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RESEARCH ARTICLE

Contested 'commune rurales': Decentralisation and the (violent) struggle for public authority in the Democratic Republic of Congo

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Abstract

This article explores how decentralisation policy and specifically the establishment of *communes rurales* in DR Congo turned into a profoundly destabilising juncture, shaking existing governance arrangements. In particular, we examine how this has led to a reshuffle of power and a renegotiation of public authoritiy. By analysing the impact of decentralisation on the construction of and competition over public authority in three Congolese towns – Rubaya, Minembwe and Fungurume – we demonstrate how decentralisation is deeply politicised, with conflicting governance actors mobilising their power in an attempt to secure their claim to public authority. We argue that the establishment of *communes rurales* in eastern and southeastern DRC should be therefore understood as a strongly destabilising moment, changing the access of governance actors to resources and repertoires from which they build and legitimise their public authority. Depending on the specific context of the local political arena and its entanglements with larger struggles for power and control, this destabilising moment bears the potential for (violent) conflict. As such, we conclude that decentralisation has failed to live up to its promises of stability and peace while generating new sets of political fault lines and a re-activation of (violent) conflict.

1 | INTRODUCTION: THE *COMMUNE RURALE*: A CONTESTED STATUS

> The creation of the *commune rurale* fell victim to hatred and political manipulation, but it was the great need of the people of Minembwe because it is inadmissible to have an administrative office more than 100 km away as a basic administration in a decentralized entity. The area is landlocked without any state services and is completely disconnected from all the country's development programs: no justice, no security… so […] people or the citizens were delighted with this creation of the commune. It's good news, it's like freedom for someone who was locked up by a geographical reality and also by the ill-will of the men who head administrative entities.
>
> (President of Minembwe Civil Society, Minembwe)

The creation of the *commune rurale* of Minembwe has been fiercely contested by the majority of the population here. This explains why until today there is all this violence here in the Hauts Plateaux. Thousands of people have been murdered, shot, or raped. Entire villages and socio-economic infrastructures were burnt down,

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> which caused many displaced populations, all due to the creation of this commune rurale.
>
> (Secretary of Tanganyika Sector, Mobiko/Fizi)

These interview quotes, collected in DRC's South Kivu province in 2020 feature radically opposed narratives on the transformation of the village of Minembwe into a *commune rurale*, a decentralised entity. Indeed, following the new 2006 constitution, laws were passed in 2008 and 2010 laying out the modalities for enacting the framework of Congolese decentralisation. While the country went from 11 provinces to 26 in 2015, these laws also stipulated that the transformation of villages in larger *communes rurales* was the first formal step towards acquiring 'city' status and with it, a new municipal administration, public services and tax revenues. To become a *commune rurale*, a village must meet a number of formal demographic, geographic and infrastructural criteria. Following this, a 2013 decree listed a number of villages that were to acquire that status, but several of these villages have since experienced stalling in the process, (renewed) armed violence, and heightened political competition, with some of them having been consequently removed from that list shortly after. While the first quote speaks to the positive impacts of decentralisation, invoking registers of development, service delivery and a sense of freedom, the second depicts the creation of the *commune rurale* as a vehicle for political chaos and violence. These interlocutors' perceptions of Minembwe's decentralisation process illustrate its deeply political and contentious nature and reveal its potential for further violence. This is a worrying development, especially because Minembwe is not an isolated case in the DRC. These issues also occur in other areas, including in the Lualaba and North-Kivu provinces, both case studies in this article.

In this context of (political) violence and transformation, this article thus asks: how does the implementation of the current Congolese decentralisation agenda reshape local governance arrangements and power struggles? We seek to address this question via an in-depth investigation of (i) how local governance actors build and/or mobilise networks to secure their authority by either lobbying for or against the implementation of three *communes rurales* in eastern DRC, and (ii) what resources and repertoires local governance actors use to construct and legitimise public authority in these fast-changing political arenas. Drawing on scholarly works debating the politics of decentralisation in Africa and elsewhere (Eaton, 2002; Erk, 2018; Totté et al., 2003), our articles works with the concept of *public authority* in a bid to examine how power is (re)constructed and (re)legitimised by different actors whose goal is to remain or to become relevant in the highly fragmented governance landscape of the DRC. Following Lund (2006, p. 686), we conceive of public authority as 'the amalgamated result of the exercise of power by a variety of local institutions and the imposition of external institutions, conjugated with the idea of a state'. Rather than a given trait, public authority is always fluctuating – 'in production' (Hoffmann & Kirk, 2013) – and is therefore contested, and recreated. Processes of reproducing and challenging 'public authority', as something that is both received and exercised by actors and institutions alike, means that the repertoires and resources that 'make' public authority are also likely to fluctuate over time, depending on situational and contextual parameters.

As mentioned above, this article dissects how the implementation of *communes rurales* in three different towns of eastern DRC – Rubaya, Minembwe and Fungurume – is a deeply politicised process through which different actors with conflicting agendas mobilise their respective (local, regional and national) power networks to maintain or expand public authority. We argue that the establishment of *communes rurales* in eastern and south-eastern DRC has not lived up to the long-term peacebuilding effects of decentralisation international actors had envisioned. Instead, it can be argued that this policy is constitutive of a much broader

Policy implications

- There is a strong need to critically assess the destabilising and conflict inducive effects decentralisation reforms. Given the high stakes, the creation of new administrative units and the changes in public authority, access and rights it entails is a highly sensitive issue with an extremely high potential for conflict.
- International and local policymakers pushing for decentralisation as a means to achieve increasing local political and economic autonomy need to be aware of its opposite effects linking local-level realities to national elite politics through heavy political lobbying.
- In an effort to render the decentralisation process less top-down, a thorough consultation and negotiation with the communities and involving them in the decision making process is a priority to avoid further conflict.
- Donors' support for decentralisation in a context of highly militarised politics should invest in mappings of the local political geographies of power and public authority, and how these are connected to translocal provincial and political clientelist networks. Decentralisation policy must fully take this mapping into account and address the issues as far as possible taking the context and risks into account.

