications of indirect rule that accompanied the colonial project (Hoffmann 2014). In 1891, the institution of the chiefdom was recognised by royal decree, enshrining native chiefs into the colonial state (Hoffmann 2014: 121). The land over which indigenous chiefs ruled was given a separate legal status as *terres indigènes* (native land).⁴ A series of decrees and laws, in particular the law of 2 May 1910, further delineated the role of the chief, defining his power over territory and people.

The creation of the native authorities – which included an administrative 'gridding' of rural areas with the establishment of chiefs and sub-chiefs,⁵ as well as mapping efforts and population censuses carried out in the early twentieth century – served two main functions. On one hand, the native authorities ensured control over rural populations at a low cost. On the other, they served to mobilise taxes and labour destined to a range of activities, from public works for the colonial state (in particular portage) to the various industries, to the staffing of the *forces publiques*, the colonial army. This put the chiefs in a difficult position, as they often tried to protect their subjects from the demanding quotas of the state, but nevertheless had to comply or face being deposed, imprisoned or even assassinated.

Of all the Belgian Congo, the populations of eastern Congo opposed one of the fiercest resistances to the colonial occupation. Resistance in the region started early on, as a continuation of the resistance against the Rwandan invaders and the slave raids by the Zanzibari and *arabises*. The '*pacification*' of the southern areas of Kivu (that correspond to the current province of South Kivu) required significant military efforts, in particular in the bellicose kingdoms of Bushi and the chiefdoms of Kabare and Ngweshe, which opposed severe resistance to colonial rule and the taxes imposed by the colonial state up to the onset of the first world war. The colonial authorities in Costermansville (the former name of Bukavu) used both military force and political manoeuvring to quell the violent resistance, and progressively impose the colonial order. Brutal retaliations were organised against rebellious chiefs, rebellious chiefdoms were broken apart and incorporated into different administrative entities, and cooperative chiefs were given ascendance over rebellious ones in the crafting of the colonial native authorities (Hoffmann 2014: 155). In many cases, this accentuated pre-existing rivalries between chiefs and often led to violence, with 'rebel' chiefs

⁴ Native lands were governed under customary right, following the 3 June 1906 and 31 May 1934 decrees (Mpoyi 2013).

⁵ Sub-Chiefdoms were instituted by the law of 2 May 1910.

sending punitive expeditions to collaborating villages, and the colonial state in turn organising violent punitive expeditions in areas under the rule of rebel chiefs. Resistance took multiple forms, from overt resistance by hosting armed factions, to more passive forms of resistance against the colonially imposed taxes and forced works.

Thus, during the second half of the nineteenth century and the early colonial period, two logics of political organisation emerged in the region that would prove highly resilient throughout the twentieth century and in the wars of the 1990s, providing the core governance templates that can still be observed to this day. An accumulative or extractive logic of governance and resources extraction was instilled by the Zanzibari rulers, and then significantly expanded by the colonial state. Through a violent and conflictual process, local chiefs became one of the colonial state's most important 'handles' to mobilise labour on a large scale, and were incorporated into the very architecture of the colonial state's system of indirect rule. On the other hand, the violence of the colonial penetration, the heavy taxation that the colonial state exerted, and the political engineering that the colonial authorities engaged in sparked several armed resistance movements from the polities of eastern Congo. In conjunction with these processes of large-scale mobilisation and resistance, economies of predation and protection emerged in remote areas and became closely imbricated with existing forms of social and political organisation, with the figure of the warlord emerging as a new form of authority. The nexus between established forms of authority, external forms of power and violent actors would remain prevalent throughout the twentieth century.

The dramatic post-colonial history of the former Belgian Congo has had a tendency to defy all classifications and comparisons, breeding an entire vocabulary seeking to capture its convoluted trajectory. While often adding obscurity rather than dissipating it, this language reflects a reality of extremes in a country that has alternated between violent civil wars and abusive, autocratic and exploitative forms of power.

The complexity of the post-colonial trajectory of the Congo is tied to several factors. First, the country's vastness and extreme geological diversity have been a structural hindrance to the effective projection and centralisation of state power (Herbst 2000). The distant provinces of the east proved particularly difficult to control, militarily and administratively, as had been the case under colonial rule. Second, the colonial origins of the state and its political architecture resulted in structural imbalances that underpinned the repeated crises that the country underwent (Young 1994; Young and Turner 1985). In particular, the ethno-territorial basis of political power – a heritage of indirect rule – structurally shaped aggregate political interests and the lines of political competition in the post-colonial era, a feature that would take an abrasive turn in the wars of the 1990s.

Following independence, when political power was taken by a nascent political class with great haste, the country fell into a deep crisis that reflected both the weakness of its political institutions and the numerous vested interests that underpinned political control over the country's territory and resources. As Kisangani (2012) argues, the wars of secession that followed independence were consequences of the 'politics of exclusion' that have been a dominant feature of political competition in post-independence Congo. Exclusion at the 'top' entails exclusion of entire ethno-territorial constituencies, thus creating the impetus not only for excluded elites to resort to violent methods, but also the structural conditions for entire ethno-territorial constituencies to follow because their 'exclusion' is felt not only at a political level but also at the economic and social levels.

Post-independence political turmoil quickly turned into violent conflict, with the secession of the provinces of Katanga (1960–63) and Kasai (1960–62) and the rebellions of Kwilu (1964–65) and the eastern provinces (1964–66). Following his coup d'état, Mobutu was able to quell these rebellions and 'restore order' by imposing a highly coercive regime. Contrary to the caricatured tone of many depictions of Mobutu's reign, he had crafted an extensive apparatus of power over the Congolese population – in particular through his party and his ruthless control over the security forces (Young and Turner 1985; Tull 2003, 2005). Extensive measures were taken to centralise and streamline a hierarchical state apparatus in order to exert full control over Congolese society. The objective, clearly stated by Mobutu, was direct rule – supposedly to steer the country towards progress and development, following the prevailing model of the developmental state.

