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Configurations of Authority in Kongo Central province: governance, access to justice, and security in the territory of Muanda

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Configurations of authority in Kongo Central province: Governance, access to justice and security in the territory of Muanda

Tatiana Carayannis, Jose Bazonzi, and Aaron Pangburn

Introduction

One of the objectives of the Justice and Security Research Program (JSRP) is to analyze both formal and informal governance and authority structures in conflict affected areas in Central Africa and to examine security and justice practices provided by these structures. An accurate understanding of how these authority structures operate is fundamental for properly understanding not only the conflicts themselves, but also the most effective responses to those conflicts. The goal of this mapping paper is to report concrete, detailed data on the establishment of a public authority in Muanda in the province of Kongo Central in the Democratic Republic of the Congo (DRC), on the impact of the authority on local populations, and finally the effects of external interventions on these public authorities. This study also uses data gathered from rigorous field research from 2014-2016 to explore the complexity of authority structures. This is commonly a competition for power and legitimacy among any number of state and non-governmental actors, internal as well as sometime external. Their dynamic interactions produce public authorities that help shape communities' access to justice and to security. This mapping paper focuses on these public-security practices and the socio-political context that underpins them in the territory of Muanda.

Kongo Central province boasts the DRC's only outlet to the sea and is home to the country's largest commercial port and its largest military base. It is also home to Perenco, a Franco-Anglo oil company and its subsidiaries that claims to be one the country's largest investors.¹ Kongo Central sits on the Angola-DRC-Congo-Brazzaville border. As the descendants of the great Kongo Kingdom, it is the only province in the DRC that is, relatively speaking, ethnically and linguistically homogenous, and has produced a number of Congo's most significant syncretic movements. More recently, Kongo Central has also been at the center of a border demarcation dispute between DRC and an earlier patron during the second Congo war, Angola. The dispute is over the continental shelf between the Angolan Enclave of Cabinda and Kongo Central province, and a related dispute over offshore drilling rights. Some in the DRC government (and in communities in Kongo Central) believe that Angola is stealing oil worth billions of U.S. dollars annually over the disputed border area with Cabinda, called Shayimbwanda, which, in Chokwe means "an area which belongs to both sides of the border." This also happens to be an area where

¹ This claim is made on Perenco's DRC website: <http://www.perenco-drc.com/>

diamond deposits are said to be located, although it is the politics of oil that are a new resource dynamic for the DRC.

The resource-intensive tensions between DRC and Angola have revealed a gap in our knowledge about the political dynamics of oil in that region. These dynamics have also produced a collection of authority structures that are an amalgam of the state, customary chiefs, and the Perenco oil company, which dominates the political economy of Muanda. These dynamics are further complicated by the activism of local civil society, including the Bundu Dia Kongo (BDK) ethno-religious-political movement based in the province. The ethnic roots of the BDK are among the Bakongo or Ne Kongo tribesmen who inhabit Kongo Central province in DRC, as well as Cabinda and Zaire provinces in Angola. Ne Mwanda Nsemi, the leader of BDK, is a self-proclaimed “leader of the Bakongo people’s conscience” and envisions the regrouping all Bakongo peoples who reside in Angola, DRC, Congo Brazzaville, Gabon, and Brazil. He has positioned himself in opposition to the Kinshasa authorities, although in 2016 did temporarily join the presidential majority in an attempt to re-enter the political sphere after the movement was banned in 2008. The presence of BDK followers in the border area with Cabinda where the Angola separatist movement of the Frente para a Libertação do Enclave de Cabinda (FLEC) are fighting for the independence of Cabinda, has caused Angolan army troops to intervene inside DRC multiple times in hot pursuit of the FLEC rebels.

The growing reliance of local populations in parts of the province not only on customary authority structures and the BDK, but also on the powerful Kimbanguist church (which originated in Kongo Central but which remains influential nationally), and other syncretic and messianic movements with political messages of self-reliance and self-resilience as structures of authority and security provision. This is an important phenomenon about which we know little. These ethno-religious movements interact with other authority structures—both public and private, formal and informal, in a conflict-prone sub-region characterized more by a simmering low-intensity cross-border conflict over the exploitation of oil and migrant labor.

A History of Public Authority in Kongo Central²

Today, Kongo Central is one of 26 provinces in the Democratic Republic of the Congo (DRC). It is located in the southwestern part of the country and, by way of the territory of Muanda, is the only part of the country to border the Atlantic Ocean. Kongo Central covers 53,920 km², representing 2.3% of the country’s area, and lies between 4°S and 6°S and 12°E and 16°E. It is bordered to the north by the Congo (Congo-Brazzaville), to the south by Angola, to the east by the city of Kinshasa and the province of Bandundu, and to the west by the Atlantic Ocean and the enclave of Cabinda (in Angola). Kongo Central is located between 75 to 360 meters of altitude near the Atlantic Ocean and 300 to 650 meters in the Cuvette Centrale region.

² This section was inspired by J. Bazonzi’s “Organisation politico-administrative du Kongo Central,” in J. Omasombo (dir.), 2017, *Monographie du Bas-Congo*, Tervuren, MRAC (forthcoming).

Under the terms of the Third Republic's constitution, the province should have been named Kongo Central in 2006, but it remained Bas-Congo until 10 January 2015 when the parliament finally passed the decoupage law, which determined the borders of the 26 new provinces. Kongo Central was previously used between 1963 and 1971.³ The term "Kongo" refers to the former Kingdom of Kongo, which included the western part of what is now the DRC, part of Congo-Brazzaville, and northern Angola. The "Central" part of the name comes from the region's geographical location in the former Kingdom of Kongo: the region occupied the central part of the former kingdom, with the southern part located in what is now Angola, the northern part in Congo-Brazzaville, and the northwest part in the enclave of Cabinda. The name Kongo referred to the king (Mani Kongo), the people (Ne-Kongo), the kingdom's territory (Nsi a Kongo) and capital (Mbanza-Kongo), and the river that flows through the territory (Nzadi a Kongo).

In 2003, Kongo delegates to the InterCongoese Dialogue in Sun City expressed a desire to change the name Bas-Congo to Kongo Central. By reclaiming the name Kongo Central has recognized the tripartite nature of Kongo's socio-political region. It has also signified a return to the original model of the Kingdom of Kongo, in keeping with the Kongoese creation myth and the adage "*makuku matatu malamba Kongo*."⁴ This explains why the province's inhabitants did not wish for their province to be split up; on the contrary, locals wanted to rename it "Kongo Central" due to their long histories and shared traditions. They felt that reclaiming the old name would be a way to memorialize a territory that was balkanized following two periods of occupation in history: first by the Portuguese in the early 16th century, and then by the Belgians from 1885 to 1960.

When King Leopold II created the Congo Free State (CFS) in 1885, the area that is now Kongo Central was integrated by law into the new political and administrative entity. The Royal Decree of April 1, 1888, organized the Congo into 11 districts, four of which made up the Kongo region: Banana, Boma, Matadi, and Cataractes. The other seven districts were Stanley Pool (now Kinshasa), Kwango-Oriental, Stanley Falls (now Kisangani), Kasai, Ubangi (the former Equateur), Aruwimi-Uele (the former Orientale Province), and Lualaba (the former Katanga). It should be noted that before colonialism took hold, many traditional chieftains and ivory and slave traders succeeded in expanding their power across vast territories, and the Belgians' colonization of the region posed a major obstacle to their trade. At the time, Belgian colonialists did not yet possess a true military capable of subduing recalcitrant

³ The name change occurred on October 27, 1971 under a philosophy of authenticity propagated by the Popular Movement of the Revolution (MPR), the party of Marshal Mobutu.