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'moment of rupture' (Lund, 2016, p. 1202), which in this case was the voting of the 2006 constitution and ensuing decentralisation legal framework. As this study shows, the *commune rurale* – and attendant administrative, geographical, demographic and political transformations – can work rather as a destabilising force, and the search for 'public authority' in the specific political arenas of Rubaya, Minembwe and Fungurume, by entanglements with larger (violent) struggles for power and control, can potentially drive, fuel or reinforce existing dynamics of (violent) conflict.

2 | DECENTRALISATION AND PUBLIC AUTHORITY

In line with other international development programmes discussed in this special issue, we conceive of decentralisation as a form of intervention that affects existing local governance and power constellations. During the Cold War and its immediate aftermath, policymakers often portrayed decentralisation policies as a panacea to poor governance and armed conflict in 'developing countries' (Eaton, 2002; Erk, 2018). Early on, both academic and policy circles began to question the supposedly positive relation between decentralisation, peace and democratisation. For instance, the dialogue between Slater (1989, 1990) and Rondinelli (1990) addressed the intrinsic political nature and (unexpected) effects of decentralisation programmes, demonstrating the importance of situating discussions of development and decentralisation in a wider political context.

Relatedly, we approach decentralisation via existing academic investigations into the involvement of the international community in Africa's Great Lakes region. For 40 years, numerous researchers have cautioned against policy-making tendencies in peacebuilding to prioritise top-down technical knowledge over local insights (Autesserre, 2021; Mitchell, 2002; Stearns, 2021), to work with oversimplified and erroneous narratives about the causes and consequences of violent conflict (Budabin & Richey, 2021), to underestimate the multilayered nature of conflict dynamics (Vlassenroot & Raeymaekers, 2004) and to ignore the wider context and history of conflict-affected areas (Mathys, 2017).

Our article further contributes to debates concerning the political workings of decentralisation. We build on the work of Lentz (2006, p. 901), who showed that Ghana's decentralisation project opened up new political arenas in which a renegotiation took place of the relations between local political communities and the state, which became new sites for political struggle. In this article, we use the notion of 'political arena' to make sense of how top-down attempts to implement the *communes rurales* have shifted power relations within both new and existing patronage networks and between customary and state institutions at the local, provincial and national levels. Drawing on scholarly works that have conceptualised public authority as a historically contingent, unfinished and fluid political process (De Herdt & Olivier de Sardan, 2015; Hagmann & Péclard, 2010; Lund, 2006), we conceptualise the implementation of *communes rurales* as something that deeply reconfigures the local political arena in which various actors deploy a range of resources and repertoires to construct and negotiate public authority.

Within the literature on the politics of decentralisation, the connection between decentralisation and ethnic conflict (and autochthony) has received significant attention (Brancati, 2006). Lentz (2006), for instance, showed that boundary drawing in newly decentralised units was at the core of political contestation between so-called 'natives' and 'immigrant' ethnic communities. Similarly, the creation of *communes rurales* in the DRC involved redrawing the administrative boundaries of what used to be two or more villages prompting fierce competition over public authority issues between customary chiefs and province-level civil servants. Our analysis in this article suggests that decentralisation in the Congo operates within what Hoffmann (2021) has referred to as an '*ethnicity-territory-authority* nexus', historically produced through the logic of 'ethnogovernmentality'. Originally introduced under Belgian colonial rule as a governance system, ethnogovernmentality served to rationalise the administration of the diverse Congolese populations by objectifying them as ethnic/racial groups through their own customs and institutions and through the artificial creation of ethnically homogeneous territories. It continues to be reproduced in contemporary struggles over political space (see also Verweijen & Vlassenroot, 2015).

As this special issue puts forward, the transformative effects of policies like decentralisation on governance arrangements and (state) power are central dimensions of public authority. As seen above, we construe the implementation of *communes rurales* as part of a broader moment of rupture in the Congo that started with the democratic transition and electoral politics of 2005 and the 2006 constitution. By generating high expectations for positive change, this moment of rupture is 'when opportunities and risks multiply, when the scope of outcomes widens, and when new structural scaffolding is erected' (Lund, 2016, p. 1202). Yet, in a context of deeply rooted ethno-territorial tensions, in some areas of the DRC it generated increased conflict dynamics.

In line with the special issue's conceptual framework, we see public authority as the practice of power both within and beyond state institutions, addressing how public and private actors instrumentalise and deliver on different modalities of local governance (through the provision of security, infrastructure, taxation, justice, etc.). As introduced earlier, we further apply the concept of public authority as defined by Lund (2006) and want to extend the concept's definition beyond the

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importance of public goods delivery for the production of public authority. As highlighted in the extensive literature review by Hoffmann and Kirk (2013), actors and institutions further draw on norms and values considered valid among large sections of society to be able to legitimise their claims to authority. This legitimacy is key, as actors and institutions can only be public authorities in as much as they depend on a mutual recognition between themselves and a given 'public'. For authority to be public, it thus requires a belief in the legitimacy of claims to authority.

The concept of public authority is particularly useful to unpack the strategies various actors deploy to secure legitimacy and political leverage in a context where the politics of decentralisation (re)shape local governance and where the *commune rurale* is a highly contested status at the local, provincial and national levels. As such, we argue that the implementation of decentralisation in the DRC bears heavily on individual actors' abilities to claim and legitimise their public authority, in and beyond the local level. Finally, to further conceptualise the ways in which public authority is being (re)produced in a fast-changing context, we outline the resources and repertoires that participate in the 'making' of public authority, and examine the ways decentralisation may have affected their nature and availability. While we define 'resources' as the political, economic (financial) or cultural means at an actor's disposal to negotiate power and authority (Hoffmann & Kirk, 2013), we employ the term 'repertoires' to refer to the symbolic and non-material registers/discourses from which actors can draw their legitimacy (Hansen & Stepputat, 2001; Lentz, 1998).