The centralisation of administrative authority, however, meant that the Mobutist state reinstated many of the institutions and modes of rule of the colonial era. Central to this administrative apparatus were the commissioners or '*prefets*', appointed at province level, who had extensive power over the local administration and police and security forces (Callaghy 1984: 243–44; Young and Turner 1985: 226). While the objective was to ensure a direct, centralised and effective chain of state command, Mobutu did not trust the commissioners, whose regional powers could allow them to foment political contestation or revolt. As a result, he would systematically change them around, to stop them from building local power bases.

Traditional authorities were not a central part the modernist, socialist and pan-Africanist conception of the nation which Mobutu sought to incarnate and, throughout his rule, Mobutu had a highly ambivalent relationship with them. His doctrine of 'Zairianization' was to create a new African man, infused with the traditional but resolutely modern, unburdened by the short-sightedness of provincial and ethnic identities or by the crippling legacy of the colonial state, both represented by the traditional authorities.

More pragmatically, customary authorities, whose power had in several areas been extended during colonial rule, represented a direct obstacle to Mobutu's power and his project of creating a centralised administrative apparatus. As a result, Mobutu sought to abolish customary authority and the 'bifurcation' at the heart of Congolese socio-political life, through a series of decrees from the late 1960s and early 1970s, only to face widespread resistance which forced him to abandon these decrees. Despite its post-racial, post-ethnic rhetoric focused on the unity of the nation, the Congolese state perpetuated a 'bifurcated' system of political organisation. On one side, those areas with lucrative economic resources were subjected to 'direct' forms of rule, whose objectives were to consolidate and enforce the property rights of either the state or its clients in these areas. On the other, less lucrative areas were left to various devolved forms of governance, either to representatives of the state or to customary authorities.

4.2 Indirect rule in the Congolese wars

The political crisis that Zaire underwent in the early 1990s and the two large-scale wars of 1996–97 and 1998–2003 brought momentous change, with the Congolese state losing its (tenuous) control over the territory as armed factions seized control over large swathes of the country, particularly in the east. Despite the peace agreement and the official end to the war in 2003, the armed conflict persisted in the eastern provinces, where to this day several dozens of non-state armed factions operate in rural areas, regularly taking control over territory and populations. An important stream of recent academic literature and high-quality

journalism has countered the widespread idea that the east of the country was prey to undecipherable chaos and destruction, showing on the contrary that there existed multiple – if unstable – forms of social and economic order, including in those areas subject to repeated armed conflict. Particular attention has recently been paid to the governance arrangements and political settlements that have developed between armed actors and civilian leaders and populations in the rural areas of the east. Recent projects, in particular Usalama I and II,⁶ have highlighted the complexity of these governance arrangements, owing to the deep social base of the armed factions evolving in the east, and their multidimensional roles in contemporary economic, social and political issues.

Without seeking to reduce this complexity and heterogeneity, our objective here is to focus on the determinants of the particular choices the groups make to either develop their own administration (direct rule) or enrol existing authorities to carry out their rule (indirect rule). As discussed in the introduction, the objective is not to equate these institutional configurations to those developed during the colonial era, because of the combined issues of exogeneity and temporality. A large number of the armed factions operating in eastern DRC have profound institutional and social roots, having emerged either as political projects formulated and supported by local or regional elite networks, or as ‘bottom-up’ social movements, garnering significant popular support (Stearns and Botiveau 2013; Stearns *et al.* 2013; Vogel 2014). In such cases, they are an integral part of the socio-political environments in which they emerge and evolve, often with longstanding institutional links tied to the region’s history of violent governance and armed resistance, and reinforced by the militarisation of society, which the longstanding armed conflict has triggered.

Yet the ‘political topography’ of eastern DRC, and the fragmentation and heterogeneity of the armed groups active there, warrants an inquiry into the determinants of the emergence of direct vs indirect modes of armed group rule over territory and populations. The institutional and political fragmentation of eastern DRC – a result of the region’s history of decentralised socio-political organisation, the ‘politics of exclusion’ practised during the colonial and post-colonial eras, and the fracturing of economic and political spaces induced by the war – entails that the governance arrangements developed by armed groups display significant variation. The highly localised basis of political identities, a result of the *territorialisation* of rule and political identities (Hoffmann 2014), entails that armed factions establishing military control over territories and populations do not necessarily enjoy popular legitimacy and recognition of their right to rule (Hoffmann *et al.* 2016). In numerous instances, non-‘native’ armed groups have ruled over territories in which they were considered as illegitimate ‘foreigners’, which increases the pertinence of the application of the conceptual framework of indirect rule.

The constraints armed factions face in terms of logistical capacity, military technology, and difficulty to govern over hostile local populations means there are substantial benefits in seeking to delegate the collection of resources – taxes, labour and in-kind contributions – as well as the administration of daily affairs to local chiefs, depending on their legitimacy and popular support. While certain chiefs were appointed by the colonial state and lack historical legitimacy, and others may have seen their legitimacy reduced by their enrolment to the state and post-colonial state, many customary chiefs in eastern DRC continue to enjoy

⁶ The Rift Valley Institute Usalama Project is a qualitative research project aimed at understanding the nature of armed groups in eastern DRC and the political, social and economic dynamics of the eastern Congolese armed conflict. Phase I (2012–13) was led by Jason Stearns, and phase II (2015–16) was led by Judith Verweijen. They constitute the most comprehensive qualitative study to date on armed groups in eastern DRC. For more information see: <http://riftvalley.net/project/usalama-project>.

substantial legitimacy. This is tied not only to the mythical and religious basis of their power, and the legitimacy conferred on them by widespread recognition of lineage-based modes of authority transmission, but also to their complex relations of interdependence with the constituencies they symbolically embody, particularly their status as custodians of the land (Chretien 2000; Biebuyck 1973; Newbury 2009). While in some cases eroding their power, the repeated crises the country has experienced have, in other cases, reinforced it, as they often came to represent the sole figures of authority in contexts of sustained crisis of authority and governance. Thus, as a result of their widespread legitimacy and their centrality in local networks of power, chiefs can command substantial resource mobilisation capacities. Co-opting local chiefs and establishing rudimentary forms of 'indirect rule' configurations of governance can therefore significantly increase control over a particular region.