⁴ "The three hearths that forged Kongo," referring to the trinity that comprised the Kingdom of Kongo. Kongo Central was one of three territories in the former kingdom and an influential region in Africa. It was said to be one of the three firestones that supported the kettle in which Kongo was "prepared."

chieftains. This resulted in the maxim *divide ut impera*, divide and rule, a philosophy that was to greatly influence the colony's administrative structure.⁵

The Royal Decree of July 7, 1895, modified the CFS's political and administrative structure, increasing the number of districts from 11 to 15: Boma, Banana, Matadi, Cataractes, Stanley Pool, Kwango, Lake Leopold II, Equateur, Ubangi, Bangala (now Makanza), Uele, Aruwimi, Stanley Falls, Kasai, and Lualaba. Vivi was the country's general administrative center at the time and remained so until May 1, 1886, which is why Vivi is sometimes considered the first capital of the Congo. After this date, the general governmental seat was moved to Boma.

When CFS became the Belgian Congo in 1908, the 15 districts were reduced to 12: Bas-Congo, Moyen-Congo, Lake Leopold II, Kasai, Equateur, Bangala, Ubangi, Uele, Aruwimi, Stanleyville, Kwango, and Katanga. Then, under the Royal Decree of March 28, 1912, the country was divided into 15 districts once more for easier administration. Some districts were given "capitals," including the district of Bas-Congo, whose capital was Boma. Boma remained the government's headquarters due to the immense size of the territory, and two vice governors were located in Stanleyville and Elisabethville. Later, after the occupation phase when the colony began to be systematically exploited economically, Belgian colonizers combined the smaller territories to facilitate their exploitation.⁶ In 1924, the districts were consolidated into four provinces: Congo-Kasai, Equateur, Katanga, and Province Orientale. On October 31, 1929, under the Royal Decree of July 1, 1923, Leopoldville was promoted to the country's administrative center, a role formerly played by Boma, and thereafter considered the second capital of the Congo.

Between 1935 and 1963, the Belgian Congo's colonial government redrew the country into six provinces, each divided into districts. These were: the province of Leopoldville (Bas-Congo, Moyen-Congo, Lake Leopold II, and Kwango); the province of Coquilhatville, which became Equateur in 1947 (Congo-Ubangi, Equateur, and Tshuapa); the province of Elisabethville (Haut-Katanga, Lualaba, Haut-Lomami, and Tanganika); the province of Costermansville, which was renamed Kivu after 1947 (North Kivu, South Kivu, and Maniema); the province of Lusambo, which was renamed Kasai after 1947 (Kasai, Sankuru, and Kabinda); and the province of Stanleyville, which became Province Orientale after 1947 (Stanleyville, Bas-Uele, Haut-Uele, and Ituri).

On January 5, 1963, the Congo Free State was divided into 22 provinces, with the city of Leopoldville (now Kinshasa) as the capital. The provinces were considered "provincettes" under the Second Republic. Kongo Central was one of the provincettes and its capital was Matadi. On February 5, 1966, the Congo was divided yet again into eight provinces: Bandundu, Congo Central, Equateur, Province Orientale, Kasai-

⁵ Musao Kalombo, C., *Histoire politique de la République Démocratique du Congo*, University of Kinshasa, Department of Political and Administrative Science, Kinshasa, November 2012, pp. 35-36.

⁶*Ibidem*.

Occidental, Kasai-Oriental, Kivu, and Katanga. On January 6, 1971, three provinces changed their names to reflect their origins: Kongo Central became Bas-Zaire, Katanga became Shaba, and Province Orientale became Haut-Zaire. After the fall of Marshal Mobutu on May 17, 1997, the provinces of Bas-Zaire, Shaba, and Haut-Zaire became, once again, Bas-Congo, Katanga, and Province Orientale under Laurent-Désiré Kabila. The Republic of Zaire reverted to its original name, the Democratic Republic of the Congo.

In the current system of political and administrative subdivisions, the province of Kongo Central contains two cities (Matadi and Boma) and four districts (Bas-Fleuve, Cataractes, Lukaya, and Boma). The district of Bas-Fleuve is divided into three territories (Tshela, Lukula, and Seke-Banza), as are Cataractes (Luozi, Songololo, and Mbanza-Ngungu) and Lukaya (Madimba, Kimvula, and Kasangulu). Each territory is divided into sectors, which are divided into groupings and then villages, while cities are divided into communes, quartiers, localities, and streets. Kongo Central contains no *chefferies* (a commonly used local administrative unit in DRC), only sectors. The district of Boma, an administrative exception, includes the city of Boma and the territory of Muanda.

The territory of Muanda

With an area of 4,265 km², the territory of Muanda is bordered to the north by the enclave of Cabinda (an Angolan province), to the south by Angola, to the east by the city of Boma and the territory of Lukula, and to the west by the Atlantic Ocean. Situated on the Atlantic coast, it is located between 5°56'S and 12°21'E, has a warm continental climate, and its topography is comprised of sandy plains. Most of its vegetation consists of mangroves in the swamplands from Banana point (at the mouth of the Congo River) to Boma, and steppes on the continental plateau as you move further north from the river basin. Its soil is sandy, arenoferral soil, which is low in nitrogen and mediocre for agriculture, but useful for livestock farming.

In terms of bodies of water, the territory of Muanda is irrigated by the Congo River and by several small coastal rivers, the largest of which are the Tonde (or Muanda) and the Kumbi rivers. All three flow into the Atlantic Ocean--the Congo at Banana (at the mouth of the Congo River) about 15 km south of Muanda; the Tonde at the beach 8 km from Muanda, near the Catholic Mission; and the Kumbi in northern Nsiamfumu (formerly Vista), a locality 12 km north of Muanda. Muanda also features several smaller rivers, including the Pinge, Venzo, Kimbaza, Soka-Mongo, Luibi, Tshienda-Kububu, Bugulu, Bola, and Netombe⁷ rivers that form an inlet north of Banana.

Muanda was once a small village on the Atlantic coast where the Woyo people lived. While Nsiamfumu (formerly Vista) and especially Banana, located at the mouth of the

⁷ Cf. Hubert Droogmans, 1901, *Notices sur le Bas-Congo*. Appendices to sheets 1-15 of the map of the Congo Free State at 1:100,000, Brussels, Imprim. Van Bugghenhoudt, p. 10.

Congo River, grew into a seaside resort and wharf, respectively, Muanda's expansion into a large town and then an urban area resulted from the discovery of oil. Muanda was initially part of the district of Bas-Fleuve (with Nsiamfumu, a locality 27 km from Muanda, as its capital), but it was later given territory status, as were Tshela and Lukula. Muanda was then considered part of the city of Boma, which was a district at the time, for administrative purposes.⁸ It stretched from the Atlantic coast to Boma's city limits (in the sector of Boma Bungu, sometimes incorrectly called Boma Mungu) and beyond.

As of 2014, the territory of Muanda had a population of 197,048 residents.⁹ Currently, most are ethnically Kongo and descendants of the former Kingdom of Kongo. Although they share an ethnicity and culture, the remoteness of some of the groups has resulted in diverging practices. These can be seen in cultural traits such as language (there are multiple dialects of Kikongo), music, marriage, and art. Nevertheless, most customs are fundamentally similar across all Kongo peoples, including wedding traditions, creation myths, division of labor, clanship, and culinary customs. The Assolongo, Woyo, Kongo (Bakongo ya Boma or Vili), and Yombe peoples can be found between the Atlantic Ocean and Boma's city limits. In addition to the Woyo, Assolongo, and Kongo peoples, which are considered indigenous, Muanda is home to some relative newcomers, including the Kakongo and Yombe,¹⁰ who constitute a majority in the city of Boma and have migrated to Muanda and the enclave of Cabinda.