3 | METHODOLOGICAL FRAMEWORK

This article draws on an ethnographically oriented multiple case study approach (Bartholomew, 2020) enabling a 'deep' and emic understanding of the political impact of the *commune rurale* on local processes of claiming and making public authority. Fieldwork was carried out in 2020 and 2021 by a team of Congo-based and Belgium-based researchers. We applied the same methods to all three cases (in-depth interviews, participatory observation, focus group discussion and collection of local documentation; see a detailed overview in Appendix S1). We build our analysis on both similar and contrasting dynamics emerging from our combined dataset (Yin, 2003). More specifically, in investigating the impact of decentralisation on local governance arrangements and struggles over public authority, we compare across our cases (i) how local governance actors navigate the new emerging political arena of the *communes rurales* by mobilising their political networks to secure their power and position and (ii) how decentralisation impacts the resources and registers available to governance actors as they construct and legitimise public authority in these changing political arenas. We focus our research on the period following the issuance of the 2013 decree that legally enacted the creation of *communes rurales* in a number of Congolese localities.

Here we build on Lazar's 'disjunctive comparison' which does not measure differences and similarities between cases on a term-to-term basis, but sets them 'alongside one another [in order to] see what comes out of an examination of their similarities and differences' (Lazar, 2012, p. 357). Although all three cases (introduced below) present differences in the pace at which they are being transformed into *communes rurales* (differences informed by their contextual specificities, documented through our ethnographic approach), they exhibit similar trends in building and shifting an easily exploited power arena, as we explain below.

Rubaya (North Kivu) hosts an estimated 80,000 inhabitants and expanded significantly during the second Congolese war (1998–2003) when the area was under control of the armed group RCD (*Rassemblement Congolais pour la Démocratie*) and coltan was discovered in its vicinity. Rubaya's demographics and politics have long been shaped by armed group activity, the settlement of Internally Displaced People (IDPs) and artisanal mining. Combined with the lasting effects of colonial forced migration, these events contributed to transforming the town's ethnic composition, and fuelled conflict, societal resentment and political instability in the area.

In Rubaya, the *commune rurale* was halted by decree in 2018. Its political arena is characterised by the historical competition between two politico-economic 'big men' whose struggle for public authority translates along ethnic lines and economic resources.

Minembwe (South Kivu) gathers around 40,000 inhabitants and expanded via large numbers of IDPs fleeing armed confrontations in its broader region. Long-lasting territorial contestations along ethnic lines and war-induced displacement influenced Minembwe's ethnic and political composition. The creation of the *commune* of Minembwe intervened in a context of long-standing power struggles opposing the Banyamulenge to the Bembe, Bafuliro and Banyindu communities (Verweijen et al., 2021). Historically excluded from a customary chiefdom in the colonial era, the Banyamulenge[1] were always portrayed as 'migrants' and have been striving for a territory of their own for decades (Verweijen & Vlassenroot, 2015). Of all cases, Minembwe is the smallest in terms of surface and demographic density and is the least urbanised (in terms of material infrastructure). Its political arena features high levels of militarisation of local governance and the strong mobilising potential of violent actors and repertoires. Minembwe's transformation into a *commune*

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was suspended in 2020 after armed violence ensued. Like in Rubaya, at the time of writing, the process is stalled.

In Fungurume (Lualaba) the situation is different: the town was effectively established as a *commune rurale* and, even though a burgomaster was formally invested to administer the new entity, the process has stirred much socio-political tension. Fungurume is located within the mining concession of TFM (Tenke Fungurume Mining), an industrial copper and cobalt mining consortium. The town experienced spectacular demographic growth (from 50,000 inhabitants in 2007 to approximately 250,000 in 2021). The political arena in Fungurume is characterised by big men power networks and high-economic stakes surrounding the fiscal management of mining royalties.

Apart from their official selection as *communes rurales*, our three cases similarly exhibit political dynamics that echo those found across the DRC: a fragmented governance structure among customary, state, private and military actors and political alliances grounded in (ethnic) patronage networks. Our case selection is further based on the principle of maximum variation in terms of scale (demographic density, surface, urbanisation), the role of each town in the broader political economy of the region, and levels of militarisation of local governance. Rubaya and Fungurume are both mining towns, the first developing around artisanal mining and the second around industrial mining activities. Given the explicit translocal nature of mining activities, political arenas are characterised by strong translocal networks where competition over mining revenues and attendant economic resources is central to the struggle for public authority. Minembwe and Rubaya both experience militarised governance by state actors and non-state armed groups, with the case of Minembwe as a more extreme case in terms of access to and mobilising potential to violence.

4 | DECENTRALISATION IN THE DRC: A HISTORICAL OVERVIEW

During the Congo Free State (1885–1908) there was considerable variation in the way different parts of the colony were governed, with mineral-rich Katanga, for instance, being run by chartered companies such as the *Comité Spécial du Katanga* (Hillman, 1997). This gave rise to the emergence of regional particularisms and calls for greater autonomy that still influence Congo's contemporary political history. In 1933, the colonial state established a more centralised system of governance in which provinces were governed by a Deputy-Governor, with the main aim of maximising natural resources revenues.