Yet, as mentioned in the introduction, this can come at a cost. Powerful chiefs can seek to undermine the power of the group, either by organising various forms of 'passive' resistance against the armed group's resource and tax collection requirements, or by organising peaceful or violent resistance to the group's presence and rule. As a result, groups might prefer to replace chiefs that are too powerful or insufficiently compliant to their demands, often resorting to violence to do so. They might also seek to develop enhanced control over certain sectors of economic or social activity by developing 'direct' forms of control over them, either by modifying property rights or establishing monopolies. But their capacity to do so hinges on their administrative and logistical capacity, and the institutional and social composition of the communities they seek to control. In this section, we start by identifying the broader trends of rule by armed factions, focusing on the emergence of direct vs indirect rule configurations of power, before looking in more detail at the case of the Nduma Defense of Congo in the territory of Walikale. We then analyse and illustrate the consequences of these configurations of power for the legitimacy of local authorities.

4.3 Indirect rule on a regional scale: the RCD and Mai Mai rebellions

Nelson Kasfir defines rebel organisations as 'consciously coordinated groups whose members engage in protracted violence with the intention of gaining undisputed political control over all or a portion of a pre-existing state's territory' (Kasfir 2014: 24). While many of the armed factions that have roamed the eastern provinces of DRC do not neatly fit this category (many are rather small bandit groups, village auto defence groups, or state-sponsored militia), a number of larger-scale groups have also emerged. Not all rebel factions, however, engage in governance. Kasfir defines the field in the following way:

Rebel governance, at a minimum, means the organization of civilians within rebel held territory for a public purpose. These purposes include rebel encouragement of civilian participation, provision of civilian administration, or organization of civilians for significant material gain. The presence of any aspect of one of these three types of activities is sufficient to indicate governance. It also includes rebel acceptance of pre-existing local government.
(Kasfir 2014: 24)

As a result, we will restrict the analysis to those rebel factions that meet these conditions.

The largest non-state rebel faction to have ruled over eastern DRC since the 1990s was the *Rassemblement Congolais pour la Democratie* (RCD), which split into two sub-factions, RCD Goma and RCD Kisangani, during the second Congo war. The RCD exceeded any other armed faction in the region by its geographical scope, its military means, and the

duration and complexity of the modes of governance it developed. A movement with significant international backing – in particular by Rwanda and Uganda – the RCD was also supported throughout its existence by a complex web of local, national and regional elites (analysis of which is beyond the scope of this brief overview; see Stearns 2012). The RCD's control over the eastern provinces was, however, highly uneven, and mostly focused on the larger urban centres, the strategic roads and the most lucrative areas of economic activity (Turner 2005; Stearns 2011). Throughout the rural areas of eastern DRC, it faced a fierce armed insurgency, the Mai Mai movement, which garnered significant popular support and operated mostly through hit-and-run guerrilla tactics. In the regional capitals of North and South Kivu, the RCD 'seized' the state apparatus and, following a round of purges of political and intellectual opponents, used it as a handle to govern over the provincial capitals and their immediate vicinity without substantially changing existing modes of rule (Tull 2003, 2005).

However, as it faced challenges and resistance to its power, it sought to co-opt existing elites in order to assert its power over their ethno-territorial constituencies, usually by offering them power-sharing agreements. This was the case, for example, for the co-option of the Bashi customary authorities and elite networks in Bukavu and the territory of Walungu in South Kivu. Bolstered by a long tradition of resistance to Rwandan invasions, the Shi had organised an armed group – the Mudundu 40 – following a severe repression by the RCD after they seized Bukavu in 1998, which included a massacre and the killing of one of the Shi customary chiefs (Turner 2005). Co-opting such elite networks allowed them to immediately reduce the intensity of the insurgencies they faced, while taking control over resource mobilisation networks and developing short-term legitimacy, as these elites and their networks would seek to garner popular support through discursive efforts.

Similarly, in an attempt to reduce the intensity of the Mai Mai insurgency they faced in the region of Bunyakiri, home of the Batembo ethno-territorial constituency and rural base of the largest Mai Mai group in eastern DRC (the Mai Mai Padiri, see below), they granted territorial autonomy to the Batembo leaders. Since the crafting of the colonial ethno-territorial order, the Batembo had been subjected to the rule of the Havu of the lakeshores of the territory of Kalehe, which had fed longstanding political and social grievances and motivated repeated attempts to obtain their own territory (Hoffmann 2014; Hoffmann *et al.* 2016). The granting of territorial autonomy allowed the RCD to enter the territory of Bunyakiri, establish military outposts and reduce the Mai Mai insurgency in the area.

While allowing it to achieve short-term counterinsurgency objectives and obtain temporary access to resource mobilisation mechanisms, such indirect rule strategies often backfired, as those local authorities and elites co-opted by the RCD soon experienced a severe reduction of their legitimacy. For the non-Rwandophone populations of eastern DRC, the RCD was largely perceived as a foreign invasion by Rwanda, not considered legitimate to control territory or rule. In rural areas, chiefs who had collaborated with the RCD were often considered traitors. For example, in the Lakeshore and Midland areas of the territory of Kalehe, the participation of local chiefs in recruitment for the RCD-sponsored Local Defence Force often backfired against their perceived legitimacy. While the initiative at first received popular support, attracting large numbers of youth into the Local Defence Force, the coerced corralling of these forces into the RCD army caused large-scale defections among these youth, many of whom returned to their villages after defecting. Strategically or under threat from the RCD, many chiefs were required to monitor and seek to re-enrol these youth into the Local Defence Force, which sparked resistance from local youth and increased support for the Mai Mai insurgency (Marchais 2016; Hoffmann *et al.* 2016). Thus, the erosion of the

legitimacy of local chiefs incorporated into indirect rule arrangements was significantly enhanced by the social polarisation triggered by the war.