The Assolongo are the only patrilineal Kongo tribe. They live along the Congo River above Ponta da Lenha and on Ile de Mateba. They are fishermen originally from the former Angolan province of Soyo. Their ancestors had a reputation as conquering warriors, pirates, and slave hunters.

The Woyo are neighbors to the Assolongo and have fought them many times throughout history in attempts to conquer lands along the Atlantic coastline. Battles continued symbolically into post-colonial times. The Woyo live in the coastal region between Banana and the enclave of Cabinda, an area that was once a province of the Kingdom of Kongo called Ngoyo. The Woyo are mostly farmers.

Often referred to as "Bakongo ya Boma" (Bakongo from Boma), the Kongo are an ethnic minority currently living in the territory of Muanda (in the Boma Bungu sector) and the city of Boma. They are sometimes grouped with the Kakongo, who are themselves a minority group often lumped in with the Yombe. Along with the Mbata, a people that primarily live further west in Madimba territory, the Kongo long lived

⁸Boma and Kolwezi are exceptions in the political and administrative history of the DRC. Both are cities with district status.

⁹ « Territoire de Muanda », *Cellule d'Analyses des Indicateurs de Développement*, 30 November 2015, available at <https://caid.cd/index.php/donnees-par-province-administrative/province-de-kongo-central/territoire-de-moanda/?secteur=fiche>

¹⁰ Here, we refer to the DRC Yombe. There are also Yombe in Congo-Brazzaville and Angola (Cabinda).

under the control of the Portuguese, who forced them into labor and the construction of the Matadi-Kinshasa railroad. The Kongo are also a farming community and grow peanuts, manioc, and bananas in the fertile soil along the water.

The Yombe people live in the tropical forest that runs from northern Boma into the former Portuguese and French colonies parallel to the Atlantic coast.¹¹ They can also be found in the Congo (DRC), in Congo-Brazzaville, and in Angola (in Cabinda). The expansive territory of Mayombe¹² stretches into all three countries. The Yombe of Kongo Central live in the part of the forest between Luki, northern Boma, and the Shiloango River (Tshela, Lukula, and Seke-Banza). The population is very dense and lives off the forest and croplands. They excel in business, enjoy travel and adventure, and constitute a large ethnic sub-group in Matadi, Boma, and Muanda. The Yombe may be the most distinctive of all the ethnic sub-groups in Kongo Central, a distinction that may have been amplified by their geographical location on the region's outskirts, their cultural specificities, and their historically low numbers in Leopoldville (now Kinshasa), according to Luc Monnier.¹³ The Yombe are generally farmers as well, though they also hunt and fish.

Last but not least, the Kakongo live in the territories of Lukula and Muanda and in the city of Boma. Given their frequent intermingling with the Yombe, the two groups are often lumped together.

Originally inhabited by the Woyo, the territory of Muanda is now home to a diverse population of people from across the Congo, most of whom work in commerce. Aside from farming, the dominant traditional activity is still the preparation of artisanal beverages (mandjienvu, tsamba, lotoko, kaporoto, etc.). Most farming activities involve growing peanuts, beans, manioc, peas, and wangila.

Administrative divisions of the territory of Muanda

The territory of Muanda was once home to the capital of the Bas-Fleuve district, which contained four territories: Muanda, Seke-Banza, Lukula, and Tshela. The district's capital was Nsiamfumu, 27 km from the city of Muanda, and 251 km from the city of Tshela. The capital was later moved to Tshela, and Muanda became a part of the city of Boma. Until 2010, the territory of Muanda was administratively considered a part of the city of Boma, but a reform in 2010 gave it a city status. As there have been no other notable changes to the territory's administrative structure, in this paper we will continue to refer to the region between the Atlantic coast and the city of Boma as "the territory of Muanda." The territory of Muanda is comprised of a city divided into five *quartiers*, four administrative posts, and three sectors (Assolongo, Boma Bungu, and La Mer) distributed across 30 groupings and 244 villages.

¹¹Cyrille Van Overbergh, 1907, *Sociologie descriptive : les Mayombe (Etat Indépendant du Congo)*, Brussels.

¹² This region is called "Mayombe" in Congo-Brazzaville. "Mayumbe," which is used in many colonial texts, is an inaccurate and rarely-used synonym.

¹³ Cf. Luc Monnier, *Province du Kongo Central*, IRES, Lovanium, Leopoldville, July 1964, p. 215.

The territory of Muanda is currently governed by Guillaume Ngongo Ngongo, territory administrator, assisted by two deputies, Vincent Dikila and Thérèse Malila Kiatonda.

The city of Muanda

The city of Muanda has five quartiers: Vulumba Nord, Vulumba Sud, Baki, Camp Réfugiés, and Socir. The mayor is Gabrielle Soto Kundi Muan'Matayi. According to a local public figure¹⁴, the word “Muanda” means “soul” in Kikongo. That is why we use the term “Muanda” instead of “Moanda,” which is often found in literature (and confused with the Gabonese town of Moanda), but unfortunately is not used in the territory’s official documents.

The Assolongo sector

The Assolongo sector is bordered to the west by the Atlantic Ocean, to the east by the Boma Bungu sector, to the north by the La Mer sector, and to the south by the Congo River and the Republic of Angola.¹⁵ The sector contains two groupings, Kinlau and Malele, as well as Banana,¹⁶ the mouth of the Congo River, the village of Kitona, and localities such as Kinkenge, Kitombe, Nienze, and Nzobota. The region is irrigated by the Mbola River, which flows into the Congo River near the estuary southeast of Nzobota. The capital of the sector is Kitona, which is inhabited by the Assolongo people. The Ile de Bulambemba (Bulambembo)¹⁷ on the Congo River, where independence leader Antoine Gizenga was once held, also belongs to this sector. The sectors are governed by traditional leaders. Assolongo sector is headed by Simon Kutshi Baka, the leader of the Malela grouping.

The La Mer sector

The La Mer sector is bordered to the west by the Atlantic Ocean, to the east by the Boma Bungu sector, to the north by the Angolan province of Cabinda and the territory of Lukula (which includes the sector of Kakongo), and to the south by the Assolongo sector. It is also irrigated by the Mbola River on its eastern border, which it shares with the Boma Bungu sector. La Mer contains historical cities such as Nsiamfumu (formerly Vista) on the Atlantic coast, Tende and Yema near the Cabinda border, Matamba, Makayi-Niema, Malemba, Tshika, Weka, and the city of Muanda (on the

¹⁴ We received this information from Michel Phanda Wola, a Muanda native whom we interviewed. He is currently a language instructor at the Lycée Sacré-Cœur in Kinshasa. According to Mr. Phanda Wola, “Muanda” means “soul” in the Ndibu language. Thus, the name “Moanda” has no meaning. By cross-referencing his information with our research, we found that Mr. Wola may have been slightly mistaken: the language of origin is not Ndibu (Kindibu) but rather Vili, which is spoken by the people collectively called “Bakongo ya Boma” (the Kongo of Boma) who live in the Boma Bungu sector (which includes Ile de Mateba) and the city of Boma.

¹⁵ The sector boundaries we used were taken from the *Atlas de l'organisation administrative de la République Démocratique du Congo*, Kinshasa, CEPAS, 2005, by Léon de Saint Moulin and Jean-Luc Kalombo Tshibanda. We corrected some misspelled names of localities and groupings, but this does not affect the quality and value of this precious and important tool that is still unique in its genre and for the entire country.

¹⁶ The name “Banana” comes from the word “bianana,” which means “small palm trees” in the Woyo language. See Mr. Phanda Wola.