While colonial rule constituted another moment of rupture in itself, the run-up to Congolese Independence was marked by more frictions within the political elite, who disagreed on the choice between a unitary and a federal system of government. By and large, federalism was supported in the southern part of Congo and unitarism was favoured in its northern and eastern parts (Kahombo, 2019, p. 187). A compromise was found in the 1960 constitution which kept the legal existence of the 6 colonial provinces (Weiss & Nzongola-Ntalaja, 2013). Receiving a relatively large degree of autonomy, the provinces were granted a number of special competences and were given the right to possess their own constitutions, assemblies and governments. During the so-called First Republic (1960–1965), the country experienced serious turmoil as a result of a series of violent events, which were compounded by the intensification of Cold War politics, also referred to as the 'Congo Crisis'. The newly independent country successively faced a mutiny within the *Force Publique*, the secession of copper and cobalt producing Katanga, the attempted secession of the diamond producing South Kasai, the removal and murder of Prime Minister Lumumba, and the Mulelist and Simba rebellions (Mountz, 2014; Young, 1965). As the post-independence redrawing of the provinces opened up the political space for ethno-politics and ethnicity-based territorial claims, "in this phase of Congo's history, the politics of ethnicity was entangled with the politics of territory" (Hoffmann, 2021, p. 260). The 1962 law which increased the number of provinces from 6 to 21 should be understood in a context where the creation of decentralised territorial entities was a political project within larger ethnic struggles for territorial power. The Constitution of 1 August 1964 gave broad powers to the Congolese president and recognised Congo – with its 21 provinces and capital city – as a federal state (Kahombo, 2019, p. 189).

Things began to change in 1965 when Mobutu seized power. Because he sought to secure legitimacy via national unity, Mobutu designed specific policies, including *zairianization* (Young & Turner, 1985) and *authenticité* (White, 2006) which aimed at relocating and concentrating power into his and his entourage's hands while also promoting a sense of national identity. These policies – among others – were implemented mainly through the *Mouvement Populaire de la Révolution* (MPR), which formed the core of a highly centralised single-party rule which Mobutu developed as an autocratic, nepotistic and corrupt political system (Schatzberg, 1991). Losing the political autonomy they had acquired after independence, provinces were left with a purely administrative function and their number was reduced from 21 to 8 (Weiss & Nzongola-Ntalaja, 2013). *Zairianization*, as an attempt to compensate for the loss of revenues linked to the declining global copper market, could not prevent a further economy breakdown leading to a political crisis which Mobutu attempted to mitigate with a decentralisation

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reform in 1982 that was never carried out (Batamba Balembu, 2014). By the end of his regime in the 1990s, calls for decentralisation resurfaced, and a new constitution was drafted providing a return to a federal state with 25 provinces, in addition to Kinshasa. This never materialised due to the outbreak of Laurent-Désiré Kabila's armed rebellion in eastern Congo, which led to the overthrow of Mobutu in May 1997 (Kahombo, 2019).

Despite such regime change, Laurent-Désiré Kabila's governing style proved similar to that of Mobutu's and decentralisation was never made into policy. After his assassination in 2001, which occurred in the middle of a war against his former allies Rwanda and Uganda (the so-called RCD war), he was replaced by his son Joseph. After a long series of peace negotiations set up under pressure from the international community, all parties involved in the RCD conflict signed a peace deal in South Africa in 2003 (Stearns, 2021). Representatives of the government in Kinshasa, the political opposition, rebel group and civil society members engaged in a series of negotiations over power-sharing arrangements and the distribution of key positions in government, parliament, as well as provincial and various other institutions. This led to the 2006 constitution, which created 11 provinces and gave them exclusive jurisdiction in the fields of education and health, and provided for the election of provincial assemblies, which in turn elect governors. Most significantly, the constitution provided that provinces would retain 40 per cent of government revenue raised within their territories and would levy their own taxes. It also transformed towns, communes, rural sectors, and chiefdoms into 'Decentralised Territorial Entities' (*Entités Territoriales Décentralisées* or ETDs) with their own elective local councils and executives (Englebert & Kasongo Mungongo, 2016, p. 8).

After his re-election in 2011, Kabila promised to implement the decentralisation laws of 2008–2010, a decision which the international community welcomed as a major step towards ensuring development, good governance and peace in the country (Gaynor, 2016). Locally however, the 'découpage' – a process of 'cutting up' Congolese territory and moving from 11 to 21 provinces – was heavily contested (Englebert & Kasongo Mungongo, 2016). According to Englebert et al. (2018), the *découpage* undermined the old system of ethnic representativeness in Congolese politics, which used to ensure that, irrespective of the political coalitions in power, all regions and ethnic groups were proportionally represented at different levels of government and administration. Since the new provinces created by *découpage* tend to be ethnically more homogeneous than their predecessors, their provincial assemblies and government are now often firmly under control of politicians belonging to demographically dominant ethnic groups at the expense of smaller ones (Englebert et al., 2018, p. 12). Consequently, the effects of today's reforms on competition over new and old positions of power at different levels of government and administration need to be put in a historical perspective of the politics of decentralisation as part of larger political struggles for power and control. As the next section shows, the transformation of villages into *communes rurales* offers an interesting starting point for further investigations into these struggles and their repercussions on contemporary local governance.

5 | THE POLITICS OF DECENTRALISATION AND THE RECONFIGURATION OF THE POLITICAL ARENAS OF RUBAYA, MINEMBWE AND FUNGURUME

The official status of an agglomeration is key to how it is governed since it determines who is authorised to gain and exercise public authority, and who can claim access to economic and political resources. From our research we have been able to establish that, when a place becomes a *commune rurale*, this profoundly changes the fiscal regime, the relationship between demography and political representation, and the interactions between state actors, customary authorities and politico-economic 'big men' across the sub-region. Our three case studies show that changes in power relations depend on each town's specific political landscape. In what follows, we analyse the impact of the creation of the *communes rurales* on their respective political arenas as these are opened up to claimants to public authority while marginalising others and redefining their access to resources. In doing so, we examine the strategies these actors craft to advance or boycott the decentralisation process to protect their power positions. Secondly, we investigate the ways in which these actors try to construct and legitimise their claims to public authority in these reconfigured political arenas, looking more specifically at which resources and repertoires they mobilise in exchange for public authority in contexts where the *communes rurales* are heavily challenged.