Such an effect of de-legitimisation of local authorities was also visible in the Mai Mai movement, the second largest non-state armed force in the province of South Kivu. The Mayi-Mayi resistance movement that had emerged in July 1997 against the Alliance of Democratic Forces for the Liberation of Congo (AFDL), and intensified when the RCD seized the eastern provinces of DRC, was subjected to opposing processes of centralisation and fragmentation, with great variation according to the different geographical areas in which it operated. Under the command of general Padiri, the Mayi-Mayi adopted a structure mirroring that of the defunct Zairian army in the east (Hoffmann 2007: 58). The centralisation of military command was accompanied by an effort to centralise resource mobilisation; this echoed the long history of resource extraction in the region and required the establishment of an elaborate system of governance of civilian populations, which effectively became an effort to build a fully functioning state. At the centre of the structure was the *etat major politico-militaire* (politico-military headquarters). A rudimentary *administration des Forets* (forest administration) was set up at the military headquarters of the armed group in the village of Mangaa, with a civilian administrator at its head, although Padiri had a tendency to rule in an autocratic and personalised manner (Morvan 2005: 57). The governance of civilian populations combined direct modes of administration, and more decentralised forms of administration through local chiefs.

Deploying soldiers in the various axes (roads) that it controlled, the group set up an elaborate system of taxation to finance its war effort, with some sectors of the economy coming under direct control by the movement, while others were left to more decentralised forms of taxation through intermediaries. For example, the regulation and taxation of the mining sector was highly centralised, with Padiri deploying soldiers to each mine under his control to collect taxes in kind or in cash, which were directly channelled back to his headquarters.⁷ On the other hand, the collection of compulsory household taxes – known as *effort de guerre* or *ration* (war effort) – was usually delegated to local chiefs, under the threat of violence. The imposition of such taxes and administrations, however, did not happen seamlessly, as we will seek to illustrate with the example of the Nduma Defense of Congo.

4.4 Governance in the Nduma Defense of Congo (NDC)

A recent case of a non-state armed group of medium scale controlling territory and administering populations is that of the Nduma Defense of Congo (NDC), commanded by the self-proclaimed General Sheka. The former Director General of Bisie, one of the largest cassiterite mines in the remote territory of Walikale in North Kivu, Ntabo Taberi Sheka (Sheka) decided in 2008 to 'take things into his own hands' and form his own armed faction, allegedly to rid the country of the 'Rwandan infiltration', to restore security in the territory of Walikale, and to ensure that the mineral wealth of his native territory was redistributed to its own people.⁸

After an initial phase of close collaboration with the Rwandan rebel faction Front de Liberation du Rwanda (FDLR), which had its base and significant military power in the territory of Walikale, Sheka and the NDC turned against the FDLR in 2011, assassinating Lieutenant Colonel Evariste Kanzeguhera (alias Sadiki), one of the FDLR's prominent

⁷ For a detailed analysis of the modes of taxation of the mining sector see (Sanchez de la Sierra, forthcoming).

⁸ NDC official manifesto: '*Cahier des charges du Mouvement Nduma Defense of Congo « NDC » de NTABO NTABERI SHEKA.*

military commanders, thereby initiating a brutal cycle of violence between the NDC and the FDLR, which repeatedly targeted civilians.⁹ Following intense fighting, the group pushed the FDLR out of several of its strongholds, and established military control over its 'own' villages for the first time along the road from Lubungi-Kembe to Kalonge. The group then continued its expansion, attacking and chasing the FDLR out of the Misao and Limingi 'axe', and then pushing to Pinga where, following heavy combat against government forces, they took control of the town and made it their military and administrative headquarters.

Thus, within just a few months, the NDC took partial control of a territory of several hundred square kilometres, and dozens of villages within that territory. As the NDC immediately proceeded to establish rule over these villages and govern civilian populations, deciding on the allocation of military resources and the institutional arrangements to govern local populations, this period provides an illuminating example of the challenges that armed factions face in setting up institutions of rule. In the following section, we use this example to show how different sets of constraints and factors explain the types of administration set up by the NDC, and in particular the establishment of more 'direct' or indirect forms of rule.

4.5 Direct vs indirect rule: strategic and economic factors

The region that came under control of the NDC, like many rural parts of eastern DRC, is marked by extremely difficult terrain – a combination of high mountains and volcanoes and dense, impenetrable tropical forests. Establishing and maintaining military control over such areas is a difficult if not impossible task, one which neither the colonial nor post-colonial state were able to achieve (Herbst 2000). Thus, with limited financial, logistical and military resources, the geographical allocation of military resources is a crucial strategic and financial imperative, and one which can determine the fate of a non-state rebel group. In turn, the distribution of these resources can affect the armed faction's administrative capacity, and, when armed group rule extends over a long period, can have far-reaching consequences in terms of political, economic and social trajectories of entities subjected to their rule.

Among the numerous reasons invoked by commanders and members of armed groups to explain the distribution of military means, two feature most prominently: military strategy and the need to mobilise resources (taxes and labour). This is not particularly surprising given the limitations armed groups face in terms of finances and military capacity, but also the context of extreme poverty; generating revenue is vital both for the survival of the armed group as an enterprise, but also for its members and their dependants. In the region that fell under its control, the NDC deployed military resources – soldiers and weapons – in strategic locations, in order to be able to counter attacks by enemy factions, in particular the FDLR, the Alliance des Patriotes pour un Congo Libre et Souverain (APCLS), and the Congolese army. But a significant part of the resources were devoted to controlling the most lucrative centres in the area, particularly the mines and larger trading centres.