¹⁷ The name of the island means “speak, say something” in Kikongo.

coast). The capital of La Mer is Makayi-Samba. The sector is inhabited by the Woyo people and is governed by Nzangu Vuminanga, head of the Muanda Village grouping.

The Boma Bungu sector

The Boma Bungu sector is bordered to the west by the La Mer and Assolongo sectors, to the east by the territory of Seke-Banza (which includes the sectors of Bunzi and Lufu), to the north by the territories of Lukula (which includes the Kakongo and Patu sectors) and Seke-Banza (which includes the Bunzi sector), and to the south by the Congo River and the Republic of Angola.

Boma Bungu is a large sector that encompasses almost all of the city of the Boma. It is irrigated by several rivers, with the primary ones being the Kwilu, Lukunga, Ngo-Muila, Luki, Lovo, and Mao rivers, which flow into the Congo River east of Boma. The Kwilu, Ngo-Muila, and Luki rivers flow into the Lukunga, which in turn flows into the Congo River north of Ile de Mateba. The main localities in Boma Bungu are Kanzi (which lies along Highway 1 between Boma and Muanda), Kai-Ndumba, Kudi-Boma, Kibangu, Kudi-Vasa, Sumba-Boma, Mao, Kionzo, and Tsumba-Kituti (on Highway 1 between Boma and Matadi).

The sector capital is located on the outskirts of Boma (at kilometer 3), and the sector itself is inhabited by the Kongo (Bakongo ya Boma) people. The Kongo are closely related to the Mboma, who are indigenous to Matadi and the surrounding area. It is important to restore the history of the Kongo people. Having maintained the ethnic name of “Kongo” and the social and cultural identity of the former Kingdom of Kongo,¹⁸ they have evolved alongside and intermingled with the Yombe, Woyo, and Assolongo, to the extent that the Kongo of today appear to have lost their own identity. Boma Bungu is governed by Madeleine Tsimba Phambu, leader of the Tshinkakasa grouping.

Justice, security, and public protection

The territory of Muanda possesses civil and military legal institutions constituting all of the jurisdictional bodies tasked with interpreting the law, settling disputes, and resolving conflicts between individuals and/or corporations in accordance with the laws of the Republic. The territory of Muanda has one Tribunal de Paix (also called Tripaix), or small claims court. For more serious cases, parties may go to the Tribunal de Grande Instance (TGI), a regional court, located in Boma. In Kongo Central, the legal system is structured such that each district capital has one TGI and one public prosecutor to the TGI.

The public prosecutor to the TGI in Boma hears cases from the district of Boma (that is, the city of Boma) and the territory of Muanda. For cases of military justice, parties

¹⁸ It should be noted that Nimi a Lukeni, the legendary founder of the Kingdom of Kongo, reputedly came from this region of Bungu. In the Yombe creation myth, all people are descendants of Nimi (Wadi Nimi).

in Muanda may seek recourse from a garrison court martial or a military prosecutor to the court martial, both located in Boma.

Perception of justice by the people

According to over 80% of responses in Muanda, based upon a semi-structured survey¹⁹ and a series of interviews from 2014-2016,²⁰ breach of trust, theft when oil companies move in, property disputes, the public's ignorance of the law, and a lack of independence among legal authorities are all frequently bottlenecks that threaten to strangle judicial governance in their territory. For about three-quarters of respondents, the primary complaints filed with the police, prosecutor's office, and Tribunal de Paix include theft when oil companies move in, land disputes, and disputes resulting from acts of fraud and breaches of trust by businesspeople shuttling back and forth to Angola. The public's widespread lack of understanding of the law leads to further abuses by authorities tasked with enforcing the law.

When a dispute arises, the vast majority of respondents said that people generally seek recourse from the leader of the locality, the police, the public prosecutor, or the Tribunal de Paix, depending on the severity and nature of the issue. Most often they go directly to the police, except in the case of land disputes, for which people prefer to go to the property affairs office. It should also be noted that, according to 71% of respondents, victims of sexual assault prefer to seek help from NGOs. In cases of disputes with a soldier, injured parties tend to file complaints with the military prosecutor to the garrison court martial located in Boma. Since Muanda is surrounded by two military bases (Kitona and Banana), there is no shortage of cases between locals and residents of both bases.

While urban residents in Muanda usually seek redress from the police or public prosecutor, residents of surrounding rural villages take their disputes to their village leaders, who administer "traditional justice." Muanda's Tribunal de Paix is useful, especially in civil cases (divorce, child adoption, etc.), and it settles them in accordance with the law by deciding between parties using the evidence submitted. In fact, Tribunals de Paix were designed by Congolese legislators to act as substitutes for traditional tribunals, but investigations have revealed that fines handed down by Tripaix courts are larger than those of traditional courts.

The perception of state-administered justice by the people of Muanda is more tempered. In the opinion of some, 29% of the individuals surveyed, decisions made by courts and tribunals are better than those made by the traditional system, since they are more reliable and more favorable—and thus more reassuring, since all the mechanisms for protection and recourse are in place. But others, 71% of the

¹⁹ This survey was administered by local researchers in Muanda between May and August 2013, September 2014 and December 2015. The findings are based upon 121 filled-out responses to a series of questions on justice, security, and legitimacy, derived from a diverse set of individuals including: Magistrates, lawyers, agents and civil servants, human rights activists, traders, teachers, customary chiefs, students and peasants.

²⁰ Field visits were conducted in March 2014, December 2015, January 2016 and February 2016.

respondents, believe the contrary that justice at the state level has two speeds and two faces, one for the rich and one for the poor, one for the strong and one for the weak. The system's predominant shortcomings are its slow speed and high cost. Cases closed by public prosecutors, slowness by the tribunal to carry out sentences, expensive legal fees (state justice is an exorbitant expense for most), proceedings that drag on, and the physical distance from the public prosecutor's office to Boma are all issues that create a deeper feeling of social exclusion among the public when it comes to access to justice.

But local communities consider the state justice system as having positive aspects as well, including its organizational structure, the impartiality of its decisions (at least in principle), the framework within which it must carry out its decisions, the use of modern principles and practices in settling disputes, the ability, theoretically, to punish offenders, and the use of sanctioned violence and imprisonment against guilty parties. It could be said that the state justice system is effective in so far as its decisions, when made appropriately, produce good results.

When asked whether they prefer the state or traditional justice system, a larger majority, nearly 82% of those interviewed in Muanda chose the state system for a number of reasons. Some said that a governmental judicial system helps the country and institutions operate properly. Others said that it was better in several ways; for instance, not only does the state system contain pre-determined, well-defined provisions to prevent arbitrary results and confusion, it also spells out the authority of each jurisdiction, any alternatives, and reliable procedural mechanisms meant to eliminate the bias of judges (e.g., through rights of recusal). But, there are also some (around 18%) who felt that both the state and traditional systems are beneficial and that each have their place, since both are intended to keep the peace.

There should be no competition between judicial system authorities since, according to a lawyer interviewed in Muanda, "In the judicial system, there is a structured organization under which cases cannot be fought over by authorities in different jurisdictions. Each authority acts in accordance with the laws that grant it its powers, regardless of any interrelated conflict."²¹ However, it should be noted that the lawyer's statement is not entirely accurate. While it is true that there is no competition according to the spirit and letter of the law, in practice there are numerous jurisdictional conflicts between various legal authorities. This is manifested notably in the obstruction of judgments and non-compliance with procedures.

When a legal dispute arises, most people go to the police or public prosecutor. However, depending on the nature and severity of the problem, some may seek the expertise of a lawyer or human rights activist who can advise them. Still others go to the Tripaix. In terms of offenses, the study showed that the most common are theft, rape, assault and battery, slander, fraud, breach of trust, and injurious (slandorous)

²¹Interview (Lawyer), Muanda, May 2013.

accusations. The most common disputes, on the other hand, are property disputes, broken wedding engagements, divorce, real estate cases, fraud, theft, rape, ethnic conflicts, usury, and breach of trust.