5.1 | Lobby and bargain: Securing public authority

In Rubaya, the political arena and the search for public authority is characterised by long-term competition between two 'big men', whose influence is connected to the mining business and who both have a history with armed rebellions. Edouard Mwangachuchu (belonging to the Tutsi community) presides over the SMB (*Société Minière de Bisunzu*), the main concession holder of the open-pits mine and entertains military and political networks to former CNDP and M23

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armed groups. In March 2023, Mwangachuchu was arrested after illegal armouries were discovered in his concessions. Later that same year, he was sentenced to the death penalty and a fine of hundred million dollars for treason and military support to the M23 rebel movement.[2] Robert Habinshuti Seninga (of the Hutu community) was active in the RCD rebellion and is the president of the mining cooperative COOPERAMMA (*Coopérative des exploitants miniers de Masisi*), a major governance actor in Rubaya with important stakes in local politics and significantly influenced by regional and national elite politics (Cuvelier et al., 2014). Fieldwork suggests that, from 2016 on, Seninga has lobbied extensively for the recognition of Rubaya as a *commune rurale*. As a member of the dominant Hutu ethnic community, he encouraged other members of the town's Hutu economic elite to support his cause and his political party. In all likelihood, this was done with the aim of securing eventual claims to public authority in Rubaya – and over its potential electoral basis – should municipal elections be organised to elect a burgomaster and council in the near future (as the decentralisation laws provide for). However, despite Seninga's intense political work, Rubaya is still not formally established as a *commune rurale*.

As an ETD, the *communes rurales* are to be governed by state representatives in the form of burgomasters or provincial delegates who have been appointed by provincial authorities. Because so far, the elections for ETDs representatives have not been implemented in the Congo, appointments are the outcome of extensive lobbying from different actors seeking to secure their position of control in a shifting political landscape. In 2018, the governor of North Kivu appointed one of Seninga's closest allies to serve as Rubaya's 'provincial delegate' pending the appointment of a burgomaster tasked with ensuring the administration of the *commune*. The fact that Seninga was elected as President of the Provincial Assembly of North Kivu further illustrates the mobilisation efforts through political relationships of elites along local, provincial and national scales. Mwangachuchu, on his part, uses his political ties in Kinshasa (as national senator) and the power devolved to him as the president of SMB, to combat Seninga's influence in acquiring mining revenues, arable lands and the support of the Tutsi elite in the region. Finally, the appointment of Seninga's ally as the provincial delegate was strongly contested by the local Hunde customary chiefs, who have entertained strained relationships with him. The customary chiefs we interviewed in Rubaya also reportedly travelled all the way to Kinshasa to ask that the delegate be removed and the *commune rurale* be cancelled.

Turning to Fungurume, it is important to note that the politics of decentralisation in the ex-Katanga province unfolded in a context of political rivalry opposing Joseph Kabila to former, and highly popular, Katanga's governor Moïse Katumbi in the run-up to the 2018 presidential elections. With the 2015 '*découpage*' of ex-Katanga into four new provinces, the Kabila camp hoped to undermine Katumbi's power base (Cuvelier, 2020, p. 6). In an interview, an NGO representative based in Fungurume suggested that two key politicians had been instrumental in Fungurume's transformation into a *commune*: Richard Muyej Mangeze, the (former) governor of the Lualaba province,[3] and Prosper Kabwita Mastaki Kuliva, an MP in Kinshasa and a businessman from Fungurume. Before becoming the governor of Lualaba, Muyej served as the Minister of Interior, Security, Decentralisation and Customary Affairs in the national government between 2012 and 2014. The main reason for both Muyej and Kabwita to push for a change in Fungurume's status was that they wanted the mining town to receive the mining royalty or *redevance manière* from the TFM mining consortium (meant to serve as a compensation for the impoverishment of land as a result of mining activities).[4] Given that the *redevance minière* has to be paid directly to the ETD where the extraction and/or processing of the minerals is taking place, the change of Fungurume's administrative status was seen as a matter of utmost priority. According to a Fungurume-based civil society activist, there was much dissatisfaction with the way fiscal revenues were managed in the period before the implementation of the *commune*:

> In the past, Fungurume was considered a cash cow in the sense that the various taxes produced here would be used either by the authorities of Lubudi (capital of the territory) or those of Kolwezi (capital of the Lualaba province).

Our fieldwork further suggests that the appointment of the former burgomaster, Christian Mukunto Kibukila, was probably the outcome of informal negotiations with the mwami of the Yeke chiefdom, who is a senator in Kinshasa and serves as the chairman of Congo's national alliance of customary authorities. The mwami reportedly made use of his good relationship with the governor of the Lualaba province, Richard Muyej, to push Kibukila's candidacy for the position. It is rumoured that by appointing someone belonging to the same network, the mwami was trying to retain public authority in Fungurume.

Finally, the transformation of Minembwe into a *commune rurale* is, compared to Rubaya and Fungurume, the most explicit case of political manipulation and instrumentalisation of decentralisation. At the highest political level, Mr. Azarias Ruberwa, then Minister of Decentralisation, maintained important historical connections to Minembwe. Belonging to the Tutsi community, he has been one of the leading figures of the RCD rebel movement and fought for the Banyamulenge to

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have their own territory, a political move that was met with fierce resistance from other ethnic groups. Today's politics of decentralisation are thus locally interpreted by many in Minembwe as a continuation of these attempts, with Ruberwa himself steering this from the national level. As a local *chef de secteur* explained:

> Attempts by politicians of the RCD ideology to create the *commune rurale* of Minembwe began at the end of the 1990s. The population and customary leaders have not even been consulted. I myself belong to the Babembe community which owns the traditional power in the *Hauts Plateaux* of Fizi and Itombwe, and we strongly oppose this *commune*. In any case, it causes inter-ethnic killings so why not just abolish it?