According to the former T5 (director of communications) of the NDC, it initially sent delegations to all the villages that fell under its control, with the intention of leaving one or two soldiers in each village. Following the territorial expansion of the group, troops were soon concentrated in the larger urban centres and around the mining areas, resulting in strong geographical imbalances in the distribution of military and administrative resources: 'We weren't very interested in villages with no mining activity and with a small population;

⁹ The breakdown of the NDC–FDLR alliance was allegedly due to direct orders from president Kabila to Sheka to dismantle the FDLR, after the repeated failure of government military operations and growing frustration by Rwanda with the situation, and pressure from Rwanda on Kabila to find a solution to get rid of the FDLR.

where there were mines, or in the larger centres with a strong population, that is where you could find most of our soldiers'.¹⁰ Such uneven distribution of resources echoes the highly unequal geographic distribution of military and administrative resources by both the colonial and post-colonial states, which faced similar logistical constraints (Boone 2003; Herbst 2000).

The NDC's modes of administration of economic, social and political activity closely reflected the double imperative of maintaining strategic military control and mobilising resources for the group, but also, as we will see, the necessity of establishing a form of legitimacy for the group's rule over civilian populations. Like many of the rebel groups that have controlled territory in eastern DRC, the NDC set up an elaborate apparatus of taxation and resource extraction (Sanchez de la Sierra forthcoming; Hoffmann and Vlassenroot 2014; Stearns 2011). Efforts to levy taxes, and the military and administrative means deployed to collect and enforce taxation, were similarly concentrated on the most lucrative sectors of economic activity, with a particular focus on mining sites. The right to access mining sites of *creuseurs* (diggers) was fined, as well as their daily production (by searching and weighting each *creuseur's* production at the exit of the mining site) – a mode of taxation which armed groups have applied extensively throughout the region (Sanchez de la Sierra forthcoming).

Another mechanism to obtain revenue from the mines was the imposition of a day of '*salongo*' (forced labour) each week to all *creuseurs* in each mine,¹¹ during which all the diggers were required to dig for minerals and hand over the day's production to the group. Such taxation practices required a significant presence of soldiers in and around the mining sites, enhancing the concentration of resources in such areas, and favouring much more intrusive and 'direct' modes of administration and organisation of mining activity. While each mine still had a *president directeur general* (PDG), in charge of production and the organisation of miners, the PDG was closely monitored by the NDC's emissaries, to which he owed full accountability. PDGs who did not fully comply with the group's orders were threatened with death or replaced, either by more complacent intermediaries or directly by members of the NDC. Thus, the high revenue streams generated by mining activity prompted much more direct forms of military and administrative control over that sector of the economy.

An extensive range of taxes were also applied on other sectors of the economy, although not with the type of attention and investment the mining sector received. The group taxed trade by setting up roadblocks and fining access to local markets, as well as agricultural and hunting activity by imposing taxes on agricultural production, windmill taxes, taxes on the production of local alcoholic beverages (*kasiksi*) and hunting taxes. The collection of these taxes was devolved to intermediaries, usually representatives of these sectors, but revenue streams were then highly centralised into the central administration of the group (the *bureau 1*), which was in charge of counting and verifying all taxation revenues.

The most extensive tax imposed by the group, however, was a head tax on all adults in the areas controlled by the group, called the '*effort de guerre*' (war effort), which relied on a devolved mode of administration and collection through local chiefs, echoing the historical role of local chiefs in the mobilisation of resources covered in the first part of this paper. Throughout the NDC's territory, all adults were compulsorily required to pay 1,000 Congolese francs per month

¹⁰ Interview with former NDC T5 (director of communications) and soldier, February 2017.

¹¹ The *salongo* is a system of compulsory free labour that was first imposed on Congolese populations during the colonial era, and maintained throughout the post-colonial era.

– a decision taken by the group’s leadership, without consultation of local populations or local authorities.¹² Taxes were collected at the village level, with local chiefs tasked with reporting the number of residents to the group, and then collecting the taxes on a monthly basis. The group would often send a ‘technical team’ to carry out a verification of the number of residents. Once the taxes were collected, the group’s envoys would distribute ‘*jetons*’ (chips) to the chief, which the chief would then distribute to the residents who had paid the tax and could then be used to prove they had indeed paid it. Delegation of supervision and collection of taxation to local chiefs was enforced through ruthless violence. Small groups of soldiers were tasked with carrying out checks in the villages, and any person who was not able to present a *jeton* received 50 to 100 lashes, and was ordered to pay a fine of 50,000–100,000 Congolese francs (US\$50–100) – a prohibitive sum for extremely poor rural households.¹³

4.6 The advantages and limitations of indirect rule

As a result of strategic and economic imperatives, coupled with the scarcity of military, administrative and logistical resources, but also the requirement of not upsetting too profoundly the social and political order of areas under its control, the group – like many others in the region – relied heavily on intermediaries to collect resources and govern the daily life of civilians, setting up rudimentary forms of ‘indirect rule’ types of governance configurations. As just mentioned, these intermediaries were key in the collection of taxes for the group, in particular local chiefs who were tasked with the collection of the head tax on their populations. The group thus ‘appropriated’ existing institutions of local authority and resource mobilisation, seeking to gear them towards their own ends.

This was also the case with civilian authorities, including the representatives of the state. Indeed, the group established what it called ‘*cadres civils*’ or ‘*cadres politiques*’ (civilian or political leaders), enrolling the territorial administrator of Walikale, Akilimani Busanga Prosper, and appointing a political director, Ohumu Kataka Beton, to supervise political and civilian administration. These cadres were tasked, among other things, with verifying that the information provided to the NDC by chiefs on the population size of their villages was correct. Similarly, the group set up its own police force, headed by Luc Tandu Bindu. Rather than developing an entirely new police force, the group enrolled all existing police officers in the areas they controlled, and required them to continue doing their work, albeit as NDC police and not national police. Along with the village chiefs, civilian administrators and police officers were also tasked with reporting the presence of Rwandophone residents in the area. The NDC considered all Rwandophone civilians to be supporters of Rwandan armed groups, which they were trying to defeat and chase out of the territory. When discovered either directly by the NDC or reported to it by its intermediaries, Rwandophone civilian leaders and civilian populations (including women and children) were brutally assassinated.