Other authorities can also sometimes become involved in issues of justice. One of the most egregious cases was recounted by an interviewee who claimed that a commander of the Kitona military base once snatched a suspect from the civil police to take him to before a military court martial. But military leaders are not the only ones to have a hand in judicial matters. Others also play a role in meting out justice, including some civil society organizations that advocate for human rights or environmental protection.

Perception of safety and security by the people

The semi-structured survey in Muanda showed that the primary safety and security problems in the territory are theft, rape, murder, crime after dark, arbitrary arrests, and extortion. The slowness of authorities to process complaints and delayed responses to reports of danger have left the public feeling abandoned by the government and given rise to a sense of suspicion and distrust of law enforcement. Though keeping the police at arm's length has its problems, the general public, who fear persecution, view it as preferable. The insecurities cited above are due partly to a lack of public lighting; a police force that is short-staffed, ill-equipped, and under-paid; and deployment of police in insufficient numbers across the territory. In 2015-2016, there also have been a string of incidents at the military camp in Kitona, between demobilized ex-combatants, who are waiting for the next stage of the DDR III process to be implemented, and military officials.²² While these events have not spilled over into the broader territory of Muanda, it has become a regular source of tension.

As paradoxical as it may seem, it appears that, for 87% of the respondents, the dangers in Muanda can be traced back to the discovery of oil and a lack of electricity. Because Muanda is a border region, it sees heavy flows of people traveling to and from Soyo and Cabinda, two Angolan provinces with whom Muanda maintains trade relations. Frequent deportations of undocumented immigrants from Angola, a rural exodus, and youth unemployment are all factors underpinning social reintegration problems and thus the socio-economic crisis that has hit the city of Muanda. Furthermore, the urban crime that has been on the rise in the past few years has been made worse by the lack of public lighting and the numerous abandoned houses now used as dens for all sorts of criminals. In February 2015, this became a particular issue as the electricity in the town of Muanda was down three weeks, as the grid was being repaired, and local bandits took advantage of the darkness for many night time attacks.²³

²² For example see the following articles for additional details: "Bas-Congo: tension à Kitona après un soulèvement des ex-combattants" *Radio Okapi*, 15 March 2015 ; "Base de Kitona: 2 morts dans les affrontements entre démobilisés et recrues des FARDC" *Radio Okapi*, 25 February 2016.

²³ Bas-Congo : Moanda privé d'électricité depuis 3 semaines, *Radio Okapi*, 27 February 2016.

Political and administrative authorities in the territory—including members of the national police (PNC) and to a certain extent the ANR (the government’s intelligence agency), the DRC armed forces, and some NGOs—can and do provide assistance to the public. But according to individuals we interviewed in Muanda, a large majority of 87% of respondents, there is still no efficient system to aid and help reintegrate emigrants deported from Angola, creating a reoccurring source of crime in the city.²⁴

Law enforcement authorities are not always respectful of the public in the performance of their duties, sometimes skirting the law by mistreating or torturing suspects. Persecution by police, intimidation, and failure to comply with legal procedures are clear violations of human rights. Because of this, a sizable portion of Muanda’s people feel that law enforcement authorities do not carry out their functions appropriately. Police are accused of making arbitrary arrests and false accusations, misappropriation, and impunity (sometimes even officers tasked with keeping the public safe perform reprehensible acts). That is why residents wish to form local police commissions, in addition to the existing ones, to increase safety and security. This need for local law enforcement is as pressing as it is legitimate and crucial. Citizens must sometimes pay for “protection.” One of the most common crimes in Muanda is motorcycle theft. Police officers occasionally demand money from victims to pay for fuel to pursue the thieves. Other times, law enforcement officers may require the payment of a fine or other fee in exchange for personal protection. These payments are ill-gotten gains earned off the backs of the people.

The study also revealed that, when faced with events that can strike at random, people adopt different strategies for self-protection. The wealthy can afford bodyguards for personal protection, but the poor are on their own when it comes to escaping the harsh will of authorities charged with keeping the public safe. Some people we interviewed in Muanda assured us that the laws established by the Congolese government were followed to the letter and that submitting to them—as any good citizen normally should—would “prevent problems.” But others claimed that they had experienced actions by the state authorities that restrained their freedom of movement.

Overall, the study uncovered several types of insecurity caused by the geostrategic position of the territory of Muanda on the Atlantic coast. Interviews and field observations²⁵ revealed three main types of insecurity: environmental, property, and physical. The first two come in the form of ocean, land, and air pollution, and the third is caused by the region’s two shared borders with Angola. Environmental pollution is an acute problem in Muanda thanks to oil companies operating onshore and offshore along the Atlantic coastline. Though Perenco REP, the primary oil company in the area, has made great strides in the past few years, the offshore company’s activities (managed by Muanda International Oil Company – a Perenco

²⁴ Interview, Muanda, 15 March 2013 (Chef de Bureau chargé des Affaires Sociales au Territoire de Muanda)

²⁵ Field visits with in-depth interviews were conducted in March 2014, December 2015, January 2016, February 2016.

owned subsidiary) continue to impact local fishing, the reproduction of fish, sea turtles, and manatees, and mangrove growth. Onshore activities can end up polluting cropland, leading to reduced harvests of corn, manioc, bananas, groundnuts, beans, and more. All of these effects have negative repercussions on food security in the territory and the region's long-term potential for tourism. Onshore exploration also often results in the displacement of villagers and the expropriation of arable land for the purposes of installing rings or oil pumps to extract oil.

The fact that there are two main border crossings in Muanda—one in the south leading to Soyo and another in the north to Cabinda, two wealthy provinces in Angola—makes Muanda the primary route for legions of undocumented Congolese immigrants turned back from Angola. Indeed, according to a local official we interviewed, all undocumented Congolese immigrants in Angola are routed to the Congo via Muanda, regardless of the Angolan province in which they were arrested or the Congolese province by which they entered. The result is crime waves in Muanda during times of mass deportations. What is more, there are reports of extreme physical violence and inhumane treatment of deportees, a flagrant violation of basic human rights. And often, by the time Muanda authorities can arrange to repatriate deportees to their province of origin, deportees have already committed crimes within the city of Muanda, due *ipso facto* to their precarious living situations.

Competition for Public Authority

Not surprisingly, Muanda lives a dichotomy between traditional and formal law. This stems from the public's feeling of insecurity regarding the legal system and occasionally leads to serious social conflict. To resolve this issue, the Congolese legislature created the Tribunaux de Paix (Tripaix) in 1978 in an attempt to gradually instate the primacy of written law over traditional law. But on the ground, people continue to seek out traditional tribunals and the services of the traditional justice system, partially due to the flaws of the "modern" system, the most notable of which are its slowness and the high cost of its services, which were mentioned above.

There is also a third system of justice offered by traditional religious groups, which had been seen as a supplement to serve vulnerable populations in Muanda, but is becoming more and more prominent and an alternative in many cases. These groups are based on an authenticity narrative, free from and distrustful of external actors and therefore have gained a following in rural areas. Their recent growth, build on the backs of banned the *Bundu Dia Kongo* (BDK) movement and the powerful Kimbanguist church (see more on page 16-17), have further fragmented the judicial sector in Muanda and created additional outlet for grievance and the pursuit of justice.