This vision is not shared by everyone, and during fieldwork it was strongly contradicted by several members of the Banyamulenge community. Although the inauguration of the burgomaster in Minembwe was attended by an impressive number of provincial deputies, national ministers, as well as international actors including members of the UN peacekeeping mission and the US ambassador, the entire endeavour was heavily contested from the outset. The selection of Minembwe to become a *commune rurale* was considered a highly politicised process not only because of the involvement of the Minister of Decentralisation, but also because, Minembwe *did not* meet any of the official parameters set by the decentralisation legal framework, required to become a *commune rurale*.[5] According to another *chef de secteur*:

> The fact that none of the traditional leaders was ever consulted and included in the creation of this commune, and the fact that of all other identified communes in South Kivu they only choose Minembwe, shows how the actors behind its creation have a hidden political motive.

The process turned out to be so contentious that resistance to the *commune rurale* eventually reached provincial and national level politics. MPs of the Bembe community, and diaspora activists from South Kivu joined forces in a media campaign against the *commune* and organised a sit-in in front of the Prime Minister's office in Kinshasa.[6] Soon after the appointments of a Munyamulenge burgomaster along with a Bembe deputy, contestation took on a radically violent turn with the mobilisation of armed groups from both sides. This resulted in large-scale forced displacements[7] while the deputy burgomaster fled to an IDP camp in fear of threats to his own life. The violent escalation eventually provoked a national crisis, prompting President Tshisekeedi to order the immediate cancellation of the implementation process.[8]

From a comparative perspective, information collected in Rubaya, Minembwe and Fungurume shows that selecting towns to become a *commune rurale* in Congo is often more of a political project than the mere administrative execution of the decentralisation agenda. The political motivations behind it differ between cases and are influenced by a town's position in larger political histories of struggles for control over land, resources and political representation. Two of our case studies are situated in the Kivu provinces of Eastern Congo, where violent conflict has been raging for decades and where the presence of armed groups has led to the militarisation of political struggles at the nexus of territory, ethnicity and authority. The existence of political bargains via personalised (patronage) networks that reach provincial and national political levels illustrates how the issue of the *communes rurales* turns the local governance landscape into a translocal contentious political arena. The level of success by which existing authorities are able to navigate the changing landscape of gaining, claiming and exercising public authority strongly depends on the extent and strength of their networks. Securing their position in the new setting by navigating these networks is one thing, but governance actors further need to legitimise their authority for their position to be locally accepted and sustainable. In what follows, we will further investigate how public authority is made in the shifting political arena of the *commune rurale*.

5.2 | 'Making' public authority: Mobilising resources and repertoires

Decentralisation does not only affect the 'who' question of public authority (the actors) but also the 'how' question: how is public authority challenged and (re) produced? Because public authority is always 'in the making', the repertoires and resources that constitute the set of strategies used to impose or sustain public authority can change with the creation of the *communes rurales*. Decentralisation bears the promise of increased material resources through localising tax revenues and simultaneously redefines access to, and competition over these resources (Lentz, 2006). Some of the newly created *communes*, especially in mining towns, tend to concentrate economic resources, which shapes the competition for controlling the *communes*, as the case of Fungurume clearly indicates. Control over fiscality (taxes on land, trade, mineral exploitation) is in all three case studies a resource at stake in the competition for public authority. With the emergence of the *communes*, the replacement of customary taxes by a multiplicity of new local state taxes is being foreseen.

Historically, customary authority in the DRC is drawn from accessing and redistributing material resources such as land, through patronage politics

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and lineage, which then works as the core basis for drawing legitimacy in sustaining public authority. 'Traditional chieftaincy', is indeed, 'a prominent feature of the local institutional and political landscape' in the DRC and is deeply entangled in logics of 'ethno-territorial imaginary of the Congolese political order' (Hoffmann et al., 2020, p. 126) As mentioned above, creating a new *commune rurale* implies that a range of land management, taxation and legislation is taken out of the customary realm. As the process was not fully implemented at the time of writing, these changes have not been fully operationalised yet, but our fieldwork findings suggest that tensions run high around issues of land ownership and distribution. For instance, while customary land falls under the control of the new *communes rurales*' authorities, revenues from land taxation can no longer be extracted by the customary chiefs. This is compounded to demographic changes and expected increases in land value following the promised arrival of new 'urban' infrastructure (roads, hotels, services, etc.), which have exacerbated land speculation and attracted investment from political and commercial elites.

In Fungurume, customary leaders managed to negotiate their way into the newly created local administration. Seeking to maintain public authority, they have worked to secure access to fiscal and political resources. For instance, several of our informants explained that an influential Sanga land chief, after successfully lobbying for the appointment of a close family member at the communal level, had managed to retain part of his power by continuing to distribute land according to customary law, even in places that technically fell within the limits of the *commune*. By contrast, customary leaders in Minembwe felt they had been marginalised and deprived of their main income sources. As one *chef de groupement* noted:

> The *chefs de groupement* and the *chefs de secteur* can no longer control our markets, our mining pits, our lands and our taxes in all the villages that now make up this new *commune rurale*. So, our position is clear: we stand united in fierce opposition to this *commune*.

This situation however, did not change after Minembwe's *commune rurale* was cancelled; as the security situation worsened, large population displacement (including the chiefs themselves) ensued and the proliferation of armed groups destabilised the area further, preventing customary chiefs from operating normally.