Thus, rather than developing their own administration from scratch, the group often relied on pre-existing local authorities, *cadres*, and chiefs, to impose its rule. This, however, did not happen without problems. The heavy burden of taxation imposed by the group, and the range of *tracasseries* (day-to-day harassment) its soldiers engaged in meant that civilians and authorities were often reluctant to fully collaborate.¹⁴ When discovered by the group, reluctance or resistance (passive or active) entailed immediate sanctions that ranged from public beatings or lashings to summary executions. According to the former T5 of the NDC,

¹² Interview with ex-T5 (director of communications) of the NDC, February 2017.

¹³ *ibid.*

¹⁴ Interviews with civilian leaders and customary authorities, Walikale, 2015–17.

the existing authorities of a given area were only kept if they were 'trustworthy, and followed closely the orders of the movement'. However, while replacing former state and police authorities or other local leaders was relatively straightforward, replacing local chiefs who showed reluctance to comply with the group's rule was a more sensitive issue, particularly when these chiefs had customary authority.¹⁵ According to the T5, replacing a customary chief would immediately entail a loss in the group's military strength and legitimacy:

We could not replace a customary chief, because that would be going against our ancestors... The strength with which we fought came directly from our ancestors... The customary chiefs are the representatives of our ancestors, so going against them is automatically going against the movement.
(Interview with ex-T5 (director of communications) of the NDC, February 2017)

In the *groupement* of Ihana (the administrative subdivision below the territory) over which the NDC took partial control, the *chef de groupement* (customary chief), Mwami Kitwana Ngulu Seraphin, fled to Goma, the capital of North Kivu, to escape the incessant combats and insecurity, leaving the offices of the chiefdom empty. However, he had appointed an interim, Mwami Blaise Tumbiwa, who, despite not being the recognised ruler, nevertheless had some degree of legitimacy. Conscious of the importance of being associated with the customary authorities, the NDC made substantial efforts to be close to Blaise Tumbiwa: 'We needed to be very close to Mwami Blaise, so we were in constant contact. We would visit him in his house and he would visit us, and he would help us with the cause.'

While the NDC seems to have displayed respect and deference with regards to the more important chiefs, the group could display extreme coercion towards less important chiefs – *chefs de localite* and *chefs de village* – and particularly chiefs whose authority did not stem from custom. In the village of Kashumba, a detachment of the NDC led by the T5 was sent out in early 2012 with the task of recruiting soldiers for the group and 'encouraging' populations to comply with the head tax. At their arrival in Kashumba, the T5 noted that the village had organised a local chapter of the Raia Mutomboki, an *ad hoc* grass-roots armed movement that had started in 2011 in the territory of Shabunda, South Kivu, and spread throughout South and North Kivu (Stearns *et al.* 2013; Vogel 2014). Upon arrival of the NDC detachment, the Raia Mutomboki pleaded allegiance to the NDC, most likely because of its superior military capacity. Through discussions with the elders held in the village *barza*,¹⁶ however, the NDC commander was informed that the village chief had told his population that his role was not to be a host for any visitors (the NDC) and collect taxes on behalf of them, but rather to receive taxes himself as a result of his traditional authority and ownership over land. Irritated by what he heard, the T5 ordered his troops to heavily lash the chief, and beat him to a point of near-death. The next morning, the T5 convened a reunion with the entire village, and further lashed and beat up the chief in front of his population, stating that the chief had brought this upon himself by refusing to follow the group's 'ideology'. Such disciplinary beatings of reluctant chiefs were commonplace and, on rare occasions, chiefs would be assassinated. This would happen when chiefs were suspected of collaborating with enemy armed factions, and particularly with the FDLR. Assassinating chiefs, however, posed the complex question of succession. For chiefs tied to the custom, the group had to follow the customary procedure of appointing the chief's successor among his lineage. This could

¹⁵ In DRC, not all chiefs owe their authority to custom. The imposition of indirect rule during the colonial era included the appointment of chiefs in acephalous or highly decentralised societies, such as the Rega of South Kivu (Biebuyck 1973). As a result, such chiefs do not enjoy the type of recognition of their authority that chiefs associated to local customary systems do, and the population constantly makes the distinction between chiefs 'from the custom' and these appointed chiefs.

¹⁶ A *barza* is a village assembly of village elders and leaders, where issues concerning village affairs are discussed.

generate conflicts of succession, in which the group would support – and often impose – a successor who seemed compliant to their cause.¹⁷

Such coercive actions towards local chiefs and interferences with customary politics and successions could, however, weaken the group's legitimacy. Although the group's leaders and a majority of its membership were natives of Walikale, which – in the context of the ethno-territorial conceptions of authority that are prevalent in eastern DRC – conferred on them a substantial advantage over groups perceived as foreigners (in particular the FDLR), their legitimacy was nonetheless tributary of their actions. In order to assert the legitimacy of their claims to rule and to mobilise resources, the group deployed a range of discursive and ritual practices, building on the variegated repertoire of claims to political legitimacy in eastern DRC (Hoffmann 2016; Hoffmann and Vlassenroot 2014). Public meetings were organised after the conquest of a village, and then regularly throughout the group's presence in an area. The purpose of such meetings was to assert the group's coercive power by putting troop numbers and weapons on display, but also to expose the group's 'ideology' – its motives for fighting and taking control over a particular village. These were couched in references to local idioms of authority and traditional sources of power, but also in claims to bring security and development to the village – a modernist discursive repertoire long used by armed groups in the region (Hoffmann 2014). A video obtained by the authors, of one of the group's public meetings in the town of Pinga, shows that the group's leaders – in this case Sheka himself – would deploy extensive efforts to convince the population of the righteousness and legitimacy of the movement's objectives and rule over the village, resorting to chants, inviting local customary authorities to publicly give their backing, and arguing that the group's presence would enhance cooperation and development within the village.