Traditional authorities and justice and security for local residents

Traditional law is administered exclusively by traditional leaders, wise men (not women), who know the customs and traditions and can mediate conflicts between families or clans. The people of Muanda feel that traditional law is useful for settling familial, clan, and ethnic differences in accordance with custom. It plays an important role in the judicial system, since disputes settled by custom remain subject to custom (for example, witchcraft is not addressed in written law), but disputes settled by the modern system (state powers) affect everyone.

Individuals we interviewed in Muanda reported that flaws in the traditional justice system include the absence of constraints and structure for enforcing decisions, the partiality of decisions, the limited scope of justice, the lack of codification of the rules of justice, and the lack of training for those working in the system. On the other hand, its primary advantages are an in-depth understanding of disputes and conflict resolution methods that prioritize amicable agreements, which helps repair relations between disputing parties.

Representatives of the traditional leaders of the three indigenous ethnic groups (the Woyo, Assolongo, and Kongo) behave and act as judges. They are approached regularly with grievances and requests for mediation, which they must hear and decide upon to the satisfaction of all parties. In the villages, this role is held by *grouping* and village leaders. In the city of Muanda, the traditional leader may delegate his powers to a local leader. In order to reduce intercommunity conflicts in Muanda, a joint committee called the *Réunion de la Notabilité*, or meeting of the leaders, was formed to resolve disputes. The committee is composed of traditional leaders from all three communities.

In the territory of Muanda, most local justice is meted out by traditional authorities. One interview we performed with the traditional leader of Muanda village (he is also Muanda's top advisor on the *Réunion de la Notabilité* committee) explained that the most common arguments or conflicts settled by traditional law are at the community level. These include theft from planting fields, broken customs (raping of women, underage or unauthorized sexual relations—for example, with a girl who has not completed her *kikumbi*²⁶ or sex with a nursing woman who has not recommenced menstruation), and noise complaints after dark. Although some of these sexual crimes, such as rape, are punishable by state law, they often do not leave the community.

The study found that traditional methods of resolving conflict are, by and large, considered fair and amicable. The village leader, along with local notables, administers traditional law on behalf of the villagers. The injured party brings his complaint to his village leader, who convenes the parties involved. If the defendant is “young,” meaning a minor or unmarried youth, he or she must appear with the parents. The decision handed down by the traditional leader is accompanied by a fine

²⁶ In the Woyo tradition, the *kikumbi* is a set of practices and rites that end with the initiation of a young virgin into marriage.

and advice to the guilty party, and sometimes purification rites are prescribed by a traditional priest. The fine may be paid in money or in kind; for example, it may take the form of a case of beer, which is often shared immediately by the jury (that is, the leader and his assisting notables), the complainant, the accused, and any family members present at the hearing. However, for cases of assault and battery within the village boundaries or by members of the village, traditional law applies, and according to custom, requires the payment of a fine since blood has been spilled. This is true even if the injured party has filed a case with the state legal system (the police or public prosecutor, in this case).

Traditional law also operates according to geographical jurisdiction. In the event of a dispute between villagers from different villages, clans, or ethnic groups, the village leader of the injured party will contact the leader of the accused's village, clan, grouping, or quartier (if he is from the city) to find a middle ground and arrange an impartial hearing or palaver. The hearing is conducted according to the philosophy "bata fu, kunati fu ko"—literally, "find a custom, do not bring a custom." In other words, the accused will be subject to the traditional laws of the injured party's village, for instance, a Woyo. If a Woyo individual lives in the city, then as a city-dweller, in the event of a dispute he is subject to the state's legal system and not traditional laws. However, if an offense is committed on ancestral lands (for example, on the coast or on Woyo land), then even if that person lives in the city, he or she is subject first and foremost to traditional laws since the lands are located in the village of Muanda. Thus, traditional and state laws complement each other and divide the labor of legal matters. To village communities, the traditional system ranks higher in the legal hierarchy.

Our experience in Muanda is worth describing and documenting here because it supports the idea that both legal systems (the written, modern or formal system and the oral, traditional or informal system) can coexist. Traditional leaders still play an important role in maintaining local peace and social relations. In addition, local residents—for instance, in villages—do not fully trust the modern system or even have access to it, either financially or culturally, since all legal matters are conducted in French, and many only speak the local language. In the case of the territory of Muanda, local communities do not recognize the authority of the Territory Administrator or Tripaix Presiding Judge to "interfere" directly in property disputes between villagers (to cite one example). They are seen as having little room to act in a concrete way when it comes to matters of custom. From colonial times until the creation of the post-colonial state, traditional leaders successfully held both traditional and modern powers—a phenomenon that Héritier Mambi²⁷ calls the "hybridization of power." Traditional authorities have managed to maintain their role as mediators between state bodies (e.g., governmental or legal authorities) and local residents (here, we refer mostly to villagers and not city-dwellers). It is a common belief by

²⁷ Mambi Tunga-Bau, H., *Pouvoir traditionnel et pouvoir d'Etat en R.D. Congo contemporaine : esquisse d'une théorie d'hybridation des pouvoirs politiques*, Kinshasa, Médiaspaul, 2010, p. 64.

local communities that, for the sake of public wellbeing, both legal systems must communicate continuously.

Civil society and public protection

There are also other groups that work alongside formal legal systems, including human rights associations in civil society. Most active are NGOs working in the field of natural resources. The following is an excerpt from a 2010 report of civil society organizations working in the area of natural resources in Kongo Central:

Even though oil is a source of income to the treasury, important provisions must be put into place to protect the public from misdeeds performed in the course of drilling. Oil profits must also contribute to the development of the local regions where it is extracted.²⁸

This observation speaks to an issue frequently encountered when mining natural resources in the DRC: mining companies often do business while shirking their social responsibilities. An incident documented in the report took place on December 15, 2009, in the sector of La Mer. Sixteen villagers from Kongo and Tshiende in the grouping of Kongo (about 21 km from the city of Muanda) were arrested during a peaceful sit-in organized by local residents at the entrance to Perenco REP's Mibale oil terminal. The protestors were immediately taken to the Boma central prison the next day.

This incident led civil society organizations in the field of natural resources and community rights to organize a mission from January 6 to 10, 2010 to investigate the matter and petition to hold talks with provincial, district, and local authorities, local communities, and oil companies in an attempt to free the detainees and clarify each party's responsibilities.

The point of contention was the villagers' peaceful protest against Perenco REP's pollution of the environment, land, and rivers and the burial of toxic waste near residents' villages. For its part, the oil company accused the villagers of being criminals and breaking the law. NGOs who became involved included ADEV (*Action pour les Droits, l'Environnement et la Vie*) in Boma and an international NGO SARW (Southern Africa Resource Watch). After pleading with political and governmental authorities and Perenco REP officials, civil society organizations were able to free all 16 protestors and obtained seats for them at the Round Table on Hydrocarbons held in Muanda on January 26 to 29, 2010, under the aegis of the provincial government.

An analysis of the current relationship between Muanda citizenry, Perenco and the local government, based on fieldwork and interviews leads us to conclude that:

²⁸ Translated from Report by Civil Society Organizations (CSO) of Bas-Congo: CSOs in the field of natural resources, *Rapport du plaidoyer relatif aux conflits récurrents entre les exploitants pétroliers et les communautés locales au Bas-Congo*, January 2010, p. 1.

- Local residents feel abandoned by the political elite and are sometimes used as pawns by them. Residents are also occasionally subject to senseless violence.
- Civil society is sometimes forced into silence and often lacks the resources to support community actors.
- Local traditional authorities are boxed in: the joint committee consisting of the oil company, political and governmental authorities, and local communities has become an echo chamber of decision-makers and a black box inaccessible to the local communities that it is meant to serve.
- The oil company hides behind the agreement it signed with the Congolese government (payment for damages and other taxes) and a few social programs required by the joint committee (childhood education, hiring of locals, etc.), which does not necessarily relieve the company of its civil responsibility.
- The Congolese government does not carry out the legal retrocessions necessary to compensate, however little, for the loss of arable land and fishing waters spoiled by the effects of oil exploration.