During our fieldwork in Rubaya, members of the local Hunde population expressed strong resentment towards the *commune rurale* and pointed out that the transformation of Rubaya into a *commune* was a clear sign that the Hutu community instrumentalised decentralisation in a bid to claim control over land and mining resources. As discussed elsewhere (Büscher, 2018), in order to maintain their own claims to public authority, customary chiefs in Rubaya sought to block or boycott the implementation of the *commune rurale* by leveraging their political influence across the country at the highest levels of government in Kinshasa. This led to the cancellation of the implementation of the *commune rurale* of Rubaya in 2018, but, attesting to the highly politicised nature of the process, the appointed provincial delegate stayed in place, creating thereby a dual and competitive structure of public authority.

In parallel to material resources, public authority is also produced and legitimised through symbolic repertoires (Hansen & Stepputat, 2001; Lentz, 1998) which draw on different discursive registers of power and authority. Decentralisation, indeed, introduced new registers/discourses of power to the political arena, such as 'development', 'good governance', or 'urbanisation'. These registers had already shown their mobilising potential during the political negotiations at the national level over which localities would be selected to become a *commune rurale*. Additionally, for local actors who saw an advantage in the installation of the *commune* for accruing more power, these registers were appropriated and translated into repertoires of urbanity and modernity to position themselves as legitimate actors endowed with public authority. By way of example, futuristic-looking 3D model maps of the imagined modern city of Minembwe with its airport, university and football stadium circulated on social media during the campaign.[9] In the case of Rubaya, Robert Seninga explained how he actively and personally invested in local development and infrastructural projects (football stadiums, bridges, and roads), to ensure the agglomeration would meet the necessary criteria to become a *commune rurale*.

Actors within the newly created state bureaucracy established in *communes rurales* attempt to connect the registers of development, urbanity and good governance to registers of 'stateness' in order to construct and legitimise their own public authority. The burgomaster of the commune of Minembwe explained:

> With the creation of the *commune rurale*, Minembwe is on the road towards development. All state services will be installed here, and we will have the same urban life as in Bukavu and Kinshasa, also with regards to rights and duties towards the state.

However, in both Rubaya and Minembwe, we observed how these (temporary) state representatives enjoyed little legitimacy. Here, their authority can hardly be called 'public' because they lack both the financial and logistical capacity to implement these projects and the necessary political connections at the local level.

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As the opening quotes in our introduction illustrate, repertoires of development and prosperity stand in sharp contrast to the counter-repertoires invoked by those mobilising against the *commune rurale*, which frame decentralisation in terms of destabilisation, fragmentation and insecurity. One of those counter-repertoires, is that of *autochthonie* – a vernacular of identity politics referring largely to 'indigenousness', with its own political history of violent claims to belonging and exclusion along ethnic lines in the DRC (Jackson, 2006). One of the official parameters by which towns like Rubaya, Minembwe and Fungurume are selected to become a *commune rurale* is their rapid demographic and geographic expansion. One characteristic of such expansion is a demographic shift in terms of ethnic composition (Büscher & Mathys, 2019) within a territorial entity. In many of these boomtowns, 'autochthonous' ethnic communities, represented by customary authorities, have become minorities in their territories given the strong influx of newcomers. In a way, the *commune rurale* foresees the administrative and political 'institutionalisation' of this new demographic reality, as decentralisation laws require local state authorities to be locally elected rather than appointed. As such, this puts pressure on customary leaders whose public authority strongly depends on the mechanisms of ethnogovernmentality described earlier.

Faced with the challenges of demographic marginalisation and the reduction of their income base to exercise and legitimise public authority, customary chiefs in Rubaya and Minembwe rely on repertoires of autochthony, mobilising politically laden registers like 'balkanisation' (a plot-rhetoric of Tutsi invasion aiming to dismember the Congo by annexing the Kivu provinces to a wider Tutsi empire (see Jackson, 2006; Verweijen et al., 2021). 'Balkanisation' was extensively used by Babembe and Bafuliro politicians of Minembwe at local and trans-local levels to boycott the *commune rurale*, which they presented as an illegitimate claim to land by the Banyamulenge community. Some saw the creation of the *commune* 'as the first stage in a plan to dismember the Congo by annexing parts of the east into neighbouring Rwanda'.[10] Our interlocutors confirmed the huge mobilising potential of such polarising discourses, especially within diaspora networks.

In the DRC, ethnic contestations around decentralisation do not only emerge in settings where the nexus of identity, territory and authority is militarised. In former Katanga as well, competition for public authority following decentralisation policies, links to broader identity politics. The creation of the Lualaba province gave rise to tensions between, on the one hand, Lwanzo Lwa Mikuba, a socio-cultural association claiming to defend the interests of the 'autochthonous' Sanga ethnic group, and, on the other hand, Tshota, an alliance of associations representing the Ruund, Tshokwe, Ndembu, Minungu and Luena ethnic groups (Gobbers, 2016, p. 224). The Lwanzo leadership opposed the scenario whereby the Lualaba province would be created from merging the industrial Kolwezi district and the rural Lualaba district, fearing this would lead to further marginalisation of Sanga communities by their Tshota counterparts, who already occupied most of the important positions in politics and the local economy. The Lwanzo association supported the merger of the Kolwezi with the Haut-Katanga districts rather than with Lualaba, because the two shared a common cultural heritage and a history of industrialisation.[11] By means of petitions, letters and protest, Lwanzo resisted the integration of the Kolwezi district into the Lualaba province. For the Tshota leaders, the establishment of the province was only economically viable if it included the Kolwezi district. Without its industries, Lualaba would be very small and deprived of economic development. In Kinshasa, Tshota elites successfully lobbied against the plan of transforming the Kolwezi district into a province of its own (Gobbers, 2019). According to a Fungurume-based church leader, tensions between the local branch of Lwanzo Lwa Mikuba and members of other ethnic groups started to affect how the *Comité Communal de Développement* was run, an institution intended to promote community-led development in the *commune* of Fungurume.