4.7 The impact of indirect rule on local authority

The co-option of local authorities by armed groups is not without consequences for the way they are perceived by their populations, their level of legitimacy and their capacity to organise local collective action. However, the mechanisms tying the emergence or imposition of 'indirect rule' types of governance arrangements and the legitimacy of local authorities and institutions are neither linear nor uniform. The relationship between armed groups and local authorities is the result of elaborate negotiations that play out not only at the onset of a group's control over a certain entity, but throughout their period of control and beyond, and can change significantly in time. While armed groups often make use of their coercive advantage – as we have seen with the example of the NDC – they remain reliant on local authorities for the collection of resources and to gain legitimacy, which can confer significant bargaining power to local authorities. This negotiated relationship is influenced by a range of factors, most notably the social basis of the armed groups, the relationship between the armed group and the chiefs, and by the armed groups' and local authorities' actions. Here, we identify some of the core mechanisms through which the legitimacy of local authorities is either eroded or reinforced. We focus on three mechanisms through which the legitimacy of local authorities can be eroded: (a) the thwarting of the chief's accountability from the population towards the group; (b) the militarisation of succession conflicts; and (c) social polarisation. We use the example of the NDC and other groups in the region to illustrate some of the ways in which these mechanisms operate.

¹⁷ Interviews with civilian leaders and customary authorities, Walikale, 2015–17.

4.7.1 Mechanisms of erosion of legitimacy

Local authorities' legitimacy can be significantly dented by their association or perceived collaboration with groups considered to be illegitimate. The mechanisms through which this can occur are similar to those identified in the literature analysing the effects of colonial rule on the legitimacy of customary chiefs. Association with groups perceived as inherently illegitimate, as a result of their origins, can be particularly damaging for the reputation of local authorities. In eastern DRC, where ethno-territorial origins are a key pillar of legitimate authority, Rwandophone groups have historically been considered as foreign and illegitimate rulers (as seen with the example of the RCD). In interviews carried out with local chiefs in Walikale and several territories of South Kivu, those who had been subjected to such rulers usually argued that they had no choice but to collaborate with these groups as resistance would immediately entail death, and that their populations were conscious of this fact and took it into account in the way they perceived their chiefs' actions. Interviews with residents, however, painted a much more nuanced and variegated picture, and revealed that chiefs were closely judged on their reactions to the imposition of armed group rule. For example, chiefs that fled upon the arrival of armed groups were judged very harshly, considered as 'scared; these are not real chiefs for our village, imagine a chief who knows that his population will suffer and who runs away?'¹⁸ Such a reaction could be reinforced if the chiefs subsequently stayed in exile, with the notable exception of chiefs who were known to be organising various forms of resistance.

Chiefs who did stay were scrutinised on their behaviour. In interviews, respondents were closely aware of the fact that the presence and demands of the group on the chief in terms of tax and labour mobilisation thwarted the direction of the chief's accountability towards the group and away from the population, a process which Mamdani (1996) has shown to be at the heart of the de-legitimising effects of colonial indirect rule. While most interviewees stressed that the chief had little choice but to comply with the group, a fair number of them considered that the chief's position, despite being more exposed to direct violence by the group, was in fact a relatively advantageous one:

If the chiefs collect what the group has asked him to, he will not be bothered; he is not going to suffer like the population suffers; we also know that the chief gets something in what is collected by the group, although he doesn't tell us; it is always the population that will suffer in these situations and we cannot do anything because our chief can't even help us.

(Interview with resident of Walikale centre, November 2015)

Such accusations of the chief getting a cut out of the taxes collected by the groups were not uncommon, and constituted one of the major grievances populations had with regards to their authorities in contexts of armed group rule.

Moreover, chiefs subjected to 'indirect rule' configurations were often accused of failing to protect their populations and their livelihoods. This was reported in the village of Abatokolo in Walikale, a village repeatedly occupied by armed groups as a result of its remoteness, where interviews revealed that the population no longer felt that the chief protected them from abusive behaviour or taxation by armed groups. Following the assassination of a *nyumbakumi* (sub-village chief) by the RCD in 2003, the village chief and sub-chiefs would be reluctant to report violent or inappropriate behaviour by soldiers to those further up the armed group's hierarchy for fear of being beaten or killed. While residents usually

¹⁸ Interview with resident of Mubugu grouping, Numbi, September 2012.

understood that the chief had little margin of manoeuvre with regards to these types of abusive or exploitative behaviours, the chief's role as a spiritual and practical protector of his population decreased, eroding one of the central tenets of chief authority and legitimacy. A local resident recalled: 'After a while, we do not ask him to do that anymore, because we know that he is afraid of being killed by the group; what could he do'?¹⁹

The same was true for the seizing of goods and assets, such as houses, land or material goods confiscated from village residents. While local chiefs would often plead for the return of such goods, or try to mediate between the groups and the population, their demands would rarely be met. In certain areas, such as the midlands and the highlands of Kalehe in the territory of South Kivu, local chiefs could be complicit in the land-grabbing commandeered by regional elite networks and carried out by armed factions, which often entailed the violent eviction of entire families from the land (Van Acker 2005; Ansoms, Claessens and Mudinga 2014). Interviews carried out in that region in 2012 and 2013 pointed to the fact that chiefs often denied having a part in these land-grabbings, attributing the blame to the armed groups and their own helplessness in the face of military force; the interviews also revealed that many among the local population considered the chiefs to be complicit.

The most contentious issue, however, was the forced enrolment of villagers for sexual services, labour or combat. A widespread practice of armed groups was to forcefully 'marry' village women, which often amounted to sexual harassment and rape. Chiefs were usually asked to give their consent to such marriages, and were mostly incapable of refusing, given the implicit or explicit threat of violence. Such bogus weddings would erode the symbolic authority of chiefs over one of the core institutions of rural Kivutian society. Equally contentious was the forced enrolment of villagers by the group to serve as porters or soldiers. Groups such as the Mai Mai Padiri in the territories of Kalehe and Shabunda, in South Kivu, would ask all villages they controlled to provide a certain number of men, and would delegate the task of enrolling these men to the local chiefs, who were tasked with establishing lists of potential candidates and *sensibilisation* (convincing them to be enlisted as soldiers).²⁰ Those targeted for recruitment would often flee, and the chief would be reprimanded by their families for facilitating the recruitment of their child. In addition to such volunteering of villagers without their consent, the denunciation of villagers to the armed group could significantly enhance distrust and grievances against the chief. This was particularly the case in contexts of counter-insurgency, where armed factions relied on local chiefs to denounce members or supporters of opposing armed factions. In certain cases, as during the Raia Mutomboki insurgency in South Kivu, or in the territories held by the NDC, chiefs and local authorities were required to denounce all Rwandophone populations in their area, who would be killed.