In the meantime, water and land pollution, which render the land unfit for farming and waters unfit for fishing, remain a pressing problem in the territory of Muanda. Subsequent to our interviews with officials of the NGO RENAD (*Ressources Naturelles et Développement/Muanda*), many questions were raised concerning human rights violations in Muanda in the form of air, land, and sea pollution, expropriation of land for oil drilling, and violence committed against deportees from Angola and the resulting crime in Muanda. NGO officials reported that they had condemned multiple times the human rights violations to which residents of Muanda had been subjected, while at the same time recognizing that, given the scope of the problem, they had taken insufficient action to protect the public, partly owing to a lack of resources. Furthermore, several programs had been put on hold due to inadequate funding. This was the case for a program intended to train fishermen in climatology and other fields of study to protect them at sea and preserve the biodiversity of aquatic flora and fauna.

The political religious movement BDK and their quest for legitimacy in Kongo Central
 With regards to armed conflicts, the province of Kongo Central is unique in that it has no armed groups *per se*. The armed conflicts that have taken place there have been the result of frequent confrontations with outside forces, usually the *Forces Armées Angolaises* (FAA), the Angolan government's regular armed forces, and the armed forces of the *Front de Libération de l'Enclave de Cabinda* (FLEC). Nevertheless, a political religious group called Bundu dia Kongo (BDK) has entities called "makesas," a sort of internal, unarmed militia that clashed with law enforcement and armed forces during a political protest in 2008.

The political religious sect was founded in 1969 by Ne Muanda Nsemi, but it did not officially begin its activities until 1986. It had a large following at the time, most of

whom lived in Kongo Central. It also had many members in Congo-Brazzaville, Angola, and Gabon.

There are no armed groups in Muanda, but not long ago (2007-2008) followers of BDK attempted to apply traditional law by instating swift justice that quickly devolved into a people's court (instead of a republican judicial institution) based on the settlement of scores. After the fall of Marshal Mobutu's regime in 1997, many former dignitaries were exiled for killings and vengeance that occurred during the "war of liberation."

It should also be noted that the events of March 2008 altered BDK from a political religious movement to a political opposition party. After the tragic events described above, BDK was banned from the DRC. A new political group called Bundu dia Mayala (BDM), an offshoot of BDK, was similarly banned. During the skirmishes between BDK's makes as and law enforcement groups in 2007 and 2008, Muanda was the site of deadly confrontations provoked by the subversive movement.²⁹ In January 2016, eight years after these attacks President Kabila pardoned all members of the BDK for the rebellion, in what was seen as a calculated political move after his announcement of a national dialogue.³⁰ However, this rapprochement was short lived, as members of the BDM and police clashed in February 2017, resulting in the death of 20 people³¹ over a claim of a body in a morgue, and Mr. Nsemi was placed under house-arrest.³²

According to individuals we interviewed in Muanda (nearly 87%), public authorities have failed to consider the string of complaints³³ that formed the basis for their disagreements with BDK, prolonging the public's discontent. The study also revealed that there is a growing trend of BDK followers converting to VUVAMU,³⁴ a traditional sect that is mostly Africanist and messianic. If this trend and the extant social inequalities both persist, it is very likely that the anti-government fight led by the BDK sect will continue, though it may eventually change forms given the ongoing tensions.

Responses by local residents to dangers and lack of protection

The study in Muanda showed that the primary safety and security problems in the territory are theft, rape, murder, crime after dark, arbitrary arrests, and extortion. The slowness of authorities to process complaints and delayed responses to reports of

²⁹ United Nations, 2008, *Rapport Spécial Bas-Congo Mai 2008 : Enquête spéciale sur les événements de février et mars 2008 au Bas-Congo*, Kinshasa, MONUC.

³⁰ « RDC: Joseph Kabila accorde une «remise totale» de peine aux condamnés de BDK » *Radio Okapi*, 1 January 2016.

³¹ « Kongo Central : retour au calme après les affrontements entre forces de l'ordre et les adeptes du BDM » *Radio Okapi*, 8 February 2016.

³² « RDC: plaidoyer contre «l'assignation en résidence surveillée» de Ne Muanda Nsemi » *Radio Okapi*, 19 February 2017.

³³ These complaints include the lack of electricity and roads and the absence or low numbers of indigenous Ne Kongo in positions of power in public companies in Bas-Congo.

³⁴ VUVAMU stands for "Vutuka Vana Mpambu Uvidila" ("return to the crossroads where you became lost").

danger have left the public feeling abandoned by the government and given rise to a sense of suspicion and distrust of law enforcement. Though keeping the police at arm's length has its problems, the general public, who fear persecution, view it as preferable. The insecurities cited above are partly due to a lack of public lighting; a police force that is short-staffed, ill-equipped, and under-paid; and deployment of police in insufficient numbers across the territory.

In addition, as noted by Pierre Verjans,³⁵ the public also uses local authorities as a middleman between them and the government, as a way to express their wants and needs, and a tool to measure the possibility of resistance. People also see them as a symbol of submission to an armed authority. Given the flaws in and distrust of the police force, the public often has no other choice but to turn to traditional authorities (the local Réunion de la Notabilité committee, in this case the one in Muanda) to make themselves heard.

Authority structures and access to financial resources: collecting and allocating public funds

The DRC possesses an offshore oil reserve that it shares with Angola on the Atlantic side. There are three companies who have recently worked in oil and gas. The first is Perenco REP/MIOC,³⁶ working under a concession and producing around 23000 barrels per day (14,000 barrels offshore and 9,000 barrels onshore).³⁷ The second is Surestream, which explored the area in 2012 and undertook some onshore exploration. It was to begin drilling for oil under a production sharing agreement with the Congolese government, but it has since ceased its activities. The third oil company was the *Société Congolo-Italienne de Raffinage* (SOCIR), a joint venture that also ceased activities due to lack of production. Its corporate purpose was modified to the storage of petroleum products on behalf of Congo SEP and their transport to Ango-Ango in Matadi. However, a new business of oil and gas refining may rescue the company, which still owns a number of large-capacity storage tanks.

Interviews conducted in Muanda with local leaders, governmental officials, and representatives of civil society revealed that oil is the territory's primary natural resource and a source of income.³⁸ Oil is a major issue for many parties, including the Congolese government, oil companies, and local communities. In 2005, the need for an efficient way to manage earnings from oil profits led to the creation of a joint committee for the development of Muanda (COCODEM). The committee is comprised of three representatives from local communities (Woyo, Assolongo, and

³⁵ Verjans, P., « Préface », in H. Mambi Tunga-Bau, 2010, *Pouvoir traditionnel et pouvoir d'Etat en RD Congo. Esquisse d'une théorie d'hybridation des pouvoirs politiques*, Kinshasa, Ed. Médiaspaul.

³⁶ There were previously two large oil companies: ZAIREP, an onshore drilling company that became Perenco REP, and ZAIGOC, an offshore driller that is part of Chevron (1976). Chevron sold off its shares in 2004 and the companies merged, creating a consortium now called Perenco REP/MIOC. In this study and in Muanda, the consortium is referred to simply as "Perenco" or "Perenco REP."

³⁷ Moore Stephens « République Démocratique du Congo – Comité Exécutif de l'Initiative Pour la Transparence dans les Industries Extractives » *ITIE-RDC*, December 2015.

³⁸ In addition to oil, Muanda currently has salt and aluminum reserves that remain untapped, owing in part to a lack of electricity.