The information gathered in all three cases suggests that the transformation of existing, rural entities into *communes rurales* is illustrative of long-standing power struggles over who can claim rights over a given place and who can access and mobilise resources – while it also affects the very nature and availability of these resources. Here, it is important to not limit our attention to economic resources like control over incomes from land, taxation or trade, but instead also look into repertoires (as symbolic resources), in the form of registers of ethnic belonging and autochthony. In places where identity politics have been entangled with dynamics of violent conflict, these polarising repertoires are being mobilised to contest the decentralisation agenda but also to secure and legitimise one's power position.

6 | CONCLUDING REMARKS

This article examined the layered, political workings and broader effects – at both micro and macro levels of governance and analysis – of the creation of decentralised administrative units on the ways local struggles shape claims over public authority in the DRC. More specifically, the creation of the *communes rurales* in provinces where state authority is frail and/or militarised governance is a prominent trait, considerably raises the stakes for political, infrastructural, economic and fiscal competition. This confirms the profoundly transformative potential of decentralisation and reveals a historical continuity with earlier

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'moments of rupture' in the history of decentralisation in the DRC in which the creation of decentralised territorial units appeared as a highly politicised process within long-standing power struggles. Our analysis therefore serves as a reminder that top-down, internationally driven post-conflict efforts often generate unforeseen (and sometimes violent) political outcomes. Decentralisation in the DRC has indeed redirected unprecedented, yet negotiated, resources to local, provincial and national state- and non-state actors, which has contributed to the steady politicisation of what was initially thought to be a mere technical and administrative exercise.

The analysis we provide from the cases of Rubaya, Minembwe and Fungurume demonstrates that in a context where power is located within personalised networks, material resources and symbolic repertoires, decentralisation results in the (messy) reconfiguration of local governance and a shift in claiming and sustaining public authority in newly established ETDs. In the current situation of unevenly implemented decentralisation laws and the temporary suspension of the process, such reconfigurations create political instability and confusion over who has and what is public authority. Such instability might become persistent, as it is entangled with larger political questions on the complex nexus of land, identity and authority. In a context where struggles over public authority are not just about political autonomy but about deeper issues including the historical marginalisation of (ethnic) communities in Congo's hinterlands, devolving more political power and resources to subnational governments might fail to address long-standing grievances (Crawford & Hartmann, 2008).

Furthermore, because it seeks to implement substantial institutional re-arrangements, decentralisation creates new opportunities for expanding political power in ways that reinforce violent conflict. As such, although decentralisation has been designed as a conflict prevention tool, decentralisation has proved to be both destabilising and stabilising depending on context-specific parameters (Crawford & Hartmann, 2008). In attempts to bring peace to the DRC, international donors promoted decentralisation as a privileged avenue for ensuring democratisation and political stability, reducing horizontal inequalities and fostering social cohesion at the local level (Gaynor, 2016). Where failure to meet expected outcomes is attributed to resistance from the centre in fear of losing access to resources (ibid), our research echoes the findings of other scholars (i.e. Englebert, 2012; Trefon, 2010) that resistance is in fact situated at different scales. While donors' support for decentralisation is inspired by the belief in the rise of alternative centres of power, this largely ignores how transfers of public authority play out in a context of highly fragmented and militarised political arenas in (post-) conflict environments.

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DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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ENDNOTES

[1] Tutsi community living in South Kivu, mainly in Fizi, Mwenge and Uvira territories. Their contested claims to Congolese citizenship have been described by Vlassenroot (2002).

[2] https://www.radiookapi.net/2023/03/14/actualite/justice/kinshasa-le-depute-mwangachuchu-reste-en-prison-et-sera-juge-le-21-mars (accessed 12 July 2023) and https://www.france24.com/fr/afrique/20231006-un-député-condamné-à-mort-pour-insurrection-en-rd-congo (accessed 27 October 2023).

[3] At the time of writing, Muyej was under investigation for corruption. Vice-governor Fifi Masuka Saini has replaced him at the head of the Lualaba province.

[4] According to the mining code of 2002, the *redevance minière* was to be paid to the central authorities in Kinshasa, who were then expected to transfer part of it to the provinces and the ETDs. In practice, however, these transfers only took place to a very limited extent. The ETDs received almost none of the money. This changed with the 2018 adoption of the mining code, stipulating that both the provinces and the ETDs would henceforth receive their share of the *redevance* directly from the mining companies. Overall, the *redevance* is now being distributed between three levels of power: the national level (50%), the provincial level (25%) and the ETDs (15%). The remaining 10% is used to set up a mining fund for future generations managed by the central government: https://afridesk.org/rdc-la-redevance-miniere-destinee-aux-entites-territoriales-decentralisees-un-casse-tete-a-resoudre/ (accessed 12 July 2023).

[5] https://www.theafricareport.com/48160/drc-opportunistic-use-of-balkanisation-theory-in-minembwe/ (accessed 12 February 2023).

[6] https://www.theafricareport.com/48160/drc-opportunistic-use-of-balkanisation-theory-in-minembwe/ (accessed 12 February 2023).

[7] http://afrikarabia.com/wordpress/rdc-minembwe-la-commune-de-la-discorde/ (accessed 12 February 2023).

[8] https://www.bbc.com/afrique/region-54515096 (accessed 12 February 2023).

[9] https://www.facebook.com/photo/?fbid=366315241448269&set=pcb.2716275745305376 (accessed 3 November 2022).

[10] https://www.theafricareport.com/48160/drc-opportunistic-use-of-balkanisation-theory-in-minembwe/ (accessed 12 February 2023).

[11] Sanga speakers claim to be the 'real autochthons' of Kolwezi and Haut-Katanga, and are proud of the fact that their ancestors were the first to have mastered the art of copper smelting during pre-colonial times.

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SUPPORTING INFORMATION

Additional supporting information can be found online in the Supporting Information section at the end of this article.

Appendix S1

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