The mechanisms through which local chiefs' accountability towards their populations were thwarted were accentuated by the process of social polarisation, one of the central 'social processes of civil war' (Wood 2008), which further eroded the authority and legitimacy of local chiefs. The mechanisms underpinning social polarisation in civil war are complex, but are generally tied to the alignment of certain segments of local societies with opposing armed factions, which results in multiple forms of social conflict. As previously mentioned, armed groups in South Kivu often have complex and deep ramifications in local societies from which they emerge, and can 'appropriate' pre-existing social networks or craft new

¹⁹ Interview with Abakatalo resident, July 2016.

²⁰ Interview with former bodyguard of general Padiri, Bukavu, 13 August 2012.

ones, strengthening their 'social-institutional' basis and enabling control over local societies (Staniland 2015). In areas falling under their partial or total control, relatives of armed group members – often the younger brothers – would serve as spies for the group, and report suspicious activity within the village, and closely scrutinise the behaviour of the chief with regards to his tax collection and labour mobilisation duties. This could considerably reduce the chiefs' scope of action and autonomy in the management of village affairs, as – although nominally remaining the main authority in the village – his actions and decisions could be countered by the group. In the village of Lemera, in the territory of Kalehe, where the Mai Mai Kalehe headed by Muhindo Changoco and Cisayura Bienvenue set up their base during the second Congo war, the chief, who had been enlisted by the group to collect taxes and was closely monitored by the group's networks of relatives, considered that:

I had lost my authority over the population of my village... especially the families of the Mai Mai, to whom I couldn't say anything. If I say something, they will denounce me to the group and they come and imprison me, lash me, or beat up my family.

(Interview with chief of Kasheke, November 2012)

Such loss of authority over certain segments of his population was often accompanied by the perception by others that the presence of the group gave the group's relatives or supporters various forms of advantages. Relatives of armed faction members could be spared from the extortive and exploitative practices we have reviewed, benefit from the 'protection' of the group, and have privileged access to goods or to economic opportunities, generating resentment from the rest of the population. Over time, the entrenchment of such processes could either reinforce existing social classes – when groups were associated to pre-existing elites – or give rise to novel social classes, consolidating as a result of the presence of the group.

The position of local authorities with regards to such dynamics is central to understanding the erosion or reinforcement of chiefs' legitimacy. As previously mentioned, chiefs who were perceived to be benefiting from the presence of the armed group, or distributing benefits to certain segments of the population, could face substantial resentment from the general population, eroding and reducing their legitimacy. Conversely, when local authorities are not closely associated with the classes benefiting from the presence of the armed group, this can lead to a bypassing of the chiefs' authority and prerogatives. This is particularly the case, for example, when those associated with the group modify property rights, such as when land is forcefully seized and appropriated by certain actors, with the backing of the armed factions. As this new distribution of property rights can challenge the 'traditional' order in which local chiefs are custodians of the land, conflicts over land ownership can quickly emerge, pitting the chiefs against the new classes of owners. In such cases, the group can decide to directly administer such land and remove it from the remit of local chiefs, establishing more direct forms of rule, which further erode local chiefs' power. The erosive effects of indirect rule by armed factions are therefore highly differentiated.

5 Conclusion

In this article, we have explored some of the conditions of emergence of 'indirect rule' types of governance arrangements in contexts of armed conflict, as well as the consequences these have on local authorities. We started by ascertaining the theoretical relevance of the concept of indirect rule, and its applicability to contexts of armed conflict and rule by non-state

armed factions, setting important caveats to the risk of 'conceptual stretching', in particular with regards to exogeneity. Then, we gave an overview of the use of indirect rule types of governance arrangements in eastern DRC, showing as several authors have recently argued that it was a longstanding template of rule in the region. We then focused on the conditions of emergence of indirect rule arrangements during the Congolese wars, taking a broad overview and then zooming in to the case of the NDC.

We have seen that the establishment of more intrusive and direct forms of rule on one side, and the enrolment of intermediaries and more indirect forms of rule on the other, was strongly guided by strategic and economic imperatives, but also the necessity for the group to establish a form of legitimacy for its rule over civilian populations. This generated particularly contentious issues around customary authorities, whose (often coerced) enrolment was necessary for the mobilisation of resources, but on whom groups often depended in order to establish a modicum of legitimacy around their rule. Furthermore, we have identified some of the core mechanisms through which the legitimacy of chiefs is affected by the establishment of indirect rule, in particular the thwarting of accountability of chiefs towards their population, the limiting of a chief's capacity to protect his population and their livelihoods, and the divisive effects of social polarisation. Such mechanisms and processes, however, are highly contingent on local social and historical configurations, and can play out in multiple ways, which calls for further in-depth case studies.

Furthermore, the magnitude of these mechanisms and effects remains poorly quantified. As the purpose of this qualitative research paper was to situate this particular mode of rule in the region's history of political organisation, and the mechanisms that lead to the imposition of indirect types of configurations of rule and their effects, the companion paper takes a quantitative perspective to analyse the causes of emergence and the effects of indirect rule on the authority and legitimacy of local chiefs. Based on retrospective panel data collected through a large survey in the province of North Kivu, which made it possible to reconstitute the political and security history of 200 villages along key variables, but also the history of the chiefdoms and successions, the paper brings empirical support to the mechanisms identified in this paper.

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