Kongo) and one representative from the government in the form of the Territory Administrator.

In order to fulfill its social responsibility, Perenco REP has signed an agreement with the Congo government to contribute, as part of the taxes it already pays (an amount that is not published), a defined annual sum to social programs that shall not exceed 210,000 USD.³⁹ The funds are intended to finance social programs to the benefit of local residents. Targeted fields include healthcare (construction and renovation of health clinics), education (construction and restoration of schools), energy, and public lighting. But according to individuals interviewed in Muanda, the funds are not managed in a way that truly meets the needs of local communities, who are its legitimate recipients. Despite the cooperative nature of the committee, there continue to be some gray areas and questions regarding the best way to spend the money, for two reasons: first, because Perenco REP disperses the money and oversees its spending, and second, because local residents have no say in who sits on the committee, meaning committee members are not accountable to locals.

External Interventions

The DRC has seen a series of overlapping and intermittent armed conflicts over the last two decades. Although the province of Kongo Central was not a battlefield in either the first or second Congo wars, the territory of Muanda has seen multiple military interventions in the form of military support to Kinshasa provided by the Angolan armed forces. These interventions have focused on two main issues: the battle against FLEC combatants (a long-standing Angolan separatist group in Cabinda) and the fight against rebel forces who stormed the Kitona military base and the Inga site during the second Congo war that began on August 2, 1998. The first intervention involved joint efforts to prevent the toppling of Angola by separatist Cabinda forces in the form of the FLEC rebel movement, the second involved strengthening and stabilizing the DRC's security institutions following long periods of armed conflict.

Today, we can see that repeated interventions in the Congo by the Angolan army have damaged various public authority structures in Muanda. Angola has long played the double role of protector and defender of the Congo, gradually morphing into a powerful but bothersome neighbor. One example is the Angolan army's frequent crossings into Congolese land, including the territory of Tshela, in pursuit of Cabinda FLEC rebels.

Following the period of military aid provided to Laurent-Désiré Kabila's regime during the Second Congo war in 1998, Angolan instructors trained Congolese soldiers at the Kitona base in Muanda. In the territory of Muanda, the disarmament,

³⁹ This sum is split by the consortium, with MIOC (Chevron) contributing \$150,000 and Perenco contributing \$60,000. The consortium will also perform charitable actions to benefit local communities. The actions are worth nearly one million USD and include providing electricity to villages, building a gas power plant and cold rooms, and maintaining roads to Yema, etc.

demobilization, and rehabilitation (DDR) program that took place from 2002 to 2006 with the help of the international community, targeted three different groups: demobilized troops, “red medal” soldiers, and child soldiers.

Demobilized troops were soldiers who left the Congolese army (the FARDC) of their own accord between 2002 and 2003. With the assistance of the international community and the Ministry of Social Affairs, departing soldiers were given a vocational kit containing equipment such as a hoe, machete, or sewing machine to help them find a job, return to civilian life, and find a vocation (in trade, carpentry, small-scale livestock raising, farming, etc.).

The second group — the so-called “red medal” soldiers — were demobilized in 2006. These were soldiers who were injured in war, elderly or ill, and who had become inactive. They, too, needed to be demobilized and were given a reintegration kit by the Ministry of National Defense and the Ministry of Social Affairs, with the aid of the international community. At Kitona, about 300 soldiers received this assistance.

Finally, the third and last group were child soldiers, who were allowed to leave the army in 2006 with a kit containing what they needed to learn a vocation in civilian life (schooling to become a driver, farmer, carpenter, etc.). Former child soldiers were also overseen for five years by social workers from the Ministry of Social Affairs before being released entirely. According to the Social Affairs manager we interviewed in Muanda, the process had a success rate of about 80%. Currently, the third national DDR program has also made its mark in Kitona, where thousands of demobilized rebels were stationed waiting to be integrated into the national army or repatriated. Although there were clashes between FARDC and sit-ins aimed at protesting the connections and length of the process, in November 2016 over 1300 demobilized were returned to their province of origin.⁴⁰

Cross-border population movements between the DRC and Angola

The DRC and Angola are neighboring countries with a tumultuous relationship over the past decade, due in part to the countless undocumented Congolese citizens in Angola and the presence of thousands of Angolan refugees living on Congolese soil since Angola’s guerilla period in the 1970s. Since the 2000s, many Angolan refugees have been repatriated thanks to the agreement signed by the two countries and to assistance from UNHCR. However, Congolese citizens deported from Angola are usually routed across the Muanda border. Owing to a lack of funding and logistics, the territory’s Social Affairs department says it is frequently overwhelmed when mass deportations occur. Deportees coming from the province of Cabinda come by land, while those deported from Soyo (in the province of Zaire) reach Muanda by sea. With its low processing capacity, Social Affairs is often inundated by deportees from Angola, even though it specializes in managing them. According to some officials we interviewed in Muanda, most people deported from Angola are undocumented at the

⁴⁰ « Kongo-Central: 1 300 démobilisés rentrent dans leurs provinces d’origine » *Radio Okapi*, 28 November 2016.

time of their deportation, but the conditions of their repatriation fail to comply with international standard and regulations on the matter. What is more, many deportees become victims of human rights violations, including expropriation, beatings and bodily harm, rape, and torture. Angola views Cabinda as the route by which all undocumented Congolese citizens should leave, no matter where they are from or where in Angola they were arrested.

It should also be noted that the comings and goings between the territory of Muanda and the Angolan provinces of Soyo and Cabinda are dictated by the inequality in income and business opportunities between the two countries. The main products traded are petroleum outputs (fuel and gas) and agricultural and manufactured goods. However, mass deportations of Congolese citizens from Cabinda create insecurity in Muanda, whose local authorities often lack the logistics to be able to handle displaced persons. The flood of deportees creates not only immediate needs (processing, food, housing, healthcare, and repatriation to territories of origin), it also creates indirect problems caused by the flow of deportees themselves (insecurity, theft, unemployment, prostitution, and crime).

Conclusion

This study showed that in the territory of Muanda, there exists a hybrid form of authority and governance structures. Traditional authorities continue to play a preponderant role in matters of justice and security in rural village communities. Not only do they oversee traditional affairs, but they also act as a go-between between local residents and the state justice system (courts, tribunals, police, etc.). However despite this dependence, the ethno-religious movements and traditional systems themselves are quite fragmented, sometimes compete, and provide inconsistent results.

With regards to oil's role in Muanda, our investigation revealed an unexpected form of consensual governance in the form of a committee called COCODEM. A closer examination uncovered a power imbalance within the committee: there are no mechanisms in place to hold the people's representatives (traditional leaders) accountable, the committee's government representative cannot act as a mediator since he is both judge and party to the proceedings, and the oil company, which is supposed to be a partner, in actuality holds the reins. The oil company disperses the money and oversees the spending of the annual budget meant for social programs for the development of Muanda, but local residents' needs are not always met by the programs created on their behalf and for their supposed benefit. It also permits the provincial and territorial government to transfer some of the responsibility of local development to a private actor. Perenco REP is further protected by complaints or judicial claims (pollution or labor) against it, as both the state and customary authorities rely on the oil company for funding.

Despite the coexistence of various authority structures in the territory of Muanda, several types of insecurity persist, including environmental, property, and physical

insecurities. Furthermore, frequent intrusions by external groups (civil society organizations, traditional authorities, oil companies, etc.) into daily matters affecting the territory's development tend to reduce the government's room for maneuver, thus further weakening state authority.

Finally, because Muanda is a border region and possesses oil reserves, migration dynamics and industrial exploitation have resulted in a number of challenges for the territory, most of which are related to safety and security and the environment. These challenges lie at the core of the crucial issue of access to security and justice by local residents.



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